

Primordialism in the Distribution of Javanese Customary Inheritance from the Perspective of Islamic Law

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Abstract

Law is an abstract concept, even though the facts on the ground are concrete. Therefore, the definition of law has been explained by many scholars based on the development of the times, which makes the nature of law constantly evolving. This is evident in inheritance law; in Indonesia, there are still many regions that use a primordial inheritance division system. As a result, special legal foundations are sometimes needed to minimize the possibility of errors that may arise from the traditional inheritance system in Indonesia. The purpose of this research is to examine the pattern of primordial inheritance division among indigenous communities in Indonesia, using field data from Lambur Village in Kandangserang District, where the majority of the population are Muslims who apply a primordial system in inheritance distribution, aiming to uphold comprehensive justice. This research shows that from the perspective of Islamic legal hierarchy, traditional inheritance practices are permissible based on the principle of *maslahah* (public interest) or *al-qiyam al-asasiyah* (fundamental values). The clearly defined principles of Islamic inheritance law must be considered in light of the socio-historical context of the time. Thus, the focus is not on how large a share one receives, but rather on achieving proportional justice. This reasoning aligns with the function of Islamic inheritance, which is to uphold justice for all parties involved by maximizing benefits (*maslahah*) and minimizing potential harm (*mafsadah*).

Keywords: law, inheritance law in Indonesia, islamic inheritance basis

Introduction

Islamic law has provided clear and detailed provisions for the distribution of inheritance, such as identifying who is entitled to receive an inheritance and how much each heir is entitled to. However, many Muslims are unaware of these regulations, and as a result, many do not apply Islamic inheritance law as a legal basis for distributing inheritance. This is often justified by the intention to maintain fairness for all parties within the inheritance system such as the case in Lambur Village. Islamic law exists to address critical issues concerning the Muslim

community and to guide behavior in response to such issues, without ignoring historical context. This is evident in the science of faraid, which discusses inheritance distribution and its foundations in detail. Faraid serves as a foundational guide for Muslims in determining the portion of inheritance for both men and women, as Islamic law also governs the accurate and just transfer of inherited property and acknowledges the rightful descent of the deceased's assets to their heirs.¹

Thus, it is understood that in Islam, the main sources of law for determining inheritance distribution and shares are the Qur'an and the Hadith of Prophet Muhammad (peace be upon him). These sources provide guidance on identifying who may qualify as heirs and what their respective shares should be. This necessitates careful consideration of the pillars and conditions established in the science known as Islamic inheritance law, which refers to the process by which a deceased person's estate is transferred to living heirs in accordance with legal principles.²

Although Islamic inheritance law based on the Qur'an and Hadith provides clear indicators for inheritance distribution, in practice many people assume that following Islamic inheritance law leads to dissatisfaction and disputes. This dissatisfaction stems from perceptions of unfairness in the division system outlined in faraidh. As a result, many communities in Indonesia, particularly in Java, prefer to resolve inheritance issues using long-standing customary systems. This includes practices observed in Lambur Village, Kandangserang Subdistrict, Pekalongan Regency.

In Lambur Village, several customary inheritance rules are considered fair and widely accepted by the local Muslim population. These include: Pocong inheritance, applied when someone outside the circle of legal heirs provides care for the deceased because the actual heirs refuse to do so. Mayangan inheritance, a

¹ Zulfan Ependi Hasibuan, "Menelaah Hukum Ahli Waris Pengganti Dalam Ilmu Faraidh," *Jurnal AL-MAQASID: Jurnal Ilmu Kesyarahan dan Keperdataan* 4, no. 2 (2018): 46–58.

² Dewi Noviarni, "Kewarisan Dalam Hukum Islam Di Indonesia," *'Aainul Haq: Jurnal Hukum Keluarga Islam* 1, no. 1 (2021): 62–75.

method used when the deceased has multiple children but only one is willing to provide care during the lifetime or after death thus entitling them to the inheritance. Lineal inheritance, in which inheritance is passed down through the male line to male heirs and through the female line to female heirs. Needs based inheritance, where the share is adjusted in favor of heirs who are deemed to have greater financial needs, often resulting in female heirs receiving larger portions.

