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To cite this article: Joseph Osafo, Kwaku Oppong Asante, Charlotte Asantewaa Ampomah & Annabella Osei-Tutu (2021) Factors Contributing to Divorce in Ghana: An Exploratory Analysis of Evidence From Court Suits, *Journal of Divorce & Remarriage*, 62:4, 312-326, DOI: [10.1080/10502556.2021.1871839](https://doi.org/10.1080/10502556.2021.1871839)

To link to this article: <https://doi.org/10.1080/10502556.2021.1871839>



Published online: 17 Jan 2021.



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Factors Contributing to Divorce in Ghana: An Exploratory Analysis of Evidence From Court Suits

Joseph Osafo ^a, Kwaku Oppong Asante ^{a,b}, Charlotte Asantewaa Ampomah^c, and Annabella Osei-Tutu ^a

^aDepartment of Psychology, University of Ghana, Legon, Accra, Ghana; ^bDepartment of Psychology, University of the Free State, Bloemfontein, South Africa; ^cTema General Hospital, Public Health Unit, Tema, Accra, Ghana

ABSTRACT

In Ghana, some divorce cases are conducted through the courts, and the reasons for such cases are important to gauge the factors that account for the dissolution of marriages in Ghana. This study was conducted to explore in-depth, the factors that lead to divorce using court suits in Ghana. Data were obtained from 30 lawsuits consisting of 11 men and 19 women with an age range of 29–71 years. Reasons for marital dissolution were assembled from a 10-year period (2007–2017) cases of divorce from the Greater Accra Region of Ghana. Conventional content analysis identified six main factors as possible reasons for divorce: infidelity, abuse, financial support, intimacy, financial problems, third-party intrusion and gender-role ideology. Men were likely to seek for divorce at an older age compared to women. Women attributed reasons for divorce to lack of respect from the husband and gender-role ideology. Our findings underscore the need for pre-marital counseling psychologists to help would-be couples address pertinent issues which could lead to distress and ultimately divorce in their marriages.

KEYWORDS

Divorce; court suits; gender-role ideology; qualitative; Ghana

Introduction

Marriage, the basis of family existence, has undergone changes in recent decades. One of such tremendous changes is the increasing rate of divorce (Moore, 1994). The rise in divorce rate has been predicted to disintegrate the institution of marriage and the break down of the foundations of the society. Divorce is the final stage of the marriage dissolution, that is, the separation of husband and wife which confers on the parties the right to remarriage under civil, religious and other provisions, according to the laws of each country (Takyi & Obeng-Gyimah, 2007).

Divorce is considered as one of the three ways of annulling the legal duties of marriage (Ambert, 2009). There are three general stages marriages go through before the final annulment of the marriage (Sasse, 1997). The first stage is the isolation period where the couple detaches from each other and

CONTACT Kwaku Oppong Asante  kwappong@gmail.com; koppongasante@ug.edu.gh  Department of Psychology, University of Ghana, P. O. Box LG 84, Legon, Accra, Ghana.

intimacy between them breaks down. However, conversation and respect between the couple will still exist. The second stage is the invalidation period in which the couple begins to assess each other's value negatively and disparage one another. There is consistent accusation among the couple in the invalidation period. The final stage is the betrayal where trust breaks down and support for each other curtails (Sasse, 1997).

Globally, marital conflict which usually precedes divorce has been associated with the commencement of depressive symptoms, eating disorders, male alcoholism, episodic drinking, binge drinking, and out-of-home drinking (O'Hara et al., 2020; Sbarra, 2015; Sbarra et al., 2014). Although married persons are healthier on average than the unmarried, marital conflict is linked with poorer health and especially with particular illnesses such as cancer, cardiac disease, and chronic pain, perhaps because unfriendly behaviors during conflict are related to changes in immunological, endocrine, and cardiovascular functioning (Grych & Fincham, 2001). Thus, identification of cues that lead to divorce could help in the development of useful intervention in pre-marital counseling to help prevent possible psychosocial challenges and distress that arise in marriages.

In Ghana, studies have elaborated some factors that lead to divorce within the general population. These include non-submissiveness, third-party intrusion, inadequate love and affection, lack of commitment, lack of trust (Asante et al., 2014; Takyi & Broughton, 2006), personality, differences in upbringing, and lack of communication (Adei, 1991), the absence of children, duration of marriage, and previous marital experience (Takyi, 2001). In the same vein, it is also known in Ghana that the legal system is the appropriate way to dissolve a marriage that was established under the customary law (Mensah-Panford, 2018; Quansah, 1993).

