

# Ulamas' and Professionals' Perceptions on the Islamic Inheritance Law under P.D. 1083

ABDULCADER MARUHOM AYO

<http://orcid.org/0000-0001-5295-172X>

[abdulcaderayo2016@gmail.com](mailto:abdulcaderayo2016@gmail.com)

Mindanao State University  
Marawi City

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## ABSTRACT

The study was undertaken primarily to determine the perceptions of Ulama and professionals on the level of awareness or knowledge and the level of acceptance of the Islamic Inheritance Law as codified in the Muslim Code of the Philippines. Using quantitative -qualitative methods, the 478 respondents Autonomous Region in Muslim Mindanao, starting in Lanao del Sur and Maguindanao, including Moro National Liberation Front (MILF)-controlled territory, up to Zamboanga del Sur, Sulu, and Tawi-Tawi participated the wide-range survey. Questionnaire, interview, focus group discussion, and observation were utilized in gathering the data. It was found that the respondents' level of awareness or knowledge on the Islamic Inheritance Law was only *moderate*. However, their knowledge of the Holy Qur'an and *Sunnah* as the primary sources of the law garnered a high level of awareness. As revealed in the interviews and focus group discussions, the overall moderate acceptance of the law is attributed to certain factors that could be broadly categorized into two sets: external and internal. A positive link between the respondents' level of awareness/knowledge and their level of acceptance of the Islamic Inheritance Law was found. This implies that an increase in the level of awareness may bring about an increase in the level of acceptance of the law.

**Keywords** — Social Science, Islamic Inheritance Law, mixed methods, Philippines

## INTRODUCTION

Islamic Inheritance Law is conceded as a quite complex branch of Islamic law. This complexity is thrown into sharp scrutiny both in and outside Muslim communities in the Autonomous Region in Muslim Mindanao, Philippines. The intricacy grows tenfold when applied in Muslim communities. Based on the researcher's experience and preliminary survey he conducted as a preparation for this study, some factors surfaced. Among these are the continuing subscriptions to secular law, lack of documents or appreciation of the value of documentation and documents, the practice of polygamy and divorce in Muslim communities, and the growing number of exogamous marriages/intermarriages among Muslim Filipinos. Any of these can complicate an already complicated situation. Hussain (2011) explains the basic principles of the religion of Islam and its law (the shariah) and how the Shariah is lived in many different cultures throughout the world.

To illustrate, there are problems common to exogamous marriages such as a Meranaw man having a Christian wife in addition to one or two Meranaw wives, or a childless couple adopting a child. In both cases, complications could arise when the husband dies. In this vein, many questions may arise such as: What are the rights of the Christian wife to the late spouse's estate? What portion is she entitled to? The same question could be asked with regard the legally adopted child. What is due to the adopted child as her inheritance from the deceased? In Islam, the right to inherit for surviving dependents and relatives is based on Islamic principles. When a person dies without leaving a will, the inheritance goes to the wife or his next of kin as stipulated Law. Indeed, there are laws on the distribution of inheritance to ensure that the inheritance rights of the next of kin are properly managed (bin Sulong, 2014).

In the same manner, as on conjugal property, another potential complication, can also pose a problem. Considering this hypothetical situation: a second or third wife who is an earning professional, or one already moneyed and possessing property before marriage with a family man could claim greater contribution to the growth of the man's business and assets in which she had sunk some investments. On the other hand, a Christian wife walks away empty-handed from the division of the late spouse's estate. One interesting illustrative case,

this time no longer a hypothetical one, is one that engaged a young widow in an inheritance division litigation with her late husband's parents who believed that the former should not inherit all the properties or assets of their son, as he already had investments in the family business before the marriage. The latter tried to build a strong case based on the argument that not all the deceased's assets could be, or should be, considered conjugal property. There were sordid scenes -- i.e. nearly violent clashes -- during the hearings, but at the end Shar'iah law on Inheritance prevailed to the disadvantage of the wife.

Usually, inheritance-related disputes are confined to the families involved. There are, however, instances when the domestic discord spills over and becomes a full-blown *ridu* because of the meddling or interference of in-laws or other parties, particularly, inheritance in the form of real estate or land. As reported by Alangca-Azis (2013), such inheritance-related conflicts, that is, involving land, are among the most common types of conflict among Meranaws. It is presumed that given the core cultural and religious values shared with the Meranaw, more or less the same problems also plague the other Muslim groups.

Lack of historical sense among the Meranaws, as Tawagon (n.d) and other scholars call it, manifests itself in the lack of appreciation of the importance of documentation and documents. This might sound a relatively trivial concern. On the contrary, on more critical examination, it can have grave consequences in an inheritance-related dispute. The wiser, cunning wife can outsmart other wives by having more hefty sums and prime property of the husband placed in her name. Since the court, whether the Shari'ah or the Philippine court, honor only legal documents, the other wives are at a disadvantage. The claim of the document-armed wife is difficult, if not impossible, to contest.

