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Is Cohabitation An Alternative to Marriage?

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Abstract

In many countries in the world, the number of people resorting to cohabitation is increasing. In the USA, for example, the number of couples involved with cohabitation reached 7.8 million in 2012 while in the United Kingdom the number was 2.9 million in 2010. In Malaysia, the trend to cohabit is also increasingly common and accepted. The question arises whether this practice brings benefit to the parties involved as well as to the children. This paper highlights, to what extent, cohabitation brings an impact to the parties concerned as well as society in general from various aspects, including religious, legal, psychological and sociological.

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1. Introduction

In Malaysia, the laws relating to marriage for both Muslims and non-Muslims are clear. For Muslims, they are governed by Islamic law and various Islamic enactments which are applicable to them. Non-Muslims are governed by the Law Reform (Marriage and Divorce) Act 1976. However, there is no provision with regard to cohabitation. The reason is obvious with regard to the law applicable to the Muslims as the Quran strongly prohibits such an act. Even though the trend to cohabit is becoming more popular in Malaysia, it is hoped that this paper will expose to the public the bad impact of cohabitation from various angles. Thus, the act should be abhorred rather than followed.

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2. The Difference between Marriage and Cohabitation

Marriage may be defined as ‘the ceremony by which a man and a woman become husband and wife’ (Lowe & Douglas 1998). It also means ‘an agreement by which a man and a woman enter into a certain legal relationship with each other and which creates and imposes mutual rights and duties’ (Lowe & Douglas 1998). Cohabitation, on the other hand, denotes the ‘situation where two people live together as husband and wife in a family framework analogous to marriage, without actually having gone through a ceremony of marriage’ (Barlow 2007). It is also a ‘non-legal co-residential union and does not imply a lifetime commitment to stay together’ (Waite 1999/2000). In the USA, before 1970, cohabitation was known as ‘living in sin’ (Franck 2007).

3. The Trend of Cohabitation

Marriage seems to have declined in its popularity. In England, for example, in 1998 only about 5 per 1000 population were married (Lowe & Douglas 1998). In the United States of America, the same phenomena were reported. Compared to 20th century, the rate of children born within a marriage relationship drops tremendously. For example, in 1964, 93 percent of children were born to married couples while the percentage was only 59 in 2007 (Rector 2010). People seem to be no longer interested in formalized relationships but prefer to cohabit (Deech 1990). In the USA, for example, the number of couples involved with cohabitation reached 7.8 million in 2012 (Fox 2014). In the United Kingdom, cohabitation rose from 2.1 million couples in 2001 to 2.9 million in 2010. By 2031, it is projected to rise to 3.7 million (Marriage Foundation). In the Republic of China, the act of cohabitation has been accepted and no longer considered a sin as before (Chen & Wang 2009).

In Malaysia, the trend to cohabit is also becoming increasingly common and acceptable in Malaysian society. Sinnadurai observed:

‘In the last one generation a new phenomenon has begun to transform the family structure and society in a way that has not been witnessed in centuries. This new phenomenon is called an informal union or a domestic partnership, but more commonly known as cohabitation. The trend caught on in Asian countries including Malaysia in a big way from the early 1990s’ (Sinnadurai 2000).

4. Cohabitation in the Eyes of Religion

Living together without marriage is prohibited by all major religions including Islam, Christianity, Judaism and Hinduism (Gurganious 1999). In Islam, those who commit illegal sexual intercourse are considered as committing a major sin and are subjected to severe punishment from Allah. The Quran states:

‘The woman and the man guilty of illegal sexual intercourse, flog each of them with a hundred stripes. Let not pity withhold you in their case, in a punishment prescribed by Allah, if you believe in Allah and the last Day. And let a party of the believers witness their punishment’ (Al-Quran 24:2)

According to the Bible, marriage should be honored by all, and the marriage bed kept pure, for God will judge the adulterer and all the sexually immoral (Hebrews 13:4). Similarly, the Old Testament provides that a man who seduced a virgin and had sexual relations with her before marriage was required to pay the father of the girl and was required to marry her if the father permitted (Ex. 22:16). Sexual relations with a virgin betrothed to another can be resulted in death by stoning of both parties (Deut. 22:23-24).

The above discussion shows that almost all religions condemn the act of cohabitation. Turning away from religion, therefore, can be one of the vital factors why people are involved with the act. Consequently, strict adherence and strong commitment to religious teachings would undeniably prevent people from indulging in this immoral activity (Thornton, et al. 1992; Wilhelm 1998).

5. Effect of Cohabitation

There are many researches showing the bad effect of cohabitation from various angles. One of the most important negative effects of cohabitation is regarding the well-being of the child. The cohabitant, especially the woman would also bear the impact. Last but not least, the impact will infiltrate into the society at large.

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