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Women's Property Rights: Quranic Perspectives and the Current Inequality Debate

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Abstract

The debate over women's inheritance in Islam has long been a focus of discussion in society and law. This study analyzes the basic principles of women's inheritance system from the perspective of the Quran, Hadith, and the four schools of thought, especially the Hanafi school. The theoretical basis of responsibility and justice behind why women's share in the Islamic inheritance system is determined less than that of men is revealed. In addition, the context of contemporary feminist demands and equality demands arising from Western doctrines and their impact on Bangladeshi society and legal system are discussed. From the comparative analysis of Islamic inheritance law and the modern conventional legal system, it is seen that Islam has provided its own moral and economic balance system to establish women's rights. The confusion existing in the media and intellectual society is highlighted and the need to protect women's real Sharia-compliant rights and increase awareness is indicated. Finally, clear proposals are made to ensure women's inheritance by expanding Sharia-based education, legal assistance, and increasing social awareness. This study is expected to play an important role in establishing the validity of the Islamic inheritance system in contemporary debates.

Keywords: *Islamic inheritance, women's rights, Fara'iz, Hanafi jurisprudence, discrimination vs. fairness, Muslim family law, feminism and equality demands, Sharia law, wealth distribution system*

Introduction

Background and Relevance

Islam is a complete system of life, every aspect of which is based on human justice and balance. The inheritance system is no exception. In Islam, the inheritance of women has been specifically determined through the verses of the Quran and the instructions of the Prophet Muhammad (peace and blessings of Allah be upon him). However, in the modern world, especially under the influence of the feminist movement, the Islamic inheritance system is claimed to be discriminatory. This claim especially refers to those verses where men are given double the share of women (Surah An-Nisa: 11). The recent debate on this issue is gaining particular importance in a Muslim-majority country like Bangladesh. The focus of this debate is whether Islam is fair to women. Did it ensure fairness or protect the patriarchal social system?

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Research Problem

The problem of the research is that a moral provision is being examined in the criteria of modern gender equality, where the socio-economic context of Islam, the role of men and women, the distribution of responsibilities over wealth, and individual economic balance are not being taken into account. As a result, misinterpretations are being spread against Islam, which is not only misconceptions but also creating confusion in society. As a result, pressure is being created to reform Islamic inheritance laws and a kind of crisis of fairness is being born in the minds of women.

Rationale of the Research

Currently, various social and legal debates and disagreements can be observed regarding Islamic provisions on women's inheritance. In particular, the misconceptions and criticisms created about why women's inheritance is half that of men are creating confusion in society. In a religiously sensitive society like Bangladesh, such debates can cause a crisis for social unity and religious values. In this context, in the light of the main texts and fiqh provisions of Islam It is important to highlight the real meaning and purpose of the issue. This will clarify the moral and social aspects of the Islamic inheritance system and develop a correct understanding of women's rights. On the other hand, the contemporary questions and answers that are being asked about the inheritance provisions of Islam under the influence of Western feminism and the pressure of modernity need to be addressed with objective and in-depth analysis. This research will play a helpful role in establishing the correct measurement of women's rights and responsibilities, justice and social balance. Therefore, this research will make an important contribution to establishing the correct concept and fairness of women's inheritance by creating a bridge between the current social reality and religious provisions.

Objectives of the Research

The main objectives of this research are:

- To analyze the theoretical basis of the provisions related to women's inheritance in Islam.
- To highlight the rationality of giving "half share" in the light of the Quran and Sunnah.
- To review the position of Islam in the context of contemporary equality demands.
- To provide a comparative analysis of the laws and social realities prevailing in the subcontinent including Bangladesh.
- To discuss the role of the media and intellectual circles to point the way for creating awareness in the society.

Research Questions

The study will try to find answers to the following questions:

- What is the basis of justice behind the provisions regarding women's inheritance in Islam?
- What is the reason for women's share being half of men's in the Quran and is it discrimination?
- Are modern feminism and equality demands contradictory to Islamic justice?
- What is the reality of women's inheritance under the prevailing family law in Bangladesh?
- How impartial is the presentation of Islamic inheritance law in the media and society?

