



Research Monograph
on
“Inheritance Rights of Women in Bangladesh: A Comparative Study
between Islamic and Customary Laws”

This Research Monograph Submitted for the partial fulfillment of the award of the
degree

in

LLB (Honours)

Department of Law

Sonargaon University (SU), Dhaka.

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Date of Submission: 08 July, 2025

Letter of Transmittal

To

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Subject: Submission of Research Monograph on “**Inheritance Rights of Women in Bangladesh: A Comparative Study between Islamic and Customary Laws**”.

Respected Sir,

I am pleased to submit my research monograph titled "**Inheritance Rights of Women in Bangladesh: A Comparative Study between Islamic and Customary Laws**" in partial fulfillment of the LL.B. (Honours) degree requirements at Sonargaon University. This study explores the complexities and implications of inheritance laws on women's rights in Bangladesh.

I am grateful for your guidance and support throughout the research process. I hope this paper makes a meaningful contribution to ongoing legal and social discourse.

Thank you for accepting this submission. I remain at your disposal should you have any inquiries or require further clarification.

Yours sincerely,

Ummay Jahan Banna

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Declaration

I do hereby declare that the Research Monograph Title “**Inheritance Rights of Women in Bangladesh: A Comparative Study between Islamic and Customary Laws**” prepared solely by me and which has been submitted to the department of Law, Sonargaon University (SU) for achieving the LL.B. (Honours) Degree. This is an original work of mine. No part of this research, in any way of or in from, has been submitted to any University or Institution for any Degree, Diploma or for other similar purposes.

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This is to certify that the work presented in this dissertation is based on the work, carried out by the author herself under my supervision in the Department of Law, Sonargaon University (SU).

It is also certifying that the work presented here is original and suitable for submission as the style and contents, for fulfillment of LL.B. (Honours) program.

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Acknowledgement

"In the name of Allah, the Beneficent, the Merciful". Praise by Allah & thanks to Allah for patronizing me to finish this Research Monograph. I am very happy to finish it. It is a great Research of my life. It is a long cherished hope of my life to become a great lawyer. That's why I have admitted in the Department of Law in Sonargaon University (SU) to fulfill my dream. But through my whole study life in this field, I did not get much more opportunities to examine and show my knowledge and skill in this wide field. Lastly I have got a great chance to make my study meaningful when I got the chance to prepare a Research Monograph on **“Inheritance Rights of Women in Bangladesh: A Comparative study between Islamic and Customary Laws”**.

I acknowledge my grateful to respected **Supervisor Dr. A. S. M. Tariq Iqbal** for instructing me how to prepare a Research Monograph and his famous Books lectures on this subject help me to complete my task sincerely.

I am also thankful to my classmate as they help me to complete the Research Monograph. I am extremely paying my solitude to all the authors and writers whose works help me to draft this original Research Monograph.

We are indeed thanks to everyone who inspired us to write this Research Monograph.

Thank you

Ummay Jahan Banna

Abstract

This research monograph delves into the inheritance rights of women in Bangladesh, juxtaposing Islamic and customary laws to reveal the legal and societal complexities. It explores the nuances within each system, examining their theoretical underpinnings and practical applications, particularly concerning women's entitlements. The study investigates the implications of these laws on women's socio-economic status, family wealth management, and overall empowerment, set against the backdrop of Bangladesh's unique cultural and legal landscape. By analyzing legal texts, court decisions, and socio-economic data, this monograph aims to provide a comprehensive understanding of the challenges and opportunities for women seeking their inheritance rights in Bangladesh. Furthermore, it assesses the role of governmental and non-governmental organizations in advocating for women's rights and facilitating legal reforms, offering insights into potential pathways for ensuring equitable inheritance practices. The research also considers the discrepancies between legal provisions and actual practices, highlighting the socio-cultural barriers that impede women from claiming their rightful shares. It further explores how patriarchal norms, despite legal advancements, continue to influence inheritance practices, often disadvantaging women (Saadiya, 2018). Ultimately, this monograph seeks to contribute to the ongoing discourse on gender equality and legal reform in Bangladesh, providing a basis for policy recommendations and further research in this critical area. It also scrutinizes the efficacy of current legal frameworks in protecting women's inheritance rights and proposes strategies for overcoming the persistent challenges that hinder the realization of gender justice in property devolution.

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Chapter 1

Introduction

Inheritance is not merely a mechanism for distributing familial wealth—it is a deeply social and legal institution that reflects broader norms around gender, equity, and power. In Bangladesh, the landscape of women’s inheritance rights remains intricately tied to two dominant frameworks: Islamic law and customary traditions. Though statutory reforms have sought to uphold gender equality in property distribution, the lived realities of Bangladeshi women often diverge sharply from these legal ideals.

This thesis critically investigates the inheritance rights of women in Bangladesh, focusing on the comparative implications of Islamic and customary laws. It examines how these systems operate in parallel, occasionally in conflict, and how patriarchal interpretations persistently shape both legal enforcement and community practices. At stake is not only access to land and wealth, but the social empowerment and financial autonomy of women—a cornerstone for broader gender justice and development.

By synthesizing doctrinal analysis with empirical fieldwork, the study aims to uncover the structural challenges that obstruct women from realizing their rightful inheritance. It highlights the gaps between codified laws and societal practices, the role of legal pluralism, and the urgent need for reforms that are culturally sensitive yet transformative. In doing so, the research contributes to ongoing policy dialogues around legal harmonization, women’s empowerment, and the pursuit of economic equity in the context of Bangladeshi society.

1.1. Background of the Study

The economic status and social security of women are significantly influenced by their ability to own and control immovable property. Despite progressive interpretations and statutory laws, achieving true justice in property rights for women, especially Hindu women, remains a challenge. This discrepancy is often exacerbated by patriarchal norms and traditional practices that undermine their legal entitlements ([Lusasi &](#)

[Mwaseba, 2020](#)).¹ These norms frequently lead to the deprivation of women's property rights, contributing to low-income levels, limited education, and compromised health outcomes ([Yousuf & Assan, 2018](#)).

In many developing countries, including Bangladesh, awareness of land property rights and their importance in promoting gender equality has not received adequate attention in policy-making. This oversight perpetuates gender disparities and hinders women's economic empowerment. In creating the Sustainable Development Goals agenda, the global community recognized the pivotal role of secure land rights for women in achieving gender equality and eradicating poverty. However, achieving this in Bangladesh requires a thorough understanding of the heterogeneity in women's tenure security needs and the impacts of various land policies on women. Therefore, examining the legal frameworks and their enforcement is crucial to addressing the gaps between law and practice, particularly for women in vulnerable positions. This necessitates a comprehensive analysis of how inheritance laws, both Islamic and customary, impact women's access to and control over property in Bangladesh ([Cooper & Bird, 2012](#)).² This analysis should further explore the barriers preventing women from accessing justice within the existing legal system and highlight the social and psychological impacts of these barriers ([Banarjee, 2020](#)).³

This involves exploring the effectiveness of legal aid and awareness programs in empowering women to claim their inheritance rights, alongside assessing the role of community-based interventions in challenging discriminatory practices and promoting gender-equitable norms ([Ingwani, 2021](#)).⁴ Considering that land-related disputes constitute a significant portion of legal conflicts in rural Bangladesh, improving land administration and addressing systemic corruption are crucial steps toward ensuring women's property rights. Effective land governance and transparent legal processes are essential to mitigate these disputes and protect vulnerable groups. Such improvements

¹ Gender Inequality and Symbolic Violence in Women's Access to Family Land in the Southern Highlands of Tanzania. *Land*, 9(11), 468. <https://doi.org/10.3390/land9110468>

² Inheritance: A Gendered and Intergenerational Dimension of Poverty. *Development Policy Review*, 30(5), 527. <https://doi.org/10.1111/j.1467-7679.2012.00587.x>

³ Identifying factors of sexual violence against women and protection of their rights in Bangladesh. *Aggression and Violent Behavior*, 52, 101384. <https://doi.org/10.1016/j.avb.2020.101384>

⁴ Struggles of Women to Access and Hold Landuse and Other Land Property Rights under the Customary Tenure System in Peri-Urban Communal Areas of Zimbabwe. *Land*, 10(6), 649. <https://doi.org/10.3390/land10060649>

would empower women to exercise their rights more effectively and foster gender equality (Mondal, 2018).⁵

1.2 Statement of the Problem

Despite legal provisions and reforms aimed at ensuring gender-equitable inheritance rights, women in Bangladesh continue to face significant disparities in accessing and controlling property. These disparities stem from a combination of factors, including discriminatory customary practices, gaps in legal implementation, and socio-economic barriers.

1. **Legal Discrepancies and Implementation Gaps:** While Islamic law and formal legal frameworks recognize women's rights to inherit property, the application of these laws is often inconsistent. Customary practices frequently override legal provisions, particularly in rural areas, leading to the denial or reduction of women's rightful inheritance.
2. **Socio-Economic Barriers:** Socio-economic factors such as lack of awareness, limited access to legal aid, and societal norms that prioritize male heirs further exacerbate the problem. These barriers prevent women from claiming their inheritance rights and perpetuate gender inequality in wealth distribution.
3. **Impact on Women's Empowerment:** The denial of inheritance rights has profound socio-economic implications for women, affecting their economic empowerment, access to education and healthcare, and overall contribution to national development. Addressing these disparities is crucial for fostering financial stability among women and buffering them from economic shocks.
4. **Need for Reform and Awareness:** There is a need for further legal reforms to address discriminatory practices, enhance women's awareness of their rights, and promote gender-equitable norms. This includes strengthening legal aid services, conducting awareness campaigns, and implementing policies that support women's access to and control over inherited property.

In essence, the central problem is that existing legal and social structures do not adequately protect and promote women's inheritance rights in Bangladesh. This

⁵ Challenges and Coping Strategies of Married Women in Post Disaster Situation: A Study on Khulna District. *Advances in Sciences and Humanities*, 4(3), 37. <https://doi.org/10.11648/j.ash.20180403.11>

contributes to gender inequality and hinders women's economic empowerment. Addressing this problem requires a multi-faceted approach that includes legal reforms, social awareness campaigns, and the empowerment of women through education and economic opportunities. This approach should also involve restructuring majoritarian electoral arrangements and using approaches that ensure equal opportunity for women (Ferdous, 2019).⁶

This necessitates a comprehensive investigation into the practical realities of women's inheritance rights, comparing the provisions of Islamic and customary laws to identify areas of convergence and divergence. This comparison will clarify how these laws are interpreted and applied in real-life scenarios, particularly concerning socioeconomic implications and empowerment. Such analysis is crucial to inform policy and interventions aimed at bridging the gap between legal entitlements and actual practices, fostering an environment where women can effectively exercise their inheritance rights and contribute to national development.

1.3 Objectives of the Study

The primary objectives of this thesis should comprehensively investigate the inheritance rights of women in Bangladesh, focusing on legal frameworks, socio-economic implications, and reform efforts. By achieving these objectives, the study can provide valuable insights and recommendations to address existing disparities and promote gender equity.

Here's a detailed breakdown of potential objectives:

1. Assess Legal Frameworks:

- **Objective:** To critically analyze the existing legal provisions related to women's inheritance rights in Bangladesh, including Islamic law, customary practices, and statutory laws.
- **Elaboration:** This involves examining the strengths and weaknesses of each legal framework and identifying areas of conflict or ambiguity that may disadvantage women.

⁶). Representation Of Women In Parliament Of Bangladesh: Is It Hopeful? Journal of Governance and Public Policy, 6(2). <https://doi.org/10.18196/jgpp.62111>

2. Evaluate Socio-Economic Implications:

- **Objective:** To evaluate the socio-economic implications of inheritance laws on women's empowerment and their overall contribution to national development.
- **Elaboration:** This includes assessing how inheritance laws affect women's access to resources, education, and healthcare, as well as their ability to participate in economic activities. The goal is to understand whether these laws perpetuate or alleviate gender disparities in wealth distribution.

3. Investigate Reform Efforts and Legal Developments:

- **Objective:** To investigate and document the reforms undertaken to address discriminatory practices and promote gender-equitable inheritance rights, as well as recent legal developments in Bangladesh pertaining to women's property rights.
- **Elaboration:** This involves studying the impact of legal reforms on women's economic empowerment, focusing on citizenship and gender justice. The study should also identify areas where further reforms are needed.

4. Analyze Women's Awareness of Inheritance Rights:

- **Objective:** To gauge the level of awareness among women in Bangladesh regarding their inheritance rights under different legal frameworks.
- **Elaboration:** This involves assessing women's understanding of their rights and the factors that influence their knowledge, such as education, socio-economic status, and access to information.

5. Identify Challenges Faced by Women:

- **Objective:** To identify and analyze the challenges faced by women in claiming their inheritance rights.
- **Elaboration:** This includes examining legal, social, economic, and cultural barriers that prevent women from accessing their rightful

inheritance. It also involves studying the role of patriarchal norms, discriminatory practices, and institutional biases in perpetuating these challenges.

6. Provide Policy Recommendations:

- **Objective:** To provide concrete and actionable policy recommendations to address existing disparities and promote gender equity in inheritance rights.
- **Elaboration:** Based on the research findings, the study should propose specific legal reforms, social awareness campaigns, and empowerment strategies to improve women's access to and control over inherited property.

7. Explore the Role of Social Awareness:

- **Objective:** To explore the importance of social awareness programs in empowering women to claim their inheritance rights.
- **Elaboration:** This involves identifying effective strategies for raising awareness about women's rights and challenging discriminatory practices through community-based interventions and educational initiatives.

By elaborating on these objectives, this paper can provide a comprehensive analysis of the inheritance rights of women in Bangladesh and offer practical recommendations for promoting gender equity and empowering women economically.

1.4 Research Questions

The study aims to answer critical questions, such as how Islamic and customary laws affect women's inheritance rights differently, and what socio-economic factors impede the implementation of these rights ([Adolwine & Dudima, 2010](#)). It also investigates the legal and social mechanisms available to women for claiming their inheritance and the

obstacles they face in accessing these resources (Talukdar, 2019).⁷ Furthermore, it seeks to evaluate the effectiveness of current legal reforms and interventions in promoting gender-equitable inheritance practices, and to explore the potential for further legal and social reforms to strengthen women's inheritance rights in Bangladesh. It is also important to understand how cultural interpretations of religious and customary laws impact women's perceptions and experiences of inheritance, and what strategies can be employed to challenge discriminatory interpretations and promote a more equitable understanding of inheritance rights.

Finally, this study seeks to identify the gaps between the legal framework and its practical application, proposing recommendations to bridge these gaps and ensure that women can fully realize their inheritance rights, thereby contributing to their empowerment and social justice.

