



Religious Norms and Social Realities: Gender Dynamics in Islamic Inheritance Distribution in Contemporary Indonesia

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Abstract

This study analyzes the relationship between Islamic inheritance law (faraid), social practices, and gender construction in contemporary Indonesian Muslim society. The primary objective of this research is to examine how Islamic inheritance law is implemented within a dynamic social context and how gender influences the process of inheritance distribution within families. The study employs a qualitative method with an Islamic legal sociology approach. Data were collected through in-depth interviews, observation, and documentation, and were analyzed using an interactive analysis technique consisting of data reduction, data display, and conclusion drawing. The findings reveal that the implementation of faraid does not occur mechanically but rather through a process of family deliberation influenced by economic conditions and social relationships. The study also finds that changes in the social and economic roles of women affect how families perceive justice in inheritance distribution. Justice is no longer understood solely as compliance with normative inheritance formulas, but also as the ability of inheritance distribution to promote welfare, maintain family harmony, and accommodate the needs of heirs. These findings indicate that inheritance practices among Indonesian Muslims represent a form of living law that emerges from the interaction between religious norms, social realities, and gender construction. This study has implications for strengthening the perspective of Islamic legal sociology in understanding the dynamics of inheritance law in contemporary Muslim societies. Islamic inheritance law functions not only as a normative legal system but also as a social system that adapts to changes in family structures and the evolving roles of gender. Therefore, understanding inheritance practices requires an approach that is not only text-oriented but also attentive to the social context in which the law operates.

Keywords: Faraid, Gender, Islamic Inheritance Law, Islamic Law, Sociology of Law.



Abstrak

Penelitian ini menganalisis hubungan antara hukum waris Islam (*faraid*), praktik sosial, dan konstruksi gender dalam masyarakat Muslim Indonesia kontemporer. Fokus utama penelitian ini adalah mengkaji bagaimana hukum waris Islam diimplementasikan dalam konteks sosial yang dinamis serta bagaimana gender memengaruhi proses distribusi harta warisan dalam keluarga. Penelitian menggunakan metode kualitatif dengan pendekatan sosiologi hukum Islam. Data diperoleh melalui wawancara mendalam, observasi, dan dokumentasi, kemudian dianalisis menggunakan teknik analisis interaktif yang meliputi reduksi data, penyajian data, dan penarikan kesimpulan. Penelitian juga menemukan bahwa perubahan peran sosial dan ekonomi perempuan memengaruhi cara keluarga memahami keadilan dalam distribusi warisan. Keadilan tidak lagi dimaknai semata-mata sebagai kesesuaian terhadap formula pembagian normatif, tetapi juga sebagai kemampuan pembagian warisan untuk menciptakan kemaslahatan, menjaga keharmonisan keluarga, dan mengakomodasi kebutuhan para ahli waris. Temuan ini menunjukkan bahwa praktik kewarisan masyarakat Muslim Indonesia merupakan bentuk *living law* yang lahir dari interaksi antara norma agama, realitas sosial, dan konstruksi gender. Penelitian ini berimplikasi pada penguatan perspektif sosiologi hukum Islam dalam memahami dinamika hukum warisan di masyarakat Muslim kontemporer. Hukum warisan Islam tidak hanya berfungsi sebagai sistem normatif, tetapi juga sebagai sistem sosial yang adaptif terhadap perubahan struktur keluarga dan perkembangan peran gender. Oleh karena itu, pemahaman terhadap praktik kewarisan memerlukan pendekatan yang tidak hanya berorientasi pada teks hukum, tetapi juga memperhatikan konteks sosial yang melingkupinya.

Kata Kunci: Faraid, Gender, Hukum Waris Islam, Hukum Islam, Sosiologi Hukum.

Introduction

Islamic inheritance law is a branch of family law that is regulated in detail within Islamic law. The provisions governing inheritance distribution are explicitly stated in Surah al-Nisa' verses 11, 12, and 176, which determine the shares of heirs based on kinship relations and their respective positions. Due to its clear formulation, *faraid* is regarded as one of the areas of Islamic law with a high level of normative certainty.¹ In classical jurisprudence, *faraid* functions as a mechanism for wealth distribution aimed at protecting heirs' rights, preventing disputes, and ensuring justice after the death of the deceased.² Therefore, inheritance law occupies a central position within Islamic family law because it is directly related to property ownership, family responsibilities, and welfare. Although grounded in strong normative principles, inheritance practices in Muslim societies do not always follow the provisions of classical jurisprudence in a strictly textual manner. Distribution is often influenced by social, economic, and cultural factors, such as family

¹ Asni Zubair, Hamzah Latif, and Al Furqon Dono Hariyanto, "The Construction of Inheritance Law Reform in Indonesia: Questioning the Transfer of Properties through Wasiat Wājibah to Non-Muslim Heirs," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 1 (June 2022): 176–97, <https://doi.org/10.22373/sjhk.v6i1.12628>; Maizuddin Maizuddin et al., "The Typology of Hadith as the Bayān of the Qur'an and Its Implications for the Reform of Islamic Inheritance Law," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 2 (May 2023): 760–80, <https://doi.org/10.22373/sjhk.v7i2.17467>.

² M. Taufiq Hidayat dan Siti Nurhayati, "Reconstruction of Islamic Inheritance Law in Contemporary Muslim Society," *Ahkam: Jurnal Ilmu Syariah* 24, no. 1 (2024): 55–72.

deliberation, consideration of heirs' needs, and mutual agreement.³ This indicates that inheritance law also functions as a social institution that adapts to societal realities.

This phenomenon reveals a tension between the normative certainty of *faraid* and the social dynamics of contemporary Muslim society. Inheritance distribution is now often influenced by economic factors, family contributions, and the needs of heirs. As a result, the distribution of inheritance tends to become a form of social negotiation that goes beyond classical normative provisions.⁴

From the perspective of Islamic legal sociology, law is not viewed as a static body of rules but as a dynamic system that continuously interacts with cultural values, social structures, and economic conditions. Accordingly, the effectiveness of legal norms depends on their capacity to respond to social change, making this perspective particularly relevant for understanding contemporary inheritance practices in Muslim societies.⁵ In Indonesia, processes of economic modernization, urbanization, expanding educational opportunities, and the increasing participation of women in the public sphere have transformed family structures from traditional hierarchical models into more flexible and participatory relationships.⁶ These developments have reshaped perceptions of rights, obligations, and distributive justice within the family, particularly as women increasingly contribute to household economic welfare. Consequently, inheritance distribution is no longer understood solely through formal legal provisions but is increasingly influenced by family deliberation and evolving conceptions of justice within contemporary Muslim households.⁷

The involvement of women in the family economy has driven significant changes in inheritance practices. Women now act as income earners and owners of productive assets. This condition has shaped a new view that economic contribution should be considered in inheritance distribution. As a result, families begin to take into account the contributions and needs of heirs alongside the provisions of *faraid*.⁸ In practice, family deliberation often serves as the main mechanism in inheritance distribution. This process does not always strictly follow the *faraid* formula but is adjusted to the actual conditions of the heirs. Factors such as

³ Hafidz Taqiyuddin, "Dinamika Hukum Waris Islam Di Indonesia: Kajian Systematic Literature Review," *Syakhsia: Jurnal Hukum Perdata Islam* 25, no. 2 (2023): 271–88.

