

Promotion of Islamic Succession Law in Arua Muslim District, Uganda through Transdisciplinary Research: Opportunities and Challenges

Kasozi Ediriisa Sinaani¹ and Saidat Nakitto²

¹Faculty of Law, Islamic University in Uganda

²Faculty of Law, Gulu University

Abstract

The study aimed to investigate the application of transdisciplinary research in promoting Islamic succession law in Uganda, highlighting its opportunities and challenges. The study was vital because the Uganda Muslim Supreme Council (UMSC) rejected the Succession Act of Uganda as contrary to Sharia. There are, however, no proper mechanisms for regulating Muslims' inheritance practices due to a lack of formalised legal and institutional frameworks, which is detrimental to Muslims, especially women who, in most cases, are denied their right to inheritance. The central question guiding the study was: How can transdisciplinary research be utilised to promote Islamic succession law, and what are the opportunities and challenges? The study adopted a mixed-methods approach within the socio-legal framework using a documentary review and interviews of selected Muslim leaders in Arua Muslim District. The findings revealed that informal Sharia courts exist from the Muslim District to the grassroots levels. These institutions apply Islamic succession law to distribute property to all beneficiaries, including women, amidst several challenges. These include non-implementation of the decisions of Muslim leaders yet the courts are largely inaccessible to address the grievances. There are inadequate facilities and lack of detailed information about Islamic succession law, among others. The study recommends the adoption of transdisciplinary research mechanisms to provide holistic solutions through stakeholder engagement as well as generate knowledge to inform policies and legislative processes on the establishment of legal and institutional frameworks for governing Muslim succession matters in Uganda.

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Correspondence

Kasozi Ediriisa Sinaani
kasoozie@gmail.com

Introduction

The transfer of property upon a person's death through inheritance is one of the ways beneficiaries obtain physical capital to improve their livelihoods, and exclusion from succession exacerbates vulnerability to poverty (Chronic Poverty Research Centre [CPRC], 2011, 1). 'Inheritance' or 'succession' refers to the legal acquisition of rights and property of a deceased person by the beneficiaries (Uganda Law Reform Commission [ULRC], 2013, 3). Islamic succession law, also known as "*mira'th*", and *farā'id*, is the distribution of property of the deceased person to the beneficiaries as per the principles provided for in the Qur'an and Sunnah of the Holy Prophet (S.A.W) (Qur'an 4:11, 4:12,

4:176). Uganda does not have a state religion, but the right to religion is recognised under article 29(1)(c) of the 1995 Constitution of Uganda, which provides for freedom to belong to and practice any religion in accordance with the Constitution. The Muslim population in Uganda accounts for 13.2% of the total population (UBOS, 2024). They belong to different sects but generally apply Islamic principles without regard to any particular school of thought (Muslim Centre for Justice and Law [MCJL], 2017).

Uganda has a plural legal system for succession whereby statutory law is applied alongside customary law and Islamic law (ULRC, 2013). These laws continue to influence the management and distribution of property among men and women in matters of inheritance, but contradict the 1995 Constitution of Uganda, particularly the equality clause in Article 21. Studies have shown that many state laws and customary practices exclude people, especially women and children, from inheritance of properties such as land, housing, and other productive resources owned by their husbands or fathers (CPRC, 2011). An empirical study conducted by the Uganda Law Reform Commission showed that some communities in Uganda prefer customary and religious succession practices over statutory law, yet these laws prejudice women and children (ULRC, 2013).