According to the study of Sonbol (1996), under the so-called national modern criminal laws based on human rights and centralized police forces, violence increased significantly within and outside the household. Women were victimized and often considered the responsible party. Zuleika and Desintha (2014) said that *Faraid* (Islamic Inheritance Law) has an important role to bring women into the complex practices of economic activities, so men and women altogether can raise the wealth of the nation and society welfare. Furthermore, *Faraid* encourages the economic growth and creates proper economic order in society.

Against the backdrop of controversies and confusion depicted, it seems imperative to examine and evaluate the level of awareness and acceptance of the Islamic law on inheritance as provided in Presidential Decree No. 1083, known as

the Muslim Code of the Philippines as the prevailing law governing the problem of interest -- i.e. inheritance among Muslims, particularly, in the Autonomous Region in Muslim Mindanao. Inheritance problems, although usually a domestic problem, should not be shrugged off as trivial or petty compared to larger issues like the volatile Mindanao Conflict. These can fester and break up or ruin relationships. The family is the basic unit of society and Islam places a premium on its unity and stability. Fragmented families are a potential threat to the social order.

The motivation of the researcher on the chosen research problem is not an overnight affair. It started with his observations and preliminary survey of the field through extensive reading. The researcher believes that the study fills a gap or lacuna in knowledge as no study on the problem has been conducted. As a Muslim, an endeavor is a form of *Da'wah*, which is an obligation of every Muslim. The Prophet (s.a.w.) declares: "The best among you is he who learned the Holy Qur'an and taught it (to others)" (Bukhari, VI, No. 106). Raising awareness of the Holy Qur'an-based provisions of the Islamic Inheritance Law is a vital step towards deeper knowledge of the Holy Qur'an and the *Sunnah*.

## FRAMEWORK

The demographic profile of the respondents comprised of Ulama and professionals representing various fields (analysed into age, sex, civil status ethnic affiliation, educational attainment, field of specialization, occupation, monthly income, sources of income, and organization/society membership) is linked with their level of awareness and acceptance of the Islamic Inheritance Law (P.D. 1083), which is the chosen phenomenon problematized and examined in the study.

It is part of the inquiry to probe the respondents' background, knowledge and forms of exposure to the Islamic Inheritance Law as a possible factor influencing their level of awareness and acceptance of the said Law. With the respondents' knowledge of, and exposure to, the Islamic Inheritance Law (P.D. 1083) and their level of awareness and acceptance of it were established through the result of the hypothesis testing, the ground is laid for the critical scrutiny of the underlying factors and problems affecting the acceptance and implementation of the Islamic Inheritance Law. Further, an effort was made to discover the Islamic point of view encoded in the provisions of the codified provisions of the Islamic Inheritance Law in the Muslim Code of the Philippines to ascertain the Law's faithful adherence to the basic sources or "roots of law", particularly, the primary

bases: the Holy Qur'an and the *Sunnah*. This requires internal assessment of the Islamic Inheritance Law.

Finally, based on the findings of the study, prospects for the full acceptance and effective implementation of the Islamic Inheritance Law have been presented.

## Paradigm

### Independent Variables Moderating Variables Dependent Variables

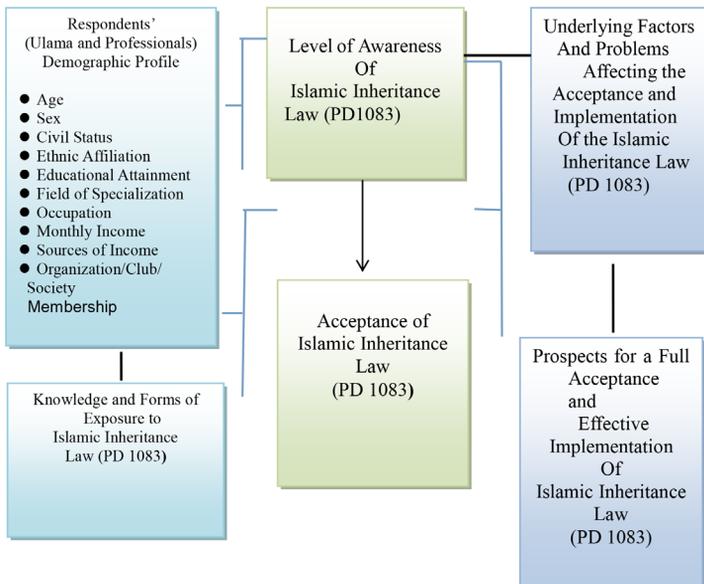


Figure 1. Schematic diagram showing the relationship between the variables of the study

## OBJECTIVES OF THE STUDY

The study ascertained the perception of Ulama and professionals' level of awareness and acceptance of the Islamic Inheritance Law in the Autonomous Region in Muslim Mindanao (ARMM), and their awareness of, or views on the factors and complications that affect the implementation of Islamic Inheritance Law.