Research Limitations

The study will be conducted specifically in the context of the Muslim society and legal system of Bangladesh. It will only discuss the share of women in the Islamic inheritance system, and does not include an analysis of the inheritance systems of other religions or communities. Similarly, although the article is a theoretical and policy-based analysis, some field-level data may be used to measure awareness.

This study has adopted a qualitative research method. The source of data collection will be—

- Primary sources: Quran, Hadith, Fiqh books (especially books based on the Hanafi school of thought)
- Secondary sources: Research articles, books on Islamic law, contemporary literature on feminism, newspapers, media analysis, etc.
- Field data: Some interviews, reports, or survey data may be taken

Literature Review

There has been much research and discussion on the provisions and implementation of women's inheritance in Islam. There is clear guidance in the Quran, where women's inheritance is determined to be half of men's (Al-Akiti et al., 2018).

The provision of women receiving half of the property of men has been supported and implemented in the hadith and fatwas of the companions. Among the four schools of thought, the Hanafi school of thought in particular has interpreted this rule from the perspective of justice, where the "fariz" and "asaba" systems play an important role. Hanafi Fiqh Academy (1992) Kamali (2008) have shed light on the distribution of property.

Engineer (2008) and Esposito & DeLong-Bas (2001) highlight the economic reasons for women's lower inheritance share due to their financial responsibilities towards men. These studies discuss that men have more responsibility for women's wealth due to the lack of maintenance and other financial responsibilities, so the share of wealth is fair.

On the other hand, contemporary feminist movements have demanded that 'half of men's wealth be given to women' in their demand for women's rights, which is in conflict with Islamic law. This issue is controversial in Bangladesh and other countries due to modern laws and social changes. Ali (2006) and Engineer (2008) have discussed various obstacles to Muslim women inheriting in legal and social realities.

Although these studies discuss Islamic inheritance law and women's rights, some important aspects have not been properly explored or analyzed. Especially in the context of Bangladesh, there is a lack of in-depth, field-based research on Islamic inheritance law and the social reality of women. Most of the studies are limited to the analysis of Quranic and fiqh perspectives, where the issue of real life and social obstacles has not been adequately discussed. There is little overall and integrated analysis of the economic and social impact of the justice of women's share of property. That is, even if only the reasons for the lower share are explained, research on its social and economic consequences and long-term effects is limited. In all these studies, there is no extensive theoretical and practical discussion on the causes and ways to resolve the conflict between modern feminist claims and Islamic provisions. Especially in the social, cultural and legal context of Bangladesh, the lack of analysis of this conflict can be observed. There is limited research on the role of the media and intellectuals and how their influence creates misconceptions about women's inheritance.

There is a lack of practical proposals and programs on the need for contemporary legal reforms and social awareness. To address these issues, this study is relevant and urgent, which will provide a holistic and objective picture of Islamic inheritance law and women's roles and rights in Bangladesh.

Research Methodology

This research is a descriptive (descriptive) and analytical (analytical) research, where a comparative review of Quranic provisions, Islamic jurisprudence and contemporary reality has been conducted. Along with this, a field study (experimental) has been conducted to determine the prevailing ideas, misconceptions and reality regarding women's property rights in the society.

Research Mode

Research type: Both qualitative (qualitative) and quantitative (quantitative).

Source of data collection

- Primary data: Questionnaire, interview and questionnaire
- Secondary data: Quran, Hadith, Islamic jurisprudence, law, previous research

Field Study Details

Survey area: 6 regions of Gazipur districts.

Sample selection method: Random sampling.

Sample number: 50 women

Table 1. Marital Status of Survey Respondents

Level	Number of Participants	Percentage
Married	35	70%
Unmarried	8	16%
Widows	7	14%

Data collection tools

- Structured questionnaire (SQ)
- Semi-structured interview (SQ)
- Focus group discussion (FGD)

Results and Discussion

Basic Outline of the Islamic Inheritance System

Verses on Women's Inheritance in the Quran

The foundation of the Islamic inheritance system lies in the Holy Qur'an. Surah al-Nisa' provides a detailed legal framework for the distribution of inheritance, explicitly guaranteeing women a legally fixed share in family wealth.