Uganda is a state party to several international human rights frameworks, which provide for the right to equality, for instance, Article 3 of the African Charter on Human and Peoples' Rights. As part of its state obligations, Uganda carried out legislative reforms to the succession law to provide for gender equality in succession matters, which became a source of controversy when a section of the Muslim community under the UMSC came out to oppose the Succession (Amendment) Bill. In 2022, the Sectoral Committee on Legal and Parliamentary Affairs of the 11th Parliament of Uganda invited stakeholders to participate in the discussion of the Succession (Amendment) Bill. The Uganda Muslim Supreme Council (UMSC), Uganda Muslim Lawyers Association (UMLAS), and other Muslim scholars and clerics presented their views before the Committee and rejected the application of the Succession Act to Muslims. They argued that the Act contradicted the provisions of the Qur'an on property distribution, hence proposed that Muslims should be exempted from the application of the Act (Mujuzi, 2023). The Committee declined the proposal for exemption in a bid to have a uniform succession law that adhered to the equality standards between men and women envisaged in the Constitution of Uganda. It declared that the Succession Act applied to all people in Uganda, including Muslims, but opined that the Muslims may, by will, opt to apply Sharia (Islamic law) to distribute their properties (Mujuzi, 2023).

The Muslims, however, continue to apply Islamic succession law as guided by the Qur'an amidst criticisms that it discriminates between men and women due to the unequal shares allocated to them and that the male relatives dominate the inheritance processes, thereby denying Muslim women their shares (Bennett et al., 2006). To counter this narrative, Muslim scholars have highlighted that the perilous position of women is not because of the Islamic law system but the lack of laws and institutions to enforce women's rights (Sungay, 2023). The practices of Muslim leaders in Arua Muslim District, which is the focus of the study, demonstrated a fair and equitable distribution of property among all beneficiaries, including women, despite the challenges experienced by the Muslim leaders to enforce Islamic succession law.

The objectives of the study were to establish: 1) whether the Islamic succession law discriminates between men and women in contrast with the Succession Act of

Uganda; 2) whether the challenges experienced in implementing the Islamic succession law could be addressed using transdisciplinary research. The study was guided by the Systems Theory, which views legal systems as complex and interconnected. It requires the adoption of holistic approaches with engagements from multiple stakeholders to understand how these systems interact with each other and potential areas of conflict (Hummelbrunner, 2011). This is the case with the Islamic succession law, which operates alongside the Succession Act of Uganda with contradictions and challenges.

With the above introduction, section 2 of the study reviewed relevant literature to show the gap that the study addressed. Section 3 discussed the methodology to show how the research was conducted. Section 4 discussed the legal framework on the allocation of shares under Islamic succession law and the Succession Act of Uganda to highlight how these laws adhere to the equality standards. It also expounded on the meaning of equality to demonstrate that the equality standard used in the 1995 Constitution does not accommodate the differences in religion, yet the Muslims apply the Qur'an when distributing property on succession. A case was made for the adoption of substantive equality. Section 5 discussed the findings obtained from the empirical study conducted in Arua Muslim District to highlight how Muslim leaders distribute the property of the deceased and the emerging challenges. Section 6 discussed how transdisciplinary research could be utilised to provide holistic solutions to the problems experienced by the Muslim Districts in enforcing Islamic succession law, and it highlighted the available opportunities and challenges in its adoption. Lastly, the Conclusion and recommendations in section 7.

Literature Review

A few scholars have written about Islamic succession law and its application in Uganda. Benette et al explained how Islamic law and practices denied women of their property. They cited verses in the Qur'an that provided the men with shares that doubled the shares allocated to the women, which was discriminatory (Benette, 2006). A study conducted by the Muslim Centre for Justice and Law observed that property distribution under Islamic succession law contradicts the provisions of the Constitution and the Succession Act because males and females are allocated different shares of the deceased's property (MCJL, 2017). The MCJL justified the double allocations to the men as consideration for the financial responsibilities they bear, which are not imposed on the women. The MCJL argued that the Qur'an provides for instances where men and women are allocated equal shares, for example, the father and mother of the deceased person, who get a sixth of the inheritance. These studies did not provide empirical data to demonstrate that, in practice, the Sheikhs allocate women their shares of property, and this gap was addressed using the Arua Muslim District as a case study.

