

MAGKIPARAT: A CULTURAL PRACTICE OF PEACE-MAKING, HEALING AND CONFLICT RESOLUTION AMONG THE SAMA' OF TAWI-TAWI

Alshadat Bayo Sabal

Mindanao State University-Tawi-Tawi College of Technology and Oceanography
(datsymsu@yahoo.com)

DOI: <https://doi.org/10.22452/brj.sp2019no1.5>

Abstract

This study explores the usefulness of *magkiparat* as the traditional customary practice (*addat*) of arbitration and mediation in conflict resolution among the Sama Community. The study discusses a unique way of settling disputes between the members of the same family or residents in the same community. It seeks to answer the following questions: What is *Magkiparat* from the perspective of the Sama' of Tawi-Tawi? What are its political and socio-cultural implications? This cultural practice is a way of settling petty cases among family members or village residents who will come together to resolve their differences. Disputes are an integral part of man's existence and commonly occur even among the Sama' communities in Tawi-Tawi. Disputes arise as a result of differences in opinion, family issues, economic or religious reasons, and other issues. Conflict among the Sama' of Tawi-Tawi is viewed not as an individual personal case but as a family and community affair. These conflicts result in strained relationships and some cases if unresolved, can lead to the loss of lives and property. Therefore, a dispute settlement mechanism is needed that provides practical options in terms of amicable resolutions. This process is facilitated and arbitrated by a third party who may not necessarily be related by blood or affinity to any of the persons or groups in a dispute, but who has the influence and enjoys the trust and confidence of the individuals in conflict. It is not mandatory for all members of the family to observe the *magkiparat*. Sometimes this ceremony occurs at the volition of family members or at the instance of a third party to convince both sides (*mag-isun-isun*) to settle their misunderstanding peacefully. In the observance of the *magkiparat*, God's mercy and blessings by an imam (Muslim cleric) are sought to heal the wounds and completely reconcile the parties concerned. In the Muslim community, petty cases may be resolved at the level of the local officials. *Magkiparat* is exactly the opposite of this. It involves a religious rite or *duwa'a* offered by an *imam* or religious leader, which binds the members of the family to respect its observance. Such activity represents a model of cultural value. It needs to be explored and made as a mainstream pattern of behaviour for contending parties to iron out their differences.

Keywords: Magkiparat, arbitration and mediation, peace-making, customary laws, addat, duwa'a, model cultural values, justice and reconciliation, alternative disputes resolution

Introduction

Tawi-Tawi is one of the island provinces in Mindanao, the Philippines. It is a swathe of 307 islands, islets, and reefs located in the southwest of the Philippine archipelago. In ancient times, these isles formed a continuous chain that ran from the Asian mainland through Borneo to Mindanao. The province has a total land area of 260,202 hectares, less than half of which is fireshore land that appears during low tides. The province was originally part of Sulu province. Then President Ferdinand E. Marcos signed Presidential Decree No. 302 separating Tawi-Tawi from Sulu on 27 September 1973. As a political entity, Tawi-Tawi is part of the defunct Autonomous Region in Muslim Mindanao (ARMM). It is composed of eleven municipalities, namely- Bongao, Simunul, Sibutu, Sitangkai, Taganak (Turtle islands), Mapun, Panglima Sugala, Sapa-Sapa, Languyan, Tandubas and South Ubian. Each municipality is a mini-archipelago thus, giving the province a distinctly island character and culture. Bongao is the capital town and centre of political power, economic, social and cultural activities. As a result, most of the available activities are found here. As a centre of commerce, it is a transshipment point of Tawi-Tawi's export which includes marine products and especially dried seaweeds that come from the outlying islands. It has become a melting pot of various ethnic groups including Chinese and Christian migrants (Tan & Jaafar, 2001).

According to the tradition (salsila) of the Sama, the name Tawi-Tawi comes from "haw-haw" meaning very far and fading out. Its inhabitants are called Sama and are derived from their cooperative success "sama-sama" which means togetherness (Kurais II, 1979). Most of the inhabitants embraced the religion of Islam (Philippine Statistics Authority Report) and categorised as Bangsamoro by ascription or self-ascription under the new Bangsamoro Organic Law (Republic Act No. 11054).