The research will also address the role of access to justice, technical know-how, and legal awareness in empowering women to claim their rightful inheritance. This includes analyzing the implementation of relevant regulations, focusing on the roles of government agencies and non-governmental organizations.

Here are some potential research questions for your thesis on the inheritance rights of women in Bangladesh

- How do the existing legal frameworks in Bangladesh interact to define and regulate women's inheritance rights?
- What are the socio-economic implications of inheritance laws on women's empowerment, access to resources, and overall contribution to national development?
- What reforms have been undertaken to address discriminatory practices and promote gender-equitable inheritance rights in Bangladesh?

⁷ Obstacles to Political Participation of the Elected Female Representatives in the Local Governance of Bangladesh. *Bangladesh Journal of Public Administration*, 25(2).
<https://doi.org/10.36609/bjpa.v25i2.30>

- What is the level of awareness among women in Bangladesh regarding their inheritance rights under different legal frameworks?
- How effective are social awareness programs in empowering women to claim their inheritance rights?
- What concrete policy recommendations can be formulated to address existing disparities and promote gender equity in inheritance rights?
- How can legal reforms, social awareness campaigns, and empowerment strategies improve women's access to and control over inherited property?

These research questions should help this study to comprehensively investigate the inheritance rights of women in Bangladesh and provide a foundation for this research paper.

1.5 Scope of the Study

The geographical scope will primarily focus on selected regions within Bangladesh, encompassing both urban and rural areas to capture diverse socio-economic contexts. This will allow for a comprehensive understanding of how inheritance laws and practices vary across different settings and affect women's lives differently. The study will consider various socio-economic factors, including education, employment, and marital status, to assess their impact on women's ability to exercise their inheritance rights.

The research will identify key issues and challenges faced by women, such as wage disparities and limited access to social security benefits.

The scope of this study will primarily focus on examining the inheritance rights of women in Bangladesh, with an emphasis on legal frameworks, socio-economic implications, and reform efforts. The study will cover the following key areas:

1. Legal and Regulatory Frameworks:

- **Focus:** Analyzing the existing legal provisions related to women's inheritance rights, including Islamic law, customary practices, and statutory laws in Bangladesh.
- **Scope:** Examining the strengths and weaknesses of each legal framework and identifying areas of conflict or ambiguity that may disadvantage women.

2. Socio-Economic Implications:

- **Focus:** Evaluating the socio-economic implications of inheritance laws on women's empowerment and their contribution to national development.
- **Scope:** Assessing how these laws affect women's access to resources, education, and healthcare. This includes understanding whether inheritance laws perpetuate or alleviate gender disparities in wealth distribution. The editor highlights that empowering women economically supports macroeconomic stability and sustainable economic growth.

3. Reform Efforts and Legal Developments:

- **Focus:** Investigating and documenting the reforms undertaken to address discriminatory practices and promote gender-equitable inheritance rights, as well as recent legal developments in Bangladesh pertaining to women's property rights.
- **Scope:** Studying the impact of legal reforms on women's economic empowerment, focusing on citizenship and gender justice. The study should also identify areas where further reforms are needed. The editor suggests that improving gender equality through education and eliminating customary laws that sustain gender inequality are crucial steps.

4. Empirical Investigation:

- **Focus:** Gathering empirical data on women's experiences with inheritance laws in Bangladesh through surveys, interviews, or case studies (as detailed in Chapter 6 of the document provided).
- **Scope:** Assessing women's awareness of their inheritance rights, the challenges they face in claiming their inheritance, and the socio-economic factors influencing these outcomes.

5. Policy Recommendations:

- **Focus:** Formulating concrete and actionable policy recommendations to address existing disparities and promote gender equity in inheritance rights.
- **Scope:** Proposing specific legal reforms, social awareness campaigns, and empowerment strategies to improve women's access to and control over inherited property. The editor emphasizes the importance of ensuring women's property rights to improve income levels, education, and health outcomes.

6. Geographical and Contextual Boundaries:

- **Focus:** The study will primarily focus on the context of Bangladesh, considering its unique socio-cultural and legal environment.
- **Scope:** While drawing insights from other relevant contexts, the primary focus will remain on addressing the specific challenges and opportunities within Bangladesh.

By clearly defining the scope, the study can provide a focused and comprehensive analysis of the inheritance rights of women in Bangladesh, leading to meaningful insights and recommendations.

1.6 Significance of the Study

This study holds significant importance for several reasons, addressing critical gaps in the understanding of women's inheritance rights and their broader socio-economic implications.

This study on the inheritance rights of women in Bangladesh holds significant importance for several reasons:

1. Addressing Gender Inequality:

- **Significance:** The study directly addresses gender inequality by examining the legal, socio-economic, and cultural factors that impact women's access to and control over inherited property.
- **Explanation:** By highlighting disparities and challenges, the research can inform policies and interventions aimed at promoting gender equity and empowering women economically.

2. Promoting Economic Empowerment:

- **Significance:** The research contributes to understanding how inheritance laws affect women's economic empowerment and their overall contribution to national development.
- **Explanation:** Empowering women economically supports macroeconomic stability and sustainable economic growth. By ensuring women's property rights are upheld, it can lead to improved income levels, better education, and enhanced health outcomes.

3. Informing Legal and Policy Reforms:

- **Significance:** The study provides valuable insights for legal and policy reforms aimed at promoting gender-equitable inheritance rights.
- **Explanation:** By identifying the strengths and weaknesses of existing legal frameworks and documenting the impact of reform efforts, the research can guide policymakers in developing more effective and inclusive laws. The editor suggests that improving gender equality through education and eliminating customary laws that sustain gender inequality are crucial steps.

4. Enhancing Social Justice:

- **Significance:** The research contributes to enhancing social justice by addressing discriminatory practices and promoting equal rights for women.

- **Explanation:** Ensuring women's property rights are upheld is vital for fostering a more just and equitable society, where all individuals have equal opportunities and access to resources.

5. Reducing Vulnerability to Violence:

- **Significance:** The study touches on the correlation between women's property ownership and their vulnerability to domestic violence.
- **Explanation:** Research indicates that women who own productive assets are less likely to experience domestic violence. By promoting secure inheritance rights, the study can contribute to reducing violence against women and enhancing their overall safety and well-being.

6. Contributing to Sustainable Development Goals:

- **Significance:** The research aligns with the United Nations' Sustainable Development Goals, particularly those related to gender equality and economic empowerment.
- **Explanation:** Empowering women through access to financial services and entrepreneurial opportunities increases their agency and decision-making power, leading to improved socio-political status.

7. Providing Empirical Evidence:

- **Significance:** The study includes an empirical investigation of women's experiences with inheritance laws in Bangladesh.
- **Explanation:** By gathering data on women's awareness of their inheritance rights, the challenges they face in claiming their inheritance, and the socio-economic factors influencing these outcomes, the research provides valuable empirical evidence to inform policy and practice.

8. Offering Practical Recommendations:

- **Significance:** The study offers concrete and actionable policy recommendations to address existing disparities and promote gender equity in inheritance rights.

- **Explanation:** These recommendations can guide policymakers, legal professionals, and civil society organizations in their efforts to promote women's rights and empowerment.

By addressing these key areas, this paper can significantly contribute to advancing gender equality, promoting economic empowerment, and enhancing social justice in Bangladesh.

1.7 Methodology

The research methodology will employ a mixed-methods approach, integrating both quantitative and qualitative data collection and analysis techniques to provide a comprehensive understanding of the inheritance rights of women in Bangladesh ([Joshi et al., 2019](#)).⁸ This approach will ensure a nuanced and holistic perspective, capturing both the statistical trends and the lived experiences of women affected by inheritance laws.

The study will utilize surveys to gather statistical data, in-depth interviews to capture personal narratives, and legal analysis to dissect relevant laws ([Khan, 2010](#)). This mixed-methods design facilitates a robust and rigorous examination of the research questions ([Clément et al., 2019](#)). Qualitative methods will explore lived experiences, while quantitative methods will identify patterns and trends. Semi-structured interviews will be conducted with women, legal experts, and religious scholars to gather detailed insights into the practical application and interpretation of inheritance laws. The data collected will be analyzed using both statistical software and qualitative coding techniques, allowing for a triangulation of findings that enhances the validity and reliability of the study. This comprehensive strategy aims to provide a holistic and context-rich understanding of the subject matter.

The key methodological aspects of this paper on women's inheritance rights in Bangladesh:

⁸ Women's Asset Ownership: Evidence from Georgia; Mongolia; and Cavite, Philippines. SSRN Electronic Journal. <https://doi.org/10.2139/ssrn.3343988>

1. Research Question & Objectives:

- Briefly introduce the main research question(s) that the study aims to address. For instance: "This study investigates the challenges and opportunities related to women's inheritance rights in Bangladesh and their impact on socio-economic empowerment."
- Outline the specific objectives of the research, such as: "To assess the awareness of inheritance laws among women, to identify barriers to claiming inheritance, and to analyze the socio-economic implications of these rights."

2. Mixed Methods Approach:

- Mention that the study employs a mixed-methods approach, integrating both quantitative and qualitative research methods.
- Explain why a mixed-methods approach is suitable for this research topic, noting that it allows for a comprehensive understanding of the issue by combining statistical insights with in-depth narratives.

3. Data Collection Overview:

- Provide a brief overview of the primary data collection methods used in the study.
 - For example: "Data was collected through structured surveys with a representative sample of women, as well as in-depth interviews with women, legal experts, and community leaders."

4. Target Population & Sampling:

- Briefly describe the target population and the sampling strategy used to select participants.
 - For instance: "The target population includes women from diverse socio-economic backgrounds in Bangladesh. A multi-stage stratified random sampling technique was employed to ensure representation across different regions and socio-economic strata."

5. Significance of the Study:

- Emphasize the importance of studying women's inheritance rights in the context of Bangladesh, highlighting its relevance to gender equality, economic empowerment, and sustainable development goals.
 - For example: "Understanding and addressing the disparities in inheritance rights is crucial for fostering financial stability among women, which is essential for buffering economic shocks and enhancing their capacity to manage finances effectively".

By including these methodological elements in the introduction, this paper provide readers with a clear understanding of the research approach and its significance, setting the stage for a more detailed discussion in the methodology chapter. The findings of this research, conclusive statements about inheritance rights, and policy recommendations can address existing disparities and promote gender equity.

Chapter 2

Literature Review

2.1 Theoretical Framework

This chapter reviews existing literature from feminist perspectives, legal anthropology, and socio-legal studies to assess the current state of knowledge on women's inheritance rights. It also identifies gaps in research and lays the groundwork for subsequent analysis. The review includes laws, judgments, books, and journals related to women's rights.

The theoretical framework examines how gender intersects with legal and social norms to affect inheritance practices ([Abusharaf, 2006](#)).⁹

By applying feminist and human rights concepts, the study emphasizes the necessity of women's involvement in Bangladesh by ensuring their freedom. The research also uses literary sociology and feminism to understand inheritance issues ([Dwipayana & Astawan, 2021](#)).¹⁰ This perspective enables a thorough investigation of legal and societal structures that perpetuate inequality ([Thampi, 2017](#)).¹¹

⁹ Women in Islamic Communities: The Quest for Gender Justice Research. *Human Rights Quarterly*, 28(3), 714. <https://doi.org/10.1353/hrq.2006.0027>

¹⁰ THE DOMINATION OF PATRIARCHISM IN INHERITANCE CUSTOMARY SYSTEMS. *RETORIKA Jurnal Bahasa Sastra Dan Pengajarannya*, 14(1), 1. <https://doi.org/10.26858/retorika.v14i1.13874>

¹¹ A RESEARCH PROJECT ON SEXISM IN INDIAN LAWS- A JURISUDENTIAL ENQUIRY. *PEOPLE International Journal of Social Sciences*, 1(1), 782. <https://doi.org/10.20319/pijss.2015.s21.782796>

It facilitates a deeper examination of legal and social systems that perpetuate disparity. It also identifies legal interpretation viewpoints and how they affect women in Bangladesh.

Through literature and legal analysis, the study thoroughly examines the intersection of legislation, custom, and gender in inheritance disputes ([Rao, 2019](#)).

By analyzing diverse theoretical viewpoints, the research aims to provide new insights into inheritance practices and their consequences on Bangladeshi women.

2.2 Islamic Inheritance Law

Islamic law is viewed as a complete approach that protects both men and women, emphasizing the significance of education and societal duties ([Al-Muqbil, 2021](#)).

¹²Islamic law is rooted in the Quran and Sunnah and has been interpreted differently across cultures and time. Different interpretations of Islamic law have resulted in varied inheritance practices, impacting women's rights in different ways.

The application of Islamic law in Bangladesh reflects these varied interpretations, influencing how women's inheritance rights are upheld or undermined ([Emon & Khaliq, 2021](#)).

This necessitates an understanding of the socio-cultural context in which these laws are applied to grasp their practical implications fully.

The Muslim feminist movement advocates for reinterpreting sacred texts to eliminate male-biased perspectives and achieve equality for women in Muslim families. This involves reconsidering traditional interpretations of religious texts and advocating for legal reforms that promote gender justice. Analyzing these interpretations is crucial for understanding the complexities of gender and authority within Islamic legal frameworks. Scholars argue that while Islamic law intends to provide justice, its interpretation and application may sometimes result in unequal outcomes, necessitating a critical evaluation of its effects on women's rights. Such reinterpretations seek to

¹² THE LEGAL PURPOSES OF WOMEN'S EMPLOYMENT. *Psychology and Education Journal*, 58(2), 1658. <https://doi.org/10.17762/pae.v58i2.2321>

reveal the underlying principles of justice and equality inherent in Islamic teachings ([Saiful et al., 2020](#)).¹³

These efforts highlight the ongoing discourse within Islamic jurisprudence concerning gender equality and the necessity of contextualizing religious laws within contemporary societal norms.

Examining legal texts and scholarly interpretations provides insights into the nuances of Islamic inheritance law and its implications for gender equity. It facilitates a comprehensive understanding of the current legal landscape and the possible routes for change ([Gallala-Arndt, 2015](#)).

This analysis is essential for advocating legal reforms that promote gender justice within Islamic frameworks.

2.3 Customary Laws in Bangladesh

Customary laws in Bangladesh, often entwined with local traditions and cultural norms, significantly influence the inheritance rights of women, particularly in rural areas.

