

RIGHTS OF MARRIED WOMAN UNDER MYANMAR CUSTOMARY LAW

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Abstract

Every citizen has the freedom to abide by his customs, cultures, and traditions and to choose religion which they wish to respect. The Constitution clearly allows these fundamental rights and men and women have the same rights and not discriminating the status of sex under Constitutional right. The purpose of this paper is to analyze the rights of married woman in Myanmar, based on a review of current practice, and to guarantee the observance of rights of married woman. Myanmar customary law applies to all Buddhists as the personal law which mainly concerns family matters such as marriage, divorce and conjugal rights, adoption, succession and inheritance especially in married woman. Myanmar Buddhist woman can marry her own desire without restriction. Mutual consent between them is very important of the marriage of their life. The modern right of married woman is the practice of monogamy that defend women from becoming co-wives and to prevent domestic violent that arise from the actions of polygamist men. Therefore, the rights of Myanmar Buddhist married women have the higher rights than the other religions concerning with matrimonial and conjugal rights. It can also find that the rights of married woman are aligned with some of sustainable development goals in United Nations. Finally, this research will give awareness how important on the rights of married woman in the matrimonial affairs.

Keywords: Constitutional right, Matrimonial rights, Equality, Well-being, Restriction

Introduction

The population of women is higher than that of men in every state. Nowadays, every nation accepts that the rights of men and women must be the same and equal. In Myanmar, women's rights are expressly mentioned in the State Constitution and protected under the Myanmar Customary Law, the Myanmar Buddhist Women's Special Marriage Law and the Monogamy Law. Moreover, Myanmar signed "Convention on the Elimination of All Forms of Discrimination against Women" (CEDAW) to promote women's rights of equality and protect them from domestic violence. Myanmar also has been followed and implemented the sustainable development goals of United Nations. Therefore, it can be seen that Myanmar Buddhist married women have the higher rights than other religious woman under fundamental and matrimonial and conjugal rights from birth to death without any discrimination.

Research Method and Materials

With the intention of bring out this paper, research methodology is qualitative that deals with the basis of Myanmar Customary Law. The main sources of research base on the collection of literature, principles and legal norms of Myanmar Customary Law and other relevant provisions relating to matrimonial rights under various statues, namely, Monogamy Law 2015, Myanmar Buddhist Women's Special Marriage Law 2015, are studied together with leading cases and not leading but prominent cases. The other sources are studied in practices on rights under sustainable development goals of United Nations compare with rights of married woman in Myanmar. Additional source is collecting from journals, articles, materials and websites.

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Finding of Research

In this research paper can find the rights of Buddhist married woman who have the higher rights than the other religious married woman. Men and women have the same rights and not discriminating the status of sex under constitutional right. The rights of men and women must be the same and equal in matrimonial and conjugal rights. These rights of Myanmar married woman are aligned with some of sustainable development goals in international practices.

Discussion

Fundamental Rights

Myanmar Customary Law regulates the personal affairs of Myanmar Buddhist faith. In Myanmar, others residents in different religions are Christianity, Hinduism, and Muslim. Buddhist woman is a citizen of the Union of Myanmar who believes in Buddhism, or a citizen both of whose parents are Buddhist.¹ The rights of Marriage, divorce, adoption, succession and inheritance, matrimonial rights and religious usage and institution are primarily concerned with family matters.² After enacting the Monogamy Law, 2015 and the Myanmar Buddhist Women's Special Marriage Law, 2015, the rights of married women are getting more improved, equality and safety in matrimonial rights.

According to the Constitutions of Myanmar, the rights of married women are the same as all citizens of Myanmar without discrimination.³ Women shall be entitled to the same rights and wages as men for similar work.⁴ It also stipulates those mothers, children and pregnant woman shall enjoy equal rights as defined by Law.⁵

Thus, Myanmar Buddhist Women will obtain and protect from constitutional rights and matrimonial or conjugal rights. And also, the Myanmar married women's rights are found to be consistent with the Sustainable Development Goals (SDG) implemented by the United Nations.

