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Evaluation of divorce reasons from a forensic medicine perspective

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Abstract

The family is the core and fundamental unit of society, as well as the oldest and most universal institution. Industrialization, urbanization, and technological developments have affected the family institution as they have other institutions. Changes in the structure, functions, and roles of the family have brought about some social problems, one of which is divorce. Divorces are rapidly increasing worldwide and in our country, leading to many social and legal problems, and forensic medicine is often consulted to verify the claims of spouses. Among those applying for divorce to the 1st, 4th, and 5th Family Courts of Konya Courthouse, 697 cases were selected, and the reasons leading to the dissolution of their marriages by divorce, as well as their sociodemographic status, were examined. Among those filing for divorce, 495 (71%) were women, 199 (28.6%) were men, and in 3 applications, both husband and wife filed together. The average age at divorce was found to be 36.3 for men and 32.6 for women. It was determined that 5 (0.7%) of the men and 326 (46.8%) of the women experienced domestic violence; among these women subjected to domestic violence, 294 (88.8%) were abused only by their husbands, while 32 (9.7%) were subjected to violence by family members such as mother-in-law, father-in-law, or brother-in-law. Among the reasons for divorce, 645 (92.5%) involved severe incompatibility (mental and emotional discord). The dissolution of marriage is one of the most significant problems both worldwide and in our country. To reduce divorce rates, it is appropriate to inform couples about the importance and difficulties of marriage before they marry, to provide opportunities for them to get to know each other and to understand whether they are suitable for marriage, to offer state assistance in case of economic difficulties to prevent domestic violence, and to provide psychiatric counseling services to spouses before marriage, during marriage, and during the divorce process.

Keywords: Family, marriage, divorce, domestic violence

Introduction

The rapid change occurring in our country, as in the world, greatly affects social and cultural fields as well as every other area. The family institution is the first among the institutions affected by this change. Since the family serves as the core structure forming the foundation of a society, it is an inevitable result that everything affecting the family structure will also affect the structure of society. To build strong societies, it is necessary to preserve the family structure and support it in every aspect by establishing it on strong foundations as a social state. Since the foundation of the developmental process, which begins with a person's first education and continues until the end of their life, is laid within the family structure, the richer the socio-cultural knowledge base of the individuals forming the family, the easier it will be for the

child raised in the family to acquire the necessary knowledge to adapt to life, and the greater their benefit to their country and nation will be. One of the first things to be done to develop a country is to provide services that ensure the family is established on solid foundations and continues harmoniously. Every change in human life requires an adaptation process. Just as in marriage, divorce also requires an adaptation process for both spouses and children [1,2]. At the same time, children having to go through a difficult process such as parental divorce at a young age can negatively affect their personality development. The ability of children to overcome this experience without problems will ensure that society has healthy individuals in the future. Data from recent years show that, as in the whole world, the number of divorces is increasing in our country as well [3,4].

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Regarding most of the factors contributing to divorces, in cases such as physical violence, acute or chronic exposure to actual sodomy, chronic or psychiatric illness, and sexual dysfunction, courts and prosecutors request forensic expert reports. While preparing the forensic report, the expert conducts a comprehensive analysis of the process leading the marriage to divorce; for example, when one of the spouses who is a victim of physical violence applies, the expert examines when the physical violence began, whether it increased before and after having children if any, whether the spouse is willing to undergo psychotherapy to prevent the application of physical violence, when the symptoms of a person presenting with psychiatric illness or sexual dysfunction started, whether it has been investigated if the condition is due to a pathological cause, whether it originates from a brain lesion or from the person feeling a different gender identity, and whether the person wishes to receive treatment for this illness. These issues are evaluated biopsychosocially to obtain clearer information about the problems during the divorce process [5-7].

In our study, we aimed to raise public awareness about divorces by examining the sociodemographic data and reasons for divorce cases in detail and to offer suggestions for strategies that can be developed to minimize divorces.

