

# DEVELOPMENT MODEL OF GENDER EQUALITY STUDY IN INHERITANCE DISTRIBUTION OF TANAH LUWU COMMUNITIES

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## Abstract

This research's aims are 1. analyze the Tanah Luwu people's inheritance distribution, 2. analyze the views of Gender Equality on how to distribute the inheritance of the Tanah Luwu Tribe community, 3. analyze the model for developing gender equality in the inheritance distribution system of the Tanah Luwu people. This study uses an explorative-qualitative research method that describes the development model of gender equality studies in the distribution of inheritance for the people of Tanah Luwu by studying inheritance cases enforced concerning parts and kinship systems. The study shows that the people of the Tanah Luwu tribe generally adhere to Islam; however, they still highly respect the customs passed down from generation to generation to their families, including in inheritance. Therefore, when asked about the inheritance laws that apply, they answer Islamic inheritance laws. However, they use inheritance laws according to their wishes or the appointing system and consider it fair. Gender equality views the

inheritance distribution of the people of Tanah Luwu as unfair; thus, there is concern among the heirs. Tension can lead to conflicts or disputes. The gender equality development model is the conflict management and conflict transformation approach.

**Keywords:** Conflict Management, Conflict Transformation, Inheritance Distribution, Gender Equality

## **Introduction**

The concept of gender roles and complementarity is deeply rooted in Islamic teachings, reflecting the belief that Allah has meticulously created men and women with distinct roles and functions designed to complement and complete one another. While these roles are distinctive, they are by no means rigid or fixed in place and can adapt to the ever-evolving needs of society. Within the Islamic framework, men and women are unequivocally regarded as equals in their intrinsic human dignity and moral worth. They share an equal degree of significance and accountability before Allah, reinforcing the fundamental principle of human equality.<sup>1</sup> However, it is essential to recognize that, alongside this spiritual equality, men and women may possess distinct biological attributes and natural roles.

An exemplary illustration of this biological variance is the unique ability of women to bear and nurture children, an indispensable and irreplaceable function in society. This biological diversity underlines the innate complementarity between men and women. Women's capacity for childbirth, far from diminishing their status, accentuates the interdependence of the genders and underscores their mutual reliance within society. It is vital to emphasize that Islamic teachings significantly emphasize mutual respect, support, and collaboration between men and women, recognizing that their roles and responsibilities, while diverse, are inherently valuable. The principle of complementarity, rather than competition, stands as a cornerstone in preserving the equilibrium and harmony Islam aims to establish in society. This approach ensures that the unique attributes of both men and women are acknowledged and celebrated, contributing to creating a harmonious and just society that

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<sup>1</sup> Radha R Sharma and Neha P. Sharma, "Opening The Gender Diversity Black Box: Causality of Perceived Gender Equity and Locus of Control and Mediation of Work Engagement in Employee Well-Being," *Frontiers in Psychology* 6 (2015).

adheres to the ethical and gender-equitable principles enshrined in Islamic teachings.<sup>2</sup>

The roles and dynamics of men and women in society have been subject to ongoing scrutiny, debate, and challenges, particularly in gender-based violence, harassment, rape, and inequities in their treatment within households and society. These challenges highlight complex socio-cultural and religious dimensions that continue to shape women's lives. This analysis underscores the pressing need for comprehensive, nuanced, evidence-based solutions. Gender-based violence, harassment, and rape represent significant concerns worldwide, with women disproportionately affected. These issues stem from multiple factors, including power imbalances, stereotypes, and cultural norms. The broader socio-cultural dimension plays a pivotal role in perpetuating such issues. Societal attitudes and norms may inadvertently reinforce unequal power dynamics and normalize violence against women. It is essential to address these cultural factors to create meaningful change.

Furthermore, women have often encountered challenges regarding their status, rights, and roles in many religious and theological contexts. While religious texts and interpretations vary, certain traditions have been associated with the marginalization of women. Addressing these challenges requires an in-depth understanding of religious texts, historical context, evolving theological perspectives, and the potential for reinterpretation that aligns with gender equity.

Efforts to address these multifaceted challenges have progressed, but much work remains. Comprehensive, evidence-based approaches must be developed to combat gender-based violence, promote gender equality, and challenge harmful cultural norms. These solutions should encompass education, legal reforms, awareness campaigns, and support systems for victims. Addressing the religious and theological dimensions of gender equity involves a thoughtful reexamination of religious texts and traditions through the lens of gender equality. It may require the engagement of scholars, theologians, and religious leaders to foster an environment of dialogue, reinterpretation, and reform that aligns with contemporary understandings of gender equity. The issues

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<sup>2</sup> Sugiri Permana, "Kesetaraan Gender Dalam Ijtihad Hukum Waris Di Indonesia," *Journal of Sunan Gunung Djati State Islamic University (UIN)* 20, no. 2 (2018): 117–32.

surrounding the roles and experiences of men and women in society, particularly regarding violence, harassment, and religious dimensions, are complex and deeply rooted. However, a concerted effort involving various stakeholders, including governments, civil society, religious institutions, and individuals, can lead to the development of comprehensive and sustainable solutions that address these challenges and contribute to a more equitable society.<sup>3</sup>

The complexities surrounding inheritance distribution in the Tanah Luwu community encompass a range of issues that include the transfer of assets, disparities in the allocation of inheritance shares between male and female offspring, and the dynamics of power relations between parents who possess property and their children designated as inheritors. It is important to note that while the Tanah Luwu community primarily adheres to Islamic beliefs, they adhere strongly to longstanding customs perpetuated across generations, including inheritance practices. The interplay between these cultural customs and Islamic principles often gives rise to a nuanced set of dynamics in the distribution of inheritance. Inheritance is a matter of considerable significance among the Luwu people, and it is paramount to comprehend the factors contributing to a sense of calm and assurance among heirs. Nonetheless, the potential for tension and conflict arises when inheritance disputes remain unresolved. These tensions can be exacerbated as disputes become prolonged, necessitating a comprehensive examination of the underlying causes and potential resolutions.

