

Justice and Gender in Islamic Inheritance Law: A Critical Reassessment of Classical Jurisprudence through Maqasid al-Shariah

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ARTICLE INFO

Article History

Received, 2025/02/14

Revised, 2025/03/15

Accepted,
2025/04/20

Keywords

*Islamic inheritance law;
gender justice;
Maqasid al-Shariah;
classical jurisprudence;
legal reconstruction*

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ABSTRACT

Gender justice in Islamic inheritance law remains contested, particularly regarding differentiated shares allocated to male and female heirs in classical jurisprudence. Traditionally associated with familial financial obligations, these distributions invite renewed examination as socioeconomic roles change. This study critically evaluates the justification of gender justice in classical inheritance doctrine and explores how Maqasid al-Shariah can guide context-sensitive interpretation without disregarding authoritative legal sources. Employing normative legal research, it combines textual and doctrinal analysis, comparison of classical juristic opinions, and critical Maqasid-based evaluation. The analysis examines Qur'anic inheritance provisions, their jurisprudential interpretations, and relationships among inheritance entitlements, financial responsibilities, and family welfare. Findings suggest that gender justice cannot be adequately assessed through numerical shares alone, nor can changing social conditions automatically justify altering explicit textual allocations. The study proposes a multidimensional framework distinguishing authoritative scriptural provisions, historically developed juristic reasoning, and contextual legal application. Within this framework, Maqasid al-Shariah helps clarify the objectives of inheritance regulation, evaluate interpretive assumptions, and assess consequences for contemporary families while respecting established methodological limits. The study contributes a principled conceptual approach to inheritance justice that recognizes financial responsibilities, avoids equating substantive equality with identical shares, and identifies important questions requiring further doctrinal examination.

Citation:

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INTRODUCTION

The question of gender justice in Islamic inheritance law remains a significant issue in global debates concerning religious authority, gender equality, wealth distribution, and women's economic rights in Muslim societies. This debate has become increasingly complex as traditional inheritance rules encounter changing family structures, women's growing participation in the workforce, and the redistribution of financial responsibilities within households. In classical Islamic jurisprudence, differentiated inheritance shares for male and female heirs, particularly the two-to-one ratio in specific inheritance circumstances, are commonly discussed in relation to kinship structures and the financial obligations assigned to family members. However, contemporary socioeconomic changes raise questions about how these justifications relate to substantive justice when women also serve as primary breadwinners or contribute substantially to household expenditure. Consequently, evaluating gender justice in Islamic inheritance law requires more than comparing the numerical shares allocated to male and female heirs; it also requires examining the legal reasoning underlying these provisions and the relationship between inheritance entitlements, financial obligations, and family welfare. In this context, Maqasid al-Shariah offers a potentially valuable analytical framework for examining the relationship between inheritance regulations, the protection of property, family welfare, and substantive justice without presupposing that justice necessarily requires identical inheritance shares in every circumstance.

Previous studies have approached gender justice in Islamic inheritance law through several perspectives, including *ijtihad*, Qur'anic interpretation, national legislation, and the practical distribution of inherited property in Muslim societies. Permana (2018), for example, examines gender equality in Indonesian inheritance-law *ijtihad*, highlighting the significance of legal reasoning and the evolving interpretation of inheritance regulations. In the Indonesian legal context, Sadari et al. (2025) discuss gender justice in relation to the Compilation of Islamic Law, drawing attention to proportionality, financial responsibility, and the potential role of consensual arrangements in inheritance distribution. Heriandita et al. (2025) examine the contribution of Maqasid al-Shariah to addressing social-justice challenges affecting women and discuss legal instruments such as *ijtihad*, gifts (*hibah*), and bequests (*wasiyyah*) as potential means of strengthening women's rights in inheritance practices. More recent scholarship has also revisited established interpretations of Qur'anic inheritance provisions by examining classical juristic disagreements and the possibilities for alternative interpretations within Islamic legal reasoning (Essop, 2026). Comparative research on Islamic family-law reform in Southeast Asia further demonstrates that the relationship between traditional interpretations, legal reform, and gender justice is shaped by different institutional arrangements and sociocultural contexts (Puteh & Kurniawan, 2025). Taken together, these studies establish the importance of examining inheritance law not only as a set of prescribed entitlements but also as a field of legal interpretation shaped by normative principles, financial arrangements, and changing social circumstances.

