

**THE DISTRIBUTION PRACTICE OF ISLAMIC
INHERITANCE IN NORTHWEST NIGERIA**

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UNIVERSITI SAINS MALAYSIA

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THE DISTRIBUTION PRACTICE OF ISLAMIC INHERITANCE IN NORTHWEST NIGERIA

by

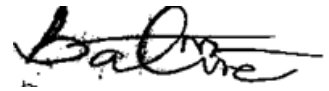
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**Thesis submitted in fulfilment of the requirements
for the degree of
Doctor of Philosophy**

July 2025

DECLARATION

I declare that this dissertation is written by me, all citations and sources of information are duly acknowledged in the references.

A handwritten signature in black ink, appearing to read 'Bature', with a stylized flourish extending from the end.

MUHAMMAD MARYAM BATURE

SIGNATURE

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All praises and thanks are due to Allah SWT, the Cherisher and Sustainer of the heavens and the earths. May His peace and blessings be upon the last and seal of prophets Muhammad SAW, his household, companions and those who follow his footsteps untill the day of retribution.

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LIST OF ABBREVIATIONS

ICC	Intra-Class Correlation Coefficients
KADGIS	Kaduna State Geographical Information System
KR-20	Kuder-Richardson formula 20
SPSS	Statistical Package for Social Sciences

LIST OF APPENDICES

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AMALAN PEMBAHAGIAN HARTA PUSAKA ISLAM DI BARAT LAUT NIGERIA

ABSTRAK

Islam telah membawa pelbagai pembaharuan yang merentasi semua budaya di dunia, sama ada pada era pra-Islam mahupun pasca-Islam, yang bertujuan untuk membina keharmonian hidup bersama dalam kalangan manusia. Hal ini dicapai melalui pelaksanaan hukum-hukum Islam secara berkesan, termasuk dalam aspek pewarisan harta pusaka si mati, yang sebelum ini dipenuhi dengan amalan yang tidak normal dan tidak adil. Amalan pewarisan yang menyimpang ini telah lama menjadi ancaman kepada keamanan dan kestabilan masyarakat, dan secara tidak langsung menjejaskan perkembangan ekonomi dan politik, terutamanya dalam kalangan umat Islam di Nigeria, khususnya di kawasan Barat Laut. Justeru, kajian ini bertujuan untuk mengkaji amalan pengagihan pusaka Islam di Wilayah Barat Laut Nigeria. Objektif kajian ialah untuk: (i) menganalisis perkembangan sejarah dan peruntukan undang-undang yang mengawal pelaksanaan hukum pusaka Islam dalam kalangan umat Islam di wilayah tersebut; (ii) mengkaji tahap kesedaran masyarakat Islam terhadap hukum pusaka Islam; (iii) menilai pelaksanaan sebenar hukum pusaka Islam dan cabaran yang dihadapi; dan (iv) menilai pengaruh gender terhadap respons berkaitan sejarah, kesedaran, dan pelaksanaan hukum pusaka Islam. Kajian ini menggunakan reka bentuk kajian tinjauan deskriptif dengan soal selidik sebagai instrumen pengumpulan data. Populasi sasaran adalah seramai 2,530,355 umat Islam di Wilayah Barat Laut Nigeria. Sampel kajian terdiri daripada 784 responden (320 lelaki dan 464 perempuan) yang dipilih secara rawak berdasarkan panduan ukuran sampel. Instrumen soal selidik yang dibina oleh penyelidik dinamakan *Awareness*

History and Application of Islamic Inheritance Laws Questionnaire (AHAILQ) telah disahkan oleh tiga pakar dan mencatatkan pekali kebolehpercayaan sebanyak 0.78 menggunakan Cronbach Alpha. Data dianalisis menggunakan statistik deskriptif (min dan sisihan piawai) dan statistik inferensi parametrik, khususnya Ujian Mann-Whitney. Dapatan kajian menunjukkan bahawa tahap pematuhan terhadap hukum pusaka Islam di wilayah tersebut adalah rendah. Kajian juga mendedahkan bahawa tahap kesedaran umat Islam terhadap hukum pusaka Islam adalah lemah, dan pelaksanaannya juga tidak memuaskan. Kajian turut mendapati bahawa jantina tidak memberi kesan terhadap respons berkaitan sejarah, kesedaran dan pelaksanaan hukum pusaka Islam. Antara cadangan kajian ialah pihak kerajaan perlu mempergiat usaha kesedaran dan pendidikan berkaitan hukum pusaka Islam dalam kalangan masyarakat di Wilayah Barat Laut Nigeria agar mereka lebih memahami hak dan tanggungjawab menurut ajaran Islam, seterusnya mengurangkan konflik dan salah faham.

