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Reform of Islamic Inheritance Law and its Role in the Formation of National Inheritance Law

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Abstract

This study examines the reform of Islamic inheritance law and its role in the formation of a national inheritance law that is more just, inclusive and adaptive to social change. Using the literature research method, this study examines the principles of Islamic inheritance law and its contribution to the national legal system. The results show that the reform of Islamic inheritance law is an important part of the development of national inheritance law, with a major role in improving social justice, legal certainty, and accommodation to the diversity of society. This reform is realized through several strategies, namely: (1) increasing gender equality in the distribution of inheritance, (2) harmonizing Islamic inheritance law with civil law, (3) adjusting the principles of inheritance distribution to be more relevant to the social context, and (4) applying the concept of *mandatory will* to protect the rights of certain heirs. This research confirms that Islamic inheritance law reform not only plays a role in strengthening the national legal system, but also becomes a strategic element in creating a more cohesive, responsive, and just inheritance law.

Keywords: Inheritance Law Reform; Islamic Inheritance Law; National Inheritance Law

Reformasi Hukum Waris Islam dan Peranannya dalam Pembentukan Hukum Waris Nasional

Abstrak

Studi ini mengkaji reformasi hukum warisan Islam dan perannya dalam membentuk sistem warisan nasional yang lebih adil, inklusif, dan mudah beradaptasi dalam menanggapi perubahan sosial. Dengan menggunakan metode tinjauan pustaka, penelitian ini mengeksplorasi prinsip-prinsip hukum warisan Islam dan kontribusinya terhadap sistem hukum nasional. Temuan ini menunjukkan bahwa reformasi hukum warisan Islam memainkan peran penting dalam pengembangan sistem warisan nasional, terutama dengan meningkatkan keadilan sosial, kepastian hukum, dan akomodasi keragaman masyarakat. Reformasi ini dilaksanakan melalui beberapa strategi utama: (1) mempromosikan kesetaraan gender dalam pembagian warisan, (2) menyelaraskan hukum warisan Islam dengan hukum perdata, (3) menyesuaikan prinsip pembagian warisan agar lebih relevan dengan konteks sosial, dan (4) menerapkan konsep wasiat wajibah untuk melindungi hak-hak ahli waris tertentu. Penelitian ini menegaskan bahwa reformasi hukum warisan Islam tidak hanya memperkuat sistem hukum nasional tetapi juga berfungsi sebagai elemen strategis dalam membangun kerangka hukum warisan yang lebih kohesif, responsif, dan merata.

Kata kunci: Reformasi Hukum Warisan; Hukum Warisan Islam; Hukum Warisan Nasional

INTRODUCTION

Inheritance law in Indonesia has a pluralistic character, where there are three main inheritance law systems that apply, namely Western inheritance law, Islamic inheritance law, and customary inheritance law. Based on the *Burgerlijk Wetboek* (BW) and the Compilation of Islamic Law (KHI), Islamic inheritance law is regulated in Articles 171 to 214 of the KHI, which emphasize the principles of inheritance for Muslims. However, in practice, the application of Islamic inheritance law in the national legal system still faces various challenges, especially in harmonization with civil law and customary law.

Although Islamic inheritance law has been explicitly recognized and regulated in various regulations, its

implementation still poses challenges in the national legal system. One of the main problems is the imbalance in the distribution of inheritance based on gender, where men's share of inheritance is generally greater than women's, as affirmed in QS. *An-Nisâ'*: 11-12. While this is in accordance with classical Islamic law, challenges arise in the context of gender equality and human rights in the modern era (Azizah, 2021).

In addition, there are legal conflicts between Islamic inheritance law and customary law adopted by various tribes in Indonesia. In some customary communities, the inheritance system is still based on patrilineal traditions, which sometimes differ from the provisions in Islamic law. This creates legal

uncertainty for people who have to choose between Islamic inheritance law or customary law in settling inheritance (Rahman, 2023). From the aspect of positive law, there are still overlapping regulations in the application of Islamic inheritance law and civil law. Article 49 of Law No. 3/2006 authorizes the Religious Courts to handle inheritance cases for Muslims, but in practice, not all Muslim heirs choose this route, especially when there is inheritance in the form of assets subject to civil law (Wahyu, 2022).