Such methods of inheritance distribution have existed for a long time, and among the older generations, they have become a form of deeply rooted primordialism within the community. They believe that each heir must experience fairness and harmony. The size of the inheritance share is less important than ensuring that everyone feels treated fairly and that maximum benefit is achieved. This, they believe, represents the true spirit of Islamic teachings.

Based on this, the researcher is motivated to present a visualization of “Primordialism in Javanese Customary Inheritance from the Perspective of Islamic Law.” The objective of this research is to complement prior studies and contribute to the scholarly understanding of customary inheritance law in Indonesia. It also seeks to examine various aspects that influence inheritance distribution patterns from the perspective of Islamic legal principles.

Methods

This study is a field research employing a qualitative method with a descriptive and analytical nature. It involves observation of real-life cases in the field (case study and field research).³ This type of research is intended to explore the background of new phenomena occurring in society, which can then serve as the basis for the discussion and findings of the research. The study uses an anthropological approach, aiming to understand religion by directly observing its practice in everyday community life, as well as a sociological approach, through which the researcher examines theories related to inheritance distribution based on

³ Hasan Syahrizal dan M. Syahrani Jailani, “Jenis-jenis penelitian dalam penelitian kuantitatif dan kualitatif,” *QOSIM: Jurnal Pendidikan, Sosial & Humaniora* 1, no. 1 (2023): 13–23.

primordialism within the Javanese customary region specifically among the people of Lambur Village, Kandangserang Subdistrict.

For data collection, the researcher uses interview methods to obtain complete and accurate data from reliable sources who can clearly explain the issues being explored. In this study, interviews were conducted with several informants considered to have a clear understanding of inheritance practices in Lambur Village. Documentation is used as a supporting tool to obtain necessary materials such as notes, transcripts, books, meeting minutes, and so on. Therefore, the researcher will collect supporting data for this study, including demographic data, occupational data, and interview transcripts from several informants.

The analysis conducted by the researcher uses a descriptive qualitative approach. This allows the researcher to gather data that can be used to explore the inheritance distribution patterns. The qualitative data analysis process used by the researcher applies an inductive reasoning method, meaning it does not begin with theory, but rather with field-based empirical facts. Thus, the researcher directly entered the field to collect the necessary data, which was then organized to identify qualitative patterns. These findings were analyzed by comparing them with existing scientific theories.⁴ The result of this analysis is considered the core outcome of the research, enabling the researcher to identify similarities and differences. These findings serve as the conclusion of this qualitative study on the primordialism of Javanese customary inheritance from the perspective of Islamic law.

Results

The Concept of Inheritance Distribution in Islamic Law

According to H.A.R. Gibb, Islam is the most complete and perfect system of law for regulating social and political life. Therefore, for Muslims, the highest legal authority should be the power of Allah SWT.⁵ With this belief, one's level of faith increases through complete trust in the provisions of Allah's legal rulings.

⁴ Imam Machali, "Metode penelitian kuantitatif (panduan praktis merencanakan, melaksanakan, dan analisis dalam penelitian kuantitatif)," Fakultas Ilmu Tarbiyah dan Keguruan Universitas Islam Negeri (UIN) Sunan ..., 2021, <https://digilib.uin-suka.ac.id/id/eprint/50344/>.

⁵ Dulsukmi Kasim dan Muhammad Ghazali Rahman, "Dinamika Pemberlakuan Hukum Islam di Indonesia (Jejak, Produk, dan Potensi Pengembangannya)," *Al-Ubudiyah: Jurnal Pendidikan dan Studi Islam* 6, no. 1 (2025): 24–40.

