



**Samarah:** Jurnal Hukum Keluarga dan Hukum Islam  
Volume 6 No. 2. July-December 2022  
ISSN: 2549 – 3132; E-ISSN: 2549 – 3167  
DOI: 10.22373/sjhk.v6i2.13882

**Inheritance Rights of Women in Makassar Society:  
A Study of Living Qur'an and its Implications for Islamic Law**

Halimah Basri

Universitas Islam Negeri Alauddin, Makassar

Andi Miswar

Universitas Islam Negeri Alauddin, Makassar

Hamka Hasan

Universitas Islam Negeri Syarif Hidayatullah, Jakarta

Mustaqim Pabbajah

Universitas Teknologi Yogyakarta

Subehan Khalik

Universitas Islam Negeri Alauddin, Makassar

Email: halimah.basri@uin-alauddin.ac.id

**Abstract:** The division of inheritance is one of the main problems in Islamic law. The legal basis for inheritance division refers to the Qur'an and hadith as the sources of law. However, there are different interpretations and practices in society regarding the division of inheritance for women and men. Here, this paper examines the practice of dividing the inheritance of women and men with the living Qur'an approach, and also maps out the forms of reception that occur in society and its implications for Islamic law. This qualitative study used the living Qur'an approach and collected the data by means of literature review and in-depth interview in three areas, namely Makassar City, Gowa and Bulukumba. The results of the study revealed that the people of Makassar have always divided inheritance based on the legal sources combined with customary law (*adak*). In this context, the community reception is grouped into three: first, the community that gives women the inheritance rights in accordance with the text in the Islamic law of a 2: 1 ratio (2 for male and 1 for female); second, the community that divides the inheritance through musyawarah (deliberation) and mufakat (consensus); and third, the community who carries out the inheritance settlement in court. In this case, however, the community tends to settle more through musyawarah and mufakat based on their customs and habits to maintain family integrity. This is because women are positioned with respect, while family problems including inheritance are part of *siri'* (shame). The division of inheritance to women from the point of view of the living Qur'an has an implication for flexible Islamic law as there is an integration of traditional Islamic teachings and culture within society.

**Keywords:** Women's inheritance rights, Makassar customs, reception, living Qur'an, Islamic law.

|| Submitted: June 28, 2022 || Accepted: October 03, 2022 || Published: October 03, 2022

<http://jurnal.arraniry.ac.id/index.php/samarah>

**Abstrak:** Pembagian warisan merupakan salah satu persoalan utama dalam hukum Islam. Dasar hukum pembagian warisan mengacu pada al-Qur'an dan hadis sebagai sumber hukum. Terjadi penafsiran dan praktik yang berbeda dalam masyarakat terhadap pembagian waris perempuan dan laki-laki. Tulisan ini selain mengkaji praktik pembagian warisan perempuan dan laki-laki dengan pendekatan living al-Qur'an juga memetakan bentuk resepsi yang terjadi dalam masyarakat dan implikasinya terhadap hukum Islam. Penelitian ini merupakan kajian kualitatif dengan menggunakan pendekatan Living al-Qur'an, sedangkan teknik pengumpulan data yang digunakan adalah studi literatur dan wawancara mendalam pada tiga wilayah yaitu Kota Makassar, Gowa dan Bulukumba. Hasil penelitian memperlihatkan bahwa masyarakat Makassar selama ini membagi warisan berdasarkan pada sumber hukum yang dipadu dengan hukum adat (adak). Pada konteks ini resepsi masyarakat terbagi tiga, yaitu: pertama, masyarakat yang memberikan hak waris perempuan sesuai dengan teks hukum Islam yaitu 2: 1 (laki-laki 2 dan perempuan 1); kedua, masyarakat yang membagi secara musyawarah dan mufakat; ketiga, masyarakat yang menyelesaikan pembagian warisan di pengadilan. Namun kecenderungan masyarakat lebih banyak menyelesaikan secara musyawarah dan mufakat berdasarkan adat dan kebiasaan untuk menjaga keutuhan keluarga. Hal ini disebabkan karena perempuan diposisikan secara terhormat dan masalah keluarga termasuk warisan adalah bagian dari siri' (malu). Pembagian warisan terhadap perempuan dari sudut living al-Qur'an berimplikasi pada hukum Islam yang fleksibel karena terjadi integrasi antara ajaran Islam adat dan budaya dalam masyarakat.

**Kata Kunci:** Hak waris perempuan, adat makassar, resepsi, living al-Qur'an, hukum Islam.

## Introduction

The division of inheritance is one of the main issues in Islamic law. The legal basis for inheritance division refers to the verses of the Qur'an and hadith as the sources of law (*mashādir al-ahkām*). The division of inheritance to women and men has been predetermined in detail in the Islamic law. In practice, however, a dialectic occurs among fiqh (Islamic jurisprudence), customs, and formal laws regarding the inheritance of women in a number of countries in the Muslim world, such as the Middle East, North Africa, South Asia, and Southeast Asia including Indonesia.<sup>1</sup>

---

<sup>1</sup>Yasmin Khodary, "What Difference Can it Make? Assessing the Impact of Gender Equality and Empowerment In Matters of Inheritance in Egypt," *Journal of the Middle East and Africa* 9, No. 2 (2018), p. 173-193. Mahtab Ahmad, et al., "State of Inheritance Rights: Women in a Rural District in Pakistan," *Journal of Social Service Research* 42, No. 5 (2016), p. 622-629. Euis Nurlaelawati, "Change and Continuity: The Kompilasi and Indonesian Islamic Courts," *Studia Islamika* 14, No. 1 (2007), p. 85-112. Ahmad Bunyan Wahib, "Reformasi Hukum Keluarga

Based on the Islamic law, with a reference to the interpretation of the Islamic scholars, the division of inheritance between men and women has a 2:1 ratio, in which men receive more share of inheritance than that of women. The *fiqh* scholars argue that men have the advantages of reasoning (*al-‘aql*), strong determination (*al-hazm*), steadfastness (*al-‘azm*), physical strength (*al-quwwah*), and writing ability (*al-khitabah*).<sup>2</sup>

Nevertheless, the philosophy of the higher share of inheritance to men than that of women is not based on gender issues, but rather revolves around the financial burden in the family as a general responsibility, as stated in the Qur’an Surah al-Nisa (4: 34) “*al-rijālu qawwāmūna al-nisā*” (men are the caretakers of women).<sup>3</sup> However, there are some scholars who view that the share of women is equal to that of men, and so they proceed to make changes by balancing the portions of men and women to 1: 1, in which men get 1 share and women 1 share.<sup>4</sup> They reason that the current condition has seen that many women have played the same role as men; women earn a living, for example, because their husbands do not have the intelligence and ability to do so. In this case, it is reasonable for women to be equal in shares with men. Therefore, if the 2: 1 rule is applied, it is considered unfair; in other words, there is gender inequality in women’s inheritance rights.<sup>5</sup>

There has been varied public reception in interpreting women’s inheritance rights, which often leads to lawsuits in court.<sup>6</sup> Some community groups view the inheritance rights of women of 2:1 as a *qath’i* (absolute) provision stated in the Qur’an Surah al-Nisa (4:11) which cannot be changed. The Islamic inheritance law is considered a *qath’i* doctrine that closes room for *ijtihad* (independent reasoning) and must be taken for granted.<sup>7</sup> On the other hand, other

---

di Dunia Muslim,” *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 14, No. 1 (2014), p. 1-19.

