

Distribution of Inheritance According To Gender Equality Approach (Comparative Study of Tafsir Quraish Shihab and Aminah Wadud)

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ABSTRACT

Keywords:
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The division of inheritance 2 1 is the final division in the Qur'an. The author compares contemporary Muslim feminist and contemporary interpretations of thought, namely the modern interpretation of Al-Misbah by Quraish Shihab and Amina Wadud's method of thought. Both are well-known figures in their circles. The research method used is library research (library research), with data processing techniques used comparative methods. This article compares the thoughts of Qurais Shihab and Amina Wadud. In the interpretation of Al-Misbah, the division of inheritance 2:1 cannot be changed; this is a final decision already made with provisions in the Qur'an. However, another work of Quraish Shihab allows a 1:1 division, but with the condition that the heirs (such) agree. Meanwhile, according to Amina Wadud, the distribution of inheritance 2 1 is not a final division, but this is one of the various ways of dividing inheritance. Amina Wadud saw the size of the benefits of the heirs. The heirs will get 1:1 if each is equally useful and fair for both heirs. From the division of inheritance according to the two figures, it turns out that gender equality has been fulfilled. These two figures provide access, participation, and benefits to the heirs getting their respective shares.



Introduction

Inheritance is a provision discussed in the Qur'an. Waris is a sharia from Allah SWT for Muslims. In the Qur'an, the distribution of inheritance to heirs has been explained in such a way (Hasibuan, 2018). These are provisions that are already divided among heirs. It is evident in Surah an-Nisa verse 11 that the male and female parts are very different (Surasman, 2019).

The division of boys and girls is often disputed among contemporary commentators in the modern world of Quraysh Shihab and Muslim feminists such as Aminah Wadud (Himmah, 2018). If you look at the Qur'anic verse surah an-Nisa verse 11, it is briefly explained that 2:1 is for boys and girls (Hasan & Jamaludin, 2023). The Qur'an quite clearly explains its division (Surasman, 2019). However, the thoughts of the two

characters in their respective books turned out to be different from the current conditions (Permana & Martapura, 2018).

In tafsir, al-Misbah Quraysh Shihab (exegete) graduated from al-Azhar Egypt, famous for the center of Islamic studies, which is very dominant with textual (understanding verses textually). He decreed that the division of inheritance of sons and daughters had already become a final decree in the Qur'an Kajian Tokoh Pemikiran Tafsir Di Indonesia (Telaah Metodologi, Kontekstualisasi Terhadap Penafsiran) (Dozan, 2020). Briefly, there are two reasons Quraish Shihab in the book about the provisions of this verse: First, the man is obliged to give dowry and provide to his wife and family. Second, men have a unique advantage in emotional control compared to women. This suggests that the control of property based on reason's considerations should take precedence over the basis of emotions (Faizah & Hasyim, 2021).

According to the second figure, Muslim feminist Amina Wadud is known as a person with a romantic and visionary view, namely Islam without patriarchy. Aminah Wadud tried to elaborate on her method in detail. In fact, according to him, each verse must be analyzed, not just interpreted, by adhering to five aspects—first, the context of the verse. Second, look for similar topics (Auliyak & Azizah, 2021). Third, the security of the language and syntactic structure used in other verses in the Qur'an should be examined. Fourth, try to go beyond the principles of the Qur'an. And fifth, analyze the verse in the context of the Qur'anic Weltanschauung or worldview. From here, Aminah Wadud has a unique view regarding fear, which should be fair to women (Ikhwanudin, 2023)v.

The Quraish Shihab thought that allowing the distribution of inheritance to sons and daughters was fair, which means 1:1 if the heirs agreed on such a division. At the same time, Amina Wadud considered the size of the benefits of both male and female heirs to his family. If the son is felt to have more benefit for his family than the daughter, then a 2:1 inheritance ratio between a man and a woman can be applied. However, suppose a daughter is perceived to have more benefit for her family than her son. In that case, the division of inheritance with a ratio of 1:2 between men and women becomes applicable (SHIHAB, 2023). If sons and daughters have equal benefits for their families, then the distribution of inheritance becomes balanced by comparison. Because the interpretation is contextual, not fixed with the sound of the verse but with a socio-historical approach, the verse is derived from the current situation, which is far different from the situation and conditions when the inheritance verse was handed down.

