

**THE REALIZATION OF WOMEN'S RIGHT TO PROPERTY INHERITANCE IN
THE ISLAMIC CONTEXT: A CASE STUDY OF IGANGA MUNICIPALITY**

BY

MAIMUNAH SAAD NALUKWAGO

18/U/GMARS/19845/PD

**A DISSERTATION SUBMITTED TO THE DEPARTMENT OF RELIGIOUS
STUDIES AND PHILOSOPHY, FACULTY OF ARTS AND HUMANITIES IN
PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE AWARD OF THE
DEGREE OF MASTER OF ARTS IN RELIGIOUS STUDIES OF
KYAMBOGO UNIVERSITY**

AUGUST, 2022

DECLARATION

I, Mike Nangono solemnly declare that the information that this dissertation is original and is a result of an independent investigation. In components that are indebted to the work of others, due acknowledgement has been made.

Signed: 

Candidate

Date: 10/10/2022

APPROVAL

This dissertation titled “The Relationship between Teacher Training and Learning outcomes of Agricultural Teacher Trainees in Primary Teachers’ Colleges in Eastern Uganda” has been submitted to Graduate School Kyambogo University with our approvals as dissertation supervisors.

Signed: 

Dr. David Agole

Date: 10/10/2022

Signed: 

Dr. Bulenzibuto Irene Tamubula

Date: 10/10/2022

Date

Dedication

To my beloved family members who have supported me morally, financially and through constant prayers as well as encouragement which has helped me to succeed Alhamdulillah.

Acknowledgement

Firstly, I express my gratitude to the Almighty Allah who has granted me good health, guidance and ability to complete my studies.

Secondly, I thank my family for the support, encouragement and prayers, you are indeed a blessing to me, and I will forever cherish you and have you all at heart.

I am greatly indebted to my supervisors Dr. Kizito Michael George and Sheikh Mutyaba Abdu Nasser for their endless guidance and the time they dedicated to read through my thesis while directing me and keeping me on the right trail

And of course, I can't miss to extend my thanks to Dr. Isiko Alexander Paul and Prof. Kuloba Robert for the pressure and encouragement towards completing this thesis on time.

I am also grateful to my secondary school teacher Sheikh Ismail Munyesi who greatly helped me in data collection while in the field by directing me to resourceful people with relevant adequate information like the executer of inheritance distribution in the area of the study which enabled me to get relevant and first-hand information.

Special thanks goes to Salongo Munir and my sister Assha saad for the endless support, be it moral or financial so that I complete my studies. You are indeed heaven sent from God.

ABSTRACT

Inheritance is the main avenue through which Muslim women acquire independent ownership of land and housing. This study focused on examining the realization of the right of women to property inheritance in the Islamic context with specific reference to Iganga Municipality. The objectives of the study were to; analyse the Islamic teachings on women's right to property inheritance, investigate the perspectives of Muslim women on their right to property inheritance, establish the views of Muslim clerics on women's right to property inheritance and examine the causes of the disconnect between the Islamic teachings and practices on women's right to property inheritance. To achieve these, purposive sampling, interviews, focus group discussions and questionnaires were employed. A total of 140 respondents were selected comprising of the Muslim clerics and Muslim women. The study was fundamentally qualitative in nature. The study revealed that the majority of the Muslim women are ignorant about the Quranic teachings on their right to property inheritance. It also uncovered that some clerics especially Imams don't understand the Quranic teachings on inheritance right principles. The study further showed that the main cause of the disconnection between the Islamic teachings and practices on women's right to property inheritance is ignorance of most of the Muslims especially women about the Quranic teachings on the same. Cultural dominance over Islam which treasures sons more than the daughters, poverty and greedy among family members especially males and some sheikhs that make them corrupt and unjust are also prominent causes. Other causes of the disconnection included limited number of clerics who have the knowledge to teach and execute this right, reluctance of the Uganda Muslim Supreme Council to fund and supervise these clerics to implement this right, inability of Muslim women to demand for their right and the undermining of women by the community as being inferior and of less importance among others. Therefore, the study recommends that all Muslim stakeholders especially the Uganda Muslim supreme council should intervene and ensure that this right is implemented through constant teachings in seminars and Juma prayer sermons, monitoring and supervisions of the implementers, funding of the clerics to spread this gospel to the entire community so that people are aware and well informed about this right, developing of keen interest by the Muslim women to search for both Islamic and secular knowledge to enable them understand their rights since "*knowledge is power*" and educate the community about the dangers of cultural norms that undermine the female sex as well as the importance of empowering women.

TABLE OF CONTENTS

Declaration.....	i
Approval	ii
Dedication	iii
Acknowledgement	iv
ABSTRACT.....	v
List of tables.....	ix
Abbreviations/Acronyms	xi
Definition of key terms	xii
CHAPTER ONE	1
GENERAL INTRODUCTION.....	1
1.0 Introduction.....	1
1.1 Background of the study	1
1.2 Problem statement.....	6
1.3 Objectives of the study.....	6
1.3.1 General objective.....	6
1.3.2 Specific objectives.....	6
1.4 Research questions.....	7
1.5 Scope of the study.....	7
1.5.1 Geography scope	7
1.5.2 Content scope	7
1.5.3 Time scope	7
1.6 Significance of the study.....	8
1.7 Justification of the study	8
1.8 Theoretical framework (Locke's theory).....	9
CHAPTER TWO	10
LITERATURE REVIEW	10
2.0 Introduction.....	10
2.1 Islamic teachings on women's right to property inheritance	11
2.2 Perspective of Muslim women on their right to property inheritance.	18
2.3 The views of Moslem clerics on the women's right to property inheritance.....	20
2.4 Disconnection between the Islamic teachings and practices on rights of women to property inheritance.	25
CHAPTER THREE.....	30

METHODOLOGY	30
3.0 Introduction.....	30
3.1 Study design and setting	30
3.2 Study area and rational.....	30
3.3 Study population	31
3.4 Sample size determination	31
3.5 Sampling procedure	32
3.6 Sources of data.....	32
3.6.1 Primary data	32
3.6.2 Secondary data	33
3.7 Research instruments	33
3.7.1 Questionnaire	33
3.7.2 Interview guide.....	33
3.7.3 Focus group discussion guide	34
3.8 Data collection	34
3.8.1 Data collection procedure.....	34
3.8.2 Quality control.....	35
3.8.3 Data management.....	35
3.9 Data analysis	35
3.10 Ethical considerations	35
3.11 Gender consideration	36
3.12 Limitations of the study	36
3.13 Delimitations of the study	37
CHAPTER FOUR.....	38
PRESENTATION, ANALYSIS AND DISCUSSION OF FINDINGS.....	38
4.0 Introduction.....	38
4.1 Data analysis of the study findings among the Muslim women	38
4.2 Data analysis of the Muslim clerics/scholars	50
4.3 Detailed findings from the Perspectives of some of the Muslim Clerics on property inheritance.....	59
4.3 Focus Group Discussion study findings	62
CHAPTER FIVE	69
SUMMARY, CONCLUSION AND RECOMMENDATIONS.....	69
5.0 Introduction.....	69

5.1	Summary of Findings.....	69
5.2	Conclusion	70
5.3	Recommendations.....	71
5.4	Suggested areas for future research	72
	References.....	73
	Appendices.....	76
	Appendix I: Consent form	76
	Appendix II: Questionnaire for Muslim women.....	77
	Appendix III: Interview guide for Muslim women.....	80
	Appendix IV: Questionnaire for Muslim Clerics.....	81
	Appendix V: Interview guide for Muslim Clerics	84
	Appendix IV: Focus Group Discussion Question guide.....	84
	Appendix V: Introduction letter.....	85
	Appendix VI: Map of Uganda showing Iganga district.....	87
	Appendix VII: A map of Iganga showing the Iganga Municipality	88

List of tables

Table 1: Showing the age of the female respondents	38
Table 2: Status of the respondents in their community.....	38
Table 3: Education level of the respondents	39
Table 4: Whether the respondent has lost a father or husband.	39
Table 5: Marital status of the respondents	40
Table 6 : Definition of the term property inheritance	40
Table 7: Islamic teachings on women's right to property inheritance.....	41
Table 8: How property inheritance is conducted in their community	42
Table 9: The view on the teaching that a male gets double of what a female gets	43
Table 10: Contribution of the Sheikhs/Imams and teachers in the achievement of.....	44
Table 11: Why it is right for a woman to inherit property	45
Table 12: Reasons why property inheritance right according to the Islamic context is not being implemented among the Muslim community	46
Table 13: Challenges women face in demanding for their right to inherit property.....	47
Table 14: The best way to address the property inheritance challenge	48
Table 15: Age of the respondents	50
Table 16: Status of the respondents in their community.....	50
Table 17: Education level of the respondents	50
Table 18: Duration in service of Islamic activities.	51
Table 19: Whether it is right for a woman to inherit property.....	51
Table 20: Reasons why women should inherit the property of the deceased	52
Table 21: Inheritance share of a female/woman according to Islam	52
Table 22: Have Muslim clerics ever had a case of property inheritance regarding women? ..	53
Table 23: How the clerics dealt with the property inheritance cases received.	53
Table 24: What the Muslim Clerics have done to implement the right of women to property inheritance.....	54
Table 25: Challenges faced by the clerics while implementing this right	54
Table 26: Ways of solving the challenges	55
Table 27: Views of clerics on a female getting half of what a male gets	56
Table 28: Is the Quranic teachings on property inheritance being implemented in the community?.....	57
Table 29: Reasons why the Islamic teaching on property inheritance is not implemented.	57

Table 30: What should be done to ensure that the Islamic teachings on property inheritance are implemented?.....	58
--	----

Abbreviations/Acronyms

COVID-19	: CoronaVirus-19
PBUH	: Peace Be Upon Him
RDI	: Rural Development Institute
SMEs	: Small and Medium Enterprises
SWT	: Subhanahu Wa Ta'ala
UN	: United Nations
CEDAW	: Convention on the Elimination of all Forms of Discrimination against Women
UMSC	: Uganda Muslim Supreme Council

Definition of key terms

Busoga	: A Sub region found in Eastern Uganda. The land of Basoga and it is one of the four constitutional monarchies in the present day Uganda.
Deen	: It is an Islamic terminology that refers to the ways of life that Muslims must adopt to comply with the divine. These include beliefs and all the practices.
Dhikr	: It is a form of Islamic meditation in which phrases or prayers are repeatedly chanted in order to remember God.
Hadith	: Refers to the narrations or sayings, actions and silent approvals of Prophet Muhammad (PBUH) that Muslims must adopt in their ways of life be it, socially, politically, morally or economically and it is regarded as the second source of law after the Holy Quran.
In Sha-Allah	: It is an Arabic phrase meaning “If God wills or God willing”. It is used when speaking of the future events. It expresses the belief that nothing happens unless God wills it, and that his will supersedes all human will.
Islam	: It is an Abrahamic monotheistic religion that is centered primarily on the Quran and Hadith as the primary sources of law.
Kabaka	: Refers to the traditional king of the Baganda people in Uganda.
Qiyas	: It is the process of deductive analogy in which the traditions of the prophet (PBUH) are compared and contrasted with those of the Quran, in order to apply a known injunction to a new circumstance was not talked about in the Quran or Hadith.
Ijma	: It is the consensus of the Islamic community on a point of Islamic ruling.
Ra’y	: It means a personal opinion in acclimating Sharia law.
Mahr	: Refers to a mandatory payment by the groom to the bride at the time of marriage. It can be anything that is agreed upon by the bride, for instance it can be a home, land, Business among others.
Mu‘allim	: Is an Arabic word referring to a teacher or instructor.

- Property** : Refers to a thing or things that belong to someone like buildings, livestock, Land, Money among others.
- Qadhi** : Refers to a Muslim judge in the Muslim community whose decisions are based on sharia (Islamic law), and he also goes on to exercise extrajudicial functions like mediation and guardianship over orphans and minors, auditing of public work, supervision and, monitoring among others.
- Quran** : The Islamic sacred book that is believed by the Muslims to be the word of God which was revealed to prophet Muhammad (PBUH) through angel Gabriel to guide mankind and it is the first source of Islamic law.
- Orphan** : Refers to a child whose parents are dead. However, in this study the word orphan is used to refer to a female child who lost her father.
- Sheikh** : A Muslim male who is respected for his piety or religious knowledge, for example knowledgeable about sharia laws.
- Subhanahu Wa Ta’ala** : It is an Arabic phrase used by the Muslims as a show of respect to God, meaning that “The most glorified, the Most high”.
- Women** : Refers to an adult female human being. In this study it was used to refer to a female human being ranging from 15years and above.
- Zina** : Refers to an Islamic legal term that is used to mean illegal sexual relations. That is, sex between people who are not legally married according to Islamic teachings.
- Islamic teachings:** Refer to the accepted set of beliefs and practices taught in Islam to be followed by the Muslim community: They are found mainly in the Holy Quran and the Hadith of the prophet (PBUH).
- Ibādāt.** : It’s an Arabic word meaning worship by obeying Allah and following the sunnah of the Prophet (PBUH)

CHAPTER ONE

GENERAL INTRODUCTION

1.0 Introduction

This chapter includes the background of the study, problem statement, the general objective of the study, objectives of the study, research questions, the scope and the significance of the study and justification.

1.1 Background of the study

Throughout history in developing countries, there has continuously been a vivid variance between the rights of men and women in relation to property ownership and inheritance rights whereby women are always disadvantaged (FAO, 2013). Bulbul, (2013) also noted that, it has never been a good time to be a woman. That is, chained at home, deprived of rights in society, and subjected to gender bias at the workplace. Women have borne the brunt of being the weaker sex all throughout history. Though the twist in rights and treatment has not quite corrected itself, women are possibly in a better place today than ever before.

Saint, (2011) stated that, the trials faced by women living in Muslim contexts do not substantively differ from those faced by women in other parts of the world, for instance socially prescribed gender roles, unequal power dynamics, discriminatory family practices, unequal access to justice are the most common challenges. However, 20% of the world's population is Muslim and certain land-related patterns reflecting customary and religious practices emerge as common elements that create context-specific opportunities to meet these challenges. Tunku & Rahman, (2015) pointed out that, the plight of women in Arabia was unspeakable. Just like in Arabia, women in other countries like in India, Egypt and all European countries, women were treated worse than slaves. They were not regarded as homosapiens but some sort of sub-species between man and animals who don't deserve to enjoin any right as humans.

Globally women lack access to and control over property and inheritance rights, with women owning an estimated 1-2% of all titled land worldwide. Their lack of control over property like land places them at a significant handicap in terms of economic security for survival and as well as accessing economic opportunities (Sourav, 2015).

According to Kola, (2018), Property in all its forms is valued and recognized in all societies, as the principal key factor influencing and enhancing an individual's socio-economic status. Shafie et al., (2014) also stated that inheritance is the main avenue through which women

acquire independent ownership of land and housing. Alazzeh, (2017), urges that Inheritance occupies an extremely high place in Islamic jurisprudence or *fiqh*, which jurists label as an “obligation”. Its centrality in the Islamic law is due to the connection of inheritance to an individual’s “obligations” and according to Islamic law, a woman’s inheritance share is generally half that of a man. Thus, to properly carry out inheritance is to commit to the divine order. In the Quran, it is *Surah An-Nisa*, (the ‘Chapter of Women,’) which clarifies inheritance provisions in detail, and is the base from which jurists build law through explanation.

The present and ongoing violation of inheritance rights of women has attracted the attention of international community like the European Union which responded to the issue in the form of international convention, treaties and actions say human rights conventions. Incorporation of the international law into domestic legislation to bring improvement in women’s status is still a problem where the custom, complications in legal system and procedural problems are the major obstacles in the realization of these rights. Few reforms have been introduced to protect the property rights of women. However, much is required to be done in the form of social, political and legislative reforms. Social customs, customary law, religious law and common law are the four layers of jurisprudence which must be taken into consideration during the legal education (Naznin, 2014).

On, (2011), went ahead and urged that, there are three primary factors affecting women’s rights to property and inheritance with regards to law and policy: Firstly, the laws may be drafted to be explicitly discriminatory towards women and girls, secondly, the rules around property and inheritance might be subject to local cultural and religious norms that are discriminatory towards women, and/or the implementation of the laws (even when non-discriminatory) are interpreted by courts in a manner that is discriminatory towards women and girls. The discriminatory application of law in the civil, traditional, and religious realms has an impact on women’s vulnerability.

RDI, (2009) stated that, women’s inheritance rights are mostly governed by formal and customary laws, and the primary formal laws are personal laws and those are laws that deal with matters pertaining to a person and his or her family, which tend to be heavily influenced by custom and religion. Women often gain property rights through personal laws that govern inheritance. These include laws and practices such as polygamy, marital property rules, bride price or dowry and inter vivo gift or partition.

The status of women in Islam can be properly understood only when we know their status during the Jahiliyyah (the period of ignorance or the pre-Islamic period). For that reason, what was the status of women in the pre-Islamic period? Was it better or worse?

In an analysis of this period, Raghavan, (2018) asserted that in Arabia, women had no rights as wives or as daughters and as such, they were treated terribly. Females enjoyed totally no rights, were taken and treated as property and would be treated the way any one wished which was accompanied by female infanticide where female babies would be buried alive because they were looked at as bad omens in the family. The birth of a girl child therefore did not call for a celebration but rather mourning.

Hoque & Islam, (2019), Also argued that during the pre-Islamic Arabia, the status of women was indeed insignificant. They totally had no say in matters concerning their rights, and the low status level ascribed to them during this period was vividly clear through the practices and customs of the Jahiliyyah people in matters concerning family and social life. This therefore implies that, women in the Islamic peninsular did not enjoy their fundamental human rights like right to own property, freedom of speech, expression, freedom to choose a marriage partner among others except for those with a relatively high status that is, the rich.

In addition to the above, Bulbul, (2013), also asserted that before the introduction of Islam, women were treated as personal property. They were speechless and their personal consent in matters affecting their well-being was indeed irrelevant and inconsequential, like in the marriage contract. They were treated as sex objects by men and divorced whenever one wished without a genuine reason, they didn't have a right to property ownership and were not entitled to legally inherit anything. He further added that, in some families the custom was that widows could be inherited as like property by the deceased's family members. Even a stepson could take over his stepmother and make her his wife or just use her as a sex object. He also had the right to force his stepmother to marry whomever he wished. She completely had no say in the matter.