<sup>2</sup> Al-Khawazmi al-Zamakhsyārī, *al-Kasysyāf ‘an Haqāiq al-Tanzīl wa ‘Uyun al-Aqāwil* (Jilid 1), Beirut: Dār al-Fikr, 1977. Sayyid Quṭb, *Fī Zilāl al-Qur’ān* (Vol. 5), Beirut: Dar al-Shuruq, 2011. Abū al-Fida Ismail bin Umar Ibnu Katsīr, *Tafsir al-Qur’ān al-‘Azīm*, Beirut: Dār al-Fikr and ‘Isa al-Babi al-Halabi, n.d.

<sup>3</sup>Magaji Chiroma, et al., *Islam Versus Gender Equality: the Reality About the Islamic Principle of Liddhakari Mithlu Hazzi Al-Unthayayn (Two Female Portion Is Equivalent To a Male Portion, 2:1), the Division of a Deceased’S Estates. European Scientific Journal* 10, No. 19 (2014), p. 1857–7881. Endah Amalia Amalia, “Penyetaraan Gender dalam hal Pembagian Warisan,” *Ahkam: Jurnal Hukum Islam* 8, No. 2, (2020), p. 213–232.

<sup>4</sup>Mohd Altaf Hussain Ahangar, “Succession Rights of Muslim Women In The Modern World: An Analytical Appraisal,” *Arab Law Quarterly* 28, No. 2 (2014), p. 111-135.

<sup>5</sup>Yasmin Khodary, *What Difference Can it Make?....*, p. 173-193

<sup>6</sup>Rahmadi Indra Tektona and Savitri Indarti, “Kepastian Hukum Hak Waris Islam Anak Dibawah Umur terhadap Harta Peninggalan Ibunya (Studi Penetapan Pengadilan Agama Nomor 003/Pdt.P/2015/PA.Bdg,” *Egalita: Jurnal Kesetaraan dan Keadilan Gender* 16, No. 1 (2021).

<sup>7</sup>Khaeron Sirin, “Analisis Pendekatan Teks dan Konteks dalam Penentuan Pembagian Waris Islam,” *Ahkam: Jurnal Ilmu Syariah* 13, No. 2, (2013), p. 209-224.

community groups think that the provision is not something absolute, and it can still be changed through reasoning (*ra'yu*). There are even certain groups of people who reject the notion that women's inheritance rights are the absolute provisions set by Allah in the Qur'an, and thus, they offer this balancing method of 1:1 as in the case of the Western inheritance law system, which acts as the customary inheritance law. To this end, the key to understanding inheritance is to place the position of inheritance as a sub-system of the sub-system of the whole family law, and in general it shall be understood that inheritance is an integral part of the overall Islamic legal system that is intact and comprehensive.<sup>8</sup> The misunderstanding of the division of women's inheritance rights as described above has resulted in difficulties in resolving differences in view in society.

To date, studies on "reception" tend to concern these three issues: The first is the study on the controversy of community groups that reject the division of inheritance to women at a 2: 1 ratio. As Suma has pointed out, the groups of people reject the provisions on the division of inheritance of 2: 1 as unfair, especially if it is connected with the development of times.<sup>9</sup> The second is the study of the controversy that explains the basis of the considerations used has led to the differences in view in the interpretation of women's inheritance rights.<sup>10</sup> The third is the study of the controversy of the community groups that follow the changes of times; the groups argue that the principles in the Islamic law follow the changing times for the benefit of mankind, without distinguishing between men and women. The Islamic inheritance law has accommodated the principles of gender justice.<sup>11</sup> The three trends show that women's inheritance rights are a whole unity (only one problem); however, as a matter of fact, women's share of inheritance is not always half of the men's share, but it is sometimes of the same share. Women's inheritance rights are oftentimes related to the issue of gender inequality.

This paper on the "reception" in the interpretation of women's inheritance rights is based on an argument that each community group has a different ideological basis that has influenced the response to women's inheritance rights. The resulting injustices are not responded uniformly by different groups. Some adhere to the basic laws contained in the Qur'an (al-Nisa/4:11) with an understanding of the text stating the 2:1 division as the basis for interpreting the

---

<sup>8</sup>Muhammad Amin Suma, "Menakar Keadilan Hukum Waris Islam Melalui Pendekatan Teks dan Konteks al-Nushûsh," *Ahkam: Jurnal Ilmu Syariah* 12, No. 2, (2012), p. 47-58.

<sup>9</sup>Muhammad Amin Suma, *Menakar Keadilan Hukum Waris Islam...*, p. 47-58.

<sup>10</sup>Qazi Attaullah and Luth Ullah Saqib, "Women's Right to Inheritance in Sharī'ah: Flaws lie in the Society and Judicial System of Pakistan, not in Law on the Subject (A Realistic Jurisprudential Approach)," *Journal of Islamic and Religious Studies* 5, No. 1, (2020), p. 1-22. Khaeron Sirin, *Analisis Pendekatan Teks dan Konteks...*, p. 209-224.

<sup>11</sup>Maryati Bachtiar, "Hukum Waris Islam Dipandang Dari Perspektif Hukum Berkeadilan Gender," *Jurnal Ilmu Hukum* 3, No. 1 (2012). S. Lakshmi Naaraayanan, *Women's Inheritance Rights and Entrepreneurship Gender Gap*, 2020, p. 1-58.

verse. Another group understands the verse of al-Nisa (4:11) contextually by looking at the substance as the basis for taking an attitude towards the consequences in the family. Differences in groups due to their different rationales have become an important factor that leads to a reception in the interpretation of women's inheritance rights.

This present study used qualitative research methods, utilizing the living Qur'an approach.<sup>12</sup> Data were collected by means of literature review and in-depth interview in three areas, namely Makassar City, Gowa District, and Bulukumba District. The study used primary and secondary data. The primary data came from sources that are authoritative as this study utilized the living Qur'an and Islamic law, and thus, the sources are the verses of the Qur'an along with their interpretations, hadith, and the explanations of Islamic scholars. The secondary data consisted of books, Islamic textbooks, articles, and literature relevant with the focus of the study.<sup>13</sup> Further, the literature review was carried out on the primary data, while in-depth interviews were conducted with several respondents, including religious figures, intellectuals, and the public who were involved in the process of inheritance division either directly or indirectly.

