

## The Interpretation of Inheritance Verses from The Perspective of Asghar Ali Engineer

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### Abstract

This study aims to analyze the interpretation of inheritance verses according to Asghar Ali Engineer and its relevance to gender justice in modern contexts. The method used is library research with a qualitative approach, examining Engineer's works as primary sources and classical-contemporary tafsir literature as comparison. The results show that Engineer uses social hermeneutics that understands inheritance verses as a response to 7th-century Arab society conditions, so the 2:1 ratio is considered adjustable to changes in modern women's economic roles. However, this study finds fundamental weaknesses in Engineer's approach that separates inheritance verses from the Islamic family economic system as a whole and ignores the principle of inter-verse connections. In conclusion, justice in Islamic inheritance is not measured by mathematical equality, but by the balance of rights and obligations. The solution to injustice in inheritance practices is through education on understanding the complete Islamic family system, not by changing the clear provisions of the Qur'an.

**Keywords:** Islamic inheritance, gender justice, social hermeneutics, Asghar Ali Engineer.



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### Abstrak

Penelitian ini bertujuan untuk menganalisis interpretasi ayat warisan menurut Asghar Ali Engineer dan relevansinya dengan keadilan gender dalam konteks modern. Metode yang digunakan adalah penelitian perpustakaan dengan pendekatan kualitatif, meneliti karya Insinyur sebagai sumber primer dan literatur tafsir klasik-

kontemporer sebagai perbandingan. Hasil penelitian menunjukkan bahwa Engineer menggunakan hermeneutika sosial yang memahami ayat-ayat warisan sebagai respons terhadap kondisi masyarakat Arab abad ke-7, sehingga rasio 2:1 dianggap dapat disesuaikan dengan perubahan peran ekonomi perempuan modern. Namun, penelitian ini menemukan kelemahan mendasar dalam pendekatan Engineer yang memisahkan ayat-ayat warisan dari sistem ekonomi keluarga Islam secara keseluruhan dan mengabaikan prinsip koneksi antar-ayat. Kesimpulannya, keadilan dalam warisan Islam tidak diukur dengan kesetaraan matematis, tetapi dengan keseimbangan hak dan kewajiban. Solusi atas ketidakadilan dalam praktik warisan adalah melalui pendidikan untuk memahami sistem keluarga Islam yang lengkap, bukan dengan mengubah ketentuan Al-Qur'an yang jelas.

**Kata Kunci:** Warisan Islam, keadilan gender, hermeneutika sosial, Asghar Ali Engineer.

## Introduction

The issue of inheritance distribution in Islam, particularly the provision that allocates a larger share to males than to females, continues to attract significant attention in contemporary Islamic legal discourse. In modern societies, where women increasingly participate in social and economic life, this provision is sometimes perceived as reflecting gender inequality or bias. Such perceptions often emerge from readings that focus primarily on numerical distribution while giving limited consideration to the broader legal, ethical, and socio-historical framework of Islamic inheritance law. At the same time, many Muslim scholars emphasize that debates on inheritance should not be confined solely to textual provisions, but should also engage with wider discussions on social justice, gender roles, and the evolving realities of family structures. These differing perspectives demonstrate that the interpretation of inheritance law remains an important area of scholarly engagement in both classical and contemporary contexts.<sup>1</sup>

Within the treasury of classical Qur'anic exegesis, inheritance verses were generally interpreted in close relation to other verses regulating family structure, maintenance obligations, household leadership, and social responsibility. Classical exegetes such as al-Qurṭubī, Ibn Kathīr, and al-Bayḍāwī positioned inheritance provisions as part of a broader Islamic family law system in which differences in shares were understood as being connected to the distribution of financial responsibilities. In this perspective, the distinction in inheritance portions was not primarily intended to indicate gender superiority, but rather to reflect proportional arrangements within the legal and social framework of the family. Nevertheless, contemporary scholarship has also highlighted the need to reexamine these

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<sup>1</sup> A Mudzakir, "Waris Dalam Perspektif Tafsir Klasik," *Jurnal Ushuluddin* 28, no. 1 (2020): 31–45.

interpretations in light of changing social realities, particularly regarding women's increasing economic participation and evolving family roles. Consequently, discussions of justice in inheritance law today often involve both classical doctrinal considerations and modern socio-legal perspectives.<sup>2</sup>

In contemporary discourse, a growing tendency can be observed to interpret inheritance verses contextually by emphasizing social justice as the primary measure. One influential thinker within this trend is Asghar Ali Engineer. Through a social hermeneutical approach, he views inheritance provisions as part of the Qur'an's response to the patriarchal social structure of seventh-century Arab society. According to this perspective, the rule granting males a share twice that of females represented a progressive reform in its historical context; however, it is considered open to reinterpretation in line with changing socio-economic conditions. This view has been widely discussed in contemporary socio-legal debates and is often used to support arguments advocating equal inheritance distribution between men and women in modern contexts.<sup>3</sup>

Although Asghar Ali Engineer's thought makes an important contribution by raising issues of justice and social awareness in Islamic studies, the social hermeneutical approach he employs leaves several methodological problems unresolved. One of the main issues is the tendency to separate inheritance verses from the overall legal system of the Qur'an. By positioning social context as the primary key to interpretation, the Qur'anic text risks being reduced to merely a historical product whose meaning is entirely determined by social reality, rather than as revelation possessing a normative structure and enduring legal objectives.<sup>4</sup> In this context, justice is narrowly understood as equality of outcomes, rather than as a systemic balance between rights and obligations.

Criticism of such partial approaches finds relevance in the Theory of Tarābuṭ proposed by Prof. Dr. H. Yusuf Baihaqi. The Theory of Tarābuṭ emphasizes that Qur'anic verses, including legal verses, possess interconnected meanings that cannot be separated from one another, even when they appear thematically distinct.<sup>5</sup> From this perspective, understanding inheritance verses without relating them to verses on maintenance, family responsibility, and principles of justice. constitutes an incomplete reading and risks producing erroneous conclusions.

The application of the Theory of Tarābuṭ in inheritance studies demonstrates that the provisions regarding the shares of males and females do not stand alone. On page 79, Prof. Yusuf Baihaqi emphasizes that inheritance law

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<sup>2</sup> Wahidah, *Relasi Setara Antara Llaki-Laki Dan Perempuan Dalam Kasus Kewarisan Islam (Faraidh)* (Banjarmasin: Antasari Press, 2018).

<sup>3</sup> Fadillah Rahman, "Keadilan Gender Dalam Pembagian Waris," *Jurnal Ahkam* 20, no. 2 (2020): 217.

<sup>4</sup> A. Hidayat, *Metodologi Tafsir Al-Qur'an Kontemporer* (Bandung: Pustaka Setia, 2020).

