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Reconciling Tradition and Islamic Principles: Perspectives of Mëranao Couples on Cultural Divorce

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ABSTRACT

This study explores the perceptions of Mëranao couples regarding divorce within the framework of Islamic jurisprudence, cultural tradition, and socio-religious realities in Tubod, Lanao del Norte, Philippines. Employing a descriptive qualitative design, the research involved 70 purposively selected participants and used a structured questionnaire encompassing demographic and religion-related cultural variables. The findings reveal that Islamic law (Sharia) forms the foundation of divorce practices, while local traditions and customary norms continue to shape their interpretation and application. Early marriages, often influenced by economic and family expectations, contribute significantly to marital instability. Respondents demonstrated clear awareness of the Islamic processes of Talaq, including distinctions between revocable and irrevocable forms, inheritance rights, and reconciliation procedures during the iddah period. This study highlights the intersection of Islamic teachings and indigenous Mëranao customs, offering valuable insight into religiously grounded marital practices and contributing to broader discussions on Islamic family law in traditional Muslim societies.

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1. INTRODUCTION

Divorce, or Talaq, refers to the formal dissolution of a marital union, terminating the legal and personal obligations shared between spouses. In Islamic societies such as the Mëranao community, divorce is regarded as both permissible and sensitive, reflecting the sanctity of marriage as a divinely ordained institution. Governed by Sharia law, the procedures for divorce vary depending on cultural and regional practices. While Islam permits divorce as a last resort, it also mandates structured processes to preserve justice, equity, and family dignity (Mastura, 1994; Gamon & Tagoranao, 2024; Guleng *et al*., 2024).

Among the Mëranao people in the southern Philippines, divorce is interpreted through both religious teachings and indigenous traditions. The practice of early marriage, driven by romantic expectations, family arrangements, and socio-economic motivations, is prevalent. Although Islamic teachings encourage early marriage to prevent immoral behavior (fitna) and adultery (zina), such unions are often marked by emotional immaturity and instability, especially when entered under social or economic pressure (Shabah, 2024). These conditions increase the risk of marital breakdown and reinforce the need to understand how religious guidance is implemented in real-life contexts.

Islamic provisions related to divorce offer rights to both men and women. While husbands traditionally possess the authority to pronounce Talaq, women may seek annulment through Khula or legal recourse in cases of neglect or abuse. Sharia also mandates principles such as equity, mutual respect, and due process, aiming to protect both spouses, especially women. However, the way these rights are understood and practiced in the Mëranao community is shaped by local cultural expectations and unwritten social norms, which may deviate from formal legal interpretations (Saber, 1962; Saber, 1963).

Prior studies on Islamic family law tend to emphasize textual and legal dimensions, often overlooking the influence of local customs and lived realities in Southeast Asian Muslim communities (Barodi, 2019). In particular, there remains a research gap concerning how Mëranao individuals perceive divorce, how Islamic rulings are integrated with customary adat, and how socio-economic factors affect marital decision-making. These gaps necessitate culturally embedded studies to better comprehend how tradition and religion intersect in shaping perceptions of divorce.

Therefore, this study aims to explore the perceptions of Mëranao couples on cultural divorce, focusing on the relationship between Islamic teachings, cultural norms, and socio-economic factors (De Los Santos, 1966). It investigates how early marriage, inheritance rights, reconciliation procedures, and the ‘iddah period are understood and practiced within the Mëranao community. By doing so, it contributes to the broader discourse on Islamic family law and highlights the relevance of culturally grounded legal and religious education for Muslim societies in the Philippines and beyond (Rivera, 1960; Rivera,1966).

2. METHODS

This study employed a descriptive qualitative design to examine the perceptions of Mëranao couples regarding the cultural and Islamic dimensions of divorce (Talaq) in Tubod, Lanao del Norte, Philippines. The design allowed for a comprehensive exploration of personal insights, values, and experiences that shape marital dissolution in the context of both Islamic law (Sharia) and Mëranao tradition (Sibulo, 1974; Lim, 1981).

A total of 70 Mëranao couples were purposively selected from various barangays in Tubod, ensuring diverse demographic representation and cultural backgrounds. Participant selection adhered to ethical standards, with informed consent obtained and permissions secured from

local authorities. The respondents were chosen based on their marital experience and knowledge of Mëranao customs, aiming to generate meaningful and contextually relevant data.