Currently, there are anecdotal evidence to indicate that several marriages are being dissolved through the legal system in Ghana. For example, data from the High court of Ghana indicate an upsetting trend of divorce cases. The data shows that in 2005, out of the total of 2199 registered marriages, divorce cases stood at 484 representing 22%. In January 2006, out of 119 registered marriages, 55 were dissolved in the same month. In Accra alone, a total of 5,080 divorce cases have been recorded over the last eight years. According to the Accra Metropolitan Assembly (2015), the divorced marriages were mainly customary ones and occurred between 2006 and 2013. Only the law courts have records of divorce in relation to ordinance marriage while the AMA keeps records of customary marriage and divorces. Between January and April of (2015), the AMA recorded 204 divorce cases. The highest divorce cases of 633 were recorded in 2006. Other records showed that 427, 468 and 426 cases of divorce cases were reported in 2013, 2012 and 2010, respectively. This trend indicates that divorce is on the ascendency in Ghana and therefore need much attention.

Despite these seemingly high level of divorce cases done through the courts, we are fairly unaware about the reasons given for the divorce or the incidents that may have necessitated the dissolution of legally contracted marriages. Studies that have focused on the predictors of both divorce and marital distress have usually been conducted in western countries. This lack of context-specific evidence however leaves policy makers and intervention designers no choice than to rely mostly on the Western information in formulating interventions which turn out to be unsuccessful. This is because the interventions and policies may not comprehensively address the problem of divorce in Ghana because of differences in cultural ideologies, values, norms and beliefs. Additionally, studies conducted so far in Ghana on the legal dissolution of marriage have focused extensively on matrimonial property distribution upon divorce (Fenrich & Higgens, 2001; Kuenyehia, 1990; Mensah-Panford, 2018; Quansah, 1993) and examination of woman's' property rights' (Atta-Boahene, 2010).

Thus, the major reasons that lead to the legal dissolution of marriages remain unexplored in Ghana. Nevertheless, they are essential additions to the literature and may provide us with addition insights about the dynamics of divorce in Ghana and how to address them. In the context of this relevant gap in literature, this study was conducted to explore and gain sufficient understanding of factors that lead to divorce using court suits. Our main research question was: what are the reasons stated in court suits that lead to marital dissolution in Accra, Ghana?

Context of marriage in Ghana

The institution of marriage is at the center of Ghanaian society (Nukunya, 2003). This well-established institution is acknowledged as the foundation of all social life in Ghana (Nukunya, 2003). During the pre-colonial era, the age of marriage was based on biological development and certain customary requirements. Among girls, physical maturity and the performance of puberty rites were the main consideration. For boys, the main factor considered was social maturity which was indicated by the attainment of certain position as determined by the society (Nukunya, 2003). Nukunya further asserts that among the Dagombas of Northern Ghana, one such requirement was the ability to make 100 mounds of yam a day. According to Nukunya (2003) a married couple is not considered a family if they do not have children. Nevertheless, in contemporary Ghana, there are couples who do not have children and still refer to themselves as families (Eshun, 2003).

In Ghana (much as in most African countries), bridewealth payment is an essential component of contracting marriages (Doodoo et al., 2020). This ranges from Kola to physical cash and differs from society to society (Goody & Tambiah, 1973; Nukunya, 2003). Extensively, the literature has shown that the payment of bridewealth marks the loss of fertility rights to the woman and

establishes a strong patriarchal dominance over her in the marriage (Dodoo et al., 2020; Horne et al., 2013; Nukunya, 2003). In Ghana, the *Marriage Act* provides three main avenues of contracting marriage legally: the customary or traditional, Marriage Ordinance and Marriage of Mohammedans Ordinance (Marriage Act 1884–1985). Customary marriage in Ghana is a kind of marriage between a man and a woman, and the performance of certain local customs. There are as many variations of the custom as the ethnic groups there are in Ghana. Two things common to the various customs are (1) a gathering of the extended families of the couple and (2) payment of a bride-price to the bride's parents (Baataar & Faisal, 2014). Customary marriages and that of the Mohammedans are potentially polygynous: a man may have as many customary wives as he can, and there is no limit to the number of such marriages that can be legally registered under the Customary Marriage and Divorce Registration Law, 1985 (PNDCL 112). Compared to civil marriage, the customary marriage is the most predominant form of marriage in Ghana (Nukunya, 2003). Civil marriage is where legal recognition is granted by the state through documentation in accordance with marriage laws of the state irrespective of religious or cultural affiliation. A marriage is usually solemnized at a marriage ceremony. The ceremony may be officiated either by a government official or a religious official as approved by a state (Baataar & Faisal, 2014).

