

FEMINISM ACTIVISTS' INTERPRETATION OF THE INHERITANCE VERSE: SITI MUSDAH MULIA AND AMINA WADUD THOUGHTS ON QS. AL-NISĀ/4: 11

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*Gender Justice, Inheritance, Theory,
Siti Musdah Mulia, Amina Wadud*

ABSTRACT

The division of inheritance which refers to inheritance verses still leaves unresolved problems, such as the 2:1 division between men and women which is considered gender biased. Surah Al-Nisā ayat 11 which explains that men's share is twice that of women is the maximum limit. Under certain conditions a woman has the potential to have more shares. This research aims to determine the distribution of inheritance. This research method uses a type of library research. Library research or library research using methods of collecting library data, reading, taking notes and processing research materials. This research uses a qualitative approach because the data source and research results in the library research that the researcher will carry out are in the form of descriptions of words. The results of this research show that the main principle that must be guided by the distribution of inheritance in Islamic law is justice. The most prominent provision in the inheritance distribution system in Islamic law is found in Surah al-Nisā/4: 11, where one man's share is the same as the share of two women or in a ratio (2:1), textually this provision does seem unfair and exclude women more. However, the justice contained in this verse is not justice based on numbers and quantities, but by looking at the functions, duties, roles and responsibilities of men and women. The portion of justice for humans is certainly different from justice in the eyes of Allah SWT.

Kata kunci :

*Keadilan Gender, Waris, Teori,
Siti Musdah Mulia, Amina
Wadud*

ABSTRAK

Pembagian harta warisan yang mengacu pada ayat waris masih menyisakan permasalahan yang belum terselesaikan, seperti pembagian 2:1 antara laki-laki dan perempuan yang dianggap bias gender. Surat al-Nisā ayat 11 yang menjelaskan bahwa bagian laki-laki dua kali lipat dari bagian perempuan. Penelitian ini bertujuan untuk mengetahui pembagian warisan. Metode penelitian ini menggunakan jenis penelitian kepustakaan. Penelitian ini menggunakan pendekatan Hasil penelitian ini menunjukkan bahwa prinsip utama yang harus menjadi pedoman dalam pembagian warisan dalam hukum Islam adalah keadilan. Ketentuan yang paling menonjol dalam sistem pembagian warisan dalam hukum Islam terdapat pada surat Al-Nisā ayat 11, dimana bagian satu laki-laki sama dengan bagian dua perempuan atau dengan perbandingan (2:1), secara tekstual ketentuan ini memang terkesan tidak adil dan lebih mengecualikan perempuan. Namun keadilan yang terkandung dalam ayat ini bukanlah keadilan berdasarkan jumlah dan

kuantitas, melainkan dengan melihat fungsi, tugas, peran dan tanggung jawab laki-laki dan perempuan. Porsi keadilan bagi manusia tentu berbeda dengan keadilan di mata Allah SWT.

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INTRODUCTION

Inheritance assets are inherited assets that are used for the benefit of successors. Before Islam came, inheritance was given to physically strong male heirs. This happened because men had higher dignity and were able to use these assets to win wars between tribes. This means that women do not get a share because they are seen as inferior and weak (Surya 2022).

When Islam came, the distribution of inheritance, which was originally only men who got a share, was changed so that women got a share. In other words, Islam has abolished the previous inheritance distribution system, which, of course, is related to the condition of the people there. Along with changing times, the phenomenon of gender equality in the roles and functions of women and men creates new discussions that are considered to have given birth to a different understanding of all aspects of life in the Islamic religion.

Where the provisions that exist textually in the Qur'an are considered as provisions that can be made ijtihad according to the suitability of the current context. Talking about gender, it is synonymous with the issue of women's justice. Where women are a humanitarian problem that existed during the time of the Prophet Muhammad, even since pre-Islamic times, women have experienced various problems. From here, the feminist movement emerged as a form of defense for women against all forms of oppression against them.

Feminism is a very interesting issue in every study. This can be seen in the large number of women who receive higher education and enter the professional world, giving rise to various questions and complaints about the pattern of feminist relations and causing some women to demand their rights, which have been taken away due to male hegemony.

This problem applies to the study of the text of the Al-Quran, which is used as a source of legitimacy for events between men and women's relationships. A big problem arises when we enter into the study of the area of the Quranic text, which apparently does not only give rise to one conclusion, but can give rise to multiple meanings and can still open up opportunities for interpretation from other points of view.

