

Gender Equality In Islamic Inheritance Law: Between Qaṭ'ī Principles And Ḍannī Interpretations

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ABSTRACT

Current gender studies in Islamic inheritance law revolve around how to balance the provisions of Islamic inheritance law with the principles of gender justice to accommodate social and economic changes for women in modern society. This research aimed to reexamine the concept of gender equality and explore its construction within the framework of Islamic inheritance law. Employing a normative legal research approach combined with a descriptive analysis method, the study focused on analyzing the norms, concepts, and doctrines that have developed in Islamic inheritance law over time. The research identified two key aspects within the law: *qaṭ'ī* (static and unchanging) principles, which are rooted in divine revelation and remain immutable, and *ḍannī* (interpretable) aspects, which allow for *ijtihad* (independent reasoning) and adaptability. This distinction highlights the dual nature of Islamic inheritance law, balancing divine directives with the flexibility to address evolving societal needs. The study concluded that the gender construction in Islamic inheritance law emphasized a balance between rights and obligations, particularly in relation to property ownership and familial responsibilities. While *qaṭ'ī* aspects preserve the core principles of justice and equity, the dynamic nature of *ḍannī* aspects provided field for reinterpretation and reform. These adaptive elements allow Islamic inheritance law to address contemporary challenges, ensuring its relevance and alignment with the evolving understanding of gender equality while maintaining fidelity to its foundational principles. This research can enriched studies on gender equality and its construction. Gender equality not only given the meaning same, but also the meaning of balance between rights and obligations. Future research can explore the implementation of gender-equitable Islamic inheritance law in various Muslim countries, analyzing the role of legal policies, fatwas, and social practices in balancing the principles of *qaṭ'ī* and *ḍannī* to respond the social and economic dynamics of modern women.

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PENDAHULUAN

Islamic law serves as a vital social institution with two primary functions, as a mechanism for social control and as a guiding value in the process of social change. As a form of social control, Islamic law is positioned as divine legislation, shaping and regulating the behavior of individuals and communities in alignment with God's will. This role underscored its purpose as a tool for social engineering, fostering a cohesive and morally guided society. Additionally, Islamic law acts as a transformative force in the process of social change by providing enduring values that inform and influence societal evolution. Through its dual functions, Islamic law integrated spiritual guidance with practical governance, demonstrating its comprehensive role in human civilization (Emon, 2009).

For Islamic law to fulfill its intended purpose effectively, it must remain accommodating to the complexities of human life while staying true to its foundational principles. It is inherently designed to realize benefits for humanity, as emphasized by its core objective of promoting justice and welfare (Al-Zuhayliyy, 1985; Rosen, 1981). However, this requires a dynamic and context-sensitive interpretation. If Islamic law is understood through a rigid or narrow lens, it risks becoming disconnected from the realities

of contemporary life and unable to provide meaningful solutions to modern challenges (El Fadl, 2012). Thus, an expansive and flexible approach to Islamic jurisprudence is essential to uphold its relevance and efficacy, ensuring that it continues to address the evolving needs of society while adhering to its divine principles.

Islamic inheritance law is rooted in divine revelation and regarded as immutable in its theoretical framework, based on the belief that its principles in the Qur'an and Sunnah ensure justice and equity across all times. This consistency underscores the perfection of divine guidance, upheld by ulama as a cornerstone of Islamic jurisprudence. However, in practice, the law reflects diversity in interpretation and application, influenced by methodologies, cultural contexts, and societal needs. Differences arise in areas such as the rights of distant relatives, inclusion of heirs, or handling of leftover estates, showcasing the flexibility within Islamic jurisprudence to address complex societal realities while maintaining its foundational principles. This dynamic interplay between theory and practice ensures that Islamic inheritance law remains relevant and adaptable to the diverse realities of the Muslim world (Kimber, 1998; Chowdhury, 1964; Mas'ud, 1989).