Material and Methods

Files of couples who applied for contested divorce between 01.01.2014 and 01.08.2016 were retrospectively examined by randomly selecting 3 family courts from Konya Family Courts. Divorce cases were evaluated in terms of the party initiating the divorce, the year the conflict began, average age of divorce, duration of marriage, the effect of the number of children on the divorce, the reason for the divorce, the effect of chronic or psychiatric illness on the divorce, and the presence of physical violence, infertility, the impact of telephone and internet on divorce.

To determine the reasons for divorce in the study, an information form was created by the authors. While creating the form, the most common reasons for divorce identified in previous studies were coded sequentially as reasons 1-6. Reason 1: severe incompatibility (intellectual and emotional discord), Reason 2: infidelity, Reason 3: domestic violence, Reason 4: economic reasons, Reason 5: mother-in-law, Reason 6: medical reasons (chronic, psychiatric, and sexual dysfunction diseases). Data were obtained from testimony records. In cases where multiple reasons for divorce were presented, each stated reason was marked separately on the information form. The obtained data were subjected to descriptive statistical analysis as numbers and percentages.

Results

In the study, a total of 697 contested divorce cases between 01.01.2014 and 01.08.2016 were retrospectively examined in 3 family courts serving in Konya province. It was observed that

495 (71%) of the plaintiffs were women, 199 (28.6%) were men, and in 3 cases (0.4%) both parties filed for divorce together but divorced contentiously. Table 1 shows the distribution of the party filing the divorce case according to gender.

Table 1. Distribution according to the gender of the party filing for divorce

Claimant	n	%
Women	495	71
Men	199	28.6
Women-Men	3	0.4
Total	697	100

In the study, the distribution of divorced women by age group was examined as follows: 30 women (4.3%) were 20 years old and under, 320 women (45.9%) were between 21-30 years, 221 women (31.7%) were between 31-40 years, 85 women (12.2%) were between 41-50 years, and 41 women (5.9%) were 51 years and older. It was observed that divorced women were most concentrated in the 21-30 age group at 45.9%, with a large proportion of 77.6% falling within the 21-40 age range. Divorce rates decreased both above and below this age group. Among divorced men, 3 (0.4%) were 20 years and under, 243 (34.9%) were between 21-30 years, 255 (36.6%) were between 31-40 years, 128 (18.4%) were between 41-50 years, and 68 (9.8%) were 51 years and older. The proportion of divorced men was close between the 31-40 age group (36.6%) and the 21-30 age group (34.9%), with a large group of 71.5% within the 21-40 age range. However, unlike women, the divorce rate among men was higher at 41 years and older and lower under 20 years. The study found that 74 cases (10.7%) divorced within the first year, 114 cases (16.6%) within the 2nd and 3rd years, and 290 cases (42.1%) within the first five years.

In the study, it was observed that in 273 cases (39.16%) the disagreement began in the 1st year of marriage, in 66 cases (9.46%) in the 2nd year, in 117 cases (16.78%) in the 3rd year, and in 205 cases (29.41%) in the 4th year. It was seen that the rate of disagreement within the first five years was 98.7%. In 26 cases, information about the year the disagreement started could not be obtained.

In the study, it was determined that 240 cases (34.4%) did not yet have children, 192 cases (27.5%) had 1 child, 174 cases (25%) had 2 children, and 91 cases (13%) had 3 or more children.

The reasons for divorce in the study were recorded in the information form as follows: 1st reason; severe incompatibility (intellectual and emotional incompatibility), 2nd reason; spouse infidelity, 3rd reason; domestic violence, 4th reason; economic reasons, 5th reason; mother-in-law, 6th reason; medical reasons (chronic, psychiatric, and sexual dysfunction diseases). The number of divorces influenced by a single reason was 73 (10.5%), while in 624 divorce cases, multiple reasons were observed to have an effect together. Table 2 shows the distribution of cases according to the reasons for divorce.

