



DISCOURSE ON THE DISTRIBUTION OF INHERITANCE FOR WOMEN: A CRITIQUE OF THE INTERPRETATION OF SURAH AL-NISĀ' VERSES 11 AND 176

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*Distribution Concept, Inheritance,
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ABSTRACT

The legal issue of the distribution of inheritance for women with a ratio of 2: 1 which is stated in the Qur'an Surah Al-Nisa' verses 11 and 176 reaps many pros and cons in its interpretation. This is evidenced by many writings and books written by Muslim scholars to express criticism of interpretation and perspective in examining the law contained in the inheritance verse. The phrase equality and justice led to the issue of equal distribution of inheritance between men and women. This was pioneered by feminists. Through this, it appears that the distribution of inheritance for women needs to be studied further. The focus of the study of this paper is how to criticize the interpretation of the mufasir scholars on the inheritance verse of surah Al-Nisa' verses 11 and 176. By using a qualitative approach and library research method, this study shows that the law of inheritance distribution received by women has received a lot of criticism both pro and con from the scholars of interpretation. This study shows that those who are in favor of the distribution of women's inheritance with a ratio of 2: 1, namely Mubammad Abduh, Tabatabai, and Mubammad Syahrur with their maximum limit theory. Those who are against and have new ideas are Amina Wadud and Munawir Sjadzali.

Kata kunci :

*Konsep Pembagian, Warisan,
Kritik, Penafsiran*

ABSTRAK

Persoalan hukum pembagian warisan untuk perempuan dengan rasio 2 : 1 yang termaktub dalam Al-Qur'an Surah Al-Nisā' ayat 11 dan 176 menuai banyak pro dan kontra dalam penafsirannya. Hal ini dibuktikan banyak tulisan dan kitab yang ditulis oleh cendekiawan muslim untuk mengungkapkan kritik penafsiran dan cara pandangnya dalam menelisik hukum yang terkandung pada ayat waris tersebut. Ungkapan kesetaraan dan keadilan menggiring isu persamaan pembagian warisan antara laki-laki dan perempuan. Hal ini dipelopori oleh para kaum feminis. Melalui hal ini, tampak bahwa pembagian warisan untuk perempuan perlu untuk diteliti lebih lanjut. Fokus kajian dari tulisan ini yakni bagaimana kritik penafsiran ulama mufasir pada ayat waris surah Al-Nisā' ayat 11 dan 176?. Dengan menggunakan pendekatan kualitatif dan metode library research (pustaka), kajian ini menunjukkan bahwa hukum pembagian waris yang diterima oleh perempuan menuai banyak kritikan baik pro dan kontra dari ulama tafsir. Penelitian ini menghasilkan bahwa pihak yang menyatakan pro dengan pembagian waris perempuan dengan rasio 2 : 1 yakni Muhammad Abduh, Tabatabai, dan Muhammad Syahrur dengan teori batasan maksimalnya. Pihak yang menyatakan kontra dan memiliki gagasan baru yakni Amina Wadud dan Munawir Sjadzali.

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INTRODUCTION

In the long history of mankind, the division of inheritance has been a crucial aspect in shaping the social and legal structure of society. One dimension that has received intense scrutiny is the inheritance rights received by women. This concept reflects the values, religious beliefs and power structures that develop in various communities (Sukarti & Asyari, 2023).

Along with the development of society and the emergence of the term women's emancipation, it is directly proportional to the efforts to eliminate gender inequality in the distribution of inheritance. This thinking reflects the growing spirit of gender equality in many parts of modern society. However, despite these positive steps, the debate surrounding the interpretation of the concept of inheritance distribution for women has been criticized both pro and con (Aziz, 2024).

These criticisms often stem from classical scholars' interpretations of cultural and religious norms, which in turn can create inequality (Arifin, 2019; Nada Rahmatina, 2024). Feminists who are not afraid to voice the discrepancy between the aspirations of equality and the reality of the interpretation of the concept of inheritance often become the base of the problem, raising doubts about the extent to which women's rights are recognized and respected. One of the feminist voices is Amina Wadud, who argues that men have mostly interpreted the Qur'an to date. Men, in fact, make up most of the commentators. For this reason, she provides a male perspective and wants the highest priority when interpreting Qur'anic verses. In order to reduce gender bias in the field of Qur'anic commentary, there is a need for commentaries coming from a woman, who truly understands the desires of women. This includes the law of inheritance distribution. Amina Wadud is corroborated by a women's rights activist named Siti Musdah Mulia, who also advocates for gender equality in all areas of society (Syahabuddin Yahya, 2022).