An approach to address these complexities and fulfill the demands for justice in inheritance practices among the Luwu people involves engaging in gender equality studies. This research method enables a systematic and in-depth analysis of the inheritance concerns within the community. Examining inheritance practices from a gender equality perspective can uncover any disparities or injustices in the distribution of assets, particularly between male and female heirs. It also provides a framework for assessing the impact of prevailing customs and Islamic

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<sup>3</sup> Kamla Bhasin and Moh. Zaki Hussein, *Memahami Gender* (Teplok Press, 2001).

teachings on gender equity within the context of inheritance.<sup>4</sup> The study's objectives include identifying potential discrepancies in inheritance practices, exploring the factors contributing to such disparities, and proposing viable solutions to ensure greater justice and fairness in the inheritance distribution process. Examining gender equality within this context serves as a lens to assess the prevailing inheritance norms and highlight areas where adjustments or reinterpretations may be required. The study of inheritance issues within the Luwu community necessitates a multifaceted approach encompassing a nuanced understanding of cultural customs, Islamic principles, and the dynamics of gender equality. This comprehensive analysis addresses potential inequalities and promotes a more equitable and just inheritance distribution system while respecting the community's cultural heritage and religious beliefs.

Hakim Junaidi makes a significant observation regarding the allocation of inheritance rights, which results in women inheriting half of what men receive. This observation underscores the multifaceted socio-historical dimensions intertwined with Islamic inheritance laws. The rationale behind this division can be traced back to Islam's response to the prevailing social conditions characterized by injustices and gender disparities in inheritance distribution. The relatively detailed and comprehensive rules governing Islamic inheritance laws are seen as propositions with undeniable and unequivocal authority. These propositions are deeply rooted in the Islamic legal tradition, possessing a level of certainty (*qath'I al-tsubut*), indisputable authenticity (*qath'I al-wurud*), and unmistakable implications (*qath'I al-dilalah*). Junaidi's research highlights the intricate interplay of socio-historical factors, legal principles, and ethical considerations within Islamic inheritance laws. It emphasizes that these laws, while rooted in religious tradition, are also shaped by the imperative of addressing historical injustices and upholding the principles of fairness and equity. Junaidi's findings contribute to the ongoing discourse on gender and inheritance rights within Islamic jurisprudence, shedding light on the underlying

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<sup>4</sup> Muhammad Ali Murtadlo, "Keadilan Gender Dalam Hukum Pembagian Waris Islam Perspektif The Theory of Limit Muhammad Syahrur," *Tafaqquh: Jurnal Penelitian Dan Kajian Keislaman* 6, no. 1 (2018): 1–23.

motivations and historical context that inform the provisions of Islamic inheritance laws.<sup>5</sup>

Therefore, the interpretation of Islamic inheritance law presents a significant discussion among scholars, as it is an essential component of Islamic jurisprudence and societal justice. Assaad and Hasyim advocate for strict adherence to the textual provisions of Islamic inheritance laws, emphasizing the necessity of conformity to the scriptural text.<sup>6</sup> They argue that any deviation from the clear textual guidance might be viewed as rejecting the provisions ordained by Allah SWT. However, it is essential to acknowledge that the interpretation and application of Islamic law can vary, leading to diverse perspectives. One approach that seeks to address the evolving socio-cultural changes in society while staying within the Islamic inheritance law framework is the concept of "*maqasid al-shari'ah*." *Maqasid al-shari'ah*, often translated as the "goals" or "objectives" of Islamic law, provides a flexible and dynamic framework for interpreting and applying Islamic principles to contemporary contexts. It allows for considering societal changes and ensures that the spirit and intent of Islamic law are preserved, even if specific provisions may require reinterpretation<sup>7</sup>. Sugiri Permana's work on "Equality Gender in Ijtihad Inheritance Law in Indonesia" explores the application of Islamic inheritance law within the context of gender equality. It emphasizes that in Islam, men and women are considered equal in their positions and have equal opportunities to perform righteous deeds. Ultimately, their deeds, including acts of kindness and justice, will be evaluated in the Hereafter. Differences in rights and obligations between men and women in Islam should not be seen as a basis for privilege but rather as a reflection of their distinct roles and responsibilities within the societal framework. The contemporary discourse on Islamic inheritance law highlights the need for a balanced approach that respects the foundational principles of Islamic jurisprudence while acknowledging the evolving socio-cultural

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<sup>5</sup> Hakim Junaidi, *Hak Waris Perempuan Separa Laki-Laki.* "Dalam Sri Subandjati (Ed), *Bias Jender: Dalam Pemahaman Islam* (Yogyakarta: Gama Media, 2002).

<sup>6</sup> Andi Sukmawati Assaad and Baso Hasyim, "Judges Decisions of Makassar, Palopo, and Masamba Religious Court over the Islamic Inheritance Law," *Al-'Adalah* 17, no. 2 (2021): 317–34, <https://doi.org/10.24042/adalah.v17i2.4565>.