Table 2. Distribution of cases according to reasons for divorce*

Divorce reason	n	(%)
Depends on a single reason	73	10.5
Depend 1., 2. and 3. reasons	97	13.9
Depend 1., 3. and 4. reasons	122	17.5
Depend 1., 2.,3. and 4. reasons	43	6.2
Depend 1., 3. and 5. reasons	47	6.7
Depend 1. and 2. reasons	41	5.9
Depend 1. and 3. reasons	104	14.9
Depend 1. and 4. reasons	44	6.3
Depends on other reasons	126	18.1
Total	697	100

* 1st reason :severe incompatibility (intellectual and emotional incompatibility), 2nd reason; spouse infidelity, 3rd reason; domestic violence, 4th reason; economic reasons, 5th reason; mother-in-law, 6th reason; medical reasons (chronic, psychiatric, and sexual dysfunction diseases)

When evaluating the presence of psychiatric and chronic diseases and sexual dysfunction in divorced couples; psychiatric and sexual dysfunction was detected in 25 (3.6%) women and 13 (1.9%) men.

The study also found chronic diseases in 12 women and 10 men. Among the women, 6 had vaginismus, 3 had obsessive-compulsive disorder, 3 had panic attacks, 6 had anxiety (anxiety disorder), 4 had depression, and 3 had bipolar disorder. Among the male cases, 4 had erectile dysfunction, 2 had homosexuality, 1 had zoophilia (sexual perversion towards dogs), 2 had bipolar disorder, 3 had schizophrenia, and 1 had depression.

Among the female cases, 2 had epilepsy, 2 had hepatitis B, 1 had psoriasis, 3 had diabetes, 2 had heart failure, and 2 had asthma-chronic obstructive pulmonary disease. Among the male cases, 3 had cancer (1 thyroid, 2 meningioma), 2 had heart failure, 2 had chronic bronchitis-asthma, 2 had hypertension, and 1 was paraplegic and bedridden due to a traffic accident.

In our study, psychiatric illness was cited as the main cause of divorce in 17 cases, sexual dysfunction in 13 cases, and chronic disease in 1 case; other diseases mentioned during the divorce process were not cited as reasons for divorce but were identified as additional factors alongside the main causes.

In the study, it was found that 331 cases (47.5%) were exposed to physical violence during the marriage process, and 326 of those exposed to physical violence (98.5%) were women. It was determined that infertility was cited as the reason for divorce in 11 cases (1.6%) in the study. The influence of the internet on divorce was identified in 161 cases (23.1%) in the study. Figure 1 shows the presence of physical violence.

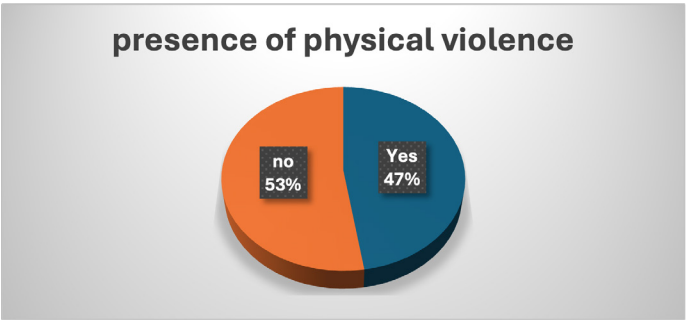


Figure 1. Frequency of physical violence experienced by divorced spouses

In the study, it was determined that infertility was cited as the reason for divorce in 11 (1.6%) cases. In our study, it was found that in 232 cases (33.3%), the phone had an effect on spousal infidelity, and in 161 cases (23.1%), the internet played a role. Especially in allegations of infidelity, there were claims of making new friends and communicating via mobile phone and the internet.

