



## **Reinterpretation of The Family in Inheritance Law Towards Sisters From The Perspective of The Hadith**

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### **Abstract**

This paper aims to analyze the reinterpretation of the concept of family in the division of inheritance law related to the status of the mother's sister from the perspective of the hadith. The mother's sister in inheritance law is included in the group of *dzawi al-arhām*. The main issues studied in this article are the concept of family, especially regarding mother and sister in inheritance law and the interpretation of hadith texts in relation to the concept of *dzawi al-arhām* in contemporary Islamic law. This research uses a normative legal method, while the approach is hermeneutic as an analytical tool directly related to the interpretation of the text, so that the meaning of the text is by investigating every detail of the interpretation process. The data refers to verses of the Qur'an, hadiths, opinions of scholars, journal articles and books. The results of the study indicate that Islamic legal thought is influenced by the dominant discourse that developed at that time regarding male superiority, and in the formation of Islamic law, the discourse of male dominance has not been discussed. Evaluation of preferences among Islamic legal scholars towards patriarchy can be seen in four aspects: genealogy, transmission of knowledge, culture, and the formation of historical discourse in Islam that is androcentric. The interpretation of the family reflects a historical-sociological reality that is highly dependent on place and time. The definition of family is not based on biological (natural) factors, but rather on socio-cultural considerations, or in other words, gender. Based on the analysis above, in terms of both quantity and quality, this hadith can be categorized as a *mashhur* and *sahih* hadith, and it can be used as a legal reference. Therefore, based on this reinterpretation of the concept of family, it is appropriate that the mother's sister is entitled to a share of the inheritance, the mandatory will mechanism can be considered.

**Keywords:** Reinterpretation, sisters, *dzawi al-arhām*, inheritance, Islamic law, hadith studies

### **Abstrak**

Tulisan ini bertujuan untuk mengalisis tentang reinterpretrasi konsep keluarga dalam pembagian hukum waris yang terkait dengan status saudara perempuan ibu dalam perspektif hadis. Saudara perempuan ibu dalam hukum waris termasuk dalam kelompok zawi al-arhām. Pokok permasalahan yang dikaji dalam artikel ini adalah konsep keluarga khususnya mengenai saudara perempuan ibu dalam hukum waris dan penafsiran teks-teks hadis hubungnyadengan konsep dzawi al-arhām dalam hukum Islam kontemporer. Penelitian ini menggunakan metode hukum normatif, sedangkan pendekatannya adalah hermeneutik sebagai alat analisis yang berkaitan langsung dengan penafsiran teks, sehingga makna teks dengan cara menyelidiki setiap detail proses penafsiran. Data mengacu pada ayat-ayat al-Qur'an, hadis-hadis, pendapat para ulama, artikel jurnal serta buku. Hasil penelitian menunjukkan bahwa pemikiran hukum Islam dipengaruhi oleh wacana dominan yang berkembang saat itu mengenai superioritas laki-laki, dan dalam pembentukan fiqih Islam, wacana dominasi laki-laki belum dibahas. Evaluasi preferensi di kalangan sarjana hukum Islam terhadap patriarki dapat dilihat dalam empat aspek: genealogi, transmisi pengetahuan, budaya, dan pembentukan wacana historis dalam Islam yang bersifat androsentris. Penafsiran keluarga mencerminkan realitas historis-sosiologis yang sangat bergantung pada tempat dan waktu. Pengertian keluarga tidak didasarkan pada faktor biologis (alamiah), tetapi hanya didasarkan pada pertimbangan sosial budaya atau dengan kata lain gender. Berdasarkan analisis di atas, baik dari segi kuantitas maupun kualitas, hadis ini dapat dikategorikan sebagai hadis mashhur dan sahih, serta dapat dijadikan rujukan hukum. Oleh karena itu, berdasarkan penafsiran ulang konsep keluarga ini, sudah sepantasnya saudara perempuan ibu berhak mendapatkan bagian dari harta warisan, mekanisme wasiat wajib dapat dipertimbangkan.

**Kata Kunci:** Reinterpretasi, saudara perempuan, dzawi al-arhām, warisan, hukum Islam, studi hadith

### **Introduction**

As a concept, Islamic law is perceived as a universal, dynamic, elastic, flexible, and adaptable law. It is able to accommodate various forms of development anywhere and anytime. The implementation of this principle in the historic empirical platform has resulted in reliable *mujtahid* (Islamic law authority) and monumental works in the field of Islamic law ideas in accordance with the development level of the society and the demand of socio-cultural society around it. So that the goals of Islamic law, or *maqāṣid al-sharī'ah*, can be achieved, namely for the benefit of humanity.<sup>1</sup>

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<sup>1</sup> Nur Solikin and Moh. Wasik, "The Construction of Family Law in the Compilation of Islamic Law in Indonesia: A Review of John Rawls's Concept of Justice and Jasser Auda's Maqashid al-Shari'a," *Ulumuna: Journal of Islamic Studies* 27, No. 1 (2023). Rajab Rajab, et.al., "Islamic

Social changes faced by Moslem people in the modern time has caused a number of serious problems related to Islamic law but the method developed by contemporary Islamic scholars in dealing with the problems is not yet satisfactory, if Islamic law is connected to social engineering. This demonstrates the need for Islamic law to be dynamic and contextual, as well as flexible and accommodating to thematic issues that are generally inseparable from various aspects of life in a broader dimension. Therefore, Islamic law can provide answers to the transformation and development of civilization in the future.<sup>2</sup>

Such understanding of Islamic law will strengthen its relevance within the globalization that will continually develop together with the emergence of various problems of Islamic society as the consequence of changes brought by knowledge and technology. This change actually reveals the systems of value and behavior of the society that at certain time will demand certain value system. Determination of the value system of the behavior of the society, and the policy of social engineering in the idea system of Islamic law depends not only on the results of speculative analysis, but also the intervention of a very complex methodology or *ijtihad* (interpretation).<sup>3</sup>

In the history, it is known that Islamic law in the time of Prophet Muhammad was a dynamic and creative strength, as can be seen in the instructions of Prophet Muhammad to his companions in facing sociological reality of the people at that time. However, in making *ijtihad*, Prophet Muhammad's companions did not have any kind of methodological problems, because when they have a difficulty in making the conclusion of a law, they can directly as Prophet Muhammad PBUH.<sup>4</sup> Besides that, there were limited number of problems, especially the family civil issues. The cause was that Islam in the period was followed by the people of different areas in Arabic Jazirah, but the tradition, social life and the economic level were not very different.<sup>5</sup> As a result, the emerging problems that required legal solutions, both qualitatively and quantitatively, were almost the same.

This is understandable because inheritance law, which is based on an understanding of the Qur'an and Hadith, is also influenced by Arab social and

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Inheritance Law in Saruaso and Sawah Tengah Villages Based on Islamic Principles, *Jurnal Ilmiah Islam Futura* 22, No. 2 (2022).

