



**The Bilateral Inheritance System in Islamic Family Law:
Fairness, Equality, and Mutual Exchange Perspectives**

Reni Nur Aniroh

Universitas Sains Al-Qur'an Jawa Tengah, Wonosobo

Khoiruddin Nasution

Universitas Islam Negeri Sunan Kalijaga Yogyakarta

Ali Sodikin

Universitas Islam Negeri Sunan Kalijaga Yogyakarta

Email: reninur@unsiq.ac.id

Abstract: This article aims to demonstrate that bilateral inheritance is a system of inheritance that is intended to embody the principles of equal justice in Islamic family law. Hazairin, the pioneer of bilateral inheritance, has initiated the implementation of these principles. However, there are still some issues that need to be addressed in some circumstances. This study employs a juridical legal approach, examining it through the lens of John Rawls' theory of justice and Mubādalāh Faqihuddin Abdul Kodir's theory. The studied material consists of notions and perspectives concerning the distribution of inheritance in Islamic law, derived from the Qur'an, hadith, and the viewpoints of ulama and legal professionals. The article's conclusion demonstrates that, according to John Rawls's theory of justice and Mubādalāh Faqihuddin Abdul Kodir's theory, bilateral inheritance, when interpreted in a mutually equitable manner, establishes equal positions for men and women in terms of both lineage and inheritance, based on their individual circumstances. Under circumstances where women, like men, can inherit all assets as sole heirs without contravening the explicit restrictions of the text, Furthermore, the allocation of inherited assets can be executed without any complex calculations or meticulous planning, since these assets can be fully utilized without any surplus or diminishing the portion received by the heirs. This essay aims to highlight Hazairin's innovative proposal for ensuring fair treatment in inheritance disputes while also addressing the theological issues that have been overlooked. Consequently, it is possible to examine Hazairin's thesis by employing Rawls' theory of justice and Mubjadi Faqihuddin's theory.

Keywords: Bilateral inheritance, fairness, equality, reciprocity, Islamic family law

Abstrak: Tulisan ini ingin memperlihatkan bahwa kewarisan bilateral sejatinya merupakan sistem kewarisan yang diharapkan dapat merepresentasikan nilai-nilai keadilan yang setara dalam hukum keluarga Islam. Hazairin sebagai pencetus kewarisan bilateral telah mengawali terealisasinya nilai-nilai itu, namun pada beberapa hal masih menyisakan problem di dalamnya. Kajian tersebut menggunakan metode hukum yuridis yang dinalalisis dengan teori keadilan John Rawls dan teori Mubādalāh Faqihuddin Abdul Kodir. Data yang dianalisis adalah konsep-konsep dan pandangan tentang pembagian warisan dalam hukum Islam baik dalam al-Qur'an, hadis maupun pendapat para ulama dan ahli hukum. Kesimpulan artikel ini menunjukkan bahwa berdasarkan teori keadilan John Rawls dan teori Mubādalāh Faqihuddin Abdul Kodir membuktikan bahwa dalam kewarisan bilateral yang dibaca secara resiprokal berkeadilan, posisi laki-laki dan perempuan berkedudukan sama dan setara baik dalam garis keturunannya ataupun bagian warisnya sesuai kondisi masing-masing. Dalam kondisi ketika mereka (perempuan) sebagai ahli waris tunggal, sebagaimana laki-laki, dapat mewarisi seluruh aset karena dirinya sendiri dan tanpa melanggar ketentuan literal ayat. Sementara pembagian harta warisan dapat diaplikasikan dengan tanpa rekayasa radd ataupun 'awl, karena harta peninggalan dapat dihabiskan tanpa sisa ataupun memperkecil bagian ahli waris. Tulisan sederhana ini, setidaknya, diharapkan dapat mempertegas ide bilateral Hazairin yang brilian itu agar semua kasus kewarisan tetap berada dalam bingkai kesetaraan sekaligus menemukan jalan keluar bagi problem teologis yang selama ini didiamkan. Oleh karenanya, pengujian teori Hazairin dengan teori keadilan Rawls dan teori Mubadalah Faqihuddin layak dilakukan.

Kata Kunci: Kewarisan bilateral, keadilan, kesetaraan, resiprokal, hukum keluarga Islam

Introduction

The influence of Islam on societal understanding and its current presence remains robust, characterized by its Arabian patriarchal essence. This issue is particularly evident in the context of women's inheritance, since they consistently receive only half the share that males do. Only descendants from the paternal lineage are considered heirs. Girls cannot substitute one portion of their male siblings.¹ The idea of *'aṣabah* refers to a situation where a woman can only receive the full remaining inheritance when she is included in a *'aṣabah* by a male.

¹ Yasmin Khodary, "What Difference Can It Make? Assessing the Impact of Gender Equality and Empowerment In Matters of Inheritance in Egypt," *The Journal of Middle East and Africa* 9, No. 2 (2019). p. 173-193. Ratno Lukito, "Sustainability Hukum Waris Islam di Indonesia," *Majalah Peradilan Agama*, Desember 2016. Euis Nurlaelawati, "Menuju Kesetaraan dalam Aturan Kewarisan Islam Indonesia: Kedudukan Anak Perempuan vs Saudara Kandung," dalam *Problematika Hukum Kewarisan Islam Kontemporer di Indonesia* (Jakarta: Puslitbang Kehidupan Keagamaan Badan Litbang dan Diklat Kementerian Agama RI, 2012), 225–26.

Nevertheless, in cases where a woman is the exclusive beneficiary, she is unable to acquire the entire bequest as a male counterpart would. The last reference to men in inheritance passages is frequently understood with a gender-biased perspective, suggesting that women are inferior beings who lack rationality and religious devotion. This issue subsequently results in women being subjected to negative evaluations and stigmatization, which implies their inferiority.

The emergence of Hazairin's inheritance system is seen as a potential source of innovative solutions to several issues, including the ones listed earlier. Sarmadi states that Hazairin's legacy in Indonesia has largely distanced itself from the Arab cultural framework and is highly representational.² Anshori believes that Hazairin's bilateral paradigm is both practical and suitable for addressing certain legal cases.³ Abu Bakar referred to Hazairin as a moderate, devout, and Indonesianist individual who offered an alternate source for addressing inheritance law in Indonesia.⁴ According to Cammack, Hazairin's mixed origin has made a significant impact on Indonesian Islamic law as well as on Islamic legal philosophy as a whole.⁵ According to Hazairin's bilateral inheritance system, women hold a "equivalent" position to men, both in terms of their lineage and their social status and power.⁶ The Hazairin notion introduces a novel approach to justice that promotes greater equality, which is lacking in *Sunni* inheritance practices.