Women's Right to Inherit

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

“Men have a share of what the parents and close relatives leave, and women have a share of what the parents and close relatives leave, be it little or much a legally fixed share.” Qur'an 4:7

This verse establishes the fundamental principle that women are legal heirs. In pre-Islamic Arabia, women were excluded from inheritance. The Qur'an abolished that practice by declaring women's share to be mandatory (naseeban mafroodan), meaning it is a divinely ordained legal right, not a social favor.

Difference Between Male and Female Shares

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيْنِ

“Allah commands you regarding your children: for the male is the share of two females” Qur'an 4:11

The Qur'an assigns a double share to sons not due to superiority, but because of economic responsibility. Islamic law requires men to financially maintain wives, children, and dependent relatives. Women, on the other hand, are not obliged to spend their wealth on family. Thus, inheritance is based on financial duties, not gender hierarchy.

Spousal Rights to Inheritance

وَلَكُمْ نِصْفُ مَا تَرَكَ أَزْوَاجُكُمْ إِنْ لَمْ يَكُنْ لَهُنَّ وَلَدٌ فَإِنْ كَانَ لَهُنَّ وَلَدٌ فَلَكُمْ الرُّبْعُ

“And for you is half of what your wives leave if they have no child; but if they have a child, then for you is one-fourth” Qur'an 4:12

This verse demonstrates that women possess independent financial identity. Their wealth does not belong to their husbands. When a woman dies, her husband inherits a fixed share, just as she would inherit from him. This confirms the Qur'anic principle of economic autonomy for women.

Inheritance of Childless Women

يَسْتَفْتُونَكَ قُلِ اللَّهُ يُفْتِيكُمْ فِي الْكَلَالَةِ

“They ask you for a legal ruling. Say: Allah gives you a ruling concerning one who dies without parents or children” Qur'an 4:176

This verse ensures that women such as sisters receive inheritance even when the deceased leaves no direct heirs. This further demonstrates the Qur'an's commitment to protecting women's financial rights in all family situations.

In these verses, women are given a share of the property in a fixed proportion, which is not the result of any social discrimination, but rather a duty-based economic balance (Kamali, 2008).

Hadith and Fatwa of the Companions

Islamic inheritance law (Fara'id) is not only established by the Qur'an but was strongly emphasized by the Prophet Muhammad ﷺ and rigorously applied by the Companions. The Sunnah and the legal practice of the Ṣaḥābah demonstrate that inheritance law is one of the most important branches of Islamic jurisprudence.

Fara'id as Half of Knowledge

تَعَلَّمُوا الْفَرَائِضَ وَعَلِّمُوا النَّاسَ فَإِنَّهَا نِصْفُ الْعِلْمِ، وَهُوَ أَوَّلُ شَيْءٍ يُنْزَعُ مِنْ أُمَّتِي

“Learn the laws of inheritance and teach them to the people, for they are half of knowledge, and it will be the first knowledge to be taken away from my Ummah.” Hadith (Ibn Majah, 2718)

This Hadith shows that Islamic inheritance law is not a secondary or optional topic—it is described by the Prophet ﷺ as half of all religious knowledge. This is because inheritance combines:

- Qur'anic law
- Mathematical calculation
- Family rights
- Social justice

Neglecting Fara'id leads to the loss of people's lawful property, especially the rights of women, orphans, and weaker family members.

Inheritance Shares Are Divinely Fixed

إِنَّ اللَّهَ قَدْ أَعْطَى كُلَّ ذِي حَقٍّ حَقَّهُ، فَلَا وَصِيَّةَ لَوَارِثٍ

“Indeed, Allah has given every rightful person his right; therefore, there is no bequest for an heir.” Hadith (Al-Tirmidhi, 1975)

This Hadith means that inheritance shares are set by Allah, not by human preference. No one has the right to deprive a woman, daughter, wife, or sister of her Qur'anic share by custom or personal will. The system is divinely fixed and legally binding.

Fatwas of the Companions on Inheritance

The Companions of the Prophet ﷺ were deeply committed to applying Fara'id accurately.

Hazrat Abu Bakr (RA).

He was often consulted regarding inheritance disputes and strictly ruled according to Qur'anic shares.

Hazrat 'Umar ibn al-Khattab (RA)

He established official inheritance courts in Madinah and used experts in Fara'id to calculate shares.

Hazrat 'Ali ibn Abi Talib (RA)

He was one of the greatest scholars of inheritance mathematics (*'ilm al-farā'id*), resolving the most complex inheritance cases.

