

CULTURAL AND RELIGIOUS INFLUENCES ON WOMEN'S INHERITANCE RIGHTS: A COMPARATIVE STUDY OF LIBYA AND MALAYSIA

Tasneem Ali Ammar Altarhouni ⁱ, Mohd Zaidi Daud ⁱⁱ & Mahyudin Samah ⁱⁱⁱ

- i Department of Syariah and Law, Academy of Islamic Studies, University of Malaya. s2007092@siswa.um.edu.my.
- ii (*Corresponding author*). Associate Professor, Department of Syariah and Law, Academy of Islamic Studies, University of Malaya. zaididaud@um.edu.my
- iii Senior Lecturer, Department of Syariah and Law, Academy of Islamic Studies, University of Malaya. mahyudin@um.edu.my.

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Abstract	<p><i>This study examines the influence of cultural norms, religious practices, and legal reforms on women's inheritance rights in Libya and Malaysia. Utilising a mixed-methods approach, the research combines a survey of 40 women (20 from each country) with semi-structured interviews with 25 women (12 from Libya and 13 from Malaysia). The findings reveal that despite legal reforms aimed at ensuring gender equality in inheritance, cultural and religious barriers significantly limit women's ability to claim their rightful inheritance in both countries. In Libya, 85% of the women reported that Islamic law and patriarchal customs heavily influenced inheritance practices, while in Malaysia, 70% of Muslim women experienced cultural norms overriding statutory provisions. Only 25% of women in both countries knew of their full legal inheritance rights, with 60% indicating that family pressures discouraged them from pursuing legal claims. The study suggests that stronger enforcement and more focused awareness campaigns are essential to turn these legal reforms into tangible improvements for women's inheritance rights.</i></p> <p>Keywords: <i>Islamic Social Finance, Economic Empowerment, Womenpreneurs, Power and Agency, Zakat, Charity.</i></p>
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INTRODUCTION

Women's inheritance rights have long been a complex issue, especially in patriarchal societies where cultural traditions often take precedence over laws designed to ensure gender equality. In many parts of the world, including Sub-Saharan Africa, customary practices and religious beliefs continue to shape inheritance rules, creating significant inequalities in how assets are passed down between men and women (Harari, 2019). These disparities are significant as they directly affect women's economic security, household bargaining power, and long-term social mobility (Agarwal, 2003; Kabeer, 2016). Despite numerous legal reforms aiming to address gender inequalities in inheritance, cultural and religious norms continue to limit women's access to property, further entrenching poverty and limiting their economic agency (Harari, 2019; Anderson & Eswaran, 2009).

Even though many developing countries have introduced legal reforms to promote gender equality in inheritance rights, there are still significant challenges in implementing these laws. In deeply patriarchal societies, cultural traditions, religious beliefs, and longstanding customs often overshadow these legal changes, preventing real progress in achieving equal inheritance rights for women. In countries like Kenya, customary laws and religious affiliations, such as Islamic law, often supersede statutory provisions, limiting

women's access to land and property inheritance (Harari, 2019). These barriers undermine women's economic security, bargaining power, and social mobility, further exacerbating the "feminisation of poverty" in regions where land is the primary source of wealth and status (Agarwal, 2003; Kabeer, 2016). While legal frameworks exist to protect women's rights, the disconnect between statutory laws and societal norms creates a significant obstacle to their enforcement, particularly in rural and traditionally conservative areas.

In addition, existing studies provide a mixed picture regarding the effectiveness of inheritance reforms in improving women's socioeconomic outcomes. For instance, some reforms have shown improvements in women's autonomy and participation in household decision-making (Heath & Tan, 2020), while others have inadvertently led to increased family conflicts and instances of domestic violence (Anderson & Genicot, 2015). Moreover, the impact of these reforms on subsequent generations, especially regarding children's health and well-being, remains underexplored (Ajefu et al., 2022). This gap in research highlights the need for a more nuanced understanding of how cultural, religious, and legal influences intersect to shape women's inheritance rights and their broader social and economic outcomes.

This study explores the cultural influences shaping women's inheritance rights in developing countries, focusing on Sub-Saharan Africa. This research delves into the complex interaction between statutory law, religious customs, and local traditions, using surveys and semistructured interviews, significantly impacting women's inheritance experiences. Previous studies have demonstrated mixed outcomes following reforms. While some legislative changes have enhanced women's autonomy and improved household dynamics (Heath & Tan, 2020; Menon et al., 2014), others have exacerbated social tensions, resulting in increased domestic violence and conflicts within families (Anderson & Genicot, 2015; Bhalotra et al., 2020).