Upon closer examination, it becomes evident that Hazairin's bilateral inheritance system contains inherent inconsistencies, particularly in its portrayal of justice and equality. When a daughter becomes the exclusive beneficiary (in the absence of a male beneficiary), she assumes a distinct standing, similar to other female beneficiaries. In this instance, the status of women is still undervalued. Although the woman will ultimately inherit all the assets, the inheritance will be distributed in two stages: first, from her *fard* (specified portion), and then from her *radd* (remaining inheritance). Meanwhile, under specific circumstances, the computation may also encounter *'awl* (aggregate inherited assets). These two notions, *radd* and *'awl*, possess distinct patrilineal Arabic connotations and are regarded as a "anomaly" in the Islamic inheritance

² A. Sukris Sarmadi, *Transendensi Keadilan Hukum Waris Islam Transformatif*, Cet. 1 (Jakarta: Raja Grafindo Persada, 1997), p. 276–278.

³ Abdul Ghofur Anshori, "Konsep Kewarisan Bilateral Hazairin: Studi Filasafat Hukum Kewarisan Islam di Indonesia" (Disertasi, Yogyakarta, Universitas Gajah Mada, 2004), p. 212.

⁴ Abu Bakar, "Pemikiran Hukum Kewarisan Bilateral: Studi Pemikiran Hazairin," *Al-Banjari: Jurnal Ilmiah Ilmu-Ilmu Keislaman* 6, No. 11 (2007), p. 36–37.

⁵ Mark Cammack, "Islamic Inheritance Law in Indonesia: The Influence of Hazairin's Theory of Bilateral Inheritance," *Australian Journal of Asian Law* 4 (2002), p. 99.

⁶ Anshori, "Konsep Kewarisan Bilateral Hazairin: Studi Filasafat Hukum Kewarisan Islam di Indonesia," p. 208–209.

law by certain experts. David S. Powers asserts that Muslim scholars are unable to provide an explanation for this anomaly and choose to disregard it.⁷

The author is intrigued by the contradiction and is interested to examine Hazairin's approach to bilateral inheritance, particularly with regards to the equitable distribution of inheritance between men and women. How does Hazairin's legacy, which involves both sides or parties, symbolize the principles of fairness and equal treatment? In order to address this question, this study employs John Rawls' theory of justice and *Mubādalah* Faqihuddin Abdul Kodir's theory.⁸ Rawls argues that a theory, no matter how efficient and economical it may be, should be rejected or changed if it is harmful. Similarly, regardless of how efficient and orderly a law or organization may be, if it is unjust, it should be altered or eliminated.⁹ Hazairin's bilateral theory aims to achieve gender equality by ensuring equal representation and authority for both men and women in terms of lineage and inheritance. This notion eloquently embodies the principles of justice and equality. Nevertheless, Hazairin's bilateral inheritance continues to adhere to the 2:1 ratio between male and female inheritance as the default rule, regardless of whether the heirs are alone or with other individuals of the same gender in the same degree. This idea undermines the principles of justice and equality that Hazairin has consistently supported.

While some of the aforementioned challenges are not novel, it is crucial to thoroughly examine them due to the inadequate attention they have received in past studies, particularly in relation to justice and equality. Several scholars have conducted comparative analyses of Hazairin's bilateral inheritance in relation to other thinkers and notions,¹⁰ exploring it through the lenses of maqāṣid shari'ah and philosophy.¹¹ Several additional studies have examined Hazairin's bilateral

⁷ David Stephan Powers, *Peralihan Kekayaan dan Politik Kekuasaan: Kritik Historis Hukum Waris*, translation by Arif Maftuhin (Yogyakarta: LKiS, 2001), p. 121.

⁸ Damanhuri Fattah, "Teori Keadilan Menurut John Rawls," *Jurnal TAPIS* 9, no. 2 (2013.), p. 30–31.

⁹ John Rawls, *A theory of justice*, Rev. ed (Cambridge, Mass: Belknap Press of Harvard University Press, 1999), p. 3.

¹⁰ Abubakar Al-Yasa, "Ahli Waris Sepertalian Darah: Kajian Perbandingan terhadap Penalaran Hazairin dan Penalaran Fiqh Mazhab" (Disertasi, Yogyakarta, Fakultas Pascasarjana IAIN Sunan Kalijaga, 1989). Muchammad Hammad, "Waris dan Wasiat dalam Hukum Islam: Studi atas Pemikiran Hazairin dan Munawir Sjadzali," *At-Taḥdzib: Jurnal Studi Islam dan Muamalah* 3 (2015), p. 46–59; Rosidi Jamil, "Hukum Waris dan Wasiat (Sebuah Perbandingan antara Pemikiran Hazairin dan Munawir Sjadzali)," *Al-Aḥwal: Jurnal Hukum Keluarga Islam* 10 (2017), p. 99–114. Sugiri Permana, "Implications of Hazairin and Munawir Sjadzali Thoughts in Establishment of Islamic Inheritance in Indonesia," *AHKAM* 18 (2018), p. 375–394.

¹¹ Muchlis Samfrudin Habib, "Sistem Kewarisan Bilateral Ditinjau dari Maqashid al-Syari'ah," *De Jure: Jurnal Hukum dan Syari'ah* 9 (2017), p. 30–42. Miftahul Huda and Tri Wahyu Hidayati, "The Concept of Muḥammad Shahrūr on Gender Parity in Inheritance Legislation," *EL-Ussrah: Jurnal Hukum Keluarga* 6, No. 2 (2023). Mursyid Djawas, "The Construction of Islamic

inheritance in relation to gender equality, with a particular emphasis on successor heirs, their growth, influence, strategies in *ijtihad*, and related aspects.¹² Currently, there is a lack of research exploring inheritance concerns from the standpoint of John Rawls' theory of justice or *Mubādalāh* Faqihuddin Abdul Kodir's theory.¹³ Previous studies have not addressed the analysis of *Hazairin's* bilateral inheritance, specifically regarding inheritance for both men and women under "same conditions" from the standpoint of justice and equality.

This essay was meticulously developed by gathering qualitative data, information, and sources from the literature to address this subject. The main sources of data for this research are *Hazairin's* article titled "Bilateral Inheritance Law according to the Qur'an and Hadith" and his other writings that discuss the concept of bilateral inheritance. Meanwhile, the secondary database comprises literary works authored by individuals who have a direct or indirect connection to bilateral inheritance. Subsequently, the gathered data underwent categorization, classification, reduction, analysis, and interpretation employing John Rawls' theory of justice and *Mubādalāh* Faqihuddin Abdul Kodir's theory. The aim of this is to ensure that the principles of fairness and equitable treatment are fully reflected in every inheritance case covered by the bilateral inheritance system.

John Rawls's Theory of Justice and Faqihuddin's *Mubādalāh* theory as Lenses for Analysis

Justice and equality are fundamental principles that must be included into every legal judgment in order to ensure that the law promotes a "sense of justice" in the society. John Rawls, through his theory of justice, argues that justice should not only be quantifiable by rational means, but also aligned with a subjective understanding of what is just.¹⁴ However, the concept of justice is not determined by individual incidents, but rather by the societal framework, specifically by

Inheritance Law: A Comparative Study of The Islamic Jurisprudence and The Compilation of Islamic Law," *Juris (Jurnal Ilmiah Syari'ah)* 21, No. 2 (2022).