<sup>7</sup> Hamid Pongoliu, "Wujud Keadilan Dalam Sistem Hukum Kewarisan Islam," *Al-Manabih: Jurnal Kajian Hukum Islam* 6, no. 2 (2012): 177–90.

landscape. It involves a dynamic interpretation of Islamic law through the lens of *maqasid al-shari'ah*, aiming to ensure justice and gender equality in line with the core principles of the Islamic faith. This approach enables Islamic jurisprudence to adapt to changing circumstances while upholding Islam's ethical and spiritual values.<sup>8</sup> However, concerning inheritance law carried out by legal experts in Indonesia and the *ijtihad* decisions of court judges, it is expected that all will lead to changes in women's rights to their parent's inheritance if *ijtihad* Hazairin tries to equalize inheritance rights between grandchildren of patriarchal and matriarchal grandchildren.

Munawir Sjadzali's scholarly endeavor is paramount as it represents a significant milestone in pursuing gender equity within the framework of Islamic jurisprudence. Sjadzali conducted a comprehensive *ijtihad*, a process of independent legal reasoning aimed at equalizing the rights of both men and women based on a humanitarian perspective. His *ijtihad* reflects a progressive interpretation of Islamic law, seeking to address gender-based inequalities and promote a more inclusive and just legal framework. The religious court's decision to equate the rights of sons and daughters, following Sjadzali's *ijtihad*, signifies a tangible step toward gender equality in a legal context. Furthermore, the definition of gender outlined in Hilary M. Lips' book, "Sex and Gender: An Introduction," underscores the significance of cultural expectations in shaping the roles and identities of men and women. This concept resonates with the broader discourse on gender studies, emphasizing that biological factors do not solely determine gender but are profoundly influenced by societal norms, cultural values, and expectations. Recognizing gender as a socio-cultural construct opens the door to a deeper understanding of the complexities of gender dynamics and the need for a more inclusive and equitable society<sup>9</sup>. Incorporating Munawir Sjadzali's *ijtihad* and the insights from Lips' work on gender studies, the discourse on gender equality in Islamic jurisprudence is enriched, reflecting the ongoing evolution of thought and practice in the pursuit of gender equity within religious and cultural contexts. These contributions demonstrate the dynamic nature of gender discussions and the imperative of addressing gender disparities

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<sup>8</sup> Permana, "Kesetaraan Gender Dalam Ijtihad Hukum Waris Di Indonesia."

<sup>9</sup> Hilary M Lips, *Sex and Gender: An Introduction* (Waveland Press, 2020).

within religious and societal frameworks.<sup>10</sup> This thinking aligns with feminists considering all social provisions regarding determining a person as male or female in gender studies. H.T. Wilson, in *Sex and Gender*, defines gender as the basis for determining the influence of cultural factors and communal life in differentiating between men and women.<sup>11</sup> Showalter defines gender as more than the difference between men and women regarding socio-cultural construction; instead, they emphasize gender as an analytical concept in using it to explain something.<sup>12</sup> Kamla Bhasin, in his/ book *Understanding Gender*, says that gender is used sociologically or conceptually as a category that has been assigned special meaning. In this new embodiment, according to them, gender refers to the socio-cultural definition of men and women and how society distinguishes them and assigns social roles to them in understanding social reality.<sup>13</sup>

Functional Structural Theory is a prominent sociological perspective often employed to analyze the family institution and its societal role. This theory is grounded in the foundational premise that society is composed of interdependent components akin to the organs of a living organism. It rigorously assesses the essential elements that exert influence over the functioning of society, meticulously identifies the distinct functions of each element, and expounds upon how these components collectively contribute to the smooth operation of society. Moreover, this theory acknowledges and recognizes the inherent diversity within social life, offering a comprehensive framework for systematically studying these social dynamics. Conversely, the Social Conflict Theory emerged as a reaction against the structural-functional theory, positing an alternative perspective on societal dynamics. Influential sociologists such as Lockwood have asserted that an atmosphere of conflict invariably permeates society, particularly concerning allocating finite resources. According to Lockwood, self-interest can foster differentiation among existing power structures, leading certain groups to exert oppressive influence over others. Diverging interests and individual conflicts further exacerbate the

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<sup>10</sup> Munawir Sjadzali, *Kontekstualisasi Ajaran Islam* (Jakarta: Paramadina, 1995).

<sup>11</sup> Hall Thomas Wilson, *Sex and Gender: Making Cultural Sense of Civilization* (Brill, 1989).

<sup>12</sup> Elaine Showalter, *Speaking of Gender* (Amazon Book Clubs, 1989).

<sup>13</sup> Bhasin and Hussein, *Memahami Gender*.



potential for societal conflict, ultimately culminating in overt confrontations.<sup>14</sup>

The Social Conflict Theory challenges the prevailing view that societal components function harmoniously to maintain stability. Instead, it underscores the inherent tensions and struggles that underscore social relationships, particularly in the context of resource allocation and power dynamics. In contrast to the structural-functional theory's emphasis on equilibrium and cohesion, the Social Conflict Theory underscores the role of power differentials, social inequalities, and conflicts as driving forces in shaping society. Functional Structural Theory and Social Conflict Theory represent two contrasting sociological perspectives that shed light on the dynamics of society and the family institution. While the former emphasizes the interdependence and equilibrium of societal components, the latter underscores the inherent conflicts and disparities that permeate social interactions, challenging the prevailing assumptions of stability and harmony in social life. These theories provide valuable frameworks for understanding the complexities and intricacies of the family institution within the broader context of society.<sup>15</sup>

## Method

This research adopts a phenomenological survey methodology to explore the inheritance distribution practices in Tanah Luwu, specifically within the Tolaju Village, Latimojong District, Luwu Regency. The study aims to unveil local community phenomena and establish connections with gender studies, incorporating a social conflict theory approach for conflict resolution strategies. The research utilizes primary and secondary data sources to ensure a comprehensive investigation.