These customs frequently differ from formal legal frameworks, resulting in inconsistencies in how inheritance is practiced ([Abdennour, 2021](#)).¹⁴ These customary practices frequently marginalize women, denying them equitable access to ancestral property and resources ([Syed & Buren, 2014](#)).¹⁵ It is important to investigate how these customs interact with formal legal systems and how they affect women's capacity to exercise their inheritance rights. Understanding these dynamics is crucial for addressing disparities and promoting legal reforms that protect women's inheritance rights in accordance with constitutional principles ([Derichs, 2010](#)).¹⁶ Understanding the degree

¹³ Gender Equality Perspective and Women Position in Islam. <https://doi.org/10.2991/assehr.k.200306.212>

¹⁴ THE PREEMINENCE OF CUSTOMARY LAW IN ARAB SOCIETIES AN ANTHROPOLOGY STUDY IN RURAL AREAS. Zenodo (CERN European Organization for Nuclear Research). <https://doi.org/10.5281/zenodo.5704213>

¹⁵ Global Business Norms and Islamic Views of Women's Employment. *Business Ethics Quarterly*, 24(2), 251. <https://doi.org/10.5840/beq201452910>

¹⁶ Transnational Women's Movements and Networking. *Gender Technology and Development*, 14(3), 405. <https://doi.org/10.1177/097185241001400306>

to which customary practices deviate from codified laws is essential to comprehending the difficulties women encounter in obtaining their fair share of inherited wealth. Examining the causes of these customs and their long-term effects on gender equality is essential for formulating effective interventions and legal reforms. Such interventions should aim to harmonize customary practices with constitutional guarantees of gender equality, ensuring that women are not disadvantaged by discriminatory traditions ([Patwari, 1991](#)).¹⁷ This examination reveals possibilities for change and empowerment, promoting women's rights and social justice ([Artina, 2020](#)).¹⁸

Customary laws in Bangladesh are intricately linked to social structures and power dynamics, reinforcing gender inequalities and limiting women's autonomy. These structures frequently legitimize discriminatory practices, preventing women from fully exercising their rights to property and inheritance. Therefore, understanding these dynamics is essential for promoting gender equality and empowering women within inheritance practices ([Nasrin, 2019](#)).¹⁹ Examining the historical and cultural origins of these customs elucidates their endurance and influence on gender roles in society. Analyzing power dynamics and social norms within customary law frameworks is essential for dismantling barriers that impede women's access to inheritance and property. It also unveils the complex interplay between formal legal systems and informal social practices. Such an understanding facilitates the development of strategies to challenge discriminatory customs and promote women's empowerment within inheritance systems. Rule of law reformers must consider the lessons of colonialism to avoid repeating past mistakes ([Pimentel, 2010](#)).²⁰ By incorporating constitutional principles into customary law, it can evolve to ensure women's equal participation in traditional leadership and inheritance ([Chauke, 2015](#))²¹ ([Malan,](#)

¹⁷ Legal system of Bangladesh. <http://ci.nii.ac.jp/ncid/BA29775980>

¹⁸ Philosophy of Gender Justice in the Indigenous Malay People in Siak Sri Indrapura Regency. <https://doi.org/10.2991/assehr.k.200529.294>

¹⁹ The Approach of CEDAW towards Violence against Women: A Feminist Legal Assessment. SSRN Electronic Journal. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3833843

²⁰ Rule of Law Reform Without Cultural Imperialism? Reinforcing Customary Justice Through Collateral Review in Southern Sudan. *Hague Journal on the Rule of Law*, 2(1), 1. <https://doi.org/10.1017/s1876404510100013>

²¹ The Role of Women in Traditional Leadership with Special Reference to the Valoyi Tribe. *Studies of Tribes and Tribals*, 13(1), 34. <https://doi.org/10.1080/0972639x.2015.11886709>

[2017](#)).²² These structural inequalities must be addressed to promote gender justice and women's empowerment in Bangladesh.

This requires a thorough investigation of the socio-cultural factors that perpetuate these inequalities and the development of targeted interventions to challenge them. These interventions should focus on empowering women through legal literacy programs and promoting their active participation in decision-making processes that affect inheritance practices. These initiatives should aim to shift attitudes and promote gender-equitable norms within communities ([Bendaña & Chopra, 2013](#)).²³

These efforts should also address the underlying power dynamics that perpetuate gender inequality and prevent women from fully realizing their rights. Analyzing the interplay between formal laws and customary practices reveals the difficulties in implementing legal reforms that protect women's inheritance rights. This necessitates addressing the underlying social norms and power dynamics that sustain discriminatory practices ([Agarwal, 2001](#)).²⁴ Moreover, states have failed to pursue policies with a genuine letter and spirit. Addressing legal impediments is crucial for women's economic empowerment, necessitating the development of supportive legal frameworks. Understanding the nuanced relationship between statutory laws and customary practices can pave the way for successfully integrating women into traditional leadership and inheritance frameworks ([Tchoukou, 2020](#)).²⁵

This entails all stakeholders working together to create an inclusive legal environment that respects both statutory rights and cultural practices, hence ensuring justice and equality for women in Bangladesh. Such an environment necessitates legislative reforms and community-based initiatives that challenge discriminatory customs and advance women's empowerment. These initiatives should also seek to increase legal

²² Recent Developments Regarding South African Common and Customary Law of Succession. *Potchefstroom Electronic Law Journal/Potchefstroomse Elektroniese Regsblad*, 10(1), 106. <https://doi.org/10.17159/1727-3781/2007/v10i1a2794>

²³ Women's Rights, State-Centric Rule of Law, and Legal Pluralism in Somaliland. *Hague Journal on the Rule of Law*, 5(1), 44. <https://doi.org/10.1017/s1876404512001029>

²⁴ Participatory Exclusions, Community Forestry, and Gender: An Analysis for South Asia and a Conceptual Framework. *World Development*, 29(10), 1623. [https://doi.org/10.1016/s0305-750x\(01\)00066-3](https://doi.org/10.1016/s0305-750x(01)00066-3)

²⁵ A Conceptual Framework for Regulating Customary Law within Pluralistic African States: Reassessing Justice Sector Reforms for Reconciling Legal Traditions. *Global Journal of Comparative Law*, 9(2), 245. <https://doi.org/10.1163/2211906x-00902004>

awareness and provide resources for women to assert their inheritance rights ([Miah, 2017](#)).²⁶

These initiatives should also aim to address factors such as poverty, early marriage, and lack of education that disproportionately affect women's ability to claim their inheritance. These multifaceted strategies will promote women's economic empowerment and gender equality in Bangladesh. Designing financial products tailored to women's needs can also bolster their economic roles, broadening available opportunities. Empowering women through education, skill development, and enhanced self-confidence is crucial for fostering their leadership and ensuring their active participation in economic and social spheres. A proper job and source of income are the main components for women's economic development or empowerment. By gaining more economic power, women gain more influence in household decision-making and are able to spend money on areas they want, such as health, nutrition, and education.

Understanding and addressing these barriers is crucial for policymakers and practitioners seeking to enhance women's financial inclusion and harness the full potential of economic empowerment initiatives. Financial inclusion, achieved through microfinance programs, has been shown to increase women's economic empowerment by improving their decision-making power and overall financial stability. Ensuring women's effective involvement in all spheres of life is integral to national development priorities.

Gender equality promotes women's participation in the formal financial system, underscoring its importance in achieving broader developmental goals. Greater financial inclusion of women, through access to bank accounts and credit, significantly contributes to economic development, enhancing their physical and social well-being. For example, women merchants with bank accounts tend to invest more in their businesses, while female-headed households often increase spending on education after opening savings accounts. These resources and access to financial services, such as credit and training, are vital for women's economic empowerment through small and medium enterprises. Financial literacy initiatives are vital, fostering awareness and

²⁶ The Effectiveness of Restorative Justice Practice in Bangladesh: An Analysis. *Humanities and Social Sciences*, 5(5), 176. <https://doi.org/10.11648/j.hss.20170505.13>

skills necessary for effective financial management and empowerment. Such microfinance initiatives empower women, especially in rural areas, by offering them opportunities for economic development through savings, credit, and insurance. Digital and financial literacy plays a crucial role in empowering women and achieving the United Nations Sustainable Development Goals. Financial inclusion increases the pool of capital available for investment, which is crucial for economic growth. It also leads to greater labor force participation and an increase in financial capability, enhancing the social stability of families. Financial inclusion is viewed as a catalyst for economic development and an enabler to achieving the Sustainable Development Goals. Digital financing is critical to increasing inclusiveness, enabling quick financial decisions for literate individuals. Digital financial inclusion leverages technology to provide financial services to vulnerable populations, supporting economic growth and broader development goals. Digital financial inclusion is a potent tool for bolstering the growth and stability of micro-enterprises by offering access to various financial services and promoting financial literacy. These digital platforms facilitate the delivery of financial services to remote areas, increasing financial inclusion and advancing progress towards the Sustainable Development Goals. Financial inclusion enables investment opportunities regardless of an individual's parental wealth.

2.4 Comparative Analysis of Islamic and Customary Laws on Women's Inheritance

The digitalization of financial services can significantly enhance women's social and financial autonomy, necessitating a gender-sensitive approach to policy initiatives. Digital financial inclusion can improve bank efficiency, highlighting the importance of incorporating digital technologies into the financial sector. This approach can reduce service costs, expand service boundaries, and improve service quality. The expansion of financial access and literacy through digital means is essential, particularly in regions where traditional financial literacy rates are low. This expansion has a positive impact on economic growth by reducing poverty levels and promoting financial inclusion through modern digital technology. Digital inclusive finance integrates technological and financial innovation, broadening participation and coverage across various sectors. It addresses information asymmetry and high transaction costs, thereby fostering more

inclusive financial systems. It can also boost financial inclusion in low-income countries, supporting financial stability and reducing socioeconomic inequalities.

It is an essential tool to reduce income inequality and promote financial inclusion, especially in rural areas. Ensuring women's empowerment over their inheritance rights requires a comprehensive understanding of both Islamic and customary laws, which either protect or hinder their economic independence.

2.5 Gaps in Existing Literature

Despite advancements in understanding women's rights, there remains a gap in comprehensively comparing the practical application and socio-economic impacts of Islamic and customary laws on women's inheritance in Bangladesh. This gap highlights the need for in-depth research that assesses how these legal frameworks affect women's access to resources, economic empowerment, and social status. Such research should also consider the roles of digitalization and innovation in promoting sustainable development within the context of Islamic finance, which emphasizes equitable wealth distribution and poverty alleviation. This exploration should align with international agendas aimed at improving societal well-being, particularly in developing countries, where financial inclusion supports multiple Sustainable Development Goals, including poverty elimination, gender equality, and economic growth. Further research is needed to understand how digital literacy and technology adoption can synergize to address financial inclusion challenges in emerging economies. This necessitates addressing factors such as poor infrastructure, financial illiteracy, and the digital divide that disproportionately affect women. Addressing these challenges through digital technologies offers affordable and convenient avenues for women to save, make payments, access credit, and obtain insurance. These efforts must also tackle socio-cultural norms that restrict women's access to and meaningful use of digital devices. Continued research should focus on how local and national policies can enhance women's use of technology to support their lives and families, addressing the digital and financial service access barriers they face.

Chapter 3

Islamic Law on Inheritance: Principles and Application

3.1 Core Principles of Islamic Inheritance Law

These principles, derived from the Quran and Sunnah, establish a structured framework for distributing the estate of a deceased person among their legal heirs ([Juliandi, 2022](#)).

²⁷The primary objective is to ensure that the distribution is fair, just, and in accordance with divine injunctions. These rules are intricately designed to prevent fragmentation of wealth and to provide for the needs of various family members, with specific shares allocated to different categories of heirs.

The determination of these shares is rooted in the degree of kinship with the deceased, ensuring that those closest in relation receive a more substantial portion. This system aims to balance the economic needs of the surviving family members while adhering to religious mandates. Furthermore, the application of these principles reflects a comprehensive understanding of familial responsibilities and societal norms. The flexibility within Islamic law allows for adaptation to different cultural contexts, yet the core tenets remain immutable, providing a universal framework for inheritance distribution. Islamic wealth management, grounded in Maqasid al-Shariah, aims to safeguard assets and orient them towards offspring, emphasizing welfare and blessings. This approach aligns with the broader goals of preserving family wealth and promoting social stability. The meticulous allocation of inheritance rights, as detailed in the Quran, ensures fairness and considers the needs of all beneficiaries.

These rights are designed to support family members economically, acknowledging both men's and women's roles within the family structure ([Syed & Buren, 2014](#)).

²⁸Islamic inheritance law includes thirty-five verses of the Quran that refer to 'Mirath'

²⁷ Demanding Equal Inheritance Rights For Women: Tension Among Shari'a and Tunisia's New Constitution 2014. *Al-Ahkam Jurnal Ilmu Syari'ah Dan Hukum*, 7(2), 177. <https://doi.org/10.22515/alakhkam.v7i2.6259>

²⁸ Global Business Norms and Islamic Views of Women's Employment. *Business Ethics Quarterly*, 24(2), 251. <https://doi.org/10.5840/beq201452910>

or its derivatives, with specific details of inheritance shares outlined in three main verses and testamentary dispositions addressed in at least seven verses. This reflects the significance of inheritance laws in Islamic jurisprudence and their comprehensive approach to wealth distribution. According to Islamic law, the distribution of assets depends on whether the family is together, one parent has died, or both parents have died. This distribution ensures that even in varying family circumstances, the rights of all eligible heirs are protected.

The Islamic system emphasizes universal faith, brotherhood, social equality, and fairness in economic activities.

Islam promotes the protection of public goods and limits individual ownership while prohibiting usury, and Islamic banking is based on the notion of zero interest and risk sharing. Islamic finance operates on principles of socioeconomic justice, sustainable growth, and ethical considerations, avoiding usury, gambling, and investments in harmful industries, thereby fostering equitable wealth distribution and protecting vulnerable populations from predatory lending. Islamic finance emphasizes balancing religious duties with societal responsibilities, ensuring that financial activities benefit both individuals and the community.

3.2 Categories of Heirs in Islamic Law

These categories include primary heirs such as spouses, children, and parents, each entitled to a predetermined share, and residual heirs who inherit what remains after the primary shares have been allocated ([Muhammad & Shazari, 2022](#)).²⁹ The shares are meticulously calculated based on the familial relationship with the deceased, ensuring that the distribution is both equitable and in line with religious guidelines. The system also addresses complex scenarios, such as the presence of multiple wives or children from different marriages, providing a comprehensive framework for all possible contingencies. Moreover, Islamic law emphasizes the protection of children and has implemented various measures for their care. The Quran contains specific verses detailing inheritance shares, highlighting the divine origin of these laws ([Pumbaya &](#)

²⁹ ISSUES AND CHALLENGES IN MANAGING LAND INHERITANCE: A STUDY AMONG SYARIE LAWYERS IN SELANGOR. *International Journal of Law Government and Communication*, 7(28), 254. <https://doi.org/10.35631/ijlgc.728019>

[Syukur, 2014](#)).³⁰ This demonstrates Islam's commitment to family welfare and the avoidance of disputes over property.

The interpretation of these verses by Islamic scholars further elucidates the nuances of inheritance distribution, adapting the general principles to specific situations and contexts.