In the Philippines, the cultural norm is very much pronounced especially in Mindanao where attempts to mainstream local culture should be placed in a proper context to understand better and appreciate it. In the *kauman sama* (community of Sama), the practice of *bowahan kaumboan/intan kamattohaan* (way of the ancestors) reflects the ethos, worldview, values, beliefs and ideals of an older generation hence should have its share in shaping the rich cultural diversity of the country. Despite modernity, the majority of the inhabitants still cling to their old ritualistic beliefs and practices. These practices are deeply rooted in the many ways of the sinama speaking people which makes their cultural identity unique.

Islam in the Philippines is fused with some customary beliefs and traditions resulting in the so-called folk Islam (Gowing, 1979). Before the introduction of Islam and the formation of the Philippine nation and its governance, the Sama' people had their customary practices that regulated relationships, transactions and dealing with misdemeanours in their respective communities. Customary practices and traditional methods of dispute resolution were widely practised by the Sama' people, such as the

magkiparat. This phenomenon is deeply embedded among the cultural beliefs and traditional practices of Muslim Filipinos, especially in the southern Philippines. It has been in existence for centuries from before Islam was introduced by the great Arabian scholar Sheik Karim ul Makhdum. These traditional values and practices, when recognised and integrated into formal litigation systems, can provide an effective method to address modern community problems. Exposure to this phenomenon and the development of this traditional mediation mechanism holds great promise as an important and helpful tool in peace-making, peace-building and healing. This traditional method is known in the westernised Philippine litigation system as Alternative Dispute Resolutions (ADR) or Traditional Dispute Resolutions (TDR).

This practice varies, however, in terms of how Muslim Filipinos base it on their indigenous orientation and therefore has been taken out of context from the original *magkiparat*, to conform to the teachings of Islam. From the perspective of the teachings of Islam, *magkiparat* is a sacred offering whereby parties to that must bind themselves to observe it in good faith (interview with Hadja Jamila S. Idris, 22 July 2017). When parties to the disputes come together in the presence of an imam and some local religious leaders to resolve their differences, they are not supposed to say, elaborate, to witness or to make any statements about what has transpired or happened that caused the conflict (interview with Imam Hadji Abdulla Sahibuddin, 21 July 2017). Going to the venue where the *magkiparat* is offered or by being present in the gathering is sufficient to ensure that the parties involved will abide by the terms and conditions of the *magkiparat*, arbitrated and mediated by the community religious leaders (Figure 1).



**Figure 1: Pah Hadji Imam Abdulla “Guwah” Sahibuddin (left), an imam from Tawi-Tawi with the author
(Source: Fieldwork, 2018.)**

In some Sama' Muslim communities in Tawi-Tawi, this practice takes a different form. For example, before an imam performs the religious rituals, parties to the disputes are given the opportunity to explain their sides of the argument (interview with Imam Hadji Abdulla Sahibuddin, 21 July 2017). It is expected that they will relate to the cause of the conflict. So parties are expected to come into terms and reconcile their differences. It completely heals the wound and reconciliation begins thus allowing parties to commence a new chapter of their lives. Generally, *magkiparat* is only good for family conflict resolution to a minor problem like *pagsubali* or misunderstandings (interview with Jun Juaini, 26 August 2017). However, it may also be resorted to by parties in a dispute/s who are not relatives, thus resulting in the *pagbangun/diyat* or payment of blood money (interview with Muktar S. Mohammad Tahil, 26 August 2017).