<sup>5</sup> Yusuf Baihaqi, "Moderasi Hukum Keluarga Dalam Perspektif Al Qur'an," *Istinbath: Jurnal of Islamic Law/Jurnal Hukum Islam* 16, no. 2 (2017): 365–89, <https://doi.org/10.20414/ijhi.v16i2.10>.

must be read within the framework of the value of responsibility, which constitutes one of the values of Islamic moderation. This value of responsibility necessitates differing legal treatment when the burdens of obligation borne are also different. Within the Islamic family law system, men are normatively burdened with obligations to provide maintenance for their wives and children, to pay mahr, and to bear economic responsibility for the family, whereas women are not burdened with these financial obligations.<sup>6</sup>

Furthermore, on page 89, Prof. Yusuf Baihaqi explicitly explains the reason why the male share in inheritance is greater than that of the female. According to him, this difference is in no way related to honor, social status, or male superiority over females, but purely relates to the material responsibilities imposed upon men and not imposed upon women. In other words, the larger inheritance share received by men functions as an instrument to support the financial obligations inherent to them, not as a form of gender discrimination.<sup>7</sup>

This explanation indicates that inheritance provisions in Islam are closely associated with the principle of distributive justice within the broader framework of family responsibility. In the Qur'anic perspective, justice is not always understood in terms of numerical equality, but rather as the placement of rights and obligations in proportion to the roles assigned within the family structure. When financial responsibilities are primarily borne by one party, the allocation of greater economic rights to that party may be interpreted as part of a rational legal arrangement. At the same time, contemporary discussions on gender roles and economic participation demonstrate that patterns of responsibility within Muslim families have become increasingly diverse. In many modern contexts, women actively contribute to household income and social welfare, which has generated ongoing scholarly debates regarding how the objectives of justice in inheritance law should be understood and applied. These developments suggest that the relationship between normative legal provisions and evolving social realities requires careful and nuanced examination rather than simplified conclusions.

Based on this framework, this study adopts a critical stance toward Asghar Ali Engineer's thought in interpreting inheritance verses. This research does not aim to negate the importance of social sensitivity in understanding religious texts, but rather to assert that such sensitivity must be framed within a comprehensive and responsible exegetical methodology. By employing the Theory of Tarābut as an analytical framework, this study seeks to demonstrate that Asghar Ali Engineer's social hermeneutical approach may tend to give greater emphasis to socio-historical considerations than to the internal coherence of Qur'anic legal principles. Such an interpretive orientation has the potential to reposition discussions of inheritance law from a primarily normative-legal framework toward a more flexible domain of social ethics. This observation does not imply a

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<sup>6</sup> Yusuf Baihaqi, *Teori Tarabut Dalam Produk Hukum Al-Qur'an (Upaya Membumikan Nilai-Nilai Moderasi Islam)*, 1st ed., vol. 32 (Malang: PT. Literasi Nusantara Abadi Grup, 2025).

<sup>7</sup> Baihaqi.

complete detachment from the authority of the sacred text; rather, it highlights the methodological implications that arise when contextual factors are prioritized in legal interpretation. Consequently, examining the balance between textual continuity and social change becomes essential in assessing contemporary reinterpretations of inheritance provisions.

Therefore, this research focuses on a critical analysis of the interpretation of inheritance verses from Asghar Ali Engineer's perspective by comparing it with classical exegetical approaches and the Theory of Tarābuṭ. This approach is expected to present a more holistic understanding of justice in Islamic inheritance law and to correct the assumption that Qur'anic inheritance provisions are gender-biased. Accordingly, this study affirms that problems of injustice in inheritance practice are more appropriately understood as problems of implementation and understanding, rather than problems inherent in the normative Qur'anic text.

In research, appropriate research methods are required in order to draw conclusions and manage collected data so that the implementation of the research becomes more accurate and systematic.<sup>8</sup> This study is a library research aimed at analyzing Asghar Ali Engineer's thought regarding the interpretation of inheritance verses in the Qur'an. The approach employed is social hermeneutics, namely an approach that places religious texts in a dialogical relationship with the social and historical context and values of justice underlying them.<sup>9</sup>

The data sources in this study consist of primary data and secondary data. Primary data comprise the works of Asghar Ali Engineer that discuss Islam, social justice, progressive exegesis, and inheritance law. Secondary data include books, scholarly journal articles, and previous research relevant to the themes of Islamic inheritance law, hermeneutics, and gender justice in Islam.<sup>10</sup>

The research stages were conducted through a literature study by systematically tracing and examining relevant literature.<sup>11</sup> The researcher collected written sources related to the interpretation of inheritance verses, Asghar Ali Engineer's thought, as well as classical and contemporary exegetical studies for comparative purposes.<sup>12</sup> Data analysis was carried out using content analysis.<sup>13</sup> The collected data were grouped into main themes, such as the concept of justice in Engineer's thought, the historical context of inheritance verses, critiques of

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<sup>8</sup> Ibnu Sina, *Metodologi Penelitian Kualitatif Dan Kuantitatif Untuk Ilmu Sains* (Jawa Barat: Widina Media Utama, 2024).

<sup>9</sup> Sugiyono, *Metodologi Penelitian Kuantitatif, Kualitatif Dan R & D*, 1st ed. (Bandung: Alfabeta, 2016), [chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://digilib.stekom.ac.id/assets/dokumen/ebook/feb\\_35efe6a47227d6031a75569c2f3f39d44fe2db43\\_1652079047.pdf](https://digilib.stekom.ac.id/assets/dokumen/ebook/feb_35efe6a47227d6031a75569c2f3f39d44fe2db43_1652079047.pdf).

<sup>10</sup> Feny Rita Fiantika, *Metodologi Penelitian Kualitatif*, PT. GLOBAL EKSEKUTIF TEKNOLOGI, 2022.

<sup>11</sup> Anelda Ultavia B, "KUALITATIF : MEMAHAMI KARAKTERISTIK PENELITIAN SEBAGAI METODOLOGI," *Jurnal Pendidikan Dasar* 11, no. 2 (2023): 341–48.

<sup>12</sup> Juliansyah Noor, *Metodologi Penelitian* (Jakarta: Kencana, 2022).

<sup>13</sup> Lexy J. Moleong, *Metodologi Penelitian Kualitatif* (Bandung: Remaja Rosdakarya, 2019).

literal readings, and the relevance of inheritance interpretation in modern social contexts.

### **Discussion**

The findings of this study were obtained through a literature review of the works of Asghar Ali Engineer as well as supporting literature discussing inheritance verses. Based on data tracing and classification, several research findings were obtained as follows.

