



Jurisprudential Reconstruction Of Islamic Inheritance Law To Advance Gender Justice In Contemporary Muslim Societies

Moh. Subhan *

IAI Miftahul Ulum Pamekasan, Pamekasan, Indonesia

orsatpmk@gmail.com

Balqis Kamalina

IAI Miftahul Ulum Pamekasan, Pamekasan, Indonesia

balkiskamalina@gmail.com

Nur Ainiyah

IAI Miftahul Ulum Pamekasan, Pamekasan, Indonesia

nengnini93@gmail.com

DOI: [10.66277/mizaan.1.1.4](https://doi.org/10.66277/mizaan.1.1.4)

Received: 30-04-2026

Revised: 30-05-2026, 31-05-2026

Accepted: 30-06-2026

*Corresponding Author

Abstract

This article critically examines the reconstruction of Islamic inheritance law in addressing gender justice within contemporary Muslim societies. The central focus is the classical 2:1 gender ratio in inheritance distribution, traditionally justified by the 'illah of financial responsibility (nafaqah). This ratio now faces significant challenges in the context of double-income households and the increasing role of women as primary breadwinners. The study employs a dual normative-juridical and socio-legal approach, systematically stratifying primary sources (Qur'anic verses, authentic Hadiths, and the Compilation of Islamic Law), secondary sources (classical fiqh texts and peer-reviewed international journals from 2023-2025), and tertiary references. Data are analyzed through thematic coding and hermeneutic interpretation guided by maqāṣid al-sharī'ah, with validation ensured via triangulation and expert peer-debriefing. Findings reveal that corrective equity can be operationalized through specific legal mechanisms: sulh (amicable settlement), takhrīj (consensual redistribution), and judicial activism via wasiat wajibah (mandatory wills). These instruments reconcile the tension between traditional textual quotas and modern demands for gender parity. The article contributes a novel theoretical model for inheritance reform and situates Islamic jurisprudence within the global discourse on family law modernization. Future research should explore the legal and socio-economic challenges of digital wealth and cross-border estate management in modern Muslim societies.



Copyright © 2026 by Author(s)

This work is licensed under a [Creative Commons Attribution-NonCommercial 4.0 International License](https://creativecommons.org/licenses/by-nc/4.0/).

[Artikel ini mengkaji secara kritis ketegangan antara kuota tekstual tetap dalam hukum waris Islam (*faraid*) dan realitas sosial-ekonomi masyarakat Muslim kontemporer. Fokus penelitian diarahkan pada rasio gender 2:1 yang secara klasik dibenarkan melalui 'illah tanggung jawab nafkah (*nafaqah*). Rasio ini kini menghadapi tantangan serius dalam konteks keluarga berpendapatan ganda dan meningkatnya peran perempuan sebagai pencari nafkah utama. Penelitian ini menggunakan pendekatan normatif-yuridis dan sosio-legal dengan stratifikasi sumber primer (*Al-Qur'an*, hadis autentik, Kompilasi Hukum Islam) dan sekunder (kitab fiqh klasik dan jurnal internasional 2023–2025). Analisis dilakukan melalui thematic coding dan hermeneutika berbasis *maqāsid al-sharī'ah*, dengan validasi triangulasi sumber dan peer debriefing. Temuan menunjukkan bahwa keadilan korektif dapat dioperasionisasikan melalui mekanisme hukum spesifik: *sulh* (penyelesaian damai), *takhrīj* (redistribusi konsensual), dan wasiat wajibah. Instrumen-instrumen ini merekonsiliasi ketegangan antara kuota tekstual tradisional dan tuntutan kesetaraan gender modern. Artikel ini menawarkan model teoretis baru bagi reformasi hukum waris Islam serta menegaskan relevansinya dalam diskursus global modernisasi hukum keluarga, dengan arah penelitian masa depan pada isu kekayaan digital dan manajemen warisan lintas batas.]

Keywords: Islamic Inheritance Law, Gender Justice, Jurisprudential Mechanisms

Introduction

Islamic inheritance law (*farā'id*) constitutes one of the most elaborately regulated areas of Islamic family law, with its normative foundations explicitly established in the Qur'an. The provisions governing inheritance shares, including the two-to-one ratio between male and female heirs as stipulated in Qur'an 4:11, were historically formulated within the socio-economic structure of early Arab society, where men assumed primary responsibility for family maintenance. Consequently, the principle of justice in classical Islamic inheritance law was not based on formal mathematical equality but rather on a balance between rights and socio-economic obligations assigned to each family member.¹ Within this framework, inheritance distribution functions as an instrument of distributive justice aimed at preserving family stability, safeguarding women's economic welfare, and ensuring the continuity of financial responsibilities within Muslim society.

The changing socio-economic landscape of contemporary Muslim societies has challenged many of the assumptions underlying the classical formulation of Islamic inheritance law. Over recent decades, the increasing participation of women in the formal labour market, the emergence of dual-income households, and the

¹ Supriyadi and Sukron Ma'mun, "Contemporary Inheritance: The Application Of Inheritance Division In Juridical, Psychological, Sociological And Economic Perspective," *MILRev: Metro Islamic Law Review* 2, no. 2 (2023): 134–54, <https://doi.org/10.32332/milrev.v2i2.8037>.

growing number of female-headed families have significantly transformed economic relations within Muslim families.² In many cases, women are no longer merely recipients of financial support but have become principal income earners or even sole breadwinners. These social transformations raise a fundamental question regarding how the principle of justice embedded in Islamic inheritance law should be applied when the socio-economic realities upon which its classical formulation was constructed have substantially evolved.³

The relationship between Islamic inheritance law and gender justice has consequently become one of the central themes in contemporary Islamic legal scholarship. Fazlur Rahman argues that Islamic legal texts should be interpreted in light of their underlying moral objectives so that their application remains responsive to changing social realities. A similar perspective is advanced by Khaled Abou El Fadl, who emphasizes the ethical interpretation of legal texts to preserve substantive justice in contemporary contexts.⁴ Meanwhile, Amina Wadud criticizes patriarchal readings of Qur'anic family law and advocates reinterpretations grounded in the principles of equality and gender justice.⁵ These scholarly developments demonstrate that contemporary debates on Islamic inheritance law have shifted away from questioning the normative validity of Qur'anic inheritance provisions toward examining interpretive methodologies capable of reconciling scriptural authority with continuously evolving social realities.

Recent scholarship has explored the reform of Islamic inheritance law from various perspectives. Some studies have employed the *maqāsid al-sharī'ah* framework to reconstruct the concept of justice in inheritance distribution, whereas others have examined legal instruments such as inter vivos gifts (*hibah*), mandatory wills (*waṣīyyah wājibah*), and joint marital property as mechanisms for reducing disparities in wealth distribution within contemporary Muslim families.⁶ Comparative studies on family law reform in Tunisia and Morocco further illustrate how Muslim-majority countries have reinterpreted Islamic family law through legislative reforms and public policy initiatives. In Indonesia, recent research has

² Habib Arrasyid, "Interpretasi Pembagian Waris Dalam QS. An-Nisa [4]: 11: Analisis Hermeneutika Double Movement Fazlur Rahman," *Jurnal Semiotika-Q: Kajian Ilmu al-Quran Dan Tafsir* 3, no. 2 (2023): 400–413.