THE DISTRIBUTION PRACTICE OF ISLAMIC INHERITANCE IN NORTHWEST NIGERIA

ABSTRACT

Islam has come with numerous reforms the cut across all cultures of the world in pre-Islamic and post-Islamic eras which are meant to influence peaceful coexistence among people of the world. That was achieved through effective implementation of Islamic jurisprudence which extended to inheritance of estates of the deceased which were found to be surrounded by abnormal and unjust practices among people. The abnormal practices in inheritance over time served as threats to peace and stability among people which by extension deterred economic and political development especially among Muslims in Nigeria, most specifically, North-west Nigeria. The study thus, aimed at appraising the distribution practices of Islamic inheritance in North-west Nigeria. The research objectives of the study were to (i) analyze the historical developments and legal provisions governing the implementation of Islamic inheritance laws among Muslims in North-west Nigeria (ii) examine the level of awareness of Islamic laws of inheritance among Muslims in North-west Nigeria (iii) assess the practical application of Islamic inheritance law and the challenges faced among Muslims in North-west Nigeria (iv) examine gender influence on responses of Muslims on historical development and legal provision, awareness and application of Islamic law as of inheritance in North-west Nigeria. Descriptive survey research design was adopted for the study using questionnaire for data generation among the research respondents. The target population of the study was 2,530,355 Muslims in the North-west Nigeria. The sample of the study was 784(320 males, 464 females) derived from the population using random sampling

techniques and a guide of sample size advisor. The research instrument used for the data collection was researcher constructed questionnaire named Awareness History and Application of Islamic Inheritance Laws Questionnaire (AHAILQ) which was validated by three experts and yielded reliability coefficient of 0.78 using Cronbach Alpha. The data generated was analyzed with descriptive statistics, precisely mean and standard deviation; and inferential parametric statistics, specifically Mann-Whitney U-Test. The findings revealed that there was poor adherence to the provisions of Islamic laws of inheritance in the North-west Nigeria. It also revealed that there was low level of awareness of Islamic laws of inheritance among Muslims in the North-west Nigeria. The findings also revealed that there was poor application of the Islamic laws of inheritance in the region. It also discovered that gender had no influence on peoples; responses on the historical development and provision, awareness and application of Islamic laws of inheritance in North-west Nigeria. It was recommended among others that government should promote awareness and education about Islamic inheritance laws among communities in North-west Nigeria. This can help individuals understand their rights and obligations according to Islamic teachings, reducing misunderstanding and conflicts.

CHAPTER 1

INTRODUCTION

1.1 Introduction

This chapter will discuss the background of the study, statement of the problem, hypothesis, research questions, aims and objectives of the study, significance of the study, scope and limitation of the study, and operational definition of terms. The background of the study gives an insight into the topic under discussion right from inception to the current issues bedevilling the rights of Muslim inheritance. There are areas where so many things are lacking and this is identified in the statement of the problem, where the rights of heirs are deprived or completely denied. The research questions and objectives are vis-à-vis opposite of one another, which leads to what the research intends to achieve. This research will be significant as it will pave the way for other research of its kind and many more. Thus, the scope and limitations of the research are geared towards the area the researcher intends to cover and the challenges ahead. There are some terminologies which requires further explanations likely in English that are highlighted under this heading.

1.2 Background of the Study

Before advent of Islam, in the pre-Islamic Arabia and other multi-ethnic societies across the globe, deprivation of inheritance rights was a common practice, women, children, less privileged and even the sick were denied their right of inheritance. Only the male was entitled to inherit in which ever circumstance the estate emanates. This could be either through the death of a father, wife, siblings, parents and so on, the male gender is the only eligible heir without the above

mentioned. The female gender was seen as a liability and considered as tool for satisfaction. However, Usmat (2023), further asserts that women were left destitute by their husbands, thus they were rendered irrelevant except as machines for pleasure. Rizv (2023), observed that pre-Islamic Arabia was not different from other regions of the world regarding the rights and distribution of inheritance of the deceased property. Other widespread inheritance systems that are culturally inclined are the primogeniture, in which the eldest son receives the highest share, and ultimogeniture, where the youngest son takes the highest share, this will be discussed in the subsequent chapter. However, custom and tradition plays vital roles in the distribution of inheritance.

The practice of inheritance distribution has existed in different forms, in fact, each community has its own inheritance system. This system has not only been softened by Islam, although some of its communities have embraced Islam. Some continue to practice as a generational tradition, and some continue the practice in same direction because they feel it gives more justice and benefit to the heirs and guarantees the permanence of family property. These cultural and traditional practices related to inheritance also occur in the Muslim communities, even though the teaching of Islam spread all around the world, but the practice between them is not necessarily the same. Islamic communities can be found easily in every angle of the continent. Even though the tenets of Islam refer to the sources which are al-Qur'an and Hadith, their understanding and comprehension were guided by different scholars such as the Hanbali, Maliki, Hanafi and Shafii. The teachings of the Imams of these schools are not only affected by differences in understanding, but also by factors of location, local culture, weather, and political economy.