The emergence of this cannot be separated from the theory of the hierarchy of values initiated by Abdullah Saeed in which he created a new understanding for the reading of the Qur'an at this time that is able to be applied in Muslim communities and also to respond to local wisdom in certain circumstances (Saeed 2006).

The Al-Quran contains arguments that are qath'i and zhanny, where in determining the differences between the two there is the wisdom of the ulama due to their very subjective nature according to the understanding of each ulama. According to Abdul Wahab Khallaf, the texts of the Qur'an and Hadith which are qath'i, are texts that refer to certain meanings that do not contain the possibility of being ta'wil (turned away from their original meaning), and there is no gap or opportunity to understand them other than that meaning.

In line with Asy-Syathibi's opinion in his book entitled al-muwafaqat, which is quoted by M. Quraish Shihab, there are almost no or very rare Islamic propositions that are qath'i if the view is

only directed at the text alone. This is because drawing definite conclusions requires premises (muqaddimat), which must also be definite, and this is not an easy thing to find.

In fact, all or part of the muqaddimat is not certain, while something that relies on something that is not certain is also uncertain (M. Quraish Shihab 2013). Meanwhile, according to Asy-Syathibi, postulates that are zhanny are arguments that have historical origins (al-wurud), indicating their meaning and the argumentative power of the meaning itself. In other words, it is also called al-hujjyah as a correct assumption (Abu Ishaq Ibrahim as-Syathibi n.d.).

Inheritance in Islam is one of the important teachings, or Shari'a. The Qur'an itself also explains everything related to inheritance in such a way. Inheritance is a very sensitive matter and is always awaited by the heirs, both family and closest relatives, when the heir dies. One thing that is very centric and is often discussed in society is the distribution of inheritance between men and women. This division of inheritance creates differences in understanding between classical ulama and contemporary ulama as well as from women activists.

In the view of classical scholars, Surah Al-Nisā verse 11, which states that the share of boys and girls is 2:1, is a qath'i argument. Meanwhile, nowadays contemporary ulama continue to re-actualize Islamic laws by prioritizing socio-cultural aspects and the reality of the current situation, so this argument could become a postulate of a zhanny nature. This can be seen from the substance of the verse, which contains an interpretation of justice, so that the understanding of the verse is not limited to one understanding but is also always open to interpretations of other meanings.

Likewise, in the view of women activists, or what are also called feminist activists, the 2:1 ratio between men and women is an unfair distribution because, in this case, men receive greater inheritance than women, and this is considered gender bias because people generally understand this verse only from the text without looking at the context.

Gender bias is an inequality between the roles of men and women in social relations due to the cultural construction or understanding of a particular society. Gender bias occurs because of a patriarchal culture that places power in the hands of men, and women are considered creatures who are unable to exercise that power, and this happens throughout the world. (Sukerti 2012).

The Minister of Religion of the Republic of Indonesia for the 1983-1993 period, namely Munawir Sjadzali, revealed in his writing entitled "Reactualization of Islamic Teachings" that the provision for the 2:1 division of inheritance assets is a provision that needs to be reviewed because this verse has a socio-cultural background where this provision is stated in sharia: 'attain. So that it is possible to make modifications that are oriented towards a sense of fairness and in accordance with current reality.

According to Munawir Sjadzali, there are indications in Surah Al-Nisā verse 11 that it still does not reflect justice. However, in fact, he was not the only one who stated that this verse textually contains the meaning of injustice. According to him, the 2:1 provision in inheritance distribution has been abandoned by many Indonesians.

Whether direct or indirect, such as the distribution of assets to heirs before death, each person gets an equal share regardless of gender as a gift. Thus, the remaining assets must be divided according to the provisions of Islamic inheritance law; there is little or nothing left to be divided. In his view, Munawir Sjadzali revealed that this reality is an act that deviates from Islamic teachings because it falls into the category of playing with religion and is dangerous to faith and belief (Munawir Sjadzali 2001).

Departing from the description above, the author is interested in further studying the position of the Mawaris verses in the study of justice-oriented feminist interpretations. Because in reality, there is nothing that differentiates between men and women in the sight of Allah except piety.