### **Biography of Asghar Ali Engineer**

Asghar Ali Engineer is a progressive Islamic thinker who was born on March 10, 1939, in Rajasthan, India, into an Ismaili Shi'a family. Although he pursued formal education as a civil engineer at the University of Indore, Engineer continued to study religious sciences under his father, Sheikh Qurban Husin, which shaped his way of thinking by combining modern and religious perspectives.<sup>14</sup> Engineer was active as an activist within the Bohra community in India and, since 1995, served as the Secretary General of the Da'udi Bohra Leadership Council, where he initiated the establishment of the Institute of Islamic Studies in Mumbai as well as the Centre for the Study of Society and Secularism. Engineer's intellectual capacity was not limited to a single field; he was known as a prolific writer with numerous works on Islamic history, liberation theology, women's issues, and social justice. As a multilingual speaker, Engineer was frequently invited to various universities around the world, including Indonesia in 2008. Engineer's thought is both normative and contextual, referring to the Qur'an, in which he views the sacred text within the social context of society so that normative teachings can be more relevant to actual conditions and aligned with the objectives of justice to be achieved.<sup>15</sup>

### **Hermeneutics Theory**

Hermeneutics is the discipline that discusses ways of understanding and interpreting the meaning of texts. Hermeneutics is understood as a dialogical and dynamic method for interpreting texts and human actions by taking into account cultural context and historical experience, so that understanding is not static but continuously develops.<sup>16</sup> In line with this, it is explained that hermeneutics functions not only as a technique of interpretation, but also as a philosophical awareness that makes interpreters conscious of the involvement of their historical

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<sup>14</sup> Agustiana, "Konsep Teologi Pembebasan Dalam Islam Persepektif Asghar Ali Engineer," *Mazalat: Jurnal Pemikiran Islam* 6, no. 2 (2025): 61–71, <https://doi.org/10.64367/m-ppi.v6i2.44>.

<sup>15</sup> Muhammad Kursani Ahmad, "TEOLOGI PEMBEBASAN DALAM ISLAM: Telaah Pemikiran Asghar Ali Engineer," *Jurnal Ilmiah Ilmu Ushuluddin* 10, no. 1 (2016): 51, <https://doi.org/10.18592/jiu.v10i1.744>.

<sup>16</sup> M. Ied Al Munir, "Hermeneutika Sebagai Metode Dalam Kajian Kebudayaan Hermeneutics as a Method in Cultural Studies," *Titian: Jurnal Ilmu Humaniora* 05, no. 1 (2021): 101–16, <https://online-journal.unja.ac.id/index.php/titian>.

background and subjectivity in the process of understanding texts, thereby making interpretation more reflective and contextual.<sup>17</sup>

In its development, Friedrich Daniel Ernst Schleiermacher explained that interpretation should not be carried out literally, but must understand the language of the text and the author's intention. He introduced two approaches: the grammatical approach, which emphasizes linguistic analysis, and the psychological approach, which seeks to understand the author's mind. Through these two approaches, interpretation is understood as a process that produces a more complete and contextual meaning of the text.<sup>18</sup>

The hermeneutical approach that emphasizes understanding language and the author's intent later developed and was adapted in contemporary Qur'anic exegesis studies, which seek to apply linguistic principles more rigorously and contextually to the sacred text. This approach is known as *tafsir bayani*, developed by Aisyah Abdurrahman (Bint al-Syathi'), which positions the Qur'an as a complete divine text in terms of language, literature, and meaning. Interpretation is understood as an objective process that begins from the text itself, thereby rejecting subjective readings and the ideological interests of the interpreter. The meaning of verses is explored through careful analysis of classical Arabic language, including word choice, sentence structure, and Qur'anic style. This approach is consistently reflected in *Al-Tafsir al-Bayani li al-Qur'an al-Karim* and is further strengthened through other works that emphasize contextual readings without detaching the linguistic structure of the Qur'an, making Bint al-Syathi's thought an important reference in contemporary Qur'anic exegesis studies.<sup>19</sup>

Based on the above explanation, the hermeneutical theory used in this study refers more to the *tafsir bayani* approach of Aisyah Bint al-Syathi', because the focus of the research requires an in-depth understanding of the meaning of Qur'anic texts through analysis of language and textual structure itself. Unlike Schleiermacher's hermeneutics, which emphasizes understanding the author's subjective intention, *tafsir bayani* of Bint al-Syathi' emphasizes textual objectivity by allowing the Qur'an to "speak through its own language." This approach is considered more relevant because it not only examines meaning linguistically, but also preserves the integrity of the divine message without being influenced by the ideological interests of the interpreter. Therefore, *tafsir bayani* is chosen as the theoretical foundation of this research because it is able to connect linguistic analysis with a systematic and academic contextual understanding of the Qur'an.

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<sup>17</sup> Sartika Silaban et al., "Hermeneutika Sebagai Metode Dan Kesadaran Filosofis Dalam Penafsiran Teks: Telaah Historis Dan Relevansi Kontemporer," *Jurnal Penelitian Ilmiah Multidisipliner* 1, no. 04 (2025): 695–701, <https://ojs.ruangpublikasi.com/index.php/jpim/article/view/370>.

<sup>18</sup> Haerul Iman et al., "Definisi, Ruang Lingkup, Dan Sejarah Hermeneutika, Pemikiran Aisyah Binti Syathi, Pemikiran F.D.E Schleiermacher," *JIIIC: Jurnal Intelekt Insan Cendikia* 2, no. 8 (2025): 14373–79.

<sup>19</sup> Nanda Septiana, "Pendekatan Aisyah Abdurrahman (Bint Syati') Dalam Al-Tafsir Al-Bayani," *Pencahawana: Jurnal Studi Islam* 14, No. 1 (2019): 68–77.

## The Social Hermeneutical Approach Used by Asghar Ali Engineer in Understanding Inheritance Verses

The social hermeneutical approach proposed by Asghar Ali Engineer explains the importance of understanding the social conditions at the time the Qur'an was revealed. According to Ali, these verses were revealed within seventh-century Arab society, which was highly patriarchal and unjust toward women. This view is in line with historical findings presented by Fatima Mernissi in her research, which found that the development of Islam during the time of the Prophet actually provided an equal place for women and men, in which women were not merely regarded as mothers or daughters of men who held power over them, but rather as active participants and full partners in various important events. Mernissi further argues that the weakening of women's roles and status in the course of Islamic history cannot be separated from interpretations of religious texts that are patriarchal in nature.<sup>20</sup>

Departing from this historical understanding, Ali emphasizes that regulations concerning inheritance rights and family relations should not be viewed as rigid and standalone laws, but rather as social reform measures carried out by Islam to improve societal conditions at that time. With this historical perspective, Ali seeks to demonstrate that the Qur'an is a deeply humanistic scripture aimed at reforming social order, not at prioritizing men over women.

### The Position of Inheritance Science

In Islamic fiqh literature, the science of *Farā'id*, often also referred to as *Farā'id*, is a branch of Islamic legal knowledge that specifically studies the rules and provisions regarding the distribution of inheritance property. This science holds a very important position in Islamic Shari'ah; therefore, studying it constitutes a *farḍ kifāyah* (a collective obligation of the Muslim community), while practicing it becomes a *farḍ 'ayn* (an individual obligation) for every Muslim who faces a case of inheritance distribution.<sup>21</sup> This is supported by Istakmalun's research, which shows that the proper application of the science of *farā'id* is able to prevent family conflicts and realize a fair distribution of inheritance.<sup>22</sup> This is further reinforced by the findings of Irsyaduddin and Imam Fauji, who emphasize that understanding the science of *farā'id* is very important because low levels of knowledge about *farā'id* are often the main cause of disputes in inheritance distribution.<sup>23</sup>

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<sup>20</sup> Nuril Hidayati and Ellyda Retpitarsari, "Partisipasi Politik Perempuan Menurut Fatima Marnissi Dan Relevansinya Dengan Affirmative Action Di Indonesia," *ISLAMICA: Jurnal Studi Keislaman* 13, no. 2 (2019): 325–48.

