Contextualizing Islamic Inheritance Law in Indonesia: Addressing Negative Stigma

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Abstract

Islamic inheritance law is stigmatized due to its rigidity and conservativity. The rigidity and conservatism of Islamic inheritance can be seen in the view that Islamic inheritance rules cannot be changed or modified. In addition, the assumption of Islamic inheritance rules does not consider the social developments that occur over time. This research aims to explore how Islamic inheritance law is applied in Indonesia and how contextualization is carried out in response to existing stigma. This research employs a qualitative study with a normative juridical approach. The research data is derived from documents and texts on Islamic inheritance law and concrete cases of contextualization of Islamic inheritance law in Indonesia in different situations and contexts. The data are analyzed using descriptive interpretative techniques with the application of Amina Wadud's hermeneutics of tauhid. The research findings indicate that Islamic inheritance law in Indonesia has undergone contextualization, thus negating the negative stigma attached to Islamic inheritance. Contextualization is achieved by understanding and advocating Islamic inheritance law in the Indonesian context, reconstructing the basic concepts of Islamic inheritance law according to the Indonesian context, and promoting the resolution of inheritance conflicts through consultation and mediation. This research offers a model of inheritance division applied in Indonesia that is contextual and flexible based on Amina Wadud's hermeneutics of tauhid.

Keywords: Contextualization, Indonesia, Islamic Inheritance, Hermeneutics of Tawhid, Stigma.

Asbtrak


Kata Kunci: Kontekstualisasi, Kewarisan Islam, Hermeneutika Tauhid, Stigma.
Introduction

The implementation rule of Islamic inheritance law in Indonesia is deemed as rigid and conservative. This can be seen in the example of Islamic inheritance law, which is deemed rigid, where parents who have two sons and one daughter, their wealth will be divided into three parts, with two parts received by the sons and one part received by the daughter. This rule is part of Islamic inheritance law and cannot be altered or modified. This is because the rule is derived from the Quran and Hadith and is understood to be fair and equitable in the distribution of inheritance.

The conservative execution of Islamic inheritance law is also implemented in the distribution of inheritance, which is only allowed to be received by certain family members, such as children, husbands, wives, and parents. In some cases, inheritance may not be received by women, as is the case in the inheritance distribution practiced in the Lampung and Batak societies, which adhere to a patrilineal inheritance system. This inheritance model is deemed conservative because it views women as inferior and unworthy of an equal share in the distribution of inheritance. This rule is also considered conservative because it does not take into account social developments and environmental changes that occur over time.

Feminist movements perceive Islamic inheritance law from a different perspective. They generally view Islamic inheritance law as conservative and discriminatory against women. Interpretations of Islamic inheritance law restrict women's rights to an equal share of inheritance compared to men, a practice considered prejudiced and unfair. Additionally, feminist organizations are involved in discussions about interpretations that undermine women's rights to equal inheritance. Their perspective reflects entrenched patriarchal attitudes and discrimination against women. Therefore, certain feminists advocate for a further evaluation or interpretation of Islamic inheritance law to promote justice and inclusivity for women. Overall, the feminist perspective on Islamic inheritance law underscores the need for

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reforms to ensure gender equality and equal rights for both women and men in inheritance distribution.9

The implementation of Islamic inheritance law generates a negative stigma and engenders several commonly received criticisms. In Indonesia, the application of Islamic inheritance law often receives several critiques. These issues are: 1) Gender Discrimination: Criticism that Islamic inheritance law in Indonesia discriminates between the inheritance rights of men and women, thus disadvantaging women and reinforcing gender stereotypes10; 2) Limited Application: This criticism involves the incorrect and unjust application of Islamic inheritance law, causing inheritance problems and conflicts11; 3) Contradiction with Social Norms: This criticism states that there is a conflict between Islamic inheritance law and local social and cultural norms, making it difficult for society to accept and apply12; 4) Rigidity and Limitations: This criticism states that Islamic inheritance law in Indonesia is difficult to adapt to changing situations and contexts because it is too rigid and inflexible.13

Criticisms towards Islamic inheritance law on its implementation in Indonesia should also be carried out in a balanced and objective manner, without disregarding the fundamental values and objectives of the law. These criticisms should be accepted and analyzed both critically and constructively to understand how Islamic inheritance law can be contextualized and applied in a continuously changing social and cultural environment. Therefore, the implementation of Islamic inheritance law is considered fair and accountable in Indonesia.