METHOD

The author used this type of library research in his research. Literary research, or library research, is research related to methods of collecting library data, reading, recording, and processing research materials. With this type of library research, the researcher will collect a number of pieces

of research data from various pieces of literature related to the focus of the research that the researcher is conducting. The qualitative approach was chosen by the author because the data source and research results in the library research that the researcher will carry out are in the form of descriptions of words. The data sources in this research consist of primary and secondary sources. The primary data source comes from Tafsir books. Secondary sources come from books, journals, and scientific articles that discuss this research. The data analysis technique used in this research is a qualitative analysis technique. Data analysis in this research was carried out simultaneously with the data collection process, meaning that the data analysis process was carried out during and after data collection was carried out.

RESULTS AND DISCUSSION

Inheritance from an Islamic Perspective

The word inheritance comes from Arabic, which means property given to family members or relatives who have the right to receive it from someone who has died. The word *baruis* is the plural form of the word *miirats*, which shows the meaning of inheritance given to other people who are heirs. Inheritance law in Islam is based on the Qur'an and hadith, which clearly state the distribution of inheritance. (Faizah 2021).

These verses include QS. Al-Nisā/4: 7-8

لِّلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ مِمَّا قَدَرْتُمْ حَظًّا وَإِذَا حَضَرَ الْقِسْمَةَ أُولُو الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسْكِينُ فَأَرْزُقُوهُمْ مِنْهُ وَقُولُوا لَهُمْ قَوْلًا مَعْرُوفًا

“For men there is the right to share in the inheritance of their parents and relatives, and for women there is the right to share (also) in the inheritance of their parents and relatives, whether a little or a lot according to the division that has been determined. And if When the distribution comes, there are relatives, orphans and the poor, then give them (only a little) of the property and say good words to them..”

The verse above explains that both sons and daughters all have the right to inheritance as well as recognition from the Islamic religion and are legal subjects who have rights and obligations in inheritance for men and women in order to achieve a fair distribution of inheritance. Thus, everyone has the right to inherit according to their share of burdens and responsibilities.

The definition of inheritance law in the Compilation of Islamic Law (KHI) is the law that regulates the transfer of inheritance rights (*tirkah*) to heirs and determines who has the right to be an heir as well as how many shares each has. In Islamic inheritance law, the distribution of inherited assets must be given to the heirs in accordance with what has been stipulated in the Qur'an. (Murtadlo 2018).

Inheritance law, according to Islam, is called *Faraid* science. In linguistic terms, it is *qadar*, or provisions. In sharia terms, these are the parts determined for the heirs. Thus, *faraid* is the portion of the heir whose share size has been determined by the sharia'. Azhar Basyir stated that heirs can be categorized into three groups based on their rights to inheritance, namely *dzawil furudl*, *ashabah*, and *dzawil arham* heirs.

In distributing inheritance, Islam also regulates the number of groups of heirs broadly, because heirs are not limited to families of the same family but families whose ties arise due to marriage or religion, such as wives, parents, and siblings. This shows that the value of Islamic sociality is always widespread, so that the use of inherited assets can be evenly distributed even though the assets are divided into small amounts.

In Islam, inheritance law has a very important position and is clearly regulated. This is because everyone experiences inheritance problems. Because inheritance law is concerned with property issues, it is regulated strictly and clearly to avoid disputes. Islamic inheritance law differentiates the sections of heirs according to daily living needs. Certain parts for the heirs who

have been determined include matters of a ta'abbudi nature that must be implemented. Therefore, it has become a provision, as stated in the Qur'an Surah Al-Nisā/4: 11, 12, and 13.

Feminism

Feminism is a movement that demands equal gender roles between women and men. This feminist movement emerged long before the 1970s. Feminism often emphasizes its desires, which are applied to a new movement by actively carrying out self-criticism. The general public considers that feminism is an unhealthy movement because it is considered a resistance movement by women against the incompatibility of the cultural construction of society that has been in effect since ancient times. Feminism is considered an anti-men, anti-marriage movement, destroying families, and so on. (Zaitunah Subhan 2008).

The term feminism was introduced by a French philosopher named Charles Fourier with the aim of describing utopian socialism. As time went by, feminism began to grow and form rebel organizations that were structured and divided into various types of sects. This historical fact is what causes many people in Islamic circles to think that the aim of this movement is to destroy the Islamic faith as a form of resistance to the nature of women as well as resistance to the provisions of the Syari'at. (Fadlan 2011).

As the flow of modernization becomes more transparent in all walks of life, feminism continues to be an interesting issue that is always discussed and often becomes a separate discourse in women's studies. Many women activists who are members of academic forums, institutions, communities, and other women's forums state that a broader perspective is needed in looking at all kinds of problems that exist among women. Especially considering that the big role of women in all aspects of development is very much needed.