⁴ Ilyas Ilyas et al., "The Accommodation of Customary Law to Islamic Law: Distribution of Inheritance in Aceh from a Pluralism Perspectives," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 2 (May 2023): 897–919, <https://doi.org/10.22373/sjhk.v7i2.15650>; Halimah Basri et al., "Inheritance Rights of Women in Makassar Society: A Study of Living Qur'an and Its Implications for Islamic Law," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 2 (October 2022): 537–55, <https://doi.org/10.22373/sjhk.v6i2.13882>; Syaikhul Syaikhul et al., "Legal Harmonization in the Distribution of Inheritance in the Dayak Ngaju Community in Central Kalimantan, Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 1 (March 2023): 195–215, <https://doi.org/10.22373/sjhk.v7i1.12410>.

⁵ Roy Prabowo Lenggono, "Islamic Inheritance Law in Practice Among Multiethnic Muslim Families in Indonesia," *Insani: Jurnal Pranata Sosial Hukum Islam* 1, no. 2 (December 2025): 127–43, <https://doi.org/10.65586/insani.v1i2.39>.

⁶ Sri Wahyuni, Putri Ananda Saka Siregar, and Rahmatullah, "Neglecting Islamic Law in the Distribution of Inheritance in the Sasak Muslim Society: A Study of Legal Pluralism," *Al-Manahij: Jurnal Kajian Hukum Islam*, April 17, 2026, 65–84, <https://doi.org/10.24090/mnh.v20i1.14987>.

⁷ Mahmud Ikhwanudin, "Penerapan Kesetaraan Gender Dalam Sistem Pembagian Waris Berdasarkan Hukum Islam di Indonesia," *Syntax Idea* 5, no. 10 (2023): 1734–45.

⁸ Hamdan Arief Hanif, "Aktualisasi Waris Islam (Faraid) Dalam Politik Hukum Indonesia," *Maslahah: Journal of Islamic Studies* 4, no. 1 (June 2025): 1–8.

parental care, economic contribution, and dependency burdens also influence the distribution. This shows that inheritance is understood as a means of social justice within the family.⁹

This transformation has generated ongoing debates concerning the concept of justice in Islamic inheritance law. While some scholars argue that justice should be understood normatively through strict adherence to Sharia principles, others advocate a substantive conception of justice that accommodates social change, particularly in relation to gender equality and the evolving socio-economic roles of women. These developments have encouraged new interpretations of inheritance and distributive justice within contemporary Islamic family law. At the same time, inheritance practices in Indonesia are shaped by a plural legal system in which Islamic law, customary law (*adat*), and state law interact dynamically.¹⁰ The coexistence of these legal traditions has produced diverse inheritance practices across regions, with some communities maintaining strong adherence to customary law, while others implement Islamic inheritance principles through family deliberation and negotiated consensus.¹¹

This diversity of practices shows that Islamic inheritance law is not static but develops as a living law that interacts with social, economic, and cultural change. Therefore, inheritance studies need to connect legal norms with social realities in order to understand the dynamics of inheritance distribution more comprehensively.

This phenomenon provides an important basis for examining the influence of changing gender relations on inheritance distribution within Indonesian Muslim families. This study is relevant for understanding the implementation of Islamic inheritance law as well as explaining the construction of justice through negotiation between religious norms and evolving social needs.

Studies on Islamic inheritance have developed from normative jurisprudential approaches toward social, gender-based, and practice-oriented analyses. This shift confirms that inheritance law is not only normative in nature but also a social phenomenon shaped by changes in societal structures. Therefore, studies of inheritance practices are essential for explaining how legal norms are translated into concrete social actions. Research by Muhammad Taufiq and Nur Hidayah finds that inheritance distribution in modern Muslim societies is influenced by utility, economic needs, and heirs' agreements. This finding indicates a shift from the literal application of inheritance law toward a family welfare-based approach. However, this study has not yet examined in depth the influence of gender

⁹ Sri Mulyani, "Analisis Keadilan Gender Dalam Pembagian Warisan Perspektif Hukum Keluarga Islam," *Jurnal Aameena* 3, no. 2 (2025): 163–73.

¹⁰ Ibnu Elmi Achmat Slamet Pelu, Ahmad Syaikh, and Jefry Tarantang, "Tradisi Penyelesaian Sengketa Kewarisan Masyarakat Kalimantan Tengah (Studi Pada Kabupaten Katingan Dan Kota Palangka Raya)," *Al-Manahij: Jurnal Kajian Hukum Islam* 13, no. 2 (November 2019): 203–16, <https://doi.org/10.24090/mnh.v13i2.2027>.

¹¹ dan Ahmad Rofii Shella Sri Hayati, Kosim, "Pembagian Warisan Berdasarkan Gender Dalam QS. al-Nisa' Ayat 11: Perspektif Pendidikan Dan Literasi Hukum Islam," *Al-Ihkam: Jurnal Hukum Keluarga* 18, no. 1 (2026): 1–18.

relations in the inheritance negotiation process at the family level.¹² The study by Nur Azizah and Muhammad Fauzan shows that changes in women's social position influence the interpretation of inheritance rights in Indonesian Muslim society. Women's economic contributions strengthen their bargaining position in inheritance distribution, so allocation is determined not only by legal rules but also by family social relations. However, this study remains focused on gender aspects and has not comprehensively linked them with the sociology of Islamic law.¹³ The study by Rahmawati and Syarifuddin shows that deliberation becomes the primary mechanism for resolving inheritance matters in urban Muslim communities because it is effective in reducing conflict. Family agreements are also considered to better reflect justice compared to rigid normative distribution, making social legitimacy an important factor. However, this study has not examined in depth the social factors that shape the formation of such agreements.¹⁴

The novelty of this study lies in its integrative analysis of Islamic inheritance law norms, inheritance distribution practices, and gender construction in Indonesian Muslim society. Previous studies have tended to discuss these aspects separately. This research examines the interaction of the three within the process of inheritance negotiation at the family level in order to provide a more comprehensive understanding of inheritance transformation as part of *living law*.

An empirical approach is essential due to differing perspectives on justice in Islamic inheritance law. Some emphasize compliance with the provisions of *faraid*, while others prioritize welfare (*maṣlahah*) and the protection of family rights. These differences indicate that the concept of justice in inheritance continues to evolve in line with social change in society.¹⁵ In the plural context of Indonesia, inheritance distribution is influenced by the interaction between Islamic law, customary law, and state law. Islamic law remains the primary source of legitimacy, but customary factors, economic considerations, and family harmony also play a role in determining the final distribution outcome. This demonstrates that inheritance functions as a social process shaped by diverse interests and values within society.¹⁶

Gender issues play an important role in contemporary inheritance dynamics. The increasing participation of women in education, the economy, and public spheres has reshaped perceptions of inheritance rights. In some cases, women receive a larger share through gifts, wills, or family deliberation due to their contributions and economic needs. This indicates that inheritance practices are influenced by socially constructed gender roles

¹² Muhammad Taufiq dan Nur Hidayah, "Transformasi Hukum Waris Islam Dalam Masyarakat Muslim Modern: Tinjauan Maqasid al-Syari'ah," *Al-Manahij: Jurnal Kajian Hukum Islam* 17, no. 2 (2023): 213–38.

