



# Jus Corpus Law Journal

Open Access Law Journal – Copyright © 2023 – ISSN 2582-7820  
Editor-in-Chief – Prof. (Dr.) Rhishikesh Dave; Publisher – Ayush Pandey

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

---

## Divorce and its Social Consequences and Religious Perspectives

Sowbhagyalaxmi Hegde<sup>a</sup>

Received 11 March 2023; Accepted 31 March 2023; Published 04 April 2023

---

*Divorce is not only a problem or challenge that couples must overcome; it is a problem that affects the entire society and the specific groups of people who make up that society. In other words, we might say that these groups are the future of society. Divorce has a severe influence on spouses' social and economic standing, but it also hurts the children, who may suffer emotionally and occasionally physically. That was the fundamental justification for the statement that divorce affects not just the specific spouses involved but also society as a whole. The family must raise healthy, contented children since this has a big influence on society; if this duty is neglected, the repercussions will be felt by society as a whole. Since divorce is a public and private matter in the same manner that marriage is, we may conclude that both marriage and divorce are public and private issues. Divorce, regardless of the cause, is stressful for both the parties involved and the whole family as a whole. This article's main goal is to give thorough information about marriage, divorce, its impacts on children, and religious perspectives on divorce. Divorced people go through significant life changes, but they are not always for the better. They may have to relocate, endure changes in their financial situation, experience loneliness, be hesitant to interact with others or experience stress when caring for or handling their children. The separation of the spouses is the main cause of the scenario, which frequently results in both physical and emotional disturbances. Divorce has numerous causes, which might vary from person to person, but it still affects families, and as each family works together to make up society, it ultimately causes unrest in society.*

**Keywords:** *divorce, religion, children, social issues, society.*

---

## INTRODUCTION

Marriage is a social institution that has been around for a very long time. The units of human civilization are remarkably unique. The institution of marriage is one among them. Even though the fundamental components of marriage union are frequently the same across all nations, each race and culture has its marital rituals and practices. Some of these are distinct, while others are quite alike. In other cases, the outcome of this relationship which at first entails the assumption of a lifetime commitment could be different and have an impact on human civilization. While some marriages result in divorce, others just experience a brief separation. Children, society at large, and the persons involved all experience the effects of divorce. This study examines the reasons behind divorce and its effects on children. <sup>1</sup>When a couple becomes legally wedded as husband and wife, they are said to be in a state of marriage. Those who are linked through blood are referred to as 'family' as a group.

The family, the longest surviving social unit, makes a considerable contribution to the general welfare. When one or more family members are unable to fulfill their obligations, the family unit dissolves, or social roles are not established, this is referred to as a family disruption or failure. According to psychologists, strengthening the link between a woman and a man can benefit the family's well-being. So, one of the concerns that many communities are worried about is the divorce phenomenon. Couples divorcing have attempted to fix the issue by separating, moving into a new role with new duties, and adopting a new way of life. Divorce begins with couples experiencing an emotional crisis. During a longer length of time, one of the couples typically endures more reliance, conflict, and emotional pain than the other. Divorce often causes more damage to women than it does to men.

## MARRIAGE

Marriage is a systematic way of living where two people come together to create a future generation in a systematic method so that society may live in a healthy environment. Marriage is a commitment between men and women to share a happy life. As a result, marriage is more

---

<sup>1</sup> Jane Anderson, 'The impact of family structure on the health of children: Effects of divorce' (2014) 81(4) The Linacre Quarterly <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4240051/>> accessed 08 March 2023

than simply a ritual; as husband and wife, you have societal obligations as well. Marriage, which aims to create a lifelong union of love and faith between two people, is the fundamental building block of the family. It forms a couple comprised of two souls. Marriage is essentially a religious, social, and cultural right, not a legal one. When some people believe that selecting a partner is our right and not the family's right, marriage has become a legal institution in the modern world. Many tend to forget that marriage is an institution that created families, thus whether directly or indirectly, family rights are also involved. So, marriage is a union of two families as well as merely two people.