## METHODOLOGY

### Research Design

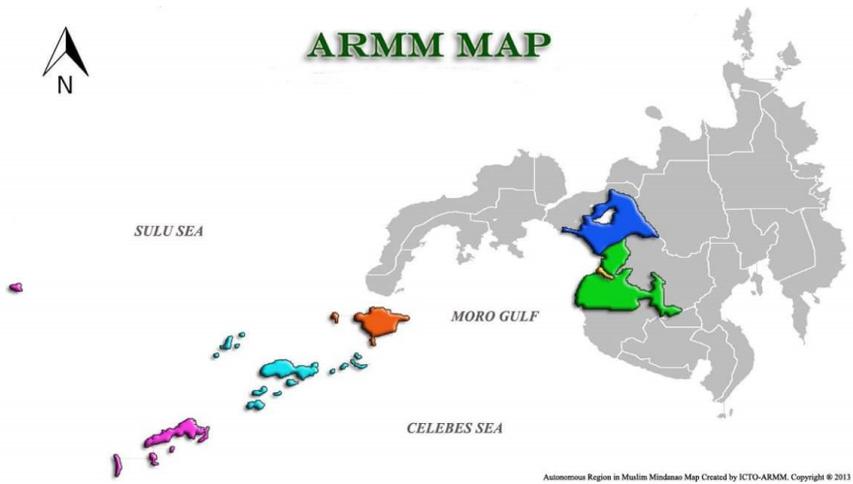
The research design deemed most fitting and useful is the mixed model which is a combination of the quantitative and qualitative methods. Within the chosen paradigm, the researcher had decided on a descriptive-correlational type of study. These choices are inspired by Creswell's (2009) rationale for the mixed method. All methods have limitations and it has been argued that weaknesses or biases inherent in any single method could neutralize or cancel the weaknesses or biases of other methods.

### Locale of the Study

The study ranges over the Autonomous Region in Muslim Mindanao (ARMM). The ARMM was created by virtue of Republic Act 6734, otherwise known as the Organic Act of the Autonomous Region in Muslim Mindanao, which was signed into law by former President Corazon C. Aquino on August 1, 1989, and ratified through a plebiscite on November 19, 1989. It was originally composed of the four provinces of Lanao del Sur, Maguindanao, Sulu, and Tawi-Tawi. It was designed to address the long-festering Mindanao problem or the winter of discontent that the Bangsa Moro has long lived through, engendered by the national government's neglect of Muslim Mindanao, a large part of it counting among the most depressed areas in the country.

The region was strengthened and expanded through the passage of Republic Act 9054 in 2001 as an offshoot of the signing of the 1996 Final Peace Agreement (FPA) between the Government of the Republic of the Philippines (GRP) and the Moro National Liberation Front (MNLF). The plebiscite was conducted in September 2001 and resulted in the inclusion of the province of Basilan and Marawi City in the expanded autonomous region. With this, there are already 5 provinces comprising the ARMM.

The ARMM is the home of 4.1 million population as of 2007 and has a total land area of 27, 581.79 square kilometers mostly devoted to agriculture. Lowland and upland crops are cultivated in the region. The yield of offshore fishery is abundant as the region has a long stretch of coastline, especially, the island provinces which depend on the rich marine life that the area is endowed with. Inland fishery is likewise extensive, especially with the presence of the long and wide Rio Grande de Mindanao, the great Lake Lanao in the Province of Lanao del Sur, and the swamps of Liguasan and Lake Buluan in the province of Maguindanao.

**LEGEND:**

-  **LANAO AREA**
-  **MAGUINDANAO AREA**
-  **BASILAN AREA**
-  **SULU AREA**
-  **TAWI – TAWI AREA**

Figure 2. Map of the Autonomous Region in Muslim Mindanao

**Respondents of the Study**

The population was comprised of Ulama and professionals from various fields. Due to envisaged problems concerning manageability and the enormous cost entailed in dealing with such a large aggregate, there was necessarily practical resort to sampling. An adequate and representative sample was drawn from the identified universe. The tentative target sample for this study was a 400-man sample: 200 Ulama and 200 professionals. As the researcher was able to distribute a larger number of questionnaires and retrieved most of this, a 478-man sample was realized (387 respondents for male and 91 respondents for female).

**Sampling Procedure**

Taking cue from Babbie (2007), the researcher used cluster sampling to draw a sample from the population of Ulama and professionals across the ARMM.

Cluster sampling suggests itself when it is impossible or impractical to compile a list of the elements or units (called sampling frame) composing the population. This contrasts with a single-stage sampling procedure in which there is access to names in the population and potential respondents which can be directly sampled. In a multistage or clustering procedure, the researcher first identified clusters (groups, schools, organizations, and the like), obtained the names of individuals within those clusters, and then sampled them.

