

Insights on Marriage & Divorce Under the Muslim Code

Christopher L. Lim

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One of the more significant contributions of the Constitution can be gleaned from the free exercise of religion clause, giving the people the option to exercise any religion they believe in subject only to certain limits. Consequently, this is of particular significance when applied to the status of Filipino Muslims, who have been for a long time practicing a religion different from that of the majority of the Filipinos in the country.

For the Filipino Muslims, it is Islam that guides their religious practice. As a comprehensive body of religious ideals, Islam affects the way they live their everyday lives. Specifically, it is the concept of Shariah embodied in such a religion that direct a Muslim's life. In fact, it is this concept that led to the enactment of the Code of Muslim Personal Laws, signifying a confirmation of the Muslim Filipinos' triumph to establish a system of laws in their communities consistent with their beliefs.

In this Comment, the Author examines the personal laws that govern the Filipino Muslim's life. He first outlines the sources of Islamic Law as the Koran, Tradition, Consensus and Analogy. Subsequently, he gives a general overview of the schools of law. This is followed by a lengthy discussion on the main topic of the Comment, which is marriage and divorce under the Muslim Code. Under this, he examines marriages, prohibited marriages, subsequent marriages, as well as the classification of marriages as either void or irregular, both having be given a particular name — Batil and Fasid, respectively. He also discusses property relations, divorces and their effects under the Muslim Code.

The Author concludes with a proposition that the Code represents an instrument not only for respecting another people's beliefs but also for the achievement of national unity.