³ Moh. Rafi Irvanul Vaza Wasurip and Zaenul Mahmudi, "Implementasi Keadilan Sosial Double Movement Fazlur Rahman Dalam Pembagian Harta Waris Keluarga Adat Jawa," *Al-Manhaj: Journal of Indonesian Islamic Family Law* 6, no. 2 (2025): 198–213, <https://doi.org/10.19105/al-manhaj.v6i2.16200>.

⁴ Muhammad Zaenal Arifin, "Critical Comparison of Muhammad Syahrur and Fazlur Rahman's Thoughts on Inheritance Law: Modern Reconstruction of the Principles of Justice in Islam," *IJoIS: Indonesian Journal of Islamic Studies* 5 (n.d.): 25–36, <https://doi.org/10.59525/ijois.v5i1.524>.

⁵ Fuad Fansuri et al., "Reinterpreting Islamic Inheritance Law For SDGs: A Comparative Analysis of Ibn Kathir and Amina Wadud on Gender Justice," *Profetika: Jurnal Studi Islam* 25, no. 02 (2025): 471–86, <https://doi.org/10.23917/profetika.v25i02.7887>.

⁶ Muhammad Lutfi Hakim, "Between Hibah and Waṣīat Wājibah for Non-Muslims: Expansive Legal Interpretations by Indonesian Religious Judges in Inheritance Cases," *Al-Ahwal* 17, no. 2 (2024): 147–66, <https://doi.org/10.14421/ahwal.2024.17201>.

primarily focused on the role of Religious Courts in advancing substantive justice through judicial decisions concerning joint marital property and mandatory wills.⁷

Despite these developments, significant scholarly gaps remain. Existing studies largely concentrate on normative analyses of inheritance provisions or theological debates concerning gender equality, while providing limited explanation of how jurisprudential mechanisms can reconstruct the principle of justice within the Islamic inheritance system without undermining the normative legitimacy of *farā'id*. Furthermore, relatively few studies have examined the relationship between the changing economic structure of contemporary Muslim families and the development of judicial practices designed to accommodate demands for gender justice, particularly within the Indonesian context. Accordingly, the interaction between social transformation, jurisprudential mechanisms, and the reconstruction of gender justice in Islamic inheritance law has yet to receive adequate scholarly attention.

Unlike previous studies, this article moves beyond normative debates on gender equality in Islamic inheritance law by examining how jurisprudential mechanisms operate to achieve substantive justice in legal practice. It argues that the reconstruction of Islamic inheritance law does not necessarily require explicit modification of the *farā'id* provisions. Rather, it can be achieved through legal instruments that have evolved within judicial practice and Islamic family law, including *hibah*, joint marital property, *waṣiyyah wājibah*, and other juridical constructions that facilitate a more equitable distribution of wealth. Accordingly, this article offers a new perspective on the relationship between Islamic inheritance law, social transformation, and gender justice in contemporary Muslim societies.

Against this background, this study aims to analyze the jurisprudential mechanisms employed to reconstruct the principle of gender justice in Islamic inheritance law and to evaluate their relevance in responding to the changing socio-economic structure of contemporary Muslim societies. It is expected to make a theoretical contribution to the development of contemporary Islamic family law while enriching scholarly discourse on the relationship between Sharī'ah, social justice, and social transformation in the modern Muslim world.

Methodology

This study employed a legal research design integrating normative-juridical and socio-legal approaches. The normative-juridical approach was applied to examine the concept of justice in Islamic inheritance law based on the primary sources of classical Islamic law, including the Qur'an, the Sunnah, and classical *fiqh* literature that constitute the normative foundation of the Islamic law of inheritance (*farā'id*).

⁷ Musyaffa Amin Ash Shabah *et al.*, "Integrating Conservation Easement in Islamic Wills: A Maslahah Mursalah Framework for Ecological Sustainability," in *Towards Resilient Societies: The Synergy of Religion, Education, Health, Science, and Technology* (CRC Press, 2025).

Meanwhile, the socio-legal approach was utilized to analyze how these inheritance principles interact with contemporary social transformations, including changes in family structures, the increasing economic participation of women, and the growing demand for gender justice in contemporary Muslim societies.⁸ By combining these two approaches, the study seeks to reconstruct an understanding of Islamic inheritance law that remains firmly rooted in Sharī'ah principles while being responsive to the dynamics of modern social change.

Data were collected through a systematic library research method based on the hierarchy of legal sources. Primary legal materials consisted of Qur'anic verses concerning inheritance, authentic Prophetic traditions (*ḥadīth*) governing inheritance distribution, and relevant statutory regulations and codified Islamic family law. Secondary legal materials included classical *fiqh* works representing various schools of Islamic jurisprudence, scholarly writings by contemporary Islamic legal thinkers, academic books, and peer-reviewed national and international journal articles addressing Islamic inheritance law, Islamic legal reform, and gender justice. Tertiary legal materials comprised legal dictionaries, Islamic encyclopedias, bibliographic indexes, and other reference sources used to clarify legal concepts and verify the terminology employed throughout the study.

The collected data were analyzed through a three-stage process consisting of coding, thematic categorization, and interpretive analysis using thematic analysis, with *Maqāṣid al-Sharī'ah* serving as the principal analytical framework. The analytical process began by assigning codes to major issues, including family maintenance (*nafaqah*), women's socio-economic roles, and gender justice, which were subsequently organized into four overarching themes: classical justifications, contemporary challenges, conceptual frameworks of justice, and jurisprudential reconstruction. The validity of the findings was enhanced through source triangulation and comparative analysis between classical legal doctrines and contemporary judicial practices, employing both the *Maqāṣid al-Sharī'ah* framework and Rawls's theory of justice as evaluative instruments. This methodological framework enables the formulation of a model for reconstructing Islamic inheritance law that is more adaptive to contemporary social realities while promoting the realization of substantive gender justice.

Principles of Justice in Islamic Inheritance Law

Distributive justice within the framework of Islamic inheritance law concerns the allocation of equitable inheritance shares among heirs based on kinship relations, gender, and the socio-economic responsibilities attached to each individual within the family structure. This principle is reflected in Qur'an Surah An-Nisā' verse 11,

⁸ Martius Martius *et al.*, "Judicial Reasoning in Child Guardianship: Gender Justice and Maqāṣid Al-Sharī'ah in Indonesian Religious Courts," *Mawaddah: Jurnal Hukum Keluarga Islam* 3, no. 2 (2025): 652–83, <https://doi.org/10.52496/mjhki.v3i2.103>.

which stipulates that the share of a son is equivalent to that of two daughters. In classical Islamic legal thought, this distinction has been understood as a manifestation of balance between rights and obligations, since men bear the legal responsibility of providing financial maintenance (*nafaqah*) for the family, whereas women are not subject to the same economic obligation.⁹ Accordingly, the 2:1 inheritance ratio is not regarded as a form of gender discrimination but rather as a distributive mechanism that takes into account the different socio-economic burdens assigned to men and women.