### **Research Methods and Instruments**

A survey questionnaire was utilized in the collection of the primary data. A researcher-designed questionnaire was developed for this purpose. This semi-structured instrument was used for obtaining data on the demographic profile of the respondents and their background (awareness/knowledge and exposure) of the Islamic Inheritance Law. In this study, an attempt was made to correlate the respondents' level of awareness/knowledge and their acceptance of the Islamic Inheritance Law. To determine the latter, i.e. level of awareness and acceptance of the Law, the respondents were required to rate themselves on a list of statement indicators provided in the questionnaire. A continuous scale (3-point scale) was employed for this purpose.

Instead of pilot testing or field testing, the researcher consulted his adviser, and other experts to establish the content validity of the proposed questionnaire and to improve questions (include or exclude some), format, and the scale. Comments or suggestions were incorporated into the final instrument revisions.

Focus Group Discussions (FGDs) were also held at Shari'ah Center of Mindanao State University to elicit further information, follow up on some issues and cues and probe for different deeper opinions, perspectives, points of view, and motives of the respondents for some thoughts or perceptions expressed on the questionnaire, and encourage them to share experiences and observations pertaining to the Islamic Inheritance Law, particularly its implementation in their communities.

For the purpose of triangulation, in-depth interviews with a smaller number of the selected respondents drawn from the original sample, particularly, from the Ulama group, were held to pursue certain interesting or provocative lines of thought and to confirm the answers of these respondents in a more private setting. The main task of interviewing is to understand the meaning of what the interviewees say. A qualitative research interview covered both a factual and a meaning level, though it was more difficult to interview on a meaning level.

Interviews are particularly useful for getting the story behind a participant's experiences. The interviewer pursued in-depth information around the given topic (Kvale, 1996).

Library research was also undertaken in obtaining and reviewing information from available relevant literature in the form of books, journals, policies, digests, articles, court decisions or rulings, and other library materials that have a bearing on the present research. The libraries that the researcher visited to acquire these secondary sources are the libraries of the Mindanao State University- Marawi City and other MSU campuses, and PMTC Marawi, Autonomous Region in Muslim Mindanao.

### **Research Procedure**

In accordance with research protocols, formal letters of request for permission for entry into the field to gather data were personally delivered in the identified clusters like schools, local government offices or agencies like in PNP Parang, private firms like in Usrah Foundation, Shari'ah Courts of Lanao del Sur, masajid in Basulta areas and centers for learning like in Muhammadiyah in Maguindanao, and camps of the Liberation groups in southern Mindanao in particular, to Nosa Island and Pokutan of Wato Balindong Lanao del Sur to administer the questionnaire which was the main source of the primary data. Depending on the situation in each cluster, a full enumeration was adopted in selecting the respondents, or the researcher used his discretion as to how many units to include as participants in the study.

Once the preliminaries were complied with, the researcher and the research team started distributing the questionnaires to the selected respondents or sample units in each of the clusters. To reduce response bias (caused by nonresponse or incomplete responses to certain items on the questionnaire), which could significantly change the overall results, the researcher himself, assisted by a research team, passed out the questionnaires and saw to their retrieval.

Before leaving each research site, and after examination of the returns on the questionnaire, the researcher seized the opportunity to hold Focus Group Discussions (FGDs) and interviews to probe in greater detail certain issues and clues dropped by the respondents themselves in answering some questionnaire items. These methods or aspect of data gathering should shed more light on the respondents' attitudes, beliefs and awareness, particularly concerning their awareness and acceptance of the Law in question, and what they perceived as factors and problems affecting the implementation of the law in their communities.

With all the accomplished forms returned (numbering 478), the quantitative data collected were tabulated in preparation for submission of these to the statistician who would work on the descriptive analysis of the quantitative data to determine weighted means, standard deviation, and the like, and the testing of the inferential question or hypothesis. While the statistician performed his part on data analysis, the researcher busied himself with the analysis and interpretation of the qualitative data collected via the FGDs, individual interviews, and observation.

### **Statistical Treatment of Data**

The study used frequency and percentage, Pearson Product-Moment Correlation and Weighted Mean.

## **RESULTS AND DISCUSSION**

The descriptive-correlational study was conducted to ascertain perceptions among Ulama and professionals on the level of awareness and level of acceptance of the Islamic Inheritance Law (as codified in the Muslim Code of the Philippines) in the Autonomous Region in Muslim Mindanao (ARMM). Also, part of the intent or design of the research was to determine the respondents' awareness of, or views on the factors and complications that affect the implementation of the said law. The research sought to determine the: 1) The demographic profile of the respondents in terms of age, sex, civil status, ethnic affiliation, highest educational attainment, field of specialization/area of concentration, occupation, monthly income, sources of income, and membership in organization or association; 2) Forms of exposure or knowledge the respondents have on the Islamic Inheritance Law and its implementation; 3) The respondents' level of awareness on the Islamic Inheritance Law as codified in the Muslim Code; 4) The respondents' level of acceptance of the Islamic Inheritance Law as codified in the Muslim Code; 5) Significant association between the respondents' level of awareness and their level of acceptance of the Islamic Inheritance Law, 6) Problems or factors that were underlying the respondents' level of awareness and their level of acceptance of the Islamic Inheritance Law; and 7) The prospects for the fuller acceptance and more effective implementation of the Islamic Inheritance Law.