<sup>2</sup>Mukhlis Latif and Muhammad Mutawalli, "Fiqh of Civilization in Building a Legal State: The Relevance of Muhammad Arkoun's Thought," *Ahkam* 33, No. 2 (2023). Fauzi Fauzi, et.al., "A Model of Extreme Poverty Reduction to Prevent Social Inequality in Indonesia Perspective of Sociology and Islamic Law," *al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 23, No. 2 (2023).

<sup>3</sup>Syamsarina Syamsarina, et.al., "Dynamics of Different Religious Inheritance Decisions: The Case Study of the Religious Court Judges Ijtihad," *Syariah: Jurnal Hukum dan Pemikiran* 25, No. 1 (2025).

<sup>4</sup>Arif Maftuhin, "The Historiography of Islamic Law: The Case of Tārīkh al-Tashrī' Literature," *Al-Jami'ah: Journal of Islamic Studies* 54, No. 2 (2016), p. 369.

<sup>5</sup>Andi Darna, et.al., "Development and Practice of Islamic Law Codification in Southeast Asia," *Legitimasi: Jurnal Hukum Pidana dan Politik* 14, No. 1 (2025).

cultural structures. Likewise, in Indonesia, the Compilation of Islamic Law regulates inheritance law according to the socio-cultural conditions of Indonesian society. The construction of inheritance law in Islamic jurisprudence has similarities and differences with the Compilation of Islamic Law.<sup>6</sup> The similarity between Islamic jurisprudence and the Compilation of Islamic Law is that both are based on the Qur'an and Hadith as the source of guidance. Meanwhile, the difference lies in the social realities and cultural structures of the developing society that influence both legal systems. Arab society adheres to a patrilineal kinship system, while in Indonesia it is more bilateral, so the distribution of inheritance tends to be different.<sup>7</sup>

In the case of the sister of a mother, she is included in *zawi al-arhām* includes the family of the deceased that is not part of *Zawi al-furudh* and *ashabah* by fiqh experts.<sup>8</sup> There are different opinions about the status of a mother's sister when there are no other inheritance recipients. Some fiqh experts even tend to give the inheritance to *bait al-mal* (treasury) rather than to a mother's sibling. This is different with a father's sibling who is categorized as a *zawi al-furudh*. *Zawi al-furudh* includes the inheritance recipients whose inheritance portion has been determined by the Qur'an; the words, actions, and decisions of Prophet Muhammad PBUH; and agreement among Islamic scholars. A father's brother can be an *asabah*. *Ashabah* is inheritance recipients whose proportion is not mentioned clearly in Qur'an and hadith, and receive all remaining material properties after the group of *Zawi al-furudh* receive theirs.<sup>9</sup> Having this situation, it is important to have a review of hadith with the method of *syarh al-maudū'i* to analyse the position of family members from a women's line in a kinship.

Based on the background explanation above, the main problem studied in this article is the concept of family, especially regarding the mother's sister in inheritance law and the interpretation of the hadith texts about the mother's sister, especially the concept of *dzawi al-arhām* in contemporary Islamic law. To make the discussion on the right track and systematic, the elaboration is divided into three parts. The first part as the main part of discussion elaborates the status of a mother's sister. The second part explains the transmission and interpretation of the hadith about a mother's sister in the perspective of inheritance law. The third part elaborates the implementation of the contemporary concept of *dzawi al-arhām*.

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<sup>6</sup> Ahmad Yasa, "The Development of Indonesian Islamic Law: A Historical Overview," *Journal of Indonesian Islam* 9, No. 1 (2016), p. 101.

<sup>7</sup> Mursyid Djawas, et.al., "The Construction of Islamic Inheritance Law: A Comparative Study of The Islamic Jurisprudence and The Compilation of Islamic Law," *Juris (Jurnal Ilmiah Syariah)* 22, No. 2 (2022).

<sup>8</sup> Addys Aldizar and Fathurrahman, *Hukum Waris, Ahkamul-Maawarits Fi al-Fiqh al-Islami* (Jakarta: Senayan Abadi Publishing, 2015), p. 338.

<sup>9</sup> Muhammad Ali Ash-Shabuni, *Pembagian Waris Menurut Islam* (Jakarta: Gema Insani, 1995), p. 36

This research uses a normative legal method, while the approach is hermeneutic as an analytical tool directly related to the interpretation of the text, so that the meaning of the text is by investigating every detail of the interpretation process.<sup>10</sup> The data refers to verses of the Qur'an, hadiths, opinions of scholars, journal articles and books related to the topic of discussion. The use of Qualitative Content Analysis focused on communication phenomena, by accurately formulating what is studied, and all actions that are based on a thematic study of hadith as the research object related to some messages in a media that needs identification of messages in hadith.<sup>11</sup> The analysis was conducted using discourse analysis. It is a method used to analyze the discourse in hadith, both textually and contextually. Discourse analysis was used as the method in finding out the ideology and the relationship between power in the text. Discourse analysis tends to answer the question about "how" and "why" in the texts of hadith. To make this study effective and efficient, several steps were determined as in the following explanation. First of all, the researcher collected some hadith about the status of a mother's sister by using the method of collection; and connected them to the main references, *al-Kutub al-Sittah* and other references, as the main sources of hadith; and other tools used in searching hadith including *al-Mu`jam al-Mufahras li-alfâzh al-Hadîts al-Nabawî* written by A. J. Wensinck, and *Miftâh Kunûz al-Sunnah* by Muhammad Fu`âd `Abd al- Bâqî, and *Tuhfah al-Asyrâf* by al-Mizzî.

Secondly, the isnad of the hadith was analysed in some aspects including: 1) fairness (*'adalah al-isnad*), i.e whether each isnad of the hadith fulfils the criteria of fairness or not. Besides that, the *dhabth as-isnad* was also analysed, i.e whether each isnad has perfect ability of memorizing or not; 2) the continuation of isnad (*ittishâl as-isnad*), i.e whether between one isnad and the next isnad indicates *muttashil* or narrators listened to a previous narrator directly or not. Thirdly, after identifying the quality and continuation of the isnad, the next is to analyse the *syâhid* and *mutâbi'*. *Syâhid* is the matn of other hadith while *mutâbi'* is the isnad of other hadith This means that *Syâhid* is hadith whose narrators are similar to the hadith narrators from companions of Prophet Muhammad PBUH with different matn, but has similarity in terms of both pronunciation and meaning, or only in meaning.<sup>12</sup>

## **Researches on Hadith About: The Status of a Mother's Sister**

### **1. *Takhrîj al-Hadîs***

Hadith researchers agree that the first step in studying hadith is by doing *takhrîj*, i.e to cite hadith completely from the original source, supported with *Mu`jam*

<sup>10</sup> Jonaedi Efendi and Prasertjo Rijadi, *Metode Penelitian Hukum: Normatif dan Empiris*, Jakarta: Kencana, 2022. Arip Purkon, "Pendekatan Hermeneutika Dalam Kajian Hukum Islam," *Ahkam: Jurnal Ilmu Syariah* 13, No. 2 (2013).

<sup>11</sup> Klaus Krippendorff, *Content Analysis: An Introduction to Its Methodology* (SAGE Publications, 1991), p. 34-37.

