CONTEMPORARY INHERITANCE: APPLICATION OF INHERITANCE DIVISION IN JURIDICAL, PSYCHOLOGICAL, SOCIOLOGICAL AND ECONOMIC PERSPECTIVES

Abstract: This study aimed to explain the problem of applying inheritance division $\text{lidzakari mitslu hadhdhi al-unstsayain}$, contemporary studies in juridical, psychological, sociological, and economic perspectives. This study was included in the category of literature studies. The data collection technique is a documentation technique, while the analysis technique is the Miles and Huberman analysis technique. The source triangulation method was used to validate and authenticate the data obtained in this study. After conducting in-depth research, several important conclusions were found: first, juridically, the 2:1 division of inheritance has an underlying legal umbrella, namely QS. An-nisa paragraph 11 and Compilation of Islamic Law (KHI) Book II Law of Inheritance Chapter II The magnitude of the section of article 176. However, the application in the community can vary because of underlying factors. Secondly, from a psychological perspective, the division of inheritance should not be done haphazardly. This process must meet the criteria of justice for all parties so that friction does not arise between families because of the element of justice felt by each party. Third, sociologically, the application of inheritance is still a pro-con in society in terms of the size of each heir because many consider the inheritance system 2:1 has not fulfilled the element of justice. Fourth, economically, the 2:1 division of inheritance is firmly based on the amount of economic responsibility a man carries.

Keywords: Inheritance; Juridical; Psychological; Sociological; Economic.
INTRODUCTION

The law of inheritance is very closely related to the scope of human life because every human being will experience legal events subject to death. The legal consequences that then arise with the event of a person’s death include management problems and the continuation of the rights and obligations of someone who dies. Law in Indonesia today is still legal pluralism. The inheritance law that applies in the Republic of Indonesia is customary inheritance law, Islam inheritance law, and Western inheritance (civil) law.

The law of inheritance Islam comes from the Qur’an and the Sunnah of Rasulullah SAW. Divining inheritance is not easy, but it needs much consideration.

Inheritance is one of the important branches of knowledge in Islam. This science concerning the division of inheritance provides provisions regarding the division of inheritance so that it can be distributed to those entitled to receive it while preventing the possibility of occurrence or disputes in the division of inheritance. This inheritance will distribute the property fairly, and no parties feel disadvantaged. According to the Compilation of Islamic Law (KHI) in Book II of the Law of Inheritance Chapter I General Provisions Article 171 (1), what is meant by inheritance law is the law that regulates the transfer of ownership rights of heirs (tirkah), determining who is entitled to be heirs and how much each share.

Justice in inheritance law is not measured by the equality of levels between heirs but is determined by the size of the burden or responsibility placed on those considered to be in human life. Fairness in dividing inheritance is to balance property for heirs in terms of the needs and rights of these heirs. Thus, this division is not only about equality in

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1 Raissa Ardelia, "Kepastian Hukum Terhadap Penerapan Asas Ijbari Dalam Pembagian Waris Anak Kandung Di Indonesia” (Repository, Surabaya, Universitas Air Langga, 2020), https://repository.unair.ac.id/97112/. p. 34.
5 Kompilasi Hukum Islam (KHI), Cetakan 9 (Bandung: CV. Nuansa Aulia, 2021), nuansaaulia@yahoo.co.id.
dividing inheritance to heirs but balance in dividing inheritance to the rights of heirs in the form of responsibility. The man's inheritance equals the woman's two shares, while the woman only gets one.

Previous research that has been carried out includes the research of Maylissabet and Kudrat Abdillah, who examined inheritance law in the compilation of law Islam's perspective philosophy of law. Then, the research of M. Luthfi Hakim examined the inheritance of Islam on the 2:1 inheritance share between men and women from the perspective of Islamic legal philosophy. Furthermore, according to historical and sociological studies, Anjar Kususiyah's research examines gender justice in Islamic warfare. In these three previous studies, no one has examined the application of 2:1 inheritance division from four perspectives: waris from juridical, psychological, sociological, and economic aspects.