Magkiparat from the Perspective of the Sama' of Tawi-Tawi

Magkiparat is a cultural-religious practice for family members or whole families to forgive one another and forget misunderstandings and grievances. It includes the ceremony of *tawbat* or forgiveness that is performed by an Imam. It takes place when the offender and the offended party agree to reconcile their differences after a considerable period, or when they have not come to terms over flimsy matters (Sabal, 2017). *Magkiparat* is usually initiated by members of the same family, when one member has caused trouble or misunderstanding in the family or has used *bissara pangkal* or profane words/language. These words uttered are so powerful, that they result in *man rah rah* or *kottoh-kottoh atay*, which are ill-feelings, resentment or anger felt by another member who feels forced to isolate himself from the family circle (Imam Hadji Ibba Abdulgani, interview on 23 July 2013). This may also happen when parents disown their child or *magtoptop buway*, a Sinama figure of speech which means "cutting rattan". It represents cutting one's biological relationship with no indication of resolving differences (interview with Imam Hadji Kibbak Abdusalam, 21 July 2017). *Magkiparat* may also be observed before or after the head of the family dies for the children to perform *kiparat* to forgive each other (interview with Imam Hadji Kibbak Abdusalam, 21 July 2017). Its practice helps the members of the family reconcile and forgive one another, thereby promoting healing and reconciliation among them.

In the process of performing the *magkiparat*, one essential requisite of the ceremony is for an imam to administer the ritualistic prayer (*duwaa'*) of course to be performed in the presence of the parties. However, before the opening prayer is about to start, an imam soaks incense (*kamanyan*) first and pour it into the ember inside the *tugtugan* (incense burner) and says "Bismillah hirrahmanir rahim" ("In the name of God, the most gracious, the most merciful") followed by some passages from the Holy Qur'an purposely, seeking God's forgiveness (*ngamuh ampun*) and asking Him to bless the family members or parties concerned.. Turmeric rice (*buwas kuning*, some sin

(money), and a white cloth (*kuku poteh*) about one meter and a half are placed at the middle of the ceremonial space surrounded by the attending family members with the Imam (interview with Muktar S. Mohammad Tahil, 26 August 2017). These items are given to the imam after performing the ceremony. Some participating members of the family may hold edges of the white cloth to show their sincerity in that they came together to forgive each other and to bury the hatchet. Sometimes the atmosphere is filled with crying and wailing among family members.

Depending on the gravity of the offence, a chicken may be prepared, or a cow or a goat may be slaughtered to complete the whole process of *magkiparat*. It is generally believed that the blood that gushes out from the sacrificial animal or chicken will serve as a witness in the other world. That is why its observance should not be taken for granted. Otherwise one may suffer *busung* or retribution or being cursed by divine punishment (interview with Faisal Malandi, 5 September 2018). After the ceremony, the entire family in attendance will eat together with the food prepared for this purpose.

Foods given as offerings to the spiritual world are ritualistic practices of the Sama' to appease their ancestors and also nature spirits or jinn (Hussin & Santamaria, 2012). As part of their worldview, they believe that the Creator has arranged the spiritual world and its requirements, and if such practices are not performed correctly, illness, family feuds, misfortune or even death can happen. Food offerings are ever present in Sama rituals such as the *magpai-baha'u* the offering of newly harvested rice and *magpajamu*, food offerings to appease the ancestors or spirits that have caused such family feuds, misfortunes or illness. So healing procedures (*kakahinangan*) that the Sama' people traditionally believed in have been adapted to Islamic belief and traditions, thus becoming accepted as local customs (*addat*) to be respected and practised. Sama' traditional beliefs are thus interwoven with Islamic values and spirituality, so that everything has a sacred connection from the legacy of ancestors (*kakahinangan kambo'an*) to the rituals of food offerings and other community practices.

The Significance of *Magkiparat*

In the context of the Sama' beliefs and practices, *magkiparat* serves as an avenue for family members to settle their misunderstandings. This traditional method of settling disputes is quicker, practical, inexpensive and easily accessed by the local people (Sabal, 2017). It is effective in reaching agreements and settlements by the arbitrating community elders as well as justice-service providers. Such an agreement stands as the law between the parties and must be observed in good faith. It is an out of court settlement that need not be regulated by existing laws of the land, except of course if the agreement is contrary to law, public policies or public morals in which case the laws of the Philippines operate.