### Living Qur'an as a Method in Studying the Qur'an

Living Qur'an is a research method that expects the Qur'an to not only be viewed as a holy book, but also to be realized or manifested into the real life. The study of the Qur'an should not only include the Qur'an as a book with various interpretations, but also include various efforts to realize the understanding and interpretation of the Qur'an in real life, the relationship between humans and God, as well as humans and the universe.<sup>14</sup>

Living Qur'an can be categorized as a study or scientific research on various social phenomena related to the existence of the Qur'an in the midst of certain Muslim communities or others who interact with it, which has existed for more than 14 centuries. Although relatively long, the majority of the study of the Qur'an developed until today is still oriented towards the study of the texts and has not touched many other aspects such as those directly related to the understanding, attitudes, and acceptance of the people who read the Qur'an.<sup>15</sup>

Living Qur'an is also known as interaction or reception in other technical terms. According to Nur Kholis Setiawan, theoretically there are three forms of

---

<sup>12</sup> M. Mansur, et al., *Metodologi Penelitian Living Qur'an dan Hadis*, Yogyakarta: TH Press, 2007. Muhammad Ali, "Kajian Naskah dan *Living al-Qur'an* dan *Living Hadith*," *Journal of al-Qur'an and Hadith Studies* 4, No. 2 (2015), p. 147-167.

<sup>13</sup> Munir Fuady, *Metode Riset Hukum: Pendekatan Teori dan Konsep*, Jakarta: Rajawali Press, 2018. Zainuddin Ali, *Metode Penelitian Hukum*, Jakarta: Sinar Grafika, 2014. p. 47-54.

<sup>14</sup> Heddy Shri Ahimsa-Putra, "The *Living al-Qur'an*: Beberapa Perspektif Antropologi," *Walisongo* 20, No. 1 (2012), p. 235-260.

<sup>15</sup> Ahmad Farhan, "Living *al-Qur'an* sebagai Metode Alternatif dalam Studi al-Qur'an," *El-Afkar* 6, No. 2 (2017), p. 86-96.

public reception of the Qur'an. The first is cultural reception which tries to reveal the influence and role of the Qur'an in shaping the culture of society. The second is hermeneutic reception which reveals the developments related to the study of text interpretation and the activity of text interpretation itself. The third is aesthetic reception which reveals the process of receiving with eyes and ears, the experience of art, and the taste for an object or appearance. Thus, the focus of the study of the living Qur'an relies on the cultural and aesthetic receptions.<sup>16</sup>

In regard to Stuart Hall's reception theory as one of the early proponents of the Audience Reception theory, Hall developed an encoding/decoding model as a textual analysis approach that focuses on the scope of negotiation and opposition among the audience/recipients.<sup>17</sup> Reception received by a recipient does not only about receiving a text passively because it depends on how he/she interprets the text.<sup>18</sup> This is what often ultimately leads to miscommunication in which the recipient understands the message much differently from what was intended by the sender.<sup>19</sup> In other words, Hall's study affirms how spheres, authorship, and texts can be very different from each other in certain situations.

Recipients can act as consumers and producers of their own texts.<sup>20</sup> This aspect indicates the occurrence of individuation which ultimately allows the identification of meaning making and audience framing, and thus, acceptance can be positive, superficial, and constructive.<sup>21</sup> The development of practices, processes, and products has led to the complexity of this kind of acceptance. The dynamics of the relationship between the sender and the receiver is another cause of the complexity of acceptance.<sup>22</sup> Cultural consideration also becomes the main cause of differences in acceptance of the text.<sup>23</sup>

Therefore, as a research method, the living Qur'an becomes a tool for analyzing the text of the Qur'an not only as a holy book, but also as a social text

---

<sup>16</sup> Muhammad Nur Kholis Setiawan, *Al-Qur'an Kitab Sastra Terbesar*, Yogyakarta: Elsaq Press, 2006, p. 68.

<sup>17</sup> Stuart Hall, *Encoding, Decoding, In Culture, Media, Language: Working Papers in Cultural Studies, 1972-1979*, 2003.

<sup>18</sup> Stanley J. Baran and Dennis K. Davis, *Mass Communication Theory: Foundations, Ferment, and Future*, Belmont CA: Thomson Wadworth, 2007.

<sup>19</sup> Stuart Hall and Tony Jefferson, *Resistance Through Rituals: Youth Subcultures in Post-war Britain*, London: Routledge, 2006.

<sup>20</sup> Karen Boyle, *Media and Violence: Gendering the Debates*, New York: SAGE Publishing, 2005.

<sup>21</sup> Claire Cohen, Problematizing 'Pro-Feminist' Depictions Of Female On Male Rape: American Horror Story's 'Rape of the Monsignor.' *Crime, Media, Culture: An International Journal*, March 22, 2019.

<sup>22</sup> Mary Simoni, The Audience Reception of Algorithmic Music, *The Oxford Handbook of Algorithmic Music*, Oxford University Press, 2018.

<sup>23</sup> Amporn Jirattikorn, "Between Ironic Pleasure And Exotic Nostalgia: Audience Reception of Thai Television Dramas Among Youth in China," *Asian Journal of Communication*, (2021), p. 124-143.



that is practiced by the Muslim community. In this context, the division of inheritance to women in Makassar society is a social text that still has a close relationship with the text of the Qur'an. However, since the practice has deeply-rooted in the traditional values and culture of the community, it seems that inheritance division is a matter of Islamic family law that is most integrated with traditional and cultural values.<sup>24</sup> In Indonesia, particularly, such circumstances can be seen within the people of Aceh, Minangkabau, Malay, Javanese, Banjar, Sasak, Bugis and Makassar.

### Women's Inheritance Rights in Makassar Customs and Islamic Law

The Makassar is an ethnic group that inhabits a large part of South Sulawesi province, spreading over the districts of Gowa, Takalar, Bantaeng, Bulukumba, Sinjai, Jeneponto, Makassar City, and Maros. Makassar had always been the center of Islamic empires in the East along with the twin sultanates of Gowa and Tallo in the 16th century. According to *Lontara Patturioloanga ri Tugaaya*, the first king who accepted Islam as an official religion was I Manngarangi Daeng Manrabbia who later had the title of Sultan Alauddin.<sup>25</sup> From here, Islam then spread to Bone, Buton, Bima, Sumbawa, Ternate, Maluku, and Papua.

As a society that has adhered to Islam for hundreds of years, the practices of the Islamic law such as marriage, *waqf* (endowment), *zakat* (obligatory charity), grants, and inheritance are integrated with the Makassarese customs. The integration of the Islamic law with the customs is still present in the way of sharing inheritance amicably and in a family manner, which is known as litigation. The division by litigation is carried out in various ways such as by providing grants, conducting *musyawarah* or compromise, and following the Islamic inheritance law. If no agreement is reached, the parties settle it in a religious court or non-litigation.<sup>26</sup>

Therefore, the social system in the Makassarese society is quite strongly influenced by Islamic teachings. This can be seen from the *pangaddakang* system which consists of the *adak* (customs) *rapang* and *sarak* (sharia). *Adak* are social rules and values which include general personal and social order (common

---

<sup>24</sup>Abdul Basith Junaidy, "Competing For Inheritance: The Contestation between Islam, Adat and Modernity in Inheritance Distribution in Indonesia," *Journal of Indonesian Islam* 7, No. 2 (2013), p. 427-432. Miftahul Huda, et.al., "Fiqh and Custom Negotiation in Inheritance Dispute Tradition at Mataram Society, East Java," *al-Ihkam: Jurnal Hukum dan Pranata Sosial* 15, No. 2 (2020), p. 224-250.

