



**El-Usrah: Jurnal Hukum Keluarga**  
<https://jurnal.ar-raniry.ac.id/index.php/usrah/index>  
ISSN: 2620 – 8075 || E-ISSN: 2620 – 8083  
Vol. 9. No. 1. June 2026  
DOI: 10.22373/ujhk.v9i1.30612

**Gender, Inheritance, and the Living Qur'an:  
The Implementation of Justice for Women in Inheritance Distribution in  
Aceh, Indonesia**

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**Abstract**

This study examines how gender justice for women is negotiated in inheritance distribution in Aceh, Indonesia, through the perspective of the Living Qur'an. It focuses on how Acehnese Muslims understand and practice Qur'anic teachings on inheritance within a strong local cultural context. The study addresses two questions: (1) how the Qur'anic inheritance verses (*āyāt al-mawārīth*) are understood in Acehnese society, and (2) how gender justice is realized in local inheritance practices. This research employs a qualitative design using the Living Qur'an approach. Data were collected through in-depth interviews, participant observation, and document analysis in several regions of Aceh, involving religious scholars, customary leaders, and family members with direct experience in inheritance practices. The findings reveal that inheritance distribution in Aceh is not applied through a strictly textual model but is shaped by continuous negotiation between Islamic legal principles and local customs. Mechanisms such as *hibah*, *wasiat*, *hareuta peunulang*, and family deliberation are used to balance Qur'anic norms with social realities and to achieve a locally accepted sense of justice for women. Rather than indicating a deviation from Islamic law, these practices demonstrate how the Qur'an operates as a living ethical framework in everyday life. This study argues that Islamic inheritance law in Aceh functions not merely as a formal legal system but as a living tradition that adapts to socio-cultural contexts while maintaining its normative foundation, thereby enabling a contextual realization of gender justice.

**Keywords:** Gender justice, inheritance, Living Qur'an, Acehnese custom, contextual interpretation

### *Abstrak*

*Penelitian ini mengkaji bagaimana keadilan gender bagi perempuan dinegosiasikan dalam pembagian warisan di Aceh, Indonesia, melalui perspektif Living Qur'an. Fokus penelitian ini adalah bagaimana masyarakat Muslim Aceh memahami dan mempraktikkan ajaran Al-Qur'an tentang warisan dalam konteks budaya lokal yang kuat. Penelitian ini mengajukan dua pertanyaan utama: (1) bagaimana ayat-ayat waris (āyāt al-mawārīth) dipahami dalam masyarakat Aceh, dan (2) bagaimana keadilan gender diwujudkan dalam praktik pembagian warisan lokal. Penelitian ini menggunakan desain kualitatif dengan pendekatan Living Qur'an. Data dikumpulkan melalui wawancara mendalam, observasi partisipatif, dan analisis dokumen di beberapa wilayah di Aceh, dengan melibatkan ulama, tokoh adat, serta anggota keluarga yang memiliki pengalaman langsung dalam praktik pembagian warisan. Hasil penelitian menunjukkan bahwa pembagian warisan di Aceh tidak diterapkan secara tekstual-kaku, melainkan dibentuk melalui proses negosiasi yang berkelanjutan antara prinsip-prinsip hukum Islam dan adat lokal. Mekanisme seperti hibah, wasiat, hareuta peunulang, dan musyawarah keluarga digunakan untuk menyeimbangkan norma-norma Al-Qur'an dengan realitas sosial serta mewujudkan rasa keadilan yang dapat diterima secara lokal bagi perempuan. Praktik-praktik tersebut tidak dipahami sebagai penyimpangan dari hukum Islam, melainkan sebagai bentuk bagaimana Al-Qur'an berfungsi sebagai kerangka etika yang hidup dalam kehidupan sehari-hari. Penelitian ini berargumen bahwa hukum waris Islam di Aceh tidak hanya berfungsi sebagai sistem hukum formal, tetapi juga sebagai tradisi hidup yang beradaptasi dengan konteks sosial-budaya tanpa kehilangan landasan normatifnya, sehingga memungkinkan terwujudnya keadilan gender yang kontekstual.*

**Kata Kunci:** *Keadilan gender, warisan, Living Qur'an, adat Aceh, tafsir kontekstual*

### **Introduction**

The issue of inheritance is one of the issues that has an impact on various aspects of human life, not only legal and cultural issues but also social life.<sup>1</sup> In Islamic law, the distribution of inheritance is explicitly regulated in the Qur'an, particularly in Surah An-Nisa, verses 11, 12, and 176.<sup>2</sup> These verses clearly outline the shares allocated to each heir, both male and female. However, the implementation of these rules in society often faces challenges when encountering local customs,

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<sup>1</sup> Agus Suharsono, et.al., "Women's Inheritance Rights in Indonesia from the Perspective of the Triangular Concept of Legal Pluralism," *El-Mashlahah* 14, No. 2 (2024). Roslina Roslina, et.al., "Reinterpreting Islamic Inheritance: Supreme Court Jurisprudence and Gender Justice in Indonesia," *Jurnal Ilmiah Peuradeun* 13, No. 3 (2025). Leonard Broom, et.al., *The Inheritance of Inequality*, (New York: Routledge, 2023), p. 20.

<sup>2</sup> Miftahul Huda, and Tri Wahyu Hidayati, "The Concept of Muḥammad Shahrūr on Gender Parity in Inheritance Legislation." *El-Usrah: Jurnal Hukum Keluarga* 6, no. 2 (2023), p. 262-280.

traditions, and socio-cultural values that prevail in a community.<sup>3</sup> One region in Indonesia that has strong local traditions regarding inheritance distribution is Aceh.<sup>4</sup>

As a region known for implementing Islamic law, Aceh has unique characteristics in blending Islamic law with local customs.<sup>5</sup> The concept of "*adat bak poteumeureuhom, hukum bak syiah kuala*", which serves as the main guideline for Acehnese society, reflects the harmony between custom and Islamic law.<sup>6</sup> However, in practice, the distribution of inheritance in Aceh does not always align with the provisions of the Qur'an. Women often receive a smaller share, and in some cases, they do not receive any inheritance rights at all.<sup>7</sup> This situation raises the question: has gender justice in inheritance distribution been implemented in accordance with the teachings of the Qur'an?

The phenomenon of inconsistency between Islamic inheritance law and customary practices is not only found in Aceh but also in various other regions of Indonesia. Several previous studies have examined how communities negotiate Islamic inheritance law and customary traditions in the context of gender justice. The study by Harnides et al. revealed that the people of Aceh Selatan prefer customary law in inheritance distribution due to its flexibility.<sup>8</sup> Meanwhile, the research by Basri et al. identified three patterns of inheritance law reception in Makassar: text-based distribution, deliberation, and court decisions.<sup>9</sup> Yakub et al. highlighted the concept of *sibaliparriq* in the Mandar culture, which links gender justice with the principle of *ta'awun* in Islam.<sup>10</sup> In contrast, the study by Hidayati et al. emphasized the negotiation process among the Malay community in Jambi in addressing both Islamic and customary inheritance laws.<sup>11</sup> Additionally, the research by Abubakar et

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<sup>3</sup> Reni Nur Aniroh, et.al., "The Bilateral Inheritance System in Islamic Family Law: Fairness, Equality, and Mutual Exchange Perspectives." *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 8, no. 2 (2024), p. 891-911.