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 that covers, the spiritual, economic, social, political, and cultural aspects of human existence. Muslims must obey all the teachings brought by Islam, whose benefits and wisdom are detailed in its teachings. (Norazmi et al., 2016, Naik, 2021, Khodijah, 2022), which are contained in the Islamic sources of the Shariah. The Qur'an says:

يَا أَيُّهَا الَّذِينَ آمَنُوا ادْخُلُوا فِي السِّلْمِ كَافَّةً وَلَا تَتَّبِعُوا خُطُوَاتِ الشَّيْطَانِ
إِنَّهُ لَكُمْ عَدُوٌّ مُبِينٌ

“O ye who believe, enter Islam whole-heartedly; and follow not the footsteps of the evil one; for he is to you an avowed enemy (Q2: 208)

The above verse refers to the believers among the people of the scripture, this is because they believed in Allah SWT, and some still follow the Tawrah (the book of Musa) and the previous revelations. Allah SWT, thus, commands them to embrace the legislation of the religion of Muhammad in its entirety and to avoid abandoning any part of it (Ibn Kathir, 2017). The religion of Islam right from its inception has battled with numerous activities which do not conform to its teachings. Inheritance is one such activity where especially women and children are denied their rights (Umar, 2021). The Islamic law through a declaration decided for them a right to the legacy of husbands and fathers. The Qur'an buttresses:

لِّلرِّجَالِ 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' leaves, be it little or much, a determinate share” (Q4:7)

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 to Ibn Abbas: "When the verses of inheritance were revealed, in which all and sundry were allotted their shares, parents, male and female children were given their shares, some people objected to the idea and said: are we going 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 SWT's command, which is genuine and evident: (Hussain, 2019).

عَنِ ابْنِ عَبَّاسٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «الْحَقُّوا
الْفَرَائِضَ بِأَهْلِهَا، فَمَا بَقِيَ فَهُوَ لِأَوْلَى رَجُلٍ ذَكَرَ»

"Ibn Abbas is reported saying, the Prophet SAW said, 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"(Muslim, 4226).

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 Qur'an give the male the right of inheritance twice that of the female gender. For example, if the female receives two hundred thousand as her share of inheritance the male gets four thousand which makes his share double. According to Imam al-Nawawi (1996), this Hadith shows that men are heirs with the strongest lineage. This priority of the male heirs is also stated here as the party that bears a lot of burdens or difficulties of the family needs, from the financial point of view and so on.

Islam was introduced to the world at a period when the entire world was in misguidance, human values were disrespected, rights were violated, and anarchy was

the authority. In this regard, Islam guides man to three essentials, the right of Allah SWT as the sole creator, the rights of creatures, and how to harness and enjoy the abundant natural resources provided by Allah SWT, (Soleymani, 2019). The person who believes and submits to this concept is referred to as a Muslim. Therefore, a Muslim is expected to submit and surrender his life to the injunction of the Shariah in totality. The Qur'an commands:

يَا أَيُّهَا الَّذِينَ آمَنُوا ادْخُلُوا فِي السِّلْمِ كَافَّةً وَلَا تَتَّبِعُوا خُطُوَاتِ الشَّيْطَانِ
إِنَّهُ لَكُمْ عَدُوٌّ مُبِينٌ

“O ye who believe, enter Islam whole-heartedly; and follow not the footsteps of the evil one; for he is to you an avowed enemy" (Q2: 208)

Entering Islam in its entirety is ordained by Allah SWT, to His creatures who accept Him as one and Sovereign God to worship and serve Him alone, and most have faith in His messenger who instructs them about the din Islam, the rules and regulations, which leads to obey all instructions and commandments of Allah SWT, as much as they can, and to keep away from all sorts of vices. At least near to perfection, because humans are bound to err, but the divinity of Allah SWT remains absolute. Al- ‘Awfi in his submission said, Ibn ‘Abbas said, Mujahid, Tawus, Ad-Dahhak, Ikrimah, Qatadah, As-Suddi and Ibn Zayd said, the word silm meaning (Enter) in the verse means Islam, Allah’s statement. Also, (...perfectly) means, in its entirety this is the *tafsir* of the above-mentioned individuals. Mujahid said the verse connotes observing all the good deeds and the numerous virtuous deeds, this is specifically addressed to those from among the people of the scripture who accepted the religion. Ibn Hathim reported that Ibn Abbas said, it refers to the believers among the people of the scripture, they believed in Allah SWT and still followed part of other scriptures like the Tawrah.