<sup>25</sup>Mattulada, Islam di Sulawesi Selatan dalam Taufik Abdullah, *Agama dan Perubahan Sosial*, Jakarta: Rajawali Press, 1996, p. 224. Ahmad M. Sewang, *Islamisasi Kerajaan Gowa Abad XIV Sampai Abad XVII*, Jakarta: Obor Indonesia, 2005. Abu Hamid, *Syekh Yusuf Makassar: Seorang Ulama, Sufi dan Pejuang*, Jakarta: Yayasan Obor Indonesia, 1994.

<sup>26</sup>Andi Herawati, "Sistem Pembagian Warisan pada Masyarakat Muslim di Kota Makassar," *Ash-Shahabah: Jurnal Pendidikan dan Studi Islam* 5, No. 1 (2019), p. 72.-81.

customs). *Rapang* means an example or a similarity that can be equated with jurisprudential law (customary order and social institutions). *Sarak* is related to rules and values in matters of marriage, divorce, reconciliation, and Islamic ceremonies. The relationship of these three elements is internalized in a single unit called *pengaddakang* (*pengedderaeng* in Bugis language).<sup>27</sup>

One of the matters of *syarak* as well of *adak* is the issue of inheritance. Inheritance is a heirloom which can be in the form of property and rights left by a person who has died to be further distributed to those who are entitled to it.<sup>28</sup> Inheritance is indeed a major factor in the division of wealth and gender relations.<sup>29</sup> Basically, the Islamic law adheres to a bilateral-parental system although the division of inheritance practiced in the community is often unequal, especially regarding the proportion of inheritance for men and women.<sup>30</sup> There are three factors that limit the ability of women to get the share of inheritance that they are entitled to, namely the lack of education, the patriarchal practices, and the occurrence of a system of exchange marriages wherein dowries have been forced to delay inheritance.<sup>31</sup> In this circumstance, there are three ways that heirs usually use to seize part or all of the inheritance, namely through grants, wills, or fictitiousness.<sup>32</sup> For this reason, it is important to emphasize a combination of understanding between religion, law, and social impact in relation to inheritance matters—including the factors that cause the loss of inheritance rights in the grassroots level.<sup>33</sup>

In principle, the basic system of the Islamic inheritance law has predetermined a two-to-one ratio between sons/brothers and daughters/sisters in the division of inheritance. In the Islamic inheritance law, the main reason/basis for this division is the absence of “value” judgments given to women in terms of creation and gender in the Islamic law. The division is based more on the roles and financial obligations of men and women related to the socio-economic structures/facts in the family and the structure of society predicted by Islam. In this case, the “need” principle on the division and succession of inheritance and fair arrangements has been adjusted to the rights and obligations of husband and wife in the Islamic law itself. In some classical Islamic commentaries, the concept of “title” is defined in at least two verses: a) in al-Baqarah (2:228) which reads

---

<sup>27</sup> Abu Hamid, *Syekh Yusuf...*, p. 34.

<sup>28</sup> Karen Boyle, *Media and Violence: Gendering the Debates*, New York: SAGE Publishing, 2005.

<sup>29</sup> Mahtab Ahmad, et.al., “State of Inheritance Rights: Women in a Rural District in Pakistan,” *Journal of Social Service Research* 42, No. 5 (2016), p. 622-629.

<sup>30</sup> Sidik Tono, “The Harmonious Relationship Between Minangkabau Custom And Islam In The Division of Inheritance,” *Al-Shajarah*, (2019).

<sup>31</sup> Mahtab Ahmad, et al., *State of Inheritance Rights...*, p. 622-629.

<sup>32</sup> Ibrahim Yilmaz, “The Restriction of Testator’s Legal Acts Regarding Depriving The Inheritors of Inheritance Through Last Will In Islamic Law,” *Cumhuriyet Ilahiyat Dergisi*, (2017).

<sup>33</sup> Mahtab Ahmad, et al., *State of Inheritance Rights...*, p. 622-629.



“... men have degree [of responsibility] above them”; and b) in an-Nisa (4:11) “*li al-dhakari mithlu hazz al-unthayain (the share of the male will be twice that of the female)*”.<sup>34</sup> It is the interpretations of these two verses that ultimately result in the statement that the male’s share in inheritance is twice the female’s based on the justification that “men have a higher degree than women”.

Another view is that women are different in terms of their creation from the Prophet Adam a. s. as stated by al-Ṭabārī,<sup>35</sup> al-Qurtūby,<sup>36</sup> and Ibn al-Kasīr<sup>37</sup>. Contrary to this view, Abu Muslim al-Asfahānī<sup>38</sup> and Quraish Shihab argue that men and women are the same.<sup>39</sup>

Inheritance rights of women have become a prolonged debate among the Muslim community. Socio-economically, it is difficult for the community not to feel that the share is unequal. Feeling dissatisfied with the results of the division of inheritance based on the Islamic law frequently causes consequences that divide brotherhood. Sometimes it becomes a conflict in the community because some heirs do not receive the shares of inheritance that has been determined according to *furūdh al-muqaddara*. The people follow the customary law; the division of inheritance is carried out through a process of transition from family lineage.<sup>40</sup>

The people think that the sense of justice seems different from the spirit of justice written in the Qur’an. This is certainly caused by the differences in perception between what is in the Qur’an and what the community understands. This debate, in principle, is rooted in the basic law mentioned in the Qur’an, in which it has clearly distinguished the absolute rights of men and women, but the people consider it as something that is not yet final.

There is an interesting point about the position of women in the Makassar society and generally in South Sulawesi, Bugis, and Mandar communities. According to Abu Hamid, women are highly respected, guarded, supervised, and loved by their relatives. Women are considered the bearers of family values and dignity. Once she is damaged, then the whole family will be affected along with

---

<sup>34</sup>Ibrahim Yilmaz, “An Analytical Overview on The Girl’s Inheritance Share Based on Gender In Islamic Law,” *Cumhuriyet İlahiyat Dergisi* (2018).

<sup>35</sup>Muhammad bin Jarīr bin Yazid al-Ṭabārī, *Jami’ al-Bayān fi Ta’wil al-Qur’ān*, Beirut: Dar al-Kutub al-‘Ilmiyah, 1978, Vol. 1, p. 289.

<sup>36</sup>Abū ‘Abdullah Muhammad bin Ahmad bin Abū Bakar Al-Qurtūby, *al-Jami’ li Ahkām al-Qur’ān*, Beirut: Dar al-Kutub al-‘Ilmiyah, n.d., Vol. 1, p. 3.

<sup>37</sup>Abū al-Fida Ismail bin Umar Ibnu Katsīr, *Tafsir al-Qur’ān al-‘Azīm*, Beirut: Dar al-Fikr dan ‘Isa al-Babi al-Halabi, n.d., Vol. 1, p. 448.

<sup>38</sup>Abū Muslim al-Asfahānī al-Khawalani, *Dhikr Asma’ al-Tani’in*, Beirut: Mu’assasah al-Kutub al-Thaqafiyah, 1985), p. 280.