In fact, without realizing it, women have played a role in social life for a long time, such as in the agricultural sector. However, the term feminism is often misinterpreted. For this reason, the term feminism needs to be reintroduced in order to dispel erroneous assumptions about feminism itself that currently exist.

Terminologically, Kamla Bashin and Nighat Said provide an understanding of the term feminism with various forms of thought and movement that lead to "feminist consciousness," which is the axis of the feminist movement everywhere, both towards women in the work environment, community environment, family environment, and actions. awareness that comes from women and men to change these conditions and thought patterns. (Kamla et al. 1999).

The presence of feminism is the hegemony of men who dominate women, giving rise to a patriarchal system towards women. As a result, a movement emerged in the form of resistance from women against this order. This is in line with the meaning of feminism expressed by Krisnina Akbar Tanjung, namely that feminism is a movement to oppose unfair treatment of women that is oriented towards eliminating the stereotype of men and women and rejecting the polarization of men and women as well. (Bur Rasuanto 2005).

From the views of the two figures above, it gives us an understanding that women are considered "hajiran" (the lowest social class) and always experience oppression in various sectors. In this case, it seems like there is an indication of fear from women when using the term feminism. This is because they do not understand the true meaning of feminism. In fact, fear of feminism is a real form of rejection of the fear of change.

Fundamentally, the meaning of feminism in Islam is different from the understanding of feminism in other interpretations. In Islam, feminism is not only related to the relationship between humans and humans but also to the relationship between humans and the creator, namely Allah SWT. That is why feminism cannot be separated from the Qur'an and Hadith as the basis of life for Muslims.

Nasaruddin Umar stated that the Al-Quran was revealed to the face of the earth, whose main purpose was to eradicate all forms of oppression and free humans from forms of discrimination. Therefore, if there is an interpretation that leads to forms of oppression and discrimination, then it is very important to re-examine this interpretation. (Syaiqhu 2019).

Currently, there are many interpretations from classical circles that always discriminate against women and have resulted in the development of a gender construction in society with the assumption that men are superior creatures and women are considered complementary creatures because they were created from the ribs of men. The Al-Quran has emphasized that there is no difference between men and women. As Allah says in Surah Al-Hujurat verse 13, which means:

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا ۗ إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَىٰكُمْ ۗ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ

“mankind, indeed, we created you from a man and a woman, then made you into nations and tribes so that you might know each other. Indeed, the noblest among you in the sight of Allah is the most pious among you..”

The notion that women are inferior creatures after men is a societal culture that has been increasingly developed for generations. Islam itself does not recognize this assumption because in Islam there is nothing that differentiates between men and women apart from their level of piety as well as their pious deeds, this is in line with Allah's words in Surah al-Baqarah verse 228 which means:

وَبُعُولَتُهُنَّ أَحَقُّ بِرَدِّهِنَّ فِي ذَلِكَ إِنْ أَرَادُوا إِصْلَاحًا

“and they (women) have rights commensurate with their obligations” (Fadlan 2011).

Therefore, it is clearly stated in the Qur'an that Islam does not differentiate between the rights or positions of women and men. Both are the same creatures for Allah, both given the potential and ability to be responsible for carrying out the mandate from Him in order to carry out humanitarian duties. As Allah says in Surah an-Nahl verse 97 which means :

مَنْ عَمِلَ صَالِحًا مِّنْ ذَكَرٍ أَوْ أُنْثَىٰ وَهُوَ مُؤْمِنٌ فَلَنُحْيِيَنَّهٗ حَيٰوةً طَيِّبَةً ۖ وَلَنَجْزِيَنَّهُمْ أَجْرَهُمْ بِأَحْسَنِ مَا كَانُوا يَعْمَلُونَ

“Whoever does good deeds, whether male or female in a state of faith, we will surely give them a good life and we will reward them with a better reward for what they have done.”

This verse explains that there is no difference between men and women in the same position and opportunities. If any of them do good deeds, they will receive the same reward according to the good deeds they have done. The same is true with the distribution of inheritance, where the man's share is usually greater than the woman's share.

Therefore, Muslims need an interpretation in interpreting the understanding of feminism, especially an understanding that can accommodate human values and justice and pay more attention to the fate of women, namely by examining more deeply the verses about the position of men and women regarding responsibility. each of them of the potential and trust that Allah SWT has given them.

