
PROPERTY OWNERSHIP AND ITS INFLUENCE ON WIDOWS' ACCESS TO JUSTICE IN SEME SUB-COUNTY, KISUMU COUNTY, KENYA

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ABSTRACT

Statement of the Problem: Widows may face discriminatory inheritance practices, insecure property documentation and limited resources when pursuing legal remedies in rural Kenya.

Purpose of the Study: The study examined the influence of property ownership on access to justice among widows in Seme Sub-County, Kisumu County, Kenya.

Methodology: A cross-sectional design combined questionnaires with key informant interviews and focus group discussions. The target population comprised 9,438 widows across four wards, and the intended survey sample was 383. The occupation and residence summaries reported 357 respondents. Quantitative data were analysed descriptively and through regression, while qualitative responses were examined thematically.

Findings: Property ownership showed a positive and statistically significant association with access to justice ($\beta = 0.339$, $p < .001$). Legal awareness was reported to moderate this association ($p = .005$). Respondents valued empowerment programmes, and interview accounts emphasised the importance of ownership documentation and resources for meeting the costs of pursuing claims.

Conclusion: Property ownership and the ability to document property interests were associated with widows' access to justice, although the cross-sectional design does not establish causation.

Recommendations: Strengthen accessible legal aid, succession and property documentation support, community legal education and protection from discriminatory property practices.

Keywords: *access to justice, property ownership, widows, legal awareness, Seme Sub-County, Kenya*

INTRODUCTION

Access to justice entails the ability to understand rights, pursue a claim and obtain an effective remedy through formal or community-based institutions. For widows, disputes over land, housing and inheritance may arise at a time of financial and social disruption. In such circumstances, documented rights and the resources needed to pursue a claim can shape the options realistically available. The present study examines property ownership in relation to justice access among rural widows in Seme Sub-County, Kisumu County, Kenya.

The Constitution of Kenya recognises equality before the law, equitable access to land and the right of access to justice (Republic of Kenya, 2010, arts. 27, 48, 60). Yet legal entitlements may not translate into effective remedies where claimants lack documentation, resources or assistance. Human Rights Watch (2020) identified financial costs, unequal customary norms, uncertainty over property interests and institutional delays as barriers experienced by women asserting matrimonial property claims in Kenya. These contextual barriers warrant examining how ownership and control of assets relate to widows' justice seeking.

Property disputes may involve competing expectations under family arrangements, customary practices and statutory procedures. Even where a widow has a legally recognised interest, obtaining documents, meeting administrative requirements and travelling to justice institutions may impose significant burdens. Earlier research on property stripping and inheritance vulnerability has documented how dispossession can intensify economic insecurity (Dube, 2017; Nwokoro & Ogba, 2019). This makes the relationship between property ownership and access to justice an important question for local social and legal policy.

Seme Sub-County consists of West, Central, East and North Seme wards. The study focused on widows residing in these wards and drew on survey accounts together with interviews and group discussions. Its analysis concentrates on property ownership, although the wider parent study also considered cultural practices, literacy and legal awareness. Focusing the present article on property ownership permits a clearer comparison between reported perceptions, lived experiences and the available regression finding.

Evidence from Kisumu County has described widows facing exclusion from family land and relying on civil society support to pursue property claims (United Nations in Kenya, 2021). National accounts also recognise that legal reforms need to be accompanied by effective remedies and gender-responsive institutions (Republic of Kenya, 2024). The present study

examined the relationship between perceived property security and access to justice within Seme rather than treating the wider Kenyan evidence as an estimate of local prevalence.

Statement of the Problem

Widows pursuing inheritance and property claims may have difficulty establishing ownership, meeting legal costs and obtaining assistance. These constraints warrant analysis beyond the formal availability of legal protections, because access also depends on whether a claim can be initiated and sustained. The Seme Sub-County evidence provides an opportunity to examine how empowerment, property documentation and reported insecurity relate to justice access. Local empirical evidence is needed to inform targeted assistance that reflects widows' circumstances rather than relying exclusively on general legal reform.