<sup>21</sup> Wahidah, *Relasi Setara Antara Laki-Laki Dan Perempuan Dalam Kasus Kewarisan Islam (Faraidh)*.

<sup>22</sup> Istikmalun Ni'am, Ahmad Masykur, and Nurhamidah, "Implementasi Hukum Waris Islam," *Jurnal Al-Muqtashid* 3, no. 1 (2023): 1–15.

<sup>23</sup> Mochammad Irsyaduddin and Imam Fauji, "Penerapan Metode Mindmapping Dalam Pembelajaran Ilmu Faraid Di Pesantren," *MODELING: Jurnal Program Studi PGMI* 11, no. 1 (2024): 954–67, <https://doi.org/10.69896/modeling.v11i1.2444>.

According to Ifah Latifah in her research, within the Islamic inheritance distribution system, heirs are categorized into two groups: Primary Heirs (spouses, children, and parents), whose shares are determined in a fixed manner, and Secondary Heirs (siblings and other relatives), who are only entitled if the primary heirs do not exist or if the allocated shares have been exhausted. Regarding the provisions of their shares, a wife receives 1/8 if there are children, a husband receives 1/4 if there are children, while a son receives twice the share of a daughter in accordance with the principle of justice that considers each party's economic responsibilities.<sup>24</sup>

Inheritance is related to how rights along with obligations concerning owned property are transferred to others after a person dies. In Islam, the distribution of inheritance has been stipulated, in which the heirs consist of parents, husband or wife, as well as children (both male and female).<sup>25</sup>

According to Islamic Shari'ah, there are 15 heirs from the male side and 11 heirs from the female side, as illustrated in the diagram.<sup>26</sup> Namely as follows:

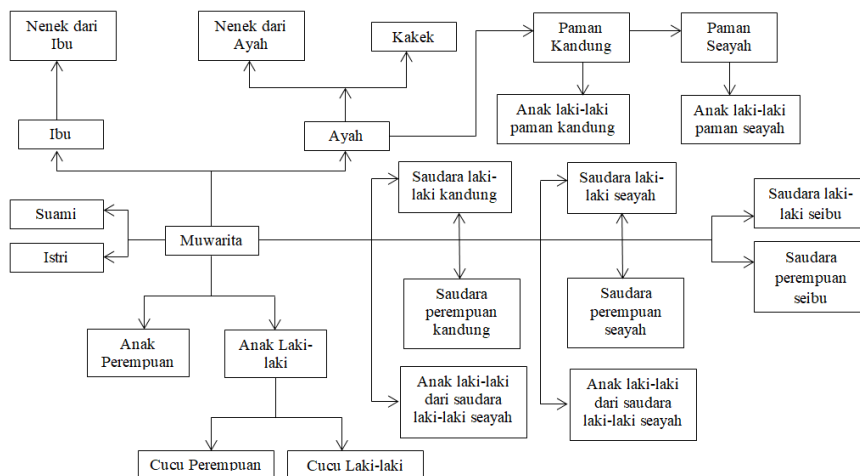


Figure 1. Diagram of Heirs

In this regard, Islamic Shari'ah has stipulated the parties entitled to receive inheritance, both from the male and female groups, along with the provisions of their respective shares, with the note that such rights only apply to heirs who meet the requirements in accordance with Islamic inheritance law. Within these provisions, there is a concept known as the impediment to inheritance (*hijab*),

<sup>24</sup> Ifah Lathifah and Devika Rosa Gspita, "Fiqh Mawarits: Memahami Ilmu Faraidh Dan Kedudukan Hukum Allah Dalam Pembagian Harta Warisan," *Abdurrauf Science and Society* 1, no. 1 (2024): 22–27, <https://journal.abdurraufinstitute.org/index.php/asoc/article/view/97>.

<sup>25</sup> Windo Putra Wijaya, "Ayat-Ayat Waris Dalam Tinjauan Tafsir Maudhu'i Dan Penyimpangannya Di Indonesia," *Wardah* 21, no. 1 (2020): 106–22, <https://doi.org/10.19109/wardah.v21i1.5826>.

<sup>26</sup> Raditia Fadillah Akbar and Taufiq Hidayat, "Pembagian Warisan Menurut Syariat Islam Dengan Basis Pengetahuan Menggunakan PROLOG," *Automata* 2, no. 2 (2021): 1–8.

which according to classical fiqh scholars refers to a condition in which the right of an heir to receive inheritance is either reduced or entirely forfeited due to the presence of another heir who holds a stronger or more prioritized position in relation to the deceased. This concept further recognizes that not all heirs who are present will necessarily receive a share, as those with a more distant relationship to the deceased may be blocked by those with a closer one. As elaborated in the fiqh literature, among the male heirs, for instance, only those holding the closest kinship ties are guaranteed their share, while others may be excluded through the mechanism of *ḥijāb ḥirmān*, namely the complete forfeiture of inheritance rights due to the presence of a more primary heir.<sup>27</sup> As stated in the book *Raudlatut Thâlibîn wa ‘Umdatul Muftîn*, namely :

إِذَا اجْتَمَعَ الرَّجَالُ الْوَارِثُونَ وَرَثَ مِنْهُمْ الْإِبْنُ، وَالْأَبُ، وَالزَّوْجُ فَقَطَّ

Meaning:

“When all male heirs are present together, those who are entitled to inherit from among them are only the son, the father, and the husband.”

Likewise, within the group of female heirs consisting of seven persons, if all of them are present simultaneously, only five are entitled to receive inheritance, namely the daughter, the granddaughter from the son’s line, the mother, the wife, and the full sister, while the remaining two are barred by the presence of heirs who have stronger entitlement.

In relation to this, Imam Nawawi provides an explanation in the same book as follows:

وَإِذَا اجْتَمَعَ النِّسَاءُ، فَالْبِنْتُ، وَبِنْتُ الْإِبْنِ، وَالْأُمُّ، وَالزَّوْجَةُ، وَالْأُخْتُ لِلْأَبَوَيْنِ

Meaning:

“When all female heirs are present together, those who are entitled to inherit are the daughter, the granddaughter from the son, the mother, the wife, and the full sister.”