Regarding inheritance verses, the 2:1 division of inheritance still leaves problems in society. Contemporary studies are one of the responsive solutions to the stem of inheritance division that can answer the community's needs. The social needs referred to here are examples of women who work to support themselves and their families in social life, where this norm is a new wider community need. Therefore, it is essential to conduct contemporary studies on the division of inheritance from the perspective of juridical, psychological, sociological, and economic studies.

**METHODOLOGY**

The methodology of this research is a literature study study. The approach used in this study is juridical-normative. The data collection technique used is documentation, using literature from scientific journals and books as the primary source. The analytical technique used in this study is the Miles and Huberman technique with three steps:

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information reduction, information presentation, and determination—examination as things intertwined before, during, and after information collection in the same structure. In the method of data validity, the author uses a method of triangulation of sources. This is by comparing various data/information from one source to another to obtain valid data. Data analysis uses deductive-inductive reasoning from which a conclusion can then be drawn.

LITERATURE REVIEW

Islamic Inheritance Division

In Arabic, the word Waris comes from the word Al-miirats, which is the mashdar (infinitive) form of waritsa-yarits-wiratsan-miiraatsan. According to etymology, it means 'the transfer of something from one person to another', or from one race to another. Heirs are the plural of mirats. So it is meant by mirats, irts, wirts, wiratsah, and turats, which is interpreted by mausruts as: "the estate of the deceased inherited by his heirs." People who leave property are called muwarits, while those who are entitled to receive heirlooms are called warists.

Inheriting property from a deceased person is a legal way to acquire property rights to an object, so the division of property by inheritance is one form of property ownership recognized in Islamic law. Even Islam regulates the distribution of property to the rightful heirs with clear and detailed shares. Sulaiman Rasjid (1996) said that in the Qur’an, the types of property that are forbidden to take and the types of property that can be taken in a good way, among the halal property (may) be taken is inheritance (inheritance). In the Qur’an and hadith, how to distribute inheritance (inheritance) fairly has been regulated so that property becomes lawful and beneficial. Allah SWT Says:

\[
\text{وَلَا تَأْفَكُوا أَمْوَالَكُمْ بِالْبَطْرِيَّةِ}
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Means: "And let not some of you eat of the treasures of others among you in a vanity way." (QS. Al Baqarap:188)

Islamic inheritance law has a significant position. Al Qur’an regulates the process of inheritance distribution in a clear and detailed manner. This is understandable because the issue of inheritance directly concerns property, which, if not given definite provisions, will cause disputes between heirs. Islamic inheritance law has a significant position. Al Qur’an regulates the process of inheritance distribution in a clear and detailed manner. This is understandable because the issue of inheritance directly concerns property, which, if not given definite provisions, will cause disputes between heirs. 13 Both in the Qur’an and al-Hadit, the legal basis for inheritance is expressly regulated, and some are implied, sometimes even containing only the points; the most commonly found legal basis of inheritance is Sura an-Nisa verses 11, 12, and 176, in addition to other suras as helpers. There are three inheritances: (1) Al-Muwaris is the one who died; (2). The heir is the one who will collect the deceased's estate; (3). Mauruts, is the estate of the deceased after being deducted at the cost of managing the mayit, paying off his debts, and executing his will of not more than one-third.14

The causes of inheritance (ashabul minots), namely:

1. Kinship (qorobah) is a blood relationship that is the main basis of inheritance. The word of Allah SWT in QS. An Nisaa' verse 7 and QS. Al-Anfal verse 75. These blood relations are divided into, upon which the so-called ashul, are mother-father, grandparents, and so on. Downward, called furu', are the children and grandchildren of the descendants of the deceased. Moreover, the heirs of the sideways, called hawashi, are the deceased's brothers, uncles, aunts, and nephews. Due to blood relations, heirs can be divided into three: (1). Ashhabul Furudinnasabiyyah, a group of heirs who get a certain share. For example: 1/2, 1/3, and others; (2). 'Ashabah Nasabiyyah, is a class of heirs who do not get a certain share. They got the rest of the first group. If there is no first class, this second group is entitled to all the property; (3) Dzawil Arham is a touch some distance from the dead.

