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“MARITAL RIGHTS UNDER ISLAMIC LAW, CIVIL LAW, AND CUSTOMARY LAW: REMEDIES FOR BATTERED WIVES AMONG MERANAW FAMILIES IN LANA DEL SUR”

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Abstract:

Our society has neglected many issues and problems, including battered wives among Meranaw families in Lanao del Sur. They are presumed to be scared to fight for their rights as Muslim women and are sometimes unaware of their marital rights as Muslims. The writing was an attempt to determine the causes of occurrence of battered wives among Meranaw families in select municipalities in Lanao del Sur, to highlight the marital rights of Meranaw spouses under Islamic law, Philippine civil law, and customary law and to determine the perceived remedies to lessen the cases of battered wives. The writing employed a case study design with a qualitative approach for collecting primary data from the informants through interviews. The writer used purposive sampling to gather data from the battered wives (n=15), which were then transcribed, analyzed, and interpreted. Results reveal that most respondents are not well-oriented on their rights and obligations as a wife, and so are their husbands. Several factors for the occurrence of battered are determined. Respondents' perceived remedies that may lessen domestic were determined also. Due to the sensitivity of the issue among the Meranaws, this writing was limited only to the cases of fifteen (15) battered wives among Meranaw families. This writing provides a comparative analysis of how these three legal systems interact, overlap, and conflict in addressing marital abuse. By integrating these perspectives, the study contributes a holistic framework for understanding and resolving the challenges battered wives face within plural legal systems, filling a critical gap in the existing literature.

Keywords:

Battered Wife, Domestic Violence, Ra 9262, Marital Rights, Muslim Meranaw Women

Introduction

Islam has always maintained that marriage is beneficial. It views marriage as an equal partnership between two people, which they gain through mutual respect, love, and trust. However, in some cases, problems arise between couples, one of which is the issue of battered wives among Meranaw families in Lanao del Sur. The Meranaw battered wives are presumed to be scared to fight for their rights as Muslim women, and sometimes, they are unaware of their marital rights as Muslims. Various shreds of evidence prove that some Meranaw women have been experiencing battery in their households.

Carlos and Cuadra (2017) espoused that in the Meranaw tribe, not until the man says he will divorce his wife and return her to her parents can the wife divorce his husband. Desai and Haffajee (2011) argued that male domination due to patriarchy in the Muslim community contributes to maintaining violence against women at a personal level. With all these links to why women are abused physically, emotionally, and psychologically, among others, literature shows that violence against women in Muslim communities remained in silence as it anchors upon the decision of the wife and her family to keep the problem to themselves (Douki, et al., 2003;

Violence is not only shaped by physical violence but also by other forms of structural violence, including arranged marriage. Hildon's ethnographic accounts of violence in the Philippines (Manderson & Bennett, 2003) argue that the lack of marital and sexual choice experienced by young Meranaw women is a form of violence. The United Nations defines violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual, or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life." The World Health Organization recognizes that violence, particularly intimate partner violence and sexual violence – is a major public health problem and a violation of women's human rights.

Furthermore, the WHO (2021) revealed that over a quarter of women aged 15-49 years who have been in a relationship have been subjected to physical and/or sexual violence by their intimate partner at least once in their lifetime (since age 15). The prevalence estimates of lifetime intimate partner violence report that 33% of this violence happened in the Southeast Asia region. Some of the consequences of violence include depression, post-traumatic stress and other anxiety disorders, sleep difficulties, eating disorders, and suicide attempts.

The researcher was motivated to conduct this study due to the prevalence of untold women battery cases in the Meranaw society, and the researcher has been witnessing this problem in her surroundings. WHO further espoused that violence against women tends to increase during every type of wide emergency, as it did during the COVID-19 pandemic, which is in corroboration with the study of Sanchez et al. (2020)

In the summary of special cases drawn from the City Social Welfare and Development Office of Marawi City, Lanao del Sur, as of C.Y. 2001-2022, twenty-seven (27) cases of battered wives among Meranaw families in Lanao del Sur that have been reported in their office. Additionally, the other agencies in Lanao del Sur, specifically the Ministry of Social Service and Development (MSSD), have reported a total of twelve (12) cases of domestic violence from June 2021 to July 2021 from different municipalities in Lanao del Sur. The Bangsamoro Women Commission – Lanao del Sur has also been handling cases involving women, such as battered wife cases. Referred by the BWC-Region, they have a record of one (1) battered wife

(newly married) case, and their office has solved it. Also, they have two (2) reported cases of battered wives, but they withdrew because their families solved it. Lastly, at the Provincial Women and Child Protection Desk Lanao del Sur Police Provincial Office, there are three hundred thirty-eight (38) cases that were reported in their office from 2016-2022. However, both parties' families amicably settled most.

This study tried to investigate women who were struggling with their husbands due to women's battery. The battered wives in Lanao del Sur should know their marital rights according to Islamic law, civil law, and customary law. Likewise, the unoriented husbands will also be informed of their rights and obligations as husbands according to the law; thus, the study hopes to contribute significant information to society, especially to Meranaw women.

The primary aims of this study are to accomplish the following objectives: to highlight the marital rights of the Meranaw couples under Islamic law, civil law, and customary law; to find out the factors contributing to the occurrence of battered wives among Meranaw families in Lanao del Sur; and to discover the remedies to address the issues of battered wives among Meranaw families in Lanao del Sur.

Literature Review

Nature of “Women Battering”

A big population of women who show up in emergency rooms of hospitals for treatment of injuries are victims of a phenomenon known as “wife battering”. Wife battering refers to violent acts such as psychological, sexual or physical assault by an assailant against his partner with the intent of controlling by inducing fear and pain and It is a common incident being violated under RA 9262 (Lu, 2017).