Studies focusing on the stigmatization of Islamic inheritance have flourished in the global network. On the other hand, other empirical evidence on inheritance law practices in society has shown that these practices often do not support the applicable Islamic law, as they are interpreted in a discriminatory manner towards heirs.14 Other studies have highlighted gender disparities in inheritance law, where women often do not receive an equal share of

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inheritance compared to men, both in terms of quantity and quality of assets. Additionally, research on women’s roles in inheritance distribution has shown that women are often less involved in the inheritance distribution process, and the inheritance they receive is often lower than that received by men.

The existence of negative perceptions surrounding Islamic inheritance law can impact its reception and comprehension within society. Hence, it’s vital to ensure clear and accurate education and communication about Islamic inheritance law to enhance awareness and understanding. Building upon this foundation, this study seeks to reshape the negative stigma associated with the implementation of Islamic inheritance law, particularly by contextualizing it within the Indonesian context. Through the application of Amina Wadud’s hermeneutics of tawhid, this research aims to not only mitigate the stigma surrounding Islamic inheritance but also propose a more adaptable and contextually relevant model for distributing inheritance.

Method

This study employs a qualitative approach to examine legal norms. This research is a normative legal study that utilizes primary legal materials derived from Law No. 3 of 2006, which refers to amendments made to Law No. 7 of 1989 concerning Religious Courts, Law No. 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, the Compilation of Islamic Law (CIL), and court decisions. The secondary legal materials were obtained from publications, particularly Amina Wadud’s publication titled "Quran and Woman," journal articles, and other pertinent sources.

This research employed an interpretative descriptive technique for analysis. This methodology provides a comprehensive account of the specific circumstances and conditions related to the implementation of Islamic inheritance law in Indonesia. The obtained data will undergo qualitative analysis utilizing Amina Wadud’s hermeneutics of tawhid.

Amina Wadud’s hermeneutics of tawhid

An empirical study conducted by Wadud utilizes the hermeneutical method and focuses on three points: 1. the historical and cultural background in which the text was written (in the case of the Quran, its revelation); 2. the grammatical structure of the text (how it is expressed and what is expressed); and 3. the comprehensive text or worldview. Wadud’s emphasis lies not on all the passages present in the Quran, as is the case in traditional exegesis. Instead, she

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focuses exclusively on the words in the Quran that, according to Wadud, possess universal significance but have been subject to gender-biased interpretations by traditional commentators. Hence, it is necessary to reevaluate these phrases by presenting historical context about the chronology and era of the Quran’s revelation. Wadud employs Fazlur Rahman’s theory of interpretation. When reading the Quranic text, it is important to take into account the historical context in which the Quranic verses were revealed. Next, it is necessary to pursue the Quran’s optimal moral and spiritual principles. Each verse is scrutinized through the following criteria: 1. the circumstances surrounding its revelation; 2. examination of related themes in the Quran; 3. analysis of the linguistic elements and syntactic structure employed in other verses of the Quran; 4. evaluation in light of the fundamental principles outlined in the Quran; and 5. consideration of the Quranic worldview. Wadud employs Fazlur Rahman’s theory of interpretation. When reading the Quranic text, it is important to take into account the historical context in which the Quranic verses were revealed. Next, it is necessary to pursue the Quran’s optimal moral and spiritual principles. Each verse is scrutinized through the following criteria: 1. the circumstances surrounding its revelation; 2. examination of related themes in the Quran; 3. analysis of the linguistic elements and syntactic structure employed in other verses of the Quran; 4. evaluation in light of the fundamental principles outlined in the Quran; and 5. consideration of the Quranic worldview.

