

# Adolescent Perspectives on Fathers' Rights in Post-Divorce Malaysia: A Children's Rights Education Approach

Anas Afandi Ahmad Apandi<sup>1</sup>, Irwan Ibrahim<sup>2</sup>, Akbar Kamarudin<sup>3</sup>, Muhammad Shahzad Aslam<sup>4\*</sup>

<sup>1</sup>Lecturer, School of Economics and Management, Xiamen University Malaysia, Sepang, Selangor, Malaysia

<sup>2</sup>Associate Fellow, Malaysia Institute of Transport, University Technology MARA, Malaysia. Department of Technology and Supply Chain Management Studies, Faculty of Business and Management, UiTM Puncak Alam, Selangor, Malaysia.

<sup>3</sup>Senior Lecturer, Faculty of Law, University Technology MARA, Shah Alam, Malaysia

<sup>4</sup>Assistant Professor, Traditional Chinese Medicine, Xiamen University Malaysia, Sepang, Selangor

\*Corresponding author

DOI: <https://dx.doi.org/10.47772/IJRISS.2025.905000381>

Received: 08 May 2025; Accepted: 16 May 2025; Published: 18 June 2025

## ABSTRACT

This study explores Malaysian adolescents' perspectives on fathers' rights post-divorce, emphasizing the role of children's rights education within the country's dual legal system (civil and Syariah law). Through qualitative interviews with 15 adolescents aged 13–18 from diverse ethnic and custody arrangements, the research reveals three key findings: (1) widespread limited legal awareness of paternal rights, with most participants unaware of shared custody provisions; (2) the dominant influence of cultural and religious norms, particularly among Malay-Muslim adolescents, who often internalized maternal preference as divinely ordained; and (3) a strong demand for rights education, as participants expressed frustration at learning about custody laws only through personal crises. The findings highlight a critical gap between Malaysia's ratification of the UNCRC and its practical implementation, underscoring systemic failures in engaging children's voices in custody matters. The study advocates for child-inclusive legal reforms and school-based rights education tailored to Malaysia's multicultural context, arguing that empowering adolescents with legal knowledge could foster fairer perceptions of paternal rights and align custody practices with children's best interests. Limitations include the focus on Peninsular Malaysia, suggesting future research in East Malaysia and longitudinal studies. This research contributes to global discourses on children's participation rights while offering actionable insights for policymakers, educators, and family courts in Malaysia.

**Keywords:** Children's rights, divorce, fathers' rights, Malaysia, legal awareness, qualitative research

## INTRODUCTION

### Background of the Study

Malaysia has experienced a significant increase in divorce rates over the past decade, with recent statistics indicating that nearly 20% of marriages ultimately end in separation (Department of Statistics Malaysia, 2023). This trend reflects broader socio-economic shifts, including urbanization, financial pressures, and evolving gender dynamics. While divorce proceedings often focus on spousal disputes, asset division, and custody arrangements, one critical perspective remains largely overlooked—the voices of children, particularly adolescents, who are deeply affected by these familial disruptions. In Malaysia, custody decisions are bifurcated along religious lines: civil law governs non-Muslim families under the Law Reform (Marriage and Divorce) Act 1976, while Syariah law applies to Muslim families under the Islamic Family Law Act 1984. Both legal frameworks have historically exhibited a strong maternal bias (*hak penjagaan anak*), often

presuming that mothers are the most suitable custodians unless proven otherwise (Siraj, 2020). This presumption has, in many cases, led to the systematic marginalization of fathers' rights, except in situations where they can demonstrate maternal unfitness (Nordin et al., 2021).

Recent legal discourse has seen growing advocacy for shared parenting and joint custody, with proposals such as the Shared Parenting Bill aiming to recalibrate the legal landscape (Abdul Razak et al., 2022). However, despite these progressive discussions, children's perspectives on paternal rights remain conspicuously absent from policy debates and judicial considerations. Adolescents, in particular, possess a developing sense of autonomy and legal awareness, making their insights invaluable in shaping custody policies that align with their best interests. The United Nations Convention on the Rights of the Child (UNCRC, 1989), which Malaysia ratified in 1995, explicitly upholds children's rights to express their views in matters affecting them (Article 12) and to maintain relationships with both parents post-divorce (Article 9). Yet, the extent to which Malaysian family courts integrate these principles remains inconsistent, often overshadowed by cultural norms and religious interpretations that prioritize parental authority over child agency.

This study seeks to bridge this gap by centering adolescent perspectives on fathers' legal rights post-divorce, particularly within the Malaysian context. By examining how young individuals perceive custody laws, their awareness of paternal rights, and the potential impact of children's rights education, this research aims to contribute to more child-inclusive legal reforms. The findings could inform policymakers, educators, and family court judges on the necessity of amplifying children's voices in custody disputes, ensuring that legal decisions genuinely reflect their emotional and developmental needs.

## Problem Statement

The existing body of research on divorce in Malaysia has primarily focused on three key areas: spousal conflicts (Nordin et al., 2021), economic consequences (Abdul Razak et al., 2022), and systemic biases favoring maternal custody (Siraj, 2020). While these studies have contributed valuable insights into the adult dimensions of marital dissolution, they have largely overlooked a critical stakeholder in the divorce process - the children themselves, particularly adolescents who are at a developmental stage where they can comprehend and articulate their experiences of family restructuring. This glaring omission in the literature becomes even more significant when we consider that approximately 20% of Malaysian children will experience parental divorce before reaching adulthood (Department of Statistics Malaysia, 2023), yet their perspectives on matters directly affecting their lives remain conspicuously absent from both academic discourse and policy formulation.

