



## The Justice Dimensions in the Provision of *Al-'Awl* on Islamic Inheritance Law

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### **Abstract**

This study focuses on the justice contained in *al-'awl* as a part of the inheritance system in Islam. For some people, justice in the Islamic inheritance is a form of injustice, and others consider it proportional justice. Therefore, tracing how the value of justice in the initial concept is a challenge in itself. Moreover, the concept of *Al-Awl* is considered as a reduction of existing parts. In addition, this article also focuses on the problem of the distribution of *Al-Awl*'s manifestations with the provisions of God's law. This research used a qualitative method with a philosophical-theological approach to answering this question. This study shows that *al-Awl* in the Islamic inheritance system is closely related to the value of justice. This is because *al-Awl* shows equality by reducing legal provisions to avoid conflicts between family members, not injustice or proportional justice. *Al-Awl* is a solution to reduce the definite portion of all heirs proportionally, which is a way out that provides the general benefit compared to reducing the definite portion of some heirs. In addition, *al-Awl*'s concept is a manifestation of the acceptance of God's law in the destiny of death and the reality of the remaining family structure.

**Keywords:** *al-'Awl*, Conflict solving, Distributing inheritance in Islam, a Legal provision

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### **Abstrak**

*Kajian ini berfokus pada keadilan yang terkandung dalam al-'awl sebagai bagian dari sistem pewarisan dalam Islam. Keadilan dalam waris Islam bagi sebagian adalah bentuk ketidakadilan, sebagian lainnya menganggap sebuah keadilan yang proporsional. Oleh karena itu, melacak bagaimana nilai keadilan dalam konsep awal adalah sebuah tantangan tersendiri. Terlebih, konsep Al-Awl dianggap sebagai pengurangan bagian yang ada. Selain itu, artikel ini juga berfokus pada masalah distribusi manifestasi Al-Awl dengan ketentuan hukum Tuhan. Untuk menjawab pertanyaan tersebut, penelitian ini menggunakan metode kualitatif dengan pendekatan filosofis-teologis. Kajian ini menunjukkan bahwa al-Awl dalam sistem waris Islam erat kaitannya dengan nilai keadilan. Hal ini karena al-Awl menunjukkan adanya kesetaraan dengan mengurangi ketentuan hukum untuk menghindari konflik antar anggota keluarga, bukan ketidakadilan atau keadilan proporsional. Al-Awl merupakan solusi mengurangi bagian pasti semua ahli waris secara proporsional merupakan jalan keluar yang memberikan kemaslahatan umum dibandingkan dengan mengurangi bagian pasti sebagian ahli waris Disamping*

itu, konsep al-Awl merupakan manifestasi penerimaan hukum Allah dalam takdir kematian dan realitas struktur keluarga yang tersisa.

**Kata Kunci:** al-‘awl, bagian pasti, distribusi harta warisan dalam Islam, penyelesaian masalah

## A. INTRODUCTION

Justice in inheritance law is still a debate among academicians. For example, Tamar Ezer argues that justice in Islamic inheritance law cannot be seen clearly in every inheritance provision (Ezer, 2006, pp. 615–616). If viewed in depth from the principles used in Islamic inheritance law, gender classification is not included in Muslims' inheritance distribution (Suma, 2012, p. 214). The meaning of "justice," which has only one meaning, creates differences in the distribution of Islamic Heritage. The opinion explains that the justice referred to in inheritance law is to give equal rights to heirs. An opinion pioneered by Munawwir Sadzali (Contextualization of Islamic Teachings, 1995, pp. 87–90), justice gives a proportionate share (Syarifuddin, 2004, pp. 25–26).

On the other hand, justice is seen in every provision in inheritance law, for example, in the concept of al-‘awl. According to Ahmed E. Souaiaia, al-Awl's concept is the embodiment of the desired principle of justice because it avoids conflicts that can occur between heirs (Souaiaia, 2010, p. 70). The meaning of "justice," which only has one meaning, causes differences in Islamic inheritance. An opinion that explains that justice referred to in inheritance law provides equal rights to the heirs. This idea was once put forward by Munawwir Sadzali, who explained that when the heirs consist of boys and girls, they must be given an equal share regardless of gender. He said that method distribution is a division that shows a sense of justice (Kontekstualisasi Ajaran Islam, 1995, pp. 87–90).

