

Inheritance Distribution among Muslims: A Comparative Analysis on the Practice of Some Muslim Countries

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Abstract

Inheritance distribution in Islam is ruled under the law of fara'id, Every Muslim must abide to the law and distribute inheritance towards legal heirs accordingly. The distribution of deceased estates is made per the teachings of al-Qur'an and the explanation by the sunnah of the Prophet (SAW). However, in some Muslim countries, the method of dividing inheritance is more influenced by customary practices than religious teachings. Thus, the teaching of Islam in relation to the distribution of properties is not fully abided by the Muslims. For some communities, religious affairs are more focused on worship per say, daily affairs and succession of wealth are more on tradition and culture. While in reality, the Islamic teachings are comprehensive in all aspects of life. This study aims to examine the application of sharia regarding the distribution of inheritance among certain Muslim communities in the world. This research work used a qualitative approach by referring to secondary sources such as materials like journals, conference papers, articles, sampled cases of law courts and library-based documents. The study found out that, despite the wide acceptance of Islam in many countries, traditional practices of inheritance are still being mingled with the Islamic inheritance system. This difference in practice occurs due to religious awareness and limited knowledge about faraid law. Therefore, it recommends that the Muslim must follow the teaching of the law fully. Any incompliances of the law must be made in the form of takharuj, where some heirs reject their rights voluntarily and with full of awareness.

Keywords: Distribution, Muslim, Traditional, Legal, Inheritance, Practices

Introduction

Islam is a religion that governs the way Muslim live as a whole, everything in their lives is based and quidded by Islam including the division of inheritance. However, the issue of inheritance distribution in a community is as old as man himself: the distribution of inheritance takes place in several ways ranging from one community to another. In numerous societies across the globe, the application of tribal inheritance results to women and children who are mostly affected and in some cases the men are also neglected to some extent. Most

inheritance distributions are cultural inclined because it is regulated by customary laws, which persist till date even with the advent of Islam. The religion of Islam acknowledges differences in culture among people that is based on religious teachings, such as their differences in settlement, language, ethnicity and so on. However, the life of a Muslim should be guided by shariah as long as they are guidance via al-Qur'an and Sunnah, that makes every aspect of the Muslim activities as an act of worship (ibadah) if he abides by the code of Islamic law.

The concept of law of Inheritance in Islam

Before the advent of Islam, several communities across the globe had different forms of inheritance practices according to the customs and traditions. These customary rules are built on the bases of each individuals experience and way of life, with specific goals and virtues. Such practices include women inheritance which was preferred rather than men. In this context, Rizv (2023) observed that pre-Islamic Arabia was not different from other regions of the world regarding inheritance practices which were customary before the advent of Islam. At that time, women were left destitute by their husband's relatives thus they are rendered irrelevant except considered as a tool for satisfaction. Usmat (2023) noted that they were deprived of even their civil rights, generally excluded from the rights of inheritance. Other widespread inheritance systems in some regions include patrilineal primogeniture, in which the eldest son will receive all properties, and the practice of ultimogeniture, in which the youngest inherits all. These practices were popular in Ancient Egypt, Persia, India, Greece, and Rome (Rivz, 2023). Meanwhile, not all customary traditions denied the rights of female heirs completely. But in communities such as the Israelites and the Babylonians the daughter is only permitted to inherit in the absence of a male child, but she must get married within the lineage of her father (Rizv, 2023).

The arrival of Islam restored the unequal treatment of these heirs, where male and female heirs were given their due rights. This is appropriate to the teaching of Islam as a comprehensive religion which covers spiritual, economic, social, political, and cultural aspects of life. Muslims must obey all the teachings brought by Islam whose benefits and wisdom cannot be overemphasised. (Norazmi et al, 2016, Naik, 2021, & Khodijah, 2022). The Qur'an says:

يَا أَيُّهَا الَّذِينَ آمَنُوا ادْخُلُوا فِي السِّلْمِ كَافَّةً...

O ye who believe! Enter into Islam wholeheartedly... (Qur'an, 2:208).

According to Ibn Kathir (2017), the above verse relates to the believers among the people of the scripture who believed in Allah, but still adhered to the Tawrah and previous revelations. Allah (SWT) thus, commands them to embrace the legislation of the religion of Islam in its entirety and to avoid abandoning any part of it. The religion of Islam right from its inception has battled with numerous activities which do not conform with its teachings. Umar (2021) found that one of the activities includes denying women and children their rights contrary to the Shari'ah law that affirms the rights of women from the legacy of husbands and fathers. The Qur'an buttresses:

لِلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ
الْوَالِدَانِ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ نَصِيبًا مَّفْرُوضًا

For men is a share of what the parents and close relatives leave and for women is a share of what the parents and close relatives leave, be it little or much, a determinate share" (Qur'an, 4:7).