The discourse on the distribution of inheritance in Islam, especially for women, has not escaped the observers of the law, this appears with various responses both positive and negative. Sugiri Permana explained that the position of men and women in Islamic inheritance law has the same rights, regardless of the differences in rights and obligations between the two. Even the religious courts and the Indonesian Court of Justice strive for the position of boys and girls to be on the same line (Permana, 2018). More than that, Defel Fakhyadi also emphasized that in Islamic inheritance law there is no element of patriarchy, because basically inheritance law is bilateral, namely a person gets inheritance rights from male and female lines. (Fakhyadi, 2021) In his study, Mahmud also emphasized that two to one in the distribution of inheritance rights for women is not an act of discrimination, oppression or injustice against women. There is no gender term in the distribution of inheritance rights, but rather based on the roles and responsibilities they carry (Ikhwanudin, 2023).

So far, the study of the distribution of inheritance rights for women has been enlivened by researchers. But in fact, the critical studies that have been carried out are only about gender equality in the *ijtihād* of inheritance law in Indonesia, patriarchy of Islamic inheritance law, criticism of Islamic inheritance law and the Compilation of Islamic Law, and hermeneutics of interpretation of inheritance verses. Meanwhile, this research focuses more on the discourse of the distribution of women's inheritance with a ratio of 2 : 1 in the focus of the interpretation of Q.S Al-Nisā' verses 11 and 176 with various criticisms from contemporary mufassirs both pro and con opinions, which of course this is interesting to study further.

Thus, research on the criticism of the interpretation of the division of inheritance for women in surah Al-Nisā' verses 11 and 176 certainly has significance. This significance can be seen from the development of a society that has begun to recognize the terms gender equality and women's emancipation, and the rise of feminist figures who have begun to voice their opinions about justice in the distribution of inheritance. In this case, there are three main questions that become the focus of the main study. *First*, How is the interpretation of the inheritance verse of Surah Al-Nisā' verses 11 and 176? *Second*, How is the concept of the division of inheritance law in Islam? *Third*, How is the criticism of interpretation scholars in the inheritance law for women? These three questions are expected to be able to fill the void of previous research on literature that collects criticism of tafsir scholars regarding the distribution of inheritance for women in surah Al-Nisā' verses 11 and 176.

Given this context, an in-depth exploration of the concept of women's inheritance and the critiques that have emerged against its interpretation can provide a more comprehensive view. This article aims to shed light on the complex dynamics of the debate surrounding women's inheritance rights, in the hope of encouraging a deeper understanding of the concept and paving the way for broader positive change in a society that values and respects the human rights of every individual regardless of gender.

METHOD

In this study, the author uses a type of qualitative research. Qualitative research is a type of research that produces and processes descriptive data. The purpose of this type of qualitative research is to gain a general understanding of social reality or phenomena. The understanding was born by using library research methods, namely reading, recording, collecting, analyzing the data obtained. The author uses two data sources, namely primary data sources in the form of Q.S Al-Nisā' verses 11, 176 and interpretations of contemporary scholars' thoughts. As well as secondary sources that are obtained from articles or literature related to the topic discussed. The data analysis technique used in this research is qualitative analysis technique. Data analysis in this study 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

Interpretation of the Verse of Inheritance Surah Al-Nisā' verses 11 and 176

The Qur'an is the holy book of Muslims that contains various aspects of life, one of which is about inheritance. There are several verses related to inheritance, especially about women's inheritance. The following verses are related to women's inheritance:

