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THE IMPACT OF MARRIAGE CONTRACT TYPE ON DIVORCE LIKELIHOOD: EVIDENCE FROM RIVERS STATE, NIGERIA

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ABSTRACT: *This study investigated the impact of marriage contract type (statutory and customary) on divorce likelihood in Rivers State, Nigeria. Data consisting of demographic, socio-economic and treatment related variables were collected from judiciary high court and customary court for a period of 10 years for the analysis. The factors estimated using survival analysis techniques were: Age at Marriage of Husband and Wife, Presence of Children, Duration of Marriage, Employment Status of Husband and Wife, Educational Level of Husband and Wife, Number of Counseling Sessions and Court Sittings Attended, as well as Marriage Type. The Cox PH model revealed that marriage type does not influence the rate of divorce among couple in Rivers State. For statutory marriages, significant determinants of divorce include: duration of marriage ($p = 0.000$), employment status of husband ($p = 0.028$), and presence of children ($p = 0.045$). For customary marriages, significant determinants of divorce include: presence of children ($p = 0.018$) and number of court sittings ($p = 2.83e^{-06}$). Ironically, the result revealed that the presence of children increases the risk of statutory marriage divorce by 72% and reduces the risk of customary marriage divorce by 41%. The findings of this study using Pearson chi-square test for independence between the two types of marriage showed that chi-square statistic value $\chi^2 = 0.0066$ and the p-value $= 0.936$, which indicates that divorce is independent of the type of marriage contracted. This means that there is no relationship between the type of marriage contracted in Rivers State and the likelihood of divorce. Overall, this study contributed to the understanding of divorce likelihood in Nigeria, highlighting the complexity of factors influencing marital stability. The study thereby recommended among others that policymakers should focus on addressing socio-economic factors influencing marital stability.*

KEYWORDS: Divorce, Pearson chi-square test, Cox PH model, statutory and customary marriage, Rivers State, Nigeria.

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INTRODUCTION

Marriage is a fundamental institution in Nigerian society, playing a crucial role in shaping social norms, cultural values, and economic stability (Oyefara, 2020). Nigeria, being a multicultural and multi-ethnic country, recognizes two main types of marriages: statutory and customary (Adebayo, 2022). Statutory marriage is governed by the Marriage Act (1990), while customary marriage is regulated by traditional laws and customs (Eze, 2020). In Nigeria, there are four different kinds of marriages: religious, customary, statutory, and traditional (Tersoo, 2018). Every kind of marriage has unique characteristics that distinguish the wedding procedure from other types of celebrations (Andrella, 2018). In this study, we were concerned with statutory and customary marriages.

In Nigeria, a man and a woman are united in a statutory marriage, also known as a court marriage, as per the definition provided by the Marriage Act (Chaman, 2023). In other words, according to Ononye and Nwamaka (2019), a statutory marriage is the voluntary union of one man and one woman for the rest of their lives. The following three characteristics of statutory marriage are shown by this definition: voluntary union, union for life, and exclusion of all others. In Nigeria, a statutory marriage is a monogamous union; instances of these include unions performed at the court registry and unions performed in authorised houses of worship (church marriages).

A customary marriage is one that is performed in line with the traditions of the families of the bride and husband (Olusola, et al., 2021). This law states that a woman's rights and obligations in a customary marriage are the same as those in a statutory marriage, and it defines a customary marriage as one in which a man and a woman marry in accordance with the tribal tradition of their locality (Akerele & Ishola, 2020). Marriage is significant because it extends a married couple's life and brings them satisfaction (Gallagher, 2001). It is not appropriate to force a marriage to end. Marriage should be made to work, but not when it becomes humanly impossible. There are times when the marriage becomes almost impossible to continue, when the relationship can no longer survive; in such a situation, divorce is permissible. Research has shown that marriage type significantly influences marital stability and divorce rates (Kolawole, 2022). Studies have consistently demonstrated that couples in statutory marriages tend to have lower divorce rates compared to those in customary marriages (Afolabi, 2020; Oyefara, 2020). However, other factors such as socio-economic status, education level, and cultural background also play a significant role in determining marital outcomes (Adewole, 2022).