Ordinance marriage is regulated by the Marriages Act, 1884–1985, and it is strictly monogamous. With this type of marriage, one of the parties in the intended marriage must give notice of marriage to the Registrar Marriage of the district where the marriage will take place. The Registrar will publish notice of the intended marriage for 21 days and then issue a certificate if no objections are made against that marriage. The couple now submits the registrar's certificate to a licensed marriage officer to perform the marriage. Then, the couple must marry within 3 months; otherwise, the Registrar's certificate becomes invalid and a new one must be obtained. A man who marries by ordinance cannot take another wife for as long as the marriage by ordinance has not been dissolved legally. If he goes contrary to that law and marries another, he commits bigamy, a misdemeanor under the Criminal Offenses Act, 1960 (Act 29) of Ghana.

Methods

Research design and setting

A qualitative approach was adopted for this study as our aim was to explore and have in-depth understanding of the factors that lead to divorce using court suits. The specific strategy used was document analysis. Document analysis has been described as a systematic procedure for reviewing or evaluating

documents – both printed and electronic (computer-based and Internet-transmitted) material (Bowen, 2009). This method, like all other qualitative methods, seeks to examine and interpret data from documents in order to elicit meaning and in-depth understanding knowledge (Corbin & Strauss, 2008; Rapley, 2007). The court suits were obtained from the Cocoa Affairs Court in Accra, Ghana. The Cocoa Affairs Court, one of the oldest courts in Ghana comprises four detached structures. The Cocoa Affairs Court houses 22 High and Circuit Courts and the offices of the Judicial Service. It is the main court in the Accra Metropolis for settling marital issues.

Source of data and participants characteristics

Data for the qualitative study were sought from the lawsuits at the Cocoa Affairs Court in the Greater Accra Region of Ghana. The data covered the 10-year period (2007–2017) cases of divorce in Accra, Ghana. Data were obtained from 30 lawsuits consisting of 11 men and 19 women with an age range of 29–71 years (Average age = 44 years). All the respondents self-reported themselves as Christians. The mean years of the marriage duration was 12.5 years with shortest and longest period of marriage being 1–16 years, respectively.

Procedure

Ethical approval to conduct the study was granted by the Ethics Committee for Humanities, University of Ghana (Protocol number: ECH 025/15-16). Approval to use the divorce suits at the Cocoa Affairs Court was sought and granted from the Court Registrar. After approval had been given, the researchers visited the court and given permission to access data (i.e. court suit files) on the pattern of divorce and the causes of divorce in Ghana. The extraction of the cases was done under the supervision of the court clerk. Data extraction lasted for 2 weeks. We included only divorce suits that met the following inclusion criteria: (1) the divorce happened within the 10 year period (2007–2017) and (2) the marriage had been in existence for 1 year or more prior to its dissolution.

Data extraction and analysis

All the recorded court suits were captured in English which is the formal language of communication in Ghana. We used conventional content analysis (Hsieh & Shannon, 2005) to analyze the data. This analytical approach has been found to be appropriate for the analysis of media and documents contents in Ghana (Nyarko & Akpojivi, 2017; Quarshie et al., 2015). Specifically, the inductive approach to conventional content analysis (Miles & Huberman, 1994) was considered appropriate for this study, as there is a dearth of published studies

from Ghana on divorce. The analysis followed the 3-phase approach suggested by Miles and Huberman (1994) to obtain data-driven meaningful categories. These phases are data reduction, data display and drawing of conclusion or verification. Following this framework for data analysis, the authors reduced the data first through generation of themes then displaying of the data into diagrams, and finally conclusions were drawn from the sub-themes that emerged from the data. In the data reduction phase, all the responses of the participants were first typed to further reduced them into phrases and words where appropriate. These phrases were further reduced to codes where phrases and words with similarity among them were categorized into groups. During the coding stage, major themes emerged which led to sub-themes. Anonymization was used to preserve the ethical position of this study. Identifying information related to court suits were eliminated from the relevant excerpts of the case reports included in this paper.