<sup>12</sup> Dede Mardiana and Wahyuddin Darmalaksana, "Relevansi Syahid Ma'nawi dengan Peristiwa Pandemic Covid-19: Studi Matan Pendekatan Ma'anil Hadis," *Jurnal Perspektif* 4, No. 1 (2020), p. 12-19.

(hadith dictionary) as the supporting tool. *Takhrij al-Hadīs* is the investigation or the search of hadith in various original books of the hadith, which contain complete information about the *mtan* and *isnad* of the hadith.<sup>13</sup>

Because the part of hadith *matn* used as the object of the study is “الخالة بمنزل الأم”, then the word الخالة provides a hint of *Mu'jam* as follows:<sup>14</sup>

خ : صلح 6، مغازي 42

د : طلاق 25\*\*

بر 6 ت :

Meanwhile, the word المنزل provides a hint of *Mu'jam* as follows:<sup>15</sup>

خ : صلح 6، مغازي 42

د : طلاق 25

بر 6 ت :

دي : فرائض 38

The *Mu'jam* data above inform that the hadith being studied can be found in four books of hadith:

1. *Sahīh Bukhārī* in the *Kitāb al-Sulhu*, chapter 6 and in the *Kitāb al-Magāzi*, chapter 42.
2. *Sunan Abū Dāwūd* in the *Kitāb Talāq*, chapter 25. The double asterix shows that the hadith is repeated twice in the *Kitāb Talāq*.
3. *Sunan al-Turmūzī* in the *Kitāb Birrun*, chapter 6.
4. *Sunan al-Darīmi* in the *Kitāb Farāid*, chapter 38.

For the purpose of a systematic discussion, some hadith about the status of a mother's sister in inheritance law were selected from from the four sources. All such hadith were found only in *Sunan al-Darīmi*'s writing, but hadith from other sources were also included in the discussion to make it more comprehensive.

The *isnad* and *matn* of the hadith can be presented as follows:

أَخْبَرَنَا مُحَمَّدُ بْنُ يُوسُفَ حَدَّثَنَا سُفْيَانُ عَنْ فِرَاسٍ عَنِ الشَّعْبِيِّ عَنْ زِيَادٍ قَالَ أُتِيَ عُمَرُ فِي عَمِّ لِأُمِّ وَخَالَاتِهِ فَأَعْطَى الْعَمَّ لِلْأُمِّ الثَّلَاثِينَ وَأَعْطَى الْخَالَاتِ الثَّلَاثَ \*

<sup>13</sup> Sya'id Lukman Hakim, "Takhrij Hadis Kitab Risalah Ahlu Al-Sunnah Wa Al-Jama'ah: Sebuah Kajian Analisis Sanad Dan Matan Hadis-Hadis Tanpa Riwayat," *Jurnal Pemikiran Islam*, 37, No.1 (2012), p. 53–78. Jon Pamil. "Takhrij Hadist: Langkah Awal Penelitian Hadist, *An-Nida': Jurnal Pemikiran Islam* 37, no. 1, (2012).

<sup>14</sup> Arnold John Wensinck, et. al., *Concordance et Indices De Ela Tradition Musulmanne*, translated to Arabic language by Muhammad Fū'ad Abd. al-Bāqy with the title *al-Mu'jam al-Mufahras Li Alfaz al-Hadīs al-Nabawy*, Volume II (Leiden: E. J. Brill, 1936), p. 91

<sup>15</sup> Arnold John Wensinck, et al., *Concordance et Indices*, Juz VI; p. 421

أَخْبَرَنَا مُحَمَّدُ بْنُ يُوسُفَ حَدَّثَنَا سُفْيَانُ عَنْ يُوسُفَ عَنِ الْحَسَنِ أَنَّ عُمَرَ بْنَ الْخَطَّابِ أَعْطَى الْحَالَةَ الثَّلَاثَ وَالْعَمَّةَ الثَّلَاثِينَ \*

أَخْبَرَنَا مُحَمَّدُ بْنُ يُوسُفَ حَدَّثَنَا سُفْيَانُ عَنِ الْحَسَنِ بْنِ عَمْرٍو عَنْ عَلِيِّ بْنِ عَبَّادٍ عَنْ قَيْسِ بْنِ حَبْتَرٍ النَّبَشِيِّ قَالَ أَتَى عَبْدُ الْمَلِكِ بْنُ مَرْوَانَ فِي خَالَةٍ وَعَمَّةٍ فَقَامَ شَيْخٌ فَقَالَ شَهِدْتُ عُمَرَ بْنَ الْخَطَّابِ أَعْطَى الْحَالَةَ الثَّلَاثَ وَالْعَمَّةَ الثَّلَاثِينَ قَالَ فَهَمَّ أَنْ يَكْتُبَ بِهِ ثُمَّ قَالَ أَيْنَ زَيْدٌ عَنْ هَذَا

أَخْبَرَنَا مُحَمَّدُ بْنُ يُوسُفَ حَدَّثَنَا سُفْيَانُ عَنْ مُحَمَّدِ بْنِ سَالِمٍ عَنِ الشَّعْبِيِّ عَنِ مَسْرُوقٍ عَنْ عَبْدِ اللَّهِ قَالَ الْحَالَةُ بِمَنْزِلَةِ الْأُمِّ وَالْعَمَّةُ بِمَنْزِلَةِ الْأَبِ وَبِنْتُ الْأَخِ بِمَنْزِلَةِ الْأَخِ وَكُلُّ رَجُلٍ بِمَنْزِلَةِ رَجُلِهِ الَّتِي يُدْلِي بِهَا إِذَا لَمْ يَكُنْ وَارِثٌ ذُو قَرَابَةٍ \*

أَخْبَرَنَا يَزِيدُ بْنُ هَارُونَ أَخْبَرَنَا حُمَيْدٌ عَنْ بَكْرِ بْنِ عَبْدِ اللَّهِ الْمُرِّيِّ أَنَّ رَجُلًا هَلَكَ وَتَرَكَ عَمَّتَهُ وَخَالَتَهُ فَأَعْطَى عُمَرَ الْعَمَّةَ نَصِيبَ الْأَخِ وَأَعْطَى الْحَالَةَ نَصِيبَ الْأُخْتِ

حَدَّثَنَا أَبُو نُعَيْمٍ حَدَّثَنَا أَبُو هَانِي قَالَ سُئِلَ عَامِرٌ عَنْ امْرَأَةٍ أَوْ رَجُلٍ تُوُفِّيَ وَتَرَكَ خَالَةً وَعَمَّةً لَيْسَ لَهُ وَارِثٌ وَلَا رَجَمٌ غَيْرُهُمَا فَقَالَ كَانَ عَبْدُ اللَّهِ بْنُ مَسْعُودٍ يُتْرَلُ الْحَالَةَ بِمَنْزِلَةِ أُمِّهِ وَيُتْرَلُ الْعَمَّةُ بِمَنْزِلَةِ أُخِيهَا \*

The Meaning: Abu Nu'aym narrated to us, Abu Hani narrated to us, he said: "Amir was once asked about a woman or man who died and left behind a maternal aunt and a paternal aunt, even though he had no heirs or other relatives apart from them. He said: "Abdullah bin Mas'ud used to treat his maternal aunt as his mother and his paternal aunt as his brother. (Narrated: al-Darīmi).