The rising trend in divorce rates in Nigeria is a cause for concern (Nwachukwu, 2022). According to the National Bureau of Statistics (2020), the divorce rate in Nigeria increased by 14.3% between 2015 and 2020. Rivers State, being one of the most populous states in Nigeria, is not immune to this trend (Rivers State Ministry of Health, 2022). Several factors contribute to the increasing divorce rates in Nigeria, including: changing social norms and values (Eze, 2020); economic instability and financial stress (Adebayo, 2022); lack of communication and conflict resolution skills (Kolawole, 2022); and cultural and family background (Adewole, 2022).

Understanding the relationship between marriage contract type and divorce likelihood is crucial for developing effective strategies to strengthen marriages and reduce divorce rates (Oyefara, 2020). This study aims to investigate the impact of marriage contract type (statutory and customary) on divorce likelihood in Rivers State, Nigeria.

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Statement of the Problem

In Nigeria, particularly in Rivers State, the institution of marriage is facing significant challenges, with divorce rates increasing steadily. Despite the cultural and legal significance of marriage contracts, there is limited understanding of how the type of marriage contract (statutory or customary) influences divorce likelihood. The coexistence of statutory and customary marriage laws has created complexities, leading to concerns about the stability and sustainability of marriages. The problem this study seeks to address is: What is the relationship between marriage contract type (statutory and customary) and divorce likelihood in Rivers State, Nigeria?

Understanding the impact of marriage contract type on divorce likelihood is crucial for developing effective strategies to strengthen marriages, reduce divorce rates, and promote family stability in Rivers State. Despite the importance of marriage contracts, there is a dearth of empirical evidence on the relationship between marriage contract type and divorce likelihood in Rivers State, Nigeria. This knowledge gap hinders the development of effective strategies to strengthen marriages, reduce divorce rates, and promote family stability.

This study aims to fill this knowledge gap by investigating the impact of marriage contract type on divorce likelihood: evidence from Rivers State, Nigeria. Specifically, it seeks to compare two types of marriage contract which are statutory and customary marriages and to estimate the impact of marriage type on divorce risk.

METHODOLOGY

Divorce petitions in Nigeria can only be filed in high and customary courts for statutory and customary marriages respectively. Hence, the data used in this study were secondary data set from high and customary courts between 2010 and 2020 in Rivers State.

Categorization of Variables

The variables were grouped into three categories, namely demographic variables, socioeconomic variables and treatment variables. The demographic variables include the age at marriage of husband and wife, the presence of children and the duration of marriage. The age at marriage of husband and wife is divided into eight age groups (limits) as follows:

Group 1: less or equal to 24 years.

Group 2: between 25–29 years.

Group 3: between 30–34 years.

Group 4: between 35–39 years.

Group 5: between 40–44 years.

Group 6: between 45–49 years.

Group 7: between 50–54 years.

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Group 8: 55 years and above.

The presence of children in the marriage was presented as either yes (if the couples have children or no (if the couples have no children). Hence, we assigned 0 to "no children" and 1 to "the presence of children."

Duration of marriage is divided into four groups. It is measured in years, as the difference between the year of marriage and the year divorce was granted:

Group 1: Very Short - less or equal to 1 year

Group 2: Short - 2–5 years

Group 3: Medium - 6–10 years

Group 4: Long - above 10 years

The socio-economic variables include the educational level of the husband and wife and their employment status. The education level of the couples is divided into four groups:

Group 1: None or Primary school level

Group 2: Secondary school or OND level

Group 3: BSc or HND level

Group 4: Postgraduate level

The employment status of the couples is grouped into three:

Group 0: Unemployed

Group 1: Business

Group 2: Civil servant or professional career

The treatment variable includes the attendance of the counseling session and the court sittings.