Wadud suggests that comprehension of the text can be attained by examining the “Prior Text” through the lens of the individual reader, taking into account both the linguistic aspects and the cultural environment in which the book is being interpreted. The preceding paragraph enhances the reader’s knowledge by bridging the gap between the text and its readers from diverse settings. Wadud contends that there is a cultural imposition when interpreting the Quran, but the Quran itself asserts its universality, allowing for its interpretation in many cultural contexts. According to Wadud’s interpretation of the Quran, the inheritance verses emphasize the ideals of justice and benefit (naf’a) as the ideal moral and spiritual values. Both factors are interconnected and indivisible when it comes to determining the allocation of inheritance. Wadud additionally contended that achieving fairness in the allocation of inheritance involves taking into account the advantage (naf’a) of the beneficiaries who are still alive. Wadud promotes a meticulous analysis of all the laws in the Quran to enable a redistribution of inheritance that aligns with the specific circumstances of the deceased and their heirs. She highlights the significance of doing a comprehensive evaluation of the individuals, combinations, and benefits associated with the distribution of inheritance. Furthermore, Wadud presents an exemplification, demonstrating a situation in which a family consists of a single son and a single daughter. Wadud challenges the decision to give a bigger share to the son while the widow is being maintained by the daughter, stating that it ignores the true benefit of the heirs.

Stigmatization of Islamic inheritance law in Indonesia

Various factors have affected the stigmatization of Islamic inheritance law in Indonesia, such as lack of knowledge and proper understanding of Islamic inheritance law, application of the law that is not in line with the principles of sharia, and stereotypical views of Islam.
that have an impact on the stigmatization of Islamic inheritance, especially regarding women’s rights. Besides, the lack of knowledge and understanding of Islamic inheritance law results in the non-application of the inheritance law in the community because they think that Islamic inheritance law is difficult to apply. This condition causes delays in the transfer of the testator’s property to the heirs, claims on other people’s inheritance rights, and conflicts between heirs due to dissatisfaction with the distribution of inheritance property. The stigmatization can affect how the public perceives and understands Islamic inheritance law, which can influence the acceleration or rejection of the law. Therefore, it is important to ensure that Islamic inheritance law is applied and understood correctly and fairly, through proper education and campaigns, as well as through the application of the law into Sharia principles.

The need for contextualization of Islamic Inheritance Law in Indonesia

Contextualizing Indonesia’s Islamic inheritance law in present conditions and society is essential to carry out. This will enable the law to offer suitable and equitable resolutions to inheritance matters within the Indonesian Muslim community. Additionally, it aids in maintaining the adherence of Islamic inheritance law to Sharia principles and Islamic values, despite being implemented in many contexts. The necessity for contextualization of Islamic inheritance law in Indonesia arises from various circumstances, including social and cultural diversity, discriminatory practices against specific groups, and issues related to inheritance.

Social and cultural diversity

Due to Indonesia’s significant social and cultural variety, it is crucial to comprehend and implement Islamic inheritance law within the right context. The socioeconomic and cultural variety in Indonesia necessitates the contextualization of Islamic inheritance law to accommodate the many customary inheritance practices observed in different regions of the country. In Indonesia, the customary inheritance practices differ among regions, influenced

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by factors such as local culture, religion, and customs. In Indonesia, multiple regions follow the matrilineal inheritance system, which involves the transfer of property and inheritance from the mother to the daughter. Additionally, there exist localities that adhere to a patrilineal system of inheritance, whereby property and inheritance are transferred exclusively from fathers to their sons. Enggano, Minangkabau, and Timor are Indonesian regions that adhere to the matrilineal inheritance system. Meanwhile, the Batak, Bali, Ambon, Irian Jaya, and Dani regions in Indonesia adhere to the patrilineal inheritance system. Additionally, there are several additional regions in Indonesia, including Aceh, Java, Kalimantan, Lombok, Madura, Riau, Sulawesi, South Sumatra, East Sumatra, and Ternate, that also follow the bilateral inheritance system.