Right to marriage

Marriage is purely a temporal affair. The Myanmar word for "Ein-Daund-Pu" means "Set-Up-Home."⁶ According to Myanmar Customary Law, marriage is clearly a civil without any religious, traditions or ceremonies matter. Certain requirements for a valid marriage are prescribed by custom. Parties must be of age and mental capacity.⁷

Dr Maung Maung states that the marriage in three periods as follows; -

1. Period when a daughter had to comply with parent's wish.
2. Period when a daughter could refuse her parent's arrangement.

¹ Section 2 of the Buddhist Women's Special Marriage and Succession Act, 1954.

² Section 13 (1) of Myanmar Laws Act, 1898.

³ Section 348 of the Constitution, 2008

⁴ Section 350, Ibid

⁵ Section 351, Ibid

⁶ Maung Maung, Dr, "Law and Custom in Burma and the Burmese family", 1st edition, 1963, p.54,55

⁷ Ibid, p.56

3. Period when parents have to approve their daughter's own choice.¹

The following requirements are in legal marriage between Myanmar Buddhists; -

1. The man should have his adolescence.
2. The woman should be above her 20, a widow, a divorcee or a spinster under the age of 20 years who has obtained the consent of her parents or custodian.
3. The man and woman must give must freely consent to be husband and wife presently.
4. Both shall not be unsound mind.
5. The woman shall not have legal husband.
6. In the absence of direct proof of marriage, then they shall live together as husband and wife publicly.

In marriage among Myanmar Buddhist, mutual consent is very important to become a legal marriage. Hence, the bride and bridegroom cannot have a legal marriage without free will.²

With regard to make marriage without the consent of woman, the daughter whether minor or majors, her parents may not be married against such daughter's will.³

Moreover, parents and guardians have the right to prosecute under the Child Marriage Restrain Act of 1930, when they agree to a marriage between a boy under 18 and a girl under 14.⁴

In Myanmar Customary Law, consummation was prescribed as one of the essential elements of legal marriage in the earliest reported cases.⁵ In the case of *Ma Hla Me v. Maung Hla Baw*,⁶ with the approval of the parents of both parties wedding reception was held. Before consummation the bride and the bridegroom were separated. After then Maung Hla Baw filed a suit for restitution of conjugal rights in the Lower Court. The Lower Court decided in favour of Maung Hla Baw. The Supreme Court decided that consummation is required for a marriage to become legal.

But in the case of *Daw khin Mya Mar (a) Mar Mar v. U Nyunt Hlaing*,⁷ the issues of the case is necessary of consummation to valid marriage. The Lower Court decided that a marriage is legal when there is mutual free consent and that consummation is not necessary to constitute a valid marriage. The Supreme Court decided that Myanmar Customary Law was always changing. And some of the provisions in Dhammathat is not suitable for the current situation in Myanmar. Thus, the consummation is not necessary to constitute a valid marriage between a Myanmar Buddhist Couple.

According to Article 16 (a) and (b) of CEDAW, the same right to enter into marriage and freedom to choose a mate and marriage is allowed only with free and full consent.

In the matter of marriage, women have the freedom to choose her spouse and to be able to mutually consent that aligned with the goal number (5), which is gender equality. It was also found to be consistent with non-discrimination conformity with goal number (10) that is emphasized to reduce inequality and increase women's rights.

¹ Ba Maw, U, "The Marriage Law of Myanmar", Win Sapay, 1st edition, 1992, p.13

² Mya Sein, U, "Myanmar Customary Law", 12th edition, 2014, p.40

³ Maung Htike v. Ma Cho, (1897-01), p.197

⁴ Mya Sein, U, "Myanmar Customary Law", 12th edition, 2014, p.43

⁵ Ba Maw, U, "The Marriage Law of Myanmar", Win Sapay, 1st edition, 1992, p.43

⁶ Ma Hla Me v. Maung Hla Baw, 1930, 8 Ran, p.425

⁷ Daw Khin Mya Mar (a) Mar Mar v. U Nyunt Hlaing, 1972, Civil First Appeal, No.38

Among today's youth, marriages signed by free consent in the presence of two witnesses before a judge, sworn oaths, have become popular and fashionable and expressing their ability and intention to marry. The two parties are getting their marriage by proof of marriage certificate or contract. This process saves on costs for large events and receptions; it's faster to store and legal because it has stamps, labels and signatures. In this way, marriage has changed and not lost the rights of married woman.