Primary data, obtained directly from firsthand sources within the field, are derived from structured and in-depth interviews. These interviews serve as a fundamental source of information concerning the distribution of inheritance among Tanah Luwu residents who adhere to their cultural customs and religious beliefs. Conversely, secondary data

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<sup>14</sup> Nur Aisyah, "Relasi Gender Dalam Institusi Keluarga(Pandangan Teori Sosial Dan Feminis)," *Muwazab: Jurnal Kajian Gender* 5, no. 2 (2014).

<sup>15</sup> Permana, "Kesetaraan Gender Dalam Ijtihad Hukum Waris Di Indonesia."

is collected indirectly from various sources such as books, mass media journals, relevant governmental agencies, and documents linked to the research.

Data collection methods encompass a range of techniques. The researcher conducted continuous observations from pre-research through data collection to gather insights into inheritance distribution practices rooted in local customs and religious beliefs. In-depth, structured interviews were conducted with informants, guided by interview protocols, providing a systematic exploration of the subject matter. Documentation analysis was also employed to access pertinent document-based data within the research area.

Data analysis is conducted through a descriptive qualitative analysis involving inductive, deductive, and comparative interpretations. This approach allows for a comprehensive exploration of inheritance distribution practices in Tanah Luwu. The research aims to uncover potential conflicts, especially those related to gender dynamics, and propose effective conflict resolution strategies. This methodological approach ensures a thorough examination of inheritance practices within the Tanah Luwu community, contributing to a deeper understanding of the subject matter.

## **Result and Discussion**

### ***Inheritance Distribution of the People of Tanah Luwu***

The people of Luwu land reside in Luwu Regency, Palopo City, North Luwu Regency, and East Luwu Regency, located in South Sulawesi Province. The people of Luwu are diverse in ethnicity, culture, language, and religion, consisting of Bugis, Toraja, Makassar, Javanese, Lombok, Balinese, and others. Researchers took the research location in Tolaju Village, Latimojong District, Luwu Regency, representing the people of Tanah Luwu, a mountainous area that remains very beautiful. According to the community's understanding, inheritance distribution is: *yake masalah lambagi waranparan'na to matua taek na mane na ladi jama ke indek kampung sabak yatok anu pura di jama mo solah tek mai tomatua joloh'na, yami'ra lako tek allo undi na buda tok padissenan tama lallui kampung na susi bang kua la masussa duka mi la bagi tok mai waramparan, tapi yake indek kampung ki taek yasiapa kami ki pake tok carana tok mai tomatuangki jomaitok ke la bengankan waramparan,na. yake aku kan deng duka sia ku jamai tok di sangha massikolah sampai sarjana, jadi kupahang tok di sangga*

*pembagian warisan menurut Adat na mui duka Hukum Islam, tapi yake indek kampong ta innang yaria dikeka na tandai tau tok anu madadukmo di jama solah natiro, yamo tok pembagian secara adat, jadi yake indek kampongta na yatok susi lallui Hukum Islam ladi jama ke lambagi warampanan lako anak, atau ampo, umbui na sangha miki tek mai tomatuanta tok tua siapa mak macca-macca la rubah I tok mai adatna tomatuannta jolobna, jadi taek na la tang bisa ladi jama tok susi lallui Hukum Islam cuman yari tek mai tomatuanta taek pa na Pahang melo i, tapi na mui duka apa ladi jama ke taek na masannang tok pinawa taek duka na mak' barkka na sangha tek mai to matua, jadi ya bang mia ladi jama jolok tek anu purah na jama mo tomatuannta jolona.<sup>16</sup>*

It means that inheritance distribution in Tolajuk village is common. Most of the Tolajuk people work in gardens and rice fields; they own assets that will later be given to their descendants. The children can bear the burden if given some of the assets the parents own to manage themselves. It is also explained that some of the Tolajuk community already understand the inheritance distribution system described in Islamic law. However, they believe that this system can be implemented, but seeing the many people who do not understand it, they opt to use a system that their parents often used in the past. Therefore, the inheritance distribution system implemented by the Tolajuk community is still customary.

The process of carrying out the distribution or transfer (mak'palette) of the inheritance of the Luwu community in Tolaju Village uses the method of Appointing (di'julluang),<sup>17</sup> Transfer (mak'palettek) or forwarding of assets when the heir is still alive, i.e., giving certain assets as the basis for provisions for their children to continue living or to build a household. The Appointing (di'julluang) is the asset owners showing the inheritance for their children as heirs but only to manage and take advantage of it. In contrast, the assets' ownership still fully belongs to the owner. Property ownership to the heir will apply fully if the owner has died. For example, a rice field marked from the guava tree to the river boundary is designated for A, and from the river border to the banyan tree is designated for B. Another way that is usually done, i.e., by instruction (ma'pepesan), is the

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<sup>16</sup> Badaruddin, Village Chief of Tolaju, Latimojong District Luwu Regency Kecamatan Latimojong Kabupaten Luwu, interview on 21 October 2021

<sup>17</sup> Buhari, Imam of Tolaju Village, Latimojong District Luwu Regency, Interview on 20 October 2021

act of inheriting when someone is worried about their terminal disease and believes they are about to die to avoid disputes among the heirs. The inheritance giver instructs the distribution of their assets equally to the heirs.

