



Research Article

Women's Heirs' Rights In Qs. An-Nisā' Verses 11–12: An Analysis Of Contextual Interpretation Of Women As Breadwinners

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Abstract. The division of inheritance in Islam, especially the provision of a 2:1 ratio between men and women in the Qur'an. An-Nisā' verse 11 is still a debate in the context of contemporary society. The debate is increasingly relevant as the role of women in the family changes, including when women are also the breadwinners and even the main source of family income. This research aims to analyze women's inheritance rights in QS. An-Nisā' verses 11–12 through a contextual interpretation approach and examine its relevance to the changing economic role of women in the family. This research uses a qualitative method with a type of library research. Data was obtained through a study of relevant books

of interpretation, books, scientific journals, and academic literature, then analyzed descriptive-analytically by comparing classical and contemporary interpretations. The results of the study show that the 2:1 inheritance division in classical interpretation is understood as a form of proportional justice related to the difference in economic responsibilities of men and women. Meanwhile, changes in social conditions show that women today can have a greater economic role, including as breadwinners. Fazlur Rahman's double movement perspective and Amina Wadud's thought provide space to understand the message of verse justice by considering the social context and normative purpose of the Qur'an. In this context, substantive justice does not have to be understood as the abolition of faraid provisions, but can be realized through deliberation and the mechanism of takharuj or al-sulh after the rights of each heir are known. Thus, the provisions of inheritance remain the normative basis, while the conditions, needs, contributions, and benefits of the heirs can be considered in reaching an agreement on the division of property in contemporary families

Keywords: Women's Heirs' Rights, QS. An-Nisā' 11–12, Contextual Interpretation, Substantive Justice, Breadwinner, Takharuj.

INTRODUCTION

Before Islam came, women and children in some societies did not get the right to inheritance because they were considered to have no contribution to maintaining economic sustainability and family or group security. Inheritance is generally given to adult men who are considered capable of carrying responsibilities, including protecting their families and tribes. In such social conditions, Islam is present by bringing fundamental changes to the position of women. QS. An-Nisā' verse 7 expressly states that both men and women have the right to the inheritance of their parents and relatives, both in small and large amounts, in accordance with the stipulated provisions. This provision is an important form of recognition of women's economic rights in Islam as well as showing efforts to elevate the position of women who were previously marginalized in the issue of property ownership. However, the understanding of Islamic inheritance law in society until now often only focuses on the difference in the number of shares between men and women, especially the provision that the share of men under certain conditions is twice the share of women as mentioned in QS. An-Nisā' verse 11. An understanding that only focuses on these numbers can lead to the assumption that the Islamic inheritance system does not provide justice to women. This issue has since become a subject of discussion among contemporary Muslim thinkers, including Muslim feminist groups, especially in relation to the idea of gender equality and the changing social conditions of women in modern life.¹

Classical interpretation of QS. An-Nisā' verse 11 generally explains that men receive a greater share of the inheritance than women because men have the primary responsibility for providing for the family's economic needs. This view is inseparable from the social conditions in the previous period that placed men as the parties who bore financial responsibility, so that the difference in inheritance share is understood as part of the balance between rights and obligations. However, when this

¹ Beautiful Daughter, Askahar, *GENDER JUSTICE IN INHERITANCE DISTRIBUTION: A THEMATIC ANALYSIS OF QS. AN-NISA A*.

understanding is applied rigidly in the context of contemporary society, there is a possibility that the problem of inequality will arise if changes in women's social and economic roles are not also considered. In today's life, women play an active role in meeting family needs, even becoming the main source of family income. The application of inheritance provisions literally can also cause problems when women have a great economic responsibility for the family. For example, there are women who participate or fully finance the needs of their parents, siblings, or children, but still receive a smaller share of the inheritance based on the applicable regulations. Problems arise when the construction of economic responsibility is not fully in accordance with the reality of the contemporary family, because in some families women are the main breadwinners. This condition raises questions about how the principle of justice in inheritance distribution is understood when the division of economic roles between men and women has changed. This condition shows the need to look at the issue of inheritance not only based on the difference in the number of shares, but also through considerations of justice, responsibility, and the social conditions that surround it. Therefore, the meaning of the inheritance verse needs to be studied in a more contextual manner while still paying attention to the principles of protection of rights, justice, and welfare in family life.²

The study of women's inheritance rights in Islam is important because the issue is at the intersection between religious provisions and the development of ideas about gender equality. The provisions for the distribution of inheritance with a ratio of two to one, especially under certain conditions as explained in the QS. An-Nisā' verse 11 still raises debate in modern society. Some people view this provision as a form of discrimination against women and consider it necessary to review it by considering changes in social conditions. Meanwhile, the other party emphasized that the provision of inheritance is a stipulation of the Qur'an which has a normative basis and cannot be separated from the family responsibility system in Islam.

These differences in views then give birth to a debate between textual and contextual approaches in understanding inheritance verses. The textual approach tends to maintain the provisions of division as the verse reads, while the contextual approach seeks to understand the verse by paying attention to the social, economic, and justice goals contained in it. This debate is even more relevant when looking at the current state of society, especially women who not only play a role in the domestic sphere, but also contribute to the family economy, even in some cases become the main breadwinner, which then becomes the question, whether the 2:1 inheritance division is still relevant in the context of modern life. In practice, inheritance division is often settled through family deliberations so that men and women can get an equal share (1:1) based on the agreement of the heirs. This phenomenon then encourages

² Nurul Padilah, "The Distribution of Inheritance 2: 1 for Male Heirs d (Study of Amina Wadud's Thought in 'Qur'an And Woman')."

the birth of a discourse on Islamic law reform so that the application of inheritance law remains in line with social developments and the principle of justice in society.³

Academically, this study is expected to enrich the discussion of gender relations and inheritance law in the study of the Qur'an, especially related to the relevance of the interpretation of inheritance verses to changes in social conditions. Socially, this research can provide a broader perspective on understanding the issue of justice in the Muslim family and encourage a more proportionate understanding of women's rights. Thus, a contextual analysis of QS. An-Nisā' verses 11–12 are not only important for understanding the normative provisions of inheritance, but also for seeing how the Qur'an's message of justice can be understood in the realities of contemporary family life.