One aspect of Islamic inheritance law that has faced criticism from modern jurists and feminists is the provision that women typically receive half the share of men in certain inheritance cases. Critics argue that this principle, developed within the socio-economic context of Islamic law fifteen centuries ago, no longer aligns with contemporary values of justice, pluralism, and gender equality. In traditional societies, men often bore the financial responsibilities for their families, including supporting their wives, children, and extended relatives, which justified the larger share allocated to male heirs. However, in modern times, where women increasingly contribute to household income and participate in economic activities, this distinction is seen by some as outdated and incompatible with the evolving roles of women in society (Spencer, 2002; Razaee, 2013).

The perception that Islamic inheritance law is not conducive to gender equality makes it challenging for some modern societies to accept this system as justice. Feminist scholars, in particular, highlight how the rigid application of these principles can perpetuate stereotypes and economic disadvantages for women. They argued that the system does not account for the broader socio-economic changes that have transformed family dynamics and individual responsibilities. Spencer, Razaee, Sulong, and Aminfarid emphasize the need for reinterpretation and contextualization of inheritance laws to address these criticisms. By revisiting these provisions through a lens that prioritizes equity and inclusivity while respecting the core principles of Islamic jurisprudence, proponents suggest it may be possible to bridge the gap between traditional practices and contemporary standards of gender justice (Spencer, 2002; Razaee, 2013; Sulong, 2015; Aminfarid, 2013).

The biased view of Islamic inheritance law arises from partial and limited studies that focus on isolated aspects, such as differences in inheritance shares between men and women, without considering the broader context or principles underpinning the law. This narrow approach often leads to perceptions of discrimination or gender bias, neglecting the holistic framework that balances rights and responsibilities within familial and societal structures. To address this, comprehensive research is needed, examining the law in its entirety, including its theological, ethical, and practical dimensions, as well as its alignment with *maqāṣid al-sharī'ah* (the objectives of Islamic law). Such an integrative approach can provide a more balanced understanding, highlighting the rationale behind specific rules, the flexibility in certain aspects, and how the law addresses contemporary challenges, ultimately promoting justice and gender equity while preserving its foundational principles.

This article re-examined the concept of Islamic inheritance law in the present context in a comprehensive and integral manner, particularly in terms of gender equality. This study explained how the construction of gender equality will be realized by Islamic inheritance law

Literature Review

Scientific studies on inheritance, gender, and feminism have extensively explored the interplay between Islamic inheritance laws and women's rights, providing nuanced insights into this complex relationship. Scholars like Sara Haghi, Alireza Abdoulrahimi, and Mohammad Rezaee have critically examined the theoretical underpinnings of Islamic inheritance laws, particularly the distribution principles that allocate different shares to men and women. Their research highlights how these laws, rooted in historical and socio-economic contexts, were initially designed to ensure familial stability and social justice. However, the evolving roles of women in contemporary societies raise questions about the adequacy of these principles in addressing modern expectations of gender equality (Haghi, Abdoulrahimi, Rezaee, 2013).

In addition to theoretical analysis, researchers such as Nayer Honarvar and Daphna Hacker have investigated the practical implications of inheritance laws on women's economic empowerment and social roles. Honarvar's work explores the barriers that prevent women from fully accessing their inheritance rights, often due to cultural practices or patriarchal interpretations of Islamic principles. Hacker, on the other hand, takes a comparative approach, analyzing how religious and secular legal systems intersect to shape women's rights in inheritance. Her findings underscore the need for a balanced application of legal frameworks that respect religious doctrines while promoting gender equity. These studies collectively emphasize the importance of addressing the gap between theoretical ideals and practical realities to ensure that inheritance laws serve their intended purpose of justice (Honaryar, 1988 and Hacker, 2010).