2. Semenda (mushoharoh), due to legal marriage. Wives can inherit each other if one dies while the marriage is intact. The provisions are as follows: (a). If the deceased wife has

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no children, the husband inherits half of his wife's estate. If you have children, you get a quarter. (QS. An Nisaa': 12); (b). If the husband dies and has no children, the wife inherits a quarter of her husband's inheritance. Jika has a child getting one-eighth of it. (QS. An Nisaa':12); (c) Wala' is a fraternity according to law arising from freeing enslaved people. The right of wala' is only for the one who has freed the enslaved person. They are called the heirs of the ushubah sababiyyah class. (d) Religious relations. When a deceased Muslim has no heirs, then his heritage is handed over to the mall hall for the benefit of Muslims (QS. Al-Ahzab: 6).

Islamic Inheritance Law has its style; it is part of the Islamic religion, and its implementation cannot be separated from the problem of faith atau aqidah a Muslim. The legal principles of Islamic inheritance that can be transmitted from the Qur'an and Sunnah are:

a. Ijbari Principles

Di in Islamic inheritance law means that the transfer of property of a deceased person to his heirs takes place automatically according to the decrees of Allah SWT without depending on the will of his heirs or heirs. This element of "force" (ijbari) is seen, especially from the obligation of the heir to accept the transfer of the heir's estate to him following the amount determined by Allah Almighty against his own will.

b. Bilateral Principles

Islamic inheritance law means that a person receives a right or share of inheritance from both parties: from relatives of male descent and from relatives of female descent. This principle can be seen in Sura An-Nisa verses 7, 11, 12, and 176.

c. Individual Principles

It means that inheritance can be divided among heirs to be owned individually. This individual principle is derived from the Qur'anic study of the division of inheritance. For example, Surah An-Nisaa' verse 7, in its line of law, explains men's right to receive inheritance from their parents or immediate family. Likewise, women are entitled to receive the inheritance of their parents or relatives, either few or many. Their share (respectively) is already determined.
d. The principle of justice is weighed. Justice is very important in the Islamic legal system, including inheritance law. Therefore, in the Islamic system of teachings, justice is the point of departure, process, and purpose of all human actions. Thus, this principle implies that there must always be a balance between rights and obligations, between the rights obtained by a person and the obligations that must be fulfilled.

**Understanding Perspective**

The word perspective comes from the Latin word "perspicere," meaning "picture, see, view." When viewed linguistically, perspective is a point of view used to understand or interpret certain problems. Humans are social creatures who often have different opinions and views when dealing with something. Therefore, there are often different perspectives that also trigger differences of opinion. According to Joel M. Carron, understanding perspective is a conceptual framework, a set of assumptions, values, and ideas that affect people's perceptions so that they will ultimately affect someone in certain situations. Meanwhile, according to Martono, perspective is a way of looking at a problem that occurs or a certain view used in seeing a phenomenon.

**RESULT AND DISCUSSION**

According to Islamic inheritance law, the transfer of one's property to another person, called inheritance, occurs after the person who owns the property dies. This means that a person's property cannot be passed to another person and is called inheritance as long as the person who owns the property is still alive. It also means that any transfer of a living person's property to another person, directly or later after his death, does not fall under inheritance according to Islamic law. Therefore, Islamic inheritance law recognizes only one form of inheritance due to one's death. From the results of research that has been carried out on various literature sources, the following data are obtained:

Table 1. Data on inheritance division 2:1 juridical, psychological, sociological, and economical perspectives