Right to divorce

For Myanmar Buddhists, a marriage as a husband and wife is just a secular social issue, and it is just a matter of making a contract with each other according to Myanmar Customary Law. Therefore, if both husband and wife agree, it is very easy to get a divorce. In Myanmar Customary Law, the married couple can divorce in mutual agreement, the husband enters into the priesthood and matrimonial faults. Married husband and wife could not divorce the other in the absence of any fault on the part of that other. Nowadays, the women have the right to divorce in the case of matrimonial faults; cruelty, taking another wife by the husband and adultery on the part of the husband according to the Monogamous Law, 2015.

Mutual Consent

If a divorce by mutual consent, it is no need to execute a divorce deed. However, if it is executed, the deed is the strongest or concrete evidence to suit the purpose, If there arise problems later.¹

In the case of *Ma Hnin Ngon v. Maung Aung*,² it was held that a divorce by mutual consent is valid without a decree of a Court of Law or a deed of divorce or guardianship.

When the divorce is over, it must be done with a stamped-paper. The value of the stamped paper of today is 250 kyats according to Law Amending the Myanmar Stamp Act.³

Divorce by the Buddhism under the Myanmar customary Law, the husband and wife can divorce by the mutual consent because marriage is the social matter between them. So, consent is very important in divorce between Myanmar spouses.⁴

Therefore, the salient feature of Myanmar Customary Law is that the husband and wife have equal right and a mutual consent divorce without a decree of the Court is valid.

Entry into Priesthood or Rahan of the Husband

Entry into a Buddhist Priesthood as a rahan is the permanent renunciation the secular life. But it has become customary for an adult Buddhist man to enter the dullabarahan for a short period of time. It is not always a renunciation of secular life, with the intention of entering social life after a period as a dullabarahan and to regain his original position in secular life, whereas *Maung Nyunt Tin v. Ma Pu*, if a man intends to leave the secular life and become a monk, if his wife allows him, the relationship between the husband and the wife is terminated.⁵

¹ Mya Sein, U, Myanmar Customary Law, 12th edition, 2014, p.145

² *Ma Hnin Ngon v. Maung Aung*, Select Judgments (S.J). 1970, p.73

³ Schedule 1, paragraph-29 of the Stamp Act, 2011

⁴ Mya Sein, U, "Myanmar Customary Law", 12th edition, 2014, p.144

⁵ *Maung Nyunt Tin v. Ma Pu*, 1954, B.L.R, p.76

Dhammathat says that if the husband were to enter a high priesthood or rahan, the marriage bond had been dissolved. So, the Manugya Dhammathat said, if the husband enters into priesthood or rahan, the wife waits for 7 days but if the husband returns to the lay life over from 7 days, cannot said the wife is his wife. The wives can remarriage.¹

Matrimonial Faults

A divorce cannot be granted, if one of the spouses does not love the other or for reasons that do not comply with the wishes of the other. However, due to some defects in the marriage, either party can divorce.² There are two types of matrimonial faults.

These are;

1. Ordinary matrimonial faults
2. Grievous matrimonial faults³

(1) Ordinary matrimonial faults

Myanmar Customary Law states that there are five types of ordinary matrimonial faults. These are; (a) Misrepresentation, (b) Adultery on the part of the husband, (c) Taking another wife by the husband, (d) Desertion, (e) Cruelty.

