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Reconstructing Islamic Inheritance Law from a Gender Justice Perspective: An Analysis of the Indonesian Compilation of Islamic Law

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ABSTRACT

The construction of Islamic inheritance law in Indonesia has remained closely associated with classical jurisprudential principles, particularly the differentiated inheritance shares between male and female heirs under the Compilation of Islamic Law. However, transformations in family structures, women's economic participation, and the distribution of household responsibilities have raised questions about whether formal inheritance distribution continues to reflect substantive gender justice. This study aimed to reconstruct the conception of justice in Islamic inheritance law within the Compilation of Islamic Law by integrating Islamic legal principles with contemporary socio-economic conditions. Normative legal research was conducted through library research using statutory, conceptual, and Islamic legal approaches. The legal materials were analyzed qualitatively through identification, classification, interpretation, critical analysis, and reconstruction. The results showed that the existing inheritance framework remained strongly influenced by classical jurisprudence, while contemporary family conditions required justice to be evaluated beyond numerical distribution. The study contributed a Contextual-Maqāṣidī Inheritance Justice framework that integrated *maqāṣid al-syarī'ah*, *maṣlaḥah*, gender justice, proportionality, and substantive justice while maintaining the fundamental principles of Islamic Sharī'ah.

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INTRODUCTION

Islamic inheritance law is an important part of Indonesian Islamic family law because it regulates the transfer of property and the rights of heirs after a person's death. Its main normative basis is found in the Qur'an, particularly Qur'an 4:7, 4:11, 4:12, and 4:176, which recognize the inheritance rights of both men and women. In Indonesia, these principles have been systematically formulated in the *Compilation of Islamic Law* (Kompilasi Hukum Islam or KHI), which was disseminated through Presidential Instruction No. 1 of 1991 and serves as an important legal guideline in inheritance cases within the Religious Courts (Presidential Instruction of the Republic of Indonesia No. 1 of 1991, 1991).

The KHI regulates inheritance through Articles 171–193. Article 171 establishes the basic concepts of the deceased, heirs, and inheritance property, while Article 174 identifies heirs based mainly on blood and marital relationships. Article 176 regulates the portions of sons and daughters, including the well-known rule that when sons and daughters inherit together, a son's portion is twice that of a daughter's. Articles 177–182 regulate the portions of other heirs. Therefore, the KHI does not establish a simple male-versus-female system, but a broader structure based on kinship, marital status, and family circumstances (Presidential Instruction of the Republic of Indonesia No. 1 of 1991, 1991).

The 2:1 formula has traditionally been understood in connection with the economic responsibilities imposed on men in classical Islamic jurisprudence. Male responsibility for *nafaqah* and the broader concept of *qiwāmah* are commonly used to explain why men receive a larger portion in particular inheritance situations. From this perspective, differentiated inheritance portions are not necessarily intended to establish different human values between men and women, but to correspond to a broader distribution of economic rights and responsibilities (Ahyani et al., 2022). Nevertheless, the relevance of this rationale requires reconsideration when the economic structure of contemporary families changes.

Contemporary Muslim families increasingly demonstrate changes in women's social and economic roles. Women participate more actively in education, employment, entrepreneurship, property ownership, and household economic decision-making. In some families, women contribute substantially to household expenses and may even become the primary economic provider. These developments demonstrate that the traditional distinction between men as economic providers and women as dependants does not describe all contemporary family structures (Heriandita et al., 2025).

This transformation raises an important question concerning the relationship between inheritance rights and family responsibilities. If differentiated inheritance portions are partly associated with different economic responsibilities, changes in those responsibilities may affect how justice is understood. A daughter who contributes significantly to supporting parents or maintaining family property, for example, may have economic responsibilities that are not substantially different from those traditionally associated with male heirs. Recent research on Indonesian Religious Court decisions also shows that changing social and economic conditions have become relevant to discussions of inheritance equality and gender justice (Fitriyati et al., 2025).

However, gender justice should not automatically be equated with numerical equality. Formal equality emphasizes equal treatment or identical portions, whereas substantive gender justice examines whether the application of a legal rule produces a fair outcome within actual social circumstances. In Islamic inheritance law, this distinction is particularly important because inheritance portions are determined not only by gender but also by kinship, marital status, generation, and the existence of other heirs. Thus, an unequal portion does not automatically mean an unjust legal system, while a formally equal distribution does not automatically guarantee substantive justice (Sholihah et al., 2024).

The main problem of gender justice in Islamic inheritance law is therefore not simply whether men and women receive different amounts, but whether the legal reasoning behind differentiated portions remains capable of producing substantive justice in contemporary family structures. Classical Islamic inheritance law was constructed within a legal system that connected certain rights with economic responsibilities. When women's and men's economic roles change, the relationship between inheritance shares and family responsibilities requires renewed examination.

This does not necessarily mean that the Qur'anic inheritance provisions should simply be replaced or that the 2:1 formula should automatically become 1:1. Such an approach would reduce a complex Islamic legal system to a numerical comparison. The more fundamental issue is whether the justice construction underlying the KHI remains responsive to contemporary realities. Sholihah et al. (2024) emphasize that equality and justice are not necessarily identical, while Fitriyati et al. (2025) demonstrate that contemporary Religious Court practice has encountered cases in which inheritance equality is considered through maqāṣid-based reasoning.

Accordingly, this research views gender justice as a framework for critically examining the relationship between inheritance portions, economic responsibility, family welfare, and the objectives of Islamic law. The central problem is whether the existing construction of justice in the KHI can still produce substantive justice in diverse contemporary Indonesian Muslim families.

Previous studies can generally be grouped into four areas. The first examines Islamic inheritance law and the 2:1 formula, particularly its Qur'anic and classical fiqh foundations (Ahyani et al., 2022). The second discusses gender justice and women's economic rights, emphasizing that justice should not necessarily be understood as numerical equality (Sholihah et al., 2024). The third examines contemporary reform and judicial practice, including cases in which equal inheritance distribution has been considered in Indonesian Religious Courts (Fitriyati et al., 2025). The fourth explores maqāṣid al-syarī‘ah as a framework for addressing contemporary social justice issues in Islamic inheritance law (Heriandita et al., 2025).

Although these studies have significantly developed the debate, a research gap remains. Existing studies largely focus on the validity of the 2:1 formula, the meaning of gender justice, particular judicial decisions, or the application of maqāṣid. Less attention has been given to developing a systematic reconstruction of the justice construction within the KHI that simultaneously integrates gender justice, maqāṣid al-syarī'ah, substantive justice, and contemporary family economic structures. Therefore, the present study seeks to move beyond the binary debate between maintaining 2:1 and demanding 1:1.