Furthermore, Islam seeks to safeguard the five essentials of man, religion, sense, wealth, progeny, and personality (Alias, 2021). In this view, rules and regulations were enacted and were made as symbols of Islam and life. Allah SWT says:

يَا أَيُّهَا الَّذِينَ آمَنُوا اسْتَجِيبُوا لِلَّهِ وَلِلرَّسُولِ إِذَا دَعَاكُمْ لِمَا يُحْيِيكُمْ وَاعْلَمُوا
أَنَّ اللَّهَ يَحُولُ بَيْنَ الْمَرْءِ وَقَلْبِهِ وَأَنَّهُ إِلَيْهِ تُحْشَرُونَ

“O ye who believe, give your response to Allah SWT and His Messenger when He calleth you to that which will give your life: and know that Allah SWT cometh in between a man and his heart, and that it is He to Whom ye shall (all) be gathered” (Q8:24)

Al-Mawdudi, (2015), responded to this verse by saying that there are precisely two ideas to nurture in our minds from becoming a target to insincerity if really one intends to achieve sincerity. First, he will have to come in contact and agree with the reality that Allah SWT, sees and understands better what is in the depth of his heart. Even if the purpose and wishes, are kept secretly in his heart Allah SWT is well acquainted with all that is hidden and also revealed. Eventually, every soul will be assembled by his creator; that He is so powerful that none can skip His verdict either his wrath or otherwise: joy. The earlier man understands these teachings, the better for him to shy away from mischievous acts and other insincerity against the tenets of Islam. Hence Muslims are cautioned against the act, thus, the Qur'an emphatically and repeatedly addresses these two are paramount for the betterment of man himself and humanity at large. So, Allah SWT is in control of every aspect of man's life.

Consequently, Islam seeks to promote a better way for mankind to exist and coexist in harmony with one another. Its approach in ensuring the safety and

certainty of human existence, promotion of wealth, and protection of sense made Islam enjoy marriage, permit business transactions and inheritance as well as prohibit all sorts of vices and distractions from religious guidance, encourage virtues through the teachings of our beloved Prophet SAW, (Syed et al., 2018). In Islam, the concept of wealth is viewed by Allah SWT as the sole owner of all the wealth and gives or distributes the wealth based on His wish, to whoever He desires to bestow in bits or abundance. The Qur'an reveals:

وَاللَّهُ فَضَّلَ بَعْضَكُمْ عَلَى بَعْضٍ فِي الرِّزْقِ فَمَا الَّذِينَ فُضِّلُوا بِرَادِّي
رِزْقِهِمْ عَلَى مَا مَلَكَتْ أَيْمَانُهُمْ فَهُمْ فِيهِ سَوَاءٌ أَفَبِنِعْمَةِ اللَّهِ يَجْحَدُونَ

Allah SWT has bestowed His gifts of sustenance more freely on some of you than others: those more favoured are not going to throw back their gifts to those whom their right hands possess, to be equal in that respect. Will they then deny the favours of Allah SWT? (Q16: 71)

Allah SWT's blessings are endless, He decides to whom he gives among His servants and encourages them to do so. Ibn-Kathir (2013), expatiate that, those people whom Allah SWT has given more provisions than others, should share these equally with - their fellow relations, neighbours and all those in need and deserve their gesture: otherwise, they shall be equally ingratitude to Allah regarding wealth with which He had blessed them. In light of the above, the sharing of the estate (inheritance) of the deceased person is the prerogative right of Allah SWT which He unambiguously distributed accordingly to the heirs. The rationale and wisdom of the distribution of inheritance are made by Allah SWT and are comprehended only by people of thought and guidance and hence ease submission to the dictates (Ahsan, 2021). 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 SWT 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).

Allah SWT’s law on the other hand, made inheritance due to all kinsfolk, according to their degree of kinship and their shares allotted to them, which will be detailed later. It is the view of Islam that members of the same family should help and look after one another, the essence in the care for kin is highly recommended in Islam (Nakissa, 2020). Everyone is required to look after his relatives when they are in need and to share in their liabilities in terms of need and hardship. Hence, it is only right that relatives should inherit each other, the right entitled to them should also be distributed accordingly when they leave behind some property, in accordance with their respective kinship and the dictates of the Islamic law of inheritance (Al-Zaidi, 2021). This gives practical effect to the rule that: “gain is commensurate with liability”. Islam is a complete and perfectly coherent system, this is reflected most clearly in the distribution of rights and obligations (Sayyid Qutb, 2012). Thus, Allah SWT commands distribution of inheritance in the following direction:

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

From what is left by parents and those nearest related there is a share for men and a share for women, whether the property is small or large: a determinate share (Q4: 7).