The current research landscape reveals several crucial gaps that demand scholarly attention. First, there is virtually no empirical investigation into how Malaysian adolescents perceive their fathers' legal rights following divorce, despite growing recognition in international circles that children's views on post-divorce parenting arrangements can significantly influence their psychological adjustment (Cashmore & Parkinson, 2008). Second, the potential role of children's rights education in shaping these perceptions remains unexplored, even as Malaysia continues to implement its obligations under the United Nations Convention on the Rights of the Child (UNCRC, 1989), particularly Article 12 which guarantees children's right to participate in matters affecting them. Third, existing studies have failed to examine how Malaysia's unique socio-legal landscape - where civil law and Syariah law operate in parallel, and where cultural norms often privilege maternal caregiving - influences adolescents' understanding and evaluation of paternal rights in post-divorce scenarios.

This study addresses these critical gaps through a qualitative investigation that centers adolescent voices in the discourse on post-divorce paternal rights. By focusing on adolescents aged 13-18 from divorced families, the research captures perspectives from individuals who are developmentally capable of reflecting on their family experiences while still being directly affected by custody arrangements. The study's emphasis on rights-based education as a potential moderating factor offers practical insights for educational policymakers and family court practitioners. Furthermore, by situating these adolescent perspectives within Malaysia's plural legal system and cultural context, the research contributes to more culturally-grounded understandings of children's rights in Muslim-majority societies undergoing rapid social transformation.

The significance of this problem extends beyond academic circles. Family court judges often make custody determinations with limited input from the children involved, despite psychological evidence suggesting that children's sense of justice about custody arrangements correlates with their long-term wellbeing (Emery, 2011). Similarly, policymakers drafting legislation like Malaysia's proposed Shared Parenting Bill operate without systematic data on how the children who would be most affected by these laws actually view paternal rights and responsibilities. This study therefore fills not just a scholarly gap, but a practical one with immediate implications for legal practice, social policy, and family welfare in Malaysia.

## **Theoretical Framework**

### **Ecological Systems Theory (Bronfenbrenner, 1979)**

The Ecological Systems Theory, developed by Urie Bronfenbrenner in 1979, provides a comprehensive framework for understanding how adolescents develop their perspectives on fathers' rights in post-divorce Malaysia. This theory conceptualizes child development as occurring within a series of nested environmental systems, each playing a distinct yet interconnected role in shaping young individuals' worldviews and experiences. At the most immediate level, the microsystem encompasses the child's direct interactions with family members, peers, and school environments - spaces where personal relationships and daily experiences form the foundation of their understanding about parental roles and family structures (Bronfenbrenner & Morris, 2006). In the context of divorce, this microsystem becomes particularly crucial as adolescents navigate changed family dynamics, potentially altered living arrangements, and redefined relationships with each parent.

Moving outward, the mesosystem represents the connections between these microsystems, such as how family experiences intersect with school life or how legal processes interface with personal relationships. For Malaysian adolescents in divorced families, this might manifest in how courtroom experiences affect their family interactions, or how school counselors mediate their understanding of the divorce process. The exosystem comprises broader social structures that indirectly influence the child's development, including legal policies, mass media, and community resources. In Malaysia's context, this includes the dual legal system governing divorce and custody matters, as well as social welfare policies that shape post-divorce family support systems (Neoh & Mellor, 2020).

At the outermost level, the macrosystem encompasses the overarching cultural patterns, religious values, and societal norms that permeate all other systems. Malaysia's unique multicultural and multi-religious landscape, where Islamic family law coexists with civil law and where traditional Asian values emphasizing family harmony interact with modern conceptions of individual rights, creates a particularly complex macrosystem for adolescents to navigate (Tan, 2019). The prevailing "mother knows best" bias in custody decisions, deeply rooted in both Islamic jurisprudence and Asian cultural norms about maternal caregiving, represents one such macrosystemic influence that may shape adolescents' perceptions of paternal rights (Siraj, 2021).

Applying this theoretical framework to the study of adolescents' perspectives on fathers' post-divorce rights reveals several critical insights. First, it highlights how family dynamics within the microsystem - such as the quality of the father-child relationship post-divorce or the manner in which parents discuss custody matters - form the immediate context for adolescents' developing views. Second, it draws attention to how mesosystemic interactions, such as experiences with family court proceedings or conversations with teachers about their family situation, might mediate these perspectives. Third, it underscores the importance of exosystemic factors like legal reforms or media representations of divorced fathers in shaping broader societal attitudes that adolescents inevitably absorb. Finally, it positions all of these influences within Malaysia's distinctive macrosystem of cultural and religious values that collectively construct normative understandings about parenting, gender roles, and children's place in family decision-making.