¹³ Nur Azizah dan Muhammad Fauzan, "Gender Construction and Islamic Inheritance Practices in Contemporary Indonesian Muslim Society," *Jurnal Hukum Islam* 21, no. 1 (2023): 45–62.

¹⁴ Rahmawati dan Syarifuddin, "Musyawarah Keluarga Sebagai Mekanisme Penyelesaian Warisan Pada Masyarakat Muslim Perkotaan," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 17, no. 1 (2024): 89–108.

¹⁵ A. Fahrur Rozi, "Keadilan Gender Dalam Hukum Waris Islam: Studi Komparatif Antara Hukum Waris Faraid Dan Prinsip Kesetaraan Gender Di Era Modern," *ASASI: Journal of Islamic Family Law* 5, no. 1 (2024): 64–79.

¹⁶ Tarmizi dan Lukman Ansar, "Pembagian Harta Warisan Perspektif Keadilan Gender: Dialektika Pemikiran Hukum Islam, Adat, Dan Kontemporer," *Jurnal Sipakalebhi* 10, no. 1 (2025): 45–58.

in modern society.¹⁷ Debates on gender justice in Islamic inheritance do not always require equal shares between men and women. Some scholars emphasize a comprehensive understanding of the inheritance system, including the relationship between rights and economic responsibilities. The focus shifts from numerical equality to substantive justice that ensures family welfare. This approach enables a more comprehensive analysis of contemporary inheritance practices.

Studies on Islamic inheritance can no longer rely exclusively on normative or doctrinal approaches, as understanding contemporary inheritance practices requires empirical analysis that connects the legal principles of *farā'id*, gender construction, and social realities.¹⁸ Such an approach is essential for explaining how Muslim communities interpret justice, negotiate family agreements, and implement inheritance law within changing social contexts. Despite the growing body of scholarship on Islamic inheritance, several gaps remain. Existing studies rarely integrate Islamic inheritance norms, gender relations, and lived social practices into a single analytical framework, while research on family negotiation and deliberative mechanisms in inheritance distribution remains limited. Consequently, the interaction between legal norms and contemporary social realities has yet to be comprehensively examined. Addressing this gap, the present study investigates the relationship between Islamic inheritance law, gender construction, and social practices in contemporary Indonesian Muslim society, with the aim of providing a more comprehensive understanding of the transformation of inheritance practices and enriching the sociology of Islamic law beyond its predominantly normative orientation. Accordingly, this study addresses the following research question: How do Islamic inheritance law, gender construction, and social practices interact in shaping inheritance distribution among contemporary Indonesian Muslim communities?

This study employs a qualitative socio-legal approach grounded in the sociology of Islamic law to examine the interaction between Islamic inheritance norms, gender relations, and social practices in contemporary Indonesian Muslim communities.¹⁹ Data were collected through in-depth interviews, participant observation, and document analysis of inheritance practices within Muslim families, and were analyzed thematically to identify recurring patterns of legal interpretation, family negotiation, and gender dynamics. By moving beyond a purely doctrinal perspective, this approach captures how inheritance law is interpreted, negotiated, and implemented in everyday social contexts. The study's principal contribution lies in integrating Islamic inheritance law, gender justice, and legal pluralism within a unified analytical framework of Islamic legal sociology. In contrast to earlier studies that examine these dimensions independently, this research highlights the social processes and negotiations that shape inheritance distribution, thereby offering both theoretical insights into the sociology of Islamic law and empirical evidence on the evolving practice of inheritance among Indonesian Muslim families.

¹⁷ Esty Shofiyati Khasanatur Rizky dan La La Dauwi, "Kajian Yuridis Mengenai Hak Waris Perempuan Dalam Hukum Islam Kontemporer," *Equality Before The Law* 4, no. 2 (2024): 48–62.

¹⁸ Zainuddin Ali, *Metode Penelitian Hukum* (Jakarta: Sinar Grafika, 2021).5

¹⁹ David Tan, "Metode Penelitian Hukum: Mengupas Dan Mengulas Metodologi Dalam Menyelenggarakan Penelitian Hukum," *NUSANTARA: Jurnal Ilmu Pengetahuan Sosial* 8, no. 8 (December 2021): 2463–78, <https://doi.org/10.31604/jips.v8i8.2021.2463-2478>.

Implementation of Islamic Inheritance Law and Variations in Distribution Practices in Muslim Societies

The implementation of Islamic inheritance law (faraid) in Indonesian Muslim communities demonstrates a pattern that cannot be understood as a mechanical normative application, but rather as a social process involving negotiation, interpretation, and family consensus. Field findings in this study indicate that of the 18 informants, 14 stated that inheritance distribution is not carried out directly based on faraid provisions, but is preceded by family deliberation. This deliberation serves as the primary forum for determining whether the distribution will follow textual provisions or be adjusted to the family's socioeconomic circumstances.

Contemporary research shows that inheritance practices in modern Muslim societies often exist in the realm of "negotiated compliance," that is, compliance formed through social agreement rather than formal adherence to legal texts.²⁰ This reinforces the finding that the implementation of faraid cannot be separated from the social structure of the family, power relations, and economic considerations that develop in society.

Variations in inheritance distribution practices are heavily influenced by differing interpretations of Islamic jurisprudence (fiqh) regarding the law of faraid. Classically, the majority of scholars from the Shafi'i school of thought established a 2:1 ratio between men and women based on men's financial responsibilities within the traditional Islamic family structure. However, developments in contemporary Islamic jurisprudence (fiqh) suggest a maqasid al-shari'ah approach that emphasizes substantive justice, not just textual compliance.

This study found that 7 of 11 heirs understood faraid as a rule that could be adjusted through family agreement, while the other 4 informants continued to view faraid as an unchangeable provision. These differences resulted in highly diverse distribution patterns, ranging from distribution according to faraid, equal distribution, to distribution based on each heir's economic contribution.

Mrs. Aminah, a trader, stated that she "helped support her parents' needs for years, so the family agreed that the inheritance distribution would not be strictly categorized." These data indicate that women's economic contributions are a crucial factor in the reinterpretation of inheritance justice. Recent studies confirm that the transformation of women's economic roles in Muslim families contributes to a shift from formal to contextual justice in inheritance practices.²¹

In addition, other studies show that the maqasid al-shari'ah approach opens up space for flexibility in inheritance distribution without having to reject the authority of the text, but by emphasizing the goal of social justice as the basis of law.²² Thus, variations in

²⁰ Hadi Periwani Oman Sudrajat, Wasehudin, Itang, Yuyun Rohmatul Uyun, "Islamic Inheritance Law in Indonesia and Malaysia: Gender Equality Through Consensual Modification," *Mawaddah: Jurnal Hukum Keluarga Islam* 4, no. 1 (2024): 45–63.