¹² Reni Nur Aniroh, "Mempertegas Ide Kesetaraan Gender dalam Sistem Kewarisan Bilateral: Sistem Waris Bilateral Pasca *Hazairin*," *Al-Ahwal* 13, No. 2 (2020), p. 119–138; Mahfudz Junaedi, "Epistemologi Fikih Mazhab Indonesia: Studi atas Pemikiran *Hazairin*" (Disertasi, Yogyakarta, Universitas Islam Negeri Sunan Kalijaga, 2017). Agus Moh Najib, "Metodologi Ijtihad Mazhab Indonesia: Menelusuri Pemikiran Ushul Fikih *Hazairin*," *Asy-Syir'ah: Jurnal Ilmu Syari'ah dan Hukum* 50, No. I (2016), p. 1–20. Sukiati, "Hazairin's Legal Thought and His Contribution Towards The Indonesian Legal System," *Journal of Indonesian Islam* 6 (2012), p. 93–124.

¹³ Sri Suci Haryanti, "Pembagian Waris bagi Anak Laki-Laki dan Perempuan Adat Suku Sasak Perspektif Teori Keadilan John Rawls: Studi di Dusun Sade Desa Rembitan Kecamatan Pujut Lombok Tengah" (Tesis, Universitas Islam Negeri Maulana Malik Ibrahim, Malang, 2019). Abdul Mu'thi Muchlis, "Pembagian Hak Waris Sangkolan Berbasis Gender Perspektif Qira'ah Mubadalāh dan Kompilasi Hukum Islam" (Tesis, Universitas Islam Malang, 2023).

¹⁴ Rawls, *A theory of justice*, p. 52.

ensuring the fundamental rights of every individual. According to this philosophy, justice is founded upon two fundamental foundations. Initially, it is a fundamental principle that all individuals possess identical fundamental entitlements and liberties. Secondly, socio-economic inequality is acceptable as long as it promotes advantages for all individuals by ensuring equal possibilities for everyone to occupy various social and professional positions.¹⁵ In this scenario, all members of the society are placed in an equal starting position and the social characteristics associated with them are removed (referred to as the veil of ignorance). By relying on these characteristics, equal freedom can be achieved, resulting in a formulation of justice that is genuinely equitable.

This theory aims to analyze the fundamental concepts of justice (equality) that form the basis of a specific regulation, and subsequently examine its societal ramifications.¹⁶ To summarize, the key components of this philosophy include equality, equitable distribution, attainment of primary goods, and tolerable inequities that must benefit all parties involved. In this framework, the concept of justice is divided into two aspects: similarities, which refer to equality, and dissimilarities, which refer to inequality).¹⁷ In Rawls's perspective, justice does not necessarily require strict equality. However, it does demand the acknowledgment and prioritization of the freedom and equality of all individuals. Consequently, any inequality must be justified by its overall value to all parties involved, especially the most disadvantaged.

In *Mubādalāh* Faqihuddin's perspective, justice and equality are considered essential values (*al-mabādi'*) that are specifically addressed in the text of *al-qawā'id* when it comes to family law matters. The *Mubādalāh* method is founded upon three fundamental ideas. Islam is intended for both men and women. Furthermore, the dynamics between men and women are elucidated through the principles of mutuality and cooperation. Furthermore, it is imperative to reexamine religious texts by drawing upon the aforementioned two concepts.¹⁸ In *Mubādalāh* Faqihuddin's perspective, justice and equality are considered essential values (*al-mabādi'*) that are specifically addressed in the text of *al-qawā'id* when it comes to family law matters. The *Mubādalāh* method is founded upon three fundamental ideas. Islam is intended for both men and women. Furthermore, the dynamics between men and women are elucidated through the principles of mutuality and cooperation. Furthermore, it is imperative to

¹⁵ Rawls, *A theory of justice*, p. 52–53.

¹⁶ Damanhuri Fattah, "Teori Keadilan Menurut John Rawls," *Jurnal Tapir: Jurnal Teropong Aspirasi Politik Islam* 9 (2) (2013), p. 32.

¹⁷ Rawls, *A theory of justice*, 52–56.

¹⁸ Faqihuddin Abdul Kodir, *Qirā'ah Mubādalāh: Tafsir Progresif untuk Keadilan Gender dalam Islam* (Yogyakarta: IRCiSoD, 2019), p. 196.

reexamine Islamic instructional books by drawing upon the aforementioned two concepts.¹⁹

The *Mubādalah* method is implemented in three operational steps. Firstly, it is essential to validate the fundamental concepts found in the naṣ (referring to the Al-Qur'an and Hadith) that are in alignment with the *al-juz'iyat* text that is to be interpreted. Next, analyze the main concepts presented in the *al-juz'iyat* text and establish connections between these principles and the ones discussed in the initial stage. Next, condense the main concepts identified in the previous phase into a gender-neutral form, as not specified in the text.²⁰ This article does not focus on the interpretation of the Qur'an itself, but rather on the analysis of the text related to the concept of inheritance in Hazairin's work. The *Mubādalah* theory is primarily employed for the interpretation of literature, including the Al-Qur'an and Hadith. However, its proponent asserts that this theory can also be applied to study other texts, such as the writings of a prominent individual or legal documents.²¹

The Conception of Bilateral Hazairin's Inheritance

Prior to developing his theory of bilateral inheritance, Hazairin, in his work "Bilateral Inheritance Law according to the Qur'an and Hadith", initially explores the fundamental parameters of inheritance law as outlined in the Qur'an. He proceeded to elucidate the several forms of kinship observed in the society, specifically patrilineal, matrilineal, and parental. Hazairin's analysis establishes a correlation between the kinship system and passages about marriage and inheritance, leading to the conclusion that the Qur'an follows a bilateral kinship pattern.²² This approach exhibits equal recognition of family members from both male and female lineages. Next, Hazairin proceeded with his exposition on the principles of bilateral inheritance law as outlined in the Hadith. He systematically analyzes the hadith pertaining to inheritance individually. Hazairin considers the hadith of Ibn 'Abbās on "*awlā rajulin žakarīn*" to be the Prophet's wise decision or *ijtihād* in settling specific cases at that time, as there were no verses that addressed this issue. This hadith also produce the concept of '*aṣabah*'.²³ In addition, Hazairin considers other hadiths that describe the settlement of

¹⁹ Faqihuddin Abdul Kodir, *Perempuan (Bukan) Sumber Fitnah!: Menguji Ulang Hadis dengan Metode Mubādalah* (Bandung: Afkaruna.id, 2021), p. 28–29.

²⁰ Kodir, *Qir'ah Mubādalah: Tafsir Progresif untuk Keadilan Gender dalam Islam*, p. 200–210.

²¹ Faqihuddin Abdul Kodir, "Perempuan dan Teks (Perspektif Mubādalah)" (HALO dari ADHKI Seri 3: Perempuan dalam Teks, ADHKI Channel, 10 September 2020). Kodir, *Perempuan (Bukan) Sumber Fitnah!: Menguji Ulang Hadis dengan Metode Mubādalah*.

²² Hazairin, *Hukum Kewarisan Bilateral menurut Qur'an dan Hadith* (Jakarta: P.T. Tintamas Indonesia, 1982), p. 6–58.

