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Mechanisms and the Contexts Shaping Women's Access to Customary Land in the Era of HIV/AIDS in Bukombe District, Tanzania

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ABSTRACT

Customary land access in Sub-Saharan Africa has generated extensive scholarly debate with one prominent strand focusing on the effects of HIV/AIDS on women's land rights. However, there remains limited clarity regarding the mechanisms and contexts through which the epidemic shapes women's access to customary land. This research draws on Ribot and Peluso's access theory that conceptualizes land access as a manifestation of social power. An in-depth ethnographic account of five selected HIV/AIDS-affected individuals was used to examine their experiences with access to customary land. Lyambamgongo Village in Bukombe District, Tanzania, was purposefully selected basing on its relatively high adult HIV prevalence rate (7.1%) and entrenched patriarchal practices governing land access. Findings indicate that HIV/AIDS significantly weakens women's capacity to access land, particularly in contexts marked by unequal social relations, land contestations and pluralistic legal frameworks. The study concludes that while HIV/AIDS exacerbates gender inequalities and intensifies disputes over land, it simultaneously reveals the adaptive and strategic agency of women, to navigate plural legal systems to assert and consolidate their land claims. Thus, the study calls for legal frameworks in Tanzania to strengthen women's formal land rights and for researches on HIV to adopt more nuanced, reflexive approaches that recognize the dynamic interplay of vulnerability and agency of women.

Key words: Customary land, access, legal plurality, instabilities, inequalities, Lyambamgongo

INTRODUCTION

Customary land access has been a central subject of debate among scholars examining the intersections of gender, livelihood, and rural development (Happe, 2025). Customary land, which forms the focus of this study, is the basic cornerstone of rural livelihoods in Tanzania where between 80 to 90% of households rely on it for agriculture and subsistence (URT, 2013). Beyond its economic role, customary land holds profound social, cultural, and symbolic significance, providing income, shelter, social status, decision-making power, and a sense of identity and belonging (Hall, 2013; Seeley, 2015; Agarwal, 1994). In rural Tanzania, these functions are embedded within customary tenure systems that govern access, use, and inheritance, often in hierarchical and gendered systems.

Studies show that customary land in many African states is increasingly

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contested driven by a complex interplay of historical, social, economic and institutional dynamics. Urbanization has intensified pressure on customary land causing its decrease over time. According to Lupala (2021), in the early 1960s customary land constituted nearly 90% of Tanzania's total land area, however recent estimates suggest its decline to approximately 60%. This decline is largely attributed to the expansion of existing urban settlements and the transformation of rural settlements into emerging urban centers (Lerise et al., 2022; Lupala, 2021). At the same time, rapid population growth, increased livestock ownership, unsustainable land-use practices, and climate variability have intensified competition over customary land (Pienaah, 2025; Lerise et al., 2022). These dynamics have, in turn, contributed to the fragmentation of landholdings among family members, increasing competition among conflicting groups such as farmers and pastoralists as well as boundary disputes (Alananga et al., 2024; Butungo, 2024).

In the past two decades, challenges underpinning customary land access have been linked with HIV/AIDS, a disease which has affected individuals and households, particularly in East, Central, and Southern Africa (Chapoto et al., 2011; Okuro, 2007). The debate on the relationship between HIV/AIDS and customary land access has prompted diverse empirical investigations into the pandemic's implications on customary land. However, findings have been mixed: while some studies predominantly report negative outcomes (Aliber and Walker, 2006), others identify more complex, and in some cases even positive, effects (Kimani, 2008; Okuro, 2007; Drimie, 2003; Mbaya, 2002). For instance, several studies link the pandemic to household economic distress, as prolonged illness often compelled families to sell land to cover medical and caregiving costs (Drimie, 2003). Other studies associate AIDS-related morbidity and mortality with the abandonment of agricultural land due to labour shortages following the deaths of productive household members (Okuro, 2007; Mbaya, 2002). Furthermore, studies also link HIV/AIDS with disruption of customary inheritance systems, particularly in patrilineal societies, where the death of a male household head often undermines the land rights of widows and orphans, resulting in widespread eviction and dispossession (Chapoto et al., 2011; Drimie, 2003). The decline of traditional widow inheritance practices, attributed to fears of HIV transmission, is further seen to intensify women's economic and social vulnerability (Chapoto et al., 2011; Oluoch and Nyongesa, 2013).