Feminism Views on the Distribution of Inheritance

Islam recognizes and protects the rights of women as stated in the Qur'an, Hadits and Ijma', including inheritance. The concept offered by western feminism is contrary to the provisions in Islamic inheritance law. By prioritizing equal rights between men and women without considering the obligations borne by the western concept of feminism, it seems as if they are demanding privileges where women should have the same rights and quantity in the distribution of Islamic inheritance.

Meanwhile, in Islam, based on individual principles, every person, both men and women, has the right to inherit property. However, the distribution of the quantity of inherited assets must be based on the principle of balanced justice, taking into account the obligations and responsibilities

borne by both men and women. Therefore, the western feminist concept regarding equal quantity of distribution of inheritance cannot be implemented in Islamic inheritance because it is not in accordance with applicable values and norms (Azwan et al. 2021).

Islam seeks equal rights between men and women. Talking about equal rights for women between men and women in Islam, it must be adjusted to applicable values and norms. Allah's Word in Surah Al-Nisā verse 32 :

وَلَا تَتَمَنَّوْا مَا فَضَّلَ اللَّهُ بِهِ بَعْضَكُمْ عَلَى بَعْضٍ لِلرِّجَالِ نَصِيبٌ مِّمَّا كَتَبُوا^ط وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا كَتَبْنَ^ظ وَسَأَلُوا اللَّهَ^ق 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 knows all things.”

The verse above provides legitimacy that not only men have rights, women also have rights. Fulfilling it is an obligation. If interpreted, the verse above does not emphasize that the rights of men and women must be the same but must be in accordance with their respective parts. This norm also applies to the distribution of inheritance in Islam (Triantoro 2018).

In contrast to Siti Musdah Mulia, a feminist activist, she criticized various assumptions about the provisions or laws for dividing inheritance between men and women. According to Musdah Mulia, the distribution of inheritance between men and women has long been considered gender biased. For example, in terms of the distribution of assets, assessing the distribution of inheritance is not seen from the condition of someone who has closer access to the person who died, such as women who usually care for their parents, whether in sickness or health. However, when dividing inheritance, sons get more than those who do. usually take care of. According to him, this is a form of injustice (Nashirun, Kurniati, and Marilang 2022).

The level of responsibility and burden of men which is often considered to be greater than that of women cannot be the main basis that men should receive a greater share of inheritance than women. Musdah Mulia has an opinion regarding Surah Al-Nisā verse 11 :

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ^ع فَإِن كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ^ط وَإِن كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ^ع وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ^ع مِمَّا تَرَكَ^ع إِن كَانَ لَهُ وَلَدٌ فَإِن لَّمْ يَكُنْ لَهُ وَلَدٌ وَوَرِثَتْهُ أَبَوَاهُ فَلِأُمِّهِ الثُّلُثُ^ع فَإِن كَانَ لَهُ إِخْوَةٌ فَلِأُمِّهِ السُّدُسُ^ع مِّنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا^ع أَوْ دِينٍ^ع وَأَبَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُم أَقْرَبُ لَكُمْ نَفْعًا فَرِيضَةٌ^ع مِّنَ اللَّهِ^ق إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا

“Allah has prescribed for you regarding (distribution of inheritance to) your children. Namely: the share of one son is the same as that of two daughters; and if the children are all more than two daughters, then to them two-thirds of the property left behind; if there is only one daughter, then she gets half the property. And for two parents, for each one sixth of the property left behind, if the deceased has children; if the person who dies has no children and he is inherited by his parents (only), then the mother gets one third; if the deceased has several siblings, then the mother gets one sixth. (The distributions mentioned above) after fulfilling the will he made or (and) after paying his debts. (Regarding) your parents and your children, you do not know which of them is closer (of much) benefit to you. This is a decree from Allah. Indeed, Allah is All-Knowing, All-Wise.”

According to Musdah, this verse is intended for certain cases. Musdah believes that sons do not always inherit large amounts of wealth. Apart from that, he said that the number of inheritance shares is not static. With this variety, it can be proven that the Qur'an really pays attention to the

conditions of society. Thus we cannot use the conditions of Arab society in the 7th century which used classical inheritance law with all its considerations for use in the 21st century.