(a) Misrepresentation: When a man induces a girl or a girl to marry a boy by misrepresenting them into marriage, the deceived person can ask for annulment of the marriage.⁴

The court was held in the case of Maung Po Nyunt v. Ma Saw,⁵ the wife proceeds the suit for divorce by misrepresentation but the Court grant the divorce by the cause of desertion.

(b) Adultery on the part of the husband: A wife cannot sue it for divorce on the grounds that her husband has committed adultery.⁶

In the case of Mrs. Jubert Bwa v. Mr. Jubert Bwa,⁷ the court was held that it is obvious that the husband has the intention to make his wife disease. Infecting the wife in that way is another form of cruelty, and she has the right to claim for a divorce.

Where a man beats his wife once and takes a child from living with another woman, the battered wife has the right to divorce the husband.⁸

Nowadays, a husband's adultery is a reason for divorce according to the Monogamous Law, 2015.

(c) Taking another wife by the husband: If a husband takes another wife, the wife sues to divorce her husband for cruelty. The wife has the right to divorce her husband.⁹

Any man or woman who is now married, even if the original union is recognized as a valid marriage, a man and a woman may not to marry or shall not be cohabitated illegally as

¹ Mya Sein, U, "Myanmar Customary Law", 12th edition, 2014, p.147

² Sisir Chandar Lahiri, "Principles of Modern Burmese Buddhist Law", Eastern Law House, 6th edition, 1957, p.105

³ <https://docplayer.net/amp/68550806-Modes-of-divorce-under-myanmar-customary-law.html>

⁴ Sisir Chandar Lahiri, "Principles of Modern Burmese Buddhist Law", Eastern Law House, 6th edition, 1957, p.105

⁵ Maung Po Nyunt v. Ma Saw, 3 Ran, p.160

⁶ Ma Thein Nwe v. Mg Kha, 1929, 7 Ran, p. 451

⁷ Mrs. Jubert Bwa v. Mr. Jubert Bwa, 1948, B.L.R, Ran, p.64

⁸ Maung Ngwe San v. Ma Gyi, A.I.R, 1929 Ran, p.64

⁹ Maung Set Maung v. Ma Kyin Thwe, 1963, B.L.R (C.C), p. 295

husband and wife.¹ If a husband or a wife marries again another person, he or she commits matrimonial faults and his or her spouse has the right to divorce.²

(d) **Desertion:** If a wife who does not love her husband deserts him for a year, and he does not pay maintenance during that period, her husband can dissolve the marriage if he likes to do so. If the husband who does not affection his wife abandons her for three years, and he does not pay maintenance during that period, the wife can dissolve the marriage if she so desires.³

Later in the case of U Sein Aye v. U Sein Lun,⁴ the court's decision was that, U Sein Aye was prohibited in the Kyemon newspaper date (30.7.87) that did not to transfer the property owned by both husband and wife. Daw Hla Yi declared in the newspaper date (22.7.87) that she possessed the property alone as she had already divorced with U Sein Aye since last 14 years. It can be said that this declaration indicates that Daw Hla Yi has no intention to reunite with her husband. Daw Hla Yi sold precinct of action by registered deed on (14.4.88). At the time of sale, the deserted person, Daw Hla Yi had already declared that it is proved that Daw Hla Yi and U Sein Aye had already divorced according to the law at the time of sale and the appeal of U Sein Aye was dismissed.

Therefore, in respect of desertion that either husband or wife merely deserts his or her spouse in any prescribed period the marriage tie is not automatically dissolved. Merely the deserted party has given the right to dissolve the marriage if he or she desires. So, the deserting party has no right to divorce by only own will.

(e)**Cruelty:** The cruelty of husband or wife is a marital error that the other party can demand a divorce: cruelty can happen either way. Some mental disorders are worse than physical cruelty. Hence, one spouse has the right to divorce if he or she suffers from mental illness because of cruelty.⁵

In the case of Daw Yi Lae Mon v. U Sein Than Wai,⁶ plaintiff and defendant are married in 2004 according to Myanmar Customary Law. They got a son in 2008. Daw Yi Lae Mon took 200,000,000 kyats owned by family and took her son without giving notice of her family, she deserted her husband for one year. He accuses his wife of committing adultery with evidence. Any husband, who suffers from mental pain from his wife, may divorce her. So, U Sein Than Wai sued divorce for his wife cruelty. Therefore, the Court decided that the husband has a right to divorce his wife.