Battering is not about couples beating each other up and totally disrupting the neighborhood but rather, one partner is beating, intimidating, and terrorizing the other (Charlsen, 1995). It is not mutual “combat” or two people in a fistfight but one person, usually the man, dominating and controlling the woman. This phenomenon is common, which occurs usually in poor or poorly educated families but there are doctors, ministers, psychologists, cops, attorneys, judges and other professionals who beat their wives as well. Battering also happens in rich, educated, and respectable families (Cruz, 2012).

Moreover, it is said to be that when there is violence in the family, not all members of the family are accountable. The perpetrator alone can stop the violence. Many women who are battered make numerous attempts to change their behavior in the hope that this will stop the abuse, but this does not work. Changes in the family member’s behavior will not cause or influence the batterer to be non-violent.

In addition, battering is a pattern of behavior used to establish power and control over another person through fear, intimidation, and threat or use of violence. It happens when one person believes they are entitled to control another (Kickham, 2021).

In relation to the nature of battering, the question “why do men batter?” prevails. One reason why men batter is because they are able and they can. By battering, they maintain power and control in a relationship (Brewster, 2003). This points out to physical dominance as a fact which causes battering. Also, men batter because their abuse is not confronted clearly as “violence

against women". Traditionally and historically, a man has been viewed as "the breadwinner", "the king of the castle", and the "head of the home". Some men derive power and status from ordering their homes according to their will. Battering also occurs because laws to protect victims are not well reinforced, resources to help victims are scanty, and many service providers do not understand the dynamics of domestic violence. Also, in most cultures, men tend to see females as objects created for their pleasures. Many churches and other institutions tend not to view physical violence toward women a criminal act (Davis, 1998).

Lastly, various individuals and groups have defined domestic violence to include everything from saying demeaning words, to grabbing a person's arm, to hitting, kicking, choking, or murdering. Battering most often refers to violence between married or cohabiting couples. It occurs in every racial, socioeconomic, ethnic, and religious group, although conditions such as poverty, drug or alcohol abuse, and mental illness increase its likelihood (Baker, 2008).

Battered Woman Syndrome

Battered Woman Syndrome (BWS) is a legal defense for victims of violence against women and their children, even if self-defense elements are not present. The Philippine Civil Law enacts Republic Act No. 9262, dated March 8, 2004, which defines violence against women and their children as any act or series of acts committed by a person against a woman, including physical, sexual, psychological, or economic abuse.

The Act defines various types of violence, including physical violence, sexual violence, psychological violence, and prostitution. Physical violence includes bodily harm, sexual violence includes sexual harassment, and psychological violence includes acts causing mental or emotional suffering. Economic abuse involves acts that make a woman financially dependent, such as withdrawing financial support, deprivation of financial resources, destruction of household property, and controlling the victims' own money or properties.

Battery refers to an act of inflicting physical harm upon the woman or her child, resulting in physical and psychological distress. BWS is a scientifically defined pattern of psychological and behavioral symptoms found in women living in battering relationships due to cumulative abuse. Stalking is an intentional act committed by a person who follows a woman or her child without lawful justification. Dating relationships are situations where the parties live as spouses without the benefit of marriage or are romantically involved over time and on a continuing basis during the relationship. Sexual relations refer to a single sexual act that may or may not result in the bearing of a common child. In summary, the Philippine Civil Law enacts Republic Act No. 9262 to protect victims of violence against women and their children, ensuring they are protected from criminal and civil liability.

The text defines "safe place or shelter" as a home or institution maintained by the Department of Social Welfare and Development (DSWD) or other accredited agencies for this Act. It also includes "children" as those under 18 who are incapable of taking care of themselves.

The crime of violence against women and their children is committed through various acts, including causing physical harm, threats to cause physical harm, attempting to cause harm, placing the child in fear of imminent harm, compelling or compelling them to engage in conduct that they have the right to desist from, or restricting their freedom of movement or conduct by force or threat of force. This includes threatening to deprive the woman or her child of custody, depriving them of financial support legally due to them, depriving them of a legal

right, preventing them from engaging in legitimate professions or activities, inflicting physical harm on themselves, causing sexual activity that does not constitute rape, engaging in purposeful, knowing, or reckless conduct that alarms or causes substantial emotional or psychological distress, stalking or following the woman or her child, peering in the window or lingering outside the residence, entering or remaining in the dwelling or on the property against her will, destroying property and personal belongings, engaging in harassment or violence, and causing mental or emotional anguish, public ridicule, or humiliation to the woman or her child.

Penalties for acts falling under Section 5 include imprisonment of two degrees lower than the prescribed penalty for the consummated crime, arresto mayor, arresto mayor, prision correccional, arresto mayor, prision mayor, arresto mayor, prision mayor, and mandatory psychological counseling or psychiatric treatment. If the acts are committed while the woman or child is pregnant or in the presence of her child, the maximum period of penalty prescribed in the section applies.

Protection orders are legal measures issued to prevent further acts of violence against a woman or her child, as specified in Section 5 of the Act. These orders provide necessary relief to safeguard the victim from further harm, minimize disruption in their daily life, and enable them to regain control over their life. The protection orders can be barangay protection orders (BPO), temporary protection orders (TPO), and permanent protection orders (PPO).

Reliefs under these orders include prohibition of the respondent from committing any of the acts mentioned in Section 5, prohibition of harassing or contacting the petitioner, removal and exclusion of the respondent from the petitioner's residence, direction to stay away from the petitioner and designated family members, lawful possession and use of an automobile and other essential personal effects, temporary or permanent custody of a child/children, provision of support to the woman and/or her child if entitled to legal support, and prohibition of the respondent from using or possessing firearms or deadly weapons.