Thus, the socio-cultural process cannot be separated from Islamic law. The formulation of divine law into societal law is a long and complex struggle. The influence of power and local culture plays a significant role, making it difficult for Islamic law to be fully implemented according to its original principles.

For followers of Islam, it is imperative to act according to the commands found in the Qur'an and Hadith, or derived from other sources of Islamic law such as *qiyas* (analogy) and *ijma'* (consensus). In matters of inheritance, Islam has clearly established a fair distribution system to minimize the risk of disputes or errors that could arise due to inconsistencies in the distribution process. As the Prophet Muhammad (peace be upon him) commanded: "Distribute the inheritance among the heirs according to the Book of Allah (the Qur'an)."⁶ The responsibility of Muslims to uphold justice among heirs is clearly stated by the Prophet, especially through the legal maxim that "harm must be eliminated." According to some scholars, this *fiqh* maxim addresses nearly half of all legal matters. This is because its aim is to bring about benefit (*maslahah*) and prevent harm (*mafsadah*). Especially in modern life, which is far removed from the time of the Prophet, many legal principles have been influenced or altered by local customary practices. This creates a necessity to study and understand the science of *mawaris* (inheritance) or *faraid*.

When adhering strictly to Islamic inheritance law as outlined in *faraid*, numerous contradictions can arise due to discrepancies between religious beliefs and the practical methods used in inheritance distribution, thus, in examining legal issues such as inheritance law, it is essential to consider the hierarchy of Islamic teachings as the basis of law. What is most important for Muslims is to trace the socio-historical context—such as the life of the Prophet Muhammad (peace be upon him) in Mecca and Medina, including the social, political, cultural, legal, ethical, and normative conditions in the regions where the revelations were received.

⁶ Dinda Putri Hasanah dkk., "Faraidh dan Keadilan: Menelusuri Prinsip Pembagian Waris dalam Masyarakat Kontemporer," *Nian Tana Sikka: Jurnal ilmiah Mahasiswa* 3, no. 1 (2025): 08–19.

Abdullah Saeed, in his book “The Qur’an in the 21st Century,” outlines several hierarchies to be considered when interpreting legal principles (dalil syar’i):⁷

1. Obligatory Values

Obligatory values are absolute rulings that cannot be changed and must be implemented exactly as revealed in the texts (nash), such as verses on faith, lawful and unlawful matters, and acts of worship.

2. Fundamental Values

Fundamental values are principles frequently mentioned in the Qur’an, often accompanied by strong textual evidence, indicating that they form the foundation of Islamic legal reasoning such as the basic values of humanity and justice.

3. Protectional Values

Protectional values are derivative principles intended to uphold the truth of fundamental values. For example, to protect wealth (hifdz al mal), the protectional rule prohibits theft. These values, though derived, still retain universal applicability.

4. Implementational Values

Implementational values are the actions taken as a consequence of protectional values. However, these values are not universal and must consider socio-historical context, such as economic, cultural, and customary legal conditions. For example, while theft is prohibited (a protectional value), the penalty such as hand amputation may vary based on the society’s condition, as seen during Caliph Umar’s rule, when theft was punished with imprisonment or flogging due to necessity.

5. Instructional Values

Instructional values are the most commonly found type in the Qur’an. These are context-specific responses revealed during the Prophet’s time and therefore may not be universally applicable. They are the most challenging to

⁷ Syarif Budiman dkk., “Metodologi Penafsiran Kontekstual Abdullah Saeed dalam Al-Qur’an Abad 21,” *Journal of Education Research* 5, no. 1 (2024): 821–30.

interpret, as they require connecting Qur'anic messages with present day events.