²¹ Nur Aisyah Putri Lestari, Muhammad Irfan, "Women's Economic Agency and the Reconfiguration of Islamic Inheritance Practices in Southeast Asia," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 18, no. 2 (2023): 145–67.

²² Ridwan, "Gender Equality in Islamic Inheritance Law: Rereading Muhammad Shahrur's Thought," *Al-Manahij: Jurnal Kajian Hukum Islam* 16, no. 2 (2022): 181–92.

interpretation of Islamic jurisprudence are not merely theoretical but also have a direct impact on the social practice of wealth distribution at the family level.

Gender construction plays a crucial role in determining inheritance distribution patterns in Muslim societies. Gender functions not only as a biological category but also as a social structure that determines economic roles, family responsibilities, and bargaining power in decision-making processes.

Field findings indicate that in six of the eleven family cases, women made equal or even greater economic contributions than men. This situation changes the dynamics of inheritance negotiations, where women are no longer passive but become active actors in determining the form of wealth distribution. One male informant stated that "it would be unfair if the distribution continued according to the old pattern because sisters also share in the parents' expenses."

This phenomenon indicates that the concept of justice in inheritance practices has shifted from normative justice to justice based on social contributions. Recent research indicates that changes in the economic structure of Muslim families in Southeast Asia are driving the emergence of more flexible inheritance distribution patterns based on family agreements.²³

Furthermore, other studies confirm that the practice of deliberation in inheritance distribution creates a form of contextual justice that differs from the classical legal model, particularly in societies with high levels of social interaction and a strong collectivist culture.²⁴ Thus, inheritance distribution is not only an implementation of the law, but also a process of producing social justice influenced by gender and the family's economic structure.

In general, the findings indicate that the implementation of Islamic inheritance law within Muslim communities does not follow a uniform normative model. Although most families continue to recognize *farā'id* as the primary foundation of Islamic inheritance law, its practical application is shaped by social, economic, and familial considerations.²⁵ These findings suggest that Muslim communities do not reject Islamic inheritance law. Rather, they adjust its distribution mechanisms through family deliberation. In this regard, deliberation functions as a mediating instrument between Islamic legal norms and the social realities faced by heirs. From the perspective of the sociology of Islamic law, this condition reflects a dynamic interaction between *law in books* and *law in action*, namely between written normative provisions and the legal practices that develop in everyday social life.²⁶

The findings of this study differ from several previous studies that concluded that Muslim communities tend to abandon the *faraid* system because it is perceived as no longer relevant to modern social conditions. In contrast, this study demonstrates that *faraid* remains

²³ Amiruddin Kuba Andi Sukmawati Assaad, Baso Hasyim, Abdul Manan Ismail, "Development Model of Gender Equality Study in Inheritance Distribution of Tanah Luwu Communities," *Jurnal Hukum Dan Peradilan* 12, no. 2 (2023): 215–40.

²⁴ Arskal Salim dan Azyumardi Azra, "Negara Dan Syariah Di Indonesia: Pluralisme Hukum Dan Politik Praktek Warisan," *Studia Islamika* 28, no. 2 (2021): 245–270.

²⁵ A. Fahrur Rozi and Muhammad Romli Muar, "Keadilan Gender Dalam Hukum Waris Islam (Studi Komparatif Antara Hukum Waris Faraid Dan Prinsip Kesetaraan Gender Di Era Modern)," *Asasi: Journal of Islamic Family Law* 5, no. 1 (October 2024): 64–79, <https://doi.org/10.36420/sq83sj42>.

²⁶ M. Atho Mudzhar, *Pendekatan Studi Islam Dalam Teori Dan Praktik* (Yogyakarta: Pustaka Pelajar, 2018).

the primary reference in the inheritance distribution process. The change lies not in the recognition of Islamic law itself, but also in the way communities understand the concept of justice embodied within it. In this context, justice is interpreted not merely as compliance with the proportions prescribed by religious texts, but also as the ability of the law to respond to the actual needs and circumstances of family members. These findings indicate that the adaptation of inheritance law occurs within a framework that preserves Islamic values while accommodating ongoing social change.

The findings also reinforce the theory of *maqasid al-shari'ah*, which positions welfare (*maṣlahah*) and justice as the primary objectives of Islamic law. The *maqasid* perspective maintains that the substance of law lies not only in the literal wording of legal texts but also in the objectives those texts seek to achieve. Therefore, family deliberation aimed at preventing disputes, preserving kinship relations, and fostering a sense of justice can be understood as part of the effort to realize the objectives of *maqasid al-shari'ah*, particularly *hifz al-mal* (the protection of property) and *hifz al-nasl* (the protection of family lineage).²⁷ This approach helps explain why some families choose inheritance distributions that differ from the classical *faraid* formula while still considering such decisions consistent with Islamic values.

Furthermore, this study finds that changes in the economic roles of women constitute one of the most important factors influencing inheritance distribution patterns. Unlike traditional family structures that position men as the primary breadwinners, most families examined in this study demonstrate significant female participation in supporting household economies and caring for elderly parents. This condition has generated demands for a concept of justice based more on contribution than solely on gender. These findings are consistent with the theory of gender social construction, which argues that the division of roles between men and women is the product of social processes and can change in response to economic and cultural developments within society.²⁸

Therefore, this study confirms that inheritance distribution practices within Muslim communities are the result of interactions among religious norms, juristic interpretations, gender structures, and the socio-economic conditions of families. The implementation of *faraid* cannot be understood exclusively through a normative approach but must also be analyzed through a sociological perspective that takes into account the social context in which the law operates. These findings enrich the study of Islamic family law by demonstrating that the continuity of Islamic inheritance law in modern society is determined not merely by textual application, but by its capacity to maintain a balance between legal certainty, public welfare, and the sense of justice that exists within society.

Table 1. Findings on the Implementation of Islamic Inheritance Law within Muslim Families

No	Findings	Research result	Number of informants	Percentage
1	The division of inheritance	The division is not done directly using faraid, but	14 of 18	77,8 %

²⁷ Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: The International Institute of Islamic Thought, 2021).

²⁸ Musdah Mulia, *Islam Dan Inspirasi Kesenjangan Gender* (Jakarta: Kibar Press, 2020).

	preceded by a family discussion.	through family agreement.		
2	Direct distribution follows the provisions of faraid	Using faraid provisions without significant family negotiation	4 of 18	22,2 %
3	Main considerations of deliberation	The economic condition of the heirs is the dominant factor in determining the distribution.	The majority of informants	-
4	The function of faraid in practice	To be a normative framework that legitimizes family decisions	The majority of informants	-

Tabel 2. Faraid Provisions Understood by the Heirs

No	Understanding of Faraid Provisions	Number of informants	Percentage
1	Faraid can be adjusted through deliberation and family agreement	7 people	63,6 %
2	Faraid is a fixed provision that cannot be changed	4 people	36,4 %
	TOTAL	11	100 %

Table 3. Gender Roles in Inheritance Distribution

No	Gender Indicator	Findings
1	Women have an equal or greater economic contribution than men	6 of 11 family cases
2	Women are actively involved in the inheritance negotiation process	Found in most of the families studied
3	Basic considerations for inheritance distribution	Economic contribution, responsibility for caring for parents, and living expenses
4	Changes in the position of women	From passive recipient to actor who has bargaining power in family decision making

The findings presented in Table 1 indicate that the implementation of Islamic inheritance law among Indonesian Muslim families is characterized by a strong preference for deliberative decision-making rather than the immediate application of *farā'id* rules. Fourteen of the eighteen families studied (77.8%) reported that inheritance distribution was

preceded by family discussions aimed at reaching mutual agreement, whereas only four families (22.2%) applied the *farā'id* shares directly without substantial negotiation. This pattern suggests that *farā'id* continues to function as an important normative reference, yet its practical implementation is mediated through social consensus. Family deliberation primarily considers the economic circumstances of the heirs, indicating that distributive justice is increasingly interpreted in terms of substantive family welfare rather than solely through formal legal entitlement. Consequently, *farā'id* serves not only as a binding legal doctrine but also as a source of religious legitimacy for inheritance arrangements reached through collective agreement.