### **The Interpretation of Inheritance Verses in the Works of Asghar Ali Engineer**

The works of Asghar Ali Engineer in his various thoughts show that Ali employs a social hermeneutical approach that emphasizes a socio-historical reading of the Qur’an. Ali’s thought regarding the Qur’an has a dual dimension: normative and contextual. The normative dimension consists of universal values such as justice, equality, compassion, and protection of marginalized groups, while the contextual dimension represents the Qur’an’s response to the patriarchal social structure of seventh-century Arab society. Ali contextualizes the interpretation of inheritance verses, which cannot be separated from the social and cultural conditions at the time of their revelation. Ali views the legal

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<sup>27</sup> Muslim Djuned and Ikhsan Nur, “Hijab Dalam Kewarisan Islam Berdasarkan Hadis Muslim,” *Tafse: Journal of Qur’anic Studies* 1, no. 1 (2016): 67–86.

provisions in the Qur'an as highly progressive because they aim to overcome social injustice.

Ali's understanding of the socio-historical dimension seeks to extract deeper moral lessons in order to advocate for verses so that they remain relevant to the present context without eliminating justice based on the Qur'an.<sup>28</sup> The Qur'an not only eliminates negative perspectives toward women, but also establishes clearer norms and status for them as human beings. As explained in (Qur'an Surah al-Baqarah 2:228), which states:

وَالْمُطَلَّقَاتُ يَرَئَصْنَ بِأَنْفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ وَلَا يَجِلُّ لَهُنَّ أَنْ يَكْتُمْنَ مَا خَلَقَ اللَّهُ فِي أَرْحَامِهِنَّ إِنْ كُنَّ يُؤْمِنَنَّ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَبُعُولَتُهُنَّ أَحَقُّ بِرَدِّهِنَّ فِي ذَلِكَ إِنْ أَرَادُوا إِصْلَاحًا وَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ وَاللَّهُ عَزِيزٌ حَكِيمٌ ﴿٢٢٨﴾

Meaning:

*“And women have rights equivalent to their obligations according to what is customary. However, men have one degree over them. And Allah is Mighty and Wise.”*

It is often encountered that the Qur'an grants women balanced rights, yet on the other hand places men one degree above them. These two statements seem contradictory; however, when viewed within the context of Arab society at that time, this policy was in fact a strategic step. Changes in the social status of women could not be carried out drastically (revolutionarily) due to the very wide social gap; therefore, the Qur'an implemented changes gradually so that society at that time could broadly accept a better position for women.

(Qur'an Surah al-Hujurat 49:13)

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

Meaning:

*“O humankind, indeed We created you from a male and a female and made you nations and tribes so that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous among you.”*

Ali views this verse as a universal moral principle stating that all human beings are equal in status, both men and women. This verse emphasizes that differences in sex, ethnicity, and social class are not a basis for humiliation but for dignity; therefore, in social norms including family and inheritance norms, Ali views all legal social norms through the lens of equal dignity. This verse becomes the basis for legal interpretation that the inferior position of women and their status as second-class citizens is unacceptable.

<sup>28</sup> Shirhi Athmainnah, “Hermeneutika Asghar Ali Engineer: Menyingkap Mega Skandal Tafsir Patrilineal,” *As-Salam: Jurnal Studi Hukum Islam & Pendidikan* 3, no. 1 (2017): 23–34, <https://ejournal.staidarusalamlampung.ac.id/index.php/assalam/article/view/51>.

Qur'an Surah An-Nisā' verse 11

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَّاتِ فَإِنْ كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ  
وَإِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِنْ كَانَ لَهُ وَلَدٌ فَإِنْ  
لَمْ يَكُنْ لَهُ وَلَدٌ وَوَرِثَتْهُ ٱبْنَاتُهُ فَلِلنِّسَاءِ الثُّلُثُ فَإِنْ كَانَ لَهُ ٱبْنٌ وَٱبْنَاتٌ فَلِلنِّسَاءِ السُّدُسُ مِمَّا تَرَكَ إِنْ كَانَ  
لَهُ ٱبْنٌ وَٱبْنَاتٌ وَوَرِثَتْهُ ٱبْنَاتُهُ فَلِلنِّسَاءِ السُّدُسُ مِمَّا تَرَكَ إِنْ كَانَ لَهُ ٱبْنٌ وَوَرِثَتْهُ ٱبْنَاتُهُ فَلِلنِّسَاءِ السُّدُسُ مِمَّا تَرَكَ إِنْ كَانَ لَهُ ٱبْنٌ وَوَرِثَتْهُ ٱبْنَاتُهُ  
عَلَيْمًا حَكِيمًا ﴿١١﴾

Meaning:

*“Allah prescribes for you concerning your children: for the male, a share equal to that of two females. If the children are all females and more than two, then for them is two-thirds of what he left. If there is only one, then for her is half. For both parents, to each one of them is one-sixth of what he left, if he had a child. But if he had no child and his parents inherit from him, then for his mother is one-third. But if he had siblings, then for his mother is one-sixth, after any bequest he may have made or debt. Your parents and your children—you do not know which of them is closer to you in benefit. This is an obligation from Allah. Indeed, Allah is Knowing and Wise.”*

This verse explains the distribution of inheritance rights for children and parents, including the determination of a two-to-one ratio between males and females, with the amount adjusted based on the presence of other heirs. In classical interpretation, many scholars of tafsir and fiqh explain that this difference in shares is related to the distribution of economic responsibilities within the family. Men are obligated to provide financial maintenance, pay the mahr, and support the family's needs, whereas women are not burdened with the same financial obligations. Therefore, the difference in inheritance shares is generally understood as a form of proportional justice that reflects the balance between rights and responsibilities within the Islamic family structure.

However, contemporary scholarship has also introduced various perspectives that attempt to reinterpret this verse within a broader social context. One of the thinkers who proposed such an approach is Asghar Ali Engineer. He argues that the two-to-one inheritance ratio should also be understood in relation to the socio-economic conditions of Arab society at the time the verse was revealed. At that time, men functioned as the primary breadwinners, while women were in more vulnerable economic positions and had limited access to economic resources. In a pre-Islamic culture that did not grant women any inheritance rights at all, the introduction of inheritance rights for women represented a significant step toward protecting their economic rights.

Engineer further explains that this verse should not only be understood as a literal legal provision, but also as a reflection of social responsibility and solidarity within the family. The phrase “you do not know which of them is more beneficial to you” indicates that humans have limitations in fully understanding the financial needs of each family member. Therefore, the regulation was

originally formulated in accordance with the social conditions and needs of the society at that time.

On the other hand, many scholars also observe that social and economic conditions continue to evolve. In modern societies, women frequently participate in economic activities and may also contribute to family income. These developments have led to broader academic discussions about how the principle of justice in Islamic inheritance law should be understood in different social contexts. In this framework, Engineer's ideas can be seen as one attempt to reinterpret the inheritance verses contextually, while still taking into account the long-standing traditions of tafsir and fiqh. Thus, discussions of Qur'anic inheritance law should not be limited to a single interpretive perspective, but rather understood as part of a broader scholarly discourse within the Islamic intellectual tradition.