²³ Hazairin, *Hukum Kewarisan Bilateral*, p. 93–99.

inheritance issues utilizing techniques or procedures that do not align with the teachings of the Al-Qur'an to be rules that have been safeguarded by the verses of the Al-Qur'an. These hadith are regarded as the Prophet's *ijtihad*, made prior to receiving divine revelation, and are to be adhered to until a verse is revealed that supersedes them.²⁴

In this section, Hazairin explains his approach to *ijtihad*, which involves the analysis of the commands of Allah and His Messenger, as long as they do not contradict the *Kitābullāh*, the book of Allah. If the provisions are not explicitly stated in these two sources, and then *ulul amri* has the authority to apply inductive or deductive *qiyās*. Inductive *Qiyās* is used to apply laws that are analogous to the laws of a previously specified occurrence. Meanwhile, deductive *qiyās* is employed to develop contemporary rules that align with current situations and conditions, while remaining faithful to the principles established by the decrees of Allah and His Messenger. Inductive *Qiyās* can be performed by individuals like as *muftis*, judges, presidents, ministers, and other *ulul amri*. Meanwhile, deductive *qiyās* is performed by *Ulul Amri* through *syūrā*, which is the process of legislative body deliberation.²⁵

Hazairin utilized the *ijtihad* approach to develop a bilateral inheritance formula that ensured equal treatment of both men and women in his family lineage. Hazairin categorized heirs into three distinct groupings. The term "*ẓawī al-furūd*" refers to a specific category under *Sunni* inheritance law, consisting of those who are entitled to a fixed share of the inheritance. The second category, known as *ẓawī al-qarābah*, refers to individuals who do not possess a specific portion and will receive the remaining money. Furthermore, the *mawālī* group refers to individuals who inherit the position of their deceased parents as heirs.²⁶ Hazairin does not incorporate the notion of *'aṣabah*, as this idea is deemed biased towards the closest male relatives and is hence regarded unequal. Meanwhile, *ẓawī al-qarābah* ensures equal treatment of male and female heirs, particularly when it comes to acquiring the remaining inherited assets based on their own merits rather than being influenced by external factors.²⁷ The heirs eligible for *ẓawī al-qarābah* are offspring (both male and female), the father (provided that the heir has no children), and siblings (either from the same father and mother, only the same father, or only the same mother if there are no children and father).²⁸

²⁴ Hazairin, *Hukum Kewarisan Bilateral*, p. 95.

²⁵ Aniroh, "Mempertegas Ide Kesetaraan Gender dalam Sistem Kewarisan Bilateral: Sistem Waris Bilateral Pasca Hazairin," p. 123–124. Hazairin, *Hukum Kewarisan Bilateral menurut Qur'an dan Hadith*, p. 61–74. Najib, "Metodologi Ijtihad Mazhab Indonesia: Menelusuri Pemikiran Ushul Fikih Hazairin," p. 11–14.

²⁶ Hazairin, *Hukum Kewarisan Bilateral*, p. 18.

²⁷ Sarmadi, *Transendensi Keadilan Hukum Waris Islam Transformatif*, p. 274.

²⁸ Hazairin, *Hukum Kewarisan Bilateral*, p. 35.

Hazairin subsequently reestablished the idea of precedence in the allocation of inheritance. He categorizes the heirs into four priority groups, with the condition that the first priority group includes all the groups below it, and so forth. The priority groups include male and female children (in the status of *ẓawī al-furūd* or *ẓawī al-qarābah*) along with their *mawāli*, father and mother (*ẓawī al-furūd*), and wife/husband (*ẓawī al-furūd*). The second priority includes the brothers (*ẓawī al-furūd* or *ẓawī al-qarābah*) and their *mawāli*. Mother (*ẓawī al-furūd*) refers to the female parent, father (*ẓawī al-qarābah*) refers to the male parent, and wife/husband (*ẓawī al-furūd*) refers to the spouse. The third priority includes the mother (*ẓawī al-furūd*), father (*ẓawī al-qarābah*), and spouse (*ẓawī al-furūd*). Finally, the fourth priority is widows/widowers (*ẓawī al-furūd*), *mawāli* mothers, and *mawāli* fathers.²⁹

Hazairin's bilateral notion is evident in the specific placements and divisions of the heirs. The offspring and their progeny hold an equitable status in exerting influence over the remaining beneficiaries. Nevertheless, the allocation of shares to both boys and girls still adheres to the conventional 2:1 ratio.³⁰ In addition, it should be noted that in Sunni inheritance, girls who are the only heirs (without any boys) are entitled to receive a portion of the whole assets, namely half. If there are two or more heirs, daughters are entitled to get two-thirds of the total assets. Furthermore, daughters have the option to renounce their share, allowing for the remaining assets to be distributed accordingly. Both the father and mother both receive a 1/6 share when dividing assets with their children, regardless of their gender.³¹ When the mother is with her siblings, she also receives one-sixth of the share. In the absence of the mother, her portion amounts to one-third of the total. When the mother is not with her children and sibling, she is entitled one third of share. This provision is applicable regardless of whether the mother is in the company of the father or if the wife or husband does not have any other beneficiaries.³² In this scenario, the mother receives twice the number of shares compared to the father. Meanwhile, under different circumstances, the mother's portion increases to a ratio of 4:5 compared to the father's portion. Mothers are also eligible to receive radd. Meanwhile, the partition of inheritance between husband and wife remains unchanged in Sunni inheritance.³³

In order to provide a clearer understanding, presented below are a number of straightforward instances of inheritance scenarios that have been resolved utilizing Hazairin's bilateral inheritance. The following scenarios illustrate the

²⁹ Hazairin, *Hukum Kewarisan Bilateral*, p. 37–38.

³⁰ Hazairin, *Hukum Kewarisan Bilateral*, p. 33, 39.

³¹ Hazairin, *Hukum Kewarisan Bilateral*, p. 6–10.

³² Sarmadi, *Transendensi Keadilan Hukum Waris Islam Transformatif*, p. 213.

³³ Hazairin, *Hukum Kekeluargaan Nasional* (Jakarta: Tintamas, 1982), p. 73–74.

positioning and arrangement of individuals, whether they are alone (either by themselves or with multiple people of the same gender) or together (between individuals of different genders and equal status).

Scenario 1: In the event that the heir has only one daughter (A) and one son (B), their respective portions are as follows:

$$A \text{ (daughter)} = \frac{1}{3} \times hp$$

$$B \text{ (son)} = \frac{2}{3} \times hp$$

$$\text{Total} = 1 \text{ (all hp)}$$

In this scenario, girls and boys are classified as *ẓawī al-qarābah*, where they receive the entire inheritance with a ratio of 2:1 between the male and female portions. The system is largely similar to the Sunni inheritance process, with the only distinction being the reference to individuals based on their position and status. Girls receive their fair portion autonomously, rather than being influenced by the status of the sons.