The gap is both substantive and contextual: national and regional documentation shows obstacles to women's land and property claims, but it does not quantify the reported property ownership–justice access association among widows in the four wards of Seme (Human Rights Watch, 2020; United Nations in Kenya, 2021). Examining this relationship can inform where documentation services, legal aid and community-level justice support should be directed.

Research Objective

To examine the influence of property ownership on access to justice among widows in Seme Sub-County, Kisumu County, Kenya.

Research Hypothesis

H₀: Property ownership has no statistically significant association with access to justice among widows in Seme Sub-County, Kisumu County, Kenya.

LITERATURE REVIEW

Theoretical Framework

The study was informed by Empowerment Theory. In this context, empowerment concerns the resources, agency and institutional opportunities through which widows can assert their rights. Ownership documentation and control over productive assets may improve a claimant's ability to obtain information, engage legal assistance and sustain a dispute-resolution process. The theory therefore offers a framework for examining both material property security and the capacity to act on legal entitlements.

Empirical Review

Chagadama (2015) investigated mediation in women's property disputes within Zimbabwe's legal aid setting. The study described procedural complexity, cost, delays and distance as barriers to pursuing property-related remedies. These barriers suggest that formally available procedures may remain inaccessible where claimants lack resources and support. The Zimbabwean setting nevertheless differs from the rural Kenyan context addressed in the present study.

Kenyan evidence reinforces the importance of distinguishing formal rights from their implementation. Human Rights Watch (2020) reported how information barriers, documentation difficulties and the cost of pursuing litigation complicate women's property claims. The United Nations in Kenya (2021) described land-related grievances in Kisumu and the contribution of local civil society and alternative justice mechanisms. These sources establish the relevance of accessible remedies but do not provide a regression estimate for widows in Seme, which is the empirical contribution addressed by the present survey.

Dube (2017) investigated property stripping from widows in Binga District, Zimbabwe. The research described cultural and social barriers that discouraged some widows from using available remedies after losing property. This work is relevant because it draws attention to the gap between having a claim and pursuing it. Its focus on the consequences of dispossession also motivates examination of documentation and economic security in Seme Sub-County.

Nwokoro and Ogba (2019) examined widows' vulnerability and empowerment in southeastern Nigeria. Their focus provides a basis for considering empowerment alongside livelihood and rights-related insecurity. Across these studies, recurring themes include contested entitlements, constrained resources and limited recourse. The present study contributes context-specific quantitative indicators and qualitative accounts of property-related justice access among widows in Seme Sub-County.

At the institutional level, equal protection and access to justice are recognised in Kenya's constitutional framework (Republic of Kenya, 2010). Kenya's Beijing+30 country report identifies legal reform and more accessible justice services as elements of ongoing gender-equality efforts (Republic of Kenya, 2024). More recent United Nations reporting nevertheless identifies limited legal awareness, affordability barriers and harmful social norms as enduring obstacles (United Nations in Kenya, 2026). Together, the literature supports studying assets, empowerment and practical justice access as related but analytically distinct constructs.

Conceptual Framework

Property ownership was the explanatory variable and access to justice was the outcome. Property ownership was represented through respondents' perceptions of empowerment, marriage documentation, gender bias, inheritance-related threats and eviction insecurity. Legal awareness was considered as a potential moderator in the wider analysis. The hypothesised relationship was that stronger property security would be associated with greater ability to seek or obtain legal remedies.

RESEARCH METHODOLOGY

Research Design and Study Area

The study adopted a cross-sectional design combining survey data with key informant interviews and focus group discussions. Data were collected in West, Central, East and North Seme wards of Seme Sub-County, Kisumu County. The design supported assessment of associations and participants' reported experiences at a single period. It did not establish temporal or causal effects.

Target Population and Sampling

The reported target population was 9,438 widows distributed across the four wards. The manuscript stated a planned sample of 383 widows using the Yamane (1967) sample-size approach. Ward-based strata were used for sampling, although the manuscript alternately described selection within strata as random and purposive. Twenty key informants, including chiefs, legal officers and community-based personnel, were purposively recruited. Because the demographic tables totalled 357, results based on those tables are presented with $n = 357$; the original document did not provide a complete response-flow account.