The novelty of this research lies in proposing a reconstruction model of KHI-based Islamic inheritance law through the integration of gender justice and maqāṣid al-syarī'ah. The study does not merely criticize the 2:1 formula; rather, it reconstructs the concept of justice underlying inheritance distribution. The analytical framework moves from classical fiqh construction → KHI → social transformation → gender justice evaluation → maqāṣid al-syarī'ah → substantive justice → reconstruction of Islamic inheritance law.

Through this approach, inheritance justice is understood not simply as numerical equality but as proportional and substantive fairness. The reconstruction considers the relationship between inheritance rights, family responsibilities, economic contribution, protection of property, family welfare, and prevention of harm. Thus, the research seeks to maintain the normative foundations of Islamic inheritance law while developing an interpretation that is more responsive to contemporary family realities.

This research aims to analyze the construction of Islamic inheritance law in the KHI, particularly its regulation of heirs and differentiated inheritance portions. It further aims to examine the relevance of this construction to gender justice in contemporary Indonesian society by considering changes in women's social and economic roles. Finally, the research seeks to formulate a reconstruction model of Islamic inheritance law based on maqāṣid al-syarī'ah and substantive justice that can reconcile Islamic legal principles with contemporary family conditions.

The research contributes theoretically by enriching the discussion of Islamic inheritance law and gender justice through a maqāṣid-oriented understanding of substantive justice. Doctrinally, it provides a critical interpretation of the inheritance provisions of the KHI by examining the relationship between inheritance rights and family responsibilities. Practically, the proposed reconstruction model may provide a conceptual basis for scholars, judges, and legal practitioners in understanding contemporary inheritance problems. At the policy level, the findings may contribute to future discussions on the development and reform of Indonesian Islamic family law while maintaining its fundamental Islamic legal values.

RESEARCH METHODS

This study employs normative or doctrinal legal research based on library research to critically examine the construction of Islamic inheritance law within the Indonesian Compilation of Islamic Law (KHI) and its relevance to contemporary gender justice through the framework of *maqāṣid al-syarī'ah*. The study applies three approaches: the *statutory approach*, the *conceptual approach*, and the Islamic legal approach. The *statutory approach* is used to examine the KHI and relevant legislation concerning the Religious Courts, particularly Law No. 7 of 1989 on Religious Courts, as amended by Law No. 3 of 2006 and Law No. 50 of 2009, together with other relevant regulations. The *conceptual approach* is employed to analyze the concepts of gender justice, equality, substantive justice, *maqāṣid al-syarī'ah*, *maṣlaḥah*, *'adālah*, and the categories of *ḍarūriyyāt*, *ḥājiyyāt*, and *taḥsīniyyāt*. Meanwhile, the Islamic legal approach is used to examine Qur'anic principles of inheritance, particularly Q.S. al-Nisā' [4]:7, 11, 12, and 176, classical Islamic jurisprudence on inheritance, and contemporary Islamic legal thought concerning justice, gender relations, and social change. The primary legal materials consist of the Qur'an, KHI, and relevant legislation, while secondary legal materials include books on Islamic inheritance law, scholarly journal articles, previous studies on gender and Islamic family law, and literature on *maqāṣid al-syarī'ah*. Tertiary materials include legal dictionaries, Islamic legal encyclopedias, and other relevant reference works.

Legal materials were collected through documentary and library research by identifying, selecting, classifying, and interpreting relevant legal sources. The collected materials were subsequently analyzed using qualitative juridical analysis, which examines legal norms, concepts, doctrines, and Islamic legal principles through systematic and critical interpretation. The analysis was conducted

through five stages: identification, involving the identification of relevant legal norms, concepts, and arguments; classification, involving the categorization of legal materials according to their sources, legal status, and substantive relevance; interpretation, involving the interpretation of KHI inheritance provisions in relation to the Qur'an, classical jurisprudence, and *maqāṣid al-syarī'ah*; critical analysis, involving an assessment of whether the existing construction of Islamic inheritance law adequately reflects substantive justice, changing social structures, contemporary family responsibilities, gender relations, and the welfare of heirs; and reconstruction, involving the formulation of a conceptual model of *Contextual-Maqāṣidī Inheritance Justice* as an alternative framework for developing and implementing Islamic inheritance law within KHI. Through this methodological framework, the study does not seek to alter or reject the normative foundations of Qur'anic inheritance law; rather, it reconstructs the conception of justice and its legal implementation so that Islamic inheritance law can remain firmly grounded in Sharī'ah principles while responding appropriately to contemporary socio-economic and family conditions.

RESULTS AND DISCUSSION

1. The Construction of Islamic Inheritance Law in the Indonesian Compilation of Islamic Law

The Compilation of Islamic Law (Kompilasi Hukum Islam or KHI) occupies an important position in the development and implementation of Islamic inheritance law in Indonesia. The KHI was disseminated through Presidential Instruction of the Republic of Indonesia No. 1 of 1991 and has become one of the principal legal references used in dealing with Islamic family law, including inheritance matters. Its significance is particularly visible in the Religious Courts, which have jurisdiction over disputes involving Muslims in matters regulated by Islamic family law. In the field of inheritance, the KHI provides a relatively systematic formulation concerning the meaning of inheritance, the categories of heirs, the conditions for becoming an heir, and the portions of inheritance received by different categories of heirs (Presidential Instruction of the Republic of Indonesia No. 1 of 1991, 1991).

The position of the KHI needs to be understood within the broader Indonesian legal system. The KHI is not an Act enacted by the Indonesian Parliament and therefore does not have the same formal legislative status as an Act. Nevertheless, its dissemination through a Presidential Instruction has given it an important practical and doctrinal role in the Religious Courts. The KHI provides judges and legal practitioners with a codified reference for resolving Islamic family law disputes. In inheritance cases, its provisions allow the court to determine the legal status of heirs and their respective portions within a relatively standardized framework. This standardization is significant because Islamic inheritance law historically developed through various schools of Islamic jurisprudence and therefore contains differences in interpretation. The KHI attempts to provide a more unified legal formulation for the Indonesian context.

The formulation of the KHI cannot, however, be separated from Islamic jurisprudence (*fiqh*). The inheritance provisions contained in the KHI reflect many principles that have been developed in classical Islamic jurisprudence, particularly the rules concerning *ashab al-furud*, *asabah*, blood relationships, marital relationships, and differentiated inheritance portions. In this sense, the KHI can be viewed as a process of legal codification and contextual formulation rather than a completely independent creation. The KHI translates selected principles of Islamic jurisprudence into a legal framework that can be applied within the Indonesian judicial system. Therefore, understanding the inheritance provisions of the KHI requires attention to both the text of the KHI and the fiqh traditions that influenced its construction.