Understanding these categories is essential for the just application of Islamic inheritance law, especially in Muslim-majority countries like Bangladesh, where these laws significantly impact family wealth distribution. Additionally, mechanisms like waqf and hibah allow for the strategic allocation of assets, providing solutions for heirs and supporting community development. These mechanisms can ensure continued benefits for descendants and charitable causes, reflecting the comprehensive nature of Islamic financial planning.

These methods ensure compliance with Sharia principles while addressing contemporary financial needs.

These instruments facilitate the distribution of wealth in a manner that aligns with both religious and socioeconomic objectives. Islamic law further recognizes the importance of family lineage and the rights of both male and female heirs, although the shares may differ based on gender roles and responsibilities.

Cash waqf, along with investments in productive assets, demonstrates Islam's commitment to alleviating poverty and promoting economic welfare. This approach facilitates philanthropy and supports the welfare of the needy and society. By implementing instruments such as waqf, zakat, and qard al-Hasan, societies can foster social justice and reduce economic disparities. These instruments facilitate the distribution of wealth in a manner that aligns with both religious and socioeconomic objectives. Such practices encourage the redistribution of wealth and ensure that economic benefits reach all segments of society. The effective management of family wealth through Islamic principles not only ensures compliance with religious duties but also fosters economic stability and social welfare. The Islamic social finance ecosystem, underpinned by institutions like Zakat and Waqf, enhances social security and supports infrastructure development, thereby addressing societal needs and

³⁰ Muslims' Inheritance Law in Mindanao – Philippines: A Guide for Beginners.

promoting communal well-being. Fintech innovations can enhance the efficiency and transparency of waqf management, promoting broader societal benefits. Waqf properties, when invested strategically, can support infrastructure development and address financial exclusion, particularly benefiting vulnerable populations. Waqf can be utilized to support social welfare activities and provide revenue for community development. Through Zakat, societies can assure a minimum standard of living, creating a robust social security system. Waqf's ability to overcome socio-economic challenges highlights the Muslim community's commitment to addressing these issues. Waqf, along with zakat institutions, strengthens socioeconomic status and addresses social problems. Waqf's flexibility allows it to support various community needs, including education, healthcare, and poverty alleviation. Compared to Zakat, Waqf provides flexibility in fund utilization, serving both Muslims and non-Muslims and supporting initiatives like animal protection and environmental conservation. This illustrates the broad potential of Waqf in advancing societal welfare. Waqf can also support infrastructure institutions, improve corporate governance, and reduce the cost of doing business. These initiatives can significantly impact the economic empowerment of women, providing them with the means to secure their financial future and contribute to the broader economy. Islamic financial planning emphasizes both religious observance and socioeconomic advancement, ensuring comprehensive well-being.

Waqf aims to bridge gaps in public goods provision, offering food, water, education, and employment, while also supporting infrastructure and justice. Waqf facilitates the provision of essential services and promotes social well-being.

3.3 Calculation of Inheritance Shares: Fixed and Variable Shares

The calculation of inheritance shares in Islamic law involves a complex interplay of fixed and variable shares, tailored to the specific composition of the deceased's family.

Fixed shares, as prescribed in the Quran, allocate specific portions to primary heirs such as spouses, parents, and children, ensuring their entitlements are met before the distribution of variable shares. These fixed shares are designed to provide a baseline level of support, reflecting the close familial ties and the responsibilities the deceased had towards these individuals. Variable shares, on the other hand, are distributed among the residual heirs, with the allocation dependent on the number and relationship of these

heirs to the deceased. The intricacies of these calculations necessitate a thorough understanding of both the Quranic verses and the interpretive jurisprudence developed over centuries by Islamic scholars. This system aims to address various possible family structures and circumstances, ensuring that no rightful heir is overlooked ([“The Core Principles for Islamic Finance Regulations and Assessment Methodology,” 2018](#)).³¹

The principles of fairness and justice are paramount, with mechanisms in place to prevent any single heir from unduly benefiting at the expense of others. Moreover, Islamic law incorporates provisions for addressing unforeseen circumstances, such as the existence of unborn children or missing heirs, further demonstrating its comprehensive nature. This reflects a holistic approach that balances individual rights with communal welfare. Additionally, Islamic financial instruments like Sharia-compliant insurance can facilitate waqf, ensuring continued benefits for heirs and charitable causes, reflecting the comprehensive nature of Islamic financial planning. These instruments also promote ethical investing and discourage practices that could harm society.

These methods ensure compliance with Sharia principles while addressing contemporary financial needs ([Hare, 1979](#)).³²

Furthermore, the emphasis on consciousness and afterlife accountability influences financial behavior, promoting responsible stewardship of resources. Wakf, as a form of endowment, allows for assets to be dedicated to religious, educational, or charitable purposes, providing long-term benefits to the community.

This institution supports social welfare by transferring wealth from private ownership to public utility. Waqf ensures essential services are available and supports community and societal needs. Waqf can attract funds from people of all means, further mobilizing resources if fiqh and awqāf laws accept usufructs and financial rights as the basis for a waqf. Cash waqf, in particular, serves as a financial intermediary, channeling smaller charitable amounts into socio-economic welfare sub-systems like education and healthcare. This adaptability underscores the enduring relevance of waqf in addressing

³¹ The Core Principles for Islamic Finance Regulations and Assessment Methodology. (2018). MF Policy Paper, 18(28), 1. <https://doi.org/10.5089/9781498308496.007>

³² Justice and Equality. *Dialectics and Humanism*, 6(4), 17. <https://doi.org/10.5840/dialecticshumanism1979644>

contemporary challenges and fostering sustainable development. Waqf funds can be utilized for a wide range of welfare services for both Muslims and non-Muslims, and even extend to initiatives like animal protection and environmental conservation. Waqf can also build infrastructure institutions, improve corporate governance, and reduce business costs. Decades of mismanagement and a lack of innovation, however, have led to the underutilization of waqf assets, especially in regions where they could significantly contribute to poverty alleviation and social development ([Bello, 2009](#)) ([“Institutionalising ‘Waqf’ for Realising the Shared Development Objective by Islamic Banks and Financial Institutions,” 2018](#)). Proper management and reformation of waqf institutions can harness their potential to enhance the income of Muslim society and develop education, health facilities, and defense equipment. Therefore, there is an opportunity for people of all income levels to contribute to waqf, furthering the cause of waqf development and providing social goods and services. This approach integrates zakat and waqf with financial literacy, adapting them through modern finance to address changes in personal finances. Waqf is considered a form of worship in Islam, with assets managed by nadzir for the welfare of the people ([Harahap & Yus, 2022](#)).³³ This ensures the continuity of charitable activities and the sustainable support of community needs. Waqf also offers prospects for economic progress for the sake of social well-being and can be an essential tool for socio-economic advancement in Muslim communities, enhancing education, healthcare, infrastructure, and job opportunities.

Zakat, Infaq, Sadaqat, and Waqf are options for Islamic funding sources, and can be used for business, investment, social facilities, and other productive activities. These mechanisms collectively ensure a comprehensive approach to wealth distribution, aligning with Islamic principles of equity and social responsibility.

Waqf can be a sustainable means of mobilizing funds from the Muslim community, combining flexibility and sustainability to address socio-economic challenges and promote development in Muslim countries. Furthermore, Waqf can be boosted by digital technology to support existing Waqf management by using productive instruments and utilizing digital technology facilities that have developed. Waqf

³³ Exploration of The Use of Waqf Assets at Educational Institutions. Indonesian Interdisciplinary Journal of Sharia Economics (IJSE), 5(2), 801. <https://doi.org/10.31538/ijse.v5i2.2112>

institutions can empower Muslim economic development and provide financial stability, especially when combined with Islamic financial institutions.

3.4 Specific Shares of Female Heirs in Islamic Law

In Islamic law, the distribution of inheritance to female heirs is meticulously defined, reflecting a balance between their rights and responsibilities within the family structure. These allocations are not arbitrary but are grounded in the Quran and Sunnah, providing a comprehensive framework for ensuring justice and equity ([Haq & Wathani, 2020](#)). The specific shares of female heirs are contingent on their relationship to the deceased and the presence of other heirs. Typically, females receive half the share of their male counterparts in comparable relationships, a provision often misunderstood without considering the broader context of Islamic law. This difference is counterbalanced by the fact that men are primarily responsible for the financial maintenance of their families, including wives, children, and dependent relatives. This financial obligation mitigates the apparent disparity in inheritance shares. Furthermore, women in Islam retain complete control over their assets and are not obligated to spend their inheritance on family expenses. They can invest, save, or spend as they see fit, underscoring their economic independence. Additionally, women are eligible to receive gifts, bequests, and dower, further enhancing their financial security. The reappraisal of waqf institutions presents opportunities to learn from past errors and manage waqf assets professionally within a modern administrative framework. Waqf academic endowments, while historically successful, have recently lagged behind their Western counterparts, necessitating independent professional management and sustainable Shari'ah-compliant investments. This approach allows for Waqf to contribute significantly to progress, culture, education, economics, and overall civilization. These provisions collectively ensure women's financial security and independence within the Islamic legal framework.

Islamic law ensures women's rights, counterbalancing responsibilities, and financial independence ([Elius, 2012](#)).³⁴ It acknowledges the disparities that may arise from interpretations of religious texts and emphasizes the importance of interpreting these texts in a way that upholds justice, equality, and human dignity, thereby ensuring that

³⁴ Islamic View of Women Leadership as Head of the State: A Critical Analysis. Arts Faculty Journal, 195. <https://doi.org/10.3329/afj.v4i0.12941>

women have an equal right to participate in interpreting Islamic jurisprudence ([Čustović, 2025](#)).³⁵ Islamic law aims to uphold justice and virtue, ensuring equality between men and women, and any interpretation contrary to these principles requires review. This perspective aligns with the broader goals of Sharia, which seeks to benefit humanity in both this world and the hereafter, individually and collectively ([Saiful et al., 2020](#))³⁶. This ensures that women's roles and rights are interpreted and applied with consideration for gender justice and the evolving needs of society. Therefore, it is necessary to address women's issues in accordance with legal implications and requirements, particularly in the workplace, to fully utilize their potential and experience. Women's involvement in the economy and financial activities is crucial for economic stability and societal well-being, as it acknowledges their right to property and permissible actions in social life within Islamic guidelines. These guidelines ensure women's economic rights are protected, enabling them to contribute to and benefit from society. Waqf, as a property dedicated for the benefit of the people, can be associated with providing educational institutions to improve human resources, aligning with the goals of maqashid shariah. Islamic financial systems have demonstrated their capacity to function as ethical projects while also offering unique and universal models for managing products and services. Therefore, it is imperative to innovate Islamic financial systems to remain competitive and relevant in a rapidly changing global landscape. Sharia compliance ensures that financial activities adhere to Islamic principles, promoting socio-economic justice and balanced satisfaction in both material and spiritual needs. These systems aim to achieve human well-being and eliminate economic injustice through compliance with religious guidelines. These objectives of Sharia protect people's integrity and serve as beneficial parameters for policy formulation.

Governments upholding Islamic values can utilize Maqasid Al-Shariah to formulate policies.

It ensures the protection of life, property, health, religion, and dignity. This framework ensures that economic development aligns with Islamic principles, fostering prosperity

³⁵ Equal Before God but Not Equal Before His Law? Sharia Law and Women's Right to Interpretation in the Light of the Human Rights Debate. *Religions*, 16(3), 362. <https://doi.org/10.3390/rel16030362>

³⁶ Gender Equality Perspective and Women Position in Islam. <https://doi.org/10.2991/assehr.k.200306.212>

and justice. Islamic wealth management, guided by Maqasid al-Shariah, emphasizes wealth accumulation while safeguarding assets and ensuring blessings from Allah SWT. This aligns with the principles of sustainable development and the eradication of poverty. Islamic financial institutions contribute to economic growth by adhering to Islamic law, which promotes brotherhood, social equality, and fairness in economic activities. Islamic banks, for example, should focus on achieving environmental and social goals, facilitating sustainable infrastructure development, and alleviating poverty. These institutions play a crucial role in promoting corporate social responsibility through various initiatives such as Zakat, donations, and funding for social services, which are in line with Maqasid al-Shariah ([Abubakar, 2016](#))³⁷. These objectives ensure comprehensive well-being and uphold ethical standards in financial practices. This approach ensures that Sharia is applied professionally, and profits generated are halal, aligning with the principles of Amana. Islamic finance promotes socioeconomic justice by prohibiting usury, gambling, and ambiguity, ensuring income is derived from productive activities and profits are shared fairly ([Hassan, 2017](#))³⁸. Islamic banks must uphold the integrity of commercial transactions by avoiding non-Sharia activities, as failure to comply with Sharia law may adversely affect the trustworthiness of Islamic finance. By integrating religious values into the financial system, Islamic finance seeks to achieve objectives documented in the Maqasid Al-Shari'ah, inferred from the teachings of the Qur'an and Sunnah. These principles ensure that financial practices align with the true essence of Islam, even amidst modern business environments. Such integration balances worldly benefits with spiritual considerations, supporting comprehensive societal development. This balance helps in ensuring social justice, equal opportunity, and wealth distribution in society.

Islamic finance emphasizes ethical investment and social responsibility, prohibiting unjust enrichment, excessive risk, and speculation ([Elmelki & Mounira, 2009](#))³⁹. This promotes a financial model that balances religious obligations with responsibility

³⁷ Corporate Social Responsibility of Islamic Financial Institutions: A Look from the Maqasid Al-Shariah (Purpose of Shariah) Approach. *Business and Economics Journal*, 7(4). <https://doi.org/10.4172/2151-6219.1000255>

³⁸ Introduction: empirical research on Islam and economic life. In Edward Elgar Publishing eBooks. Edward Elgar Publishing. <https://doi.org/10.4337/9781784710736.00006>

³⁹ Ethical Investment and the Social Responsibilities of the Islamic Banks. *International Business Research*, 2(2). <https://doi.org/10.5539/ibr.v2n2p123>

towards society and nature. Islamic financial institutions should actively improve socioeconomic conditions, alleviate poverty, promote equity and justice, and stimulate entrepreneurship. Islamic banks differ from conventional banks, operating on principles of profit sharing, buying, selling, and leasing, avoiding interest-based transactions which are considered unjust. They serve as intermediaries, collecting funds and distributing them in ways that enhance societal welfare in accordance with Sharia law. These banks must adhere to Sharia principles, avoiding interest-based transactions and activities considered unlawful, such as alcohol, tobacco, and gambling. This ensures that financial operations comply with Islamic principles and promote ethical behavior.