There are four children in my family, two boys and two girls. Of the four children, none went to the university; they only went to high school. I showed my first and second sons one hectare of land containing cloves and coffee I had planted. This one-hectare land was distributed in half for my sons, and I have already shown the boundaries of the shares because my two sons all worked in other cities and only returned once in two years. I couldn't give them a large land area because they could not care for it. My one daughter is already married, but I still gave her land and rice fields to be managed by her husband. My youngest daughter lives with me and her mother; I have already given one hectare of land with cloves and coffee. I want to add the remaining because there is still a vacant area and the house where we live now, and there are still some land and rice fields I am still managing, and I still need to give them to my children. Later, I will give it to my youngest daughter because she has taken care of and managed the land with us.<sup>18</sup>

I feel a little disappointed with the inheritance given to me because, as far as I know, the first child in the family will get more inheritance from the parents. However, I was only given one hectare of land, and even then, I still had to share it with my younger brother, the second child of our family. But I can't do much about this because that was my father's decision. Also, I couldn't ask for more because I couldn't take care of and manage my assets afterward. After all, I don't live in the village, and neither did my younger brother.<sup>19</sup> I am the third child of 4 siblings from our family, and I don't have high hopes for the wealth given to me; whatever my parents give me, I appreciate and am grateful for. My father's decision was the right one because my father saw how far we played a role in the family, whether taking care of our parents or property owned by our parents, and the wealth that was given to me was enough.<sup>20</sup>

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<sup>18</sup> Hamsir, Resident of Tolaju Village Latimojong District Luwu Regency, Interview on 22 October 2021.

<sup>19</sup> First Child (Son) Hamsir, Via Phone Call, 05 November 2021.

<sup>20</sup> Third Child (Daughter) Hamsir, Interview on 22 October 2021.

Some Luwu people are gathered if parents give part of their wealth by appointing all their children. After all of them have gathered, the father gives a statement, for example, a rice field that covers one hectare and is located here is the right for the oldest child, and so on, it will be carried out to give a share of the assets to the other children. In addition to the assets that have been given by way of appointment, the remaining assets that are not distributed will be controlled by the children who permanently live with their parents while throughout their lives working and managing all the assets that are owned, for example, the house left by parents. Therefore, even if the parents do not leave a will or message regarding the property that is not distributed, the property will automatically be controlled by the child who always lives with the parents. According to Mr. Buhari, parents do this because they want to see how far their child's ability to work and be responsible for the assets that have been designated to be managed and whether these assets can be put to good use or not.<sup>21</sup>

*Yake yatok disangah waramparan innang ladi tampe iya ke mate mo, tapia pa dikka ladi pusara nay akita tek indek kampung yari mesak bisa di jamah tok lako belak, solah tempek, jadi yatoda motok di akkaresoi bang dikua na bisa siamo tek mai anak mangka rasakan tok disangah kamasannangan, dau dikka na yabang tok kamarisassan lana rupang cukuk mot ek kami tau matuanna rasakani.*<sup>22</sup> This means that the assets owned will obviously be inherited when they die. Therefore, parents are willing to work day and night to look after and manage their owned assets to inherit their children as a gift for them, as a form of parental love for them, to prevent their children from having difficulties managing their future.

### ***Views of Gender Equality on the Method of Distribution of Inheritance of the Tanah Luwu Tribe Community***

#### ***Method to Transfer Assets to Heirs***

In transferring (*makpalette*) their inheritance, the people of Tanah use appointment (*di'julluang*) and instruction (*ma'pepasan*). Transition (*makpalette*) and appointing (*di'julluang*) are the same methods; that is, the transition is by way of parents (fathers) appointing (*di'julluang*)

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<sup>21</sup> Buhari, Village Imam of Tolaju Latimojong District Luwu Regency, Interview on 20 October 2021.

<sup>22</sup> Badaruddin, Village Chief of Tolaju Latimojong District Luwu Regency, Interview on 21 October 2021.

certain assets to be given to their children as a basis for provisions to continue living or to build a household. The transition (*makpalette*) and appointing (*di'julluang*) are carried out by the parent (father) or the living inheritance giver, and the inheritance given to the children is not wholly owned because the parents are still supervising their children in managing and utilizing the property (rice fields, gardens) which are given. The usual transfer (*makpalette*) of inheritance is also carried out by the people of Tanah Luwu in Tolaju Village, i.e., giving a message (*ma'pepasan*). This method is performed when the inheritance giver is sick; they give an order or *ma'pepasan* to their blood relatives or heirs to distribute the inheritance equally. In the practice of *ma'pepasan*, the father (inheritance giver) also appoints (*di'julluang*), which inheritance is given to his children. Thus, the transfer or *mappalette* of the father's inheritance to his children (heirs) is done using an appointing system.

In social reality, a father (inheritance giver) is considered to always place himself as a ruler in the family and society. Inheritance Islam explains in the hadith that the Prophet Muhammad ordered us to divide the inheritance according to the book. "Divide the inheritance between the heirs according to the Book of Allah."<sup>23</sup> The existence of Islamic Inheritance Law is represented in detailed and systematic texts.<sup>24</sup> In the case of transferring the inheritance giver's property to the heir, the first is the death of the inheritance giver; the second is that the heir is alive, and the third is the existence of inheritance.<sup>25</sup> As soon as the heir dies, assets are automatically transferred even though the assets have not been divided among the heirs. After the division of inheritance occurs, the inherited assets already belong to the heirs.<sup>26</sup> The phenomenon of gender within society unveils a complex array of socio-cultural issues, encapsulating a fundamental societal concern that necessitates equitable treatment, respect, and equal standing for all individuals, groups, and

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<sup>23</sup> Abdul Gafur Anshori, *Filsafat Hukum Kewarisan Islam* (UII Press, 2005).

<sup>24</sup> Abu Hamzah, *Relevansi Hukum Waris Islam: Bias Isu Gender, Egalitarianisme, Pluralisme Dan HAM* (Yogyakarta: As-Sunnah, 2005).

<sup>25</sup> Amir Syarifuddin, *Hukum Kewarisan Islam* (Jakarta: Prenamedia Group, 2011).