Further contributions from scholars like Jasni bin Sulong and Mohammad Aminfard delve into reformative approaches within Islamic inheritance jurisprudence. They propose that the objectives of Islamic law (*maqāṣid al-sharī'ah*) provide a basis for reinterpreting inheritance laws to align with contemporary societal needs without compromising core religious principles. By adopting context-sensitive solutions, these scholars argue that it is possible to harmonize traditional Islamic values with global movements advocating for gender equality. Their work highlights the potential for dynamic reinterpretation and adaptation of inheritance laws, ensuring that they remain relevant, just, and inclusive in addressing the challenges faced by women in modern societies. Together, these scientific writings underscore the critical role of scholarship in fostering dialogue and promoting justice in the intersection of inheritance, gender, and feminism (Sulong, 2015 and Aminfard, 2013).

Scientific studies on the concept and practice of inheritance in various countries provide valuable insights into the diverse ways inheritance laws operate within different cultural, legal, and religious frameworks. Sigrid Weigel examined inheritance systems in Europe, focusing on the historical transition from religiously influenced legal frameworks to secular systems. Her research highlights the implications of this shift for gender equity and wealth distribution, particularly as European legal systems have increasingly adapted to modern societal norms. Weigel's work emphasizes the importance of contextualizing inheritance laws within their historical trajectories to better understand their current applications and challenges (Weigel, 2008).

In Malaysia, David J. Banks explored the coexistence of Islamic inheritance laws and local customary practices, such as the adat system. His study reveals the complexities of integrating Islamic principles into a multicultural and multiethnic society where traditional customs often hold significant sway. Banks highlighted how the blending of Islamic law and adat has created unique inheritance practices that balance religious obligations with cultural traditions (Banks, 1976). Similarly, Feirul Maliq Intajalle, Luqman Haji Abdullah, Abdul Karim Ali, and Mohd Roslan Mohd Nor examined inheritance practices in Muslim minority countries in Southeast Asia. Their research focused on the challenges Muslim communities face in navigating dual legal systems—Islamic laws and the secular frameworks of their host countries—while striving to preserve their religious identity (Intajalle, Abdullah, Ali, and Mohd Nor, 2012).

Further studies by Isaac Kfir and Rachel C. Loftspring provide additional global perspectives on inheritance practices. Kfir's research in Afghanistan sheds light on the deeply entrenched patriarchal norms that often override Islamic inheritance principles, leaving women marginalized in matters of wealth distribution. His findings highlight the need for greater legal enforcement and education to protect women's rights within an Islamic framework. Meanwhile, Loftspring's study in Uganda explores the intersection of customary and statutory laws, focusing on how traditional practices impact the inheritance rights of women and vulnerable groups. Her work underscores the necessity of harmonizing these systems to ensure fairness and equity. Collectively, these studies illustrate the multifaceted nature of inheritance practices worldwide and the ongoing efforts to reconcile traditional values with contemporary legal and social standards (Kfir, 2014 and Loftspring, 2007).

METHOD

The research conducted is a normative legal study employing a descriptive analysis method. This approach focused on examining the principles, norms, concepts, and doctrines that have evolved within Islamic inheritance law. The primary sources utilized in this study include various interpretations of the Qur'an, scholarly books, and academic articles discussing Islamic inheritance law and gender-related aspects within the legal framework. These sources provide a foundational understanding of how inheritance laws are constructed, interpreted, and applied in different socio-cultural contexts. The research aimed to explore the dynamics of Islamic inheritance law, particularly in relation to gender equity, while also assessing the underlying legal principles governing inheritance distribution.

In addition to primary sources, the study incorporates secondary data sources, including books and journal articles which are relevant to research theme. These secondary materials support the critical analysis of existing interpretations and perspectives on Islamic inheritance law, allowing for a comprehensive review of the topic. The data collected is analyzed using a descriptive-analytic method, where qualitative content analysis techniques are applied to interpret textual materials systematically. This method enables the study to provide a structured and in-depth understanding of how inheritance norms and gender considerations are interwoven within Islamic legal traditions. By synthesizing various sources and perspectives, the research aimed to offer insights into the contemporary relevance and potential re-examining of Islamic inheritance law in a modern, gender-sensitive legal landscape.