As noted by Al-Qaradawi (1984), the Companions considered inheritance law one of the core pillars of Islamic justice, especially in protecting women and orphans from being deprived of their rights.

The Views of Schools of Hanafi

Among the four schools of thought, Hanafi jurisprudence has a well-organized Faraiz literature on inheritance. In the Hanafi school of thought, the heirs are divided into three groups:

1. Ahlul Faraiz: the designated sharers (e.g. wife 1/4, daughter 1/2, mother 1/6),

2. Asaba: those who receive the remaining property (e.g. son, brother),
3. Jabil Arham: distant blood relatives, who inherit if no one else is present (Kunyuk, 2023).

According to Imam Abu Hanifa (RA), mathematical analysis of inheritance distribution is very important in this regard and Faraj is considered a defining branch of Islamic economics (Kamali, 2008).

The Role of “Farā’id (الفرائض)” and “‘Aṣabah (العصبة)” in Islamic Wealth Distribution

The Islamic inheritance system is built upon two complementary legal mechanisms: Fara’id (fixed Qur’anic shares) and ‘Aṣabah (residuary heirs). Together, they ensure that wealth is distributed fairly, logically, and in a socially responsible manner.

Fara’id (الفرائض): The Fixed Shares

Farā’id refers to the shares that are explicitly fixed by Allah in the Qur’an. These shares must be given first and cannot be changed by human opinion.

The Qur’an states:

“These are the limits set by Allah” (Qur’an 4:13)

Who receives Fara’id?

Most of the female heirs fall under this category:

- Wife
- Daughter
- Mother
- Grandmother
- Sister (in some cases)

Examples

From the Qur’an:

Wife:

- 1/4 if the husband has no children
- 1/8 if he has children (Qur’an 4:12)

Daughter:

- 1/2 if she is one
- 2/3 collectively if two or more (Qur’an 4:11)

Mother:

- 1/3 or 1/6 depending on the presence of children (Qur’an 4:11)

Why most women are Fara’id heirs

Women are placed in the Farā’id category to protect them. Their shares are:

- Guaranteed

- Fixed
- Not dependent on male relatives

This prevents families from depriving women of their inheritance.

Aṣabah (العصبة): The Residuary Heirs

‘Aṣabah are those who receive whatever remains after Farā’id heirs are paid.

They are usually:

- Sons
- Brothers
- Paternal uncles
- Male relatives on the father’s side

But this is not always male-only.

Why Aṣabah exists

The purpose of the Aṣabah system is:

- To prevent leftover wealth from being unassigned
- To place financial responsibility on those who must support the family

These relatives become responsible for:

- Supporting orphaned females
- Caring for widows
- Maintaining the family lineage

So wealth and responsibility go together.

A Woman Can Become Aṣabah

Although most ‘Aṣabah are men, women can become ‘Aṣabah in certain cases.

Examples

(a) Daughter with a son

If a deceased leaves:

- 1 son
- 1 daughter

The daughter becomes ‘Aṣabah with the son, and wealth is divided:

“For the male is the share of two females” (Qur’an 4:11)

She is no longer a fixed-share heir but a residuary heir.

(b) Single daughter with no sons

If a man dies leaving:

- One daughter

- No sons
- No father

She takes:

- Her Qur'anic 1/2 as Farīdah
- The remainder as 'Aṣabah

So she may receive the entire estate.

This proves that 'Aṣabah is not a male-privilege system—it is a logical distribution mechanism.

Why Women Are Usually Fara'id Heirs

Islam placed women in the Farā'id category because:

- They are not financially responsible for others
- They must be financially protected
- Their inheritance must not be negotiable

Men, being financially responsible, are placed in the Aṣabah system, which comes after women's guaranteed shares. This ensures that women receive their wealth first, and men take what remains only after women's rights are fulfilled.

Justice of the System

The Qur'an did not make women dependent on male generosity. Instead, it:

- Fixed their shares
- Guaranteed their wealth
- Gave men the burden of maintenance

As Nasir (1990) correctly notes, the Fara'id-Aṣabah structure reflects a functional balance between economic security and social responsibility, not gender hierarchy.