The application of justice can be seen in the distribution of inheritance: the death of someone who leaves an heir, such as a husband, sister, mother, and stepsister. Then, the husband gets 3/8 share, the sister gets 3/8 share, the mother gets 1/8 share, and the stepsister gets 1/8 share. This provision results from a proportional reduction of the respective parts of the provisions stipulated in the text (al-Yaḥyā, 2009, p. 116). Suppose justice is associated with provisions in Islamic inheritance law. In that case, justice is associated with the word of Allah SWT and must also be associated with human rights guaranteed by sharia so that people feel happy because they are treated fairly by the law imposed on them.

The study of justice in inheritance has become an exciting study for scholars to examine. According to Sam'ani and Rohman, the rules for the distribution of inheritance in Islam are enforced to give a sense of justice to the heirs who are entitled to the inheritance because the property is a basic need in human life (Sam'ani & Rohman, 2020, p. 48). According to Sulong, Islam guarantees justice for women not only from the point of view of Sharia law but also from the aspect of social justice in society through balanced obligations for each member in terms of rights and obligations and the practice of practice wills, grants, and self-confidence (Sulong, 2015, p. 20). Furthermore, what is interesting about the rules for dividing inheritance for people who adhere to a patrilineal system, such as in the Batak, Karo, and Balinese, legal stipulations by judges for these communities apply rules, which gives inheritance rights to male and female offspring (Gultom, 2017, p. 201). These studies show that the initial concept has not been studied.

According to the author, the concept of *awl* (a solution to lack of inheritance) is a justice that exists in Islamic inheritance law.

Thus, the focus of the study of this article is how the value of justice is in the initial concept. In addition, this article also focuses on the issue of the distribution of the initial manifestations with legal provisions. This research uses a qualitative method with a philosophical-theological approach to answering this question. The use of a theological approach in exploring the dimensions of justice in *al-'awl* is necessary because this provision cannot be separated from the destiny of Allah SWT in terms of the composition of family members left by relatives. The philosophical approach is used to read in-depth the background of the creation and the purpose of the provisions of *al-'awl* as a solution to overcome the problem of lack of inheritance.

## **B. DISCUSSION**

### **1. “Justice” Meaning**

Suppose justice is associated with the nature of God. In that case, every legal provision that comes from God, namely in the form of revelation, which at the legal level is known as *al-nusus*, must be implemented. Therefore, because every regulation whose source is *al-nass*, of course, is a just law. Then, according to Said Nursi (d. 1960 AD), the essence of God's justice can be seen in the aspect of giving rewards and punishments for an act. Allah does that because it is visible, but because of the intent and purpose behind an action (Nursi, 2005b, p. 84). The example of God's justice implied in *al-nass* can be seen in the inheritance law regarding granting inheritance rights to grandchildren whose parents have died first. Before his grandfather.

According to Sofyan M. Utama, the provision for replacement heirs, also grandchildren whose parent died inherit from grandfather, from in Article 185 is a rule that prioritizes the benefit of the *ummah* or the benefit of equality which holds the principle of monotheism, which is under the objectives of the law imposed by Allah SWT (Utama, 2019, p. 142). It can be understood that law that shows justice, including the law on the distribution of inheritance, is when the inheritance law provides comprehensive benefits to family members who have died. Therefore, to explore the dimensions of justice in the rules of *al-'awl* in Islamic inheritance law, it can be based on the objectives of *syara'* (*maqashid al-shari'ah*) and must be related to the abandoned family structure, as part of Allah's destiny.

### **2. Understanding The Provision of Al- ‘Awl**

When a contradiction in the distribution of inheritance between the assets distributed and the legal provision (*al-furud al-muqaddarah*) must be received will become a problem that the usual distribution method inheritance cannot resolve (Mughniyah, 2008, p. 429) A legal provision cannot be accepted by every heir entirely because of a lack of inherited assets. Then, to solve this problem, the distribution cannot be carried out properly, for example, by giving 1/2 of the assets to the heirs who must receive 1/2. In this case, if a legal provision is distributed to every heir, the problem will happen with some heirs not receiving a legal provision completely.

The majority of *fuqaha* argue that to resolve the deadlock problem regarding the lack of inheritance which results in a legal provision not being fully accepted by the heirs, it must be solved by reducing a legal provision for every existing heir proportionally (Mughniyah, 2008, p. 424). This concept is called *al-'awl*. This opinion was adopted by

the regulations governing the distribution of inheritance in the Islamic Law Compilation (KHI) in Indonesia. Then, to know how this method is applied in the distribution of inheritance, for example, there is a case of inheritance, where someone dies, and he has heirs consisting of a wife, two sibling sisters, and a mother.