The frequency and percentage distribution of the respondents by age showed clustering or concentration in two age brackets (31 - 35, 25.11% and 36 - 40 years old, 22.60%). Most of the respondents were in their early and middle adulthood, thus, mature and presumably knowledgeable enough to seriously deal with the

focal concern of the study. They could be credited with having formed opinions on the Islamic Inheritance Law and its implementation.

Secondly, frequency and percentage distribution of the respondents revealed the numerical dominance of male participants (80.96% against the females 19.04%). Small as the proportion of the female group, and forming a dramatic contrast with the huge number of the male group, this disproportionate representation does not necessarily spell lopsided results.

Thirdly, with regard to civil status, majority (67.2%) are married. Data on this characteristic show congruence of the data on age.

Fourthly, regarding ethnic affiliation, greater numbers represent the more dominant Muslim groups: Meranaw, 40.6% and Maguindanaon, 22.8%. The rest are distributed among other groups including Tausug (another major Muslim group), Yakan, and Subanen.

Fifthly, as to highest educational attainment, AB/BS graduates formed the majority (61.5%), followed by MA/MS degree holders. A smaller number finished doctoral studies (4.6%).

Sixthly, In terms of the field of specialization or area of concentration, school administration (including madrasah administration) is the most common among the respondents comprising 18.4%, followed by Political Science (11.96%), Public Affairs (9.8%), Shari'ah (4.6%), Traditions of Prophet Muhammad (s.a.w.) (3.1%), Muslim Law (3.9%), Education (2.5%), and Islamic Studies (2.5%). As can be gleaned from the frequency and percentage distribution, the respondents were broadly spread across various fields of specialization. However, if the allied fields like Traditions of Prophet Muhammad (s.a.w.), Muslim Law, Shari'ah and Islamic studies are grouped together and the figures added up, they would come a close second to the dominant field, school/madrasah administration.

With respect to occupation, there was clustering around certain types of occupation or professions: government employee, 88 (18.4%); school teacher, 51 (10.7%); college instructor/professor, 64 (13.2%); madrasah teacher, 14 (2.8%); police officer, 13 (2.7%); Arabic Islamic teacher, 11 (2.3%); and Ustad/Ustada, 11 (2.3%). Professions other than teaching are sparsely represented: engineer (including private firm), 5 (1.0%); pharmacist, 2 (.4%); and Shari'ah lawyer, 2 (.4%). Evidently, a large proportion of the respondents belonged to the teaching profession, and are distributed among the different levels -- elementary, secondary, and tertiary.

In addition, in terms of monthly income, most or 134 (28.0%) respondents were receiving as much as P15,000-20,000 per month. Nearly as many or 101

(21.1%) have a monthly income of P5,000-10,000 only. Seventy-four (74) constituting 15.5% earn P20,001-25,000 per month. Below P5000 earners number forty-nine (49) or 10.3%. The rest are distributed as follows: P25,001-30,000, 18 (3.8%); P30,001-35,000, 17 (3.6%); and above 35,000, 18 (3.8%). With the P10,001-15,000 considered as the borderline, the respondents may be said to be roughly divided between those who fall into income brackets that place them below the poverty line and those who fall into income brackets that place them safely above said line, with the latter somewhat outnumbering the former. The result is understandable and realistic considering that the sample was drawn from a population consisting of Ulama and professionals. One should not lose sight of the fact, however, that there are professionals like teachers, especially those of madrasah schools (*Madaris*), who are underpaid.

Likewise, as regards the source(s) of income, the huge majority (80.8%) declared “salary” as their major and presumably only source of income. Others did not use the same term, but clearly meant much the same thing; many identified or specified the literal source, that is, the employer or agency they are connected with: madrasah, 11 (2.3%); Provincial, 13 (2.7%); PNP salary, 7 (1.5%); *kapamangandaw*(teaching), 16 (3.3%); Arabic institutes and other schools, 12 (2.5%); business, 14 (2.9%); teaching (Ustad)/Arabic teacher, and 6 (1.2%). A few (1.2%) augment their salary by getting into business, most likely small-scale.

Regarding membership in organizations or associations, a thin distribution of respondents across different kinds of organization (religious, professional, NGOs, and the like) was noted. High up on the list in terms of number are the following: BASIC Faculty Union, 80 (18.9%); Al-Balag Foundation, 23 (4.8%); Mahad Marawi al-Islamie, 26 (5.4%); Ulama League of the Philippines, 25 (5.2%); Al-Balag Foundation, 23 (4.8%); BE HOPE, Basilan, Isabela City, 11 (2.3%); Inter-faith Council of Leaders (FCL Basilan), 10 (2.1%); Mahad Waqf al-Islamie, 8 (1.7%); religious organization(s), 8 (1.7%); ; Muslim Religious Organizations (MRLs), 6 (1.3%); Religious Al-KhutubahFilFilben LN, 3 (.6%); and Majisul-’la- Linnisa’alMuslima-MarkazoShabbabFilFilibbin, 2 (.4%). Also represented, but in small numbers, are fraternities and professional organizations, such as the following: Alpha Phi Omega (Phil. Eagles Club), 8 (1..6%); MKP Fraternal Order of Eagles (SBP), 4, (.8%); Professional Criminologists of the Phil. (PCAP, incl. PHIMSA MSU Chapter), 5, 1.0%); IBP, 3 (.6%); Phil. Pharmaceutical Association, ISBP, 3 (.6%); Association of Teachers in Marantao, 3 (.6%); ISBP Beta Sigma Lambda, 2 (.4%); and LAMUSPRO, 2 (.4%).