Theoretical Framework

The theory used in this research is *qaṭ'ī* and *ẓannī*. In the field of *uṣūl al-fiqh* (principles of Islamic jurisprudence), *qaṭ'ī* and *ẓannī* theory is a concept used to categorize sharia evidences based on their level of certainty and interpretation. *Qaṭ'ī* refers to evidence that possesses absolute certainty, both in terms of *thubūt* (authenticity of the source) and *dilālah* (the indication of legal ruling), leaving no field for alternative interpretations. *Qaṭ'ī* evidence comes from the Qur'an and *ḥadīth mutawātir* (*ḥadīth* transmitted by numerous narrators in each generation), which have unquestionable authority in Islamic law (Al-Āmidī, 1999).

On the other hand, *ẓannī* refers to evidence that remains open to interpretation due to its *thubūt* being not absolute or its *dilālah* not being entirely definitive. *Ẓannī* evidence may originate from *ḥadīth āḥād* (solitary narrations) or Qur'anic verses with multiple possible meanings. As a result, in matters classified as *ẓannī*, *ijtihād* (independent juristic reasoning) is essential in deriving interpretations that align with contemporary contexts and societal needs (Al-Suyūfī, 1987).

The *qaṭ'ī* and *ẓannī* framework played a crucial role in evolution of Islamic law, particularly in responding to social changes. *Qaṭ'ī* rulings remain immutable as they constitute definitive and absolute legal provisions. However, *ẓannī* rulings allow for *ijtihād*, ensuring that Islamic law remains adaptable to modern developments. Prominent ulama such as *al-Shāfi'ī* and *Abū Ḥanīfah* frequently employed *qiyās* (analogical reasoning) and *istiḥsān* in understanding *ẓannī* rulings, allowing for flexibility in legal applications. By distinguishing between *qaṭ'ī* and *ẓannī*, Islamic jurisprudence can be developed and applied across diverse societal conditions (Al-Ghazālī, 1993).

Another theory applied in this research is structural-functional theory. The structural-functional approach is a sociological theory used to analyze the role of institutions, including the family, in maintaining social order. This theory based on the assumption that society consists of various interdependent components that work together to sustain equilibrium (Parsons, 2013). It identifies fundamental elements within a society, examines their functions, and explained how these elements contribute to social stability (Merton, 1968). Several 20th-century sociologists, such as William F. Ogburn and Talcott Parsons, expanded this theory to family structures, viewing the family as an institution that played a vital role in ensuring social stability through clearly defined roles for each family member (Parsons, 2014).

Structural-functional theory acknowledges the existence of diversity in social life. This diversity is a primary source of societal structure and determines the range of social functions based on an individual's position within a given social system (Giddens, 2006). In any social organization, there will always be members who assume leadership roles, some who act as secretaries or treasurers, and others who serve as general members. Each individual in an organization has a specific role that contributes to the overall objectives of the organization, rather than serving personal interests (Ritzer, 2021). Within this framework, structural-functional theory emphasizes that social stability can only be achieved when each individual fulfills their designated roles in accordance with existing rules and norms (Durkheim, 2014).

The structure and function within an organization or social system cannot be separated from the influence of culture, norms, and the values that underpin society. Every community develops its own social structure based on traditions, customs, and belief systems. In religion-based societies, law and religious morality often serve as the foundation for social norms (Merton, 1968). This demonstrates that structural-functional theory helps explain how social norms and values shape social order and how social systems adapt to changes within society (Giddens, 2006).

RESULTS AND DISCUSSION

Ownership of Deceased Person's Assets

In Islamic law, the fundamental principle of ownership asserts that all rights to property ultimately belong to Allah Swt (Kamali, 2000-2001). Human beings are merely trustees of the wealth and possessions granted to them during their lifetime (Rahman, 1982). When a person passes away, their

ownership ceases, and the property reverts to Allah. Consequently, the right to determine the distribution of this wealth lies exclusively with Allah Swt. This divine ownership underpins the Islamic inheritance system, where distribution is carried out in accordance with the guidance provided in the Qur'an and Sunnah of Prophet Muhammad (peace be upon him). This system ensured that the wealth is distributed justly and in alignment with divine wisdom.