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### Perspective

**Division of Inheritance *lidzdzakari mitslu hadhdhi al-unstsayain* (2:1)**

<table>
<thead>
<tr>
<th>Perspective</th>
<th>Juridical</th>
<th>Psychological</th>
<th>Sociological</th>
<th>Economical</th>
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|             | 1. Yuridis foundation in QS. An-Nisaa: 11 | 1. The inheritance must meet the criteria of fairness for all parties. Psychological content will have the potential for friction between families because of the element of justice each party feels.  
2. The 2:1 division of inheritance cannot be separated from the great responsibility of a man who will later be responsible for providing for his family when married. | 1. The implementation of the distribution of inheritance is basically to ensure order and justice for the transfer of property from a deceased person to his heirs.  
2. From a sociological point of view, applied inheritance is an inheritance that refers to community approval, both written and cultural, which develops in society. | 1. It tends to benefit the male side over the female. However, if examined more deeply, it can benefit women. This is because men's responsibility to their families from an economic point of view is greater than women's.  
2. The terms of inheritance 2:1 can change with several conditions, such as women inherit from the *ashɔbah*, if the woman is an only child, and if the daughter is with another daughter without a son. |

Source: extracted from various sources

**Waris *Lidzdzakari Mitslu Hadhdhi al-Untsayain* (2:1) Juridical Perspective**

Allah Almighty has regulated the provisions of inheritance in such a way in the Qur’an. These are the most emphatic and detailed in their content compared to other legal
verses. This is certainly a lesson that the Qur’an wants to achieve about the strictness of the law in terms of literature. Children of people who die, both male and female, are people who are considered to have a significant relationship with their parents and are most entitled to inheritance. The provisions for the distribution of inheritance 2:1 are juridically regulated by Allah in Sura An-Nisaa’ verse 11 as follows:

"Allah decreed for you (the distribution of inheritance) for your children, namely: the share of a son is equal to the share of two daughters; and if the child is all girls more than two, then to them two-thirds of the property left behind; if the daughter is alone, then she gets half the property..." (QS. An-Nisaa:11)

Normatively, the Qur’an affirms that the position of man and woman is equal, as in inheritance. Both male and female heirs are entitled to a share of the estate. The most prominent thing related to Islamic inheritance law is the discussion of justice, where equal rights and mutual inheritance between men and women and a ratio of 2:1 between men and women. The principle of inheritance division lidzdhakari mitslu hadhdhil al-unstsyain (2:1), as stated in QS An Nisa’ verse 11, is still held almost among Muslims. The point of principle 2:1 is that men get two parts, while women get 1 part or, in other words, half of men’s shares. The principle of inheritance 2:1 is considered by some, especially among gender feminists, to be considered unfair. According to them, this principle is a principle that tends to discriminate against women because it overrides the principle of justice alone. According to Ananda Luthfiyyah Azwan, women have their portion in the distribution of inheritance, but not the same as men. The division of inheritance in Islam gives men a greater share compared to women, considering that in Islam, men bear greater responsibility compared to women.

In addition, the juridical basis for the division of inheritance lidzdhakari mitslu hadhdhil al-unstsyain (2:1) is also in the Compilation of Islamic Law (KHI) Book II of the Law of Inheritance Chapter III The magnitude of article 176, which reads: "The daughter

if only seorang she gets half share if two or more of them together get a two-thirds share, and if girls are together with sons, then the share of sons is two to one with girls." However, under other conditions, the division of inheritance with a 1:1 beginning can also be done or with an agreed formula. This also does not contradict the Compilation of Islamic Law (KHI) article 183, where heirs can agree to make peace in the division of inheritance after each heir realizes his share. As long as the heirs are let go and can compromise if any of their shares must be released. If an heir retains his rights, then there must be no coercion, and the heir is given the right of a share of the inheritance. He also required that peace in dividing inheritance should not be motivated by rejecting the provisions of the Qur'an and Hadith so as not to include those who disobey Allah and His messenger.¹⁸

In addition, Zaynal et al. added that several things can underlie the process of distributing inheritance evenly, including:

1. The existence of economic inequality;
2. Avoid family disputes;
3. A tradition of inheritance division and
4. Much inheritance.¹⁹

The Inheritance *(Lidzdzakari Mitslu Hadhdhi al-Untsayain)* Based On Psychological Perspectives

Psychology can be briefly defined as the science that studies human behavior and the relationship between people. Because relationships between humans are also manifested in the form of behavior, it can be argued that a shorter definition of psychology is the sciences of human behavior. Psychological material projections are limited to the soul's activities observed through the manifestation of human behavior or actions. There are several assumptions that psychologists can use in studying the human psyche—

psychology deals with human behavior, every phase of human personal development, and its interactions.  