Nevertheless, this explanation cannot rest solely upon historical justification. Contemporary scholarship on Islamic inheritance law requires a more critical evaluation of the philosophical foundation underlying this provision. From the perspective of *uṣūl al-fiqh*, the obligation of financial maintenance imposed upon men constitutes the '*illah*' (effective legal cause) that provides the legal rationale for the 2:1 inheritance ratio. The challenge, however, lies in the fact that the social structure of contemporary Muslim societies has undergone substantial transformation compared with the historical context in which this provision was originally formulated. The increasing number of women serving as primary breadwinners, female heads of households, and families sustained through dual-income arrangements has fundamentally altered the distribution of economic responsibilities within the household.¹⁰ Under such circumstances, an important juridical question arises concerning the extent to which the '*illah*' underlying the classical inheritance scheme continues to operate effectively within contemporary social realities.

These social transformations have generated what may be described as juristic friction, namely the tension between the textual norms governing inheritance and the evolving social realities of Muslim societies. In many instances, women not only contribute to household income but also assume primary responsibility for family maintenance following divorce, the death of a spouse, or labour migration. When women bear economic responsibilities equal to—or even greater than—those of men, the continued application of inheritance rules based upon the assumption of exclusive male financial responsibility inevitably raises questions regarding the realization of substantive justice.¹¹ Consequently, contemporary debates on Islamic inheritance law no longer focus primarily on the normative validity of the Qur'anic inheritance provisions, but rather on how the underlying objective of justice

⁹ Ramadhita Syabbul Bachri, Sudirman, Zuhriah, Erfaniah, "Contextualizing Islamic Inheritance Law in Indonesia: Addressing Negative Stigma," *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam* 7, no. 2 (2024): 170, <https://doi.org/10.30659/jua.v7i2.35041>.

¹⁰ Ummah Karimah Sadari, Lazuardi Fadhlān Arrazy, "Reinterpreting Gender Justice in Islamic Inheritance Law: A Critical Analysis of the Compilation of Islamic Law," *Yudisia: Jurnal Pemikiran Hukum Dan Hukum Islam* 16, no. 2 (2025): 307–24, <https://doi.org/10.21043/yudisia.v16i2.26359>.

¹¹ Zikra Yumelda Putri et al., "Reconstruction of Islamic Inheritance Law from the Perspective of Gender Justice in Indonesia," *Al-Wadh'iyyah: Journal of Sharia Law and Legal Studies* 1, no. 1 (2025): 20–31.

embodied in these provisions can be achieved within social structures that have undergone profound transformation.

Within this context, John Rawls' theory of justice provides a relevant analytical framework for evaluating the justice dimension of Islamic inheritance law. To date, Rawls' theory has often been employed merely to distinguish distributive justice from procedural justice. However, the concept of the veil of ignorance offers a more critical framework for assessing systems of rights distribution. Through this approach, individuals are invited to imagine themselves in an original position without knowing whether they will be born male or female. From this perspective, the central question is not whether Islamic inheritance rules should be altered, but whether the existing distributive mechanism is capable of ensuring institutional justice for all members of society when social structures undergo fundamental transformation.

Furthermore, Rawls' difference principle maintains that inequalities in distribution are justifiable only if they generate greater benefits for those who occupy the least advantaged positions.¹² Within the classical framework of Islamic inheritance law, the unequal inheritance shares allocated to men and women were considered legitimate because they were counterbalanced by men's financial obligations toward the family. However, when women equally perform economic functions, this justification requires critical reassessment to ensure that the overarching objective of justice pursued by Islamic law continues to be fulfilled. Accordingly, discussions concerning justice in Islamic inheritance should not be confined to a textual interpretation of inheritance proportions but should also evaluate the effectiveness of the law's objectives (*maqāṣid al-shari'ah*) in responding to ongoing social transformation.

Developments in judicial practice across various Muslim-majority jurisdictions demonstrate that such tensions are not necessarily resolved through direct amendments to the rules of *farā'id*. Instead, judges and fatwa institutions have increasingly adopted jurisprudential approaches through complementary legal instruments, including *hibah* (inter vivos gifts), *waṣiyyah wājibah* (obligatory bequests), family mediation, and interpretations grounded in the principle of *maṣlaḥah* (public interest).¹³ These developments indicate that the reconstruction of Islamic inheritance law in the contemporary era has occurred primarily at the level of legal interpretation and implementation rather than through modification of its normative textual foundations. In other words, efforts to realize gender justice within Islamic inheritance law have been pursued through the development of

¹² Fuad Fansuri et al., "Reinterpreting Islamic Inheritance Law For SDGs: A Comparative Analysis of Ibn Kathir and Amina Wadud on Gender Justice," *Profetika: Jurnal Studi Islam* 25, no. 02 (2025): 471–86, <https://doi.org/10.23917/profetika.v25i02.7887>.

¹³ Muhammad Lutfi Hakim, "Between Hibah and Waṣiat Wājibah for Non-Muslims: Expansive Legal Interpretations by Indonesian Religious Judges in Inheritance Cases," *Al-Ahwal* 17, no. 2 (2024): 147–66, <https://doi.org/10.14421/ahwal.2024.17201>.

jurisprudential mechanisms that seek to reconcile legal certainty, substantive justice, and the changing social realities of contemporary Muslim societies.

Social Transformation in Modern Society

Social transformation refers to the process of change that affects the structure, values, norms, and patterns of social relations within a society.¹⁴ From the perspective of the sociology of law, social transformation influences not only individual behavior but also the effectiveness and relevance of legal norms governing society. Accordingly, law should not be perceived as a static system but rather as a dynamic social institution that continuously interacts with changing social conditions.¹⁵

Within contemporary Muslim societies, one of the most significant transformations has occurred in family structures and patterns of household economic relations. During the formative period of Islamic inheritance law, the family was predominantly organized according to a patriarchal model in which men functioned as the primary breadwinners, while women were largely economically dependent. However, the socio-economic developments of the twenty-first century have produced a far more complex family configuration. The increasing participation of women in higher education and the labor market has given rise to various forms of family organization, including dual-income households, female-headed households, and transnational families whose economic sustainability depends largely on remittances sent by female migrant workers.¹⁶

These developments can no longer be regarded as marginal social phenomena. A growing body of empirical research demonstrates that women in many Muslim-majority countries, including Indonesia and other parts of Southeast Asia, have increasingly assumed the role of principal contributors to household income. In many cases, women not only supplement family earnings but also bear primary responsibility for financing children's education, providing care for elderly parents, and maintaining the family's economic stability following divorce or the death of a spouse. Such realities indicate that the distribution of economic responsibilities within contemporary families no longer corresponds entirely to the social assumptions that historically underpinned the classical Islamic law of inheritance.