This is the most difficult type to understand because it is far more numerous and diverse compared to the previous categories. The complexity lies in the effort to connect the messages of the Qur'an with present-day events. Therefore, Abdullah Saeed sought to formulate a method to determine whether these instructional events were specific to the Prophet's era or could also be applied in the present time, by examining:

1. Frequency refers to how often those verses are mentioned in the Qur'an.
2. Emphasis refers to the principles used by the Prophet in preaching and spreading the message of Islam.
3. Relevance involves analyzing whether these values can be applied beyond the Prophetic era, supported by appropriate legal evidence.

The primary purpose of the Qur'an's revelation is for the benefit of human beings and their moral development not for God. In fact, the Qur'an itself declares that its function is to provide guidance and purpose for humanity. Therefore, interpreting its verses requires broad and deep understanding in order to classify verses into different categories: obligatory verses (such as those concerning prayer, fasting, and other clearly mandated duties); fundamental verses, which express core values of humanity and life; protectional verses, which serve to uphold the integrity of fundamental values; implementational verses, such as those dealing with inheritance laws; and instructional verses.

In Islamic law, determining inheritance must begin with a clear and accountable identification of the necessary conditions. First, there must be a Muwarrits a person who owns the estate and passes it down to the heirs. Then, the Mawarits are those who receive the inheritance, either through blood relation or other legitimate causes. Lastly, the Tarikah refers to the property left behind by the deceased, which is to be inherited by the heirs, provided that the property is the rightful and absolute ownership of the deceased.⁸

⁸ Saifullah Basri, "Hukum waris Islam (Fara'id) dan penerapannya dalam masyarakat Islam," *Jurnal Kepastian Hukum Dan Keadilan* 1, no. 2 (2020): 37–46.

Verses related to inheritance, within the hierarchy of 21 st-century Qur'anic interpretation, fall under implementational verses meaning they are outcomes of protectional values. These verses are not universal in nature but must be understood within their socio-historical context, which varies over time. As a result, the interpretation of inheritance-related Qur'anic verses may change according to the era.

The history of Islamic inheritance law records an interesting incident during the time of Caliph Umar, where a family approached him for assistance in dividing an inheritance. Although the Qur'an had already specified the exact shares for each heir, applying those shares in that case resulted in a total amount that exceeded the value of the estate. Umar then consulted with the other Companions, and someone proposed using the principle of 'Aul' a compromise method that involves proportionally reducing each heir's share. This became known as the 'Himariyah' case⁹. This incident clearly shows that economic factors play an important role in determining fairness in inheritance distribution. Even today, Sunni fiqh scholars accept such principles as a valid legal foundation, as they do not contradict the core principles of Islamic inheritance law.

Islamic inheritance law also emphasizes several foundational principles that must be considered. These principles are interpretations derived from the Qur'anic verses on inheritance as well as the Sunnah of the Prophet Muhammad (peace be upon him). The explanations are as follows:¹⁰

1. The Principle of Ijbari

The principle of Ijbari implies compulsion, meaning that in inheritance law, the transfer of property from a deceased person to their heirs occurs automatically, without the need for any prior action or initiative for the transfer to take place.

2. The Principle of Bilateral

⁹ M. Iqbal dan Nurul Latifah Hamzah, "Hukum Kewarisan Islam Berdasarkan Sejarah, Hukum, Asas-Asas Kewarisan," *Jurnal Syariah Dan Ekonomi Islam* 2, no. 1 (2024): 18–27.

¹⁰ Amhar Maulana Harahap dan Junda Harahap, "Penerapan Kewarisan Islam Dalam Sejarah, Hukum Dan Asas-Asasnya," *El-Ahli: Jurnal Hukum Keluarga Islam* 3, no. 2 (2022): 181–93.

The bilateral principle in Islamic inheritance law means that an heir can receive inheritance from both sides that is, from male and female relatives. This means a male heir may inherit from both male and female predecessors, and likewise, a female heir may inherit from both male and female predecessors, as long as there is no legal (shar‘i) reason that disqualifies them from receiving the inheritance.

3. The Principle of Individual Rights

The individual principle serves to guarantee the absolute right of each heir to their share of the inheritance, without any obstacles that would prevent them from receiving their rightful portion.