Generally, all the hadith above inform that when someone died and leave behind the mother's sister and the father's sister as the inheritance recipients, the mother's sister obtains 1/3 of the inheritance while the father's sister obtains 2/3.

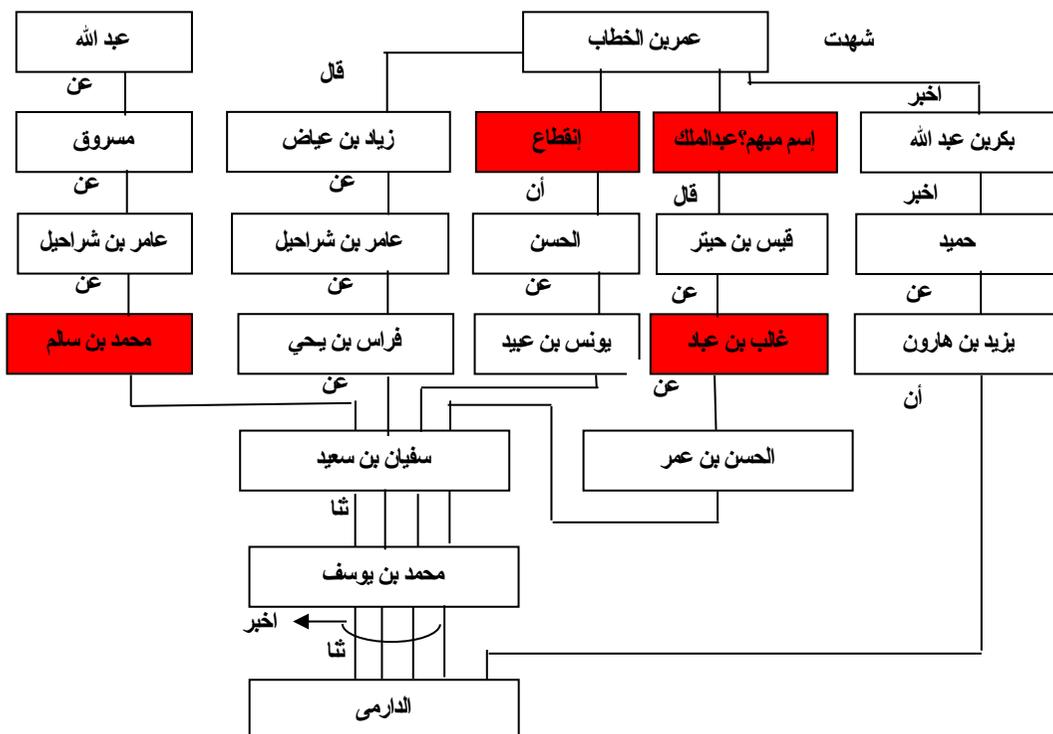
## 2. *I'tibār al-Isnad*

*I'tibār al-Isnad* is to include other isnad to a certain hadith so that it can be identified whether a certain isnad has other hadith narrators or not. With *i'tibār al-Isnad* the *syāhid* is a hadith narrator who has the status as supporter at the level as

and for the companions of Prophet Muhammad PBUH,<sup>16</sup> and *mutāb* is a hadith narrator who has the status as supporter at the level of hadith narrators other than the companions of Prophet Muhammad PBUH,<sup>17</sup> of the studied hadith will emerge.

In the *i'tibār al-isnad*, usually the isnad of a hadith is explained completely, including the *tahammul wa adā' al-hadīṣ* by creating a scheme. The following scheme shows the isnad of the hadith explained above.

Scheme 1: *I'tibār al-Isnad*



Based on the analysis above, in terms of both quantity and quality, this hadith can be categorized as a *mashhur* and sahih hadith, and it can be used as a legal reference. A *masshur* hadith can be seen in an action so that it is known by many people, while in terms of the term, a *masshur* hadith is told by three people or more, but it does not yet achieve the level of a *mutawatir* (consecutive) hadith.<sup>18</sup>

<sup>16</sup>Ismail, M. Syuhudi, *Metode Penelitian Hadis Nabi*, Jakarta: Bulan Bintang, 2005. Nawir Yuslem, *Metodologi Penelitian Hadis: Teori dan Implementasinya dalam Penelitian Hadis*, Bandung: Citapustaka Media Perintis, 2008, p. 95.

<sup>17</sup>Nawir Yuslem, *Metodologi Penelitian Hadis*, p. 95.

<sup>18</sup>Syaikh Manna' Al-Qaththan, *Pengantar Studi Ilmu Hadis*, (Jakarta: Pustaka Al-Kautsar, 2005), p. 120-121

### The Share of a Mother's Sister in Inheritance

The main content of the hadith in the first of part of this study is in the clause “الْخَالَةُ بِمَنْزِلَةِ الْأُمِّ”. The term *al-khālah* is derived from the basic word *khawala wa khāwlan, wakhīyālan*,<sup>19</sup> which means the sister of mother; aunt and *al-khālu* means uncle.<sup>20</sup> In the *Kitāb Fath al-Bāry*, it is said that the term *al-khālah* in the matn of the hadith means *لرعية ساسها فلان على عمته اى التملك من* (the person to which someone relies on is her/his aunt because she takes care of the person so far). It means after the person's mother died, it is his/her aunt (his/her mother's sister) who takes care of the person.

If a mother's sister (aunt) takes care of a child left by his/her mother, she is called “بِمَنْزِلَةِ الْأُمِّ” which means that the status of the aunt is the same with the late mother. This shows the respected status of the aunt. In the hadith told by al-Darimiy, it is said that the aunt has the right to obtain the inheritance from the person (who she has taken care of). This can be interpreted from the hadith clause “يُدَلِّي بِهَا إِذَا لَمْ”<sup>21</sup> “يَكُنْ وَارِثٌ ذُو قَرَابَةٍ”<sup>22</sup>

However, in relation to inheritance, the sister of a mother is considered as *dzawi al-arhām*. *Ulama* (Islamic scholars) agree to recognize this group based on the surah Al-Anfal (8):6. However, they have different opinions whether this group have the right to obtain inheritance or not. According to Ali bin Abu Thalib, Ibnu Abbas, Abu Bakar, Umar, Usman and some *tabi'in* or People who met the companions of Prophet Muhammad PBUH and had the faith and belief in all the things said by Prophet Muhammad PBUH, although they never met the Prophet,<sup>23</sup> *zawi al-arhām* can obtain inheritance only when there are no inheritance recipients who have the right to obtain certain parts or as *ashabah*.