The strength of Ecological Systems Theory for this study lies in its ability to capture the multidimensional nature of adolescents' perspectives, recognizing that their views on fathers' rights do not emerge in isolation but rather through complex interactions between personal experiences, institutional processes, and cultural narratives. This theoretical approach also aligns well with Malaysia's collectivist social fabric, where

individual attitudes are profoundly shaped by communal norms and where family matters are rarely purely private concerns (Ong & Mellor, 2020). By employing this framework, the study can systematically examine how various levels of social ecology converge to influence adolescents' understandings and evaluations of paternal rights following divorce, while remaining attentive to the active role that young people themselves play in interpreting and responding to these systemic influences.

### **United Nations Convention on the Rights of the Child (UNCRC, 1989)**

The United Nations Convention on the Rights of the Child (UNCRC), adopted in 1989 and ratified by Malaysia in 1995, represents a fundamental shift in how societies conceptualize children's place in legal and social systems. This international human rights treaty, which Malaysia has committed to implementing through periodic reviews and reports to the UN Committee on the Rights of the Child, transforms children from passive recipients of adult decisions into active rights-holders whose voices deserve consideration in matters affecting their lives (Lim, 2022). At the heart of this convention lie several pivotal articles with profound implications for children experiencing parental divorce. Article 12 establishes children's right to express their views freely in all matters affecting them, with those views being given due weight in accordance with the child's age and maturity. This principal challenges traditional paternalistic approaches to family law that often exclude children from custody discussions under the assumption that adults know best (Parkinson & Cashmore, 2008). Similarly, Article 9 protects children from being separated from their parents against their will, except when competent authorities determine such separation is necessary for the child's best interests - a determination that itself requires giving children the opportunity to participate in the proceedings (United Nations, 1989).

The application of these UNCRC principles in the Malaysian context presents both opportunities and challenges. On one hand, Malaysia's ratification of the convention created binding obligations to align domestic laws and practices with children's rights standards, theoretically empowering young people in family court proceedings (Jelas & Mohd Ali, 2014). On the other hand, the practical implementation of these rights encounters several obstacles rooted in Malaysia's dual legal system, cultural norms, and institutional practices. The civil law system for non-Muslims and the Syariah system for Muslims have developed different approaches to incorporating children's voices in custody matters, with neither system having fully developed mechanisms to ensure Article 12 compliance (Neoh, 2021). Cultural factors compound this legal complexity, as traditional Asian values emphasizing respect for parental authority and avoidance of family conflict may discourage children from expressing their true preferences, while simultaneously making adults reluctant to solicit children's views (Ong et al., 2019).

This study applies the UNCRC framework to examine a crucial but underexplored dimension of children's rights in Malaysia: adolescents' awareness of their rights under the convention and how this awareness intersects with their perceptions of paternal rights post-divorce. The research probes whether young people understand they have a right to participate in custody decisions, and whether they believe the legal system genuinely considers their views when determining paternal access and responsibilities. Previous studies in other jurisdictions have shown that when children feel heard in divorce proceedings, they demonstrate better long-term adjustment regardless of the specific custody outcome (Cashmore & Parkinson, 2008). However, limited research exists on how Malaysian adolescents experience this process within their unique legal and cultural context. By investigating this gap, the study contributes to ongoing assessments of Malaysia's compliance with its UNCRC obligations while providing empirical evidence to inform more child-sensitive approaches to custody determinations in family courts.

The UNCRC framework proves particularly relevant for examining adolescents' perspectives because this developmental stage marks a critical transition in cognitive and social competence. Adolescents typically possess greater capacity than younger children to understand legal concepts and articulate reasoned opinions about family arrangements, making their exclusion from custody discussions both more noticeable to them and more questionable from a rights perspective (Taylor et al., 2020). At the same time, Malaysian adolescents exist within intersecting systems of authority - parental, religious, educational, and legal - that may send conflicting messages about their right to self-expression. The UNCRC provides a normative benchmark against which to assess whether these young people experience their rights as theoretical principles or lived



realities, and whether Malaysia's plural legal system facilitates or hinders their meaningful participation in decisions that fundamentally shape their family lives.

## Conceptual Framework

### Variables & Relationships

The conceptual framework for this study emerges from the intricate interplay between legal structures, cultural contexts, and individual experiences that shape adolescents' perspectives on fathers' rights in post-divorce Malaysia. At its core, the framework identifies three clusters of variables that interact dynamically to influence young people's perceptions and attitudes. The independent variables represent foundational elements that potentially shape adolescents' views, with legal awareness operating as a cognitive factor reflecting their understanding of custody laws and paternal rights, while children's rights education serves as an experiential factor encompassing both formal instruction and informal learning about their entitlements under Malaysian law and international conventions (Lim, 2022). These independent variables do not operate in isolation but rather intersect with mediating variables that contextualize and filter their influence. Cultural and religious norms, deeply embedded in Malaysia's multiethnic society, create a powerful interpretive lens through which adolescents make sense of legal principles and family arrangements, often reinforcing traditional gender roles that privilege maternal caregiving (Siraj, 2021). Simultaneously, family dynamics following divorce - including the quality of father-child relationships, communication patterns about the divorce, and actual custody arrangements - provide immediate, lived experiences that may confirm or challenge broader cultural narratives and legal principles (Ong et al., 2019).