A petition for protection order may be filed by the offended party, parents or guardians, ascendants, descendants, officers or social workers of the DSWD or local government units (LGUs), police officers, Punong Barangay or Barangay Kagawad, lawyer, counselor, therapist, or healthcare provider, and at least two concerned responsible citizens of the city or municipality where the violence against women and their children occurred and who has personal knowledge of the offense committed.

Applying for a BPO must follow the rules on venue under Section 409 of the Local Government Code of 1991 and its implementing rules and regulations. An application for a TPO or PPO may be filed in the regional trial court, metropolitan trial court, municipal trial court, or municipal circuit trial court with territorial jurisdiction over the petitioner's place of residence. If a family court exists in the place of residence, the application shall be filed with that court.

Rights, Dignity, Honour and Status of Women in Islam

Islam upholds the rights, dignity, honor, and status of women by ensuring gender equality and equal rights for both males and females in every area of human life. In Islam, women are completely self-regulating, have legal personalities, and can enter into contracts or make bequests in their name. They have the right to perform any profession or business and have the authority to dispose of their property as men. Women are entitled to inheritance in different capacities, such as being a mother, wife, sister, and daughter.

The Holy Quran commands Muslims to demonstrate respect to their mothers and serve them well even if they leave Islam and remain unbelievers. The Prophet (peace be upon him) states that the rights of the mother are supreme in Islam. In Islam, women are most respectable and honorable, as they are most respectable and honorable when they are a wife, a mother, a daughter, or a daughter; it is the blessing of Almighty Allah.

The different types of rights of women ensured in Islam include inheritance, marriage, and dower. Pre-Islamic customs relating to succession were biased, vindictive, and unreasonable and, in most cases, violated justice. Islam ensured the inheritance rights of women many centuries ago, unlike in Western countries. In Islamic law of inheritance, there are eight classes of persons: wives, mothers, daughters, sisters, and daughters. Parents could distribute property equally between a son and a daughter.

Marriage is treated as the basis of social life and the beginning of the family life. It is compulsory for a man who has the means to easily pay the dower (Mahr) and bear the expenses of a wife and children and who is also physically fit. It is obligatory for a woman who does not have any other legal way of maintaining herself and who doubts that her sexual urge may move her forward into adultery. In Islam, marriage is an act for the pleasure of Allah because it is according to His orders that husband and wife love each other and help each other to make efforts to continue the human race and rear and foster their children to become true servants of Allah.

In the case of marriage, Islam gives equal importance to both bride and groom. For a valid marriage, any party may offer to the other party, and the other party must accept it must accept it. Through valid marriage, mutual rights of inheritance are established, and the wife becomes entitled to her dower and maintenance. However, marriages do not give power to the husband over the wife's person beyond the limit of law and right upon her goods and property.

In marriage, women are at liberty to choose their life partner. No one can force her to choose her mate or marry even one's father, mother, brother, sister, or any paternal or maternal guardian. Marriage of a major woman previously married without her consent is unanimously void, and marriage of a major virgin girl without her consent is unlawful. Islam showed full respect to women and ensured the rights, dignity, honor, and equal status of men and women in case of marriage.

In the pre-Islamic period, a dower was given to the wife's father or other guardian as a token of respect and could imply a sell price. Islam approved the dower (mahr) to be paid to the wife in case of regular marriage with respect and not at a selling price. A dower can be a sum of money or property that the wife is legally entitled to get as a token of respect from the husband. Islam has given importance to the payment of dowers and imposed a duty on the husband to pay for them. The holy Quran states, "Give women (wives) their dower with no strings attached. If they themselves (wives) give some of it back to you (waive it), then consume it (dower) with good cheers."

The husband must pay the dower to the wife either in cash or any other form, and there is no way to deny his liability except by paying the dower. It is like a debt or duty for the husband to pay the dower and the right of the wife to receive it. In the case of a dower, Islam has shown respect and given full authority to the wife as she can demand her dower at any time without

any explanation and can waive full or any part of her dower as she likes. If the amount of dower was not settled during the time of marriage or later, the wife is entitled to proper dower.

Maintenance (nafaqa) is a significant issue in Muslim personal law. Under Muslim law, maintenance is due to the wife from the husband as a recompense for matrimonial restraint. It is one of the necessary and inherent conditions of the marriage contract. The husband's responsibility is to provide proper maintenance, and it must be discharged cheerfully without any censure, hurt, or patronization. A wife can demand maintenance during her sickness in her husband's house, and even if a man divorces his wife, her bread and accommodation are attributed to him during the period of iddat (remaining unmarried for three months after dissolution of marriage). In conclusion, Islam ensures the right of a woman to receive maintenance from her husband and does not impose liability upon the wife to bear the expenses of the family or her husband on any condition.

In the Dark Age, when Islam did not emerge among Arabs, only the husband had the power of divorce, which was so unrestricted and unlimited that he practiced it in the most inhuman ways. The husband could divorce his wife whenever he liked without any legal or reasonable cause, and he could revoke his divorce and divorce again as many times as he favored. He could also swear that he had made no sexual relation with his wife, though he was still living with her. The husband exercised limitless rights over the wife, and if a man became angry with his wife, he could divorce her at once. However, the unfortunate wife could not have recourse to any legal procedure, get any maintenance from him, or claim any other kind of right from him. Regarding the right to divorce, men enjoyed vast powers and could easily get rid of their wives by leveling a flimsy charge against them.