However, in reviewing the position of women in the distribution of inheritance, this article uses gender analysis. This departs from the view that the basic principle of Islam is the religion of justice. Based on this assumption, to see the forms of injustice in relations between men and women in Islam, gender analysis, which also departs from the gender justice approach, is constructive. The results of this research are expected to be used as a development of science in Islamic inheritance law, especially in the division of inheritance using gender justice theory, and provide ideas or opportunities related to discussions for future research, especially on the division of inheritance.

Therefore, with the difference in thoughts between the two figures, this study is interesting to study the division of inheritance according to the two figures, which can be a consideration for heirs in the distribution of inheritance.

Research Methods

The approach used in this article is qualitative, using library research methods. Qualitative research is one procedure that produces descriptive data in the form of speech or writing and behavior viewed from a complete point of view. Qualitative research has a wide range and flexibility in various scientific disciplines. At the same time, Library Research examines problems in books, journals, articles, and other literature. The primary sources for this research are Quraish Shihab's Tafsir Al-Misbah and Amina Wadud's Method of thought. Secondary sources complement these primary sources. Secondly, supplementary materials such as scientific and popular literature on the subject. This data is collected through literature research because the research subject is written material, especially books on the topic. They collect all the verses and analyze them through sciences relevant to the theme.

Data processing techniques used comparative or comparative methods. The comparative research researchers want to take in this article is comparing classical and contemporary interpretations. The author seeks to examine the classical period tafsir Tafsir Al-Misbah, written by Quraish Shihab, while the modern tafsir is Tafsir Amina Wadud.

Literature Review

The author uses the theory of gender justice analysis because gender justice is a process and fair treatment of women and men. Gender justice means no role-freezing, double burden, subordination, marginalization, or violence against women and men. The realization of justice and gender equality is characterized by the absence of discrimination between women and men; thus, they can participate and reasonably obtain benefits. So far, there have been many studies on the thoughts of Quraish Shihab and Amina Wadud.

The article related to the equality of inheritance distribution according to Quraish Shihab was once written by Afida Wahyu Nabila; this paper only explains Quraish Shihab's opinion regarding the division of inheritance in two ways, not comparing the two figures as the author's current research. The research by Azriel Muhammad on Amina Wadud's Hermeneutic Concept of Gender Equality in this paper explains the method Amina Wadud uses to interpret a text. Amina Wadud gave three categories of Qur'anic interpretation methods: traditional Tafsir, reactive Tafsir, and holistic Tafsir. Still, she did not explain the differences between the two gender equality ideas.

They were following research written by Ayu Faizah and Ahmad Faqih Hasyim with the title Gender Justice in the Division of Inheritance: A Comparative Study of M. Quraish Shihab's Thought in Tafsir al-Misbah and Munawir Sjadzali. This study was conducted with two opinions that contradict each other, namely the interpretation of M. Quraish Shihab in Tafsir al-Misbah and Munawir Sjadzali in the Reactualization of Islamic Teachings. Quraish explains in Tafsir al-Misbah that the division of inheritance

between men and women (2:1) is unchangeable. However, in another work, the Quraish allowed equal distribution of inheritance (1:1) according to the agreement of all heirs. Meanwhile, Munawir Sjadzali openly wanted equal distribution of inheritance (1:1) on the condition that women had a role.

The latest research ever written by Rini was titled Contextualization of Amina Wadud's Feminist Interpretation on Islamic Society in Indonesia. This study discusses an analytical survey of the contextualization of feminist interpretation carried out by Amina Wadud, including the methodology of interpretation and some examples of the results of Amina Wadud's interpretation. Amina Wadud uses a model of interpretation called hermeneutics. The method of interpretation of hermeneutics is intended to derive a conclusion about the meaning of a text or verse. The contextualization of Amina Wadud's feminist interpretation of Islamic society in Indonesia, especially feminist activists, includes equal rights and obligations between husband and wife in family life.

