

## THE ACCEPTANCE AND UNDERSTANDING OF PRENUPTIAL MARRIAGE AGREEMENTS IN MALAYSIA

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**Abstract:** Nowadays, people are looking to get married without considering what comes after. They are not aware of a prenuptial agreement that can be done to secure their rights and assets if divorce occurs. This study is done to find the awareness and acceptance level of prenuptial agreements in Malaysia. Prenuptial agreements have been the centre of a lot of discussion and debate in Malaysia in recent years. Although some argue that such agreements violate the Malay tradition of joint property ownership, others consider them a relevant measure to protect against financial conflicts in the divorce scenario. Prenuptial agreements are chosen because of the increment of divorcees not getting their rights in alimony which is mandatory for the ex-husband to pay every month to help the ex-wife and their children for their monthly expenses. The minimum sample size was determined through Raosoft Calculator software. This survey included 324 respondents, and the sample was acquired using Google Forms. The findings of this study depicted that the prenuptial marriage agreement is accepted and understood by the public. ( $M=3.44$ ).

**Keywords:** Prenuptial Agreement, Marriage, Divorce, Acceptance, Alimony

### 1. Introduction

Marriage serves as a sacred bond that unites individuals, encompassing emotional, legal, and financial dimensions. However, with the increasing likelihood of marital dissolution today (Intan Hashim, 2023), prenuptial agreements have emerged as vital legal instruments aimed at addressing the complexities that can arise during divorce or separation (Davis, 2016). Prenuptial agreements, commonly referred to as prenups, delineate the division of assets, debts, and potentially spousal support, offering clarity and protection for both parties involved (Tiffany, 2023). Despite their widespread acceptance in many countries, the acceptance and understanding of prenuptial marriage agreements in Malaysia remain relatively low (The Star, 2017).

Within the context of a modern era characterized by evolving societal norms and changing financial considerations, prenuptial agreements hold particular significance. They function as

safeguards for individual financial interests, ensuring equitable outcomes in the event of marital dissolution (Fedorov, 2022). However, in Malaysia, prenuptial agreements have not gained broad acceptance, and individuals intending to marry, legal professionals, and the public possess a limited understanding of their purpose and benefits (Azam & Che Hussin, 2021).

To bridge this knowledge gap, the present research paper aims to conduct an in-depth study to identify the acceptance and awareness levels of prenuptial marriage agreements in Malaysia, as well as evaluate the understanding level of such agreements. The research plan primarily relies on quantitative surveys administered exclusively to individuals intending to marry. By utilizing this method, comprehensive data will be collected, enabling a comprehensive analysis of the acceptance, awareness, and understanding of prenuptial marriage agreements in Malaysia.

This research holds significant importance for various stakeholders. Individuals planning to enter into marriage will benefit from understanding the levels of acceptance and awareness concerning prenuptial agreements, enabling them to make informed decisions regarding the protection of their financial interests. Legal professionals stand to gain a deeper understanding of the current landscape, enabling them to provide their clients with more informed advice and guidance on prenuptial agreements. Moreover, society as a whole will benefit from increased acceptance and understanding of prenuptial agreements, as it contributes to the fairness and efficiency of the marital dissolution process, ultimately enhancing the well-being of the individuals involved (Ridzuan et al., 2022).

In conclusion, this research aims to identify the acceptance and awareness level of prenuptial marriage agreements in Malaysia and assess the understanding level of such agreements. Through a comprehensive analysis of the collected data, this study seeks to shed light on the current landscape of acceptance and understanding, identify the contributing factors, and propose strategies to enhance acceptance, awareness, and understanding of prenuptial agreements in Malaysia.

## **2. Methods**

### **2.1 Research Design**

In conducting or coordinating the research, quantitative research is the main tool used in obstructing this study. The method consists of online surveys, which were given out through various social media platforms such as WhatsApp, Facebook, Instagram, and Twitter to the public via a link specifically created to gather information. Since this study is necessary and focuses on public opinion to gather the findings and consequences of the topic addressed, using all of these platforms, especially the public, makes it easier for the researcher to reach and gather respondents (Ridzuan, Ridzuan and Ridzuan, 2018).