Nevertheless, these conclusions have been subject to contestation. Research conducted in Kenya (Aliber and Walker 2006) challenges the assumption of a direct causal relationship between HIV status and land dispossession, advocating for a multi-causal perspective that situates land tenure insecurity within the broader intersections of illness, poverty, and social relations. Similarly, Seeley (2015), in a longitudinal study spanning three decades, examined the experiences of 22 HIV-affected households in Uganda, situating the epidemic's effects within wider social, political, and economic transformations. Her research underscores the importance of understanding the epidemic's impact within the broader context of socioeconomic change, while cautioning against simplistic or mono-causal interpretations between HIV/AIDS and specific social or economic outcomes. Despite substantial scholarship on the social implications of HIV and AIDS for land access, the specific contexts and mechanisms through which the epidemic

shapes land access relations remain insufficiently understood. This study draws on evidence from Lyambamgongo (Lyamba) village in Bukombe District. The study aims to fill this gap by exploring mechanisms and contextual factors that shape women's access to land in the shadows of HIV and AIDS.

THEORIZING LAND ACCESS

To deepen the theoretical understanding on the factors that shape land access in the context of HIV and AIDS, the study draws on Ribot and Peluso's (2003) *theory of access*. This theory advances a nuanced understanding of the dynamic ways in which individuals derive benefits from things, with "things" in this research referring primarily to land. The theory builds upon the ideas of Marx and Polanyi (1945), who conceptualized property as a bundle of legally sanctioned rights which people may have by owning and controlling property. The theory of access critiques this perspective, emphasizing that the important question is not about who owns what resources, but about who benefits from those resources. This case is typical of circumstances where individuals, companies or countries have ownership rights to productive resources, yet those who derive benefits from such resources are other individuals, companies or countries. According to the authors mere possession of property does not necessarily guarantee an individual the ability to benefit from such property. The theory of access rather suggests that what matters are 'abilities' which they defined as 'bundles of power'. According to the authors, bundles of power are "capacities of certain actors to influence the practices and ideas of others" (2013, p.16). They show these bundles include access to legally sanctioned rights and relational access which include technology, knowledge, capital, markets, social relationships and authority.

In addition, the theory of access also positions social relationships as nodes through which access is structured and negotiated. Social relationships such as marriages, kinship and community ties are importantly in this research as important sites in which customary land access is embedded (Moyo, 2017; Urassa, 2022). Individuals draw their land access in these relationships through their belonging, dependence or obligation to social ties (August et al., 2021). While social relationships shape access existing literature on customary land tenure has warned that these relations often reproduce inequalities between individuals with respect to their social position and their customary land rights (Butungo, 2024; Urassa, 2022). According to Moyo (2017) in patriarchal societies, men have higher position of authority than women, and therefore in relationships such as marriages, men usually control decision. Additionally, within such societies, productive resources such as land is controlled under patrilineal side. Upon circumstances of marital instabilities land is retained to the male side. Urassa (2022) has also shown that even among matrilineal customs, when land is retained to the female side, those who still take control of it are uncles (men). These cases point to entrenched contours of land access among family members within social relationships.

