

The Perspective of Quranic Interpretation of Surah An-Nisa on Inheritance Practices in Indonesia

Arsyaf Tampubolon^{1*}, Azhari Akmal Tarigan², Rahmi Syahriza³

¹Universitas Mahkota Tricom Unggul

^{2,3}Universitas Islam Negeri Sumatera Utara

Corresponding Author: Arsyaf Tampubolon, arsyaf.tampubolon@mtu.ac.id

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ABSTRACT

This study explores the Quranic interpretation of Surah An-Nisa, verses 11 and 12, regarding inheritance practices in Indonesia, focusing on justice and gender equality. These verses set rules for inheritance distribution that differentiate male and female heirs, aiming for a balance of rights and responsibilities. However, customary laws in some Indonesian communities often conflict with these rules, hindering women's inheritance rights and causing tension between local customs and Islamic principles. Using a qualitative, library-based approach, this study analyzes how understanding these verses can promote fair and equitable inheritance laws, fostering a more inclusive and socially responsive system in the modern era.

INTRODUCTION

Inheritance is a crucial aspect of social and economic life, particularly within the context of Islamic law. Surah An-Nisa, specifically verses 11 and 12, provides clear guidance on the distribution of inheritance. These verses are not merely legal provisions but also reflect the values of justice and gender equality in society. The verses regulate inheritance rights by establishing different proportions for males and females. In verse 11, Allah SWT decrees that the share of a male is equivalent to that of two females, while verse 12 outlines the inheritance rights of husbands, wives, and other family members. Understanding these two verses is essential for analyzing the application of inheritance practices in broader society.

In many communities, customary laws remain the primary reference in inheritance practices, even though they often conflict with the principles taught in the Quran, particularly in Surah An-Nisa, verses 11 and 12. In practice, many customary laws fail to accommodate the principles of gender justice embodied in these verses.

In a study by (Putra, 2023), it was revealed that many communities remain bound to customary norms that limit women's inheritance rights, despite growing awareness of the importance of gender equality. Furthermore, (Aisyah & Alexia, 2022) highlighted that in Batak Toba customs, women are often excluded from inheritance distribution. Some individuals who understand their rights eventually opt to use civil law in inheritance distribution, which allows them to receive an equal share with male heirs.

Javanese communities generally divide inheritance in villages according to customary law rather than through the Religious Court. Islamic inheritance law has yet to be fully accepted by Javanese customary law. This is because Islamic law is perceived as not meeting their sense of justice (Rauf, 2013).

Additionally, (Nurdin, 2022) explained that conflicts between customary law and Islamic law often arise in marriage and inheritance practices within the Minangkabau community, where customary law tends to dominate over Sharia principles. Moreover, (Sitorus et al., 2023) examined inheritance law issues in society and found numerous challenges in its implementation.

Some argue that the provisions in Surah An-Nisa are no longer compatible with modern social dynamics, where women now play active roles in various aspects of life, including economic and social spheres. They contend that inheritance distribution should take into account the contributions and roles of women, which are equal to those of men, leading to demands to revise or adapt the interpretation of Islamic inheritance laws to contemporary circumstances.

Against this background, this study aims to further explore how the perspective of Quranic interpretation of Surah An-Nisa, verses 11 and 12, can be applied in the context of inheritance practices in society and how this can contribute to a better understanding and adjustment of inheritance laws to ensure fairness and equality.

LITERATURE REVIEW

Al-Quran Surah An-Nisa Verse 11

Surah An-Nisa, verse 11 explains the distribution of inheritance among children. The verse says:

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ ۚ فَإِن كُن نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ ۚ وَإِن كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ ۚ وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِن كَانَ لَهُ وَلَدٌ ۚ فَإِن لَّمْ يَكُنْ لَهُ وَلَدٌ وَوَرِثَهُ آبَاؤُهُ فَلِأُمِّهِ الثُّلُثُ ۚ فَإِن كَانَ لَهُ إِخْوَةٌ فَلِأُمِّهِ السُّدُسُ ۚ مِن بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دِينٍ ۗ آبَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفَعًا ۚ فَرِيضَةٌ مِنَ اللَّهِ ۗ إِن اللَّهُ كَانَ عَلِيمًا حَكِيمًا

"Allah has prescribed for you the inheritance of your children: the share of a male is equal to that of two females; and if the children are all daughters and there are more than two, they shall receive two-thirds of the inheritance; if there is only one daughter, she shall receive half of the inheritance. As for the parents, each will receive one-sixth of the inheritance if the deceased has children; if the deceased has no children and is inherited only by the parents, then the mother will receive one-third; if the deceased has several siblings, the mother will receive one-sixth. These divisions are after fulfilling any bequest made or paying any debts. Concerning your parents and children, you do not know who among them is closer in benefit to you. This is the decree from Allah. Indeed, Allah is All-Knowing, All-Wise." (Quran 4:11)

The Interpretation of Surah An-Nisa, Verse 11.