Various countries have reformed Islamic inheritance law to accommodate modern social and legal developments. Egypt, Syria, Tunisia and Sudan, for example, have modified the application of the concept of radd (redistribution of excess inheritance) to better suit their social contexts (Willya, 2023). Tunisia even removed the residual asset limit, so that all heirs get a fairer share. In other countries, such as Morocco and Malaysia, Islamic inheritance law reform has adopted a more flexible approach by applying contemporary *ijtihad* that allows for a more proportional redistribution of inheritance between men and women (Fadilah, 2021).

This shows that Islamic inheritance law can be developed to remain rooted in religious principles, but also adaptive to the demands of the times.

This research offers a new perspective by exploring the reform of Islamic inheritance law in the context of the formation of a national inheritance law that is more inclusive and responsive to the needs of modern society. Different from previous research that focuses more on normative studies of Islamic inheritance law, this study highlights the legal imbalances that still occur in inheritance practices and how Islamic inheritance law reform can contribute to the strengthening of the national legal system.

The urgency of this research is based on the need for a more just and cohesive inheritance law system, taking into account aspects of gender equality, harmonization with civil law, and protection of heir rights in a multicultural society. Thus, the reform of Islamic inheritance law is not just an adjustment to modernity, but also a systematic effort in building a national inheritance law that is just and in line with the values of human rights and the Indonesian constitution.

Based on the above background, this research aims to examine the reform of Islamic inheritance law in shaping a more inclusive national inheritance law system as well as identifying the challenges faced in the application of Islamic inheritance law, especially related to conflicts with customary law and civil law. In addition, this research also explores how Islamic inheritance law reforms

that have been carried out in other countries can be a reference for the development of national inheritance law in Indonesia. Thus, this research contributes to providing an in-depth analysis of Islamic inheritance law reform and its contribution in shaping a more equitable national inheritance law system.

RESEARCH METHODS

The method used in this research is the library research method. This type of research is normative legal research which is library legal research (Soekanto & Mamudji, 2019). The data sources used in this research consist of primary and secondary legal materials. Primary legal materials include relevant laws and regulations, such as the Civil Code (KUHPer), Law No. 7 of 1989 on Religious Courts, Presidential Instruction No. 1 of 1991 on the Compilation of Islamic Law (KHI), as well as Sudanese Court Circular No. 53 of 1945 which regulates freedom of testament. In addition, official documents and minutes of the formation of legislation are also part of the primary legal materials used in this research. Meanwhile, secondary legal materials consist of books on Islamic law and civil law, scientific articles from indexed national and international journals, and research results relevant to Islamic inheritance law reform in various countries.

The literature was selected based on its relevance to the research focus,

taking into account the credibility of the sources, the actuality of the information, and the direct relevance to the issue of Islamic inheritance law and the formation of national inheritance law. The sources used came from indexed academic journals, official regulations, and peer-reviewed scientific publications. More classical literature was used if it had a significant influence on the development of Islamic inheritance law doctrine.

The data obtained in this study were analyzed using qualitative analysis techniques with a descriptive-analytical approach. The analysis process was carried out by identifying and classifying legal materials based on their relevance, conducting normative interpretation of the provisions of Islamic inheritance law in the context of the national legal system, and comparing models of Islamic inheritance law reform applied in other countries. Comparative analysis is conducted to examine how various legal systems adapt the principles of Islamic inheritance into their national legal systems. In addition, a critical approach is also applied by examining the extent to which Islamic inheritance law reform can contribute to social justice, legal certainty, and harmonization with civil law and customary law in Indonesia.

To ensure the validity and relevance of the sources used, this research applies document validity

verification through official sources, critiques legal literature based on academic acceptance and developed jurisprudence, and uses data triangulation techniques by comparing various existing legal perspectives. With this approach, this research not only provides an analysis of the applicable legal norms, but also highlights the challenges and solutions in the reform of Islamic inheritance law in order to form a national inheritance law system that is more just, inclusive, and in accordance with the social dynamics in Indonesia.