The Qur'anic verses and hadith detailing inheritance rules have been meticulously studied by Islamic scholars, leading to the development of *fiqh al-mawarith* (the science of inheritance or *farā'id*), a specialized branch of Islamic jurisprudence. This science provides a precise and structured framework for estate distribution, considering factors such as the relationship of heirs, their gender, and prescribed shares. Its purpose is to ensure equitable distribution while honoring the rights of all eligible heirs in line with Islamic principles. *Farā'id* outlines specific shares for various heirs, including children, parents, spouses, and siblings, and addresses different scenarios, such as the absence of certain heirs. For instance, the Qur'an assigns a daughter half the share of a son, reflecting traditional socio-economic roles. Scholars emphasize the wisdom and justice behind these rules, which aim to balance familial support with societal responsibilities.

In addition to its technical aspects, *fiqh al-mawarith* also carries a spiritual dimension, reminding Muslims of the temporary nature of worldly possessions and the ultimate accountability to Allah Swt (Kamali, 2003). The prescribed system serves not only as a legal mechanism but also as a moral directive to prevent disputes and ensure harmony among family members (Coulson, 1971). By adhering to the principles of inheritance laid out in Islamic law, individuals and families are guided toward fulfilling their obligations to Allah and their kin, fostering a sense of trust and fairness in wealth distribution (Nyazee, 2000).

The Islamic inheritance system embodies the principle of public welfare, ensuring that wealth circulates and benefits the community. By mandating specific shares for heirs, the system discourages the hoarding of wealth and promotes continuous economic activity. This approach contrasts with Western inheritance models, where wealth distribution is often dictated by personal preferences, sometimes leading to financial disputes and economic disparities. In Islam, the inheritance system is not merely a legal mechanism but a means to achieve broader socio-economic justice (El-Gamal, 2006).

Another significant philosophical element of Islamic inheritance law is the preservation of family ties. The prescribed inheritance shares strengthen familial relationships by ensuring that close relatives are financially supported after the deceased's passing (Sait & Lim, 2006). This concept aligns with the Islamic emphasis on kinship and social responsibility, reinforcing the idea that wealth is not an individual possession but a shared trust within the family. Consequently, Islamic inheritance law acts as a unifying force that upholds family cohesion and minimizes conflicts over wealth distribution (Nasir, 2009).

Islamic inheritance law also reflects the principle of *tawakkul* (trust in divine wisdom). Since the shares are divinely mandated, believers accept them as part of God's decree, reducing the likelihood of disputes and dissatisfaction (Esposito, 2011). This submission to divine law fosters a sense of humility and responsibility among heirs, ensuring that wealth is managed in a manner that aligns with Islamic ethical values. Unlike secular legal systems where inheritance can be contested through lengthy legal battles, the Islamic model offers a clear, predetermined structure that mitigates conflicts and fosters social harmony (Vogel, 2000).

Ultimately, the philosophical foundation of Islamic inheritance law reflects a holistic vision that integrates justice, responsibility, social stability, and divine wisdom. By balancing individual rights with communal welfare, the system ensures that wealth is distributed equitably while maintaining the social fabric of Muslim communities. Its structured approach not only provides economic security but also aligns with Islamic ethical principles, making it a timeless and just model for wealth distribution (Ali, 2016).

Misconceptions about Inheritance Shares for Heirs

A common perception about Islamic inheritance law is that men always receive twice the share of women, leading to stereotypes of gender injustice. However, this interpretation is overly simplistic and does not fully capture the nuances of Islamic inheritance principles. The distribution of inheritance is not arbitrarily assigned but is determined by clear guidelines in the Qur'an and Sunnah (Al-Zuhayliyy, 2005). The specific shares depend on the roles and responsibilities of the heirs within the family structure, aiming to achieve equity rather than strict equality. Therefore, it is essential to examine the rules in context to understand their wisdom and fairness.

