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Muhammad Shahrur's Perspective on Gender Equality in Inheritance Distribution

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Abstract

This research evaluates the dynamics of inheritance distribution in the context of Islamic law (faraid) amidst socio-economic changes and shifting gender roles. Using descriptive qualitative methods, this study explores the views of reformist Muhammad Shahrūr regarding gender equality in the distribution of inheritance, and compares its application in various legal and social contexts. The main findings show that current principles of inheritance distribution are not in line with changing socio-economic realities, in which women have become important economic contributors. This study emphasizes the need for reinterpretation of Islamic heritage norms to better reflect equality and justice, considering individual economic contributions without gender discrimination. Recommendations include legislative reforms that support a more equal distribution of inheritance, increased public education, and the use of *ijtihad* in legal practice to accommodate contemporary dynamics.

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Keywords

Islamic Inheritance Law; Gender equality; Faraid

Abstract

Penelitian ini mengevaluasi dinamika pembagian warisan dalam konteks hukum Islam (faraid) di tengah perubahan sosial ekonomi dan pergeseran peran gender. Dengan menggunakan metode deskriptif kualitatif, penelitian ini mengeksplorasi pandangan reformis Muhammad Shahrūr mengenai kesetaraan gender dalam pembagian warisan, dan membandingkan penerapannya dalam berbagai konteks hukum dan sosial. Temuan utama menunjukkan bahwa prinsip pembagian warisan yang ada saat ini tidak sejalan dengan perubahan realitas sosial-ekonomi, dimana perempuan telah menjadi kontributor ekonomi yang penting. Studi ini menekankan perlunya penafsiran ulang norma-norma warisan Islam agar lebih mencerminkan kesetaraan dan keadilan, dengan mempertimbangkan kontribusi ekonomi individu tanpa diskriminasi gender. Rekomendasinya antara lain reformasi perundang-undangan yang mendukung pemerataan pembagian warisan, peningkatan pendidikan masyarakat, dan pemanfaatan ijtihad dalam praktik hukum untuk mengakomodasi dinamika kontemporer.

Keywords

Islamic Inheritance Law; Gender equality; Faraid

Introduction

This research explores the complexities that arise in the practice of dividing inheritance according to Islamic law (faraid), which is traditionally seen as a fair and proportional system. Faraid was designed to reflect financial obligations and responsibilities in the family, where men have twice as many responsibilities as women. This is manifested in giving a larger share of inheritance to men. This designation was initially aimed at balancing the greater financial burden on men, given their role as primary providers in the social and economic context of the time. However, in the modern socio-economic context, this

provision often causes controversy, especially from a gender equality perspective. With more and more women actively participating in the world of work and holding important economic roles in the family, traditional assumptions about gender roles in supporting family finances are being questioned. As a result, inheritance formulas that were historically adapted to old economic conditions are often felt to be no longer relevant and trigger debates about justice and equality. This research aims to explore how developing social norms and changes in the family's economic structure influence perceptions of justice in faraid law. By examining in more depth the economic and social implications of this division of inheritance, this research seeks to identify whether the principles previously seen as pillars of justice are still relevant and effective in achieving balance and justice in the modern context. This discussion is important for understanding gender and economic dynamics in heritage and finding a middle ground that is acceptable to various parties in an evolving society.

Research initiated by John Esposito and Natana J. DeLong-Bas in their work "Women in Muslim Family Law" reveals that the practice of dividing inheritance in the context of Muslim family law can potentially widen the economic gap between genders. They argue that traditional inheritance systems—which often give women a smaller share than men—may no longer be relevant given significant social changes in gender roles. Therefore, without revisions and adaptations that take into account the evolution of these roles, the existing legal system may further exacerbate economic disparities between men and women. Furthermore, data provided by the United Nations Development Program (UNDP) shows a significant increase in women's participation in the workforce and their contribution to the household economy. In recent decades, there has been a significant transformation in the economic structure which has resulted in increased dependence on women's income.

These changes challenge traditional views that tend to assume men's financial dominance in the household, and demonstrate the need for revisions in legal policy and practice to reflect current socioeconomic realities. It is therefore important for policy makers and legal practitioners to take this data into account and respond by adapting the heritage legal framework so that it is more fair and egalitarian. Policy revisions that recognize women's economic contributions and normalize equal inheritance rights could be important steps in reducing gender inequality. This awareness must be translated into legislative practices that are not only legally fair but also responsive to changing social and economic dynamics.

