

## The Concept Of Gender Equality In Inheritance According To Islamic Family Law In Indonesia

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**ABSTRACT:** Inheritance is an important aspect of Islamic family law that regulates the distribution of inheritance to heirs. However, the division of inheritance is often considered controversial because its arrangement can reflect gender aspects that have the potential to generate injustice. The reality shows that there is a complex dynamic between the interpretation of traditional Islamic law and the aspiration of gender justice in the context of inheritance arrangements. This article reveals that diverse interpretations of legal sources play an important role in shaping different views of gender justice in inheritance. Some scholars and academics are trying to formulate a more inclusive interpretation by considering women's rights in inheritance in a more proportional manner. This article concludes by underlining the importance of ongoing discussion and dialogue between scientists, scholars, and the public to reach a deeper understanding of the concept of gender justice in the arrangement of inheritance according to Islamic family law. By understanding the interpretive framework and social context that influences inheritance distribution, it is hoped that Muslim communities can develop a more inclusive and equitable approach to managing inheritance issues that are relevant to gender justice values.

**KEYWORDS:** Equality; Gender; Inheritance; Islamic Family Law

### INTRODUCTION

Gender equality is a modern value that is currently attached to the general concept of justice along with the development of rights for both men and women. In Islam, gender equality is not yet relevant to the concept of justice. And if it is associated with the tradition of Islamic law, then this gender issue is a new thing that has not actually been regulated before. (Ziba Mir Hosseini, 2017) Inheritance has a significant role in maintaining justice and balance in a family. However, there are often differences in treatment between men and women in the inheritance process. (Harahap, 2024)

Islamic Family Law in Indonesia is based on Islamic religious teachings that recognize inheritance rights for men and women. However, the implementation of this inheritance law often still raises differences in the division of property between the two. (Apriyudi., 2018)

In Islamic society, inheritance law plays an important role in the division of property and assets between family members left behind by a deceased person. (Muzakkir, 2023) However, as is the case in many legal systems, issues related to the concept of gender justice in inheritance arrangements are often in the spotlight. This concept of gender justice brings us to the fundamental question of how Islamic

inheritance law accommodates the rights of women and men in the distribution of inheritance. (Maula, 2020)

In the perspective of Islamic family law, inheritance arrangement has its roots in the teachings of Islam found in the Qur'an and Hadith. The rules of inheritance law listed in these sources set out the rules governing who is entitled to receive a share of the inheritance, how much share is received, and how the division is carried out. However, the interpretation and implementation of these rules often creates debate and controversy, especially when viewed from the perspective of gender justice. (Lestari, 2022)

Gender justice in inheritance arrangements refers to equal rights and treatment between women and men in the context of inheritance distribution. (Pramesti, 2023) In societies with patriarchal cultures, traditional interpretations of inheritance law often tend to favor giving a larger share to men than women. However, this view is increasingly criticized by academics and gender activists who propose a more inclusive and equal interpretation, in line with the principles of gender equality embraced by Islam. (Bakar, 2022)

The concept of gender equality in inheritance includes the principle that men and women have the same right to receive the share of inheritance they deserve. In this context, gender equality does not mean the elimination of differences in social roles and responsibilities between men and women, but rather ensuring that their inheritance rights are treated fairly and equally. (Syaikh, 2018)

In Indonesia, gender equality in inheritance is a major concern in efforts to fight for women's rights and promote justice in the family legal system. (Anisya Dea Selly, 2024) Many discussions and debates have been carried out by academics, activists, and society in general to fight for gender equality in the context of inheritance.

This study aims to investigate and analyze the concept of gender equality in inheritance according to Islamic Family

Law in Indonesia. Through a review of Islamic legal sources, laws and regulations, and related research, this study will explore the implementation of this concept in inheritance practice in Indonesia. (Lesmana, 2024)

Islam as a religion that has a life guide provides a framework for understanding the relationship between men and women. Although there are sometimes stereotypes and practices that are not in accordance with the principle of gender equality, there are also many aspects of Islam that promote equality and justice between the two sexes. (Ismatulloh, 2015)

In the teachings of Islam, men and women are considered equal before Allah Subhanahu wa Ta'ala in terms of spiritual values and moral responsibility. Both have the same opportunity to achieve blessings and goodness in this world and the hereafter. The verses of the Qur'an and the hadith of Muhammad Shallallahu 'Alaihi wa Sallam give directions on the importance of fair and equal treatment of men and women. (Andika, 2018)

However, it is important to note that gender equality in Islam does not mean that men and women must be identical or have exactly the same role in all aspects of life. Islam recognizes the biological, psychological, and social differences between men and women, and provides guidance on how those differences can be treated fairly and complementary. (Midah, 2020)

In practice, gender equality in Islam can be seen in many aspects of life, including in the fields of education, employment, leadership, and women's rights. Islam encourages women to get an education, participate in society, and play an active role in social and economic development. In addition, Islam also provides protection and special rights to women in terms of marriage, divorce, inheritance, and health. (Hamidah, 2011).

In the context of gender equality in Islam, it is important to understand that the interpretation and implementation of Islamic teachings can vary across different cultures and societies. There is variation in

understanding and practice in different Muslim countries, and there is often a difference between true Islamic values and practices that develop in society. (Kasim, 2020)

This shift in the roles of men and women is the issue of Gender in society, women's demands for their rights according to the role of women in the family. So that Islamic inheritance law must also be able to accommodate the needs of the community for a law that can provide justice for women today. Where there is a difference in the calculation of the division in Islamic inheritance law, namely men get more share than women. (Kususiyanah, 2021)

To better understand gender equality in Islam, a holistic and comprehensive approach is needed. It is important to explore sources of Islamic teachings, such as the Qur'an and hadith, as well as consider cultural and social contexts in analyzing and interpreting the principles of gender equality.