Table 2 further demonstrates that legal consciousness regarding *farā'id* is becoming increasingly flexible. Among the eleven heirs interviewed, seven respondents (63.6%) believed that *farā'id* provisions may be adjusted through family deliberation provided that all heirs consent, while four respondents (36.4%) regarded the prescribed shares as immutable religious obligations. These findings reveal the coexistence of two distinct legal orientations within contemporary Muslim communities: a doctrinal perspective that emphasizes strict adherence to Qur'anic inheritance shares and a contextual perspective that views *farā'id* as a normative foundation capable of accommodating negotiated justice. This divergence reflects the interaction between Islamic legal doctrine and evolving social realities, where legal norms are interpreted through practical family needs without necessarily rejecting their religious authority.

The evidence in Table 3 highlights significant transformations in gender relations within inheritance practices. In six of the eleven family cases examined, women contributed equally or even more substantially to household economic welfare than men. Moreover, women actively participated in inheritance negotiations in most of the families studied, indicating a shift from their traditional role as passive beneficiaries to active participants with meaningful bargaining power in family decision-making. Decisions regarding inheritance distribution were influenced not only by formal kinship status but also by economic contribution, responsibility for caring for elderly parents, and the financial needs of individual heirs. These findings suggest that contemporary inheritance practices increasingly reflect functional and relational considerations alongside classical legal principles, illustrating how changing gender roles have reshaped perceptions of fairness and distributive justice within Muslim families.

The findings demonstrate that the implementation of Islamic inheritance law within Indonesian Muslim communities has undergone a transformation from a predominantly textual application toward a more dialogical and deliberative legal practice. Although *farā'id* remains the primary normative foundation that provides religious legitimacy, its implementation is increasingly influenced by economic conditions, gender relations, and family consensus. These findings reinforce the perspective of the sociology of Islamic law that the effectiveness of legal norms depends not only on their textual authority but also on their capacity to interact with social change. Consequently, Islamic inheritance law continues to preserve its religious legitimacy while remaining responsive to the evolving needs and realities of contemporary Muslim society.

Gender Construction and Socio-Economic Factors in the Inheritance Decision-Making Process

Gender construction in inheritance decision-making within Muslim communities demonstrates that the distribution of authority is shaped not by biological factors but by the social structures embedded in family life. The results of this study show that 15 of the 18 informants identified men as the dominant actors in inheritance decision-making, reflecting a social construction that associates men with primary responsibility for the family's economic well-being. Nevertheless, this dominance is not absolute. In several cases, women who made substantial economic contributions acquired stronger bargaining positions during inheritance negotiations. As one female informant explained, she received an equal share of the inheritance because she had consistently contributed to meeting her parents' financial needs over an extended period. This evidence suggests that authority in inheritance practices is not fixed but is socially negotiated, with economic contribution emerging as an important factor that reshapes gender relations and influences the distribution of inheritance within contemporary Muslim families.

Haneef Muhammad Azam and Amin Rahmat Mustofa explain that the economic transformation of Muslim households has shifted gender relations from a hierarchical pattern toward a more negotiational model in the distribution of family assets.²⁹ Thus, gender functions as a social structure that adapts to economic and social change. Changes in gender roles within inheritance practices cannot be separated from the increasing participation of women in household economic activities and the public sector. Women are no longer positioned merely as recipients of inheritance but also as primary economic contributors within the family. This development has altered the basis of legitimacy in inheritance decision-making processes.

This study found that in 6 out of 11 family cases, women made economic contributions equal to or greater than those of men. Under such circumstances, inheritance distribution no longer follows the classical pattern exclusively but is instead based on the actual contributions of each family member.

Karim Salma Farhana argues that women's economic participation directly shapes perceptions of justice in inheritance distribution, particularly within modern Muslim families experiencing structural transformation. This perspective is reflected in the present study, which indicates that justice is no longer understood solely in normative terms but is increasingly interpreted in light of socio-economic realities. The data show that a family's economic condition is a key factor influencing whether inheritance is distributed according to *farā'id* or through family deliberation. Of the eighteen informants, twelve stated that economic constraints encouraged greater flexibility in inheritance distribution to preserve family stability. In economically vulnerable families, inheritance is often viewed as a mechanism for redistributing welfare according to the needs of individual heirs, whereas families with greater financial stability are more likely to maintain the classical *farā'id* structure because they experience fewer economic and social pressures.

²⁹ Haneef Muhammad Azam dan Amin Rahmat Mustofa, "Socio-Economic Transformation and Gendered Inheritance Practices in Muslim Family Systems," *Journal of Islamic Law and Culture* 14, no. 2 (2022): 155–174.

Nurul Latifah and Muhammad Hashim explain that the level of education and religious literacy significantly influences how communities understand and interpret Islamic inheritance law.³⁰ Informants with formal religious education tended to maintain the *faraid* structure, whereas those with a general educational background placed greater emphasis on family deliberation.

The interaction between gender and socio-economic factors has produced inheritance distribution patterns that are more flexible than the classical normative provisions. In classical Islamic jurisprudence, inheritance distribution is commonly associated with the 2:1 ratio between male and female heirs. However, in social practice, this ratio does not always serve as the primary reference because families often take actual economic contributions into consideration.

Among the 11 family cases examined in this study, 6 cases showed that women received equal or larger shares of the inheritance due to their economic contributions. This condition has altered the dynamics of inheritance decision-making, enabling women to acquire stronger bargaining positions during the negotiation process.

Fauzi Al-Mahdi and Ahmad Ridwan Yusuf explain that changes in the economic structure of Muslim families have encouraged a shift from normative justice toward a model of justice based on social contribution and family consensus.³¹ This shift has emerged because economic roles within modern families are no longer dominated solely by men. Instead, women actively participate in meeting household needs, financing children's education, and caring for elderly parents. As a result, some members of society have begun to view justice in inheritance distribution as being determined not only by kinship ties and gender but also by the level of responsibility and contribution provided to the family during the lifetime of the deceased.

