



## INHERITANCE RIGHTS FOR LI'AN CHILDREN IN THE STUDY OF MATHEMATICS AND ISLAMIC LAW

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### Abstract:

Mathematics is a complex science that can be used as a complement to other branches of science. Likewise, the science of faraidh discusses the inheritance rights of property (tirkah) to the heirs of owners who have died, as in one of the problems related to the inheritance rights of other children. So this study aims to describe the role of mathematics in the distribution of inheritance rights of a Li'an child based on the analysis of Islamic law. The research method used is a literature study and focused discussion. The subject of this study is Inheritance and Islamic law, while the object is Li'an's children. The results showed that: (1) mathematics has an essential role in solving the distribution of inheritance rights for other children; (2) according to the perspective of Islamic law, the Li'an child is not related to his father because the lian oath was made by both parents, and the child does not have inheritance rights from the father; (3) other children are only related to their mother, and other children get inheritance rights from their mother's side.

**Keywords:** Inheritance Rights, Islamic Law, Li'an children, Mathematics

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Received : April 15, 2023; Revised : June 12, 2023; Accepted : June 22, 2023; Published : June 27, 2023

## INTRODUCTION

Mathematics is a complex science often used in every lifeline. Appropriate problem-solving methods must be used when applying mathematics to a particular problem. It is also included in solving a problem in Islamic religious law, especially the science of faraidh. Faraidh science and mathematics are two branches of science that cannot be separated because, in Faraidh science, arithmetic is needed to help and facilitate the completion of the distribution of the Inheritance left by the deceased based on Islamic law contained in the Al-Quran and Hadith<sup>1</sup>. The science of Faraidh is a science that is very

<sup>1</sup> Faizatul Fil Ula and others, 'Hak Waris Bagi Anak Hasil Zina Dalam Kajian Ilmu Matematika Dan Hukum Islam', *FOKUS: Jurnal Kajian Keislaman Dan Kemasyarakatan*, 5.2 (2020), 197–220 <<https://doi.org/10.29240/jf.v5i2.1797>>.

much needed during people's lives because it concerns the distribution of Inheritance left by the deceased. Still, most Indonesians rely more on logic than Faraidh science<sup>2,3,4</sup>.

The above phenomenon is relevant to the words of Rasulullah SAW. Narrated by Al-Hakim:<sup>5</sup>

عن عبد الله ابن مسعود قال قال رسول الله تعلموا القران و علموه الناس و تعلموا الفرائض و علموه الناس فاني امرؤ مقبوض وان العلم سيغيب و تظهرافتن حتى يجتلف الاثنان في الفريضة لا يجدان من يضى بها (رواه الحاكم)

*From Ibn Mas'ud, Rasulullah SAW. said, "Learn the Koran and teach it to people. And learn the science of farâ'idh and teach it to people. Because I'm only a human who will die, it will be revoked in the science of Inheritance. Then slander spreads until two people are fighting over the issue of Inheritance but can't find anyone who can answer it".*

Based on this hadith, it explains the obligation of Muslims to study the Koran by researching and understanding it as a way of life and teaching each other to the laity in assemblies of Taklim or other states of religious shiar. In addition, the hadith instructs us to study and teach the science of Faraidh because it is imperative to implement this knowledge in social life.

According to Tohir, Abidin, Dafik, & Hobri, the ability to think in identifying and constructing formulas in mathematics is needed to foster students' understanding of the material and produce meaningful learning<sup>6,7</sup>. Furthermore, Tohir said that the ability to solve mathematical problems is seen as a particular process of combining mathematical rules for the issue at hand<sup>8</sup>. Therefore, mathematics has an essential role in the science of faraidh. There is no exception in the distribution of inheritance rights for a Li'an child or a child born due to an oath from his parents that causes divorce. In this case, it is unclear how the inheritance rights are calculated for the other child when the father or mother dies.

<sup>2</sup> Muhammad Majdy Amiruddin, 'Revealing the Economic Justice in the Inheritance Legal System in Indonesia', *Al-Risalah Jurnal Ilmu Syariah Dan Hukum*, 22.2 (2022), 142–53 <<https://doi.org/10.24252/al-risalah.vi.33523>>.