### **Comparison of Asghar Ali Engineer's Perspective with the Views of Ulama in the Interpretation of Inheritance Verses**

The social hermeneutical approach offered by Asghar Ali Engineer in interpreting inheritance verses differs fundamentally from the interpretive methods used by other scholars. This difference lies primarily in how the Qur'an's commitment to improving the status of women is understood, which can be seen concretely in various verses. According to Ali, the Qur'an not only removes negative perspectives toward women, but also establishes clearer norms and status for them as human beings, as explained in (QS. al-Baqarah 2:228), which states:

وَالْمُطَلَّقَاتُ يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ وَلَا يَحِلُّ لَهُنَّ أَنْ يَكْتُمْنَ مَا خَلَقَ اللَّهُ فِي أَرْحَامِهِنَّ إِنْ كُنَّ يُؤْمِنْنَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَبُعُولَتُهُنَّ أَحَقُّ بِرَدِّهِنَّ فِي ذَلِكَ إِنْ أَرَادُوا إِصْلَاحًا وَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ وَاللَّهُ عَزِيزٌ حَكِيمٌ ﴿٢٢٨﴾

Meaning:

*“And women have rights equivalent to their obligations according to what is customary. However, husbands have one degree above them. And Allah is Mighty and Wise.”*

This verse shows that Islam grants balanced rights between men and women within the family, although their roles differ according to their respective functions. The one-degree advantage possessed by husbands must be understood as a social and economic responsibility borne by men at that time, rather than as absolute superiority over women. Engineer emphasizes that inheritance verses must be understood by seeking their primary objective, namely realizing justice, protecting the weak, and balancing rights with obligations. The two-to-one distribution is not a fixed rule for all times, but rather an adjustment to economic conditions in which men bore all family expenses. Because social conditions have

changed and many women now work, understanding the verse literally no longer reflects the justice that lies at the core of Islam.

On the other hand, other exegetical works present diverse opinions. This can be seen in QS. An-Nisā' verse 11:

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ فَإِنْ كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ وَإِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِنْ كَانَ لَهُ وَلَدٌ فَإِنْ لَمْ يَكُنْ لَهُ وَلَدٌ وَوَرِثَهُ ٱبْنٌ ٱبْنَةٌ فَلِلْأَبِ الثُّلُثُ فَإِنْ كَانَ لَهُ إِخْوَةٌ فَلِلْأُمَّهِ السُّدُسُ مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ ٱبْنَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَعْمًا فَرِيشَةٌ مِّنَ اللَّهِ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا ﴿١١﴾

As in the tafsir of al-Baidawi entitled *Anwar al-Tanzil wa Asraru al-Ta'wil*, it is explained that Allah commands and entrusts the community regarding the division whereby one male equals two females, along with its multiples. This means that if there are two males, their share equals that of four females. Sons are given a special status by receiving a larger share than daughters, with the aim of showing that men possess superiority. The greater share of sons compared to daughters is considered sufficient to demonstrate that men have superiority over women. The two-to-one distribution for sons is an inheritance division that has been legislated by Allah as stated in the Qur'an.<sup>29</sup>

When this verse was revealed, some people were displeased with the prescribed inheritance distribution. In *Tafsir Ibn Kathir*, it is mentioned that among them were those who said, "Women are given one-quarter or one-eighth, daughters are given half, and even young boys are given a share, even though none of them fought to defend their people or were able to seize war booty." They thought that this ruling might have been forgotten by the Messenger of Allah, or they hoped to object so that he would be willing to change it. They even directly asked the Messenger of Allah, "O Messenger of Allah, why do you give inheritance to a daughter as half of what her father left, even though she did not ride a horse nor fight to defend her people? Even a small child is given a share of inheritance, even though he is incapable of doing anything." This narration was also reported by Ibn Abi Hatim and Ibn Jarir. What must be understood is the context of that time: in the pre-Islamic period, inheritance was only given to those who fought to defend their people, and only to the eldest child or more mature men. This background demonstrates how revolutionary the Qur'anic inheritance rules were for society at that time.<sup>30</sup>

The discussion of Q.S. Al-Nisā' verse 11 shows that the Qur'an established the basic principles of inheritance distribution, particularly for children and parents, which at the time brought major changes compared to previous

<sup>29</sup> (Al-Bukhari, 1418 H)

<sup>30</sup> Abu al-Fida Ismail Ibn Katsir, *Tafsir Al-Quran Al-Azhim* (Kairo: Dar alHadits., 2010).

traditions. Meanwhile, Asghar Ali Engineer's thought views these provisions as responses to the social conditions of Arab society at that time, when men served as the primary economic supporters while women were in economically weaker positions, so that Islamic inheritance rules are understood as an initial step toward eliminating social injustice against women.

Furthermore, Q.S. Al-Nisā' verse 12 complements these provisions by explaining the inheritance distribution for husbands, wives, and siblings under certain conditions.

فَلَكُمْ الرُّبْعُ مِمَّا تَرَكْنَ مِنْ بَعْدِ وَصِيَّةٍ يُوصِيَنَّ بِهَا أَوْ دَيْنٍ وَهِنَّ الرُّبْعُ مِمَّا تَرَكْتُمْ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكْتُمْ مِنْ بَعْدِ وَصِيَّةٍ تُوصُونَ بِهَا أَوْ دَيْنٍ وَإِنْ كَانَ رَجُلٌ يُورَثُ كَلَلَةً أَوْ امْرَأَةً وَوَلَهُ أَخٌ أَوْ أُخْتٌ فَلِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ فَإِنْ كَانُوا أَكْثَرَ مِنْ ذَلِكَ فَهُمْ شُرَكَاءُ فِي الثُّلُثِ مِنْ بَعْدِ وَصِيَّةٍ يُوصَى بِهَا أَوْ دَيْنٍ غَيْرِ مُضَارٍّ وَصِيَّةً مِنَ اللَّهِ وَاللَّهُ عَلِيمٌ خَلِيمٌ ﴿١٢﴾

In the interpretation of Sulaiman bin Muhammad bin Umar al-Bujairimi in the book *Tuhfab al-Habib 'ala Syarh al-Khatib*, this verse explains the inheritance shares that have been determined for husbands and wives as rights arising from the marital bond, while also containing provisions for heirs classified as *kalalah*. A husband receives half of his deceased wife's estate if she leaves no children, while the presence of children reduces that share to one-quarter. A similar provision applies to a wife whose husband has passed away, namely receiving one-quarter of the estate if the husband leaves no children, while if the husband leaves children, her share is reduced to one-eighth.

This explanation shows that the presence of children has a direct effect on reducing the inheritance shares of both husbands and wives, which in Islamic inheritance law is known as *hijab nuqshan*.<sup>31</sup> By comparison, Asghar Ali Engineer's thought views the inheritance distribution in Q.S. Al-Nisā' verse 12 not only as a normative legal provision as explained by al-Bujairimi, but also as a form of social protection in its time, because the regulation of shares for husbands, wives, and siblings emerged in a social context that placed men as the primary economic providers while women were in more vulnerable positions.<sup>32</sup>

### **Implications of Asghar Ali Engineer's Interpretation on the Concept of Gender Justice in Modern Islamic Inheritance Law**

Gender justice refers to efforts to create equality of treatment and opportunity for women and men without the imposition of rigid roles, inequality of responsibilities, marginalization, subordination, or various forms of violence against either party.<sup>33</sup> According to the opinion of , in the Islamic perspective

<sup>31</sup> Sulaiman bin Muhammad bin Umar Al-Bujairimi, *Tuhfab Al-Habib 'ala Syarh Al-Khatib* (Beirut: Dar al-Fikr., n.d.).