During the pre-Islamic period not all and sundry were entitled to inheritance, especially women and children, so that was one of the essences of the revelation of the above verse. In his commentaries, Ibn Abbas (2008), stated that this verse refutes the custom of Jahiliya under which women and children were just not allowed to inherit. It was revealed due to the case of Umm Kuhhah and her daughters who had an uncle who refused to give them anything from the property they inherited from the deceased husband and father of the children. The verse declares their entitlement to their shares as fixed by Islamic law and strictly forbids any attempt to decrease their due rights. Since the subject concerned those who had a determined share in inheritance. All believers are subject to Allah SWT's will which determines everything and must submit fully to divine guidance (Sayyid Qutb, 2012). The tenets of Islam further demand that a believer should be totally submissive to the instructions of Allah SWT as revealed in the Holy Qur'an.

وَمَا كَانَ لِمُؤْمِنٍ وَلَا مُؤْمِنَةٍ إِذَا قَضَى اللَّهُ وَرَسُولُهُ أَمْرًا أَنْ يَكُونَ لَهُمُ
الْخِيَرَةُ مِنْ أَمْرِهِمْ وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ فَقَدْ ضَلَّ ضَلَالًا مُبِينًا

It is not fitting for a believer, man, or woman when a matter has been decided by Allah SWT and His Messenger to have any option about their decision: if anyone disobeys Allah SWT and His Messenger, he is indeed on a clearly wrong path (Q33: 36).

After the revelation of several verses emphasizing on who should be given inheritance and what percentages should be allotted to each heir pending the relationship to the deceased. The above verse gave warning on complete adherence to the stipulated rules and regulations. According to Al-Mawdudi (2015), this verse relates to the reverence, love and perfect obedience of the holy prophet or prohibition of causing any pain to him. Notwithstanding, the clear instruction of Allah SWT as

contained in the laws of inheritance are not free from the misconception of the unguided people and deviations among some of the believers which often are supported by culture, beliefs, and traditions of different ethnic and religious groups.

As mentioned earlier, 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 SWT 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 modes of inheritance do not coincide with the Islamic teachings on inheritance. Therefore, the below explanations give vivid explanation of the nature of Islamic inheritance that the followers should adhere to. Hussein (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 SWT, the Law Maker, has Himself provided clear rules for the distribution of the property of a deceased Muslim. He further put forward that, the 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 emphasizes the need to go into the acquisition of knowledge of inheritance, the Prophet SAW said:

تَعَلَّمُوا الْفَرَائِضَ وَعَلِّمُوهَا، فَإِنَّهُ نِصْفُ الْعِلْمِ وَهُوَ يُنْسَى، وَهُوَ أَوَّلُ شَيْءٍ يُنْزَعُ مِنْ أُمَّتِي»

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, 2719).

In the exceeding tradition the Prophet SAW, recommended for Abu Hurairah to study and acquire about inheritance and teach it to others. He stated that the knowledge of inheritance is half of the entire knowledge, but it will be disregarded by the nation. This hadith stresses the position of teaching and learning about inheritance, which is an essential part of Islamic law. Besides, this tradition aids reminding us not neglect our religious teachings and traditions in order for us to remain actual worshippers of Islam. It further explains, how significant it is for Muslims to continue to disseminating the knowledge so that it will be of benefit to future generations. Ibn Kathir (2017), in his commentary of Q4:11, stated that “Ibn Uyaynah said, the knowledge of *Fara'id* was identified as half of knowledge because it affects people.” and the inheritance distribution related issues.

Again, according to Hussein (2019), the criteria that regulate inheritance in Islamic law is controlled by three conditions: 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. 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

leaving life behind and preparing to leave. 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 the Islamic inheritance system, the property left behind by the deceased person is inherited by three categories of people. These categories of people will be discussed in the subsequent chapter.

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

1.3 Statement of the Problem

- i. It has been established that certain customary practices of some Muslims deviate from the core injunctions of Islam, particularly issues related to inheritance and the right of heirs. This is a result of lack of practical application of Islamic inheritance laws which results to the Muslims having challenges. As they find it difficult to differentiate between the Islamic inheritance practices and cultural practices of the settings, which mainly leads to ignorance. A clear example was provided by Ismael (2016) who reported that the delay in sharing the deceased estate has yielded a lot of problems with serious legal, social, economic, and religious implications. Ibrahim and Suleiman (2018) also, observed that a substantial number of heir's rights are attributed to delay in the distribution of the deceased estate to the participation of the traditional rulers. Another customary practice believed to be common in the study area is the unjust sharing of the deceased property. For instance, Quadri et al. (2016) observed

unequal and unjust sharing of the deceased estate among the heirs. This is corroborated by Angulu (2018) who reported that in some regions of the study area, land properties are meant for the male and eldest members of the family who usually earn the largest share of the property. Another customary practice observed by Ezeilo (2020) is the denial of heirs of their shares of estate especially landed properties.