<sup>26</sup> Al-Yasa Abubakar, *Rekonstruksi Fikih Kewarisan; Reposisi Hak-Hak Perempuan* (Banda Aceh: LKAS, 2012).

communities.<sup>27</sup> This multidimensional aspect of gender highlights the significance of equal rights and fair treatment among diverse societal strata. It underscores the imperative for social justice, inclusivity, and eliminating discrimination based on gender.<sup>28</sup> Gender inequality is implemented in transitional cases (*makppalettek*) by appointing (*di'julluang*) the inheritance to be given to the heirs, but the heirs do not fully own the inheritance. Gender injustice is manifested in various forms of injustice, considering that the issue of inheritance must be regulated clearly and in detail to make no place for disputes. The usual transfer (*makpalette*) of inheritance is also carried out by the people of Tanah Luwu in Tolaju Village, i.e., giving the order (*ma'pepasan*) for the inheritance to be divided equally to their children (heirs). In the practice of *ma'pepasan*, the father (inheritance giver) also appoints (*di'julluang*), which inheritance is given to his children. Thus, the transfer or mappalette of the father's assets to his children (heirs) is done using an appointing system.

#### *The portion of Inheritance Kadar (Porsi) Harta Waris*

The portion or amount of assets received by the children (heirs) in the transfer (*makpalette*) that has four children carried out by Mr. Hamsir. Appointing 1 ha of garden land containing cloves and coffee for two sons, first and second children, the daughter, children number 3, being given (*dijulluang*) rice fields and garden assets, the fourth daughter being given 1 ha of garden land, and houses that have not been divided but have been willed (*pappasan*) that the house they live in is given to the fourth child.<sup>29</sup> In Islamic Inheritance, it is clear that the division of the male heir is twice that of the female; the male is included

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<sup>27</sup> Andi Sukmawati Assaad et al., "Gender Equity in Inheritance System: The Collaboration of Islamic and Bugis Luwu Customary Law," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 17, no. 2 (2022): 458–79, <https://doi.org/10.19105/al-Ihkam.v17i2.6761>.

<sup>28</sup> Mansour Fakih, *Analisis Gender Dan Transformasi Sosial*, Cet. Ke-4 (Yogyakarta: Pustaka Belajar, 1999).

<sup>29</sup> Hamsir, A Resident who Shares His Property in Tolaju Village, was Interviewed on 22 October 2021.

in the *ashabab*<sup>30</sup> heir class after being given the *ẓawil furudh* heir class.<sup>31</sup> Hamsir's inheritance division was carried out through grants and wills because the transition was conducted while he was still alive. Theory of Limit by Muhammad Syahrur in Surah Annisa verse 11 says that male inheritance has a maximum limit, meaning it cannot increase. In contrast, women get a minimum share, meaning that women's shares can be added.<sup>32</sup>

The allocation of certain privileges to men, such as the responsibility to provide for their parents, wives, children, and unmarried sisters, stems from traditional familial roles and obligations in many societies. These roles have been historically ascribed to men, predominantly as providers and protectors within the family structure. In contrast, the notion of gender equality promotes a paradigm shift towards fostering a more balanced and just society where individuals, irrespective of their gender, share responsibilities, rights, and opportunities equitably. This evolving concept of gender equality aims to dismantle entrenched stereotypes and societal norms, striving to establish a more inclusive and egalitarian community. Gender equality, as a fundamental principle, necessitates the equal participation and representation of both men and women across various spheres of life, from economic and political endeavors to social and cultural dimensions. It embodies the belief that individuals' inherent worth and capabilities should be acknowledged independently of their gender and that equal access to resources, education, and opportunities should be the cornerstone of a progressive society.<sup>33</sup> This approach contributes to a more just and harmonious social order and recognizes the invaluable contributions that both men and women can make to the betterment of their communities and the world at large.

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<sup>30</sup> Ridwan Setiawan, Dini Destiani Siti Fatimah, and Cepy Slamet, "Perancangan Sistem Pakar Untuk Pembagian Waris Menurut Hukum Islam (Fara'id)," *Jurnal Algoritma* 9, no. 1 (2012): 1–8, <https://doi.org/10.33364/algoritma/v.9-1.1>.

<sup>31</sup> Afidah Wahyuni, "Sistem Waris Dalam Perspektif Islam Dan Peraturan Perundang-Undangan Di Indonesia," *SALAM: Jurnal Sosial Dan Budaya Syar-I* 5, no. 2 (2018): 147–60, <https://doi.org/10.15408/sjsbs.v5i2.9412>.

<sup>32</sup> Murtadlo, "Keadilan Gender Dalam Hukum Pembagian Waris Islam Perspektif The Theory of Limit Muhammad Syahrur."

<sup>33</sup> Assaad et al., "Gender Equity in Inheritance System: The Collaboration of Islamic and Bugis Luwu Customary Law."



*Women's Contribution to Family Relationships and Fulfillment of Daily Needs*

The analysis of women's contribution to family relationships and the fulfillment of daily needs can be observed through various dimensions, encompassing social, economic, and cultural aspects. From the social aspect, women's role in meeting the family's social needs involves activities such as managing the household, caring for children, and providing care for parents. This role requires not only labor but also time and financial support. Therefore, a fair and equal inheritance distribution for women can help them achieve independence in meeting the family's social needs.<sup>34</sup>

From an economic perspective, women also play a crucial role in supporting the family's financial needs. Women's economic contributions can be significant as formal and informal employment breadwinners. A fair and equal inheritance distribution for women can positively contribute to the family's financial well-being. Bushra and Raja stated that the financial well-being of women is intricately connected to the prosperity and stability of the entire household, highlighting the need for a just distribution mechanism that acknowledges and supports women's economic roles within the familial context.<sup>35</sup>

From the cultural aspect, women play a central role in preserving the cultural values of society. As an integral part of the community, women significantly influence cultural sustainability. A fair and equal inheritance distribution for women can be an impetus to maintain and develop cultural aspects of society. Kengatharan stated that by recognizing women as custodians of cultural heritage, a fair inheritance distribution system acknowledges and reinforces their pivotal role in shaping and transmitting cultural values, traditions, and practices.<sup>36</sup>

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<sup>34</sup> Anselm Hager and Hanno Hilbig, "Do Inheritance Customs Affect Political and Social Inequality?" *American Journal of Political Science* 63, no. 4 (2019): 758–73, <https://doi.org/10.1111/ajps.12460>.