Reasons Behind Determining Women's Share

Women generally receive a smaller share than men, for example, daughters receive half as much as sons (Qur'an 4:11). However, this is not discrimination. This is because, in Islam, the financial responsibilities in the family are assigned to men:

- Paying the dowry,
- Supporting the wife,
- Taking care of the children.

On the other hand, women have no financial responsibility for their share of inheritance. As a result, women can keep the wealth they receive completely for themselves (Kamali, 2008; Engineer, 2008).

Why do Women Receive Less? An Analysis in the Light of Islamic Justice

Initial Question: Is ‘Half’ Discrimination or Fairness?

In the Islamic inheritance system, women receive less wealth than men in many cases—for example, daughters receive half as much as sons (Qur’an, 4:11). Although this may be labeled as discrimination from a Western perspective, it is not unfair within the framework of Islamic justice. Rather, it is a balanced system based on responsibility (Kamali, 2008; Engineer, 2008).

Responsibility of Wealth on Men

Islamic economic justice is based on a balance between rights and responsibilities. While men may receive a larger share of inheritance in certain cases, they are legally burdened with greater financial and social duties. The Qur’an explicitly assigns men the obligation of financial maintenance of the family and society.

Mahr (Mandatory Marital Gift)

وَأْتُوا النِّسَاءَ صَدُقَاتِهِنَّ نِحْلَةً

“And give the women their bridal gifts graciously.” Qur’an 4:4

This verse makes *mahr* a legal obligation upon the husband. It is not a symbolic gift but a mandatory financial right of the wife. The wife becomes the exclusive owner of the mahr, and the husband has no claim over it. This establishes that marriage in Islam places financial responsibility on men, not women.

Nafaqah (Maintenance of Wife and Children)

وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ

“Upon the father is the mothers’ provision and clothing according to what is acceptable.” Qur’an 2:233

This verse assigns the duty of food, housing, clothing, and living expenses of the wife and children to the husband. Even if a woman is wealthy, she is not obligated to spend her wealth on the family. This confirms that men carry the economic burden of family life in Islamic law.

Social and Military Responsibility

لَا يَسْتَوِي الْقَاعِدُونَ مِنَ الْمُؤْمِنِينَ غَيْرُ أُولِي الضَّرَرِ وَالْمُجَاهِدُونَ فِي سَبِيلِ اللَّهِ بِأَمْوَالِهِمْ وَأَنْفُسِهِمْ

“Not equal are those believers who sit back and those who strive in the way of Allah with their wealth and their lives.” Qur’an 4:95

Men are primarily responsible for:

- Defending society
- Participating in jihad
- Spending their wealth for the protection and welfare of the community

This verse shows that men are required to sacrifice both life and wealth for social stability, whereas women are exempt from such obligations.

These financial responsibilities are not placed on women. As a result, women are given a smaller share in inheritance, leaving them financially free, which is rather advantageous (Al-Qaradawi, 1984).

Absence of Responsibility Over Women's Wealth

A woman's wealth (inheritance, dowry, gifts) is considered her own property, without any claim from her husband or anyone else (Nasir, 1990). She can use it as she wishes. This is one of the pillars of women's economic security in the Islamic economy (Engineer, 2008).

Analysis of the Overall Economic Structure

The issue of men's and women's wealth should be evaluated within the overall economic structure, rather than looking at it in isolation. The following comparative figure makes this clear:

Table 2. Comparison of Financial Responsibilities and Rights Between Men and Women

Responsibilities and rights	Men	Women
Payment of dowry	✓	✗
Family expenses	✓	✗
Inheritance rights are	more	less
Obligation to earn	✓	✗
Ownership of the wealth received	✓	✓

It is clear from this figure that although women have less financial responsibilities, they have complete freedom in the wealth they receive, and there is no obligation on them to use it.

(Kamali, 2008).

In the Fiqh Perspective, "Half is not Discrimination, But Fairness"

From the perspective of Islamic fiqh, the distribution of inheritance is not only quantitative, but also based on responsibility. According to Imam Shafi'i (may Allah have mercy on him) and Imam Abu Hanifa (may Allah have mercy on him), half of the wealth received by a woman is not a symbol of any kind of discrimination; Rather, it is a just solution where the balance of society is maintained (Kunyuk, 2023). According to Imam Malek (RA), if there is only one daughter, she gets the entire property, and if there are more than one, they get 2/3 together (Nasir, 1990).