- ii. In the study area, according to Nigeria Galleria, over 95% of the total population are Muslims, but the legal provisions in accordance with the the dictates of Islam are not properly governed and implemented based on the teachings of Islamic law of inheritance. Aminu and Bako (2016), Udoh (2020) and Umar (2021) assert that despite majority being Muslims and Islam highly accepted in the region, the people still mingle culture, traditions, and customs with religious practices. This is also a peculiar practice in other regions, for instance, Luka and Danladi (2021) observed that in the South-eastern part of the country where Igbos are the predominant ethnic group, culture holds that females are completely not entitled to inheritance. In the communities of Efik and Qua, Kooffreh, (2018) reported that the eldest male child inherits all the property of the deceased. Furthermore, in the southwest, although predominantly Muslims, however, Alade (2021), discovered that funeral rites are given more preference than the distribution of the estate. Folorunsho (2021) also observed that there is no equity in the distribution of the deceased estate. However, culture and tradition dominate the activities of inheritance (Ismael, 2016, Quadri et al., 2016). From the foregoing, knowledge of heirs

and customary practices is relatively anecdotal, especially in the study area where Islam is the major faith with the full implementation of the Islamic law of inheritance mingled with culture and traditions.

- iii. Despite the wide acceptance of Islam in the study area, the level of awareness about the rules and regulations governing the practices of inheritance it is still on the low side. Yakubu (2017), Hussain (2019) draws attention to the negative consequences of ignorance on the right of heirs in Islam. In the study area some people find it difficult to comprehend some concepts of Islamic inheritance and put them into use. This also affects the distribution process because the concepts pave way for easier terminologies related to Islamic inheritance to be used in the sharing processes, if they are not clearly understood by the users, that is, Muslims in North-west Nigeria, it is evident that there will be serious issues of inheritance distribution.
- iv. Thus, related studies are limited in the areas covered by this to the best of the researcher's knowledge it becomes vital in improving peaceful co-existence among the Muslim population in the axis. Also, with the nature of multifaceted insecurity in the region, uprooting and addressing malpractices in inheritance could go a long way in the reduction of family communal and other civil unrest that fuel and elevate general rate of insecurity in Nigeria.
- v. Divergent opinions on inheritance and its practices sometimes throw people into confusion about what to do and what not to do and thus remain a major impediment to the rights of heirs. For example,

divergent views were observed among the four Sunni schools on the precedence of funeral expenses over debts relating to heritage. The Hanafi, Shafi'i, and Maliki schools of thought were of the view that claims related to specific parts of the heritage will be given precedence over funeral expenses (Al-Bajuri, 1914) while the Hanbali School of thought stresses that funeral expenses will be preferred over all other claims and debts including a pledge, penal damages and so on (Majid, 1988). In his submission, Ibn Taymiyyah (2015) identified that Allah SWT has made evidence so clear that no dissent is allowed. This is only reasonable because debt is a rightful claim of others. Hence, it must be deducted from the estate of the person who incurred the debt if he has left enough money to do so. In a situation where the deceased left insufficient property to cover the debt, it is mandatory for the heirs to settle the debt, "... I pay his debt and inherit him (Abu Dawud, 1951).

Albani (2016), in his *muqaddima* (introduction), made his submission, on the issue of inheritance, *Wasiyyah* and debts according to the four Sunni schools, although they differ in their views, notwithstanding, they do not give their verdict based on personal interest, but in accordance with the Qur'an, Hadith, and *Ijma* (Consensus). The misconceptions arise from the followers who are divided into two groups. Those who perceive that the divergent opinions on issues related to inheritance are a source of *rahma* so could follow whatever seems easier from any of the schools and they based their arguments based on the following tradition "*ikhtilafu ummati rahmatun li al-nas*" which portrays the differences among my people is *rahma*. The second group said it's wrong to follow all the *Mazhab* but believe in

them. Accept the one with the strongest evidence and basis, whether simpler or difficult in practice. Until when realized that the evidence is weak and not accepted by the majority.

Despite the multifaceted nature of these problems, relatively few research conducted in the study area concentrated on cultural practices of the property rights of women and children. From the, aforementioned, it becomes clear that research related to the practice of Islamic right of heirs is embryonic, hence the urgent need for this research. Also, from the foregoing, knowledge of customary practices is relatively anecdotal, especially in the study area where Islam is the major faith with the full implementation of the Islamic law of inheritance mingled with culture and traditions.

1.4 Research Questions

The researcher developed six research questions to achieve the stated objectives of the study as follow:

- i. What are the historical developments and legal provisions governing the implementation of Islamic inheritance laws among Muslims in North-west Nigeria?
- ii. What is the level of awareness of Islamic laws of inheritance among Muslims in North-west Nigeria?
- iii. To what extent is the practical application of Islamic inheritance law and the challenges faced among Muslims in North-west Nigeria?