From some of the previous studies above and in other literature, the author has not found a comparison of the thoughts of Quraish Shihab and Amina Wadud, if there is no comparison, but a separate explanation as described by the author above. At the same time, the author's current research discusses the thoughts of the two figures who have achieved equality in the distribution of inheritance using the theory of Mansour Fakhri. This theory wants to provide the results of the thoughts of both statistics, namely access, opportunity to participate, and benefits relative to heirs.

The author sees previous research with research written today by the author has never been studied before. Today, there have been many thoughts of classical scholar Quraish Shihab and Muslim feminist Amina Wadud about inheritance, but there has been no comparison of thoughts between the two figures. This author's writing makes an essential contribution by exporting two characters' thoughts regarding the division of male and female inheritance. This means that this writing does not repeat what was researched by previous researchers.

Results and Discussion

Biography of Quraish Shihab

Muhammad Quraish Shihab was born in Rappang, Sidrap Regency (Sidenreng, Rappang), South Sulawesi, on February 16, 1944, the 4th of eight children and Prof. KH. Abdurrahman Sihab and Asma Aburisyi. His education started in elementary school in Ujung Pandang and continued into grade 2 of junior high school. Then, in 1956, he continued his studies while becoming a student at the Darul Hadith al-Faqihyah Islamic Boarding School in Malang under the care of Habib Abdul Qadir bin Ahmad Bilfaqih al-Alwi and his son, Prof. DR. Habib Abdullah bin Abdul Qadir Bilfaqih who was famous as a hadith scholar. In 1959, M. Quraish Shihab continued his studies in Cairo, Egypt.

Then, Quraish Shihab continued his studies at al-Azhar University by taking the Ushuluddin Faculty, majoring in Tafsir Hadith. In 1967, he earned a bachelor's degree in SI by obtaining an LC degree, and two years later, he earned a bachelor's degree in S2 by receiving an MA degree in the same department with the title of his thesis, *Al-I'jaz at-*

Tasyri' li al-Qur'an al-Karim (The Miracles of the Qur'an al-Karim in terms of Law). Upon his return to Indonesia, Quraish Shihab was asked by his father to help manage education at Alauddin University Makassar to become a lecturer while accompanying his father as vice-rector for academic and student affairs from 1972 to 1980.

Muhammad Quraish Shihab is a scholar and a contemporary exegete in modern times. In addition, he is also active in writing and lecturing in electronic media, such as television. He emphasized his interpretation of the *maudhu'i* method or methods that tend to raise the themes contained in the Qur'an. He said that interpreting the Qur'an should not be fixated on the existing text. However, it is better to look contextually by exploring the background of the existence of a verse because if viewed textually, the verse will tend to be monotonous, and the meaning hidden in it is not conveyed.

Tafsir Al-Misbah

Tafsir al-Misbah is one of the writings of M. Quraish Shihab in the field of tafsir, which is included in contemporary tafsir. Tafsir al-Misbah began to be written on Friday, 14 Rabi'ul Awwal 1420 H / June 18, 1999 AD, when he served as Indonesian Ambassador in Cairo, and was completed on Friday, 8 Rajab 1423 H / September 5, 2003. The background of writing Tafsir al-Misbah is due to people's enthusiasm for the Qur'an in terms of reading and understanding the content of the Qur'anic verses. His work previously preceded the writing of Tafsir al-Misbah and Tafsir al-Qur'an al-Karim (Pustaka Hidayah, 1997), which was not in demand by the public because it was considered too long in describing the meaning of vocabulary.

The writing of tafsir carried out by Quraish Shihab was not based on his wishes, but it was based on the needs of the community. Tafsir al-Misbah, in the context of introducing verses of the Qur'an, seeks to present a discussion of each surah with the purpose of the surah or the central theme of the surah. The method of interpretation used in Tafsir al-Misbah is the *tahlili* (analytical) method, which describes or details the meaning of verses from various angles. Tafsir al-Misbah is arranged according to the order in the Mushaf of the Qur'an called *tartib mushafi*. Tafsir al-Misbah consists of 15 volumes or volumes and was first published by Lentera Hati Publisher, Jakarta, in 2000.