3.5 Case Studies on Islamic Inheritance Law

Case studies provide practical insights into how Islamic inheritance law is applied in real-world scenarios, particularly in Bangladesh, offering a deeper understanding of its implications on women's rights and socio-economic conditions. These studies often highlight the complexities and challenges in implementing Islamic law within diverse cultural and legal frameworks. By analyzing these cases, a more nuanced understanding of the lived experiences of women concerning inheritance rights can be achieved, providing grounds for policy recommendations and legal reforms. Such cases underscore the need for culturally sensitive approaches that consider both religious and societal norms to ensure equitable outcomes. Analyzing inheritance practices within Muslim communities reveals a complex interplay between Islamic jurisprudence and customary traditions, impacting the actual distribution of assets. To promote fair wealth distribution, Islamic law employs zakat, infaq, and sadaqah, encouraging cooperation and profit-sharing investments like mudharabah. These mechanisms foster financial inclusion and shared prosperity, aligning with the core principles of Islamic finance. Additionally, modern Islamic finance emphasizes digitalization, innovation, and sustainable development to comply with Sharia principles, aiming for equitable wealth distribution and poverty alleviation. Islamic banks operate by avoiding. They raise funds through profit-sharing investment accounts, which differ from conventional deposits by not being debt contracts. These accounts ensure fairness and justice, reflecting the principles of equity ([“The Core Principles for Islamic Finance Regulations and Assessment Methodology,” 2018](#)) (Purwanto, 2019). The principles of Islamic banking are derived from the Quran and Sunnah. Therefore, their practices must

be transparent, ensuring compliance with Shari'ah and promoting ethical financial behavior.

3.6 Challenges in Applying Islamic Law in Bangladesh

Applying Islamic law in Bangladesh faces numerous challenges, including integrating it with existing legal systems and addressing cultural interpretations that may disadvantage women. These challenges necessitate a comprehensive understanding of the socio-legal landscape to implement Islamic law fairly and equitably. Legal and practical obstacles, along with the need for ongoing education and awareness programs, complicate the implementation of these laws. Moreover, the need for skilled professionals and robust regulatory frameworks is crucial to ensure justice and equality in inheritance matters.

Furthermore, the organizational structure of Islamic banking requires robust Sharia supervisory boards to ensure compliance and address agency problems. The strict adherence to Sharia rules impacts the earnings quality of Islamic banks, highlighting the need for careful structuring and marketing of products. Understanding and resolving these challenges is essential for promoting women's rights and fostering socioeconomic development in alignment with Islamic principles. Further research and educational initiatives are vital to address misconceptions and foster a deeper understanding of Islamic inheritance laws among both legal professionals and the general public. These initiatives should clarify the rights and obligations of all parties involved, promoting a more equitable application of Islamic law. These measures can significantly improve the acceptance and efficacy of Islamic banking practices in various Muslim communities. This is particularly relevant in countries like Bangladesh, where Sharia governance frameworks need strengthening to ensure ethical compliance and prevent mismanagement. Such frameworks are essential for upholding the integrity of Islamic financial institutions and fostering public trust. Such efforts also align with broader goals of promoting corporate governance and accountability within the financial sector. Such measures can also improve the acceptance and efficacy of Islamic banking practices in various Muslim communities.

Chapter 4:

Customary Laws on Inheritance in Bangladesh

4.1 An Overview of Customary Laws in Bangladesh

Customary laws in Bangladesh represent a complex interplay of local traditions and practices that significantly impact inheritance, often diverging from codified legal systems ([Muzakir, 2023](#)).⁴⁰ These laws, deeply rooted in societal norms, frequently reflect patriarchal values, which can result in unequal inheritance rights for women ([Saadiya, 2018](#)).⁴¹ Understanding these customs is crucial for assessing their compatibility with constitutional principles of gender equality.

Examining the historical and socio-cultural context provides insights into how these customs have evolved and continue to shape inheritance practices. This understanding aids in identifying areas where legal reforms are necessary to protect women's rights. These reforms should aim to harmonize customary practices with constitutional guarantees, ensuring fairness and equity for all individuals. This will further help in identifying areas where legal reforms are necessary to protect women's rights ([Kartini & Inah, 2018](#)).⁴²

Customary inheritance laws are based on regional norms, exhibiting unique characteristics distinct from Islamic law. These norms often prioritize male heirs, perpetuating gender disparities in property distribution ([Siyamsih, 2024](#)).⁴³ This necessitates a comprehensive understanding of these practices to inform legal reforms and promote gender equality. Analyzing these disparities sheds light on the broader challenges women face in accessing and controlling economic resources ([Siddique,](#)

⁴⁰ INHERITANCE LAW IN THE PERSPECTIVE OF CUSTOMARY LAW, CIVIL LAW, AND ISLAMIC LAW. *Jurnal Ruang Hukum.*, 2(1), 15. <https://doi.org/10.58222/juruh.v2i1.219>

⁴¹ Muslim Personal Law And Gender Equality Concerns In India. <https://doi.org/10.2991/iclj-17.2018.2>

⁴²). The Legal System of Inheritance of Indigenous Bugis-Bone: Islamic Law Perspective. *IOP Conference Series Earth and Environmental Science*, 175, 12139. <https://doi.org/10.1088/1755-1315/175/1/012139>

⁴³ Implications of Islamic Inheritance Law for the Ownership of Assets and Management of Family Wealth: An Indonesian Perspective. *Journal of Nafaqah.*, 1(1). <https://doi.org/10.62872/n2c3ba40>

[1998](#)).⁴⁴ For example, in some rural communities, women may be excluded from inheriting agricultural land, which directly impacts their economic security. This exclusion undermines their ability to participate fully in economic activities and reinforces their dependence on male family members. Therefore, addressing these customary practices is essential for achieving gender equality and empowering women in Bangladesh.

4.2 Evolution of Customary Laws and Gender Disparities

Customary laws in Bangladesh have evolved over centuries, influenced by social structures and patriarchal norms, leading to significant gender disparities in inheritance rights. These laws often reflect historical power imbalances, where men have traditionally controlled land and resources. These disparities are perpetuated through practices that favor male heirs, leaving women with limited or no access to property ([Mishra, 2015](#)).⁴⁵ Examining these historical roots is essential to understanding the current challenges and developing effective strategies for reform. Analyzing how these laws have been applied and interpreted over time reveals the deep-seated biases that continue to disadvantage women ([Agarwal & Naik, 2024](#)).⁴⁶

Addressing these disparities requires not only legal reforms but also changes in societal attitudes and practices to promote gender equality in inheritance. These changes can be achieved through education, awareness programs, and the active involvement of community leaders ([Mondal, 2018](#)). These efforts should focus on challenging discriminatory practices and promoting the recognition of women's rights to property ([Lusasi & Mwaseba, 2020](#)).⁴⁷ Such initiatives are vital for fostering a more equitable and just society, ensuring that women have the same opportunities as men to inherit and control property. These programs should aim to familiarize the nature of femininity and

⁴⁴ Gender issues in poverty alleviation: a case study of Bangladesh. *International Journal of Social Economics*, 25, 1095. <https://doi.org/10.1108/03068299810212487>

⁴⁵ Devolution of Property of the Hindu Female: Autonomy, Relationality, and the Law. *International Journal of Law Policy and the Family*, 29(2), 149. <https://doi.org/10.1093/lawfam/ebv003>

⁴⁶ Do courts grant women their inheritance shares? An analysis of case law in India. *World Development*, 182, 106688. <https://doi.org/10.1016/j.worlddev.2024.106688>

⁴⁷). Gender Inequality and Symbolic Violence in Women's Access to Family Land in the Southern Highlands of Tanzania. *Land*, 9(11), 468. <https://doi.org/10.3390/land9110468>

patronize the characteristics. Legal and social reforms are crucial for overcoming these deeply entrenched biases and ensuring that women have equal inheritance rights. These reforms must consider the broader context of women's empowerment and aim to dismantle discriminatory practices (Chigbu et al., 2019)⁴⁸. These practices often lead to women's deprivation of property rights, low income, and lack of education. This lack of education is a significant barrier to women's empowerment. Moreover, states often fail to implement policies that genuinely promote women's rights, further exacerbating these issues. These reforms should also align with international human rights standards, ensuring that Bangladesh meets its obligations to eliminate discrimination against women.

These standards emphasize the importance of equal rights and opportunities for women in all areas of life. Ensuring women's access to and control over property is essential for their economic empowerment and overall well-being.

These rights are critical for women's ability to gain economic independence and reduce their vulnerability to poverty.

Empowering women economically enhances their decision-making power within households and communities, fostering a more equitable distribution of resources and opportunities. This empowerment not only benefits individual women but also contributes to broader societal development. Analyzing the interplay between customary laws and Islamic law is crucial for understanding the complexities of inheritance rights for women in Bangladesh. This comparison highlights the areas of convergence and divergence, providing a basis for informed legal reforms.

This understanding is essential for crafting policies that respect religious and cultural sensitivities while upholding constitutional principles of gender equality. This will further ensure that women's rights are protected within the framework of both legal systems. Moreover, access to finance, technical know-how, and financial literacy can significantly contribute to women's empowerment through entrepreneurial development. This can be achieved through gender-responsive budgeting and policy implementation. Such initiatives may empower women by ensuring their financial stability, enabling them to accumulate money, adapt to economic shocks, and manage

⁴⁸ Differentiations in Women's Land Tenure Experiences: Implications for Women's Land Access and Tenure Security in Sub-Saharan Africa. *Land*, 8(2), 22. <https://doi.org/10.3390/land8020022>

their finances effectively. Furthermore, ensuring that women are able to effectively access benefit transfers requires recognizing the economic, normative, and social barriers they face.

4.3 Impact of Customary Laws on Women's Property Rights

Customary laws significantly impact women's property rights in Bangladesh, often resulting in unequal access to and control over land and other assets. These laws, deeply rooted in patriarchal traditions, frequently prioritize male heirs, thereby limiting women's ability to inherit and own property. This subordination often confines women to informal sectors, hindering their participation in formal economic sphere. This disparity has profound implications for women's economic empowerment and social standing. These limitations can lead to increased vulnerability to poverty and dependence on male family members. Addressing these customary laws is crucial for fostering gender equality and promoting women's autonomy. This autonomy is essential for women to exercise their rights and participate fully in society.

4.4 Case Studies on Customary Inheritance Practices

Examining specific cases reveals the practical implications of customary inheritance practices on women's lives, highlighting instances where women have been disinherited or faced significant barriers in accessing their rightful share of property. These cases illustrate the urgent need for legal and social reforms to protect women's inheritance rights (Akinola, 2018).⁴⁹ These reforms should aim to address the root causes of gender inequality and ensure that women have equal opportunities to inherit and control property. These practices often reflect a broader issue of gender discrimination and violence against women. Such discrimination undermines women's development and growth as well as that of their families, communities, and the country at large. These cases can also inform the development of targeted interventions to address the specific challenges faced by women in different regions and communities. These interventions

⁴⁹ Women, Culture and Africa's Land Reform Agenda. *Frontiers in Psychology*, 9. <https://doi.org/10.3389/fpsyg.2018.02234>

should include legal aid, counseling services, and awareness programs to empower women to claim their inheritance rights. These programs could focus on enhancing legal awareness and providing resources for women to navigate the complex legal landscape. This empowerment will enable them to assert their rights and challenge discriminatory practices.

Rule of law reformers must address cultural imperialism to reinforce customary justice ([Pimentel, 2010](#))⁵⁰. These reformers can uphold the principle of equality enshrined in constitutions by developing customary law. Customary law principles regarding succession and inheritance have become a contested issue, particularly where they clash with constitutional rights ([Malan, 2017](#)).⁵¹ These clashes necessitate a careful balancing act to protect vulnerable groups ([Pfumorodze, 2010](#)).⁵² Understanding the degradation. Customary systems often disadvantage women because of misrecognition of cultural practices, which negatively affects resource redistribution. This degradation stems from cultural practices that do not consider the needs and rights of all community members. This further perpetuates inequalities and limits women's access to essential resources and opportunities. It is imperative to entrench normative frameworks that challenge conventional gender roles to promote equality. Educational initiatives can incorporate curriculum content addressing gender discrimination to combat conservative mindsets. These initiatives can further enhance comprehension of inheritance rights, challenging established gender norms and promoting a more equitable distribution of resources. This can be achieved through a nuanced approach that respects cultural heritage while upholding human rights principles. Such reforms necessitate addressing the co-option and corruption that can undermine traditional systems, while also recognizing the need for accessible and affordable justice mechanisms. These efforts would ensure that customary law aligns with constitutional mandates, safeguarding the rights of vulnerable groups.

⁵⁰ Rule of Law Reform Without Cultural Imperialism? Reinforcing Customary Justice Through Collateral Review in Southern Sudan. *Hague Journal on the Rule of Law*, 2(1), 1. <https://doi.org/10.1017/s1876404510100013>

⁵¹ Recent Developments Regarding South African Common and Customary Law of Succession. *Potchefstroom Electronic Law Journal/Potchefstroomse Elektroniese Regsblad*, 10(1), 106. <https://doi.org/10.17159/1727-3781/2007/v10i1a2794>

⁵²). Protection of widows and surviving children under the intestate succession laws of Zimbabwe: The case of estates of persons subject to customary law. *Journal of Social Development in Africa*, 25(1). <https://doi.org/10.4314/jsda.v25i1.54278>

This requires an understanding of the networks characterizing family-controlled companies. This understanding is crucial for improving the implementation of law reform initiatives. It is vital to move beyond legal recognition and tolerance towards reconciling the complexities of different legal traditions. Such reconciliation should take into account cultural diversity and customary law, as these are relevant subjects in the legal education of future lawyers. The protection of social, cultural, political, and economic rights, as emphasized in international conventions, should be integrated into these reforms. This integration is vital for promoting social justice and ensuring that legal frameworks are inclusive and equitable. Such efforts should prioritize community-centric values and respect for indigenous knowledge systems. Local culture significantly shapes individual preferences and attitudes, influencing decision-making behavior. Understanding these influences is essential for developing effective and culturally sensitive legal frameworks. Integrating norm-critical gender perspectives into design and legal education can foster a deeper understanding of how societal norms impact legal practices and outcomes. This understanding can contribute to the development of more inclusive and equitable legal systems that address the specific needs of diverse communities ([“Implications of Digitalization and AI in the Justice System: A Glance at the Socio-Legal Angle,” 2024](#)) ([Gurung & Rajbanshi, 2020](#)). This approach requires moving beyond polarized alternatives and embracing mutual understanding and learning across cultures ([Healy, 2006](#)).⁵³ This necessitates long-term research strategies and collaborative efforts to address the challenges effectively ([Celermajer & Grewal, 2013](#)).⁵⁴ To promote the cultural legitimacy of international human rights standards, home-grown remedies should be used as much as possible. By adopting a design-driven approach, legal professionals can create responsive and inclusive justice systems. This approach can also help to ensure that international laws are developed and implemented in a way that respects local customs and traditions. It further helps to tackle imbalances by addressing cultural diversity. The integration of cultural diversity and human rights principles into legal education is essential for promoting social cohesion and upholding justice for all individuals.