The dependent variables capture the outcomes of these complex interactions, focusing on two crucial dimensions of adolescents' perspectives. Perception of fairness represents their subjective evaluation of whether custody decisions and paternal rights align with principles of justice and their personal experiences, a cognitive-emotional assessment that research suggests significantly impacts their psychological adjustment to divorce (Emery, 2011). Support for shared parenting reflects a more concrete attitude outcome, indicating whether adolescents endorse egalitarian parenting arrangements that recognize both parents' ongoing roles, or whether they subscribe to traditional sole-custody models that have historically dominated Malaysian family law (Neoh & Mellor, 2020). The schematic diagram visually represents these relationships, showing how legal awareness flows into perceptions of fairness, but does so through the filtering and sometimes distorting prism of cultural and religious norms, which simultaneously exert downward pressure on support for shared parenting arrangements that might challenge traditional family structures.

The explanatory power of this framework lies in its recognition of Malaysian adolescents as active meaning-makers who interpret legal principles through cultural and familial lenses, rather than passive recipients of either legal mandates or cultural traditions. A teenager who has received robust children's rights education may intellectually understand principles of gender equality in parenting, but this awareness may be mediated by religious teachings emphasizing maternal primacy in childrearing, resulting in ambivalent attitudes toward shared parenting (Tan, 2019). Similarly, an adolescent's direct experience of positive involvement with a divorced father may counteract cultural stereotypes about paternal disengagement, leading to perceptions that legal systems favoring sole maternal custody are fundamentally unfair (Jelas & Mohd Ali, 2014). The framework accommodates these complexities by positioning adolescents at the intersection of multiple social systems, each providing sometimes competing messages about paternal rights and responsibilities in post-divorce families. This approach aligns with ecological systems theory's emphasis on nested environmental influences while incorporating the UNCRC's normative commitment to children's participatory rights, creating a conceptually robust model for investigating how Malaysian adolescents navigate the challenging terrain of parental divorce within their distinctive socio-legal context.

## Research Questions & Objectives

### Research Questions

#### **How do Malaysian adolescents perceive their fathers' legal rights post-divorce?**

The first research question probes how Malaysian adolescents conceptualize and evaluate their fathers' legal rights following parental divorce. This inquiry seeks to uncover not just surface-level awareness of legal provisions, but deeper understandings of how paternal rights are operationalized in family court decisions and daily post-divorce realities. Existing literature suggests that children's perceptions of custody arrangements often differ markedly from adult assumptions, with many adolescents developing sophisticated views on parental rights through lived experience rather than formal legal knowledge (Parkinson & Cashmore, 2008). In Malaysia's dual legal system, where civil and Syariah courts apply different custody standards, adolescents' perceptions may reveal important insights about how these parallel systems are understood by those most affected by their decisions.

#### **Does awareness of children's rights influence these perceptions?**

The second question examines whether and how awareness of children's rights shapes adolescents' views on paternal rights. This line of inquiry builds on Malaysia's obligations under the UNCRC, particularly Article 12's mandate for child participation in matters affecting them (United Nations, 1989). The question presupposes that rights awareness functions as an empowering mechanism, potentially enabling adolescents to articulate more nuanced positions on paternal involvement post-divorce. Previous studies in other jurisdictions have shown that children who understand their rights demonstrate greater capacity to navigate family law processes and express their preferences clearly (Taylor et al., 2020), but little is known about this dynamic in Malaysia's unique cultural and legal context.

#### **What role do cultural/religious norms play in shaping their views?**

The third research question investigates the mediating role of cultural and religious norms in shaping adolescents' perspectives. Malaysia's multicultural society presents distinct value systems regarding family roles, with Malay-Muslim communities traditionally emphasizing maternal custody (hadhanah) in Islamic law, while other ethnic groups may hold different expectations about paternal involvement (Neoh, 2021). This question recognizes that adolescents do not form opinions in a cultural vacuum, but rather within complex webs of religious teachings, community expectations, and familial traditions that may reinforce or challenge legal norms regarding paternal rights.

### Research Objectives

#### **To explore adolescents' understanding of fathers' custody rights.**

The first objective aims to map the contours of adolescents' understanding regarding fathers' custody rights, moving beyond simple knowledge assessment to explore how young people conceptualize paternal roles in post-divorce families. This exploration includes examining whether adolescents distinguish between legal rights (what the law permits) and practical realities (what actually occurs), and how they reconcile potential discrepancies between the two. The objective aligns with growing international recognition that children's perspectives on custody matters provide valuable insights for legal reform and family counselling practices (Cashmore, 2011).

#### **To assess the impact of children's rights education on legal awareness.**

The second objective focuses specifically on measuring the impact of rights education, whether through formal school curricula, community programs, or family discussions. This investigation is particularly timely given Malaysia's ongoing efforts to implement its UNCRC commitments through educational initiatives (Lim, 2022). The objective will assess not just whether rights education occurs, but how different forms and quality of

education correlate with variations in adolescents' perceptions of paternal rights, potentially identifying best practices for future program development.

### **To analyze cultural/religious influences on custody perceptions.**

The third objective systematically analyses how cultural and religious factors interact with legal awareness to produce particular attitudes toward paternal custody. This includes examining whether adolescents from different ethnic and religious backgrounds demonstrate distinct patterns in their views, and how they navigate potential conflicts between legal principles and cultural norms. The objective builds on ecological systems theory's emphasis on macrosystemic influences (Bronfenbrenner, 1979), applying this theoretical perspective to Malaysia's pluralistic social context.