## **METHODS**

This article discusses the concept of gender equality in the context of inheritance according to Islamic Family Law in Indonesia. Through a review of inheritance law in Islam, this study aims to analyze how Islamic family law regulates inheritance between men and women, as well as whether there is gender equality in the inheritance process. The research method used is literature research by referring to sources of Islamic law and related laws and regulations in Indonesia. (Sari, 2021)

This study uses a normative approach method. Then the type of research carried out is qualitative literature research. The data sources from this study contain primary data and secondary data. (Azhar, 2020)

This research approach uses a normative approach. This normative approach aims to discuss the study of how the right of reference by a wife is reviewed through the discussion of gender justice

and from the perspective of Islamic law. This approach is an approach through reading materials, books, journals, and so on in which there is no reasoning of human thought, focusing on religious views in terms of the basic and original teachings of God. (Sidik, 2023)

The data analysis method is carried out by escorting activities to identify and collect sources in the form of books and literature related to references. Furthermore, the data from these sources is compiled and analyzed regularly. The researcher reads and understands the entire discussion, then identifies the discussion that is related to the problem raised. The description that has been compiled by looking at the pattern of the detailed preparation framework, the researcher compares the literature on the right of reference in classical jurisprudence and modern jurisprudence. This process involves the interpretation of scholars and the compilation of Islamic law as well as the opinions of researchers, therefore researchers are obliged to master all existing descriptions. (Abdullah, 2023).

## **RESULT AND DISCUSSION**

### **Gender Equality**

Gender is a sociological and psychological term used to describe social, cultural, and experiential differences related to sex (biological). Gender is not always the same as biological sex, because gender refers to the roles, behaviors, expectations, and social norms accepted by society towards both men and women. (Anggoro, 2019) Gender plays an important role in shaping an individual's identity and influencing how individuals are perceived and viewed by society. In some cultures, there are strong social norms that determine what is considered "male" or "female" behavior and actions, and children are raised to meet those expectations.

Gender equality is the principle that men and women have equal rights and should be seen as equal in all respects, including education, employment, political rights, and economic rights. (Rusydiyah, 2019) This means that there is no discrimination based on gender and that every individual has an equal opportunity to thrive and participate fully in society. Gender equality is not only about individual rights and opportunities, but also includes social norms and societal views of gender roles. This requires changes in views and behaviors that limit individual opportunities and roles based on gender. (Fatimatuz Zahro, 2023)

### **The Law of Inheritance in Islam**

In Islamic inheritance law, men and women have different rights in terms of inheritance. Men receive a larger share of inheritance than women, because in the Islamic tradition men are considered leaders and breadwinners for the family. Women, in turn, have a permanent and irrevocable right to inheritance. (Agus Wantaka, 2019)

The system of distribution of inheritance in classical Mawaris Fiqh and the Compilation of Islamic Law are different, but the differences are not contrary to the existing Fiqh. In terms of the part, there is definitely no difference, the difference is the event of the division because in the compilation of Islamic law, it is known that the concept of joint property is produced by a husband and wife as long as their marriage has not occurred. The way it is divided is that the amount of heritage is divided into two and then distributed to the heirs according to the exact share. (Kasumawati, 2021)

B The discussion regarding the meaning of inheritance law, the scope of inheritance and all terms related to it are mentioned in article 171 of the Compilation

of Islamic Law about the meaning of inheritance law and its scope. The meaning contained in it is: (Pramesti, Gender Equality in Islamic Inheritance Law, M. Syahrur's Perspective, 2023)

- a. The law of transfer of inheritance rights (tirkah) to heirs determines who is entitled to be the heir and the amount of each part.
- b. Heirs are persons who are declared dead based on the decision of the Islamic Religious Court to have heirs and inheritance.
- c. Heirs are people who have a blood relationship or marital relationship with the heir, are Muslim and are not hindered by law to become heirs;
- d. Heritage property is property left by the heirs, either in the form of property that belongs to them or their rights;
- e. Inheritance is inherited property plus part of the common property after being used for the needs of the heir during illness until death, funeral management costs (tajhiz), debt payments and gifts to relatives;
- f. A Will is a gift of an object from the heir to another person without an institution that will take effect after the heir dies;
- g. Grant is the voluntary and unrewarding gift of an object from a person to another person who is still alive to possess;
- h. Adopted children are children who are in maintenance for daily living, education costs and so on transfer their responsibilities from the original parents to their adopted parents based on the Court's decision;

- i. Baitul Mal is a Religious Treasure Hall. (Sriani, Fiqh mawaris contemporary: distribution of inheritance with gender justice, 2018)

The law of inheritance in Islam is based on two main sources, namely the Qur'an and the hadith of Muhammad Shallallahu 'Alaihi wa Sallam. The following is a detailed explanation of the law of inheritance in Islam and its legal basis:

#### 1. The Legal Basis of the Qur'an.

The Qur'an has several verses that regulate inheritance, one of which is Surah An-Nisa' verse 11: "Allah commands you to distribute your inheritance fairly to your children, both male and female." This verse affirms the principle of gender equality in inheritance, that men and women have the same right to receive the share of inheritance they deserve. (Ruslan, 2023)

#### 2. Legal Basis of Hadith

The hadith also provides further guidance and explanation regarding inheritance in Islam. One of the relevant hadiths is the hadith of Umar bin Khattab, which states that "It is permissible to obstruct an heir in his right, unless he has violated the right of Allah. Other hadiths also provide instructions on the fair distribution of inheritance, respect for the rights of heirs, and affirm the importance of justice in inheritance. (Akbarizan, 2023)

Based on this legal basis, several principles and rules in the law of inheritance in Islam can be explained as follows:

#### 1. Distribution of Inheritance:

- a. Men and women have the same right to receive inheritance, regardless of gender differences.
- b. Fathers, mothers, sons, and daughters are the main heirs in Islam.