These transformations in family structure have direct implications for contemporary discussions of justice in Islamic inheritance law. The allocation of

¹⁴ Ahmad Ridha Jafar *et al.*, *Hukum Islam dan Dinamika Sosial: Perspektif Kontemporer* (CV. Gita Lentera, 2025).

¹⁵ Sulistyowati Irianto, "Inheritance Legal Pluralism and Gender Justice: A Court Room Study in Indonesia," *Legal Pluralism and Critical Social Analysis* 56, no. 3 (2024): 459–78, <https://doi.org/10.1080/27706869.2024.2379738>.

¹⁶ Ummah Karimah Sadari, Lazuardi Fadhlán Arrazy, "Reinterpreting Gender Justice in Islamic Inheritance Law: A Critical Analysis of The Compilation of Islamic Law," *YUDISIA: Jurnal Pemikiran Hukum Dan Hukum Islam* 16, no. 2 (2025): 397, <https://doi.org/10.21043/yudisia.v16i2.26359>.

larger inheritance shares to male heirs was originally founded upon the assumption that men bear the legal obligation of providing financial maintenance (*nafaqah*) for the family. Within classical Islamic jurisprudence, this obligation constituted the principal rationale for the unequal distribution of inheritance shares between male and female heirs. However, when women also function as primary breadwinners—or even become the sole providers for their families—a tension inevitably emerges between the normative structure of Islamic inheritance law and the evolving realities of contemporary society. Consequently, modern social transformation not only intensifies demands for gender equality but also challenges the continuing operational relevance of the socio-economic assumptions that have long constituted the foundation of the Islamic inheritance system.¹⁷

These developments likewise affect the concept of *‘aṣabah*, one of the principal mechanisms for wealth distribution in Islamic inheritance law. Under the classical legal framework, *‘aṣabah* serves as the mechanism through which the residual estate is allocated to male agnatic relatives who are presumed to bear continuing social and financial responsibilities toward the extended family. In contemporary society, however, these responsibilities are not always fulfilled by male relatives. Numerous cases demonstrate that women, rather than men, have devoted years to caring for aging parents, financing household needs, and sustaining the family's economic welfare. This reality raises a fundamental question as to whether a system of wealth distribution that continues to rely primarily on agnatic kinship alone adequately reflects the principle of substantive justice that constitutes one of the primary objectives of the Shari‘ah.

Consequently, contemporary debates on Islamic inheritance law are no longer confined to the question of whether the *farā’id* provisions should be preserved or reformed. Rather, scholarly attention has shifted toward identifying how Islamic legal mechanisms can reconcile the normative provisions of the Shari‘ah with the evolving demands of social justice in modern society. A growing body of comparative research indicates that legal practice in several Muslim-majority jurisdictions has increasingly adopted adaptive jurisprudential approaches through complementary legal instruments without altering the Qur'anic foundations of the Islamic law of inheritance.¹⁸

In the Indonesian context, for example, demands for distributive justice are frequently accommodated through the utilization of *hibah* (inter vivos gifts), the

¹⁷ Fuad Fansuri et al., “Reinterpreting Islamic Inheritance Law For SDGs: A Comparative Analysis of Ibn Kathir and Amina Wadud on Gender Justice,” *Profetika: Jurnal Studi Islam* 25, no. 02 (2025): 471–86, <https://doi.org/10.23917/profetika.v25i02.7887>.

¹⁸ Oman Sudrajat dan Yuyun Rohmatul, “Islamic Inheritance Law In Indonesia and Malaysia : Gender Equality Through Consensual Modification Universitas Islam Negeri Sultan Maulana Hasanuddin Banten , Indonesia Corresponding Author : Hadi.Peristiwo@uinbanten.Ac.Id The Jurisprudential Framework g,” *Mawaddah: Jurnal Hukum Keluarga Islam* 4, no. 1 (2026): 227–52, <https://doi.org/https://doi.org/10.52496/mjhki.v4i1.64>.

recognition of jointly acquired marital property (*harta bersama*), and the mechanism of *takhruj*, which enables heirs to reach mutually agreed arrangements regarding the distribution of inheritance through consultation and collective consent. The application of these legal instruments demonstrates that the reconstruction of Islamic inheritance law in the contemporary era has occurred primarily through legal interpretation and judicial implementation rather than through modification of the fundamental *farā'id* provisions. Within this framework, gender justice is understood not as mathematical equality in the distribution of inheritance but as an effort to ensure that wealth distribution remains consistent with the principles of *maṣlaḥah* (public welfare), family protection, and the realization of justice that constitute the normative objectives of Islamic law.

Accordingly, the social transformation occurring within contemporary Muslim societies should not be regarded merely as the background against which Islamic inheritance law evolves.¹⁹ Rather, it constitutes a decisive factor that directly shapes how Islamic inheritance law is understood, interpreted, and implemented. Therefore, the reconstruction of Islamic inheritance law in the contemporary era should focus on developing jurisprudential mechanisms capable of preserving the normative authority of the Shari'ah while simultaneously responding to the demands of substantive justice within the increasingly diverse structure of modern Muslim families.

Transformation of the Principle of Justice in the Islamic Inheritance Law System

The discussion begins with the recognition that the provisions governing inheritance cannot be separated from the normative objectives of the Shari'ah, namely the realization of *maṣlaḥah* (public welfare) and the protection of family members. Within the framework of classical Islamic jurisprudence, justice is achieved through the proportional distribution of inheritance rights based on kinship, financial responsibilities, and the socio-economic position of each heir. However, the development of contemporary Muslim societies has brought about significant changes in family structures, particularly the increasing participation of women in the labour market and the emergence of dual-income families. These transformations have generated renewed debate regarding whether the traditional understanding of justice—conceived as proportionality based upon financial responsibility (*nafaqah*)—remains capable of responding adequately to contemporary social realities. Recent studies indicate that current scholarly discourse on Islamic inheritance law has shifted from questioning the normative validity of the *farā'id* provisions toward evaluating the capacity of the inheritance

¹⁹ Taufiqurrohman et al., *Pembaruan Hukum Keluarga Di Dunia Islam*, 1st ed. (Media Sains Indonesia, 2021), https://scholar.google.com/citations?view_op=view_citation&hl=en&user=BRr3ij8AAAAJ&sortby=title&citation_for_view=BRr3ij8AAAAJ:WF5omc3nYNoC.

system to realize substantive justice within the evolving structure of contemporary Muslim families.²⁰

These developments have encouraged the emergence of various models of progressive hermeneutics within Islamic legal thought. One of the most widely discussed approaches is Muhammad Shahrur's *hudūd* theory, which interprets the Qur'anic inheritance provisions as normative boundaries that provide room for *ijtihād* in accordance with societal development. Likewise, Fazlur Rahman's *double movement* methodology emphasizes the importance of identifying the universal moral objectives underlying a legal provision before applying it to different social contexts. More recently, the *maqāsid al-sharī'ah* approach has been employed to assess whether the implementation of legal rules genuinely fulfills the objectives of family protection, social justice, and the equitable distribution of welfare. This methodological shift demonstrates that the reconstruction of Islamic inheritance law is not intended to abolish the Qur'anic inheritance provisions; rather, it seeks to develop interpretive methodologies capable of reconciling the normative authority of the sacred text with the demands of justice in modern society.