Table 1: Distribution of the Target Population by Ward

Ward	Population	Proportion
West Seme	2,643	28%
Central Seme	2,360	25%
East Seme	2,171	23%

North Seme	2,264	24%
Total	9,438	100%

Data Collection and Quality Assurance

Questionnaires captured respondents' background information, property ownership experiences, cultural practices, literacy, access to justice and legal awareness. Interviews with key informants and eight focus group discussions, with six to eight participants per group, explored contextual experiences. Eight research assistants supported fieldwork. A pilot involving 10 widows in Ahero Ward, Nyando Sub-County, preceded data collection. The reported Cronbach's alpha for the property ownership scale was .906, while access to justice was .636; the latter signals a need for caution when interpreting measurement reliability.

Data Analysis

Questionnaire responses were coded and analysed in SPSS version 26 using descriptive statistics, correlation and regression. The source manuscript reported a standardized property-ownership coefficient and a moderation test but did not contain the underlying regression or interaction model tables. Accordingly, these findings are presented as reported results without reconstructing missing estimates. Interview and focus-group material was organised thematically to contextualise the survey patterns.

Ethical Considerations

The manuscript reported approval from St. Paul's University Institutional Scientific Ethics Review Committee and a research permit from the National Commission for Science, Technology and Innovation. Participants received information about the study and provided informed consent. Anonymity, confidentiality and voluntary participation were addressed during data collection. The actual approval and permit identifiers were not supplied in the source manuscript.

RESULTS AND DISCUSSION

Respondent Characteristics

The source manuscript described 383 planned questionnaire respondents but provided demographic tabulations for 357 individuals. Percentages below are reproduced from the supplied results. This distinction matters when interpreting the reported sample and the denominator underlying individual analyses.

Table 2: Respondents' Occupation (n = 357)

Occupation	Frequency	Percentage
Farming	187	52.4
Trading/business	71	19.8
Unemployed	49	13.8
Casual labour	24	6.8
Formal employment	26	7.2
Total	357	100.0

Table 3: Respondents' Residence (n = 357)

Residence	Frequency	Percentage
Rural	348	97.5
Urban	9	2.5
Total	357	100.0

Farming accounted for the largest occupational group (52.4%), followed by trading or business (19.8%). Most respondents resided in rural areas (97.5%). The age profile reported 42.2% aged 55 years or older and 26.8% aged 45–54 years. In education, primary schooling (47.3%) and no formal schooling (37.8%) were the largest categories. These distributions indicate substantial livelihood and educational constraints among the surveyed respondents.