METHODOLOGY

This research uses a qualitative method with a type of library research. Research data was obtained through the study of various relevant written sources, such as tafsir books, scientific journals, books, and other academic literature. These sources are analyzed to examine the interpretation of QS. An-Nisā' verses 11–12, especially regarding women's inheritance rights and their relation to the responsibility of maintenance in the family. This study uses a contextual interpretation approach by comparing the understanding of classical and contemporary interpretations, then linking them to changes in women's social and economic roles in today's family life. The data obtained were analyzed descriptive-analytically to gain an understanding of the relevance of women's inheritance provisions in the context of contemporary society.

CONTENT AND DISCUSSION

The Normative and Classical Interpretation of QS. An-Nisā' 11–12 (Proportional Justice).

In Arabic, the term heir or *mawāriṣ* is derived from the word *waraṣa-yariṣu-wirṣan* or *mirāṣan*. The word *mawāriṣ* is the plural form of *mirāṣ*, which means inheritance⁴ The term inheritance or *al-mirāṣ* refers to the process of transferring the property of a deceased person to the family or other parties who have the right to receive it. Thus, inheritance can generally be understood as the process of distributing inheritance to heirs who meet the conditions. The heirs are people who legally have the right to the inheritance. The right of inheritance can be obtained based on several reasons, including kinship relations, marital relations, and *walā'* or slave liberation relationships. The explanation shows that inheritance science is a branch of science that discusses the provisions and legal principles in the distribution of inherited property. In jurisprudence, the discussion of inheritance is known as *mawāriṣ* or *farā'id*. The term *mawāriṣ* is the plural form of *mirāṣ*, which also has several other

³ Azhari and Kisworo, "THE APPLICATION OF FAZLUR RAHMAN'S DOUBLE MOVEMENT THEORY TO THE DISTRIBUTION OF ISLAMIC INHERITANCE IN THE CONTEMPORARY CONTEXT."

⁴ Padilah, "The Distribution of Heirs 2:1 for Male Heirs d - (Amina Wadud's Study of Thought Da 'Qur'an And Woman')."

terms, such as *irs*, *wirs*, *wirāsah*, and *turās*, which basically refer to inherited property to the rightful party. The person who dies and leaves the property is called *a muwāris*, while the party who acquires the right to the property is called *wāris*. Meanwhile, *farā'id* is the plural form of *farīdah*, which is derived from the word *farḍ*. In the study of mawaris fiqh, *farḍ* means a certain part that has been determined by the sharia for the heirs. The amount of these parts includes *nişf* (1/2), *rubu'* (1/4), and certain other parts.

The Qur'an has explained in detail the provisions regarding the distribution of inheritance, including the amount of share that each heir is entitled to based on the principle of *farā'id*. However, there are several issues of inheritance that are not directly explained in the Qur'an, so it is necessary to explain and ijtihad the scholars based on hadith, *ijma'*, and *qiyas*. QS. An-Nisā' [4]:11, for example, contains provisions regarding the division of inheritance between male and female heirs and explains the share received by the father and mother. Meanwhile, QS. An-Nisā' [4]:12 explains several other provisions, namely the inheritance share for the husband, the share for the wife of either one or more, and the share obtained by the brother.

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ ۚ فَإِنْ كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثُ مَا تَرَكَ ۚ وَإِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ ۚ وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا الشُّدُسُ مِمَّا تَرَكَ إِنْ كَانَ لَهُ وَلَدٌ ۚ فَإِنْ لَّمْ يَكُنْ لَهُ وَلَدٌ وَوَرِثَهُ أَبَوَاهُ فَلِأُمِّهِ الثُّلُثُ ۚ فَإِنْ كَانَ لَهُ إِخْوَةٌ فَلِأُمِّهِ الشُّدُسُ ۚ مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ ۚ ءَابَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفْعًا ۚ فَرِيضَةٌ مِّنَ اللَّهِ ۚ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا

Meaning:

"Allah has decreed (obligatory) you about (the distribution of inheritance for) your children, (i.e., the share of a son is equal to the share of two daughters. And if the children are all females of more than two, then their share is two-thirds of the inheritance. If she (the daughter) is alone, then she gets half (of the inherited property). And for both mothers, a share of one-sixth of the property left behind, if she (the deceased) has children. If he (the deceased) had no children and he was inherited by his two mothers (only), then his mother got one-third. If he (the deceased) had several brothers, then his mother got one-sixth. (The divisions mentioned above) after (fulfillment) of the will he made or (and after the payment of) his debts. Your parents and your children, you do not know which of them will be of greater benefit to you. This is God's decree. Indeed, Allah is All-Knowing, All-Wise".⁵

وَلَكُمْ نِصْفُ مَا تَرَكَ أَزْوَاجُكُمْ إِنْ لَّمْ يَكُنْ لَهُنَّ وَلَدٌ ۚ فَإِنْ كَانَ هُنَّ وَلَدٌ فَلِكُمُ الرُّبْعُ مِمَّا تَرَكْنَ ۚ مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ ۚ وَلَهُنَّ الرُّبْعُ مِمَّا تَرَكْتُمْ إِنْ لَّمْ يَكُنْ لَّكُمْ وَلَدٌ ۚ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمْنُ مِمَّا تَرَكْتُمْ ۚ مِنْ بَعْدِ وَصِيَّةٍ تُوصُونَ بِهَا أَوْ دَيْنٍ ۚ وَإِنْ كَانَ رَجُلٌ يُورَثُ كَلَالَةً أَوْ امْرَأَةٌ وَلَهُ أَخٌ