Man and woman were created by Allah Subhanahu Wa Ta'ala (SWT) from a single source and all the previous unjust laws that reckoned females as inferior in quality and nature were abolished. Islam considers both sexes to be equal in rewards and punishments as well as in financial dealings and property ownership. However, one could ask whether equality has been upheld as regards the right to property inheritance.

Chapter 4 verse: 11 of the Holy Quran says:

*“Allah commands you as regard to your children’s inheritance;
to the male a portion equal to that of two females.”*

Basing on this verse, majority of the Westerners and some Muslims claim that equality in regard to property inheritance right is not upheld which is a clear example of injustice and discrimination as males are given a bigger portion compared to females. Hanafi & Tomeh, (2019) pointed out that, according to Islam, property inheritance is not among the formalized acts of reverence (*‘ibādāt*). It’s entirely a matter of the world drafted by religion, and therefore must be greatly inclined to worldly reassessments (Hoque & Islam, 2019).

International Center for Research on Women and Uganda Land Alliance (ICRW), (2010), urged that the Ugandan laws protect women’s right to property inheritance although in practice, the right to equal property distribution is in most cases violated. In addition, widows are time and again deprived of their right to inherit property that was left behind by their deceased husband which include buildings and land. At times the deceased husband’s relatives go ahead and deny them the right to take care of their own children. As if that is not enough, they further go ahead and chase them out of the matrimonial home as well as deprive them of the right to utilize the family land for cultivation. Girl children on the other hand, are also at times deprived of their share that was left behind by their deceased father. Walusimbi, (2001) also adds that Inheritance in Uganda is mainly regulated by the Succession Act which confers the right to inheritance to close relatives regardless of their legal relationships to the deceased. Whereas, the Islamic law of inheritance requires the wife and children of the deceased to be in legitimate relationship.

In addition, Global Property Guide, (2013) stated that both citizens and non-nationals in Uganda are permitted to bequeath and inherit both movable and immovable property that is in the country according to the Ugandan Succession Act, that govern property inheritance. The Ugandan court for Family and Children on the other hand, deals with issues concerning Family regulations which include property inheritance. However, the High Court of Uganda has overall jurisdiction. Therefore, if property inheritance distribution is unclear, the issue may be taken to the Family Division of the High Court of Uganda to be resolved. However, the law is silent, as to whether a woman can leave her property in Uganda by intestate succession. Customarily, in Uganda before the age of gender equality, women had no right to own property, but when the present Succession Laws were drafted, it was acknowledged that

women owned no property. Therefore, no provision was made in law as to the transference of the property of a woman upon her death.

The historical frame work of Islam in Uganda can be traced from the early contacts between Buganda and the Arab traders who were at the East African coast. Islam penetrated Uganda in 1884 by the Arab traders during the reign of Kabaka Sunna II and boomed during the early years of the rule of Kabaka Mutesa I who invited more Arabs to spread Islam. It was later spread from Buganda to other parts of Uganda by the Sudanese soldiers and the Baganda Muslim refugees of the religious wars who migrated from Buganda in search for peace and security to other areas (On, 2011)

Abduwahab, (2021), urged that Islam accords women the right to inherit property. According to the Holy Qur'an daughters have a right to inherit property from their parents, wives to inherit from their husbands and mothers to inherit from their children, that is, if they happen to die before her. Similarly, in some situations sisters can be heirs of their brothers. However, it should be noted that husbands have no say in regard to their wives' money or earnings, this is strictly forbidden.

1.2 Problem statement

Inheritance is a key to sustenance and acquisition of wealth for widows and daughters after the husband or father has passed on and being denied the right to property inheritance, it robs them of the power to make their own reproductive choices which impedes their ability to actively participate in the country's development programs (Abubakari et al., 2019). Islam safeguards the women's right to property inheritance in various Quranic verses and Hadith such as Chapter 4: verse 8 and verse 12 of the Holy Quran. Despite the existence of detailed guidance from the Quran and Hadiths, about the promotion and protection of the above right, the implementation of this right is still a challenge. It is noted that approximately 80% of the women in Uganda are denied access to inheritance worsened by preference of boys to girls by men and as such, they are often victims of inheritance, a circumstance that exposes them to multiple vulnerabilities (Omodonyanga, 2010). In Iganga Municipality however, the realization of this right is still a dream that has never been fulfilled. This research aimed at investigating the disconnect between Islamic teachings on women's right to property inheritance and the implementation of the same in Iganga municipality.

1.3 Objectives of the study

1.3.1 General objective

To assess the realization of women's right to property inheritance in the Islamic context with specific reference to Iganga Municipality.

1.3.2 Specific objectives

- 1) To analyze Islamic teachings on the women's right to property inheritance.
- 2) To investigate the perspective of Muslim women in Iganga municipality on their right to property inheritance.
- 3) To find out the views of Muslim clerics in Iganga municipality on women's right to property inheritance.
- 4) To examine the disconnect between the Islamic teachings on women's right to property inheritance and the practices in Iganga municipality.

1.4 Research questions

- 1) What are the Islamic teachings on the women's right to property inheritance?
- 2) What is the perspective of Muslim women in Iganga municipality on their right to property inheritance?
- 3) What are the views of Muslim clerics in Iganga municipality on the women's right to property inheritance?
- 4) What causes the disconnect between the Islamic teachings on women's right to property inheritance and practices in Iganga municipality?

1.5 Scope of the study

This includes geographical, time and content scope.

1.5.1 Geography scope

The study was carried out in Eastern Uganda in Iganga municipality within Iganga district. The study area was chosen because Islam is the dominant religion in the district (United States Department of State, 2009). It is one of the districts in Uganda with the highest Muslim population, secondly according to the Sharia court in the study area, multiple cases of inheritance have been registered and yet limited investigations have been conducted to ascertain the inheritance dynamics, that are causing the disconnect between the Islamic teachings and its practices on property inheritance distribution in the area despite Islam being the dominant religion.

1.5.2 Content scope

In this study, the Islamic teachings on the right of women to property inheritance were analysed, the Muslim women's perspective on their right to property inheritance was assessed and the views of the Muslim clerics in Iganga municipality on the women's right to property inheritance were investigated. In addition, the disconnect between the Islamic teachings and practices on the women's right to property inheritance was also examined.

1.5.3 Time scope

This study was limited to the time scope of 2010 -2019 because it was a realistic and manageable scope. In addition, it is between this period that multiple cases about property inheritance were registered according to the sharia court in the area hence the need to investigate this dynamic.

1.6 Significance of the study

This thesis may enlighten the community about the promotion and the protection of women's right to property inheritance in the Islamic context. Since religion is a means for making society what it is.

The findings of this research will help to clarify the position of Islam on the women's right to property inheritance and the cause(s) of the disconnect between Islamic teachings on women right to property inheritance and the practices in Muslim homes.

The study will help people especially the Muslim community to have a deeper understanding of Islamic law on property Inheritance.

The knowledge of this study will aid the Qadhi/Muslim courts in ensuring appropriate distribution of the wealth of the deceased accordingly. The research will also act as a basis for decision making in the formulation of policies on matters related to Islamic Inheritance especially for women.

Theoretically, this study will be used as a reference by other researchers who may develop interest in the similar study.

1.7 Justification of the study

For many years, majority of the people have been overtaken by petty issues such as veiling of Muslim women, polygamy, separation in congregations like in prayers and ceremonies among others. However, there are complex issues that need immediate attention for instance the women right to property inheritance which is often not given attention yet it is very paramount.

Therefore, there was great need to carry out this study for purposes of information and sensitization for widows and orphan girls who have become victims of property deprivation. This leads to extreme sufferings in terms of sexual exploitation and gender imbalance in economic growth and development which has left many women economically dependent on men who are not even their legal husbands.

Worse still, many people's lives have been distorted especially mothers and daughters due to denial of their right to property inheritance after the death of the breadwinner (father) in the home. For example, in order to survive, she is left with no choice but to submit to "wife inheritance," a customary practice in Uganda in which a widow is inherited just as a property would be inherited, by a relative of her deceased husband. Further still, girls have ended up

dropping out of schools due to financial constraints at home and many have ended up on streets (homeless), yet others have resorted to prostitution for survival which is socially and health wise disastrous (Bennett, Faulk, Kovina & Eres, 2006). This is a disaster not only to the society but the nation at large. All the above, result from the failure of the mothers to support their daughters financially while widowed.

The research will therefore uncover the right of women to property inheritance in the Islamic context so as to ensure appropriate and effective implementation of the Sharia for the betterment of the lives of women and the community at large.

1.8 Theoretical framework (Locke's theory)

Property rights play an important role in shaping the allocation of resources across the gender divide. Libecap (1989) opines that property rights are enacted and implemented by political institutions and reflect conflicting economic interests. Although the property rights theory is analogous to contractual theories like the transaction costs and agency theories, it is quite different (Kim and Mahoney, 2002). Locke argues that a person is entitled to the right to property however, this entitlement is subject to the proviso that none is left in a worse off situation due one's ownership of private property (Layman, 2015).

John Locke articulates his property rights theory in *The Second Treatise of Government* (1690). He argues that although the right to property inheritance is justified, the right to property inheritance is not absolute. Locke regards inheritance as imputed bequest governed by natural law. This natural law imputes to the intestate person an intention to leave his/her goods to his closest family members. The needs of a deceased's dependents however stifle specific bequests, and both bequest and inheritance are subject to the principle of charity and principle of justice (Kendrick, 2011). Locke's theory is consistent with the argument in this thesis because although it guarantees women the right to property inheritance, it leaves society to map out how property should be inherited as long as no one is left in worse off scenario.

CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

This chapter presents literature review based on the following themes that is to say; Islamic teachings on women's right to property inheritance, the perspective of Muslim women in Iganga municipality on their right to property inheritance, the views of Muslim clerics on the women's right to property inheritance and the causes of the disconnect between the Islamic teachings and practices on the women's right to property inheritance.

Before the Islamic inheritance is practiced, there are several aspects that we need to clear. These are, the maintenance of the funeral ceremony, the deceased's debts, the will of the deceased (30% of the property left behind) and lastly the distribution of the remaining assets to the heirs who are entitled to them. The Prophet (PBUH) emphasized that

"It is not permissible for any Muslim who has something to will, to stay for two nights without having his last will and testament written and ready with him". (Narrated by Abdullah bin Umar)

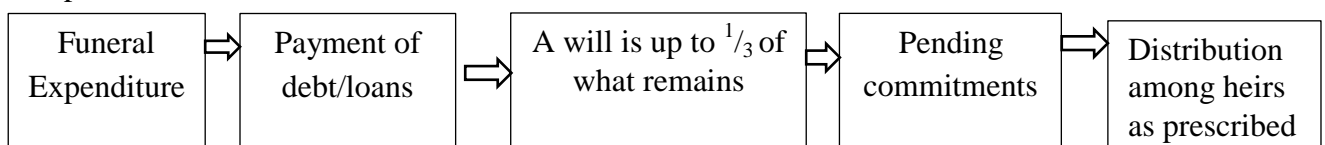
The messenger of Allah further said that:

"The obligation of a Muslim who has something (property) which had been willed to be given out in two nights and then let the will go into his/her hands." (From Ibn Umar R.A)

This implies that writing a will is very vital and its implementation is obligatory for as long as it is in line with Islamic inheritance guidelines.

According to Islamic law, inheritance is the division of the estates after the death of a Muslim which has been fixed under the Islamic law on the legal heirs who are eligible to receive the estate. The deceased should have fulfilled what is permitted by Islamic law before distributing the property.

The following is the sequence of spending and distribution of *mirath* (wealth) after the death of a person



Source: Zafar (2017)

The remainder of the property after deducting all funeral expenses, it is then distributed to the heirs (Abduwahab, 2021). The Quran distributes property of the deceased basing on a specific formula. The heirs mentioned in the Quran are mother, father, wife, daughter, son, uterine brother, full sister, uterine sister and consanguine sister (Mostafa, 2019).

2.1 Islamic teachings on women's right to property inheritance

Islamic teachings in this research referred to the teachings from the two primary sources of Islamic law (sharia) only. That is, the holy Quran and the traditions of the prophet (PBUH). Quran is the source of legislative, theological and spiritual guidance for Muslims. According to chapter 2: verse 2 of the holy Quran, says that it is a book of guidance to those who are conscious about God. Through the holy Quran, Muslims are provided with detailed guidance in their daily trials. The prophet's traditions and the Quran are the prime sources of law to Muslims. Appropriate portions for all the heirs of the deceased are prescribed without discriminating of gender or order of birth in Islam. That is, Children, parents, husbands and wives are the principal heirs if alive (Hannay, 2014).

Women's right to property inheritance in Islam is protected in four verses of Suratul Nisa of the Quran. These are 8, 11, 12, 13, and 177. Chapter 4 verse 8 of the Quran says that:

“For men is a share of that which parents and near relations leave; and for women is a share of that which parents and near relations leave, whether it be little or much a determined share”

The verse lays down the general principle of the social equality between a man and a woman. The verse categorically states that both men and women are entitled to a suitable share in property distribution.

In addition, Chapter 4 verse 12 of the Quran stipulates that:

“Allah commands you concerning your children: a male shall have as much as the share of two females; but if there be females only, numbering more than two, then they shall have two-thirds of what the deceased leaves; and if there be one, she shall have the half. And his parents shall have each of them a sixth of the inheritance, if he has a child; but if he has no child and his parents be his heirs, then his

mother shall have a third; and if he has brothers and sisters, then his mother shall have a sixth, after the payment of any bequests he may have bequeathed or of debt. Your fathers and your children, you know not which of them is nearest to you in benefit. This fixing of portions is from Allah. Surely, Allah is All-Knowing, Wise”

The above quoted verse shows how property should be distributed among children both sons and daughters without discrimination of sex, age or order of birth. It states that a son is to get double of what the daughter gets. However, if its only daughters and there is no son, then the daughters will get two-thirds of the estate if they are more than one but if she is only one, then she takes a half (Hanafi, 2019).

.

Chapter 4 verse 13 of the Quran

“And you shall have half of that which your wives leave, if they have no child; but if they have a child, then you shall have a fourth of that which they leave, after the payment of any bequests they may have bequeathed or of debt. And they shall have a fourth of that which you leave, if you have no child; but if you have a child, then they shall have an eighth of that which you leave, after the payment of any bequests you may have bequeathed or of debt. And if there be a man or a woman whose heritage is to be divided and he or she has neither parent nor child, and he or she has a brother or a sister, then each one of them shall have a sixth. But if they be more than that, then they shall be equal sharers in one-third, after the payment of any bequests which may have been bequeathed or of debt, without prejudice to the debt. This is an injunction from Allah, and Allah is All- Knowing, Forbearing.”

This verse talks about the share of the spouses in regard to property sharing if one of them dies. It goes ahead to talk about the share of the surviving spouse in case the deceased had children and also if he or she never had children, by pointing out how much they are entitled to. At the end of this verse it further shows how the property of the deceased who had no children nor parents but has siblings should be portioned amongst them after giving effect to the will.

Furthermore, chapter 4 verse 177 of the Quran intimates that:

“They ask thee for instructions. Say, Allah gives you His instructions concerning ‘Kalalah’: If a man dies leaving no child and he has a sister, then she shall have half of what he leaves; and he shall inherit her if she has no child. But if there be two sisters, then they shall have two-thirds of what he leaves. And if the heirs be brethren both men and women then the male shall have as much as the portion of two females. Allah explains this to you lest you go astray, and. Allah knows all things well”

Chapter 4 verse 13 of the Quran gives more instructions on how the property of the deceased who neither had children nor parents but has surviving siblings both males and females should be shared. That is, if the *kalalah* left only one sister as the heir, then she is entitled to a half but if they are two, their share is two-third of the property each. However, if they are both males and females as heirs then the male takes a portion that is equivalent to that of two females. It should be noted that, although both males and females are given a right to inherit property as per the Quran, their shares are different in such a way that males get a bigger share compared to that of the females.

Now a question may arise as to whether equality is being exercised. For example Chapter 4 verse 11 of the Quran says that:

*“Allah commands you as regards to your children’s inheritance;
to the male a portion equal to that of two females.”*

Basing on the above verse, majority of the Westerners and some Muslims claim that equality in regard to property inheritance right is not upheld which is a clear example of injustice and discrimination as males are given a bigger portion compared to females. Hanafi & Tomeh, (2019) pointed out that, according to Islam, property inheritance is not among the formalized acts of reverence (*‘ibādāt*). It’s entirely a matter of the world drafted by religion, and therefore must be greatly inclined to worldly reassessments (Hoque & Islam, 2019).

Furthermore, when a Muslim dies, his heirs both females and males share the property equally and simultaneously. Males have no superior right over the females in regard to property inheritance, although their share is double the share of a female. In other words, although a female is given half of what the male gets, there is no variance between the two

heirs (male and female) as far as their corresponding privileges of property inheritance are concerned. (Abdullah et al., 2015).

In addition, the inheritance principle “That a son gets twice as much as that of a daughter” is accounted for. In Islamic law, females have a privilege of getting an extra economic benefit in form of money or any property of her choice from her husband at the time of marriage which is termed as *Mahar* (gift given to the bride by the husband), and as well be provided for by her husband, whereas her brother is entitled to none of the two privileges. But instead, he is the prime provider and maintainer of his family, whereas the female heir may have this obligation only in astonishing case (Parveen, 2022).

It should therefore be noted that there are so many verses in the holy Quran that talk about property inheritance by giving detailed guidance on how it should be shared among the right heir of the deceased.

Traditions of the holy prophet of Islam (pbuh) on the women’s right to property inheritance

Allah’s apostle (PBUH) said,

“Not even a single Dinar of my property should be distributed after my death to my inheritors, but whatever I leave excluding the provisions for my wives and my servants, should be spent in charity.” narrated by Abu Huraira.

(Source: Sahih Bukhari, book of inheritance)

In this tradition or hadith, it is apparently evident that the Holy Prophet of Islam (PBUH) had no reservations in allowing women at large to inherit property after the demise of their husbands. No mention of a paternal uncle, brother, grand or any other relative is made of in this tradition. This implies therefore that the prophet’s teaching aimed at elevating the status of women in society.