<sup>3</sup> Tati Nurjanah, 'Model-Model Pembelajaran Ilmu Fara'idh', *Jurnal Penelitian Pendidikan Islam, [SL]*, 7.2 (2019), 225–36 <<https://doi.org/10.36667/jppi.v7i2.365>>.

<sup>4</sup> Welhendri Azwar, 'The Resistance of Local Wisdom Towards Radicalism: The Study of the Tarekat Community of West Sumatra, Indonesia.', *Pertanika Journal of Social Sciences & Humanities*, 26.1 (2018), 75–102.

<sup>5</sup> Ula and others.

<sup>6</sup> Mohammad Tohir and others, 'Analysis of Students' Understanding of Mathematical Concepts in the Faraid Calculation Using modulo Arithmetic Theory', in *AIP Conference Proceedings* (AIP Publishing LLC, 2022), MMDCXXXIII, 1–9 <<https://doi.org/10.1063/5.0102211>>.

<sup>7</sup> Mohammad Tohir and Zainal Abidin, 'Students Creative Thinking Skills in Solving Two Dimensional Arithmetic Series through Research-Based Learning', in *Journal of Physics: Conference Series* (IOP Publishing, 2018), MVIII, 1–11 <<https://doi.org/10.1088/1742-6596/1008/1/012072>>.

<sup>8</sup> Tohir and others, MMDCXXXIII.

Li'an is an oath taken by a husband who accuses his wife of adultery and cannot present four witnesses to support his indictment<sup>9</sup>. The commitment was said four times, and the fifth time, it was added with the words "God's curse on me if I lie." Then the wife was also allowed to reject her husband's Li'an by swearing four times in denial of the husband's accusation earlier and at the fifth time saying, "God's anger is upon me if my husband is true with what he says. Li'an occurs when the wife denies the accusation of adultery thrown by the husband. Then the husband cannot bring four witnesses. As a result of Li'an, there are two things related to Inheritance, namely (1) Disconnection between husband and wife; and (2) Disconnect between the husband who said the Li'an oath with the kid who was born<sup>10</sup>. Then what is the role of mathematics in responding to the problem of inheritance distribution to the Li'an children? Therefore, the purpose of this study is to describe the role of mathematics in calculating the distribution of Inheritance to children resulting from Li'an according to the perspective of Islamic law.

## RESEARCH METHODS

The descriptive qualitative research approach was utilized in this study, which yielded written data or expert expressions using the literature study method. Literature study is linked to theoretical studies and a variety of references that are essential to scientific literature<sup>11,12,13,14,15</sup>. This research was conducted with the consideration that this research is related to writing and philosophical thinking. The type of research used by the authors in this research is a literature study, focused discussion.

Data from the study were taken from several reference articles related to Li'an law. The researcher conducted an in-depth study of the data that had been collected. After the results of in-depth analysis or research were obtained in this study, the results were presented with descriptive analysis to describe the study of mathematics and the perspective of Islamic law in addressing inheritance rights for Li'an children.

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<sup>9</sup> Titin Samsudin and others, 'The Change of Adultery Accusation to Continuous Dispute in The Gorontalo Religious Court, Indonesia', *Resmilitaris*, 12.3 (2022), 3732–42.

<sup>10</sup> Abdul Ghoni, 'Putusnya Perkawinan Karena Li'an Dalam Pasal 162 Kompilasi Hukum Islam (KHI) Perspektif Maqashid Syari'ah', *Al-Ahwal Al-Syakhsyiyah: Jurnal Hukum Keluarga Dan Peradilan Islam*, 2.2 (2021), 147–62 <<https://doi.org/10.15575/as.v2i2.14329>>.

<sup>11</sup> Caroline S Wagner and others, 'Approaches to Understanding and Measuring Interdisciplinary Scientific Research (IDR): A Review of the Literature', *Journal of Informetrics*, 5.1 (2011), 14–26 <<https://doi.org/10.1016/j.joi.2010.06.004>>.

<sup>12</sup> Maria J Manatos, Cláudia S Sarrico, and Maria J Rosa, 'The Integration of Quality Management in Higher Education Institutions: A Systematic Literature Review', *Total Quality Management & Business Excellence*, 28.1–2 (2017), 159–75 <<https://doi.org/10.1080/14783363.2015.1050180>>.