<sup>4</sup> Sita Hidayah, "From unity in diversity to culture wars? Aceh women's mastery over Adat, Islam, and the state inheritance laws." *Women's Studies International Forum* 103, Pergamon, 2024.

<sup>5</sup> Mursyid Djawas, et al., "Harmonization of State, Custom, and Islamic Law in Aceh: Perspective of Legal Pluralism." *Hasanuddin Law Review* 10, no. 1 (2024), p. 64-82.

<sup>6</sup> Sita Hidayah, *Women's Experiences of Sharia Law in Banda Aceh, Indonesia*. Inaugural-Dissertation, Albert-Ludwigs-Universität Freiburg, 2019, p. 20.

<sup>7</sup> Ali Abubakar, et al., "The Postponement of the Implementation of Inheritance Distribution in the Seunuddon Community, North Aceh in the Lens of 'Urf Theory and Legal Pluralism." *El-Ussrah: Jurnal Hukum Keluarga* 6, no. 2 (2023), p. 411-429.

<sup>8</sup> Harnides, et.al., "Gender Justice in Inheritance Distribution Practices in South Aceh, Indonesia." *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, no. 2 (2023), p. 1293-1316.

<sup>9</sup> Halimah Basri, et.al., "Inheritance Rights of Women in Makassar Society: A study of living Qur'an and its implications for Islamic Law." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 2 (2022), p. 537-555.

<sup>10</sup> Bahruddin Umar Yakub, 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), p. 1219-1242.

<sup>11</sup> Rahmi Hidayati Al Idrus, et.al., "Flexibility of Women's Inheritance Distribution in Jambi Malay Society: Compromising Islamic and Customary Law." *El-Ussrah: Jurnal Hukum Keluarga* 7, no. 1 (2024), p. 42-61.

al. introduced the perspective of legal pluralism regarding delays in inheritance distribution in Seunuddon, North Aceh.<sup>12</sup> These studies indicate that in various regions, inheritance practices are often influenced by social, cultural, and local legal factors, creating unique dynamics in the implementation of gender justice in inheritance.

Research on the relationship between gender, inheritance, and the implementation of Qur'anic values in the local context of Aceh becomes highly relevant in addressing this issue. In this context, the Living Qur'an approach offers an interesting perspective. Living Qur'an refers to how society understands, internalizes, and practices the teachings of the Qur'an in their daily lives. This approach not only views the Qur'anic text as a theological norm but also as a practical guide influenced by the social, cultural, and historical context of the community.<sup>13</sup>

This study aims to examine how the Acehnese people understand the Qur'anic verses on inheritance and how the values of gender justice are applied in inheritance distribution in accordance with local traditions. The main focus is to understand the interaction between the teachings of the Qur'an and the cultural context of Aceh in shaping social practices that reflect justice. The research questions in this study are: (1) How do the Acehnese people perceive the Qur'anic verses that regulate inheritance distribution? (2) How do local traditions in Aceh influence the implementation of gender justice in inheritance distribution?

The method used in this research is a qualitative approach utilizing the Living Qur'an framework. This approach enables the researcher to deeply explore how the Acehnese community understands, internalizes, and practices the Qur'anic verses on inheritance within their cultural and local traditional context. Within the Living Qur'an perspective, the sacred text is not only understood normatively but also interpreted through the lens of social practices and lived experiences of the community. To strengthen the analysis, this study also adopts a phenomenological design<sup>14</sup>, applying Martin Heidegger's hermeneutic phenomenology to examine the meanings of inheritance verses in everyday life, and Alfred Schutz's social phenomenology to understand how social interactions shape inheritance practices and gender justice. Data were collected through in-depth interviews, participant observation, and document analysis.

By analyzing the interaction between Qur'anic teachings and local traditions through this dual phenomenological approach, this study seeks to identify patterns

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<sup>12</sup> Ali Abubakar, et.al., "The Postponement of the Implementation of Inheritance Distribution in the Seunuddon Community, North Aceh in the Lens of 'Urf Theory and Legal Pluralism." *El-Usrah: Jurnal Hukum Keluarga* 6, no. 2 (2023), p. 411-429.

<sup>13</sup> Ahmad Rafiq, "The Living Qur'an: Its Text and Practice in the Function of the Scripture." *Jurnal Studi Ilmu-ilmu Al-Qur'an dan Hadis* 22, no. 2 (2021), p. 469-484.

<sup>14</sup> The phenomenological design is an approach in qualitative research that aims to understand individuals' subjective experiences of a particular phenomenon. See John W. Cresswell, "My 35 Years in Mixed Methods Research." *Journal of Mixed Methods Research* 18, no. 3 (2024), p. 32.

in the implementation of inheritance laws in Aceh. Understanding these patterns will help in formulating a model of Islamic inheritance law that not only aligns with the Qur'anic text but also considers the socio-cultural realities of Acehnese society. This study also aims to contribute to the development of Islamic legal thought that is more contextual and just, particularly in issues related to gender and inheritance.

### Gender Relation in the Qur'an

The Qur'an explicitly regulates the distribution of inheritance in Surah An-Nisa verses 11, 12, and 176. These verses specify the portions allocated to each heir, both male and female, based on their kinship with the deceased. In Surah An-Nisa verse 11, Allah stipulates that a male child receives twice the share of a female child. If there is only one female child, she receives half of the inheritance, whereas if there are two or more daughters, they collectively receive two-thirds of the estate. Additionally, if the deceased has children, each parent receives one-sixth of the inheritance. However, if the deceased has no children, the mother receives one-third of the inheritance, while the father takes the remainder.<sup>15</sup>

In Surah An-Nisa verse 12, Allah regulates the inheritance shares for husbands, wives, and siblings. The husband receives half of the inheritance if the wife has no children, and one-fourth if the wife has children. Conversely, the wife receives one-fourth if the husband has no children, and one-eighth if the husband has children. If the deceased has no children or parents but has maternal half-brothers or half-sisters, each receives one-sixth of the inheritance, and if there are more than one, they collectively share one-third of the inheritance. Surah An-Nisa verse 176 further regulates the inheritance for full siblings in cases where a person dies without leaving children or parents. If the deceased has only one sister, she receives half of the inheritance, while if there are more than one sister, they collectively receive two-thirds of the inheritance. If the deceased has both brothers and sisters, the male sibling receives twice the share of the female sibling.<sup>16</sup>

The provisions of inheritance in the Qur'an show that Islam has provided clear rules regarding the distribution of wealth, both for men and women.<sup>17</sup> However, in practice, the implementation of inheritance law often interacts with the prevailing culture and social values in society, including in Aceh.<sup>18</sup> In Islam, the concept of justice in the distribution of inheritance does not always mean equality, but rather the distribution of rights and obligations according to the social roles and

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<sup>15</sup> Muhammad ibn Jarir al-Tabari, *Jāmi' al-Bayān 'an Ta'wīl Āy al-Qur'ān*, vol. 5, (Cairo: Dar al-Ma'arif, 2001), p. 18-22.