While inequalities of land access exist within social relationships, literature on HIV/AIDS has also revealed inequalities embedded in HIV and AIDS which are attached with its negative perceptions and social stigma (Jönsson, 2025; Rosales-Pina et al., 2025; Loaiza-Guevara et al., 2025). Although there is nothing inherently bad about being HIV infected, recent scholarship on stigma has emphasized how stigma may be weaponized in contested access to weaken others' bundles of power in order

to maximize possibilities to gain access. According to Link and Phelan (2001), stigmatization comprises interrelated processes of labeling, stereotyping, and separation, all of which occur within a broader context of power whose effect is to undermine victims' sense of self-identity and self-esteem. Given the contested nature of customary land, and within such existing inequalities, bundles of power to exclude others through force, law, or through legitimized social practices may be used (Hall et al., 2012). Thus, when linked with the theory of access, stigma can be conceptualized as another form of bundle of power, a subtle yet influential mechanism through which individuals or groups may negotiate or secure access. Therefore, this theory analytically provides a point of departure from previous studies which have assumed and attached widowhood, femininity or orphanage with HIV infection as a state of vulnerability. Drawing from bundles of power concept the access theory leaves and empirical enquiry for this study to explore nuanced ways in which the context of HIV provides various approaches for the affected people to navigate different ways to gain access to land.

METHODOLOGY

This study employed an ethnographic approach because as Rosen (2020) observes, the sociocultural complexities surrounding HIV/AIDS, particularly the pervasive effects of stigma, together with the often-contentious nature of land access, are knotted within intricate networks of social relationships that cannot be fully captured through short-term or survey-based methods. To do this, three years (between June 2017 to September 2019) were spent in the field which as in many ethnographic studies, is a considered as the period adequate for a researcher to understand culture, observation, active listening, and participation in everyday life to apprehend the meanings individuals attribute to their experiences (Geertz, 2008; Rosen, 2020). Fieldwork gave me adequate time to gain insights of the historical accounts of the HIV affected individuals and their access to land. Additionally, my prior knowledge of the area where I lived between 2006-2012 added me background knowledge of culture, local language and land-related dynamics. Narratives described in the empirical section of this research draw upon Geertz's (2008) notion of thick description to convey the depth, texture, and interpretive richness of social life of the respondents.

Lyamba village, Bukombe District, in Tanzania (Figure 1) which was the study area, was purposely selected basing on its dominance in patriarchal land access relations and adult HIV prevalence of 7.1%, higher than the national average of 4.8% (UNAIDS, 2024). Historically, the region was among the first in Tanzania to register HIV cases, from which the epidemic subsequently spread nationwide.