Log Rank Test

A common test for determining whether there is no difference in survival between two or more independent groups is the log rank test (Lisa, 2016). The test compares the entire survival experience between groups and can be thought of as a test of whether the survival curves are identical (overlapping) or not. Suppose we have r groups of individuals, with $r > 2$. We pool all the divorce times together to define intervals $[0,t_1), [t_1, t_2), [t_2, t_3)$. We then have d_{kj} divorces in Group k on interval j and n_{kj} marriages not divorced and uncensored from Group k at the start of interval j.

We define the test statistic as

$$W^* = \sum_{k=1}^{r} \frac{(O_k - E_k)^2}{E_k}$$

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where $O_k = \sum_{j=1}^{m} d_{kj}$ is the observed number of divorces in Group k

$E_k = \sum_{j=1}^{m} e_{kj}$ is the expected number of divorces in Group k

with $e_{kj} = \frac{n_{kj} d_j}{n_j}$

If the test statistics is larger, the null hypothesis is false and hence we reject the null hypothesis in favour of the alternative hypothesis.

The log rank test is also used to determine the variables that should be included in the Cox PH model.

The Cox proportional hazard regression model

The Cox proportional hazard model is a semi-parametric model, mainly used to assess the relationship of predictor variables such as age, gender and the type of treatment to the survival time (Kabtamu & Sharma, 2014). The Cox proportional hazard regression model can be written as follows:

$h(t) = h_o(t)\exp(b_1x_1 + b_2x_2 + b_3x_3 + \cdots . . + b_px_p)$

where h(t) is the expected hazard at time t and $h_o(t)$ is the baseline hazard function which represent the hazard when all the predictors (or independent variables) $x_1, x_2, x_3, \ldots x_p$ are equal to zero.

RESULTS

Table 1 shows summary statistics obtained from both statutory and customary marriage data. The statistics showed that the average survival time of statutory marriage at the risk of divorce was 20.6 months while that of customary marriage was 12.7. The minimum survival time for statutory marriage was 0.7 months while the minimum survival time for customary marriage was 0.2 months, which implies that the month the couple filed for divorce was the same month their case was tried in the court and their marriage was dissolved in the high court or customary court. The maximum survival time for statutory marriage was 106.8 months while the maximum survival time for customary marriage was 47.1 months. The standard deviation values for statutory and customary marriages were 22.1 and 11.6 months respectively. These values are relatively high, indicating that the survival times varied a lot from each other.

Table 1: Descriptive Statistics for Statutory and Customary Marriage Data

Variables	Statutory Marriage	Customary Marriage
Number of couples that filed for divorce	111	73
Number of couples that divorced	93	57
Number of couple that did not divorce/censored	18	16
Expected survival time	20.7	12.7
Minimum survival time	0.7	0.2

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Maximum survival time	106.8	47.1
Standard deviation	22.086	11.6

Kaplan-Meier Estimate of Survival time for Statutory and Customary Marriage

Figure 1 illustrates the probability of (marriage at risk) surviving against time in months for statutory marriage. Time is represented by the horizontal axis (x axis) in months, while the vertical axis (y axis) displays the likelihood of survival or the percentage of marriages that survive. The lines represent the survival curves and the vertical drop in the curve indicates an event which implies a divorce occurred. The thick vertical marks on the curve mean censored data, which implies that the event did not occur, meaning that there was no divorce. The graph shows a steady decrease in the survival rate of statutory marriages within the first 35 months, suggesting a higher likelihood of divorce rate, and only about 1% of the marriages survived beyond 100 months. The median survival time of statutory marriage was 20.7 months. The graph also showed a horizontal segment of the curve after 55 months, indicating no occurrence of divorce.

Figure 2 shows a plot of the probability of (marriage at risk) surviving against time in months for customary marriage. The plot shows a rapid decrease of the curve within the first 22 months, suggesting a high divorce rate immediately after a court petition. A slower or more gradual declining of the curve is seen between 23 and 40 months, indicating a lower rate of divorce among couples. The median survival time of customary marriage was 12.7 months and no marriage survived beyond 47 months.