<sup>16</sup> Al-Qurtubi, *Al-Jāmi' li Ahkām al-Qur'ān*, vol. 5, (Cairo: Dar al-Kutub al-Misriyyah, 1964), p. 70-75.

<sup>17</sup> Wahbah al-Zuhayli, *Al-Fiqh al-Islami wa Adillatuhu*, vol. 8, (Damascus: Dar al-Fikr, 1989), p. 145-150.

<sup>18</sup> Dewa Agung Gede Agung, Ahmad Munjin Nasih, and Bayu Kurniawan. "Local wisdom as a model of interfaith communication in creating religious harmony in Indonesia." *Social Sciences & Humanities Open* 9, (2024), p. 100827.

responsibilities of individuals within the family and society.<sup>19</sup> Therefore, in the context of inheritance, the Qur'an regulates distribution based on the principles of *'adl* (justice) and *ihsan* (benevolence).<sup>20</sup>

The principle of justice in Islam takes into account the greater responsibilities of men compared to women, such as the obligation to provide for the family as explained in Surah An-Nisa verse 34.<sup>21</sup> This serves as the basis for why the share of inheritance for men is larger than that for women. However, at the same time, Islam ensures that women receive clear inheritance rights, something that was not granted in many pre-Islamic cultures.<sup>22</sup>

Moreover, Islamic inheritance law also demonstrates flexibility in the distribution of inheritance assets.<sup>23</sup> The Qur'an encourages consultation and mutual agreement in the division of inheritance, as mentioned in Surah An-Nisa verses 8-9.<sup>24</sup> Therefore, the practice in some societies that regulates inheritance through family agreements can still be justified as long as it does not violate the fundamental principle of justice.<sup>25</sup> A testator also has the right to bequeath up to one-third of their wealth to certain parties as a form of equitable welfare distribution.<sup>26</sup>

In the context of Islamic law, the principle of justice also considers social and cultural aspects that influence the implementation of inheritance law in various regions.<sup>27</sup> For example, in Acehese society, the distribution of inheritance is often influenced by customary norms, such as granting property to daughters in the form of *hibah* (gifts) before the testator's death.<sup>28</sup> This practice represents an adaptation of Islamic inheritance law to local cultural values that emphasize family harmony and social balance.

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<sup>19</sup> Muhammad Abu Zahrah, *Ahkam al-Tarikah wa al-Mirath*, (Cairo: Dar al-Fikr al-Arabi, 1959), p. 85-90.

<sup>20</sup> Zainab Alwani, "Establishing a Just Society through a Qur'anic Lens." *Journal of Black Religious Thought* 1, no. 1 (2022), p. 36-59.

<sup>21</sup> Ibn Kathir, *Tafsir al-Qur'an al-'Azim*, vol. 2, (Beirut: Dar al-Kutub al-'Ilmiyyah, 1999), p. 130-135.

<sup>22</sup> Shakeel Ahmad Lone, "Representation of Women in Pre and Post-Islamic Arabian Society: An Appraisal." *International Journal of Science and Research (IJSR)* 12, no. 5 (2023), p. 1552-1554.

<sup>23</sup> Ilyas, et al. "The Accommodation of Customary Law to Islamic Law: Distribution of Inheritance in Aceh from a Pluralism Perspectives." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 2 (2023), p. 897-919.

<sup>24</sup> Fakhruddin al-Razi, *Maḥāṭib al-Ghayb*, vol. 10, (Beirut: Dar Ihya al-Turath al-Arabi, 1999), p. 120-125.

<sup>25</sup> Al-Shatibi, *Al-Muwāfaqāt fī Uṣūl al-Sharī'ah*, vol. 2, (Beirut: Dar Ibn 'Affan, 1997), p. 100-105.

<sup>26</sup> Al-Nawawi, *Al-Majmu' Sharh al-Muhadhdhab*, vol. 15, (Beirut: Dar al-Fikr, 1996), p. 372-375.

<sup>27</sup> Ibn Abidin, *Radd al-Muhtar 'ala al-Durr al-Mukhtar*, vol. 6, (Beirut: Dar al-Fikr, 2000), p. 120-125.

<sup>28</sup> Mursyid Djawas, et al. "Harmonization of State, Custom, and Islamic Law in Aceh: Perspective of Legal Pluralism." *Hasanuddin Law Review* 10.1 (2024), p. 64-82.

Thus, the concept of gender justice in inheritance according to the Qur'an does not only focus on the equality of portions but also considers aspects of responsibility, the protection of women's rights, and flexibility in its application according to the social and cultural conditions of society. Islam emphasizes that justice does not mean dividing wealth equally but ensuring that each individual receives their rights according to their responsibilities and needs.<sup>29</sup> Therefore, Islamic inheritance law is dynamic and can adapt to socio-cultural contexts without neglecting its fundamental principles as outlined in the Qur'an.

### **Living Qur'an as an Approach to Understanding Inheritance Law**

Living Qur'an is an approach in Qur'anic studies that focuses on how communities understand, internalize, and apply the values of the Qur'an in their daily lives.<sup>30</sup> This approach does not solely concentrate on the text or theoretical interpretation of the Qur'an but also examines social practices, cultural aspects, and communal traditions that reflect the values contained in the Qur'an. In this context, Living Qur'an views the Qur'an not only as a sacred text to be recited and memorized but also as a guiding principle that is implemented in practical life, including in inheritance law.

This perspective is closely related to the broader concept of lived religion, which emphasizes that religious teachings are not only interpreted at the doctrinal level but are also enacted in concrete social contexts. In contemporary Qur'anic gender studies, scholars such as Amina Wadud highlight the importance of contextual and justice-oriented interpretations of the Qur'an, showing that understandings of gender and justice in Islam are dynamic and shaped by lived experience.<sup>31</sup>

The Living Qur'an approach in the study of Islamic law is a method that emphasizes how the Qur'anic text is internalized, understood, and practiced in the daily lives of communities.<sup>32</sup> This approach is based on the assumption that the Qur'an is not merely a sacred book to be read and memorized, but also a source of values that continuously interact with the socio-cultural dynamics of society.<sup>33</sup> In the context of inheritance law, the Living Qur'an seeks to observe how the Qur'anic

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<sup>29</sup> Mahmoud A. Al-Khatib, "The concept of justice in Islam." *Journal of Ethnic and Cultural Studies* 10, no. 5 (2023), p. 45-66.