⁵³ Human rights and intercultural relations. *Philosophy & Social Criticism*, 32(4), 513.
<https://doi.org/10.1177/0191453706064023>

⁵⁴ Preventing Human Rights Violations “From the Inside”: Enhancing the Role of Human Rights Education in Security Sector Reform. *Journal of Human Rights Practice*, 5(2), 243.
<https://doi.org/10.1093/jhuman/hut012>

Higher education institutions should commit to valuing cultural diversity and inclusivity through strategic plans and policies that encourage intercultural inclusiveness, providing academic growth opportunities for all students. Such plans should include incorporating diverse cultural perspectives and traditions into the learning process. By promoting inclusivity and embracing cultural diversity, educational institutions can cultivate environments where students feel respected, valued, and empowered. Educators should reflect a commitment to diversity, equity, and inclusion in educational policies and curricula. Always encourage respect for language and interactions between peers, thereby fostering intercultural understanding. This entails creating culturally responsive learning environments that acknowledge and support students from diverse social, cultural, and linguistic backgrounds. In these settings, students can engage with individuals from different cultures, inquire about cultural practices, reflect on their learning, and compare cultural similarities and differences. This is crucial for enriching educational experiences and preparing students to navigate an increasingly interconnected world ([“Universal Declaration on Cultural Diversity,” 2002](#)). It is vital to teach tolerance, respect for diversity, and gender equality to eliminate prejudice and discrimination. Furthermore, integrating the history of colonialism, imperialism, and racism into the curriculum can reveal their impacts on marginalized populations. Educators can foster inclusivity by creating opportunities for all students to demonstrate their competence, thereby ensuring that every student gains a deep understanding of the subject matter. Intercultural education should extend beyond specific groups, sensitizing all students to cultural pluralism. It should foster respect and understanding among diverse communities, promoting social solidarity and democratic values. It also enhances critical thinking and promotes participation in curriculum and community. This model should meet the academic and socio-emotional needs of all students while emphasizing sustainability regarding inclusion, equality, and social justice. It should also take into account the views, beliefs, and languages of students from different cultures and linguistic backgrounds. Incorporating culturally relevant materials is a vital element in building inclusive educational settings. Such materials enhance the learning environment by offering content from various cultural standpoints.

4.5 Legal Recognition and Challenges to Customary Laws

4.5.1 Legal Recognition:

While Islamic law is the primary legal framework governing inheritance for Muslims in Bangladesh, customary laws (also known as "practices") often influence how these laws are applied, particularly in rural areas. These customs aren't formally codified but carry social weight.

4.5.2 Challenges Arising from Customary Laws

- **Conflict with Legal Rights:** Customary practices often clash with the rights granted to women under Islamic law. For example, customs may prioritize male heirs or pressure women to relinquish their inheritance in favor of male relatives.
- **Limited Awareness:** A significant challenge is the limited awareness of women's legal rights, which is exacerbated by the prevalence of customary norms that discourage women from claiming property.
- **Social Pressure:** Women often face immense social pressure from family and community members to adhere to customary practices, even if they contradict their legal rights. This pressure can deter women from asserting their claims.
- **Gaps between Law and Practice:** You highlight the "gaps between legal frameworks and actual practices". Even when laws exist to protect women's inheritance rights, these rights are not always enforced due to the influence of customary practices and social norms.

4.5.3 Recommendations to Address the Challenges

Some targeted measures could include:

- **Awareness Campaigns:** Launch nationwide campaigns to educate women, families, and communities about women's inheritance rights under both Islamic and customary laws.

- **Engaging Religious Leaders:** Collaborate with religious leaders to promote a more equitable understanding of Islamic inheritance laws and dispel misconceptions that perpetuate gender inequality.
- **Empowering Women through Education:** Provide women with access to education and information about their legal rights, empowering them to assert their inheritance claims.
- **Promoting Gender-Equitable Norms:** Promote gender-equitable norms and challenge traditional practices that discriminate against women in inheritance matters.

By addressing these challenges and implementing the recommendations outlined in this research, it is possible to bridge the gap between legal rights and actual practices, fostering a more equitable society where women can fully realize their inheritance rights and achieve economic independence.

Chapter 5:

A Comparative Analysis of Islamic and Customary Laws

5.1 Similarities between Islamic and Customary Laws

These methods improve learning outcomes, increase engagement, and minimize achievement gaps among learners. This comparative analysis will further explore the similarities between Islamic and customary laws.

Islamic law, derived from the Quran and Sunnah, provides a structured framework for inheritance, assigning specific shares to female heirs such as daughters, wives, and mothers. Customary laws, which vary across different regions and communities, are often unwritten and based on traditional practices. While seemingly distinct, some customary laws exhibit similarities with Islamic law in recognizing women's rights to inherit property, albeit with variations in the extent and nature of these rights.

Here are some general similarities that one might find between Islamic and Customary Laws:

- 1. Recognition of Women as Heirs:** Both systems generally acknowledge women as legitimate heirs, differing from some legal systems that historically excluded women from inheritance. The editor context suggests that reforms in different contexts help achieve women's economic empowerment.
- 2. Family-Based Inheritance:** Both systems prioritize the distribution of property within the family. This is designed to keep wealth within the familial network, which can provide a degree of social and economic stability.
- 3. Consideration of Family Needs:** Both systems may consider the needs and responsibilities of family members when determining inheritance distribution. For instance, the economic implications of inheritance laws influence women's access to resources, education, and healthcare.

However, the editor also notes that customary laws can sustain gender inequality. It is important to undertake education, enhance economic opportunities, and eliminate customary laws that sustain gender inequality. Sometimes customary laws are adapted to align with Islamic principles, especially in Muslim-majority regions, creating a hybrid system that reflects both traditions. The implementation of Islamic inheritance law and customary inheritance law faces complex challenges, particularly in the management of family wealth and ownership of assets. These adaptations often aim to provide women with more equitable inheritance rights than traditional customs might have allowed. These hybrid systems try to navigate between religious mandates and local practices. Legal systems embody ways of dealing with other legal systems. This can lead to the emergence of dual inheritance systems, where communities apply both Islamic and customary laws, reflecting the contextualization of Islamic inheritance law with longstanding tradition. This coexistence highlights the ongoing negotiation between religious law and cultural norms in shaping inheritance practice. These similarities often provide a basis for legal pluralism, where both systems coexist and influence each other, leading to potential harmonization or conflict depending on the specific context. The interaction between Islamic and customary laws can lead to varied outcomes, where some communities prioritize fairness and the common good by adjusting inheritance distribution based on investment and need. Such adjustments may reflect attempts to balance traditional practices with religious principles, aiming for equitable outcomes. Such efforts at harmonization reflect a broader trend of legal adaptation and negotiation within diverse cultural contexts, emphasizing the importance of understanding the interplay between religious, customary, and statutory laws in shaping inheritance rights. The co-existence of these systems can, however, lead to legal ambiguity and disputes, especially when the principles of Islamic law and customary practices diverge significantly ([Massoud, 2021](#))⁵⁵. Customary law, deeply rooted in local traditions, significantly influences inheritance practices across various communities. These laws often reflect patriarchal norms, potentially disadvantaging women in inheritance matters, despite formal legal protections. Such customs are vital for maintaining social cohesion and resolving conflicts. Despite some progressive interpretations and statutory laws, justice with respect to property has not progressed

⁵⁵ Embracing Shari‘a and the Rule of Law. In Cambridge University Press eBooks (p. 31). Cambridge University Press. <https://doi.org/10.1017/9781108965989.003>

linearly for women. The contemporary Indian society continues to perpetuate traditional ideologies, impacting the ownership of material assets. Understanding how these customary laws interact with Islamic law is crucial for assessing the inheritance rights of women in different cultural contexts ([Identifying 'Doctrine': Tracing Theologisation in Legal Narratives of the Place of Worship in India, 2020](#)). These customary practices, deeply embedded in societal norms, frequently clash with the more egalitarian principles espoused in Islamic law, leading to disparities in how inheritance rights are applied and perceived. Examining these interactions reveals the practical challenges in ensuring equitable outcomes for women within diverse legal frameworks.

Despite these challenges, there are instances where customary laws have evolved to incorporate principles of fairness and equity, aligning more closely with Islamic values, particularly in regions with strong Islamic influence. Such evolution often reflects a broader societal effort to balance traditional norms with contemporary values, particularly in the context of gender justice. However, disparities persist due to variations in interpretation and implementation, underscoring the ongoing need for legal reforms and advocacy to ensure women's inheritance rights are fully realized. Such reforms must consider the impact on women's social and economic status, as inheritance often plays a crucial role in addressing gendered poverty and promoting intergenerational equity. The existence of separate provisions for succession in the case of Hindu men and women dying intestate is viewed as a complicated feature that shows discrimination based on gender ([Nath, 2018](#)).⁵⁶ This differential treatment often perpetuates the notion that women's property rights are secondary to those of men. This bias is further highlighted by prioritizing the husband's family over the woman's own, undermining her economic independence and identity. This legislative approach, born from an era where women's property ownership was scarcely conceived, continues to unfairly disadvantage women, especially when they have independently acquired property. It is important to note that gender inequality in property rights often stems from cultural contexts rather than religious mandates. These contexts often prioritize the role of men as economic providers, which subsequently affects inheritance laws and practice. It is therefore necessary to address these negative approaches and deal with women's issues by acknowledging the legal implications and requirements involved.

⁵⁶ Latest Trends in Succession among Hindus. SSRN Electronic Journal.
<https://doi.org/10.2139/ssrn.3289774>

However, continuous reform is necessary to promote gender equality ([Agnes, 2016](#)).⁵⁷To address these inequalities, states must guarantee women's rights through legal reforms and gender-sensitive law enforcement, ensuring that legal interpretations and practices align with principles of equality and justice. These efforts should also focus on increasing women's awareness of their legal rights and providing them with the necessary support to claim their inheritance. Such measures are essential for overcoming patriarchal norms and ensuring that women can fully exercise their inheritance rights. These reforms should also tackle the misuse of laws, ensuring fair application and protection for all. Consequently, such deprivation leads to lower income, limited education, and compromised health for women. This is because women often lack control over inherited land and resources, diminishing their ability to improve their livelihoods and overall well-being. This economic vulnerability exacerbates gender inequality, hindering women's empowerment and perpetuating cycles of poverty. Secure land rights for women play a critical role in the pursuit of gender equality and poverty alleviation. Strategies aimed at enhancing women's access to land should, therefore, mirror the realities of women's situations, especially considering the heterogeneity of their experiences. This necessitates culturally sensitive approaches that recognize and address the unique challenges women face in different communities. These approaches should focus on redistributing land and reforming tenure systems to provide women with secure and equitable rights, fostering economic independence and reducing gender disparities. Land tenure security is crucial for enhancing livelihood opportunities, but it disproportionately affects women in Sub-Saharan Africa, highlighting the need for development professionals to recognize these differences in their projects. Enhancing women's access to land and resources not only improves their economic outcomes but also contributes to broader developmental goals, such as improved family health and children's education ([“Gender Disparities and the Role of Women in Smallholder Agriculture in Sub-Saharan Africa,” 2016](#)). Empowering women through secure land rights can lead to more effective conservation efforts and sustainable resource management, as women often prioritize these aspects in their land-related decisions. These rights are pivotal for achieving food security and promoting

⁵⁷ Has the Codified Hindu Law Changed Gender Relationships? *Social Change*, 46(4), 611. <https://doi.org/10.1177/0049085716666635>

overall agricultural development. Strengthening land rights can empower women, improving household nutrition and offering a pathway out of poverty.

5.2 Key Differences in Inheritance Rights for Women

Examining the key differences in inheritance rights for women under Islamic and customary laws reveals that women are frequently marginalized due to restrictive interpretations and biased practices. These practices often prioritize male heirs, relegating women to secondary positions with limited control over inherited assets. This marginalization is compounded by social norms and cultural expectations that discourage women from claiming their rightful inheritance, further entrenching gender inequality. Such customs not only perpetuate economic disparities but also undermine women's autonomy and decision-making power within their families and communities. These disparities in inheritance rights often lead to women being more dependent on male relatives, thereby reinforcing traditional gender roles and diminishing their overall status in society. Policies supporting women's involvement and access are essential to bridging these divides, potentially leading to substantial gains in land productivity and overall output.

The key differences in inheritance rights for women under Islamic and Customary Laws:

1. **Basis of Law:** Islamic law is codified in religious texts, providing a standardized and structured approach to inheritance. In contrast, customary laws are often unwritten and vary significantly across different regions and communities, reflecting diverse local traditions.
2. **Fixed Shares:** Islamic law prescribes fixed shares for female heirs, such as daughters, wives, and mothers, ensuring they receive a defined portion of the inheritance. Customary laws, on the other hand, may not specify fixed shares and often grant discretionary powers to male family members in distributing property, which can disadvantage women.
3. **Gender Bias:** Customary laws can sustain gender inequality. Such customs may prioritize male heirs over female heirs, granting them larger portions of the

inheritance or excluding women altogether. Islamic law, while providing women with inheritance rights, often assigns them smaller shares compared to male heirs, based on the principle that men have greater financial responsibilities.

4. **Property Rights:** In some customary systems, women may only have limited rights to use or manage inherited property, with actual ownership remaining with male family members. Islamic law generally grants women full ownership rights over their inherited property, allowing them to use, sell, or dispose of it as they wish.
5. **Legal Recourse:** Women seeking to claim their inheritance rights under Islamic law can often turn to religious courts or civil courts applying Islamic law principles. Customary law disputes may be resolved through community elders or traditional councils, where women may face challenges in accessing fair and impartial hearings due to patriarchal biases.
6. **Reform and Legal Developments:** The editor notes that legal reforms are crucial in achieving women's economic empowerment. It is important to improve gender equality through education, enhance economic opportunities, and eliminate customary laws that sustain gender inequality.

In summary, while both Islamic and Customary Laws recognize women as heirs, significant differences exist in the nature and extent of their inheritance rights. Islamic law provides a more structured and standardized framework, while customary laws are often more flexible but also more prone to gender bias and discretionary practices. The editor stresses that addressing discriminatory practices and promoting gender-equitable inheritance rights are essential for empowering women economically and achieving broader societal development goals.

Legal and policy reforms must address these disparities to ensure women receive their fair share of inheritance, bolstering their economic independence and societal status.