In order to ensure reliability and validity of the analyses, the researchers employed peer review (Bernard et al., 2008). The peer review involves critical reviews from the two experts with experience in qualitative research and analyses. These are individual researchers and clinical practitioners with a strong understanding of contextual issues in marital counseling and therapy. Themes generated by the lead author were discussed extensively until consensus was reached. Such cross-validation is reported to be helpful in minimizing bias (Creswell, 2009).

Reflexivity

Since in qualitative research the researcher is the primary instrument (Creswell, 2009), we were aware that personal interests and biases could influence how we analyze the data and interpret our findings. Two of the authors are clinicians (a clinical psychologist and a counselling psychologist) with more than a decade's experience in their professions and interests in couple's behaviors and experience in marriage. We believe these backgrounds may influence the way texts were sometimes read and interpretations offered. Nevertheless, the strength of our analysis is grounded in the document extracts and the context-driven interpretations we provided. Further, our data analysis was guided by the views of all the authors. We extensively discussed, scrutinized and agreed upon themes or in some cases discarded some. In keeping with Creswell and Miller (2000) recommendation, we believe such cross-validation enhanced intersubjective comprehension, increase the analytic rigor and reduce the bias in this study (Steinke, 2004; Whittmore et al., 2001).

Findings

First, we present certain demographic dynamics in the study. Second, we present findings of the reasons for the divorce as captured by the lawsuits. Demographically, we found some gender dynamics in divorce. Females were found to be more likely to seek for divorce earlier in the marriage than males. The mean duration of marriage before a female sought for divorce was 9.68 years while the mean age of marriage duration preceding males seeking for divorce was 16.63 years. Further, females were found to seek for divorce at an early age (average = 40.7 years) compared to males (average = 50.1 years). Second, in terms of the reasons for divorce, we identified six (6) main factors as possible reasons for divorce. These are *infidelity*, physical and psychological abuse, financial problems, intimacy challenges, third-party intrusion and gender-role ideology.

Infidelity

The majority of the respondents indicated that infidelity was the major reason why they were seeking for divorce. They indicated that sexual infidelity desecrates the marriage and allows for divorce. Sexual infidelity was expressed by having child outside the marriage, sleeping with someone in the same matrimonial bed, giving attention to other women believed to be in relationship with spouse, and receiving calls at odd times at night. Narratives illustrating instances of extra-marital relationship are presented below:

...(wife) is involved in adulterous relationship with another man who calls her late at night and also sends her text messages (Man, court data number 9).

.....(wife) was living with another man in Accra and only visit her family in the weekends. When questioned to confirm whether she was indeed living with another man, she could not deny the fact (Man, court data number 11).

Physical and psychological abuse

Although abuse in marital relationships can take different forms, only physical abuse and psychological (verbal and emotional) abuse were gleaned from the extracts of court suits. Physical abuse is any physical act in which a person intends to harm another person (Aguirre, 1985). It includes being hit, grabbed, and shoved or having something thrown at a victim. If a person's partner attempts any of these behaviors they are considered victims of physical abuse (Outlaw, 2009). The extracts studied in this research indicated that some couples especially women who were victims opted for divorce as a result of physical abuse as illustrated below:

...several years of marriage, he has subjected me to all kinds of persistent maltreatment and beating without any basis. He normally throws things at me. (Woman, court data number 23)

...he has over the years exhibited physical violent towards me. He beats me without any provocation. (Woman, court data number 28)

Psychological (emotional and verbal) abuse can be difficult to recognize because it doesn't leave any visible scars. Threats, intimidation, putdowns, and betrayal are all harmful forms of psychological abuse that can really hurt, not just during the time it is happening, but long after the experience as well. However, in this study, we found betrayal and verbal abuse as the main forms of psychological abuse as gleaned from the lawsuits. These are illustrated in the narratives below:

She threatens to poison or paralyze me whenever I refused to leave the matrimonial home. She went to my employers to make allegations of stealing of office items against me. The employers acted on these allegations to demote me from my position and reduced my salary. She has caused me much pain and distress that I cannot live under one roof with her. (Man, court data number 10)

The marriage has broken down beyond reconciliation because of some behaviors put up by him which has caused me much anxiety, pain and embarrassment that I cannot reasonably live with him as husband and wife. Just 3 months into the marriage, he threatened me with a divorce by shouting and screaming anytime I disagreed with him on an issue. He verbally abused me at the least opportunity. He sometimes tells his friends that I am a mad woman, blockheaded and a woman with no sense. (Woman, court data number 4)