The Prophet (peace be upon him) was tremendously dissatisfied with these evil customs of divorce and regarded their practice as damaging the foundation of society. In case of extreme emergency, Islam permitted divorce if all efforts to reunite had been unsuccessful. Islam recognized that when it has become impossible to continue conjugal life, both husband and wife should separate harmoniously rather than miserably bound together, which turns the home into hell.

The rectification of Prophet Mohammad marked a new departure in the history of Eastern legislation. He reserved unrestricted power of divorce by the husband but also gave the wife the right to obtain the partition on rational grounds. Though divorce is allowed in Islam with some conditions, it discourages the dissolution of a marriage tie. Islam has given women the right to dissolution of marriage by:

1) Delegated divorce (Talaque-e-tafweez), where the husband delegates the power of dissolution of marriage to the wife. This delegation of power can be during the marriage or at any time after marriage.

2) Redemption (Khul'a), where both husband and wife agree to break off their marriage in lieu of a recompense paid by the wife to her husband out of her property. If the relationship between a husband and a wife is not fine, the wife has a right to seek divorce (khul'akhula).

Right to Proprietorship, where both husband and wife have the right to choose their profession. However, they must be more conscious before involving any profession that will deprive them of their conjugal rights or children from maternal love, care, affection, and proper education and training. Islam grants equal respect to women in terms of property ownership, knowledge

acquisition, political independence, and residence choices. Women can gain property through lawful means and dispose of it as they wish without interference from their husbands or children. They are not responsible for bearing the family's expenses or their children's maintenance.

In Islam, women have the right to seek knowledge, which is obligatory for both men and women. Unmarried women have full freedom to acquire knowledge, while married women have the right to choose their residence based on their husband's ability and benefit. However, they must follow the directions of Islam to ensure that the dignity of the family is maintained.

Muslim women are allowed to engage in economic activities following certain rules, such as teaching, medical professions, welfare institutions, and handling juvenile delinquents and drop-outs. However, they must adhere to strict Islamic codes of conduct in the classroom. In the medical field, women doctors are needed in gynecology and obstetrics, but they are encouraged to consult male doctors in exceptional circumstances. Women were not forbidden to leave their homes for necessity, as seen during the time of the Prophet (peace be upon him). Jabir ibn Abdullah recounts a story about her aunt's being told by her husband that she could go outside her house during iddat to harvest and sell date palms, but the Prophet (peace be upon him) allowed her to do so.

Definition of Terms

Adat law

It is the Meranaw's customary law based on ancient Malay term "adat" and the Indian law (from the Sri Vijaya period up to the Madjapahit period), the Islamic (Shariah) law, and later on Islam's Shariah Law. It is the foundation of authority of the Maranaw Sultanate. It refers to relationship among men, and different from the following: Adat resam (manners and customs) and Adat istiadat (customs and ceremonies), Ibadat (observance and practice of religious duties), and Adab (respect, courtesy and manners) (Buan, 1987, in Nolasco, 2004)

Battery

It refers to an act of inflicting physical harm upon the woman or her child resulting to the physical and psychological or emotional distress. (R.A. 9262, 2004)

Civil law

It is a branch of law that treats the personal and family relations of an individual, his property and successional rights, and the effects of his obligations and contracts. In short, civil law governs the relations of a person with his family and other people; it covers not only family relations but also property, contractual and other relations that are natural consequences of people interacting with one another. (Paras, 2008)

Domestic Violence

It is also called intimate partner violence, occurs between people in an intimate relationship. Domestic violence can take many forms, including emotional, sexual and physical abuse and threats of abuse. Abuse by a partner can happen to anyone, but domestic violence is most often directed toward women. (WHO, 2012)

Economic abuse

It refers to acts that make or attempt to make a woman financially dependent. (Caparas & Amparado, 2012)

Taritib ago Igma (Customary law of Meranaw)

It is unwritten customary law that governed the justice system in Maranaw's "agama" contained in adat, and Kokoman a Kitab or the Qur'anic justice. It involves consensus-building among community members as mediated by the sultan, datu, imam (Islam priest), kali (Islam judge), political leaders and other community elders. Kitab's intention is for the contending parties to enter into a compromise agreement or amicable settlement, through a system of consensus called kapagupakat, whenever possible. The taritib may gain precedence over kitab when conflict mediation by community leaders for a filed case is requested from the concerned kali (Barra, 1994, in Nolasco, 2004)

Marriage Counselling

It is also called couples therapy, helps couples (married or not) understand and resolve conflicts and improve their relationship. Marriage counseling gives couples the tools to communicate better, negotiate differences, problem solve and even argue in a healthier way. (Staff, 2021)

Physical Violence

It refers to acts that include bodily or physical harm (Caparas & Amparado, 2012)

Psychological Violence

It refers to acts or omissions causing or likely to cause mental or emotional suffering of the victim such as but not limited to intimidation, harassment, stalking, damage to property, public ridicule or humiliation, repeated verbal abuse and mental infidelity (Caparas & Amparado, 2012)

Sexual Violence

It refers to an act which is sexual in nature, committed against a woman or her child (Caparas & Amparado, 2012)

Shari'ah

Literally means a waterhole where animals gather daily to drink, the road to watering place or the straight path or way. It is the name given to the totality of God's commandments. (Barra, 1994). In its legal terminology, Shariah is defined as "that which would not be known had there not been a divine revelation." Islamically, it refers to the sum total of Islamic law which were revealed to the Prophet Muhammad (S.A.W.), and which is recorded in the Qur'an as well as in the deducible guided lifestyle called Sunna. (Philips, 2006)