This relationship between KHI and *fiqh* is particularly important when discussing gender justice. Classical Islamic jurisprudence was developed through a long intellectual process involving interpretation of the Qur'an and Sunnah, linguistic analysis, legal reasoning, and consideration of the social conditions of Muslim communities. The resulting rules were therefore not developed in an entirely social vacuum. The organization of family responsibilities, economic obligations, marriage, and property ownership influenced the way jurists understood inheritance rights. Contemporary scholars have consequently questioned how these classical constructions should be interpreted when the social conditions of Muslim families have changed. Ahyani et al. (2022) note that the debate on gender justice in Indonesian inheritance law is closely connected to the tension between classical inheritance constructions and contemporary understandings of justice.

In the practice of the Religious Courts, the KHI functions as an important starting point for legal reasoning. Judges may use its provisions to identify the heirs and determine their legal portions. However, the practical application of inheritance law is not always limited to a mechanical calculation of the portions contained in the KHI. In actual inheritance disputes, judges may encounter circumstances involving family agreements, different patterns of family responsibility, property acquired during marriage, substituted heirs, wills, grants, and other legal issues that affect the distribution of property. This demonstrates that inheritance law operates within a broader legal and social environment. The KHI therefore provides the normative structure, while judicial reasoning and the circumstances of each case may influence how that structure is applied.

The relationship between KHI, *fiqh*, and judicial practice also reveals an important characteristic of Indonesian Islamic law: Islamic legal norms are implemented through a state legal institution. This means that the application of Islamic inheritance law is not merely a matter of individual religious observance. It also becomes part of a formal legal process in which judges must consider legal certainty, evidence, procedural fairness, and the protection of the rights of the parties. Consequently, the KHI can be analyzed not only as a collection of Islamic inheritance rules but also as a legal construction that connects Islamic jurisprudence with the Indonesian state legal system.

From the perspective of this research, the position of the KHI is important because it provides the institutional point at which the classical construction of Islamic inheritance law encounters contemporary Indonesian society. The KHI preserves significant elements of classical Islamic inheritance law, but it is applied within a society experiencing substantial changes in family structure, women's economic participation, property ownership, and patterns of family responsibility. This position makes the KHI an appropriate object for examining whether the inherited construction of inheritance justice remains capable of producing substantive justice under contemporary conditions.

The classification of heirs under the KHI demonstrates that Islamic inheritance law is structurally more complex than a simple distinction between men and women. Article 171 of the KHI provides fundamental definitions concerning the deceased, heirs, and inheritance property, while Article 174 identifies the principal groups of heirs based on blood relationships and marital relationships. Through these provisions, the KHI establishes that inheritance rights arise from legally recognized relationships with the deceased. The classification therefore begins with the legal relationship between the deceased and the potential heir rather than simply with the gender of the person concerned (Presidential Instruction of the Republic of Indonesia No. 1 of 1991, 1991).

The first major category consists of heirs connected to the deceased through blood relationships. These include descendants, parents, siblings, and certain other relatives recognized under Islamic inheritance law. The existence of a blood relationship creates the basic legal connection between the deceased and the potential heir. However, not every relative necessarily receives inheritance in every situation. The presence of closer relatives may affect the position or portion of more distant relatives. This structure demonstrates that inheritance distribution is based on a system of kinship and legal priority rather than on an unrestricted principle of equal distribution among all family members.

The second category is based on the marital relationship. The husband or wife of the deceased may become an heir because of the legally recognized marriage relationship. This category is important because it demonstrates that inheritance rights under Islamic law are not exclusively based on blood relationships. Marriage also creates a legally recognized economic relationship that continues to have consequences after the death of one spouse. The inheritance rights of widows and widowers are determined according to the circumstances regulated by Islamic inheritance law and the KHI, including the existence of children and other heirs.

The classification of heirs also demonstrates that male and female heirs may occupy different legal positions depending on their relationship to the deceased. A son and a daughter may inherit together, but their portions may differ. A father and mother may both become heirs, but their portions may not necessarily be identical. A husband and wife may both inherit from one another, but their portions are also determined by the structure of the surviving family. Therefore, gender operates within a broader system of kinship and family structure. The legal position of an heir cannot be understood solely by asking whether the heir is male or female.

This point is essential for evaluating gender justice. If the entire Islamic inheritance system were based exclusively on gender, then all male heirs would always receive more than all female heirs. That is not the structure of Islamic inheritance law. The actual system contains different combinations

of heirs and different portions depending on the circumstances. As Sholihah et al. (2024) explain, the relationship between gender and inheritance justice needs to be understood within the broader structure of Islamic inheritance law rather than through the 2:1 formula alone.

The individual position of each heir is also affected by the principle of proximity and the structure of the surviving family. An heir may receive a particular portion because of his or her direct relationship with the deceased, while another relative may be excluded or receive a different portion because a closer heir exists. This arrangement indicates that Islamic inheritance law is concerned with maintaining a structured order of family property succession. The purpose is not simply to distribute property equally among all relatives but to determine legally recognized rights according to a particular system of kinship and responsibility.

The classification under the KHI therefore provides an important analytical foundation for this research. It shows that the question of gender justice should not be reduced to whether men and women receive identical amounts. A more complete analysis must examine how gender interacts with kinship, marital status, generation, dependency, and family structure. At the same time, the existence of a complex inheritance structure does not remove the need to critically examine those provisions that explicitly differentiate between male and female heirs. The most important example is Article 176, which establishes the 2:1 relationship between sons and daughters when they inherit together.

The most frequently discussed gender-related provision in the KHI is Article 176, which regulates the inheritance portions of sons and daughters. When a son and a daughter inherit together, the provision establishes that the portion of a male child is equivalent to the portion of two female children. This provision reflects the well-known 2:1 principle in Islamic inheritance law. The formulation is closely related to Qur'an 4:11, which establishes differentiated inheritance portions for sons and daughters in the relevant inheritance circumstances. Therefore, the 2:1 principle in the KHI cannot be analyzed independently from the Qur'anic framework that forms its normative foundation (Presidential Instruction of the Republic of Indonesia No. 1 of 1991, 1991).

The wording of Article 176 is significant because it establishes a differentiated portion based explicitly on the gender of the children. When a son and daughter inherit together, the son receives twice the portion of the daughter. In mathematical terms, if the inheritance estate available to the children is divided into three equal units, the son receives two units and the daughter receives one unit. The difference is therefore clear at the level of numerical distribution. However, numerical difference does not automatically determine whether the rule is just or unjust. The legal evaluation requires consideration of the rationale and structure of rights and responsibilities within which the distribution operates.