<sup>30</sup> Makmunzir, et al. "Living Quran in Yasinan Tradition During Rabu Abeh Ritual in Gampong Lhok Pawoh, Southwest Aceh." *Mashdar: Jurnal Studi Al-Qur'an dan Hadis* 5, no. 1 (2023), p. 45-60.

<sup>31</sup> Amina Wadud, *Qur'an and Woman: Rereading the Sacred Text from a Woman's Perspective* (Oxford: Oxford University Press, 1999), p. 85-90.

<sup>32</sup> Abdullah Saeed, *Interpreting the Qur'an: Towards a Contemporary Approach* (New York: Routledge, 2006), p. 45.

<sup>33</sup> Fazlur Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition* (Chicago: University of Chicago Press, 1982), p. 37.

teachings on wealth distribution are not only understood textually but also manifested in social practices that evolve within a community, including in Aceh.<sup>34</sup>

Normatively, Islamic inheritance law has been clearly regulated in the Qur'an, particularly in Surah An-Nisa verses 11, 12, and 176. These verses determine the proportional distribution of inheritance for each heir based on kinship and gender.<sup>35</sup> However, in social reality, the implementation of inheritance law often undergoes adaptation and negotiation with local values.<sup>36</sup> This is where the Living Qur'an approach becomes relevant, as it seeks to understand how communities receive, interpret, and practice the inheritance verses in their daily lives.

Scholarly discussions on gender and Islamic law further demonstrate that inheritance practices are closely related to broader socio-economic structures and gender relations. Scholars such as Ziba Mir-Hosseini argue that Islamic legal traditions develop through interpretive processes shaped by social contexts rather than rigid textual determinism.<sup>37</sup> Similarly, Timur Kuran emphasizes that legal practices in Muslim societies often adapt to economic realities, indicating that the application of inheritance law is frequently negotiated in response to social needs and practical considerations.<sup>38</sup>

In Aceh, for instance, there is a phenomenon where Islamic inheritance law is not always rigidly applied according to the textual provisions of the verses but is instead adapted to customary norms and the principle of family harmony.<sup>39</sup> One common form of adaptation is the practice of granting wealth to daughters in the form of *hibah* (gifts) or *waqf* (endowments) before the testator passes away.<sup>40</sup> This is done to prevent family conflicts that may arise due to the normative inheritance rules, which allocate a larger share to male heirs than to female heirs.<sup>41</sup> From the perspective of the Living Qur'an, this practice does not necessarily contradict Islamic

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<sup>34</sup> Ilyas, et al. "The Accommodation of Customary Law to Islamic Law: Distribution of Inheritance in Aceh from a Pluralism Perspectives." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7.2 (2023): 897-919.

<sup>35</sup> Miftahul Huda and Tri Wahyu Hidayati, "The Concept of Muḥammad Shaḥrūr on Gender Parity in Inheritance Legislation." *El-Usrah: Jurnal Hukum Keluarga* 6, no. 2 (2023), p. 262-280.

<sup>36</sup> Muhammad Shuhufi and Arip Purkon. "Harmonization of Islamic Law and Local Culture: A Study of Indonesian Sundanese Ethnic Culture." *Jurnal Ilmiah Al-Syir'ah* 21, no. 1 (2023), p. 138-153.

<sup>37</sup> Ziba Mir-Hosseini, "Muslim Women's Quest for Equality: Between Islamic Law and Feminism," *Critical Inquiry* 32, no. 4 (2006), p. 629-645.

<sup>38</sup> Timur Kuran, *The Long Divergence: How Islamic Law Held Back the Middle East* (Princeton: Princeton University Press, 2012), p. 12-18.

<sup>39</sup> Khairuddin Hasballah, et al. "Patah Titi and Substitute Heirs: A Study of Legal Pluralism on the Inheritance System in Aceh Community." *Ahkam: Jurnal Ilmu Syariah* 21, no. 2 (2021), p.

<sup>40</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)* 21, no. 2 (2022), p. 207-219.

<sup>41</sup> Amina Wadud, *Qur'an and Woman: Rereading the Sacred Text from a Woman's Perspective* (Oxford: Oxford University Press, 1999), p. 85-90.

inheritance law but rather represents the community's interpretation of the inheritance verses in an effort to achieve a more contextual form of justice.<sup>42</sup>

The Living Qur'an approach also helps in understanding how communities interpret the concept of justice in inheritance law.<sup>43</sup> Textually, the Qur'an establishes inheritance shares based on the principle of distributive justice, which considers the economic burdens and responsibilities of each individual within the family.<sup>44</sup> However, in social practice, justice is often understood differently, such as through family agreements that take into account the social and economic conditions of the heirs.<sup>45</sup> In many cases in Aceh, family consultations are held before the distribution of inheritance to ensure that all parties feel treated fairly, even if the final outcome differs from the textual provisions in the Qur'an.<sup>46</sup>

Furthermore, the Living Qur'an approach can also be used to explain the phenomenon of legal pluralism in inheritance distribution. Communities do not rely solely on the Qur'anic text directly but also consider elements of customary law, state regulations, and socio-economic factors in determining the division of wealth.<sup>47</sup> This condition reflects the broader framework of legal pluralism, as explained by John R. Bowen, who demonstrates that Islamic law in Indonesia is often practiced in conjunction with local adat and state law.<sup>48</sup> Likewise, M.B. Hooker argues that Islamic legal practices in Southeast Asia are shaped by the interaction between religious doctrine and customary systems.<sup>49</sup> This perspective demonstrates that Islamic inheritance law is not rigid but can interact with local values to create balance and harmony within society.

Thus, the Living Qur'an approach offers a more dynamic perspective in understanding Islamic inheritance law. It does not focus solely on normative texts

<sup>42</sup> M. Amin Abdullah, *Islamic Studies in the Contemporary World: An Integration of Naqli and Aqli Knowledge* (Yogyakarta: UIN Sunan Kalijaga Press, 2021), p. 112-118.

<sup>43</sup> Bahruddin Umar Yakub, 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), p. 1219-1242.

<sup>44</sup> Khaled Abou El Fadl, *Reasoning with God: Reclaiming Shari'ah in the Modern Age* (Lanham: Rowman & Littlefield, 2014), p. 220-225.

<sup>45</sup> Jiwon Suh, "Human Rights and Corruption in Settling the Accounts of the Past: Transitional Justice Experiences from the Philippines, South Korea, and Indonesia." *Bijdragen tot de taal-, land-en volkenkunde/Journal of the Humanities and Social Sciences of Southeast Asia* 179, no. 1 (2023), p. 61-89.

<sup>46</sup> Wazir Jahan B. Karim, "In body and spirit: redefining gender complementarity in Muslim Southeast Asia." *Discourses, Agency and Identity in Malaysia: Critical Perspectives* (2021), p. 105-125.