Q.S Al-Nisā'[4] ayat 11

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ ۚ فَإِن كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ ۚ وَإِن كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ ۚ وَلَا يُؤْتِيهِ لِلْأَبِ وَاحِدٌ مِّنْهُمَا الشُّدُسُ مِمَّا تَرَكَ إِن كَانَ لَهُ وَلَدٌ ۚ فَإِن لَّمْ يَكُنْ لَهُ وَلَدٌ وَوَرِثَتْهُ أَبَوُهُ فَلِأُمِّهِ الثُّلُثُ ۚ فَإِن كَانَ لَهُ إِخْوَةٌ فَلِأُمِّهِ الشُّدُسُ ۚ مِمَّا بَعْدَ وَصِيَّةٍ يُوصِي بِهَا أَوْ دِينٍ ۚ أَبَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُم أَقْرَبُ لَكُمْ نَفْعًا ۚ فَرِيضَةٌ مِّنَ اللَّهِ ۚ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا

"Allah has prescribed for you the division of inheritance for your children: a son's share is equal to the share of two daughters. If the children are all daughters and there are more than two of them, their share is two-thirds of the property left behind. If she (the daughter) is only one, she gets half (of the property left). For both parents, a share of one-sixth each of the property left behind, if he (the deceased) has children. If he (the deceased) has no children and he is inherited by his parents (only), his mother gets a third. If he (the deceased) has several brothers, his mother gets a sixth. (The inheritance is divided) after (fulfilling) the will be made or (and paying off) his debts. (As for your parents and your children, you do not know which of them will benefit you more; this is the decree of Allah. Verily, Allah is All-Knowing, All-Wise." (QS. Al-Nisā[4] : 11)

Imam As-Suyuti explained the asbabun nuzul of this verse which tells the story of when the Messenger of Allah and his Companion Abu Bakr went to visit Jabir bin Abdullah. This narration comes from Jabir bin Abdullah who said that the Messenger of Allah and Abu Bakr walked to visit me when I was sick in the village of Bani Salamah. Then the Prophet found me in a state of unconsciousness. He asked for water, made ablution and poured it on me. Then I recovered. Then I said to him: What do you command me concerning my wealth? So the verse (11) was revealed.

There is also another opinion about the asbabun nuzul of this verse. This other opinion comes from the narration given by Ahmad, Abu Dawud, At-Tirmizi and Hakim, which comes from Hakim, who said: O Allah, these two daughters of mine are the sons of Said ibn Rabi' who died with you at the battle of Uhud. And indeed the uncles of the two daughters took their property and left nothing behind. So the Messenger said: Allah will decide on the matter, so the verse was revealed.

Al-Qur'an surah Al-Nisā verse 11 explains the size of the division of inheritance obtained by male and female heirs. Quraish Shihab in Tafsir Al Misbah explains, surah An Nisa verse 11 contains the provisions for giving to each owner of the inheritance or heir. The above verse also confirms that there are rights for men and women in the form of certain parts of the inheritance of mothers, fathers, and relatives regulated by Allah, the Most High.

Quoted from the book Islamic Law by Palmawati Tahir and Dini Handayani, the core content of the verse above is the law regarding the distribution of the inheritance of a son who is equal to the share of two daughters in a ratio of 2: 1. In addition, the above verse also contains the uniqueness of inheritance science in Islam which regulates inheritance rights using a mathematical system. The division of inheritance rights uses fractional numbers so that there is no more than one part, such as $\frac{1}{2}$, $\frac{1}{3}$, $\frac{1}{4}$, $\frac{1}{6}$, $\frac{1}{8}$, and $\frac{2}{3}$.

Surah Al-Nisā verse 11 not only explains the division of inheritance, but also emphasizes the following:

- 1) Daughters are entitled to receive inheritance from their parents as well as sons in the ratio of one son versus two daughters.
- 2) The mother is entitled to receive inheritance from her children, both male and female, amounting to one-sixth. Likewise, the father is entitled to receive inheritance from his son, both male and female.