In Islamic inheritance law, there are three scenarios regarding the distribution of shares between men and women. The first scenario, where men receive twice the share of women, applies to "equal heirs," such as siblings or children (Coulson, 1971). For instance, if the heirs include one son and one

daughter, the son's share will be two-thirds, while the daughter's share will be one-third. This allocation considers the financial obligations traditionally borne by men, such as providing for their family and relatives (Esposito, 2005). However, this rule is not universal and varies depending on the specific heirs and their roles (Rahman, 1982).

The second and third scenarios challenge the notion that men always receive more than women. In some cases, men and women receive equal shares. For example, if the heirs include a father and a daughter, the daughter receives half of the inheritance, and the father also receives half. In other cases, women may receive a larger share than men. For instance, if the heirs are a husband and a daughter, the husband inherits one-fourth of the estate, while the daughter inherits half. These examples illustrate that the distribution of inheritance in Islamic law is flexible and context-dependent, with the aim of ensuring justice and supporting the financial stability of the family. This nuanced approach counters stereotypes of systemic bias against women and highlights the inherent fairness embedded in Islamic inheritance laws.

Differences between Men and Women in Rights and Obligations

In Islamic law, men bear significant financial obligations as part of their role within the family structure. One of these responsibilities is the preparation of a dowry (*mahr*) for their future wife, which is a mandatory gift symbolizing respect and commitment in marriage. Beyond this, men are tasked with providing for the establishment and upkeep of the household, covering essential needs such as shelter, food, and clothing. As the designated heads of households, men are also obligated to maintain their wives and children, regardless of the wife's financial status or income. This responsibility extends further to include financial support for parents and dependent close relatives, such as siblings, particularly if they are unable to support themselves (Al-Zuhaylī, 2005). This system reflected the broader principle in Islamic law of balancing rights and responsibilities according to the roles assigned to family members.

Women, on the other hand, enjoy certain protections and privileges regarding their financial rights. Any inheritance received by a woman is considered her absolute property, which cannot be claimed or transferred without her explicit consent. This ensures that women retain full control over their inherited wealth, empowering them with financial independence within the family structure. Moreover, even though a woman may possess her own income or assets, she is not obligated to contribute to household expenses. Instead, her financial rights are safeguarded through the maintenance provided by her husband, who is legally and morally bound to ensure her welfare. This provision highlights the emphasis in Islamic law on protecting women's economic security and ensuring they are not burdened with financial obligations typically assigned to men.

In cases where women face financial hardship, Islamic law further ensures their support through the extended family network. If a woman is left in poverty or faces economic difficulties, her male relatives, such as her brothers, are obligated to assist her financially. This responsibility reflected the collective familial support system emphasized in Islamic teachings, ensuring that no family member, especially women, is left destitute or neglected. Together, these provisions demonstrate a holistic approach in Islamic law, balancing the distribution of wealth, responsibilities, and rights to promote social harmony and familial cohesion while safeguarding the welfare of all members of the family.

The Static (Qaṭʿī) and Dynamic (Zannī) in Islamic Inheritance Law

Islamic inheritance law is often viewed as *qaṭʿī* (definitive and unchangeable) in its fundamental principles, meaning certain aspects are fixed and not subject to reinterpretation or modification. These *qaṭʿī* elements primarily include the determination of who qualifies as an heir and the specific portions of inheritance prescribed in the Qur'an and Sunnah. For example, the shares allocated to children, parents, spouses, and siblings are explicitly mentioned in sacred texts and are therefore considered immutable. These definitive aspects are regarded as divinely ordained, ensuring that the core principles of justice and equity in inheritance distribution remain intact across time and contexts (Al-Zuhaylī, 2005).