Meanwhile, according to Zaid Ibnu Tsabit, *zawi al-arhām* cannot obtain inheritance from a person leaving the inheritance. If the deceased does not have people who have the right to obtain inheritance, both those having the right of certain parts and *ashabah*, the inheritance is given to *bait al-mal*. That opinion is supported by Imam Malik, Syafi'i and others, the verse that becomes the basis of this opinion is the Surah al-Anfal (8:75) and al-Ahzab (33:6). This difference of opinion among the prophets' companions, about when *dzawi al-arhām* have the right to obtain inheritance. According to some of the compnaions, this group will obtain the inheritance is there is no *'ashabah* and *dzawi al-furudh*. Others argue that the inheritance is not given to *dzawi al-arhām*, but to a trustable *bait al-mal*. Only when

<sup>19</sup>Louis Ma'lūf, *al-Munjid fi al-Lughah* (Bairūt: Dār al-Masyriq, 1977), p. 199.

<sup>20</sup>Mahmud Yunus, *Kamus Arab Indonesia* (Cet. II; Jakarta: Hidakarya Agung, 1992), p. 122.

<sup>21</sup>Syihab al-Dīn Ibnu Hajar al-Asqalani, *Fathul Bari Syarh Shahih al-Bukhari*, Juz V (Bairut: Dār al-Fikr, t.th), p. 382-383

<sup>22</sup>See again the hadith from al-Darimiy.

<sup>23</sup>Dinni Nadzilah and Fatimah Isty Karimah, “Geneologi Bentuk Tafsir Tabi'in,” *Bayani: Jurnal Studi Islam* 1, No. 2 (2021). Rasyad Hasan Khalil, *Tarikh Tasyri'; Sejarah Legalisasi Hukum Islam*, (Jakarta: Sinar Grafika Ofest, 2009), p. 78

there is no trustable *bait al-mal*, the group can obtain inheritance.<sup>24</sup> Based on the hadith:

أَخْبَرَنَا إِسْحَاقُ بْنُ مَنْصُورٍ أَخْبَرَنَا أَبُو عَاصِمٍ عَنِ ابْنِ جُرَيْجٍ عَنْ عَمْرِو بْنِ مُسْلِمٍ عَنْ طَاوُوسٍ عَنْ عَائِشَةَ قَالَتْ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الْخَالُ وَارِثٌ مَنْ لَمْ يَأْرَثْ لَهُ وَهَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ وَقَدْ أَرْسَلَهُ بَعْضُهُمْ وَلَمْ يَذْكُرْ فِيهِ عَنْ عَائِشَةَ وَاخْتَلَفَ فِيهِ أَصْحَابُ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَوَرَّثَ بَعْضُهُمُ الْخَالَ وَالْخَالَ وَالْعَمَّةَ وَالْأُمَّ وَالْحَدِيثُ ذَهَبَ أَكْثَرُ أَهْلِ الْعِلْمِ فِي تَوْرِيثِ ذَوِي الْأَرْحَامِ وَأَمَّا زَيْدُ بْنُ ثَابِتٍ فَلَمْ يُورِثْهُمْ وَجَعَلَ الْمِيرَاثَ فِي بَيْتِ الْمَالِ (رواية الترمذ)

The Meaning: Ishaq ibn Mansur narrated to us, Abu Asim narrated to us, from Ibn Jurayj, from Amr ibn Muslim, from Tawus, from Aisha, who said: The Messenger of Allah PBUH said: “The maternal uncle is the heir of the one who has no other heir.” This is a hasan gharib hadith, and some of them narrated it without mentioning Aisha in it. The Companions of the Prophet PBUH differed on this matter. Some of them made the maternal uncle, the maternal aunt, and the paternal aunt as heirs. Most scholars have adopted this view regarding inheritance by relatives. As for Zaid ibn Thabit, he did not make them heirs and placed the inheritance in the state treasury (Narrated: al-Tirmidhi).

The debate between Prophet Muhammad’s companions and *mujtahid* about inheritance for *dzawi al-arham*, and a mother’s sister as part of the group with all the consequences, is separated from the hadith that suggests to be kind to a mother’s sister like what is said in *Musnad Ahmad bin Hanbal*:

حَدَّثَنَا أَبُو مُعَاوِيَةَ حَدَّثَنَا مُحَمَّدُ بْنُ سُوْقَةَ عَنْ أَبِي بَكْرٍ بْنِ حَنْصِلٍ عَنِ ابْنِ عُمَرَ قَالَ أَتَى رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ رَجُلٌ فَقَالَ يَا رَسُولَ اللَّهِ أَذْنَبْتُ ذَنْبًا كَبِيرًا فَهَلْ لِي تَوْبَةٌ فَقَالَ لَهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَلَيْكَ وَالِدَانِ قَالَ لَا قَالَ فَالِكَ خَالَةٌ قَالَ نَعَمْ فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِيرَهَا إِذَا<sup>25</sup>

The Meaning: Abu Muawiyah narrated to us, Muhammad bin Suqah narrated to us, from Abu Bakr bin Hafs, from Ibn Umar, who said: A man came to the Messenger of Allah, may Allah bless him and grant him peace, and said: O Messenger of Allah, I have committed a great sin, is there any repentance for me? The Messenger of Allah, may Allah bless him and grant him peace, asked him: Do you have parents? He answered: No. He asked: Do you have a maternal aunt? He answered: Yes. The Messenger of Allah, may Allah bless

<sup>24</sup>Ibn Qudamah, *al-Mughni* (volume 6; Riyad; Maktabah al-Riyad al-Hadis, 620 H/1222 M.), p. 229. Mahmud Yunus, *Turutlah Hukum Kewarisan Islam* (Jakarta: al-Hidayah, 1968), p. 10.

<sup>25</sup>Abū ‘Abdullah Ahmad Ibn Hanbal, *Musnad Ahmad Ibn Hanbal*, juz II (Bairūt: al-Maktabah al-Islāmi, 1978), p. 168

him and grant him peace, said: And he greeted him, so treat him well. (Narrated: *Ahmad Ibn Hanbal*).

This hadith suggests that a child does good things to his/her aunt, but this is not related to inheritance law. This can be seen in the hadith clause *فَلَاكَ خَالَةٌ قَالَ نَعَمْ فَقَالَ* (do you have an aunt [after your mother died] the answer; “yes”. Then Prophet Muhammad PBUH says; “you should do good things to her like what you do to your mother).

In inheritance law, a mother’s sister who is included in *zawi al-arhām* gets the inheritance if there are no inheritance recipients who have the right to certain parts or *ashabah*. If this happens to a mother’s sister in an inheritance case and there is also a mother’s brother, then the mother’s sister obtains 1/3 and the mother’s brother obtains 2/3 in accordance with the hadith told by Umar bin Khattab r.a:

أَخْبَرَنَا مُحَمَّدُ بْنُ يُوسُفَ حَدَّثَنَا سُفْيَانُ عَنْ فِرَاسٍ عَنِ الشَّعْبِيِّ عَنْ زِيَادٍ قَالَ أُنِيَ عُمَرُ فِي عَمِّ لِأُمِّ وَخَالَةٍ فَأَعْطَى الْعَمَّ لِلْأُمِّ الثُّلثَيْنِ وَأَعْطَى الْخَالََةَ الثُّلُثَ

The Meaning: Muhammad bin Yusuf narrated to us, Sufyan narrated to us, from Firas, from al-Sha’bi, from Ziyad, who said: Umar visited his maternal uncle and maternal aunt, so he gave his maternal uncle two-thirds and his maternal aunt a third.