يَسْتَفْتُونَكَ قُلِ اللَّهُ يُفْتِيكُمْ فِي الْكَلَالَةِ إِنِ امْرُؤٌ هَلَكَ لَيْسَ لَهُ وَلَدٌ وَوَلَةٌ أُمَّتٌ فَلَهَا نِصْفُ مَا تَرَكَ وَهُوَ يَرِثُهَا إِنْ لَمْ يَكُنْ لَهَا وَلَدٌ فَإِنْ كَانَتَا اثْنَتَيْنِ فَلَهُمَا الشُّلْثَانِ مِمَّا تَرَكَ وَإِنْ كَانُوا إِخْوَةً رِجَالًا وَنِسَاءً فَلِلَّذَكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ يُبَيِّنُ اللَّهُ لَكُمْ أَنْ تَضِلُّوا وَاللَّهُ بِكُلِّ شَيْءٍ عَلِيمٌ

"They ask you for a fatwa (about *kalalah*). Say, "Allah has given you a fatwa on *kalalah*, (i.e.) if a man dies and he has no children, but has a sister, her share is one-twelfth of what he leaves behind. But his brother inherits (the sister's entire estate) if she has no children. But if there are two sisters, they shall share two-thirds of the property left behind. If they (the heirs consist of) several brothers and sisters, the share of a brother is equal to the share of two sisters. Allah has explained this to you so that you may not go astray. Allah knows all things." (QS. Al-Nisā[4] : 176)

The asbabun nuzul of this verse comes from the narration of An-Nasa'i through the route of Abu Zubair, namely when Jabir was sick and was visited by the Prophet Muhammad and Jabir asked about his property. Jabir said, "When I was sick, the Prophet visited me. Then I said to him, "O Messenger of Allah, I want to bequeath to my sisters one-third of my property." He said, "Good" Then I said again, "What if I bequeath half of my wealth?" He replied, "Good". Then he went out and a few moments later he came back in and said, "I do not see that you will die in your sickness. Verily Allah has revealed to me and explained that for all your sisters is two-thirds of your wealth." And Jabir said, "This verse was revealed to me."

This verse continues the explanation of verse 11 on the division of inheritance. It focuses more on the situation of someone who dies and does not have a child. This verse focuses more on the division of property for brothers and sisters. In this verse there are several divisions, namely:

- 1) The share of the sister, is one-half of the property left behind.
- 2) The brother inherits the entire property of the sister.
- 3) If the sister who inherits it is two people, then for both of them two-thirds of the property left by the deceased.
- 4) And if they, the heirs, consist of brothers and sisters, then the share of a brother is equal to the share of two sisters.

In addition to being related to the division of inheritance, this verse also states several things, namely:

- 1) A man who has no descendants, while he has a sister, then his sister is entitled to receive his inheritance.
- 2) A woman who has no descendants, while she has a brother, then the brother is entitled to receive her inheritance.

The Concept of Legal Distribution of Inheritance in Islam

Heirs are classified into three, including:

1. Dzawil Furudh

Dzawil Furudh are heirs who are entitled to a certain part of the inheritance and they total 12 groups. 8 people from the female group, namely:

- a. Wife
- b. Mother
- c. Grandmother
- d. Daughter
- e. Granddaughter of a male child

- f. A sibling sister
- g. A father's sister
- h. One-mother sister

There are 4 people from the male group, namely :

- a. Husband
- b. Father
- c. Grandfather
- d. Mother's brother.

2. *Ashabah*

Ashabah is an heir whose share is not determined, sometimes he gets the remaining portion, and sometimes he doesn't receive it at all.

3. *Dzawil Arham*

Dzawil arham is an heir who is not entitled to a certain share and is also not entitled to ashabah because of his family ties and relationships are far away.

Among the heirs whose share is determined in the channel is only the heirs of dzawil furudh so that their share is forever fixed and cannot be changed. Unlike the case with other heirs such as ashabah and dzawil arham. The provisions mentioned in the Qur'an and hadith are:

- a. 1/8 (One-eighth)
- b. 1/6 (One-sixth)
- c. 1/4 (Quarter)
- d. 1/3 (One third)
- e. 1/2 (One-half or half)
- f. 2/3 (Two-thirds)

The detailed shares of the heirs of dzawil furudh, including :

- a. Daughters receive a share of :
 - 1/2 if only one
 - 2/3 if two or more
 - Remainder, together with sons. Provided that she receives half the share of the son.
- b. Father, receive a share:
 - Remainder, if there is no far'u inheritance (children or grandchildren).
 - 1/6 if with a son or daughter
 - 1/6 plus remainder, if with daughters only
 - 2/3 remainder in the case of heirs consisting of husband/wife, mother and father
- c. Mothers, receive a share of :
 - 1/6 if there are children or two or more siblings
 - 1/3 if there are no children or more than two siblings, or with only one sibling
 - 1/3 residue in case of garrawain
- d. Husband, receives a share of :
 - 1/2 if there are no children or grandchildren
 - 1/4 if there are children or grandchildren
- e. Wife, receives a share of :
 - 1/4 if there are no children or grandchildren
 - 1/8 if there are children or grandchildren
- f. One-mother sister, receives a share of :