Figure 1: Distribution of Respondents by Age

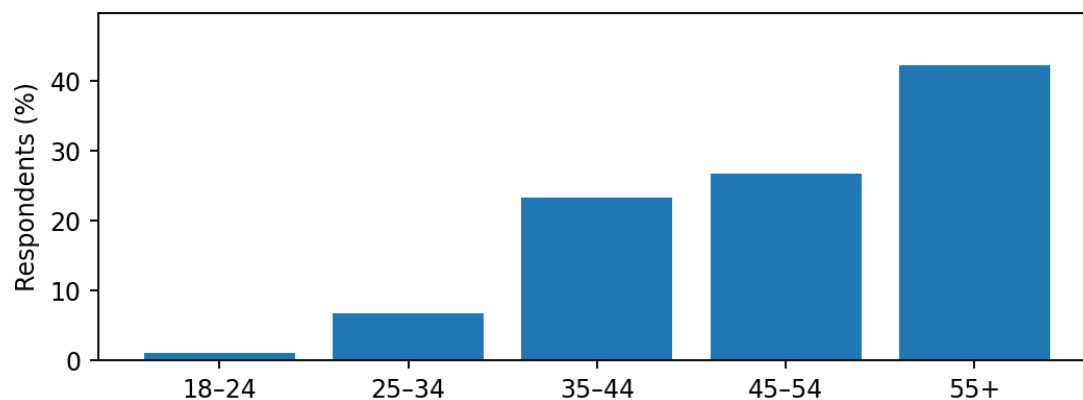


Figure 1. Distribution of respondents by age

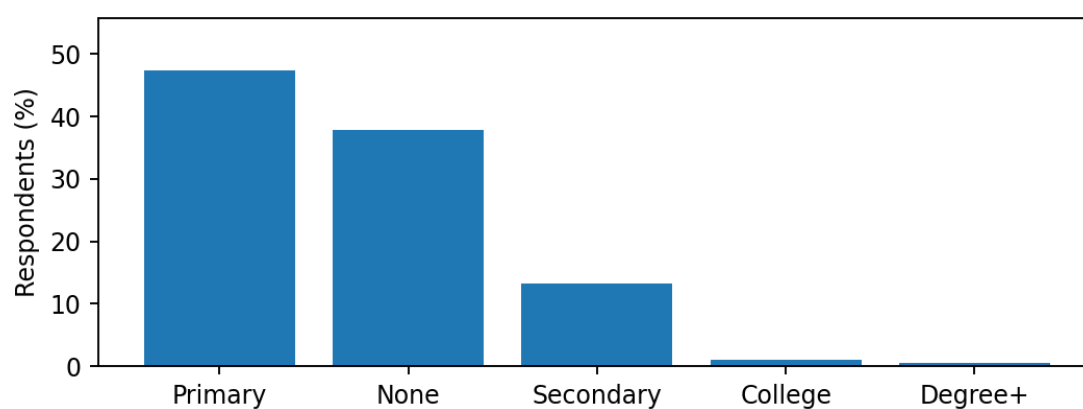


Figure 2. Highest educational level of respondents

The survey also reported that 22% of respondents had one or two children, 39% had three or four and 39% had five or more. These figures provide useful context for household responsibilities, although they do not establish that dependants caused barriers to justice.

Property Ownership

Respondents assessed ten property ownership statements on a five-point scale ranging from strongly disagree (1) to strongly agree (5). Table 4 reproduces the reported item means and standard deviations. Items reflect different facets of empowerment, documentation, discrimination and insecurity; therefore, higher values should not automatically be interpreted as greater ownership security across every item.

Table 4: Descriptive Statistics for Property Ownership Items

Statement	Mean	SD
Widow empowerment programmes improve access to property ownership	3.62	1.432
Empowerment helps me seek justice concerning property ownership	3.58	1.437
An unregistered marriage makes ownership difficult to prove	2.94	1.739
Lack of marriage registration limits access to justice	2.92	1.691
Gender bias affects my ability to claim property rights	2.84	1.710
Gender influences fairness in property disputes	2.73	1.653
I worry that property grabbing threatens my ownership rights	2.72	1.564
My late husband's relatives attempt to take property intended for me	2.51	1.607
I fear eviction following my husband's death	2.31	1.483
My family faces eviction threats despite legal rights	2.31	1.525

The two highest item means related to empowerment programmes ($M = 3.62$) and personal empowerment in property-related justice seeking ($M = 3.58$). Marriage registration items were near the scale midpoint ($M = 2.94$ and 2.92). Responses concerning gender bias also approached the midpoint, while reported threats of eviction had means of 2.31 . Taken together, these results demonstrate variation in experiences and perceptions rather than uniformly high prevalence of any one form of property insecurity.

Qualitative Findings

Key informants repeatedly linked documentation with the practical ability to pursue a property claim. One legal officer stated, "Widows who have land titles or clear documentation are taken more seriously in court compared to those without papers." A chief in West Seme similarly observed that relatives of the deceased could be favoured where a widow lacked land

documents. These accounts describe participants' perceptions of dispute processes; they should not be read as legal determinations regarding admissibility or ownership.