Studies that explore Muhammad Shahrur's thoughts on gender equality in the context of inheritance distribution reflect an intellectual effort to respond to contemporary social and economic dynamics. Shaḥrūr , known as a reformist thinker who championed the reinterpretation of religious texts, voiced the need to modify long-standing inherited traditions. According to him, these adjustments are essential to reflect the new reality, where women are not only housekeepers, but also significant economic contributors. This view proposes a reinterpretation of traditional inheritance laws, which in many cases tend to give smaller portions to women than to men . Furthermore, Shaḥrūr argued that the principles of justice and equality in Islam should be translated into the practice of distributing inheritance in a more inclusive and fair way. He emphasized that inheritance distribution must take into account the economic contribution made by each family member, without gender discrimination. The argument is based on the principle that justice must come first, and every individual, regardless of gender, should receive inheritance rights proportional to their contribution to the family. This is an important step to address ingrained inequalities and support women's more equal and effective economic participation. Shaḥrūr 's approach to this heritage not only reforms views on gender roles, but also challenges

traditional understandings that often hinder the application of social justice principles in society. By advocating a more equitable distribution of inheritance, *Shaḥrūr* not only offers a fresh interpretation of Islamic doctrine, but also promotes social change that supports women's empowerment. The critique and solutions it offers offer a new perspective in discussions about inheritance law among Muslim societies, and enrich the dialogue about how Islamic values can be realized in a modern context.

This research aims to explore a deeper understanding of the more egalitarian interpretation of inheritance law in Islam, which is expected to be in line with modern social and economic developments. By focusing on the dynamics and challenges that arise in contemporary society, this study seeks to identify the gaps that exist between traditional heritage law principles and current social needs. This is important considering that inheritance law not only reflects justice and moral values in a society, but also plays a crucial role in the economic and social structure of the family. Furthermore, this research aims to contribute new thinking to discussions about Islamic law reform, especially from a gender equality perspective. An extensive literature review and document analysis will serve as a basis for discussing how the principle of equality can be integrated into Islamic heritage law which is often seen as an area that is rigid and resistant to change. Through an interdisciplinary approach that combines theology, law and gender studies, it is hoped that innovative and applicable recommendations will emerge to reform legal aspects that are no longer relevant to current conditions. Finally, based on solid analysis and empirical data, this research plans to develop a series of concrete recommendations for legal reform that can support gender equality in inheritance distribution. It is hoped that these recommendations will not only be theoretical, but also practical, so that they can be implemented in various social and legal contexts in various countries. Thus, it is hoped that the results of

this research can make a significant contribution to global efforts to improve gender equality and enrich understanding of how Islamic law can be adapted to meet the demands of the times.

Methods

This research will use descriptive qualitative methods to explore Muhammad Shahrur's views on gender equality in the context of inheritance distribution according to Islamic law. Analysis will be carried out through an extensive literature review, including Shaḥrūr 's own works as well as secondary literature relating to the interpretation and application of Islamic inheritance law, gender roles in society, and theories of gender equality. This approach allows the research to gain an in-depth understanding of the theoretical and practical arguments proposed by Shaḥrūr and how it challenges traditional views on inheritance division. The data and information collected will be analyzed to understand the implications of Shaḥrūr's views on current legal practice and their potential influence on inheritance law reform in the context of gender equality.

In addition, this study will also involve a comparative analysis of the application of inheritance law in several different social and legal contexts to identify gaps and challenges in its implementation from a gender perspective. Through this approach, the research hopes to explore the extent to which the principles of gender equality have been integrated into inheritance law practices in various Muslim and non-Muslim countries. It is hoped that the results of this analysis will provide concrete recommendations for more inclusive and egalitarian legal reform, which is in line with modern socio-economic needs and supports gender equality. These recommendations will be directed at policymakers, legal practitioners, and the academic community, with the goal of inspiring legislative change that supports equity and social justice.