- 1/6 one person not with children and father
- 1/3 two or more people, not with children and father
- g. Siblings, receive a share of :
 - 1/2 one person, no children and father
 - 2/3 two or more people, not with children and father
 - Remainder, with a sibling provided that she receives half of the brother's share
 - Remainder, because there is a son or granddaughter in the male line.

According to M. Quraish Shihab, this contains an emphasis on the share of girls, because by making the share of girls as a measure for boys. That way from the beginning before the determination of the male share, the share for women has first been determined. The married man's share will certainly be exhausted and not intact because the two parts he has must be divided in half, while the one part owned by the woman will be intact because it is not used at all. Thus, Allah's favour to women is heavier than his favour to men in the matter of inheritance distribution.

Therefore, if there are people who receive more inheritance, this means that this is the magnitude of the level and role of their obligations to their families. And two to one is not a form of oppression and injustice to women in the distribution of inheritance, precisely in the Qur'an explains that women also have the same rights regarding the distribution of inheritance, meaning that they both get inheritance and there is no gender term in Islam between men and women.

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Criticism of Tafsir Scholars on the Law of Inheritance for Women

The inheritance system in Islam is often used as a propaganda tool to portray Islam as a religion that treats women in a discriminatory manner. The distinction in inheritance rights on the basis of gender, between men and women, is considered contrary to the principles of equality and justice that are highly upheld by modern civilization. The verses of the Qur'an that are commonly used as a basis are:

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ

“Allah has prescribed for you the inheritance of your children: the share of a son is equal to the share of two daughters. (Al-Nisā’/4: 11).

The verse on inheritance, especially with the share of women who get a ratio of 2 : 1 reaps a lot of criticism, pros and cons from contemporary mufassir scholars. Among the criticisms of the interpretation of the inheritance verse is put forward by:

1. Amina Wadud

Amina Wadud is an American female philosopher with a progressive focus on Quranic interpretation. Amina Wadud is among the first generation to reinterpret gender verses in the Quran using feminist hermeneutics. The case of the distribution of inheritance for women with a

ratio of 2: 1 also did not escape Amina Wadud's attention. Fakhruddin ar-Razi argues in his commentary, among other things, that men are superior to women for several reasons. As a result of this bias, women did not rise to leadership positions in the military during the dark ages. The second reason is that men were seen as superior to women on moral, intellectual and religious grounds. Thirdly, because of the perfection that men possessed, they were trusted to manage the economy and its resources.

Amina Wadud has a problem with this particular formulation of the division of inheritance. She claims that the 2:1 ratio is merely a model of division, and thus a mathematical formulation whose truth is not absolute. This means that alternative models for inheritance distribution are possible. Given the right of the heirs to the benefits of the inheritance, it is only natural that they share those benefits proportionally. Profit (*na'fa*) is a variable of interest. (Wahidah, 2022)

In her view, Amina Wadud revealed about the division of property is as follows; 1) Inheritance is intended to benefit surviving family members, both men and women. 2) All property can be inherited to future generations. 3) But keep in mind that the benefits of the heirs and the benefits of the inherited property remain the main thing (Vivit Vitriana, 2020).

Wadud understands that the benefit and justice of the heirs are the basic principles in the distribution of inheritance. Thus, the verses on the technical distribution of inheritance are more sociological in nature and 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 the legal text. *Muhkamat*, also known as *qathi'*, refers to the moral or ethical stance towards justice, while *zanni* describes the practical steps taken to achieve that stance in relation to cultural adaptations and current needs.

It is Amina Wadud who argues that the distribution of inheritance should take into account three very important considerations. Firstly, the division between men and women should be relative, with women receiving more than men when their needs are greater. Secondly, wealth should be inherited equally, without discriminating between men and women because of the equality of life they get. Third, the consideration should be based on the feeling of loss experienced by the heirs, the services of the heirs to the deceased and the services of the heirs to the inherited property itself (Syahabuddin Yahya, 2022).