Table 1: Calculation of the Inheritance Distribution

No.	Heirs and their share	fi.s.	o.p (12)	o.f (15)	fo.s	
1	Wife: 1/4	25%	1/4 x 12	3	3/15	20%
2	Two sibling sisters: 2/3	66.7%	2/3 x 12	8	8/15	53.3%
3	Mother: 1/3	33.3%	1/3 x 12	4	4/15	26.7%
		<b>125%</b>		<b>15/12</b>	15/15	<b>100%</b>

Note:

- o.fp = origin of the final problem
- o.p. = the origin of the problem (asl al-mas'alah)
- fo.s. = the final share
- fi.s. = the first share

Based on table 1.1, it can be explained that each initial part of each heir, which when accumulated, becomes 125% or 15/12. It shows an inequality between the origin of the problem (12) and the need for inheritance rights (15). The accumulated result (the denominator) of each share of the heirs should be the same as the origin of the problem (the numerator), namely 12/12. The denominator (as an indicator of the accumulated need for distributing inheritance) and the numerator (as an inheritance availability indicator) are the same. Each heir will inherit according to his share. Therefore to cover the deficit inheritance, the denominator must be changed to the same number as the numerator, namely 13. Then, by changing the numerator, each heir's share will change from the original (legal provision). The wife who previously received 25% (1/4) becomes 20%. The share of two sibling sisters who were 66.7% (2/3) got 61.54%. Furthermore, before the change in the numerator rate as mentioned above, mothers get 33.3% (1/3) to change to 26.7%.

The al-'awl legal source is one of the rules to distribute inheritance, is contained in the Qur'an and those contained in the Hadith. According to the supporting group to al-'awl, these arguments do not show any differences or give the heirs more rights to take precedence when distributing inheritance. So, no heir must take precedence over terminating other heirs (al-Ḥaṣari, 1992, p. 549). In other words, when there was an asset deficit, the share of each heir was changed from the original share proportionally (al-Jalīdi, 1982, p. 82). So, prioritizing some of the heirs of the other heirs is al-tarjih bi la murajjih. The inheritance right that has been determined by al-nass is a provision that contains the principle of equality. Also, it is agreed by Prophet's friends and jumhur fuqaha (al-Ḥaṣari, 1992, p. 549).

In contrast to the previous view, 'Abdullah ibn 'Abbas gives a different idea as a solution to a deadlock in the problem of a shortage of assets in the distribution of inheritance. Avoid the deficit of inheritance for heirs; it is necessary to give priority rights to the heirs that take precedence over Allah and terminate the heirs that should be terminated (al-Mardāwi, 1997, p. 299). Heir whose legal share can change to other legal shares, for example, husband (from 1/2 share to 1/4 share), and mother (from 1/3 share to 1/6 share). When under certain circumstances, the heirs can be included in the group of heirs dhu al-furud and in other circumstances are included in 'asabah, like daughters and sisters (al-Bayhaqi, 2003 p. 414).

Furthermore, when the above view is applied to an inheritance case that shows in table 1.1., the wife gets 3/12 (25%) of the assets, the mother gets 4/12 (33, 3%), while two siblings were given a share of 5/12 (41.7%) of the assets. If we look closely at the settlement, it can be seen that the share of the wife and mother received a share according to the origin of a legal provision (al-furud al-muqaddarah). In contrast, the share of the two sibling sisters changed from the legal provision they should have received. namely 8/12 (66.7%) to 5/12 (41.7%). This calculation result belongs to those who rejected al-'awl because the sisters are heirs who into ma ta'akharahu Allah. They believed that the share of wife and mother could not be reduced from a legal provision. This method is carried out because the heirs are among the heirs whose share must be given priority (Mughniyah, 2008, p. 425).

### **3. Mutual Agreement to Resolve Complex Issues**

Something unusual in appropriate circumstances often leads to a problem that may not be easy to solve. These issues become difficult to resolve because the issue is a new thing or no way to solve problems (problem-solving) (Quesada \* et al., 2005, p. 28). A fair solution is needed to solve these problems so that no one is harmed (Wolf, 2007, pp. 4, 5, 9). Therefore, to get out the problem, must be found an appropriate solution so that new problems do not occur again. For example, a problem occurs when a person dies and has debt to individuals and institutions. Because the deceased's property will not pay off the debt in full or will only pay a few parties, the deceased assets must be distributed equally, even though the distribution will not pay off debts to all people (Ibn al-'Arabi, 2003, p. 457).