An empirical study conducted by the Uganda Law Reform Commission (ULC) noted that property distribution among the Muslims "is believed to have been determined by God" (ULRC, 2013). It is recommended that the amendment of the Succession Act incorporate a provision stipulating the special position of Islam as an exception from the succession law framework of Uganda, with an option for parties who may wish to opt out of Islamic succession law (ULRC, 2013). Mujuzi discussed background information about the amendment to the Succession Act and explained how the recommendation to exempt Muslims from the Succession Act was rejected by the

11th Parliamentary Commission (Mujuzi, 2023). The Committee recommended that Muslims should continue to apply the Succession Act until the enactment of an Act envisaged in Article 129(1)(d) of the Constitution, guaranteeing standards of equity (Mujuzi, 2023). These studies did not provide empirical data to show how the Muslims continue to apply the Qur'an in succession matters and the emerging challenges they experience in enforcing it, which the current study has addressed.

These studies show that Muslim institutions in Uganda implement Islamic succession law, but there are concerns about the unequal shares allocated to both men and women as embedded in the Qur'an. The issue of discrimination between men and women requires an understanding of the notion of equality and the rationale for the shares allocated in the Qur'an (Khuluq et al., 2024). observed that understanding and applying Islamic law requires a holistic and flexible approach due to several challenges and growing concerns over issues such as human rights, social justice, openness of international relations and advancement in technology. They added that these issues require a flexible and inclusive interpretation of Islamic Law. They called for the adoption of multidisciplinary, interdisciplinary and transdisciplinary approaches using collective efforts (what they called *ijtihad jama'i*) of legal thinkers, scholars and practitioners from diverse disciplines (law, social sciences, science and humanities) to provide holistic solutions to the complex problems (Khuluq et al., 2024). Although they did not focus on Islamic succession law, the literature was useful in highlighting the need to adopt transdisciplinary research to provide holistic solutions to societal problems, which included the interpretation of Islamic law to address issues of gender equality.

The correlation between Islamic law and transdisciplinary research is that understanding Islamic succession law requires using many approaches, including theory, history and law, among others (Asni Asni et al., 2022). To understand Islamic succession law, a collective approach should be taken to formulate solutions for addressing contemporary societal problems (Khuluq, 2024). Using transdisciplinary research, the application of Islamic law principles to contemporary Uganda within the constitutional dispensation is necessary to ensure that women receive their shares of inheritance to enhance gender equality.

Methodology

The central question the study sought to answer was: How can transdisciplinary research be utilised to promote Islamic succession law, and what are the opportunities and challenges? To answer this question, the study adopted a mixed-methods approach to obtain information through documentary analysis and interviews of selected Muslim leaders in Arua Muslim District to obtain information on the implementation of Islamic succession law in the District and to explore concepts and ideas about transdisciplinary research and Islamic succession law. The aim was to discuss how the emerging challenges of Islamic succession law could be resolved using transdisciplinary approaches, to enable a deeper understanding of Islamic succession law and its application in the real-world context of Uganda's plural legal system where gender equality is promoted. The case study design was used to get information about the property distribution practices of Muslims to determine whether the women are allocated their shares of inheritance.

Arua Muslim District was selected as a case study on the Muslims' succession practices in Uganda due to its location in Arua District in the West Nile region of Uganda.

Arua District has a total population of 159,722 people (UBOS, 2024), but the total number of Muslims was not ascertainable in the Arua Muslim District, which, however, did not affect the study population. Using the purposive sampling technique, only 9 participants were selected as key informants due to their specialised knowledge, experience and mandate in implementing Islamic succession law, particularly, on property distribution. The sample size was adequate since Arua Muslim District is led by the District Kadhi, assisted by the 5 County Sheikhs for Vurra, Ayivu, Maracha, Terego South, and Terego West Muslim communities. Other respondents included the Director of Shariah, and a member of the College of Sheikhs (Majlis Ulama), whose roles included providing guidance on matters of Islamic law in the District, as well as the Secretary for Women and Children's Affairs, who protects the interests of women and children. The selected respondents had valuable information relevant to the study.