Despite these contributions, an important research gap remains in the systematic integration of textual prescriptions, classical juristic reasoning, and contemporary family realities within a single evaluative framework. Existing studies have addressed the interpretation of Qur'anic provisions, the potential of Maqasid al-Shariah, and the reform of national inheritance regulations, but these dimensions are often examined separately or with different analytical priorities. In particular, the relationship between differentiated inheritance shares and financial responsibility requires further methodological clarification. Financial responsibility may function as a justification within classical legal reasoning, a normative consideration in contemporary legal interpretation, or a contextual factor relevant to evaluating the practical consequences of inheritance distribution; these functions should not be treated as interchangeable. Moreover, invoking Maqasid al-Shariah as a general justification for legal reform is insufficient unless the analysis establishes explicit criteria for evaluating interpretive consistency with Islamic legal sources, the objectives of Sharia, and the distributive consequences for heirs. The central problem, therefore, is not simply whether male and female heirs should receive equal shares, but how gender justice can be critically assessed through a method that distinguishes textual provisions, juristic interpretations, and their application under changing socioeconomic conditions. Addressing this gap requires a framework that evaluates the relationship between legal authority, financial obligations, and substantive justice while avoiding both the assumption that every classical interpretation is immutable and the presumption that every contemporary demand for equality automatically justifies changing textually specified inheritance shares.

This study proposes a conceptual and methodological framework for reassessing Islamic inheritance law through Maqasid al-Shariah, integrating three analytical dimensions: the normative authority of Islamic legal sources, the coherence of classical juristic reasoning, and the relevance of legal interpretation to contemporary family circumstances. Unlike approaches that focus primarily on comparing inheritance shares or identifying alternative distribution mechanisms, the proposed framework examines the interrelationship between inheritance entitlements, financial responsibility, property protection, and family welfare. Operationally, the analysis proceeds through four stages. First, it identifies the relevant textual foundations and doctrinal constructions governing inheritance distribution. Second, it reconstructs the arguments through which classical jurisprudence connects differentiated shares with justice and financial obligations. Third, it evaluates these arguments in light of the objectives of Sharia and contemporary family circumstances, while distinguishing normative principles from contextual assumptions. Fourth, it establishes methodological criteria for assessing the legitimacy, coherence, and limitations of alternative legal interpretations. The study's principal contribution lies in conceptualizing Maqasid al-Shariah not merely as a general justification for reform but as an evaluative method for distinguishing interpretive possibilities from claims that require greater textual and doctrinal justification. This approach seeks to strengthen the

relationship between fidelity to Islamic legal sources, critical engagement with classical jurisprudence, and substantive justice without reducing justice to the uniformity of inheritance shares.

Accordingly, this study aims to reassess the conceptualization of gender justice in classical Islamic inheritance jurisprudence, evaluate the methodological capacity of *Maqasid al-Shariah* to examine the relationship between inheritance rules and financial responsibility, and develop a framework for reconstructing legal interpretation that remains coherent with Islamic legal sources while addressing contemporary family realities. These objectives are addressed through three research questions. First, how is gender justice conceptualized and justified in classical Islamic inheritance jurisprudence, particularly in relation to the differentiated shares of male and female heirs? Second, to what extent can *Maqasid al-Shariah* provide a critical methodological framework for reassessing the relationship between inheritance rules, financial responsibility, and gender justice? Third, how can a *Maqasid*-based framework reconstruct the interpretation of Islamic inheritance law while maintaining methodological coherence with Islamic legal sources and addressing contemporary family realities? By addressing these questions, the study seeks to clarify the relationship between legal norms, juristic reasoning, and the objectives of Sharia while contributing a systematic conceptual foundation for critical, context-sensitive, and methodologically defensible discussions of Islamic family-law reform.

METHODS

This study employs qualitative library research integrated with normative legal analysis to critically examine gender justice in Islamic inheritance law through the framework of *Maqasid al-Shariah*. This approach is appropriate because the research focuses on interpreting legal sources, examining classical juristic reasoning, and evaluating the relationship between inheritance entitlements, financial responsibilities, and substantive justice rather than collecting empirical field data (Snyder, 2019). A critical-comparative approach is also employed to identify similarities and differences between classical jurisprudential positions and contemporary interpretations. The analysis distinguishes three interconnected dimensions: Qur'anic legal provisions, juristic interpretations, and their contemporary applications, allowing the study to assess how normative inheritance principles interact with changing socioeconomic circumstances.