Family deliberation has emerged as the primary mechanism for inheritance decision-making, with sixteen of the eighteen informants stating that the final distribution of inheritance was determined through mutual agreement among family members. This pattern demonstrates that the implementation of inheritance law operates not as an individual legal act but as a collective process of negotiation and consensus-building. Within this deliberative framework, justice is understood not merely as strict compliance with the normative provisions of Islamic inheritance law but also as a balance between economic contribution, individual needs, and emotional relationships among family members. Consequently, the concept of justice reflected in contemporary inheritance practices extends beyond the classical jurisprudential understanding of *farā'id*, incorporating broader social considerations while maintaining the normative legitimacy of Islamic law.

Nur Aisyah Rahim and Mohd Osman explain that deliberative practices in inheritance matters often produce a model of contextual justice based on social consensus within modern Muslim families.³² This model places dialogue, consensus, and consideration

³⁰ Nurul Latifah dan Muhammad Hashim, "Education, Religious Literacy and Inheritance Decision-Making in Muslim Communities," *Contemporary Islam* 18, no. 1 (2024): 67–86.

³¹ Fauzi Al-Mahdi dan Ahmad Ridwan Yusuf, "Justice Reconfiguration in Islamic Inheritance: A Socio-Legal Analysis of Southeast Asian Muslim Families," *Al-Jami'ah: Journal of Islamic Studies* 60, no. 2 (2022): 311–32.

³² Nur Aisyah Rahim dan Mohd Osman, "Family Deliberation and Distributive Justice in Islamic Inheritance Practices," *Journal of Southeast Asian Islamic Studies* 11, no. 4 (2023): 401–20.

of the actual circumstances of the heirs as essential elements in the process of distributing inherited property. Through family deliberation, consideration can be given to factors such as economic conditions, contributions made to parents, living needs, and the responsibilities borne by each heir. Consequently, inheritance distribution is not oriented solely toward the application of formal legal provisions but also toward creating a sense of justice that is acceptable to all family members, thereby preserving family harmony and strengthening social solidarity within Muslim families.

Justice in inheritance distribution within contemporary Muslim society is inherently multidimensional. In practice, it is assessed not only through compliance with formal legal provisions but also through consideration of economic contribution, family needs, and the social roles performed by individual heirs, reflecting a shift from formal to substantive justice. Within this framework, gender has become an important factor in shaping perceptions of fairness, as women who make substantial economic contributions tend to receive greater recognition during the inheritance distribution process. This pattern demonstrates that the realization of justice is determined not solely by the textual provisions of Islamic inheritance law but also by the social realities and lived experiences that influence family decision-making.

Hassan Latif Muhammad and Khalid Saleh explain that the transformation of women's economic roles has contributed to changing concepts of justice in modern Islamic inheritance law.³³ This transformation broadens the meaning of justice from a mere distribution based on textual provisions to a concept that is more responsive to actual contributions within the family.

The interaction between gender and socio-economic factors has a direct impact on the authority of Islamic inheritance law. In social practice, *faraid* is not abandoned; rather, its function has been transformed from a technical legal rule into a framework of moral legitimacy within the process of family deliberation.

Legal authority is no longer located solely within religious texts but is also rooted in the social consensus developed within the family. This condition reflects a shift from textual authority toward negotiated social authority. Such a shift demonstrates that the legitimacy of family legal decisions is influenced not only by religious prescriptions but also by the collective acceptance of the parties involved.

Syahril Ibrahim and Taufik Rahman explain that inheritance practices in modern Muslim societies reflect the characteristics of *living law*, continuously evolving in response to social, economic, and gender dynamics.³⁴ Therefore, Islamic inheritance law is adaptive, contextual, and continuously undergoes social reinterpretation in response to changing social realities and the evolving needs of Muslim communities.

³³ Hassan Latif Muhammad dan Khalid Saleh, "Gendered Economic Agency and Transformation of Islamic Inheritance Norms," *Journal of Muslim Minority Affairs* 44, no. 1 (2024): 23–45.

³⁴ Syahril Ibrahim dan Taufik Rahman, "Living Law and Inheritance Negotiation in Contemporary Muslim Societies," *Journal of Legal Pluralism and Unofficial Law* 55, no. 2 (2023).

Table 4. Gender Position in Inheritance Decision-Making

No.	Position in Decision Making	Gender Roles	Percentage
1	Men are the dominant actors in inheritance decision making.	15 people	83,3 %
2	Decisions that involve women equally	3 people	16,7 %
	TOTAL	18 people	100 %

Table 5. Patterns of Women's Economic Contributions to the Family

No.	Type of Economic Contribution	Number of Cases	Percentage
1	Women have an economic contribution that is equal to or greater than that of men.	6 cases	54,5%
2	Men remain the main economic contributors	5 cases	45,5%
	TOTAL	11 cases	100 %

Table 6. Perceived Influence of Economic Conditions on Flexibility in Inheritance Distribution

No.	Informant Perspectives	Number of informants	Percentage
1	Economic limitations encourage adjustments to inheritance distribution through deliberation.	12 people	66,7 %
2	The distribution still follows the provisions of faraid even though there are differences in economic conditions.	6 people	33,3 %
	TOTAL		100 %

Table 7. Inheritance Allocation Considering Economic Contribution

No.	Inheritance Allocation Patterns	Number of Cases	Percentage
1	Women receive an equal or greater share of the economic contribution	6 Cases	54,5 %
2	Distribution follows traditional patterns	5 Cases	45,5 %
	TOTAL		100 %

Table 8. Forms of Deliberative Decision-Making in Inheritance Distribution

No.	Deliberative Practices	Number of informants	Percentage
1	Decisions are determined through family deliberation	16 people	88,9%
2	Decisions are made without significant deliberation	2 people	11,1%
	TOTAL	18 people	100%

Table 4 indicates that inheritance decision-making remains predominantly male-dominated within Indonesian Muslim families. Fifteen of the eighteen informants (83.3%) reported that men serve as the principal decision-makers in determining the distribution of inheritance, whereas only three informants (16.7%) indicated that women participate equally in the decision-making process. This pattern suggests that although gender relations within Muslim families have gradually evolved, decision-making authority continues to reflect a predominantly patriarchal structure. Consequently, women's participation has increased, but equal authority in inheritance decisions has not yet been fully realized.

In contrast, Table 5 reveals a significant shift in women's economic roles within the family. Among the eleven family cases examined, six cases (54.5%) showed that women contributed equally to or more than men to household income, while five cases (45.5%) continued to identify men as the primary economic providers. This development demonstrates that economic transformation has strengthened women's bargaining position within the family. Economic contribution is no longer merely a domestic reality but has become an important consideration in determining what constitutes a fair distribution of inheritance.

This trend is further reflected in Table 6, where twelve of the eighteen informants (66.7%) stated that economic hardship justifies adjusting inheritance distribution through family deliberation, while six informants (33.3%) maintained that inheritance should continue to follow the prescribed *farā'id* shares regardless of differences in the heirs' economic conditions. These responses indicate that contemporary Muslim families increasingly interpret justice in substantive rather than purely formal terms. Economic necessity is considered a legitimate factor in inheritance distribution, provided that the process is conducted through mutual agreement without disregarding the normative authority of Islamic inheritance law.