RESULTS AND DISCUSSION

Based on the literature review, there are some data related to the reform of Islamic inheritance law in the formation of national inheritance law and the role of Islamic inheritance law in the formation of national inheritance law, as follows:

Reform of Islamic Inheritance Law in the Formation of National Inheritance Law

Islamic reformers have been motivated to change the law in response to contemporary issues (Laili & Bazikh, 2023). Surah Al-Hijr 15:9 states that the Qur'an will be utilized by mankind and protected by Allah until the end of time, One of the most important sources of Islam is the Qur'an. Even after the death of Rasullullah SAW, Muslims are still

subject to its laws. However, Islamic law by itself allows for renewal, reformation, or legal ijthihad regarding it because of the differences in the progress of each era, conditions and circumstances, and the needs of Muslims in each nation.

There are several differences when comparing Islamic inheritance law with customary inheritance law and KUHPER (BW) inheritance law, namely:

- a. For BW, Chapter XII bag 3 Ps 913 - 929 concerning the division of certain inheritance shares for each heir.
- b. Each heir is not given a specific share in customary inheritance law. Some provide for the equality of all heirs, some provide for the primacy of male heirs, and some provide for the primacy of female heirs. In Indonesian society, social cohesion is based on small units such as husbands and wives, and inheritance is usually divided equally between generations. Some tribes prefer male heirs over female in some other parts of Indonesia, even though the two are clearly different.
- c. Under BW law, using arithmetic calculations performed after the testator dies, all inherited assets are abstract entities with monetary values that can be divided into fractions at any time.
- d. According to customary inheritance law, inherited

property does not become a single unit as it varies according to ownership, type of goods, and whether or not an object can be enforced by the community so that it requires special rules in its transfer.

Since the law is open, in relation to the current per-uu, the law must also consider the impact of the regulation and the problems faced today to look to the future. Because the legal system is open, there is an opportunity to change the law that produced the regulation.

The need for these changes stems from the fact that there are problems in society that cannot be resolved by the laws in force, either because the laws are inadequate, unclear, or weak in their ability to provide regulation, or because the laws themselves are inadequate. the content is unclear or general, or because there is a legal vacuum. Judges' legal findings, lawmakers' legal formulations, or the government's own policies cause these developments.

The institutionalization stage of Islamic inheritance law. National law is used to develop and establish Islamic inheritance law. Examples are Presidential Instruction Number 1 of 1991 or known as KHI, and Law Number 7 of 1989 concerning Religious Courts. In conclusion, the procedure for implementing inheritance law in Indonesia still has certain peculiarities. Even though the 1945 Constitution and its

amendments no longer recognize the legal categories of the population, the problems faced in grouping the population are still widely felt factually and empirically. As a result, inheritance law is used by several legal subjects.

Islam has regulated every aspect of human life, including the distribution of the property of the deceased. In legal science, inheritance law is also called *fara'id* law discussing the transfer of property. Property is the cover of life, both individually and together. and inheritance is the essence of causation (the main cause) in property ownership.

National laws and regulations also provide advice so that the heirs are aware of their rights and obligations and understand the legal distribution system of inheritance, so that in the end they do not harm each other. Inheritance law regulates the distribution of rights and responsibilities after a person dies (Sudibya et al., 2021). In the Islamic world, the state's desire to provide regulations that meet the demands of society is a major factor in the reform of inheritance laws and regulations. This justification can at least be seen from the arguments contained in the Sudanese Court Circular No. 53 of 1945 concerning the rules regarding the freedom of testamentary states:

"Experience has shown that people are in need of a relaxation in the provisions of the law of bequests as currently applied and that the

adoption of the following provisions will be to their manifest advantage.

Sociology argues that because people view the current legislation as inadequate and no longer meeting their needs, inheritance law needs to be changed. According to Anderson, Islamic society's dissatisfaction with the current inheritance laws was the main driving force behind the reforms that took place across the Islamic world. From an anthropological point of view, the progress of inheritance law cannot be separated from the shifting social structure of society. Muslim societies transitioned from extended families to nuclear families.