The Al-Quran came and made radical changes to inheritance law in the 7th century in Arabia. If in the 21st century we want to apply what was stipulated in the Al-Quran in the 7th century, according to Musdah Mulia, this is a strange thing. To build gender justice in the distribution of inheritance, Musdah Mulia creates breakthrough ideas and encourages fairness in the distribution of inheritance between men and women. He proposed a new formulation of a 1:1 inheritance distribution scheme between men and women (Kususiyannah 2021). Among them :

- a. The distribution of inheritance for women does not always get half that of men as is understood in the book of fiqh, but it is quite varied. This diversity shows that the form of distribution of inheritance for women is dynamic, not static.
- b. The verses in the Qur'an that discuss inheritance are actually the Qur'an's response to the socio-historical conditions that prevailed in Arab society at that time.
- c. Theologically-sociologically, the opinion contained in classical fiqh books is that men's share is greater because they are required to provide a dowry and support for their wives and families. Currently, many women have taken part in building the family economy, and quite a few have become the main source of income for the family's economic needs. Thus, the division of men over women is no longer appropriate.
- d. In society, it is still common to find wills or gifts given by parents to their daughters. This is done with the intention that they receive fair treatment in obtaining, if calculated, the same amount as that obtained by men through the division of inheritance.

Inheritance verse, such as Amina Wadud. Amina Wadud is a feminist activist and also a hermeneutic figure. He put forward the theory of gender hermeneutics. According to Amina Wadud, the idea of gender differentiation is very important because it provides a framework for understanding the differences in actions and perspectives of expectations of men and women.

Regarding the inheritance verses, Amina Wadud believes that so far there has been no truly objective method of interpreting these verses. This is caused by the perspective of the interpreters regarding a text of the Qur'an. According to him, the cultural background of the mufassir is one of the factors behind the understanding which is usually referred to as *Prior Text*.

The differences between Arab culture and the West are a reflection of the many subsets that make up modern Arab society. Amina Wadud provides justice for women impartially. Many of the arguments of the Al-Quran and Hadith have discussed inequality between the sexes. It is very important to have this as a backup and confirmation of position. Amina Wadud argues that these texts need to have some kind of social relevance. According to him, gender verses that are supposed to reflect justice in Islam are actually interpreted in a way that is biased against women. So, patriarchal culture is accepted even though it is contrary to the original intention of the original text.

The classical interpretation states that the distribution of inheritance for men and women differs in a ratio of 2:1. This is one case in the Qur'an that did not escape Wadud's attention. He claims that the 2:1 ratio is only a division model and thus a mathematical formulation whose truth is not absolute. This means that alternative models for inheritance distribution are possible. Considering the heirs' rights to inheritance benefits. It is only natural that they share the benefits proportionally.

According to Amina Wadud, the 2:1 distribution of inheritance is not the only model for distribution of inheritance in Islam, but rather it is one of the offers of several determinations for distribution of inheritance according to the current situation. According to Munawir Sjadzali, the 2 to 1 distribution formula in inheritance cases above no longer reflects the spirit of justice. Asgar Ali Engineer also stated that the distribution of inheritance as stated in the paragraph above is not a final decision. This means that the 2 to 1 inheritance provision can change 1 to 1.

Amina Wadud has contributed her thoughts on the distribution of assets as follows: First, inheritance is intended to benefit surviving family members, both men and women. Second, all property can be passed on to future generations. Third, however, it is important to remember that

the benefit of the heirs and the benefits of inherited assets remains the main concern (Yuniartika 2022).

Amina Wadud understands that the benefit and fairness of the distribution of inheritance is a basic principle. Thus, the verses regarding technicalities and ways of dividing inheritance are more sociological in nature and are only one option among many. Therefore, these verses require an appreciation of the underlying moral ideals, in this case the spirit of justice that underlies legal texts.

CONCLUSION

There is no difference for Allah between men and women, both of whom occupy the same positions and opportunities. In Surah Al-Nisā verse 11 regarding the division of inheritance, 2:1. According to feminists, this is not the only model for dividing inheritance in Islam, but rather it is one of several offers for determining the distribution of inheritance according to the current situation. They think this is unfair because it gives more advantage to men than women without looking at aspects of a woman's potential or qualities where perhaps in a family a woman plays a bigger role. However, in the view of classical scholars, Surah Al-Nisā verse 11 which states that the division between men and women is 2:1 is a qath'i argument. Contemporary ulama continue to re-actulize Islamic laws by prioritizing socio-cultural aspects and the reality of the current situation, so this argument could become a postulate that is zhanny in nature. This can be seen from the substance of the verse which contains an interpretation of justice so that the understanding of the verse is not limited to one understanding but is also always open to interpretations of other meanings. No matter how it is done, the portion of justice according to human views is certainly different from justice according to Allah SWT's views.

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