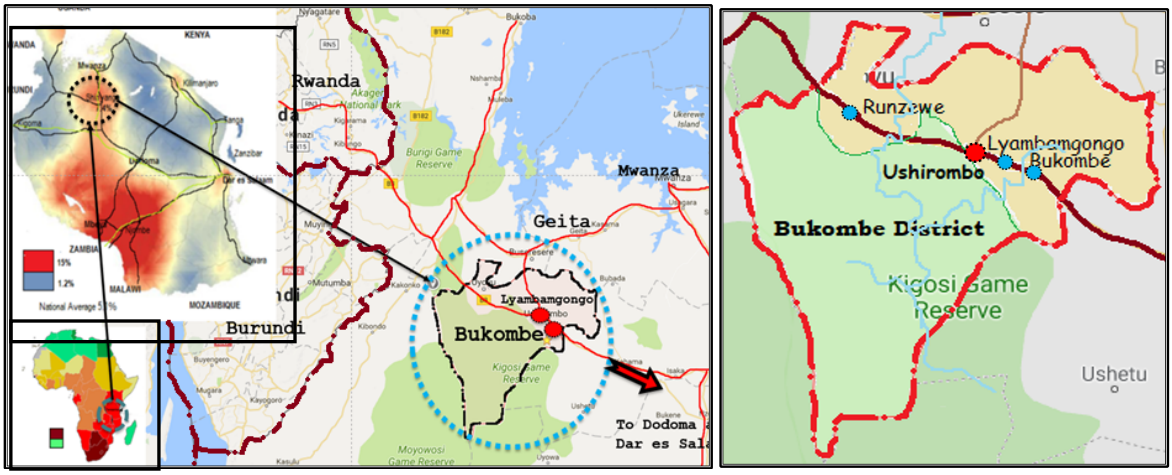


Figure 1: Location of Lyambamgongo village in the District and National Contexts

Prior to fieldwork, ethical clearance was obtained from the National Institute for Medical Research (NIMR). This was important because the study's focus on HIV infection and land access raised critical ethical considerations, given the stigma associated with HIV and the potential for intra-family land disputes to exacerbate participants' vulnerability if not carefully managed. Accordingly, strict ethical protocols were observed throughout the research process. Measures were taken to ensure anonymity and confidentiality, including the use of pseudonyms and the deliberate obfuscation of identifiable details in the reporting of findings. The names presented in the findings chapter therefore do not correspond to those of the actual respondents. In line with recommendations from NIMR, all participants provided informed consent through signed forms and were explicitly informed of their right to withdraw from the study at any stage without consequence.

Initial engagement with respondents was facilitated through Rachel (not a real name); a contact person affiliated with the Tanzania Red Cross Society, who had been involved in providing care and treatment services to individuals living with HIV identified at a nearby hospital. At the outset, many potential participants, particularly men declined to take part in the study. Similarly, relatively affluent women, especially those occupying positions of authority or employed in the civil service and identified as living with HIV, were reluctant to participate. As awareness spread within the village that the research involved individuals living with HIV, even those not directly involved in the study avoided casual interaction with the researcher, fearing social labeling and stigma. As noted by Aggleton et al. (2013), social status and public image are highly valued among affluent individuals. In line with Ribot and Peluso (2013), social status constitutes a key component of individuals' bundles of power, and denial may function as a mechanism for safeguarding one's social standing. These dynamics underscore the pervasive stigma and social consequences associated with HIV infection. As it became more widely known that the study also addressed land rights, several respondents, including Ashura, Benedicta, and Monica, all of whom were affected by HIV, approached the researcher seeking redress for their land claims beyond customary systems. These initial interlocutors facilitated the use of snowball sampling, enabling the identification of additional participants

with similar characteristics, resulting in a total of twenty-two respondents. For the purposes of this study, five empirically rich case studies have been selected due to their strong alignment with the research objective.

FINDINGS: ETHNOGRAPHIC DETAILS OF HIV-AFFECTED PEOPLE

This section presents ethnographic life histories of five women, focusing on their experiences of HIV/AIDS infection and access to land. The first two cases, those of Mariam and Monica, illustrate women whose access to land was mediated through customary tenure relations. In contrast, the remaining three cases, Rebeca, Ashura, and Benedicta, demonstrate alternative and more diverse pathways to land access, involving mechanisms both within and beyond customary systems.

Mariam's HIV Status and her Relationships of Land Access

The narrative begins with Mariam, who, at the time of the researcher's first encounter with her in 2017, was a 40-year-old woman living with HIV. Mariam was introduced through a snowball sampling process facilitated by her friend Monica, who was also HIV-positive. Although initially hesitant to participate due to concerns regarding the disclosure of her HIV status, Mariam eventually consented following reassurance from Monica.

Her narrative does not directly centre on formal access to land; rather, it traces the trajectories of her unstable marital relationships. This account is analytically mobilized to engage with the theory of access discussed in the previous chapter, demonstrating that access to land is not solely derived from formally sanctioned rights, but also mediated through social relations. In Mariam's case, access to land was negotiated through relational networks within which she exercised agency. Notably, during one of the interviews, when asked whether having independent land rights was important to her, Mariam expressed limited concern for formal ownership, instead emphasizing the significance of marriage. She stated:

> *"What for? I have many alternatives to get access [to land] … from my brothers or even my parents (father), and through marriage. Marriage provides me with a place to cultivate, a house to live in, and social recognition as a married woman."*