The primary instrument used was a researcher-modified survey questionnaire. It consisted of two major sections: the first gathered demographic information such as age, gender, civil status, educational attainment, occupation, and number of children. The second section focused on culturally and religiously framed questions regarding divorce, including perspectives on Talaq Bain Sugra (minor irrevocable divorce), Talaq Bain Qubra (major irrevocable divorce), and the 'iddah (waiting period). These questions were developed based on Islamic legal principles and cultural practices observed among the Mëranao (Jailobaeva *et al*., 2024).

To guide the analysis, the study utilized a schematic framework consisting of three components: independent variables, dependent variables, and implications. The independent variables included respondent demographics; the dependent variable centered on their perceptions of cultural divorce. The implications were drawn from the interaction of these variables, informing potential religious, social, and educational interventions.

Data collection was carried out through in-person interviews using a structured questionnaire. Respondents were briefed on the study's objectives and assured of confidentiality. The responses were then analyzed using frequency and percentage distribution to identify patterns and dominant views. This method ensured accuracy in portraying the respondents' beliefs and facilitated meaningful interpretation aligned with both Islamic values and cultural realities.

This approach enabled the researcher to uncover not only formal understandings of Islamic family law but also localized interpretations rooted in Mëranao customs. As such, the study contributes to a deeper appreciation of how religious doctrine and cultural identity converge in shaping marital behavior within Muslim minority communities in Southeast Asia (Daud, 2024).

3. RESULTS AND DISCUSSION

This section presents the findings of the study on the perceptions of Mëranao couples regarding divorce (*Talaq*) and its related Islamic and cultural dimensions. The results are categorized thematically into five key areas: Cultural Divorce, *Talaq Bain Sugra* (minor irrevocable divorce), *Talaq Bain Qubra* (major irrevocable divorce), the *'Iddah* (waiting period), and overarching perceptions on reconciliation and religious responsibility.

3.1. The Factors Affecting the Respondent's Perceptions towards Talaq in *Mëranao*

3.1.1. Cultural Divorce

The respondents' perceptions regarding divorce within the context of Islamic teachings and Mëranao cultural practices. The first statement, which received a mean of 2.20 and a standard deviation of 0.47, indicates agreement among respondents that Islam permits divorce, albeit it is discouraged. This aligns with Islamic jurisprudence, particularly in Surah Al-Baqarah 2:229, which acknowledges the permissibility of divorce but emphasizes reconciliation and peaceful settlement as preferred alternatives. Scholars like Yusuf al-Qaradawi also assert that divorce, while lawful, is viewed as a last resort.

In the second statement, with a mean of 2.56 and a standard deviation of 0.73, respondents agree that Talaq (Islamic divorce initiated by the husband) is seen as a solution for unfaithfulness in marriage. This perception reflects the protective measures Islam offers

to uphold moral conduct within marriage. According to Islamic legal traditions, infidelity undermines the sanctity of the marital bond, and Talaq is one mechanism to dissolve such a union while preserving the dignity of both parties (Ali, 2006).

The third statement, with a mean of 2.44 and a standard deviation of 0.71, suggests that Talaq is perceived as a commonly accepted practice for marital separation among Mëranao families. This perception underscores the cultural integration of Islamic divorce procedures within the Mëranao community, where Islamic law (Shari'ah) often guides family and personal matters. Cultural practices among the Mëranao tend to align closely with Islamic principles, especially concerning marriage and family life.

In the fourth statement, which yielded a mean of 2.29 and a standard deviation of 0.59, respondents agree that the Mëranao people follow Islamic requirements when pronouncing divorce. This includes conditions such as pronouncing Talaq during a period of purity (tuhr), not during menstruation, and observing the waiting period (iddah)—as stipulated in classical Islamic sources like Fiqh al-Sunnah.

Lastly, the fifth statement, which received the lowest mean of 1.73 and a standard deviation of 0.61, reveals that respondents strongly agree with the teaching that divorce is the most detested lawful act by Allah. This sentiment is rooted in a well-known Hadith: "The most hated of permissible things to Allah is divorce" (Abu Dawood, Hadith No. 2178). This finding reinforces the Islamic emphasis on the preservation of marriage unless it becomes untenable.