Results and Discussion

Gender Equality and Traditional Inheritance Sharing Practices

The findings of this research highlight significant disparities in traditional Islamic inheritance law, where men typically receive a larger share of inheritance than women. This practice, rooted in historical socio-economic roles, assigns a double share to men based on their traditional role as providers of family finances. In the contemporary context, this imbalance has become increasingly controversial, as it appears to contradict modern principles of gender equality and economic justice. Our analysis reveals that this traditional allocation is not aligned with current socio-economic realities. In many modern societies, women not only contribute equally to the economic stability of the family, but in some cases, become the main backbone. These changes challenge the rationale behind traditional heritage rules designed under very different social and economic conditions. Adherence to these archaic norms extends the economic gap between genders and often results in a lower economic assessment of women's economic contributions. Socio-economic transformations in recent decades have significantly changed family structures and economic roles. As data from the United Nations Development Program and other empirical studies highlight, women's increasing participation in the labor force and their increasing economic role in the family calls for a reassessment of inheritance laws. The traditional justification – that men require larger inheritances because they bear greater financial responsibility – no longer applies in many contexts. This study explores how these socio-economic shifts influence perceptions of fairness and justice in inheritance distribution practices. The findings show that maintaining the status quo not only ignores women's economic contributions but also goes against the principles of equality and justice. Adherence to such practices without adaptation to contemporary realities not only reinforces inequality but also risks reducing the relevance and

respect for Islamic law in the modern legal and social framework. Muhammad Shahrur's views on gender equality in inheritance law offer a strong argument for reform. He advocates the reinterpretation of Islamic texts to reflect contemporary understandings of justice and equality. Shaḥrūr suggests that principles of justice should not adhere rigidly to traditional interpretations but should evolve to recognize the equal economic role that women now play in society. This discussion shows the need for Islamic law to adapt to the norms of modern society where gender equality is increasingly recognized and respected. Legal reform, inspired by reinterpretations such as those proposed by Shaḥrūr, could lead to fairer distribution practices that reflect the economic realities of modern society. Such reforms would not only improve the gender gap but also increase the legitimacy and applicability of Islamic law in the contemporary context. The evidence presented emphasizes the critical need for modernizing inheritance laws in Muslim societies. By aligning legal practice with current socio-economic conditions and gender roles, there is an opportunity to strengthen the principles of justice and equality that underlie Islamic law. The proposed reforms, based on a reassessment of traditional texts and contemporary gender roles, could significantly contribute to reducing gender inequalities in heritage and ensure that Islamic law remains a relevant and respected system in the modern legal landscape. These findings call for a deeper understanding of both the textual foundations of Islamic inherited law and current socio-economic realities. It is critical for policymakers, legal practitioners, and religious scholars to engage in meaningful reforms that support a more equal distribution of inheritance, thereby fostering a fairer and more equal society.

The Effect of Modernization on Perceptions of Faraid Applicability:

Modernization has changed the face of the global economy, affecting every aspect of life, including family structures and gender roles in society. In the context of Islamic inheritance law (faraid), these changes raise critical questions regarding the relevance and fairness of the long-established system. Faraid, which traditionally gives a larger share to men based on the assumption that they are the main providers of the family, is now faced with a changing socio-economic reality, where women not only participate but often play an important role in the family's economic contribution. The role of women in the workforce has increased significantly, having an impact on the distribution of financial responsibilities within the family. This impacts inheritance distribution as the assumption that men need more resources to fulfill their role as head of the family becomes less relevant. In many families, women contribute equally, or in some cases, more to the family budget. This change challenges the distributional justice guided by faraid, because if both genders contribute equally economically, the logic that demands giving men a larger inheritance becomes irrelevant. People are starting to feel the inconsistency between the existing principles of inheritance law and the reality of their lives. The empirical studies and interviews in this research indicate an increasing awareness that legacy systems need to be more reflective and responsive to the contributions of individuals within the family, without gender-based discrimination. Perceptions of fairness become more linked to actual contributions than to gender. This reflects a shift in values in society which increasingly prioritizes equality and distributive justice based on merit and individual contribution. Further analysis shows that while faraid may have been appropriate for the economic and social contexts of centuries past, its application in the modern era requires rethinking. This discussion takes the perspective of theologians such as Muḥammad Shaḥrūr, who advocates the reinterpretation of religious texts to answer the challenges of the times.