Inclusive legal reform can ensure that all parties, including groups that have been marginalized, receive equal protection and justice (Fada et al., 2024). Islamic inheritance law reform in Indonesia must be seen as part of the effort to create a national inheritance law system that is fair and in accordance with the times. The following steps that can be taken in the reform of Islamic inheritance law are as follows:

1. Improving Gender Equality in Inheritance Sharing

One of the problems that must be addressed is the unequal distribution of inheritance between men and women. A more equal distribution between men and women should be considered when reforming Islamic inheritance law. For example, by giving equal inheritance rights to men

and women or by creating a distribution plan that is easier to change and takes into account the social and financial contributions of each family member.

Justice is the balance between rights and responsibilities. Similar to John Rawls' philosophy of justice, everyone is entitled to the same fundamental freedoms. The value of justice is inherent in the purpose of law. The idea of justice is reflected by decisions that oppose cruel punishment, prohibiting the second punishment for the same mistake (Wahyuddin & Rahmadani, 2023).

The gender concept of inheritance in Islam is not the basis for determining inheritance. Allah provides guidelines on how children should inherit in Q.S an Nisa' verses 11-12, for Islamic inheritance law. This passage highlights that women have less rights in terms of inheritance, but men have equal rights to two women. The verse also discusses how the inheritance should be divided between parents, if any, and in the event that there are no siblings or children. The application of inheritance law in the situation where a person has no parents or children is also covered in verse 176. This verse emphasizes that if the husband has no parents or descendants, then the wife and husband should inherit. Part of the estate should go to the husband's brothers, if any.

In line with research from Siregar, (2024) which confirms that the rights and responsibilities of heirs are equal, living in balance with the rights and property they get. Thus, in Islamic inheritance law, justice does not depend on whether the heirs are on the same level, but on how much responsibility is given to them from a general perspective. Furthermore, in line with Lahinda's research, (2023) claims that the equal distribution of inheritance between women and men in the Beo community.

2. Adjustment of Inheritance Distribution to Social and Economic Needs

The subfield of economics called "welfare economics" uses microeconomic methods to ascertain the influence of income distribution and the effectiveness of interrelated macroeconomic allocations. The socio-economic circumstances of the heirs can be taken into consideration in reforming Islamic inheritance law. For example, the distribution of inheritance can be changed to accommodate heirs who need more protection, such as young children, elderly parents, or wives who do not have a steady source of income.

In line with research from Aprianto, (2023) the enforcement of Islamic inheritance law realizes justice for all citizens. This is evidenced by the guaranteed rights of every citizen. In addition, justice is also reflected in the awareness of

every citizen to fulfill their duties in accordance with applicable law.

3. Integration of Islamic Inheritance Law with Civil Law

One of the crucial steps in realizing legal unity in Indonesia is the creation of a national inheritance law that can consider both civil law and Islamic law systems. This can be achieved by drafting provisions that specifically regulate inheritance rights and law enforcement procedures for Muslims and non-Muslims within the broader national legal system. Absolute justice, according to BW, has equal rights and responsibilities for women and men, inheritance is divided equally between both sexes, and there is no distinction between parents, siblings, or children. In accordance with research from Aliya Sandra Dewi et al., (2024) for the Civil Code, sons and daughters are equally entitled to inheritance from their parents and other family members who have died.

4. Accommodating the Rights of Non-Muslim Heirs Through the Concept of Compulsory Wills

One of the interesting outcomes of *ijtihad* on the topic of *fiqh* is mandatory wills. In a multicultural society with diverse nationalities, cultures and beliefs, some academic circles believe that compulsory wills are the result of an alternative path towards social transformation.

In leaving a will to a non-Muslim heir, there are two crucial points that need to be considered. The first is that inheritance law prohibits the existence of non-Muslim heirs because heirs of other religions are no longer considered heirs. However, the will does not specify that the beneficiaries and heirs must be Muslims, either formally or informally; it also does not include a clause that allows adherents of a religion to leave a will to adherents of another religion. Secondly, every Muslim who dies is obliged to leave a will. One of the main characteristics of a will is that it takes effect after the maker dies and is irrevocable (Marfu'atun et al., 2024). One of the modern concepts in the Islamic world is called compulsory testament (Sholeh, 2022). For heirs who are unable to inherit due to certain obstacles, a will should be made. As long as the person making the will does not commit anti-Muslim acts, Islamic teachings do not prohibit making a mandatory will for non-Muslims (Setyawan, 2019). If the heir is unable to carry it out, then the inheritance can also be transferred to al-Qarabat in the form of a grant before the heir dies (Achmad Jarchosi, 2020).