As previously said, marriage is now a legal obligation and is thus controlled by legislative acts. Marriage, by the law, is a partnership between two people who commit to helping one another create a thriving society. The right to marriage is acknowledged in both Article 16 of the 1948 International Declaration of Human Rights<sup>2</sup> and Article 21 of the Indian Constitution<sup>3</sup>. Marriage is governed by several personal rules since it is a personal and religious right. The Hindu Marriage Act of 1955<sup>4</sup>, the Muslim Personal Law (Sharia) Application Act of 1937<sup>5</sup>, the Indian Christian Marriage Act of 1872<sup>6</sup>, and the Parsi Marriage and Divorce Act of 1936<sup>7</sup> are the laws that apply to Hindus. The 1954 Special Marriage Act<sup>8</sup> governs marriage for people of other religions.

## **DIVORCE**

Marriages end in divorce, which is the worst aspect of our culture. One family splits apart to become one person, but it does so in a way that hurts both the person and the environment. Because marriage is a personal and religious affair, it may lead to a great deal of stress on a variety of concerns, including financial, emotional, and spiritual. Divorce is a continual process that begins at a certain point in time; it does not happen suddenly. Because everyone believes that marriage is the cornerstone of society, society makes every effort to preserve marriage

---

<sup>2</sup> University Declaration of Human Rights 1948, art 16

<sup>3</sup> Constitution of India 1950, art 21

<sup>4</sup> Hindu Marriage Act 1955

<sup>5</sup> Muslim personal law 1937

<sup>6</sup> Indian Christianity Marriage 1872

<sup>7</sup> Paris marriage and Divorce Act 1936

<sup>8</sup> Special Marriage Act 1954

throughout the process. There are several reasons for divorce, and I will just mention a few of the more significant ones here.

## CAUSES OF DIVORCE

Although there are many different causes for divorce, there are a few that are fairly typical. Nevertheless, it depends on the individual. Every divorce is unique in that it affects the person. The divorce rate in India is lower than the world average (1.1%), yet it is rising daily at a pace of 50% to 60%,<sup>9</sup> primarily in metropolitan areas. Thus, the following are the main reasons for divorce<sup>10</sup>:

**Poor Communication:** A fundamental aspect of expressing your feelings to others is communication. Hence, to maintain a connection, one must convey their feelings to others when the issue of a relationship arises. Understanding each other becomes challenging when there is inadequate communication between the spouses. There would be no sharing of emotions or ideas, which is a significant cause of divorce.

**Infidelity:** A fundamental component of any relationship is trust and belief. It would be exceedingly challenging to regain trust after it has been destroyed. The loss of trust, which is particularly hard to regain, comes initially when one spouse betrays the other. When a spouse commits adultery or infidelity, trust is gone. Adultery is defined as sexual activity, but infidelity is defined as both sexual and emotional activity. It would be quite challenging to get the spouses back together if this was the cause of the divorce.

**Financial issues:** Due to excessive expectations between the parties, financial concerns in divorce have recently become more prevalent. When there is a communication gap in financial matters between spouses, it is often necessary for the other partner to experience financial stress to fulfill the desires of the partner. For instance, if a guy makes \$ 50,000 per month but doesn't tell his wife that his monthly income is \$ 50,000, his basic living expenses are \$ 30,000, and he

---

<sup>9</sup> 'Divorce rate in India' (*Advocate Khoj*)

<<https://www.advocatekhoj.com/library/lawareas/divorceinindia/9.php?Title=Divorce%20rate%20in%20India>> accessed 09 March 2023

<sup>10</sup> *Parmita Uniyal*, 'Common reasons why men and women file for divorce' (*Hindustan Times*, 8 October 2022)

<<https://www.hindustantimes.com/lifestyle/relationships/common-reasons-why-men-and-women-file-for-divorce-101665229935922.html>> accessed 09 March 2023

has \$ 20,000 in savings left over, she can ask for something that exceeds his savings, and he would wind up going into debt to satisfy her. When it is constant there would be a financial burden and it can lead to Divorce.

**Lack of intimacy:** Intimacy refers to more than just sexual activity; it also refers to a partner's relationship and sense of closeness. When one of the partners experiences loneliness or irritation due to a lack of closeness. While some marriages can function without emotional intimacy, it is exceedingly difficult for a marriage to function without physical closeness. Hence, a lack of closeness causes divorce immediately.