On the sources of knowledge respondents have on the Islamic Inheritance Law and its implementation. The sources of knowledge on the ISLAMIC

INHERITANCE LAW are: “*Personal readings of the Holy Qur’an and Sunnah*” 1<sup>st</sup>; “*Listening to khutbah/sermon on special occasions*” 2<sup>nd</sup>; “*Formal training/courses taken on the subject matter (Islamic Inheritance Law)*” 4<sup>th</sup>; “*Listening to lectures and interviews on the topic(on TV)*”, 5<sup>th</sup>; and “*Conferences/Symposia attended on the subject matter (Islamic Inheritance Law)*”, 6<sup>th</sup>.

On the of forms of exposure to the Islamic Inheritance Law, the lists include the following: “*Discussion with colleagues,*” 1<sup>st</sup>; “*Listening to confidences/complaints shared by individuals involved in inheritance-related problems,*” 2<sup>nd</sup>; “*Consultation with parties involved in inheritance-related dispute or conflict,*” 4<sup>th</sup>; “*Involvement in negotiation(s) to settle inheritance-related discord in the family,*” 5<sup>th</sup>. In last or 6<sup>th</sup> place is “*Attendance at Shari’ah court hearings involving inheritance-related cases.*”

On the respondents’ level of awareness of the Islamic Inheritance Law was determined as at a moderate level. The overall mean is 2.175, which is qualitatively described as *moderately aware*. The indicators used to gauge or determine level of awareness included the following: (4) *knowledge that the primary sources/bases of the ISLAMIC INHERITANCE LAW are the Holy Qur’an and the Sunnah*, 1<sup>st</sup>; (9) *awareness of the share of the wife (1/4 without and a child reduced to 1/8 if the deceased husband leaves a child, and that of the husband is 1/2 without a child and reduced to 1/4 if the decedent wife is also survived by a child*, 2<sup>nd</sup>; (5) *knowledge that the Holy Qur’an outlines a complex set of relations and prescribes percentages or shares due sharers -- asbab-ul-furud* : 1/2, 1/4, 1/8, 1/3 and 1/6, or 1/3 and 1/4 , and double or half of it, 3<sup>rd</sup>; (11) *awareness of who are included among the ‘The Holy Qur’anic heirs’ -- asbab al-furud -- and they include wife, children, and parents*, 4<sup>th</sup>. On these indicators, the respondents claimed to be *strongly aware*.

The last two indicators which registered *strongly aware* responses are: (7) *awareness of the equal shares of widows (not exceeding 4) of a decedent husband, from the 1/4 and 1/8 shares that wives are entitled to* and (18) *knowledge that parents -- father and mother of the deceased -are entitled to 1/6 share of the inheritance*. Lower down the scale are the levels of awareness of such particularities of the law as restrictions on *wasiya* (affecting only one-third of the *al-mawruthestate*), the entitlement or inheritance of a non-Muslim wife and children by a non-Muslim wife, and differences in the opinions of the leading schools of thought, and disqualification clause for apostates (*murtad*).

As to the respondents’ level of acceptance of the Islamic Inheritance Law as codified in the Muslim Code of the Philippines. The overall result is moderate based on the overall mean of 2.196 which is qualitatively interpreted as *moderate acceptance*. Only three indicators out of the list of ten drew a resounding “*high*

acceptance” response from the respondents: (10) *The Islamic Inheritance Law should apply even to marriages solemnized by a judge or other recognized secular authorities and no Muslim (man or woman) should find recourse in settling disputes, particularly those involving inheritance*, (9) *Critical reviews should concentrate on some contradictory provisions, from religion being immaterial in inheritance division as contradictory to giving short shrift to non-Muslim wives who are affected by the disqualification clause*; and (1) *belief in divine wisdom and its immutability despite the tension felt between cultural values and sensibilities from a remote time that inform the Holy Qur’anic principles serving as bases for the ISLAMIC INHERITANCE LAW(P.D. 1083), and current values.*