The research draws upon primary and secondary legal materials. Primary sources include Qur'anic inheritance provisions, particularly Qur'an 4:7, 4:11, 4:12, and 4:176, alongside classical *tafsir*, Islamic jurisprudential literature, and relevant contemporary legal documents. Secondary sources comprise scholarly books and peer-reviewed articles addressing Islamic inheritance, gender justice, financial obligations, legal reform, and *Maqasid al-Shariah*. Relevant literature is identified through academic databases, including Scopus, Web of Science, and Google Scholar, with emphasis on publications from 2019 to 2026 while retaining foundational classical and theoretical works. Sources are selected according to their relevance, scholarly credibility, and contribution to the research questions.

Document analysis is used to examine their textual, historical, and doctrinal contexts systematically (Bowen, 2009).

Data analysis proceeds through textual interpretation, doctrinal comparison, and critical *Maqasid*-based evaluation. First, relevant Qur'anic provisions and classical juristic arguments are examined to identify the normative foundations of differentiated inheritance shares and their relationship to familial financial responsibilities. Second, classical and contemporary interpretations are compared to evaluate their underlying legal reasoning and assumptions concerning gender justice. Third, *Maqasid al-Shariah* is employed as a critical analytical framework to assess the relationship between textual authority, protection of property, family welfare, and substantive justice. The analysis considers both the methodological possibilities and limitations of contextual reinterpretation, ensuring that contemporary legal arguments remain grounded in relevant Islamic legal sources rather than relying solely on changing social expectations.

Finally, the findings are synthesized into a conceptual framework that distinguishes explicit textual prescriptions from juristic interpretations and contextual legal applications. Analytical credibility is supported through cross-examination of primary legal sources, classical jurisprudence, and contemporary scholarship, including consideration of competing interpretations. This process enables the study to formulate a methodologically grounded reconstruction of Islamic inheritance interpretation that remains attentive to doctrinal coherence, financial responsibilities, and contemporary understandings of gender justice.

RESULT AND DISCUSSION

Gender Justice in Classical Islamic Inheritance Jurisprudence

Gender justice in classical Islamic inheritance jurisprudence cannot be adequately understood through a numerical comparison of male and female inheritance shares alone. The Qur'anic provisions establish a structured distribution of property based on kinship relationships, the presence of eligible heirs, and specific inheritance circumstances. Qur'an 4:7 recognizes the inheritance rights of both men and women, while Qur'an 4:11, 4:12, and 4:176 provide more detailed allocations for children, parents, spouses, and siblings. These provisions demonstrate that differentiated inheritance entitlements operate within specific legal configurations rather than through a universal formula assigning men twice the shares of women in every circumstance (Permana, 2018; Ridwan, 2022; Sungay, 2023).

The frequently debated two-to-one ratio, particularly in the inheritance relationship between sons and daughters under Qur'an 4:11, must therefore be distinguished from other inheritance arrangements. A daughter inheriting alongside a son is subject to a different distribution from a sole daughter, while the entitlements of parents and spouses are governed by separate legal provisions. These distinctions are important because discussions of gender inequality often generalize one inheritance configuration into a representation of the entire Islamic inheritance system. A more accurate evaluation requires attention to the applicable textual provision, the classification of heirs, and the legal conditions determining each entitlement.

Classical Muslim jurists also developed normative explanations connecting inheritance entitlements with financial responsibilities. In particular, male obligations to provide maintenance for eligible family members are commonly discussed as part of the rationale underlying certain differentiated distributions (Amalia & Zafi, 2020; Ahyani et al., 2022). Nevertheless, the distinction between textual prescription and juristic justification must be preserved. Financial responsibility may help explain the broader legal reasoning surrounding inheritance differentiation, but it should not automatically be treated as an express condition attached to every Qur'anic allocation. This distinction is fundamental because the authority of a legal provision and the interpretive explanation offered by jurists do not necessarily occupy identical methodological positions.