**Domestic Violence:** Domestic violence is a culture that virtually accepts divorce. This is true because spouses might be physically or emotionally harmed in acts of domestic abuse. This could occasionally result in a bad thing happening. To avoid it and prevent a spouse from becoming a victim. Victim must leave their home and obtain a divorce to protect their kids and themselves from further violence. This is for both your own and your kids' safety. Divorce may happen for several reasons, some of which are fairly common or occasionally could be relatively straightforward and resolved at a table. Hence, it is vital to engage in mediation or seek the council of elders before taking any drastic measures so that you can overcome the challenges and stick together to create a healthy community.

## **DIVORCE AND CHILDREN**

Divorce has an impact on the entire family and society since marriage is a social institution that is governed by the social contract. This is the cause of the marriage relationship's direct or indirect impact on society. Children represent the marriage's future when we talk about marriage. So, the children are immediately impacted by the divorce when it has an impact on the marriage.

### **Effects of Divorce on Children**

The family is affected psychologically by divorce, particularly the kids. Children are the ones who have suffered the most as a result of divorce; they experience mental stress that might drive them to experience agony, which is highly detrimental to their development. Hence, if the parents are getting a divorce, it will disturb the child's life. In the entire process, if the child is a

little older, or, to put it another way, if the youngster is an adolescent or about to become one, they are allowed to select between this or that, which is challenging. Once more, a challenging circumstance caused the parents to argue over who should have custody of the kid.

The following are some effects of divorce on kids:

**1. Mental stress:** When children are young, they observe how common it is in society for peers to travel with both parents, so when they only have one parent, they wonder why. They will typically miss the affection and love of the other parent, who is often the father. If one parent's love and affection are missing from a child's upbringing, that child will suffer emotionally. In addition to this, children must deal with the hurtful words of parental strife that endures long after the divorce. So, a child's physical and mental health will often suffer as a result. When parents' divorce when their children are still very young, it is a painful and depressing situation that will have an impact on their future since it takes a long time for a young child to recover from such trauma.

**2. Psychological Problems:** Children of divorced parents typically face psychological effects, which are more noticeable in early childhood than in older children. The Young person feels worried when they go out with their friends and talk about spending time with their family and parents since they are missing out on such a great relationship. There is a chance that they might introduce these psychological problems into their marriage. The family and societal structures may suffer if this persists.

**3. Object of Parental or Other Abuse:** Typically, divorced parents will be frustrated, and their children will inherit this irritation along with most of their other problems. Even children of divorced parents might occasionally face harassment and discrimination from the larger society. This has a stronger effect on how the kids feel about themselves and would be more detrimental to their growth.

**3. Hatred towards One Parent:** Children of divorced parents have the propensity to despise the other parent, whom they blame for the divorce and the disruption in the family; this is generally evident when the children are young and have witnessed the divorce process in its entirety.

**4. Lack of Balance Training:** It is typical for both parents to raise their kids to provide them with unconditional love, affection, and important life lessons. A vacuum will be created in some areas if there is a divorce and just one parent is raising the kid; this vacuum will have a significant negative impact on the child's development.

**5. Economically:** Occasionally, children of divorced parents experience a far worse financial crisis than children of cohabiting parents. This economic structure may be a stronger barrier to a child's intellectual development, and it may even push them to give up on their studies.

The case study that discussed how a divorce scenario might affect children did so. One of the cases is *V. Meenapushpa v V. Ananthan Jayakumar*.<sup>11</sup> In this case, the grandparents were able to keep custody of the kid by considering the youngster's wellbeing. Because the kids didn't want to live with their parents. As a result, the court granted the child's grandparents custody of the youngster. When a marriage is unhappy, getting a divorce is worthwhile since it will promote the children's development. If a kid is raised in an atmosphere that is violent regularly, such as when parents fight or when abusive language is used. Whether there has ever been a tragic event in their marriages. A kid raised in this type of setting may experience living in a high-tech world, which makes life uncomfortable for them. They may also struggle academically, which would hurt their future. The divorce would benefit the entire family in such a case since at least the future would be secure. In this situation, the divorce will be advantageous to the kid.