Financial problems

Financial mismanagement and lack of financial support at home is indicated as creating dissatisfaction in marriages thus leading couples to seek divorce. Financial problems created conflict, leading to dissatisfaction in the relationship. Financial problems were mainly expressed through financial mismanagement of resources as illustrated in the extract below:

She is self-employed and is therefore able to contribute immensely towards upbringing and education of our son. She uses her profits from her business privately and is mismanaging the profit without helping in paying the fees of our son. She has acquired a landed property in her hometown which is used in developing a school up to junior high level. She can assist in the running of the family but always fail to do so. (Man, court data number 14)

Intimacy challenges

Intimacy in marriage was purely expressed by sexual intercourse. Sexual intimacy brings couples together in that they satisfy each other's sexual drive and needs. In the following extracts, parties seeking divorce bemoan lack of intimacy as reasons for their actions:

There is lack of affection and love in the marriage. He denies me sex in the marriage and so we have been living complete and separate lives for over twelve years now. (Women, court data number 8)

She has over the past two years consistently refused me sex to the extent of even executing a consent note to me granting me permission to have sex with other women. (Man, court data number 9)

Third-party intrusion

Marriage establishes socially recognized union between families and extends one's social network of persons he/she can relate with. Key in this expanded social network are in-laws. Pressures from in-laws can cause distress for some couples. Some couples indicated third-party intrusions was a major consideration for their actions:

Everything is sent to his family's house. It seems it is his family who decides on what to do in this house to the extent that his parents, when they visit, decide on what to cook and what to eat. (Woman, court data number 9)

The challenge as can be gleaned from the extract is that the family of the spouse have unlimited influence and domestic control even to the extent of deciding the meals of the couple. For another person, as indicated below, the in-law has strong influence that allegedly seemed to have cost them the life of their first child, and yet the wife appears recalcitrant:

Her mother hails insult at me at the least provocation. She and her mother sent our first child now deceased at the age of 7 months to her mother's house without approval from me. The child became seriously ill which compelled her to also relocate to her mother's place but unfortunately the said child died. When she was pregnant with our second and third children, all persuasion and advice I gave to her to deliver at our matrimonial home proved futile. (Man, court data number 21)

Gender-role ideology

Responsibilities in relationships are very crucial in determining the success of the relationship. Traditionally, there are assigned roles for fathers (e.g., providing the needs of the family) and mothers (taking responsibility for the household chores). However, these responsibilities are changing. Both fathers and mothers expect help from each other. Being static to the traditional roles and not assisting one another was found to be a cause of divorce from the responses. This is indicated from the extracts:

...(husband) did not support me with house chores during the course of our marriage (Woman, court data number 1). In another extract, another party expected her husband to provide some child-care services but was not forthcoming: "During the subsistence of

the marriage, the respondent did not cater for the party's child even when sick, the respondent never helped in bathing the child. (Woman, court data number 2)

Discussion

This study was conducted to explore the reasons stated in court suits that lead to marital dissolution in Accra, Ghana. Our study identified six (6) main factors as possible reasons for divorce from the court suits. These are infidelity, physical and psychological abuse, financial problems, intimacy challenges, third-party intrusion and gender-role ideology. We also found that men were likely to seek for divorce at an older age compared to women. This is consistent with the study by South and Spitze (2013) which reported that females do not last long in their marriages compared to men when they perceive that early signs in the marriage are not favorable. Men may seek for divorce at an older age and later stage because they may perceive that their conjugal opportunities as well as fertility profile are not diminished with age unlike women. Additionally, whereas men perceived women as not contributing toward the financial demands in the marriage as reasons for the marriage, women saw gender-role ideology in their men as anti-marriage and thus sought divorce.

The finding that gender-role ideology causes divorce mostly among women is consistent with an earlier study conducted in the United States which reported that, women were more likely to divorce especially when there is lack of support in daily house activities by their husbands/partners (Anderson, 2000). According to Anderson (2000), gender role in marriages has changed over the years and as a result, women may seek for help from their husbands to support them in the household activities. It has also been asserted that while women who are financially stable support men financially, men rarely see household activities to be solely the responsibilities of women (Anderson, 2000; Habibi et al., 2015). Thus, it may seem that gender roles have changed for women to assist in providing financial resources to help at home while men see it beyond them to help in household activities. Perhaps, these aforementioned issues may contribute to why women solely reported gender-role ideology as the reasons for divorce. Additionally, men are not ready to condescend into other roles that are outside of what is not "expected of them" in the marriage. In Ghana, and most parts of Africa, a man is said to be the head and so must be respected by the women. Unlike men, women who do not respect their husbands are frowned upon in the society whereas men are expected to show their authority in some disrespectful manner (Anim, 2011). Women in Africa exert immense power in private as well as in public (indirectly), but their subservient position culturally is self-evident (Ottu & Akpan, 2011). Whereas women may view a man's unwillingness to help as disrespect, the man in a patriarchal setting as Ghana may view that rather as irreverence of his sacrosanct role in the marriage.