From a psychological perspective, the division of inheritance should not be done haphazardly. This process must meet the criteria of fairness for all parties. In reality, in a family in the process of dividing inheritance, the psychological side will have the potential for friction between families because of the element of justice felt by each party. The author thinks that from a psychological perspective, the 2:1 division of inheritance cannot be separated from the great responsibility of a man who will later have the responsibility of providing for his family when married. He provides for himself, his wife, children, and other family members in the same house, such as khadimah, parents, and relatives who come with him. Prof. Mahmud Yunus also explained that the wisdom of being given inheritance twice the share of women is that men must support themselves, their wives, and their children. As for women, they only spend on themselves.

Jabal Alamsyah Nasution also conveyed that the division of inheritance that includes women in it, a division of 2:1 has wisdom, including: first, women's needs are the dependents and obligations of men, both husband and family. Secondly, women are not obliged to provide a living. Third, men have demands to provide for female relatives. Fourth, men must pay dowry. Fifth, all the needs of wives and children are the obligations of men, not the other way around.

In addition, from a psychological perspective, the division of inheritance will certainly cause a sense of happiness for those who receive more shares and will feel marginalized (marginalized) for those who get fewer shares. Similarly, the stem of inheritance division *lidzdhakari mitslu hadhdhil al unstsyain* (2:1) will cause a sense of marginalization if it is not accompanied by gratitude and full faith in accepting Allah SWT's provisions. Therefore, it is not uncommon for disputes in the family to end in a break in

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friendship between them due to the distribution of inheritance triggered by the dissatisfaction of some parties who feel they do not get a fair distribution of inheritance. Thus, the Sharia goal of inheritance division is not achieved if understood subjectively by each individual.

The Inheritance *(Lidzdzakari Mitslu Hadhdhi al-Untsayain)* Based On Sociological Perspective

Sociology studies living together in society and investigating the bonds between humans who control their lives. Sociology is an approach to understanding the nature and purpose of living together, the way of forming, growing, and changing these living associations and their beliefs, beliefs that give their characteristics to the way of living together in every organization of human life associations.  

Atho' Mudzhar, an Indonesian scholar, explained Islamic studies with several themes: *first*, the study of the influence of religion on society or the influence of religion on changing society. *Second* is studying the influence of structure and societal changes on understanding religious teachings or concepts. *Third*, the study of people's religious experiences. *The four* studies of the social patterns of Muslim communities are the behavior patterns of urban and rural Muslim communities, patterns between religious relations in society, and the behavior patterns of educated and less educated Muslim communities. *Fifth*, studies on community movements bring ideas that can weaken or support religious life.

In its application in society, from a sociological perspective, the process of inheritance distribution still occurs pros-cons in society regarding the size of each foreign heir. The social life that develops in society places the belief that implementing legal inheritance ensures order and justice for transferring property from a deceased person to his heirs. Justice is meant to treat equally or not distinguish someone from others; in other words is the existence of equal rights. The existence of customary differences that develop

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in communities where those who adhere to patrilineal, matrilineal, and bilateral kinship systems also often contribute to differences in the application of the inheritance distribution process. Although the verses on inheritance clearly distinguish between the male part of two parts and the female part of one part, the different forms also contain the meaning of justice. Maylissabet also asserts that from a social or logical point of view, the inheritance applied refers to the community's consent. Both written and cultural consent that develop in society. The hope is the creation of an inheritance that fulfils the sense of justice in society. When justice is upheld, people's lives will naturally run peacefully, safely, and comfortably, with mutual respect, love and tolerance.