The interview guide was used to collect empirical data concerning the experiences of the Muslim leaders in property distribution and emerging challenges. It set out open-ended questions, including procedural guidelines for property distribution, women as beneficiaries of the deceased's estate, the number of cases handled annually, challenges in property distribution, how grievances are addressed, and how transdisciplinary research can promote implementation of Islamic succession law. The interview guide was pre-tested in another Muslim District with similar settings. Thematic analysis was used to identify patterns and themes in the interview guide to ensure coherence in the discussion of the research results. The study adhered to the ethical standards throughout the process by obtaining informed consent from the participants. All participants were informed of the aim of the study, the voluntary nature of participation and that their responses were to be kept confidential.

The study, however, encountered some limitations, including a language barrier, but this was countered using interpreters to ease communication in the local language. Also, the Arabic language was used by some participants which eased communication with the co-researcher who was fluent in Arabic language. The other limitation was the few voices of women in leadership positions. Only one participant out of nine was a woman to provide insights on issues of women and girls in the Muslim District. However, we observed that even the other male participants were cognisant of the need to protect the interests of women beneficiaries and submitted information relating to their role in ensuring that the women obtained their shares under inheritance. Hence, the information relating to women's inheritance rights was also obtained from the male participants, which enriched the study with male perspectives and gender equality.

The Question of Equality in Property Distribution Under the Succession Laws

The Succession Act provides for four categories of beneficiaries of a person who died without a valid will (section 23). These include the surviving spouse, lineal descendant, dependent relative, and customary heir. In the first category are the spouse (20%), lineal descendant (75%), dependent relative (4%), and customary heir (1%) if all are alive. In the second category are lineal descendants (99%) and customary heir (1%) if the spouse and dependent relatives are dead. In the third category are the spouse (50%), dependent relative (49%), and customary heir (1%) if all are surviving but the lineal descendants are dead. The fourth category is where either the spouse or dependent relative is alive (99%), with the customary heir (1%). Lastly, if the deceased

leaves only the customary heir surviving him, the property shall be distributed equally between close relatives not falling under the four categories above. These percentages are distributed in equal shares to the women and men in the same class of beneficiaries, be it spouses, lineal descendants, and dependents.

The situation is different under Islamic succession law, where it recognises 3 major categories of beneficiaries for purposes of inheritance. The first category are beneficiaries who are set out in the Qur'an as heirs with specific shares and take priority over other heirs (also known as Quran heirs, Qur'an 4:11 and 4:12). The second category are beneficiaries who are mentioned in the Qur'an without specified shares and take after the first category heirs have received their shares, in other words they take the residue hence known as residuaries or agnatic heirs. The third category is the blood relatives who take in the absence of the first and second category heirs, also known as uterine heirs or distant kindred (Abdullah, et al, 2014). In essence, the first and second category must get their shares before the other category of heirs.

Unlike the Succession Act, where all categories of beneficiaries are entitled to receive shares from the estate of the deceased person, in Islamic succession law, the first category of beneficiaries mentioned in the Qur'an inherit all the property. These are husband, wife, biological children, father, and mother (Hakim, 2023). These beneficiaries exclude other categories of beneficiaries from inheritance, which is not the case with the Succession Act which provides for the lineal descendants, an indeterminate number of beneficiaries such as the deceased person's child, grandchild and "any relative in a direct descending line up to six degrees" (section 2) including relatives who are not closely related to the deceased person.

The major criticism against Islamic succession law has been the rule that the male child inherits twice the share of the female child, which is embedded in the Qur'an (4:11 and 4:176), also known as the "2:1 rule". The rule applies in situations where there is a female and a male of the same lineal degree in the distribution of property (MCJL, 2017). The rationale advanced for this rule is that men have more responsibilities than women, for example, taking care of the family, the parents and other female members who are not married (Abdullah et al, 2014). The justification of men having more financial obligations may not be tenable in situations of shared responsibilities between men and women or where women bear the economic burden of their families.