<sup>39</sup>M. Quraish Shihab, *Tafsir al-Misbah: Pesan, Kesan dan Keserasian al-Qur’an*, Jakarta: Lentera Hati, 2007, Vol. 2, p. 331.

<sup>40</sup>Rahmat Haniru, “Hukum Waris di Indonesia Perspektif Hukum Islam dan Hukum Adat,” *Al-Hukama’* 4, No. 2 (2016), p. 456-474.

the damage. The sources of *siri*' (shame) are generally about family problems or women's problems.<sup>41</sup>

Hence, in the context of inheritance in the Makassar society, it is not only a matter of the Islamic law (*syarak*), but also of *adak*, and the most important aspect is *siri*' which suggests pride and family dignity, especially when it is related to the dignity of women in the family.

### **The Practice of Giving Inheritance to Women in the Makassar Society in the Perspective of Living Qur'an**

There is a reception and community practice regarding the interpretation of women's inheritance rights in terms of the division of inheritance. There are three schemes of giving inheritance: first, the community gives women their inheritance rights according to the text of the Islamic law of a 2: 1 ratio (2 for male and 1 for female); second, the community divides inheritance by *musyawarah* and *mufakat*; and third, the community settles the division of inheritance in court.

First, in line with the 2: 1 division, the community provides women the inheritance rights according to the text of the Islamic law (2 for male and 1 for female). The unequal share of inheritance to men and women indicates that Islam elevates the status of women; becoming an early step to women empowerment since women did not even receive any inheritance before Islam.

Regarding this issue, one of the religious figures said that the inheritance rights of women of 2: 1 to men has suggested that Islam aims to raise the rights and status of women. Women do not always get half of men's share.<sup>42</sup> Similarly, a religious figure mentioned that the provision for the division of 2: 1 is the original law that has been stipulated in the Qur'an (Surah an-Nisa/4: 11) which reads, "*li al-zakari mitslu khazdzi al-untsaya'in.*" It is a leap and early progress for women, and the division of inheritance for women may be the same as that for men depending on the negotiation and *musyawarah* amongst the heirs, and therefore, the 2:1 ratio is not a discrimination.<sup>43</sup>

Second, the division of inheritance is resolved in court because there is no agreement reached in *musyawarah*. The division of inheritance also sometimes causes quarrels and verbal attacks. There are also nearly life-threatening situations during inheritance division disputes a few months after the death of the parents.<sup>44</sup> There was even a murder case in Makassar City among brothers and sisters in disputes over inheritance division. The male heirs wanted to seize the sisters' share, but got rejected.<sup>45</sup>

---

<sup>41</sup>Abu Hamid, *Syekh Yusuf*...., p. 33.

<sup>42</sup>Interview with ZB, Religious figure in Makassar City, July 2021.

<sup>43</sup>Interview with AK, Religious figure in Makassar City, July 2021.

<sup>44</sup>Interview with JS, a local of Bulukumba District, July 2021.

<sup>45</sup>Interview with LB, Religious figure in Makassar City, August 2021.

The community figure views that the 2:1 division should be properly carried out; however, it is difficult to implement as men and women have similar needs. Therefore, he believes that it should be divided equally so that no one is discouraged in the family, and the key point is achieved which is to create peace and justice.<sup>46</sup>

The court's decision is the last effort to take in the matter of inheritance division despite some people feeling dissatisfied and unwilling to accept the decision. Eventually, the family relationship is cracked and less harmonious. One respondent stated that the problem-solving actions might vary and the issue could be resolved amicably, even though the most "terrible" ones ended in court as seen many times.<sup>47</sup>

Some of the respondents' statements above indicate that dissatisfaction with the inheritance shares obtained is because of personal interests. Some horrible incidents occurred due to the lack of knowledge and religious guidance to the people concerned. Thus, the inheritance cases that could not be resolved by *musyawarah* were then transferred to court.

Third, the community divides the inheritance by way of *musyawarah*. The results of this *musyawarah* are adjustable depending on the family conditions. Sometimes the family agrees to a 1: 1 division, in which women get the same share as men, i.e., one share for men and one share for women. The basic law of sharia does not need to be interpreted differently, but its application can be interpreted at a higher level, namely equality and justice, by taking into account the circumstances. Syadzali provides the term "re-actualization" to interpret the 2: 1 ratio, as he perceives that the provision that the share of male is twice that of female does not reflect the spirit of justice for the current condition of Islamic society.<sup>48</sup> For example, men studying abroad until doctoral degree are funded by their parents while women only stay at home to take care of their parents.

A community figure described that if it is mutually agreed by the parties who have two shares to give up for an equal share, that is precisely where the vision of the sharia lies; if no one is harmed, then it is more oriented towards *maslāhah* (benefit). In other words, *maslahah* is more important than everything, and so the 1:1 division is judged as fair.<sup>49</sup> In line with that, a respondent strongly agreed with the 1:1 ration on the grounds that daughters are closer to their parents and when they are old, it is usually daughters who take care and fulfill all their needs.<sup>50</sup> When parents died, the family usually gather all brothers and sisters to

---

<sup>46</sup>Interview with SF, Community figure in Gowa District, August 2021.

<sup>47</sup>Interview with SR, a local of Bulukumba District, July 2021.

<sup>48</sup>Munawir Sjadzali, *Ijtihad Kemanusiaan*, Jakarta: Paramadina, 1995.

<sup>49</sup>Interview with MB, Religious figure in Makassar City, August 2021.

<sup>50</sup>Interview with DL, a local of Bulukumba District, July 2021.

discuss inheritance, and they do not agree to follow the 2: 1 division; hence, they proceed to divide the inheritance equally by adhering to the principle of justice.<sup>51</sup>

In a similar vein, the community figures remarked that in general, people in the villages, reflecting most families, would divide the inheritance based on the results of the family's *musyawarah*, wherein no difference of shares between male and female taking into account the needs of the families on the basis of the principle of justice.<sup>52</sup>

There are three factors that cause public reception of interpretations regarding the division of inheritance for women. First, there is a difference in understanding the legal basis used. Second, there is a difference in interests. And third, there is a difference in local wisdom or the traditions of a region. The public reception mentioned above has implications on the changes of the mindsets and assumptions of other communities, the possibilities to lose family values, and the emergence of conflicts in families during efforts to amicably resolve the issues or in court. There are two different community typologies in different community groups in understanding women's inheritance rights. The first group adheres to the meaning of the text of surah An-Nisa (4: 11) stating that men get two shares and women get one share. The second group holds onto the meaning of the socio-historical context of the Qur'an. This view wishes to capture the spirit of the Qur'an itself without intending to ignore the text.<sup>53</sup> In this case, differences in interpretation occur due to differences in understanding the basic law.

The above differences in interpretation show several points. The group that adheres to the basic legal provisions understands the verse with a text-only approach without comprehending the underlying meaning of the text. On the other hand, the other group applies a textual approach as well as a contextual approach which make them relate the socio-historical context with the verse of the Qur'an and that understanding the verse shall be linked with the background of the condition of society. Here, the group refers to the term of the science of interpretation called "*al-adab al-ijtimā'i*", which is to look at the current development of society. Mohd. Nathir states that the context of the situation is one of the main language styles in understanding the verses of the Qur'an.<sup>54</sup>

Such a development is seen when women are considered equal because their roles are the same as men's. If men take more of their parents' wealth, e.g. pursuing higher education, while women stay at home without taking the facilities, then it is certainly not ideal that the women earn smaller share of

---

<sup>51</sup>Interview with AM, a local in Gowa District, August 2021.