### **2.2 Sample**

In this study, a non-probability sampling technique called "purposive sampling" was employed as the respondents for this study are Malaysians aged 18 and above. The study

employed non-probability sampling, a practical sample approach. According to McCombes (2021), not everyone has an equal chance of being selected for inclusion in a non-probability sample since selection criteria are non-random. Participants in the poll are randomly selected from the general population and come from a variety of professions, including those in the public and private sectors, self-employment, education, full-time homemakers, retirees, and the jobless (Ridzuan, Ridzuan, and Ridzuan, 2018). According to the Raosoft sample size calculator, the recommended sample size for a 93% confidence level is 324 and the exact amount of respondents was successfully gathered.

### **2.3 Research Instrument**

The questionnaire consists of 3 sections. The research goals of the study are connected to the questionnaire. Section A consists of 10 questions on the respondent's demographic profile (sex, age, marital status, ethnicity, religion, level of education, occupation, region, residing area, and household income) as well as people's understanding of the prenuptial agreement and where they learned about it. Section B consists of six questions that measure people's acceptance and awareness level of the agreements. The questions contain rating scales from **1 to 4 (strongly disagree (1), disagree (2), agree (3), and strongly agree (4))**, MCQs, matrix questions, true-false questions, and true-or-false questions. Meanwhile, Section C talks about people's understanding of the prenuptial agreement. Because the questions are so legitimate and credible, respondents find it easy to understand and react to them. To prevent any misconceptions during the question-and-answer period, it was also logically organized.

### **2.4 Data Analysis**

The data were examined using SPSS version 23 software, which stands for Statistical Package of Social Science. Both designing the survey and uploading the results are steps in the data analysis process. The study's goals, which include identifying the level of acceptance and awareness of people about a prenuptial agreement and determining the understanding level regarding a prenuptial marriage agreement, are appropriately served by the survey's questions. To determine the validity of the research, a questionnaire is given to the first 50 respondents. The poll will be closed once 324 responses have been collected, and SPSS will be used to examine and research the data. The researchers calculated the frequency, percentage, and mean using descriptive statistics (Ridzuan, Ridzuan and Ridzuan, 2018).

## **3. Discussion and Conclusion**

The questionnaires for this study were distributed to the researcher's family, friends, and colleagues, as well as to mutual friends on social networking sites like Facebook, Instagram, Twitter, or WhatsApp. Malaysians agree that the prenuptial agreement protects both children's and wives' welfare and is also useful in preventing disputes in the event of divorce and death.

### **3.1 Demographic Background**

The demographic characteristics of the respondents are illustrated in Table 1.0. The data indicates that the majority of the respondents are female which is 66% (214 people). The respondents are dominated by people from the age 18-24 years old which is 60.8% of the total of the respondents. Furthermore, 49.1% are single (159 people) and 76.2% are Malay (247

people), with 79.6% (258 people) whose religion is Islam. The respondents' highest level of education completed is 46.0 % of a Bachelor's degree (149 people). Besides that, 55.9% of the respondents are students (181 people) that mostly live in the Southern region with 43.2% (140 people). Most of the respondents (54.0%) choose to reside in the urban area (268 people) and 54.0% of their household income is B40 (175 people). 71.6% of them have heard about the prenuptial agreement with 63.1% (185 people) receiving information from the media such as TV, newspaper, and the internet.

Table 1.0 Demographic Characteristics of Respondent

Demographic Characteristics	Frequency (n=411)	Percentage (%)
<b>Sex</b>		
Male	110	34
Female	214	66
<b>Age</b>		
18-24	197	60.8
25-34	74	22.8
35-44	37	11.4
45-54	5	1.5
55 and above	11	3.4
<b>Marital Status</b>		
single	159	49.1
In a casual relationship	50	15.4
In a serious committed relationship	36	11.1
Unmarried but cohabiting	7	2.2
Married	57	17.6
Divorce/separated	11	3.4
Widowed	4	1.2
<b>Ethnicity</b>		
Malay	247	76.2
Chinese	33	10.2
Indian	13	4
Others	31	9.6
<b>Religion</b>		
Islam	258	79.6
Buddha	19	5.9
Hindu	4	1.2
Christian	36	11.1
Atheist	4	1.2
Rather not say	3	0.9
<b>Highest Level of Education</b>		
Secondary school	36	11.1
Diploma/STPM/Foundation/Matriculation/A-level	106	32.7
Bachelor's degree	149	46
Master's degree or higher	17	5.2