<sup>32</sup> Wijaya, "Ayat-Ayat Waris Dalam Tinjauan Tafsir Maudhu'i Dan Penyimpangannya Di Indonesia."

<sup>33</sup> Rustina, "Implementasi Kesetaraan Dan Keadilan Gender Dalam Keluarga," *Musawa* 9, no. 25 (2017): 283–308.

gender justice is understood as a principle of balance that places men and women as spiritually and morally equal, while still considering differences in social roles and responsibilities.<sup>34</sup> In line with this, and emphasize that gender inequality is largely caused by social constructions and patriarchal-biased interpretations of religious texts, rather than by the fundamental teachings of the Qur'an.<sup>35</sup> Therefore, a contextual reading oriented toward the moral objectives of the Shari'ah is necessary so that relations between men and women can be understood fairly and proportionally in accordance with Islamic humanitarian principles.<sup>36</sup>

Asghar Ali Engineer is one of the contemporary Muslim thinkers who seeks to reread Qur'anic texts using a contextual approach. He argues that verses on inheritance, particularly those regulating the 2:1 division between men and women, must be understood within the socio-economic context of seventh-century Arab society.<sup>37</sup> At that time, men bore full responsibility as family breadwinners, while women had no economic obligations and even their right to inherit property had not yet been recognized at all.<sup>38</sup> When Islam came and granted women inheritance rights, even though only half of the male share, this constituted a major leap in protecting women's economic rights, which previously had been entirely absent.<sup>39</sup>

In classical Islamic jurisprudence, the 2:1 inheritance ratio is generally explained as a form of proportional justice. This explanation is closely related to the distribution of financial responsibilities within the family, where men are required to provide maintenance and fulfill economic obligations toward their families, while women are not burdened with the same responsibilities. Because of this difference in obligation, many classical scholars understand the unequal numerical share as part of a balanced legal structure between rights and duties.

However, several contemporary scholars argue that the interpretation of this rule also needs to consider changing social realities. In modern societies, women often participate in economic activities and may also contribute significantly to family income. This development raises academic discussions about how the principle of justice in Islamic inheritance law should be understood

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<sup>34</sup> Rahmat Hidayat et al., "Kesetaraan Atau Keadilan Gender: Telaah Konseptual Terhadap Ayat-Ayat Tentang Gender Dalam Al-Qur'an," *Jurnal Media Akademik (JMA)* 3, no. 5 (2025): 1–20.

<sup>35</sup> Maslamah dan Suprapti Muzani, "Konsep-Konsep Gender Menurut Perspektif Islam," *Jurnal SAWWA* 9, no. 2 (2014): 275–86.

<sup>36</sup> Soffia Azzahra and Inayatillah, "Hak Asasi Manusia Dan Kesektaraan Gender Dalam Perspektif Islam," *Jurnal Pendidikan Multidisipliner* 8, no. 12 (2025): 173–85.

<sup>37</sup> Fatimatuz Zahro and Shinta Pramesti K.M., "Kesetaraan Gender Dalam Hukum Kewarisan Islam Perspektif M. Syahrur," *Mahakim: Journal of Islamic Family Law* 7, no. 1 (2023): 25–46, <https://doi.org/10.30762/mahakim.v7i1.201>.

<sup>38</sup> Nurul Hasanah, "Pembagian Warisan Perspektif Kesetaraan Gender: (Studi Analisis Pada Surah Al-Nisa Ayat 11)," *Qur'ania: Jurnal Ilmu Al-Qur'an Dan Tafsir* 1, no. 1 (2025): 21–49, <https://jurnalalkhairat.org/ojs/index.php/qurania/article/view/763>.

<sup>39</sup> M. Lutfi Hakim, "Tagayyur Al-Ahkām Bi Altagayyir Al-Azminah Wa Al-Amkinah .," *Jurnal Ilmu Hukum* 3 (1) (2016): 1–18.

in different social contexts. In this regard, Engineer proposes a contextual reading of the inheritance verses by examining the historical background in which the 2:1 rule was revealed. According to him, the rule reflected the socio-economic structure of early Islamic society, where men were the primary breadwinners and women were economically dependent.

Based on this contextual perspective, Engineer suggests that the principle of justice in Islamic inheritance should not be understood solely through the numerical ratio, but through the broader objective of protecting economic fairness within the family. Therefore, he proposes the possibility of reconsidering inheritance proportions in certain contexts so that the distribution of rights remains aligned with the actual responsibilities and contributions of family members. A further implication of Engineer's ideas is the encouragement of a more dynamic and progressive understanding of inheritance law, where women are not merely seen as objects of legal regulation but as active legal subjects. In this way, the application of Islamic inheritance law can continue to reflect social justice and remain relevant to the vision of gender justice in contemporary society.

### **Tarābuṭ Theory and Its Implications for the Interpretation of Inheritance Verses**

In an effort to understand inheritance verses comprehensively, it is important to consider the theory of *Tarābuṭ* (the theory of interconnection), which has become one of the fundamental principles in Qur'anic exegesis. Linguistically, the word *Tarābuṭ* means "mutually binding" and "mutually strengthening," which in the context of Qur'anic interpretation refers to the inseparable connection between one verse and another, even if they are not within the same topic or sequentially arranged in the *muṣḥaf*. This theory teaches that to understand a verse correctly, a *mufassir* must connect it with other verses that have related meanings, because the verses of the Qur'an mutually confirm and interpret one another.<sup>40</sup>

The urgency of applying *Tarābuṭ* theory in interpreting legal verses, including inheritance verses, is based on the principle that the Qur'an contains no contradictions, as affirmed in Q.S. al-Nisā' [4]: 82. Moreover, referring to the Qur'an to understand the Qur'an is the primary priority before referring to *ḥadīth* or other interpretive sources, as emphasized in Q.S. al-Nisā' [4]: 59, which commands to "return it to Allah (the Qur'an)" when differences of opinion arise. Even the practice of linking verses in interpretation was directly exemplified by the Prophet Muhammad when he explained the meaning of *zulm* in Q.S. al-An'ām [6]: 82 by referring to Q.S. Luqmān [31]: 13, where he clarified that the intended *zulm* was *shirk*.