This verse establishes that the share of a male child is twice that of a female child. This provision is not intended as an injustice towards women, but rather is aligned with the socio-economic responsibilities of males within the family. The purpose of this rule is to create a balance between rights and obligations within the family. This division also aims to preserve the family's welfare and ensure that all family members receive their rightful share. This provision applies after fulfilling any bequests and paying debts (Katsir, 2003).

If the deceased (the testator) has children, each parent (father and mother) receives one-sixth of the inheritance. However, if the deceased has no children, the mother receives one-third of the entire inheritance, while the father's share becomes larger as the head of the family.

This rule reflects Allah's justice and wisdom in regulating inheritance rights. The division considers the social responsibilities of each heir, not merely absolute equality, but justice based on roles and positions within the family's social structure.

Implementing this inheritance division is a form of obedience to Allah, the All-Knowing and the All-Wise. Accepting this rule preserves harmony within the family and society while upholding divine justice (Shihab, 2002).

The Reason for The Revelation of the Verses Regarding Inheritance

Al-Bukhari, Muslim, Abu Dawud, at-Tirmidzi, an-Nasa'i, and Ibn Majah narrated that Jabir bin Abdillah said, "When I was ill, the Prophet SAW and Abu Bakr came to visit me at the place of Bani Salamah. When they arrived, I was

unconscious. Then, the Prophet SAW asked for water, performed ablution, and sprinkled the water on my face. I regained consciousness. I then asked him, 'What should I do with my wealth?' Then the word of Allah was revealed, 'Allah has ordained for you concerning your children: the share of a male is equal to that of two females...'"

Ahmad, Abu Dawud, at-Tirmidzi, and al-Hakim narrated that Jabir said, "One day, the wife of Sa'ad bin Rabi' came to the Prophet SAW and said, 'O Messenger of Allah, these are the two daughters of Sa'ad. Sa'ad was martyred in the Battle of Uhud while being with you. Their uncle has taken all the inheritance, leaving nothing for them. They cannot possibly marry unless they have wealth.' Then the Prophet SAW said, 'Allah will decide on this matter.' Then the verse regarding inheritance was revealed."

Ahmad, Abu Dawud, at-Tirmidzi, and al-Hakim narrated that Jabir said, "One day, the wife of Sa'ad bin Rabi' came to the Prophet SAW and said, 'O Messenger of Allah, these are the two daughters of Sa'ad. Sa'ad was martyred in the Battle of Uhud while being with you. Their uncle has taken all the inheritance, leaving nothing for them. They cannot possibly marry unless they have wealth.' Then the Prophet SAW said, 'Allah will decide on this matter.' Then the verse regarding inheritance was revealed."

There is also a third reason for the revelation of this verse (As-Suyuthi, 2008), as narrated by Ibn Jarir, where as-Suddi said, "In the pre-Islamic era, people did not give inheritance to their daughters or to young sons. They only gave inheritance to sons who were capable of fighting. One time, Abdurrahman, the brother of Hassan the poet, passed away and left behind a wife named Ummu Kuhhah and five daughters. The male heirs then took all of his inheritance. Ummu Kuhhah then brought this matter to the Prophet SAW. Then the verse was revealed, 'And if the children are all daughters and there are more than two, they shall receive two-thirds of the inheritance...' (An-Nisa: 11)."

METHODOLOGY

This study is a qualitative research with a literature-based approach. It is research that examines a subject by exploring a number of references related to the research theme. In collecting the data for this study, a review was conducted on books, articles, and other scholarly works relevant to the topic. Subsequently, all the data were analyzed descriptively.

RESULT AND DISCUSSION

The Phenomenon of Inheritance Distribution that Does Not Align with Islamic Provisions

In various places, there are still those who apply customary laws that do not recognize women's rights. Some studies, such as (Aisyah & Alexia, 2022), reveal that in Batak Toba customary law, there is still a practice that considers women not entitled to inherit. Meanwhile, (Navydien & Utomo, 2023) in their research found that women are not officially recognized as heirs. On the other hand, (Khayati et al., 2024) revealed that, in reality, many communities in Bali differentiate the position of women in inheritance matters. The position of a Balinese daughter in inheritance only grants her the right to enjoy her parents'

wealth as long as she is unmarried, and if she marries, her right to enjoy the inheritance is forfeited.

The research conducted by (Sagala et al., 2021) also mentions that in the Pakpak customary law, daughters do not receive inheritance. These conditions, which prevail in certain indigenous communities, follow a Patrilineal system, where women are not considered primary heirs. The focus is on male descendants, who are seen as capable of managing and bearing most of the parental responsibilities. This results in a sense of injustice for women.