However, the above verse settled the disparities between the shares of the men and women, but it didn't go well with the Arabs, they wished there was no such injunction, or it should be abolished. Ibn Jarir related from Ibn Abbas that; when the verses of inheritance were revealed, in which parents, male and female children were given their shares, some people objected to the idea and purported to give the women one quarter and one eighth and give the girl child a half ... one of them approached the Prophet (SAW) and asked the question: The Prophet (SAW) instructed them to follow Allah's command (Hussain, 2019). In a Hadith of the prophet (SAW), which was narrated by Ibn Abbas (RA) in (al-Bukhari, 6732: Muslim 1615):

لَجِفُوا الْفَرَائِضَ بِأَهْلِهَا، فَمَا بَقِيَ فَهُوَ لِأَوْلَى رَجُلٍ ذَكَرَ
"Give the determined portion of the inheritance to the owner. As for the rest, it goes to the male heir who is closest in lineage".

The above prophetic Hadith explains the challenges faced by the Arabs after the Revealed verses of the Qur'an (Q4: 7, 11, and 12 respectively) allotting the females the right to inherit and their shares of inheritance. These portions of the Quran give the male the right of inheritance twice that of the female gender. For example, if the female receives two hundred thousand as her own share of inheritance the male gets four hundred thousand which makes his share double. According to imam An-Nawawih, this hadith shows that men are heirs with the strongest lineage. The priority of male heirs is also stated here as the party the party that bears a lot of burdens or difficulties financially, family issues and so on (An-Nawawih 11/53).

The Practice of Inheritance Distributions among Muslims

As stated before, the practice of distributing inheritance has existed before the advent of Islam. In fact, each community composition has its own inheritance system. This system has not all been softened by Islam, although some of its communities have embraced Islam. Some continue to practice in the family as a generational tradition and some continue to practice because they feel it gives more justice and benefits the heirs and guarantees permanence of family property.

This culture also occurs in Muslim communities even though the teaching of Islam spread all around the world, but the practice between them is not necessarily same. In today's reality Islamic communities can be found easily in every angle of the continent. As it was said earlier, the tenants of Islam refer to same sources which are al-Quran and Hadith, but their understanding and comprehension were guided through different scholars such as he Hannafi, Maliki, Shafi'i and Hambali. The teachings of the imams of these schools are not only affected by differences in understanding but also by factors of location, culture, weather, politics, economy and so on. All these elements influence the teachings as well as the application of law in the society. Even though the tenants of Islam refer to the sources which are al-Qur'an and Hadith, their references and practice were guided through scholars who translated the sources to their comprehension, Therefore, in Islam, there are schools of law that are followed by the Muslims such as the Hanafi, Maliki, Shafii and Hanbali. Besides that, Muslims are also influenced by their culture and traditions. All these elements influence the teaching of law as well as the comprehension of the religion in variety, understanding and application. Based on this background this paper will discuss in this influence towards the distribution of inheritance throughout some Muslim countries nowadays.

a) The share of male and female

Under the Fara'id law, males get twice the shares of female inheritances. This division is obligatory matter that cannot be violated, unless the male heir refuses the share he is entitled to. The granting of double shares to the male heirs is based on the responsibility to look after the welfare of the family. For example, in the Indonesian traditional culture, which is more of Javanese, the male gets twice the share of a female is deemed based on the crucial function the male child performs in society (Ahsan, 2021; Nurmala & Koni, 2022). Though this practice is viewed as customary, it actually parallels with the teachings of Islam as stipulated in Qur'an "... to the male equal a portion to that of two females..." (Q4: 11).

Similar practice is takes place in Malaysia, Pakistan, and Nigeria where male gets twice the shares of female. Al-M'amum et al (2022), confirmed that the ruling of inheritance in those countries set out two shares for the male and one share for the female. Also, Thota et al (2023), buttresses, that the distribution act makes provision for the male to inherit twice the shares of female per the Qur'anic dictates. In Nigeria, the majority in northern part in some regions where Muslims are predominant, they adhere to the practice of male receiving double the share of female. Muhammad (2017) stated that for the time immemorial the inheritance system in major parts of Northern Nigeria has greatly been influenced by the Islamic system of inheritance.