In a different condition, if there are a mother’s sister and a father’s sister, then the mother’s sister obtains 1/3 and the father’s sister obtains 2/3, in line with the hadith also told by Umar ibn Khattab r.a:

أَخْبَرَنَا مُحَمَّدُ بْنُ يُوسُفَ حَدَّثَنَا سُفْيَانُ عَنْ يُونُسَ عَنِ الْحَسَنِ أَنَّ عُمَرَ بْنَ الْخَطَّابِ أَعْطَى الْخَالََةَ الثُّلُثَ وَالْعَمَّةَ الثُّلثَيْنِ

Translation: Muhammad bin Yusuf narrated to us, Sufyan narrated to us, from Yunus, from Hasan, that Umar bin Khattab gave one third to his maternal aunt and two thirds to his paternal aunt.

It is riskier for a mother’s sister is there is a father’s brother who is in the group of *ashabah*. The mother’s sister does not obtain anything because all the inheritance is given to the father’s brother as part of *ashabah*.

## Reinterpretation of *Dzawil Arhām* in Islamic Law

The word *Arhām* in the Arabic language is the plural form of *rahmun* which means the place of baby in a mother's belly (uterus).<sup>26</sup> This place is the cause of blood relation (*nasab* or liniage). This word developed into *qarabah* or family (*kerabat*, in Indonesian). It also means the relationship of *nasab* due to blood relationship,<sup>27</sup> either from the father's or the mother's line. This definition is based on the existence of uterus that unites the two lines.<sup>28</sup>

The popular definition of *Dzawil arhām* in Islamic inheritance is the family of the deceased with blood relation who do not have certain part (*dzawil furudh*), and is not *ashabah* either.

People categorized as *Dzawil arhām* are divided into 4 groups and all of them are obstructed by women. They are:

1. From the descendant line (*nubuwah*)
  - a. Male or female grandchildren from a daughter, and their descendants
  - b. Male or female great grandchildren from a female grandchild from a son
2. From the ancestor's line (*ubuwah*)
  - a. Grandfather in the mother's line
  - b. Grandmother in the mother's line
3. From a sibling's line
  - a. A son or a daughter of a sister of the same parents, or the same father, or the same mother; and their descendants
  - b. A daughter of a brother of the same parents, or the same father, or the same mother; and their descendants
  - c. A daughter of a son of a brother of the same parents, or the same mother; and their descendants
  - d. A son of a brother of the same mother; and their descendants
4. From an uncle's line
  - a. Uncle of the same mother (a brother of a father with the same mother) and their male and female descendants.
  - b. An aunt (sister of the father) of the same parents, the same father, or the same mother and their descendants.
  - c. Uncle of the same parents, the same father or the same mother (the brother of a mother) and their descendants.
  - d. Aunt of the same parents, the same father or the same mother from the mother (the mother's sister) and their descendants.<sup>29</sup>

In the view of popular fiqh schools of thought, the group of *dzawil arhām* do not have the right to obtain inheritance. Even Syafi'i and Maliki say that if there is no *dzawil furudh* and *ashabah*, and there is only *dzawil arhām*, the inheritance can

<sup>26</sup>Ibrahim Anis, et al., *al-Mu'jam al-Wasith*, Juz I (2<sup>nd</sup> Printing: Kairo: without publisher, 1960 M./1370 H.), p. 335.

<sup>27</sup> Ibrahim Anis, et al., *al-Mu'jam al-Wasith*, Juz. I, p. 723.

<sup>28</sup> Compare with the interpretation of Surah an-Nisa 4 (1), and surah Muhammad (47), p. 22.

<sup>29</sup>A. Hassan, *al-Fara'id* (The 14<sup>th</sup> Print; Surabaya: Pustaka Progressif, 1996), p. 89- 90.

be given to the *bait al-mal*. They give a reason that the right to obtain inheritance is determined based on the texts in Qur'an and *Sunnah*, *Sunnah* is all messages from Prophet Muhammad PBUH (not Al-Qur'an) - in the forms of words, actions, and decisions – that can be used as the reasons or basis in determining the law<sup>30</sup>. But there are no texts in both Qur'an and *Sunnah* that allow *dzawil arhām* to obtain inheritance. Moreover, giving the inheritance to *bait al-mal* is more beneficial than giving it to *dzawil arhām*.<sup>31</sup>

Imam Hanafi and Imam Ahmad said that *dzawil arhām* have the right to obtain inheritance based on the Qur'an, the Surah of Al-Anfal (8) :75;

فَأَلَيْكَ مِنْكُمْ وَأَوْلُو الْأَرْحَامِ بَعْضُهُمْ أَوْلَىٰ بِبَعْضٍ فِي كِتَابِ اللَّهِ إِنَّ اللَّهَ بِكُلِّ شَيْءٍ عَلِيمٌ

The Meaning: “But those of [blood] relationship are more entitled [to inheritance] in the decree of Allah. Indeed, Allah is Knowing of all things.

Still according to Imam Hanafi and Imam Ahmad, the word *arhām* in this verse has a general meaning, that refers not only to *dzawil furudh* or *ashabah*, Therefore, if a person leaves only family members (*dzawil arhām*), they have more rights to obtain inheritance, compared with those without familial relationship<sup>17</sup> or *bait al mal*. This is also based on An-Nisa surah (4):7;

لِلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانُ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانُ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ  
نَصِيبٌ مَّفْرُوضًا

The Meaning: For men is a share of what the parents and close relatives leave, and for women is a share of what the parents and close relatives leave, be it little or much – an obligatory share.

Logically, family members have more rights to obtain inheritance than *bait al-mal*. The connection between *bait al-mal* and the deceased (inheritance owner) is only in one direction (Islamic connection), while family and the deceased have two connections, Islamic and familial connections.

In addition to the different opinions of fiqh experts above, the most urgent thing is to understand that actually the law of inheritance has also evolved since the emergence of Islam. It has been also adapted to the culture of the society in each period, since the emergence of Islam until the present decade. Therefore, the law of inheritance will of course become more aspirational.

Historically, the law of inheritance has developed since the emergence of Islam. In the time of *jahiliyah* only men have the right to obtain inheritance. They

<sup>30</sup>Ajjaj al-Khatib, *Ushul al-Hadits 'Ulumuh wa Musthalahuh* (Beirut: Dar al-Fikr, 1975), p. 19-27.

<sup>31</sup>Muhammad Ali Ash-Shabuni, *Pembagian Waris Menurut Islam* (Jakarta: Gema Insani Press, 1996), p. 145-147

have the roles as the doer, the decision maker, and the recipient of inheritance. Meanwhile, women were the objects that can be bequeathed. Such discourse was totally changed with the coming of Islam. Women are allowed, and they were even given the right, to obtain inheritance.

The status of women and men in the history may has been considered completed after several periods with various ways of thinking that tend to place women under men (men have the superiority). However, later in such way of thinking, some aspects should not be used as the basis of thinking. There is a mistake in interpretation due to the culture developing in the society of the *mujtahid* especially the imam of the popular Islamic schools.