<sup>52</sup>Interview with BR, Community figure in Makassar City, July 2021.

<sup>53</sup>Anugrah Reskiani, et.al., "Reform Methods of Islamic Inheritance Law in Indonesia in Jurisprudence," *Juris: Jurnal Ilmu Syariah* 21, No. 1 (2022), p. 39-51.

<sup>54</sup>Khairul Asyraf Mohd. Nathir, "Nazm al-Jurjaniy and Halliday's Systematic Fungtional Linguistics (SFL) Approach in Qur'anic Text Study," *Al-Qanatir: International Journal of Islamic Studies* 21, No. 1 (2021), p. 1-11.

inheritance. The ratio is more *ta'aqquli*, and therefore the *ta'aqquli* aspect is considered in the sharia, which means the interpretation of the verse can be developed and is not absolute a 2:1 ratio. Being fair is not always interpreted as having the same exact amount, as it can also be interpreted as a “balance” of something according to its place. In short, when interpreting a verse, it shall combine a textual interpretation with a contextual interpretation in order to obtain a comprehensive understanding.<sup>55</sup>

A number of conflicts may even threaten life during inheritance division disputes, and not a few have been brought to law (court). Understanding religion is needed to avoid from having poor emotions and bad temperaments. If there is a misunderstanding that results in conflict, then the best solution should be *ishlah* (peace) as indicated in the Qur'an Surah al-Hujurat (49: 9) which reads, “*wain taifatāni min mukminīna iqtattalū fa ashlihū bainahumā*” (and if two groups of believers fight each other, then make peace between them). Thus, the wisest way should be resolved amicably as there is no need to bring the conflict to court because court decisions are not always as expected. In line with the opinion of Von Benda-Beckmann, the court decisions might be different.<sup>56</sup>

In regard to the acceptance of the interpretation of the first division of women's inheritance rights, the agreement on the 2:1 ratio turns out to be linked with the conditions that affect the second view. The agreement on the division of inheritance rights of 1: 1 also requires several social conditions for the heirs and the testators. One example is the situation of a woman who has taken care of the testators (parents) when they are old or sick. While the men have been given capital and all facilities, the woman is not given any. However, when it is the time of dividing the inheritance after their parents die, the woman only earns one share. An example of the case of the equal division of inheritance to male and female heirs occurred in Sambas, West Kalimantan.<sup>57</sup> The first and second views are related to the third one wherein the first view of a 2:1 ratio has affected the third. The 2:1 ratio is rejected in the third view, as it considers the ratio as unfair, and the second view is correlated with the third, since the second view also requires justice and balance.

To this end, the community figures suggested that the settlement of inheritance disputes be resolved by way of *ishlah* according to what is taught by the Qur'an, and to take the path of peace or *musyawarah*.<sup>58</sup> The meaning of

---

<sup>55</sup>Yusuf Rahman, “Penafsiran Tekstual dan Kontekstual Terhadap al-Qur'an dan Hadith (Kajian Terhadap Muslim Salafi dan Muslim Progressif),” *Journal of Al-Qur'an Dan Hadith Studies I*, No.1 (2012).

<sup>56</sup>Franz von Benda-Beckmann and Kebet von Benda-Beckmann, “Identity in Dispute: Law, Religion, and identity in Minangkabau,” *Asian Ethnicity* 13, No. 4, (2012), p. 341–358.

<sup>57</sup>A. Asman, “The Problem of Division of Inheritance A Case Study on The Malay Community of Sambas Kalimantan Barat in Indonesia,” *Jurnal Syari'ah* 28, No.3, (2020), p. 343–358.

<sup>58</sup>Interview with DG, Community figure in Makassar City, July 2021.

“*ishlah*” here is to make peace by bringing in *hakam* (peacemakers) from both parties from the closest relatives who know the issue in dispute with the aim of making peace between two or more parties.

However, from the three patterns of inheritance division, it appears that what is mostly practiced by the community is by way of *islah*, or *musyawarah* and *mufakat*. This is reflected in the customs and culture of the Makassar people who always resolve their problems by *musyawarah* and *mufakat*. The cultural philosophy of *siri*’ suggests that the family will feel ashamed if family problems regarding inheritance issues become a talk in the wider community. Hence, the people mostly solve the issues by *musyawarah* and *mufakat* to maintain family harmony and integrity.

### **The Division of Inheritance, Living Qur’an and Its Implications for the Islamic Law**

The division of inheritance to women and men as practiced in society will certainly have implications for the Islamic law. Public reception of the interpretations of the share of women’s inheritance has three implications: public knowledge, prevailing values, and problem-solving actions. The first implications on public knowledge may involve the changes of understanding and assumptions about inheritance. Public reception of women’s inheritance rights affects the perceptions of some people, i.e., making people confused whether to adhere to the provisions stipulated in the Qur’an of a 2: 1 ratio by consistently following their longstanding view or to shift to the view that balances the division of men and women equally to 1: 1. In this case, many are looking for the best, safest, and most comfortable way that their families can accept, which is by following the community’s tradition of dividing inheritance based on the results of the heirs’ *musyawarah*. Their decision is because the division of inheritance can be carried out according to each individual.<sup>59</sup>

The above discussions indicate that it is up to the individual whether he/she is consistent with his/her knowledge or only following new opinions. This becomes an option for them and it may depend on the results of *musyawarah* and *mufakat* between the families at the time the assets are distributed.

The second implications are on the prevailing values (e.g., family values, harmony, and togetherness). The community reception on the division of women’s inheritance rights often leads to conflict, causing family relations to abruptly change from a state of harmony and peace. Conflict can also collapse togetherness and break apart a family. Some conflict can even threaten life. In one area in Bulukumba, a male heir came to his sisters, who were heiresses as well, and asked his sisters to redistribute the inheritance that had been divided equally

---

<sup>59</sup>Interview with DL, a local of Bulukumba District, July 2021.



by mutual agreement when their parents were still alive, but some of them disagreed, and then, a fight broke out.

The third implications are related to the problem-solving actions (i.e., actions for solving family and social problems). The inheritance division disputes can be amicably settled; however, if they cannot be resolved peacefully, without further considerations and regardless of family ties, some people will take legal action or bring the matter to court.

The first implications suggest that the public understanding of women's inheritance rights changes and is inconsistent with the knowledge that has long been understood due to public acceptance of the interpretation of inheritance rights. Thus, people may change their minds based on what is considered to create more justice and equality.

The second implications indicate that the family values of a friendly, harmonious, and no conflict atmosphere will completely change as if no family relationship ever existed. The third implications on the problem-solving actions show that disputes regarding inheritance, especially women's inheritance rights, can be settled in two ways: amicable settlement and court settlement, with the latter being the last resort when the two parties are not satisfied with the decision of amicable settlement.