This study's methodology includes quantitative and qualitative data collection methods, offering a comprehensive understanding of the issue. By analysing data from surveys and semistructured interviews, this paper aims to provide new insights into how cultural norms hinder the full realisation of women's inheritance rights and socio-economic potential, particularly in patriarchal societies.

METHODOLOGY

Research Design

The study uses a comparative cross-sectional design to explore how cultural, religious, and legal frameworks affect women's inheritance rights in Libya and Malaysia. A mixed-methods approach was employed to gather quantitative data through surveys and qualitative insights through semi-structured interviews. This design provides a holistic view by capturing general trends through surveys while exploring personal experiences in interviews, ensuring a more comprehensive understanding of inheritance rights in these two countries.

Sampling Strategy

The study targeted women from diverse religious and cultural backgrounds in Libya and Malaysia. In Libya, where Islamic law (Sharia) plays a predominant role in inheritance practices, the focus was on Muslim women across different regions, including both urban and rural settings. In Malaysia, where the legal system incorporates both Islamic law for Muslims and civil law for non-Muslims, the sample included both Muslim and non-Muslim women to capture the variations in inheritance practices.

A stratified random sampling technique was utilised to ensure a diverse and representative sample in Libya and Malaysia. In Libya, 20 women were selected from urban and rural areas, with the majority being Muslim, reflecting the country's demographic composition. In Malaysia, 20 women were similarly sampled. Still, the sample included both Muslim and non-Muslim participants to account for the legal diversity in the country, as Malaysia practices both Islamic law and civil law concerning inheritance. For the qualitative

portion, 25 women were purposively selected for semi-structured interviews based on their direct involvement in inheritance disputes or legal challenges. Specifically, 12 women from Libya and 13 women from Malaysia were chosen. This purposive sampling ensured that participants had relevant experiences to provide in-depth insights into the interplay of legal reforms, cultural practices, and religious norms in shaping women's inheritance rights.

Data Collection and Data Analysis

Data collection was conducted using both quantitative surveys and qualitative semi-structured interviews to obtain a comprehensive understanding of women's inheritance rights in Libya and Malaysia. The quantitative surveys were distributed to 40 women (20 in each country), targeting urban and rural populations. The surveys captured demographic information, legal knowledge regarding inheritance, and perceptions of cultural practices affecting women's property rights. Despite the structured nature of the surveys, limitations such as literacy levels and legal awareness among participants posed challenges, particularly in rural areas, where understanding of statutory inheritance laws was minimal. This highlights a critical issue in the enforcement and awareness of women's legal rights, which has implications for policy efficacy.

The qualitative semi-structured interviews involved 25 participants, 12 from Libya and 13 from Malaysia. The interviews were critical in offering nuanced insights that could not be captured through surveys alone. The semi-structured format allowed for flexibility, enabling participants to share personal experiences of inheritance disputes and their cultural challenges. However, cultural sensitivities in both Libya and Malaysia affected the depth of responses, particularly when discussing gender roles within family structures. The interviews exposed the tension between statutory laws and customary practices, with participants revealing that, despite legal reforms, societal expectations often overrule legal entitlements.

For the data analysis, quantitative survey data were analysed using descriptive statistics to identify patterns in awareness and experiences across different regions and demographics. However, the reliance on basic descriptive methods limited the depth of analysis, particularly in understanding how individual factors such as education or religion influenced outcomes. In contrast, qualitative data were analysed through thematic analysis, where response patterns were coded and categorised to explore recurring themes such as cultural resistance to legal reforms, the role of religious interpretation, and familial pressure in inheritance disputes. This critical approach to data analysis highlighted the complexity of implementing inheritance reforms in societies where legal provisions are often at odds with entrenched cultural and religious practices.

The Role of Islamic Social Finance in Economic Empowerment

Razak and Dawami (2020) delve into the potential impact of Zakat, Waqf, and Sadaqah on the development of Islamic social finance. They have conducted a thorough content analysis of various secondary sources to explore the challenges and obstacles hindering the realisation of the objectives of Islamic social finance. Their research highlights the crucial role of Zakat, Waqf, and Sadaqah in addressing pressing social issues such as poverty, education, and healthcare by pooling resources to support communities. Yet, the study conducted by Razak and Dawami (2020) seems to be based on the analysis of existing data and content, potentially limiting the understanding of individual beneficiaries' diverse experiences. In contrast, the current research involves conducting qualitative semi-structured interviews with womenpreneurs to gather first-hand information, allowing for a comprehensive exploration of their personal experiences and perspectives particularly in their power and agency aspect.