### **Hypotheses**

- H1: Adolescents with higher legal awareness will view fathers' rights more favourably.

H1 posits that adolescents with greater legal awareness will demonstrate more favourable attitudes toward fathers' rights, reflecting an anticipated positive correlation between knowledge of legal provisions and appreciation of paternal roles. This hypothesis emerges from international research suggesting that education about family law can counteract gender stereotypes in custody matters (Rhoades, 2010), though its applicability to Malaysia's distinct legal and cultural environment remains untested. The hypothesis implies that enhancing legal literacy among adolescents could serve as a pathway to more balanced perceptions of both parents' post-divorce rights and responsibilities.

- H2: Cultural/religious norms will negatively correlate with support for paternal custody.

H2 predicts an inverse relationship between adherence to traditional cultural/religious norms and support for paternal custody, anticipating that stronger alignment with conventional values will correlate with less endorsement of shared parenting arrangements. This hypothesis reflects documented tensions between Malaysia's multicultural traditions and modern conceptions of gender equality in parenting (Ong et al., 2019), while allowing for examination of how adolescents negotiate these competing value systems in forming their own views. The hypothesis acknowledges that cultural and religious norms may serve as conservative forces resisting legal innovations toward more egalitarian custody approaches.

### **Justification for the Research**

This study holds significant importance for multiple stakeholders in Malaysian society, offering timely insights that bridge gaps between legal theory, educational practice, and children's lived experiences. At a policy level, the research arrives at a crucial juncture in Malaysia's ongoing debates about family law reform, particularly regarding proposed shared parenting legislation that seeks to rebalance custody rights between divorced parents. The findings will provide empirical evidence about how the intended beneficiaries of such reforms - adolescents from divorced families - perceive paternal rights and shared parenting concepts, offering policymakers rare child-centered data to inform their deliberations (Neoh & Mellor, 2020). Rather than relying solely on adult perspectives about what children need, this study elevates adolescents' own voices, ensuring that legal reforms align with their actual experiences and concerns. Such child-inclusive policy development not only fulfills Malaysia's obligations under Article 12 of the UNCRC but may also lead to more effective laws that children perceive as legitimate and fair, thereby increasing compliance and reducing family conflict (Parkinson, 2011).

From a child advocacy perspective, this research challenges the prevailing tendency to marginalize young people's voices in custody matters, despite clear evidence that their exclusion from decision-making processes can exacerbate the psychological distress associated with parental divorce (Taylor et al., 2020). In Malaysian family courts, where cultural norms often emphasize parental authority over child participation, this study provides systematic documentation of adolescents' capacity to articulate reasoned views about custody arrangements and paternal involvement. By demonstrating that young people can offer valuable insights about

post-divorce parenting when given appropriate opportunities to express themselves, the research strengthens the case for procedural reforms that would make Malaysia's legal system more responsive to children's perspectives. This aligns with global trends in child-friendly justice that recognize children not merely as passive objects of protection but as active participants in legal processes affecting their lives (Cashmore, 2011). The study's focus on adolescents is particularly strategic, as this age group's cognitive and emotional development enables them to reflect on their experiences while still being directly affected by custody decisions.

The educational implications of this research are equally profound, coming at a time when Malaysia's education system is increasingly incorporating human rights concepts into school curricula. The study's examination of how rights awareness shapes adolescents' views provides concrete evidence to support more comprehensive integration of children's rights education, particularly regarding family law matters (Lim, 2022). Currently, most Malaysian children learn about divorce and custody either through painful personal experience or unreliable informal sources; this research highlights the transformative potential of structured educational interventions that could empower young people with accurate legal knowledge while developing their capacity to navigate family challenges. The findings may inform the development of age-appropriate educational materials and teacher training programs that address divorce-related issues with sensitivity to Malaysia's multicultural context, potentially reducing the stigma and confusion many children experience when their parents separate (Jelas & Mohd Ali, 2014).

Beyond these practical applications, the study makes important theoretical contributions by testing how Bronfenbrenner's ecological systems theory operates in Malaysia's unique socio-legal context, particularly regarding the interaction between legal norms and cultural/religious values in shaping children's perspectives. While these dynamics have been studied extensively in Western contexts, Malaysia's plural legal system and multicultural society present distinct patterns of influence that challenge universalist assumptions about children's rights (Tan, 2019). The research also advances methodological innovation in child-focused research by demonstrating effective techniques for eliciting adolescents' views on sensitive legal matters, potentially serving as a model for future studies in similar cultural contexts. Ultimately, by centering adolescents' voices in discussions about paternal rights post-divorce, this study not only fills critical gaps in academic knowledge but also promotes more inclusive, child-sensitive approaches to family law, education, and social policy in Malaysia.

## **RESEARCH METHODOLOGY**

This study employed a qualitative research design to explore Malaysian adolescents' perspectives on fathers' rights post-divorce, utilizing in-depth interviews to capture the nuanced experiences and perceptions of participants. The methodology was carefully crafted to create a safe, ethical space for adolescents to share their views on this sensitive topic while ensuring rigorous data collection and analysis procedures.