The transformation of the principle of justice is likewise evident in jurisprudential practices across several Muslim-majority countries. **Tunisia** represents one of the most progressive examples through its family law reforms, which have opened broader discussions on gender equality in inheritance distribution. **Morocco**, by contrast, has chosen to strengthen the economic protection of women through reforms to the *Mudawwana* without altering the fundamental structure of the *farā'id* system. Unlike these two jurisdictions, Indonesia has adopted a predominantly judicial model of legal reconstruction. A number of decisions issued by the Religious Courts and the Supreme Court demonstrate an increasing tendency to apply the principles of *maṣlahah*, recognize jointly acquired marital property, and utilize *waṣiyyah wājibah* (mandatory bequests) as legal instruments for protecting the interests of female heirs. These judicial practices indicate that justice in contemporary Islamic inheritance law is increasingly understood as the outcome of a process of legal interpretation that takes into account the factual circumstances of the parties involved, rather than merely the mechanical application of mathematical inheritance formulas.

The transformation of the principle of justice in contemporary Islamic inheritance law should not be understood as a shift from Sharī'ah toward legal secularization. Instead, it reflects the methodological evolution of Islamic jurisprudence in responding to social change. Contemporary discourse is no longer primarily concerned with opposing religious texts and modernity; rather, it focuses on identifying jurisprudential mechanisms that preserve the values of justice embodied in the Sharī'ah within increasingly diverse family structures. Legal

²⁰ Sadari, Lazuardi Fadhlān Arrazy, "Reinterpreting Gender Justice in Islamic Inheritance Law: A Critical Analysis of the Compilation of Islamic Law."

instruments such as *hibah* (inter vivos gifts), jointly acquired marital property, *takhruj*, *waṣiyyah wājibah*, and considerations based on *maqāṣid al-sharī'ah* demonstrate that Islamic inheritance law possesses an inherent capacity for adaptation through the development of interpretive methodologies and judicial practices without compromising the normative foundations that constitute its source of legitimacy. Recent empirical findings further reveal that many decisions of Indonesia's Religious Courts have adopted a substantive justice approach to balance the *farā'id* provisions with the need to protect the rights and interests of female heirs within contemporary Muslim society.²¹

a. Progressive Hermeneutical Model in the Reconstruction of Islamic Inheritance Law

The paradigm of reconstructing contemporary Islamic inheritance law is no longer centered on the debate over whether the *farā'id* formula should be preserved or modified in its textual form. Rather, it focuses on the interpretive methodology employed to understand the normative objectives of the Sharī'ah within the context of an evolving society. Changes in family structures, the increasing economic participation of women, and the emergence of dual-income families have created the need to reinterpret the social assumptions that have historically constituted the foundation of the classical Islamic inheritance system.

One of the most influential approaches in the contemporary discourse on the reform of Islamic inheritance law is the *hudūd* theory developed by Muhammad Shahrur. According to Shahrur, the inheritance provisions contained in the Qur'an should not invariably be understood as rigid mathematical formulas but rather as minimum and maximum normative boundaries that provide room for *ijtihād* in response to changing social needs.²² Within this perspective, the two-to-one inheritance ratio between male and female heirs is regarded as a normative boundary that may be operationalized in different ways, provided that its implementation remains consistent with the principles of justice prescribed by the Sharī'ah. This approach therefore opens the possibility for reinterpreting inheritance distribution when the structure of economic responsibilities within the family undergoes significant transformation.

In contrast, Fazlur Rahman proposes the *double movement* methodology, which emphasizes the necessity of understanding the historical context surrounding the revelation of legal verses before deriving the universal moral principles embedded within them. Through this approach, the law of inheritance is

²¹ Yusida Fitriyati, IBrohim Duski, et al., "Reconsidering Inheritance Equality: Gender Justice in Religious Court Decisions through the Lens of Maqashid Al-Shariah," *NURANI* 25, no. 1 (2025): 122–40, <https://doi.org/10.19109/nurani.v25i1.27133>.

²² M. Ridwan et al., "Distribution Of Joint Properties According To Balanced Justice Principle," *Jurnal Hukum Dan Peradilan* 12, no. 1 (2023): 57, <https://doi.org/10.25216/jhp.12.1.2023.57-76>.

interpreted not merely on the basis of its textual formulation but also in light of the broader social objectives that the Qur'an seeks to achieve, namely the protection of vulnerable family members and the establishment of an equitable distribution of wealth. Consequently, this methodology enables Islamic inheritance law to respond to social transformation without compromising the normative authority of divine revelation.²³

More recent developments are reflected in the growing application of the *maqāṣid al-sharī'ah* approach, which positions justice, public welfare (*maṣlaḥah*), family protection, and the equitable distribution of wealth as the primary objectives of Islamic law. Within this framework, justice in inheritance is not measured solely by conformity to formal inheritance formulas but also by the extent to which the law is capable of ensuring economic protection for all family members within an ever-changing social reality.

b. The Reform of Islamic Inheritance in Comparative Perspective

The transformation of Islamic inheritance law has unfolded not only at the theoretical level but also within legislative developments and judicial practice across various Muslim-majority countries. Tunisia represents one of the most progressive examples through the *Code of Personal Status* of 1956, which laid the foundation for modern family law reform. In subsequent decades, debates on inheritance equality intensified, culminating in legislative proposals advocating full equality between men and women in the distribution of inheritance.

Morocco pursued a different trajectory through the reform of the *Mudawwana* in 2004. Although it did not directly alter the structure of *farā'id*, the reform strengthened the position of women within the family by expanding economic rights, safeguarding family assets, and enhancing women's access to family law mechanisms. The Moroccan model illustrates that family law reform can be achieved through the reinforcement of supporting instruments without explicitly modifying inheritance provisions.