Biography of Amina Wadud

Amina Wadud was born on September 25, 1952, as Maria Teasley in Bethesda, Maryland, United States, in the northwestern part of Washington, DC. His father was a Methodist minister, and his mother was descended from Arab, Berber, and enslaved African Muslims. In 1972, she recited the shahada and accepted Islam, and in 1974, her name was officially changed to Amina Wadud, chosen to reflect her religious affiliation. He received his BS from The University of Pennsylvania between 1970 and 1975. In her academic career, Amina Wadud has been a Professor of Religion and Philosophy (Professor of Religion and Philosophy at Virginia Commonwealth University).

Wadud earned a Doctor of Philosophy from the University of Michigan and studied Arabic at American and Al-Azhar University in Cairo, Egypt. His intellectual explorations continued until Wadud was led to study Quranic exegesis at Cairo University and philosophy at Al-Azhar University. Wadud worked as an assistant professor at the

International Islamic University of Malaysia from 1989 to 1992. She published her dissertation entitled *Quran and Women: Rereading the Holy Scriptures from a Women's View*. The book's publication was funded by the non-profit Sisters in Islam and served as a guide for several women's rights activists and academics. The book was banned in the United Arab Emirates because its provocative content aroused religious sentiments.

After obtaining his PhD, he joined the Department of Islamic Revealed Knowledge and Heritage at the International Islamic University in Malaysia. And it was at this college that she published her phenomenal first work, *Qur'an and Woman*. And then the second edition of *Qur'an and Woman: Re-Reading the Sacred Text from Woman's Perspective* in 1999. After that, in 2006, she published her book *Inside the Gender Jihad*. The most important thing about this book is the explanation of hermeneutic formulations. He explained that the Qur'an's foundation is tawhid (God's oneness) and the principle of cosmic balance and harmony. In addition, this book reflects that Wadud has a romantic and visionary view, namely Islam without patriarchy. But this invites conflict with colleagues, both academics and Muslims in general.

After completing his studies in English at Penn in 1976–1977, Wadud was hired to teach at the College of Education at Qar Yunis University in Libya. Wadud taught at the Islamic Community Center School in Philadelphia, United States, after returning from Libya in 1979–1980.

Despite my feminist activities, Wadud is an educator at Virginia Commonwealth University in Richmond. He studied Arabic at American and Michigan University, earning a Ph.D. in Arabic and Islamic studies in 1988. In addition to his theological education at Cairo University, he attended al-Azhar University in Cairo, Egypt, to study Islamic philosophy.

Wadud is fluent in several languages, including English, Arabic, Turkish, Spanish, French, and German. Wadud's fluency in several languages led him to lecture at institutions such as Harvard Divinity School (1997–1998), International Islamic Malaysia (1990–1991), University of Michigan, American University in Cairo (1981–1982), and University of Pennsylvania (1970–1975). In 1999, the Ministry of Women of the Maldives (MWM) and the United Nations (UN) hired her as a consultant for workshops on Islamic studies and gender.

Ami Wadud Interpretation Method

According to Wadud, to produce gender-equitable interpretation products, it is necessary to interpret the Qur'an according to women's experience without the stereotype that has become the framework of male interpretation. The atomistic classical interpretation produces a narrow and limited interpretation. According to Wadud, the content of classical exegesis is subjective because there is no genuinely objective Qur'anic exegesis. Each muffler makes some subjective choices. Qur'anic verses and tafsirs are often not distinguished, so there is an assumption that Qur'anic exegesis is sacred and new thoughts should not enter. Classical interpretation descriptions are often gender-biased and irrelevant to the condition of women today who have complex problems and are different from women in the past.