Furthermore, the society holds divergent perspectives and beliefs on Islamic inheritance law, which, as previously said, can lead to conflicts and the development of negative perceptions towards this legal framework. Indonesia has at least three prevailing perspectives on the Islamic inheritance concept. The first aspect is Sunni inheritance, which is rooted in the patrilineal customs of Arab society. Secondly, Shi‘ah inheritance is distinguished by being parental or bilateral. Furthermore, Hazairin’s model of inheritance is founded on his ijtihad concerning the wide-ranging cultural and familial variations in Indonesia. Hazairin said that the Qur’an and Hadith prescribe a personalized bilateral inheritance law as the preferred form of inheritance.

**Discriminatory treatment of certain groups**

Women as certain groups often face discrimination concerning inheritance rights. To ensure the fair treatment and acknowledgment of all groups’ rights, it is essential to contextualize Islamic inheritance law. Cultural and social stereotypes frequently influence the application of this law, resulting in biased inheritance distributions and discrimination, particularly against women. A prevalent stereotype is that women cannot manage finances, leading to their receiving a smaller inheritance share. Additionally, patriarchal culture...

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31 Wahyuni, “Gender Perspective in Customary and Islamic Inheritance Law.”


35 Amir Syarifuddin, Pelaksanaan Hukum Kewarisan Islam Dalam Lingkungan Adat Minangkabau (Jakarta: Gunung Agung, 1984), 58, //perpustakaan.mahkamahagung.go.id%2Fslims%2Fpusat%2Findex.php%3Fp%3Dshow_detail%26id%3D9136.

36 Ibid.

37 Hazairin, Hukum kewarisan bilateral menurut quran dan hadits (Jakarta: Tintamas Indonesia, 1982), 1, //opac.fah.uinjkt.ac.id/index.php?p=show_detail&id=3817.

contributes to these disparities\textsuperscript{39}, as it is based on a gender role stigma that places women in a subordinate position to men.\textsuperscript{40}

**Inheritance conflicts**

Inheritance disputes frequently occur in the implementation of Islamic inheritance law in Indonesia. Addressing these conflicts through contextualizing Islamic inheritance law can be beneficial. Such conflicts may arise due to the coexistence of multiple legal systems in Indonesia, including Islamic law, the Civil Code, and customary law.\textsuperscript{41} Many Muslim communities in Indonesia handle inheritance matters or distribute inheritances according to customary law or other methods.\textsuperscript{42} The Islamic inheritance law has long been controversial in Indonesia, often portrayed as a clash between Islamic and non-Islamic law.\textsuperscript{43} Additionally, a poor understanding of the Islamic inheritance system can exacerbate conflicts among heirs who perceive that it does not ensure justice.\textsuperscript{44} Therefore, contextualizing Islamic inheritance law is crucial to ensure its proper comprehension and application within Indonesia’s social and cultural context, addressing inheritance conflicts and discrimination against certain group.

**Islamic Inheritance Law contextualization towards Negative Stigma framing of Tawhid hermeneutics perspective in Indonesia**

To address the negative stigma and discrimination related to the implementation of Islamic inheritance law, the Indonesian government has taken steps to contextualize it. The policy maker had adopted a comprehensive strategy that considers the social and cultural backdrop of Indonesian society, contextualization is anticipated to establish a fairer legal system that aligns with the concepts of justice and benefit.\textsuperscript{45} This aligns with Amina Wadud’s Hermeneutics, which also highlights the importance of fairness and benefit (\textit{naf\’a}) in the allocation of inheritance.\textsuperscript{46} The Indonesian government has taken several measures to address the stigmatization of implementing Islamic inheritance law, as seen through the lens of Amina Wadud’s hermeneutics.