<sup>47</sup> Halimah Basri, et al, "Inheritance Rights of Women in Makassar Society: A study of living Qur'an and its implications for Islamic Law." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 2 (2022), p. 537-555.

<sup>48</sup> John R. Bowen, *Islam, Law and Equality in Indonesia: An Anthropology of Public Reasoning* (Cambridge: Cambridge University Press, 2003), p. 23-30.

<sup>49</sup> M.B. Hooker, *Indonesian Islam: Social Change through Contemporary Fatawa* (Honolulu: University of Hawai'i Press, 2003), p. 45-52.

but also on how communities internalize, adapt, and implement the teachings of the Qur'an in their daily lives. Through this approach, Islamic inheritance law can be understood as a living and evolving system that aligns with socio-cultural contexts while maintaining the fundamental principles established in the Qur'an.

### **The Implementation of Living Qur'an in Gender Justice in the Distribution of Inheritance in Aceh**

The findings of this study reveal a dynamic interaction between Qur'anic teachings and local customs in the inheritance distribution process in Aceh. The Acehnese people's perception of the Qur'anic verses governing inheritance is shaped not only by textual interpretation but also by the socio-cultural realities that have been passed down through generations. Furthermore, the influence of local traditions plays a significant role in shaping the implementation of gender justice in inheritance distribution.

#### **Acehnese Perceptions of the Qur'anic Inheritance Verses (Āyāt al-Mawārīth)**

This study found that the Acehnese people generally acknowledge the importance of Islamic teachings on inheritance as outlined in Surah An-Nisa (4:11, 4:12, and 4:176).<sup>50</sup> Many respondents expressed their belief that the Qur'an provides a clear framework for inheritance distribution to ensure justice among heirs. However, their understanding of these verses is often filtered through local interpretations that emphasize family harmony over strict textual application.<sup>51</sup>

One of the key perceptions identified in this study is the concept of *maslahah* (public interest) and *silaturrahmi* (family unity) in inheritance distribution. Many Acehnese believe that a rigid application of Qur'anic inheritance law may lead to family disputes that could potentially disrupt social harmony.<sup>52</sup> Therefore, in practice, inheritance distribution is often adjusted based on mutual agreement among family members, taking into account the prevailing social and cultural values within the community. Such adaptations are made with the aim of preserving family harmony and preventing conflicts that could damage relationships among family members.

This study also found that many Acehnese people, especially in rural areas, rely on religious scholars (*ulama*) and traditional leaders in understanding the Qur'anic verses on inheritance.<sup>53</sup> Religious scholars (*ulama*) play a significant role in shaping local perspectives on inheritance by blending Qur'anic interpretation with customary considerations. As a result, although the textual meanings of the inheritance verses are acknowledged, their implementation is often influenced by cultural norms that prioritize collective well-being over individual rights.

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<sup>50</sup> Interview with AN, Lecturer and Researcher in Islamic Studies, Conducted in Banda Aceh, March 2025.

<sup>51</sup> Interview with MQ, a Family Mediator in Aceh Besar, March 2025.

<sup>52</sup> Interview with HN, a community Leader in Pidie, March 2025.

<sup>53</sup> Interview with HN, a community leader in Pidie, March 2025.

This is reflected in various cases where heirs voluntarily relinquish a portion of their inheritance rights to family members with lower incomes than the other heirs.<sup>54</sup> Such actions are seen as a form of family solidarity and an effort to maintain economic balance among the heirs, reflecting the influence of local values in inheritance practices. These decisions are typically facilitated through family deliberations involving religious scholars or traditional leaders as mediators, thereby creating a balance between Sharia principles and social harmony within the community.

This study found that the Acehnese people's understanding of the Qur'anic verses on inheritance (*mawārīth*) is not solely based on textual interpretation but is also influenced by the social, cultural, and customary realities that have developed in the region. In general, the Acehnese acknowledge and respect the Islamic teachings regulating inheritance as stated in Surah An-Nisa (4:11, 4:12, and 4:176). However, the implementation of inheritance law in practice often undergoes adjustments that take into account local values, such as family harmony and the public interest.

One way practiced is by giving *hareuta peunulang* (the transfer of property before death) to daughters, which essentially resembles a gift (*hibah*). This transfer is made prior to the formal inheritance distribution process.<sup>55</sup> In this way, although according to Islamic jurisprudence daughters receive half the share of their brothers in inheritance, they have already received an additional portion beforehand, so that overall they obtain a share considered equivalent.

For example, in several cases found in the regions of Aceh Besar and Pidie, parents have previously given assets such as land, houses, or rice fields to their daughters during their lifetime. Thus, when the inheritance is distributed according to Islamic law after the parents pass away, there is no jealousy or economic disparity among family members. This reflects local wisdom in maintaining family harmony without abandoning the principles of Sharia.

The practice of *hareuta peunulang*, although not explicitly mentioned in classical tafsir, aligns with the understanding found in the *Tafsir al-Jalalain* regarding the principles of inheritance distribution. In this tafsir, it is stated that sons receive two shares while daughters receive one share. However, the tafsir also emphasizes a just distribution based on the provisions of the Qur'an, without limiting the possibility of local social adjustments.<sup>56</sup> In the context of Acehnese society, the giving of *hareuta peunulang* can be regarded as an adjustment that does not conflict with the fundamental principles of inheritance in Islam, but rather as a form of family agreement to maintain balance and harmony.

This study also found that religious scholars (*ulama*) and traditional leaders play a central role in shaping the community's understanding of inheritance law. In

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<sup>54</sup> Interview with AA, a Female heir in Pidie District, March 2025.

<sup>55</sup> Interview with KA, a female heir in Pidie District, March 2025.

<sup>56</sup> Jalal al-Din al-Suyuti and Jalal al-Din al-Mahalli, *Tafsir al-Jalalayn*, (Beirut: Dar al-Fikr, 2000), p. 234-235.

interviews with several *ulama* and academics in Banda Aceh and Pidie, they explained that the approach to inheritance law in Aceh cannot be separated from the influence of local customs and interpretations by local scholars. The *ulama* often serve as the primary reference for the community in understanding the Qur'anic verses on inheritance. They not only explain Islamic law textually but also provide more flexible interpretations by considering social aspects. In some cases, the *ulama* permit *ijtihad* in inheritance distribution as long as there is family consensus and no party is wronged.<sup>57</sup>

This pattern indicates that the Acehnese understanding of inheritance is not merely doctrinal, but socio-legal in nature. The Qur'anic verses are acknowledged as normative references, yet their practical meaning is mediated through local authority, communal expectations, and the ethical priority of preserving family cohesion. In this sense, the implementation of inheritance law in Aceh reflects what other socio-legal studies in Indonesia have also shown, namely that inheritance often operates as a negotiated legal practice rather than a purely textual application of *farā'id*. The authority of *ulama* and customary figures therefore functions not only to explain legal rules, but also to translate those rules into socially acceptable arrangements that are considered fair by the community.<sup>58</sup>

Traditional leaders also play an important role in resolving inheritance disputes. In several areas, such as Aceh Tengah and Aceh Selatan, the practice of settling inheritance issues through customary institutions is still found, where the *kepala adat* (customary heads) or *imeum mukim* act as mediators. An *imeum mukim* in Aceh Selatan explained that in handling inheritance disputes, they always emphasize the importance of peaceful resolution. Although Islamic inheritance law is highly respected, maintaining family relationships is also considered very important. If the issue can be resolved through deliberation, they strive to avoid more formal legal processes, such as courts, in order to preserve family harmony.<sup>59</sup>

From various findings in the field, it can be concluded that the Acehnese people's perception of the Qur'anic verses on inheritance (*mawārith*) is not monolithic but diverse, depending on social, cultural, and educational factors. Although, in principle, they accept the legal provisions on inheritance in the Qur'an, in practice there is flexibility in application influenced by the concepts of *maslahah* (public interest), *silaturrahmi* (family ties), and customary norms.