Indonesia, by contrast, demonstrates a reform pattern more rooted in jurisprudence than in legislation. The evolution of decisions within the Religious Courts reveals the growing use of the concept of joint marital property as an instrument for achieving economic justice within families. In many cases, the division of joint property is undertaken prior to the implementation of inheritance distribution, thereby granting stronger legal recognition to women's economic contributions during marriage. In addition, the application of *waṣiyyah wājibah* has expanded as a protective instrument for individuals who, under conventional *farā'id* mechanisms, would not receive adequate shares. These developments indicate that

²³ Muhamad Zaenal Arifin, "Critical Comparison of Muhammad Syahrur and Fazlur Rahman's Thoughts on Inheritance Law: Modern Reconstruction of the Principles of Justice in Islam," *IJoIS: Indonesian Journal of Islamic Studies* 5, no. 1 (2024): 25–36, <https://doi.org/10.59525/ijois.v5i1.524>.

the reconstruction of Islamic inheritance law in Indonesia has largely taken place through judicial creativity rather than through substantive normative change.²⁴

c. Jurisprudential Mechanisms for Gender Justice in the Practice of Islamic Inheritance

The development of contemporary Islamic inheritance law demonstrates that efforts to realize gender justice are not necessarily pursued through explicit amendments to the *farā'id* provisions established in the Qur'an. Rather, various Islamic family law systems have advanced jurisprudential mechanisms that enable a more equitable distribution of wealth without altering the normative structure of inheritance law. This approach is grounded in the understanding that the primary objective of inheritance law is not merely the mathematical division of property, but the protection of family welfare and the balance of rights and obligations among heirs. Within this context, instruments such as joint marital property, *hibah*, *waṣiyyah wājibah*, *ṣulh*, and *takhruj* have evolved as means of bridging the tension between normative *farā'id* provisions and the demands of social justice arising from changes in the economic structure of contemporary Muslim families.

One of the most significant instruments in Indonesian inheritance practice is the recognition of joint marital property. Through various decisions of the Religious Courts and the Supreme Court, assets acquired during marriage are first separated as the respective rights of each spouse before the inheritance distribution process begins. This mechanism carries important implications for the economic protection of women, as it acknowledges both the domestic and economic contributions of wives in the formation of family wealth. Although inheritance shares continue to follow the *farā'id* provisions, the proportion of property subject to inheritance has been adjusted through the recognition of joint ownership rights. This approach demonstrates that gender justice in Islamic inheritance law can be achieved through the development of family law doctrines without necessitating changes to the normative inheritance texts themselves.²⁵

In addition to joint marital property, the expanded use of *waṣiyyah wājibah* has become an important instrument in accommodating the need for substantive justice. Initially, *waṣiyyah wājibah* was primarily applied to protect adopted children and adoptive parents who did not receive inheritance shares under classical law. However, in the development of contemporary judicial practice, this concept has been applied more broadly to safeguard individuals who, socially and economically, maintain dependent relationships with the deceased. Several court rulings reveal a

²⁴ Ilyas Ismail dan Iman Jauhari Roslina, Syahrizal Abbas, "Reinterpreting Islamic Inheritance: Supreme Court Jurisprudence and Gender Justice in Indonesia," *Jurnal Ilmiah Peuradeun* 13, no. 3 (2025): 2339–64, <https://doi.org/10.26811/peuradeun.v13i3.1593>.

²⁵ KN Shofyan Hasan Yusida Fitriyati, Duski Ibrahim, Firman Muntaqo, "NURANI: Reconsidering Inheritance Equality: Gender Justice in Religious Court Decisions through the Lens of Maqashid Al-Shariah," *Nurani* 25, no. 1 (2025): 122–40, <https://doi.org/10.19109/nurani.v25i1.27133>.

tendency among judges to employ a *maqāṣid al-sharī'ah* approach to ensure that wealth distribution does not result in injustices contrary to the objectives of family protection and the welfare of heirs. This development reflects the transformation of jurisprudence into a mechanism of adaptation, enabling Islamic law to respond to evolving social realities.²⁶

Other instruments of high relevance include *hibah* and family-based consensual inheritance settlements (*ṣulḥ* and *takhruj*). In practice, *hibah* is often used by parents to provide a more balanced allocation of wealth to their children prior to death. Meanwhile, *ṣulḥ* and *takhruj* allow heirs to voluntarily redistribute inheritance shares after acknowledging their entitlements under *farā'id*. This model enjoys strong legitimacy within Islamic law, as it is founded upon the principle of mutual consent and does not abrogate the validity of the inheritance provisions established by the Sharī'ah. Comparative studies in Indonesia and Malaysia indicate that such consensual mechanisms represent one of the most effective strategies for accommodating demands for equality while preserving family harmony in modern Muslim societies.

Reconstructing Gender Justice in Islamic Inheritance Law through the Strengthening of Jurisprudential Roles

Debates on gender justice in contemporary Islamic inheritance law reveal that the central issue does not lie in the normative validity of *farā'id* provisions, but rather in their mechanisms of application within rapidly transforming social contexts. The findings of this study indicate that Islamic courts and legal institutions have relied more on the development of jurisprudential instruments than on direct reinterpretation of the Qur'anic stipulations regarding inheritance shares.¹ Through this approach, Islamic inheritance law preserves its normative legitimacy while simultaneously gaining adaptive capacity to respond to changes in family economic structures, the increasing participation of women in productive sectors, and the emergence of dual-income family models.²⁷

These findings are closely linked to research that situates *maqāṣid al-sharī'ah* as the foundation for the development of Islamic family law. Whereas earlier studies predominantly focused on textual reinterpretation or hermeneutical debates concerning equality of inheritance shares, this study demonstrates that jurisprudential instruments serve a more operational function in realizing substantive justice. Joint marital property, *waṣiyyah wājibah*, *hibah*, *ṣulḥ*, and *takhruj* operate as legal mechanisms enabling the redistribution of economic benefits

²⁶ Panji Nugraha Ruhiat *et al.*, "Justice and Agreement in Islamic Inheritance Distribution: An Analysis of Religious Court Decisions in Indonesia," *Mawaddah: Jurnal Hukum Keluarga Islam* 3, no. 2 (2025): 508–45, <https://doi.org/10.52496/mjhki.v3i2.57>.

²⁷ Yusida Fitriyati, Duski Ibrahim, *et al.*, "Reconsidering Inheritance Equality: Gender Justice in Religious Court Decisions through the Lens of Maqashid Al-Shariah," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 25, no. 1 (2025): 122–40, <https://doi.org/10.19109/nurani.v25i1.27133>.

without altering the fundamental structure of *farā'id*.² Thus, the reconstruction of gender justice occurs through the strengthening of legal implementation rather than through negation of classical inheritance norms, as often assumed in certain discourses on Islamic legal reform.

These instruments function not only as corrective devices but also as institutionalized embodiments of justice principles within judicial practice. In the Indonesian context, recognition of joint marital property has shifted the starting point of inheritance distribution, as assets acquired during marriage are first separated as the rights of each spouse. At the same time, the expanded use of *waṣiyyah wājibah* reflects a judicial tendency to provide protection for socially and economically vulnerable parties. Even *ṣulḥ* and *takhruj* can be understood as forms of post-*farā'id* redistribution, legitimized by Sharī'ah through the principle of mutual consent. This character demonstrates that Islamic law possesses internal resources that enable the realization of substantive justice without necessitating a confrontation between textual norms and social realities.