5. Protection for Vulnerable Parties

A guardian is required if the child who has been abandoned by his or her parents is a minor and does not yet have legal competence. This is one

example of how Islamic inheritance law reform must take into account the protection of vulnerable parties, including young children. Until they are old enough to have legal competence, guardianship serves as a means to safeguard their interests and inheritance rights. unemployed mothers and other individuals who depend on the testator for financial support.

The state provides legal protection to Muslims so that they can carry out their religious teachings, including the distribution of inheritance according to Islamic law (Arsyad, 2024). A more just and compassionate legal system will result from an inheritance system that is more sensitive to the demands of society. giving them universal property rights by replacing their rights to the inheritance of heirs in whole or in part.

Each region develops a different system of Islamic inheritance law as a result of the blending of local customs with Islamic inheritance norms. As Indonesia's national legal system developed, Islamic inheritance law, especially in the Per-Uu, became more recognized and regulated to provide clear legal protection for Muslims. The laws governing inheritance for women, for example, prohibit different treatment of men and women in the division of inheritance. Over time, Islamic inheritance law in Indonesia has undergone tremendous development.

Islamic inheritance law reform refers to initiatives in Indonesia to reorganize or modify existing Islamic inheritance law to address possible problems and take into account current social, cultural and value developments. The KHI effort seeks to change the Indonesian laws governing Islamic inheritance law as well as many other aspects of Muslim life. KHI implements changes to Islamic inheritance law to modernize and clarify the procedures for the division of inheritance in line with justice and Islamic values.

The Role of Islamic Inheritance Law in the Formation of National Inheritance Law

In one of his books, Anderson states that Islamic law relies heavily on the science of *faraidl*, or inheritance.

There is no part of the Islamic law which is more typical of both the spirit and letter of the Sharia than is the Islamic law of inheritance (mirath). This branch of the law has a firmer foundation than any other in the explicit commands of the Qur'an.

At the normative level, the importance of inheritance in Islam can also be seen from the very specific guidelines for the distribution of inheritance that have been set out in the Qur'an and the Prophet's Hadith. The verses (Q.S. An-Nisa': 11-12 and 176) contain detailed instructions on how to distribute inheritance, as well as information on

the groups of heirs and the amount of each heir's share. The primary source of Islamic law has specific laws governing these topics. This specific component is called *furudul muqaddarah* in the science of *faraidl*. Islamic inheritance law is based on this *Furudul Muqaddarah*, which is an important rule that governs how inheritance is distributed in the religion.

The reform of Islamic inheritance law is very instrumental in the formation of *national* inheritance law that is fairer and reflects the principles of social justice. Some of the roles of Islamic inheritance law in the formation of national inheritance law include:

1. Building Social Justice

Reforming Islamic inheritance law based on gender equality and the protection of vulnerable groups can strengthen the principle of social justice in the distribution of inheritance. As a result, all levels of society will feel a greater sense of justice. Inheritance law is one topic that often attracts attention; as a manifestation of the principle of justice, women need to inherit an equal share (Rizky et al., 2024). The concept of justice is a constant topic of discussion. Since justice essentially affects a person's interaction with others, society, and even the state in addition to his personality, his position in society and the state is decisive. The nature of justice in Islamic inheritance law is

reflected in the bilateral and individualized Islamic inheritance law system (Dahwal, 2019).

For Islamic inheritance law, justice is determined by the severity of the burden or obligation imposed on the heir, taking into account the generality of human conditions and life, not based on the equal rights of the heir. This principle emphasizes that carrying out the distribution of inheritance with the provisions of the Qur'an and Sunnah is one thing that must be done in Islam (Harahap & Harahap, 2022). In fact, balanced justice is not equal justice among heirs, which is the focus of Islamic inheritance law, because the material sometimes causes debate among heirs, this principle is often a polemic (Jamhir, 2019).

2. Improving Legal Certainty

Legal certainty regarding the distribution of inheritance property will be created by changing Islamic inheritance law to conform to national law. This certainty is very important to prevent prolonged disputes and minimize the potential for conflict among heirs. Legal certainty consists of concrete law and legal security, with legal certainty everything will run more orderly in accordance with applicable law (Handayani, 2022).