At the time of the study, Mariam was residing in a modest compound given to her by her brother in-law where she went to live following the breakup of her past three marriages. She had two children, and was in a relationship with another man, Deus, whom she said had expressed an intention to marry her, although she had not disclosed her HIV status to him for fear that doing so would jeopardize the proposed marriage. Her marriage story started with Gabriel who had promised to marry and take his matrimonial land in another village after her primary education. She agreed and eloped with Gabriel contrary to her brothers' wishes for not receiving the bride price according to customs. Motivated by affection, she followed Gabriel to his house, where the marriage lasted seven years before he divorced, leaving her the youngest daughter but took the eldest son. Subsequently, Mariam cohabited with two additional partners in different relationships which lasted fewer than three years and produced one child in the second. The second relationship ended when her partner discovered she was HIV-positive and assaulted her, while the other dissolved due to persistent disagreements. Upon returning to her natal land, Mariam

faced strained relations with her brothers, who resented her earlier defiance in marrying Gabriel and leaving the natal land. They also learn that she got HIV infection which added to the frequent verbal abuses with statements such as, "You have brought shame to our clan," "The disease has cleared your brain," and "Your prostitution has brought you this disease." Unable to endure further humiliation, Mariam relocated to another village to live with her sister, whose husband provided her with a small hut juxtaposed to theirs and an acre of land for cultivation.

Mariam's narrative demonstrates how social relationships, particularly kinship networks involving her siblings and the wider natal family, served as key mechanisms through which she accessed land. Similarly, marriage constituted an important avenue for securing land for cultivation, shelter, and, notably, social status. However, the relational contexts within which such access was negotiated were deeply embedded in gendered inequalities that privileged men's authority over decision-making, including the power to exclude or expel her. Within this framework, HIV infection affects access in several interrelated ways: First, it reinforces existing asymmetries and weakens social ties within these relationships. Second, HIV-related stigma associates the condition with shame, moral failure, and prostitution; attributes perceived as transgressions of customary norms. As a result, Mariam's HIV status becomes a significant barrier to forming new relationships. In response, she adopts strategic practices, such as concealing her HIV status, to initiate and sustain relational ties through which access to land may be negotiated.

Thus, HIV/AIDS can be understood both as a condition that exposes pre-existing inequalities in land access relations and as a factor that constrains Mariam's ability to derive access to land. The subsequent narrative of Monica builds on Mariam's experience, illustrating how cultural norms, gender bias, and HIV-related stigma intersect to shape women's access to land and inheritance within customary tenure systems.

Monica's HIV Status and Contested Inheritance

Monica was the first respondent whom I was introduced to by Rachel. It took time for Monica to gain confidence with me because during the initial encounters, she always gave short responses when I asked her questions and Rachel had to always intervene to inform her that the information she provided to me would not bring her any physical, social, economic or psychological effects. After a week of constant interactions, the veil of lacking confidence in me decreased as she would sometimes call to seek help or advice on certain issues around her HIV infection. Monica had the age association with Mariam. She was HIV-positive, a mother of four, experienced severe discrimination and loss of inheritance rights following the death of her husband. After her husband passed away from an AIDS-related illness, Monica's in-laws expelled her from her matrimonial home, asserting that she no longer had any claim to the property. As she recounted,

> *"They* [her in-laws] *came and told me, 'Your husband is dead, so you don't have anything here. You can take your belongings and return to your natal family."*

Upon returning to her natal home where she had access rights to natal land, two years later, her father died, leaving behind substantial assets; over 100 acres of land and more than 200 cattle. Since, prevailing local customs barred women from inheriting property directly, therefore Monica's paternal uncle was

appointed as a guardian, ostensibly to manage it on behalf of the family, which consisted primarily of women. According to Monica, her uncle exploited this role, selling livestock and land for his personal benefit while restricting her rights to do the same to cater for her children's needs at the same time taking care of her mother and her illness demands. This made her always reliant of the uncle who according to her, frequently turned down her requests for unjustifiable reasons. This condition angered Monica so much and had to seek redress to the clan council; a male-dominated adjudicatory forum.