Muslim scholars, you know the actualization of the 2:1 inheritance division (lidzdkari mitslu hadhdhi al unstsayain), which is the basis of the Islam law of inheritance. Therefore, it is unsurprising that some people think this principle of 2:1 tends to be unfair and discriminatory. However, some people feel that there are elements of justice in this principle of division regarding 2:1. Therefore, before going any further on the fair or unjust discussion of this principle of 2:1. It would be nice if we look back at the principle of justice put forward by the famous Greek philosopher, Aristotle. According to him, there are two kinds of principles of justice, distributive and cumulative justice; definitively, distributive justice is justice given to each person according to his merits. He does not demand that everyone get an equal share, not equality but equality. Cumulative justice, on the other hand, is justice that gives to each person as much as not remembering his merits.

Furthermore, if we measure from the measure of justice offered by philosophy, then the law of inheritance in Islam is considered to have fulfilled the sense of justice, both distributive justice and cumulative justice. The aspect of justice and his wife lies in principle lidzdhakari mitslu hadhdhil al unstsyai (2:1), meaning that men get two parts, which means greater than women who only get half of the men's share. At the same time, cumulative

justice lies in the principle of division that is not discriminatory. This means that men, women, and even children can get it following the provisions applicable in inheritance law.

In terms of the reality of social affairs in society, the author argues that people who still practice the division of inheritance with the stem *lidżdhakari mitslu hadadhil al unstṣyain* (2:1) regarding the size of the share of men may be because they assume. After all, men carry greater responsibilities in the family, providing for their family. In addition, even if he wants to marry, the man must pay a dowry. Meanwhile, women generally are not burdened with the obligation to pay for household life, let alone pay dowry.

While in some communities, such as Javanese circles, few apply the stem division equally to boys and girls. The problem of the Javanese people, although there is a term *sepikul segendongan*, does not necessarily apply this. Apabila adapted to the present conditions that the reality is that not a few families earn a living, not only a husband but also wife. This follows Zulham Wahyudani’s statement that this change in inheritance distribution is based on the social context of society, where economic resources result from cooperation between husband and wife.27 If in such a condition, the inheritance provision, if still applied 2:1, is considered a form of injustice. A figure who disagrees with the 2:1 system when applied today is Prof. Munawir Sadjali. The exciting thing is that the Compilation of Islamic Law (IPR), Book II of the Law of Inheritance, was born when he held the Minister of Religious Affairs of the Republic of Indonesia.

In recontextualizing the Islam teaching, Prof. Munawir Sadjali said, "The provision of 2:1 inheritance distribution has been abandoned by the Islam community in Indonesia, both directly and indirectly. The deviation from *faraidh* is not always caused by the thinness of Islam but can also be caused by cultural and social structural considerations, and our culture is such that the full implementation of *faraidh* is less acceptable to the sense of justice.

Prof. Munawir Sadjali’s argument is strengthened in terms of understanding social structure. In Arab societies that adhered to the *patrilineal kinship* system, giving more shares

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to men was appropriate and functioned positively in preserving the kinship system. However, the Islamic societies of the world do not always have to be patrilineal kinship structures. For example, in West Sumatran society, the prevailing and dominant kinship system is matrilineal, as rights and responsibilities are imposed on women. Moreover, modern societies tend to provide equal opportunities to men and women (bilateral).

The Inheritance (Lidzakari Mitslu Hadhdhi al-Untsayain) Based On an Economic Perspective

At first glance, the 2:1 inheritance division from an economic perspective tends to benefit men over women, where sons get two times more share than girls. However, this provision can only benefit women economically when analyzed in depth. This is because men have a great responsibility to support the family, be it wives, children, sisters and fathers, or mothers if they live in one house. In addition, the terms of this division of inheritance will change in some situations and conditions. The author sees that in the stem, the division of inheritance 2:1 when viewed from an economic perspective, will change with the following conditions:

1. If a woman gets an inheritance from the ashobah, then she will get less than a man.
2. If the woman is an only child, she will undoubtedly get half the share of the inheritance. This, of course, implies that daughters will get more shares of inheritance than other heirs.
3. If the woman is with another daughter without a son, she will certainly get a two-thirds share of the estate.