- c. The share of inheritance received by each heir may differ depending on the family relationship and the number of other heirs. (Sriani, 2018)

#### 2. Concept of Compulsory Inheritance:

- a. There is a mandatory portion of the inheritance that must be given to certain heirs in accordance with Islamic law.
- b. This mandatory part cannot be changed or omitted in the will. (Hakim, 2016)

#### 3. The concept of free inheritance:

- a. After the mandatory portion is fulfilled, the individual can make a will to distribute the rest of his inheritance according to his wishes.

The will must comply with the provisions of Islam and must not violate the rights of heirs stipulated in the Qur'an and hadith. (Setya Qodar Al-Haolandi, 2018)

### **Gender equality is applied in inheritance according to Islamic family law in Indonesia**

The system of distribution of inheritance in classical Mawaris Fiqh and the Compilation of Islamic Law are different, but the differences are not contrary to the existing Fiqh. In terms of the part, there is definitely no difference, the difference is the event of the division because in the compilation of Islamic law, it is known that the concept of joint property is produced by a husband and wife as long as their marriage has not occurred. The way it is divided is that the amount of heritage is divided into two and then distributed to the heirs according to the exact share. (Kasumawati, 2021)

Article 171 letter (a) of the KHI affirms the function or purpose of the abolition of the inheritance law. In other words, the

existence of this arrangement means that the civil rights regarding the property have been elaborated, which means that the civil rights regarding the property in the form of the right to receive property from a certain person arise because of the special relationship between him, the beneficiary, and the person who owns the property. In Islamic inheritance law, a relationship can be in the form of a family relationship, a marital relationship, or a marital relationship. Tirkah is understood as the inheritance of heirs before it is spent on funeral expenses, repayment of lifelong debts, and payment of wills. (Sarmadi, Indonesian Islamic Inheritance Law :P Comparison of the Compilation of Islamic Law and Sunni Fiqh, 2023)

The legal principle in Islamic inheritance does not see the difference between male and female heirs, all heirs, both male and female, have the same rights as heirs. But it's just the comparison that is different. Indeed, in Islamic inheritance law, which emphasizes balanced justice, is not equal justice as fellow heirs. (Ritonga, 2020) Because this principle is often a polemic and debate that sometimes causes disputes among heirs. Likewise, the women's movement that fights for their rights to be equal to men. Because in this day and age, the role of women and men is almost the same in driving the family economy. Women who used to be only dichotomized only in household affairs have experienced a shift in values along with the changing times. (Kudus, 2020)

The perspective of gender equality in Islamic family law in Indonesia is found in the rules regarding the equal position of husband and wife, restrictions on polygamy, common property, divorce, as a result of divorce, and child custody. (Asni, 2018)

In Islamic inheritance law, there is equality between men and women in the distribution of inheritance. This is

supported by the Qur'anic verse which states equality and equality between men and women. (Nashirun, 2022)

The tendency of equality between women and men in Islam cannot be separated from the history of the formation of Islam itself, so the unjust labeling of Islamic inheritance law 1:2 cannot be judged by the current conditions in which Western law grants equal rights to boys and women. When Islamic inheritance law was introduced in the community of Medina in the third century AH, at that time there was still oppression of women. In pre-Islamic Arab culture, women were not given inheritance rights like young children (boys or girls). This situation does not only occur in the Arabian Peninsula, but also in other regions. Women not only lose their civil access rights but also become objects for men's lives. (Ismail, 2020)

Starting from that, a theory of justice can be built that is able to uphold common justice while being objectively accountable, especially from the perspective of democracy. The theory of justice can be built and can be adequate to answer problems if it is formed by a mutual agreement approach. Where the principles of justice chosen are held and agreed upon together with rationality. The so-called Rawls with Justice as Fairness. (Nurhayati, 2021)

Consistent application in the law can at least help members of society from what is allowed or not allowed to be done by it. So with this concept, according to Rawl, formal justice is justice forced by the ruling party to achieve a goal that is not free of value. Meanwhile, a law that reflects justice, if the law can be accepted by all parties and does not favor anyone, both to the ruler and to the controlled. In the Islamic view, the ultimate goal of law is justice. (Faizah, 2022) In relation to Islamic law, justice must be achieved even though it refers to the main religion of Islam,

namely the Qur'an and Hadith. The meaning of the goal of justice through legal channels must start from two sides and lead to two-sided justice as well. Especially those related to the law so that it is able to appear in accordance with the principles of justice in general. The combination of seeking justice has become a universal legal standard that is able to appear anywhere and anytime in accordance with the nature of the descent of Islam to the earth. (Anshari, 2015)

Individually, Islam views men as having the same position. Both are created to worship, and on the basis of good deeds, both will get a guarantee of goodness in the hereafter. The difference in Islamic attitudes towards men and women is not intended as a discrimination nor is it intended to glorify one and degrade the other. (Umar, 1999)

The granting of inheritance rights by Islam to women was a revolution in civil law at that time. The inheritance verse in the Qur'an, surah al-Nisâ' verse 7 is a historical milestone that provides equality to men and women, that both have the same right to enjoy inheritance. (Asy'ari, 2014) Women's access to property transfers was then regulated by imposing restrictions on boys who were entitled to twice the rights of girls. This provision also applies to the father and mother, where the father gets twice the mother's share as in the case of the Umaryatain settled by Umar ibn Khatab. Similarly, this provision applies to siblings, if siblings consist of a male and a female. (Matondang, 2024)