Survival Probability for Statutory Marriage

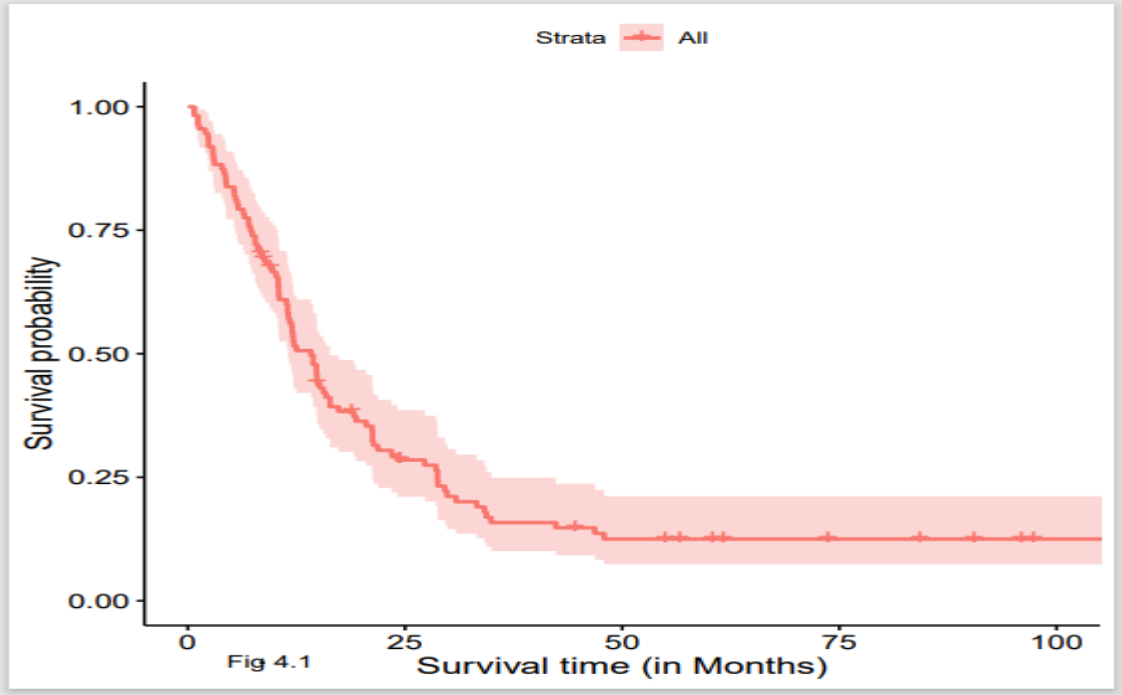

Figure 1: Survival Probability for Statutory Marriage

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Survival Probability for Customary Marriage