The problems described above can also occur in solving the distribution of wealth to heirs. The law of inheritance for Muslims has been explained in detail both in the Qur'an and the Hadith. It can be said that the law considering inheritance is the most detailed compared to other laws. This clear can be seen in the provisions regarding the deceased's property, the people entitled to inheritance, and their shares (Al-Azhar Mesir, 2004, pp. 14–19). Based on the opinion that does not differentiate, it can be described that the inheritance verses, namely al-Nisa: 7, 11, 12, and 176, contain rules of inheritance as follows: first, those entitled to the inheritance, which is of the male and female; second, the granting process' inheritance rights are preceded by the fulfillment of the owner's obligations, such as the execution of a will and settlement of debts; and third, it is not to give special rights granted to some heirs in taking the inheritance before the other heirs.

The explanation mentioned in the previous paragraph shows that the equal treatment of every heir by reducing their share without any exception is a solution to solve the problem, which is based on legal arguments and considers the realization of giving equal rights to the heirs. So, it can be seen that this opinion is an unliteral or non-literary



thought in inheritance. It means that rule of distributing inheritance is not only fixated on the verse of inheritance but is also based on the importance of the value of justice by not discriminating against the heirs (Souaiaia, 2010, p. 69). Thus, giving equal rights and not detrimental to every individual is the principle of justice. This view shows that the rule of law in Islam is more concerned with the general *maslaha* (Khadduri, 1998, p. 163).

In the verses regarding inheritance, the second opinion, namely the opinion that does not acknowledge the *al-'awl*, explains the superior heirs (*al-warith al-muqaddam*) by Allah and the inferior heirs (*al-warith al-mu'akhkhar*). They said that heirs whose existence does not move from the *ahl al-furud* group are preferred over other heirs. In other words, there will be no inheritance deficit in the distribution of inheritance if there is a distinction between *al-warith al-muqaddam* and *al-warith al-mu'akhkhar* by settlement of the distributing assets prioritizing *al-warith al-muqaddam*. So that, with this solution, the inheritance problem can be appropriately resolved.

That Opinions regarding the solution expressed by Islamic legal experts to solve. However, the first opinion is considered to have a more acceptable solution when compared to the solution given by the second opinion (*al-Salām*, n.d., p. 8). If there is an inheritance deficit, there is a reduction of heirs' received legal provision without exception to complete the settlement of the property deficit. It can provide virtue (*maslaha*) or a sense of fairness (*al-'adalah*) to all heirs. Besides, this reduction to all heirs' shares can achieve unity because they are differentiated in reducing share (David, 1979, p. 14). Then, if we explore deeply, the first and second opinion wants goodness (*maslaha*). Nevertheless, there are differences; namely, the first group wants to achieve goodness by giving equal rights to each heir by reducing their legal provision. On the other hand, the second group believes that achieving goodness avoids reducing the share to all heirs by "sacrificing" some exiting heirs.

In terms of goodness, as part of justice, it can be concluded that kindness is meant by first group opinion is more general and superior than the virtue from the second group opinion. In this way, it is clear that justice and kindness are goals that cannot be negotiated anymore that must be achieved, on the condition that the consideration of goodness is not against *shari'a* (Maḥmūd, 2009, p. 28). Besides, the law with a justice dimension is a provision that places a person in an equal position among his group, such as equal treatment of heirs carried out in the provision of *al-'awl* (Amīn, 1931, p. 173). It can be concluded that the *al-'awl* provision shows its existence as a provision in the inheritance that shows justice dimension, indicating that *al-'awl* can solve the complex problems faced in the distribution of inheritance. It can be seen that *al-'awl* was motivated by achieving goodness, feeling fair, and treating all heirs equally.

#### **4. Equity to Reduce the legal provision and to Avoid Conflict Between Family Members**

A situation in the distribution of assets that describes a complicated situation in which the inheritance cannot accommodate every share that heirs must receive can cause a conflict between the heirs. An appropriate solution is needed to resolve this condition so that the inheritance distribution to each heir can not create conflicts between family member (Bernardi et al., 2019, p. 8). The heirs' anxiety may occur because distributing inheritance assets is related to their basic rights (Okunloye, 2018, p. 107). Then, obtaining something under their rights is an important thing. Moreover, these rights are included in human rights' basic rights, institutionalized as human rights. Furthermore, according to

the perspective of the UHDR (the Universal Declaration of Human Rights), human rights can be divided into several categories, namely: individual civil rights, rights in the social economy, the right to assembly, the right to political expression, and the right to have equal status before the law (Okunloye, 2018, pp. 107–108).