In another tradition, it is narrated by Jabir bin ‘Abdullah that:

“I became sick so Allah’s apostle and Abubakar came on foot to pay me a visit. When they came, I was unconscious. Allah’s Apostle performed ablution and he poured over me the water (of his ablution) and I came to my senses and said, “oh Allah’s apostle! what shall I do regarding my property? How shall I distribute it?” The prophet (PBUH) did not reply till the divine verses of inheritance were revealed.”

(Source: Sahih Bukhari, book of inheritance)

This tradition reveals that any word that the Holy prophet of Islam mentioned regarding inheritance was not out of his personal will or interest but rather they were divine commandments from the Creator of the entire universe, the most exalted, wise, the knower of the seen and the unseen (Snyder et al., 2020).

If the prophet had no divine restrictions and focus, he would have found a response to Jabir's inquiry basing on his intellect. This did not happen until the Almighty Allah revealed the verses of inheritance in Chapter 4 of the Holy Quran.

This implies therefore that the known detailed system of property distribution of a deceased individual is not out of an individual personal make but rather a highly divine package from God the Almighty.

In relation to the above tradition, it is narrated by Jabir that:

“When a Companion of the Holy Prophet named Sa’d bin Rabia died in the battle of Uhud, leaving two daughters and one widow, his brother took away all the property, leaving nothing for the two daughters. Thereupon the widow of Sa’d went to the Holy Prophet and said, “Here are the two daughters of Sa’d. Their uncle has taken the whole of their property and left nothing for them”. The Holy prophet told her to wait till God should decide on the matter. Then chapter 4 verse 11 of the holy Quran of inheritance was revealed to the prophet (PBUH) and the Prophet called upon Sa’d’s brother to give two thirds of the property to his two daughters and one eighth to their mother and keep the rest to himself.” (Source: Mishkat al Masabih)

This verse was the first among the divine revelations to secure the rights of women to inherit property. The prophet instructing that two-thirds should be given to the daughters of the deceased and one eighth to the widow is a clear manifestation that women are accorded a right to inherit property and also have full control over it. This tradition therefore cements the fact that the females have a divinely given right to inherit and own property (Layman, 2018).

In a tradition narrated by Ibn Abbas, it is reported that:

The Holy prophet (PBUH) said,

“Give the fara'id (the shares of the inheritance that are prescribed in the Quran) to those who are entitled to receive it. Then what ever remains, should be given to the closest male relative of the deceased.”

(Source: Sahih Bukhari book of inheritance)

The directive of the prophet {PBUH} in this tradition pivots on the principle that the relatives of the deceased both males and females have a right to inherit property basing on their blood connection to the deceased. That is, the amount of the share given to the heir depends on blood closeness to the deceased but not basing on gender, age or order of birth. Therefore, children both sons and daughters, wife, husband and parents are principal heirs.

In another tradition narrated by Ibn Umar,

“The messenger of Allah (PBUH) forbade selling the right of inheritance, or giving it as a gift.”

(Source: Ibn Majah , book of inheritance)

A comprehensive study of the divinely established Islamic system of inheritance reveals that it is aimed and creating a harmonious and peaceful society since property distribution is a major cause of family conflicts in many communities.

In addition, it is also aimed at establishing a continuous system of the general welfare of the orphans, widows, widowers and any other beneficiaries.

Therefore, the selling away of this legitimate right or offering it to an individual as a gift would be viewed as a breach of contract with the Knowledgeable Almighty God resulting into unbelievable difficulties for his creatures.

This is because the buyer or the gifted may use this right for a selfish personal benefit thus rubbing the divinely intended objective. This tantamount to a sin.

In a tradition narrated by Sa'd bin Abi waqqas , he said:

“I was stricken by an ailment that led me to the verge of death. The prophet (PBUH) came to pay me a visit. I said, “O Allah’s messenger! I have much property and no heir except my single daughter. Shall I give 2/3 of my property in charity?” he said” no.” I said ½ of it?” he said you may do so) though 1/3 is too much, it is better for you to leave your offspring wealthy than to leave them poor, asking others for help.”

(Source: Sahih al- Bukhari; Laws of inheritance)

The significance of offering charity most especially the obligatory type cannot be under looked in Islam because it actually forms the five pillars of Islam and it is positioned in number 4 after the establishment of the oneness of God and the performance of the 5 daily prayers.

The fact that the Holy Prophet (PBUH) had a second thought about it especially on a matter regarding a woman reveals how Islam uplifted the status of women in its early stages of development.

The tradition above tries to expound on the fact that daughters are also prime heirs in property sharing. It stresses that however much charity is important, leaving your offspring whether son or daughter wealthy is the most important other than leaving them poor.

It is also narrated in a tradition by Wathilah bin Asqa that:

The Holy prophet (PBUH) said,

“A woman may get three types of inheritance; from her freed slave woman, a foundling whom she raised, and her child concerning whom she swore in Li'an that he was legitimate.”

(Source: Ibn Majah , book of inheritance)

In most of the cases, women are always regarded by the family members of the deceased husband as smart skimmers of wealth during the distribution of property.

In this tradition, the Holy Prophet (PBUH) taught that a woman does not only inherit property from the husband. She is actually entitled to inherit property from a freed slave woman, a woman she raised and from a lawful child.

This to a certain extent neutralizes the bitterness of the relatives of the deceased individual during property distribution hence enabling women to comfortably inherit property.

Abu Huraira narrated that:

The prophet (PBUH) said,

“By the one in whose hand is the soul of Muhammad! There is no believer on earth but I am the closest of people to him. Whoever among you leaves behind a debt or destitute children, I will take care of them. And whoever among you leaves behind wealth, it is for his heirs, whoever they are.”

(Source: Sahih al- Bukhari; Laws of inheritance)

The phrase “whoever they are” refutes all the allegations and exclusions made regarding gender, social status and age during the distribution of the property of the deceased.

If the women were not entitled to inherit property, the Holy Prophet (PBUH) would have excluded them in his divinely guided words at the early days of Islam.

Abu Huraira also narrated that:

The messenger of Allah (PBUH) said,

“O Abu Hurairah. Learn about the inheritance and teach it for it is half of marriage, but it will be forgotten. This is the first thing that will be taken away from nation.”

Owing to the complexity of this subject of inheritance and its great significance in creating social order with in societies, the Holy Prophet (PBUH) often advised his immediate companions to have a comprehensive grasp of the laws of inheritance.

In this current era, it is evidently clear that there is still need for people to learn more about inheritance be it religious leaders or the followers. This implies that the prophecy mentioned in the tradition has been fulfilled

Illustration

Category	Share
Male	Gets double of what a female gets for example if a girl is given 500,000, the boy gets 1,000,000
Mother	$\frac{1}{6}$
Father	$\frac{1}{6}$
Widow (if the deceased had no children)	$\frac{1}{8}$
Widow (if the deceased had children)	$\frac{1}{4}$
widower (if the deceased had no children)	$\frac{1}{2}$
Widower (if the deceased had children)	$\frac{1}{4}$

Source: Sahih al Bukhari 6739 In book reference 85 Hadith 16 grade

2.2 Perspective of Muslim women on their right to property inheritance.

Majority of the women remain silent about their inheritance share so as to maintain harmony and good relationship with their brothers. This has made many of them to think that the best way to keep the affection and love from their brothers is not to demand for their share. This mainly happen in rural areas since they believe that taking inheritance from the brother is an ill-fated sign that results into trouble (Alazzeh, 2017).

In continuation to the above, often women have a belief that claiming for their share is an act of disgracing their family. As a result it makes them to endure additional mistreatment from their conjugal family members since they will be entirely dependent on them for survival.

Through casual conversations with some women, it was discovered that some aged women, it is at their last stage of life, when they decide to collect their inheritance shares from their brothers or brother's sons when put on tension by their children demanding for property, although majority of them totally submit their inheritance share cheerfully and do not regret doing so (Behera & Haque, 2017).

Although women in Islam are eligible to getting a half of what a male gets as inheritance share from their parents. There is absolutely nonentity in the Islamic sharia that averts women from having equal property and rights. It should be noted that, there are no gender constraints on females receiving property like buildings or land through bequest which is accepted up to a third of an estate that is left behind by the deceased. In addition, females are free and often do receive hiba (gifts) from both her family members and husband at numerous stages in her life like during marriage and beyond (Walusimbi, 2001).

Fatima, (2009) urged that it is not the responsibility of women to financially take care of the family. Therefore, her property share will remain her financial security for moments of calamity, for example after divorce. Therefore, women need to inherit property so as not to be entirely economically dependent on their husbands so that in case the marriage fails to work out, she can still support herself even after she has divorced with her husband because life does not stop at marriage.

Atiyah (2008) asserts that when a man dies, leaving only one male child, it is an entitlement of that male child to inherit all the property. However, if the deceased left only one female child, then she is entitled to inherit up to an upper limit of half of the property. The remainder of the property are supposed to be distributed among the brothers and sisters of the deceased. In this analysis, she tried to expose the unfairness of Islam among children in matters of property inheritance since it doubles the share of a male child in comparison to the female child (Shoma, 2019).

Fatuma (2009) pointed out that since the females have no obligatory financial responsibilities unlike the males, Islam exercises justice and fairness. (Hashim, 1999) also added that, scholars in Islam urge that the Qur'an accords equal rights to both sexes since equality does not mean sameness, that is, even if women are equal to men it is not an indication that they are the same, an implication that they have different duties and responsibilities towards their families. He further added that, Muslims are usually apprehensive of feminist movements, for they see feminists' emphasis on equal rights as opposed to the Islamic notion of the matching

roles and tasks of both sexes, with equivalent rights and duties that they believe further reflect each sex's particular strengths and weaknesses.

The law that awards the male twice of what the female gets is heavily criticized in the contemporary world as being discriminative. Yet in reality conditions have absolutely changed as female's role is not only limited solely to the household but beyond. That is, majority of them have become prime breadwinners in their homes despite their husbands being alive. In addition, there are also those who even live independently. Therefore, the old notion that men deserve a bigger share to women since they are financially responsible to their families bombs as women are as well involved in the same and actual playing a bigger role than men (Tunku & Rahman, 2015).

There is need for urgent modifications in the laws governing property inheritance in Islam so as to bring women at par with men in regarding property sharing since it is discriminative according to the belief of the majority. However, any effort to restructure these laws by the senate would certainly not be hailed by the Muslim community yet it would be most effective if the change was to originate from within the Muslim community itself. At the arrival of Islam, the Prophet (PBUH) showed how enlightened this new religion was, when he elevated the status of women and gave them rights like the right to inheritance and own property that was not there before its advent. Therefore reforms need to be embraced in Islamic law in regard to property inheritance so that it is freed from the suffocating grip of orthodoxy. This is probable since it is operating in countries like Turkey, the Islamic state that already has laws giving equal property shares to widows and daughters, equated to men (Shafie et al., 2014).

2.3 The views of Moslem clerics on the women's right to property inheritance.

Hashim (1999) stated that the laws governing property Inheritance are evidently laid down in the holy Quran. That is, a widow takes $\frac{1}{4}$ of her husband's legacy, those in polygamous matrimonies get $\frac{1}{8}$ if they have no children. And what remains is shared among the children in such a way that sons obtain double of what the daughters' get of their father's estate. only $\frac{1}{3}$ of the Muslim's property is allowed to be bequeathed, at least $\frac{2}{3}$ should be dealt with according to Quranic doctrines, that's to say with fixed shares for particular heirs (Abdullah et al., 2015).

Furthermore, when a Muslim dies, his heirs both females and males share the property equally and simultaneously. Males have no superior right over the females in regard to property inheritance, although their share is double the share of a female. In other words, although a female is given half of what the male gets, there is no variance between the two heirs (male and female) as far as their corresponding privileges of property inheritance are concerned. (Abdullah et al., 2015).

The inheritance principle “That a son gets twice as much as that of a daughter” is accounted for. In Islamic law, females have a privilege of getting an extra economic benefit in form of money or any property of her choice from her husband at the time of marriage which is termed as *Mahar* (gift given to the bride by the husband), and as well be provided for by her husband, whereas her brother is entitled to none of the two privileges. But instead, he is the prime provider and maintainer of his family, whereas the female heir may have this obligation only in astonishing case (Parveen, 2022).

Before distributing the deceased property among the heirs, there are certain things that have to be fulfilled first. These include; settling of the deceased’s debt in case he had any, cater for the funeral expenses, give effect to the will and finally distribute the remaining estate among the surviving heirs both males and females appropriately as per the Quranic guidelines. These heirs include the deceased’s children both sons and daughters, parents and the spouse as the primary heirs and they are all allocated suitable shares accordingly (Okolie & Mohammed, 2021).

Related to the above, after the holy Quran making property inheritance mandatory it also outlined how the deceased’s property should be divided among his heirs without excluding the females. According to the holy Quran, what determines the share of the heir is the blood relation with the deceased not gender, and the primary heirs are the children, parents and spouse. It further condemns the denial of the rightful heirs to inherit property even if is a female, and this act is regarded as a grave sin to those involved in denying anyone his or her share. (Mostafa, 2019).

If a person dies leaving his wife, husband or relatives, all have a share in property inheritance. Although the rule is that a male gets double of what the female gets, it is not discrimination against female heirs considering the obligation of the male to provide for the family while the females have no such economic obligations and there is no room for

discrimination between the heirs in the Islamic inheritance system like exclusion of females (Muhammad, 2007). However, the rulings that “female orphans who do not have a brother must share the inheritance with the male relative closest to the deceased, even if unknown and has never been part of the family”. This inequality in inheritance law is another form of violence against Moroccan women (Muhammad et al., 2022).

Although sons get twice of what a daughter gets, it is not always that males have to get a bigger share as compared to that of females. There are instances where a female gets equal or can have more than what a male heir gets. For example in case the deceased left a daughter and the father, the daughter will get a bigger portion as compared to that of the father who is a male (Al-Dawlibi, 1983). In addition, Babayo (2017) adds that, the sharia ensures justice over equality in the allocation of shares to men and women under the law of succession.

Hussain (2016) urges that the upbringing of a girl costs more than that of a boy. Therefore, the girl getting half of what her brother gets, she must not grumble against her small share in inheritance. He continues to urge that in most families girls cost so much to the parents hence living very little for the brothers. More still, in her husband’s property and children property and relatives there is a regular share earmarked for her and it should be remembered that this half share was given to her at the time when no religion or society gave her anything by way of inheritance (Marbourg, 2015).

Fariz (2015) assessed the inheritance right of non-Muslim heirs in Indonesia and Malaysia. He states that, because there are a lot of inter-religious marriages that occur in both Indonesia and Malaysia and, the conversion from one religion to another that often happens in these two countries that has made the implementation of sharia difficult.

The researcher discovered that, it’s true that there are so many intermarriages going on even in her area of study. For example, one of the respondents labeled as MC4 reported that due to the ongoing intermarriages between people of different religions and cultures that subscribe to different believes and norms, there is an apparent disconnection between the Islamic teachings and the practices on the women’s right to property inheritance (Malik & Courtney, 2011).

Walusimbi, (2001), argues that Muslims are bound to practice the sacred dictates of their faith regardless of any man-made law (statutory) disapprovals. At the same time, the

continuous reluctance of the government in ironing out customary/religious inconsistencies in the supreme law is seen as a violation to the very laws it has to hold supreme. A holistic study of both regimes would conclude that though the approaches differ, they both aim at achieving the general objective of ensuring fairness and justice in the disposal of the deceased's property to the rightful beneficiaries.

Bulbul, (2013), recommended that the best way to get an everlasting solution to inheritance conflicts in homes and bring about peace in the society, we must study and embrace religious guidelines in all aspects of life and as well implement sharia law in regard to property inheritance.

Awang (2008) stated that the Islamic Inheritance Law (*faraid*) has been pre-ordained by Allah S.W.T. in a wise and gradual manner in order to allow for its compatibility with the judiciary and human nature which might find it difficult to change their normal practices. At the early stage, Islam perpetuated the inheritance laws of the Jahiliya, a temporary system based on kinship and Hijrah. The system was then overruled and replaced by the inheritance distribution by will system (*wasiyyat*) to parents and kinsfolk based on verse 180 from Surah al-Baqarah (Chapter 2) of the Holy Quran.

Awang (2008) asserted that, the previous laws that deemed women inferior to men during the pre-Islamic world were put to an end with the advent of Islam by prophet Muhammad (PBUH). These included denying women the right to inherit property, however, this was abolished by God through revealing Quranic verses like verse 11, 12 and 176 of chapter 4 (Al Nisa) of the holy Quran, which give women a right to inherit property. These verses give guidelines on who has the right to inherit and the share of each beneficiary and females are inclusive as well. The holy Quran aim at fair distribution of property among the heirs in accordance to their duties and responsibilities. (Yaseen, 2022).

Ali (2002) urged that, with the coming of Islam women were elevated and empowered in all spheres of life. It brought about outstanding modifications that raised the status of women in society. These included according women like widows and daughters the right to inherit property which was not the norm before its advent where they were not allowed to own or inherit any property but instead they were considered as property themselves that could be

exchanged in matters of settling debts or inherited in case the husband passes on by the husband's relative. Islam aimed at ensuring that women are put at par with men in accordance to rights although duties and responsibilities differ. (Ahmad et al., 2016).

Rahman (2016) urges that Islam has provided women with security and safeguard in the society as their shares of inheritance are clearly defined and cannot be removed by any heir. Thus, it has elevated the position of women when they did not have any right anywhere in the world not even in Europe.

Hussain (2016) recommended that by providing shares for the daughters, sisters, mothers and wives, it makes women active participants in the family economy hence leading to social and economic advancement, and whatever she earns or inherits is her own and she is not obliged to give it away to anyone. Ennaji (2018) argued that by rejecting females the right to inheritance property, the law is helping to keep them financially dependent on men and vulnerable to male violence.

In addition to the above, Ennaji (2018) stated that, according to the laws governing inheritance in Islam, women have a fixed share. Even if a female heir takes half of that of the male heir, the fact remains that her share is permanently there and she is entitled to it and no one is supposed to take it away from her no matter the condition not even her brother. Conclusively therefore, whereas the social norms don't approve a certain share for females, the sharia law assigns a certain share for them. He further added that, the Islamic inheritance principle has the capacity to bring about fairness between the two sexes in inheritance distribution. Therefore, it might resolve the discrimination against females in property sharing. Therefore, there is no need to enact a new property sharing law, but rather administer the sharia law. This is because it will enable women to get economic security if implemented. It will as well enable the government to empower females since sharia law renders them more independent and powerful in the society. Hence making them marginalized in the world (Sultana et al., 2016).