The rest elicited only moderate acceptance. Examples of indicators that drew only moderate acceptance are: (8) *need for more critical review of the law, that necessitates going back to the original sources, but it should not stand in the way of the law’s implementation*; (7) *under more critical scrutiny, the alleged discrimination of women under the Islamic Inheritance Law can be seen as to their advantage since unlike their brother(s), they are under no obligation for the upkeep of the family*; (4) *can see no discernible inequality in the treatment of males and females as inheritors in P.D. 1083; females are better treated in the Islamic Law compared to their counterparts in other cultures* ; and (3) *there are divergences between the original or fundamental Islamic Inheritance Law and what is codified in the Muslim Code of the Philippines, but the Law is better than nothing.*

The association between the respondents’ level of awareness/knowledge and their acceptance of the Islamic Inheritance Law. The hypothesis testing revealed a significant relationship between the respondents’ level of awareness/knowledge and their acceptance of the Islamic Inheritance Law. This indicates that the level of acceptance of Islamic Inheritance Law is influenced or affected by their level of awareness/knowledge of it.

Regarding the problems or factors that underlie respondents’ level of awareness/knowledge of the Islamic Inheritance Law, foremost of the problems or factors underlying respondents’ level of awareness is the stubborn or tenacious adherence to traditional practices or local customs governing inheritance. There is a tension between the indigenous traditional Meranaw culture which has retained residua or vestiges of more ancient pre-Islamic culture and the Islam-influenced Meranaw culture, which is a relatively recent development. There are traditional beliefs and practices preserved in the words *adat* and what was later named *taritib* that are deeply rooted or entrenched in the collective/racial psyche. These continue to exert influence on Meranaw thought and ways of dealing with various matters like family relationships, inheritance, and settling disputes.

Another is the lack of knowledge of the law, or even of The Holy Qur'anic principles which serve as primary basis or source of Islamic law, including Inheritance law. Regarding this common enough problem, the respondents and key informants sounded a challenge to concerned agencies or institutions, as well as media, to step up its information drive. Information campaign in the form of radio and television programs and seminars/symposia/conferences and lectures organized by academic institutions like the Mindanao State University (thru its Shari'ah Center) should be sustained and supported. Collaborative outreach projects focused on the discussion and elucidation of the contents or details of the Islamic Inheritance Law should be launched.

Moreover, on the prospects for the full acceptance and more effective implementation of the Islamic Inheritance Law, surely, there are skeptics, cynics and even doomsayers who are chanting dirges or requiems for the Islamic Inheritance Law. Some respondents even dismiss the whole law as a *bid'ah*, thus, apocryphal, heretical, and un-Islamic. However, there are more who stand on the side of hope. While acknowledging the fact that there are problems or issues, they express optimism and confidence that the Islamic Inheritance Law will one day see more effective implementation.

Lastly, the problems and issues raised lend themselves to classification into **internal** and **external**. The internal have to do with the text or contents of the Islamic Inheritance Law. There are provisions denounced as *bid'ah* (innovations) and "divergences" from the original Islamic Inheritance Law that is solidly and incontrovertibly based on The Holy Qur'anic principles and the Sunnah (Prophet's traditions). There is thus, a clamor for more critical review to bring the Islamic Inheritance Law closer to the original source. The law must be purged of these questionable and controversial provisions. External problems include lack of support from leaders who are awash in politicking and insufficient information drive or campaign.

These are far from insoluble problems. Concerted efforts of all stakeholders such as jurists, scholars, Shari'ah lawyers or legal experts, academics from various disciplines, and the entire society itself -- are needed to overcome the identified problems.

The study was focused on the assessment of Ulama and professionals representing various fields of the Islamic Inheritance Law as codified in Muslim Code as reflected in P.D. 1083 knowledge, forms of exposure, their level of awareness and acceptance of the Law. The respondents, particularly the group of professionals, included a large proportion of government employees like teachers, school administrators, and office staff. The study ranged over the Autonomous

Region in Muslim Mindanao to include not only the Meranaw, but also other major Muslim groups like the Maguindanaon and Tausug, as well as Muslims found among other cultural communities like the Subanen and Yakan.

An almost equal number of Ulama and professionals made up the actual 478 sample of the study. Known hazardous areas within the ARMM were excluded from the itinerary of the researcher, especially as the data-gathering phase coincided with the campaign period for the 2016 election. The “hot spots” have already been identified. However, the researcher and his research team were able to penetrate some MILF-controlled territories in Maguindanao.

## CONCLUSIONS

To pave the way for a fuller acceptance of the Islamic Inheritance Law and its more effective implementation, concerned authorities must work double-time, on raising or increasing the public’s level of awareness/knowledge. This can be realized through a more vigorous, aggressive, well-supported sustained information drive. Mass media can be put to good use -- for example, radio and television programs that include interviews with experts, debates, lectures, panel discussion, and even dramatization of cases patterned after “Kung May Katuwiran, Ipaglaban Mo” or the SOCO Files.