Human Rights in the view of Islam can be categorized into several parts, namely: first, the right of mukallaf (the person who should take care of themselves and must adhere to all the laws of Allah) as an individual; second, the right mukallaf as a social individual (interacting with others), and third, rights of others imposed on mukallaf, such as children, abnormal people, and other creatures (Usman, 2012, pp. 41–44). Because of the importance of individual rights in Islamic law, including inheritance, keeping every human right as a kindness (*maslahah*) is an Islamic law purpose (Ali Rusdi, 2017, p. 156). Then, the need for property, whether it is obtained from work outcome or inheritance, is an essential need for every person because the fulfillment of property needs is expected to be a way to achieve survival in life.

The law regarding the distribution of inheritance has a vital role in maintaining assets' needs, especially deceased families. To achieve welfare in the distribution of assets also needs a concept that does not cause conflicts between family members (Bulbul, 2013, p. 126). Furthermore, regarding the possibility of family conflicts in distributing wealth in situations where the inheritance or asset cannot fulfill all heirs' legal provisions. Meanwhile, distinguishing between heirs is necessary to avoid appearing in conflict to solve this problem. According to Van Tendor, distinguishing someone from the group can lead to conflict (Tonder et al., 2008, p. 376).

The partisan of the *al-‘awl* state that to avoid the shortage of assets, it is necessary to reduce the legal provision proportionally without exception (Ibn Qudāmah, 1997, p. 88). Each heir could still receive their share of this method's purpose, although not as much as the share should have been received. This reduction of the legal provision was raised and agreed upon by the *jumhur fuqaha*. This opinion is that the inheritance verses have a general argument. It allows *ijtihad* to be carried out on inheritance issues that are not clearly explained in the inheritance verse. Furthermore, the inheritance verses also describe each heir having the same rights in inheritance.

Other opinions differ from the above opinion. To avoid the problem of a deficit of assets that can cause insufficient for the heir's share, it is only necessary to prioritize the heirs' share, which must prioritize the giving of their share and end the other heirs (al-Mardāwi, 1997, p. 299). The reason is that the legal provision determined by the inheritance verse cannot be changed, and although it must be changed, only a part of it will be affected by the change. The reduction or amendment is made to the heirs because the inheritance clause has been stipulated as a provision. These provisions can be seen in the giving and changing of the portions of the heirs. Some of them can experience a change in the part's quantity, but the part is fixed (determined by the quantity) (al-Naysābūri, 2009, p. 429).

Every part of the heir must be changed in a reduced manner. Thus, the wife's share becomes 23.1% (3/13), the mother takes 15,4% (2/13), and two siblings get 61.5% (8/13) of the share, where each of them gets 20,5%. Furthermore, the solution uses the second opinion; namely, the mother and wife are given inheritance rights first. They get the same share as the exact portion they should have; namely, their respective shares are 25% (3/12) and 16.7% (2/12). Two sisters are given a share in the mothers and wives section's residue

wealth at 48,3 % (7/12). So each sister gets 16, 1 % share of the inheritance. In conclusion, the difference between completing the calculation of inheritance both these opinions generates difference acquisition the inheritance received by sister by 13, 2 % or 4.4% per person.

The difference of opinion regarding the issue of lack of assets occurs, which results in not being fully met the needs of inheritance rights because of differences in priority views between the implementation of the verse text and justice (Syarifuddin, 2004, p. 100). The first opinion seems to view that implementing the inheritance verse and the benefit that is not contrary to the inheritance verse as a form of justice must be equally prioritized. With the settlement, which considers justice and the inheritance verse text, the distribution of inheritance can avoid gaps between the heirs (Souaiaia, 2010, pp. 70–71). So, this opinion places the same position between the inheritance verse as revelation and the value of justice due to logical reasoning, so that justice achieved does not only rely on the ideas of reason. The second opinion is that the provisions written in the inheritance verse in the form of a legal provision must be carried out in any circumstances because it is Shari's legal limit. These limits in the form of numbers and the heir's priority have been clearly stated in the inheritance paragraph.