Mufti (2010) urges that at times, due to lack of property ownership, a woman may end up indulging in immoral behaviors like prostitution which is a disaster to the society. Therefore, the property inheritance law in Islam will promote morals among women through safeguarding their property rights. In addition, due to the economic independence that they

would have attained, it will prompt them to be more obedient to their religion as well as increase their religious beliefs and confidence.

Adnan (1994) urged that the principles governing property sharing in Islam are all- inclusive, that is, all the relatives who are entitled to inherit property from the deceased estate at different levels (according to blood relation closeness with the deceased) with their shares respectively has been outlined. For example, the share for sons, daughters, granddaughters, grandsons, brothers, sisters, step brothers, step sisters, fathers, mothers, uncles, among others have all been discussed. (Veyret & Waterman, 2010).

Mohammad (2013) asserted that property inheritance right of women will bring about equality in economic development between the two sexes in the community as women will as well be economically empowered after getting property. As a result, this will enable them to actively participate in economic development programs in the society. For instance creating and getting supplementary job opportunities, going for higher learning among others. All this will therefore elevate them from the ill-fated lower class of being inferior to men in society since they will no longer be totally economically dependent on men.(Khan et al., 2016).

Akbarzadeh (2006) urged that although scholars in Islam say that Islamic principles regarding property inheritance distribution is all-inclusive, it is claimed by majority that these principles of inheritance are discriminate to women and therefore they are biased. However, Rumsey (2009) asserted that Islamic inheritance principle covers beyond question, that is, it is the furthestmost developed and rich system of rules for the transference of property that is known to these who are civilized.

2.4 Disconnection between the Islamic teachings and practices on rights of women to property inheritance.

The practice of inheritance in the Muslim community ought to be implemented in line with the Shari'ah law (Hoque & Islam, 2019). Unfortunately, multiple values, behaviors and principles which are social-cultural in nature have greatly set a firm barrier on aspects of inheritance from a Muslim perspective in most societies of the world today and as such, there is a clear manifestation of discrimination towards Women in most family households (Sultana et al., 2016). This discrimination of women's right to actual property inheritance is entirely in regards to established local customs and cultural traditions (Ennaji, 2018). The repercussion

of these long established cultural rights to property inheritance is unequal land ownership or worse still, it has made a majority of the women to remain landless in Bangladesh. Moreover, in circumstances where some women have access to land ownership, their rights to control it or use property freely are very minimal or completely un noticed which has in most cases forced them to leave property ownership and control to brothers. Moreover, they are considered meek and inferior which has also impeded their ability to own, control and manage land as well as property (Ennaji, 2018). Furthermore, Sultana (2010) states that, most families prefer male to females with the ideology that the male children would be more helpful financially especially at old age compared to the female. Because of this, daughters are looked at as a burden, temporal and short term members of the family after marriage and it is partially because of this that multiplicity of the girls are landless in Bangladesh and only a handful possess. Very few girls have land under their identity. According to one of the studies conducted in of Bangladesh, out of 40 women that had been sampled only four were availed their property inheritance. (Blankers & Zweynert, 2018).

In several occasions, women are deprived of their rights by men. For example, their right to speech and expression in family matters, own and inherit property, freedom of movement among others. In addition, wives are also subjected to exploitation by their husbands in homes (Hoque, Uddin & Islam, 2013; Islam, 2013). However, (Asian Development Bank, 2000) asserted that, after women realizing that they were being denied their right to property inheritance under customary, they started to rely on the Islamic regulations so as to claim for this right. Muslim women felt that if the Sharia law was implemented instead of the customary law, their rights to property inheritance, and choice in marriage would be affirmed. In a way, they felt that the Islamic patriarchy would be a better option than the customary patriarchy where they had no rights. And this desire to reclaim their rights could be seen as one of the reasons for the Muslim women to recognize the application of Sharia law.

Women as a downgraded category of people in societies like Pakistan are still denied a right to inherit property regardless of the detailed existing guidelines in the holy Quran. This is mainly due to cultural norms, ignorance, malfunctioning laws as well as poor implementation of these laws. Cultural norms are the main obstacles to the realization of this right. Women are nurtured in such a way that they are below the men and should be so submissive to men. Legal and monitoring scheme defect can't miss the mention when discussing the obstacles to the realization of this right in regard to women. (Khan et al., 2016). In other families, some women just decide to handover their property shares to their brothers, who at times disappear

from their sisters without being seen again by the sisters. Many Muslim families to turn their inherited shares over to their brothers and as a result, they end up helpless without anyone to help them. (Al-Hibri, 2002). Also adds that, at times women have no idea about the property left behind by their parents and husbands, evidence and essentials of the property, regulations governing property ownership and distribution among others. (Hoque & Islam, 2019)

The Egyptian Constitution (1971) protects women's right to property inheritance and ownership in the civil code that rules property ownership. The Inheritance Law (Law 77 of 1943) is in line with the Islamic principles governing property inheritance. However, despite the existing guidelines regarding property inheritance and ownership, many women especially in rural areas are being denied this right. This is as well accompanied by other discrimination social practices against women (Care, 2016).

The property that is earned by a woman either through her own hard work, as a gift from her family members or husband or through bequest is completely hers and no one has a right or say over it and she is free to use it the way she wants according to Islam. In addition, she is also entitled to being treated equally to the male family members in all spheres of life. It should however be noted that, property inheritance and ownership is mainly understood by majority through customary laws that in most cases undermine the rights of women. The cultural norms prefer males to females in regard to economic independent rights, that is, a son is preferred to a daughter (UN-Habitat, 2007).

According to Ennaji (2018) Islamic focus is geared towards equal distribution of wealth cross cutting development in the society for all Allotment of land and availing of property of a deceased parent to only the elderly son or to exclude the female members from inheritance matters and land ownership has manifested an absolute curse for society in various ways that is morally, socially and economically. In Islam, individual ethical behavior prescribed in the Quran applies to the whole community, and it is the sole responsibility of Muslims to promote and facilitate such behavior. However, Mohajan (2012) states that, limited access to land ownership has caused them to loose property and inheritance rights and above all denying them financial independence notably in Bangladesh.

Parveen (2007) mentioned that most of the women are disadvantaged compared to men on matters regarding education, health as well as access financial assets in most rural communities today. Cultural traditions and social norms have evidently sidelined women from attaining complete independence in their finances. This is due to segregation that

women are largely dependent on men for finances and general life survival and thus often considered a burden. They are obliged to very meager privileges compared to their male counterparts and worse still regarded as an inferior gender, if this practice is not checked then; it will be an obstacle for the development of the country as women represent nearly half of the population. An indication that property sharing should be gender balanced.

In addition, many females are totally deprived of their right to property inheritance, that people should stop perceiving them merely as man's property (Ennaji, 2018). They have the ability and mandate to own, administer, make decisions and being heirs too. He further added that as men have economic privileges and access to property notably land, industry and commerce, a bunch of women are left on the margins. And to make matters worse, upon the death of the father or husband, they in most cases rarely benefit from rightful inheritance (Veyret & Waterman, 2010).

Ennaji (2018) reported that since females leave their father's houses and start of life with their husbands after marriage, in a number of occasions, their brothers who remain at home hide vital documents about the property after the demise of their fathers. They also conceal their sisters' entitlements. This handicaps women from filing claims against the potential family opponents especially brothers as a result of insufficient relevant data as well as evidence as well as a majority being extremely ignorant about inheritance laws (Hoque & Islam, 2019).

Mohammad (2013) stated that segregation against women is a continuous debate, in that, it's something that started way back. Historically women are considered inferior to men and are of less value. Monsoor and Radzi (2015) added that this was as a result the misapprehension and falsification of the Islamic principles and laws. Ennaji (2018) affirms that many people are against the *Islamic inheritance* system as a result of ignorance and misinformation about it, the gluttonous males who usually own property and land are the ones whose way of life does not match with the Islamic principles whilst others just have the interest to understand, abide by and implement Islamic principles and laws in regards to the distribution of property even when they are aware of these rights (Branisa et al., 2014).

Ennaji (2018) recommended that there is need to educate people concerning the Islamic traditional principles, laws and expectation in regard to distribution, ownership and inheritance of property. The respective government institutions ought to make an extra effort

to enforce and ensure that the women's right to property inheritance is secured and implemented. He further added that mass media can be fully utilized so as to bring about alertness, encouraging, motivating and creating countrywide awareness of property inheritance practices especially among the females. Publication of property ownership documents are equally important to overcome this challenge since it will help the public to identify the relevance of clear Muslim land ownership and property distribution (Behera & Haque, 2017).

Sourav (2015) stated that in Bangladesh, women pass through hell to achieve their rights. The prominent issue is their unjust and narrow right to explore resources. There is no consistency in inheritance laws, with various religious communities governed by their own personal laws and different state tribes by their customary laws (Mehta, 2019).

In relation to the above Sourav (2012) asserts that brothers often transfer the shares given to their sisters, into their names like land without informing them. This leaves the girl child ignorant about their inherited immovable property. Filing court cases against their brothers to face administrative and official laws looks like a deathtrap hence leaving them helpless (Behera & Haque, 2017).

Social Institutions and Gender Index (2014) showed that it is regarded as a disgrace, especially in rural society for a woman to ask for her share unless she is willingly offered. They are considered inferior in the family and society which hinders them from access to the ownership right and control of their property. In an attempt to identify the magnitude of this injustice against women in social practices, Sultana (2010) illustrated that approximately 10% of the women often inherit property in Uganda, while a majority go without receiving any share of the property (Al-Hibri, 2002).

CHAPTER THREE

METHODOLOGY

3.0 Introduction

This chapter shows the different ways in which the research was conducted in order to get valid and reliable data. It comprises of the research design, target population, sample size, data collection methods, and data analysis and data quality control. Kothari (2004) argued that it is essential for the researcher to state the method he/she is going to use. The planning and execution of the research project is crucial to its success.

3.1 Study design and setting

Creswell (2008) defines research design as a specification of methods and procedures for acquiring, analyzing, interpreting and reporting. According to Amin (2005) qualitative data gathering procedures are vital because they are considered more useful to the diversity of multiple realities that one finds in the complex field situations. A cross-sectional survey design was adopted to collect data from the study population. Qualitative technique was predominantly employed using case research study approach, which focused on understanding experiences, motivations and the meanings of people within Iganga municipality as well as quantitative tabular statistical presentations. Data was collected using in-depth and semi-structured interviews among Muslim females living in Iganga Municipality. In-depth, semi-structured interviews were useful in examining complex behaviors, views, and emotions as well as collecting information on a diverse range of experiences. The researcher chose individual, face-to-face, in-depth, semi-structured interviews for data collection. These were used because they are useful in investigating personal, sensitive, or confidential issues, and allow probing of interesting responses and observation of non-verbal expressions. Questionnaires with open ended questions were used during the interviews to obtain information regarding the patterns of property inheritance rights.

3.2 Study area and rational

The study was carried out in Iganga Municipality that is found in Iganga district which is located in the Eastern Region of Uganda. Iganga Municipality is bordered by Nakalama to the East, Nakigo in south, Bulamagi to the West, Nawaningi to the north. The district headquarters in Iganga are located approximately 44 Km (27 miles), by road, North East of Jinja. Iganga comprises of Kigulu county and Iganga Municipality. The population of Iganga

municipality was estimated at approximately 504,197. (National population and housing census:2017). There are six mosques found in Iganga Municipality and Eighteen Islamic secondary schools. The study area was chosen because it is one of the districts in Uganda with the highest Muslim population. Secondly, according to the Sharia court in the study area, multiple cases of inheritance have been registered and yet limited investigations have been conducted to ascertain the inheritance dynamics, that are causing the disconnect between the Islamic teachings and its practices on property inheritance distribution in the area. (United States Department of State, 2009)

The economy of the study area is characterized by both Formal and Informal entrepreneurs' activities and has been established on the basis of agricultural production including whole sale and retail merchandising. The informal sector employs a good proportion of the entrepreneurship population. The majority of the population derive their income and wealth from metal welding & fabrication, agro-processing (maize/cassava milling, rice milling), coffee processing, fruits and juice, tailoring/garments, bakery, carpentry and timber & furniture mats. (Branisa et al., 2014)

Iganga municipality is a multilinguistic region with a number of tribes for instance Indians, Parkistans, Half castes, Bagwere, Baganda, Kenyans, Banyankole among others. However, majority of the people in the area are Bantu speaking people and mainly speak *Lusoga* language. In addition, the non-Bantu tribes like Indians and Pakistanis as well as the Kiswahili speaking people from Kenya have satisfactorily learnt *Lusoga* language and fluently speak it owing to their long stay in the area.

3.3 Study population

The target population included female participants who were Muslims by faith aged 15 years and above residing in Iganga Municipality. The male respondents included Imams, Islamic teachers, head of inheritance distribution in the region and the secretary of the sharia court. The total population involved in this study was 140 respondents which included 70 Muslim women, 30 Muslim Clerics and 40 respondents from the local community who were involved in the focus group discussions. This population was sufficient to obtain the views of the Muslim community concerning property inheritance which is the gist of this study.

3.4 Sample size determination

The sample size for this study was 140. This included 70 Muslim women and 30 Muslim Clerics and 40 respondents. The male respondents were selected to participate in key informant interviews because of the knowledge and the key role they play in the

implementation of the right to property inheritance. In addition, they command respect within the Muslim community. The selection of key informants was based on technical expertise such that their fields of jurisdiction make them more knowledgeable on matters of inheritance which were central to this study. Female respondents on the other hand included the Muslim women who were selected randomly from the community that is 45 Muslim women from the 3 major Islamic schools, 20 from 4 mosques and 5 key informants from the sharia court. This was based on their key involvement in the community Muslim activities. The Muslim women were the core of the study and seem not to understand this right comprehensively. Their participation would help them therefore to actively get involved and acquire adequate knowledge about the same.

3.5 Sampling procedure

Orodo and Combo (2001) defined sampling procedure as the way how individuals are selected from a population such that the selected group contains representatives of the characteristics found in the entire group. Purposive sampling was used and the snow ball method to recruit participants for the study. This was basically used for the key informants who included the Muslim clerics and Muslim women. Purposive sampling technique was employed because it allowed careful selection of respondents who were resourceful to the study. The selection of key informants was based on technical expertise such that their fields of jurisdiction make them more knowledgeable on matters of inheritance which were central to this study. Subsequently, a snowball sampling method was adopted for further recruitment where participants were requested to share the study information with other women who were Muslims and had been living in Iganga Municipality for the last five years.

3.6 Sources of data

These are the means used to gather information and they included primary and secondary sources.

3.6.1 Primary data

The researcher obtained the first hand primary information directly from the respondents through questionnaires as well as key informant interviews on property inheritance in the focus area of study. Primary data acquisition approach was preferred because it enabled the researcher to obtain firsthand information on Muslim property inheritance which would have been hard to acquire from secondary sources.

3.6.2 Secondary data

Secondary data is the data that have been already collected by and readily available from other sources. Such data are cheaper and more quickly obtained than the primary data and also may be available when primary data cannot be obtained at all. Secondary data is data already collected and readily available from other sources. It was obtained from already documented literature mainly text books, published journals and articles which were reviewed and analyzed. Secondary sources were used because historical and past data has been documented which is not known to some people today.

3.7 Research instruments

The researcher used key informant interview guides, questionnaires and focus group discussion guide

3.7.1 Questionnaire

Open ended questionnaires were used to collect primary data from the literate respondents. The questionnaire for Muslim women had 15 questions in total while that for Muslim clerics had 13 questions. The questionnaires were hand delivered by the researcher and or research assistants to each of the respondents identified in the sampling. Questionnaires were used to cater for the busy respondents who had limited physical time for the researcher. These respondents were later followed up by phone call interviews for matters of clarity on some of their documented responses.

3.7.2 Interview guide

The researcher designed two different interview guides: One for the Muslim women and the other for the Muslim clerics composed of 15 and 13 questions respectively (Appendix III). The researcher prepared different relevant questions for the respondents (Muslim clerics and women). Face to face interactions were held with the respondents which enabled collection of detailed information about the topic. This was majorly used on illiterate respondents, who could not read or write yet with vital information since majority were speaking out of experiences especially the widows and orphans. The face to face interactions permitted great flexibility in the questioning process and created room for detailed probing for additional information through supplementary questioning. The verbal responses from respondents were recorded using a voice recorder while others were documented during interviews.

3.7.3 Focus group discussion guide

This involved gathering Muslim women in groups of 8 to discuss their perspectives about the women's right to property inheritance in the Islamic context. Five Focus Group Discussions were held using a focus group discussion guide consisting of 6 questions (Appendix IV). This approach was used because it gave the researcher an opportunity to interact with many participants and obtain multiple views at the same time. The groups were organized in open spaces and the researcher ensured that the standard operating procedures from the ministry of health were observed. This is because data collection was in the period of the Covid-19 pandemic. The included social distancing to a length of one meter and wearing of face masks. The groups were categorized according to age, level of education and background. The researcher organized predetermined semi-structured question guides to elicit responses and generate discussions among the participants. These sessions usually lasted for approximately 1 hour, the discussions were open, characterized by interactions, brain storming as well as criticisms. The responses from the focus group discussions were audio recorded and written down by the researcher in a summery form.

3.8 Data collection

3.8.1 Data collection procedure

The researcher acquired an introduction letter from the department of religious studies and philosophy Kyambogo University (Appendix V). This letter was used to introduce the researcher to the district authorities that is the Muslim leadership community. The researcher made official appointments with the respondents for instance the District Qadhi, Head of Inheritance Distribution in Sharia, Secretary to the sharia court, women representative in the sharia court and the Islamic school teachers. The researcher then identified and orientated a research assistant who helped her in identifying the homes of the respondents during the distribution of the questionnaires. Prior to the interviews, an information sheet about the research and a detailed explanation of the study purpose were provided to the participants. Who were also requested to sign a consent form before the commencement of the interviews. Participants were given ample opportunity to ask questions, reminded that the study was completely voluntary, and that they could withdraw at any stage without prejudice.

