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**EASY MARRIAGE, EASY DIVORCE: THE FLAWS IN IBAN
TRADITIONAL *ADAT***

Lucy Sebli

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Lucy Sebli

**Faculty of Social Sciences
UNIVERSITI MALAYSIA SARAWAK**

Introduction

What is Marriage? Why do people bother to get married if they know that they are going to get divorce in three months or so down the road? Does that have to do with our societal norms and values; or it is simply the notion of 'the right' thing to do at that particular time; or is it because of being human that we allow our heart/emotion to overrule our rational thinking that inevitably lead us to do it? Well, whatever it is, Marriage in its simplest form can be defined as a social contract between two individuals that unites their lives legally, economically and emotionally (Sheri & Bob Stritof 2002). That is to say, when it is a contract everybody has to respect. Divorce however, can be understood as "Dissolution of Marriage" in legal term because the activity cannot come without having a legal marriage. Therefore, under Malaysia Law Reform on Marriage and Divorce Act 1976, no one is allowed to marry another person when a lawful married is still valid.

Although many view marriages as a private expression of their love for one another, however, for centuries matrimony has been a very public institution impacted by tradition, culture, religion, and laws. Throughout the centuries, the institution of marriage has been changing and continues to change. Most ancient societies needed a secure environment for the perpetuation of the species, a system of rules to handle the granting of property rights, and the protection of bloodlines. The institution of marriage handled these needs. Most couples did not marry because they were in love but for economic liaisons. Some marriages

were by proxy, some involved a dowry (bride's family giving money or presents to the groom or his family), some required a bride price (the groom or his family giving money or a present to the bride's family), and few had any sort of courtship or dating, but most had traditions. Nonetheless, many people hold the view that regardless of how people enter into matrimony, marriage is a bond between two people that involves responsibility and legalities, as well as commitment and challenge. That concept of marriage hasn't changed through the ages. Despite this [almost] static nature of the concept of marriage, the concept of divorce on the other hand has changed drastically and always in the state of dynamic. This is partly attributed to changing attitudes about the functionality of marriage.

As divorce becomes more and more commonplace, people lose their sense of trust in the formation of marriage. This is true in the words of Brenner (1999), when he states that "... society's greater acceptance of divorce may itself be contributing to the decline in marital happiness." A study published in the *Journal of Family Issues* (cited in Brenner 1999) concluded that "by adopting attitudes that provide greater freedom to leave unsatisfying marriages, people may be increasing the likelihood that their marriages will become unsatisfying in the long run" (cited in Brenner 1999). It seems that the divorce culture feeds on itself, creating a one-way downward spiral of unhappiness and failure.

Nonetheless, it is not the major focus of this paper to explore deeper into the notion of why marriage has failed and/or why divorce rate increased? But rather, this paper is an attempt to try to situate the issue pertaining to divorce and marriage among the Ibans within the Iban¹ Customary Adat; and try to highlight the relationship between the Iban Customary Adat with the increasing rate of divorce among the Ibans. However, before I go further I would like briefly provide a background into the divorce and marriage situation in Malaysia.

¹ It means Dayak (Sea) as defined in the Interpretation Ordinance, Chap. 1, Vol. 1 of the Laws of Sarawak, 1958.