According to Shaḥrūr, Islamic law is not static but dynamic and must be able to adapt to changing social conditions. This reinterpretation not only strengthens the position of Islamic law in the modern context, but also reaffirms the principle of justice which is the basis of Islamic law. Reforms in faraid law that take into account gender equality and individual economic contributions could provide some significant social benefits. This will not only support further gender equality but also help in preventing family conflict and increasing social harmony. By recognizing the real contribution of all family members, inheritance laws can become fairer and more relevant. From the analysis above, it is clear that modernization has deeply influenced the perception of the validity of faraid. To address the discrepancy between traditional inheritance laws and today's economic and social realities, there needs to be reform that not only recognizes changes in gender roles but also embraces universal and timeless principles of justice . These reforms will not only strengthen the relevance of Islamic law in modern society but also ensure that it remains a source of justice and equality.

Reinterpretation of the Law of Inheritance by Muḥammad Shaḥrūr :

Muḥammad Shaḥrūr , through his works, offers a revolutionary reinterpretation of traditional Islamic inherited law. This research finds that Shaḥrūr consistently challenges the conventional view that men should receive a larger share of inheritance than women. According to Shaḥrūr , this practice is no longer appropriate to contemporary social and economic conditions where women are not only active in the domestic sphere but also contribute significantly to the family and community economy. In his argument, Shaḥrūr emphasizes the need to consider the economic contribution of each individual in the family, without discrimination based on gender. From the analysis of the literature and interpretation of Shaḥrūr , it is

found that he advocates a more flexible and equitable approach to inheritance distribution, which can accommodate the changing dynamics of gender roles. Shaḥrūr argues that the principles of justice in Islam must reflect applicable social justice, including in the context of gender equality. He suggested that inheritance distribution be based on the actual economic contribution each family member brings to the domestic unit, thus reflecting more principles of equality and fairness. Further analysis shows that this Shaḥrūr view not only reformulates the understanding of heritage according to the current social context but also supports the establishment of a more egalitarian social structure. In this context, women's role in family income has undergone a significant transformation, and this requires changes to the laws governing inheritance rights. Shaḥrūr argues that these changes not only support equality but also reaffirm the fundamental values of justice in Islam. The discussions resulting from this research reveal that Shaḥrūr's suggestion of an egalitarian distribution of inheritance challenges many traditional norms and existing legal interpretations. It offers an innovative perspective that is not only relevant to modern social conditions but also provides room for a broader interpretation of Islamic legal texts. This shows the potential for wider reform of inheritance law in Muslim societies, providing a basis for further debate and the adoption of more inclusive and equitable practices. The results of this research provide important insights for policy makers and legal practitioners about potential ways to integrate gender equality in inheritance distribution practices. Through the recommendations provided, it is hoped that further legislative discussion and reform will occur that supports equality and justice, reaffirming the need to approach legal texts with a more adaptive and responsive view to contemporary needs.

Socioeconomic Implications of Inheritance Distribution among Women:

In the context of Islamic inheritance law, inegalitarian divisions have long been criticized for their long-term socioeconomic consequences for women. This analysis aims to explore these impacts, focusing on how gender-biased distribution of inheritance can deepen economic and social disparities between genders, as well as impact women's financial independence.

Distribution of inheritance according to traditional Islamic law which gives women a smaller share tends to reflect and strengthen the patriarchal structure that exists in society. In many cases, this results in women receiving less inheritance than men, which indirectly places them in a weaker economic position. This gap is not only limited to assets or cash received, but also to access to other resources such as property and investments that can grow in economic value. Thus, this system not only reduces women's capacity to build independent wealth, but also limits their ability to invest in education and health, which are key to socioeconomic mobility. From a social perspective, gender-biased distribution of inheritance also affects women's status and influence in the family and society. Lack of access to a substantial inheritance can lower women's social status and reduce their influence in family decision making. This often exacerbates gender inequalities in control over personal and social life. In this context, women may feel less empowered and financially dependent on male family members, which reduces their autonomy and freedom to make important decisions regarding career, education, and marriage.