<sup>13</sup> C Owen Lo, 'Literature Integration: An Illustration of Theoretical Sensitivity in Grounded Theory Studies.', *The Humanistic Psychologist*, 44.2 (2016), 177 <<https://doi.org/10.1037/hum0000029>>.

<sup>14</sup> Amy VanScoy, Heidi Julien, and Alison Harding, 'Integration of Information Behavior into Reference and Information Services Education: A Syllabus Study', *Journal of Education for Library and Information Science*, 63.4 (2022), 389–403 <<https://doi.org/10.3138/jelis-2021-0008>>.

<sup>15</sup> Ole Ellegaard and Johan A Wallin, 'The Bibliometric Analysis of Scholarly Production: How Great Is the Impact?', *Scientometrics*, 105 (2015), 1809–31 <<https://doi.org/10.1007/s11192-015-1645-z>>.

**RESULTS AND DISCUSSION**

To better understand the calculation of Faraidh for Li'an children, several examples of problems will be presented as representatives of cases in the community. Istiawati et al. define Inheritance from the word's origin, namely Al-miirats<sup>16</sup>. The word Al-miirats in Nahwu-Shorof science is called Mashdar (infinitive). Al-miirats comes from the words Waritsa, Yaritsu, Irtsan, and Miiraatsan. Meanwhile, linguistically it can be interpreted as the transfer of a specific thing from one person to another or the transfer of any particular something from one person to another. At the same time, the term inheritance from someone who has died in faraidh science is called tirkah (relics). Tirkah is all things left behind by the deceased, whether in the form of goods, assets or money, or anything else that can be justified by Islamic law to be distributed to his heirs.

According to Islamic law, an heir has the right to receive Inheritance (Inheritance) from someone who has died, has a family relationship, is married, or has freed a slave (servant) or Wala'. Table 1 below presents the four pillars of Inheritance in Islamic law<sup>17</sup>.

**Table 1.** The four pillars of Inheritance in Islamic law

Waris Pillars	Inheritance Terms	Causes of Damaged Inheritance	Heir
a. testate b. Heir c. Inheritance	a. The existence of a person who died (in this case as an heir) b. There are heirs left by heirs who have died, c. The number and share of the heirs are known with certainty.	a. Servant (slave), b. Murder, c. Religious differences.	a. The group of male heirs consists of 15 groups, namely: (1) sons, (2) grandsons (from sons), (3) fathers, (4) grandfathers (from sons) father), (5) siblings, (6) half-brothers, (7) brothers and sisters, (8) sons of biological brothers, (9) sons mother's brother, (10) father's biological uncle, (11) uncle's uncle, (12) father's uncle's son, (13) father's uncle's son, (14) husbands, and (15) men who freed slaves. b. The group of heirs from the female side consists of 9 groups, namely: (1) daughters, mothers, (2) daughters of sons, (3) grandmothers (a mother from the mother), (4) grandmothers (a mother from father), (5) sister, (6) father's sister, (7) mother's sister, (8) wife, and (9) walla' (a woman who freed slaves).

<sup>16</sup> Sri Istiawati, 'Inheritance Rights of Children Out of Wedlock in the Perspective of Islamic Law', *Konfrontasi: Jurnal Kultural, Ekonomi Dan Perubahan Sosial*, 8.3 (2021), 186–96 <<https://doi.org/10.33258/konfrontasi2.v8i3.156>>.

<sup>17</sup> Mohammad Tohir, *Modul Matematika Faraidh Dan Zakat* (Situbondo: Program Studi Tadris Matematika Universitas Ibrahimy, 2020).

Etymologically, the word Li'an comes from Arabic; La'ana is the Mashdar form of the fi'il (verb) arrangement لعن- يلعن- لعنا, which means anathema or curse<sup>18,19</sup>. Named this Li'an because of what happens between husband and wife, because each husband and wife curse themselves the fifth time if he lies<sup>20</sup>. In terms of terminology, many fiqh experts define Li'an as follows:

1. The Maliki school defines it as the oath of a Muslim husband who has reached puberty that he saw the adultery committed by his wife or his rejection of his wife's pregnancy from him. And the wife swears that her husband lied with four oaths, with the words "I testify in the name of Allah that I witnessed him commit adultery" and other similar sentences, before the judge. Is this marriage valid or "Fasid"? Therefore, an oath made by someone other than their husband, such as a foreigner, an infidel, a child, or a madman, is invalid.
2. The Shafi'i Mazhab defines it as a known sentence used as an excuse for people who feel compelled to accuse people who have polluted their bed and brought shame to them or rejected the child they are carrying.
3. The Hanafi Mazhab, in the book Bada'i al Shanai' by 'Alauddin Abi Bakrin ibn Mas'ud defines Li'an as several testimonies that are strengthened by oaths, in which the husband's testimony is accompanied by anathema and the wife's testimony is accompanied by Ghadab, who occupies the position of Had Qodzab on the husband and occupying the position of had adultery on the rights of the wife<sup>21</sup>.

Based on some of the opinions above, it can be concluded that Li'an is an oath made by a husband when accusing his wife of adultery or rejecting his wife's pregnancy. At the same time, he did not have four witnesses who saw the act himself, with four witness testimonies that he was one of the righteous. In his accusation, then in the fifth oath of testimony, he asked for the curse of Allah SWT if he lied. Then the wife also swore four times that she did not act as accused by her husband; in the fifth oath, she was ready to accept the wrath of Allah SWT if her husband's accusation turned out to be true.

According to the results of research by Fariha, Liliek & Yusuf, the position of children due to lian is:

1. The position of the adulteress child and Li'an's child is the same; that is, they are equally assigned (nasab) to their mother and their mother's family.
2. Against his biological father, the child cannot be assigned to his biological father; the child can only be assigned to his mother's husband as long as his mother's husband does not deny it.

<sup>18</sup> Amrin Borotan, 'Li'an Bagi Suami Yang Tunawicara (Tela'ah Terhadap Pemikiran Imam Abu Hanifah 80 H/699 M–150H/767 M).', *HUKUMAH: Jurnal Hukum Islam*, 2.2 (2019), 1–17 <<https://ojs.staituankutambusai.ac.id/index.php/HUKUMAH/article/view/148>>.

<sup>19</sup> Dian Andriwijaya, 'Analisis Terhadap Pendapat Ibnu Abidin Dalam Kitab Radd Al-Mukhtar Tentang Li'an Bagi Orang Bisu' (UIN Raden Fatah Palembang, 2017) <[repository.radenfatah.ac.id/1493/](https://repository.radenfatah.ac.id/1493/)>.

<sup>20</sup> M Osman-Hyder, 'Termination of Muslim Marriages in the South African Legal Context: Understanding the Challenges', *Stellenbosch Law Review*, 33.2 (2022), 110–24 <[https://doi.org/10520/ejc-jlc\\_slr\\_v33\\_n2\\_a5](https://doi.org/10520/ejc-jlc_slr_v33_n2_a5)>.

<sup>21</sup> Amrin Borotan, 'Studi Analisis Pendapat Imam Abu Hanifah Tentang Li'an Bagi Orang Bisu' (Universitas Islam Negeri Sultan Syarif Kasim Riau, 2015) <<https://repository.uin-suska.ac.id/7309/>>.

3. Neither the biological father nor the mother's husband, who disavows the child, cannot be the guardian in the marriage if the child is a girl, is not required to provide maintenance, and there is no mutual inheritance relationship.
4. Li'an son only gets Inheritance from his mother and his mother's family, while his mother's husband and mother's husband's family do not receive Inheritance.
5. Li'an's son did not inherit his Inheritance. A Li'an child only gets Inheritance from his biological father and his birth father's family through a mandatory will, not as his Heir<sup>22</sup>.

Thus, if a husband has said the Li'an oath to his wife, then there will be a legal consequence: the child's relationship is severed with the mother's husband who said the Li'an oath. Similarly, in the case of Inheritance between her husband and her kid, Li'an was cut off, and the inheritance relationship was exclusive to her mother from then on. In addition to having an inheritance relationship with his mother, a Li'an child also has an inheritance relationship with people who are related to his mother's family. In other words, the Li'an child is only the heir of his mother and his mother's family. Still, he does not become the heir of his father and his father's family or his biological father and his biological father's family. Li'an children only get property from their biological father through a mandatory will, not by becoming the Heir<sup>23,24</sup>.