Accordingly, the analysis demonstrates that gender justice in classical Islamic inheritance jurisprudence is constructed through an interaction between legally prescribed entitlements, kinship relations, financial obligations, and juristic interpretation. Its evaluation requires examining both the internal coherence of inheritance doctrine and the normative assumptions used to justify differentiated rights. Such an approach avoids reducing justice either to numerical equality or to an uncritical acceptance of inherited jurisprudential explanations.

Maqasid al-Shariah, Financial Responsibility, and Substantive Gender Justice

Maqasid al-Shariah provides a normative framework for evaluating Islamic inheritance law through the objectives of property protection, family welfare, and justice. From this perspective, inheritance law does not merely establish numerical allocations but also protects legally recognized property rights and regulates the distribution of assets after death. The principle of *hifz al-mal* is particularly relevant because inheritance arrangements concern the preservation, transfer, and protection of wealth among eligible heirs. However, a Maqasid-based assessment must remain connected to the textual and doctrinal foundations of inheritance law rather than treating general concepts of welfare or equality as unrestricted grounds for changing established entitlements (Zaprul Khan, 2018; Heriandita et al., 2025).

The relationship between inheritance shares and financial responsibility constitutes a central issue in contemporary discussions of gender justice. Classical jurisprudential reasoning frequently associates differentiated entitlements with the financial obligations traditionally imposed upon men, particularly maintenance responsibilities. Contemporary family circumstances, however, may involve women contributing substantially to household expenditure, supporting dependants, or assuming primary financial responsibility. These changes introduce an important question concerning the relationship between the normative explanation of inheritance differentiation and the socioeconomic conditions in which inheritance rules are applied (Kususiyanah, 2021; Ahyani et al., 2022; Putra & Anwar, 2023).

Nevertheless, changes in economic roles do not independently establish that prescribed inheritance shares must be revised. A distinction must be maintained between the legal basis of a rule, the juristic rationale offered to explain it, and the social circumstances influencing its practical consequences. Financial responsibility may provide a relevant contextual consideration for assessing substantive justice, but any proposed reinterpretation must demonstrate its compatibility with recognized Islamic legal methods and the authority of the relevant provisions (Ridwan, 2022; Sungay, 2023).

The methodological significance of *Maqasid al-Shariah* therefore lies in its capacity to evaluate the coherence of legal reasoning rather than predetermine an outcome. A

substantive assessment of gender justice should consider whether inheritance rights are protected, whether family welfare is adequately addressed, and whether the interpretation under examination is supported by defensible legal arguments. This approach recognizes the relevance of socioeconomic transformation without assuming that contextual change automatically overrides explicit textual provisions. It also prevents *Maqasid al-Shariah* from being reduced to a rhetorical justification for a conclusion established before the legal analysis begins.

Reconstructing Islamic Inheritance Interpretation through a Maqasid-Based Framework

The preceding analysis demonstrates the need for a reconstruction framework that distinguishes textual authority, juristic interpretation, normative objectives, and contextual application. A Maqasid-based reconstruction should not begin with the assumption that all classical interpretations must be preserved unchanged or that contemporary equality necessarily requires identical inheritance allocations. Instead, it should establish a coherent analytical procedure capable of evaluating competing arguments through their legal foundations, interpretive methods, and normative implications.

The proposed framework comprises four interconnected stages. The first stage, **textual identification**, establishes the relevant Qur'anic provisions and distinguishes explicit allocations from broader ethical principles. The second stage, **doctrinal reconstruction**, examines how classical jurists interpreted these provisions and explained the relationship between inheritance entitlements, kinship, and financial obligations. The third stage, **Maqasid-based evaluation**, assesses the coherence of these interpretations in relation to property protection, family welfare, and justice. Finally, **contextual and normative assessment** considers contemporary family circumstances while examining whether proposed legal conclusions remain consistent with relevant Islamic legal sources.

These stages are intended to operate as a disciplined analytical sequence rather than independent considerations. Textual identification provides the normative foundation, doctrinal reconstruction clarifies the interpretive reasoning, Maqasid-based evaluation identifies the objectives and implications of that reasoning, and contextual assessment examines its relevance to contemporary circumstances. The framework thereby distinguishes between identifying a legitimate legal objective and establishing that a particular interpretation or reform proposal is legally justified.