Academic institutions, *Madaris*, and other schools in the ARMM could engage in collaborative outreach programs and other projects such as seminars, lecture series, symposia and conferences. The Islamic Inheritance Law must be integrated with courses like Political Science, History, Philosophy, Sociology/ Anthropology, Cultural Studies, Public Affairs, etc. As already mentioned, there must be a core knowledge drawn from the Holy Qur’an and the *Sunnah* and this must be obligatory to all Muslims, regardless of discipline or area of concentration. This core knowledge necessarily including inheritance matters should form part of the curriculum. The study and teaching of *fiqh* (Islamic law) should not be conducted in isolation and discussed as abstract concepts; they should be linked to or bear on contemporary lives, with particular emphasis on Islamic solutions as they must be applied in an integrated form in Muslim society.

In conclusion, concerted effort and much work remain to be done. Obstacles to full acceptance and effective implementation (the dependent variable) must be removed by securing the public’s level of awareness/knowledge of the Islamic Inheritance Law (independent variable) and, perhaps, more important, deepening Filipino Muslims’ faith by learning more about Islam. As an oft-quoted *ayah* goes,

(إِنَّ اللَّهَ لَا يُغَيِّرُ مَا بِقَوْمٍ حَتَّىٰ يُغَيِّرُوا مَا بِأَنفُسِهِمْ)

*In English translation: “Allah (s.w.t.) will not change the condition of a people until they change what is in themselves” (The Holy Qur’an, 13: 11).*

The findings of the study imply good auspices or encouraging prospects for fuller acceptance and more effective implementation of the Islamic Inheritance Law. These have also revealed enormous problems that are not, however, insoluble, thus, do not have to continue militating against full acceptance of the law and its effective implementation. As said, problems or issues have been identified and isolated years back, no one should ask for acquittal or absolution from responsibility. In fact, not a few believe or suspect that the Islamic Inheritance Law as codified in the Muslim Code of the Philippines was framed posthaste. The undue rush could account for “insertions” or “inclusions” that should not have been there.

However, critics of the law, of whatever situation, should hold themselves accountable and responsible. The more thoughtful could only ponder why no serious comprehensive review of the law has been earlier undertaken, given the identified questionable provisions of the law. Identification of the imperfections or blemishes in the law should have served as a strategic starting point. To use an idiomatic expression, “the ball is in our court.” This cue is enough. Addressing or acting on these problems ought to have been carried out a long time ago. Flaws, weaknesses or infirmities have continued to be deplored and, in fact, been the subject of interminable discussion. This is precisely the problem. It has been all words abetted by this attitude captured in the words “It’s better than nothing.”

There is now no excuse for further procrastination. The task of reviewing, correcting and polishing the law must be assumed by experts of *fiqh* (Islamic law), *usul al-fiqh* (Islamic jurisprudence), and Traditions of Prophet Muhammad (s.a.w.) and Shari’ah scholars. The ultimate reference is the Holy Qur’an. This is an area of agreement among all Muslims. In fact, The Holy Qur’anic principles or rulings are the only incontrovertibly binding ones as far as the Prophet (s.a.w.) and his followers were concerned. He was careful to distinguish in his rulings or judgments between those instructions that he gave as Messenger of Allah (s.w.t.), hence, as divine revelation, and those he rendered on his own authority.

The discoveries made in the study cannot be taken lightly. A thoughtful review of the law is the only logical and practical basis for a possible revision or amendment. Such a review must undeviatingly refer to the primary sources, the Holy Qur’an and *Sunnah*.

While the experts work on the “infirm” text of the law, other stakeholders must work out strategies for an effective information dissemination campaign focused on the provisions derived from the Holy Qur’an. As stated earlier, there are thirty-five verses of the Holy Qur’an which refer to *Mirath* or its derivatives in one form or the other. As the contents of the Holy Qur’an can never be abrogated, what these verses stipulate are final and can be, and should be, in fact, learned by all Muslims.

Once the experts are done with their task of purging the Islamic Inheritance Law of “impurities,” the latter takes over. The entire society must be involved, and work in concert. If there is any vital lesson learned from the framing of the Islamic Inheritance Law, it is the lack of cooperation, unity, democratic participation and consultation.

A task as central or pivotal as crafting a piece of major legislation as the inheritance law, like war, should not be left to the generals or experts, to borrow the words of Clemenceau. After all, it is the general public that will be affected by whatever law is created.

## TRANSLATIONAL RESEARCH

The results of the study will provide adequate knowledge, skills and information on the part of school administrators, policy-makers including judges and Shariah courts to encourage them craft and design a program on the Islamic Inheritance Law under PD 1083. This process can be achieved by means of: 1) holding conference/seminar-workshops among deans/directors, faculty, staff and students in the main campus and External Units to enlighten them of the significance and importance of PD 1083, 2) serves as a legal basis for possible integration in curricula offerings in accordance with CM No. 46, s. 2012 guidelines which are beneficial to the students to assert their rights and obligations as Muslim, 3) give first-hand information of Law students tantamount to increase their knowledge in preparation to take the Bar and Shariah Bar Examination, 4) provide copies to the Supreme Court and Court of Appeals for their reference materials in deciding cases relating to PD 1083 among others.

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