However, the *zannī* (interpretative) aspects of Islamic inheritance law offer significant opportunities for *ijtihād* (independent juristic reasoning). These areas, which are not explicitly outlined in the Qur'an or Sunnah, provide room for flexibility and adaptability in response to evolving societal needs. For instance, the distribution of residual inheritance after the fixed shares have been allocated. In cases where the remaining estate has no clear Qur'anic directive, *ulama* rely on *ijtihād* to determine a fair distribution. For instance, in the absence of direct heirs, the estate may be allocated to distant relatives (*dhawī al-arḥām*), which is a subject of debate among different Islamic schools of thought. Some *ulama* allow them to inherit, while others prioritize the *bayt māl* (state treasury) as the rightful recipient (Rehman, 2010).

Another *zannī* example is the inheritance rights of a fetus (*janīn*) in the womb at the time of the deceased's death. Islamic law generally recognizes that an unborn child can inherit, but *ulama* debate how to determine its share. Some opinions suggest delaying the distribution of the estate until the child is born, while others propose setting aside a portion that would accommodate either a male or female heir

(Kamali, 2001). Since the Qur'an and Hadith do not specify detailed rulings on this matter, jurists rely on analogical reasoning (*qiyās*) and consensus (*ijmā'*) to derive a fair solution.

The inheritance rights of adopted children and non-Muslim relatives also fall under *ẓannī* rulings. Classical Islamic law generally excludes adopted children from inheritance since they are not biological heirs (Esposito, 2005). However, in modern contexts, some ulama argued that alternative legal mechanisms, such as bequests (*waṣīyyah*), should be used to provide financial support to adopted children (Ali, 2016). Similarly, jurists differ on whether a non-Muslim relative can inherit from a Muslim decedent. While the dominant opinion follows the Hadith that states a Muslim does not inherit from a non-Muslim, and a non-Muslim does not inherit from a Muslim. Some contemporary ulama argued for exceptions based on *maṣlaḥah* (public welfare) (Vogel, 2000).

These *ẓannī* aspects demonstrate that Islamic inheritance law is not entirely static but allows for contextual applications that reflect the complexities of human relationships and societal structures. Many aspects of *ẓannī* nature in inheritance law has led to diverse opinions among Islamic scholars (Al-Zuhayliyy, 2005). Islamic Scholars or ulama from different schools of thought have offered varying interpretations and rulings based on their methodologies and the socio-cultural contexts in which they operate. This diversity underscores the richness of Islamic jurisprudence and its ability to address nuanced scenarios while remaining grounded in its core principles. By balancing the *qat'ī* and *ẓannī* elements, Islamic inheritance law maintains its divine integrity while remaining adaptable and relevant to contemporary challenges, reflecting its holistic and dynamic approach to justice and familial responsibilities.

Construction of Gender Equality in Islamic Inheritance Law

Islamic legal theory is multidisciplinary field that extends beyond mere legal reasoning and argumentation to include studies of logic, theology, linguistics, and epistemology (Hallaq, 1997). This comprehensive approach allowed Islamic law to be deeply rooted in divine principles while also engaging with human intellectual traditions. The adaptability of Islamic law is a key feature that ensures its relevance across time and space. According to the theory of adaptability, Islamic law is designed by God to serve the benefit of humanity and can evolve to address the changing needs of society (Kennedy, 2010; Ahmed, 2006). This flexibility is particularly evident in areas like inheritance law, where the integration of divine principles with human reasoning enables solutions to contemporary issues without compromising core values. Through the *ẓannī* (interpretation) aspects of Islamic inheritance law, which allow room for *ijtihād* (independent juristic reasoning), the law can adapt and accommodate the demands of different times and contexts. These *ẓannī* aspects provide opportunities for reinterpretation and reform to ensure that the law continues to serve its primary purpose, justice and human benefit. In many cases, reinterpretations are developed through scholarly efforts in academic institutions or through judicial decisions that address specific inheritance scenarios. For instance, issues such as the rights of distant relatives, the inheritance of unborn children, or the distribution of leftover estates are areas where *ijtihād* plays a critical role. This adaptability demonstrates the dynamic nature of Islamic inheritance law, ensuring that it remains a living and practical system capable of addressing the complexities of modern life while staying true to its foundational principles. Islamic inheritance law stipulated the share of heirs according to the rights and obligations of a person in the family. This is in accordance with the structural-functional theory. Structural-functional theory recognized the existence of diversity in social life. Diversity is the main source of society structure and determined the diversity of functions according to one's position. The difference in functions aimed to achieve organizational goals, not for the benefit of individuals (Ritzer, 2021). Islamic inheritance law assigns shares to heirs based on their roles, rights, and responsibilities within the family unit. This allocation aligns with the principles of structural-functional theory, which views society as a complex system where different elements work together to maintain stability and order (Parsons, 1951). Inheritance distribution in Islam is not arbitrary but follows a structured system that ensures justice while acknowledging the varying financial responsibilities of each family member. For example, men typically receive a larger share than women because they are obligated to provide for their families, including their wives, children, and sometimes extended relatives (Kamali, 2001). This reflects the functional differentiation in family roles, where the inheritance system seeks to maintain balance rather than prioritize individual interests.