### **Participants**

The study involved 15 Malaysian adolescents (8 females and 7 males) aged between 13-18 years from divorced families, recruited through purposive sampling to ensure diversity across key demographic variables. The sample included representation from the three major ethnic groups in Peninsular Malaysia: 7 Malay-Muslim participants, 5 Chinese (Buddhist/Christian), and 3 Indian (Hindu) adolescents. This ethnic distribution roughly mirrors national demographics while allowing for cross-cultural comparisons in perspectives. Participants were recruited through collaborations with family support NGOs, school counselors, and community centers in urban (Kuala Lumpur, Penang) and semi-urban (Seremban, Ipoh) areas to capture varying socioeconomic backgrounds. The sample included adolescents from different custody arrangements - 7 living primarily with mothers, 4 in shared parenting arrangements, 3 with fathers, and 1 in extended family care - providing multiple perspectives on paternal involvement post-divorce. Particular attention was paid to establishing rapport and ensuring participants felt comfortable discussing their family situations, with parental consent and adolescent assent obtained through careful ethical procedures that emphasized voluntary participation and confidentiality.



## Data Collection

Data was collected through semi-structured interviews conducted over a three-month period, each lasting between 30-45 minutes. The interviews followed a flexible protocol that allowed participants to guide conversations toward what they deemed most significant while ensuring coverage of key research topics. Opening questions established family context ("Can you tell me about your family situation since your parents separated?"), followed by exploratory questions about legal awareness ("What do you understand about fathers' rights when parents divorce in Malaysia?"). Probing questions encouraged deeper reflection ("How did you come to know about these rights?" "Do you feel this is fair? Why or why not?"). The interviews concluded with forward-looking questions about potential improvements ("If you could change how custody decisions are made, what would you do differently?"). All interviews were conducted in the participants' preferred language (10 in Malay, 3 in English, 2 in Mandarin), audio-recorded with permission, and transcribed verbatim while preserving linguistic nuances. Field notes captured nonverbal communication and contextual details that enriched the textual data. The interview process revealed surprising depth in participants' reflections, with many adolescents expressing gratitude for the rare opportunity to discuss these important but often silenced aspects of their family lives.

## Data Analysis

Thematic analysis following Braun and Clarke's (2006) six-phase approach was employed to identify, analyze, and report patterns within the data. Transcripts were imported into NVivo 12 software to facilitate systematic coding and theme development. The analysis began with repeated reading of transcripts to achieve immersion, followed by initial coding that remained close to participants' actual words. These codes were then grouped into potential themes through an iterative process of checking against the dataset. For instance, numerous references to "mom automatically gets custody" coalesced into the theme "Cultural scripts of maternal preference," while discussions about "not knowing what my father could ask for" formed part of the "Legal knowledge gaps" theme. The analysis paid particular attention to divergent cases and negative instances that challenged emerging patterns, ensuring the findings represented the full complexity of participants' experiences. Trustworthiness was enhanced through peer debriefing with two colleagues familiar with qualitative research who reviewed coding decisions, and by maintaining an audit trail of analytical choices. The final thematic map organized findings into three overarching themes: (1) Limited but developing legal consciousness, (2) Cultural and religious narratives as interpretive frameworks, and (3) The contested value of rights awareness.

## Delimitations & Assumptions

The study's scope was deliberately focused on Peninsular Malaysia to allow for depth of understanding within a specific geographic and cultural context, though this means findings may not fully represent experiences in East Malaysian states with distinct demographic and legal characteristics. The research operated under several key assumptions: that participants would share their perspectives honestly despite the sensitive nature of the topic (which our rapport-building strategies and interview atmosphere appeared to validate), that the sample size would provide sufficient data saturation for the focused research questions (confirmed when later interviews ceased revealing substantially new themes), and that adolescents' retrospective accounts of their experiences would provide valid insights despite potential memory limitations. These delimitations and assumptions were carefully considered in interpreting the findings and suggesting directions for future research that could address these boundaries.

The methodology successfully captured rich, nuanced data about adolescents' perspectives while prioritizing ethical sensitivity to their vulnerable position as children of divorce. One unanticipated methodological insight was how the interview process itself seemed to serve a minor therapeutic function for several participants, who reported appreciating the opportunity to articulate thoughts they hadn't previously voiced about their parents' divorce. This observation suggests potential value in creating more formal opportunities for adolescents to process their divorce-related experiences, perhaps through school-based support programs that incorporate elements of the interview approach used in this study.

## FINDINGS & DISCUSSION

### Key Themes from Interviews

The analysis of interviews with 15 adolescents revealed three predominant themes that collectively paint a complex picture of how young people in Malaysia perceive fathers' rights following divorce. The first and most striking theme emerged around limited legal awareness, with nearly all participants demonstrating minimal understanding of paternal custody rights under Malaysian law. Participant 3 (15M) encapsulated this widespread knowledge gap with his surprised admission, "I didn't know my dad could ask for equal time," a sentiment echoed by Participant 9 (14F) who asked, "Doesn't the law automatically give kids to mothers?" Only two older participants (16 and 17 years old) could articulate basic knowledge of shared parenting concepts, suggesting that legal awareness may develop with age and experience. This finding aligns with previous research indicating that children in many jurisdictions lack fundamental knowledge about family law provisions affecting them (Taylor et al., 2020), though the Malaysian context appears particularly pronounced in this regard.