The role of religious scholars (*ulama*) and traditional leaders remains dominant in shaping the community's understanding of inheritance, but the influence of formal education is beginning to shift the old paradigm toward a more textual approach in understanding Islamic inheritance law. Thus, gender justice in

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<sup>57</sup> Interview with AN, Lecturer and Researcher in Islamic Studies, Conducted in Banda Aceh, March 2025.

<sup>58</sup> Sri Wahyuni, et al. "Considering the Principles of Patrilineal Inheritance between Religions: Negotiations of Islamic and Customary Law." *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 20, no. 2 (2025), p. 677-678.

<sup>59</sup> Interview with HD, a community leader in Aceh Selatan, March 2025.

inheritance distribution in Aceh is the result of a dynamic interaction between Islamic teachings, local customs, and evolving social realities.

### **The Influence of Local Traditions on Gender Justice in Inheritance**

Although the Qur'an emphasizes a just distribution of inheritance, Acehese traditions continue to exert a strong influence on how inheritance is divided, especially regarding the rights of women. This study found that while many Acehese people acknowledge the Qur'anic injunction granting specific shares to female heirs, customary practices often result in different implementations.

One common practice found is the preference for male heirs in the distribution of inheritance, especially concerning ownership of land and property. This tradition is rooted in historical and economic considerations, where men are traditionally regarded as the family breadwinners, and land ownership is seen as a means to support their economic responsibilities. As a result, some women voluntarily relinquish their inheritance rights in favor of their brothers to maintain family honor and economic stability.

However, this does not mean that women are entirely excluded from inheritance. This study found that there are alternative mechanisms for wealth transfer in Acehese society, such as *hibah* (gifts) and *wasiat* (wills), which are often used to compensate female heirs. In many cases, parents give assets or property to their daughters before death, thus ensuring that they still receive a share of the inheritance without causing tension within the family.<sup>60</sup> This practice reflects an adaptive interpretation of the Qur'anic teachings within the framework of local culture.

The use of *hibah*, *wasiat*, and other pre-distribution arrangements in Aceh can be read not simply as a deviation from Islamic inheritance law, but as a social mechanism to prevent dispute and preserve kinship solidarity. This finding resonates with research in other Muslim communities in Indonesia showing that families often prefer negotiated distribution models when rigid application is perceived as potentially conflictual. In that context, the transfer of property before death and the adjustment of shares by mutual agreement serve as instruments of reconciliation between legal normativity and family pragmatism. From a fiqh perspective, such arrangements may be understood as part of a broader effort to realize substantive justice and avoid harm within the family.<sup>61</sup>

Furthermore, the Living Qur'an approach is evident in how the Acehese negotiate gender justice in inheritance. Rather than strictly adhering to classical jurisprudence, the Acehese integrate Qur'anic principles with customary norms to create an inheritance system considered just within their social context. The role of

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<sup>60</sup> Interview with AN, Lecturer and Researcher in Islamic Studies, conducted in Banda Aceh, March 2025.

<sup>61</sup> Mohammad Takdir, et al. "The Takharrūj Method as an Islamic Legal Solution for Customary Inheritance Practices among Muslim Communities in Pakamban Laok, Sumenep, Indonesia." *Journal of Islamic Law* 4, no. 1 (2023), p. 104-105.

women in decision-making has also evolved, with increasing involvement of female family members in inheritance discussions, indicating a shift towards greater gender inclusivity.

The interaction between Islamic legal principles and local wisdom in Aceh can also be understood within a broader Southeast Asian context, where hybrid legal models have emerged to accommodate both religious norms and socio-cultural realities. A study on joint property distribution in Malaysia shows that Islamic law is often implemented in conjunction with customary systems such as *Adat Perpatih* and *Adat Temenggung*, resulting in a flexible and context-sensitive legal framework. In this model, women's contributions both economic and domestic are increasingly recognized in determining the division of assets, reflecting a shift toward more inclusive interpretations of gender justice. This suggests that, similar to the Aceh case, the application of Islamic law in Muslim societies is not rigid but adaptive, functioning as a living tradition that seeks to balance scriptural authority with local wisdom and evolving social values.<sup>62</sup>

One of the main findings of this study is the tendency of the Acehese community to prioritize male heirs in land ownership. This is especially found in rural areas, such as in Pidie Regency, where land is regarded as a symbol of the family's economic continuity. In an interview with a customary leader in Pidie, he explained that in the inheritance practices of his village, ancestral land is more often given to sons because they are considered responsible for supporting the family and ensuring the household's economic sustainability. Meanwhile, daughters who are married are seen as part of their husband's family and therefore do not require land as a primary asset. Nevertheless, as a form of justice and recognition towards daughters, they are usually given other types of inheritance such as houses, which are considered more appropriate for their roles and needs within the family's social structure.

This statement reflects the prevailing perception that men are considered more responsible for supporting the family's economy. In many cases, women voluntarily relinquish their inheritance rights to their brothers to maintain family harmony and avoid conflict.

While local customs generally favor male heirs in land ownership, this study identifies alternative mechanisms employed by the Acehese community to guarantee that women receive equitable shares of family assets. The two predominant mechanisms observed are *hibah* (inter vivos gifts) and *wasiat* (bequests granted posthumously pursuant to the testator's explicit directives).

In Aceh Tengah, it was found that many parents transfer assets such as gold, houses, or cash to their daughters prior to death. This practice is intended as a form of compensation for the formal inheritance distribution, which generally allocates a

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<sup>62</sup> Mohd Norhusairi Mat Hussin, Risma Nur Arifah, Siti Aisyah, Mohd Zaidi Daud, and Mahamatayuding Samah, "Local Wisdom and Gender Equality in Joint Property Division: An Islamic Legal Perspective from Malaysia." *De Jure: Jurnal Hukum dan Syar'iah* 17, no. 2 (2025), p. 394-397.

larger share to sons.<sup>63</sup> This practice reflects the community's effort to maintain balance and a sense of justice within the family, without directly contravening customary norms or Islamic inheritance laws. For instance, a housewife in Takengon stated that she had given gold to her daughter before passing away so that the remaining inheritance could be allocated more to the sons, aiming to create fairness in the distribution of family assets.