The provision for the comparison of male inheritance rights with twice the share of women is also affirmed in Book III of the KHI Article 176 which states: "If only one girl gets half of the share, if two or more people together get two-thirds of the share, and if the girl is together with a boy, then the share of the boy is two to one with the girl". Thus, there is no fundamental change

in Islamic inheritance law with Indonesian Islamic inheritance law contained in KHI. The provision of inheritance rights is two to one between men and women in QS. al-Nisâ' [4] verse 11 is still maintained in the norms of inheritance law in Indonesia. (Dahlan, 2024)

Although the Qur'an textually affirms that men are twice as much as women, however, not a few court decisions have positioned the existence of equality of inheritance rights between men and women. Mukhtar Zamzami (Supreme Court Justice) in his dissertation explained that there is a decision of the Religious Court that provides equal value to the rights of boys and girls. Zamzami mentioned three phenomenal decisions Although textually the Qur'an affirms that men are twice as much as women, nevertheless many court decisions have positioned the existence of equality of inheritance rights between men and women. Mukhtar Zamzami (Supreme Court Justice) in his dissertation explained that there is a decision of the Religious Court that provides equal value to the rights of boys and girls. Zamzami mentioned three phenomenal verdicts. (Salam, 2023)

The similarity of inheritance rights contained in the three decisions must be seen as an applied theory of the application of a legal theory to certain cases case by case, so that the similarity of inheritance rights cannot be generalized. The author appreciates the humanitarian ijtiḥad of the Sjadzali model, because under certain conditions, for example, the eldest son has been schooled to a higher education, while his younger sister who is a girl is still in school and has not "fully enjoyed" his parents' property, at that time Sjadzali's idea to provide equal rights between boys and girls must be applied. According to al-Hadad, this method of ijtiḥad is interpreted as an effort to transform Islamic law with various practical lives. Thus, it is wrong if

later the results of the judge's *ijtihad* (or the *Sjadzali* method) are considered contrary to religious values. (Asra, 2022)

Equality efforts in court decisions are also shown by the Supreme Court's attitude by seizing girls just like boys who can hijab heirs (male or female). The Religious Justice Magazine, which is currently a legal reference for judges in the religious justice environment, has designated the Supreme Court's decision 86K/AG/1994 dated July 20, 1995 as part of the history of inheritance law in Indonesia because it has eliminated the inheritance rights of relatives in the presence of daughters. The Supreme Court's stance is clearly contrary to the *fiqh* of the four schools. Because the four Sunni schools tend to prioritize the textual *asbâb al-nuzûl* *surah al-Nisâ'* [4] verses 11-12, where the position of the brother becomes 'ashabah, consuming the rest of the inheritance after being taken by the daughter and wife. (Hadi, 2016)

In the Islamic view, the position of men and women individually is the same, both have the right to do good deeds and the good will also be judged as the final result (in *yawm al-qiyamah*). The difference in rights and obligations in Islam is not intended as a difference that will overwhelm one another. (Rahayu Itsna Lestari, 2023)

The *ijtihad* regarding the inheritance law shown by Muslim thinkers in Indonesia and the Court's decision tends to try to bring about changes to women's rights to their parents' inheritance. Hazairin seeks to equalize the inheritance rights between grandchildren of male descent and grandchildren of female descent while *Sjadzali* seeks to equalize the rights of men and women based on his humanitarian *ijtihad*. There are several decisions of the Religious Court that try to provide equal rights between boys and girls, and there are decisions of the Supreme Court of the Republic of Indonesia that outline the

position of girls who wear hijab for boys and girls. (Bahet Edi Kuswoyo, 2023)

The legal principle in Islamic inheritance does not look at the difference between men and women. All heirs, both male and female, have the same rights in the distribution of inheritance. (Syaikh, 2018) Islamic inheritance law gives full rights to women and gives a share of the inheritance to the female relatives.

Thus, it can be concluded that gender equality in Islamic family law in Indonesia is contained in the rules regarding the equality of husband-and-wife positions, restrictions on polygamy, common property, divorce, consequences of divorce, child custody, and equal distribution of inheritance between men and women.

### **Legal implications for efforts to achieve gender equality in inheritance**

The inheritance law in the Compilation of Islamic Law (KHI) in Indonesia has improved and eliminated the shortcomings of the inheritance system that have been carried out by people. Discussions about Islamic inheritance law are always faced with the equality of men and women, even the stereotype of injustice in Islam is one of them. There are still a number of problems in the application of Islamic inheritance law in Indonesia, such as the problem of polygamy, cloned children, and the authority to make wills. (Amalia, 2020)

Hazairin, a figure of Islamic law reform in Indonesia, provides a new understanding of inheritance law in Islam in a total and comprehensive manner with the basic assumptions of the bilateral system. (Adiyono, 2017) In 2022, the Chairperson of the Indonesian Notary Association (INI) Yualita Widyadari stated that every Muslim or person who is a Muslim is obliged to carry out and practice



the teachings of the prophet and messenger, including using Islamic inheritance law in the distribution of inheritance.

Thus, it can be concluded that the latest developments related to the issue of inheritance in Islamic family law in Indonesia still face a number of problems, but there are efforts to improve and eliminate the shortcomings of the inheritance system that have been carried out by people. In addition, gender equality in Islamic inheritance law is also a concern in the discussion of Islamic inheritance law in Indonesia.