⁵ Qs an nisa verse 11

أَوْ أُخْتٍ فَلِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ ۚ فَإِن كَانُوا أَكْثَرَ مِن ذَٰلِكَ فَهُمْ شُرَكَاءُ فِي الثُّلُثِ ۚ مِن بَعْدِ
وَصِيَّةٍ يُوصَىٰ بِهَا أَوْ دَيْنٍ غَيْرِ مُضَارٍّ ۚ وَصِيَّةً مِّنَ اللَّهِ ۚ وَاللَّهُ عَلِيمٌ حَلِيمٌ ١٢

Meaning:

*And your share (husbands) is one-half of the wealth left by your wives, if they have no children. If they (your wives) have children, then you get a quarter of the wealth that they leave after the will they made or (and after the payment of) their debts. Wives get a quarter of the wealth you leave if you don't have children. If you have children, then the wives get one-eighth of the property that you leave (after the fulfillment) of the will you make or (and after it has been paid) your debts. If a person dies, both a man and a woman who does not leave a father and does not leave a child, but has a brother (a mother) or a sister (a mother), then for each of the two types of brothers a sixth of the property. But if the brothers and sisters are more than one, then they are together in the third share, after the will he has made or (and after the payment of his debt) without trouble (to the heirs). Such is the provision of Allah. Allah is All-Knowing, All-Knowing.*⁶

The provisions on Islamic inheritance law in Q.S. An-Nisā' (4:11) explain the division of inheritance rights for children and parents by determining the proportional share of each heir. These provisions basically contain the principle of usefulness and reflect aspects of rationality, truth, and justice. This can be understood when it is related to the division of rights and obligations between husband and wife in the marriage law, as well as the responsibility of boys in caring for and maintaining their parents after entering married life. Meanwhile, Q.S. An-Nisā' (4): 12 regulates the distribution of inheritance which is the right of widows, widowers, and relatives of the deceased. The provision covers the part of the inheritance that the widow or widower gets from the heir, including the rights of the brother if the heir is in the condition of *kalālah*, i.e. he dies without leaving any descendants. The distribution of inheritance to widows, widowers, and brothers in this verse also shows the principle of balance. The difference in shares between widowers who earn a larger share than widows does not merely indicate differences based on gender, but reflects the principle of proportional justice that considers the rights and obligations of each party. This is also seen in the division of inheritance between brothers and sisters under the conditions prescribed by the verse, where both receive an equal share and share it together.⁷

According to Rofiq, the descent of Q.S. An-Nisā' (4): 11–12 which contains provisions for the distribution of inheritance with legal instructions that *are qat'i al-dalālah* is a response to the social conditions of society at that time, especially the tendency of humans to control property and the practice of social *engineering* in the application of law.⁸ These two verses are present as a form of affirmation of the rights

⁶ QS. An-nisa verse 12

⁷ Judge, *THE JUSTICE OF ISLAMIC INHERITANCE TOWARDS THE SHARE OF INHERITANCE 2:1 BETWEEN MEN AND WOMEN PERSPECTIVE OF ISLAMIC LAW PHILOSOPHY*.

⁸ Ahmad, *Islamic Law Di Indonesia*.

of the heirs as well as providing solutions to arbitrary actions in the control of heritage property. The background of the descent of Q.S. An-Nisā' (4): 11–12 relates to the death of Sa'ad ibn al-Rabi' who left behind two daughters and a wife. After his death, his brother took control of the entire property so that his wife and two children did not get a share. The problem was then complained to the Prophet PBUH. After that, a verse about the distribution of inheritance was revealed. The Prophet PBUH set two-thirds for the two daughters, one-eighth for the wife, and the rest for Sa'ad's brother. This event shows that Islamic inheritance law was established to guarantee the rights of each heir and prevent unilateral possession of property.

According to Mutawalli Sya'rawi,⁹ there is a view that considers the provision for the division of inheritance with a two-to-one ratio between men and women in Q.S. An-Nisa verse 11 as a form of injustice against women because it is considered not to provide equal rights. In *Tafsir Fi Zilal al-Qur'an*, Sayyid Quthb explained that the provision for the division of inheritance with a two-to-one ratio between men and women is a form of justice based on the difference in responsibilities between the two. Men have a greater burden of obligations, such as the obligation to pay dowries and meet the family's maintenance needs. Thus, even if a woman receives a smaller share of the inheritance under certain conditions, the property to which she is entitled remains private, while her necessities of life are also under the responsibility of the man who has the obligation to provide maintenance. Therefore, the difference in inheritance cannot be seen solely as a form of inequality, but rather as a form of balance between the rights received and the obligations that must be exercised. However, looking at the current reality that many women bear the same responsibilities as men in terms of living needs or livelihood, is the concept of justice still relevant?

Amir Syarifuddin said that justice is a balance between rights and obligations and the suitability between something obtained and the needs and benefits that accompany it. Thus, fairness in the distribution of inheritance does not necessarily mean giving an equal share to each heir, but taking into account the proportions of each one's burdens, responsibilities, and position. If this principle is applied in Islamic inheritance law, the difference in shares between men and women can be understood as a form of proportional justice, because the division of inheritance considers the balance between the rights acquired and the responsibilities inherent in each heir.¹⁰

According to the opinion of As-Sa'di¹¹, one of the scholars of tafsir, who explained that the share of a boy under certain conditions is equivalent to the share of two daughters. This provision has become an agreement (*ijma'*) among scholars. Thus, the difference in the number of shares between men and women in Islamic inheritance law does not stand alone, but relates to the structure of responsibilities and obligations imposed on each party. This concept can also be analyzed through the theory of justice put forward by Aristotle and discussed by Amin Suma in his study of Islamic family law. In assessing whether the division of inheritance with the

⁹ Sya'rawi, *Tafsir Sya'rawi*, Terj.

¹⁰ Hasanah, "INHERITANCE DISTRIBUTION FROM A GENDER EQUALITY PERSPECTIVE (AN ANALYTICAL STUDY ON SURAH AL-NISA VERSE 11)."