This follows the statement of Prof. Sulaiman Rasjid (1996) that a man in Islam is obliged to be responsible for everything related to his children and wife. Likewise, all household matters, both in the form of money and energy, both food and clothing needs. Men are responsible for all matters of the household and offspring, while women are only

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29 Kususiyah, “Keadilan Gender Dalam Kewarisan Islam: Kajian Sosiologis Historis.”
told to educate children and supervise the state of the household. Men also have several
obligations and responsibilities to society, both domestically and abroad. However, a
woman lacks much responsibility and responsibility towards the household and society, let
alone about spending; she is not obliged to provide for herself, even if she receives a living
from her husband, herself, and her children. The same goes for other things. With this
situation, economically, the position of women can be more advantaged by this rule 2: 1.
The same thing was expressed by Asep Fauzi Firmansyah that according to the Islamic
family law system that positively applies to him, the burden and economic responsibility of
the family is borne by men only, as a hukum obligation, while women have rights from
their husbands.  

Therefore, it must be understood that a woman is the responsibility of 4 men,
namely her father, husband, brother, and son. On the contrary, a man simultaneously
has responsibilities towards his wife, daughter, mother, and sister. When a position like
this can be interpreted deeply, it will benefit the woman economically, even with a 2:1
inheritance division. In short, much responsibility is carried on the shoulders of men, while
on the other hand, women are not mandatory. Therefore, men have more responsibility in
life struggles than women regarding finances, energy, and mind. So, as the justice of Allah
the Just and All-Knowing, He exaggerates the male share from the female share in the
distribution of inheritance.

The Wisdom of Inheritance Distribution According to Islam

Muslims certainly believe that all Islamic provisions revealed by Allah SWT for
humans are in the framework of human good itself. Similarly, one of them with the
provision of inheritance distribution of 2: 1, of course, there are many mashlahat. Here are
some of the wisdom of the division of inheritance according to Islamic law:

31 Asep Fauzi Firmansyah, “Konsep Keadilan Dalam Pembagian Harta Warisan Terhadap Isteri:
   Studi Isteri Yang Menanggung Nafkah Keluarga” (Cirebon, IAIN Syekh Nurjati, 2011),
   https://repository.syekhnurjati.ac.id/2505/PERDAIS-116050001/.

32 Annisa Permatasari, “Elasticity Of Islamic Law In Social Dynamics (Analysis Of E-Commerce
   Fiqh Perspective),” MILRev : Metro Islamic Law Review 1, no. 1 (December 26, 2022): 34–53,
   https://doi.org/10.32332/milrev.v1i1.6189.

33 Jaenal Arifin, Filsafat Hukum Islam Tasyri dan Syar’i (Tangerang: UIN Jakarta Press, 2006),
1. The division of inheritance is given to preserve property (hifdul maal). This follows one of the objectives of shari'ah (maqasidus shari'ah) itself: to preserve property.
3. Establish ties between family members and keep them intact.
4. It is a form of transfer of trust from one person to another because the right to bind property is the trust of Allah SWT that must be maintained and accounted for later.
5. As the principle of justice between men and women, social welfare will be created to avoid inequality and social jealousy through the system of inheritance distribution within the family sphere.
6. In addition, the inheritance can also be a facilitator for someone to clean himself and his property from the decline of the property.
7. Creating the benefit of Muslims.
8. Viewed from various angles, inheritance or inheritance is truth, justice, and benefit for humanity.
9. The provisions of inheritance law guarantee protection for the family and do not hinder the independence and progress of generations in society.

CONCLUSION

From the discussion that has been explained, it can be concluded that from a juridical perspective, the 2:1 system inheritance division is QS. An_Nisaa: 7 and Compilation of Islamic Law (KHI) Book II Law of Inheritance Chapter III Magnitude of article 176. From a psychological perspective, the 2:1 division of inheritance cannot be separated from the great responsibility of a man who will later provide for his family when married. He provides for himself, his wife, children, and other family members in the same house, such as khadimah, parents, and relatives who come with him. From a sociological perspective, people still practice inheritance division with a 2:1 system, which may be because they assume that men carry greater responsibilities in the family, where he is in

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charge of providing for their family. From a 2:1 perspective, the economic perspective favors men over women, where sons get two times more shares than girls. However, these terms may change in some circumstances.

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