- iv. What is the difference between the mean response of male and female Muslims on the historical development and legal provisions governing the implementation of Islamic inheritance law among Muslims in North-west Nigeria?
- v. What is the difference between the mean response of male and female Muslims examine the level of awareness of Islamic laws of inheritance among Muslims in North-west Nigeria
- vi. What is the difference between the mean response of male and female Muslims on the extent of practical application of Islamic inheritance laws and the challenges faced among Muslims in North-west Nigeria?

1.5 Aims and Objectives of the Research

The aim of this research is to investigate the practices of Islamic laws of inheritance among the Muslims in North-west Nigeria. The specific objectives of the study were to:

- i. analyze the historical developments and legal provisions governing the implementation of Islamic inheritance law among Muslims in North-west Nigeria.
- ii. examine the level of awareness of Islamic laws of inheritance among Muslims in North-west Nigeria
- iii. assess the practical application of Islamic inheritance law and the challenges faced among Muslims in North-west Nigeria.

- iv. examine gender influence on responses of Muslims on historical development and legal provision, awareness and application of Islamic law as of inheritance in North-west Nigeria

1.6 Research Hypothesis

The researcher formulated the following null hypotheses to answer the research question one, two, three, four, five and six respectively. The hypotheses were tested at 0.05 level of significance, the hypotheses are as follow:-

HO₁: There are no significant differences on the historical developments and legal provisions governing the implementation of Islamic inheritance laws among Muslims in North-west Nigeria?

HO₂: There are no significant differences on the level of awareness of Islamic laws of inheritance among Muslims in North-west Nigeria?

HO₃: There are no significant differences to the extent the practical application of Islamic inheritance law and the challenges faced among Muslims in North-west Nigeria?

HO₄: There are no significant differences between the males and female's mean response on the historical development and legal provisions governing the implementation of Islamic inheritance laws in North-west Nigeria.

HO₅: There is no significant difference between the male and female Muslims' mean response on the level of awareness of Islamic inheritance laws in North-west Nigeria

HO₆: There is no significant difference between the male and female Muslims' mean response on the practical application of Islamic inheritance laws and the challenges faced in North-west Nigeria

1.7 Significance of the Study

Any research that aims to offer guidance to the activities of Muslims in relation to their religious obligations is highly significant. Adherence to the Islamic laws of inheritance as stipulated in the Qur'an and some of the prophetic traditions, protect the right of heirs to inherit the properties left by the deceased. This research will be significant in identifying the level of knowledge on the inheritance distribution and creating awareness on how to harness the problems itemized related to distribution especially how tradition and culture have influenced the activities of the people in North-West Nigeria. Where an individual is either completely denied of inheritance, the inheritance is shared unjustly, or the time frame has been delayed giving room for activities within the traditional settings without conforming to the Islamic rights of inheritance. Ignorantly people tend to participate in these practices without adhering to the Islamic tenants which will simplify the distribution. Some of the concepts of inheritance and how they should be utilized in the distribution are either none or not put into practice before the distribution takes place. Some people also do not attach preference to some activities for example, saying that it is burring the deceased and settling his debts that is paramount, some don't even give preference to paying the debts that it's the burial that is necessary. These flimsy excuses lead to the above- mentioned problems associated with the distribution of inheritance.

However, the relevance of this study may serve as guidance in upholding and practicing the required law among the Muslims in North-west, Nigeria. Also, the Muslims in the study area would be convinced that the laws of the religion are for the betterment not detrimental to their lives and families because these laws are created to correct wrongs. The conviction in the application of laws of inheritance among the Muslims in North-west, Nigeria will attract the pleasure of Allah SWT, hence their security. The implementation of the concept of Islamic inheritance right may reveal the beauty of Islam to the non-Muslims and thus, may possibly entice them to Islam.

Findings from this study may serve as an input in the formulation of policies aimed at protecting the rights of heirs. The outcome of this research will also add to the existing literature for scholars, teachers, and students' consumption.