It is clear that the main basis of *mujtahid* in making *ijtihad* are Qur'an and *sunnah*. They are the textual doctrinal sources for law development in Moslem community. However, they must still be interpreted and implemented in the socio-historical context of human being. It is done by thinking under the influence of various geographical conditions and traditions. At the beginning, the law was formulated with varieties in its essence, reflecting differences in argumentation of the legal experts and the patriarchic social traditions in their societies. Therefore, Islamic law is the main product of God's laws (Sharia) as they are understood, interpreted, and implemented by male religious scholars in the past; and the Islamic law is maintained in texts and guidance books.

From gender perspective, a number of Al-Qur'an verses and the formulations of classical Islamic laws seem to consider men of having higher status than women. Meanwhile, still in gender perspective, the condition of women in many Moslem communities in the world is still left far behind men. It is not always right to consider religious belief as the main factor causing the low status of women in many Moslem societies. However, because of ambivalence occurring in religious texts and the form of Islamic law about women's status including the form of inheritance law (*mawaris*), the women condition above is easily connected to religious belief.<sup>32</sup>

Therefore, the spirit of Islamic inheritance law is justice that focuses on the sociological and gender roles of men and women in the accumulation of wealth based on their gender roles. Differences in inheritance portions are not determined by gender. For example, according to Shahrur, gender-responsive inheritance distribution cannot be separated from its historical roots and is constantly reviewed within the current social context. Inheritance distribution is based on the status of female heirs, while men's portions are adjusted based on the presence of female heirs, in addition to kinship factors.<sup>33</sup>

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<sup>32</sup> Bahruddin Umar Yakub, et.al., "Living Qur'an, Gender, and Sibalipariq, in Mandar, Indonesia: Cultural Construction in the Perspective of Islamic Law," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, No. 2 (2023). Arbanur Rasyid, et.al., "Contestation of Customary Law and Islamic Law in Inheritance Distribution: A Sociology of Islamic Law Perspective, *Ahkam* 32, No. 2 (2024).

<sup>33</sup>Ridwan, "Gender Equality in Islamic Inheritance Law: Rereading Muhammad Shahrur's Thought," *al-Manahij: Jurnal Kajian Hukum Islam* 16, No. 2 (2022). Agus Suharsono, et.al.,

In the inheritance law, it can be felt that there is male superiority over females. For example, the problem of *dzawil arhām* or families appears to be based on the formulation in the legal schools. This can be seen in the portion of a father's sister (aunt from a father's side /'ammah) and a mother's sister (aunt from a mother's side /halah) that is also the main topic of this writing, conducted by reviewing relevant hadith using *tajhrīj al-hadīš bi al-mawdū'i*.

At the early times of Islam in the Arabic land, the closeness of familial relationship is determined based on the familiar relationship of male's line (patrilineal), and this influence the next periods until the time when the school of legal perspective was established. However, recently, the interpretation of family obtains criticism from some groups of people, especially those advocating women's rights. Adjustments are required due to changes of places and time. These changes result in the perspectives that the definition of family is a form of fiqh discrimination on women.

An example can be seen when a person died and leave a son of a brother with the same father and a grandson of a daughter. In the Islamic inheritance law, the son of a brother with the same father can take all the inheritance; while the grandson of a daughter is included in the group of family who do not obtain inheritance at all. In this context, a reinterpretation of Islamic law, particularly the concept of the family, is necessary, while accommodating the sociological and anthropological values of societies everywhere, including Indonesia. All cultures based on social and anthropological values must be given the right to reconceptualize and pursue women's empowerment according to their own perspectives, based on their respective civilizations.<sup>34</sup>

Actually, the contemporary fiqh (Egypt constitution) provides an opportunity for family members who are considered eligible to obtain inheritance but still obstructed. The opportunity is through the *wajibah* will,<sup>35</sup> *wajibah* will is the provision of properties to inheritance recipients or family members who are not eligible to obtain inheritance from a deceased due to certain obstacles mentioned in Islamic laws In Indonesia, a *wajibah* will is given to an adopted child.<sup>36</sup> A family member can be given a will too, but it cannot be done if the eligible inheritance recipient does not agree.<sup>37</sup>

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"Women's Inheritance Rights in Indonesia from the Perspective of the Triangular Concept of Legal Pluralism," *El-Mashlahah* 14, No. 2 (2024).

<sup>34</sup> Zeenath Kausar, "Women's Empowerment in UN Documents neither a Safe Haven nor a Pandora's Box: Need for A Holistic Perspective," *International Journal of Islamic Thought* 22, No. 1 (2022).

<sup>35</sup> Bismar Siregar, *Perkawinan, Hibah dan Wasiat dalam Pandangan Hukum Bangsa*, Yogyakarta: Fakultas Hukum UI, 1985, p. 137. Eman Suparman, *Inti Sari Hukum Waris Indonesia* (Bandung : Mandar Maju, 1991), p 37. Mahkamah Agung Republik Indonesia, *Kompilasi Hukum Islam* Article 209.

<sup>36</sup> The Compilation of Islamic Laws, article 209.

<sup>37</sup> The Compilation of Islamic Laws, article 195 (2).

Verses about inheritance in the Qur'an are basically the responses to the history of social development at the revelation time of the verses. At that time, blood relations interspersed with women are not considered close relatives. In the history of, women are regarded as objects that do not have the right to possess. Married women are considered equal to sold items and her children see their blood relation only to the men's line. Therefore, from the historical-sociological view, this verse is actually an effort to raise humanistic awareness that somebody exists because of a woman and a man, and the interpretation of family reflects the historic-sociological reality that really depends on space and time. Family is not defined by biological factor, but rather by socio-cultural and gender factors. Based on gender, the legal consideration of family can be changed due to gender roles.

## Conclusions

The perspectives of Islamic jurists regarding the interpretation of the family still reflect the dominant discourse of their time, namely male superiority; while gender perspectives were not a dominant discourse and were therefore not considered by Islamic scholars. The interpretation of "family" reflects a historical-sociological reality that is highly dependent on time and space. The family is not defined by biological factors, but rather by socio-cultural and gender factors. During the formation of Islamic jurisprudence, the discourse of male dominance also developed, while other marginalized discourses were not discussed. The evaluation of patriarchal preferences among Islamic jurists can be viewed from four aspects: genealogy, the transmission of knowledge, culture, and the formation of an androcentric historical discourse of Islam. Based on the above analysis, both in terms of quantity and quality, this hadith can be categorized as a hadith that is authentic and authentic, and can be used as a legal reference. Therefore, based on this reinterpretation of the concept of family, it is appropriate that the mother's sister deserves a share of the property. Perhaps the mechanism of a mandatory will (*wasiat wajibah*) can be considered, as adopted children also use this mechanism.