3.1.2. Talaq Bain Sugra (Revokable)

The respondents' perceptions on various aspects of *Talaq* in Mëranao culture, showing a clear understanding of Islamic provisions regarding divorce and how these are reflected in local customs.

The first statement, with a mean of 2.43 and a standard deviation of 0.69, indicates that respondents agree divorce is considered a right of both the husband and the wife, suggesting an awareness of Islamic legal frameworks that grant both parties the ability to initiate marital dissolution under specific conditions. In classical Islamic law, while the *Talaq* is primarily a right of the husband, the wife can seek divorce through *Khula* (mutual consent with compensation) or *Faskh* (judicial annulment) when grounds are justified. In *Dispensing Justice in Islam*, Islamic family law has evolved to provide greater recognition of women's rights in the divorce process, especially in Southeast Asian contexts where customary laws complement religious principles. This balance is observable in *Mëranao* culture, which integrates local *adat* (custom) with Islamic law (*Shari'ah*).

The second statement, with a mean of 2.27 and a standard deviation of 0.59, reflects respondents' agreement that under *Talaq Bain Sugra* (a minor irrevocable divorce), the husband may revisit or reconcile with his wife during her *iddah* period without a new marriage contract. However, it is important to clarify that in classical jurisprudence, reconciliation without a new marriage contract is only permitted in *Talaq Raj'i* (revocable divorce). In *Talaq Bain Sugra*, the couple may remarry, but only through a new *nikah* (marriage contract) and *mahr* (dowry), as noted by Jamal J. Nasir (2009) in *The Status of Women Under Islamic Law and Modern Islamic Legislation*. The respondents' perceptions seem to align with the view that *Talaq Bain Sugra* still allows for reconciliation, but only after formal requirements are met.

In the third statement, with a mean of 2.33 and a standard deviation of 0.58, respondents agree that a wife remains a legal spouse during the *iddah* period and is entitled to support from her husband. This principle is rooted in the Qur'an, where Allah commands: *"Let the*

women live [in 'iddah] in the same style as you live, according to your means. Do not annoy them to restrict them" (Surah At-Talaq, 65:6). Scholarly interpretations, such as those found in *Fiqh-us-Sunnah* by Sayyid Sabiq (1985), affirm that a wife undergoing *iddah*—especially after a revocable divorce—maintains her marital rights, including maintenance, residence, and dignity.

The fourth statement, with a mean of 2.38 and a standard deviation of 0.59, shows that respondents believe both spouses retain legal inheritance rights if one dies during the *iddah* period. This is an established rule in Islamic inheritance law. In the case of a revocable divorce (*Talaq Raj'i*), inheritance rights remain intact throughout the *iddah*. Even in irrevocable forms (*Talaq Bain*), if the divorce was pronounced due to the husband's illness and he dies within the *iddah*, some jurists—particularly from the Hanafi school—uphold the widow's right to inherit. This is supported in *Principles of Islamic Jurisprudence* by Mohammad Hashim Kamali (2003), emphasizing the intention behind the divorce (e.g., if it was to deprive the wife of inheritance) as a determining factor.

Lastly, the fifth statement, with a mean of 2.16 and a standard deviation of 0.47, demonstrates that respondents agree *Talaq Bain Sugra* is perceived as a less severe form of divorce, wherein the husband can remarry his former wife with a new *nikah* and *mahr*. This distinguishes it from *Talaq Bain Kubra* (major irrevocable divorce), where reconciliation is only possible after the wife has lawfully married and divorced another man (*halala*), as stipulated in Surah Al-Baqarah 2:230. The *Mëranao's* understanding of *Talaq Bain Sugra* reflects a localized adaptation of these legal categories, maintaining the possibility for reunification under renewed commitments.

3.1.3. Talaq Bain Qubra (Irrevocable)

The data presents respondents' perceptions of various aspects of *Talaq*, particularly focusing on distinctions within Islamic divorce procedures as understood in both classical jurisprudence and local *Mëranao* cultural interpretation.