However, in the practice of a small part of the race in the same country this rule is not fully followed. The reason is more cultural than religious. For example, as highlighted by Udoh (2020), culturally, men in most parts of Nigeria are allotted the highest shares of inheritance, because women are viewed as inferior to men. It was also acknowledged that the application of Islamic inheritance is varied from one region to another in Nigeria.

The similar tendency happened in Pakistan, though there is Muslim Family Law Ordinance, of 1961 there is variation when it comes to the share of male and female (Thota, 2023), According to, Nasra (2022), from the female perspective, in Karachi Pakistan, the specified dowry of the female gender unjustly deprived their rights to inheritance in this locality. Thus, it may be determined from the preceding talks that, while the Qur'an stipulates the shares of male twice female, most constitutional laws also accept, in some cases traditions supersedes. The equal shares between both sexes are also a practice in relevant area of the Muslim communities. Under the traditional inheritance the right of the male is considered the same weight as that of the female. The female is also seen to play a vital role just like the male counterpart, and because of that, they are given equal rights. This is the common inheritance practice in the Bantan district of Indonesia where both sexes take equality due to the limited knowledge of the Islamic law of inheritance, which is wrong and jeopardizes inheritance practices (Basri & Azani, 2018). Their understanding of "steady justice" is not in line with Islamic justice for the heirs. By implication, the heirs have equal rights of inheritance both male and female having larger shares by the Islamic law is seen by them as going against equal justice even though men have a heavier burden than their female counterparts. Meanwhile among the Bugis and Luwu communities, tradition to distribute on equal basis still prevails, a good example is provided by Assaad et al (2022), from the South Sulawesi where these two communities exist women and men receive equal share of inheritance.

The equal distribution is also practice in some parts of Malaysia, through the application of the village custom (adat kampung). The custom was described by Rushdanat, et al (2023), in Negeri Sembilan and elsewhere in Malaysia village, the family members distribute equally to both sexes especially when the number of males is more than female. Even though the practice shows gender equivalence, but it actually go against the dictates of Islamic law of

inheritance. Except that the male heirs voluntarily give up their greater rights for the benefits of the existing female heirs. Haque et al (2020) also confirm that in some parts of Pakistan, both male and female heirs receive an equal share of inheritance. It is also noted that married girls have the same succession rights as unmarried daughters; both are entitled to the same share of inheritance as their male counterparts (Ahmad et.al., 2023; Thota et al., 2023).

Nonetheless, Nigeria is not far behind in terms of both sexes receiving the equal share of inheritance. In the southern part of the country, it is maintained that because male and female are born equal, they should have the same portion of inheritance (Edu, 2016). In the same story, some cultures believe that all children are born equal, regardless of gender, and that no segment of society should deny their rights and should be granted an equal share of inheritance (Igbolekwu et al., 2022). Moreso, if in some cases culture permits the male and the female to be on the same scale, other customary laws permit the woman to get twice the shares of the man as observed below.

However, the reverse circumstance is found in some traditional settings where the female gets the largest share. In the Sungai Enau community in Indonesia, for example, where most of the people are Muslims, Hakim (2021) observed that the mode of distribution is reached through consensus, with all members agreeing that the female child receives the highest share because the female is more loving and supportive to the parents than the male child. Also, in the Minangkabau community of Malaysia, customary law still governs the distribution of inheritance with women receiving twice as much as men. The community supports this act, so as do traditional religious leaders who see it as nothing more than a custom that grants the woman full inheritance rights (Syafira, et al., 2023).

However, in Pakistan and Nigeria, this practice of female getting double the male share is not obtainable since female has never been given more preferences than male because female is regarded a weaker sex. The practices are common among some communities in Malaysia and Indonesia where the female receives more privileges than the male. This of course, contravenes the teachings of Islam and the rules of Islamic law of inheritance. The Qur'an commands:

...وَإِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِنْ كَانَ لَهُ وَلَدٌ...