All interviews were conducted from September to October 2020, at a time and place chosen by the study participants. They were carried out by two male research assistants who were fluent in *Lusoga*. The interviews were audio-recorded. After each interview, research

assistants listened to the audio recordings and made an interview summary before carrying out another interview.

3.8.2 Quality control

To ensure quality data, the researcher had one-day training with the two competent research assistants. She oriented them on the data collection procedures, ethics of data collection and later a pretest was carried in Jinja City and made sure the errors are corrected. In addition, the researcher cross checked all the collected data and made sure that all questions were answered and had their desired responses for easier analysis.

3.8.3 Data management

All key informant interviews and FGD were recorded to ensure that information is accurate while using an audio recorder to capture the responses of the study participants. The responses were written out of each interview and FGD. The interviews of the key informants and FGDs for the illiterate respondents were conducted in the *Lusoga* which is the local language commonly used in the study setting and then translated into English.

3.9 Data analysis

Data analysis was carried out immediately after all the data were collected to prevent data loss. Participants were de-identified, and codes were used in the analysis (the first interviewee was MW1 for respondent Muslim women 1 and MC1 for respondent Muslim clerics 1). For interpretation, the interviews were analyzed using a thematic analysis. The fact that the research was basically qualitative, data was categorized and analyzed according to themes. This was done by reading through the data to obtain the desired information as per research questions and objectives. Then the major issues covered were classified. Themes were identified to obtain the relation among them. Major issues or words used in the study were identified to show how important they were in the study. The interviews and FGDs were then analyzed for recurring responses and divergent views in regard to the study objectives. Themes that emerged from the analysis were then presented and discussed using verbatim quotations and narratives from interviews and FGD for clarity on the findings.

3.10 Ethical considerations

The researcher collected data after getting an introduction letter from the department of religious studies and Philosophy, Kyambogo University (Appendix V). The letter introduced the researcher to the respondents highlighting the purpose of the research and also requesting

for their participation. The study was conducted with utmost confidentiality. Thus, respondents were informed about the study and the information provided was purely for academic purposes. The researcher sought consent before including the respondents in the study and for those respondents below 18 years old, the researcher asked their teachers to consent on their behalf.

3.11 Gender consideration

During the study, the researcher considered both males and female participants to avoid biased responses because gender identity can influence a participant's perspective on a topic. This helped the researcher to have balanced responses and also to make the research more ethically sound.

3.12 Limitations of the study

The researcher found tough times to access the respondents given the fact the data collection was conducted during the COVID-19 period and therefore, unable to easily access some respondents because of the strict guidelines (Standard Operating Procedures) put in place by the Ministry of Health.

During the data collection the researcher at times found it challenging as some of the selected participants could not turn up for interviews and discussions due to personal commitments elsewhere contrary to what had been agreed on and this resulted to alternative respondent search.

The researcher encountered a challenge of financial constraints for example buying refreshments for the study participants during FGDs, transport fares to and from the venues identified to hold the data collection. In the COVID – 19 period, the transport fares had doubled and public transport had a lot of restrictions.

The other challenge was that some respondents especially widows and orphans were extremely emotional and cried when deliberating their experiences about inheritance. This was time consuming and some of the vital information could not be heard at that emotional time.

Some respondents were highly suspicious about the researcher and were reserved with information because of the much fear in the Muslim community following the recent massacres of various top Muslim sheikhs. Some respondents therefore thought that the researcher was a spy to gather information from the Muslim community.

3.13 Delimitations of the study

The researcher ensured implementation of the standard operating procedures of the ministry of health. These included wearing of masks, possession of sanitizers for self and respondents and the observation of adequate social distancing. The selection of 8 respondents per focus group discussion was also aimed at reducing congestion as social distancing would be possible with a relatively small number.,

The researcher however had to reschedule a convenient time to hold the interviews following the failure of some respondents to fulfill the agreed time.

The researcher tried as much as possible to solicit financial support from personal savings, friends and relatives which enabled her to accomplish the study successfully.

The researcher counselled the extremely emotional respondents to comfort them. She further taught them about the Sharia court in the region and connected them to the concerned religious personnel for further help and guidance about the same. The extra time offered to these respondents enabled them to cool down and deliberate further.

The researcher had to avail the university identity card and introductory letter from the department of religious studies and philosophy of Kyambogo University to prove to the respondents that she was not a spy but a student who needed the information for education purposes only

CHAPTER FOUR

PRESENTATION, ANALYSIS AND DISCUSSION OF FINDINGS

4.0 Introduction

This chapter comprises of data presentation, analysis and discussion in line with the specific research objectives.

4.1 Data analysis of the study findings among the Muslim women

Table 1: Showing the age of the female respondents

Age	Frequency (n=70)	Percentage (%)
15-25 years	43	61.4
36-35 years	10	14.3
36-45 years	08	11.4
Above 46 years	09	12.9
Total	70	100

Source: primary data, 2020

From the data above, the highest number of respondents was between 15 – 25years of age (61.4%) while the lowest number was between 36 – 45years (11.4%). This is because the largest age group in the secondary schools where the researcher interviewed female students is 15 – 25 years.

Table 2: Status of the respondents in their community

Status	Frequency (n=70)	Percentage (%)
Student	43	61.4
Muslim leaders (Amirah)	03	4.3
Matron	01	1.4
Housewives	13	18.6
Others	10	14.3
Total	70	100

Source: primary data, 2020

Out of the 70 female respondents, 43 respondents were students and without a marriage experience at all. Therefore, the elderly female respondents with an experience of the marriage institution were 27 and these included Muslim female leaders (Amirah), a matron, house wives and other categories of females in the community. Out of the 27 female respondents with a marriage experience, the study findings in table 5 show that the majority 43 (61.4%) of the respondents in the community were basically students because of the

knowledge they are taught from the various Islamic lessons. There were therefore enthusiastic to participate in the study to share knowledge about inheritance.

Table 3: Education level of the respondents

Education	Frequency (n=70)	Percentage (%)
Attended school	53	75.7
Did not attend school	17	24.3
Total	70	100

Source: primary data, 2020

The above table shows that majority of the respondents 75.5% attended school, this is because the researcher was interested in finding out whether the literate respondents had knowledge about the women's right to property inheritance in Islam, and also get responses from the illiterates since they were also resourceful to the study.

Table 4: Whether the respondent has lost a father or husband.

Respondents who reported out of personal Experiences			Respondents who reported without personal experiences		
Category	Frequency (n=21)	Percentage (%)	Category	Frequency (n=49)	Percentage (%)
Widows	09	43	Not widows	18	37
Orphans	12	57	Not orphans	31	63
Total	21	100	Total	49	100

Source: primary data, 2020

The above table shows that 21(30%) were orphans and widows, while 49 (70%) were not orphans nor widows although among those who were not widows some had lost their fathers and they therefore shared their experiences with the researcher on how property distribution was handled. Of the 21 respondents, 18 revealed that they had not acquired their share as per the Islamic teachings. This percentage in the study enabled the researcher to capture and document individual experiences about property distribution in Islam since they were directly involved.

Table 5: Marital status of the respondents

Marital status	Frequency (n=70)	Percentage
Married	18	25,6
Not married	37	52.9
Divorced	06	8.6
Widowed	09	12.9
Total	70	100

Source: primary data, 2020

More than half of the respondents 37 (52.9%) were not married and many were actually students. 18 (25.6%) were married, 9 (12.9%) were widowed and 6 (8.6%) were divorced.

The divorced and married respondents were so resourceful to the study because some were orphans who shared their experience about property distribution after the demise of the parents.

The widowed respondents had much to share because they were victims of circumstance. In addition, the married participants also shared their experience with the researcher, some of which are in line with Ennaji (2018) who reported that since females leave their father's houses and go live with their husbands after marriage, in a number of occasions, their brothers who remain at home hide vital documents about the property after the demise of their fathers. They also conceal their sisters' entitlements. This handicaps women from filing claims against their brothers due to lack of relevant information and evidence, and many of them are ignorant about inheritance laws. He further adds that those who ask for any inheritance property from their brothers are considered odd in the culture and are traumatized mentally and emotionally by both the community and family.

Table 6 : Definition of the term property inheritance

Definition	Frequency (n=70)	Percentage (%)
Succession of property belonging to the deceased	21	30
Succession of your parent's property like land, business among others	18	25.7
Where one gets legacy of the deceased	07	10
Owning something or property	04	5.7+
Refers to the process where a person owns a property from a relative especially from the father	10	14.3
Is a situation where a man or woman can take charge of property in case of a any problem	01	1.4
Refers to the transfer of ownership of resources after the death of the original owner or when the initial owner is willing to give out his property	06	8.6
Total owning or taking or getting property from another person in a clan or anywhere	01	1.4

The ability of a person to access his/her property legally	01	1.4
Personal affairs which can be possessed when you lose a relative	02	2.9
Total	70	100

Source: primary data, 2020

The study findings showed that 21 (30%) respondents defined property inheritance as the succession of property belonging to the deceased while 1 (1.4%) referred to property inheritance as personal affairs which can be possessed when you lose a relative. The results therefore indicate that a majority of the respondents fairly understand what property inheritance is. This enabled them respond to the questions with adequate knowledge. There was need to ascertain the respondents' understanding of property inheritance since it would act as a basis for other questions notably, what are the Islamic teachings on the women's right to property inheritance? And this ushered them in to the main discussions in relation to the realization of women's right to property inheritance in the Islamic context.

Table 7: Islamic teachings on women's right to property inheritance

Islamic teachings on property inheritance	Frequency (n=70)	Percentage (%)
Fair distribution among the heirs	05	7.1
Women take half of her husband's property	06	8.6
Women should inherit their husband's property	07	10
A woman is allowed to inherit her mother and the man is allowed to inherit his father's property	04	5.7
Women are supposed to inherit from their parents and husbands (Quran 4:7,8,12)	06	8.6
Women have a right to inherit property	08	11.4
Either the man or woman can inherit	04	5.7
Allows women to inherit but a men inherit twice the share of the property	10	14.3
Women are not allowed to inherit any property	13	18.6
Women to have ownership of the property on behalf of their children after the death of her husband	05	7.1
A woman/girl is entitled to a third of her father's property and also to her husband	02	2.9
Total	70	100

Source: primary data, 2020

The study findings showed that majority of the respondents (18.6%) reported that women are not allowed to inherit any property while only (8.6%) stated that women are supposed to inherit from their parents and husbands. This indicates that most of the women had no

knowledge about the women's right to property inheritance in the Islamic context. The struggles and fights that usually emerge in this area are partly connected to limited knowledge and chronological measures ought to be undertaken while tackling inheritance issues. This is a clear manifestation that there is still a knowledge gap within the Muslim community regarding the Islamic principles on property inheritance. This is in agreement with Bulbul, (2013) who noted that despite these inheritance cases being a common occurrence, there is seemingly little understanding of the right of most women to inherit property especially among the local communities. Therefore, the women have not taken the initiative to seek and understand the Islamic knowledge on property inheritance, something that was emphasized by prophet Muhamad (PBUH).

Table 8: How property inheritance is conducted in their community

Observation	Frequency (n=70)	Percentage (%)
Equal distribution among the heirs	04	10
In case of the husband's death a woman inherits $\frac{1}{4}$ of the property and if you have no child $\frac{1}{8}$ is your share (Quran 4:12)	01	1.4
Widows inherit their deceased husbands' property	05	7.1
Women should be involved in property inheritance distribution	02	4.1
Women are denied their right to property inheritance because of the belief that women do not inherit	22	31.4
Women are given a small portion of their property share	01	1.4
The Muslim community distributes the legacy to the right heirs using the Islamic teachings	04	5.7
A ceremony is performed and a will of the deceased is read on how the property should be distributed by the clan heads and local leaders	15	21.4
Nominate one person from the deceased's family to inherit all the property	03	4.3
Property distribution is done through clan meetings after the burial of the deceased.	05	7.1
Follow the teachings of the Quran when distributing property.	04	5.7
Both the woman and the children are considered first in receiving the property of the deceased	02	2.8
Property of the deceased is acquired after struggle and wrangles with close relatives.	06	8.6
Total	70	100

Source: primary data, 2020

The above table shows that majority of the respondents 22 (31.4%) reported that women are denied their right to property inheritance while 1 (1.4%) stated that in case of the husband's death, a woman inherits $\frac{1}{4}$ of the property and if you have no child $\frac{1}{8}$ is your share (Quran 4:12). Therefore, this reveals that the rate at which property is distributed according to Islamic principles is still very low at only 1.4%. There is therefore a disconnect between the Islamic teachings on women's right to property inheritance and the practices with in Iganga municipality.

Table 9: The view on the teaching that a male gets double of what a female gets

Response	Frequency (n=70)	Percentage (%)
Agree with the teaching because women have less responsibility compared to men	20	28.6
Think its women who deserve double share because women have taken over men's economic responsibilities in the family	05	7.1
Male get double because of greediness	01	1.4
Equality should be practiced on property inheritance	10	14.3
Disagrees because it triggers conflicts among the children of the deceased and the clan members	04	5.7
The Islamic teaching is discriminative because all people are equal	04	5.7
It is unfair because Islam teaches equal treatment	15	21.4
Agrees saying that men are the leaders in everything and after female follow	02	2.9
Disagrees arguing that the female sex is so important in the country and also teaches that female are highly special so male cannot get double	02	2.9
It is haram and also an injustice	01	1.4
It is a command from Allah and He is All-Wiser/Knower	06	8.6
Total	70	100

Source: primary data, 2020

On the Islamic teaching that a male gets double of what a female gets, the highest number of respondents 20 (28.6%) agree with the teaching because women have less responsibility compared to men while 1 (1.4%) reported that male get double because of greediness.

The study revealed that majority of the respondents supported this teaching although they appealed to the researcher to speak to the people concerned such that men need to be educated and reminded about their financial responsibility at homes. This finding is in line

with Fatima, (2009) urged that it is not the responsibility of women to financially take care of the family. Therefore, her property share will remain her financial security for moments of calamity, for example after divorce. Abduwahab, (2021) added by stating that while Muslim women are often only entitled to half of that of the male share, there is nothing in the Islamic law that prevents women from having equal property and rights. There are no gender restrictions on women receiving property or land under the wasiya (will) that is permissible up to a third of an estate. Women can and often do receive hiba (gifts) from the family and outsiders at various stages in their life including marriage and beyond. Therefore, since Muslim women have less financial responsibilities compared to the men according to the Quran and Hadith, then males deserve a bigger share as the providers of the females.

Table 10: Contribution of the Sheikhs/Imams and teachers in the achievement of Women's right to property inheritance

Response	Frequency (n=70)	Percentage (%)
Preached to the Moslem community on how the rights should be implemented	26	37.1
Preached against inequality in property sharing	08	11.4
Preached that the girls inherit their mothers' property and the boys inherit their fathers' property	03	4.3
Constant remainder of the Muslim community during Juma prayer sermons about treating women equally	12	17.1
They encourage the Muslim community to allow women inherit their deceased's property	09	12.9
They have carried out massive mobilizations and sensitizations through seminars and workshops concerning inheritance rights	03	4.3
Encouraging unity among family members	06	8.6
They have engaged/involved themselves in distributing of property	04	5.7
Have advised men to write a will including their wives	02	2.8
Granted women leadership positions at the mosques to help them learn more about their rights in Islam	01	1.4
Encouraged them to seek their advice on property distribution in the Islamic context	06	8.6
Condemned cultural beliefs/norms on property inheritance	05	7.1
They encourage the advocacy for women's right to property inheritance	03	4.3
None	15	21.4
Total	70	100

Source: primary data, 2020

The study findings revealed that more than half of respondents 26 (37.1%) stated that the Sheikhs/Imams have preached to the Moslem community on how women's right to property inheritance should be implemented while 1 (1.4%) opined that women leadership positions at the mosques should help them learn more about their rights in Islam. This therefore implied that the sheikhs have tried to teach people about this right. However, some respondents added that some sheikhs are not exemplary when distributing property because some are greedy and corrupt thus their actions do not match with their words.

Table 11: Why it is right for a woman to inherit property

Response	Frequency (n=38)	Percentage (%)
Because a woman is part of the heirs	06	8.6
Some boy children sometimes may be a public nuisance unlike the girl children	08	11.4
She has to manage the family while widowed	08	11.4
In order to promote equality	17	24.3
Because she (widow) also contributed in the acquisition of the property	13	18.6
In order to bring about continuous development in the family	04	5.7
Women have needs too	17	24.3
The Quran accords them that right (4:12) (4:7-12)	04	5.7
Because the woman should be the first sex to be favored	01	1.4
The Prophet (PBUH) emphasized it	09	12.9
To avoid hatred/disputes among the family	11	15.7
Total	70	100

Source: primary data, 2020

The study findings showed that majority 34 (48.6%) of the respondents supported women to inherit property in order to promote equality with in the community and to ensure that they meet their personal basic needs. Furthermore, this would enable them to enjoy their divinely given right to property inheritance without any forms of limitations.