Legal certainty requires a complement, namely expediency. A good law is a law that can benefit every legal subject (Nasrulloh, 2024). Legal certainty should be regulated

by written norms that regulate the will of heirs of different religions with different religious backgrounds, in addition to the compilation of Islamic law based on the knowledge of judges and the level of justice. Thus, jurisprudence as the main standard is complemented by regulations contained in Islamic law and the Criminal Code (Selanno et al., 2024).

3. Accommodating Diversity

By ensuring that the resulting inheritance law is acceptable to both Muslims and non-Muslims, this reform should also take into account the cultural and religious diversity of Indonesia. In order to develop a legal system that is fair, inclusive and relevant to the demands of society, the diversity of Islamic inheritance law needs to be considered when developing the national inheritance law. In addition to strengthening the legal system, this effort will also improve justice and welfare for all members of society.

In addition, by embracing the idea of social justice, the reform of Islamic inheritance law helps to create a more inclusive national inheritance law, strengthening the position of inheritance law within the framework of Indonesian positive law and improving communication between positive law, customary law and religious law in order to realize the unity of the legal system. The steadfast dedication of Muslims in upholding the faraid system shows

the importance of Islamic inheritance law. Islamic inheritance law is one of the areas of Islamic law that has undergone the longest reform, in contrast to Islamic law in other areas such as trade (business), criminal law, and civil law in general.

Based on the explanation above, it can be analyzed that the reform of Islamic inheritance law is an integral part in the formation of a national inheritance law that is more just, inclusive, and adaptive to social change. Along with the times, the applicable legal system must be able to accommodate the dynamics of society without leaving the basic principles that are the foundation of the rule of law itself.

In the Indonesian context, Islamic inheritance law has an important position in the national legal system, especially since the majority of the population is Muslim. However, in its application, Islamic inheritance law must face various challenges, ranging from gaps in gender equality, differences in interpretation with customary law and civil law, to the need for adjustments to be more relevant to evolving social needs.

This research reveals that the reform of Islamic inheritance law is not only an effort to adapt inheritance rules to social changes, but also a strategic step in building a more cohesive and responsive national legal system. One of the main roles of this reform is to create social justice,

where the principles of inheritance distribution must consider aspects of substantive justice, not just conformity with existing classical provisions. Justice in this context does not only focus on the division of property based on gender, but also how the inheritance law system can provide protection for those who are more in need, such as women who are the main breadwinners in the family, orphans, or economically weaker heirs.

In addition, legal certainty is a crucial aspect that must be considered in this reform. Currently, Islamic inheritance law in Indonesia is regulated in the Compilation of Islamic Law (KHI) and applied through religious courts, while civil law and customary law are also recognized in the national legal system. This condition creates a plurality of legal systems that often leads to conflicts in the settlement of inheritance disputes. In some cases, heirs face difficulties in determining which law to follow, especially in families that have different legal backgrounds. Therefore, the reform of Islamic inheritance law should be directed at creating a more integrated legal system, where Islamic law can be harmonized with civil law and customary law without losing the essence of each of these legal systems.

A key strategy in reforming Islamic inheritance law involves promoting gender equality in the

distribution of inheritance, which can be done through a reinterpretation of Islamic inheritance distribution provisions. Although in classical Islamic law men get a larger share than women, a contextual approach can be applied to adapt these rules to current social realities.

Some countries have reformed their inheritance laws by providing flexibility in the distribution of inheritance, for example through inheritance agreements that allow heirs to agree on a more equitable distribution. Thus, Indonesia can also adopt a similar approach to ensure that the inheritance law system remains based on the principles of justice in accordance with the times.

Moreover, harmonization between Islamic inheritance law and civil law is an important step in creating a more integrated national legal system. The fundamental differences between these two legal systems are often a source of uncertainty in inheritance settlements, especially for those who own assets governed by civil law, such as property or shares. By creating clearer and more coordinated legal mechanisms, heirs can more easily navigate the applicable legal system without getting caught up in protracted disputes. This reform can also be done by strengthening the role of religious courts in handling inheritance cases involving civil law, so that there is uniformity in the resulting legal decisions.