¹¹ As-Sa'di, *Tafsir Al-Karim Ar-Rahman Fi Tafsir al-Karim al-Mannan*, Terj.

principle of two to one satisfies a sense of justice, Aristotle's concept of justice can be used as one perspective. According to Amin Suma, Aristotle's justice means that justice does not always mean equality, but can mean proportionality.

Commutative justice in Islamic inheritance law can be seen from the granting of inheritance rights to various groups of heirs without limiting the inheritance recipients to only men or adults. In contrast to some previous inheritance systems, such as Jewish and Roman inheritance laws, and customary inheritance practices in pre-Islamic times, Islamic law gave a predetermined share to women and children. This shows that there is recognition of their position and rights as heirs.

Meanwhile, distributive justice is reflected in the provisions of the comparison of the two-to-one inheritance share between men and women under conditions regulated by the sharia. The larger share of men is related to greater economic responsibilities, such as the obligation to pay dowry in marriage, to provide for the family's needs, and to finance the needs and education of children. The obligation to provide for one's livelihood is affirmed in the Qur'an, including in Q.S. Al-Baqarah: 233 which affirms the responsibility of the father in meeting the mother's food and clothing needs properly. On the other hand, women as wives are in principle not burdened with legal obligations to bear the economic needs of the household, including the obligation to provide dowry or meet family sustenance. The social phenomenon today that shows that many women are the main support of the family economy is a sociological reality that develops in people's lives. This condition does not necessarily indicate a change in the normative provisions of Islamic inheritance law. Women's involvement in meeting the economic needs of the family is more accurately understood as a form of participation and cooperation in domestic life. Therefore, according to Amin Suma, the economic contribution of women in the family does not automatically change the principle of inheritance distribution that has been established in Islamic law.¹²

The concept of *gender* as described earlier can also be used to understand the difference in inheritance between men and women in Islamic law. Gender does not solely refer to biological differences (*sex*), but relates to the roles, functions, rights, and obligations that are constructed in social life. In the perspective of Islamic law, men and women have a position as heirs, but the two can have different burdens of responsibility. Men, especially in their positions as husbands and fathers, are burdened with economic responsibilities in the form of giving dowries, support for wives and children, and meeting family needs. Therefore, the share of male inheritance that in certain conditions is greater than that of women is not solely based on gender, but is related to the differences in roles and responsibilities inherent in it. Looking at various contemporary social phenomena, not a few women play a role as the backbone of the family or even make a greater economic contribution than men. This condition shows a change in roles and responsibilities between men and women in family life. Therefore, the distribution of inheritance with a 2:1 ratio needs to be reviewed in the perspective of justice by taking into account the changes in the role,

¹² Rasyid, "THE EXECUTION OF 'AB INTSTATO' INHERITANCE TWO TO ONE: RATIONALIZATION OF SURAH ANNISA VERSE 11."

responsibilities, and economic contribution of each heir and agreed upon by the heirs and in accordance with the conditions faced.

Sociological Transformation: Deconstructing the Role of Women as the Main Breadwinners

The division of inheritance in Islamic law is fundamentally inseparable from the division of rights and obligations between men and women in family life. Husbands, especially in their positions as husbands and fathers, have the obligation to provide dowry, meet the needs of their wives and children, and be responsible for the sustainability of their family life. Meanwhile, women in their position as wives are in principle not burdened with the obligation to bear the economic needs of the family. This difference in responsibilities is one of the bases used to understand the difference in inheritance between men and women under certain conditions. Thus, the two-to-one provision is not solely based on sex differences, but also relates to the differences in roles, responsibilities, and economic burdens given to each party.¹³

However, the development of social life has brought changes to the pattern of division of roles between men and women in the family. Women are no longer placed only as breadwinners, manage the household, and are economically dependent on their husbands. In contemporary society, more and more women are participating in economic activities through work in the formal and informal sectors. The income earned by women is often used to help meet household needs, finance children's education, meet daily needs, and support family economic conditions. These changes can even be found in circumstances when women are one of the main sources of family income. In some families, women not only help the household economy, but also take over most of the economic responsibilities due to certain conditions, such as a husband who loses his job, has insufficient income, or because of a mutual agreement between husband and wife. Such a condition shows that the division of economic roles between men and women in the practice of community life is not always in accordance with the pattern of role division that is normatively assumed in the construction of Islamic family law.

The phenomenon of changing roles then raises problems in understanding the relevance of inheritance distribution between men and women. If a larger share of the male inheritance is understood in relation to greater maintenance responsibilities, then the question arises as to how this provision is understood when in reality women also have a large economic burden, even becoming the main breadwinner in the family. This issue becomes increasingly important because Islamic inheritance law has normative provisions for division, while the social conditions of society continue to develop and change. However, changing the role of women in family life does not necessarily mean that the provisions for inheritance distribution should be seen as a form of injustice or automatically undergo changes. It is necessary to distinguish between normative provisions regarding inheritance and social realities regarding the division of economic responsibilities in the family. Women who work

¹³ *Social Desirability Response Bias, Gender, and Factors Influencing Organizational Commitment: An International Study.*

and contribute to the family economy do not lose their right to alimony if legally the alimony remains the husband's obligation. Similarly, women's involvement in meeting the needs of the family is a social reality that needs to be considered in understanding how the principle of justice is applied in the context of contemporary society's life.

Therefore, the changing role of women provides a new perspective in examining the division of inheritance in Islam, especially regarding the relationship between inheritance, economic responsibility, and the concept of gender justice. These changes in social conditions not only present questions about the size of inheritance, but also encourage a more in-depth study of whether the principle of justice in inheritance law should be understood on the basis of equal shares or on the proportionality of rights and obligations. These changes then raise the question of whether the principle of justice in the distribution of inheritance should still be understood based on the construction of the division of economic roles as in the classical context, or can be reinterpreted based on contemporary social conditions.