The criticism conveyed by Amina Wadud did not get good support and response from the wider community. Even some famous *mufassirs* also criticized her opinion on the distribution of inheritance rights with a 2: 1 ratio which she considered unfair, such as Nasr Hamid Abu Zayd. Amina Wadud in her thinking makes gender equality to divide her inheritance rights, not with the principle of justice. While two to one is a proportional comparison model if you look at the responsibility of maintenance that is imposed on men. So the reason used by Amina Wadud is fairly weak. Although if faced with a case of a wife who provides for her husband because her husband is sick. However, it cannot necessarily be used as a reason for changing the distribution of inheritance rights for women as a whole. Because the number of half of a wife's share from her brother has the same portion as the number 1 to half of her husband from her sister (Syahabuddin Yahya, 2022).

Moreover, the number of *mufassirs* who clearly explain that the distribution of inheritance rights in the Qur'an is final and does not need to be discussed again is also a factor in Amina Wadud's criticism not being widely accepted by the Islamic community. In addition, Islamic society tends to maintain the norms that have lived for centuries. Amina Wadud's interpretation in the distribution of women's inheritance rights with a ratio of 2: 1 is considered detrimental to the male side which causes an influence on the existing social balance. The resistance to Amina Wadud's

interpretation is based on the social reality that men are responsible for all lines of life, especially in economic matters.

2. Muhammad Abduh

Other modern critics according to Muhammad Abduh based on what is quoted by Abu Zaid and Muhammad Nur Ichwan that the phrase *Li al-dzakari mitslu hazzi al unsayayn* (for a man is equal to the share of two women)' must be understood that it relates to the previous phrase 'Allah bequeaths you the inheritance of your children'. The first verse is an explanatory phrase (*jumlah mufassirah*) of the verse that follows. This confirms the abolition of the pre-Islamic system of inheritance.

Muhammad Abduh also added in his interpretation that the wisdom of dividing the inheritance of women one to two with men is because men in addition to being able to provide for themselves he is also obliged to provide and protect his wife and children in the future (Ahmad Saifuddin, 2020);(Zulaiha, 2013)(Ahmad Saifuddin, 2020). Whereas women only provide for themselves, one day when she gets married, she will be borne by her husband. By looking at this reality, it is possible that women have more property for themselves.

Here it can be seen that Muhammad Abduh's opinion tends to be the same as classical mufassirs who explain that the distribution of inheritance rights in the Qur'an has reached a final decision. The ratio of 2: 1 is *qath'i* and does not need to be discussed again.

3. Munawir Sjadzali

More than that, a new opinion emerged that became a middle party between classical scholars and contemporary scholars. Munawir Sjadzali came up with a new idea to divide the inheritance equally between male and female heirs in a 1:1 ratio, so that each gender receives the same amount. However, this rule depends on the presence of women in society. Munawir believes that a society where women play an active role would view a 2:1 division of inheritance as unfair.

When a woman does not hold an important position, these rules do not apply. The implied function is that of a woman who contributes to an existing profession or group. By adopting contextual interpretations of the Qur'an that have been done by prominent scholars, Munawir Sjadzali strengthens his argument. For example, Caliph Umar bin Khattab made a policy in the distribution of war booty that was not in accordance with the instructions of the Qur'an as mentioned in QS. Al-Anfal/8: 41. According to Munawir Sjadzali, if a society wants a provision for the distribution of inheritance between men and women in equal amounts, and they consider it fair, then the provision is used as long as women have a role in society.(Syahabuddin Yahya, 2022)

In the model of distribution of inheritance rights for women promoted by Munawir Sadjzali, it seems that it tends to be responsive to contemporary problems but conditionally. With a ratio of 1: 1 in the sense that it is evenly distributed to men and women, it is considered fair because there is no discrimination against one gender. But still with the condition that the inheritance distribution model is intended for women who have an active role in society.

4. Tabatabai

In the model of distribution of inheritance rights for women promoted by Munawir Sadjzali, it seems that it tends to be responsive to contemporary problems but conditionally. With a ratio of 1: 1 in the sense that it is evenly distributed to men and women, it is considered fair because there is no discrimination against one gender. But still with the condition that the inheritance distribution model is intended for women who have an active role in society.