Therefore, according to the above decision of Central Court, if the husband commits cruelty, the wife has the right to divorce. Similarly, if the wife commits cruelty, the husband has the right to divorce. But it depends on the fact of the case whether it has a right to divorce or not and whether amount to cruelty or not.

(2) Grievous Matrimonial Faults

Grievous matrimonial faults included adultery on the part of the wife and grievous cruelty.

¹ Section 12 of the Monogamous Law, 2015

² Section 14 of the Monogamous Law, 2015,

³ Ma Hnin Ngon v. Maung Aung, S.J, p.19

⁴ U Sein Aye v. U Sein Lun, 1990, Civil First Appeal No.15 (Mandalay)

⁵ Mrs. Protima Ghosh v. Bimalandu Ghosh, 1963, BLR, p. 526

⁶ Daw Yi Lae Mon v. U Sein Than Wai, 2015, M.L.R, p.157

The wife's adultery is a ground for divorce. Adultery on the part of the wife means the wife committed adultery with another man.¹ Adultery by the wife will entitles the husband to divorce.² If the wife commits adultery, the husband may divorce her or condone the offence.³

According to Myanmar Customary Law, a husband may condone his wife's offence of adultery or may obtain her admission of guilt and the dissolution of marriage may then take place by mutual consent on the footing that the husband retains the *hnapazon* property.⁴

In the case of *Daw Oh Yin v. Ko Mya Aung*,⁵ it was held that Daw Daung Shein, wife of U Paw Thwe by following with U Oh Maung, committed matrimonial fault. In respect of this U Paw Thwe, the husband of Daw Daung Shein, did not take any action for divorce or adultery. So, U Paw Thwe and Daw Daung Shein are not automatically divorced from their tie even.

Husband commits the grievous cruelty the wife has the right to divorce and the offender forfeits his or her joint property in the couple, concerning this case can be seen-

In the case of *Daw Pu v. Maung Tun Kha*,⁶ It was held that where cruelty is aggravated by the fact that it is committed with intent to make the other party to seek a divorce. Other case is *Daw Mi Mi Tun v. U Mg Mg Lwin*,⁷ the defendant is committed the adultery and taking another wife. Moreover, the defendant is frequently committed cruelty to the plaintiff because the defendant is desirous of divorce instead of regretting. So, he forfeits his share as a regarding of grievous matrimonial fault offender.

Hence it should be noted that according to Myanmar Customary Law cruelty takes an aggravated form and the guilty party, seeks the divorce, or repeated acts of cruelty, then the guilty party is liable to forfeit his or her share of the joint property and divorce.

According to Myanmar Customary Law, if married woman wants to end their marriage, women are protected from husband who he cannot commit serious injury by domestic violence. On the other hand, SDG number (3) expresses the health and well-being of women and social welfare of married woman has been provided.

Therefore, the women have the right to divorce in the case of matrimonial faults; cruelty. But cruelty depends on the fact of the case whether has a right to divorce or not and whether amount to cruelty or not.

Rights to partition of property

After divorce, married couple has the rights in partition of property and custody of children. During the subsistence of the marriage, the wife has a beneficial interest in all the property owned by either one or both of them. Except inherited property, all property acquired by the spouses is owned equally by the husband and wife. But according to the Customs, the wife has serious trouble in the acquisition of property. So, the position of the ownership of a Myanmar Buddhist woman is very peculiar.