...to the male a portion equal to that of two females if only daughters two or more... (Qur'an 4: 11)

Notwithstanding, the above situation, in other communities, women are neglected or partially considered in the distribution of inheritance. Umar (2021), reviews the status of women as heirs in different communities and found out that in most cases, women are denied of their rights

b) Recognition of illegal Heirs out of Wedlock

One of the conditions of inheritance in Islam is to have a hereditary relationship or a marriage relationship with the owner of the property. This relationship determines the right to inherit, or if it does not exist, then it is used to deny the right to inherit. It is noted that the issue of succession received widespread acceptance among different Muslim communities of the world, yet the procedure used to determine the heirs to the deceased and the amount received varies (Olawale, 2019). In this regard, the difference in accepting inheritance varies throughout races and locations. For example, the plurality of ethnic groups forced the Nigerian official system to recognize pluralism, where the system identifies the distribution of inheritance to heirs but is less concerned with how the distribution occurs. The Nigerian

Constitution, which forbids bias against any Nigerian based on their birth circumstances, has considered the inheritance of a child born outside of marriage. Therefore, according to the 1999 constitution as amended, once the putative father recognizes the child, he is entitled to inherit his father's wealth upon his death, which is against the tenants of Islam. The legal law for the Muslim those does not accept "forbids bias" but the teachings of Islam which forbids an illegal child from inheriting his father, which is shariah.

Shari'ah (Islamic law), is another legal system in Nigeria that applies to all citizens that are Muslims; states that a child born out of wedlock can only inherit from his mother. However, this viewpoint is not shared by everyone, some jurists are of the view that the child can inherit from his biological father (Basri & Azami, 2018). It should be mentioned that the idea that a child born out of wedlock can inherit his father gained popular recognition because of legalization as embodied in the constitution and reinforced by the principle of natural justice (Kayode, 2021).

However, the same situation is not acceptable in Indonesia, Sandimula (2019) affirmed in Indonesia that a child born outside of marriage is deemed an illegitimate child, and the position and rights of an unlawful child are clearly defined by the Shafi'i mazhab and the view of Islamic family law. For instance, if a child is born within six months of a marriage, it is alleged that the mother had sexual relations prior to the wedding and thus, the relationship of the child with the father is illegal. This, however, eliminates the child's right to inherit from the biological father. The child is completely deprived of inheritance due to his position of been born outside wedlock.

In Pakistan, a child born outside wedlock is also excluded from inheritance and considered as an illegitimate child. Article 128 of the Qanun-e-Shahadat attests to the above statement, in a case where the father renounced the kid. For the fact that he was born within the expiry date of six months, or where the mother accepts termination of iddah although the child was born after the intervals of six months from such reception. The stigma of been a bastard child and the mother an unchaste woman remains with both the mother and the kid. Especially if the husband proves that the child was born separate without the survival of lawful marriage (Mahood, 2022). So the child and the father cannot inherit each other.

However, Islamic teachings are often mingled with culture and tradition, people tend to be in a haste to be pregnant out of wedlock. Jamalludin et al (2023), opined that when Islamic teachings are jumbled with customs and beliefs, it led to doubt and wrong deductions. Thus, there is no legal provision for a child born outside valid marriage, but the court grant acknowledges partial legal relationship for unlawful children. The father is also considered biological in nature, so that the child can have self-possession (hifz al-ard). This is simply to provide justice without disregarding the Islamic Rules (Siddik, 2022)

c) Senior Heir Receives More (primogeniuty)

The specialty of faraid law is that it is a system of inheritance that has determined the rate and qualification of fasting of the next kin. These rates and qualifications are based on the relationship with the property owner regardless of age and experience. However, the common tradition in which the eldest inherits the property of the deceased is a peculiar act common among several communities across the globe. Rasool et al (2021) stated that the practices prevailing in Pakistan which allow only the male and the elder in the family to inherit land deprived women of their rights (to own such properties). In Islam, all property left by the deceased, whether monetary, land property, or otherwise, must be redistributed among his

heirs in according to the faraid rule. Giving emphasis to custom and tradition have overshadowed the rights Islam has bestowed upon women to acquire land.

The traditional practice that is common in Nigeria specifically the Southeast, Southwest, and some part of the Northern Nigeria is the claim of the most senior son. This is known as "Opala" in the Southeast, where the eldest son of the family inherits all the deceased father's properties, denying his siblings of receiving anything (Ameh, 2022). In the Southwest, it is called "Dawodu" where the tradition allows the first son to be the only heir to inherit his father after his demise, excluding his siblings. Among the Northern ethnic groupings of the Bachama, Laguda, Veire, Mbula, and Fulani tribes, the eldest son tradition known as "Babban Da" permits the most senior son to inherit all his deceased father's property, barring spouses, female offspring, and junior siblings.