An additional distinction concerns inheritance entitlements and other legally recognized arrangements for managing family property. Inheritance shares determined under the applicable rules should not be conflated with gifts, bequests, or consensual post-inheritance distribution arrangements, each of which operates through different legal requirements. Recognizing these distinctions permits a more precise examination of mechanisms that may address family welfare without automatically treating them as alterations to prescribed inheritance shares (Permana, 2018; Ridwan, 2022).

The reconstruction proposed here is therefore methodological rather than a universal formula for redistributing inheritance. Its contribution is to establish criteria through which juristic explanations and contemporary interpretations can

be evaluated without disregarding the differences between explicit textual prescriptions, interpretive reasoning, and contextual legal mechanisms. Such differentiation strengthens the analytical role of *Maqasid al-Shariah* by ensuring that considerations of justice and welfare remain integrated with doctrinal accountability.

Implications for Contemporary Muslim Families and Islamic Legal Development

The proposed framework has particular relevance for contemporary Muslim families experiencing transformations in economic responsibility, household organization, and gender relations. In families where women contribute substantially to household income or serve as primary providers, the relationship between financial responsibility and inheritance differentiation may require renewed critical examination. However, these circumstances should be understood as contexts for evaluating legal reasoning and practical implications rather than as independent determinants of prescribed inheritance shares.

A contextual approach also directs attention to the protection of vulnerable family members and the availability of legally recognized arrangements for addressing socioeconomic inequalities. Where family members have unequal financial resources or responsibilities, the analysis may examine how property arrangements, maintenance obligations, and inheritance entitlements interact within the relevant legal system. Such an examination requires distinguishing the legal rights initially established through inheritance from other permissible mechanisms of property transfer or family support.

The framework consequently avoids two methodological extremes. The first is treating every classical juristic explanation as beyond critical examination, even when the socioeconomic assumptions underlying its application require reconsideration. The second is assuming that contemporary understandings of gender equality automatically displace established inheritance provisions without a sufficiently articulated legal justification. By maintaining a distinction between textual prescription, doctrinal reasoning, and contextual application, the framework provides a more balanced basis for examining gender justice in Islamic inheritance law.

The principal contribution of this study is therefore a structured method for critically evaluating Islamic inheritance interpretation through *Maqasid al-Shariah*. It recognizes differentiated inheritance entitlements within their proper legal configurations, evaluates the normative relationship between inheritance and financial responsibility, and provides a framework for assessing contemporary interpretations through explicit methodological criteria. Although the framework has potential relevance for legal scholarship and future policy discussions, its application to particular legal systems and family circumstances requires further doctrinal and contextual investigation.

CONCLUSIONS

This study concludes that gender justice in classical Islamic inheritance jurisprudence cannot be adequately understood through numerical equality or differences in inheritance shares alone. Islamic inheritance law establishes

differentiated entitlements based on specific kinship relationships and legal circumstances, while classical juristic interpretations provide broader explanations involving financial responsibilities and family obligations. The analysis demonstrates that these explanations must be distinguished from explicit Qur'anic prescriptions, particularly when evaluating their relevance to contemporary families in which economic responsibilities are increasingly shared between men and women. Within this context, *Maqasid al-Shariah* provides a critical methodological framework for examining the relationship between inheritance entitlements, property protection, family welfare, and substantive justice. Its contribution lies not in automatically legitimizing changes to prescribed inheritance shares, but in establishing principled criteria for evaluating the coherence and normative implications of competing legal interpretations.

The principal contribution of this study is a four-stage framework comprising textual identification, doctrinal reconstruction, *Maqasid*-based evaluation, and contextual-normative assessment. This framework enables a systematic distinction between authoritative legal provisions, juristic reasoning, and contemporary applications while maintaining methodological consistency with Islamic legal sources. It also recognizes that addressing socioeconomic inequalities may involve legally permissible property arrangements without necessarily altering established inheritance entitlements. As a conceptual and normative study, its findings do not establish the empirical effectiveness of the proposed framework across different Muslim societies. Future research should examine its application within particular legal systems and family contexts, including the relationship between changing financial responsibilities, inheritance practices, and the protection of vulnerable heirs. Ultimately, the study advances a context-sensitive yet doctrinally accountable approach to gender justice in Islamic inheritance law.

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