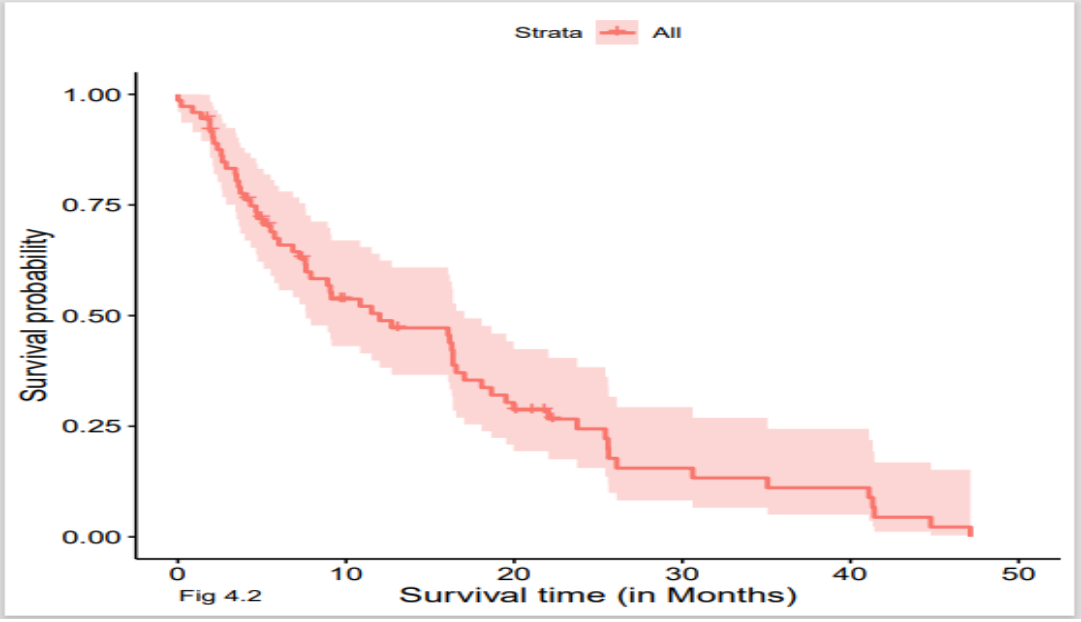

Fig. 2: Survival Probability for Customary Marriage

Log Rank Test

The Log rank test was used to test the null hypothesis of no difference between two or more independent groups (Bland & Altman, 2004). Below are the results of the test of the various factors in the three categories for both statutory and customary marriages.

Table 2: Log Rank Test Result for Statutory and Customary Marriages

Factors	Statutory Marriage		Customary Marriage	
	Chi-Square	p - Value	Chi-Square	p – Value
Demographics Variables				
Age at marriage of husband	12.3	0.09	7.1	0.3
Age at marriage of wife	4.7	0.4	1.5	0.7
Presence of children	0.8	0.4	4.0	0.05
Duration of marriage	15.4	0.001	3.2	0.4
Socio-Economic Variables				
Educational level of husband	9.9	0.02	-	-
Educational level of wife	1.3	0.3	-	-
Employment Status of husband	8.5	0.01	1.1	0.6
Employment Status of wife	1.3	0.7	1.0	0.6
Treatment Variables				
No. of Counseling session	1.7	0.4	5.4	0.03
No. of Court sittings	1.1	0.8	27.1	$6e^{-06}$
Marriage Type	Chi-square = 3.5		p-value = 0.06	

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Table 2 displays the chi-square and p-values of factors of divorce in three different categories for the two types of marriages. The result shows that duration of marriage (p = 0.001), employment status of husband (p = 0.01) and educational level of husband (p = 0.02) are statistically significant for statutory marriage. This means that there is significant difference in the survival times of the different groups of these determinants. The p-values of other factors, such as age at marriage of husband and wife, presence of children, employment status of wife, number of counseling sessions and court sittings, indicate no significant difference in the occurrence of divorce in the individual groups.

The result from customary marriage shows that presence of children (p = 0.05), number of counseling sessions attended (p = 0.03) and number of court sittings (p = 6e-06) are statistically significant. This implies that there is a significant difference between the survival times of the different groups of these factors. The result also indicates that the presence of children in the marriage has a significant impact on divorce. Only about 9% of marriages without children survived up to 16 months while 50% of marriages with children survived up to the same 16 months. This implies that the presence of children in the marriage reduced the risk of divorce.

Cox Proportional Hazard Regression Model

Table 3 shows the Cox PH model results for both marriages. The p-values of presence of children (p = 0.045), employment status of husband (p = 0.028) and duration of marriage (p = 0.0003) are statistically significant for statutory marriage. This indicates that presence of children, employment status of husband, and duration of marriage had a significant effect on the risk of divorce of statutory marriage. Also, for customary marriage, presence of children (p = 0.018) and number of court sittings (p = 2.83e-06) are statistically significant, indicating a strong effect on divorce of customary marriage. The p-value for marriage type is 0.065, which implies that type of marriage contracted does not have any impact on divorce rate.