4. The Principle of Balanced

Justice The principle of balanced justice ensures that there is no discrimination between male and female heirs. It emphasizes that all heirs have equal rights and responsibilities, and that the shares they receive are intended to serve the same needs and purposes.

All of these principles can be found in the Qur’anic verses on inheritance, such as the following verse:

لِّلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ ۖ نَصِيبًا مَّفْرُوضًا ﴿٥١﴾

Meaning: For men, there is a rightful share (ijbari) of the inheritance left by their parents and close relatives, and for women, there is also a rightful share (iktiyari) of the inheritance left by their parents and close relatives whether it is a small or large amount according to the portion that has been prescribed.¹¹

Discussion

Primordialism in Javanese Customary Inheritance from the Perspective of Islamic Law

Inheritance refers to the transfer of a deceased person's estate (simayit) to their heirs, which may include tangible assets such as land, houses, rice fields, or

¹¹ Sakirman Sakirman, “Konvergensi Pembagian Harta Waris Dalam Hukum Islam,” *Al-Hurriyah: Jurnal Hukum Islam* 2, no. 1 (2017): 45–56.

intellectual property, as well as obligations like debts, wills, and so on. In Indonesia, inheritance distribution methods are highly diverse due to the country's rich cultural and ethnic pluralism. As a result, the inheritance patterns often differ from national legal standards. One example is the customary inheritance distribution commonly practiced in Central Java, particularly in Lambur Village, Kandangserang Subdistrict, where the community continues to apply a traditional method based on the belief that inheritance must be passed down to all heirs in accordance with primordial values that are preserved to this day.

Lambur Village is a rural highland area in Central Java, divided into four regions commonly referred to by locals as Dusun Lambur Desa, Dusun Lambur Kulon, Dusun Tempuran, and Dusun Watu Ireng. Historically, Lambur Village has been deeply rooted in pejawen cultural traditions, as evidenced by the arrival of early settlers who were both warriors and pejawen spiritual leaders. They left behind a legacy of pejawen traditions that remain strongly upheld and revered by the Lambur community to this day. Several places in the village are considered sacred, such as Watu Ireng, the Tomb of Mbah Budha, the Tomb of Mbah Eyang Noloyudha, and the burial sites of Tunggul Kemaya Jaya and Jaga Sura.¹²

Lambur Village has its own unique characteristics when it comes to inheritance. This uniqueness is rooted in deeply held customary laws, which have allowed ancestral traditions to persist to the present day. This applies both to the community's understanding of inheritance and to the methods of distribution, which are influenced by knowledge passed down from previous generations. The community recognizes four inheritance methods that are considered fair, as they are fundamentally based on principles of kinship, justice, and mutual respect for the wishes or instructions left by the deceased. These methods are known as the following inheritance systems:

1. Lineal Inheritance Distribution This method involves passing down inheritance through successive generations along gender lines inheritance from a male predecessor is given to male heirs in the following generations,

¹² Interview with Mr. Sutresno, Village official of Lambur, May 15, 2025.

while inheritance from a female predecessor is passed down to female heirs in her lineage.

2. **Pocong Inheritance Distribution** This method is applied when someone who is not a legal heir takes care of the deceased, due to the legal heirs' refusal or neglect to do so. In such cases, the caregiver is granted a portion of the inheritance.
3. **Malangan Inheritance Distribution** This method serves as a precaution in cases where the deceased has multiple children, but one of them refuses to provide care either during the lifetime or after the death of the parent. As a result, the inheritance is granted to the child who was willing to provide care.
4. **Needs Based Inheritance Distribution** This method distributes the inheritance according to the needs of each heir. Those who are deemed to be in greater need receive a larger share than those who are more financially stable¹³.