The legal principle in Islamic inheritance does not look at the difference between men and women, so that all heirs, both male and female, have the same rights in the division of inheritance. (Syaikh, 2018) Islamic law has a balanced and fair perspective in terms of gender equality, where women and men have equal rights in terms of inheritance. (Asniah, 2023)

The perspective of gender equality in Islamic family law in Indonesia is found in the rules regarding the equal position of husband and wife, restrictions on polygamy, common property, divorce, as a result of divorce, and child custody. (Asni, 2018) Islamic inheritance law gives full rights to women and gives a share of the inheritance to the female relatives. The implications of gender equality in Islamic law can be seen in the transformation of Islamic legal thought that is more inclusive and fairer to women, so that efforts to achieve gender equality in inheritance can be achieved. (Suhra, 2013)

Thus, it can be concluded that Islamic law provides equal opportunities for men and women in terms of inheritance, so that efforts to achieve gender equality in inheritance can be achieved through the application of inclusive and fair Islamic law to women.

Allah SWT has determined something according to His will. The decree of Allah is also seen as a negative and positive impact that will occur, as well as the distribution of inheritance. If the distribution of inheritance will not have a negative impact, of course the distribution of inheritance will be left to humans and Allah SWT will not interfere in it. (Suma, 2013)

Justice in the distribution of inheritance cannot be measured by the amount or small amount of wealth obtained, but it is based on the needs it has. The system that has been established by the Qur'an is a fair rule. This has been recognized by all legal experts in Europe. "If in the distribution of inheritance the heirs want a division that is not based on Islamic law by dividing equally and all parties have agreed on it, then it is justified, as long as the distribution is not based on judging that the level of distribution set by Allah is unfair or wrong". (Hasan, 2021)

Justice in the distribution of inheritance at a ratio of 2:1, which seems to be more in favor of men because the amount of wealth received is larger, cannot be seen as unfair just because of the difference in the degree between the two. In essence, justice does not have to be the same magnitude and value. Fair means balanced or comparable. A ratio of 2:1 may seem unfair and a 1:1 ratio that looks fairer in the eyes of humans. (Zafi, 2020)

The Qur'an reminds people that something that looks pleasing is not necessarily good, and something that is unpleasant may be the opposite, that is, something better that has been determined by Allah.

That is, the distribution of inheritance in a ratio of 2:1 in which women get half of the wealth from men is not the only way that distribution occurs. However, this is only one of the various types of inheritance distribution. Women get half of the men's

share if the heirs consist only of girls and boys. So if there are other heirs such as parents, siblings, distant relatives, grandchildren, grandfathers, and others, the distribution of inheritance will also be different. (Rodiah, 2010).

## CONCLUSION

The results of the analysis show that Islamic family law in Indonesia does recognize gender equality in inheritance. However, there are some differences in inheritance practices between men and women, such as how the division of property is carried out based on different roles and social responsibilities between the two. In this context, there is a need for a deeper understanding of the concept of gender equality in Islamic family law in Indonesia. This can be a foundation to increase public awareness and understanding regarding fair and equal treatment in inheritance between men and women. This research contributes to efforts to broaden insight and understanding of the concept of gender equality in inheritance according to Islamic Family Law in Indonesia. Further research can be conducted to deepen the analysis of the social and cultural implications for the implementation of the concept of gender equality in inheritance.

## REFERENCE

- Abdullah, A. (2023). Honesty is an important value in anti-corruption education for students. *Universal Grace Journal*, 173-183.
- Achmad, Z. A. (2019). Tracking Justice in the Regulation of Polygamy: A Study of the Philosophy of Justice by Aristotle, Thomas Aquinas, and John Rawls. *Law: Journal of Law*, 409-431.
- Adion. (2017). Pairing Customs into Fiqh Law. *Et-Tijarie*, 111-112.
- Agus Wantaka, A. R. (2019). The division of inheritance in the perspective of Islamic law and Javanese customary law (Comparative Study. *Proceedings of Al Hidayah Ahwal Ash-Syakhshiyah*, 15-16.
- Aisyah, E. A. (2024). "The Concept of Back to Ex Husband in an Islamic Perspective. *Al-Tarbiyah: Journal of Islamic Education*, 273-293.
- Akbarizan, N. D. (2023). "A Comparative Study of the Settlement of Compulsory Wills in Indonesia and Malaysia. *JAWI: Journal of Ahkam Wa Iqtishad*, 239-248.
- Amalia, E. A. (2020). "Gender equality in terms of inheritance distribution. *Ahkam: Islamic Law Journal*, 213-232.
- Andika, M. (2018). "Reinterpretation of Gender Sentences in Understanding the Relationship between Men and Women (A Contextual Study in Interpretation. *Musāwa Journal of Gender and Islamic Studies*, 138.
- Anggoro, T. (2019). The Concept of Gender Equality in Islam. *Afkaruna: Indonesian Interdisciplinary Journal of Islamic Studies*, 129-134.
- Anggoro, T. (2019). The Concept of Gender Equality in Islam. *Afkaruna: Indonesian Interdisciplinary Journal of Islamic Studies*, 129-134.
- Anita Dea Selly, P. H. (2024). W20 Side Event Analysis in Realizing Gender Equality in Manokwari, West Papua Case Study: Women with Disabilities and Rural Women. *Administratus - Journal of Administrative Sciences*, 115.
- Anshari, A. G. (2015). *Islamic Philosophy of Inheritance Law*. Yogyakarta: UII Press.
- Apriyudi, E. (2018). Distribution of inheritance to non-Muslim biological children through a mandatory will. *Kertha Patrika Journal*, 47.
- And, M. K.-A. (2016). "OtOritas Perempuan menOlak ruju' in Gender Approach and masalah. *PALASTREN: Journal of Gender Studies*, 103-124.
- Asni. (2018). The Position of Women in Islamic Family Law in Indonesia (A Compilation Study of Islamic Law from a Gender Equality Perspective. *Ad-Adl*

*Journal*, Vol. 1, No. 2 of 2018. pp, 1-10.