Vice

An imperfection or weakness of character. fault implies a failure, not necessarily culpable, to reach some standard of perfection in disposition, action, or habit. a writer of many virtues and few faults failing suggests a minor shortcoming in character. (Merriam-Webster Dictionary, 2003)

Violence Against Women And Their Children

Refers to any act or a series of acts committed by any person against a woman who is his wife, former wife, or against a woman with whom the person has or had a sexual or dating

relationship, or with whom he has a common child, or against her child whether legitimate or illegitimate, within or without the family abode, which result in or is likely to result in physical, sexual, psychological harm or suffering, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty. (Caparas & Amparado, 2012)

Presentation, Analysis, and Interpretation of Findings

Marital Rights of a Meranaw Spouse under Islamic Law, Civil Law, and Customary Law

One of the objectives of this study was to highlight marital rights under Islamic law, Civil law, and Customary law. The researcher discussed marital rights under Islamic Law, Civil Law, and Customary Law with the fifteen (15) respondents of battered wives in select municipalities in Lanao del Sur. The researcher distributed a copy of these marital rights under Islamic law, Civil law, and Customary law to the fifteen (15) respondents. However, some of the respondents refused to have a copy since it was not translated into their dialect, and they needed help understanding the texts. The researcher discussed the rights and obligations in their preferred dialect. The researcher highlighted the rights and obligations between husband and wife so that they could distinguish and help lessen their burdens or problems to their spouses. The researcher found out that most of the respondents needed to be better known about their rights and obligations. The respondents were now able to know the three laws that the researcher discussed with them and depended on them on what to follow. Most of the respondents preferred Islamic law since they were Muslim Meranaws, and only a few chose the customary law and none of the civil law. The respondents realized that most of the rights and obligations were not practiced by both spouses.

Table 1: Number of Respondents Who are Aware of their Marital Rights Under the Islamic Law, Civil Law, and Customary Law

No. of Respondents	
Islamic Law	3
Civil Law	1
Customary Law	2
Unaware of Marital Rights under the Three Laws	6
Total	15

Here are the following marital rights under Islamic law, Civil Law, and Customary law that the researcher discussed with the fifteen (15) respondents of battered wives among Meranaw Families in Lanao del Sur:

Islamic Law

After marriage, a man and woman must consider themselves as one, a partner, a consoler, and a protector of each other and a family. The relationship between a husband and wife is more extreme than that of neighbours or friends; it is much more intense. Islam has enjoined upon the husband's duties towards his wife and vice versa, with some duties being shared by both husband and wife.

Mutual rights of husbands and wives include living together, demanding the satisfaction of their mahr (obligatory bridal money given by the husband to his wife at the time of marriage),

and submitting herself to him. If the mahr is unsatisfied, the wife may exempt herself from living with her husband. Wives are obliged to submit themselves to their husbands, except where religiously prohibited. Submission means making herself available to her husband, and she should be able to enjoy herself physically. If a wife refuses to respond to her husband's request for intercourse, she has done something haram. She had committed a significant sin unless she had a valid excuse, such as menses, obligatory fasting, sickness, etc.

Mutual obligations and rights of spouses include societal and kind treatment. Husbands and wives are obliged to observe mutual respect and fidelity under this Code. Husbands and wives must be kind, well-mannered, affectionate, cheerful, compassionate, helpful, sympathetic, courteous, just, truthful, supportive, trustworthy, loyal, well-wishing, and polite with one another. It is the right of the husband to have the wife beautify herself for him and have a pleasant smile on her face instead of frowning and appearing in manners that he dislikes. A man must appreciate his wife and regard her as a blessing from God. He must honour her, be gentle with her, forgive her mistakes, and refrain from strictness and stubbornness. Islam regards this attitude as a wife's right and a husband's duty.

It was narrated that Abu Hurayrah (may Allah be pleased with him) said: "The Messenger of Allah (peace and blessings of Allah be upon him) said: 'Be kind to women.'" In another hadith, the Holy Prophet (SAW) said: "I entreat you to treat women well, for they have been created from a rib, and the most crooked part of a rib is the upper part. So, I entreat you to treat women well."

The wife should treat her husband well, as Allah says: "And they (women) have rights (over their husbands as regards living expenses) similar (to those of men)."

In conclusion, the relationship between a husband and wife is intense and requires both parties to live together, respect each other, and exhibit kindness and compassion. The wife's right is to protect her from anything that may damage her reputation and honour and keep her from going out, displaying her beauty, and not dressing appropriately. A husband should not expose his wife's secrets, as the Messenger of Allah (SAW) said: "The wicked among the people in the eye of Allah on the Day of Judgment is the man who goes to his wife, and she comes to him, and then he divulges her secret."

The wife keeps his affairs and the affairs of his household private, not spreading anything of these matters to others. The Prophet also said, "The woman is a guardian over her husband's household, and she will be asked about her responsibility." They must guard their dignity and honour. The husband is responsible for the supervision of the family, which includes fixing the family's residence and providing for the family's expenses. The amount of support shall be in proportion to the giver's resources and to the recipient's needs. The Prophet (peace and blessings of Allah be upon him) said to Hind bint 'Utbah – the wife of Abu Sufyaan – who had complained that he did not spend on her: "Take what is sufficient for you and your children, on a reasonable basis."

It is the wife's right to the husband to teach her what she needs to know about her religion or that he permits her to attend the learning sessions. Men must make provisions for their wives' religious, ethical, and belief-related issues. They must help them with this matter or provide the instruments for their learning. A man must be careful of his wife's morality and conduct. He must encourage her to do virtuous deeds and praiseworthy behaviour and dissuade her from

evil deeds and indecent behaviour. In short, he must free her from the fires of Hell and invite her to Heaven.