According to Monica, the uncle leveraged both his social influence and the stigma surrounding Monica's HIV status to undermine her claims. He argued that entrusting property to an HIV-positive woman would contravene established customs, stating:

> *"We know from our traditions that a woman-led family requires a leader (a man). How can we abandon our customs to give an inheritance to a woman who has brought shame to the family through HIV?"*

The clan ultimately sided with him, affirming his authority over the land and cattle and denying Monica's request to be in charge over the property. Although Monica contemplated seeking redress through formal legal institutions, she feared retaliation and further social isolation from her uncle and the clan. Ultimately, she relinquished her claim in order to preserve her tenuous social ties and avoid additional ramifications.

Monica's case builds on Mariam's story to show how social relationships provide a fallback option of women's access to land after instabilities such as divorce or ejection after the death of a husband. However, it exemplifies complex interplay of contextual factors shaping land access. In addition to inequalities in social relationships which transpired in the Mariam's narrative, it shows the context of contestations over property rights, and the deployment of diverse forms of justice. Within this plural legal landscape, people navigate between formal statutory frameworks, customary systems, and the use of more nuanced mechanisms such as the instrumentalization of HIV-related stigma to legitimize and reinforce customary claims to land. Although statutory laws appear to provide an alternative avenue for Monica's justice and property rights, in practice, customary norms and institutions remain pervasive and continue to structure access to land and inheritance. The following three cases of Rebeca, Ashura and Benedicta that follow, show cases of women who decided to claim access of land through non-customary systems.

Rebeca: The Woman who married men

Although marriage carries diverse contextual meanings, in Lyamba Village it is traditionally conceptualized as a union between a man and a woman, with the man initiating the relationship. Upon acceptance, the woman moves into the man's household, where she assumes a subordinate position. This hierarchical structure is deeply rooted among other things, in patterns of land ownership, as control over land translates into authority within domestic relationships, including the power to make household decisions and even to expel a spouse. Because men usually have these rights, it is customary for them to eject their wives during marriage instabilities. However, the case of Rebeca (aged 54) presents a notable departure from this norm. Defying conventional gender roles, she became locally known as "the woman who marries men", a label that, while

unconventional, was regarded with a degree of respect. Following two previous marriages that ended in divorce, Rebeca began selling *gongo*, an illicit alcoholic drink, and accumulated savings that enabled her to purchase land and construct her own house. Determined not to lose property and autonomy as she had in previous relationships, she required any man who wished to form a partnership with her to move into her home. This arrangement placed her in control of the relationship, granting her the authority to end the union and expel her partner if necessary.

I encountered Rebeca by chance, witnessing her publicly expelling a cohabiting partner; a dramatic act that attracted community attention and reinforced her reputation as both dominant and independent. While some villagers associated her multiple relationships with a presumed HIV infection, such assumptions reflected social stigma rather than medical fact, and they did not appear to affect her access to land or her social standing. Rebeca's experience challenges prevailing gender norms in Lyamba, where most women rely on social or marital ties to obtain land. Her case demonstrates that, outside the bounds of customary practice, women can acquire land through personal economic initiative and savings. Although her reputation was shaped by perceptions related to HIV, her experience does not directly illustrate how such perceptions influenced her access to land. The following two narratives of Ashura and Benedicta also demonstrate how other means beyond social relationships can empower women to reclaim land access.

Challenging Customs: Ashura's pursuit of Access through Legal Channels

Ashura (aged 21) she lost her parents to AIDS-related illnesses. Following the deaths, her paternal uncle, Ahmad, assumed guardianship of the family's ancestral land and the orphans' assets. To Ashura's dismay, Ahmad exploited his position: he sold portions of the family land, rented out houses and farms for his personal benefit, and withdrew approximately 48 million shillings from the orphans' bank account. While attending college, Ashura discovered these abuses and initiated legal proceedings to reclaim control over the land, retirement benefits, and other family properties, as well as to obtain formal recognition as the legitimate guardian. The court instructed her to convene a clan meeting to revoke her uncle's guardianship. Anticipating resistance from her paternal relatives, Ashura strategically mobilized support from her maternal kin. With their backing, she successfully convened a meeting, secured written documentation in her favor, and submitted it to the court, thereby strengthening her case. After years of protracted legal proceedings marked by procedural delays and significant financial strain Ashura ultimately succeeded in reclaiming her inheritance.