The Qur'anic framework is central to this discussion. Qur'an 4:11 does not merely establish an isolated numerical rule; it places inheritance within a broader system of family rights and obligations. The Qur'anic inheritance provisions also recognize the inheritance rights of women, including daughters and mothers, at a time when women's claims to family property were not necessarily treated as equivalent to those of men. The recognition of women's inheritance rights is therefore itself a significant element of the Qur'anic reform of pre-Islamic property practices. Contemporary gender justice analysis should recognize this historical dimension while also examining the meaning and implementation of differentiated portions in contemporary contexts (Ahyani et al., 2022).

Classical jurists generally understood the differentiated portions within the broader structure of Islamic family law. The male heir was traditionally associated with financial responsibilities that were not imposed upon women in the same way. The inheritance portion was therefore understood together with obligations concerning *nafaqah*, maintenance, and family support. From this perspective, the larger portion received by a male heir was not necessarily understood as a declaration of superior human worth. Instead, it formed part of a legal structure in which rights and obligations were distributed differently according to gender and family position.

This interpretation is important because it reveals that the classical legal structure was based on a relationship between rights and responsibilities. The inheritance portion was one element of a larger family law system. Men were generally required to provide financial maintenance for wives and children, while women's personal property was recognized as belonging to them and women were not generally required to use their property to support the family in the same manner. The 2:1 principle can therefore be understood as part of a system of differentiated economic obligations rather than as an isolated gender preference.

However, the existence of this classical rationale does not mean that its contemporary application should never be examined. The relevant question for contemporary Islamic legal scholarship is whether the social assumptions supporting the relationship between differentiated inheritance and differentiated economic responsibilities remain substantially unchanged. If the economic structure of the family changes, then the legal relationship between inheritance rights and family responsibilities may require renewed analysis. This is where the concept of substantive gender justice becomes important.

The 2:1 principle should consequently not be treated as the only possible indicator of justice. It should be examined together with the broader structure of Islamic inheritance law and the objectives of family law. Sholihah et al. (2024) emphasize that justice cannot simply be equated with numerical equality. At the same time, the concept of justice should not be used as an excuse to avoid critical examination of the social consequences of a legal rule. The proper approach is to investigate the rationale of differentiated treatment and determine whether that rationale continues to provide a reasonable basis for justice in the circumstances in which the rule is currently applied.

The issue becomes even more important when the KHI is considered as a state-oriented codification of Islamic law. The KHI does not merely reproduce classical fiqh mechanically. Its existence represents a process of selecting, organizing, and formulating Islamic legal principles into a form that can operate within the Indonesian legal system. Therefore, the provisions of the KHI can be examined through the principles of Islamic legal development, including *maqāṣid al-syarī'ah*, *maslahah*, and justice. Such examination does not necessarily mean rejecting the Qur'anic text. Rather, it concerns the interpretation and implementation of legal principles in a changing social environment.

The findings of recent studies support this direction. Fitriyati et al. (2025) show that some Religious Court decisions have considered equal inheritance distribution within particular family circumstances through a maqāṣid-based perspective. Their research indicates that contemporary judicial practice has encountered cases in which the traditional relationship between gender and economic responsibility does not fully correspond to the factual circumstances of the family. This development does not establish that the 2:1 principle is universally invalid, but it demonstrates that the relationship between inheritance, responsibility, and justice has become an active issue in contemporary Indonesian Islamic law.

Therefore, the 2:1 principle should be understood as an important normative component of the KHI, but its justice implications require a broader analysis. The central question is not merely whether the ratio is numerically unequal. The more fundamental question is whether the legal reasoning that connects differentiated shares with differentiated family responsibilities remains capable of producing substantive justice when the distribution of those responsibilities has changed.

2. Gender Justice and the Contemporary Transformation of Family Structure

The contemporary debate on Islamic inheritance law requires a clear distinction between gender equality and gender justice. Gender equality is often understood as the principle that men and women should receive equal legal treatment and should not be disadvantaged solely because of their sex. In the context of inheritance, this perspective may lead to the argument that sons and daughters should receive exactly the same portion. Such an argument is understandable because numerical equality provides a clear and easily measurable standard. However, equality of treatment does not always produce equality of outcome, particularly when the social circumstances and responsibilities of the parties are different.

Formal equality refers to the application of the same legal standard to persons who are placed within the same legal category. In inheritance law, formal equality may mean that all heirs are treated according to the same predetermined rules. The problem is that formal equality may overlook differences in social position, economic responsibility, dependency, or vulnerability. A legal rule can therefore be formally equal while producing unequal effects in practice. This is why contemporary gender justice scholarship increasingly distinguishes between formal equality and substantive equality.

Substantive equality goes beyond the question of whether the same rule is applied to everyone. It asks whether the operation of the rule produces a fair result and whether structural disadvantages are adequately addressed. This approach does not necessarily require identical treatment. Different treatment may sometimes be justified when there is a relevant difference between the parties. The key issue is whether the difference in treatment has a legitimate justification and whether it contributes to a fair distribution of rights and responsibilities.

This distinction is particularly important in Islamic inheritance law. The 2:1 formula represents differentiated treatment between sons and daughters in a specific inheritance configuration. If justice is defined exclusively as numerical equality, the rule will necessarily appear unequal. However, if justice is understood substantively, the analysis must examine the reasons for the difference, the broader distribution of family responsibilities, and the objectives of inheritance law. Sholihah et al. (2024) emphasize that equality should not automatically be treated as synonymous with justice in Islamic inheritance law.

At the same time, substantive gender justice cannot become a general justification for any unequal treatment. The existence of a historical rationale does not make every contemporary application automatically just. The rationale must remain relevant to the circumstances in which the rule is applied. Therefore, substantive gender justice requires two simultaneous questions: first, what legitimate objective justifies differentiated treatment; and second, whether that objective and its relationship with the differentiated treatment remain relevant under contemporary conditions.

This approach allows Islamic inheritance law to be evaluated without falling into a false opposition between religious norms and gender justice. The question is not whether Islamic law should choose between religion and gender equality. Rather, the question is how the values of justice contained within Islamic legal reasoning can be understood and applied in contemporary social conditions. Maqāṣid al-syarī‘ah is important in this regard because it provides a framework for connecting legal rules with their broader objectives, including the protection of property, family welfare, dignity, and prevention of harm (Heriandita et al., 2025).