As a result, 'half of the inheritance' in determining the fara'ez is not a mere numerical inequality, but rather a responsibility-based justice.

Contemporary Equality Demands and Feminist Positions

Demanding Equal Rights for Women in the Context of Bangladesh

In Bangladesh, some women's rights organizations such as Nari Progati Sangha, Ain o Salish Kendra, Bangladesh Mahila Parishad present the reality of 'half of the inheritance for women' in the Islamic inheritance system as discrimination (Kunyuk, 2023). They demand that gender equality be brought into the inheritance law and that women be given equal shares with men.

These demands, on the one hand, embody the spirit of protecting women's rights, and on the other hand, conflict with the integral structure of Islamic Sharia (Kabeer, 1991). As a result, a conflict of consciousness is created in society: religious injunctions versus the contemporary concept of 'human rights'.

The Influence of Western Feminism and its Spread in Bangladesh

Western feminism mainly takes individual freedom, socio-economic equality, and gender neutrality as its basis. However, this feminism is not always compatible with Islamic philosophy (Barlas, 2019).

This Western feminism has influenced the consciousness of a section of the media and NGOs in Bangladesh. It can be seen in the writings of many intellectuals and jurists that they want to impose the criteria of 'modernity' on the interpretation of Sharia (Siddiqi, 2014). For example, the 2011 National Women's Development Policy called for equal share in women's inheritance, which was later revised in the face of protests from Islamic thinkers (Pereira et al., 2019).

Sources, Rationale and Challenges of the Claim "Half of Men's Wealth Should Be Given to Women"

The question "Why Should Women Get Half?" is rooted in the concept of gender equality. These claimants argue that both men and women are human beings and should have equal rights. However, in the eyes of Sharia, justice rather than equality is the key (Kamali, 2008). This is because Islam distinguishes between rights and responsibilities.

The challenges to these claims are:

1. Islamic Sharia is not changeable, it is based on the Quranic guidance.
2. Women's lesser share is a balanced system as they have less responsibility in the distribution of wealth (Al-Qaradawi, 1984).
3. 'Half' is logical in the light of the overall economic structure.

In Islam, giving a woman 'half' does not mean that she is 'half a person'; rather, she can rely on a man for her financial security, while being independent in her share (Engineer, 2008).

Presentation and Analysis of the Field Survey

Survey Results

Awareness of Women's Property Rights

Table 3. Awareness of Women's Property Rights Among Survey Respondents

Level	Number	Percentage
Fully Aware	11	22%
Partially Aware	21	42%
Unaware	18	36%

The awareness rate among rural women is significantly lower than that of urban women

Inheritance

Table 4. Inheritance Status of Survey Respondents

Level	Number	Percentage
Inherited	12	24%
Deprived	38	76%

Most women could not receive property due to obstacles from their brothers.

Receipt and Use of Dowry Among Married Women (35 out of 50)**Table 5.** Dowry Status Among Married Respondents

Level	Number	Percentage
Dowry written and collected	18	51.4%
Dowry written but not collected	12	34.3%
Dowry written but not collected	5	14.3%

Ownership of Personal Income of Women (21 out of a total of 50 earners)**Table 6.** Ownership of Personal Income Among Earning Respondents

Level	Number	Percentage
Ownership of income under own control	10	47.62%
Partial control over ownership of income	5	23.81%
Ownership of income under control of husband, father or family	6	28.57%

Comments of Participating Women (anonymous)

“Brothers say, what will a daughter do with the property of the next house?”

“My dowry is fixed at 1 lakh taka, but no one has given it”

“I work in my husband’s shop, but I have no right to the money I earn”

Analysis

- Lack of awareness: 36% of women are completely unaware of their Sharia rights.
- Deprivation of rights: Although the Quran has given women full property rights, in reality it is very limited.
- Social and family barriers: Due to patriarchal attitudes, religious ignorance and social pressure, women are afraid to demand their rights.

Islamic Inheritance Law Versus Modern Law: A Comparative Analysis***Islamic Law Versus Conventional Inheritance Law***

Islamic inheritance law is a divine legal system based on the Quran, Hadith, and Ijma, in which Allah Himself has determined the division of wealth (Qur’an 4:11–12, 176). In this system, inheritance is distributed according to responsibility and irresponsibility.