The Sama' people have learned to live in two parallel worlds—the modern westernised Philippine world and the traditional sea and island-based maritime society. The modern Philippine government laws such as the Katarungang Pambarangay Law and further amended by the Local Government Code of 1991 which provides for the uniformity of procedures as implemented in the barangay justice system for conflict resolution are, in a way, have undermined or disregarded traditional ways of resolving disputes. Most often the modern models of conflict resolution are not in tune to the traditional ways of the people and fail to meet their needs for speedy and practical reconciliations or settlements. The peace-keeping practice of the indigenous Sama' society can be adapted to the modern Philippine legal system, and practically applied as a community-based form of cooperative resolution. Thus, *magkiparat* promotes the age old-living tradition of securing the culture of peace of the Sama' people (interview with Brenda Annao, 23 July 2017).

Socio-Cultural and Religious Implications of *Magkiparat*

Magkiparat plays a crucial role in the maintenance of peace and order in the community. Family feuds, as well as age-old misunderstandings, may be resolved amicably in a simple, inexpensive, and practical way (interview with Brenda Annao, 23 July 2017). Justice can be dispensed quickly with no hurt feelings among the parties concerned (Bonajal, 2001).

Magkiparat promotes social bonding and cohesion among members of a family. It strengthens love, respect, empathy and a strong sense of affection among them (interview with Imam Hadji Abdulla Sahibuddin, 21 July 2017). It also implies that no matter how hardened a person may be, he or she has always a soft spot in the heart. In a nutshell, the ceremony constitutes *tambal heya* or great medicine that gradually heals and restore the natural order of things in the family (interview with Imam Hadji Abdulla Sahibuddin, 21 July 2017). It, therefore, promotes harmony and peace not only in the family but in the wider community as well (interview with Hadji Sabirulla Pastul/Hadja Bungsu Luning, 21 July 2017).

The activity is also powerful and compelling because of its religious attachment. Fear of God (*Allah*) deeply penetrates the soul of the participants, when they focus on the significance of the ceremony. If it is set aside or disregarded, one may likewise be subject to curses (*busung*) or divine punishment (*nimulka'an*). These are just a few spiritual consequences of disregarding the *magkiparat*.

Practising this traditional cooperative mechanism as a customary practice in mediation and arbitration will promote harmony and social cohesion in the Sama' community. This will ensure an indigenous "civilised society" of peaceful co-existence, as peace-promoting and peace-loving Islamised people.

Political and Economic Implications of *Magkiparat*

The preparation for *magkiparat* involves leadership skills. It entails negotiation, concession and compromise in putting things in order. Managing many disputing people is not easy. The mediator must enjoy a certain level of trust and is usually a distant kinsman who is not a party to the misunderstanding. He negotiates, acts as a mediator and facilitates for and on behalf of the parties until they meet and finally agree on holding the *magkiparat* (Sabal, 2017).

Undertaking preparations for the ceremony also require economic attributes and indispensable human resources. This is characterised by the division of labour among the members of the family to perform different assigned tasks. With the foods offered, some amount of money will also be spent in the preparations for the *magkiparat* (Figure 2).



Figure 2: Food preparations for a *magkiparat* ceremony
(Source: Fieldwork, 2018.)

When compared to bureaucratic court litigation, these traditional methods of peacemaking do not require much paperwork or clerical personnel and are cost-effective alternative solutions to community problems. The common perceptions of court litigation are that it is only for those who can afford to pay lawyers, especially bigger cases that require a legal team. It is seen as a system that only works for the rich, educated and powerful. It is beyond the comprehension of the ordinary Sama, while

the orthodox practice of the community is less cumbersome and ensures speedy resolutions and outcomes.

Conclusion and Recommendations

The dynamics of *magkiparat* are derived from certain socio-political, religious-cultural and economic elements in the not so complex ways of life of the *Sinama* speaking people. *Magkiparat* is a bearer of the cultural identity of the *Sama'* and contributes to the cultural diversity of the Philippines.