Table 12: Reasons why property inheritance right according to the Islamic context is not being implemented among the Muslim community

Response	Frequency (n=70)	Percentage (%)
Corruption among family members	16	22.9
Ignorance about Islamic teachings on property inheritance	20	28.6
Greed for wealth of the deceased	09	12.9
Immorality among some Muslim leaders who don't follow or act as the Islam teaches	05	7.1
Contradictions of Imams/Sheikhs while teaching about inheritance property right	11	15.7
Most people are in the materialistic world rather than the spiritual (Allah's command)	09	12.9
Uganda is not an Islamic state	03	4.2
People from different religions claim for property	03	4.2
There are no Imams/Sheikhs to help them implement the right to property inheritance	01	1.4
Promote equality for both sexes	04	5.7
Influence of cultural ties	16	22.9
Adoption of the western lifestyle	07	2
Undermining of the girl child within the community	11	15.7
Limited Islamic school to teach Sharia	04	5.7
Poverty	13	18.7
Disunity/divisions among the family members	02	2.9
Failure to avail the written will by the deceased	01	1.4
The inheritors fear to lose their lives during the property distribution and therefore drop their God given right to inherit property	06	8.6
Total	70	100

Source: primary data, 2020

The above table shows that majority of the respondents 20 (28.6%) revealed that ignorance about Islamic teachings on property inheritance is one of the reasons why property inheritance according to the Islamic teaching has not been implemented while 1 (1.4%) said that there are no imams/sheikhs to help them implement the right to property inheritance. In addition to the study findings, the other factor that is causing the disconnect between the teachings and the practices of this right according to Social Institutions and Gender Index (2014) is that it is regarded as a disgrace, especially in rural society for a woman to ask for her share unless she is willingly offered. They are considered inferior in the family and society which hinders them from access to the ownership right and control of their property. In an attempt to identify the magnitude of this injustice against women in social practices, Sultana (2010) illustrated that only 4 out of 40 women receive their inheritance property. (Al-Hibri, 2002) also noted that many go without receiving any share of the property. Further

still, (Khan et al., 2016) added that women as a downgraded category of people in society are still denied a right to inherit property regardless of the detailed existing guidelines in the holy Quran. This is mainly due to cultural norms, ignorance, malfunctioning laws as well as poor implementation of these laws. Cultural norms are the main obstacles to the realization of this right. Women are nurtured in such a way that they are below the men and should be so submissive to men. Legal and monitoring scheme defect can't miss the mention when discussing the obstacles to the realization of this right in regard to women. This therefore implies that there is a combination of many factors that are causing the big gap between the teaching and the practices of this right and need to be addressed.

Table 13: Challenges women face in demanding for their right to inherit property.

Response	Frequency (n=70)	Percentage (%)
They are beaten up by the family members	16	22.9
Unequal treatment during the property distribution ie they are given less compared to what they are supposed to get	11	15.7
They are hated in society	23	32.9
They are injured or killed	36	51.4
They are evicted out of the homes	21	30
False accusations of killing their own husbands for wealth by the society so as to steal their property	06	8.6
They are discriminated /neglected	06	8.6
They are not listened by the family members and society at large	07	10
Conflict arise	21	30
They are hand capped by the cultural beliefs	11	15.7
At times they are sexually harassed by their in- laws	07	10
Some are totally denied their share.	27	38.6
Lack of moral and financial support to claim for their right	02	2.9
Lack of unity among the family members in	05	7.1

claiming for their right		
Ignorance about property inheritance	03	4.3
They are bewitched by the relatives	10	14.3
They are verbally insulted by the family members and the society	16	22.9
Corruption among the religious people like sheikhs who help in the distribution of property	19	27.1
Total	70	100

Source: primary data, 2020

The above table shows that more than half of the respondents 36 (51.4%) urged that the biggest challenge is loss of life and infliction of injuries from the family members. The 2 (2.9%) opined that it is lack of moral and financial support to claim for their right to property inheritance especially in the courts of law. Moreover, the distribution of property instigates struggles and fights between the relatives of the diseased and the widow as well as the orphans. Therefore, for the sake of life and establishment of peace, majority of the women decide to abandon fighting for their right to property inheritance hence causing the gap between the teaching and practices of property inheritance rights. These study findings are in line with Raghavan, (2018) who stated that, “women face various challenges to achieve this right for example, that if a woman takes her property, her brother’s relationship with her is severely damaged and she is abused by society” hence making majority of them to lose interest in taking their share which causes the disconnect between the teachings and the practices on the women’s right to property inheritance.

Table 14: The best way to address the property inheritance challenge

Response	Frequency (n=70)	Percentage (%)
Teaching the Muslim community about Women property inheritance rights	17	24.2
Teaching Imams who implement this right	06	8.6
Using courts of law to bring justice	01	1.4
Supervision is needed for Muslims implementing this right	04	5.7
A Muslim should inherit from an infidel and vice versa	02	2.9
Strict following of the Islamic teachings concerning this right	05	7.1
Make follow-ups on those implementing this right	02	2.9

Improve the girl child education and their status within the community	11	15.7
Organize Islamic seminars	07	10
Religious leaders should lead by example	06	8.6
Change in corrupt leadership in charge of property inheritance	02	2.9
Sheikhs should spread a seed of love among family members	01	1.4
Putting up trusted committees to handle property distribution in Sharia	08	11.4
Through counseling and guidance	05	7.1
Setting up Islamic schools/teaching centers	09	12.9
Seeking support from NGOs that advocate for human rights	01	1.4
Muslims should write a will putting women into consideration as well	11	15.7
Gathering clan leaders to solve the problem	02	2.9
Putting up strict laws that govern all those who abuse this right	01	1.4
Abandoning cultural practices that contradict the Islamic teaching on property inheritance	08	11.4
Total	70	100

Source: primary data, 2020

Regarding the best way to have property inheritance right implemented among the Muslim community, 24.2% reported that there is need to teach the Muslim community about Women property inheritance rights while 1 (1,4%) suggested that there is a need to Put up strict laws that sanction all those who abuse this right. This implies fighting ignorance and the misconception that people have about this law through teaching, publication of scholarly articles about the same, sensitization so as to create awareness is the best step to bridge the gap that is causing the disconnect between the teachings and the practices of this right. In line with this, Bulbul, (2013), recommended that the best way to get an everlasting solution to inheritance conflicts in homes and bring about peace in the society, we must study and embrace religious guidelines in all aspects of life and as well implement sharia law in regard to property inheritance. Therefore, it is paramount for the Uganda Muslim supreme council (UMSC) to reinforce inheritance management strategies at a local level. This is in line with Ennaji (2018) who recommended that there is need to educate people about the Islamic law in regard to property distribution through making an extra effort to enforce and ensure that the women's right to property inheritance is secured and implemented. He further added that mass media can be fully utilized so as to bring about alertness, increasing public interest and create awareness among the people. Publication of scholarly articles about the same are

equally important to address this challenge since it will help the public to identify the positive side of the Islamic property sharing system.

4.2 Data analysis of the Muslim clerics/scholars

Table 15: Age of the respondents

Age	Frequency (n=30)	Percentage (%)
25-35 years	07	23
36-55 years	18	60
Above 55 years	05	17
Total	30	100

Source: Primary data, 2020

The above table shows that the largest number of respondents 18 (60%) were between 36-55 years while 5 (17%) were above 55 years. This age group (36 – 55) consisted of knowledgeable and energetic persons who are actively participating in implementing the women's right to property inheritance. This enabled the researcher to collect adequate relevant data about the study.

Table 16: Status of the respondents in their community

Status	Frequency (n=30)	Percentage (%)
Imam/Sheikhs	17	57
Mosque chairpersons	03	10
Islamic teachers	09	30
District Qadhi	01	3
Total	30	100

Source: Primary data, 2020

The study findings show that more than half of the respondents 17 (57%) were Imam/Sheikhs while 1 (3%) was the district Qadhi. This is because the imams/Sheikhs are at the frontline in teaching and implementing the Islamic principles. Their responses were indeed satisfactory since they were from an experience point of view.

Table 17: Education level of the respondents

Educational level	Frequency (n=30)	Percentage (%)
Secondary	13	43

Tertiary/university	17	57
Total	30	100

Source: Primary data, 2020

The above table shows majority of the clerics 17 (57%) attained tertiary /university education while 13 (57%) were at secondary level. This enabled the researcher to obtain relevant information from knowledgeable personalities and many of them were actually implementers of this right.

Table 18: Duration in service of Islamic activities.

Duration	Frequency (30)	Percentage (%)
3 years	03	10
5 years	04	13
6 years	01	3
7 years	05	17
10 years	10	33
20 years	05	17
30 years	02	7
Total	30	100

Source: Primary data, 2020

The above table shows that majority of the respondents 10 (33%) had served for 10 years while 1 (3%) had 6 years in service. Respondents with long duration in service had enough knowledge about the women's right to property inheritance and shared the challenges faced when implementing this right.

Table 19: Whether it is right for a woman to inherit property

Property inheritance in Islam	Frequency (n=30)	Percentage (%)
Yes	30	100
Total	30	100

Source: Primary data, 2020

The above table shows that all the respondents 30 (100%) agreed that it is right for a woman to inherit property. This prompted the researcher to seek for their justification as to why women need to inherit property. This helped the researcher to discover the cause of the disconnect between the teaching and the practices yet the implementers are in agreement with it.

Table 20: Reasons why women should inherit the property of the deceased

Reason	Frequency (n=30)	Percentage (%)
Its Allah's command (Surat Nisa 4:11)	15	50
She is also needy and has her personal responsibilities (4:7-15)	10	33
Women can also inherit property according to the Quran	05	17
Total	30	100

Source: Primary data, 2020

The study findings showed that half of the respondents 15 (50%) said that it is Allah's command (Surat Nisa 4:11) while 10 (33%) opined that woman are also needy and have their personal responsibilities (4:7-15). The findings revealed that majority of the respondents consider it as God's command rather than its actual individualistic benefit to the women. However, if then Allah's command was to be implemented to the climax, it would indirectly help the entire women community to obtain this right unknowingly yet, despite it being Allah's command people also need to acknowledge its importance to the society. The perception however, contradicts with Hanafi & Tomeh, (2019) who pointed out that, according to Islam, property inheritance is not among the formalized acts of reverence (*'ibādāt*). It's entirely a matter of the world drafted by religion, and therefore must be greatly inclined to worldly reassessments (Hoque & Islam, 2019).

Table 21: Inheritance share of a female/woman according to Islam

Property inheritance share	Frequency (n=30)	Percentage (%)
A woman gets half of the what a man gets	21	70
A woman gets a quarter if she doesn't have a child and she gets an eighth if she has children	03	10
A woman is supposed to get a third of the property of the deceased	06	20
Total	30	100

Source: Primary data, 2020

The highest number of respondents 21 (70%) reported that a woman gets half of what a man gets while 3 (10%) revealed that a woman gets a quarter if she doesn't have a child and she

gets an eighth if she has children. This indicates that majority of the respondents had knowledge about the Islamic teachings on inheritance. The helped them to give relevant and adequate responses concerning the study.

Table 22: Have Muslim clerics ever had a case of property inheritance regarding women?

Ever had a case of property inheritance women	Frequency (n=30)	Percentage (%)
Yes	19	63
No	11	37
Total	30	100

Source: Primary data, 2020

The above table shows that an overwhelming number of respondents 19 (63%) had ever received a case of property inheritance while 11 (37%) had never.

Since majority of the respondents had gotten a case of women property inheritance, the researcher got an opportunity of discovering the challenges faced while implementing the Quranic teachings. The reasons for the cause of the disconnect between the teaching and implementation were also obtained.

Table 23: How the clerics dealt with the property inheritance cases received.

How did you deal with it	Frequency (n=19)	Percentage (%)
Advised them on the prevailing issues according to the Islamic teaching	11	58
I called for a meeting with those concerned	09	47
Referred and directed them to the Islamic office that could handle their case	13	68
Guided them and had the property shared among themselves according to the Sharia law	10	53
Total	19	100

Source: Primary data, 2020

The study findings showed that most of the respondents 13 (68%) said that they referred and directed them to the Islamic office that could handle their case while 9 (47%) said that they called for a meeting with those oppressed. This helped the researcher to find discover

whether the clerics were protecting and promoting the women's right to property inheritance or the reverse. And if they were protecting and protecting it then what could be the cause of the disconnect.

Table 24: What the Muslim Clerics have done to implement the right of women to property inheritance

Property inheritance in Islam	Frequency (n=30)	Percentage (%)
Sensitize the Muslim community on Islamic issues concerning inheritance through seminars	12	40
Advised them to write a will according to sharia law	09	30
Encourage women to perform Nikkah in Sharia and get marriage certificates	09	30
Taught village imams how to address the property inheritance rights	05	17
Total	30	100

Source: Primary data, 2020

The table above shows that the highest number of respondents 12 (40%) said that the Muslim Clerics have sensitized parents/community on Islamic issues concerning inheritance while 5 (17%) said they that they have taught village imams on how to address the property inheritance rights. This helped the researcher to discover the contribution of the clerics in protecting and promoting the women's right to property inheritance.

Table 25: Challenges faced by the clerics while implementing this right

Challenges faced while implementing this right	Frequency (n=30)	Percentage (%)
Cultural influence in heritance distribution	02	7
Ignorance about Islamic principles of inheritance	28	93
Greed/selfishness among people	03	10
Most of the people do not disclose to them their wealthy	02	7
Uganda is non-Islamic state thus making it hard to implement the Sharia law	07	23
Life threatening moments	06	20

Insufficient funds to support Islamic programs on inheritance sensitization.	15	50
Inadequate Muslim scholars on property inheritance	07	23
Poverty among the Muslim families	19	63
Family conflicts between people especially in polygamous families	05	17
Some people denounce Islam	01	3
Resistance from people making it hard to intervene in their affairs	11	36
Poor attitude to the Islamic teachings on property inheritance	13	43
Total	30	100

Source: Primary data, 2020

Table 15 above shows that 28 (93%) of the respondents mentioned that there is a lot of ignorance about Islamic issues as one of the challenges encountered in implementing the Islamic property inheritance right while 1 (3%) stated that some Muslims may denounce Islam.

Table 26: Ways of solving the challenges

Solutions to address these challenges	Frequency (n=30)	Percentage (%)
Sensitizing the Muslim community leaders on property inheritance according to the Islamic teachings	22	73
Encourage Muslims to take keen interest in learning Islamic issues	03	10
Funding Islamic programs on property inheritance.	15	50
Make consultations with Muslims who are knowledgeable about Islamic property inheritance	04	13
Encourage Muslims to disclose their wealth through writing a will or to orally inform those concerned	09	30
Encourage Muslims to strictly follow the Islamic teachings on property inheritance	11	37
Write and circulate more books on Islamic inheritance for the Muslim community	04	13
Encourage cooperation among the Sheikhs and the family members	05	17
Total	15	100

Source: Primary data, 2020

The study findings revealed that 22 (73%) of the respondents argued that the Muslim community leadership should be sensitized more on property inheritance rights while 3 (10%) opined that Muslims should start following Islamic teaching on property inheritance and there is a need to encourage Muslims to take keen interest in learning Islamic issues.

Table 27: Views of clerics on a female getting half of what a male gets

Views of clerics on a female getting half of what a male gets	Frequency (n=30)	Percentage (%)
It's how Allah commanded because women are cared for by their husband unlike the men who take care of themselves	23	77
Men have more responsibilities than the women	10	33
It is okay because in cases where a sister gets divorced, she will come back to her brother	01	3
Total	30	100

Source: Primary data, 2020

According to the study findings, most of the respondents 23 (77%) stated that it is how Allah the Almighty commanded because women are cared for by their husbands unlike the men who take care of themselves and the entire family while 1 (3%) reported that It is okay because in cases where a sister gets divorced she will come back to her brother for help. From this finding, majority of the respondents agree that a male doubles a female in sharing since the male is expected to be a provider. The law that awards the male twice of what the female gets is heavily criticized in the contemporary world as being discriminative. Yet in reality conditions have absolutely changed as female's role is not only limited solely to the household but beyond that is, majority of them have become prime breadwinners in their homes despite their husbands being alive. In addition, there are also those who even live independently. Therefore, the old notion that men deserve a bigger share to women since they are financially responsible to their families bombs as women are as well involved in the same and actual playing a bigger role than men (Tunku & Rahman, 2015).

There is need for urgent modifications in the laws governing property inheritance in Islam so as to bring women at par with men in regarding property sharing since it is discriminative according to the belief of the majority. However, any effort to restructure these laws by the

senate would certainly not be hailed by the Muslim community yet it would be most effective if the change was to originate from within the Muslim community itself. At the arrival of Islam, the Prophet (PBUH) showed how enlightened this new religion was, when he elevated the status of women and gave them rights like the right to inheritance and own property that was not there before its advent. Therefore, reforms need to be embraced in Islamic law in regard to property inheritance so that it is freed from the suffocating grip of orthodoxy. This is probable since it is operating in countries like Turkey, the Islamic state that already has laws giving equal property shares to widows and daughters, equated to men (Shafie et al., 2014).

Table 28: Is the Quranic teachings on property inheritance being implemented in the community?

Whether the Islamic teachings on property inheritance are implemented in the community according to the Quran	Frequency (n=30)	Percentage (%)
Yes	07	23
No	23	77
Total	30	100

Source: Primary data, 2020

Majority of the respondents 23 (77%) reported that the Islamic teaching on property inheritance is not implemented in their community while only 7 (23%) reported that the Islamic teaching on property inheritance is implemented in their community. This implies that the implementation is still lacking.

Table 29: Reasons why the Islamic teaching on property inheritance is not implemented.

Reasons why the Islamic teaching on property inheritance is not implemented.	Frequency (n=23)	Percentage (%)
Ignorance about property inheritance	18	78.3
Having little/no interest in Islamic teachings on property inheritance	06	26.1
Inadequate religious scholars to teach about Islamic property inheritance	11	47.8
Not knowing the actual number of the	04	17.4

deceased's children and wives		
Existence of non-Islamic marriages	14	60.9
Total	23	100

Source: Primary data, 2020

The study shows that the highest number of respondents 18 (78.3%) argued that ignorance about the property inheritance is the major reason hindering the implementation of the Islamic teachings on property inheritance right. Only 4 (17.4%) of the respondents opined that inadequate knowledge about the actual number of the deceased's children and wives hinders the implementation of the Islamic teachings on property inheritance.

Table 30: What should be done to ensure that the Islamic teachings on property inheritance are implemented?

ways of ensuring that Islamic teachings on property inheritance are implemented	Frequency (n=23)	Percentage (%)
Sensitizing the masses about the Quranic teachings on property inheritance	19	82.6
Encourage Muslims to observe and obey the teachings of the Quran on property inheritance	12	52.2
Sheikhs/Imams should be exemplary	07	30.4
Construction and enrollment of children in Islamic schools to acquire general Islamic knowledge.	02	8.7
Total	23	100

Source: Primary data, 2020

The above table shows that most of the respondents 19 (82.6%) argued that there is need for a massive sensitization of the Muslim community about the Quranic teachings on property inheritance rights while 2 (8.7%) opined that there is need to construct and enroll children in Islamic schools to acquire general Islamic knowledge at an early age. This knowledge includes Islamic principles of property inheritance as a topic. Ennaji (2018) also asserted that many are against Islamic inheritance system due to ignorance and misinformation about it, in addition, it is also fought against because of the greed of some men who want to enjoy the share of women. Whereas others just don't have interest in implementing it during property sharing though some are just not aware of this right. This therefore, implies that the best way to ensure that the Islamic teachings on property inheritance is implemented is by fighting

ignorance and misinformation about this right among the people through sensitization of the masses through mass media, Friday Juma sermonizes, individual missionary by the clerics among others.