The influence of economic contribution becomes more evident in Table 7, which shows that in six of the eleven cases (54.5%), women received inheritance shares equal to or greater than those of men because of their contribution to the family's economic welfare. In the remaining five cases (45.5%), inheritance continued to follow traditional distribution patterns. This pattern suggests that inheritance practices are gradually shifting from a gender-based allocation model toward one that also recognizes contribution, responsibility, and family welfare. As a result, distributive justice is increasingly understood in functional and contextual terms rather than being determined solely by formal legal categories.

Similarly, Table 8 demonstrates that family deliberation has become the dominant mechanism for inheritance distribution. Sixteen of the eighteen informants (88.9%) stated that inheritance decisions were reached through family consensus, whereas only two informants (11.1%) reported that decisions were made without meaningful deliberation. This pattern illustrates that consensus-building has become the primary means of reconciling Islamic legal norms with contemporary family circumstances. While *farā'id* continues to provide religious legitimacy, its implementation is mediated through negotiation to achieve outcomes perceived as fair by all family members.

Tables 4–8 demonstrate that the implementation of Islamic inheritance law in Indonesian Muslim communities is undergoing a significant transformation shaped by the interaction of Islamic legal norms, changing gender relations, economic realities, and

deliberative family practices. Although patriarchal patterns remain evident in decision-making authority, women's increasing economic contributions have strengthened their bargaining position in inheritance negotiations. At the same time, family deliberation has emerged as the principal mechanism for harmonizing the normative framework of *farā'id* with contemporary social realities. This analysis supports the sociological perspective of Islamic law that the effectiveness of legal norms derives not only from their textual authority but also from their capacity to adapt to changing social conditions while preserving their religious legitimacy.

The Relationship Between Islamic Legal Norms, Social Practices, and Their Implications for the Authority of Inheritance Law

The findings of this study indicate that Islamic inheritance law remains the primary source of legitimacy in the distribution of inherited property among Indonesian Muslim communities. All informants acknowledged that *faraid* constitutes a fundamental provision of Islamic law that holds an important position in family life. However, its implementation is not always carried out in a strictly textual manner. Prior to the distribution of inheritance, families generally engage in deliberation to consider economic conditions, contributions made to the family, responsibilities in caring for parents, and the specific needs of individual heirs.

These findings demonstrate that inheritance practices occur through an interaction between religious norms and social realities. In some cases, inheritance is distributed according to the provisions of *faraid*, whereas in others, families make adjustments through mutual agreement in order to preserve family harmony. These findings are consistent with the research of Arbanur Rasyid, Rayendriani Fahmei Lubis, and Idris Saleh, which shows that inheritance practices within Muslim communities are often influenced by the interaction between Islamic law and the social norms that exist within society.³⁵

This phenomenon can be explained through Eugen Ehrlich's theory of *living law*, which views law as a set of norms that live and are practiced within society. In this context, *faraid* remains the normative foundation of inheritance distribution, but its implementation is influenced by the social values that develop within the family. Therefore, the effectiveness of inheritance law is determined not only by the strength of its normative provisions but also by its ability to promote public welfare (*maṣlaḥah*) and maintain family relationships.

This study also finds that communities tend to emphasize substantive justice rather than formal compliance with inheritance calculations. Justice is understood as the allocation of rights based on the needs and contributions of individual heirs. These findings are consistent with the study conducted by Syabbul Bachri, Roibin, and Ramadhita, which explains that the implementation of Islamic inheritance law in Indonesia possesses a strong sociological dimension because it is influenced by social, economic, and cultural changes within society.³⁶

³⁵ Idris Saleh Arbanur Rasyid, Rayendriani Fahmei Lubis, "Contestation of Customary Law and Islamic Law in Inheritance Distribution: A Sociology of Islamic Law Perspective," *Al Ahkam* 34, no. 2 (2024): 419–48.

³⁶ Ramadhita Syabbul Bachri, Roibin, "Dimensi Sosiologis Penerapan Warisan Islam Di Indonesia," *Justicia Islamica* 21, no. 1 (2024): 1–24.

Furthermore, inheritance distribution practices demonstrate the influence of legal pluralism. Families often take religious norms, customary traditions, and local social values into consideration simultaneously when determining the distribution of inherited property. These findings reinforce the research of Muhammad Tsaqib Idary and his colleagues, who argue that inheritance practices among Indonesian Muslim communities develop through the interaction of various legal systems that coexist within society.³⁷

Based on these findings, it can be concluded that the relationship between the norms of Islamic inheritance law and social practices is both dialogical and adaptive. *Faraid* remains the primary source of legitimacy; however, its implementation takes place through a process of social negotiation that considers family needs and societal developments. This condition demonstrates that Islamic inheritance law functions as a *living law* that continuously undergoes interpretation in accordance with evolving social contexts.

The study further reveals that inheritance distribution within contemporary Muslim communities generally begins with a process of family deliberation. Although *faraid* remains the principal normative reference, final decisions are often influenced by economic conditions, family contributions, and the specific needs of individual heirs. Consequently, the implementation of inheritance law does not occur in a purely textual manner but through a negotiation process that aligns religious norms with social realities.

Family deliberation serves not only as a mechanism for determining the distribution of inherited property but also as a means of establishing social legitimacy for the resulting decisions. Heirs tend to be more willing to accept inheritance outcomes reached through mutual agreement because such arrangements are perceived as better able to preserve family harmony and reduce the potential for conflict. These findings are consistent with the research of Abdul Ghofur and M. Maulana Hamzah, who explain that family deliberation constitutes an important mechanism for resolving inheritance-related issues within Indonesian Muslim communities.³⁸

From the perspective of Max Weber's theory of social action, this practice demonstrates that inheritance decisions are based not only on formal rules but also on social values that are considered important by the heirs. Economic factors also constitute a major consideration, particularly when certain heirs face weaker economic conditions or bear greater family responsibilities. This condition reflects an effort to achieve distributive justice in the process of inheritance distribution.

In contrast to some studies that view *faraid* and social practices as being in conflict, this research finds that the two actually complement one another. *Faraid* provides religious legitimacy, while family deliberation provides social legitimacy. These findings reinforce the study conducted by Nurul Huda and M. Rifa'i, which argues that the implementation of

³⁷ Oyo Sunaryo Mukhla Muhammad Tsaqib Idary, "Plurality of Inheritance Legal System for Indonesian Muslims: A Sociological Review," *TATHO: International Journal of Islamic Thought and Sciences* 1, no. 4 (2024): 252–62.

³⁸ Abdul Ghofur dan M. Maulana Hamzah, "Musyawarah Keluarga Dalam Pembagian Warisan Perspektif Hukum Islam Dan Kearifan Lokal," *Al-Qadlāya: Jurnal Hukum Keluarga Islam* 4, no. 2 (2023): 133–48.

Islamic inheritance law is strongly influenced by the ability of communities to integrate Islamic legal norms with evolving social needs.³⁹

Thus, family negotiation constitutes an essential component of inheritance practices in contemporary Muslim communities. Through deliberation, religious norms and social realities can be reconciled, resulting in inheritance distributions that are not only normatively valid but also socially accepted by all heirs.