Overall, the inheritance system in Lambur Village is carried out even before the death of the testator. In principle, Lambur's inheritance practices are based on the principles of divinity and family ties, respect for tradition (*nguri-nguri budaya*), the authority of the testator or their appointed successor, and the principle of balanced justice. These principles are commonly used in other customary inheritance systems within bilateral or parental societies across the island of Java. As a result of the strong influence of cultural traditions, the Muslim community in Lambur has long allowed Islamic law and customary law to coexist as a dual foundation for inheritance—preserving public benefit. This means that no one deviates from the rules of Islamic law, and in practice, local culture is not eliminated.¹⁴

In principle, the inheritance distribution in Lambur Village differs from the provisions outlined in *faraidh* (Islamic inheritance science). In *faraidh*, the portions of inheritance whether large or small are clearly specified based on reasons

¹³ Interview with Mr. Ahwan Wahyu Setiawan, Elder of Lambur Village, May 13, 2025.

¹⁴ Interview with Mr. Cahyono, Head of Lambur Village, May 8, 2025.

established by the Qur'an. In contrast, inheritance in Lambur prioritizes the principles of Al-Qiyam Al-Asasiyah, which occupy the highest position in the hierarchy of Islamic legal values, namely fundamental values. The focus is not on the specific amounts of distribution, which fall under the lowest level in the hierarchy implementational values but rather on higher level reasoning that serves as a stronger legal foundation, particularly to uphold *maslahah* (public benefit) for the heirs.

This foundation aligns with the inheritance principles practiced in Lambur Village, where the lineal inheritance system is upheld based on behaviors that are widely regarded as good by the majority of the community. Even the heirs themselves do not object to this distribution system. In fact, what is considered beautiful is that when one heir is unable to receive ancestral property, this can be resolved through the *ghibah* principles applied by heirs who did receive it. This reflects the understanding that Allah SWT provides ease for the Muslim ummah, as long as such ease does not contradict *shar'ī* law. Therefore, the behavior of the community cannot be entirely deemed wrong similar to what was formulated by Abu Zahrah, who defined *ma'ruf* in the words of Allah as meaning 'everything that is good.

مَا عِنْدَاهُمَا النَّاسُ مِنْ مُعَامَلَاتٍ وَأَسْتَقَامَاتٍ عَلَيْهِ أُمُورُهُمَا

Meaning: "whatever is commonly practiced by people in their interactions and has become firmly established in their affairs."

The same applies to other inheritance systems, where the values of justice and the preservation of harmony are the main considerations in determining how inheritance is distributed. For example, in inheritance distributions based on the needs of each heir, it is clear that the principles of Al-Qiyam Al-Asasiyah which emphasize justice, equality, and fairness among humans are carefully upheld. If one heir is already financially stable and able to support themselves, they may receive a smaller portion of the inheritance compared to another heir who is still struggling to meet basic needs. This principle is applied through family deliberation and

mutual agreement among all members, ensuring that the distribution serves the best interests (maslahah) of every heir involved.

This reflects the fundamental objective of protecting life and ensuring maslahah (public benefit). Therefore, flexibility is applied in inheritance distribution to address potential issues arising from perceptions of injustice among the heirs. As a result, it is possible for the inheritance to be distributed in a 2:1 ratio between males and females in accordance with faraidh, or for both to receive equal shares or even for the female heir to receive more depending on the specific conditions of the heirs. This shows that the fundamental values of Islamic law are highly regarded. This is further supported by the views of community leaders in Lambur Village, who state that “the current inheritance system is already good and therefore does not require major changes, such as strict adherence to faraidh principles.” Thus, considerations of maslahah are prioritized over applying legal rulings that could potentially cause harm or disruption in the inheritance distribution.