## RELIGIONS VIEW ON DIVORCE

Religions each hold a unique perspective on various areas of life, including divorce<sup>12</sup>.

**1. Christianity and Divorce:** Christianity is a religion that regards the Bible as a holy book and Jesus as its god which views a couple's marriage as a lifetime commitment. Various Christian denominations have varying perspectives on divorce, although in general, all denominations forbid or discourage divorce between married couples. The doctrine of Christianity may be

---

<sup>11</sup> *V. Meenapushpa v V. Ananthan Jayakumar* AIR (2004) Mad 1

<sup>12</sup> Jeremy E. Uecker and Christopher G. Ellison, 'Parental Divorce, Parental Religious Characteristics, and Religious Outcomes in Adulthood' (2012) 51(4) *Journal for the Scientific Study of Religion*

<<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3555139/>> accessed 10 March 2023

broken down into three categories, two of which are Protestantism and Mormonism, which both discourage divorce but allow it when a marriage cannot be salvaged. Here, they support second marriages. Catholicism forbids divorce and holds the belief that it is a sinful act.

**2. Judaism and Divorce:** One of the first religions, Judaism is built on the idea of a single deity and agreement, which is known as a special arrangement between god and mankind. The Torah is the holy book of Judaism. Judaism allows for divorce, however, according to Jewish law, only the husband has the legal authority to separate from his wife. Yet the divorce is now going both ways. Jews view marriage as a contract, hence to get a divorce, they require a legal document. So, according to Jewish custom, divorce may only be obtained through legal processes before a rabbinical court.

**3. Hinduism and Divorce:** Hinduism is a religion with strong roots in India. Hindus are reliant on Dharma, which is a life value. As a result, when the term "Hindu" is defined, a way of life is meant. The divine writings of the god Manu, who has been referred to throughout history as a legislator. He, or Manu Samhita, holds that since the bond between the two parties is holy, divorce is not permitted. Hindus today allow divorce, although historically they have never supported it since they consider marriage to be a holy institution that unites a couple's undivided souls rather than a legal contract. Thus, divorce is still discouraged and efforts are made to preserve the marriage in some regions where it is still referred to as a "black mark" on one's life.

**4. Islam and Divorce:** Islam is a monotheistic religion that adheres to the Quran alone as its primary sacred scripture. Similar to other religions like Sunni and Shia, Islam has numerous sects. Divorce is legal under Islamic law. Regarding divorce and remarriage, there are separate laws for men and women. Men who remarry can do so right away, while women must wait for roughly three months.

**5. Buddhism and Divorce:** Buddhism doesn't provide any guidelines for marriage; thus, it doesn't include any guidelines for divorce, so we may conclude that divorce is acceptable in this faith. Divorce is one of the worst things that may happen to marriage in India. It causes many changes in one's life that can be detrimental, and as a result, one may experience a great deal of



stress on all fronts—financially, emotionally, physically, and spiritually. Divorce is tied to religion since it is a personal concern. When something is connected to religion, it is connected to society.

## CONCLUSION

Divorce is a complex topic with several facets. In partnerships, couples go through a lot of changes, and occasionally there will be a drop in social position. When the marriage has been entered into with the promise of trust and modifications, coupled to be happiness. A relationship often becomes side-tracked when there is a lack of trust or modifications, and this is when the couple's separation process begins. Nevertheless, not only spouses but also children and other family members suffer as a result of being preoccupied. Due to divorce, other family members may at times feel enmity toward one another, and this is mirrored in society.

Although marriage is a pleasant union of two people, there will still be difficulties such as emotional, physical, mental, and financial strains due to divorce, which is evident in children. Because children may experience physical, psychological, financial, and other challenges as a result of divorce, they are the ones who are most affected. Although if divorce sometimes appears to have a favourable effect on children's development by removing them from an argumentative atmosphere that is bad for their development. Yet when there is an imbalance in a kid's development, this also breeds animosity for one set of parents, and the youngster is practically mistreated in all of its actions. Men and women come together to create a society, and that society must develop under the protection of both men and women; else, balance, or imbalance, would vanish. Hence, divorce directly contributes to social unrest. So, if the divorce rate rose, society would have to deal with higher consequences.