Notably, the "2:1 rule" of Islamic succession law on property distribution applies in limited circumstances. As already mentioned, there are situations where the male and female receive equal shares of inheritance (for instance, when the deceased left children, each of the surviving parents shall share a sixth of the inheritance, Qur'an, 4:11). Arguably, the criticism that Islamic succession law does not adhere to the standards of equality is not correct. Moreover, the meaning of "equality" needs to be explained not only in the lens of "formal equality" but also "substantive equality" to take into consideration the Muslim practices which are protected under article 29(1)(c).

The formal equality embedded in Article 21 of the 1995 Constitution, also known as the Aristotelian notion of equality, states that likes should be treated alike and prohibits differential treatment or direct discrimination. (Fredman & Goldblatt, 2015) People should not be excluded, demeaned, or disadvantaged by virtue of their status, race, religion, or sex, among others. This understanding of equality reinforces inequality when people with good status are treated the same way as the disadvantaged people.

Moreover, the gender-neutral laws reflect only the perspectives of the dominant and not the minority groups (Goldschmidt, 2017). In essence, the minority views are overshadowed by the majority views, yet the underlying differences between people cannot be ignored if full equality is to be realised. There is a need to adopt substantive equality to redress the disadvantages and obtain genuine equality. Fredman and Goldblatt argued that substantive equality should be geared towards respecting and accommodating differences, as well as removing the barriers (Fredman & Goldblatt, 2015). The Muslims are a minority group whose personal matters, including inheritance, are regulated by Islamic law, which enjoins equal treatment of all people without discrimination (Saiful et al., 2019). It is only the most righteous who are elevated in the sight of Allah (Qur'an, 49:13). Note should be taken that the Qur'an also entrusts responsibility over the men and accords them powers than the women, for instance the Qur'an says; "And women shall have rights similar to the rights against them, according to what is equitable; but men have a degree (of advantage as in some cases of inheritance) over them" (Qur'an, 2:228) The verse recognises the added responsibility that men have over women but not of superiority. Muslims do not emphasise equality but the complementary roles of men and women with their corresponding rights and duties (Abdullah et al, 2014).

The notion of "equality" is interpreted differently, which causes a misconception about the status of women under Islam. The amendments to the Succession Act, which provide for equal rights for men and women, are commendable but benefit the predominantly Christian population of Uganda and not the minority Muslim population, who seek to apply their Islamic succession law. The Parliamentary Committee's refusal to exclude Muslims from the Succession Act implied that they should be treated the same way as the non-Muslims, even if it meant breaching Islamic succession law. There is a need to adjust the understanding of equality to accommodate diversity, especially the Muslim religious practices in Uganda. Moreover, the empirical study of Arua Muslim District demonstrates that the Muslim Sheikhs who distribute the property allocate women their shares of inheritance.

Research Findings on the Islamic Succession Practices in Arua Muslim District

Article 129(1)(d) of the 1995 Constitution mandates the Parliament of Uganda to establish subordinate courts, including Qadhi courts, to adjudicate matters related to marriage, divorce, inheritance, and guardianship for Muslims in Uganda. No such court was established; however, Shariah courts operate informally to handle succession matters based on Islamic law, exemplified by the Kadhi's office in Arua Muslim District of the Uganda Muslim Supreme Council (UMSC).