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\textsuperscript{46} Wadud, \textit{Qur’an and Woman}, p. 87.
Understand and fight for Islamic inheritance law

Inheritance law within the specific context of Indonesia. To advocate for the implementation of Islamic inheritance law in Indonesia, the government should actively pursue reforms in Islamic family law and ensure that the legal system accommodates the many laws prevalent in the country. The comprehension and implementation of Islamic inheritance law in Indonesia should take into account the country’s various traditions and customs. Based on that rationale, the Indonesian government has incorporated and codified Islamic inheritance into the country’s legal system. This is demonstrated by the presence of Law No. 3 of 2006, which amends Law No. 7 of 1989 regarding Religious Courts. The amendment grants Religious Courts the power to handle, adjudicate, and settle inheritance cases for individuals who follow the Muslim faith. Additionally, the provision allowing individuals to choose which law to apply in the distribution of inheritance has been abolished. Consequently, those who identify as Muslims are exclusively permitted to seek resolution for inheritance disputes in the Religious Courts. The legal framework utilized to address such matters is Islamic law, as outlined in Presidential Instruction No. 1 of 1991, also referred to as the Compilation of Islamic Law. While there exists a collection of Islamic law that offers regulations on inheritance, it serves as a mere guideline and is not obligatory for judges to enforce. Regarding the interpretation of tawhid, which highlights the assurance of fairness in the implementation of inheritance law, the government must establish legislation governing Islamic inheritance.

Reconstruct the basic concepts of Islamic inheritance law under the Indonesian context

The reconstruction of Islamic inheritance law is necessary to ensure the proper application of fundamental ideas such as inheritance rights, inheritance shares, and handling of inheritance in the Indonesian setting. In Indonesia, the principles of Islamic inheritance law are applied while considering the various social and cultural situations. Indonesia is a nation characterized by a multitude of ethnicities, tribes, and customs. Hence, it is imperative to consider this variation and uphold the cultural heterogeneity of Indonesian society when implementing Islamic inheritance law. The tactics employed in this endeavor involve the application of the notion of joint property (gonogini), with a focus on highlighting the adaptability of Islamic inheritance and the discretionary powers of the judge.

Application of the concept of gonogini property or joint property

Islamic inheritance law, the concept of joint property or gonogini refers to the principle that the assets acquired by a husband and wife during the marriage are considered joint property to be divided between the spouses and their heirs after one of them passes away. The concept of joint property is relatively new as it was not applied in early Islam. The allocation of joint property is based on the system of family ties, and the roles, and responsibilities of husbands and wives within the context of Indonesian society. Provisions

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47 Fauzi, “Legislasi Hukum Kewarisan Di Indonesia.”
regarding joint property are regulated in Marriage Law no. 1 of 1974 in articles 35-37, which state that in the event of marriage dissolution, joint property is regulated according to the respective laws.

The marriage law does not provide a technical description of the division of joint property, but in the Compilation of Islamic Law, it is stipulated in Article 96 verse 1 that "in the event of divorce due to death, half of the joint property becomes the right of the surviving spouse." Therefore, if the marriage ends due to death, before the assets are distributed according to inheritance laws, half of the inheritance acquired during the marriage will be given to the surviving spouse (husband or wife). The remaining assets after the joint property has been allocated will then be distributed according to inheritance laws. The application of gonogini is in line with the hermeneutics of tawhid, especially in providing security for the husband or wife, but unfortunately, the rules in the compilation of Islamic law are not binding as they are not in the form of legislation. If this principle were to be included in a legal framework, it would undoubtedly be beneficial for spouses who are left behind.