The wife cannot accept gifts without the husband's consent. Article 36 par. Two states that the wife cannot acquire any property by gratuitous title except her relatives who are within the prohibited degrees in marriage. The wife may exercise any profession or occupation with her husband's consent. However, suppose the husband refuses to consent because his income is sufficient for the family according to its social standing or other factors. In that case, the wife must be informed of the consequences of her actions. In conclusion, the right of the wife to protect her reputation, maintain her dignity, and provide for the family's expenses is a fundamental aspect of Islamic law. The husband is responsible for ensuring his wife receives the necessary support and guidance to maintain her dignity and honour.

The Code of Islamic Law outlines the duties and obligations of a wife in a marriage. The wife is responsible for managing the household affairs, purchasing necessary items, and ensuring the husband provides the proper sum for expenses. She is also responsible for safeguarding her husband's property and wealth.

The wife retains ownership and administration of her exclusive property, which includes properties brought to the marriage, income derived from employment, occupation, or trade, money or property acquired during marriage by lucrative title, dower (mahr) of the wife and nuptial gifts, properties acquired by right of redemption, purchase, or exchange of the exclusive property of either, and all fruits of properties mentioned above.

The wife is entitled to an equal and just treatment by the husband. He must be equitable and equal concerning food, drink, clothing, housing, and spending the nights in their beds. The Prophet Muhammad () said that having two wives and showing favouritism to one of them would result in one of his sides hanging down on the Day of Judgment.

A Muslim male cannot have more than one wife unless he can deal with them with equal companionship and just treatment as enjoined by Islamic law and only in exceptional cases. If a Muslim husband wishes to contract a subsequent marriage, they must file a written notice with the Clerk of Court of the Shari'a Circuit Court where their family resides. If any parties object, an Agama Arbitration Council shall be constituted under paragraph (2) of the preceding article.

Under this Code, the husband and wife must render mutual help and support. Fathers and mothers share the duties of caring for children, providing for their health, training their bodies and souls, and educating them in knowledge and morality. A father is more responsible, while a mother is more sensitive and constructive.

The husband and wife have the right to divorce under this Code. Divorce is the formal dissolution of the marriage bond under this Code, which may be affected by repudiation of the wife by the husband (talaq), vow of continence by the husband (ila), injurious assimilation of the wife by the husband (Bihar), acts of imprecation (Xi'an), redemption by the wife (khula), exercise by the wife of the delegated right to repudiate (tenfold), or judicial decree (flash).

The husband and wife shall inherit from each other under this Code. The share of the surviving husband is one-fourth of the hereditary estate, while the share of the surviving wife is one-eighth of the hereditary estate. Without such descendants, the wife shall inherit one-fourth of the estate.

The last obligation of the wife is to observe Idda, the period of waiting prescribed for a woman whose marriage has been dissolved by death or divorce. Completing this period will enable her to contract a new marriage.

Civil Law

The Family Code of the Philippines, signed into law by President Corazon Aquino on July 6, 1987, governs marriages, legal separations, property relations between spouses, and parental authority. It outlines the rights and obligations between husband and wife, including living together, observing mutual love, respect, and fidelity, and providing mutual help and support.

The court may exempt one spouse from living with the other if the latter should live abroad or if there are valid and compelling reasons for the exemption. However, this exemption shall not apply if the same is incompatible with the family's solidarity.

Separately responsible for the support of the family, spouses are jointly responsible for the expenses for such support and other conjugal obligations. Household management is the right and duty of both spouses, and the aggrieved party may apply to the court for relief when one spouse neglects their duties to the conjugal union or commits acts that threaten the other or the family. Either spouse may exercise any legitimate profession, occupation, business, or activity without the consent of the other, but the latter may object only on valid, serious, and moral grounds. In case of disagreement, the court must decide whether the objection is proper and if the benefit has occurred to the family before or after the objection.

The declaration of nullity of marriage applies to marriages that are null and void from the beginning due to the absence of at least one of the essential or formal requisites of marriage. These marriages can be classified into five categories: void ab initio marriages due to lack of requisites, psychological incapacity, incestuous marriages, marriages against public policy, bigamous marriages, and void subsequent marriages when one spouse remarries without complying with the recordal requirement of the judgment of annulment or absolute nullity of the previous marriage.

The declaration of nullity of marriage is different from legal separation, which is a legal remedy for couples suffering from a problematic marriage. In a legal separation, the couple can live apart and separately own assets. However, legally separated couples are not permitted to remarry, as their marriage is still considered valid and subsisting. The declaration of nullity of marriage can have significant legal consequences, including the dissolution and liquidation of property relations, the status of children born or conceived before the declaration, custody of children, child support, and spousal support. In void ab initio marriages, the property regime of unions without marriage applies, with differences between unions where the parties are capable of marrying each other (Article 147 applies) and unions where the parties are not (Article 148 applies).

Under Article 147, there is a presumption that contributions are equal, and property acquired by either exclusively belongs to such property, subject to proof. Property acquired through both their work/industry is co-owned. However, under Article 148, there is no presumption of joint acquisition and property acquired by either exclusively belongs to such property and is owned in common proportion to respective contributions.

Children born or conceived before the declaration of nullity are deemed illegitimate, except when the grounds for the declaration of nullity are psychological incapacity or a void subsequent marriage under Article 53 of the Family Code. Custody of children during pendente lite (pendente lite) will be governed either by written agreement or by court order based on the child's best interest. After the decree, custody will be awarded to the innocent spouse, but no child under 7 years shall be separated from the mother unless there are compelling reasons.