In addition to *hibah*, the mechanism of *wasiat* is also widely employed, particularly among communities with stronger religious understanding. In an interview with an expert in Aceh Selatan, it was explained that some families use *wasiat* to provide additional shares to their daughters, despite the Islamic legal limitation that *wasiat* must not exceed one-third of the total inheritance.<sup>64</sup>

One interesting aspect of this study's findings is how the Acehnese community applies the concept of the Living Qur'an in understanding and adapting Islamic inheritance teachings to their social realities. The community does not outright reject Islamic inheritance laws but strives to interpret and adapt them by taking into account customary aspects and family welfare.

In Aceh Tengah, it was found that many parents transfer assets such as gold, houses, or cash to their daughters prior to death. This practice serves as a form of compensation for the formal inheritance distribution, which generally allocates a larger share to sons. This practice reflects the community's effort to maintain balance and a sense of justice within the family, without directly contravening customary norms or Islamic inheritance laws. For instance, a housewife in Takengon stated that she had given gold to her daughter before passing away so that the remaining inheritance could be allocated more to the sons, with the aim of creating fairness in the distribution of family assets.

In Aceh Besar, the customary approach to inheritance distribution is carried out through mutual agreement among family members, taking into account the social conditions and needs of each heir. One example found in the Indrapuri subdistrict shows that families do not rigidly adhere to the faraid provisions but rather discuss who is more deserving of certain shares based on contributions and economic circumstances. In one case, an unmarried daughter who had cared for her parents for many years was given a house as a form of appreciation for her sacrifice. Meanwhile, her siblings who were economically independent received smaller shares of the inheritance. This agreement was made to maintain family harmony and ensure that the inheritance distribution reflects substantive justice rather than merely formal justice based on legal texts. Such an approach reflects how the Aceh Besar community adapts Islamic teachings to local values and real-life needs.<sup>65</sup>

The findings of this study indicate that local traditions have a significant influence on the implementation of Islamic inheritance law in Aceh, particularly

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<sup>63</sup> Interview with SR, a female heir in Aceh Tengah District, March 2025

<sup>64</sup> Interview with MR, a male heir in Aceh Selatan District, March 2025

<sup>65</sup> Interview with MH, a male heir in Aceh Besar District, March 2025

concerning gender justice. Although Islamic law provides clear regulations regarding the distribution of inheritance, field practices reveal a preference for male heirs, especially in terms of land ownership and major assets. However, the Acehese community also employs alternative mechanisms to ensure justice for women, such as gifts (*hibah*) and wills (*wasiat*), which enable them to receive a portion of the family estate without conflicting with local customs.

The integration of customary law and Islamic law within the framework of the Living Qur'an has become a common approach used by the Acehese community in managing inheritance. With increasing access to education and deeper Islamic understanding, there are indications that the Acehese society is moving toward a more inclusive and gender-just inheritance system, without abandoning deeply rooted local wisdom values.

### **Integration of Qur'anic Teachings and Local Traditions to Realize Justice**

This study affirms that the implementation of gender justice in inheritance practices in Aceh is not a direct application of the Qur'anic text, but rather an ongoing negotiation process between religious teachings and local customs. Although some customary practices may appear to contradict formal Islamic law, these practices are often justified by principles of justice, family harmony, and social stability.

The role of scholars and religious intellectuals is crucial in bridging the provisions of Qur'anic inheritance law with customary practices. Many scholars offer contextual interpretations of inheritance law that consider both fidelity to the text and the socio-cultural realities of Acehese society. This approach aligns with the concept of the Living Qur'an, which views the Qur'an as a living text continuously interacting with the experiences of its community.<sup>66</sup>

Fazlur Rahman, in his approach to interpreting the Qur'an, states that understanding the text must take into account the social and historical context in which the text was received and applied. According to Rahman, the Qur'an is not a static and rigid text but a living text that must be interpreted in the context of the times and the conditions of its community. He developed a hermeneutical method that emphasizes the importance of understanding the overarching objectives of the Qur'anic teachings, rather than merely following the rules written in a literal sense.<sup>67</sup>

Overall, the findings of this study indicate that gender justice in inheritance practices in Aceh is achieved through a balance between the provisions of the Qur'an and cultural pragmatism. The presence of flexible inheritance mechanisms, such as mutual agreements and alternative wealth transfers, demonstrates that the Acehese community actively engages with the teachings of the Qur'an while adapting them

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<sup>66</sup> Halimah Basri, et al. "Inheritance Rights of Women in Makassar Society: A study of living Qur'an and its implications for Islamic Law." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 2 (2022), p. 537-555.

<sup>67</sup> Fazlur Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition* (Chicago: The University of Chicago Press, 1982), p. 125

to their social and family structures. This study emphasizes the importance of understanding Islamic law not as a rigid system, but as a living tradition that evolves together with the society that practices it.

The implementation of inheritance law in Acehese society cannot be understood solely through a textual approach to the Qur'anic verses but must also be viewed within the socio-cultural context that shapes community practices. In reality, the process of inheritance distribution in Aceh is the result of ongoing negotiations between Islamic teachings derived from the Qur'an and Hadith and deeply rooted local traditions. This process is not always confrontational but rather represents an adaptation aimed at realizing principles of justice that are acceptable to all family members.

This also suggests that gender justice in inheritance should not be assessed only from the formal recognition of women as heirs, but also from the extent to which women exercise actual influence over decision-making, access, and control over inherited assets. Comparative socio-legal studies demonstrate that even where women are normatively recognized within a customary inheritance structure, substantive authority may still remain concentrated in male actors or customary elites. Therefore, the Acehese case is important because it shows that the issue is not simply whether women receive a share, but how justice is socially negotiated through deliberation, authority, and the local balance between adat and Islamic law. Such a perspective allows this study to move beyond formalism and toward a more grounded understanding of gender justice as lived legal experience.<sup>68</sup>

In interviews with several community leaders and academics from various regions in Aceh, it was found that the understanding of justice in inheritance is not solely based on formal Islamic law but is also influenced by social structures and local values. For example, in Pidie, known as a center of Islamic scholarship and education, the community tends to refer directly to the Qur'anic provisions in inheritance distribution, especially in environments strongly influenced by traditional Islamic boarding schools (*dayah*). However, in areas such as Aceh Besar and Aceh Selatan, which have close-knit kinship-based social structures, deliberation and family consensus mechanisms are more commonly employed in the division of inheritance.