The second theme centered on cultural and religious narratives that shape perceptions of paternal roles post-divorce. Malay-Muslim participants frequently referenced religious norms as justifying maternal preference, with Participant 7 (16F) explaining, "My grandma says kids belong with the mother because that's what Islam teaches." This traditional view was sometimes internalized, as seen when Participant 5 (15F) stated, "It's better this way - mothers understand children more." However, some participants from non-Muslim backgrounds expressed different cultural expectations, such as Participant 11 (17M) who noted, "In our Indian family, grandparents think fathers should still be strong leaders even after divorce." These findings reflect Malaysia's complex multicultural landscape where legal norms intersect with diverse family value systems (Neoh, 2021).

The third theme highlighted adolescents' often passionate demand for better rights education, with many expressing frustration at learning about custody matters only through painful personal experience. Participant 12 (17M) argued forcefully that "schools should teach us about divorce laws before we need to know," while Participant 8 (14F) wished she had known earlier that "my opinions could matter in court." This theme contained an undercurrent of empowerment, suggesting that many adolescents recognize knowledge as a tool for navigating family challenges more effectively. The consistency of this theme across ethnic and age groups points to a universal desire among Malaysian youth for more transparent communication about legal rights and processes (Lim, 2022).

## DISCUSSION

The findings provide compelling answers to the study's research questions while offering nuanced insights that both confirm and complicate the initial hypotheses. Regarding how adolescents perceive fathers' legal rights (RQ1), the near-universal legal knowledge gaps suggest that most form impressions based on personal experience and cultural narratives rather than formal understanding of statutes. This explains why many participants evaluated fairness (RO1) based on whether their father remained emotionally present rather than on legal provisions about visitation or decision-making rights. The research hypothesis about legal awareness correlating with favourable views of paternal rights (H1) received partial support - the two legally informed participants did express more positive attitudes toward shared parenting, but their small number prevents firm conclusions.

The examination of cultural/religious influences (RQ3) revealed complex patterns that partially confirmed the second hypothesis (H2) about traditional norms suppressing support for paternal custody. Malay-Muslim participants did frequently reference religious justifications for maternal preference, yet some simultaneously described close relationships with divorced fathers that contradicted these norms. Participant 2 (16M) exemplified this tension by stating, "The mosque says mothers must raise children, but my dad teaches me important life lessons every weekend." This suggests cultural norms may establish default expectations while allowing for individual exceptions based on personal experience, a finding that extends previous research on Malaysian family values (Ong et al., 2019).

The study's objectives regarding rights education (RO2) yielded perhaps the most practically significant findings. Participants' overwhelming demand for better legal information, coupled with evidence that existing awareness comes haphazardly from "eavesdropping on adult conversations" (Participant 6, 13F) or "googling too late" (Participant 14, 17F), presents a strong case for educational interventions. These findings align with international evidence that rights education can empower children in family transitions (Cashmore, 2011), while highlighting the need for culturally-sensitive approaches in Malaysia's multi-religious context.

The policy implications are far-reaching. The legal awareness gap suggests current systems fail to communicate effectively with affected children, violating the spirit of Article 12 of the UNCRC. The cultural barriers indicate need for legal reforms that respect religious principles while creating space for children's diverse experiences. Most urgently, the demand for education points to concrete opportunities for schools, NGOs and the judiciary to collaborate on child-friendly legal literacy programs. These findings collectively argue for viewing adolescents not as passive recipients of custody decisions, but as stakeholders whose perspectives could enrich Malaysia's evolving approach to post-divorce parenting.

## CONCLUSION

This study has illuminated the complex interplay between legal awareness, cultural norms, and adolescent perspectives on fathers' rights in post-divorce Malaysian families. The findings reveal a troubling disconnect between the formal legal system and young people's understanding of their rights, with most participants demonstrating limited knowledge of paternal custody provisions under both civil and Syariah law. This knowledge gap exists despite Malaysia's ratification of the UNCRC nearly three decades ago, suggesting systemic failures in communicating legal rights to affected children (Lim, 2022). The research underscores how cultural and religious narratives often fill this informational vacuum, with many adolescents, particularly from Malay-Muslim backgrounds, internalizing traditional views of maternal primacy in childrearing that may not always align with their personal experiences of paternal involvement (Siraj, 2021). These findings carry significant implications for legal practice, educational policy, and family support services in Malaysia's multicultural context.

The study's most compelling revelation lies in participants' overwhelming call for better rights education, a demand that presents actionable opportunities for systemic improvement. Integrating developmentally appropriate legal literacy into school curricula could empower adolescents with knowledge before family crises arise, while simultaneously fostering more child-inclusive approaches to custody determinations (Taylor et al., 2020). Such educational initiatives would need to be culturally sensitive, acknowledging Malaysia's plural legal system and diverse family values while upholding children's fundamental right to participate in matters affecting them (Neoh & Mellor, 2020). The research also highlights the need for legal professionals to develop more effective communication strategies when working with children in divorce proceedings, moving beyond tokenistic consultation to meaningful engagement that genuinely considers young people's perspectives and needs (Cashmore, 2011).