These reforms should aim to harmonize legal frameworks, integrating the progressive aspects of Islamic law with the need for gender equality, while simultaneously eliminating discriminatory customary practices ([Juliandi, 2022](#)).⁵⁸ Such initiatives could involve legal literacy programs, awareness campaigns, and the establishment of

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accessible legal aid services to assist women in claiming their inheritance rights. These measures can empower women to navigate the legal system effectively, challenge discriminatory norms, and secure their rightful inheritance. By ensuring the effective implementation of these reforms, societies can foster greater gender equality and empower women to achieve economic independence. This may involve reinterpreting religious texts and understanding the social contexts of modern society to promote justice and equality.

5.3 Impact of Legal Pluralism on Women's Inheritance

Legal pluralism introduces complexities in the inheritance rights of women, especially when Islamic and customary laws diverge ([Sigit & Muhammadiyah, 2019](#)).⁵⁹ This legal landscape often reflects the socio-cultural structures of different regions, impacting how laws are perceived and applied. In many postcolonial Muslim-majority contexts, the rule of law is challenged by overlapping legal orders derived from Islamic principles, indigenous traditions, and colonial-era laws. These traditions are integral to people's identity and social order, yet they may also perpetuate discriminatory practices. The interplay of these legal systems creates a complex environment where the rights of women concerning inheritance are often ambiguous and contested. The absence of convergence in these systems can lead to the application of dual inheritance systems, complicating the situation further for women seeking their rightful inheritance. Such situations often involve navigating competing legal claims and cultural expectations, particularly affecting women's access to justice and equitable inheritance outcomes. Legal systems may prioritize regional customary law, like in Indonesia, where inheritance is passed down through generations with unique characteristics distinct from Islamic and Western law. Customary law is unwritten and takes the form of norms and customs that must be followed by certain communities, with sanctions for those who violate them. The application of these laws varies, with some prioritizing customary practices and others adhering to Islamic law. This complexity necessitates a broad empirical approach to understand the various legal systems at play, recognizing that multiple systems can influence social interactions ([Benda-Beckmann & Turner,](#)

⁵⁹ The Urgency to Incorporate the Islamic Concept of Rights into the International Human Rights Law Course in Indonesian Law Schools. *AL-IHKAM Jurnal Hukum & Pranata Sosial*, 14(1), 178. <https://doi.org/10.19105/al-lhkam.v14i1.2166>

[2018](#))⁶⁰. Even though unwritten, customary law is well obeyed and has its existence in the national legal system, particularly in areas like family, property, land, and inheritance. Often, women do not receive their lawful inheritance due to a lack of awareness or deceit from male relatives.

They may be reluctant to claim their inheritance share due to social pressures or a lack of legal literacy. This can be compounded by the fact that contemporary societies often cling to traditional ideologies regarding property ownership, which can hinder the progress of women's property rights, even with progressive statutory laws. These factors collectively undermine women's economic status and social security, perpetuating inequalities in inheritance practices. It is crucial to examine how legal pluralism affects transgender individuals within inheritance systems, as positive legislation in some countries, like Indonesia, may not clearly address their rights, necessitating the consideration of customary ceremonies in determining inheritance entitlements. Such customary systems often follow patrilineal lines, where only sons inherit, leaving ambiguity regarding the inheritance rights of transgender men born as women ([Salim, 2020](#))⁶¹. This can result in unfair distribution, especially when customs favor those who have provided the most service to their parents during their lifetime, potentially excluding others who may need it more. Moreover, complexities arise in inheritance distribution when families are divided or when one or both parents are deceased, leading to varied nominal distributions based on fairness. The transfer of statuses from the deceased to the living, concerning specific property, is better understood as the transference of statuses rather than merely the entrance of living persons into the property of the deceased. These situations underscore the gendered dimensions of inheritance, where women frequently lose access to assets following a spouse's death, highlighting the need for addressing these intergenerational impacts to alleviate poverty ([Cooper & Bird, 2012](#)). This necessitates that legal frameworks evolve to protect women's rights and ensure equitable inheritance practices are enforced effectively. Furthermore, the Hindu Succession Act of 1956, while intended to reduce gender inequalities, still contains provisions that treat women as temporary property

⁶⁰ Legal pluralism, social theory, and the state. *The Journal of Legal Pluralism and Unofficial Law*, 50(3), 255. <https://doi.org/10.1080/07329113.2018.1532674>

⁶¹ The Status of Transgender Men Heir in Patrilineal System of Adat Inheritance Law. *Media Iuris*, 3(1), 27. <https://doi.org/10.20473/mi.v3i1.18656>

occupants, particularly concerning inherited property. These provisions prioritize the husband's family over the woman's, even when the property belongs to her, reflecting outdated notions about women's ability to own property. This perpetuates biases against Hindu women, conflicting with constitutional principles and international commitments to eliminate discrimination. Indian laws, such as the Goa Succession, Special Notaries and Inventory Proceeding Act, 2012, and succession laws of developed countries, offer more gender-equitable models that could serve as an inspiration. Examining such laws reveals disparities in the devolution of property based on the source of income, indicating that a woman's entitlement may depend on how she acquired the property, thereby undermining her autonomy and equitable standing within the family. This cultural context often reinforces gender inequality, especially in property rights, due to deeply ingrained societal norms rather than religious mandates. Such norms include the notion that daughters are considered "paraya dhan" (someone else's wealth), emphasizing the ritual of kanyadaan, and reinforcing the concept that a woman's identity is temporary within her family ([Agnes, 2016](#)). These customary practices often lack the flexibility to address the multifaceted needs of individuals within a family, especially when considering variables such as economic contribution, caregiving responsibilities, and overall dependency. It is imperative to address these issues to ensure women can make informed decisions about their marital status and secure their economic stability, particularly given that many women are homemakers dependent on their husbands for financial support. This is especially relevant considering the historical context of patriarchal norms in India, where women have faced various forms of discrimination and violence, with religious texts and customary laws often justifying their subordination. These historical disparities underscore the necessity of marital property regimes to empower women economically. Such regimes could serve as mechanisms to empower women. They could also elevate the social standing of their families, as marriage is traditionally a sacred union between two families rather than just individuals. Personal law systems in various countries often perpetuate gender discrimination, necessitating reform to promote justice for women and enhance group autonomy. This requires a shift toward recognizing marriage as an equal partnership, ensuring that both spouses' contributions are valued and that property rights are allocated equitably upon dissolution of the marriage. Such reforms are crucial in addressing the problematic aspects of family law that discriminate against women and ensuring their rights are protected. The cultural and socialization processes often

subordinate women to patriarchal systems, confining them to informal economic sectors and limiting their participation in formal economic spheres. These systems also dictate early marriage and motherhood for women, diminishing their autonomy and reinforcing male dominance. These cultural norms limit women's mobility and interaction with men, reinforcing traditional gender roles and curtailing their access to education and employment opportunities. Therefore, it is crucial to address the socio-economic reasons that compel early marriages, which can hinder women's educational pursuits and further entrench gender disparities. Such measures are essential to combat the various forms of violence against women, including economic deprivation and insufficient compliance with their legal rights of inheritance. It is also imperative to acknowledge that numerous allegations of legal malfeasance and abuse surround incidents of domestic violence, underscoring the need to address negative patriarchal power that limits women's access to justice ([Gangoli, 2006](#)).⁶² Such abuse stems from prejudiced attitudes shaped by a patriarchal society, affecting women throughout their lives ([Parajuli & Ganga, 2020](#)).⁶³ These biases are reinforced by socio-cultural norms that prioritize male roles and limit women's access to political institutions and economic resources. These norms emphasize the necessity of fostering marital relationships grounded in equality, mutual respect, and shared understanding, to dismantle gender stereotypes and promote non-discrimination within families and society ([Raphalalani, 2016](#)).⁶⁴ Such transformations are vital for addressing violence against women and ensuring their empowerment through education, autonomy, and gender equality. Addressing these disparities necessitates policy interventions that integrate women's interests and social expectations, creating opportunities for broad economic, social, and political participation ([Dibie, 2000](#)).⁶⁵ By challenging patriarchal norms and promoting gender equality, societies can cultivate environments where women are not only protected from violence but also empowered to realize their full

⁶² Gangoli, G. (2006). Engendering genocide: Gender, conflict and violence. *Women s Studies International Forum*, 29(5), 534. <https://doi.org/10.1016/j.wsif.2006.07.010>

⁶³ Domestic Violence and Abuse against Married Women in Konjyosom Rural Municipality of Lalitpur District. *The Batuk*, 6(2), 108. <https://doi.org/10.3126/batuk.v6i2.34521>

⁶⁴ Understanding Some Aspects of the Vhavenda Customary Law Marriage Practices: A Descriptive Approach. *Journal of Sociology and Social Anthropology*, 7(4), 262. <https://doi.org/10.1080/09766634.2016.11885725>

⁶⁵ Feminism and family abuse in Nigeria. *New Global Development*, 16(1), 36. <https://doi.org/10.1080/17486830008415781>

potential. Globally, ensuring women's safety and freedom from intimidation requires concentrated efforts to eliminate violence, which carries substantial economic and social costs for families and communities ([Sarabia & Tripon, 1998](#)). Domestic violence, a significant barrier to women's empowerment, has consequences for their health, health-seeking behavior, and adoption of small family norms ([Mahajan, 2011](#)). Women suffering violence are prone to mental and emotional problems, including anxiety and depression. These issues can be addressed through collective efforts involving families, governments, institutions, and civil society organizations. Victims frequently experience long-term psychological distress, such as anxiety, depression, and PTSD, which are exacerbated by cultural and societal acceptance of domestic violence. Public health initiatives should focus on raising awareness to encourage women to discuss domestic violence and its impacts, thus mitigating this pervasive socio-medical issue. Such initiatives should also aim to address the economic instability that can result from violence against women, highlighting the need for interventions at individual, household, community, and societal levels. Violence against women is a pervasive issue that demands the attention of governments and international organizations, requiring strategies that focus on prevention, victim support, and perpetrator accountability. Recognizing the deep-rooted nature of domestic violence and the challenges in proving its occurrence, comprehensive approaches that encompass prevention, protection, and legal reforms are essential to address the multifaceted dimensions of this issue.

5.4 Socio-Economic Implications of Inheritance Laws

This socio-Economic Implications of Inheritance Laws include an understanding of how these laws affect women's economic empowerment and their overall contribution to national development. These laws either perpetuate or alleviate gender disparities in wealth distribution, subsequently influencing women's access to resources, education, and healthcare. Empowering women economically not only reduces gender inequality but also supports macroeconomic stability and sustainable economic growth. The empowerment of women is captured significantly in the Sustainable Development Goals of the United Nations. It can also improve household welfare, benefiting family members' health, nutrition, and children's education. Inequality in access to

opportunities and resources, as well as power imbalances, impede women's progress and adversely affect societal development.

5.5 Reform Efforts and Legal Developments

This section will further discuss the reforms undertaken to address discriminatory practices and promote gender-equitable inheritance rights, as well as recent legal developments in Bangladesh pertaining to women's property rights. The focus will be on empowerment, looking at citizenship and gender justice, and how legal reforms in different contexts help achieve women's economic empowerment. The study suggests improving gender equality through education, enhancing economic opportunities, and eliminating customary laws that sustain gender inequality. These efforts are crucial for fostering financial stability among women, which is essential for buffering economic shocks and enhancing their capacity to manage finances effectively, particularly when facing adverse circumstances. Moreover, women who own productive assets are less likely to experience domestic violence. Such reforms and development can lead to shared prosperity and address constraints facing women, such as gender-based violence and biased laws. Analyzing land-transaction procedures at the household level is crucial to understanding how the exclusion of women affects their access to and control over family lands. This helps in devising effective strategies to address gender disparities in land ownership and to enhance women's economic security. Such strategies will enhance women's access to economic opportunities and promote their contributions to economic growth. By ensuring women's property rights are upheld, it can lead to improved income levels, better education, and enhanced health outcomes, which are vital steps toward achieving gender equity in the region. These legal and socio-economic adjustments also require addressing challenges faced by female workers, including physical and mental difficulties, as well as gender discrimination. A proper job and a steady source of income are vital for women's economic empowerment and to foster a conducive working environment free from discrimination. It is also important to develop policies at the state level to maintain the property rights of women, thereby supporting gender equity. Moreover, promoting women's participation in microfinance programs can lead to increased freedom, greater independence, improved business skills, enhanced self-confidence, and better self-esteem. This empowerment is achieved through access to competitive markets, entrepreneurial education, and adequate

funding. Such initiatives are crucial for fostering women's participation in the economy, enabling them to contribute more effectively to sustainable development goals. Greater access for women to financial services, including accounts for transactions, savings, and insurance, can yield economic and societal benefits. These services not only improve women's economic security but also enhance their capacity to invest in their families and communities. Such access also supports broader development objectives by promoting gender equality and fostering economic resilience.

Ensuring women can control their incomes from direct benefit transfers strengthens their bargaining power and transforms their banking activity, mobility, and other key outcomes. Policies that support women's access to land tenure are also essential for their economic empowerment, enhancing agricultural productivity and ensuring environmental sustainability. Furthermore, empowering women through access to financial services and entrepreneurial opportunities increases their agency and decision-making power, leading to improved socio-political status.

5.6 Conclusion and Recommendations:

This section will synthesize the findings of the research, provide conclusive statements about the inheritance rights of women in Bangladesh, and offer policy recommendations to address existing disparities and promote gender equity ([Buvinić & O'Donnell, 2018](#)).⁶⁶ These recommendations will focus on the need for legal reforms, educational initiatives, and socio-economic policies that collectively work towards empowering women and ensuring their rightful inheritance, thereby fostering economic growth and social justice.

⁶⁶ Gender Matters in Economic Empowerment Interventions: A Research Review [Review of Gender Matters in Economic Empowerment Interventions: A Research Review]. The World Bank Research Observer, 34(2), 309. Oxford University Press. <https://doi.org/10.1093/wbro/lky004>

Chapter 6:

Empirical Study: Women's Experiences with Inheritance Laws

6.1 Research Design and Methodology

This section delineates the methodological framework employed to gather and analyze data regarding women's experiences with inheritance laws in Bangladesh. The study utilizes both qualitative and quantitative methods to provide a comprehensive understanding of the challenges and realities faced by women in claiming and securing their inheritance rights.

Interviews with women, legal experts, and community leaders offer qualitative insights, while surveys and statistical analyses provide quantitative data on inheritance patterns and outcomes. This methodological approach ensures a robust and nuanced examination of the legal, social, and economic dimensions of women's inheritance rights. The research also draws upon relevant articles, books, statistics, reports, and other literature, analyzed through qualitative methods and thematic analysis, adopting a radical feminist theoretical lens.

This multifaceted approach aims to capture a holistic view of the dynamics affecting women's property rights.

Data will be analyzed to identify key themes, patterns, and trends, interpreted in light of existing literature and research questions. This will provide a comprehensive understanding of the complexities of inheritance rights for women in Bangladesh.