Contextual Hermeneutics: Synthesis of Fazlur Rahman's Theory of Double Movement & Feminist Critique of Amina Wadud

From the perspective of feminism, there is no interpretation that is completely absolute and free from criticism. The absolute thing is that the Qur'an and Al-Hadith are the main sources of Islamic teachings, while the understanding or interpretation of these two sources is always open to study and criticism. Thus, *nash* as a source of religious teachings has a fixed nature, while interpretation as a result of human understanding of *nash* is dynamic and can undergo development according to the context. Feminists are of the view that the construction of *fiqh* that has developed to date still contains gender bias tendencies that have the potential to place women in a less equal position. Women as a social group are considered vulnerable to discrimination due to social constructions that have been formed through a masculinity-oriented perspective.¹⁴ One of the provisions of the Qur'an that is of concern in feminist studies is Surah An-Nisa verse 11, especially regarding the division of inheritance which states that the share of a boy is equal to the share of two daughters. This provision then became one of the objects of study and criticism in an effort to re-understand the concept of gender justice in Islamic inheritance law. According to the view of classical *fiqh* scholars, the verse is categorized as *a qath'i* verse, which is a verse that has definite and firm provisions. However, from a feminist perspective, the verse is seen as needing to be studied through a contextual approach by considering its historicity aspects. This kind of approach is in line with the thinking of a number of Western intellectuals and liberal Muslim thinkers, one of whom is Muhammed Arkoun. He was of the view that the Qur'an could not be separated from the social and cultural context behind its revelation. Therefore, understanding the Qur'an as a revelation needs to consider the historical context that surrounds it. This

¹⁴ Joseph, *Introduction to Islamic Studies: A Comprehensive Analytical Study of the Pillars of Substance, Characteristics, Objectives and Sources of Islamic Reference*, Terj. Utomo, Setiawan Budi, :, 1997.

thought is in line with the view of Nasr Hamid Abu Zayd who stated that text is essentially a cultural product. In this view, the text was not born in an empty space, but rather was formed through certain social and cultural realities and developed over a period of revelation that lasted more than twenty years

If it is associated with contemporary problems, the social conditions of the current community have different characteristics from the context when the inheritance provisions are lowered. If the division of inheritance with a 2:1 ratio between men and women continues to be applied textually based on the assumption that inheritance verses are *qath'i* and fixed, then the space to perform *ijtihad* in response to social change becomes increasingly limited. This condition then encouraged the emergence of various new ideas in Islamic law, including the idea put forward by Fazlur Rahman regarding the division of inheritance that emphasized more normative and contextual aspects. Through the *double movement* approach, Fazlur Rahman's thinking can be used to review the provisions of inheritance division by considering the social context in which the verse is revealed and the moral principles contained in it. The approach can then be used to look at the relevance of the application of the 2:1 provision in contemporary society, especially when the division of economic roles between men and women changes.¹⁵ This thinking can be attributed to one of the principles in Islamic inheritance law, namely the principle of balanced justice, which places the division of inheritance by considering the balance between the rights and obligations of each party. In this perspective, justice in inheritance is not solely determined based on gender differences, but it is also necessary to consider the position, responsibilities, and burden of obligations possessed by the heirs. Thus, gender differences should not be the only basis in determining a person's right to inheritance.

Social changes and the increasing emphasis on the importance of equality between men and women have prompted some modern Muslim thinkers to consider reforms in Islamic law, particularly regarding the provision for the division of inheritance with a 2:1 ratio. Changes in social conditions and life practices of the Indonesian people are also one of the factors that encourage Islamic legal experts to develop new thinking about the inheritance system. Some of the ideas of reform were put forward by Muhammad Syahrur through the theory of limits (*hudud*) and Munawir Sjadzali which offered thoughts on the possibility of a more equal distribution of the inheritance of men and women. In this context, the *double movement* theory developed by Fazlur Rahman can be used to review the provisions of the 2:1 inheritance division by considering the social context behind the descent of the verse and its relevance to the conditions of today's society. This approach opens up the question of whether the 2:1 ratio should always be understood as an absolute provision or whether it still allows for a more balanced form of distribution, including the possibility of women getting the same or even greater share under certain conditions. Fazlur Rahman stated:

¹⁵ "The Application of Fazlur Rahman's Double Movement Theory to the Doctrine of Classical Islamic Heritage'."

"Some Muslim modernists argue that since conditions have changed today, a girl should have the same share as her brother. But others say the stipulation should be maintained because in addition to inheritance, a daughter will also receive marriage gold from her husband (without this marriage gold the marriage is invalid). Indeed, this seemingly unjust distribution of inheritance is truly just in its religiosity."

Fazlur Rahman's view shows that the provisions for the distribution of inheritance need to be understood while still being based on the Qur'an while considering the principle of justice contained in it. In the view that defends the provision, the 2:1 ratio does not merely indicate inequality, as there are economic responsibilities and obligations traditionally imposed on men. Therefore, the idea of reforming Islamic inheritance law needs to be studied critically so that it is not only oriented towards the demand for equality, but also pays attention to the construction of the law and the principle of justice that are the basis of inheritance provisions.

The provisions regarding the male part that is twice the female part textually have a clear redaction. However, contemporary debates are not only related to the sound of the text, but also to how the principle of justice contained in these provisions is applied in changing social conditions

Surah An-Nisa verse 11 explicitly stipulates that a boy's share is twice a girl's. Based on the perspective of some *scholars of ushul fiqh*, this provision is seen as having the meaning of *qath'i*, because nash shows clear provisions and does not leave room for other meanings that contradict the sound of the text. Thus, efforts to reform Islamic inheritance law need to reconsider the position of the verse in the perspective of *qath'i* and distinguish between changes to the provisions of nash and interpretation of its application in a developing social context.¹⁶

In interpreting the fragment of Surah An-Nisa verse 11, especially the provision regarding the male part that is equal to two female parts, Amina Wadud views that the 2:1 provision is a form of inheritance distribution pattern contained in the Qur'an. According to him, the comparison cannot always be understood as a measure of justice that applies absolutely in every condition of inheritance. Wadud explained that if an heir leaves only one daughter, then the child gets half of the inheritance. Meanwhile, in cases involving parents, siblings, other relatives, or descendants, there are various possible composition of heirs that result in different parts between males and females. These conditions suggest that the division of inheritance does not always result in a pattern that women earn half of the men's share. Therefore, according to Wadud, the measure of justice in inheritance should not be based only on a 2:1 ratio.¹⁷

According to Amina Wadud, the diversity of inheritance distribution patterns shows at least two important things. First, every woman who has an inheritance relationship with an heir basically has the right to get a share of the inheritance. This is important because in the tradition of pre-Islamic societies, women were often not given the right to inherit property, even property that should be their right can be

¹⁶ Azhari and Kisworo, "THE APPLICATION OF FAZLUR RAHMAN'S DOUBLE MOVEMENT THEORY TO THE DISTRIBUTION OF ISLAMIC INHERITANCE IN THE CONTEMPORARY CONTEXT."