Socio-Demographic Details of the Respondents and Cases Handled Annually

The demographic characteristics of the respondents comprised of gender, age and level of education. 5 of the respondents were aged between 35 and 65 years old, 3 respondents were between 65 and 70 years old, and only 1 was above 70 years old. This showed that most of the Muslim leaders were not youths, almost half of the number were in retirement age but still performed their roles with the UMSC. Their level of education varied between a Master's degree and primary seven. There were 3 respondents with masters' degree (2 in Sharia and 1 in Law), 1 had an undergraduate degree in Commerce with the Sharia perspective, 4 respondents had Idaadi and Thanawi

and 1 respondent had primary seven certificate. He stated that he had a month's training in succession law and had gained experience over time working with experienced and knowledgeable Sheikhs. The respondents with the masters' degree included the District Kadhi and the member of the College of Sheikhs which showed the importance of education for the top positions in the Muslim District. In addition, the practical experience of the respondents ranged between 9 years to over 40 years in handling succession matters in the service of the UMSC. Thus, knowledge and experience are vital for the people who handle succession matters, the elderly and those with masters' degrees exhibited more experience in handling succession matters.

The cases handled annually varied; it was reported that over fifteen (15) cases were handled by the Kadhi's office. The cases handled at the County level were fewer. Two (2) respondents reported that they handled over ten (10) cases annually, two (2) other respondents reported that they handled over four (4) cases annually, and four (4) respondents handled over three (3) cases annually. The reason why the Kadhi's office handled numerous cases was that the cases that were not resolved at the County level were referred to the Kadhi's office. The Arua High Court referred some cases of succession to the Kadhi's office for resolution, which exhibits a working relationship between the Kadhi's office and the courts of Uganda in handling succession matters. The Kadhi, who is also a certified court mediator, assists in handling cases referred to his office, which decongests the courts. He added that the Muslim institutions are accessible to local people in rural areas, are less costly, and take less time to resolve matters. However, a few case files were recorded which exhibited a lack of documentation of the cases handled. The Kadhi also reported that many cases are handled at the County level or by the imams of the village mosques, but only a few are documented. Hence, there is under-reporting of the cases handled by the Sheikhs at the County and village levels. It created difficulties in examining these case files to establish detailed information about the cases handled.

Procedural Guidelines for Property Distribution

As regards guidelines for handling succession matters, the Muslim District has a form for recording information on succession matters being handled. However, detailed processes were not written down as such, but individual Sheikhs narrated what they normally did when succession matters were referred to their offices. These included sensitisation of the people about property distribution to obtain their permission for applying Sharia. The property was identified with proper documentation of ownership and later valued by certified valuers and quantified. The family also identified the beneficiaries and spouses of the deceased, and then the property was distributed as per the Qur'an. These processes were conducted publicly in the presence of the Imam of the village mosque and the Local Council officials in the area, who acted as witnesses and implementers of the decisions of the Kadhi or the County Sheikhs. Sometimes, the police were involved where violence was anticipated during the property distribution process. The proceedings were documented and the decisions of the Sheikhs were recorded, filed and kept in safe custody since the files could be required during court proceedings. However, it was established that the majority of the County Sheikhs did not have adequate office premises, and most of them kept these records at their residences, which is problematic since it could lead to loss of information.

The distribution process is fair and transparent, and people give their opinions on the ruling. Those who chose to contest the decision of the Sheikhs were advised to refer the matter to the court to obtain redress. Some people resorted to other authorities, including the local elders, which could be detrimental to the women because the traditional customs deny women inheritance rights. Other people ignored the decisions of the Sheikhs, which shows the weaknesses in the Muslim institutions due to a lack of enforcement mechanisms to implement the decisions made by the Sheikhs. More so, the appeal process was not streamlined to a specified body, such as the courts, which would ensure justice, thereby creating gaps in the enforcement of Islamic succession matters.