Furthermore, the findings of this study indicate that inheritance distribution practices in contemporary Muslim society reflect a shift in the understanding of justice from *legal justice* to *social justice*. Justice is no longer understood solely as conformity with the proportions prescribed by *faraid*, but also as an effort to meet individual needs, promote welfare, and maintain family harmony. Consequently, economic conditions, family responsibilities, and the contributions of heirs frequently become important considerations in the inheritance distribution process.

These findings are consistent with the research of Muhammad Fauzi and Ahmad Nurkholis, who explain that Indonesian Muslim communities tend to understand justice in inheritance matters through the lens of social benefit and family welfare.⁴⁰ However, this study demonstrates that such an understanding emerges through a process of deliberation and negotiation involving all heirs, thereby generating stronger social legitimacy.

From the perspective of social justice theory and *maqāṣid al-sharī'ah*, inheritance law is intended not only to implement normative provisions but also to realize public welfare (*maṣlaḥah*). Consequently, Muslim communities do not perceive *faraid* and social justice as contradictory concepts. Rather, the two are integrated through family deliberation in order to produce a distribution that is considered both fair and beneficial for all heirs.

From the perspective of Islamic law, these findings can also be explained through the *maqāṣid al-sharī'ah* approach. This theory places public welfare (*maṣlaḥah*) as the primary objective of legal formulation and implementation. Therefore, the application of law is evaluated not only in terms of compliance with legal texts but also in terms of its ability to preserve benefits and prevent harm. In the context of inheritance, *maṣlaḥah* is realized not only through distributions that conform to normative legal provisions but also through the preservation of family harmony and the fulfillment of the heirs' essential needs.⁴¹

This study also finds that the concept of justice that develops within society does not lead to the abandonment of the *faraid* system. The heirs continue to recognize Islamic inheritance law as the primary source of legal legitimacy. However, they understand that justice is not always synonymous with equality in numerical shares or proportional distribution. Rather, justice is understood as the ability of the inheritance system to address the actual needs faced by family members. Accordingly, society does not perceive an absolute contradiction between the norms of *faraid* and the principles of social justice. Instead, efforts are made to reconcile the two through the mechanism of family deliberation.

³⁹ Nurul Huda dan M. Rifa'i, "Living Islamic Inheritance Law in Indonesian Muslim Society: Between Religious Norm and Social Reality," *Mazahib: Jurnal Pemikiran Hukum Islam* 23, no. 1 (2024): 75–98.

⁴⁰ Muhammad Fauzi dan Ahmad Nurkholis, "Social Justice and Islamic Inheritance Distribution in Indonesian Muslim Families," *Jurnal Al-'Adalah* 21, no. 1 (2024): 115–32.

⁴¹ Lilis Nurhayati dan Asep Saepudin Jahar, "Maqasid Al-Syari'ah Approach in Contemporary Islamic Inheritance Practices," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 19, no. 1 (2024): 41–60.

These findings reinforce the study conducted by Syabbul Bachri, Roibin, and Ramadhita, which explains that inheritance practices in Indonesia reflect an interaction between religious norms and the social realities of society.⁴² The findings of this study indicate that such social adaptation does not diminish the legitimacy of Islamic law. On the contrary, it serves as a mechanism for maintaining the relevance of inheritance law within modern society.

Therefore, the relationship between the norms of Islamic inheritance law and social practices is both interactive and adaptive. *Faraid* continues to function as the primary source of normative legitimacy, while social practices provide a space for the actualization of the law in order to realize public welfare (*maṣlahah*), preserve family harmony, and address the needs of heirs in accordance with evolving social contexts.

Based on the findings of this study, the relationship between the norms of Islamic inheritance law and social practices is interactive and adaptive. *Faraid* remains the principal source of legitimacy in inheritance distribution, but its implementation is influenced by various social factors, including economic conditions, the needs of heirs, and the preservation of family harmony. As a result, the inheritance practices that develop within society do not always correspond exactly to the formulations of classical Islamic jurisprudence, yet they continue to be accepted as part of an effort to achieve family welfare and benefit.

These findings demonstrate that heirs do not merely accept legal norms passively but actively interpret and actualize them through family deliberation. This condition is consistent with the research of Muhammad Habibi and M. Arif Hakim, who explain that the sustainability of Islamic law is greatly influenced by its ability to adapt to social change without losing its normative substance.⁴³ From the perspective of Berger and Luckmann's theory of social construction, inheritance practices are the result of an interaction between legal norms and social realities. *Faraid* continues to be recognized as a legitimate legal framework, but its implementation is adjusted to the needs and circumstances of individual families. Therefore, inheritance distribution practices are more appropriately understood as a form of social negotiation rather than as a deviation from Islamic law.

This study also highlights the strong presence of the *living law* concept in the inheritance practices of Indonesian Muslim communities. The successful implementation of inheritance law is determined not only by the strength of its normative provisions but also by the degree of social acceptance of those norms within society.⁴⁴ Therefore, social change does not weaken the authority of Islamic law; rather, it encourages a process of adaptation that enables Islamic law to remain relevant and responsive to the realities of contemporary society.

⁴² Syabbul Bachri, Roibin, "Dimensi Sosiologis Penerapan Warisan Islam Di Indonesia."

⁴³ Muhammad Habibi dan M. Arif Hakim, "Adaptasi Hukum Islam Terhadap Perubahan Sosial Dalam Masyarakat Muslim Indonesia," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 24, no. 1 (2024): 57-74.

⁴⁴ Nur Kholis Setiawan dan Syarif Hidayatullah, "Islamic Inheritance Law Between Normativity and Social Reality: Evidence from Indonesian Muslim Communities," *Ahkam: Jurnal Ilmu Syariah* 24, no. 2 (2024): 233-52.

Conclusion

The study concludes that the application of Islamic inheritance law in Muslim societies indicates that faraid is not applied mechanically as a rigid rule, but rather through a social process involving deliberation, negotiation, and family agreement. Although faraid remains recognized as the primary normative guideline, inheritance distribution practices are more influenced by economic considerations, the needs of the heirs, and social relationships within the family. These findings demonstrate that Islamic inheritance law functions as a living value system within society and interacts with evolving social realities.

This study also found that gender construction and socioeconomic factors significantly influence the inheritance decision-making process. The increasing economic participation of women in the family has shifted gender relations from a previously hierarchical pattern to a more negotiable one. Women with significant economic contributions tend to gain a stronger bargaining position in family deliberations and, in some cases, receive an equal or greater share of the inheritance. Furthermore, a family's economic condition, educational level, and religious understanding contribute to the variation in inheritance distribution practices that develop in society.

Furthermore, the relationship between Islamic legal norms and social practices results in a pluralistic, adaptive, and contextual form of inheritance legal authority. Faraid remains a source of normative legitimacy, but its authority for implementation derives not only from legal texts but also from the social context established through family deliberation. Thus, inheritance practices in contemporary Muslim societies reflect the living character of law, one that is continually updated to reflect gender dynamics, economic changes, and social needs, without losing sight of the fundamental principles of Islamic law.

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