1.8 Scope and Delimitation of the Study

This study will focus on rights in Islam related to the distribution of inheritance. This is an area the researcher has nurtured for ages, leaving in environment where people die, and their estates are not shared. However, issues like *iddah* (waiting period for the deceased wife, which takes four months and ten days, burring of the deceased person either male or female (funeral rites), proper calculation of how distribution should take place in percentages (according to the stipulated shares in the Qur'an), also based on the estate left behind by the deceased are all out of the scope of this study. The practice of inheritance distribution is an issue that has eaten deep into the societies, even though the majority of the population are Muslims, where culture and tradition are given preference over religion. Over the years, this system of distribution has been affected by complete denial of the estate to the heirs, unjust sharing, and delay in the distribution. The

proper way to inherit is through lineage, one must be the descendant of the deceased through blood ties (Ali, 2019). Thus, Islam has stipulated some rules that deprive an heir of his inheritance, without any of these no one has the right to stop the heirs from getting what is due to them. However, it is collectively agreed by the four schools of thought that the only reasons that hinder a person from inheritance are, homicide (*qatl*), differences in religion (*ikhtilaf al-din*), and apostasy (*al-riddah/al-irtidad*). Others are slavery/bondage (*al-riq*), divorce (*talaq*), oath of cleansing adultery (*al-lian*), and an illegitimate child who is only entitled to *hibah* and *Wasiyyah*. Thus, these are the major factors that hinder inheritance shares to those heirs who have the right to inherit the property of the deceased (Busari, 2021).

Another focus of this research work is to study the distribution practice of Islamic inheritance in North-west Nigeria, which cover North-west zone in Nigeria. It is one of the six geopolitical zones in Nigeria among which economic, political, and educational resources are shared. These states are Kaduna, Kano, Katsina, Sokoto, Jigawa, Zamfara and Kebbi. It is the native home of the Hausa and Fulani people, the two largest groups. The population of these states is estimated at about thirty-five million, seven hundred and ninety-four thousand, seven hundred and forty-four (35,794,744). North-west Nigeria is one of the most populated zones and the largest in land mass according to (Pan Africa Development Education and Advocacy Programme (PADEAP), Nigeria's community resource centre. However, this study will concentrate on three states in the zones that are the largest, predominantly populated and more accessible to the researcher in conducting the research. This is because the insecurity challenges have eaten deep into the society especially the omitted states of Katsina, Zamfara, Jigawa and Kebbi States. These states are one of the security dark spots in Nigeria ranging from herder-farmers

clashes, banditry and kidnapping from 2019 to 2024 (Barnett et al., 2022). School children were kidnapped, passengers travelled at their own risk, and people whose households exist within the axis live at their own risk. Thus, this proves beyond reasonable doubt that the researcher will have to restrict her from going to some of these places, which may require ransom, or molestation of character if affected or both.

1.9 Operational and Definition of Terms

Distribution: Linguistically, it is the process of dividing and sharing among people, also a procedure of arrangement of something within the stipulated duration among people. It could be viewed as the giving of items to the qualified recipients. In the perspective of Islamic law, the estate distribution to the heirs of the deceased is determined during the property planning procedure, and all heirs are identified with their stipulated portions (Busari, 2019).

Practice: The application or use of idea, or methodology in doing a particle behaviour or action. In the study, practice can be understood as traditional practices or something used to do by folks (*urf*), customary practices or based on the ruling of religion.

Islamic Inheritance: It is a branch of Islamic law, which sources are the Qur'an and Hadith of the Prophet SAW, which focus on inheritance, heirs and their right to inherit the deceased person, allocated shares approved to each heir pending on the circumstances at the time of the deceased, for example the surviving heirs and

other factors that may hinder the heirs from getting their shares like differences in religion, murder and so on (Musaeva, 2023).

Islamic Heirs: individuals who are entitled to predetermined shares, fixed shares of the deceased person, their shares are stated in the Quran.

Islamic rights: Are rights aimed at ensuring equity, justice, and dignity of human beings. These rights are mainly derived from the Quran and Hadith.

CHAPTER 2

LITERATURE REVIEW

2.1 Introduction

This chapter discusses the review of past literature under the following subheadings: the concept of rights in Islam, rights in relation to constitution and customary practices, rights on Islamic inheritance concepts, rights to make a will (*Wasiyyah*) in Islamic law, studies on will (*Wasiyyah*), practices of inheritance rights in other Muslim countries, practices of inheritance rights in Nigeria, practices of inheritance rights in North-west Nigeria, categories of heirs and shares in Islam, studies on heirs, emergence and spread of Islam in Nigeria and its impact on the Muslims, factors responsible for the spread Islam in Nigeria, socio-economic and religious life of North-west Nigeria, an overview of the areas of study in North-west Nigeria: Kaduna State, Sokoto State, and Kano State. Concept of customary practice, customary practices related to Inheritance in North-west Nigeria: denial of the shares of inheritance of the heirs: delay in the shares of inheritance of the heirs, unjust sharing of the estate of the heirs and ignorant claim of destroying the family because of sharing the estate. The findings of literature reviews are significant in finding the gap between the past literature and the current study.

In essence it is essential to discuss previous studies related to the current study in order to have an insight of what has been discussed and how it should be explored further. This allows the researcher to analyse, summarise and integrate existing knowledge on specific topic, providing background information and foundation for new research. It helps in comprehending the status of knowledge, in short gives the direction to follow for a new research. For this study the related topics