¹⁷ Yahya, *THESIS Submitted to the Master of Qur'an and Tafsir Study Program as one of the requirements to complete Bachelor of Science in Religion (M.Ag.)*.

transferred to male relatives. This kind of practice, according to Wadud, is still found to some extent in the life of contemporary society. Second, the distribution of heritage property to the surviving heirs must be carried out based on the principles of justice and propriety. Thus, justice in the distribution of inheritance is not only seen from the amount of the share received, but also needs to consider the benefits or benefits (*naf'a*) obtained by each heir (Wadud, 1999).

To reinforce her view, Amina Wadud emphasizes that although the Qur'an does not explicitly explain all possible inheritance issues that develop in society, it does not mean that different forms of inheritance distribution cannot be considered. According to him, changes in social conditions need to be one of the considerations in understanding the application of inheritance law, as long as the division remains oriented to the principle of justice. This view is also a critique of traditional understandings that place social, economic, and spiritual relations based on gender hierarchies.

In his work *Qur'an and Woman*, Wadud shows that the Qur'an does not establish the superiority of men over women absolutely. On the contrary, the Qur'an affirms the equal position of human beings before Allah, while the differences that arise in social life need to be understood based on their respective contexts and responsibilities. According to Wadud, a number of hierarchical constructions that develop in classical interpretation cannot be separated from the patriarchal social and cultural conditions that underlie the interpretive process. Thus, such a hierarchy cannot always be considered as a single and absolute representation of the message of the Qur'an. Wadud then distinguishes between contextual social provisions and the universal moral values of the Qur'an. According to him, a number of social rules contained in the Qur'an, including provisions regarding the distribution of inheritance, the position of men as *qawwam*, as well as some restrictions on women in the context of past Arab societies, need to be understood by considering the social conditions when these provisions were revealed. These provisions do not always have to be applied rigidly without considering changes in the circumstances of society. Therefore, maintaining certain gender constructions uncritically on the basis of religion has the potential to ignore the value of justice which is one of the main goals of the teachings of the Qur'an.

One form of Wadud's criticism is also directed at the interpretation of Surah Al-Nisa verse 34 which is often used to support the assumption of the superiority of men over women. He pays special attention to the concept of *ar-rījālu qawwāmūna 'ala an-nisā'*, which he believes should be understood in terms of social responsibility, not as a basis for granting men the privilege of dominating women. The concept of *qawwam* is more appropriately understood as a form of responsibility, protection, and support for the family than as a legitimacy to exercise domination. If social conditions change and women also have economic responsibilities and leadership roles in the family and society, then the *qawwamiyah* relationship can be understood more flexibly while still being based on the principles of reciprocity and justice.

Through his criticism of the construction of the gender hierarchy, Amina Wadud offers a feminist-Islamic interpretation approach that does not stop at the demand for formal equality. This approach emphasizes the achievement of

substantive justice, which is justice that takes into account the social context, responsibilities, conditions of each party, and the universal values contained in the Qur'an. Thus, Wadud's thinking on the issue of inheritance can be understood as an effort to bring together the text of the Qur'an with the social reality that continues to change, without ignoring the principle of justice as the main value in Islamic law.¹⁸

The Formulation of Substantive Justice in Contemporary Family Inheritance (Musyawarah & Takharuj)

The changing role of women in family life shows that the division of inheritance does not always take place in the same social conditions as the context in which the terms of inheritance are understood classically. Women who today also work, contribute economically, and even become breadwinners, present conditions that need to be considered in understanding the principle of justice in inheritance. In this context, justice is not only understood based on the equal number of shares received by men and women, but also by considering the responsibilities, needs, and socio-economic conditions of each heir. In the perspective of contextual interpretation, the provisions of inheritance division in QS. An-Nisā' verses 11–12 need to be understood by taking into account the purpose of justice contained in them. The provision for a greater male share in the construction of *faraid* relates to the existence of maintenance responsibilities imposed on men. However, when family conditions change and women take over or even take over the family's economic responsibilities, there is a need to revisit how the principle of justice is manifested in contemporary family life. This does not necessarily mean changing the normative provisions of the Qur'an, but encourages attention to the purpose of justice that is to be realized through these provisions.

Based on this, the division of inheritance in the contemporary family can be placed in two stages. First, the rights of each heir are still known based on the provisions of inheritance that have been stipulated in the Qur'an. Second, after the rights are known, the heirs can conduct deliberations to determine the management or distribution of assets based on family conditions and agreements. Thus, deliberation becomes a space to consider the economic contribution, needs, and circumstances of each heir without negating the basic provisions of inheritance. One of the concepts in *fiqh* that can be used to explain this mechanism is *takharuj*, which is an agreement by an heir to voluntarily relinquish part or all of his inheritance rights to other heirs. In the context of families with different socio-economic conditions, this mechanism can be one way to realize substantive justice. For example, if a female heir has a large economic responsibility to the family, the heirs can deliberate on the distribution or management of the property after their respective inheritance rights are known. The agreement was made on a voluntary basis and was not positioned as an amendment to *the faraid provisions*.