Therefore, it can be concluded that in the science of Faraidh, the right of Inheritance for Li'an children is the same as for adultery. The child does not receive an Inheritance from his biological father when the father dies but only gets an Inheritance from his mother's side. Whereas in the Civil Code article 863, if the Heir dies leaving legal offspring or husband and wife, then the child out of wedlock who is recognized inherits 1/3 of the share from those who were initially supposed to get it if they are legitimate children<sup>25</sup>. Islamic law can be called the obligatory property that must be given from the bond of a parent to his child. In the following, mathematical calculations related to Faraid science are presented in the case of a Li'an child.

### Case 1

Syifa is Li'an's daughter from Ihsan and Supinah. Both of his parents died when he was two years old. Syifa lives with her maternal grandmother, and her mother left 50,000,000 in cash at an ATM. Supinah herself has two sisters, Nia and Nana. How much Inheritance did Syifa get after her mother died?

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<sup>22</sup> Nabilla Ayu Suraya, Akhmad Khisni, and Munsharif Abdul Chalim, 'Research on Inheritance for Children from Sirri Marriage Based on the Compilation of Islamic Law', *Sultan Agung Notary Law Review*, 3.1 (2021), 48–55 <<https://doi.org/10.30659/sanlar.3.1.48-55>>.

<sup>23</sup> Andi Syamsul Bahri, 'Legal Status of The Li'an Children Recognition: Comparison of The Mazhab Malikiyah and The Compilation of Islamic Law', *Jurnal Mahkamah: Kajian Ilmu Hukum Dan Hukum Islam*, 7.1 (2022), 67–78 <<https://doi.org/10.25217/jm.v7i1.2381>>.

<sup>24</sup> Nur Shadiq Sandimula, 'The Status And Rights of an Illegitimate Child According to Mazhab Asy-Syafi'i Perspective on The Development of Islamic Family Law in Indonesia', *Jurnal Ilmiah Al-Syir'ah*, 17.2 (2019), 121–30 <<https://doi.org/10.30984/jis.v17i2.952>>.

<sup>25</sup> Djaja S Meliala, 'Hukum Waris Menurut Kitab Undang-Undang Hukum Perdata' (Bandung: Nuansa Aulia, 2018).

**Alternative Solutions**

Known: Syifa was a child of adultery, and both parents died. His mother left assets of IDR 50,000,000. Existing heirs, namely his grandmother Syifa (9 from Mother) and 2 of her mother's sisters.

Asked: how much money did Syifa get?

Answer:

The origin of the problem: 6

Heir	Part	Shiham
Mother	$\frac{1}{6}$	1
Syifa	$\frac{1}{2}$	3
2 Sister	Ashobah	6 - 4 = 2
		6

Inheritance count

- Mother (Grandmother Syifa) =  $1 \times \frac{50.000.000}{6} = 8.333.333$
- Syifa =  $3 \times \frac{50.000.000}{6} = 25.000.000$
- 2 Sister =  $2 \times \frac{50.000.000}{6} = 16.666.667$   
 @/Sister =  $\frac{16.666.667}{2} = 8.333.333$

Thus, the Inheritance that Syifa got after her mother died was IDR 25,000,000

**Case 2**

A husband and wife are fighting because the husband accuses his wife of adultery with another person. So there was an oath between the two of them. And it turned out that the husband's accusation was true, and after that, Li'an's son was born from his wife. Then, the husband who said the Li'an oath died when the child was two years old and left an estate of 150,000,000. Besides that, the couple already had two children before the occurrence of Li'an. Then how to calculate the Inheritance?

**Alternative Solutions**

Known: A husband and wife have one son (Li'an) and two sons (legal children).  
 Father died, leaving assets of Rp. 150,000,000.-.

The heirs are his wife, 1 Hazil Li'an child, and two legitimate children.

Asked: Count Li'an's son's Inheritance?