The implications of these findings are both theoretical and practical. Theoretically, the study reinforces the argument that justice in Islamic law is more closely aligned with distributive justice than with mathematical equality. Practically, the findings provide a basis for developing judicial guidelines that are more responsive to the changing structures of modern Muslim families. In this context, judges are no longer positioned merely as mechanical executors of rules, but as juridical actors who connect Sharī'ah norms with evolving social needs. Strengthening the capacity of religious courts thus becomes essential for maintaining the relevance of Islamic inheritance law amid contemporary societal dynamics.

The emergence of reconstruction patterns through jurisprudence can be explained by the fundamental character of Islamic law, which combines normative stability with implementation flexibility. The *farā'id* provisions possess strong textual legitimacy, making direct changes to their formulas prone to theological resistance. Consequently, legal development has moved into the domain of implementation through instruments still recognized by Sharī'ah. This phenomenon is evident in the institutionalization of *ṣulḥ* and *takhruj* as dispute-resolution mechanisms prior to inheritance distribution, which could be further developed as pre-distribution procedures in religious courts. Moreover, jurisprudential developments concerning children born out of wedlock following Constitutional Court Decision No. 46/PUU-VIII/2010 illustrate that civil rights protection can be expanded without altering the fundamental structure of Islamic inheritance law. In comparative perspective, similar tendencies are observed in the recognition of Islamic wills within probate systems in common law jurisdictions, which provide space for the application of Islamic inheritance principles within modern national

legal frameworks.²⁸ These findings suggest that the future of Islamic inheritance law will be determined more by the capacity to develop operational jurisprudential instruments than by attempts to normatively alter *farā'id* provisions.

Conclusion

The results of this study demonstrate that efforts to achieve gender justice in Islamic inheritance law do not necessarily require changes to the *farā'id* provisions established in the Qur'an. Instead, such objectives can be realized through the utilization and development of jurisprudential mechanisms already recognized within the Islamic legal tradition. Instruments such as joint marital property, *hibah*, *waṣiyyah wājibah*, *ṣulḥ*, and *takhruj* reveal that the Islamic inheritance system contains sufficient space to respond to social dynamics without undermining the normative legitimacy of Sharī'ah.

This study also shows that jurisprudential developments play a crucial role in bridging the gap between fixed inheritance norms and evolving social realities. Recognition of women's economic contributions to family wealth, protection of vulnerable family members, and inheritance settlements based on consensual mechanisms all demonstrate that Islamic inheritance law has the capacity to deliver more substantive justice. In this context, justice is not merely understood as mathematical equality of shares, but as the proportional distribution of rights and economic benefits in accordance with conditions, responsibilities, and family welfare.

The changing socio-economic structures of contemporary Muslim societies—including the increasing economic role of women and the rise of dual-income families—further underscore the importance of strengthening jurisprudential roles in the development of Islamic inheritance law. Accordingly, the future trajectory of inheritance law reform is more appropriately directed toward optimizing legal instruments and judicial practices oriented toward *maqāṣid al-sharī'ah*, welfare, and substantive justice. This study thus affirms that the reconstruction of gender justice in Islamic inheritance law can be achieved through the strengthening of adaptive legal implementation mechanisms, without altering the foundational principles of inheritance that underpin the Islamic legal system.

Bibliography

Arifin, Muhamad Zaenal. "Critical Comparison of Muhammad Syahrur and Fazlur Rahman's Thoughts on Inheritance Law: Modern Reconstruction of the Principles of Justice in Islam." *IJoIS: Indonesian Journal of Islamic Studies* 5, no. 1 (2024): 25–36. <https://doi.org/10.59525/ijois.v5i1.524>.

²⁸ Aco Wahab and Imam Kamaluddin, "Tinjauan Kritis Implementasi Wasiat Wajibah Beda Agama Dalam Hukum Waris Islam Di Indonesia," *Ulumul Syar'i: Jurnal Ilmu-Ilmu Hukum Dan Syariah* 12, no. 1 (2024): 50–60, <https://doi.org/https://doi.org/10.52051/ulumulsyari.v12i1.202>.

- Arrasyid, Habib. "Interpretasi Pembagian Waris Dalam QS. An-Nisa [4]: 11: Analisis Hermeneutika Double Movement Fazlur Rahman." *Jurnal Semiotika-Q: Kajian Ilmu al-Quran Dan Tafsir* 3, no. 2 (2023): 400–413.
- Fansuri, Fuad, Mursalim, and Miftahul Ramadhani. "Reinterpreting Islamic Inheritance Law For SDGs: A Comparative Analysis of Ibn Kathir and Amina Wadud on Gender Justice." *Profetika: Jurnal Studi Islam* 25, no. 02 (2025): 471–86. <https://doi.org/10.23917/profetika.v25i02.7887>.
- Fansuri, Fuad, Mursalim, and Miftahul Ramadhani. "Reinterpreting Islamic Inheritance Law For SDGs: A Comparative Analysis of Ibn Kathir and Amina Wadud on Gender Justice." *Profetika: Jurnal Studi Islam* 25, no. 02 (2025): 471–86. <https://doi.org/10.23917/profetika.v25i02.7887>.
- Fansuri, Fuad, Mursalim, and Miftahul Ramadhani. "Reinterpreting Islamic Inheritance Law For SDGs: A Comparative Analysis of Ibn Kathir and Amina Wadud on Gender Justice." *Profetika: Jurnal Studi Islam* 25, no. 02 (2025): 471–86. <https://doi.org/10.23917/profetika.v25i02.7887>.
- Fitriyati, Yusida, IBrohim Duski, Firman Muntaqo, Universitas Islam, and Raden. "Reconsidering Inheritance Equality: Gender Justice in Religious Court Decisions through the Lens of Maqashid Al-Shariah." *NURANI* 25, no. 1 (2025): 122–40. <https://doi.org/10.19109/nurani.v25i1.27133>.
- Fitriyati, Yusida, Duski Ibrahim, Firman Muntaqo, and K. N. Shofyan Hasan. "Reconsidering Inheritance Equality: Gender Justice in Religious Court Decisions through the Lens of Maqashid Al-Shariah." *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 25, no. 1 (2025): 122–40. <https://doi.org/10.19109/nurani.v25i1.27133>.
- Hakim, Muhammad Lutfi. "Between Hibah and Waṣiat Wājibah for Non-Muslims: Expansive Legal Interpretations by Indonesian Religious Judges in Inheritance Cases." *Al-Ahwal* 17, no. 2 (2024): 147–66. <https://doi.org/10.14421/ahwal.2024.17201>.
- Hakim, Muhammad Lutfi. "Between Hibah and Waṣiat Wājibah for Non-Muslims: Expansive Legal Interpretations by Indonesian Religious Judges in Inheritance Cases." *Al-Ahwal* 17, no. 2 (2024): 147–66. <https://doi.org/10.14421/ahwal.2024.17201>.
- Jafar, Ahmad Ridha, Hana Pertiwi, Jumanah Jumanah, et al. *Hukum Islam dan Dinamika Sosial: Perspektif Kontemporer*. CV. Gita Lentera, 2025.
- Martius, Martius, Musyaffa Amin Ash Shabah, Azhar Muhamad Akbar, E. -bat Che-umong, and Restia Gustiana. "Judicial Reasoning in Child Guardianship: Gender Justice and Maqāṣid Al-Sharī'ah in Indonesian Religious Courts." *Mawaddah: Jurnal Hukum Keluarga Islam* 3, no. 2 (2025): 652–83. <https://doi.org/10.52496/mjhki.v3i2.103>.
- Oman Sudrajat dan Yuyun Rohmatul. "Islamic Inheritance Law In Indonesia and Malaysia: Gender Equality Through Consensual Modification Universitas Islam Negeri Sultan Maulana Hasanuddin Banten , Indonesia Corresponding Author : Hadi.Peristiwo@uinbanten.Ac.Id The Jurisprudential Framework g." *Mawaddah: Jurnal Hukum Keluarga Islam* 4, no. 1 (2026): 227–52. <https://doi.org/https://doi.org/10.52496/mjhki.v4i1.64>.