Child support will be governed by either a written agreement or, in the absence thereof, from properties of the Absolute Community of Property (ACP) or the conjugal Partnership (CP). After the decree, either parent or both may be ordered to give an amount necessary for support in proportion to the resources/means of the giver and necessities of the recipient. Spousal support will be governed by either a written agreement or, in the absence thereof, considered as an advance to be deducted from the share of the spouse supported during liquidation.

Customary Law

In Meranaw society, marriage is a highly valued social institution that serves as a means of forging alliances between families, settling disputes, and perpetuating familial influence. With some exceptions, Meranaw marriage is primarily monogamous. Married in the Meranaw family begins with the parents choosing the husband for their daughter and the wife for their son.

In a typical Meranaw family, the husband is the symbolic head and is responsible for supporting and maintaining the family. Men have to assume the role of pukao-notan or head of the family, becoming responsible individuals. Meranaw women have several rights they cannot enjoy in the Philippine legal system, such as the right to be equal to men in society, use royal titles, inherit properties, and enjoy many other privileges.

The wife has a customary right, called kalawii, to refuse to live or visit her husband's house until the obligatory "gift" of kalawii is given. She is usually invited to live in her husband's homeplace a year or more after the wedding celebration. The love between husband and wife often begins with marriage and grows over the years with acts of kindness, thoughtfulness, and tenderness. The wife is always at home, patiently waiting for her husband's return, greeting him with a sweet smile upon arrival, and sharing family problems with him.

The husband respects decisions, and the wife is subject to the husband in many ways, such as not being allowed to leave the house without permission. The husband seems more possessive, as the wife is confined mainly at home, peeping through holes and must not be seen and known by other men. Her work is confined mainly at home, with the father doing the marketing and the mother cooking with the children's help.

Child-rearing is divided between the father and the mother, with the mother having more authority in managing the home and raising the children. The mother is the teacher responsible for raising the children properly, teaching them the art of human relationships, the fundamentals

of religion, cooking, and keeping a husband. The father may help care for the baby while the mother is busy with housekeeping, washing clothes, and washing dishes. At night, the father enjoys playing with his children with games like kapeyompa (the child rides his leg as he lies on the bed and moves the child up and down) and kasiyosiyor (hide-and-seek game of the child in a long worn by the father).

Parents arrange for an early marriage of their children, but a husband who has divorced his wife cannot intervene in the wife's authority in dealing with the children. She has complete authority over the children.

In summary, Meranaw society values marriage as a means of forging alliances between families, settling disputes, and perpetuating familial influence. The marriage is monogamous, with some exceptions, and the wife holds complete authority over the children.

In Meranaw customary law, no wife is deprived of custody of her children except in cases of physical infirmity or mental illness. If the husband repudiates the wife, custody of minor children is awarded to the repudiated wife unless the children are entitled to support and maintenance from their father. If the husband fails to provide the necessary support, the children may sue their father for support and maintenance.

Married women are entitled to support and maintenance by their husbands, provided they claim necessary items for their existence and personal satisfaction, following Muslim law and within the husband's capacity. If the husband refuses her claim, she can ask the court for an order to counsel her husband to set aside an amount for the maintenance of her family, provision, and other necessary support. Suppose the wife becomes incapacitated due to infirmity or disease. In that case, she may petition the court and obtain an order against her husband for the payment of any sum from time to time for her medicine and other needs in connection thereof.

Married women who have ceased to be entitled to maintenance during their idea may petition the court to support the children, if they are still minors, for any sum sufficient for the maintenance, as they may be entitled to following customary adat laws. Property relations between husband and wife may be presumed separate. However, all property belonging to a woman before her marriage remains her property and may be disposed of by her with or without the husband's concurrence. Claims for mahar (dowry) can be made by a married woman or a woman who has been divorced. A married woman divorced by her husband may be granted consolatory gifts in such sum as may be just and following Maranao Muslim law. When a married woman dies, leaving her property/properties, male children are granted administration of the property by customary law and preference. The nearest kin is preferred, and children of the husband by other wives are not entitled to a grant of administration of the property or estate of the deceased woman and/or wife.

Marriage in the Meranaw culture is a contract that can be dissolved by any party concerned with terms and conditions defined by the indigenous taritib and igma (traditional indigenous law). A wife can ask to dissolve her marriage but must give tendan, usually a return of the betang or a portion of it to her husband if she has no sufficient ground. If the husband refuses to divorce her, the marriage shall remain valid. However, if the wife has sufficient ground, she can ask for a divorce without giving tendon.

One ground for divorce is physical abuse by the husband, with or without cause. In Meranaw society, a wife must be loved, cared for, and respected by the husband and regarded as a woman whose physical makeup differs from the man. In most cases, a situation of this nature does not call for a fine, and divorce may be permitted. In Meranaw society, a husband is not expected to settle his problem with his wife by speaking harshly or using violence. The most he can do when he cannot endure the doings of his wife is to bring the matter to her close relatives or bring it to the datu in the community as a formal complaint.

In the Meranaw tradition, the husband is given absolute authority to divorce his wife by simply turning over his duties and responsibilities toward her to her close kin. This authority compensates for the physical, social, psychological, and material requirements he and his parents have undergone in getting her as his wife. If the spouses cannot be pacified, they are given idda (grace period) before they can separate. When the idda is allowed, the go-between visits the couple to offer his solution to the problem, usually inviting some people to accompany him and offering a randori for the couple. A prayer is offered.

However, traditional Meranaw does not follow the restrictions for the divorced wife. When a divorced wife is pregnant, her guardians or close relatives "marry her off" to another person, preferably from within the kinship, who cannot easily refuse the marriage. An annulled marriage can be revived if the woman is not married again to another man.