Gender justice in this research is therefore understood as substantive fairness in the distribution and protection of inheritance rights while maintaining the fundamental objectives and normative foundations of Islamic law. This definition is intentionally different from a simple requirement that male and female heirs must receive identical portions. It allows the research to evaluate whether the KHI provides fair outcomes while also recognizing the complexity of Islamic inheritance principles.

The distinction between equality and justice also helps explain why the contemporary debate has generated different scholarly positions. Some scholars emphasize textual fidelity and argue that the Qur'anic formulation should remain the primary standard. Others emphasize changing social realities and argue for contextual reinterpretation. A third approach seeks to integrate the two by maintaining the normative foundation while reconsidering how justice is understood and implemented. The present research adopts the third approach because it provides greater analytical space for reconstructing the justice construction of the KHI without reducing the debate to a choice between 2:1 and 1:1.

The transformation of women's social roles has important implications for inheritance law because economic contribution is increasingly shared within contemporary families. Women participate in employment, entrepreneurship, professional activities, education, and property management. Their economic participation can contribute directly to household income and indirectly to the accumulation and preservation of family wealth. In some families, women contribute to household expenditure while also performing unpaid domestic and caregiving work. These multiple roles demonstrate that contemporary women's contributions cannot be understood only through the traditional category of economic dependency.

The growing economic contribution of women changes the practical meaning of family responsibility. A woman who earns an income and contributes to household expenses is not simply a beneficiary of the family's economic resources. She may also be an active contributor to the family's economic survival and long-term welfare. This is particularly relevant in families where both spouses work or where women become the principal economic provider. Her economic role may therefore resemble, in practical terms, responsibilities historically associated with male family providers.

Joint economic contribution is another important feature of contemporary family life. In many households, economic welfare is produced through the combined contributions of husbands and wives. One spouse may contribute through paid employment while the other manages domestic work and caregiving. In other families, both spouses participate in formal employment and share household expenditure. The accumulation of family wealth may therefore be the result of joint efforts rather than the contribution of only one gender.

This development does not mean that domestic work should be treated as economically irrelevant. Women's unpaid care work may support the ability of other family members to participate in education and employment. Therefore, an analysis of women's economic contribution should not be

restricted to wages or formal employment. The broader concept of family contribution includes financial support, caregiving, management of household resources, assistance in family businesses, and other activities that sustain family welfare.

In certain circumstances, women may also become the primary economic provider of the family. This can occur because of widowhood, divorce, unemployment of the husband, illness, migration, economic instability, or other family conditions. The existence of female-headed or female-supported households complicates the classical assumption that financial responsibility is naturally attached to male family members. Recent research on inheritance justice in Indonesia has highlighted precisely this transformation. Fitriyati et al. (2025) identify contemporary cases in which women's economic roles are relevant to the discussion of inheritance equality and maqāṣid-based judicial reasoning.

The transformation is also relevant to women's relationship with property. Women may own assets independently through inheritance, employment income, business activities, gifts, or other lawful means. Under Islamic law, women's property rights have traditionally been recognized as independent of the property of their husbands. In contemporary conditions, this recognition becomes increasingly important because women may enter marriage with existing property, acquire property during marriage, or contribute directly to the acquisition and maintenance of family assets.

The changing economic position of women therefore creates a more complex relationship between gender and property. The traditional model in which men are assumed to carry the primary financial responsibility and women are assumed to be primarily dependent does not describe every contemporary family. As a result, the justice of inheritance distribution may require contextual consideration of the actual economic structure of the family rather than relying exclusively on generalized assumptions about gender roles.

However, the transformation of women's economic roles should not be overstated. Contemporary Indonesian families continue to have diverse social and economic conditions. Many women remain economically dependent on their husbands, while many men continue to carry substantial financial responsibility. The purpose of a gender justice analysis is therefore not to assume that all women are economically independent or that all men are economically privileged. Rather, it is to recognize that family economic structures have become diverse enough that a single gender-based assumption may no longer adequately describe all families.

This diversity strengthens the need for substantive rather than purely formal justice. If the actual distribution of economic responsibility varies significantly between families, then the relationship between inheritance rights and responsibility requires careful evaluation. The law should be capable of recognizing the normative structure of inheritance while also allowing legitimate mechanisms for addressing different family circumstances.

The relationship between inheritance rights and family responsibilities represents the central analytical issue of this research. In the classical model, the relationship can be described relatively simply: male → larger inheritance share → greater economic responsibility. The larger portion received by a male heir was understood alongside his greater responsibility for family maintenance. This relationship formed part of the broader structure of Islamic family law and provided a rationale for differentiated inheritance shares.

The contemporary family structure is more complex. The relationship can increasingly be represented as male ↔ female → potentially shared economic responsibility. Both men and women may earn income, contribute to household expenses, care for dependants, acquire property, and support elderly parents. In some families, the woman may carry the larger economic burden. In other families, the man may remain the primary provider. The relevant point is that gender and economic responsibility can no longer be assumed to correspond perfectly.

This transformation creates a fundamental legal question: Can the historical relationship between inheritance shares and economic responsibility remain unchanged when the underlying socio-economic structure has substantially changed? The answer cannot be obtained simply by observing that women now work or earn income. Instead, it requires examination of whether the rationale that historically connected greater male inheritance with greater male responsibility continues to operate in the same way.

If the classical rationale is that a larger male inheritance share is justified by greater financial obligations, then the transformation of family responsibilities becomes relevant to the evaluation of that

rationale. Where a male heir continues to bear substantial maintenance obligations, the classical rationale may remain meaningful. Where a female heir carries comparable or greater responsibilities, the application of the same rationale becomes more difficult to defend as a complete explanation of substantive justice. This does not automatically invalidate the inheritance rule, but it indicates a potential gap between the original social rationale and contemporary family realities.

The issue can be analyzed through the principle of proportionality. A just distribution does not necessarily mean an identical distribution; rather, it may require that rights and responsibilities be reasonably related. If one person carries greater legal responsibility, a greater legal entitlement may be justified. But if responsibilities become substantially shared, the relationship between differentiated rights and gender-based responsibility requires reconsideration. Proportionality therefore provides a useful bridge between equality and justice.

This approach also clarifies why contribution alone cannot become the sole basis for inheritance. Islamic inheritance law is not designed as a compensation system in which heirs are paid according to their contribution to the deceased. The legal status of an heir originates from recognized kinship and marital relationships. Nevertheless, contribution and responsibility may be relevant when evaluating the broader justice of the inheritance system and when considering complementary mechanisms for distributing property. This distinction allows the study to preserve the structure of inheritance while still responding to contemporary realities.