In the context of interpreting inheritance verses, the application of *Tarābuṭ* theory requires that Q.S. al-Nisā' verse 11, which establishes the 2:1 ratio, not be

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<sup>40</sup> Baihaqi, *Teori Tarabut Dalam Produk Hukum Al-Qur'an (Upaya Membumikan Nilai-Nilai Moderasi Islam)*.

understood in isolation, but rather be connected with other verses that explain financial responsibilities and obligations in Islam. As explained in Tarābuṭ theory, when the Qur'an stipulates different inheritance shares between men and women, this provision cannot be separated from verses that obligate men to provide for the family, as stated in Q.S. al-Baqarah [2]: 233, which affirms: "The father bears the obligation of providing their food and clothing in a proper manner." This interconnection shows that inheritance distribution in Islam is part of a holistic family economic system, in which rights and obligations are balanced proportionally.<sup>41</sup>

However, the social hermeneutical approach of Asghar Ali Engineer to inheritance verses can be criticized precisely from the perspective of Tarābuṭ theory itself. In his interpretation, Engineer tends to separate inheritance verses from other verses that have a fundamental connection to them, leading him to the conclusion that the 2:1 ratio can be adjusted according to changing social conditions. In fact, if the Tarābuṭ principle is applied consistently, the inheritance provisions in Q.S. al-Nisā' verse 11 cannot be understood separately from verses that establish men's obligation to provide maintenance in Q.S. al-Baqarah [2]: 233, verses that require the payment of mahr from men to women in Q.S. al-Nisā' [4]: 4, as well as verses that position men as *qanwām* (protectors and providers) in Q.S. al-Nisā' [4]: 34. The interconnection of these verses indicates that inheritance distribution is not an independent rule that can be modified based on changes in women's economic roles, but rather an integral part of a comprehensive Islamic family economic system.

The critique of Engineer's approach, which separates inheritance verses from their systemic context, is further strengthened by analysis of women's empowerment in Islam<sup>42</sup>. Baihaqi emphasizes that scholars have reached a consensus that men have the obligation to earn a living, and many verses in the Qur'an confirm this agreement, including Q.S. al-Nisā' [4]: 34, which positions men as *qanwām* over women. According to the opinion of al-Qurṭubī as cited by, men receive a larger inheritance share precisely because of their inherent obligation to provide for women. This argument shows that the 2:1 inheritance division is not merely a product of seventh-century Arab culture as claimed by Engineer, but rather a reflection of a permanent structure of financial responsibility in Islamic teachings, regardless of whether women also work or not.<sup>43</sup>

The study also explains that men's obligation to leave the home to seek a livelihood is a necessity established by the Shari'ah, as several Qur'anic verses can be understood as directing women to make the home their primary place, such as stated in Q.S. al-Aḥzāb [33]: 33 (2024: 2). What is important to understand is that

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<sup>41</sup> Baihaqi.

<sup>42</sup> Yusuf Baihaqi, "Women's Empowerment in Gender Verses in the Surah Al-Nisa," *Jurnal KALAM* 17, no. 1 (2023): 1–20.

<sup>43</sup> Baihaqi.

the message of this verse is not a rigid restriction on women's mobility. The intent of the verse is that women's residence becomes the dominant place where they spend most of their time, while leaving the house is permitted for needs justified by the Shari'ah with proper conduct to safeguard their honor.

This moderate interpretation is often used to explain that women can also play a role in economic activities. Historically, some women during the time of the Prophet and his companions are known to have performed various jobs outside the home, and this was not met with direct opposition. However, in many studies, these activities are understood more as a form of women's participation in supporting the family economy, rather than as the primary responsibility for earning a living.

Nevertheless, discussions regarding the economic roles of men and women within the family are also part of contemporary socio-legal debates. Some scholars argue that the primary responsibility for providing financial support remains with men, as stated in the Qur'an. On the other hand, some academics observe that changes in social and economic conditions in modern society indicate that women also frequently contribute significantly to family income. Therefore, discussions regarding the division of financial responsibilities within the family cannot be understood solely through historical analogies but must also take into account the evolving social dynamics within contemporary society.

The solution offered is very different from that of Engineer. While Engineer proposes a radical reinterpretation of inheritance provisions to align with modern conditions, this study instead emphasizes the need for proper education about the Islamic family economic system as a whole. It is asserted that education is the key to empowering women to become more productive, and Islam has made learning an obligation for both men and women without discrimination. Equality in Islam is not measured by the numerical equality of inheritance shares, but by equal access to education, equal spiritual status before Allah, and distributive justice that is proportional to each individual's responsibilities within the family structure. This means that justice in Islam must be understood as proportional justice (*'adalah nisabiyyah*), not merely numerical equality, which could in fact create new forms of injustice.

Deviations in inheritance practices in Indonesia occur more due to the influence of patriarchal customary law, rather than because of the correct application of Islamic law. An additional important dimension is that the solution to gender injustice in inheritance practice is not to change the clear provisions of the Qur'an (*naṣṣ qat'i*), but to correct the understanding and practice of Muslims so that they align with true Islamic teachings. This approach is far more moderate than Engineer's approach, which tends to alter the substance of the law based solely on analyses of social change.

By integrating the arguments in this study, it becomes clear that criticism of Engineer's approach does not come only from rigid traditionalist scholars or conservative groups that reject all forms of renewal, but also from contemporary

Muslim thinkers who recognize the importance of women's empowerment while still adhering to interpretive methodologies that do not exceed the authority of the sacred text. It is demonstrated that gender justice in Islam can be understood not only from the fixed inheritance provisions stated in the Qur'an, but also from how the broader Islamic family economic system works in practice. However, discussions about gender justice in inheritance are often debated among scholars. Some argue that the existing provisions already reflect justice when they are viewed together with other economic responsibilities in the family. Others suggest that reinterpretation or legal reform may be needed to better respond to contemporary social conditions.

In this context, the Islamic family economic system includes several important elements, such as the obligation of mahr that men must give to women before marriage and the responsibility of men to provide maintenance during and even after marriage. At the same time, women have the right to manage their own property independently and are not obligated to financially support the family. Therefore, some scholars view the proportional distribution of inheritance as related to the different economic responsibilities assigned to men and women within the family structure. When this entire system is understood in an integrated manner, the 2:1 inheritance ratio in fact reflects a very high degree of justice, not discrimination as assumed by Engineer's partial approach that focuses on only one aspect without considering its systematic interconnections with other aspects of Islamic family law.

## **Conclusion**

The approach of Asghar Ali Engineer's proposes has fundamental weaknesses. Engineer tends to understand inheritance verses separately from the overall Islamic family system, whereas the 2:1 inheritance distribution cannot be separated from men's obligations to pay mahr, provide maintenance, and assume responsibility for the family. This provision is not merely a product of ancient Arab culture that can be changed according to the times, but rather a permanent part of Islamic teachings that are interconnected with one another. Justice in Islamic inheritance is not measured by equality in the amount of shares, but by the balance between the rights and obligations of each party. Problems of injustice in inheritance practices within Muslim societies are more caused by the influence of patriarchal culture and a lack of proper understanding, rather than by the rules of the Qur'an itself. Therefore, the solution lies in providing proper education about the Islamic family system as a whole, not in changing provisions that are already clearly stated in the Qur'an. Thus, this study takes a different position and rejects Engineer's ideas that seek to revise inheritance provisions based on social change.

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