The Flexibility of Islamic Inheritance

In the context of Islamic heritage in Indonesia, flexibility sharing refers to the ability to adjust the division of heritage to the needs and social justice of the family. This basis allows adjustment of the division of inheritance taking into account the conditions and interests of the heirs concerned so that the rules of Islamic heirs are not rigid. In connection with the inheritance from different religious backgrounds, there is a growing movement to redefine that heritage. It aims to give inheritance rights to heirs of different religions. In the context of Indonesia, which is not a war territory, distinctions such as "kafir dzimmi" and "kafir harbi" become irrelevant anymore. This shift prompted the assignment of inheritance to heirs of different religions, although it is currently still through a mandatory will procedure. In other cases, the 2:1 ratio rule on the division of male and female heirs can be reinterpreted and adjusted to specific circumstances or events, thus allowing to switch to a 1:1 ratio in the inheritance division.

Division of inheritance by 2:1 based on the Quran’s letter al-Nisa’ (4) paragraph 11 refers to the compilation of the Islamic Law chapter 176 which reads: "If the daughter is only one, then she gets half, if two or more of them get two-thirds, and if the daughter with the boy, then the boy’s share is two against one with the girl." However, in its application, the judge may make other decisions according to the context. This was demonstrated by the judge of the Field Religious Court who gave a 1:1 portion to the male and female heirs as stipulated in the Field Religious court decision No. 92/Pdt.G/2009/PA.Mdr. "The judge’s judgment concerning the division of the inheritance as in the above, neither in the verse of the Qur’an nor in the KHI is a death price a provision that will never be changed again, especially if the problem relates to the sense of justice of the heirs, and the feeling of justice itself is a 'will of law (which can lead to a change of law).' This condition follows the hermeneutics of the Wadud which also

52 Azizah, “Pembaharuan Dalam Sistem Pembagian Waris Secara Proporsional.”
53 Ibid.
states that 2:1 is not absolute. Based on the values of justice and naf'a, the division of inheritance requires the consideration of the whole member, combination, and benefit\textsuperscript{54}.

**Judge’s Discretion**

There is a shift in the role of judges in the Indonesian legal system. Previously, judges functioned as legal mouthpieces in the civil law tradition that characterizes the Indonesian legal system. However, Indonesia currently adopts a hybrid approach between the common law system and the Anglo-Saxon civil law system. The Indonesian legal system adheres to the principle of legality, whereby an act cannot be punished if it is not first regulated by law. However, at the same time, the law also emphasizes that judges in making decisions must explore, follow, and understand the legal values prevailing in society\textsuperscript{55}.

Judges are required to consider various phenomena about deciding cases outside the written rules, namely by exploring the norms that live and apply in society for the sake of justice. The role of judges in upholding justice through discretion can be seen in several cases, for example in the issue of marriage dispensation\textsuperscript{56}, divorce procedures that prioritize gender equality\textsuperscript{57}, and also in the issue of inheritance of heirs of different religions through mandatory wills (\textit{wasiat wajibah})\textsuperscript{58}. These are the provisions of Law Number 48 of 2009 concerning Judicial Power in Article 5 paragraph (1) which states: “Judges and constitutional judges are obliged to explore, follow, and understand the values of law and the sense of justice that lives in the community”. On the other hand, Presidential Instruction of the Republic of Indonesia Number 1 of 1991 concerning the Compilation of Islamic Law in article 229 states: “Judges in resolving cases submitted to them, must pay close attention to the legal values that live in the community so that their decisions are following a sense of justice”. Judging from the hermeneutics of tawhid, there need to be additional provisions that guide judges in exercising discretion, namely that discretion needs to consider the value of justice and benefit (\textit{naf'a}) for the heirs.