¹ Mya Sein, U, Myanmar Customary Law, 12th edition, 2014, p.162

² O.H Mootham, Burmese Buddhist Law, Oxford University Press, 1st edition, 1939, p.41

³ Maung Maung, Dr, Law and Custom in Burma and the Burmese Family, 1963, p.77

⁴ 1941, Ran, p.14

⁵ 1990, M.L.R, p.160

⁶ 1946 Ran, p.125

⁷ 2012, M.L.R, p.48

Myanmar Buddhist married couples are not business partners but are usually tenants.¹ Property acquired jointly by the husband and wife during cohabitation is normally deemed to be in the possession of the husband.² Husband and wife are co-owners, and the husband is usually assumed the manager of the family.³ Under Myanmar Customary Law, partition of property could be made only after divorce.⁴

In deciding the method of partition, three points must be taken into consideration, namely:

- (1) whether the parties are *eindaunggyis* or *ngelin-ngemaya*;
- (2) whether the parties stand in the position of *nissaya* and *nissita*;
- (3) whether the divorce is by mutual consent or for some matrimonial fault.⁵

Owing to the fact that marriage in Myanmar Buddhist law not only confers a status but invests both parties with rights in the property of the marriage, a divorce is almost invariably followed by a partition.⁶

Several of categories of property has owned by each spouse before and after their marriage.⁷ Payin property is also known as *atetpa* property. *Atetpa* is the material brought by *eindaunggyi* couple to their new union. When two *eindaunggyi* marry, neither of them thereby acquires, any interests in the *atetpa* property of the other.

Kanwin is the property given by the parents, relatives to the bride at the time of marriage for the joint purposes of the husband and wife. *Hnapazon* is the property earned by the spouses during the marriage through their efforts or from the property they already own. So, *kanwin* is also included to *hnapazon* because the husband and wife can equally entitle in *kanwin*. *Lettetpwa* is the property that is inherited after he or she gets married, or is owned by each spouse through special efforts. *Thinthi* is property which a husband or a wife is supposed to hold separated. *Minbe* is the property at the time of marriage that gift made to either spouse by the King. Nowadays, there have no these kinds of *thinthi* and *minbe* property.

In the case of *Daw San Yi v. Daw Kyaut Khaing*,⁸ it was held that, according to Myanmar Customary Law the causes of partition must be appeared after dissolution of marriage. The wife has the right as an owner in common upon the husband's properties, so until the partition was made before the dissolution of marriage. Such partition may not be affected only.

Nowadays according to Myanmar Customary Law, if a married couple wants to divorce, they may sue divorce and partition of property at the same time or the first, they may sue only a suit for mere divorce and then they continue to sue a suit for partition of property.

¹ *U Pe v. U Maung Maung Kha*, 10 Ran. 261 (279) P.C; *Ma Htwe v. Ma Tin U*, 1953, BLR 29; *Ma Ohn Kyi v. Daw Hnin Nwe*, 1953, BLR 332

² *Maung On Sin v. Ma O Nat*, 11 U.B.R. (92-96), P. 303

³ *Ma Thaing v. Maung Tha Gywe*, 11 U.B.R (02-03), Ex. P. 1

⁴ *Daw Pu (a) Daw Pu Gyi v. Maung Tun Kha*, 1946 R.L.R, 125

⁵ S.C. Lahiri, *Principles of Burmese Buddhist Law*, VI Edition, 1957, 107-108

⁶ O.H Mootham, *Burmese Buddhist Law*, Oxford University Press, 1st edition, 1939, p.42

⁷ *U Pe v. U Maung Maung Kha*, 10 Ran.261 (268) P.C

⁸ 1984, B.L.R, p.76

Right to obtain maintenance

Every husband has a responsible for the maintenance of his wife and child. It's the most important duty of a husband. If this duty is neglected or refused, the wife may claim maintenance from the civil or criminal court. The first type is prosecution under Section 488 of the Criminal Procedure Code and the second types is civil prosecution under Myanmar Customary Law. Every Myanmar Buddhist wife has the right to claim maintenance from her husband.