Answer:

The origin of the problem: 8

Heir	Part	Shiham
Mother	$\frac{1}{8}$	1
Li'an children	-	-
Legal children	Ashobah	7
		8

Count of Inheritance:

- Wife =  $1 \times \frac{150.000.000}{8} = 18.750.000$
- 2 Legal children =  $7 \times \frac{150.000.000}{8} = 131.250.000$   
 @/ Legal children =  $\frac{131.250.000}{2} = 65.625.000$

Meanwhile, the results of Li'an's children do not get an Inheritance when their father dies. However, the Li'an child gets obligatory property (according to Islamic law). Suppose the description of the case is added as follows:

*"Father left a message to give 20 million of his wealth to his Li'an children."*

Therefore, 20 million of the assets left by my father include obligatory assets or liability assets. So the calculation for the other heirs is as follows:

Abandoned treasure becomes = 150.000.000 - 20.000.000  
 = 130.000.000

The origin of the problem: 8

Heir	Part	Shiham
Mother		1
2 Legal children	Asobah	7
		8

Count of Inheritance:

- Istri =  $1 \times \frac{130.000.000}{8} = 16.750.000$
- 2 Legal children =  $7 \times \frac{130.000.000}{8} = 113.750.000$   
 @/ Legal children =  $\frac{113.750.000}{2} = 56.875.000$
- Child of adultery = 20.000.000

Because the inheritance rights of a Li'an child are the same as a child of adultery, thus, "according to the Criminal Code," the So calculation of his Inheritance is as follows.

The origin of the problem: 8

Heir	Part	Shiham
Mother		1
2 Legal children	Asobah	7
		8

Count of Inheritance:

- Istri =  $1 \times \frac{150.000.000}{8} = 18.750.000$
- 2 Legal children =  $7 \times \frac{150.000.000}{8} = 131.250.000$   
 @/ Legal children =  $\frac{131.250.000}{2} = 65.625.000$
- Li'an children =  $\frac{1}{3} \times 65.625.000 = 21.875.000$

So that the real property obtained by a legitimate child is

equal to =  $131.250.000 - 21.875.000 = 109.375.000$

@/Anak sah =  $\frac{109.350.000}{2} = 54.687.500$

Thus, based on the description of the 2 cases mentioned above, it can be concluded that children born to parents who take the Li'an oath cannot get inheritance rights from their Father because the lineage is broken because of the Li'an oath. However, they still get inheritance rights from their mother. Based on Article 162 KHI, the breakup of the lineage with the father means that the child cannot inherit property from the Father but can only inherit property from the mother and the mother's family<sup>26,27,28</sup>. Even while the father may give the kid property, this does not imply an inheritance; instead, it is a need

<sup>26</sup> Rachmadi Usman and Diana Rahmawati, *The Urgency of Protecting Children Born from Women Had Ceased Her Marriage Due to Li'an\** (Lambung Mangkurat University, 2018).

<sup>27</sup> Rhezky Putra Dinata and others, 'Implementation of Indigenous Marriages of the Malay Community between Titled Kings and Non-Titles', in *Proceeding International Conference on Malay Identity*, 2021, II, 151–62.

<sup>28</sup> Dwi Tatak Subagiyo and Desi Nurkristia Tedjawati, 'The Explanation of The Child And Wife's Inheritance Rights as A Result of Siri Legitimate Marriage', *Cepalo*, 6.1 (2022), 13–22  
 <<https://doi.org/10.25041/cepalo.v6no1.2589>>.

for the child's protection<sup>29,30,31</sup>. The law that applies is precisely the same as the inheritance law for children of adultery.

### CONCLUSION

Based on the results of the research and discussion, it can be concluded that: (1) In the distribution of inheritance rights in Faraidh science, mathematics cannot be separated; (2) making the right plan and using it in solving the problem of dividing inheritance rights for other children needs to be done continuously; (3) Li'an children according to the perspective of Islamic law do not have a relationship with the father because of the Li'an oath. So it will not have inheritance rights from the father. However, the Li'an child still has inheritance rights from his mother; and (4) According to Islamic law, a Li'an child is a child born to a husband and wife who took the Li'an oath because the husband accused his wife of adultery and without witnesses. It turns out that the oath made by the husband was valid.

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<sup>29</sup> James E Meade, *Efficiency, Equality and the Ownership of Property (Routledge Revivals)* (Routledge, 2013) <<https://doi.org/10.1080/17531050903556691>>.

<sup>30</sup> Elizabeth Daley, Rachel Dore-Weeks, and Claudine Umuhoza, 'Ahead of the Game: Land Tenure Reform in Rwanda and the Process of Securing Women's Land Rights', *Journal of Eastern African Studies*, 4.1 (2010), 131–52.

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