Structural-functional theory recognizes that diversity is an essential element of social organization, where different positions in society come with distinct roles and obligations. This theory suggests that social systems function optimally when individuals perform tasks suited to their designated roles (Merton, 1968). In the context of Islamic inheritance law, the distribution of wealth ensures that each member of the family can fulfill their responsibilities according to their role. The inheritance shares are not based on favoritism but are structured to sustain family stability and economic security (Rahman, 2019). Thus, the

variation in inheritance portions serves a collective purpose, ensuring that familial duties are upheld and that dependents, including women and children, are financially secure.

The primary objective of inheritance distribution in Islamic law is not individual gain but the achievement of broader social and familial stability, which aligns with the structural-functional perspective. The diversity in inheritance shares ensures that wealth circulation supports family members equitably based on their socio-economic responsibilities (Esposito, 2005). Unlike Western legal systems, where inheritance is often determined by personal preference or wills, Islamic law provides a fixed structure that guarantees economic continuity within the family unit. By recognizing function-based differentiation in inheritance law, Islam ensures that wealth is allocated in a manner that supports family cohesion and social harmony, fulfilling the overarching purpose of justice and communal well-being (Ali, 2016).

CONCLUSION

This research concluded: *first*, the fundamental principle of ownership in Islamic inheritance law is that all wealth ultimately belongs to Allah, and humans are merely its trustees. Upon a person's death, their ownership ceases, and the distribution of their assets is carried out according to the Qur'an and Sunnah, ensuring that wealth is allocated justly among eligible heirs. The *fiqh al-mawārith* framework, developed by ulama, provided a structured legal system that addresses various inheritance scenarios, ensuring that financial responsibilities within families align with Islamic ethical principles. *Second*, beyond legal mechanisms, Islamic inheritance law serves a broader societal purpose by ensuring wealth circulation and preventing economic disparities. By mandating specific shares for heirs, it discourages the hoarding of wealth, reduces financial disputes, and strengthens familial ties. *Third*, while Islamic inheritance law contains definitive rulings (*qaṭ'ī*), such as the fixed shares for heirs prescribed in the Qur'an, it also accommodated flexibility through *ẓannī* elements, which require *ijtihād* (juristic reasoning). This balance ensures that inheritance laws remain adaptable to evolving societal needs while maintaining their core principles of justice and equity. By distinguishing between *qaṭ'ī* and *ẓannī*, Islamic law remains dynamic, allowing for continuous legal development without compromising divine ordinances. *Fourth*, the distribution of inheritance in Islam aligned with structural-functional theory, which asserts that societies function optimally when individuals fulfill their designated roles. In this framework, men receive larger shares not due to gender preference but because of their financial obligations to their families, including wives, children, and dependent relatives. Conversely, women retain complete ownership of their inheritance without the burden of financial responsibility, ensuring their economic security. This structured differentiation promotes family stability, sustains economic balance, and prevents financial marginalization. The Islamic inheritance system, therefore, is not only a legal mechanism but a means of maintaining social cohesion and ensuring that familial duties are upheld in a just and equitable manner.

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