However, the existence of the expression *al-hudud* in one of the inheritance verses can accommodate all problems regarding the transfer of inheritance which are not directly explained in it, provided that the provisions that are made into law to resolve the problem are not contradictory in context, and provide kindness to humans. After exploring and examining the above two opinions or views and legal arguments given by each group, a *tarjih* can be taken with a preference for an opinion that applies *al-'awl* rather than choosing the opposite opinion. Arguing that an argument accompanies a second opinion can give the heirs kindness by not distinguishable from each other, so it does not cause fruitful conflict. Such inheritance settlement reflects a condition that brings good and eliminates losses because it shows the law that maintains the family's integrity as part of *maqasid al-Shari 'ah*.

##### **5. The Manifestation of Acceptance of Allah's Law in the Destiny of Death, and the Reality of the Remaining Family Composition**

The law of inheritance as a law that regulates the transfer of property from a deceased person to a living person, especially family and relatives, cannot be separated from two things, namely death and the structure of the fact that family members still exist. The law of inheritance in Islam is based on the principle of death and the principle of the individual (Muni, 2019, p. 209; Musyafa'ah, 2018, p. 73). With the individual principle, inheritance rights are accepted by each individual, not by groups. Both of these are natural laws that have been confirmed by Allah through *qada'* and *qadar* (al-Bayhaqi, 2005, p. 334). Thus, inheritance law cannot be separated from the theological aspect, either as a material law or as part of Islam as a religion based on *tauhid*. Islamic inheritance law is based not only on an argument but also on Allah's will (*taqdir min Allah*).

The transfer of property as an inheritance process is related to death, according to Amir Syarifuddin, one of the principles of inheritance in Islamic law is the principle of *ijbari*. The point is that one's assets cannot be given to others as an inheritance process before the person who owns the property dies. Then, after the person has passed away, the assets must be given to those entitled according to the existing family structure. Therefore, in Islam, the inheritance that takes care of the needs of *tajhiz* must be



distributed to those entitled to inherit it and may not be controlled by one person or group (Syarifuddin, 2004, p. 17).

The amount of assets received by the heirs depends on the number and composition of family members. For example, this can be seen in the husband's share who gets 1/2 part, and the wife gets 1/4 part if there are no children from the muwarrith. Then, their share changes to 1/4 and 1/8 if there is a child from the muwarrith. Likewise, the amount of part the child receives from muwarrith or parents' share from muwarrith adjusts to the existing family structure. Changes in the amount of inheritance received as described above change the inheritance that the contents of the inheritance verses can complete; however, if there is a situation where someone has died leaving the property, and at the time of distribution of the assets, the remaining family structure creates problems because the inheritance cannot be distributed to them like the settlement of inheritance distribution in general. The reason is that the existing assets cannot fulfill the original share of all heirs. The difference of two opinions explained above is applied to imaginative examples that might occur, such as an heir consisting of a husband, two siblings, and a mother, then the settlement of the distribution of inheritance:

Table 2: Calculation of the assets of the al-'awl support group

No.	Heirs and their share	o.fp.	o.p.(24)	fo.s.	
				Ex. 1	Ex. 2
1	Wife: 1/8	12.5%	3	12.5%	11.1%
2	Two Sibling Sisters: 2/3	66.7%	16	54.1%	59.3%
3	Mother: 1/6	16.7%	4	16.7%	14.8%
4	Father: 1/6	16.7%	4	16.7%	14.8%
		112.6%	27	100%	100%

Table 1.2 shows that according to the first group, the share deducted from the initial share was only an inheritance share obtained by two sisters reduced by 12.6%, namely from 66.7% to 54.1%, or each sister is given 18, 04% share. Meanwhile, according to the second group, each heir received a reduction in share, namely the wife's share was reduced by 1.4%, the two sisters' share was reduced by 7.4%, and the mother and father's share was reduced by 1.9% respectively. The first group responded to the situation by classifying family members into two factions, namely the first heirs and the last heirs. In contrast to that, the second group did not divide family members into two groups. They are considered heirs who equally must be given a share of inheritance without prioritizing or termination.

### C. Conclusion

Finally, the discussion above is that al - 'awl, such a provision is a concept in the distribution of inheritance that shows justice. Conclusions or results of such studies are supported by a review of the dimensions of justice found in al-'awl, namely: first; the existence of equalization by reducing the legal provision to avoid conflicts among family members, second; manifestation of the acceptance of Allah's law in the destiny of death and the reality of the remaining family structure. This conclusion certainly cannot satisfy

some observers of the inheritance system study, primarily since this study is based on a theoretical-conceptual study. Therefore, this study still opens further opportunities to understand aspects of justice from an anthropological, sociological and case study perspective that requires more specific attention and study.

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