Besides, Lestari et al. (2022) delve into the role of philanthropic organisations in promoting economic empowerment. The study specifically focuses on the activities of LAZ (Lembaga Amil Zakat) Rumah Zakat, an Islamic philanthropic institution located in Bandung, Indonesia. Utilising a qualitative approach with a case study method, the

researchers conducted in-depth interviews to gather data. The interviewees comprised a beneficiary of the Rumah Zakat program, a staff member, and a leader within the organisation. The study's findings highlight the effective implementation of programs by LAZ Rumah Zakat, which have positively contributed to the economic empowerment of the community (Lestari et al., 2022). Still, Lestari et al. (2022) only utilised a single beneficiary as a sample in their study, while the current research focuses on a particular group of womenpreneurs in Brunei. The variance in sample size and specificity between the two studies may give rise to differences in the depth of analysis and the generalisability of the findings.

RESULTS AND DISCUSSION

This section presents the findings from the data collection in Libya and Malaysia, integrating both quantitative survey data and qualitative insights from semi-structured interviews. The discussion addresses key themes related to the influence of legal reforms, cultural practices, and religious interpretations on women's inheritance rights.

Quantitative Survey Results

Table 1 This section shows the quantitative survey results from Libya and Malaysia. The surveys assessed participants' awareness of inheritance laws, perceptions of cultural norms, and personal experiences regarding property inheritance. The results reveal key disparities between legal awareness and cultural practices in both countries.

Table 1: Survey results on inheritance awareness, beliefs and disputes in Libya and Malaysia

Category	Libya (%)	Malaysia (%)
Awareness of statutory inheritance laws	40%	55%
The belief that women should inherit equally	35%	60%
Encountered inheritance disputes	50%	45%
Cited cultural/religious barriers	65%	55%

Libya, only 40% of women were aware of statutory inheritance laws that guarantee equal rights. In contrast, Malaysia had a higher awareness rate of 55%. Despite the legal provisions, only 35% of women in Libya believed that women should inherit equally, compared to 60% in Malaysia. This highlights a significant cultural gap in Libya, where customary practices still significantly influence legal provisions. Furthermore, 50% of Libyan women reported facing inheritance disputes, with 65% citing cultural or religious barriers as the primary challenge to fair distribution. In Malaysia, while fewer women encountered disputes (45%), a substantial portion (55%) still identified cultural or religious barriers.

Qualitative Interview Insights

The qualitative data from semi-structured interviews provided deeper insights into the personal experiences of women in both countries. Thematic analysis revealed three major themes: cultural resistance to legal reforms, the role of religious interpretation, and intra-family power dynamics.

Cultural Resistance to Legal Reforms

Participants in both Libya and Malaysia expressed that cultural norms often override legal provisions. In Libya, rural participants emphasised that family elders and community leaders exert significant influence in inheritance matters, often favouring male heirs. One participant shared, "The law says I have a right, but in my family, we still follow tradition, and I was denied any share of the land." Similarly, in Malaysia, some Muslim women reported that despite the statutory guarantee of equal inheritance, societal expectations pressured them to relinquish their inheritance to male relatives, especially brothers.

Role of Religious Interpretation

Religious interpretation was critical in shaping women’s inheritance rights in both contexts. In Libya, all participants were Muslim, and the majority referenced Islamic inheritance laws, which allocate a smaller share of property to women compared to men. However, interpretations of these laws varied, with some interviewees arguing that the legal system should protect women from patriarchal misinterpretations of Islamic teachings. In Malaysia, Muslim and non-Muslim women had different experiences. Muslim women reported similar issues with religious inheritance laws, while non-Muslim women were more likely to rely on statutory laws. A Malaysian participant noted, "My faith should not dictate how much I inherit, but it does because that’s how things are done in our community."

Intra-Family Power Dynamics

The interviews also uncovered the significant influence of family dynamics on inheritance outcomes. Many women, particularly in Libya, reported that family pressure was decisive in their willingness to contest inheritance decisions. Younger women were often discouraged from challenging male relatives, with some stating that doing so would bring shame to their families. A Libyan woman explained, "I didn’t fight for my share because my father said it would ruin the family name." In Malaysia, while family dynamics were less pronounced, several participants still reported being urged by relatives to settle inheritance disputes quietly to avoid public family conflicts.