The Factors for the Occurrence of Battered Wives Among Meranaw Families in Lanao del Sur

The researcher was able to gather four (4) major factors for the occurrence of battered wives among Meranaw families as a result of interviews with fifteen (15) battered wives as respondents among Meranaw families from select municipalities in Lanao del Sur. These were Vices, Neglected Obligations of Wife and Husband, Arranged and Forced Marriage, and Suspicion and Jealousy.

Vices

The findings of the study indicated that vices were one of the factors contributing to the occurrence of battered wives among Meranaw families in Lanao del Sur. These vices included gambling, drinking alcoholic beverages, using drugs, getting involved with other women, and being a sexual pervert. The responders were victims of psychological, physical, and sexual abuse. Five (5) of the fifteen (15) respondents stated that this is the reason they become battered wives.

Neglected Obligations of Wife and Husband

This is one of the most common issues between spouses, as most respondents are unaware of their rights and obligations as wives and husbands, which leads to negligence. Most of the respondents provide for their families because their husbands are unemployed, which is why there is always a conflict between the respondents and their spouses.

Arranged and Force Marriage

The researcher also found out that arranged marriage and forced marriage is one of the factors. Two (2) respondents had arranged marriage by their parents, and one (1) had forced marriage. The respondent forced his husband to marry her due to unintentionally pregnant her. They call it in the Meranaw dialect "Initata," where the girl forces the boy to marry her without the

intention of the boy. As the other respondents, they were victims also of physical and psychological violence as defined in R.A. 9262, Section 3.

Suspicion and Jealousy

The researcher also found out that one of the factors for the occurrence of battered wives among Meranaw families in Lanao del Sur is suspicion and jealousy. The respondents said that they are having a hard time with their husbands because they are suspicious of them and jealous. Though there is no proof of evidence to be jealousy, their husbands tend to harass their wives.

Table 2: Number of Respondents Affected by the Factors for the Occurrence of Battered Wives Among Meranaw Families in Lanao del Sur

Factors	No. of Respondents
Vices	5
Neglected Obligations of Wife and Husband	5
Arranged and Forced Marriage	3
Suspicion and Jealousy	2
Total	15

The Remedies to Address the Issues on Battered Wives among Meranaw Families in Lanao Del Sur

Marriage Counselling

Most of the fifteen (15) respondents suggested that marriage counseling should be provided before and during the marriage for the spouses so that they know what they will face during the marriage and what to do if a problem occurs. Marriage counseling also teaches couples how to handle disagreements constructively, avoiding unhealthy patterns like yelling, stonewalling, or avoiding issues altogether.

Divorce

Moreover, some of the respondents are likely to initiate a divorce from their husbands because they cannot endure any more the pains and sufferings from their husbands, while some of the respondents had already divorced their spouses and continued their lives as they forgot their dark past with their previous husbands.

Ask Permission of the Daughter and Son Before Accepting Marriage

The researcher found out that some of the respondents also suggested that the parents should ask their daughters and sons if they want to accept the marriage so there will be no problems during the marriage. Asking for their permission will also allow them to feel valued, respected, and included in such a major life decision.

Getting to know Each Other Before Marriage

They also suggested that they should give the two more time to get to know each other before they accept the marriage so there will be no problems during the marriage. It provides a chance to see how each person communicates, handles conflict, and supports their partner as the respondents said.

Remain in Marriage

Furthermore, the other respondents just want to remain in their marriage for the sake of their children and family. And they believe their partner will eventually change, stop the abuse, or return to being the person they were at the start of the relationship.

Table 3: Number of Respondents Agreed by the Remedies to Address the Issues of Battered Wives among Meranaw Families in Lanao Del Sur

Remedies	No. of Respondents
Marriage Counselling	4
Divorce	3
Permission of Daughter and Son Before Accepting Marriage	3
Getting to Know Each Other Before Marriage	2
Remain in Marriage	3
Total	15

Recommendations

The writing recommends several recommendations for the local government units in Lanao del Sur, including coordinating with the Integrated Shari'ah Bar of the Philippines, Inc. – Lanao del Sur to educate Meranaw spouses about their marital rights and obligations by providing programs like seminars about the rights and responsibilities of husband and wife in every municipality of Lanao del Sur.

The King Faisal Center for Islamic, Arabic, and Asian studies (KFCIAAS) should provide free legal advice and consultations to all municipalities in Lanao del Sur, as they produce Shari'ah Counselors, Lawyers, and 'Aleems.

The Shari'ah Counselors, Lawyers, and Sultans should compile a book or pamphlet on marital rights under Islamic, Civil, and Customary law, translated into Filipino language and Meranaw dialect, for Meranaw spouses to understand their rights and obligations. Muslim Meranaw men should consider their responsibilities for themselves, especially for their wives and children, and should not become violent towards their wives.

Parents and parents-in-law should check their daughters and sons' well-being with their spouses and help settle conflicts without taking sides. The researcher also recommends that Shari'ah Counselors, Lawyers, and Sultans address the issue of battered wives among Meranaw families in Lanao del Sur.

Battered Meranaw wives should gather their strengths and courage to uphold their beliefs for themselves and their children. Shari'ah Counselors should provide free marriage counseling before and during marriage, as it should be part of Shari'ah, Civil, or Customary law. Muslim Meranaw women should choose their life partners, and parents should allow their children to choose their partners.

Lastly, government agencies like the CSWD, MSSD, and Bangsamoro Women Commission should continue advocating for women's rights and developing strategies to support abused women in terms of shelter, comfort, and assistance.

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