Factors such as customs and *siri'* culture that respect women and the feelings of embarrassment if family problems are disclosed to public cause the people to resolve problems through *musyawarah* and *mufakat*. Therefore, the division of inheritance for women in Makassar society with the living Qur'an approach reveals that there is an integration between the Islamic law and local customs. The schemes of inheritance division consist of following the text in the Qur'an, resolving in court, and conducting *musyawarah* or *islah* depending on the agreement and condition of the family at the time the inheritance is distributed. Here, this scheme of *musyawarah* is mostly carried out by the community on the grounds of the dignity and the culture of *siri'* that aim to maintain family harmony. Such considerations show that the Islamic law is flexible and can be integrated with customs and cultures.

## Conclusion

This study concludes that public reception in understanding women's inheritance rights has been influenced by different structural positions of society. Findings on the receptions in understanding women's inheritance rights reveal two points. First, the understanding of the 2:1 ratio in terms of Islamic inheritance is dynamic, indicating that there are different knowledge mastery and also interests. Second, there is a new perspective on women's inheritance rights in relation to human security, from previously an objective one. The dynamic understanding of women's inheritance rights and the use of new, more subjective and moderate perspectives in viewing the consequences of the division of

women's inheritance have enabled the discovery of new directions for research on women's inheritance rights. To add, based on the living Qur'an theory, the practices of inheritance division to women in Makassar society have been different: first, some adhere to the text of the Qur'an in terms of sharing the inheritance among the heirs; second, some settle in court when no agreement is reached; and third, some divide the inheritance based on *musyawarah* and *mufakat*. Nevertheless, the people mostly divide the inheritance by way of *musyawarah* to maintain the integrity of the family. In this context, social and local cultural customs also influence the division of inheritance in society, which positions women with respect and considers family affairs are part of *siri'* (shame). The practices suggest that the Islamic law is flexible, especially when the law has a dialectic with custom and culture.

## References

### Journals and Books

- A. Asman, "The Problem of Division of Inheritance A Case Study on The Malay Community of Sambas Kalimantan Barat in Indonesia," *Jurnal Syari'ah* 28, No. 3, (2020).
- Al-Asfahānī, Abū Muslim, *Dhikr Asma' al-Tani'in*, Beirut: Mu'assah al-Kutub al-Thaqafiyah, 1985.
- Ahangar, Mohd Altaf Hussain, "Succession Rights of Muslim Women In The Modern World: an Analytical Appraisal," *Arab Law Quarterly*, (2014). <https://doi.org/10.1163/15730255-12341275>.
- Ahimsa-Putra, Heddy Shri, "The Living al-Qur'an: Beberapa Perspektif Antropologi," *Walisongo* 20, No. 1 (2012).
- Ahmad, Mahtab., et al., "State of Inheritance Rights: Women in a Rural District in Pakistan," *Journal of Social Service Research* 42, No. 5 (2016). <https://doi.org/10.1080/01488376.2016.1177633>.
- Ali, Muhammad, "Kajian Naskah dan *Living al-Qur'an* dan *Living Hadith*," *Journal of al-Qur'an and Hadith Studies* 4, No. 2 (2015).
- Ali, Zainuddin, *Metode Penelitian Hukum*, Jakarta: Sinar Grafika, 2014.
- Al-Khawazmi al-Zamakhsyarī, *al-Kasysyāf 'an Haqāiq al-Tanzil wa 'Uyun al-Aqāwil* (Vol. 1), Beirut: Dār al-Fikr, 1977.
- Al-Ṭabārī, Muhammad bin Jarīr bin Yazid, *Jami' al-Bayān fi Ta'wil al-Qur'ān*, Beirut: Dār al-Kutub al-'Ilmiyah, 1978.
- Amalia, Endah Amalia, "Penyetaraan Gender Dalam Hal Pembagian Warisan." *Ahkam: Jurnal Hukum Islam* 8, No. 2 (2020). <https://doi.org/10.21274/ahkam.2020.8.2.213-232>.
- Al-Qurṭūbi, Abū 'Abdullah Muhammad bin Ahmad bin Abū Bakar, *al-Jami' li Ahkām al-Qur'ān*, Beirut: Dār al-Kutub al-'Ilmiyah, n.d.
- Attaullah, Qazi and Luth Ullah Saqib, "Women's Right to Inheritance in Sharī'ah:

- Flaws lie in the Society and Judicial System of Pakistan, not in Law on the Subject (A Realistic Jurisprudential Approach)," *Journal of Islamic and Religious Studies* 5, No. 1 (2020).  
<https://doi.org/10.36476/jirs.5:1.06.2020.13>.
- Bachtiar, Mariyati, "Hukum Waris Islam Dipandang Dari Perspektif Hukum Berkeadilan Gender," *Jurnal Ilmu Hukum* 3, No. 1 (2012).  
DOI: <http://dx.doi.org/10.30652/jih.v3i01.1026>.
- Baran, Stanley J. and Dennis K. Davis, *Mass Communication Theory: Foundations, Ferment, and Future*, Belmont CA: Thomson Wadworth, 2007.
- Boyle, Karen, *Media and Violence: Gendering the Debates*, New York: SAGE Publishing, 2005.
- Chiroma, Magaji., et al., "Islam Versus Gender Equality: the Reality About the Islamic Principle of Liddhakari Mithlu Hazzi Al-Unthayayn (Two Female Portion Is Equivalent To a Male Portion, 2:1) in the Division of a Deceased'S Estates," *European Scientific Journal* 10, No. 19 (2014).  
DOI: <https://doi.org/10.19044/esj.2014.v10n19p%25p>.
- Cohen, Claire. Problematizing 'pro-feminist' depictions of female on male rape: American Horror Story's 'Rape of the Monsignor.' *Crime, Media, Culture: An International Journal*, March 22, 2019 (2019).  
<https://doi.org/10.1177/1741659019836276>.
- Farhan, Ahmad, "Living al-Qur'an sebagai Metode Alternatif dalam Studi al-Qura'n," *El-Afkar* 6, No. 2 (2017).
- Fuady, Munir, *Metode Riset Hukum: Pendekatan Teori dan Konsep*, Jakarta: Rajawali Press, 2018.
- Hall, Stuart, Encoding/Decoding, *Culture, Media, Language: Working Papers in Cultural Studies*, 1972-79. (2003).  
<https://doi.org/10.4324/9780203381182>
- Hall, Stuart and Tony Jefferson, *Resistance Through Rituals: Youth Subcultures in Post-war Britain*, London: Routledge, 2006.
- Haniru, Rahmat, "Hukum Waris di Indonesia Perspektif Hukum Islam dan Hukum Adat," *Al-Hukama'* 4, No. 2 (2016).  
DOI: <https://doi.org/10.15642/al-hukama.2014.4.2.456-474>
- Hamid, Abu, *Syekh Yusuf Makassar: Seorang Ulama, Sufi dan Pejuang*, Jakarta: Yayasan Obor Indonesia, 1994.
- Herawati, Andi, "Sistem Pembagian Warisan pada Masyarakat Muslim di Kota Makassar," *Ash-Shahabah: Jurnal Pendidikan dan Studi Islam* 5, No. 1 (2019).
- Huda, Miftahul, et.al., "Fiqh and Custom Negotiation in Inheritance Dispute Tradition at Mataram Society, East Java," *al-Ihkam: Jurnal Hukum dan Pranata Sosial* 15, No. 2 (2020). DOI: <http://dx.doi.org/10.19105/al-ihkam.v15i2.3787>.