Maqāṣid al-syarī'ah strengthens this analysis by shifting attention from the isolated legal form to the objectives of the legal system. If inheritance law seeks to protect property and family welfare, then its application should not create unnecessary harm or undermine the legitimate welfare of heirs. The protection of property (*ḥifẓ al-māl*) becomes particularly important because inheritance represents the transfer of wealth across generations. The manner in which that wealth is distributed can affect the economic security of heirs and the continuation of family welfare.

The principle of *maslahah* also requires attention to the consequences of inheritance arrangements. Where a particular distribution contributes to family stability and ensures that those carrying substantial obligations have adequate resources, it may support the objective of justice. Conversely, where the application of a differentiated rule produces serious and disproportionate hardship without a corresponding responsibility-based justification, the situation may require contextual legal reasoning. Thus, the contemporary challenge is to connect the normative inheritance structure with the actual social function of inherited property.

The changing relationship between inheritance and responsibility therefore does not necessarily demand a complete abandonment of the 2:1 principle. Instead, it suggests the need to distinguish between the normative rule and the justice rationale used to explain its contemporary application. The normative rule remains part of the Islamic inheritance framework, while its implementation must be understood within the objectives of Islamic law and the actual structure of family responsibility.

This distinction is important for the reconstruction proposed by this research. The reconstruction is not designed to create a new inheritance system based solely on economic contribution. Nor is it designed to replace Islamic inheritance law with a purely secular model of equal distribution. Rather, it seeks to reconstruct the concept of justice by integrating the normative inheritance structure with maqāṣid, substantive justice, and contemporary family realities.

3. Maqāṣid al-Syarī'ah as a Framework for Reconstructing Islamic Inheritance Law

Maqāṣid al-syarī'ah provides an important methodological framework for evaluating whether the application of Islamic inheritance law continues to realize the fundamental objectives of Islamic law. In the context of family law, inheritance cannot be understood merely as a technical mechanism for transferring property from a deceased person to heirs. Inheritance is also connected with the protection of property (*ḥifẓ al-māl*), the continuity and protection of family and descendants (*ḥifẓ al-nasl*), the preservation of human dignity (*ḥifẓ al-'irḍ*), justice, and the realization of social welfare. Therefore, an assessment of inheritance law from the perspective of *maqāṣid al-syarī'ah* should examine not only whether the formal distribution complies with established legal rules, but also whether its implementation produces outcomes consistent with the broader objectives of Islamic law (Al-Shāṭibī, 2004; Auda, 2008).

The principle of *ḥifẓ al-māl* is particularly relevant because inheritance constitutes one of the principal mechanisms through which property is transferred and redistributed within families after the death of a person. The protection of property requires that inherited assets be distributed through a

legally recognized mechanism, that the rights of legitimate heirs be protected, and that disputes and arbitrary deprivation of property be prevented. In this respect, Islamic inheritance law establishes a structured system designed to prevent the domination of property by particular family members. However, *ḥifẓ al-māl* should not be reduced to the protection of nominal ownership alone. The objective also includes ensuring that property contributes to the welfare and sustainability of the persons and families who are legally entitled to it. Consequently, the implementation of inheritance law should take account of whether the distribution of property genuinely protects the economic interests of heirs in their actual circumstances.

The objective of *ḥifẓ al-nasl* also demonstrates that inheritance law has a broader family-protection function. Inheritance is closely related to the continuity of family relations, the protection of descendants, and the maintenance of intergenerational welfare. When inheritance disputes produce prolonged family conflict, economic vulnerability, or the marginalization of particular family members, the legal process may formally distribute property while simultaneously undermining the broader objective of protecting the family. Accordingly, the implementation of inheritance law should be oriented not only toward determining who receives property but also toward maintaining family relationships and preventing the transfer of wealth from becoming a source of persistent social and familial harm.

Another relevant objective is the preservation of dignity (*ḥifẓ al-ʻirḍ*). The distribution of inheritance can affect the social position, economic independence, and dignity of surviving family members, particularly women who may depend substantially on inherited property for their livelihood. A gender-justice perspective therefore requires attention to situations in which formal inheritance rules interact with unequal economic circumstances. The question is not whether male and female heirs must always receive identical shares, but whether the legal system prevents unjust deprivation and ensures that every legitimate heir is treated with dignity. This perspective moves the analysis from formal entitlement toward the substantive consequences of inheritance distribution.

Justice is consequently a central objective in evaluating inheritance law. Islamic justice does not necessarily require mathematical equality in every legal relationship. Rather, justice may require proportionate treatment according to the rights, responsibilities, circumstances, and objectives underlying a particular legal institution (Sholihah et al., 2024). This distinction is important because the existence of different inheritance shares cannot automatically be equated with injustice, just as identical shares cannot automatically be regarded as the only form of justice. The relevant question is whether the rationale and implementation of the distribution continue to correspond with the objectives of Islamic law under contemporary conditions.

The final objective is welfare (*maṣlaḥah*). Inheritance law should ultimately contribute to the welfare of surviving family members and prevent the concentration or misuse of family wealth. The concept of welfare provides a bridge between the normative foundations of Islamic inheritance law and the social realities experienced by contemporary families. When family structures, patterns of employment, economic contributions, and gender roles change, the realization of *maṣlaḥah* requires Islamic legal scholarship to examine how established legal principles can be implemented in ways that continue to protect property, family, dignity, and justice. Thus, *maqāṣid al-syarīʻah* functions not as a mechanism for abandoning Islamic inheritance principles but as an evaluative and interpretive framework for ensuring that their application remains directed toward the objectives of Islamic law (Auda, 2008; Heriandita et al., 2025).

The concept of *maṣlaḥah* provides an important methodological basis for understanding the relationship between Islamic law and social change. *Maṣlaḥah* cannot simply be interpreted as a justification for abandoning textual provisions whenever contemporary social conditions change. Such an approach would detach Islamic legal reasoning from its normative foundations. Rather, *maṣlaḥah* functions as an instrument for identifying and realizing the purposes embedded within Islamic legal norms while considering the concrete circumstances in which those norms are applied. In this sense, *maṣlaḥah* creates a methodological space for distinguishing between the permanence of fundamental legal values and the contextual dimensions of their implementation (Al-Ghazālī, 1993; Al-Shāṭibī, 2004).

This distinction is particularly significant in the discussion of Islamic inheritance law. The Qur'anic inheritance provisions constitute an important normative foundation of Islamic law and cannot simply be dismissed on the basis of contemporary claims of gender equality. At the same time, the

social circumstances surrounding family relationships are not static. Economic structures, patterns of employment, educational opportunities, property ownership, household responsibilities, and the participation of women in the labor market have changed significantly. These transformations do not necessarily invalidate the normative foundations of inheritance law, but they raise questions concerning how the objectives of justice and welfare embedded in those norms should be realized in contemporary society.