Scenario 2: In the event of a person's death, if they leave behind only a daughter (A), the daughter's portion is:

$$A \text{ (daughter)} = \frac{1}{2} \times hp$$

$$= \text{remaining } \frac{1}{2} \text{ (radd)}$$

$$A = \frac{1}{2} + \frac{1}{2} \text{ (radd)}$$

$$= 1 \text{ (all hp)}$$

Scenario 3: the daughter, being the only rightful recipient, acquires the entire inheritance in two steps:

$$Y \text{ (anak lk)} = \text{seluruh harta}$$

In scenario 3, the daughter, being the only rightful recipient, acquires the entire inheritance in two steps: her individual portion (known as *ẓawī al-furūd*) and the subsequent return of the other assets (referred to as *radd*). In scenario 3, the son inherits all the assets as the rightful heir of *ẓawī al-qarābah*, receiving the entirety of the remaining inheritance. The same principle also holds true when the heir is solely the mother, solely the father, or exclusively female or male relatives. Men acquire wealth through a single stage, but women, although they ultimately receive all the property, obtain it through two phases.

Scenario 4: In the event that the heirs include the father (J), mother (K), wife (L), and three daughters (M, N, O), their individual portions are as follows:

$$J \text{ (father)} = \frac{1}{6} \rightarrow \frac{4}{24} \Rightarrow \frac{4}{27}$$

$$K \text{ (mother)} = \frac{1}{6} \rightarrow \frac{4}{24} \Rightarrow \frac{4}{27}$$

$$L \text{ (wife)} = \frac{1}{8} \rightarrow \frac{3}{24} \Rightarrow \frac{3}{27}$$

$$M, N, O \text{ (daughter)} = \frac{2}{3} \rightarrow \frac{16}{24} \Rightarrow \frac{16}{27}$$

The overall inheritance consists of 24 shares. However, when the shares of all the heirs are combined (4+4+3+16), the sum amounts to 27 shares. Therefore, the inheritance is inadequate. This computation involves an allocation process, where the current inheritance is divided into 27 equal portions, ensuring that each heir receives their rightful proportion. Nevertheless, their portion is diminished from what it ought to be.

Hazairin's Analysis on The Bilateral Inheritance Perspective of John Rawls's Theory of Justice

Hazairin's bilateral inheritance system has established men and women as equal heirs in their family line. This criterion aligns with the notion of original position in Rawls's perspective. By default, both men and women hold an identical status, specifically as equal devotees of God and equal possessors of fundamental rights. This approach ensures gender equality by providing men and women with equal places and opportunities. This concept aligns with the fundamental principles of Islamic guidance that promote gender equality. Hazairin's laws on the position of offspring, whether female or male, demonstrate these ideas in a clear and symmetrical manner. These provisions have an impact on other aspects of inheritance, such as the father's share and the position of siblings. This notion is especially evident in the case of siblings who are completely equal, regardless of whether they are brothers from both the same father and mother, or only the same father, or only the same mother.³⁴

While Hazairin's decision to acknowledge both male and female lineages as heirs is commendable, there are contradictions in their position when they are the sole heirs, whether it be one or multiple individuals. There is a distinction between the status of women and the status of men. Men have the freedom to express their true selves, but women are unable to fully express their true selves. Men have the ability to exhaust all the money allocated to them, while women, although they ultimately inherit all the properties, must go through two stages of inheritance (their own share and the *radd*)

By default, both women and men are the servants of Allah. All of them possess their own individual human rights. Both individuals exhibit great authenticity. Under the concept of inheritance, when men are the sole beneficiaries, they have the authority to fully utilize the entire estate. According to this view, women, like males, have the right to inherit all properties if they are the sole heirs. Both individuals inherently possess the entitlement to express their true identities and to receive fair allocation of resources, ensuring that fundamental necessities for survival are attained by each party. Prior to any discrimination against their human rights, it is imperative to first detach any social accessories associated with them.³⁵

³⁴ Hazairin, *Hukum Kewarisan Bilateral menurut Qur'an dan Hadith*, p. 36.

³⁵ Rawls, *A theory of justice*, p. 182.

Hazairin's notion of bilateral inheritance aims to establish equitable justice. However, it primarily focuses on ensuring equal distribution of resources, without fully achieving complete equality. However, in situations where there are both male and female heirs, as long as the most advantageous arrangement for all parties can be implemented, the concept of inequality can be accepted. Naturally, this is rooted in the prevailing societal norm where males are typically obligated to provide a dowry upon marriage, while women typically get additional assets in the form of a dowry. Typically, when a couple got married, the responsibility of providing financial support usually falls on the husband. When assuming the role of parents, both the father and mother receive equal shares of inheritance in some instances, but in other cases, the woman is entitled to a bigger share. This is because, in terms of selflessness, a mother must jeopardize her own life for the sake of giving birth to her kid. The mother's reproductive responsibilities, including conception, childbirth, and breastfeeding, cannot be substituted by the father. However, the work of earning a livelihood can be performed by either the father or the mother, as long as the mother is not now engaged in reproductive tasks. When two distinct categories, namely men and women, are present as equal heirs, the principle of inequality might be deemed acceptable. Justice is not synonymous with equality, as fairness and disparity are not always indicative of injustice.

This is in line with the statement in Qur'an, Surah an-Nisa', verse 11... *ābāukum wa abnāukum lā tadrūna ayyuhum aqrabu lakum naf'an* ... “Regarding your parents and children, it is uncertain which of them brings greater benefits to you”. If this is the case, how to achieve equality without contradicting the literal interpretation of the text is questionable. In the following section, this article will attempt to address this issue by analyzing the *mubādalah* theory. However, the article elaborates John Rawls's theory of justice in relation to Hazairin's bilateral inheritance”:

Tabel 1: Bilateral Inheritance in Hazairin’s Perspectives of John Rawls’ Theory of Equality

Bilateral Hazairin Inheritance	John Rawls’ Equality Principles
<ol style="list-style-type: none"> 1. Identify heirs from both male and female lines. 2. Girls hold an equal position to boys in exerting influence over the status of other heirs 3. The inheritance portions of the father and mother are equal when 	<p>Enforcing the principle of justice (equality).</p> <p>Equitable acknowledgment of lineage, which situates them in a unique position by encompassing the societal characteristics that are associated with them.</p>

<p>there are children, with a ratio of 1:1.</p> <p>4. The position of siblings is equalized. If individuals of the same gender congregate (either all males or all females), their portion is divided equally, with a ratio of 1:1.</p>	
<p>1. Establish a uniform 2:1 proportion for the distribution of inherited assets among children, regardless of their gender. This principle also applies to siblings.</p> <p>2. In specific instances: In the Garawain 1 family, the mother's portion is twice as much as the father's portion. In Garawain 2, the ratio of the mother's share to the father's share, in a family consisting of a mother, wife, and father, is 4:5.</p>	<p>In situations when male and female heirs gather, the acceptance of unequal distribution (inequality) can be justified if it benefits all individuals involved. The 2:1 ratio is not universally adopted as a standard formula in all inheritance cases.</p>
<p>Heirs are individuals of the same gender who are in the same degree of relation to the deceased.</p> <p>1. The male, who is either the son, father, or brother, inherits all the property, known as "żawī al-qarābah". There is no hidden or implicit religious text in this regard.</p> <p>2. Women, including children, mothers, and siblings, are entitled to inherit property through two stages: żawī al-furūd and supplementary radd.</p>	<p>While there may be an equal distribution of resources, the concept of equality is not fully realized, as there are still distinctions between the roles and positions of men and women.</p> <p>(not yet aligned with original concepts)</p>