On the other hand, modern secular inheritance laws (such as the Indian Succession Act, 1925 or the Inheritance Law Draft Proposals of Bangladesh) are essentially man-made laws, where gender equality, individual freedom, and Western concepts of human rights are the main considerations (Menski, 2006).

Conventional law often gives equal rights to women and men, but it does not take into account the financial responsibilities of the family or the Islamic framework of responsibility, which is a limitation (Hossain, 2015).

The Reality of Muslim Family Law in India, Pakistan and Bangladesh

Muslim family law is still partially observed in India. There is a wide debate on the rights of Muslim women in relation to Hindu inheritance law (Engineer, 2008). Although Muslim family law is implemented there as a “personal law”, it is in many cases in conflict with customary practices.

Pakistan has brought some amendments to women’s rights under the Muslim Family Laws Ordinance of 1961, but they have not been implemented in practice. More than 70% of inheritance cases are won by women (Shaheed, 2010).

Although there is constitutional recognition of the protection of Muslim family law in Bangladesh (Articles 2(a) and 41 of the Constitution), Islamic law is sometimes questioned due to the influence of court judgments and NGO demands. Women often face social barriers to inheriting property (Pereira et al., 2019).

Challenges and Social Barriers to Muslim Women’s Inheritance

If Sharia is followed correctly, Muslim women get their full share. But it is often seen that:

- Family or brothers take away women’s share.
- Many women are unaware of Sharia instructions.
- In the conventional society, there is a psychological pressure that ‘if a woman demands, the relationship will be ruined’ (Kunyuk, 2023).

To overcome these challenges, it is necessary to:

- Introduction and implementation of Sharia-based inheritance law.
- Increasing awareness and legal support for women.
- Initiatives by the scholarly community and social organizations.

Misconceptions and Confusion: The Role of the Media and the Intellectual Class

Limitations of the Presentation of Islamic Law in the Media

Islamic inheritance law is often misrepresented in the contemporary media. On the one hand, the issue of women getting “half a share” is shown as “legal discrimination”, while on the other hand, the issue of men’s economic responsibilities is almost ignored.

Several television talk shows, newspaper editorials, and online media have interpreted Islamic inheritance law in a way that projects the clear provisions of the Quran as patriarchal rules.

Such a presentation creates confusion among the general public and portrays Sharia-based laws as outdated and oppressive.

Wrong Interpretations by Intellectuals

Most so-called progressive intellectuals suffer from a double-mindedness regarding Islamic inheritance law. Many judge Islamic law by the standards of “contemporary human rights,” but do not take into account the economic philosophy or moral basis of the Quran and Sunnah.

A class of intellectuals claim from a feminist perspective that “women are being discriminated against by not being given an equal share of wealth,” while completely ignoring the issue of women’s exemption from the responsibility of bearing expenses (Hossain, 2015).

The lack of proper teaching of Islamic inheritance system in university curricula has created misunderstandings even among the educated class.

Women's Real Right vs. Sharia-compliant Rights

The problem is not Sharia, but its application. The challenges women face in realizing their rights stem from social barriers, superstitions, ignorance, and prevailing traditional attitudes.

If women were to receive their due inheritance according to the Quran, many of their financial problems would be solved. But in reality, we see:

- Deprivation of inheritance from families,
- "Giving up" under pressure,
- Silence towards brothers in the name of "devotion".

These realities undermine women's rights, but not Islam.

Relevance and Proposals of the Islamic Inheritance System

Ethics of Sharia-Based Wealth Distribution and Sustainable Economic Balance

The basic principles of the Islamic inheritance system are not only religious precepts, but also an attempt to establish a complete social justice. In this system, a balanced economic structure is developed through a system of wealth distribution based on the responsibilities of men and women.

In Islam, men have been identified as the earners and bearers of expenses of the family (Qur’an 4:34), as a result, although the share of women in the inheritance system is comparatively small, there is no financial responsibility on them. This structure ensures the security of women’s wealth on the one hand, and on the other hand, keeps men’s sense of responsibility in the family awake (Kamali, 2008).

By ignoring this perspective, there is a danger of destroying the Islamic economic balance by demanding equal shares.