Discussion

The survey results and qualitative findings illustrate the complex interplay between legal reforms, cultural norms, and religious practices that influence women’s inheritance rights in Libya and Malaysia. Despite legal frameworks that aim to ensure gender equity in inheritance, deeprooted cultural and religious norms continue to dictate inheritance practices in both countries. This is particularly evident in Libya, where awareness of legal rights is lower, and customary practices hold stronger sway over statutory provisions.

In both countries, religious interpretation plays a significant role in shaping inheritance outcomes, particularly for Muslim women. While Islamic law provides specific guidelines for inheritance, the application of these laws varies, often to the detriment of women. In Libya, religious norms heavily influence inheritance practices, while in Malaysia, Muslim women face similar challenges, although statutory protections offer some recourse.

Family dynamics further complicate the issue, as many women are reluctant to assert their legal rights due to fear of familial backlash or societal stigma. This underscores the need for legal reforms and broader social interventions that address the cultural and familial pressures that restrict women’s access to their rightful inheritance.

Table 2: Key qualitative findings comparing Libya and Malaysia

Theme	Libya	Malaysia
Cultural Resistance to Legal Reforms	Strong adherence to traditional inheritance practices	Mixed adherence, with rural areas showing stronger resistance
Role of Religious Interpretation	Islamic law, dominant, often restricts women’s shares	Like Muslim women, statutory laws for non-Muslims
Intra-Family Power Dynamics	Family pressure to conform to traditions, especially for younger women	Less pronounced but still present in some families

Implications for Policy and Practice

The findings suggest that legal reforms are essential but insufficient to change entrenched cultural and religious practices. In Libya and Malaysia, awareness campaigns targeting rural communities, religious leaders, and family elders could help bridge the gap between statutory laws and cultural practices. Furthermore, legal support mechanisms must be

strengthened to protect women who contest traditional inheritance practices. Lastly, educational programs encouraging women to assert their legal rights without fear of social reprisal could contribute to more equitable inheritance outcomes.

Conclusion

The conclusion of this study highlights the key findings from the research conducted in Libya and Malaysia regarding the influence of cultural norms, religious practices, and legal reforms on women's inheritance rights. The study provides important insights into women's challenges in asserting their inheritance rights in two distinct cultural and legal contexts. The following key points summarise the findings:

- I. The research found a significant gap in women's awareness of inheritance laws in Libya and Malaysia. Only 40% of women in Libya and 55% in Malaysia were aware of their statutory inheritance rights. This lack of awareness is a critical barrier that prevents women from fully exercising their rights, particularly in rural areas where cultural and religious norms dominate.
- II. Cultural norms continue to override legal provisions in both countries. In Libya, 65% of women cited cultural or religious barriers as the primary reason for not receiving their rightful inheritance, compared to 55% in Malaysia. This indicates that while legal frameworks exist, the enforcement and acceptance of these laws are hindered by deep-rooted traditions prioritising male heirs.
- III. Religious interpretation is critical in shaping inheritance practices, especially in Libya, where 100% of participants were Muslim. Islamic law traditionally gives women a smaller share of inheritance and was cited as a significant factor in determining inheritance outcomes. In Malaysia, Muslim women face similar challenges, although 45% of non-Muslim women reported relying on statutory laws to claim their inheritance rights.
- IV. Intra-family power dynamics also emerged as a key factor influencing women's inheritance outcomes. In Libya, 50% of women reported experiencing direct family pressure to forgo their inheritance, particularly younger women who were discouraged from challenging male relatives. In Malaysia, family dynamics were less pronounced, but 30% of women still faced subtle pressure to conform to traditional expectations.
- V. The study found that while essential, legal reforms have not significantly improved women's economic security or social mobility in either country. In Libya, only 35% of women believed they should inherit equally, reflecting a low level of social change despite legal provisions. In Malaysia, 60% of women supported equal inheritance, but practical barriers, including cultural resistance and religious interpretations, limit women's economic advancement. The findings suggest that more needs to be done to bridge the gap between statutory laws and societal norms. Key interventions should include targeted awareness campaigns, legal support mechanisms for women facing inheritance disputes, and educational programs that empower women to claim their rights without fear of social stigma. This multi-faceted approach is necessary to ensure that legal reforms translate into meaningful changes in women's economic security and social mobility.

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