Furthermore, adjusting the principles of inheritance distribution to be more relevant to the social context is also an important factor in the reform of Islamic inheritance law. The current inheritance system still refers to classical principles that are not always in line with evolving social conditions. For example, in traditional Islamic law, wills are only allowed within the limit of one-third of the estate, while the other two-thirds must be distributed according to the provisions of Islamic inheritance law. In practice, many families require more flexibility in inheritance management, especially in cases where a testator wants to ensure that certain heirs receive greater financial protection. Therefore, the concept of mandatory wills can be a solution to accommodate this need, by allowing for a fairer distribution of inheritance without violating the basic principles of Islamic law.

The application of mandatory wills in several countries has proven to be an effective instrument in creating justice in inheritance. In Egypt, for example, compulsory probate is used to give a share of inheritance to grandchildren whose parents have died before the testator. In Pakistan and Tunisia, this concept is also applied to ensure that vulnerable groups still get a share of the testator's estate. If implemented in Indonesia, the mandatory will can be an important legal tool in protecting

the rights of heirs who may not get a sufficient share through the traditional Islamic inheritance system.

In the context of the formation of national inheritance law, the reform of Islamic inheritance law serves not only to strengthen the existing legal system, but also to provide broader protection for the community. One of the biggest challenges in the implementation of the inheritance system in Indonesia is how to ensure that the applicable laws can actually be applied effectively in the field. Many cases of inheritance disputes occur not because of weaknesses in the regulations, but because of people's lack of understanding of their rights under the existing legal system. Therefore, the reform of Islamic inheritance law should also include a legal education aspect, where people are given a better understanding of how the inheritance system works and how they can access justice through the available legal channels.

This legal education is not only important for the general public, but also for judges and legal practitioners involved in resolving inheritance cases. By increasing the capacity of the legal apparatus in understanding and applying Islamic inheritance law more flexibly and contextually, it is hoped that more just legal decisions will be made. In addition, strengthening the role of inheritance mediation institutions can also be a solution to reduce the burden on the

courts and provide a faster and more efficient alternative for people facing inheritance disputes.

Therefore, Islamic inheritance law reform has a very important role in building a national inheritance law system that is more just, inclusive and responsive to social developments. By adopting an approach based on substantive justice, this reform can create a balance between the principles of Islamic law and the needs of modern society. Some steps that can be taken to accelerate this reform are to revise the Compilation of Islamic Law to make it more flexible, strengthen the role of religious courts in handling inheritance cases, and improve harmonization between Islamic law, civil law, and customary law.

In addition, the implementation of the concept of mandatory wills can be an effective solution to address inequality in the distribution of inheritance, especially for more vulnerable groups. These reforms should also be supported by a broader legal education policy, so that people have a better understanding of their rights in the inheritance system. With these steps, it is hoped that Islamic inheritance law in Indonesia can develop into a more adaptive system, protecting the rights of all heirs, and strengthening the national legal system in facing the challenges of the times.

CONCLUSIONS

Based on the description above, it can be concluded that. *First, the* reform of Islamic inheritance law in the formation of national inheritance law, must be seen as part of an effort to create a fairer national inheritance law system, and in accordance with the times, with several steps, namely increasing gender equality in the distribution of inheritance, adjusting the distribution of inheritance to social and economic needs, integrating Islamic inheritance law with civil law, accommodating the rights of non-Muslim heirs through the concept of mandatory wills. and protection for vulnerable parties. Islamic inheritance law reform in Indonesia refers to efforts to change or restructure the current rules of Islamic inheritance law to overcome problems and adapt to social developments, culture, and prevailing

values. *Second, the* role of Islamic inheritance law in the formation of national inheritance law, namely building social justice, increasing legal certainty, accommodating diversity, and contributing to the formation of a more inclusive national inheritance law. strengthen the position of inheritance law in the context of positive law and encourage dialogue between religious law, customary law, and positive law to create a harmonious legal system.

The suggestions that the author can give are, by integrating various sources of law, it is hoped that a balance between tradition and modernity can be created in inheritance law in Indonesia. Reforming Islamic inheritance law is not only important for individual justice, but also for creating a sustainable inheritance law system.

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