The changing social context therefore becomes an important variable in the development of Islamic legal interpretation. Islamic jurisprudence has historically demonstrated that legal reasoning is capable of responding to changes in circumstances while preserving the fundamental objectives of the Sharī‘ah. The principle that legal judgments may be affected by changes in circumstances does not mean that every textual rule becomes changeable. Rather, it recognizes that the application, interpretation, and institutionalization of legal principles may require contextual consideration when the social conditions underlying particular legal relationships change.

In the context of inheritance, this methodological position becomes particularly relevant to the relationship between inheritance rights and economic responsibility. The classical legal framework generally associated greater economic responsibility with men, particularly through the obligation of *nafaqah*. Contemporary family structures, however, demonstrate considerable diversity. Women may participate substantially in household income, become principal economic providers, possess independent assets, or bear significant financial responsibilities for children and other family members. Conversely, not all men necessarily occupy the economic position assumed by the classical model. These realities require a more contextual analysis of how justice is realized in the application of inheritance law.

Nevertheless, contemporary social change should not be used to automatically replace the principle of differentiated inheritance with an abstract principle of equal distribution. Such a conclusion would reproduce the same formalism from the opposite direction. The more appropriate approach is to use *maṣlaḥah* to examine whether the existing legal construction continues to realize the objectives of justice, property protection, family welfare, and dignity in specific circumstances. This approach is consistent with contemporary scholarship that emphasizes the distinction between equality and justice in Islamic inheritance discourse (Ahyani et al., 2022; Sholihah et al., 2024).

Accordingly, *maṣlaḥah* in the present study is positioned as a bridge between textual normativity and social reality. The text provides the normative foundation, while *maqāṣid* and *maṣlaḥah* provide methodological tools for understanding its objectives and assessing its implementation. Social change then becomes an empirical-contextual consideration in determining whether the existing legal application remains capable of realizing substantive justice. This framework allows Islamic inheritance law to remain rooted in Islamic legal sources while simultaneously responding to contemporary transformations in family life.

The central theoretical problem in reconstructing Islamic inheritance law lies in the meaning of justice itself. If justice is defined exclusively as numerical equality, then every difference between the inheritance shares of male and female heirs would immediately be characterized as discriminatory. However, such an approach does not adequately explain the internal logic of Islamic inheritance law, which contains different shares based on various forms of kinship, family structure, and legal position. Conversely, if justice is defined exclusively as conformity with historically established distribution formulas, the analysis risks ignoring contemporary social transformations that may affect the substantive consequences of inheritance distribution. The concept of justice therefore needs to be reconstructed beyond the simple opposition between “2:1” and “1:1.”

Classical Islamic inheritance law developed within a social structure in which gender roles were closely connected to differentiated family responsibilities. Men generally carried legally recognized obligations of financial maintenance, while women possessed independent property rights and were not generally burdened with the same maintenance obligations. Within this structure, differentiated inheritance shares could be understood as part of a broader system in which rights and responsibilities were distributed in an interconnected manner. The larger share allocated to a male heir was therefore not necessarily conceptualized as a declaration of greater human worth, but as part of a legal structure connecting property rights with economic responsibilities.

The contemporary social structure, however, is more complex. Family economic responsibilities may be shared between men and women, and in some households women may

contribute an equal or greater proportion of family income. Women may also assume responsibility for children, elderly parents, household expenses, education, health care, and property management. At the same time, many families continue to operate according to more traditional arrangements in which men remain the principal economic providers. This diversity demonstrates that contemporary families cannot be represented through a single gender-based economic model.

The theoretical reconstruction proposed in this study therefore shifts the analytical framework from a predominantly gender-based conception of inheritance justice toward a more contextual relationship between rights and responsibilities. The distinction can be represented as follows:

Classical Paradigm	Contemporary Paradigm
Gender-based family roles	Shared and diverse family roles
Male-centered economic responsibility	Shared economic responsibility
Formal allocation of shares	Substantive and proportional justice
Relatively stable social structure	Dynamic social structure
Emphasis on individual legal shares	Attention to family welfare and justice

This comparison does not imply that the classical paradigm was inherently unjust or that the contemporary paradigm automatically represents a superior form of justice. Rather, it demonstrates that the assumptions connecting inheritance rights with family responsibilities require renewed examination. If differentiated inheritance shares historically operated within a broader system of differentiated economic obligations, then changes in the distribution of those obligations constitute an important consideration when evaluating the contemporary realization of justice.

The reconstruction of justice proposed here is therefore based on five interconnected dimensions: proportionality, responsibility, contribution, need, and family welfare. Proportionality means that justice should not be equated mechanically with identical shares. Responsibility refers to the actual legal and economic obligations carried by heirs. Contribution concerns the concrete economic and non-economic contributions made to the family, although contribution cannot replace kinship as the formal basis of inheritance. Need recognizes that the consequences of inheritance may differ depending on the economic circumstances of individual heirs. Family welfare ensures that inheritance distribution does not merely resolve ownership formally but contributes to the sustainability of the surviving family.

The dimension of contribution requires particular caution. Inheritance is not a wage or compensation for services rendered to the deceased. An heir cannot simply claim a larger inheritance because he or she contributed more financially to the family. Nevertheless, contribution may become relevant in the contextual assessment of justice, particularly when determining whether other Islamic legal instruments, such as *hibah*, *wasiyyah*, or *takharuj*, can be used to accommodate legitimate family interests. In this way, contribution informs the broader legal strategy without replacing the normative basis of inheritance.

This approach is consistent with recent scholarship arguing that the relationship between gender and inheritance justice should not be reduced to a binary opposition between equality and inequality. Sholihah et al. (2024) demonstrate that unequal distribution does not necessarily constitute injustice, while recent Indonesian scholarship has increasingly examined inheritance through *maqāṣid al-syarī'ah* in response to changing social and economic roles of women (Fitriyati et al., 2025; Heriandita et al., 2025). The present study develops this discussion further by proposing that the object of reconstruction should be the justice construction underlying KHI, particularly the relationship between inheritance rights, family responsibilities, and contemporary socio-economic conditions.