- Asniah, Y. H. (2023). "Gender Equality in the Perspective of Islamic Law. " *Socio Politica*, 23-34.
- Asra, M. (2022), "Egalitarianism Fiqh Mu'amalah in the Islamic Economic System. *Islamica: Journal of Islamic Studies*, 232-247.
- Asy'ari, A. H. (2014). The controversy over the position of 'ashabah in Islamic inheritance law according to madhhab Shi'ah Itsna 'asy 'Ariyyah. *Ash-Shari'ah*, 67-76.
- Azhar, K. B. (2020). Legal research methodology as an instrument to unravel contemporary legal problems. *Echo of Justice*, 20-33.
- Azzulfa, F. A. (2022). "Istilahyyah Reasoning In Marriage Registration In Indonesia. *Al-Hikmah Journal*, 1-26.
- Bahet Edi Kuswoyo, A. S. (2023). "Analysis of the Settlement of the Case of the Heirs of Decision Number 02/Pdt. P/2017/PA. LLG at the Lubuklinggau Religious Court. *Hutanasyah: Journal of Constitutional Law*, 135-157.
- Bahrudin, M. A. (2021). Gender Justice in Islam (An Analysis of the Discourse on Women's Right of Reference in Islamic Family Law. *Academic Journal*, 24- 25.
- Bahrudin, M. A. (2021). Gender Justice in Islam (An Analysis of the Discourse on Women's Right to Refer in Islamic Family Law. *Academic Journal*, Vol. 15 No. 2, 2021, pp. 24- 25.
- Bahrudin, M. A. (2021). Gender Justice in Islam (A Study of Women's Right to Refer Discourse in Islamic Family Law. *Academic Journal*, 24- 25.
- Bakar, A. (2022). Distribution of Inheritance in Improving the Welfare of Heirs in Donggo Village, Donggo District, Bima Regency in the Perspective of Sharia Economic Law. *Al-Ittihad: Journal of Islamic Thought and Law*, 26-36.
- Busyro, F. M. (2018). Iddah Maintenance Due to Talak Bain in the Perspective of Gender Justice (An Analysis of Indonesian Marriage Law. *Al Hurriyah: Journal of Islamic Law*, 113-130.
- Dahlan, M. (2024). The Paradigm of Ijtihad Munawir Sjadzali in the Reactualization of Islamic Law in Indonesia. *AT-TURAS: Journal of Islamic Studies*, 191-205.
- Dian Ayu Safitr, A. M. (2024). "PARENTS' RESPONSIBILITY FOR CHILD SUPPORT AFTER DIVORCE. *COURT REVIEW: Journal of Legal Research*, 38-59.
- Dzulkipli Al-Amin, Z. A. (2024). Interpretation of the Hadith of Single Women's Testimony: Implementation on Victims of Sexual Harassment. *Journal on Education*, 14594-14607.
- Fahrudin, M. A. (2021). "Gender Justice In Islam (A Study on the Discourse on Women's Right to Refer in Islamic Family Law. *Academics*, 1-16.
- Faizah, E. I. (2022). The concept of Justice in the Law of the Inheritance of Muhammad Syahrur. *The Indonesian Journal of Islamic Law and Civil Law*, 186-200.
- Fatimatuz Zahro, 2. S. (2023). "Gender Equality in Islamic Inheritance Law: M. Syahrur's Perspective. *Mahakim: Journal of Islamic Family Law*, 26-27.
- Hadi, S. (2016). Gender Bias in the Construction of Islamic Law in Indonesia. *PALASTReN: Journal of Gender Studies*, 25-46.
- Hakim, M. L. (2016). The justice of Islamic inheritance to the 2:1 share of inheritance between men and women from the perspective of Islamic legal philosophy. *Journal of Law*, 2.
- Hamidah, H. (2011). The Tahrirul Mar'ah Movement And Feminism (The Study Of Gender Equality In Islam. *Wardah*, 1-8.
- Harahap, R. R. (2024). Harmony in inheritance: a peaceful solution to prevent family conflicts. " *El-Faqih: Journal of Islamic Thought and Law*, 117-133.
- Hariyadi, R. (2023), "The Implementation of