Infidelity was another reason for divorce. Infidelity is a potential cause of marital distress because of the negative psychological impacts associated with infidelity. Infidelity may lead to feelings of jealousy and mistrust, as well as a lack of intimacy which all have the tendency to breed divorce (Gotze et al., 2014). In Albania, Molla (2015) reported that infidelity was a major cause of divorce. Similarly, Schramm, Marshall, Harris, and George (2003) indicated that infidelity is the primary cause of marital divorce. Abuse in marital relationships leading to divorce in this study was psychological and physical in nature. This finding also concurs with the findings of the study by the Certified Divorce Financial Analysts (CDFA, 2012) which indicated that abuse (emotional and physical abuse) was a significant influence of divorce.

Intimacy was another factor found to cause divorce among couples. Intimacy problems in marriage were expressed by inadequate affection and sexual intercourse. As reported by Asante et al. (2014) inadequate love and affection were among the primary causes of divorce in Ghana. Sexual intimacy brings couples together in that they satisfy each other's sexual drive. Lack of this portends a danger for the couple. This is consistent with a previous study that reported lack of sexual intimacy was a predominant cause of divorce (Tembe, 2010).

Limitations of the study

There are some limitations that may apply to the study. The findings of this study cannot be generalized because of the purposive and sample nature of the sample. It represented a few divorce cases in Accra, Ghana, and as such cannot be representative of the factors that lead to dissolution of marriages in courts in Ghana. The sample size eliminates the possibility of any cause-effect relationship of the findings from the study. Despite these shortcomings which are generally associated with qualitative studies, the results herein presented are one of the first studies to have explored the factors contributing to divorce using official documentation- court suits in an African country. Future studies can be conducted to explore the concept among traditional couples whose views on marriage and divorce might be different due to high reliance on their cultural values. This is particularly important as culture has been found to affect the stability of marriages because social arrangements as found among people from different cultural contexts indicate the influence that third parties have on the marriage relationship (Adei, 1991; Anim, 2011). Finally, exploring how these identified themes influence marital distress in a large quantitative study may give some indication as to the psychological impact of these issues.

Practical implications of the study

The findings of the study have two practical implications for counselors, psychotherapists, married couples and would-be couples. First, marriage counselors must take into consideration these factors during pre-marital counseling and also drawing the “would-be couples” attention to these factors before they tie the knot as this can go a long way to reduce divorce in our society. In providing both pre- and post-marital counseling for couples, counselors must emphasize on the need to be faithful and live a chaste life, respect each other, support each other financially, respect each other, satisfy each other sexually and avoid the intrusion of third party. Second, our study revealed that women sought for divorce at a tender age compared to men. This implies that men and women must be targeted at different stages of their marital relationships. Since early divorce is sought by women, there is the need to target women at the early stage of the marriage relationship to gauge the level of crisis they are exposed to as well as test their level of satisfaction in the marriage and provide support.

Conclusion

Due to lack of scientific evidence on the reasons given by married couples for the dissolution of their marriage in the court, this study was conducted to explore and have an in-depth understanding of the factors that lead to divorce using court suits in Ghana. This is one of the first studies to have explored the factors contributing to divorce using court suits in an African country, and further corroborated the findings of other studies conducted in other developed countries. In conclusion, divorce appears to be an intentional decision of couples in Ghana, following specific considered reasons such as financial problems, third-party intrusion, lack of intimacy and gender-role ideology. The demographic dynamics may reveal the changing patterns of society, views about marriage, and demands it places on couples in the relationship. The findings could be incorporated into pre-marital counseling services to help would-be couples address pertinent issues that could lead to distress and ultimately divorce in their marriages.

Disclosure statement

No potential conflict of interest was reported by the authors.

ORCID

Joseph Osafo  <http://orcid.org/0000-0003-4002-291X>

Kwaku Oppong Asante  <http://orcid.org/0000-0002-0206-3326>

Annabella Osei-Tutu  <http://orcid.org/0000-0001-9407-8770>

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