Her case underscores the role of formal education, legal literacy, and collective support from maternal kin in enabling women to navigate and challenge patriarchal customary systems that limit access to land and property. It further illustrates how women, particularly in contexts shaped by the social and economic effects of HIV/AIDS, can employ legal and collective strategies to contest discriminatory customary practices and assert their property rights and autonomy.

Benedicta

Benedicta, aged 67, was a retired primary school teacher living with HIV who drew upon her knowledge of widows' land rights and her leadership skills to

empower other HIV-infected widows in Lyamba Village. The widows met weekly, making small financial contributions with the collective aim of enabling each member to purchase land, undertake incremental housing construction, and initiate small-scale business ventures. This collective, knowledge-based strategy provided both economic and social support, allowing widows to progressively assert their economic empowerment and social visibility within a patriarchal rural context. Benedicta herself faced threats to her property following her husband's death from AIDS. Despite her formal education and legal awareness of matrimonial property rights, her in-laws attempted to dispossess her of land, a residential house, a dairy farm, and a vehicle, claiming that these assets belonged to their deceased brother under customary inheritance norms. In response, she strategically mobilized her social and professional networks particularly her connections with local authorities, including the district commissioner to secure protection for her land and other assets.

DISCUSSION OF FINDINGS

The case study narratives reinforce the theory of access Ribot and Peluso, (2003) by demonstrating the diverse mechanisms that shape women's access to land and the contexts underpinning such circumstances and how HIV/AIDS influence access.

Diverse Mechanisms Shaping Women's Land Access

Findings collectively illustrate the different mechanisms which shape women's land access in the study area. These mechanisms are social relationships such as kinship and marriage networks, access to capital, legal knowledge, engagement with formal authority structures and illegal forms of access. Findings reveal that social relationships are dominant mechanism of women's customary access to land, an argument which is widely supported by the dominant body of knowledge (see Slavchevska et al., 2025; Mtasigazya et al., 2024; Butungo, 2024; Urassa, 2022; Meinzen-Dick et al., 2019; Moyo, 2017). While literature shows how issues of mutual trust, reciprocity and and longtime history of bonding are important in social relationships, HIV affects these relationships by reproducing and intensifying negative perceptions such as infidelity in marriage and kinship relationships. This observation aligns with previous scholarship on gendered land inequality; however, this study extends the discussion by showing how HIV/AIDS not only intensifies women's vulnerability within social relationships but also exacerbates existing inequalities. The association of HIV infection with infidelity disproportionately targets women than men, marking them as morally suspect and socially unworthy of inheritance. The findings thus suggest that HIV/AIDS has deepened these inequities by linking infection to perceived sexual misconduct, which, in turn, fuels stigma, marital breakdown, and social exclusion.

Findings also show that outside customary relationships, women can secure access to land through formal knowledge and pursuit of land rights through legal mechanisms. According to Land Act No 5 (1999), the legal mechanisms involve court procedures. Literature reveals that access to formal knowledge provides women with both an understanding of the land rights such as marital and inheritance rights, operation of the legal system and procedure required to pursue those rights (Moyo, 2017). However, the findings show that the securing land rights through the formal system requires also access to

other mechanisms such as knowledge of those rights, access to adequate financial capital and time to pursue a case between courts and at times access to individuals with authorities to fast-track or influence decisions. While cases of Mariam and Monica who had no formal education on legal rights, show these challenges cases of Ashura and Benedicta who had knowledge of legal rights further exemplify this complexity. They show how legal system alone did not guarantee women access to land rights. The women needed access to financial capital which provided means to sustain long periods of court procedures and access to figures of authority to reinforce access to land rights under the formal system. This argument aligns with findings from Goldman et al., (2016) showing that relations with key figures who influence the court system such as judges, politicians or key figures of authority can influence the court process in granting formal land rights.