- Talak and Refer Regulations in Indonesia: The Perspective of Surah Al-Baqarah Verses 228, 229 and 230. *Medina-Te: Journal of Islamic Studies*, 146-158.
- Hasan, H. A. (2021). The Source of Law in the Islamic Economic System. ." *Pillars*, 66-78.
- Hermanto, A. (2022). Maintaining the values of reciprocity in carrying out the rights and obligations of husband and wife from the perspective of fiqh mubadalah. *Al-Mawarid Journal of Sharia and Law (JSYH)*, 43-56.
- Hidayah, A. (2023). Scholar's Perspective on Wives as Family Breadwinners During the Covid-19 Pandemic. *An-Nisa Journal of Gender Studies*, 43-58.
- Hidayah, A. S. (2023). Muhammad Abu Zahrah's Istinbat Method on the Law of Isbat Nasab Son of Zina Based on the Ilhaq Method. *An-Nisa Journal of Gender Studies*, 93-108.
- Huda, M. T. (2022). The Dynamics of Islamic Family Law: From Pre-Prophetic to Prophetic. *Bidayah: Studies in Islamic Sciences*, 132-148.
- Idary, S. F. (2021). Wife's Rights In Referring, According To The Civil Code, A Compilation Of Islamic Law And The Views Of The Four Madzhabs. *Indonesian Journal of Islamic Law and Civil Law*, 1.
- Ismail, A. H. (2020). "Feminist Thought Critique of the Rights and Obligations of Husband and Wife from the Perspective of Islamic Family Law. *JIL: Journal of Islamic Law*, 182-199.
- Ismatulloh, A. (2015). "The concept of Sakinah, Mawaddah and Rahmah in the Qur'an (Perspective on the interpretation of the book of the Qur'an and its interpretation. *Journal of Islamic Law Thought Mazahib*, 54-55.
- Jahroh, S. (2016). Reinterpretation of the principle of kafā'ah as a basic value in the pattern of marital relations. *Al-Ahwal: Journal of Islamic Family Law*, 57-92.
- Jazari, I. (2019). Islamic Views and Laws Towards Women in the Iddah Period Who Are Communicating with Other Men Through Social Media. *Ahwal Syakhshiyah Scientific Journal (JAS)*, 1-18.
- Kasim, S. C. (2020). \*The Concept of Gender Injustice from the Perspective of Islamic Law. *Al-Risalah*, 28-42.
- Kasumawati, D. (2021), "The Influence of Customary Law on the Provisions of Inheritance Articles 183, 185, and 209 Compilation of Islamic Law Perspective of the Theory of Receptio A Contrario 47. *Qonun: Journal of Islamic Law and Legislation*, 64-65.
- Kudus, H. H. (2020). Comparison of the Law on the Distribution of Inheritance in Indonesia in the Perspective of the Compilation of Islamic Law (KHI) with the Counter Legal Draft-Compilation of Islamic Law (CLD-KHI. *At-Tatbiq Journal: Ahwal al-Syakhshiyah Journal*, 14.
- Kurniawan, P. (2021). Refer to Muslim countries; Jordan, Yemen, Libya and Somalia. *AL-MAQASID Journal: Journal of Sharia and Civil Sciences*, 47-64.
- Kususiyanah, A. (2021). Gender Justice in Islamic Heritage: A Historical Sociological Study. *Al-Mazaahib: Journal of Comparative Law*, 63-82.
- Lesmana, M. N. (2024). "Analysis of the Inheritance System in Indonesia in the Perspective of Civil Law. *Journal of Citizenship*, 990-999.
- Lestari, W. (2022). Analysis Of The Compilation Of Islamic Law On The Consideration Of The Judge Of The Religious Court In Determining The Decision Of Case Number 1588/Pdt. G/2015/Pa. Pbr On Successor Heirs. *Hukumah: Journal of Islamic Law*, 96-109.
- Matondang, N. (2024). ANALYSIS OF WOMEN'S DEVELOPMENT IN INHERITANCE RIGHTS. *Journal of*

- Education and Teaching Review (JRPP)*, 14108-14115.
- Maula, B. S. (2020). Implementation of Gender Mainstreaming in the Curriculum of the Faculty of Sharia Islamic Religious Universities. *Egalitarian: Journal of Gender and Child Studies*, 164-181.
- Midah, H. H. (2020). The role of women in Islam and western feminism. *At-Tarbawi: Journal of Education, Social and Culture*, 148-161.
- Muhammad Za'im Muhibbulloh, D. N. (2021). The Rights of Wives in Referencing According to the Fiqh of the Four Schools and the Compilation of Islamic Law (Maqasid Al-Shari'ah Perspective). *The Indonesian Journal of Islamic Law and Civil Law*, 185.
- Muzakkir. (2023). The Practice of Sharing Equals in the Distribution of Inheritance Reviewed According to Islamic Law. *AMEENA JOURNAL*, 297.
- Nashirun, K. (2022). "The Concept of Justice and Gender Equality on the Distribution of Inheritance in the Perspective of Islamic Law. *Madani Legal Review*, 65-78.
- Nasution, M. A. (2018). "Divorce according to the compilation of Islamic Law (KHI) and fiqh. *eL-QANUNY: Journal of Sharia Sciences and Social Institutions*, 157-170.
- Nasution, M. A. (2018). Divorce According to the Compilation of Islamic Law (KHI) and Fiqh. *eL-QANUNY: Journal of Sharia Sciences and Social Institutions*, 157-170.
- Nasution, M. A. (2018). Divorce according to the compilation of Islamic Law (KHI) and fiqh. *eL-QANUNY: Journal of Sharia Sciences and Social Institutions*, 157-170.
- Natasya Agustina, R. W. (2023). Perspectives on the position of women in Islam and the social role of women in Islam. *At-Tarbiyah: Journal of Islamic Religious Research and Education*, 140-146.
- Negara, M. A. (2022). Gender Justice and Women's Rights in Islam. *Az-Zahra: Journal of Gender and Family Studies*, 74-88.
- Nely, R. (2024). Procedures for Marriage, Divorce and Referral according to the Compilation of Islamic Law. *Juripol (Journal of the Ganesha Polytechnic Institution Medan)*, 42-53.
- Nurhayati, M. Y. (2021). A review on Rawls Theory of Justice. *International Journal of Law, Environment, and Natural Resources*, 29-36.
- Pramesti, F. Z. (2023). Gender Equality in Islamic Inheritance Law, M. Syahrur's Perspective. *Mahakim: Journal Of Islamic Family Law*, 31.
- Pramesti, F. Z. (2023). Gender Equality in Islamic Inheritance Law: M. Syahrur's Perspective. *Journal of Islamic Family Law*, 28.
- Rahayu Itsna Lestari, R. R. (2023). "The Values of Islamic Education in the Book of Riyadhus Sholihin by Imam An Nawawi: Analysis of Women's Rights in Islamic Education. *Al Ulya: Journal of Islamic Education*, 18-33.
- Ritonga, R. (2020). The Customary Inheritance System of the Muslim Community of the Tengger Tribe Perspective of Islamic Law. *El Expert: Journal of Islamic Family Law Volume: I No 1 June 2020. P*, 12.
- Rodiah, D. (2010). *Qur'an Study: Methods and Concepts*. Yogyakarta: eLSAQ Press.
- Rofiq, D. D. (2022). The right of ex-wives to refuse to refer ex-husbands according to the compilation of Islamic law. *AHSANA MEDIA: Journal of Islamic Thought, Education and Research*, 24-34.
- Rofiq, D. D. (2022). The Right of Ex-Wives to Refuse to Refer Ex-Husbands According to the Compilation of Islamic Law. *Ahsana Media Journal*, 26.
- Rohman, M. M. (2017). Imam Malik and Imam Shafi'i's thoughts on Witnesses in Reference. *Journal of Islamic Family Law*, 21-38.