In Aceh Tengah, where the majority of the population is of Gayo ethnicity, customary law also plays a significant role. Some informants from this area mentioned that, in certain cases, inherited land is more frequently given to sons because they are considered responsible for sustaining the family's economy. However, to maintain balance and ensure that daughters still receive a share of the family assets, mechanisms such as *hibah* (gifts given before death) and *wasiat* (wills)

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<sup>68</sup> Farah Futhihat Rizky, "Symbolic Ownership, Limited Control: An Intersectional Socio-Legal Study of Minangkabau Women and Ancestral Property." *Al-Risalah: Jurnal Ilmu Syariah dan Hukum* 26, no. 1 (2026), p. 471-472.

are often employed. Through these means, the community feels that women's rights to inheritance are not neglected but are adapted to fit the existing social structure.<sup>69</sup>

One important factor enabling the harmonization between Islamic law and customary practices in inheritance distribution in Aceh is the role of ulama and Islamic scholars in providing contextual interpretations of inheritance law. Several ulama interviewed in Banda Aceh and Pidie emphasized that the fiqh approach should not be understood rigidly but must take into account the social context in which the law is applied.

According to an academic from Ar-Raniry State Islamic University, this approach aligns with the concept of the Living Qur'an, which views the Qur'an as a text that continuously interacts with the dynamics of Muslim life. For instance, in cases where some heirs voluntarily relinquish their inheritance to other heirs who are more in need in order to maintain family harmony, ulama emphasize that such decisions should not be based on coercion but rather on the individual's awareness and sincerity.<sup>70</sup> Therefore, the role of the ulama here is not only as guardians of Islamic law but also as mediators who ensure that the principle of justice is upheld.

In addition, in an interview with a traditional leader in Aceh Selatan, it was mentioned that in some coastal communities, there exists a more flexible system of inheritance distribution. For instance, in families possessing assets such as land or houses that are difficult to divide, joint agreements are often made where male heirs receive rights to the property, while female heirs are compensated with other assets, such as money or shares in family businesses. This mechanism is considered more just as it takes into account the evolving economic and social conditions within the community.<sup>71</sup>

The research findings also reveal a shift in the role of women in inheritance decision-making, particularly in urban areas such as Banda Aceh. Over the past few decades, with increasing access to education and employment for women, more women have become involved in family discussions regarding inheritance. In an interview with a law lecturer at Syiah Kuala University, it was noted that this change is driven by growing awareness of the importance of gender equality in Islam, both among academics and the general public. In some families in Banda Aceh and Aceh Besar, women have begun to assert their rights in inheritance distribution, and in certain cases, have even taken their disputes to religious courts when faced with injustice.<sup>72</sup> This indicates that Islamic law in Aceh is not only evolving within the realm of customary traditions but is also increasingly interacting with more formal and modern legal mechanisms.

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<sup>69</sup> Interview with SR, a female heir in Aceh Tengah District, March 2025

<sup>70</sup> Interview with MNA, Lecturer and Researcher in Quarnic Studies, conducted in Banda Aceh, March 2025.

<sup>71</sup> Interview with HD, a community leader in Aceh Selatan, March 2025.

<sup>72</sup> Interview with WA, lecturer and researcher in Law, conducted in Banda Aceh, March 2025.

The increasing involvement of women in inheritance discussions in urban Aceh should also be situated within broader developments in Indonesian Muslim society. Recent scholarship on gender and Islam in Indonesia notes that women's roles are becoming more diverse, especially among educated and urban groups with greater access to education, media, and legal awareness. This does not mean that patriarchal structures have disappeared; rather, it shows that contemporary Muslim women are negotiating inherited traditions with new expectations of participation, partnership, and fairness. In the Acehnese context, this broader transformation helps explain why women are no longer positioned solely as passive recipients of family decisions, but are increasingly becoming active interlocutors in the interpretation and implementation of inheritance justice.<sup>73</sup>

Based on various field findings, it can be concluded that gender justice in inheritance distribution in Aceh is achieved through the integration of Qur'anic teachings and local values that have developed within the community. This process does not always take the form of a literal application of Islamic law, but rather occurs through social negotiation mechanisms that balance the provisions of Islamic law with family harmony.

With mechanisms such as gifts, wills, family deliberations, and alternative forms of compensation, the people of Aceh have developed an inheritance model that not only adheres to the provisions of the Qur'an but also remains flexible in addressing existing social and economic challenges. The role of the ulama as mediators in this process is crucial, as they assist in providing contextual and practical interpretations of the law, ensuring that inheritance laws can still be applied while taking into account the social conditions of the community. Thus, this study confirms that Islam is not a rigid doctrine, but rather a living tradition that continues to evolve alongside the society that practices it. The integration between Islamic norms and local customs in Aceh demonstrates that gender justice in inheritance can be realized through a dynamic, deliberative approach, without compromising the core principles of Islamic teachings.

## Conclusion

Inheritance practices in Aceh, viewed through the Living Qur'an approach, reveal an ongoing negotiation between the normative framework of Islamic law and the deeply rooted local traditions. The community does not rigidly apply the Qur'anic inheritance verses in a literal manner; instead, they develop alternative mechanisms such as *hibah* (gifts), *wasiat* (bequests), and family deliberations to realize gender justice in accordance with their socio-cultural values. These practices reflect the flexibility of Islamic teachings when lived within a vibrant cultural context. Religious scholars play a central role in shaping legal understandings that are not solely text-based but also sensitive to social realities. Thus, it can be affirmed

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<sup>73</sup> Nancy J. Smith-Hefner, "Gender and Islam in Indonesian Studies, A Retrospective." *Studia Islamika* 32, no. 1 (2025), p. 92-93.

that Islamic law in Aceh functions not merely as a partial and atomistic legal system, but as a living tradition, an inherited value system that continuously adapts through the intersection of divine guidance and local wisdom, thereby remaining relevant in addressing issues of gender justice in inheritance distribution.

### Acknowledgment

This research was made possible through the financial support of the Lembaga Pengelola Dana Pendidikan (LPDP), Ministry of Finance of the Republic of Indonesia, under the Domestic Scholarship Program for Doctoral Studies. The author expresses sincere gratitude to LPDP for the sponsorship and continued support throughout the research process. The findings and views expressed in this article are solely those of the author and do not necessarily reflect the views of the funding institution.

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## Interviews

- Interview with AN, Lecturer and Researcher in Islamic Studies, conducted in Banda Aceh, March 2025.
- Interview with MNA, Lecturer and Researcher in Qur'anic Studies, conducted in Banda Aceh, March 2025.
- Interview with WA, Lecturer and Researcher in Law, conducted in Banda Aceh, March 2025.
- Interview with MQ, a family mediator in Aceh Besar, March 2025.
- Interview with MH, a male heir in Aceh Besar District, March 2025.

Interview with HN, a community leader in Pidie, March 2025.  
Interview with AA, a female heir in Pidie District, March 2025.  
Interview with KA, a female heir in Pidie District, March 2025.  
Interview with SR, a female heir in Aceh Tengah District, March 2025.  
Interview with HD, a community leader in Aceh Selatan, March 2025.  
Interview with MR, a male heir in Aceh Selatan District, March 2025.