In various places, there are still communities that apply customary laws that prioritize women's rights (more so than men's). (Hayani, 2018) revealed that the inheritance system in the Minangkabau customary law, which applies a matrilineal system, grants women a greater share of inheritance. In the Banjar customary inheritance law, the legal position of women as heirs is recognized, and the size of their share is relative, meaning it can be larger, equal, or smaller than that of men (Muzainah, 2012).

In some communities, there is a practice of dividing inheritance equally between men and women, regardless of the Islamic law provision that states a male heir's share should be double that of a female. For example, in the research by (Fizazuawi, 2020), it was found that in some regions, the community implements a parental system where inheritance is divided equally between male and female heirs. Although this can be done in the context of gifts, this practice often overlooks the provisions of Sharia law as outlined in the Qur'an.

The Phenomenon of Demands for Equal Rights in the Modern Era

The struggle of women as economic actors or breadwinners can be found in various spaces and times. Patriarchal culture no longer shackles women today. In fact, in some societies, the division of tasks and responsibilities between men and women has become a social construct (Handayani & Nurwahidin, 2023).

As the times have become increasingly modern, there has been a shift in thinking regarding inheritance knowledge. This has led to the emergence of ideas about gender equality, which seek to equalize the inheritance system between men and women, as the 2:1 inheritance division is seen as lacking fairness (Zuhra & Roslaili, 2021).

With the rise of capitalism, new opportunities have opened up for women, including the possibility to exist outside of the family and challenge male dominance within the patriarchal culture. The division of labor based on gender has become a means of controlling production capabilities. Full equality between men and women is seen as achievable through technological advancements, where work no longer requires great physical strength but can be accomplished through knowledge and skill (Mansour, 1996).

Discussion on the Phenomenon in Inheritance Practices

Inheritance law is a decree from Allah that is fundamentally necessary for human beings. The aspects contained in inheritance law can be explained as follows:

Decree of Inheritance Law

This verse establishes clear rules regarding the division of inheritance, which is an important aspect in economics. In economics, there must be clear rules regarding how wealth and resources are distributed after a person's death. A clear and just inheritance law helps prevent disputes and conflicts among heirs. This verse is classified as a *muhkamat* verse, meaning it has a clear, definite, and unambiguous meaning. With the clear provisions regarding inheritance, society can achieve social and economic stability, as it reduces the likelihood of conflicts arising from disputes over wealth.

The application of inheritance law based on the principles of Islamic sharia plays a very important role in ensuring justice and legal certainty for Muslims. To this end, the state has established the Religious Courts, which have special authority to handle inheritance cases in accordance with Islamic law. The Religious Court exists as the state's effort to accommodate the needs of the Muslim community in Indonesia, particularly in resolving inheritance disputes, so that the distribution of inheritance can be carried out fairly, transparently, and in accordance with sharia principles. The existence of this institution reflects the state's commitment to guaranteeing the rights of heirs and supporting the implementation of Islamic law in society comprehensively (Fardayana & Ambarwati, 2024).

Family Economic Support

Clear inheritance distribution can provide economic support to the family members left behind. For example, children and parents who receive their share of the inheritance can use it to meet their living needs. The economic value in inheritance becomes the actualization of the function of inheritance as one of the instruments in achieving economic balance and fair distribution of wealth, as well as preventing the accumulation of wealth within certain family members.

This increase in economic value can also serve as a medium for the transfer of ownership through inheritance, ensuring fair distribution of wealth according to Islamic law. As a result, it can minimize conflicts among individuals, reduce inequality, and motivate Muslims to actively seek sustenance (work), ensuring that they do not leave behind impoverished descendants (Fauza et al., 2023).

Gender Justice

In the context of inheritance, this verse indicates that a son receives twice the share of a daughter. This division demonstrates justice when linked to another verse, Surah An-Nisa' verse 34, which emphasizes the role and responsibility of men in the family as leaders (*qawwam*). This verse explains that men are given this position for two main reasons: first, because Allah has granted them physical and mental strengths; second, because they bear the financial responsibility of providing for the family. (Shihab, 2002) also emphasizes that this leadership is not meant to oppress women but is rather a trust to protect and care for the family. This responsibility includes treating wives well and fairly, as well as prioritizing the common interests of the household. Thus, this verse reflects the principle of balance between rights and responsibilities, where each party has its role in building a harmonious family life.

Regarding the phenomenon of demands for equal rights in the modern era, it seems that the understanding of the principle of justice needs more attention and deeper understanding. Because Islam has, in essence, regulated the functions and roles of men and women.