Thus, substantive justice in contemporary family inheritance should not be understood as the abolition of the 2:1 provision, but as an attempt to bring together

¹⁸ Padilah, "The Distribution of Heirs 2:1 for Male Heirs d - (Amina Wadud's Study of Thought Da 'Qur'an And Woman')."

the normative provisions of inheritance with the ever-changing social reality of the family. This approach allows women's inheritance rights to remain recognized as affirmed in the QS. An-Nisā' verses 11–12, at the same time provides space for the settlement of property distribution through deliberation and agreement of heirs in accordance with the concrete conditions of the family. In the context of women as breadwinners, this approach is a form of justice that is not only oriented to the number of distributions, but also pays attention to the responsibilities and benefits of the heirs

***Takharuj* and *Al-Sulh* as Heirs' Agreement Mechanism**

The provisions for the distribution of inheritance in Islam have basically been determined through the provisions of faraid as contained in QS. An-Nisā' verses 11–12. However, in the practice of family life, the conditions of the heirs are not always the same, both in terms of needs, responsibilities and economic contributions to the family. Therefore, after the rights of each heir are known based on the provisions of the faraid, there is room for the heirs to make an agreement in the management or distribution of inheritance while still based on mutual willingness and agreement. One concept that can be used in this context is *takharuj* (*al-takharuj fi al-tirka*), which is the willingness of an heir to relinquish part or all of his inheritance rights to other heirs based on an agreement. This mechanism can be an alternative settlement when the heirs want a different division from the initial division based on faraid calculations. Thus, *takharuj* is not understood as a change to the provisions of the inheritance that has been determined, but as a form of agreement after the inheritance rights of each heir are known.

In addition to *takharuj*, the settlement of the distribution of inheritance can also be done through *al-sulh*, which is peace or agreement between the parties. In the context of inheritance, *al-sulh* can be a means for heirs to resolve the division of property through deliberation by considering their respective conditions and needs. This principle is relevant in the contemporary family because it allows the settlement of property division to be carried out in a familial manner without ignoring the rights of each heir.

These two concepts show that the solution of inheritance issues in the family does not only stop at the calculation of shares based on faraid, but can also consider the mechanism of agreement and the willingness of the parties. In the context of women as breadwinners, *takharuj* and *al-sulh* can be a space to consider the concrete conditions of the family after their respective inheritance rights have been determined. Thus, the principle of substantive justice can be realized through an agreement that considers the contributions, needs, and benefits of the heirs without having to position the mechanism as a change to the normative provisions of the QS. An-Nisā' verses 11–12.

CONCLUSION

Based on the discussion of women's inheritance rights in QS. An-Nisā' verses 11–12, it can be concluded that the provision for the division of inheritance between men and women cannot be understood solely on the basis of the difference in the number

of parts 2:1. In the perspective of classical interpretation, the distinction has to do with the principle of proportional justice that takes into account the difference in economic responsibility and burden between men and women. The larger male share is understood to be related to responsibilities such as dowry and family support. Thus, the construction of division has a relationship with the family responsibility system which becomes a social context when the terms of inheritance are understood.

However, changes in social life show that women no longer only play a role in the domestic sphere, but are also active in economic activities and in certain conditions become the main breadwinner of the family. These changes present a new context in understanding inheritance justice. Through the contextual interpretation approach of Fazlur Rahman and Amina Wadud, the provisions of inheritance can be studied by paying attention to the social context and the purpose of justice contained in the verse. Therefore, justice in inheritance is not solely measured by the equality of the number of shares, but also by the balance between the rights, obligations, responsibilities, needs, and conditions of each heir.

In the context of the contemporary family, the faraid provisions can still be placed as a normative basis in determining the rights of each heir. After these rights are known, the heirs have room to deliberation and reach an agreement based on mutual will. The concepts of takharuj and al-sulh can be a mechanism that bridges the normative provisions of inheritance with the concrete conditions of the family, including when women have a large economic contribution or become the breadwinner of the family. Through this mechanism, substantive justice can be pursued without making the distribution agreement a form of change to the normative provisions of the QS. An-Nisā' verses 11–12.

Thus, the relevance of women's inheritance rights in the contemporary context lies in the ability to understand the provisions of inheritance in its entirety between normative aspects and social reality. The 2:1 division should not be understood as just a matter of numbers, but needs to be seen in relation to economic responsibility and the goal of justice. Meanwhile, the change in the role of women as breadwinners opens up space for the implementation of the mechanism of deliberation, takharuj, and al-sulh as a form of settlement that considers the condition and benefits of the heirs. With such an approach, respect for the provisions of the Qur'an can go hand in hand with efforts to realize substantive justice in contemporary Muslim family life.

BIBLIOGRAPHY

- Ahmadi, Abdullah. *A Comparative Study of the Interpretation of Heritage Verses (Surah An-Nisa: 11–12) between Tafsir Al-Maraghi and Tafsir Al-Azhar*. 2023.
- Aisy, Rihhadatul', Ziyadulhaq, and Ade Naelul Huda. "Women's Inheritance Rights in the Perspective of the Qur'an: An Analytical Study of Inheritance Verses with the Tafsir Approach of Maqāṣidī Waṣfī 'Āsyūr Abū Zaid." *Ta'wiluna: Journal of Qur'anic Science, Tafsir and Islamic Thought* 7 (2026).
- Aminah, Siti, and Nok Izatul Yazidah. "The Study of Social Arithmetic in the Calculation of Faraidh Science (Inheritance Science) in QS. An-Nisa."