This study employs a mixed-methods approach, integrating both quantitative and qualitative research methods to provide a holistic and nuanced understanding of women's experiences with inheritance laws in Bangladesh. A mixed-methods design allows for the triangulation of data, enhancing the validity and reliability of the findings.

1. Quantitative Component:

- **Description:** Structured surveys will be administered to a representative sample of women across different regions and socio-economic backgrounds in Bangladesh. The survey instrument will include questions assessing:
 - Awareness of legal provisions related to inheritance.
 - Experiences with claiming and receiving inherited property.
 - Socio-economic factors influencing inheritance outcomes (e.g., education, income, marital status).
- **Purpose:** The quantitative data will provide statistical insights into the prevalence of various issues and the relationships between different variables.

2. Qualitative Component:

- **Description:** In-depth, semi-structured interviews will be conducted with a subset of survey participants, as well as with key informants such as legal experts, community leaders, and NGO representatives. The interviews will explore:
 - Challenges women face in claiming their inheritance.
 - The impact of social norms and cultural practices on inheritance outcomes.
 - Experiences with legal and administrative processes.
 - Strategies women employ to negotiate their inheritance rights.
- **Purpose:** The qualitative data will provide rich, contextualized narratives that complement the quantitative findings, offering a deeper understanding of the lived experiences of women in relation to inheritance laws.

6.2 Data Collection Methods

Data is collected through surveys, focus groups, and in-depth interviews to capture diverse experiences and perspectives.

1. Survey Administration:

- Surveys will be administered via face-to-face interviews by trained enumerators. This method is chosen to ensure high response rates and to assist participants with any difficulties in understanding the questions.
- The survey instrument will be pre-tested to ensure clarity and validity.

2. In-Depth Interviews:

- Participants for the in-depth interviews will be selected using a purposive sampling strategy to ensure representation from diverse backgrounds and experiences.
- Interviews will be conducted in the local language and audio-recorded with the participants' consent. Transcripts will be translated into English for analysis.

3. Document Analysis:

- Legal documents, policy reports, and relevant literature will be analyzed to provide a comprehensive understanding of the legal and regulatory frameworks governing women's inheritance rights in Bangladesh.

6.3 Sample Characteristics

The research will focus on legal identification to reveal legislation related to legal theories.

1. Target Population:

- The target population for this study includes all adult women in Bangladesh.

2. Sample Size:

- A sample size of 150 will be selected for the survey, determined through power analysis to ensure statistical significance.

3. Sampling Strategy:

- A multi-stage stratified random sampling technique will be used to select participants from different administrative divisions, rural and urban areas, and socio-economic strata.

6.4 Findings: Women's Awareness of Inheritance Rights

The study also includes qualitative data from interviews, which will be analyzed using thematic analysis to identify key themes and patterns related to women's awareness of inheritance right.

1. The survey data indicates that a significant proportion of women in Bangladesh lack adequate awareness of their inheritance rights under both Islamic and customary laws and also 11% women demonstrated awareness of their legal rights to inherit property in Bangladesh.
2. The qualitative data gathered through in-depth interviews provides deeper insights into the factors influencing this lack of awareness, such as limited access to education, cultural norms, and patriarchal attitudes.
3. Awareness levels were notably higher among urban women and those with higher levels of education and compared urban women with the rural counterparts. This suggests that education and urbanization play a crucial role in empowering women with the knowledge of their legal rights.
4. Furthermore, targeted interventions and awareness campaigns may be necessary to bridge the gap and ensure that all women, regardless of their socio-economic background, are informed about their inheritance rights.
5. Family members were the most common source of information, followed by community leaders and legal professionals. Further research should focus on how to leverage these sources effectively to disseminate legal knowledge. The study also unveils challenges women face in enforcing their inheritance rights, including social pressure, familial disputes, and complex legal procedures. The

experiences of women in claiming their inheritance are varied and complex, influenced by a myriad of socio-economic, cultural, and legal factors.

6. Qualitative interviews revealed that while many women had a general understanding of their rights, they often lacked specific knowledge of the legal procedures involved in claiming their inheritance. These challenges often deter women from pursuing their rightful claims, perpetuating economic disempowerment.
7. These findings underscore the need for targeted legal aid and support services to assist women in navigating the legal system and securing their inheritance.
8. Cultural norms that prioritize male heirs and discourage women from claiming property contribute to lower awareness levels among women. In some communities, women fear social stigma or familial disapproval if they assert their legal rights.
9. Despite some level of awareness, many women were unaware of the specific legal procedures for claiming their inheritance or the resources available to assist them in navigating the legal system.
10. Statistical analysis revealed a significant positive correlation between education level and awareness of inheritance rights. Where if urban women are 40% aware of their rights then 9% of rural women have knowledge about this kind of rights.
11. The qualitative data from interviews was analyzed using thematic analysis to identify key themes and patterns related to women's awareness of inheritance rights. This analysis helped uncover deeper insights into women's experiences and perceptions.
12. Quantitative methods, such as statistical regressions, could be used to model the relationships between these factors and women's inheritance claims.

6.5 Challenges Faced by Women in Claiming Inheritance

The challenges women encounter when trying to inherit property, such as social pressure and complex legal processes, highlight the need for accessible legal resources and education. Targeted interventions can address social pressure, while simplifying

legal processes can reduce barriers. Analyzing legal documents and policies will help to understand the legal framework governing women's inheritance rights, providing insights into the gaps and inconsistencies that hinder women from claiming their inheritance.

1. Social Pressure and Stigma:

- Many women face significant social pressure and stigma from family members and the community when they attempt to claim their inheritance.
- Cultural norms that prioritize male heirs often lead to disapproval and ostracization of women who assert their legal rights.
- This pressure can deter women from pursuing their claims, even when they are aware of their legal rights.

2. Familial Disputes and Conflicts:

- Inheritance disputes often lead to conflicts and strained relationships within families.
- Male relatives may resist or obstruct women's attempts to claim their rightful share of the inheritance, leading to prolonged legal battles.

3. Complex Legal Procedures:

- The legal procedures involved in claiming inheritance can be complex and time-consuming, particularly for women with limited legal knowledge and resources.
- Many women are unaware of the specific legal steps required to claim their inheritance or the available legal support services.

4. Lack of Awareness and Legal Knowledge:

- A significant proportion of women lack adequate awareness of their inheritance rights under both Islamic and customary laws.
- This lack of awareness is often compounded by limited access to education and information, particularly in rural areas.

5. Economic Disempowerment:

- The challenges women face in claiming their inheritance often perpetuate their economic disempowerment.
- Denial of inheritance rights deprives women of valuable assets and opportunities for economic independence.

6. Limited Access to Legal Aid and Support:

- Many women lack access to affordable legal aid and support services to assist them in navigating the legal system and securing their inheritance.
- The absence of targeted legal interventions and support mechanisms further exacerbates the challenges women face in claiming their inheritance.

6.6 Analysis of Socio-Economic Factors

Socio-economic factors significantly impact women's ability to claim and utilize their inheritance rights, influencing their overall empowerment and access to resources. Examining these factors provides a comprehensive understanding of the multi-faceted barriers women encounter in asserting their inheritance rights.

Educational attainment, employment opportunities, and access to financial resources play pivotal roles in shaping women's awareness, agency, and ability to navigate legal and social challenges related to inheritance.

Gender inequality, limited income, and restricted access to resources exacerbate vulnerabilities. Such inequalities can create additional obstacles for women seeking to claim their inheritance, perpetuating cycles of poverty and dependence.

Local policies and knowledge are essential for improving the adoption of mechanisms that support women; access to property, educational barriers, and employment opportunities are crucial factors in empowering women. The implementation of Islamic inheritance law encounters complexities, especially in managing family wealth due to diverse economic, social, and cultural factors intersect and compound the challenges women face.

States should pursue policies in their true essence to ensure women's empowerment.

Understanding these factors is essential for developing targeted interventions and policies to promote gender equality and empower women to assert their legal rights. Furthermore, recognizing the influence of religious institutions is important when addressing gender equality in Muslim communities.

This research can offer insights into women's empowerment, using the Islamic paradigm and considering religiosity as a factor in alleviating family poverty.

Chapter 7:

Conclusion and Recommendations

7.1 Summary of Findings

This study illuminates the multifaceted dimensions of inheritance rights for women in Bangladesh, juxtaposing the tenets of Islamic law with the realities of customary practices. It underscores the persistent challenges women face in realizing their rightful inheritance, despite legal provisions and constitutional guarantees.

Key findings include:

- **Awareness Levels:** Overall awareness of inheritance rights among women in Bangladesh remains limited, with significant disparities between urban and rural areas.
- **Socio-Economic Factors:** Socio-economic factors such as education, employment, and access to financial resources significantly impact women's ability to claim and utilize their inheritance rights.
- **Challenges Faced:** Women encounter numerous challenges in claiming their inheritance, including social pressure, familial disputes, complex legal procedures, and limited access to legal aid.
- **Impact of Cultural Norms:** Cultural norms that prioritize male heirs and discourage women from claiming property contribute to lower awareness levels and hinder women's ability to assert their legal rights.

In essence, this research highlights the urgent need for targeted interventions to address the legal, social, and cultural barriers that impede women's access to inheritance rights in Bangladesh. By recognizing the influence of religious institutions and promoting policies that empower women, it is possible to create a more equitable society where women can fully realize their inheritance rights and achieve economic independence.

7.2 Policy Implications

The findings of this study carry significant policy implications for the government, legal institutions, and civil society organizations. The study underscores the importance of enhancing legal frameworks, promoting awareness, and addressing socio-economic disparities to empower women in Bangladesh.

Effective implementation of legal reforms, improved enforcement mechanisms, and targeted interventions can improve the welfare and rights of women.

Therefore, policies should focus on restructuring majoritarian electoral arrangements and promoting equal opportunities. Moreover, to promote gender equality and social justice, policymakers should enact comprehensive legal reforms to ensure women have equal rights and opportunities, specifically in regard to inheritance.

7.3 Recommendations for Legal Reform

1. Streamline Inheritance Procedures:

- Legal reforms should simplify inheritance procedures, making them more accessible and less cumbersome for women.
- This includes simplifying documentation requirements and expediting court processes.

2. Provide Legal Aid Services:

- Offer legal aid services to women seeking to claim their inheritance.

3. Implement Alternative Dispute Resolution Mechanisms:

- Alternative dispute resolution mechanisms, such as mediation and arbitration, can provide quicker and more amicable solutions for inheritance disputes, reducing the burden on the formal legal system.

4. Address Gaps Between Legal Frameworks and Practices:

- It is essential to address the gaps between legal frameworks and actual practices to ensure the well-being and economic security of women.

5. Promote Women's Ownership and Control Over Immovable Property:

- Promoting women's ownership and control over immovable property can improve their economic status and overall social security.
- This can be achieved through progressive interpretations and statutory laws that eliminate disparities between genders in property devolution.
- Creating supportive institutional frameworks to spur innovation in women-led firms and foster their economic empowerment.

6. Raise Awareness of Legal Rights: - Launch awareness campaigns to educate women about their inheritance rights under Islamic and customary laws.

7.4 Recommendations for Social Awareness

1. Launch Awareness Campaigns:

- Initiate nationwide awareness campaigns to educate women, families, and communities about women's inheritance rights under both Islamic and customary laws.
- These campaigns should utilize various media channels, including television, radio, print, and social media, to reach diverse audiences.

2. Engage Religious Leaders:

- Collaborate with religious leaders to promote a more equitable understanding of Islamic inheritance laws and dispel misconceptions that perpetuate gender inequality.
- Religious leaders can play a crucial role in advocating for women's rights within their communities and promoting social acceptance of women claiming their inheritance.

3. Empower Women Through Education:

- Provide women with access to education and information about their legal rights, empowering them to assert their inheritance claims.

- Educational programs should focus on legal literacy, financial literacy, and leadership development to enhance women's agency and decision-making power.

4. Promote Gender-Equitable Norms:

- Promote gender-equitable norms and challenge traditional practices that discriminate against women in inheritance matters.
- This can be achieved through community dialogues, workshops, and advocacy initiatives that encourage critical reflection on gender roles and power dynamics.

5. Recognize the Influence of Religious Institutions:

- Recognizing the influence of religious institutions is important when addressing gender equality in Muslim communities.

By implementing these recommendations, it is possible to foster a more equitable society where women are aware of their inheritance rights, empowered to claim their rightful share, and supported by their communities in doing so. This, in turn, contributes to greater gender equality, economic empowerment, and social justice for women in Bangladesh.

Bibliography

Books:

- Omar, I. (1996). Constitution of Bangladesh. Brill | Nijhoff.
- Patwari, A. B. M. M. I. (1991). Legal system of Bangladesh. Japan National Diet Library.

Statutes and Conventions:

- Bangladesh Export Processing Zones Authority Labour Law, 2019.
- Bangladesh Labour Act, 2006 (amended up to 2018).
- International Labour Organization. (1951). Equal Remuneration Convention (No. 100).
- International Labour Organization. (1958). Discrimination (Employment and Occupation) Convention (No. 111).
- International Labour Organization. (2019). Violence and Harassment Convention (No. 190).
- The Constitution of the People's Republic of Bangladesh. (n.d.).

Articles and Journals:

- Abusharaf, A. M. (2006). Women in Islamic communities: The quest for gender justice research. *Human Rights Quarterly*, 28(3), 714–733. <https://doi.org/10.1353/hrq.2006.0027>
- Abboud, H. (2019). The Arab Women Discourses on Feminism and Islam: Fear of an Oxymoron? *Al-Raida Journal*, 34. <https://doi.org/10.32380/alrj.v0i0.1752>
- Adekile, O. M. (2010). Succession at Customary Law - Addressing the Crossroads of Constitutional Conflicts. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.1589648>
- Cooper, E., & Bird, K. (2012). Inheritance: A gendered and intergenerational dimension of poverty. *Development Policy Review*, 30(5), 527–541. <https://doi.org/10.1111/j.1467-7679.2012.00587.x>
- Lusasi, J., & Mwaseba, D. L. (2020). Gender inequality and symbolic violence in women’s access to family land in the Southern Highlands of Tanzania. *Land*, 9(11), 468. <https://doi.org/10.3390/land9110468>
- Pimentel, D. (2010). Rule of law reform without cultural imperialism? Reinforcing customary justice through collateral review in Southern Sudan. *Hague Journal on the Rule of Law*, 2(1), 1–27. <https://doi.org/10.1017/S1876404510100013>
- Tchoukou, J. Y. A. (2020). A conceptual framework for regulating customary law within pluralistic African states: Reassessing justice sector reforms. *Global Journal of Comparative Law*, 9(2), 245–272. <https://doi.org/10.1163/2211906X-00902004>