The first statement, with a mean of 2.34, indicates that respondents agree *Talaq Bain Kubra* (major irrevocable divorce) is final, and the couple cannot remarry unless the wife enters into a legitimate marriage with another man (*halala*) and is subsequently divorced. This principle is explicitly rooted in the Qur'an: *"If he divorces her (a third time), then she is not lawful unto him thereafter until she has married another husband..."* (Surah Al-Baqarah 2:230). This verse is the primary legal basis in all schools of Islamic law for prohibiting remarriage after a third *Talaq* unless *halala* occurs, as confirmed in Sayyid Sabiq's Fiqh-us-Sunnah and further reinforced by classical jurists like Imam al-Shafi'i and Imam Malik.

The second statement, with a mean of 2.31, shows that respondents agree that a single pronouncement of *Talaq* is enough for the divorce to take legal effect, provided the intent is clear and the conditions are met. This view aligns with mainstream Islamic jurisprudence, where one valid declaration, especially if done with clear intent and in a proper context, initiates the *iddah* period (waiting time), as outlined in Jamal J. Nasir's The Status of Women Under Islamic Law. This principle avoids the misunderstanding that multiple declarations are required and highlights the gravity of even one pronouncement.

The third statement, with a mean of 3.03, reflects respondents' indecision regarding the permissibility of pronouncing *Talaq* during menstruation (*hayd*) or *Tuhr* (a period of purity between menstruations). According to the Sunnah, a *Talaq* should be issued during *Tuhr* when the wife has not engaged in sexual relations with her husband, to ensure fairness and clarity of intention. A *Talaq* given during menstruation is considered innovative (*bid'ah*) and

discouraged, though most jurists still regard it as legally effective. This ruling is detailed in Imam Nawawi's commentary on Sahih Muslim, which emphasizes that while such a pronouncement is valid, it contravenes the Prophet's prescribed method for issuing *Talaq*.

The fourth statement, with a mean of 2.23, reflects respondents' agreement that three divorces constitute a final and irrevocable separation. This is consistent with the dominant interpretation among the four Sunni schools of thought. According to the Hanafi, Shafi'i, and Hanbali schools, three *Talaqs* pronounced—whether in one sitting or spaced out—lead to a conclusive termination of the marriage. This is supported by the hadith narrated by Ibn Umar and reported in Sunan Abu Dawood, which outlines the Prophet Muhammad's reaction to multiple divorces given at once and his instructions regarding them.

Lastly, the fifth statement, with a mean of 2.29, indicates that respondents agree marriage is immediately dissolved after an irrevocable *Talaq* is issued. In Islamic law, an irrevocable *Talaq* (*Bain*) results in the wife being legally separated, although the *iddah* period still applies to determine lineage and provide a period for emotional and legal transition. According to Mohammad Hashim Kamali's Principles of Islamic Jurisprudence, *Talaq Bain* results in a break of the marital contract that cannot be reversed unless a new contract is formed, if permissible. However, in the case of *Talaq Bain Kubra*, such a contract is no longer valid unless the wife has married and lawfully divorced another man.

3.1.4. Iddah (Waiting Period)

The data highlights respondents' perceptions regarding the 'iddah period observed by Muslim women after divorce, a period of waiting mandated by Islamic law to clarify lineage, allow for reconciliation, and uphold social and spiritual decency.

The first statement, with a mean of 2.21, indicates respondents agree that a divorced woman must observe a three-month 'iddah, which is following the Qur'an: *"And divorced women shall wait [as regards their marriage] for three menstrual periods…"* (Surah Al-Baqarah 2:228). This duration applies to women who are not pregnant and whose menstruation is regular. Islamic legal scholars from all Sunni madhahib uphold this ruling, as emphasized by Sayyid Sabiq in *Fiqh-us-Sunnah*.

The second statement, with a mean of 2.74, reflects indecision among respondents on whether a pregnant woman must observe 'iddah until childbirth. According to Surah At-Talaq (65:4), *"…and for those who are pregnant, their term is until they give birth."* This provision overrides the standard duration of three menstrual cycles or three months, affirming that the 'iddah for a pregnant divorcee ends at the time of delivery. This is a universally accepted ruling among Islamic jurists and is clarified in Jamal J. Nasir's *The Status of Women Under Islamic Law*.