Dependency of Divorce between Types of Marriage Contracted

Table 4: Contingency Table for Observed Frequency Counts from Statutory and Customary Marriage Data

Type of Marriage	Did Not Divorce	Divorced	Total
Statutory Marriage	18	93	111
Customary Marriage	13	60	73
Total	31	153	184

Chi-squared statistic = 0.0066
p-value = 0.9355

Table 4 shows the contingency table of the observed frequency counts from both marriages. The result of the Pearson chi-square test for independence between the two types of marriage showed that chi-square statistic value $\chi^2 = 0.0066$ and the p-value = 0.936 indicate that divorce is independent of the type of marriage contracted. This means that there is no relationship between the type of marriage contracted in Rivers State and the likelihood of divorce. In other words, the occurrence of divorce does not appear to be influenced by whether a couple is in a statutory marriage or a customary marriage.

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DISCUSSION

This study examined the relationship between marriage contract type (statutory and customary) and divorce likelihood in Rivers State, Nigeria. The result shown in Table 2 reveals that the type of marriage contracted does not have any impact on divorce rate among couples in River State ($p = 0.065$). This implies that the type of marriage contracted does not increase or decrease the risk of divorce among couples. Table 4 also shows that divorce is independent of the type of marriage contracted. Instead, factors such as duration of marriage, employment status and presence of children significantly affect divorce of statutory marriages. In contrast, number of court sittings significantly predict divorce of customary marriages, as well as presence of children. The regression coefficient for number of court sittings for customary marriage (coef = -0.875) indicates that as the number of court sittings increases by 1, the hazard rate reduces by 88%, which implies an increase in the survival time of the marriage. The hazard ratio (HR = 0.42) indicates that the number of court sittings reduces the hazard risk by 58%. This implies that an increase in the number of court sittings is significantly associated with reduction in the incident of divorce. This could be as a result of resolution of disputes, because more court sittings indicate that couples are actively engaging in legal proceedings to resolve their disputes, which could lead to reconciliation or mediation, ultimately reducing the probability of divorce.

Notably, the presence of children in a marriage emerges as a crucial factor in reducing the risk of divorce of customary marriage, while the reverse is the case with statutory marriage. Specifically, as the number of children increases by 1, the hazard rate increases by 54% for statutory marriage, while for customary marriage, having children in the marriage reduces the hazard rate by 41%.

The regression coefficient for employment status of the husband for statutory marriage (coef = -0.482) implies that as the employment status of the husband becomes better, the hazard rate reduces. This means that improved employment status of the husband, which will in turn improve the financial status of the family, lowers the risk of divorce. The hazard ratio HR = 0.62, which indicates a strong relationship between employment status of the husband and the risk of divorce. This implies that improved employment status reduces the hazards by 38% holding other factors constant. Also, the regression coefficient for duration of statutory marriage (coef = -0.521) implies that as the years of marriage increases by 1, the risk of divorce reduces by 52%, while other factors remain constant. The hazard ratio (HR = 0.594) indicates that duration of marriage reduces the hazard rate by 41%, holding other factors constant. According to Jose, Maria and Isabel (2021), couples who have stayed married for longer may have inherently stronger relationships, better compatibility, more effective communication skills, stronger emotional bonds and so on, which could be the reason behind the better survival.

CONCLUSION

The study concluded using Pearson chi-square test for independence between the two types of marriage that divorce is independent of the type of marriage contracted. This means that there is no relationship between the type of marriage contracted in Rivers State and the likelihood of divorce. The study's results underscore the importance of addressing socio-economic and demographic factors influencing marital stability, such as employment status of husband,

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presence of children, duration of marriage, conflict resolution as a result of more court sittings, and mutual support in marriage counseling. Therefore, policymakers should focus on addressing these factors influencing marital stability and couples should prioritize the welfare of their children, improve communication skills, conflict resolutions and mutual support to strengthen their marriages to avoid the risk of divorce.

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