Just like the inheritance practices in Lambur Village, not all of them are in contradiction with the principles of Islamic inheritance law. In principle, they share the same core elements: there must be a testator (the deceased), verified by death; an estate belonging to the testator; and legal heirs who are entitled to receive the transferred assets. The only difference lies in the technical implementation, which slightly differs from formal Islamic law. However, this difference is based on the community’s perception that fully applying Islamic law may hinder the realization of justice or even result in harm to the surviving family members. Therefore, the community seeks to implement the fairest possible inheritance distribution by continuing the traditions passed down by their ancestors and by taking into account various factors that influence the transfer of wealth.

Another key consideration in understanding the meaning of Islamic inheritance law is recognizing that its interpretation can evolve across different periods and contexts. Thus, when interpreting Qur’anic verses, especially when faced with significant differences between modern and pre modern events, interpreters (mufassir) can exercise considerable flexibility in prioritizing logical

interpretations even if they differ from previous ones based on different socio-historical contexts. The increasing diversity of traditions directly affects how religious texts are interpreted, especially in modern contexts. For example, during the time of the Prophet and his companions, men were considered more privileged and therefore were given larger shares in inheritance. Yet, the Qur'an itself states that believing men and women are *awliya'* which means supporters and protectors. Clearly, this indicates equality between men and women: both are equally capable of being protectors and supporters. In today's context, it is possible that men and women possess equal strength in matters of worship and social transactions (*muamalah*), although *fiqh* still sets certain priorities for men, such as serving as the imam in congregational prayer and other similar roles.¹⁵

Islam came with guidance intended for the well-being and continuity of human life, and therefore, it is expected that every Muslim adheres to what they believe. In matters of wealth management, Islam provides detailed rules and boundaries concerning both wealth acquired during one's lifetime and wealth that arises due to death. These laws must be properly understood and followed to avoid potential harm caused by ignorance. When a person who owned wealth during their lifetime passes away, that wealth is considered inheritance (*harta waris*), and in Islamic terms, the deceased is referred to as the *muwarits* (the testator), while those who remain and receive the inheritance are called *ahli waris* (heirs).

In the effort to establish levels of perspective within Islamic law, a strong foundation is needed namely, the faith of Muslims and their belief in the Creator, Allah SWT. Through this belief, the understanding of these legal levels can shape the essence of both the universality and particularity of the religion. Within this framework, inheritance law when examined based on the underlying reasons—may shift in its legal status due to changes in the context of Qur'anic interpretation. As contexts shift, it becomes possible to reinterpret the guidance provided by the Qur'an. This process is based on the primary objective of the revelation of Islamic

¹⁵ Mayola Andika, "Reinterpretasi ayat gender dalam memahami relasi laki-laki dan perempuan (Sebuah kajian kontekstual dalam penafsiran)," *Musāwa Jurnal Studi Gender Dan Islam* 17, no. 2 (2019): 137–52.

law (maqasid al-shari'ah), which is to protect human life, family, wealth, dignity, lineage, and religion. By adhering to this foundation, it becomes possible to elevate certain values above others, especially when those values are not among the core objectives of Islamic law.

Conclusion

Based on the research and analysis presented above, it can be concluded that solving problems within society requires a clear understanding of the intentions and purposes behind the commands and guidance of the Qur'an. This understanding helps to reveal the function of its regulations. It is expected that Muslims follow what is explicitly stated in the Qur'an and Hadith, as well as rulings derived from legal sources such as qiyas (analogy) and ijma' (consensus). However, at the same time, the Qur'an must also be understood within the context of social realities, which at times require reinterpretation or adjustment. This means that meanings, emphases, and even interpretations may shift depending on prevailing maqasid al-shari'ah (the higher objectives of Islamic law), which are to be prioritized.

Therefore, it can be understood that inheritance law, when viewed through the hierarchical lens of Qur'anic values, originally falls under the category of instructional values. However, influenced by certain contexts and conditions, its classification can elevate to that of a fundamental value— based on the core humanistic aims of Islamic law, such as safeguarding human rights, protecting life, preserving wealth and dignity, upholding noble lineage, and ensuring justice for all individuals in religious practice.

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