4.3 Detailed findings from the Perspectives of some of the Muslim Clerics on property inheritance

The study findings showed that property inheritance among the study participants was not new and one participant said:

MC1: This is the one in charge of property distribution of the deceased individuals with in the study area. He is a committee member of the sharia court and he acknowledged the functionality of the sharia court in the study area, which has handled a number of cases concerning property distribution and inheritance with regards to women. In addition, he is also a teacher of Islamic theology in different institutions.

He narrated a case of a wealthy lady on Saza road who died, leaving behind a husband identified as Hajji Asuman with no children. Although the man wanted to inherit all the property without considering the deceased's sister identified as Jamilah, the Sharia Court ruled that each was to acquire half of the property. This ruling was also sent to the High Court of Uganda which acknowledged it but Haji Asuman was not contented. The High Court of Uganda informed Haji Asuman that it is at the same level of the Sharia Court and therefore was advised to put his petition before the supreme Court.

The second case he narrated was of a certain family in Bulubandi – Nakalogo village. In this case, the deceased father left well allocated pieces of land to both the boys and girls. On maturity, the boys grabbed the land pieces of the girls without consent. This case was put to the Sharia court which helped them to acquired their property back. He concluded by saying that the sharia court is actually helping the girl child.

Is it right for a woman to inherit property?

All the respondents agreed that it is right for the women to inherit property of the deceased relative just as quoted below:

MC3: “A female is entitled to a share because the Holy Quran has already given her the right. A denial of this right is tantamount to a sin because you would have rejected the prescribed word of Allah.

MC4: “Yes because here on earth we did not put ourselves But Allah (SWT) Himself did; He put us here with the laws and gave us this Islamic religion as Muslims. We have to follow the Islamic laws that govern Islam as a religion Allah (SWT) Has already prescribed the Islamic laws that are confined in the Quran. We have got no option as Muslims except following the noble prescribed principles..... Every person is entitled to a share if they have lost someone without suppression. Whether a female or a male depending to how Allah Has exhaustively elaborated in the Holy Quran” “Therefore, Islam as a religion gives the woman that right of property inheritance.”

What is your opinion on that percentage share of the property inheritance?

Among the study participants who had different opinions on property inheritance rights Different opinions were revealed

MC2 said that: “I am comfortable with a female getting half of what the male gets because in case of divorce, where the female returns to the brother for support and care just like the father would have done, it therefore implies that if she gets the same share as the male (brother), it will be financially unfair to the brother in case of divorce.

MC3 said that: “Allah is all knowing and is fair to all his creatures. Therefore, I am very okay with that property share ratio”

MC4 said that: “It is ideally very fine for a woman to get half of what a man gets because the man has more financial responsibilities than the woman. Since Allah is the most knowledgeable, there must be a stronger reason for His prescribed share in the Quran which may be beyond the human comprehension.”.

Is the community practicing Islamic teaching on property inheritance rights?

The practice was not observed according to some respondents for instance

MC1 said: “They don’t do what Islam practices and therefore people do messy things. They pretend to follow the Islamic processes superficially but do not whole heartedly put them to practice. This is evidenced when a girl child is sometimes not given a share in favor of only the male. Quite often, the widow at times not given a chance to her share during the distribution of property.....”

MC2: “People are embracing the inheritance principles of the Islamic religion regardless of whether they are Muslims or not. This is because they feel that the Islam distributes the deceased’s property in a relatively fair manner. However, this is not surprising since it is a divine command.”

Reasons for not practicing what Islam teaches

There have been a number of reasons for not practicing what Islam teaches and the respondents had this to say:

MC1 said: “People are basically ignorant and do not fear Allah. Why would a person take a property which does not really belong to him or her?”

MC2 said: “ Most of the marriages are initially started when the partners are of different religious beliefs. Therefore, in case of death, a particular partner may not allow the rulings of another religious belief to be imposed on her/him hence a challenge in practicing the Islamic teachings. In addition, since Uganda is not an Islamic state, the practice of the Islamic teachings may not apply to totality.

MC3 said: “Most of the Muslims are not interested in learning about their religion. It would have been better for them to put as much effort as possible to learn their religion just as they do in searching for secular education. This would enlighten them more about the Islamic teachings. Secondly, the ignorant Muslims about issues of inheritance have tried as much as possible to interfere with the work of the learned personnel during distribution of property.

These ignorant individuals have done this through intimidations and various forms of verbal utterances.

Initiatives done by the Sheikhs to make sure that property inheritance rights are put into practices

MC3 said that: “Yes we have tried. Here in Iganga, we have a committee that is in charge of property inheritance distribution and we move to different areas to teach people about these topics....”

MC27 said that “.....we have followed up and guided people in property sharing of the deceased.”

Challenges girls face when fighting for the right to property inheritance

To inherit property of the deceased women have not been able to have their right of the property share as the Islamic teaching recommends. Participant one said:

MC1 said that “...The challenges depend on the nature of the family members; some are hostile while others are welcoming ”.

MC2 said that “The nature of some marriages where you find that the married couple subscribes to difference beliefs and religion is yet a big challenge.” He further added that “Uganda is a non-Islamic state in which the sharia law cannot be implemented to totality”. The Ugandan constitution which empowers children at 18years has also been a challenge in the implementation of this right. This is so because some children especially girls have ended up getting married to spouses who subscribe to different religious beliefs that are not in line with the teachings of Islam.

What should be done to ensure that the Quranic teaching is implemented?

There were a number of ways through which the Islamic teaching should be implemented to practice teaching on property inheritance. Different participants said that:

MC1 stated: “Every parent who is able to pay school fees for a child, should do that..... every child has his/her share in education. Therefore, let him/her struggle for his/herself bit a boy or girl. We also need to pray to Allah to help us in keeping them on the straight path.

MC2 stated that “the challenges cannot be solved since the sharia implementers are hand carped by the Ugandan constitution which states that by 18 years an individual is mature enough to do as he or she pleased.

MC3 said that: “The sheikhs should mind to teach the people so that they get to know those property inheritance rights because when they learn it they will practice them without doubt.

Another participant **MC4**: “Parents should ensure that they teach that their children are satisfactorily taught the Islamic religious principles. This child hood acquired knowledge will enable them when mature to put in practice what Allah commands. The knowledge will also help them to fight for their God given rights.

4.3 Focus Group Discussion study findings

The meaning of property inheritance

Some of the participants in the different focus group discussions fairly knew the meaning of property inheritance for example

MW1: stated that “Property inheritance is when you take ownership of the property that either belongs to your father or mother that passed on.”

MW10: Defined property inheritance as “the distribution of a deceased’s property among his or her heirs like children and close relatives.”

MW27: Defined it as “the division of deceased property like land among the people he has left behind like the wife and the children”

Islamic teachings on the women’s right to property inheritance

The study results showed that a few of the respondents were aware of the Islamic teaching as far as property inheritance is concerned for instance some of the participants said that:

MW1: “The truth is that we knew that.....women are given their share in case one has lost a father or husband. They divide the share among the children both boys and girls and the wife too get hers. But now with the situation we are in today some girls are denied their God given right by the family relatives especial male relatives. For instance, I have a Muslim friend who was denied her share and also chased out of the home by her paternal uncles immediately after the death of her parents who died of an accident.

MW13: “the Allah gave women the right to property inheritance in chapter 4 verse 12 and 13 of the holy Quran.”

MW24: “for me, I don’t know whether women have a right to inherit or not because I have never heard of it.”

MW32: “I am not sure, but there is someone who talked about it when my neighbor lost a husband and the in laws were telling her to leave the home and go marry someone else.”

MW35: “women were given a share by Allah in the holy Quran when He said that “a son gets a share equal to that of two daughters.””

The role played by the Sheikhs/ Imams in the implementation of women’s right to property inheritance.

In some of the sessions conducted most of the participants revealed that there have been some actions taken by the sheikhs/ imams

MW1 said that: “the sheikhs try to ensure that the inheritance property is distribute according to the Islamic teachings, but when they get involved in the distribution process, some children

of the deceased interfere with the process by putting strict restrictions and various allegations for selfish interests especially in polygamous families.

MW27 said that: “the sheikhs have tried to preach love, mercy and brotherhood within the Muslim community, since the prophet (PBUH) taught that “A Muslim is a brother to a fellow Muslim.” A comprehensive understanding of these teachings enables people to consider one another during the distribution of the inheritance property.”

MW4: “some people don’t practice the Islamic teachings on property inheritance because some Sheikhs are ignorant about the inheritance principles of Islam while others are not just exemplary and unfair during the distribution of the inheritance property.”

MW5: also added that.....some sheikhs are unscrupulous during the distribution of inheritance property with an intention of owning some of the property of the deceased’s personal.”

Women’s perspectives on a male child getting double of what the girl child gets of the deceased’s property

The study participants responded differently on the male child getting double of what the female gets:

MW1: “..... since it is Allah’s command and Allah is the source of knowledge of the present and the future, we have to believe and obey his commandments without exception.”

MW2: “also added that “regardless of the divine command, a female has an opportunity of being taken care of by the future husband unlike the male who is the one to take care of the future.”

MW38: quoted chapter 4 verse 34 of the holy Quran which states that “men are guardians over women.....” This therefore implies that it’s the primary responsibility of the man to take care of the women in all affairs of life hence deserving a share twice that of a woman.”

MW7: “I think it is right since the boy has a responsibility of caring for the siblings since inheritance is not a status but rather a responsibility..... However, I believe that if the boys are highly irresponsible, the girl child can use the given share to maximize economic development to take care of the family. I think the share ratio is fine since it also applies to

the birth ceremony, Aqiqah (2goats are slaughtered for a male child and only one for the girl child.)

MW8: very few supports it but most of the people propose that it should be the males only to inherit property. This is because the girl child can abandon the property after marriage.

Why should a female be given inheritance property?

All the study participants agreed that just like the male, the females should also be considered. Some respondents said that:

MW4 said: “females like daughter need to get property because in most cases it’s the daughters who care more for their parents unlike the boys.... When boys marry, they put much of their care and attention to their wives and children and care less about their parents.

MW5 said that: “girls are also biological children like the boys hence have the same rights and therefore have to be treated the same.”

MW17 said that “these days some boys have turned into public nuisance. For example, they have become drug addicts, smokers among others. This has therefore made them irresponsible to a level of not being able to take care of their families and immediate relatives. This therefore puts the girl child at the front line of responsibility hence a need to inherit property in order to fulfill the responsibility.”

MW19 said that “since the mothers bear with the pregnancy and tuff labor conditions, they should be entitled to inherit the property.”

MW2 said that: “we need to inherit property because it helps us to get some money to cater for our needs in the absence of the breadwinner. For instance, it can help the widow to generate more money and pay school fees for the orphans when the father is dead.”

MW7: “Yes since she belongs to the deceased individual that a biological daughter to the deceased. Secondly, in this current situation, women have taken up a lot of responsibility like school fees. Therefore, if they get a share, they can put it to maximum use to ease the fulfillment of the responsibility.

Whether what Islam teaches is what people are doing in the community

According to the discussion of what the participants said on the Islamic teaching and the people's conduct on the right to property inheritance. It was reported that:

MW1 said that: “No what people are doing is contrary to what Islam teaches. The problem is that when the husband dies the family members look at the wife as a thief who wants to steal her deceased husband's property and run away”

MW2: “In my observation the period I have been in Busoga some parents here in Busoga discriminate the girl children and their brothers say that a girl's share is at her husband's home, yet she is also a child.”

MW40: “yes sometimes people do what Islam teaches but not the right way..... they give out the deceased's property to everyone in the family even those who are not meant to get, like sisters and brothers of the deceased hence making the children to get less than what they are entitled to. For instance, when our mother died the sheikh came and distributed the property to everyone who was related to our mother including the children to our maternal uncles”

MW37: “people are not doing what is Islam teaches because they are ignorant and those who know are corrupt and greedy.”

MW16: “Islam teaches equality and fairness for all. For example, there is a hadith that says *“to search for knowledge is mandatory to every Muslim woman and Muslim man”*. This hadith proves that men and women are equal. But you find that some parents treasure boys more than girls like giving them better education than the girls and when it comes to inheritance it is worse. Girls are in most cases under looked during property inheritance distribution.”

Challenges women encounter while demanding for their property inheritance share

The study results revealed that the participants agreed that women do encounter challenges when claiming for their property share.

Some participants said that:

MW1 said that: “one of the challenges that girls face while demanding for their right to property inheritance is lack of support from their families especially males since many favor only boys urging that girls will one day get married and take the family property to her husband’s home or else abandon it unlike boys.

MW2:according to me as a girl when you pressure the family that you want your share, they tell you to leave the home and get married so that you can get your share from your husband’s property yet sometimes you are still young and not ready for marriage.

MW5: it results into misunderstands hence fights and quarrels with the family members

MW6: “Sometimes it leads to death threats or you get killed. For example, my mother gave birth to two daughters, me and my sister, but when our parents passed on and we asked for our share, my sister was killed and I was poisoned. We still ended up with nothing.”

MW30: “In most cases, verbal insults from the family members of the deceased are the order of the day when asking for the right to inherit property. Therefore, to avoid such insults, the push to ask for the right has to be abandoned.”

MW36: “Any female who asks to get a property share is often *hated*, named mannerless and sometimes denounced as a family member.”

MW13: “Females are sometimes accused of having been the master minders behind the death of the deceased with an intention of inheriting the property.”

MW11: “The heads of families make empty promises to the female children until they give up on demanding for their right to property inheritance.”

What should women do to get their entitled share?

In response, different participants suggested possible alternatives that can be undertaken to ensure that the Islamic teaching on women property inheritance rights is understood and implemented.

MW26 said that: “Parents need to introduce all their children even those born outside the marriages to the clan members. This enables a fair distribution of property after the death of the parents. But sometimes, other children are introduced to the family members after the death of a parent when nobody knows them. This sometimes leads to a denial of the right to inherit property”

MW1 said that “People need to train themselves to write wills because death is untimely. This will help their children not to suffer or fight for property when they are dead. However, it is also important to keep the will with at least three different people who are honest and trustworthy.....”

MW2: stated that “I think the father or mother should give out the property to their children accordingly while still alive. Or else should write a will and give it to trusted people who can’t modify or hide it for selfish interests”

MW8: said that “..... The religious leaders must ensure that people are comprehensively taught this issue from national to district up to village levels such they the locals can really understand the significance of this subject and possibly start practicing it in the right manner.”

MW7 also added that: “.....I am not aware but it requires more publicity through religious conference to give clear explanations regarding property inheritance. In conclusion, a girl’s right to property inheritance is still under looked.”

MW9: said that “.... The girl child must be equipped with both secular and religious knowledge to fully fit in this current society of corruption and malice”

MW21: said that “Parents must ensure that the distribution of property in the will is done in a relatively fair manner to avoid wrangles after their death. There should not be any restriction of property to a specific gender. The children must be allowed to sell off the already given property especially land without any limitations. This enables them to acquire or buy land elsewhere hence avoiding family land conflicts.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.0 Introduction

This chapter presents the summary, conclusions and recommendations of the study from the analysis and the discussion presented in chapter four. The summary, conclusions and recommendations are based on the objectives of the study which were to: Analyze Islamic teachings on the women's right to property inheritance, to investigate the perspectives of Muslim women on their right to property inheritance, find out the views of the Muslim clerics and to examine the disconnection between the Islamic teachings and the practices of the women's right to property inheritance in Iganga municipality.

5.1 Summary of Findings

The findings of the study revealed that the Islamic teachings both in the Holy Quran and the traditions of the prophet (Hadith) as the primary sources of Islamic Jurisprudence accord women a right to inherit property in a detailed manner by going ahead to specify their share.

The investigation of the perception of the Muslim women in Iganga Municipality about this right revealed that they are positive about it and they would appreciate it if they are given their rightful shares as part the teachings and guidelines from the primary sources. They look at it as a source of capital and security for survival in case the breadwinner has passed away.

On finding out the views of the Muslim clerics in Iganga municipality on the study revealed that, they are in support with the teachings since it is a command from God (Allah), and they have gone an extra mile of implementing through teaching the community about this right, executing it when given the an opportunity among others despite the challenges that they face like hostility from some families, financial constraints for facilitation during the implementation process, life threatening moments, negative attitude of some of the Muslims about this right among others.

On examining the cause(s) of the disconnect between the teachings and the practices of this right in Iganga Municipality, it was discovered that it is a combination of so many factors that include; cultural dominance over Islam, inadequate Muslim scholars to implement it, Uganda being a secular country, the existence of intermarriages between Muslims and non-Muslims that bring about confusion due to the different teachings , some Muslims have little/ no

interest in the Islamic teachings, reluctance of some stakeholders concerned, financial constraints to facility the implementers, greedy for wealth among people, the fear to loss lives also scares away some heirs to claim for their right and most importantly ignorance of most of the Muslims about the teachings on this right.

5.2 Conclusion

The study findings and a detailed analysis of the Islamic teachings accord women a right to inherit property in both the Holy Quran and various hadiths of the prophet (PBUH) with a clear divine established ratio.

The investigation of the perspectives of the Muslim women on their right to property inheritance in Iganga municipality, revealed that majority were ignorant about the Islamic law concerning this matter. However, they were happy to hear that they are accorded this right but at the same time a few were unhappy about the son getting twice of what a daughter gets.

The views of the Muslim clerics in Iganga Municipality on the women's right to property inheritance were positive towards the right. They revealed that they are trying to teach the Muslim community about this right and ensure that it is implemented through direct involvement in the distribution process. However, they pointed out some challenges faced in the implementation of this right. The challenges included hostility from family members of the deceased, inadequate Islamic knowledge of the Muslim community about inheritance in the Islamic context and financial constraints in the implementation of Islamic inheritance programs, among others.