<sup>35</sup> Bushra Inayat and Raja Saba, "Exploring the Complex Challenges of Balancing Caregiving and Career Aspirations among Women in Public Sector Universities In," *Pakistan Social Sciences Review* 5, no. 1 (2021): 1199–1214.

<sup>36</sup> Navaneethakrishnan Kengatharan, "Shouldering a Double Burden: The Cultural Stigma of the Dogma of Gender Role Ideology and Its Impact on Work–Family Conflict," *Journal of Advances in Management Research* 17, no. 5 (2020): 651–67, <https://doi.org/10.1108/JAMR-03-2020-0033>.

Some examples of women's contributions to meeting gender inheritance needs involve increasing public awareness of the importance of gender equality in inheritance distribution, understanding and implementing fair inheritance laws, and building cross-sector cooperation to realize gender equality in inheritance. Also, a phenomenon reflecting an observable reality is in situations where daughters reside in the village to manage the family inheritance while sons choose to migrate. In this context, daughters play a significant role in supporting the family or parents. The decision of sons to migrate results in daughters taking on the primary responsibility for managing the inherited wealth. It indicates a pattern of gender-based role distribution and responsibilities within the family structure, where women are directly involved in managing inherited wealth when sons are not physically present at the location. With the active role of women in this process, the fulfillment of needs in gender inheritance can be achieved, providing a positive impact on women, families, and the community as a whole.

***Model for Development of Gender Equality in the Inheritance Distribution System for the Community of Tanah Luwu***

***Source of Conflict***

This stage will look at the source of the problem in the distribution of inheritance in the Tanah Luwu community (Tolaju Village), i.e., I feel a little disappointed with the inheritance given to me because, to my knowledge, the first child in the family will get more inheritance from the parents. However, I was only given one hectare of land, and I still had to share it with my younger brother, the second child of our family. I couldn't do much because that was my father's decision.<sup>37</sup> The remaining assets that are not divided will be controlled by children who live with their parents while, throughout their lives, working and managing all assets that have not been divided, for example, the house left by the parents. Therefore, even if the parents do not leave a will or message regarding the property that is not shared, the child who always

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<sup>37</sup> First Child (Son) of Hamsir, Phone Call Interview on 5 November 2021.

lives with the parents will automatically control the property.<sup>3839</sup> From the interview results, the source of the problem is the conflict in the distribution or transfer of assets in Tolaju village. First, there is an injustice in giving the portion/amount of inheritance. Two sons (first and second children) were given a share of 1 ha of garden land, a daughter (third child) was given about 3000 m of garden land and 5000 m of rice fields, and the youngest daughter (fourth child) was given about 1 ha of garden land plus a house and other assets that have not been shared. Second, there is a system of showing inheritance which is given to each heir with clear boundaries with markings; for example, the share of the two sons was appointed (*di'julluang*) from the garden land starting from the guava tree boundary to the river boundary, the daughter's share is from river boundary to the banyan tree and so on.<sup>40</sup> Third, there is a power relationship between the inheritance giver, who owns the property, and the heir, the recipient of the property that Mr. Hamsir appoints to his children according to his wishes.

#### *Management or Conflict Management*

Conflicts occur because there is an injustice in the portion or amount received by the heirs (sons) in the distribution of assets, there is a system of appointing (*di'julluang*) inheritance, and there is a power relationship between the owner of the property and the recipient of the property. Conflicts in the division of inheritance, in this case, require proper management so that the heirs of the owner of the property and the heirs of the child receiving the property have a mutual understanding of the reasons and objectives of the inheritance giver to give the property (*makpalettek*) using *dijulluang* with different portions. The male heir felt that the portion of the assets he received was less than that of his two sisters. However, on the other hand, the father gave or appointed fewer assets than his daughter because his two sons migrated to work away from home; thus, the plantation land containing cloves and coffee needed to be managed. My two sons went to work away from home and only returned once in two years; I can't give a large

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<sup>38</sup> Buhari, Imam of Tolaju Village Latimojong District Luwu Regency, Interview on 20 October 2021.

<sup>39</sup> Buhari, Imam of Tolaju Village Latimojong District Luwu Regency, Interview on 20 October 2021

<sup>40</sup> Buhari, Imam of Tolaju village, Bapak Hamsir, Resident (That Shared Inheritance) of Tolaju village, Interview on 20 October 2021.

piece of land because it cannot be cared for. My third daughter is already married. I gave garden land and paddy fields to be managed by her husband, and my fourth child was given 1 hectare of garden land, which my wife and I manage, and that's fair.