The principle of Mutuality is A Fundamental Concept in Hazairin's Theory of Bilateral Inheritance

Hazairin's concept of bilateral inheritance incorporates the principle of *mubādalah*, which allows for the inclusion of heirs from both male and female lineages. This concept aligns with the universal principles of Islamic teachings on gender justice. However, in cases where a woman is the sole heir (without an equal male counterpart), she is unable to fully utilize her inheritance immediately. Instead, she is permitted to access her inheritance in two stages. This differs from men, who can access their inheritance even if they are the sole heirs without any women of equal standing. In this scenario, the principle of *mubādalah* is still somewhat ambiguous and requires reinterpretation to align with the principle of equality advocated by Hazairin.

The provision that men will inherit all properties when they are the sole heirs, without any other heirs or female heirs who are equal to them, is not based on a literal interpretation of the scripture. The inheritance verse does not explicitly mention this, but it is a result of an interpretation that was adapted to the patrilineal family system of the early Arab communities, specifically with the emergence of the concept of *'aṣabah*. This interpretation became natural in order to establish this religion in the society. On the other hand, in a bilateral system that better reflects the principles desired by the Al-Qur'an, a woman can also inherit all the properties under the same conditions, as her share does not need to go through two stages (her own share and *radd*). Therefore, in this case, there is reciprocity (equality) where women are positioned as equal to men and become independent and complete human beings, just as men are when they are the sole heirs.

On the one hand, Hazairin's formulation regarding the role of women as the only heirs (without equal male heirs), whether they act as children, mothers or sisters, seems to be in accordance with the literal verse (QS. an-Nisā' [4]: 11 and 176), while on the other hand it clashes with the principle of equality. To overcome this, it is necessary to read from a *mubādalah* perspective while simultaneously operating the theory of *dalālat al-alfāz* which is part of the *mubādalah* method. Inspired by Sukris Sarmadi's opinion, which states that the section for girls is mentioned definitely while the section for boys is not explicitly explained in the verse, it aims to make it certain on the exact share women will inherit.³⁶ From this, it can be understood that the states (QS. an-Nisā' [4]: 11 and 176) applies to inheritance cases when two types of heirs (male and female) come together at the same level. For example, daughters inherit with sons, mothers inherit with fathers, sisters inherit with brothers. Men are only mentioned once while women are mentioned several times in subsequent editorials. According to al-Marāgī, this is because women are the basis for calculating inheritance. So, to

³⁶ Sarmadi, *Transendensi keadilan hukum waris Islam transformatif*, p. 285–86.

know the male part, you must first know the female part.³⁷ This means that the male part will automatically follow (no need to mention it explicitly) when the female part is known. This is as stated by Muhammad Syahrur that women are a changing variable (*mutaḥawwil*) and men are a follower variable (*tabi'*).³⁸

Through the *mubādalah* lens, QS. an-Nisa [4]: 11, which is used as a reference by Hazairin, explicitly mentions men and women at the beginning of the editorial, namely *Yūṣikumullāhu fī awlādikum liẓẓakari miṣlu ḥaẓzi al-unṣayaini*. The word *awlād* which is then reaffirmed with the words *ẓakar* and *unṣa* in this portion of the verse indicates that the Qur'an recognizes male and female heirs as is believed by Hazairin's bilateral inheritance. Then in the next editorial (*fain kunna nisā'an fawqa isnatayni falahunna ṣuluṣā mā taraka, wain kānat wāḥidatan falahā an-niṣfu*) only mentioned the women. According to *mubādalah* theory, the meaning of this editorial must be returned to the original one, which clearly stated two parties (men and women). So the editorial team needs *tabdīl bi aẓ-ẓukūr* so that it automatically includes men. Likewise, subsequent editorials have the same pattern. So in the editorial, the verse only describes the conditions when a woman (child) becomes an heir along with a man (child). So after the girls get their share, the rest is the boys' portion which is not mentioned simultaneously with every mention of the girls, but the boys only need to be mentioned once at the beginning of the editorial.³⁹

This understanding is highly logical, as illustrated by the analogy drawn from *Alfiyah's naẓam* verse "*waḥaẓfu mā yu'lamu jāizun kamā # taqūlu zaidun ba'da man 'inda kumā*" (discarding something that is already known is permissible, similar to saying "*zaidun*" after the question "*man' inda kumā*") and "*wa fī jawābi kaiḥa zaidun qul danif # fa zaidun istugniya 'anhu iż 'urif*" (and in response to the question "*kaiḥa zaidun*" (how is Zaid), say "*danif*" (sad), the inclusion of "*zaidun*" is unnecessary as it is already known). The editorial of the inheritance poem implies that the mention of daughters without boys implies that sons are inherently included in it, rendering it unnecessary to explicitly mention them due to their implicit existence. What is the reason for the exclusive mention of girls in this editorial, with boys being addressed only briefly at the start of the verse? This is due to the fact that throughout the period when the passage was revealed, daughters were consistently overlooked when it came to inheriting property or wealth. Indeed, it was employed as an item passed down through generations. During that period, it was customary for men to receive an inheritance without the need for specific instructions, as this was an established

³⁷ Aḥmad Muṣṭafā al-Marāgi, *Tafsīr al-Marāgī* (Mesir: Syarikah Maktabah wa Maṭba'ah Muṣṭafā al-Bābī, 1946), p. 196.

³⁸ Muhammad Syahrur, *Naḥwa Uṣūl Jadīdah li al-Fiḥ al-Islāmī* (Damaskus: al-Aḥālī li aṭ-ṭibā'ah li an-Nasyr wa al-Tawzī', 2000), p. 240.

³⁹ Syahrur, *Naḥwa Uṣūl Jadīdah li al-Fiḥ al-Islāmī*.

practice among the people. The repeated reference of women serves to underscore and elucidate the need of ensuring that women are not overlooked in the allocation of inheritance.

The same principle also applies to instances of inheritance from both the mother and the father. The editorial of *waliabawayhi likulli wāḥidin minhumā as-sudusu mimmā taraka in kāna lahū waladun* states that both the mother and father have an equal part of one-sixth of the inheritance if the deceased has a kid. Both the mother and the father have an equal part, specifically one sixth each. In the subsequent editorial, it is stated that if the deceased has no children and is inherited by his paternal grandmother, then his mother receives one third of the inheritance. However, the portion allocated to the father is not specified. From the *mubādalah* viewpoint, it is evident that the father received the remaining assets. This pattern is also consistent with QS. An-nisā' [4]: 176 refers to the allocation of inheritance for male siblings. The stanza commences by referencing sisters without explicitly addressing brothers, and concludes by include both brothers and sisters in the mention.