Promoting Islamic Inheritance Education and Raising Awareness Among Women

Many women in South Asia, including Bangladesh, do not know that Islam has recognized their inheritance rights. Due to this ignorance, they are easily cheated or their wealth is embezzled by their brothers.

The following suggestions can be formulated:

- Incorporating Islamic inheritance law at the primary and secondary levels.

- Introducing a separate course called 'Islamic Family Law' in madrasas, colleges and universities.
- Organizing Sharia awareness workshops and seminars for women.

If Sharia-compliant education is widespread among women, they will be able to demand their due (Nasir, 1990).

Legal Aid and Social Preventive Programs

Along with the law, social initiatives are also needed to ensure women's rights in society. In many cases, women do not dare to claim their inheritance—due to a misconception of brotherhood, acquiescence to social pressure, or the idea of being a “girl in the house of women.”

We want to change this mentality by:

- Providing women with initial counseling from Islamic Fatwa Boards and legal aid organizations.
- Discussing women's rights in mosque-based da'wah programs.
- Establishing inheritance protection units at the government and private levels.

It is now the time to move forward with the goal of establishing women's rights in a religiously sensitive and socially acceptable way (Esposito & DeLong-Bas, 2001).

Research Findings

Based on the data and analysis obtained in this study, the following important results were obtained:

Inheritance of Women in Islam is Fair and Objective

In the light of the verses of the Holy Quran (Surah An-Nisa 4:7, 4:11, 4:12, 4:176) and the Hadith, it can be seen that the provisions regarding women's inheritance are not discriminatory in any way, but rather they are part of an overall economic balance. Since the responsibilities and financial obligations of women and men are different, their inheritance is also reflected in it.

Modern Equality Demands Conflict with the Philosophy of Islamic Justice

Although feminist groups and some modern thinkers have raised the demand for giving women an equal share with men, it is not acceptable in Islamic jurisprudence. Because Islam has exempted women from the responsibility of maintenance, dowry and security. Therefore, in terms of economic balance, giving women half is right on the basis of fairness.

There are Social and Legal Obstacles to Women's Inheritance

In the context of Bangladesh, despite the legal rights of Muslim women, there is a tendency to be deprived of wealth in practice. Social pressure, religious ignorance and patriarchal mentality deprive women of their rights.

Islamic Inheritance Law is Being Distorted

The media and some progressive intellectuals interpret Islamic inheritance law in a one-sided way, where women's less share is presented as discrimination. However, the religious and economic perspective behind this is quite logical.

Legal Assistance and Awareness Raising are the Way to Solve the Real Problem

To ensure women's Sharia-compliant rights, it is necessary not only to legislate, but also to spread religious education, increase social awareness, and strengthen the implementation of Islamic family law.

Recommendations

In order to establish the validity of the Islamic inheritance system in the issue of women's rights, it is necessary to:

- Expansion of Sharia-based education
- Expansion of research-based discussions
- Legal aid and awareness programs
- Presentation of unbiased Islamic-based information in the media and academia

By implementing the proposed strategies, it is possible to protect the real rights of women. In this regard, society, law and educational policy can work together in the direction indicated by the Quran and Sunnah.

Conclusion

This study analyzes how women's share is determined in the Islamic inheritance system, and whether it is truly a reflection of a responsibility-based and equitable framework, rather than a discriminatory one. In the light of specific verses of the Quran (Surah An-Nisa 4:11, 4:12, 4:176) and the hadiths of the Prophet (peace be upon him), the share assigned to women is part of a well-organized family and socio-economic balance. In the light of the hadiths, the fatwas of the companions and the interpretations of the four madhhabs, especially the Hanafi madhhab, it has been seen that Islam has not taken away women's rights, but has freed her from the responsibility of maintenance and given her a fixed share in the inheritance (Kamali, 2008).

Contemporary feminist claims, such as "women should be given equal inheritance as men", are contradictory to the Islamic perspective. This is because Islam is a comprehensive way of life, where both responsibilities and rights are stipulated. The principle of wealth distribution that Islam follows, by imposing financial responsibility on men and exempting women, is not only a religious command, but also a reflection of practical and human justice (Esposito & DeLong-Bas, 2001). Therefore, it is ignorant and misleading to interpret giving women a "half share" as discrimination within the Islamic framework.

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