In Malaysia, inheritance practices are blended with culture and tradition of the setting. A good example was provided by Putri (2023) who observed that the Minangkabau community adopts two inheritance practices including high inheritance and low inheritance. The high inheritance is culturally oriented, whereas the low inheritance is in accordance with the dictates of the Quran. The high inheritance allows the eldest son to get the highest share of the deceased parent's property. In Indonesia, Zealani et al (2023) proved that inheritance practices are culturally inclined. In the Lampung multi-ethnic groups for example, tradition entitled the eldest child with the highest share of inheritance left by the deceased parents, thereby depriving other siblings of their rightful shares.

d) Dual Jurisdiction of Law

Inheritance practices in Malaysia, Indonesia, and Nigeria can be examined in the face of the diversity of inheritance laws governing the right of heirs in the respective countries. These laws include Islamic Law, Civil law and customary law and require the involvement of relevant organs and the family of the deceased person (Alma'amun et al., 2022). These three laws require the active involvement of several bodies that are engaged in setting the laws and the relation of the demised individuals inclusive in making decision. The participation of various legal statutes causes a power struggle amongst the three legal bodies. Such issues are exacerbated when distinct rules and practices exist in some communities and are aimed at certain people who require knowledge of inheritance laws.

This, therefore, has adverse effects on the distribution of inheritance, the rights of the heirs and differences among the family. In relation to this, Nasrul et al (2021) claimed that both Malaysia and Indonesia share a common attribute of inadequate knowledge of inheritance among the heirs and the ruling of the court in favoring priority above civil rights. Akar et al (2020) draw attention to the need for society to be properly enlightened about the distribution of inheritance and the effects of delay in the distribution process. Muhammad and Shazari (2022) also emphasize the importance of addressing the challenges of estate management to improve the economy of Muslims in various ways, such as liquidating and using the value of frozen assets that have yet to be obtained by the deceased heirs. This dualization affect the teachings of Islam because the civil laws and the customary laws are different laws which most of the stipulated laws does not enshrine with the teachings of Islamic law of inheritance.

The Nigerian official system is characterized by pluralism owing to the existence of different cultures, religions, and languages, the system acknowledges the distribution of inheritance to the heirs, but not so keen on how the distribution takes place (Olawale, 2019). Hence in Nigeria, the constitutional system, Islamic legal system, customs, and tradition regulate

inheritance practices (Kayode, 2021). In Pakistan, the Muslim Family law, custom and tradition govern inheritance practices. Ali (2021) found that the Muslim Family law is utilized on matters of family issue including inheritance. Even while customs and traditions continue to persist within settings, particularly issues with inheritance and associated practices. In Islam, shariah has stipulated and specified the heirs entitled to inherit the shares allotted to them. Hence, the inability to share the deceased estate results in conflicts and chaos between the rightful owners. This thus, requires total submission to the inheritance laws in Islam. The Qur'an explains the nature of such faithful persons in the following submission

إِنَّمَا كَانَ قَوْلَ الْمُؤْمِنِينَ إِذَا دُعُوا إِلَى اللَّهِ وَرَسُولِهِ لِيَحْكُمَ بَيْنَهُمْ أَنْ يَقُولُوا سَمِعْنَا وَأَطَعْنَا وَأُولَئِكَ هُمُ
الْمُفْلِحُونَ

The answer of the Believers, when summoned to Allah and His Messenger, in the order that He may judge between them, is no other than this: they say, "We hear, and we obey: it is such as these that will attain felicity (Q24: 51).

Thus, most of the above explanations on cultural and traditional mode of inheritance do not incline the Islamic teachings on inheritance. Therefore, the below explanations give vivid explanation of the nature of Islamic inheritance that the followers should adhere to. Husein (2019) posited that; the Islamic law of inheritance is one of the most important aspects of Islamic jurisprudence. The importance can be illustrated by the fact that, Allah, the Law Maker, has Himself provided clear rules for the distribution of the property of a deceased Muslim. He further put forward that, Islamic Law of Inheritance is the most important part of Islamic law and perhaps the most complicated and difficult one. For that reason, the Prophet (SAW) has admonished his *Ummah* (Muslim Community) in the form of command that emphasize the need to go into acquisition of knowledge of inheritance, the Prophet (SAW) said:

Learn *Fara'id* (the knowledge for distribution of estate) and teach it to the people for indeed, it is the half of knowledge, and it has the potential of being forgotten and it will be the first thing to be taken away from my *Ummah* (nation) (Ibn Majah, Hadith No.2719).