Regarding the scenario where individuals are by themselves (either women or men, regardless of whether they are alone or in a group), they will receive the entirety of the assets that have been left behind. In situations such as this, it is possible to interpret the ruling from Sunni fiqh, which specifies that in cases when there are no female heirs at the same level, men will inherit the entire estate. This interpretation is not derived from the exact wording of the text, but rather from the surrounding circumstances and information. This is highly logical as this type of division is straightforward and comprehensible to all, thereby obviating the need for specific *naṣ* instructions. Conversely, if the heirs solely comprise of females, such as a lone daughter or multiple daughters in the same degree, they will inherit the full property based on their own entitlement, rather than any further allocation. According to Hazairin's theory of bilateral inheritance, if female heirs are not in the presence of male heirs of equal status, they should be included in the *ẓawī al-qarābah* group. This group will receive the remaining or entire assets due to their autonomous position.

The inclusion of females who are unaccompanied by males as equals in the *ẓawī al-qarābah* group will undoubtedly result in a comprehensive alteration of the child's inheritance. However, an inquiry arises: under what circumstances is the specific portion (*furūd al-muqadarah*) of female offspring stated in the verse practiced? In this instance, the author demonstrates a preference for Muhammad Syahrur's viewpoint, as stated in the preceding footnote. When both daughters and sons are present, daughters should be included as heirs of *ẓawī al-furūd*, receiving a specific share as described in the verse. The remaining portion should be allocated to sons, even if they are not expressly mentioned in the verse. By

employing this approach, the necessity of *radd* and *'awl* will be obviated, since all inherited assets will consistently align perfectly at a 100% match.

Some of the aforementioned features are ambiguous areas that are not clearly mentioned in the religious texts. This requirement allows for an interpretation that aligns more closely with a fair "sense of justice". This aligns with Amina Wadud's viewpoint that the Al-Qur'an does not provide comprehensive explanations for all potential methods of distributing inheritance. However, it solely offers a range of different circumstances. This clearly demonstrates that numerous other combinations can be taken into account to provide a just and equitable distribution of inheritance. It is evident that the two to one formula is not the sole inheritance distribution pattern, but rather a unique pattern that cannot be applied universally to all inheritance circumstances. The two-to-one ratio is not universally applicable in all instances of inheritance, but its application is flexible and dependent on the specific context. Thus, in situations where the heirs are exclusively of one gender and hold the same level of relation, whether it be one or multiple individuals, they are entitled to receive the entire bequest. The formulas described in the religious text, such as the two-to-one formula, are not applicable in this instance. These formulas are specifically designed for situations where heirs of both sexes are present in the same degree of relation.

Table 2: *Mubādalah* Faqihuddin Abdul Kodir' Theories

Bilateral Hazairin Inheritance	<i>Mubādalah</i> Faqihuddin Abdul Kodir's theory
<ol style="list-style-type: none"> 1. Inheritors from both male and female lineage 2. Girls are considered equal to boys in terms of their influence on other heirs 3. The proportion of the father's and mother's inheritance shares is equal when there are children, with a ratio of 1:1 4. Siblings, including both brothers and sisters, as well as fathers and mothers, hold the same rank or status. 5. Siblings of the same gender have a 1:1 ratio. 	<p style="text-align: center;">In accordance with the <i>mubādalah</i> principle</p>

<p>1. The male-to-female ratio is 2:1. This also applies to gatherings of brothers and sisters.</p> <p>2. In specific instances, such as Garawain 1 where a mother is married to both a husband and a father, the mother's portion is twice as much as the father's portion. In Garawain 2, the ratio of the mother's share to the father's share, in a family consisting of a mother, wife, and father, is 4:5.</p>	<p>Correction</p> <p>The divisions between males and females in a ratio of 2:1 are not strictly enforced, but rather adapt to the specific circumstances.</p>
<p>Heirs are individuals of the same gender and in the same degree of relation.</p> <p>Men, including sons, fathers, and brothers, inherit all property, known as <i>ẓawī al-qarābah</i>. There is no hidden or implicit <i>naṣ</i>.</p> <p>Women, including children, mothers, and sisters, are entitled to inherit property through two stages, known as <i>ẓawī al-furūd</i> and supplementary <i>radd</i>.</p>	<p>Not <i>mubādalah</i> (requires modification to align with the original framework)</p> <p>Revised: If the heirs exclusively include of women, their portion is combined with the portion of the males in situations when the man is the sole heir. In order to ensure that women are entitled to all the assets in their capacity as <i>ẓawī al-qarābah</i>, just like males.</p>

Conclusion

Hazairin's bilateral legacy has not fully embraced the principle of equality. While certain individuals have adhered to the principles of fairness, equality, and reciprocity (as shown by the principle of *mubādalah*), others have failed to do so. Hazairin's provisions that align with these principles include the equal inheritance rights for both male and female heirs. Furthermore, the equalization of the status of daughters and sons in terms of their influence on other heirs. Furthermore, equalizing the status of paternal and maternal siblings with that of full siblings. However, several of Hazairin's other stipulations do not align with the original ideals. By employing Rawls' theory of justice and Faqihuddin's theory of *mubādalah*, a number of corrections were generated. The 2:1 male to female share ratio is not an inflexible formula, but rather can be implemented adaptably

depending on the circumstances. As long as it benefits all parties involved, it is acceptable to tolerate inequality in the distribution of inheritance among heirs. Furthermore, the status of heirs belonging to the same category (namely, males or females without any other heirs) is made equal. They obtained all the assets due to their autonomous status in a specific phase, specifically as the inheritors of *zawī al-qarābah*. This article supports Hazairin's bilateral system, which assigns positions to heirs from two lines simultaneously without any form of discrimination, by examining and presenting arguments from two theories. Subsequently, this principle was disclosed to address the unresolved issues identified by Hazairin. By thoroughly reviewing it while adhering to the core principles, various insights emerged that might enhance the clarity of Hazairin's bilateral thoughts and remove the notions of radd and 'awl.

References

Journals and Books

- Abu Bakar. "Pemikiran Hukum Kewarisan Bilateral: Studi Pemikiran Hazairin." *Al-Banjari: Jurnal Ilmiah Ilmu-Ilmu Keislaman* 6, No. 11, 2007.
- Al-Marāgi, Aḥmad Muṣṭafā, *Tafsīr al-Marāgī*. Mesir: Syarikah Maktabah wa Maṭba'ah Muṣṭafā al-Bābī, 1946.
- Al-Yasa, Abubakar. "Ahli Waris Sepertalian Darah: Kajian Perbandingan terhadap Penalaran Hazairin dan Penalaran Fiqh Mazhab." Disertasi, Fakultas Pascasarjana IAIN Sunan Kalijaga, 1989.
- Aniroh, Reni Nur. "Mempertegas Ide Kesetaraan Gender dalam Sistem Kewarisan Bilateral: Sistem Waris Bilateral Pasca Hazairin." *Al-Ahwal* 13, No. 2. 2020.
- Anshori, Abdul Ghofur. "Konsep Kewarisan Bilateral Hazairin: Studi Filasafat Hukum Kewarisan Islam di Indonesia." Disertasi, Universitas Gajah Mada, 2004.
- Assaad, Andi Sukmawati, and Baso Hasyim. "Judges Decisions of Makassar, Palopo, and Masamba Religious Court Over the Islamic Inheritance Law." *Al-'Adalah* 17, No. 2. 2020.
- Cammack, Mark. "Islamic Inheritance Law in Indonesia: The Influence of Hazairin's Theory of Bilateral Inheritance." *Australian Journal of Asian Law* 4, 2002.
- Djawas, Mursyid, et.al., "The Construction of Islamic Inheritance Law: A Comparative Study of The Islamic Jurisprudence and The Compilation of Islamic Law," *Juris (Jurnal Ilmiah Syari'ah)* 21, No. 2 (2022). DOI: <http://dx.doi.org/10.31958/juris.v21i2.7495>.
- Fattah, Damanhuri, "Teori Keadilan Menurut John Rawls." *Jurnal Tapis: Jurnal Teropong Aspirasi Politik Islam* 9, No. 2 (2013).