- PRISMATIKA: Journal of Mathematics Education and Research* 1, no. 1 (2018): 50–56. <https://doi.org/10.33503/prismatika.viii.303>.
- Anam, Muhammad Falihul, and Hakam Adilla Subhan. "QS flexibility. An-Nisa' 11 in the Contemporary Context with Fazlur Rahman's Double Movement Approach." 2, no. 2 (2025).
- As-Sa'di, Abdurrahman bin Nashir. *Tafsir Al-Karim Ar-Rahman fi Tafsir Al-Karim Al-Mannan, Terj.* Jakarta: Pustaka Sahifa, 2007.
- Azhari, Nita, and Budi Kisworo. "The Application of Fazlur Rahman's Double Movement Theory to the Distribution of Islamic Inheritance in the Contemporary Context." *Al-Furqan: Journal of Religious, Social, and Cultural* 2, no. 5 (2023): 234.
- Azizah, Firly Kamilatul. "The Concept of Inheritance Justice in QS. An-Nisa'." *Maliki Interdisciplinary Journal (MIJ)* 2, no. 10 (2024).
- Bernardi, Richard A., dan Steven T. Guptill. *Social Desirability Response Bias, Gender, and Factors Influencing Organizational Commitment: An International Study*. 2008: 797–809.
- Fadilatun Nisa. "The Verses of Heritage in the Qur'an: A Study of 'Abdullah Saeed's Contextual Interpretation of the Principles of Gender Justice." *Academia.edu*, t.t.
- Fadhillah, Iqbal Firdaus Rizky, Akhmad Husaini, Afif Maulana Malik Ibrahim, and Muhamad Fikri. "Justice in the Distribution of Inheritance between Men and Women in the Perspective of Islamic Fiqh." *Al-Usariyah: Journal of Islamic Family Law* 3 (2025).
- Judge, M. Lutfi. "The Justice of Islamic Inheritance to the 2:1 Share of Inheritance between Men and Women: A Philosophical Perspective of Islamic Law." *Al-Maslahah: Journal of Sharia Science* (2026).
- Harahap, Nurhanipah. "The Distribution of Inheritance in Surah An-Nisa in the Theory of Interpretation of the Function of Jorgenje Gracia." *JIQSI: Journal of Qur'an Science and Islamic Studies* 2, no. 1 (2024).
- Hasanah, Nurul. "Inheritance Distribution from a Gender Equality Perspective (An Analytical Study on Surah Al-Nisa Verse 11)." *Alkhairat Journal* 1, no. 1 (2025): 37–39.
- Indah, Saputri, and Muhammad Ramadhan. "Gender Justice in Inheritance Distribution: A QS Thematic Analysis. An-Nisa Verses 7, 11, 12 and 176." *Pendas: Scientific Journal of Elementary Education* 11 (2026).
- Muttaqin, Labib. "The Application of Fazlur Rahman's Double Movement Theory to the Doctrine of Classical Islamic Heritage." *Al-Manahij: Journal of Islamic Law Studies* 7 (2013).
- Naskur, Naskur. "Heirs in the Compilation of Islamic Law." *Al-Syir'ah Scientific Journal* 6, no. 2 (2016). <https://doi.org/10.30984/as.v6i2.251>.
- Rice, Nurul. "The 2:1 Distribution of Inheritance for Male Heirs (Amina Wadud's Study of Thought in *the Qur'an and Woman*)." *Journal of Social and Humanities (AJSH)* 5, no. 1 (2025): 703–706.
- Rasyid, Feninda Alaeiyka Selma, and Tuti Harwati. "The Exchange of Husbands' Maintenance Roles and Its Implications for Inheritance Rights in the

- Perspective of Islamic Law." *Qawwam: Journal for Gender Mainstreaming* 20, no. 1 (2026).
- Rasyid, Idris. "The Execution of 'Ab Intestato' Inheritance Two to One: The Rationalization of Surah An-Nisa Verse 11." *Journal of Dictum Law* 14 (2016): 206–209.
- Rifqi, Muhammad Jazil. "A Comparative Study of the Thoughts of Muhammad Syahrur and David S. Powers on Islamic Inheritance Law." *Comparative: Journal of Comparative Islamic Law and Thought* 1, no. 1 (2021): 19–35. <https://doi.org/10.15642/komparatif.viii.1162>.
- Ritonga, King. "The First Class of Women Heir Member in the Observation of Surah An-Nisa Verses 11, 12 and 176." *Al-Adalah: Journal of Sharia and Islamic Law* 6, no. 1 (2021).
- Ruslan, Mohammad. "A Review of the Qur'an on Gender Equality in the Distribution of Inheritance (An Analytical Study on Surah Al-Nisa Verse 11)." *AR ROSYAD: Journal of Islamic and Social Humanities* 1, no. 2 (2023).
- Shofi'i, Eri Nur. "Reinterpretation of the Distribution of Inheritance According to Muhammad Syahrur: An Analysis of Q.S. An-Nisa Verse 1." 8, no. 2 (2023).
- Sitorus, Nurul Jumadissaniyah, Dedi Masri, M. Alfiansyah, and Nor Azwa. "Reasonable Qur-An Surah An-Nisa' Verses 7 and 8 with Surah An-Nisa' Verses 11 and 12 in the Problem of Inheritance in Pulau Rakyat District." *Tabsyir: Journal of Da'wah and Social Humanities* 4, no. 3 (2023): 109–120. <https://doi.org/10.59059/tabsyir.v4i3.156>.
- Syakir, Ahmad Irfan, Asnan Napis Daulay, and Shafira Ramadhana Fitri. "Historical-Sociological Tafsir of Fazlur Rahman: Answering the Challenges of the Times with the Qur'an." *ALMUSTOFA: Journal of Islamic Studies and Research* 2, no. 1 (2025).
- Sya'rawi, Muhammad Mutawalli. *Tafsir Sya'rawi, Terj.* Jakarta: Khazanah Nusantara Agung, 2005.
- Yahya, Syahabuddin. *Thesis: Submitted to the Master of Qur'an and Tafsir Study Program as One of the Requirements for Completing Bachelor of Science Studies Twice to Obtain a Master of Religion Degree (M.Ag.).* 2022.
- Yusuf, Qardhawi. *Introduction to Islamic Studies: A Comprehensive Analytical Study on the Pillars of Substance, Characteristics, Objectives, and Sources of Islamic Reference, Terj. Utomo, Setiawan Budi.* Jakarta: Pustaka Al-Kautsar, 1997.