## References

### Journals and Books

- A. Hassan, *al-Fara'id* (14<sup>th</sup> Printing; Surabaya: Pustaka Progressif, 1996).
- Al-Asqalani, Syihab al-Dīn Ibnu Hajar. *Fathul Bari Syarh Shahih al-Bukhari*, Juz V (Bairut: Dār al-Fikr, n.d).
- Al-Qaththan, Syaikh Manna', *Pengantar Studi Ilmu Hadis*, Jakarta: Pustaka Al-Kautsar, 2005.
- Anis, Ibrahim. et al., *al-Mu'jam al-Wasith*, Juz I (2<sup>nd</sup> Printing; Kairo: Without Publiher, 1960AD./1370H
- Ash-Shabuni, Muhammad Ali, *Pembagian Waris Menurut Islam*. Jakarta: Gema Insani Press, 1996.

- Darna, Andi, et.al., "Development and Practice of Islamic Law Codification in Southeast Asia," *Legitimasi: Jurnal Hukum Pidana dan Politik* 14, No. 1 (2025). DOI: <https://doi.org/10.22373/legitimasi.v14i1.30008>
- Departemen Agama RI., *Alquran dan Terjemahnya*. Jakarta: Yayasan Penterjemah dan Penafsir Alquran, 1978
- 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 Syariah)* 22, No. 2 (2022). DOI: <http://dx.doi.org/10.31958/juris.v21i2.7495>.
- Efendi, Jonaedi and Prasetyo Rijadi, *Metode Penelitian Hukum: Normatif dan Empiris*, Jakarta: Kencana, 2022.
- Fauzi, Fauzi, et.al., "A Model of Extreme Poverty Reduction to Prevent Social Inequality in Indonesia Perspective of Sociology and Islamic Law," *al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 23, No. 2 (2023). DOI: <https://doi.org/10.30631/alrisalah.v23i2.1429>.
- Hanbal, Abū 'Abdullah Ahmad Ibn. *Musnad Ahmad Ibn Hanbal*, Juz II (Bairūt: al-Maktabah al-Islāmi, 1978).
- Kausar, Zeenath, "Women's Empowerment in UN Documents neither a Safe Haven nor a Pandora's Box: Need for A Holistic Perspective," *International Journal of Islamic Thought* 22, No. 1 (2022). <https://doi.org/10.24035/ijit.21.2022.232>.
- Khalil, R. H. *Tarikh Tasyri': Sejarah Legalisasi Hukum Islam*, Jakarta: Sinar Grafika Ofset, 2009.
- Krippendorff, Klaus, *Content Analysis: An Introduction to Its Methodology*, SAGE Publications, 1991.
- Latif, Mukhlis and Muhammad Mutawalli, "Fiqh of Civilization in Building a Legal State: The Relevance of Muhammad Arkoun's Thought," *Ahkam* 33, No. 2 (2023). DOI: <https://doi.org/10.21580/ahkam.2023.33.2.16643>.
- Ma'lūf, Louis, *al-Munjid fi al-Lugah*, Bairūt: Dār al-Masyriq, 1977.
- Maftuhin, Arif, "The Historiography of Islamic Law: The Case of Tārīkh al-Tashri' Literature," *Al-Jami'ah: Journal of Islamic Studies* 54, No. 2 (2016). DOI: [10.14421/ajis.2016.54.2.369-391](https://doi.org/10.14421/ajis.2016.54.2.369-391).
- Mardiana, Dede and Wahyuddin Darmalaksana, "Relevansi Syahid Ma'nawi dengan Peristiwa Pandemic Covid-19: Studi Matan Pendekatan Ma'anil Hadis," *Jurnal Perspektif* 4, No. 1 (2020). DOI: <https://doi.org/10.15575/jp.v4i1.58>.
- Nadzilah, Dinni and Fatimah Isyti Karimah,, "Geneologi Bentuk Tafsir Tabi'in," *Bayani: Jurnal Studi Islam* 1, no. 2 (2021). DOI: <https://doi.org/10.52496/bayaniV.1I.2pp158-174>
- Pamil, Jon. "Takhrij Hadist: Langkah Awal Penelitian Hadist, *An-Nida': Jurnal Pemikiran Islam* 37, no. 1, (2012).
- Purkon, Arip, "Pendekatan Hermeneutika Dalam Kajian Hukum Islam," *Ahkam: Jurnal Ilmu Syariah* 13, No. 2 (2013).

- Rajab Rajab, et.al., "Islamic Inheritance Law in Saruaso and Sawah Tengah Villages Based on Islamic Principles, *Jurnal Ilmiah Islam Futura* 22, No. 2 (2022). DOI: <https://doi.org/10.22373/jiif.v22i2.12130>.
- Rasyid, Arbanur, et.al., "Contestation of Customary Law and Islamic Law in Inheritance Distribution: A Sociology of Islamic Law Perspective, *Ahkam* 32, No. 2 (2024). <https://doi.org/10.21580/ahkam.2024.34.2.20843>.
- Ridwan, "Gender Equality in Islamic Inheritance Law: Rereading Muhammad Shahrur's Thought," *al-Manahij: Jurnal Kajian Hukum Islam* 16, No. 2 (2022). DOI: <https://doi.org/10.24090/mnh.v16i2.6916>.
- Solikin, Nur, and Moh. Wasik, "The Construction of Family Law in the Compilation of Islamic Law in Indonesia: A Review of John Rawls's Concept of Justice and Jasser Auda's Maqashid al-Shari'a," *Uhumuna: Journal of Islamic Studies* 27, No. 1 (2023). DOI: <https://doi.org/10.20414/ujis.v27i1.708>.
- Suharsono, Agus, et.al., "Women's Inheritance Rights in Indonesia from the Perspective of the Triangular Concept of Legal Pluralism," *El-Mashlahah* 14, No. 2 (2024). DOI: <https://doi.org/10.23971/el-mashlahah.v%25vi%25i.7657>.
- Syamsarina, Syamsarina, et.al., "Dynamics of Different Religious Inheritance Decisions: The Case Study of the Religious Court Judges Ijtihad," *Syariah: Jurnal Hukum dan Pemikiran* 25, No. 1 (2025). DOI: <https://doi.org/10.18592/sjhp.v25i1.15717>.
- Ismail, M. Syuhudi, *Metode Penelitian Hadis Nabi*, Jakarta: Bulan Bintang, 2005.
- Wensinck, Arnold John, et al, *Concordance et Indices De Ela Tradition Musulmanne*, translated to Arabic by Muhammad Fū'ad Abd. al-Bāqy with the title *al-Mu'jam al-Mufahras Li Alfaz al-Hadīs al-Nabawy*, vol. II , Leiden: E. J. Brill, 1936.
- Yakub, Bahruddin Umar, et.al., "Living Qur'an, Gender, and Sibaliparriq, in Mandar, Indonesia: Cultural Construction in the Perspective of Islamic Law," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, No. 2 (2023). DOI: <https://doi.org/10.22373/sjhc.v7i2.17892>.
- Yasa, Ahmad, "The development of Indonesian Islamic law: A Historical Overview," *Journal of Indonesian Islam* 9, No. 1 (2016). DOI:10.15642/JIIS.2015.9.1.101-122.
- Yunus, Mahmud, *Kamus Arab Indonesia* (2<sup>nd</sup> Printing; Jakarta: Hidakarya Agung, 1992.
- Yunus, Mahmud. *Turutlah Hukum Kewarisan Islam* , Jakarta: al-Hidayah, 1968.