Women are Entitled to Shares from the Estate

The respondents agreed that all people are entitled to a share in the deceased person's property, including women. There are reported incidents where the Sheikhs intervened when the women were denied their shares and even referred the matters to the courts to ensure that the women are protected from property grabbing. One incident concerned brothers who wanted to cheat their sister. The Sheikh allocated shares to her as per the Qur'an, and the dissatisfied brothers referred the matter to court, and it is still pending before the court. In another incident, the Sheikh used Sharia to grant permission to the widow to administer the land and care for the family. He explained that he did not give away the family property to enable the widow to stay in the matrimonial home to look after the orphans. He argued that widows should not be evicted from the matrimonial home since they contributed (directly or indirectly) to the development of the home. This indicates that Islamic succession law provides for inheritance rights of women, and these are implemented in practice to the extent that the widows continue to stay with the children in the matrimonial home. With respect to the allocation of shares to men twice the shares allocated to women (2:1 ratio), the respondents unanimously agreed that the rule of allocating men twice the share of women is implemented since the Qur'an provides for it and cannot be departed from. Some justified it, stating that women get shares from inheritance and are entitled to be looked after by their fathers, husbands, and brothers, who have more responsibilities.

Challenges in Property Distribution

The respondents highlighted several challenges they face in distributing the property of the deceased person. The most common challenge was that the Muslims lacked sufficient knowledge about Islamic succession law. Many desist from referring their succession matters to the Sheikhs due to ignorance of the law. More so, the decisions made by the Kadhis' office and County Sheikhs are sometimes not implemented due to a lack of statutory powers to enforce their decisions. When the Sheikhs make decisions based on Sharia, the dissatisfied beneficiaries sometimes ignore the decision and resort to other means, such as the court, to obtain favourable decisions contrary to the Qur'an. Other Muslims refer their succession matters to the local elders, who base their decisions on cultural beliefs to resolve these matters. Five (5) respondents observed that under their traditional culture, women and children do not own property since they, too, are deemed as property.

Another challenge faced by the Sheikhs is the non-disclosure of the deceased person's property, especially valuable ones such as land. Sometimes there are no

records about the property, mainly due to the non-existence of wills, which could lead to property grabbing by relatives. Even where the records are available and the beneficiaries are willing to have the property distributed in accordance with Islamic succession law, the limited finances and human resources curtail the activities of the Arua Muslim District. It operates five other government districts, yet the personnel who handle succession matters are few, which contributes to delays in the completion of succession matters. Some succession matters handled by the County Sheikhs and Imaams are not documented, which leads to inadequate information on the number of cases handled by the Arua Muslim District annually. The above challenges require a holistic framework to be addressed comprehensively to promote Islamic succession law in Uganda, hence the case for the adoption of transdisciplinary research to address these challenges.

Opportunities and Challenges of Using Transdisciplinary Research to Promote Islamic Succession Law

The previous section demonstrated that Muslim leaders continue to implement Islamic succession law in the absence of a law and institution to regulate Muslim succession matters. The courts in Uganda have not only recognised the operation of the Kadhi courts but also referred some succession cases to the Kadhi's office to handle. The working arrangement between the formal court and the Kadhi's office shows collaboration between the courts in Uganda and informal sharia courts. It exhibits the importance of the Kadhi's office in implementing Islamic succession law.

The legal system of Uganda recognises Islamic succession law in view of Article 129(1)(d) of the 1995 Constitution, which requires the Parliament of Uganda to establish subordinate courts, including Qadhi courts, to adjudicate matters related to marriage, divorce, inheritance, and guardianship for Muslims in Uganda. At the time of writing, the Parliament was in the process of introducing a law to handle these matters through a private Member's Bill by Hon Basalirwa Asuman.¹ If the law is passed in Parliament, it will also establish the Kadhi courts to regulate these matters. This requires collaborative research by academics and non-academics to inform the policy and legislative processes.

In addition, the jurisprudence of courts shows that the Kadhi courts are recognised in Uganda and that the decisions are binding.² Hence, legal practitioners, Judges, and other court users need to be well versed with Islamic succession law. Also, the Muslims need to appreciate this law, as well as apply and implement it. This provides the opportunity for a comprehensive study to involve stakeholders from different disciplines with programmes for training and dissemination of Islamic succession law for the people to understand and apply it.