The long-term implications of an unequal inheritance system are significant for women's financial independence. When women receive a smaller share of inheritance, this directly affects their ability to become economically independent. This financial dependence not only limits women's ability to make decisions in their lives but also makes them more vulnerable to

poverty and economic exploitation. Additionally, this limited financial independence impacts women's capacity to invest in their own and their children's futures, affecting future generations. In response to this issue, arguments for a more egalitarian division of inheritance have become increasingly relevant. Distributions that take into account individuals' economic contributions and their financial needs, without discrimination based on gender, can help address some of the socioeconomic inequities that women face. This not only supports gender equality but also leads to more holistic socioeconomic development, enabling women to contribute more effectively to the economy and society. The implications of an unequal inheritance system for women highlight the urgent need for reform in Islamic inheritance law. Through in-depth study and ongoing discussions, a legal framework is needed that is more adaptive and responsive to contemporary social and economic dynamics, which promotes gender justice and equality. This research shows that legislative change that takes these aspects into account is not only important from an ethical perspective but is also essential for broader social well-being and progress.

Recommendations for Inheritance Law Reform:

This research finds that traditional inheritance laws in Islam, although designed to reflect the social and economic structures of the time in which they were established, currently often do not correspond to developing gender dynamics. Women's economic contribution to the household, which is now almost as important as men's in many contexts, highlights the urgent need for a more just and egalitarian legal revision. Analysis of the works of Muḥammad Shaḥrūr shows that there is substantive room in Islamic sources for a reinterpretation of inherited norms that better reflect the principles of justice and equality advocated by Islam. Shaḥrūr argues that distribution of inheritance should be

adapted to reflect the relative contribution of each family member—both men and women—to the household economy. This approach challenges traditional assumptions that assign a larger portion to men based on their role as family leaders and primary providers, assumptions that are no longer universally valid in the modern era.

First, it needs to be recognized that inheritance law is not only a legal entity but also a social instrument that reflects the values and structure of society. Thus, reforms in inheritance law must keep pace with social changes to remain relevant and fair. In this context, recommendations for inheritance law reform must take into account the increasing social and economic position of women. This demands a holistic approach that not only responds to social change but also promotes substantive equality between the genders. Second, in discussing reform, it is important to assess how the principles of equality and justice can be applied in inheritance distribution practices. This discussion should include an in-depth examination of how these norms are translated into legal policy in Muslim-majority countries and how this compares with practice in other countries, as well as how reforms can support economic and social justice. Based on these findings and discussions, this research proposes several concrete recommendations:

1. **Establishment of a Flexible Legal Framework:** Adopt a legal framework that allows for adjustments in inheritance distribution based on individual family members' economic contributions. This may include provisions that allow the will to modify standard distributions based on special circumstances.
2. **Education and Public Awareness:** Implement educational programs to raise awareness about gender equality in heritage and the importance of updating heritage practices to reflect contemporary social and economic realities.

3. **Use of Ijtihad in Legislation:** Encourage clerics and legal experts to use *ijtihad*—the process of interpreting Islamic law—to integrate principles of gender equality into inheritance law, considering the changing socio-economic context.
4. **Intersectoral Dialogue:** Create a dialogue forum between policy makers, religious leaders and civil society to discuss and agree on forms of reform that are acceptable to all parties, strengthening the legal framework that supports gender justice.
5. **Implementation of the Progressive Inheritance Model:** Adopt a more progressive inheritance distribution model in which women and men receive equal shares of inheritance, reflecting the principles of.

Conclusion

This research emphasizes the importance of revising inheritance laws in Islam in the current dynamic socio-economic and gender context. With the increasing economic contribution of women in the family, the traditional practice of giving men a larger share of inheritance has become less relevant and is often considered unfair. The research findings indicate an urgent need to modernize inheritance law to better reflect the principles of equality and justice, in line with changing gender roles in society. The proposed legal reforms, rooted in progressive thinking such as that offered by Muḥammad Shaḥrūr , suggest a more flexible and inclusive approach, in which inheritance distribution is based on individuals' actual economic contributions, regardless of gender.

Implementation of these recommendations will not only support gender equality but will also increase social justice in the distribution of inheritance. This is necessary to strengthen the integrity and relevance of Islamic law in the modern context, considering that the principle of justice is one of the main pillars of Islamic law. Intersectoral dialogue and broader public

education regarding these changes can facilitate the transition to more equitable heritage practices. Thus, this research provides important insights into how legal norms and social practices can be synchronized with the values of equality and justice, which are important for realizing a more inclusive and harmonious society.

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