According to Hamka Hasan, the opinion of the lack of control of reason for women is due to their lack of access to increasing their ability to process things, making them passive and less

qualified. It is not merely that women's lack of intellect is something that absolutely happens. (Sri Aelis Zulfahnur, 2020)

5. Muhammad Syahrur

Muhammad Syahrur is a contemporary Muslim intellectual figure with an engineering academic background. However, thanks to his diligence in studying the Qur'an he was able to produce a new understanding in understanding the messages of Allah SWT in the Qur'an. Syahrur in exploring a law uses the *ijtihad insya'i* method. In analyzing verses related to inheritance, Syahrur uses the semantic linguistic analysis method, besides that he also applies modern exact sciences, such as analytical techniques, mathematical analysis, set theory, as well as the concept of follower variables and modifier variables in mathematics.

The target of the will is inheritance for children. The verse uses the words *fii awlaadikum*, not *fii abna 'ikum*. Whereas in the same verse, Allah uses the editorial *Abaukum wa abnaukum*. The word *awlad* itself is a plural form of the word *walad* which includes both masculine (male children) and feminine (female children). The word *walad* also includes the meaning of all humans living on earth, because basically all humans live through the process of birth (*mawluḍ*). Therefore, inheritance is given to every heir regardless of age, be it old or young, even small children, whether male or female. And in understanding the verse, it can be concluded that Syahrur uses the semantic linguistic analysis method, which analyzes by studying the meaning contained in a language. (Ninik Qori'atul Muslimah, 2018)

In his book "*Al-Kitab wa al-Qur'an: Qira'ah Mu'ashiroh*", Syahrur explains that this verse contains the meaning of maximum limits that apply to men and minimum limits that apply to women. If the economic burden of the family is completely borne by men, while women are not involved at all, then God's legal limits can be applied, namely by giving two shares to men, and one share to women.

With the concept of *had al-a'la wa al-adna*, if presented, the maximum share for men is 66.6% and the minimum share for women is 33.3%. Muslims can carry out *ijtihad* by moving between these boundaries, in accordance with the objective conditions that surround them. According to Syahrur, the distribution of inheritance can change according to the objective conditions surrounding it, provided that changes in the distribution are still within predetermined limits. (*Sistem Pembagian Harta Waris 2:1 Antara Anak Laki-Laki Dan Anak Perempuan* (Studi Komperatif Pemikiran Muhammad Syahrur Dan M. Quraish Shihab), n.d.)

CONCLUSION

Based on the previous explanation, the verses of the Qur'an which discuss inheritance, including Surah Al-Nisā' verses 11 and 176, provide clear direction regarding the importance of maintaining justice in the distribution of inheritance. The principles contained in these verses emphasize that the distribution of inheritance must take into account the rights of the individuals involved, both men and women, as well as considering their respective roles and responsibilities in the family. Even though there are differences in the proportion of distribution between men and women, this is based on fair considerations in accordance with the rules established by Allah. A number of interpretive scholars have provided interpretive criticism and alternative approaches regarding inheritance distribution, but the underlying principle remains justice and equality in treating heirs.

In this context, justice does not always mean an exact equal distribution of assets, but also includes taking into account aspects such as individual needs, contribution to the family, and economic conditions. The parties who stated they were in favor of dividing female inheritance with

a 2:1 ratio were Muhammad Abduh, Tabatabai, and Muhammad Syahrur with the maximum limit theory. The parties who expressed opposition and had new ideas were Amina Wadud and Munawir Sjadzali with their limit theory.

In the context of Indonesian society, which is predominantly Muslim, the distribution of inheritance rights must be based on the principles of justice, transparency and submission to Islamic law as regulated in the Al-Qur'an, especially in Surah Al-Nisā' verses 11 and 176. The public needs to understand that the rules for dividing inheritance in Islam are established with the aim of maintaining balance and justice, taking into account the different responsibilities between men and women. The important thing that must be considered is how Muslims re-understand the interpretation of Q.S Al-Nisā' verses 11 and 176 with the reality of existing modern problems, and realize that women today are different from the past with the various roles and abilities they have in the public space.

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