While providing important insights, the study's limitations point to valuable directions for future research. The exclusive focus on Peninsular Malaysia leaves unanswered questions about how adolescents in East Malaysian states might experience these issues differently within their distinct cultural and legal contexts. Longitudinal studies could track how children's perceptions evolve throughout the divorce process and beyond, providing crucial evidence about the long-term impacts of various custody arrangements. Comparative research examining other Muslim-majority countries with different approaches to paternal rights could help disentangle universal Islamic principles from culturally-specific Malaysian interpretations. Additionally, intervention studies testing various models of rights education could identify best practices for empowering children while respecting family and religious values.

Ultimately, this research contributes to a growing global recognition that children deserve more than protection in family law systems—they warrant meaningful participation as rights-bearing individuals with valuable perspectives to offer (Parkinson, 2011). For Malaysia, realizing this vision will require coordinated efforts across multiple sectors: legal reforms that operationalize children's participation rights, educational innovations that build legal capability, and cultural shifts that validate young people's voices in family matters. As

Participant 10 (16F) poignantly observed during her interview, "Nobody asks us what we think, but we're the ones who have to live with these decisions every day." Her words underscore the fundamental justice imperative at the heart of this research—that those most affected by family law policies should have their voices heard and their insights valued in shaping those very policies.

## ACKNOWLEDGEMENT

The authors would like to express the gratitude to Xiamen University Malaysia (XMUM) for the Xiamen University Malaysia Research Fund (XMUMRF) Cycle 11/2023 Grant number: XMUMRF/2023-C11/ISEM/0041 for the research funding specifically to School of Economics and Management and International Business Department of Xiamen University, Malaysia

## REFERENCES

1. Abdul Razak, M. I., Hussin, N., & Ismail, S. (2022). Shared parenting in Malaysia: Legal challenges and societal perceptions. *Journal of Malaysian Family Law*, 14(2), 45-60.
2. Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3(2), 77-101.
3. Bronfenbrenner, U. (1979). *The ecology of human development: Experiments by nature and design*. Harvard University Press.
4. Bronfenbrenner, U., & Morris, P. A. (2006). The bioecological model of human development. In R. M. Lerner (Ed.), *Handbook of child psychology: Vol. 1. Theoretical models of human development* (6th ed., pp. 793-828). Wiley.
5. Cashmore, J. (2011). Children's participation in family law decision-making: Theoretical approaches to understanding children's views. *Children and Youth Services Review*, 33(4), 515-520.
6. Cashmore, J., & Parkinson, P. (2008). Children's and parents' perceptions on children's participation in decision making after parental separation and divorce. *Family Court Review*, 46(1), 91-104.
7. Department of Statistics Malaysia. (2023). *Marriage and divorce statistics report 2022*. Putrajaya: Government of Malaysia.
8. Emery, R. E. (2011). *Renegotiating family relationships: Divorce, child custody, and mediation* (2nd ed.). Guilford Press.
9. Jelas, Z. M., & Mohd Ali, M. (2014). Inclusive education in Malaysia: Policy and practice. *Journal of Research in Special Educational Needs*, 14(1), 10-16.
10. Lim, H. K. (2022). Children's rights in Malaysia: Twenty-five years after ratification of the UNCRC. *International Journal of Children's Rights*, 30(1), 178-201.
11. Neoh, J. Y. (2021). Legal pluralism and child rights: The Malaysian experience. *Asian Journal of Comparative Law*, 16(1), 104-121.
12. Neoh, J. Y., & Mellor, D. (2020). Child custody in multicultural Malaysia: The intersection of law and culture. *International Journal of Law, Policy and the Family*, 34(1), 95-115.
13. Nordin, R., Salleh, A. M., & Omar, N. (2021). Gender biases in Malaysian custody cases: A socio-legal analysis. *Asian Journal of Social Sciences*, 39(3), 210-225.
14. Ong, S. L., & Mellor, D. (2020). Parenting after divorce in Malaysia: A cultural perspective. *Journal of Child and Family Studies*, 29(8), 2345-2358.
15. Ong, S. L., Mellor, D., & Cheah, I. (2019). Cultural values and child participation in post-divorce decision-making in Malaysia. *Child & Family Social Work*, 24(3), 388-396.
16. Parkinson, P. (2011). *Family law and the indissolubility of parenthood*. Cambridge University Press.
17. Parkinson, P., & Cashmore, J. (2008). *The voice of a child in family law disputes*. Oxford University Press.
18. Rhoades, H. (2010). Children's voices and changing parenting practices. *International Journal of Law, Policy and the Family*, 24(1), 75-86.
19. Siraj, S. A. (2020). Islamic family law and child custody: Balancing rights and responsibilities. *International Journal of Law, Policy and the Family*, 34(1), 78-94.
20. Siraj, S. A. (2021). Gendered parenting in Islamic law: Malaysian perspectives. *Asian Journal of Comparative Law*, 16(1), 132-150.



- 
21. Tan, S. Y. (2019). Multiculturalism and family law in Malaysia. *Journal of Malaysian Studies*, 37(2), 45-63.
  22. Taylor, N., Smith, A. B., & Gollop, M. M. (2020). Children's voices in family law: Views about participation. In M. Freeman (Ed.), *Children's rights: New issues, new themes, new perspectives* (pp. 157-174). Brill.
  23. United Nations. (1989). *Convention on the Rights of the Child*. United Nations Treaty Series, 1577(3), 1-23.