Discussion

The divorce process begins when spouses apply to the court after reaching a point where they can no longer tolerate each other. Trying to maintain a marriage that seems impossible to continue under negative conditions makes life even more difficult for individuals. For these reasons, under certain conditions, it may be considered more appropriate to decide on divorce rather than trying to continue the marriage [3,8]. Severe incompatibility, disagreements between spouses, behaviors that undermine trust, insults, violent acts, adultery, committing crimes, living a dishonorable life, abandonment, mental illness, and humiliating behaviors can be listed as reasons. It is also stated that one of the spouses can file for divorce due to the fundamental disruption of the marital union to the extent that the shared life cannot continue [9]. Reasons such as one spouse avoiding helping with housework, sharing the family’s private matters with others, spouses treating each other badly, avoiding sexual relations, being insensitive to the desire for independent housing, and excessive indebtedness can also be considered causes of divorce [8,10,11]. In our study, it was observed that divorce cannot be explained by a single reason alone; in 89.5% of cases, spouses applied to the court due to multiple reasons together.

İşsever et al. (67.1%), Demirci et al. (60.5%), and Polat et al. (72.5%) stated in their studies that a significant portion of divorce cases are filed by female individuals [5,6,7]. It is thought that the reason for the high rate of women filing lawsuits, consistent with the results of our study, is that they face more problems in marriage (such as being subjected to more incidents of violence and being the betrayed party) and that they file for divorce as a last resort because their expectations in marriage are not met.

In the study by Demirci et al., the average divorce age was found to be 36.64 ± 10.57 for men and 33.39 ± 10.00 for women [7]. The divorce rate among couples aged 20-29 is 32%. This rate

risks to 42% among couples aged 30-39. Among couples aged 40-49, the divorce rate decreases to 22%. For couples aged 50 and over, the divorce rate is below 12% [12]. Studies show that the majority of divorces occur between the ages of 21-40, which is consistent with our study. The concentration of divorces in the 21-40 age range is thought to be due to people in this age group having higher psychological and physical self-confidence and feeling stronger.

According to the 2024 data from the Turkish Statistical Institute, when examining divorces by the duration of marriage, it was stated that 33.7% of divorces in 2024 occurred within the first 5 years of marriage, and 21.3% occurred within 6-10 years of marriage [12]. In Özdemir's study, it was found that 44.89% of divorces in Turkey occurred within the first five years of marriage [13]. These data are consistent with our study, indicating that the first five years of marriage are important for the family structure to settle and for spouses to recognize and accept each other's characteristics, and that spouses need to be more understanding toward each other during this period.

In our study, it was found that 34.4% of divorced cases had no children yet, and 27.5% had one child. It was observed that as the number of children increased, the divorce rates among couples decreased [12]. The obtained data are consistent with our study, and it is thought that this process reflects that spouses continue their marriage despite being unhappy because they consider the future of their children, which is why the divorce rate is inversely proportional to the number of children.

In our study, it was found that 25 (3.6%) women and 13 (1.9%) men had psychiatric and sexual dysfunction disorders, and 12 (1.7%) women and 10 (1.4%) men had chronic diseases. Psychiatric and sexual dysfunction disorders are considered to be the primary reasons for divorce in the cases, while chronic diseases are thought to be effective along with other problems. In a small portion of the cases, medical illnesses were cited as the reason for divorce. Due to the structure of Turkish society, a closed attitude is exhibited regarding matters related to sexuality. Therefore, we believe that sexual coldness, vaginismus, sexual impotence, psychiatric and chronic diseases play a greater role in divorces than the claimed rates, but they are not put forward as reasons for divorce. Studies have also shown that sexual health problems can lead to divorces [14]. According to Article 136 of the Turkish Civil Code (TMK) and Articles 123 and 124 of the Public Health Law No. 1593, health screening is conducted in a small health center with a few tests (blood group determination for blood incompatibility, and tests for infectious diseases such as hepatitis B-C, AIDS, syphilis, Mediterranean anemia) to determine that couples do not have any diseases preventing marriage. Instead, it is thought that in the future, in order to raise a generation that is healthy in terms of both mind and body and to further reduce divorce rates, individuals who are going to marry should be examined by relevant medical specialties (such as Urology, Obstetrics and Gynecology, Psychiatry, Internal Medicine) in a fully equipped hospital, and with a health board

report to be prepared, prospective spouses can be informed about each other's health status before marriage, thus preventing divorces caused by illness.