Conflict management is pivotal in proactively mitigating and containing conflicts that can escalate into larger, more pervasive issues in the future. By implementing effective conflict management strategies, individuals, organizations, and societies can address existing disputes and develop mechanisms and preventive measures to curtail the emergence of more significant conflicts. This proactive approach fosters stability, harmony, and sustainable coexistence, contributing to the well-being and resilience of the involved parties and the broader community.<sup>41</sup> Thus, the management or conflict management in the distribution of inheritance by appointing (*di'julluang*) assets is carried out by providing a good understanding to all children (heirs), the first male child, the second male child, the third female child, and the fourth child with the aim of the father's reasons to divide according to his wishes to reach a peace agreement. In this case, the grant for the father's life span (inheritance giver) to his children (heirs) has yet to occur. After all, the inheritance element has not been fulfilled, i.e., the death of the owner of the property, the inheritance recipient of the property being alive, and the inheritance. Grants and wills can be counted as inherited assets and cannot exceed 1/3 of the assets. There is only a will for heirs if there are agreements between the heirs.

### *Conflict Transformation*

Once the source of a conflict, often rooted in misunderstandings between fathers and children, is identified, effective conflict management becomes imperative in averting broader conflicts that may escalate into disputes, altercations, or even violent confrontations. Conflict transformation, a multifaceted process, becomes essential in this context, necessitating the incorporation of principles of gender justice to address and rectify the underlying socio-cultural structures perpetuating inequality and injustice. Moreover, it entails cultivating sustainable and amicable relationships among the involved parties, ultimately leading to robust conflict-resolution processes that uphold

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<sup>41</sup> Ghufon Ghufon, "Manajemen Konflik Dan Penyelesaiannya Dalam Pandangan Islam," *At-Turost: Journal of Islamic Studies* 8, no. 1 (2021): 59–83.

empowerment, justice, peace, and mutual recognition as fundamental cornerstones of social cohesion and harmonious coexistence. This comprehensive approach emphasizes the significance of structural transformation to eliminate sources of gender-based conflict and foster enduring, equitable relations that actively contribute to conflict prevention and social stability.<sup>42</sup> The strategic solution efforts and becoming a joint agreement commitment are: The first alternative solution is that the grant will still apply according to the wishes of the father, giving 1 ha of garden land to two sons (first and second children), giving a daughter (third child) a rice field an area of 5000 m and a garden area of 3000 m, the youngest daughter (fourth child) is given garden land and a house (a will) occupied by the father and mother and the youngest daughter. There is still 1 ha of rice field assets remaining, and the father manages 1 ha of garden land that still needs to be divided. This remaining property will be divided in the event of the death of the father or mother or divided after both the father and mother die because, in Islam, that must be expedited in the event of death other than taking care of the body is also the distribution of inheritance after incurring *tajbiẓ* costs (sickness fees, costs for organizing the body), the heir's debt should it exists, a will should it exist, *zakat fitrah* should he dies in the month of Ramadan and *zakat maal* if it reaches the *nishab* and haul after that the new net assets are divided among the heirs. The second alternative solution is to give wealth to male and female children equally, both garden land and paddy fields. For example, 4 ha of garden land plus 3 ha of paddy fields divided by 5 (2 boys, two girls, one share for father who owns property with mother/wife). The third alternative solution is, according to Faraid, dividing the assets after death. The assets are divided among the heirs (*ẓawil furud* heirs and *ashabah* heirs) by issuing grants and wills as long as they do not exceed 1/3 of the assets. However, if it exceeds 1/3 of the assets, it will be counted as an inheritance then the share will be reduced.

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<sup>42</sup> Klaus Deininger, Aparajita Goyal, and Hari Nagarajan, "Women's Inheritance Rights and Intergenerational Transmission of Resources in India," *Journal of Human Resources* 48, no. 1 (2013): 114–41, <https://doi.org/10.1353/jhr.2013.0005>.

## Conclusion

The process of carrying out the distribution or transfer (*mak'palette*) of the inheritance of the Luwu community in Tolaju Village uses the method of Appointing (*di'julluang*), Transfer (*mak'palettek*) or forwarding assets when the inheritance giver is still alive, i.e., giving certain assets as the basis for provisions for children his children to continue living or to build a household, the appointing (*di'julluang*) is the heir showing the inheritance for his children as heirs but only to manage and take advantage of it, regarding ownership, it still fully belongs to the inheritance giver.

Some Luwu people gather if parents give part of their wealth by appointing all their children. For example, after all of them have gathered, the father gives a statement: a hectare of rice field is located here is the right for the oldest child, and so on it will be carried out to give a share of the assets to the other children, in addition to the assets that have been given by way of appointing, the remaining assets that are not divided will be controlled by the children who always live with their parents while living, working and managing all the assets that are owned that have not been divided, for example, the house left by parents.

The analysis of women's contribution to the family and fulfilling daily needs encompasses social, economic, and cultural aspects. Socially, women's roles in managing households and caring for the family require financial support. Economically, as breadwinners, women make significant contributions, and a fair inheritance distribution can enhance the family's financial well-being. In the cultural aspect, women preserve societal values, and an equitable inheritance distribution can support cultural sustainability.

The phenomenon of the social reality of a father (inheritance giver) is considered to always place himself as the ruler in the family and society. Islamic inheritance is explained in the hadith that the Prophet Muhammad ordered us to divide the inheritance according to the book. "Divide the inheritance between the heirs according to the Book of Allah." The existence of Islamic Inheritance Law is represented in detailed and systematic texts. In the case of transferring the inheritance giver's property to the heir, the first is the death of the heir, the second is the heir being alive, and the third is the existence of the property to be inherited. As soon as the inheritance giver dies, there is an automatic transfer of assets even though the assets have not been divided among

the heirs. After the division of inheritance occurs, the inherited assets already belong to the heirs. The phenomenon of gender in society reveals various socio-cultural problems. Gender is a social reality that demands everyone, group, and community be treated equally (equal standing) and receive equal respect.

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