**Deliberation or mediation in Inheritance conflict resolution**

Increased understanding and resolution of inheritance conflicts must be motivated by the holding of deliberation or mediation. In practice, Indonesian communities often use deliberation or mediation mechanisms in resolving inheritance disputes. The principles of deliberation and mediation are in line with Islamic values that encourage dispute resolution through dialog and mutual agreement\textsuperscript{59}. In this case, the Indonesian government also facilitates by providing legislation regarding deliberation or mediation mechanisms in the

\textsuperscript{54} Wadud, Qur'an and Woman, p. 87.
\textsuperscript{58} H. Endang, “Diskresi Hakim Dalam Pembaharuan Hukum Kewarisan Islam Di Indonesia (Studi Terhadap Putusan Mahkamah Agung Dalam Penerapan Wasiat Wajibah Bagi Ahli Waris Non Muslim)”; Huta gaol and Purba, “Inheritance of Different Religions from the Perspective of Shaykh Yusuf Al-Qaradhawi.”
distribution of inheritance to avoid conflict, with the provisions in the Compilation of Islamic Law (KHI) Article 183 which states: “The heirs can agree to make peace in the division of inheritance after each realizes its share”.

In many cases, deliberation and mediation can achieve a satisfactory solution for all parties without the need to involve a formal judicial process. This non-litigation mediation in Indonesia is known as Alternative Dispute Resolution (ADR) which is regulated in Article 1 point 10 of Law number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution. Alternative Dispute Resolution has advantages over dispute resolution through litigation, including the voluntary nature of the process because there is no element of coercion, fast procedures, non-judicial decision-making, confidential procedures, flexibility in determining the terms of problem-solving, saving time and cost savings, high likelihood of implementing agreements and maintaining working relationships. Deliberation or mediation in the resolution of inheritance conflicts is very important because it guarantees justice and benefits for the heirs by the hermeneutics of Tawhid. By conducting a deliberation or mediation process, the parties involved in the inheritance dispute have the opportunity to discuss and negotiate based on the principles of justice and equality as embraced in the hermeneutic perspective of Tawhid. This approach allows for a thorough consideration of individual circumstances, family dynamics, and community norms, to ensure that the distribution of inheritance is in line with the letter and spirit of Islamic principles. In addition, through mediation or deliberation, solutions can be created that not only pay attention to legal aspects but also uphold the broader values of love, solidarity, and mutual respect within the family unit.

**Conclusion**

This research depicts the stigmatization that occurs in Islamic inheritance law. This stigmatization is rigid and conservative, caused by a lack of knowledge and understanding of Islamic inheritance law, the application of laws that do not conform to Sharia principles, and stereotypical views of Islam, particularly regarding women’s inheritance rights. Therefore, contextualizing Islamic inheritance law in Indonesia is necessary to ensure that it aligns with the current situation and conditions of Indonesian society. From the perspective of the hermeneutics of Tawhid, the contextualization of Islamic inheritance must prioritize the values of justice and benefit (naf'a) in several aspects, including adopting a more inclusive approach and considering the socio-cultural context of the community, including understanding and advocating for human rights. Additionally, the inheritance law in Indonesia has reconstructed its basic Islamic concepts to align with the Indonesian context and encourages deliberation or mediation to resolve issues related to inheritance.

The study of contextualization towards Islamic inheritance law showed valuable insights into the contextualization of Islamic inheritance law in Indonesia. However, there are limitations regarding the scope of contextualization and the lack of comparative analysis. The research results focus on the efforts made by the Indonesian government in contextualizing Islamic inheritance law from the perspective of the hermeneutics of Tawhid. Therefore, future

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research could involve broader socio-cultural factors where the application of inheritance practices exists at a deeper level. A more comprehensive examination of societal attitudes, beliefs, and practices could also provide a more holistic understanding of the contextualization process. Additionally, this research does not extensively compare the results and implications of Indonesia’s approach to those of other countries facing similar challenges. Thus, future research is expected to provide a comparative analysis with a richer perspective on the effectiveness of various contextualization strategies and their potential impact.

References


“Female inheritance: A key to women’s empowerment or another lock on their freedom?” Accessed February 14, 2023. https://voxdev.org/topic/institutions-political-economy/female-inheritance-key-women-s-empowerment-or-another-lock-their-freedom.