The third statement, with a mean of 2.39, shows that respondents agree a husband must not revoke the divorce during the 'iddah period if the intention is for the divorce to be final. In Islamic law, if the divorce is revocable (Talaq Raj'i), the husband has the right to reconcile during the 'iddah without a new marriage contract. However, if he abstains from reconciliation, the divorce becomes final at the end of 'iddah. This principle is discussed in Mohammad Hashim Kamali's *Principles of Islamic Jurisprudence*, which clarifies that lack of action signals acceptance of final separation.

The fourth statement, with a mean of 2.23, similarly reinforces that if the husband does not take steps to reunite by the end of the 'iddah, the divorce is finalized. This reflects the concept that *Talaq Raj'i* allows reconciliation within the waiting period, but inaction is interpreted as consent to termination. As documented in Al-Muwatta of Imam Malik, this principle promotes both reflection and responsible decision-making during the interim period.

Lastly, the fifth statement, with a mean of 2.21, affirms that a woman must observe her 'iddah in the house where she lived with her husband, and remain indoors unless necessary. This instruction is based on the Qur'anic verse: *"Do not turn them out of their houses, nor should they leave…"* (Surah At-Talaq 65:1). This directive emphasizes privacy, emotional stability, and the potential for reconciliation. Scholars like Dr. Abdur Rahman Doi in *Shari'ah: The Islamic Law* confirm that the wife's residence during the 'iddah is a safeguard of her dignity and familial integrity.

In *Mëranao* culture, divorce, or *Talaq*, is seen as permissible but highly discouraged, reflecting a deep respect for the sanctity of marriage. While divorce is allowed in cases of marital issues, it is viewed as a last resort, especially when one partner is unfaithful. The practice of Talaq is not only shaped by Islamic teachings but also deeply intertwined with *Mëranao* cultural norms, where adherence to Islamic guidelines is emphasized.

Talaq Bain Sugra, or revocable divorce, offers a chance for reconciliation during the waiting period (*Idda*), allowing both spouses to retain legal and inheritance rights. This form of divorce reflects a more flexible approach, where the husband has the opportunity to restore the relationship, and the wife remains legally married until the waiting period concludes. During this period, both parties retain their rights, signifying that divorce is not an immediate severing of ties, but rather a process that considers the emotional and legal implications.

On the other hand, Talaq Bain *Qubra*, or irrevocable divorce, is seen as final. Once pronounced, it is considered permanent, and reconciliation is only possible if the wife remarries and then divorces again. This form of divorce underscores the gravity and finality of the decision, marking a clear and irrevocable end to the marital relationship.

The waiting period, or Idda, is a crucial aspect of the divorce process. It serves to ensure the finality of the divorce, as well as to clarify any potential issues regarding lineage, particularly if the wife is pregnant. The wife is expected to remain in her marital home during this time, except for essential needs, as a period of reflection, mourning, and legal clarity after the dissolution of the marriage.

Finally, the *Mëranao* approach to divorce and the waiting period reflects a strong adherence to Islamic principles, with a clear understanding that while divorce may be necessary in some cases, it is always a serious, thoughtful process approached with respect for both cultural values and religious teachings.

4. CONCLUSION

This study examined the perceptions of Mëranao respondents regarding divorce (Talaq) and the waiting period (Idda) within the framework of Islamic principles and cultural practices. The respondents, predominantly aged 36-45, male, married, and college-educated, were mostly business owners with 1 to 7 children. It was found that the husband has the right to pronounce divorce and to reconcile with his wife during the Idda period. If divorce is pronounced a second time, remarriage is necessary, and after a third pronouncement, reconciliation is not possible unless there is an intervening marriage. The study emphasizes that divorce should always be a last resort, with both spouses fostering mutual respect, support, and understanding to maintain a harmonious marriage. While the husband holds authority, both partners must prioritize communication and cooperation. Future research should explore the socio-cultural factors that shape divorce perceptions within different Mëranao communities, particularly how these practices evolve in response to changing gender roles. Additionally, investigating the legal dimensions of divorce in Islamic law and its intersection with local cultural practices would provide valuable insights.

5. AUTHORS' NOTE

The authors declare that there is no conflict of interest regarding the publication of this article. Authors confirmed that the paper was free of plagiarism.

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