Magkiparat is a model based on cultural values for peace-making, healing and reconciliation that deserves mainstream consideration as a practical social mechanism for conflict resolution. It, therefore, complements the functions of Philippine local government units for managing a peaceful community. The constitution of the Philippines guarantees the right of access to justice for all, but a clear legal or policy framework must be in place for the effective application of such community justice systems. The traditional methods can be applied if they are socially recognised and not inconsistent with the Philippine constitution or any other written laws. Institutionalising *magkiparat* as an Alternative Dispute Resolution (ADR) or Traditional Dispute Resolution (TDR) mechanism of the *Sama'* people entails integration into provisions and existing laws for indigenous peoples.

This traditional method, therefore, can be applicable as customary law or *addat* in the context of the Philippine government's shift to accommodate the Muslim population's clamor for implementation of Shariah law-based justice systems through the emerging Bangsamoro Autonomous Region in Muslim Mindanao. In light of the political climate, Section 4 of the Bangsamoro Organic Law ensures that the Customary Rights and Traditions of the Bangsamoro are at this moment recognised, protected and guaranteed.

The general principle under Islamic law is that any contracting parties, including cases of misunderstandings, reconciliations or agreement, should be made only according to what the Shariah permits and forbids. Shariah laws are universally understood as the religious laws that govern the way of life of all Muslims that is derived from the religious traditions particularly from the Holy Qu'ran and the Hadiths (the traditions of the Prophet Muhammad (S.A.W.)). Since the traditional *addat* of the *Sama'* peoples has been adapted to fit with Islamic practices, hopefully, *Sama'* cultural institutions such as *magkiparat* will be recognised as Customary Rights and Traditions in Tawi-Tawi under Bangsamoro Organic Law.

References

Bonajal, S. P. (2001). *The Settlement of Cases in Barangay Talisay, Sibutu Municipality: A Case Study*. Unpublished Undergraduate (A.B Political Science) Thesis,

- Mindanao State University –Tawi-tawi College of Technology and Oceanography (MSU-TCTO), Bongao, the Philippines.
- Gowing, P. G. (1979). *Muslim Filipino: Heritage and Horizon*. Quezon City: New Day Publishers.
- Hussin, H., & Santamaria, MCM. (Eds.). (2012). *Sama Celebrations. Rituals, Music and Dance of Sama Dilaut and Sama Bajau in Southern Philippines and North Borneo*. Kuala Lumpur: Institute of Ocean and Earth Sciences, University of Malaya.
- Katarungang Pambarangay Law.
- Kurais II, M. (1979). *The History of Tawi-Tawi and its People*. Bongao, Tawi-Tawi: Mindanao State University–Tawi-tawi College of Technology and Oceanography (MSU-SCTO).
- Local Government Code of 1991.
- Philippine Statistics Authority Report.
- Republic Act No. 11054 (otherwise known as the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao).
- Sabal, A. B. (2017, 6-7 October). *Magkiparat: A Model Cultural Practice on Healing, Justice and Reconciliation for Conflict Resolution among the Sama of Tawi-Tawi*. Paper presented at the National Conference of the Philippine Sociological Society, University of the Philippines Cebu, Cebu City, the Philippines.
- Tan, S. K., & Jaafar, N. (2001). *Tawi-Tawi: The Philippines' Southernmost Frontier*. Quezon City: Sahaya Development Center Foundation.

Informants

- Brenda Annao (interview on 23 July 2017)
- Faisal Malandi (interview on 5 September 2018)
- Hadja Jamila S. Idris (interview on 22 July 2017)
- Hadji Sabirulla Pastul/Hadja Bungsu Luning (interview on 21 July 2017)
- Imam Hadji Abdulla Sahibuddin (interview on 21 July 2017)
- Imam Hadji Ibba Abdulgani (interview on 23 July 2013)
- Imam Hadji Kibbak Abdusalam (interview on 21 July 2017)
- Jun Juaini (interview on 26 August 2017)
- Muktar S. Mohammad Tahil (interview on 26 August 2017)

Date of Received: 15 January 2019

Date of Accepted: 27 March 2019