4. Reconstruction Model of Islamic Inheritance Law within KHI

The preceding analysis demonstrates that the primary issue requiring reconstruction is not simply the numerical formula of inheritance distribution but the concept of justice underlying its implementation. The existing discourse frequently places Islamic inheritance law between two extreme positions: one treats the differentiated share between male and female heirs as inherently discriminatory, while the other treats the existing formula as sufficient evidence of justice without considering changes in social circumstances. Both positions are inadequate for developing a contextual theory of Islamic inheritance justice.

The reconstruction proposed in this study defines justice as proportionality + responsibility + contribution + need + family welfare. Proportionality means that justice does not necessarily require

equal numerical distribution but requires a reasonable relationship between legal rights and the purposes of the law. Responsibility refers to the obligations borne by family members. Contribution refers to the actual role played by family members in sustaining family welfare. Need concerns the potential economic consequences of inheritance distribution. Family welfare refers to the broader objective of ensuring that inheritance strengthens rather than destroys the economic and relational stability of the surviving family.

This formulation does not mean that these five factors should be mechanically converted into a new mathematical formula for calculating inheritance shares. Such an approach would create a new form of legal rigidity and could conflict with the established structure of Islamic inheritance law. Instead, these dimensions function as evaluative and interpretive principles for determining how the existing inheritance framework should be understood and implemented and when complementary Islamic legal mechanisms may legitimately be employed.

Accordingly, the concept of justice is reconstructed from formal distributive justice toward substantive and proportional justice. Formal distributive justice asks whether each heir receives the share prescribed by the applicable legal rule. Substantive justice additionally asks whether the legal implementation protects the legitimate interests, dignity, welfare, and economic security of the heirs within their actual social circumstances. This does not negate formal legal entitlement; rather, it places formal entitlement within the broader objectives of Islamic law.

The difference between these models is significant. The contemporary model does not suggest that inheritance rights should be calculated solely according to economic contribution. Rather, it recognizes that the realization of justice occurs within a social environment in which responsibilities are increasingly distributed in diverse ways between men and women. Therefore, the legal assessment of inheritance justice must recognize the possibility that the traditional correspondence between gender and economic responsibility no longer describes every family.

This reconstruction also prevents an overly simplistic conclusion that women should receive larger inheritance merely because they contribute economically to the family. Such a conclusion would turn inheritance into a compensation mechanism and would disregard its distinct legal character. Instead, economic contribution and family responsibility should become contextual considerations in determining whether complementary legal mechanisms are necessary to achieve a fair distribution of family assets.

The proposed relationship can therefore be expressed as follows: Inheritance Rights ↔ Family Responsibilities ↔ Economic Contribution ↔ Social Context → Substantive Family Justice. This model places inheritance within a broader family-law ecosystem. Inheritance establishes the legal rights of heirs, while *hibah*, *wasiyyah*, *takharuj*, and family agreements within legally permissible boundaries may provide mechanisms through which family interests can be accommodated. The objective is not to dissolve the inheritance system but to ensure that its application operates within a broader framework of family justice.

Contextual interpretation does not mean freely modifying the provisions of Islamic inheritance law according to contemporary preferences. Rather, it means understanding the legal provisions within their textual, jurisprudential, social, and institutional contexts. In the Indonesian setting, KHI represents an important institutional formulation of Islamic family law that has been disseminated for use as a guideline in resolving relevant matters. Its provisions therefore need to be evaluated not only as isolated rules but as part of a broader legal system governing marriage, family relations, property, and inheritance.

The contextual interpretation proposed in this study maintains the fundamental structure of Islamic inheritance law while opening methodological space for contextual implementation. The first principle is that the normative foundation of inheritance remains protected. The second is that the objectives of the rules must be considered through *maqāṣid al-syarī'ah*. The third is that the actual socio-economic conditions of heirs may be considered when assessing the substantive consequences of inheritance distribution. The fourth is that complementary legal instruments within Islamic law can be used to accommodate legitimate family interests.

Under this model, the circumstances of individual heirs may become relevant to the implementation of justice. For example, the economic vulnerability of a surviving spouse, the responsibility of an heir toward dependent family members, or the different economic capacities of heirs may be considered within the broader legal framework. Such considerations do not automatically

change the formal status or predetermined entitlement of an heir. Rather, they may inform the use of lawful mechanisms for voluntary redistribution or prior planning of family property.

One important instrument is *takharuj*, through which an heir may voluntarily relinquish or adjust his or her inheritance entitlement in favor of another heir within the recognized legal framework. The use of *takharuj* can provide flexibility in situations where strict application of individual entitlements does not correspond with the family's welfare considerations, provided that it is based on genuine consent and does not involve coercion or unlawful deprivation. Similarly, *hibah* may be used during the lifetime of the property owner to arrange property distribution, while *wasiyyah* can operate within the limits recognized by Islamic law. These instruments should not be treated as methods for circumventing Islamic inheritance law but as complementary mechanisms that can support family welfare when properly regulated.

The contextual model consequently produces a distinction between inheritance determination and property distribution strategy. The first concerns determining the legal status and rights of heirs according to the applicable inheritance framework. The second concerns the lawful ways in which family property may be managed before or after death to address legitimate family needs. This distinction is important because it enables the reconstruction of justice without requiring the wholesale alteration of the foundational inheritance structure.

CONCLUSION

This study concludes that the construction of Islamic inheritance law in Indonesia, particularly as formulated in the Compilation of Islamic Law (KHI), remains strongly influenced by the classical jurisprudential framework, including the differentiated distribution of inheritance between male and female heirs as reflected in Article 176 of the KHI. Although this framework is rooted in established Islamic legal principles and historically connected to the distribution of economic responsibilities within the family, contemporary transformations in family structures, women's economic participation, patterns of household contribution, and the distribution of caregiving and financial responsibilities demonstrate that justice cannot be assessed solely through formal or numerical distribution. The changing socio-economic conditions therefore require a critical evaluation of whether the existing construction of inheritance justice continues to produce substantive and contextual justice for heirs. Accordingly, the reconstruction of Islamic inheritance law should not be directed toward rejecting the fundamental principles of Islamic Sharī'ah, but toward developing a more contextual conception of justice through the integration of *maqāṣid al-syarī'ah*, *maṣlaḥah*, gender justice, proportionality, and substantive justice. Such an approach allows the normative foundations of Islamic inheritance law to be preserved while its interpretation and implementation remain responsive to contemporary social realities, particularly the changing relationship between gender, economic contribution, family responsibility, and the welfare of heirs. The proposed reconstruction, therefore, emphasizes that justice in Islamic inheritance should be understood not merely as formal equality or mechanical application of differentiated shares, but as a proportional and substantive form of justice that considers the objectives of Sharī'ah, the actual conditions of family members, and the broader welfare of the family within the Indonesian legal context.

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