- Ibnu Katsir, Abū al-Fida Ismail bin Umar, *Tafsīr al-Qur'ān al-'Azīm*, Beirut: Dār al-Fikr dan 'Isa al-Babi al-Halabi, n.d.
- Jirattikorn, Amporn. "Between ironic pleasure and exotic nostalgia: audience reception of Thai television dramas among youth in China," *Asian Journal of Communication*, (2021).  
<https://doi.org/10.1080/01292986.2021.1892786>.
- Junaidy, Abdul Basith, "Competing For Inheritance: The Contestation between Islam, Adat and Modernity in Inheritance Distribution in Indonesia," *Journal of Indonesian Islam* 7, No. 2 (2013).  
DOI: 10.15642/JIIS.2013.7.2.427-432.
- Khodary, Yasmin, What difference can it make? Assessing the impact of gender equality and empowerment in matters of inheritance in Egypt. *Journal of the Middle East and Africa* 9, No. 2, (2018). 173–193.  
<https://doi.org/10.1080/21520844.2018.1499336>
- Naaraayanan, S. Lakshmi, *Women's Inheritance Rights and Entrepreneurship Gender Gap*, (2020).  
[https://wpcarey.asu.edu/sites/default/files/202111/s.\\_lakshmi\\_naaraayanan\\_seminar\\_paper.pdf](https://wpcarey.asu.edu/sites/default/files/202111/s._lakshmi_naaraayanan_seminar_paper.pdf).
- M. Mansur, et al., *Metodologi Penelitian Living Qur'an dan Hadis*, Yogyakarta: TH Press, 2007.
- Mattulada, Islam di Sulawesi Selatan dalam Taufik Abdullah, *Agama dan Perubahan Sosial*, Jakarta: Rajawali Press, 1996.
- Mohd. Nathir, Khairul Asyraf. "Nazm al-Jurjaniy And Halliday's Systematic Functional Linguistics (SFL) Approach in Qur'anic Text Study," *Al-Qanatir: Internaational Journal of Islamic Studies* 21, No. 1 (2021).
- Nurlaelawati, Euis, "Change and Continuity: The Kompilasi and Indonesian Islamic Courts," *Studia Islamika* 14, No. 1 (2007).  
Doi: 10.15408/sdi.v14i1.559.
- Qutb, Sayyid, *Fī Zilāl al-Qur'ān* (Vol. 5), Beirut: Dar al-Shuruq, 2011.
- Rahman, Yusuf "Penafsiran Tekstual dan Kontekstual Terhadap al-Qur'an dan Hadith (Kajian Terhadap Muslim Salafi dan Muslim Progressif)" *Journal of Al-Qur'an Dan Hadith Studies* 1, No. 1 (2012).
- Reskiani, Anugrah, et.al., Reform Methods of Islamic Inheritance Law in Indonesia in Jurisprudence, *Juris: Jurnal Ilmu Syariah* 21, No. 1 (2022).  
DOI: <http://dx.doi.org/10.31958/juris.v21i1.5564>..
- Simoni, Mary. (2018). The Audience Reception of Algorithmic Music, *The Oxford Handbook of Algorithmic Music*, Oxford University Press, 2018.  
<https://doi.org/10.1093/oxfordhb/9780190226992.001.0001>.
- Setiawan, Muhammad Nur Kholis, *Al-Qur'an Kitab Sastra Terbesar*, Yogyakarta: Elsaq Press, 2006.
- Sewang, Ahmad M., *Islamisasi Kerajaan Gowa Abad XIV Sampai Abad XVII*, Jakarta: Obor Indonesia, 2005.

- Shihab, M. Quraish, *Tafsir al-Misbah: Pesan, Kesan dan Keserasian al-Qur'an*, Vol. 2, Jakarta: Lentera Hati, 2007.
- Sirin, Khaeron, Analisis Pendekatan Teks dan Konteks dalam Penentuan Pembagian Waris Islam," *Ahkam: Jurnal Ilmu Syariah* 13, No. 2 (2013). <https://doi.org/10.15408/ajis.v13i2.941>
- Suma, Muhammad Amin, "Menakar Keadilan Hukum Waris Islam Melalui Pendekatan Teks dan Konteks al-Nushûsh," *Ahkam: Jurnal Ilmu Syariah* 12, No. 2 (2012). <https://doi.org/10.15408/ajis.v12i2.965>
- Sjadzali, Munawir, *Ijtihad Kemanusiaan*, Jakarta: Paramadina, 1995.
- Tono, Sidik, "The Harmonious Relationship Between Minangkabau Custom and Islam in The Division of Inheritance." *Al-Shajarah*, (2019).
- Tektona, Rahmadi Indra and Savitri Indiarti, "Kepatian Hukum Hak Waris Islam Anak Dibawah Umur terhadap Harta Peninggalan Ibunya (Studi Penetapan Pengadilan Agama Nomor 003/Pdt.P/2015/PA.Bdg," *Egalita: Jurnal Kesetaraan dan Keadilan Gender* 16, No. 1 (2021).
- Von Benda-Beckmann, Franz and Kebet von Benda-Beckmann, "Identity in dispute: Law, religion, and identity in Minangkabau," *Asian Ethnicity* 13, No. 4, (2012). <https://doi.org/10.1080/14631369.2012.710073>
- Wahib, Ahmad Bunyan, "Reformasi Hukum Keluarga di Dunia Muslim," *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 14, No. 1 (2014): 1-19. DOI: <https://doi.org/10.18326/ijtihad.v14i1.1-19>.
- Yilmaz, Ibrahim. "The Restriction of Testator's Legal Acts Regarding Depriving The Inheritors of Inheritance Through Last Will In Islamic Law." *Cumhuriyet İlahiyat Dergisi*. (2017). <https://doi.org/10.18505/cuid.314744>
- Yilmaz, Ibrahim, "An Analytical Overview on The Girl's Inheritance Share Based On Gender in Islamic Law," *Cumhuriyet İlahiyat Dergisi*, (2018). <https://doi.org/10.18505/cuid.404670>.

## Interviews

Interview with AK, a religious figure in Makassar City, July 2021.

Interview with MB, a religious figure in Makassar City, August 2021.

Interview with DL, a local of Bulukumba District, July 2021.

Interview with AM, a local of Gowa District, August 2021.

Interview with DG, a community figure in Makassar City, July 2021.

Interview with JS, a local of Bulukumba District, July 2021.

Interview with LB, a religious figure in Makassar City, August 2021.

Interview with SR, a local of Bulukumba District, July 2021.

Interview with SF, a community figure in Gowa District, August 2021.

Interview with BR, a community figure in Makassar City, July 2021.

Interview with ZB, a religious figure in Makassar City, July 2021.