In the case of *Ma Saw Nwe v. U Aung Soe*,¹ the wife maintenance lawsuit is a civil case as it is stipulated in Section 9 of the Civil Procedure Code that “all civil suits that are not barred must be tried by the courts”. The Court made a decision that “Myanmar Buddhist Law imposes a positive duty on the husband to maintain wife”.

In order to obtain maintenance to be a legal wife, the Court pointed out in the case of *Ma Kyin Mya v. Maung Sit Han*,² a man does not take a woman into a social environment with his relatives, friends, and acquaintances. It is the case of a concubine who does not have the right to claim maintenance for that woman.

The case of *Dr. Thar Mya v. Ma Khin Pu*,³ the wife is permitted with maintenance and amounts which is one-third of the income generated by the efforts of her monogamous husband. But, when the husband takes a second wife, the first wife has the right to receive only one-sixth of the amount of maintenance from the husband's income. However, if the wife is self-employed and able to maintain herself, she cannot sue for maintenance from her husband. In addition, the wife is not entitled to claim arrears of maintenance for the period before the suit was filed.

Therefore, only a legally married wife can claim for her maintenance either through criminal proceedings or civil proceedings. If a woman is living illegally with a man, she cannot claim her maintenance.

Right to Succession

Succession is the right of the transfer of the property of a person upon his or her death of another person. Myanmar Buddhist married women have equal inheritance rights compared to men.

In Myanmar Customary Law, Myanmar Buddhist recognizes only intestate succession and for that reason a Myanmar Buddhist has no power to disinherit their heirs. Accordingly, the wife inherits from the husband and *vice versa*.⁴

Therefore, when husband died, first wife and second wife should inherit equal right. Wives of the husband, whether living together or not, inherit the property of the deceased, the co-widows may claim equal share in the husband's estate. The wives take back their own payin, kanwin and inherited lettetpwa.

According to the Monogamous Law, 2015, the succession of widow and widower is clear and not complicated problems. It cannot have co-widows. The sole widow entitles the inheritance

¹ *Ma Saw Nwe v. U Aung Soe*, 1939, Ran, 527

² *Ma Kyin Mya v. Maung Sit Han*, 1937, R.L.R, p.103

³ *Dr. Thar Mya v. Ma Khin Pu and another*, 1940, Ran, p.807 (816)

⁴ Aung Than Tun, U, “Myanmar Laws Digest”, Innwa Book Store, 1st edition, 2001, p.127

of all his property rights. A marriage between Myanmar's Buddhists can be canceled at any time when both parties agree to consent, and divorce can make without decree of a court.

Matrimonial rights after divorce, such as the right to ask for partition of property, maintenance and succession that have been found that goals (1), (2) and (16) such as poverty reduction and food security can be achieved as they have the right to property and inheritance rights. The end of poverty can only be achieved with the end of gender-based discrimination. All over the world, gender inequality makes and keeps women poor, depriving them of basic rights and opportunities for well-being.

Conclusion

According to Myanmar Customary Law, in Myanmar has freedom of choice for her spouse by legal marriage and has the right to get divorce, maintenance and property. They are also entitled to definitely equal right of inheritance, compare to men. Traditionally, Myanmar Customary Law recognized having more than our wife. According to the Monogamous Law 2015, a married man or a woman shall not marry again another man or woman. If he or she married another, the marriage is not legal. So, the illegal marriage shall forfeit the property right and the successive right. The practice of monogamy was to protect women from co-wives and to prevent domestic crimes arising from polygamy by men. In Myanmar, the rights of married women are getting more improved, protect and safety. Besides, Myanmar women are not only able to fulfill their responsibilities, either for their families or for others, but also to work equally with men in overcoming obstacles. To this day, they are actively involved in the country's economic, social, and cultural sectors as well as the development and improvement of Myanmar's society. Ending all discrimination against women is not only a basic human right, it's crucial for sustainable future that empowering women helps economic growth and development. They can raise the new generation of young people with the high standards of morals and patriotism. So, the roles of Myanmar women are of great importance to our country.

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