Again, according to Hussein (2019) the criteria that regulate Inheritance in Islamic Law is controlled by three conditions

- 1) The degree of relation between the heir (male or female). The closer the relation, the higher the share one gets and the farther the relation, the lesser the share one gets.
- 2) The position of a generation in terms of their time in such a way that new generation that is approaching life and preparing to take the mantle of life receives a larger share than that of the generation that is living life behind and preparing to leave.
- 3) Financial burden or responsibility- which is mandated by Islamic law on the male heir towards others.

Asaf cited in Muhammad (2019) further explained that, in Islamic Inheritance System, the property left behind by the deceased person is inherited by three categories of people i.e.

- 1) *Zawil-Furudh*-those heirs whose share has been defined or fixed in (Qur'an, 4:11-12).
- 2) *Asabah*- those heirs whose share have not been fixed but they take from what is left after satisfying the claims of those whose share have been fixed in category 1 above.

The principle of distribution of the second class is male takes the double share of female i.e., 2: 1.

- 3) *Zawil-Arham*-those distant relatives if there are no heirs of the deceased in the first or second category.

Principally, the Islamic reforms on inheritance greatly impacted on the women socially, morally and gave them a sense of belonging that the woman is not just a property but a creature of Allah, endowed with values and dignity.

From the content analysis of this paper, it is evident that there are deviances from the explicit adherence to Islamic shariah as inheritance is concerned. These practices are totally condemnable in Islam as they lead to the wrath of Allah upon people of the affected areas. Allah describes such malpractices as provoking and punishable in Suratun Nisa'i, which stipulates His anger on any cheat or denial of rights in inheritance among Muslims.

“As for those who swallow the property of the orphans unjustly, surely they only swallow fire into their bellies and they shall enter burning fire” (Chapter 4: 10).

The above verse is a motive to the Muslim ummah across the world to shun any form of malpractice in the rights of heirs or orphans as it has terrible consequences here and hereafter. Hence there is need for Muslim nation to ensure strict adherence to Islamic jurisprudence in inheritance as to ensure justice among Muslim ummah of the world regardless of race, gender, age, economic and political inclinations.

In addition, the paper was able to survey the malpractices in inheritance among some Muslim countries such as Malaysia, Pakistan, Indonesia and Nigeria. These countries have the highest population of predominant Muslims where strict adherence to Islamic jurisprudence is expected. It ascertained that inheritance practices in these countries are not in total compliance with Islamic laws but in most cases are mingled with cultures and traditions. Generally, the laws of inheritance in accordance with the Qur'anic teachings and sunnah of the Prophet (SAW), should strictly be adhered to for the safety and peaceful co-existence of Muslim ummah.

Conclusion

The study shows that a Muslim community does not necessarily accept and implement Islamic teachings fully. This is seen in two forms, the religion of worship and the religion of way of life. If they accept Islam as a whole then the teachings of Islam will be implemented in the whole life, but if Islam is accepted only for matters of worship, matters of property management and the rest will be quidded by customary law.

Comparative analyses of four Muslim nations were the bases of this research which revealed that, there are different inheritance practices peculiar to each society and nation. These processes of distribution affect the rights of eligible heirs especially the women and children for instance, the practice of male getting twice the shares of female in some communities is not in consonance with the dictates of Islam but perceived as tradition. Other practices like female gets equal share with the male, female gets higher share than the male, senior child gets the highest share, and dual jurisdiction of law are all practices embedded in the culture and traditions of Muslims in some selected Muslim nations of Malaysia, Nigeria, Indonesia, and Pakistan. These practices go against the dictates of Islam because Islam only permits the male to get twice the shares of females, not for the female to exceed or be on equal grounds. When the most senior inherit all the estate is also against the stipulation of Islamic law of inheritance because all estate must be distributed as per the female half the share of male.

In terms of dual laws, all laws related to Islam are acceptable, but some law under the civil and customary laws are not in line with the tenants of Islam.

The governments of the Muslim nations should try as much as possible to align the Islamic law of inheritance with the provisions in their constitutions. Muslim Ummah should inculcate the habit of strongly following the Islamic law of inheritance without mingling culture and tradition. The Du'at should rise to their responsibilities of educating the ummah on the rules and regulations in Islam regarding Islamic inheritance.

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