- Putri, Zikra Yumelda, Yogi Yowandra, and Omar Khan. "Reconstruction of Islamic Inheritance Law from the Perspective of Gender Justice in Indonesia." *Al-Wadh'iyyah: Journal of Sharia Law and Legal Studies* 1, no. 1 (2025): 20–31.
- Ridwan, M., Gugun Gumilar, Amran Suadi, KN Sofyan Hasan, and M. Syaifuddin. "Distribution Of Joint Properties According To Balanced Justice Principle." *Jurnal Hukum Dan Peradilan* 12, no. 1 (2023): 57. <https://doi.org/10.25216/jhp.12.1.2023.57-76>.
- Roslina, Syahrizal Abbas, Ilyas Ismail dan Iman Jauhari. "Reinterpreting Islamic Inheritance: Supreme Court Jurisprudence and Gender Justice in Indonesia." *Jurnal Ilmiah Peuradeun* 13, no. 3 (2025): 2339–64. <https://doi.org/10.26811/peuradeun.v13i3.1593>.
- Ruhiat, Panji Nugraha, Ah Fathonih, Siah Khosyi'ah, R. S. Syamsuddin, and Nadia Safira Firdaus. "Justice and Agreement in Islamic Inheritance Distribution: An Analysis of Religious Court Decisions in Indonesia." *Mawaddah: Jurnal Hukum Keluarga Islam* 3, no. 2 (2025): 508–45. <https://doi.org/10.52496/mjhki.v3i2.57>.
- Sadari, Lazuardi Fadhlán Arrazy, Ummah Karimah. "Reinterpreting Gender Justice in Islamic Inheritance Law: A Critical Analysis of the Compilation of Islamic Law." *Yudisia: Jurnal Pemikiran Hukum Dan Hukum Islam* 16, no. 2 (2025): 307–24. <https://doi.org/10.21043/yudisia.v16i2.26359>.
- Sadari, Lazuardi Fadhlán Arrazy, Ummah Karimah. "Reinterpreting Gender Justice in Islamic Inheritance Law: A Critical Analysis of The Compilation of Islamic Law." *YUDISIA: Jurnal Pemikiran Hukum Dan Hukum Islam* 16, no. 2 (2025): 397. <https://doi.org/10.21043/yudisia.v16i2.26359>.
- Shabah, Musyaffa Amin Ash, Rusli, and J. M. Muslimin. "Integrating Conservation Easement in Islamic Wills: A Maslahah Mursalah Framework for Ecological Sustainability." In *Towards Resilient Societies: The Synergy of Religion, Education, Health, Science, and Technology*. CRC Press, 2025.
- Sulistiyowati Irianto. "Inheritance Legal Pluralism and Gender Justice: A Court Room Study in Indonesia." *Legal Pluralism and Critical Social Analysis* 56, no. 3 (2024): 459–78. <https://doi.org/10.1080/27706869.2024.2379738>.
- Supriyadi, and Sukron Ma'mun. "Contemporary Inheritance: The Application Of Inheritance Division In Juridical, Psychological, Sociological And Economic Perspective." *MILRev: Metro Islamic Law Review* 2, no. 2 (2023): 134–54. <https://doi.org/10.32332/milrev.v2i2.8037>.
- Syabbul Bachri, Sudirman, Zuhriah, Erfaniah, Ramadhita. "Contextualizing Islamic Inheritance Law in Indonesia: Addressing Negative Stigma." *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam* 7, no. 2 (2024): 170. <https://doi.org/10.30659/jua.v7i2.35041>.
- Taufiqurrohman, Nadzif Ali Asyari, Misno bin Mohd Djahri, et al. *Pembaruan Hukum Keluarga Di Dunia Islam*. 1st ed. Media Sains Indonesia, 2021. https://scholar.google.com/citations?view_op=view_citation&hl=en&user=BRr3ij8AAAAJ&sortby=title&citation_for_view=BRr3ij8AAAAJ:WF5omc3nYNoC.
- Wahab, Aco, and Imam Kamaluddin. "Tinjauan Kritis Implementasi Wasiat Wajibah Beda Agama Dalam Hukum Waris Islam Di Indonesia." *Ulumul Syar'i: Jurnal*

- Ilmu-Ilmu Hukum Dan Syariah* 12, no. 1 (2024): 50–60. <https://doi.org/https://doi.org/10.52051/ulumulsyari.v12i1.202>.
- Wasurip, Moh. Rafi Irvanul Vaza, and Zaenul Mahmudi. “Implementasi Keadilan Sosial Double Movement Fazlur Rahman Dalam Pembagian Harta Waris Keluarga Adat Jawa.” *Al-Manhaj: Journal of Indonesian Islamic Family Law* 6, no. 2 (2025): 198–213. <https://doi.org/10.19105/al-manhaj.v6i2.16200>.
- Yusida Fitriyati, Duski Ibrahim, Firman Muntaqo, KN Shofyan Hasan. “NURANI: Reconsidering Inheritance Equality: Gender Justice in Religious Court Decisions through the Lens of Maqashid Al-Shariah.” *Nurani* 25, no. 1 (2025): 122–40. <https://doi.org/10.19109/nurani.v25i1.27133>.
- Zaenal Arifin, Muhamad. “Critical Comparison of Muhammad Syahrur and Fazlur Rahman’s Thoughts on Inheritance Law: Modern Reconstruction of the Principles of Justice in Islam.” *IJoIS: Indonesian Journal of Islamic Studies* 5 (n.d.): 25–36. <https://doi.org/10.59525/ijois.v5i1.524>.