The examination of the disconnection between the Islamic teachings and the practices of the women's right to property inheritance in Iganga municipality revealed that there is an evident gap between the practices and the teachings of this right. This right has not been realized although to a small extent some respondents revealed that it is somehow implemented. This was due to the fact that the Muslim community is ignorant about the Islamic property inheritance principles. In addition, other factors affecting the implementation of the women's right to property inheritance included: cultural influence in property distribution, reluctance of the Muslim stakeholders like the UMSC to address the same, corruption and greed among

some implementers, unlawful and non-Islamic marriages and yet Uganda as a whole is a non-Islamic state. being a secular state.

5.3 Recommendations

Having looked and considered the purpose of the study which was to assess the women's right to property inheritance in the Islamic context in Iganga municipality in light of the findings and conclusions, the researcher wished to propose the following recommendations

The researcher recommends that there should be more sensitization about the women's right to property inheritance especially in the Muslim community to fight ignorance. In addition they should also be enlightened about the importance of this right and the dangers that result from the fail to implement it accordingly. This can be done through mass media, organizing seminars, workshops, publication of scholarly documents about the same, juma prayer sermons among others.

There is need for the Uganda Muslim supreme council to come up with fully established and functional committees to teach and organize refresher courses for the practicing sheikhs and imams on this topic of inheritance in various regions of the country to upgrade their knowledge and as well train more sheikhs and imams so as to reduce on the scarcity of man power to easy implementation.

The Uganda Muslim Supreme Council should task the region/district authorities coordinating the affairs of the Muslims within the study area to enforce the Sharia Law in sharing the property of the deceased and also ensure effective monitoring and supervision of the work done by the implementers for positive results. In addition, the Supreme body for the Moslem community should also train women leaders to enable them advocate for their rights and also protect women who may be oppressed.

The Moslems should endeavor to write their wills regarding distribution of property and at least share them with honest and trustworthy people as advised by the prophet (PBUH). This will help to do away with the injustices done to women out of greed and corruption during property distribution.

The Muslims should also have a keen interest in searching for religious knowledge about the principles of property inheritance to avoid ignorance that results into injustice.

5.4 Suggested areas for future research

A similar study needs to be carried out on women's right to property inheritance in the Islamic context in different areas of Uganda to ascertain whether women have similar challenges in realizing their right to property inheritance.

Another suggestion is that there is need to investigate the role played by the Moslem Clerics within the different parts of the country in implementing the Sharia Law on women's right to property inheritance share.

References

- Abdullah, R., Monsoor, T., Johari, F., & Radzi, W. M. (2015). *Financial support for women under Islamic family law in Bangladesh and Malaysia*. 9276.
<https://doi.org/10.1080/12259276.2015.1106853>
- Abduwahab, S. (2021). *ISLAMIC AND BUGANDA CUSTOMARY INHERITANCE LAWS, THEIR IMPLICATIONS ON UGANDAN COMMUNITIES:- ACASE STUDY OF KAWEMPE DIVISION*. March.
- Abubakari, Z., Richter, C., & Zevenbergen, J. (2019). *Plural Inheritance Laws , Practices and Emergent Types of Property — Implications for Updating the Land Register*. 10–12.
- Ahmad, M., Batool, M., & Dziegielewski, S. F. (2016). State of Inheritance Rights : Women in a Rural District in Pakistan State of Inheritance Rights : Women in a Rural District in Pakistan. *Journal of Social Service Research*, 42(5), 622–629.
<https://doi.org/10.1080/01488376.2016.1177633>
- Alazzeh. (2017). *Women ' s Right to Inheritance in Jordanian Law : Requirements and Prospects of Change*.
- Behera, M. K., & Haque, T. (2017). *Gender Equitable Land Governance in Odisha , India : An analysis through VGGT- Gender Lens Gender Equitable Land Governance in Odisha , India : An analysis through VGGT-Gender Lens*. March 2016.
- Blankers, B., & Zweynert, J. (2018). *Experiences with a First International Programme (Philosophy , Politics and Economics – PPE) at Witten / Herdecke University*. 7(3), 135–142. <https://doi.org/10.5430/ijhe.v7n3p135>
- Branisa, B., Klasen, S., Ziegler, M., Drechsler, D., Branisa, B., Klasen, S., Ziegler, M., & Drechsler, D. (2014). *The Institutional Basis of Gender Inequality : The Social Institutions and Gender Index (SIGI)*. 5701.
<https://doi.org/10.1080/13545701.2013.850523>
- Bulbul, A. (2013). *Implication of Islamic Law of Inheritance: Ultimate Solution to Family Conflict*. 2(2), 118–128.
- Hanafi, S. (2019). *Gender Equality in the Inheritance Debate in Tunisia and the Formation of Non-Authoritarian Reasoning*. 3, 207–232. <https://doi.org/10.1163/24685542-12340026>
- Hannay, L. (2014). *Women ' s Land Rights in Uganda*. Center for Women's Land rights
- Hoque, K. A., & Islam, M. S. (2019). *Inheritance rights of women in Islamic law : An assessment Inheritance rights of women in Islamic law : An assessment*. January 2013.
- Khan, I., Abdullah, F., Naemah, N., Rahman, A., Roslan, M., Mohd, B., Yakub, M., Bin, Z., & Yusoff, M. (2016). The right of women in property sharing in Bangladesh : Can the islamic inheritance system eliminate discrimination ? *SpringerPlus*, 8.
<https://doi.org/10.1186/s40064-016-3347-2>
- Kola, 2018. (2018). *Women ' s Access to Inheritance Property Rights for their Economic Empowerment in Albania*.

- Layman, D. M. (2018). *Sufficiency and freedom in Locke ' s theory of property*. 17(2), 152–173. <https://doi.org/10.1177/1474885115587118>
- Malik, S., & Courtney, K. (2011). *Higher education and women ' s empowerment in Pakistan*. 0253, 28–45. <https://doi.org/10.1080/09540251003674071>
- Marbourg, A. C. (2015). *SOCIAL FACTORS AFFECTING LAND INHERITED* University of Missouri by. December.
- Mostafa, S. (2019). *Rules and Pr actices of Women ' s Inheritance R ights in Islam : Bangladesh Perspective*. 3(1), 14–20. <https://doi.org/10.1080/01488376.2016.1177633>
- Muhammad, T., Srivastava, S., Kumar, P., & Rashmi, R. (2022). Prevalence and predictors of elective and emergency caesarean delivery among reproductive - aged women in Bangladesh : evidence from demographic and health survey , 2017 – 18. *BMC Pregnancy and Childbirth*, 1–11. <https://doi.org/10.1186/s12884-022-04833-6>
- Okolie, I. S., & Mohammed, Z. K. (2021). *Domestic Violence against Women in Maiduguri Borno State Nigeria*. 7(1), 23–35.
- On, G. C. (2011). *Property and Inheritance Laws : The Impact on Women and OVC in the Context of HIV*. 2009, 1–11.
- Parveen, S. (2022). *Journal of International Women ' s Studies Gender Awareness of Rural Women in Bangladesh*. 9(1).
- Raghavan, C. (2018). *Self-Determination and Women ' s Rights in Muslim Societies* (Issue September). <https://doi.org/10.26812/9781611682816>
- Shafie, F., Tun, U., Onn, H., Yusoff, W., Zahari, W., Tun, U., Onn, H., Tun, U., & Onn, H. (2014). *ISLAMIC REAL ESTATE MANAGEMENT : REVIEW ON ISSUES AND ISLAMIC REAL ESTATE MANAGEMENT : REVIEW ON ISSUES AND CHALLENGES IN MANAGING*. September. <https://doi.org/10.13140/RG.2.2.24759.27046>
- Shoma, C. D. (2019). *Journal of International Women ' s Studies Gender is a Human Rights Issue : The Case of Women ' s Entrepreneurship Development in the Small and Medium Enterprise Sector of Bangladesh*. 20(7).
- Snyder, K., Lake, A., Pierson, T., Munn, T., Berhe, A., Harris, D., Krari, N., Kharriche, O., & Lanssi, A. (2020). *Legal Discrimination 1 Legal Discrimination in Morocco and*.
- Sourav, R. I. (2015). *Unjust Land Right of Women in Bangladesh Unjust Land Right of Women in Bangladesh*. December.
- Sultana, A. M., Erlina, N., & Mohd, B. (2016). *Discrimination against Women in the Developing Countries : A Comparative Study*. February. <https://doi.org/10.7763/IJSSH.2012.V2.106>
- Tunku, U., & Rahman, A. (2015). *Socio-Cultural Dimensions of Women ' s Discriminations in Rural Communities* © 2010 Ozean Publication *Socio-Cultural Dimensions of Women ' s Discri minations in Rural Communities*. May.
- Veyret, P., & Waterman, D. (2010). *Angles on Naya / New Pakistan*. <https://doi.org/10.4000/angles.5009>

Walusimbi, W. (2001). *Uganda's Poverty Alleviation Strategies: A Policy Analysis by*.

Yaseen, A. (2022). *INHERITANCE OF A DAUGHTER : AN ANALYSIS BASED ON ISLAM AND LAWS*. 5(2), 1098–1111.

Appendices

Appendix I: Consent form

Hello. My name is **Maimunah Saad Nalukwago**. I am a Postgraduate student in Masters of Arts in Religious Studies Program at the Kyambogo University conducting a research study on the “*The realization of women’s right to property inheritance in the Islamic context (A case study of Iganga municipality)*”. Your selection to participate in this study is purely based on your expert knowledge on this study. All the information you provide shall remain confidential and anonymous i.e., your name and contact information shall not be revealed anywhere or disclosed to anyone, only aggregated data will be presented in the final report. If you agree to participate, should we continue?

Yes ☐ No ☐

Signature/thumb print of participant: **Date:**

Signature of the interviewer : **Date:**

Appendix II: Questionnaire for Muslim women

Research Topic: The realization of women's right to property inheritance in the Islamic context: A case study of Iganga Municipality.

Group: Muslim Women

SECTION A

1. What is your name? (Option)

.....

Signature.....

2. How old are you?

A) 15-25 years B) 26-35 Years C) 36-45 Years D). 46 Years & Above

3. What is your status in the community?

a). Student B) Muslim woman Leader (Amirah) C) Matron D) Housewife

4. What is your level of education?

A) Primary B) Secondary C) Tertiary/University D) Did not attend school

5 a) Are you an orphan?

A) Yes B) No

5 b). Are you widowed?

A) Yes B) No

6. What is your marital status?

A) Married B) Unmarried C) Divorced

SECTION B

7. What do you understand by the term property inheritance?

.....

.....

8. What does Islam teach on women's right to property inheritance?

.....
.....
.....
9. How are women's right to property inheritance observed within your community?

.....
.....
.....
.....

10. What is your view on the teaching that a male gets double of what a female gets?

.....
.....
.....
.....

11. How have the sheikhs/Imams and teachers contributed to the achievement of this right?

.....
.....
.....
.....
.....

12. Is it right for a woman to inherit property?

.....

Give reasons?

.....
.....
.....
.....

13. In your own opinion, are the Islamic teachings on property inheritance being practiced?

.....

If no why? What do you think is the cause(s)?

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

[illegible]

Appendix III: Interview guide for Muslim women

Research Topic: The realization of women's right to property inheritance in the Islamic context: A case study of Iganga Municipality

1. What is your name? (Option)
2. How old are you?
3. What is your status in the community?
4. What is your level of education?
5. Are you widowed or an orphan?
6. What is your marital status?
7. What do you understand by the term property inheritance?
8. What does Islam teach on women's right to property inheritance?
9. How is the women's right to property inheritance observed within your community?
10. What is your view on the teaching that a male gets double of what a female gets?
11. How have the sheikhs/Imams and teachers contributed to the achievement of this right?
12. Is it right for a woman to inherit property and why?
13. In your own opinion, are the Islamic teachings on property inheritance being practiced and If no why? What do you think is the cause(s)?
14. Which challenges do women face in demanding for their right to inherit property?
15. How best can this problem be solved?

Thank you for your valuable time

Appendix IV: Questionnaire for Muslim Clerics

Research Topic: The realization of women's right to property inheritance in the Islamic context: A case study of Iganga Municipality

GROUP: MUSLIM SCHOLARS/CLERICS

1. What is your name?

.....

Signature.....

2. How old are you?

A) 25-35 years

B). 36-55 years

C) Above 55 years

3. What is your status in the community?

A) Imam/Sheikh

B) Mosque Chairperson

C) Islamic teacher

D) District Qadhi

4. What is your education level?

A) Primary

B) Secondary

C) Tertiary/University

5. For how long have you been serving?

.....

SECTION B

6. Is it right for a woman to inherit property?

.....

b) If yes why

.....

.....

.....

.....

7. What is the inheritance share of a female /woman according to Islam?

.....

.....

8 a). Have you ever had a case of property inheritance regarding women?

.....

.....

.....

.....

.....

.....

.....

.....

.....

[illegible][illegible]

.....
12. What is your view that a female gets half of what a male gets?
.....
.....

13. In your own opinion, is the Quranic teaching regarding property inheritance being implemented in the community?
.....

a). If No, why?
.....
.....
.....
.....
.....
.....
.....

b). What should be done to ensure that the Islamic teachings are implemented?
.....
.....
.....
.....
.....
.....
.....

Thank you for your valuable time

Appendix V: Interview guide for Muslim Clerics

Research Topic: The realization of women's right to property inheritance in the Islamic context: A case study of Iganga Municipality

1. What is your name (optional)
2. How old are you?
3. What is your status in the community?
4. What is your education level?
5. For how long have you been serving?

What is property inheritance in Islam?

5. Is it right for a woman to inherit property? If yes why
6. What is the inheritance share of a female /woman according to Islam?
7. Have you ever had a case of property inheritance regarding women? If yes, how did you deal with it?
8. What have you done to implement the right of women to property inheritance?
9. Which challenges do you face while implementing this right?
10. How can these challenges be limited or solved?
11. What is your view that a female gets half of what a male gets?
12. In your own opinion, is the Quranic teaching regarding property inheritance being implemented in the community? If No, why?
13. What should be done to ensure that the Islamic teachings are implemented?

Thank you for your valuable

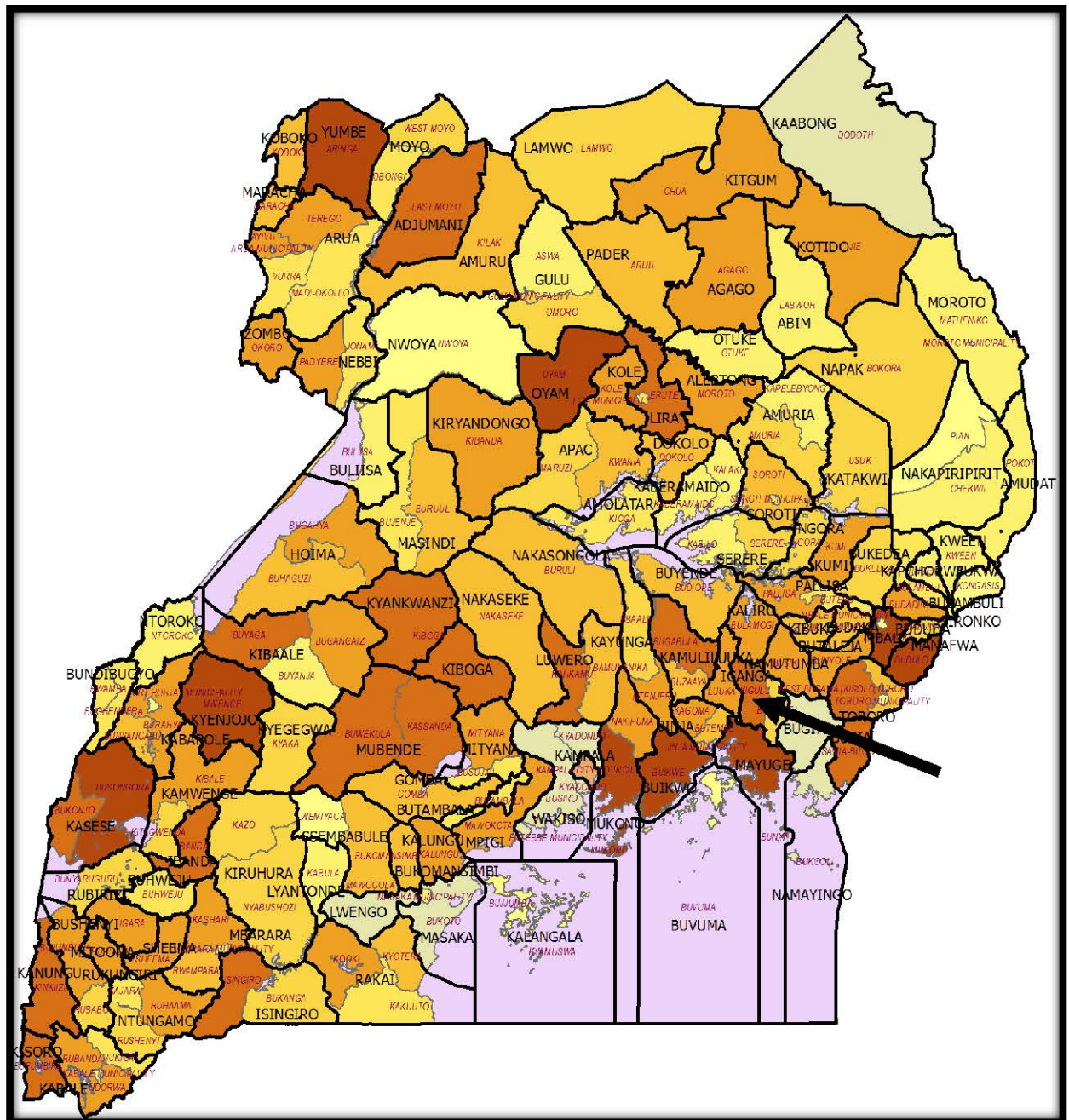
Appendix IV: Focus Group Discussion Question guide

1. what do you understand by the term property inheritance?
2. What does Islam say about women inheriting property?
3. what have the Sheikhs/imams done to ensure that women get their right to property inheritance?
4. what is your perspective on the teaching that a son gets double of what a daughter gets of the deceased's property?
5. Is it true that what Islam teaches is what people are doing in the community concerning this right?
6. What should be done to ensure that what Islam teaches on this right is put into practiced?

Appendix V: Introduction letter

\

Appendix VI: Map of Uganda showing Iganga district



KEY

← Iganga district

[illegible]