Demographic Characteristics	Frequency (n=411)	Percentage (%)
<b>Occupation</b>		
Student	181	55.9
Government Sector	37	11.4
Private Sector	60	18.5
Self-employed	23	7.1
Unemployed	2	0.6
Full-time housewife	13	4
Retiree	8	2.5
Other	0	0
<b>Region</b>		
Northern	32	9.9
East Coast	22	6.8
Central	109	33.6
Southern	140	43.2
East Malaysia	21	6.5
<b>Current Residing Area</b>		
Urban area	268	54.0
Rural area	56	34.6
<b>Household Income</b>		
B40	175	54.0
M40	112	34.6
T20	37	11.4
<b>I have heard of Prenuptial Married Agreement</b>		
Yes	232	71.6
No	92	28.4
<b>I am aware of Prenuptial Marriage Agreement</b>		
Friends or family members	162	55.3
Media (TV, newspaper, internet)	185	63.1
Legal professionals	39	13.3
Total	324	100

### 3.2 Analysis of the Prenuptial Marriage Agreements Acceptance and Awareness

Table 2.0: Prenuptial Marriage Agreements Acceptance and Awareness

Section	Variable	Mean
<b>B</b>	<b>Acceptance and Awareness</b>	<b>3.39</b>
B1	I believe that the assets I own before the marriage are solely mine.	3.59
B4	I acknowledge prenuptial agreement is made to determine how their assets will be divided in the event of divorce or death.	3.53
B3	I think a prenuptial agreement is a legal agreement signed by a couple before marriage.	3.53

B2	I will consider signing up a prenuptial agreement if I have the opportunity.	3.46
B5	I am aware that the prenuptial agreement is not legally binding in Malaysia.	3.18
B6	I believe prenuptial agreements are mostly signed by wealthy people.	3.17

Descriptive statistics of each item and variable are shown in Table 2 above. On average, respondents agreed that their assets solely belong to them before they get married (M=3.59), and the prenuptial agreement guides them on the distribution of their assets in the case of divorce or death (M=3.53). People also believe that couples should sign a prenuptial agreement as a formal contract before getting married (M=3.53).

Specifically, the most crucial variable in this study is that people accept prenuptial agreements and tend to sign them if they could do so (M=3.46). The position of the prenuptial agreement is known by the respondents, which is not legally binding in Malaysia (M=3.18). The stereotype of the prenuptial agreement is signed mostly by wealthy people, however, should be altered, as people nowadays that are not labelled as wealthy also agreed to secure their property (M=3.17).

### 3.3 Analysis of the Level of Understanding of the Prenuptial Marriage Agreements

Table 3.0: The Level of Understanding of the Prenuptial Marriage Agreements

Section	Variable	Mean
<b>C</b>	<b>Understanding</b>	<b>3.53</b>
C5	I believe prenuptial agreement protects the children's welfare.	3.57
C2	I believe prenuptial agreement protects the wife's welfare.	3.55
C4	I believe prenuptial agreement makes couples more aware of their financial situations and responsibilities.	3.54
C3	I believe prenuptial agreement provides protection for both parties.	3.54
C1	I believe prenuptial agreement help couples to avoid financial disputes in case of divorce.	3.47

In Table 3, most respondents (M=3.57) agree that the prenuptial agreement protects the welfare of children. Furthermore, the agreement contributes to the wife's well-being (M=3.55). The level of understanding regarding financial conditions and duties will be raised with the assistance of a prenuptial agreement (M=3.54), as it ensures protection for both parties (M=3.54). The understanding of a prenuptial agreement can help to prevent disputes between couples (M=3.47).

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