The unresolved issue of whether Islamic succession law fulfils the standard of equality requires examination of the concept of equality by stakeholders from diverse disciplines, including law and sharia, to integrate the information and provide a clear

¹ Parliament of Uganda, "Parliament grants leave for Qadhis Courts, Environmental Practitioners bills"

<https://www.parliament.go.ug/news/4175/parliament-grants-leave-qadhis-courts-environmental-practitioners-bills>.

² Justice B. Kainamuna in the case of *Sumaya Nabawanuka v Med Makumbi*, Divorce Cause No. 39 of 2011.

explanation of what equality entails in diverse disciplines. Such a debate will inform the legislative process and clarify the understanding of equality. These diverse perspectives require the adoption of transdisciplinary research.

The existence of informal Sharia courts or structures operating at the local levels provides case studies for examination of the practices of Muslims in succession matters, which are vital in engaging the people in the community to collaborate with the researchers to identify solutions for addressing the challenges they face in implementing Islamic succession law. Their practices will inform the legislative processes to understand the nature of institutions that will operate as Kadhi courts and address the gaps that exist in the current institutions to strengthen these mechanisms.

The reference to court cases on matters of succession to the District Kadhis for mediation shows the role of religious leaders as community members in resolving issues emerging from property distribution. This is important for transdisciplinary research because communities engage in the creation of sustainable solutions to address the challenges of implementing Islamic succession law.

Conclusion and Recommendations

Despite the existence of the above opportunities, the adoption of transdisciplinary research raises a lot of challenges. It is difficult to coordinate stakeholders from different sectors and disciplines, which also raises challenges in communication between team members and the informal sector (see also Archibald et al. Al., 2023). The same language barrier was experienced in Arua Muslim District since some of the respondents could not communicate in English.

It will require long-term measures to build trust among the team members and effectively coordinate diverse teams from academia, government, civil society organisations, and Muslim communities, among others. Mentoring the junior members of the teams may not be easy due to the need for regular contact to ensure collaborations throughout the projects, which is time-consuming and costly to sustain, and would require a lot of funding. Hence, transdisciplinary research projects would need funding and long term plans to transform local communities. The research findings strongly show the need for the adoption of transdisciplinary research, which generates knowledge from diverse disciplines and stakeholder engagement, to inform policies and legislative processes, which will enable the establishment of formal legal and institutional frameworks governing Muslim succession matters in Uganda.

It is recommended that in the short term, the existing Muslim institutions that implement Islamic succession law should be strengthened through continuous training of the Sheikhs to enable them to apply Islamic succession law to address new challenges in the contemporary world. The funding for the activities of the Muslim Districts should be increased to enable them to recruit more personnel to handle succession matters, as well as obtain equipment and adequate facilities, including fully furnished offices and transport, to improve record keeping, reach out to the rural areas for dissemination and other activities.

In addition, the people should be sensitised about Islamic succession law to ensure that they understand the principles embedded in the Qur'an. Holistic solutions would entail curriculum review to incorporate Islamic succession law at all levels of the education system. To improve the enforcement of the decisions of the Sheikhs, there is

a need to enact a Muslim Personal Law to guide property distribution and embed institutions for the enforcement of the decisions made by the Sheikhs. In addition, the Sharia court system should be established to operate at the national, district, and county levels, and then integrate the Islamic succession law system into the legal system of Uganda to operate alongside the mainstream courts. Despite the existence of the above opportunities, the adoption of transdisciplinary research raises a lot of challenges. It is difficult to coordinate stakeholders from different sectors and disciplines, which also raises challenges in communication between team members and the informal sector. (see also Archibald et al. Al., 2023, 14). It will require long-term measures to build trust among the team members and effectively coordinate diverse teams from academia, government, civil society organisations, and Muslim communities, among others. Mentoring the junior members of the teams may not be easy due to the need for regular contact to ensure collaborations throughout the projects, which is time-consuming and costly to sustain, and would require a lot of funding.

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