- Rufaida, A. (2019). Wives' Rights Refuse to Refer to Islamic and Gender Perspectives. *Yinyang: Journal of Islamic Studies of Gender and Children*, 245-270.
- Rufaida, A. (2019). Wives' Rights Refuse to Refer to Islamic and Gender Perspectives. *Yinyang: Journal of Islamic Studies of Gender and Children*, 245-270.
- Rufaida, A. (2019). The Right of Wives to Refuse to Refer to Islamic and Gender Perspectives. *Yinyang: Journal of Islamic Studies of Gender and Children*, 245-270.
- Ruslan, M. (2023), "A Review of the Qur'an on Gender Equality in the Distribution of Inheritance (Analytical Study on Surah Al-Nisa Verse 11. *AR ROSYAD: Journal of Islamic and Social Humanities*, 168-199.
- Rusydiyah, E. F. (2019). "Islamic Education and Gender Equality (Social Conception of Educational Justice in the Family. *Journal of Islamic Religious Education*, 22.
- Salam, N. (2023). THE PRINCIPLE OF PROPORTIONALITY IN THE ISLAMIC INHERITANCE SYSTEM. *Al Yasini: Journal of Islam, Social, Law and Education*, 25.
- Saputra, T. A. (2021). Innovation of elementary school library facilities in increasing reading interest. *Journal of Visionary: Research and Development in the Field of Educational Administration*, 6-12.
- Sari, R. K. (2021). Literature research in research on the development of Indonesian language education. *Journal of Borneo Humanities*, 60-69.
- Sari, R. K. (2021). Literature research in research on the development of Indonesian language education. *Journal of Borneo Humanities*, 60-69.
- Sarmadi, H. S. (2023). *Indonesian Islamic Inheritance Law :P Comparison of the Compilation of Islamic Law and Sunni Fiqh*. Yogyakarta: Aswaja Presindo.
- Setya Qodar Al-Haolandi, D. A. (2018). "The role of notaries in the distribution of inheritance based on Western inheritance rights with the role of religious courts in the distribution of inheritance based on Islamic inheritance rights. *Journal of Actuarial Research*, 117-126.
- Shofiatul Jannah, N. S. (2021). The urgency of marriage registration in the prefecture of Islamic law and positive law in Indonesia. *Al-Ulum Journal of Thought and Research on Islam*, 190-199.
- Sidik, P. (2023). Normative Approach as a Research Methodology of Islamic Law. *As-Syar'i: Journal of Family Guidance & Counseling*, 1010-1022.
- Sovia, R. D. (2023). Islam and State Policy in the Protection of the Reproductive Rights of Women Workers in Muslim Families. *Mahakim: Journal of Islamic Family Law*, 117-141.
- Sriani, E. (2018). "Contemporary Fiqh of Inheritance: Gender Equitable Distribution of Inheritance. *Tawazun: Journal of Sharia Economic Law 1.2 (2018)*, 133-147.
- Sriani, E. (2018). Fiqh mawaris contemporary: distribution of inheritance with gender justice. *Tawazun: Journal of Sharia Economic Law*, 133-147.
- Sugiarto, Y. (2022). Biblical principles regarding marriage, divorce and remarriage. *Excelsis Deo: Journal of Theology, Missiology, and Education*, 40-48.
- Suhra, S. (2013). Gender equality in the perspective of the Qur'an and its implications for Islamic law. *Al-Ulum Journal*, pp. 373-394.
- Suma, M. A. (2013). *Legal Justice of Islamic Heirs in Textual and Context Approaches*. Jakarta: Rajawali Press.
- Syaf, M. N. (2024). Comparative Study of the Concept of Reference According to Imam Madzhab and Compilation of Islamic Law. *Darussalam Journal: Journal of Education, Communication and Islamic Legal Thought*, 91-113.

- Syaikh. (2018). Islamic Heritage in the Perspective of Gender Justice. *El-Mashlahah Journal*, 122-134.
- Syawali, S. A. (2021). The Consequences of Marriage Law in which One of the Parties Convert After Marriage is reviewed from Law No. 16 of 2019 concerning Amendments to Law No. 1 of 1974 concerning Marriage and the Compilation of Islamic Law. *Journal of Legal Research*, 81-96.
- Timur, Z. A. (2024). Analysis Of Imam Syafi'i Opinion On Talak Ba'in Qubra And Its Implementation In The Law. No. 1 Of 1974. *AlifLam Journal: Journal of Islamic Studies and Humanities*, 63-78.
- Ulfa, A. A. (2019). The Position of Permission to Refer to Husband in the Period of 'Iddah (Analysis of Islamic Law Perspective. *SAMARAH: Journal of Family Law and Islamic Law*, 417-432.
- Umam, K. (2022). The Concept Of Marriage Refers To Marriage In The Perspective Of Madzhab Syafi'i And Madzhab Hanafi. *Al-Insaf*, 93-115.
- Umar, N. (1999). *The Nature of Women in Islam*. Jakarta: Institute for Religious and Gender Studies.
- Zafi, E. A. (2020). "Gender equality in terms of inheritance distribution. *Ahkam: Journal of Islamic Law* 8.2 (2020): 213-232.
- Ziba Mir Hosseini, d. (2017). *Islamic Family Law Reform Struggles to Uphold Gender Justice in Various Muslim Countries*. Yogyakarta: LKIS Yogyakarta.