Findings also reveal the use of illicit mechanisms which including the instrumentalization of HIV/AIDS stigma which largely surfaces circumstances of land contestations to weaken social reputation and self-esteem of the affected women. From access theory perspective, property rights are not secured by law alone; they are socially enforced and politically negotiated. Therefore, individual's position in the society, social standing, reputation and self-esteem constitute a form of symbolic and relational capital that significantly shapes the legitimacy of claims within social contexts. Conversely, diminished social standing, encounter skepticism, exclusion, and limited recognition in cases where property claims are negotiated and contested (citation). The cases studies reveal how HIV infection lowers women's chances to negotiate access in social relationships. In other cases, HIV stigma is instrumentalized through labeling, stereotyping and discrimination in contested property. Findings align with Bourdieur's arguments (2012) showing how stigmatization as an illicit mechanism is used as a symbolic form of power to influences women's access to land.

The Contextual Factors Shaping Women's Land Access Under HIV/AIDS

Although most of literature sources in Tanzania largely show that land access is rural areas is a dominated by customary and formal system (Moyo, 2017), findings in this study indicate a more complex and dynamic legal system. What is observed as customary system that grants women access is not static, rather men use nuanced ways sometimes manipulating the customary system to constrain women's access. While many literature sources refer women's customary land rights to be subsumed within social relationships such as marriages and kinships, these findings show that women's rights are not fully guaranteed. Failure to meet certain customary practices required for a modesty woman including negative perceptions surrounding HIV infection may affect women's land rights.

At the same time, while the formal legal system also guarantees equal access to land rights to men and women, such rights are also contingent not fully guaranteed. They depend on the disposition of a person including having knowledge of legal rights, access to capital or links with figures of authority. Importantly, these findings thus show that the complex and dynamic legal pluralistic system underpinning land access can simultaneously enable and constrain access to land. The study situates these dynamics within a legally pluralistic context, where customary and statutory systems coexist and interact in complex ways to reconfigure land access.

Ultimately, the findings demonstrate that within the legal pluralistic context HIV/AIDS exposes the strategic potential of women's agency to gain access to land. In doing so, women reconstitute access through social and institutional alliances rather than relying solely on marital or kinship ties.

CONCLUSION AND RECOMMENDATIONS

Overall, the study concludes that in the context of the HIV/AIDS epidemic, customary mechanisms for land access, traditionally anchored in social relationships, are not guaranteed. Instead, these mechanisms have become increasingly contingent upon the stability of interpersonal ties and the prevalence of property contestations. HIV/AIDS infection exacerbates these conditions, further destabilizing women's tenure security. Consequently, affected women must increasingly rely on alternative mechanisms outside of customary practice; these include the mobilization of legal rights knowledge, strategic engagement with figures of authority, and the leveraging of financial capital. Furthermore, the study suggests that the context that underpins land access is not a static landscape as codified by statutory law. Rather, it is defined by a complex state of legal pluralism. Although the epidemic intensifies gendered inequalities and property disputes, it simultaneously illuminates the adaptive and strategic capacities of HIV-affected women. These actors actively navigate plural legal systems to reclaim or reinforce their land claims, demonstrating a high degree of agency.

Based on these findings, the study recommends the strengthening of existing policy reforms in Tanzania to ensure that women's formal land rights are effectively guaranteed and secured. This is particularly important given that prevailing customary tenure systems, despite their statutory recognition, often fail to adequately protect and uphold women's land rights. The study further calls for greater reflexivity in future research on HIV/AIDS and land, cautioning against the tendency to generalize or assign fixed identities, such as widowhood, as synonymous with vulnerability. As noted by Forsyth et al. (2022) and Nightingale (2011), vulnerability and power are dynamic and context-dependent. Women are situated within diverse social and economic conditions, which shape their capacities to act and negotiate access in varying ways. Consequently, essentializing vulnerability at the group level risks obscuring the differentiated forms of agency exercised by individuals across contexts.

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