- Habib, Muchlis Samfrudin, "Sistem Kewarisan Bilateral Ditinjau dari Maqashid al-Syari'ah." *De Jure: Jurnal Hukum dan Syari'ah* 9, (2017).
- Hammad, Muchammad, "Waris dan Wasiat dalam Hukum Islam: Studi atas Pemikiran Hazairin dan Munawir Sjadzali." *At-Tahdzib: Jurnal Studi Islam dan Muamalah* 3, (2015).
- Haryanti, Sri Suci, "Pembagian Waris bagi Anak Laki-Laki dan Perempuan Adat Suku Sasak Perspektif Teori Keadilan John Rawls: Studi di Dusun Sade Desa Rembitan Kecamatan Pujut Lombok Tengah." Tesis, Universitas Islam Negeri Maulana Malik Ibrahim, 2019.
- Hazairin, *Hukum Kekeluargaan Nasional*. Jakarta: Tintamas, 1982.
- Hazairin, *Hukum Kewarisan Bilateral menurut Qur'an dan Hadith*. Jakarta: P.T. Tintamas Indonesia, 1982.
- Huda, Miftahul and Tri Wahyu Hidayati, "The Concept of Muḥammad Shaḥrūr on Gender Parity in Inheritance Legislation," *El-USrah: Jurnal Hukum Keluarga* 6, No. 2 (2023). DOI: <http://dx.doi.org/10.22373/ujhk.v6i2.18121>
- Jamil, Rosidi, "Hukum Waris dan Wasiat (Sebuah Perbandingan antara Pemikiran Hazairin dan Munawir Sjadzali)." *Al-Ahwal: Jurnal Hukum Keluarga Islam* 10, 2017.
- Junaedi, Mahfudz. "Epistemologi Fikih Mazhab Indonesia: Studi atas Pemikiran Hazairin." Disertasi, Universitas Islam Negeri Sunan Kalijaga, 2017.
- Khodary, Yasmin, "What Difference Can It Make? Assessing the Impact of Gender Equality and Empowerment In Matters of Inheritance in Egypt," *The Journal of Middle East and Africa* 9, No. 2 (2019). <https://doi.org/10.1080/21520844.2018.1499336>.
- Kodir, Faqihuddin Abdul. *Perempuan (Bukan) Sumber Fitnah!: Menguji Ulang Hadis dengan Metode Mubādalāh*. Bandung: Afkaruna.id, 2021.
- Kodir, Faqihuddin Abdul. "Perempuan dan Teks (Perspektif Mubadalah)." Dipresentasikan pada HALO dari ADHKI Seri 3: Perempuan dalam Teks, ADHKI Channel, 10 September 2020.
- Kodir, Faqihuddin Abdul, *Qirā'ah Mubādalāh: Tafsir Progresif untuk Keadilan Gender dalam Islam*. Yogyakarta: IRCiSoD, 2019.
- Lukito, Ratno. "Sustainability of Islamic Law in Indonesia." *Majalah Peradilan Agama*, Desember 2016.
- Lukito, Ratno. "The Enigma of National Law in Indonesia: The Supreme Court's Decisions on Gender-Neutral Inheritance." *Journal of Legal Pluralism* 52, 2006.
- Muchlis, Abdul Mu'thi. "Pembagian Hak Waris Sangkolan Berbasis Gender Perspektif Qira'ah Mubadalah dan Kompilasi Hukum Islam." Tesis, Universitas Islam Malang, 2023.

- Najib, Agus Moh. "Metodologi Ijtihad Mazhab Indonesia: Menelusuri Pemikiran Ushul Fikih Hazairin." *Asy-Syir'ah: Jurnal Ilmu Syari'ah dan Hukum* 50, No. I (2016).
- Nasution, Khoiruddin. *Pengantar dan Pemikiran Hukum Keluarga (Perdata) Islam Indonesia*. Yogyakarta: ACAdeMIA, 2019.
- Nofiard, and Syafwan Rozi. "Penerapan Nilai Toleransi antar Budaya dalam Pelaksanaan Hukum Kewarisan Islam pada Masyarakat Perbatasan di Rao Pasaman Sumatera Barat." *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 17, No. 1 (2017).
- Nurlaelawati, Euis. "Menuju Kesetaraan dalam Aturan Kewarisan Islam Indonesia: Kedudukan Anak Perempuan vs Saudara Kandung." Dalam *Problematika Hukum Kewarisan Islam Kontemporer di Indonesia*, 211–30. Jakarta: Puslitbang Kehidupan Keagamaan Badan Litbang dan Diklat Kementerian Agama RI, 2012.
- Permana, Sugiri. "Implications of Hazairin and Munawir Sjadzali Thoughts in Establishment of Islamic Inheritance in Indonesia." *AHKAM* 18 (2018).
- Powers, David Stephan. *Peralihan Kekayaan dan Politik Kekuasaan: Kritik Historis Hukum Waris*. translation by Arif Maftuhin. Yogyakarta: LKiS, 2001.
- Rahman, Ulfiani, et.al., "Men and Women in The Distribution of Inheritance in Mandar, West Sulawesi, Indonesia." *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 6, No. 1. (2022).
- Rawls, John. *A theory of justice*. Rev. ed. Cambridge, Mass: Belknap Press of Harvard University Press, 1999.
- Sarmadi, A. Sukris. *Transendensi Keadilan Hukum Waris Islam Transformatif*. Cet. 1. Jakarta: RajaGrafindo Persada, 1997.
- Sukiati. "Hazairin's Legal Thought and His Contribution Towards The Indonesian Legal System." *Journal of Indonesian Islam* 6 (Juni 2012): 93–124.
- Syahrur, Muhammad. *Naḥwa Uṣūl Jadīdah li al-Fiqh al-Islāmī*. Damaskus: al-Aḥālī li at-ṭibā'ah li an-Nasyr wa at-Tawzī', 2000.
- Wadud, Amina. *Qur'an and Women: Rereading The Sacred Text from A Woman's Perspective*. New York: Oxford University Press, 1999.