Surah An-Nisa, verse 34 states:

﴿ أَمْوَالِهِمْ مِنْ أَنْفُسِهِمْ وَبِمَا بَعْضٌ عَلَىٰ بَعْضِهِمْ اللَّهُ فَضَّلَٰ بِمَا لِلنِّسَاءِ عَلَىٰ قَوَّامُونَ الرِّجَالُ فَعِظُوهُنَّ نَشْوِزَهُنَّ تَخَافُونَ وَاللَّاتِي ۗ اللَّهُ حَفِظَ بِمَا لِلْعَيْبِ حَافِظَاتٌ قَانِتَاتٌ فَالصَّالِحَاتُ كَانَ اللَّهُ إِنَّ ۗ سَبِيلًا عَلَيْهِنَّ تَبَعُوا فَلَا أَطْعَنَكُمْ فَإِنَّ ۗ وَاضْرِبُوهُنَّ الْمَضَاجِعِ فِي وَاهْجُرُوهُنَّ كَبِيرًا عَلِيًّا

"Men are the leaders of women, because Allah has preferred some of them (men) over others (women), and because they (men) have spent some of their wealth. Therefore, a pious woman is one who obeys Allah and takes care of herself when her husband is not around, because Allah has taken care of (them). Women whose nusyuz you are worried about, then advise them and separate them in their beds, and beat them. Then if they obey you, then don't look for ways to trouble them. Indeed, Allah is Most High, Most Great."

This verse contains several aspects related to the role of men, namely having responsibility as leaders in the household, partly because they spend their wealth for family needs. This shows that in the Islamic economic system, men have the obligation to provide support, including basic needs such as food, clothing and shelter for their wives and children. This principle emphasizes the importance of financial obligations that must be fulfilled by the husband as part of his role in the household. Women also have responsibilities, although perhaps not in the form of direct financial contributions. The balance between men's financial contributions and women's domestic roles creates harmony in managing the family economy.

Furthermore, Allah has also reminded humans not to envy the blessings He has given to others, as stated in Surah An-Nisa, verse 32:

﴿ وَلَا تَتَمَنَّوْا مَا فَضَّلَ اللَّهُ بِهِ بَعْضَكُمْ عَلَىٰ بَعْضٍ ۗ لِلرِّجَالِ نَصِيبٌ مِمَّا كَتَسَبُوا ۗ وَاللِّسَاءِ نَصِيبٌ مِمَّا كَتَسَبْنَ ۗ وَاسْأَلُوا اللَّهَ مِنْ فَضْلِهِ ۗ إِنَّ اللَّهَ كَانَ بِكُلِّ شَيْءٍ عَلِيمًا

"And do not be jealous of what Allah has given some of you more than others. (Because) for men there is a portion of what they earn, and for women (too) there is a portion of what they earn, and ask Allah for some of His bounty. Indeed, Allah is All-Knowing of everything."

CONCLUSIONS AND RECOMMENDATIONS

The distribution of inheritance which is still not in accordance with Islamic law, especially in indigenous communities, illustrates the lack of understanding in indigenous communities regarding Islamic inheritance law, in addition to customary communities usually having a customary law system that has been carried out for generations and is deeply rooted. This customary law is often considered an important cultural identity and is felt to be more in line with their daily lives.

Islam came as a revolution, especially for women's rights, Surah An-Nisa verse 11 is clear evidence of a revolution for women's rights in terms of inheritance. In short, previously women were not considered to be included in matters of inheritance, but now they are people who are counted on to inherit.

The most striking thing in discussions about justice regarding Islamic Inheritance law is about equal rights and reciprocal inheritance between men and women as well as a 2:1 ratio between men's and women's portions. The principle of justice in Islamic inheritance law implies that there must be a balance between the rights obtained and inherited and the obligations or burdens of life that must be borne/fulfilled by the heirs. The verse that explains the distribution of inheritance in the Al-Quran in QS. An-Nisa', especially verse 11, is a fair distribution according to an Islamic perspective. Level 2:1 is a fair action because this decree comes from God and explains in detail the distribution of each heir.

The concept of justice in Islamic inheritance law is not measured by the equality of shares between heirs, but rather by the scale of the responsibilities or burdens assigned to them. This is the true form of justice in the Islamic view: a balanced justice, not an equal distribution. The inheritance division between men and women should be based on the Quran's 2:1 ratio. This is because the inheritance division between men and women is a decree from Allah that cannot be altered by anyone. It cannot be changed to a 1:1 ratio simply due to social changes or situations where the man is not responsible, and the wife becomes the family's breadwinner. Additionally, it is not to be contested, as this verse is one of the *muhkamat* (clear, unambiguous) verses. The distribution of inheritance determined by the Quran is a rule that has been adjusted to the characteristics, functions, and responsibilities assigned to men and women. For example, men are burdened with paying the *mahr* (dowry), providing for their wives and children, while women are not.

FURTHER STUDY

Future research is expected to use more source for finding data on Quranic interpretation.

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