A focus group participant recounted using income from rental units on a separate plot to pay for travel to court in Kisumu (FGD 1, 2026). Her account suggests that control over an income-producing asset can help cover practical costs of legal action. Interviewees also described inheritance disputes and difficulties obtaining succession documentation. Such experiences illuminate possible pathways connecting financial security and legal recourse, while remaining qualitative accounts rather than estimates of their prevalence.

Relationship between Property Ownership and Access to Justice

The source manuscript reported a positive, statistically significant standardized association between property ownership and access to justice ($\beta = 0.339$, $p < .001$). It additionally reported that legal awareness moderated the relationship ($p = .005$). Because coefficients for the remaining predictors, model fit statistics, confidence intervals and the interaction coefficient were not provided, the strength and form of this moderation cannot be independently assessed from the supplied material. The positive coefficient supports rejection of the stated null hypothesis at the conventional 5% significance level, subject to verification against the original statistical output.

These results accord with the qualitative accounts of documentation and economic resources shaping claimants' capacity to pursue remedies. The descriptive responses also indicate that empowerment was more strongly endorsed than statements describing direct dispossession or eviction. Dube (2017) documented how property stripping could be accompanied by barriers to seeking redress, while Nwokoro and Ogba (2019) framed widowhood experiences in terms of vulnerability and empowerment. The present findings add a local perspective but should be interpreted as associations within a cross-sectional study.

The interpretation is consistent with Human Rights Watch (2020), which documented how a woman's ability to substantiate property interests and afford legal proceedings can shape practical access to remedies. The Kisumu account from the United Nations in Kenya (2021) adds contextual support for the role of land documentation and local assistance in disputes involving widows. However, neither source verifies the particular coefficient in this survey, and the reported association should not be interpreted as proof that ownership independently caused improved justice outcomes.

Interpretation and Reporting Considerations

The findings are best interpreted through the distinct roles of reported attitudes, documentary security and material resources. The descriptive indicators measured agreement with statements rather than objectively verified land tenure or adjudicated outcomes. For example, the strongest mean concerned the perceived value of empowerment programmes, which does not establish that each respondent had benefited from such a programme. Conversely, a low mean for an eviction statement cannot rule out severe difficulties among the smaller number of widows who experienced displacement. Consequently, descriptive averages need to be read alongside the accounts of participants who described contested claims and the expenses associated with pursuing redress.

The manuscript's evidence base also calls for careful reporting of the sample and inferential analysis. The originally stated sample was 383, whereas the occupation and residence tables account for 357 people. Without an accompanying response-disposition table, the difference cannot be confidently classified as non-response, excluded observations or another adjustment. Similarly, the regression coefficient and p-values were reported without their full model specifications, standard errors or confidence intervals. These limitations do not justify changing the reported estimates; they establish which elements should be confirmed in the underlying survey and analysis files before final journal submission.

Qualitative responses added context to the statistical patterns but are not representative measures of the frequency of particular experiences. A key informant's description of how documentation was treated in a dispute records that informant's experience, not a judicial rule applying to all widows. The focus group account of rental income illustrates one route through which control over assets may help finance justice seeking. Taken together, the methods offer complementary perspectives while retaining different standards for inference. These distinctions should guide both the substantive reading of the findings and the design of subsequent research on property disputes and remedies.

CONCLUSIONS

Property ownership was positively associated with access to justice among widows in Seme Sub-County in the regression result reported by the source manuscript. Perceived empowerment was prominent in survey responses, and qualitative participants emphasised the value of clear ownership documentation and assets that could meet costs of pursuing a claim. The evidence also identified concerns related to marriage registration, discriminatory treatment

and succession documentation. The reported moderation result suggests a possible role for legal awareness, although full statistical reporting is required before its magnitude can be evaluated.

RECOMMENDATIONS

National and county institutions, legal aid providers and community organisations should improve access to assistance with succession, title documentation and proof of marital or property interests. Support should be available in accessible formats and locations for rural widows who face travel costs, low literacy or limited income. Legal education initiatives should explain rights, required documents, available complaint channels and the process for accessing affordable assistance. Community engagement with chiefs and other local actors should reinforce fair treatment and lawful dispute resolution while protecting widows' autonomy.

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