In the study, it was found that in 11 (1.6%) cases, men cited infertility as a reason for divorce against their spouses. Infertility is defined as the failure to conceive despite unprotected sexual intercourse for one year or longer [15,16]. The World Health Organization (WHO) considers infertility, which affects approximately 80 million couples globally and is estimated to have a prevalence of 10-15%, as an important public health problem [17]. The rate of infertility in developed countries ranges from 3.5% to 16.7%, while in developing countries, this rate varies between 7% and 12% [14,16]. In our country, the infertility rate ranges between 10% and 20%, with 55-75% of these couples diagnosed with primary infertility and 25-40% with secondary infertility [18,19]. According to the 2018 data from the Turkey Demographic and Health Survey (TDHS), the proportion of married women who have not had children by the end of their reproductive period, used as an indicator for primary infertility, was found to be around 4-8% [20]. In Turkey, fertility problems affect 1.5 to 2 million couples. It is estimated that 48 million couples and 186 million individuals worldwide experience infertility problems [17].

In our study, it was determined that in 232 cases (33.3%) the phone had an effect on spousal infidelity, and in 161 cases (23.1%) the internet played a role. According to Cerrah, the characteristics of social media can be listed as follows: openness, participation, mutual conversation, connectivity, community, content creation in media, and the formation of a new layer of influencers [21]. According to Ekşi et.al. the presence of social communication networks and friendship sites such as games and chat rooms, Instagram, Twitter, Facebook allows for new friendships and relationships while also playing a facilitating and encouraging role in infidelity. Thus, people can now cheat on their spouses at home or even in their presence, and while doing so, they believe that virtual relationships are not infidelity, only a fantasy, freeing themselves from feelings of guilt and shame [22]. In our study, as a reflection of technology on people, communication via phone and internet was presented as evidence in the emergence of spousal infidelity. While the phone brings positive aspects to our lives, we believe that it deeply affects people, causing us to disconnect from society and family while trying to communicate with others, spending the time we should allocate to our children and spouse on the phone, behaving indifferently, and distancing ourselves from the family by connecting with other people.

Conclusion

We see that the dissolution of the marriage union is a very important problem both in the world and in Turkey. There are deficiencies both personally and as a society in the formation of these problems. In the examples from our study, we witnessed forced marriages of women to people they do not love and the transformation of marriage into psychological violence,

marriages taking place with the belief that the man's feelings of sexuality towards a woman will improve after marriage despite knowing he does not feel such emotions, and the woman feeling humiliated due to the man's different sexual orientations after marriage, negatively affecting the rest of her life; marriages beginning with the expectation of a luxurious life and ending due to disappointment from the unfulfilled hoped-for life, with love turning into anger. For these reasons, there are duties for every individual as a state and nation. First of all, whether individuals are ready for marriage, their sexual orientations, how the household economy should be established, and the necessity for spouses to communicate with individuals outside of each other should be addressed through seminars given by experts in these fields. We believe that this will ensure both a peaceful family environment and the establishment of marriage on solid foundations, leading to the upbringing of a healthy society.

Ethical Approval

Ethical approval was obtained from the Necmettin Erbakan University, Meram Faculty of Medicine, Non-Drug and Medical Device Research Ethics Committee with decision number 2016/76 dated 30.09.2016.

Patient Consent

Informed consent was obtained from the deceased's relatives.

Conflict of Interest

The authors confirm the absence of any conflicts associated with this work.

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Thesis Information

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