Amina Wadud offered her methodology for reading the Qur'an using hermeneutic methods. According to Amina Wadud, Hermeneutics is one method of interpretation of scripture to derive conclusions about the meaning of a text (verse). Always relate to three aspects of the text, namely:

1. In what context is a text written if it is related to the Qur'an, in what context the verse is revealed,
2. What is the grammatical composition of the text (verse) (how it is expressed, what it says,
3. How the whole text (verse), its *Weltanschauung*, or worldview, often differ in opinion can be traced to variations in the emphasis of these three aspects
4. Amina Wadud sees that most methods of interpretation, both past and present, do not include women and their experiences. Therefore, understanding the Quran and Sunnah and their application in shaping Islamic law, government, and public policy is based on the privilege of interpretation of music (men).
5. Amina Wadud tried to use the method of interpretation of the Qur'an proposed by Fazlur Rahman, holding the view that the Qur'an appears in the light of history and dealing with sociohistorical backgrounds. The purpose of a hermeneutic model, a type of interpretation method, is to extract meaning from a text or verse. Wadud offers his critical hermeneutics here, which is quite different from the others. However, although Wadud claims that his hermeneutics is original, he openly admits that Fazlur Rahman's earlier methods inspired him and even deliberately used them.

The Qur'an is a response to a situation that is essentially a moral, religious, and social statement dealing with specific issues in a concrete situation, which holds that all the verses of the Qur'an, as they were revealed at a particular time in history, along with the general and specific circumstances that accompany them use relative expressions of those circumstances. But the message of the Qur'an is by no means limited by time or historical circumstances. The reader or interpreter must understand the implications (implied) of the revelation of the Qur'an as it is revealed to determine its primary meaning. This meaning conveys the meaning of the rules or principles in these verses.

According to Rahman, what is important is how to understand the Qur'an with the proper method to reveal its content because, in reality, it is like the tip of a floating iceberg, with nine-tenths of it under the sea of history and only one-tenth of it is visible on the surface. Therefore, to understand the Qur'an, one must know the history of the Prophet and his struggles for less than twenty-three years. During that time, it was also necessary to understand the situation and condition of the Arabs at the beginning of Islam as well as the customs, institutions, and outlook of life of the Arabs.

Rahman developed a method or theory of interpretation of socio-historical Qur'anic texts known as the theory of double movement, which explains two concepts, "historicity and moral value." Double movement theory explains a two-way interpretation, namely making a pilgrimage to understand the birth of texts in the past by understanding current conditions by formulating a complete vision of the Qur'an and bringing it back to the

present situation. Double Movement is to see the conditions and situations of the verse revealed to get the value or moral message contained in these verses.

Understanding Islamic Heritage Law

The law of inheritance, in general, is a law that regulates the process of transferring ownership of inheritance (tirkah) left by someone who dies, in this case, the heir to his heirs, the determination of who is entitled to be the heir, and the determination of how much share each heir gets. Only rights and obligations concerning property can be inherited. Meanwhile, in the Islamic Law Competition (KHI), in article 171 letter a, it is explained that inheritance law is a law that regulates the transfer of ownership rights of heirs (Tirzah), determining who is entitled to become heirs and how much each share is. The science of farāid has many privileges. Among them is the command of the Holy Prophetsa to his companions to learn and teach it to Muslims, the Holy Prophetsa. Reminded also that the science of farāid is considered to be ignored and forgotten; at the same time, the science of farāid is dubbed as 1/3, and some even consider 1/2 of science. Scholars also agree that studying the science of farāid is compulsory collectively (farḍu kifāyah) and, for specific experts, classifies as farḍu'aīn.

Referring to the above understanding, it can be concluded that Islamic inheritance law is a law arising from the death of a person that regulates the process of transferring heirs' assets to heirs, which includes determining the heirs who are entitled to inherit, the portion entitled to be obtained and the procedures for obtaining it through harmony, terms, and principles of division of inheritance. Furthermore, inheritance law is one part of family law in particular and civil law in general. This is because the law of inheritance is closely related to human life, and every human must experience a legal event, such as death. That is, the process of transferring ownership of rights is only carried out if one of the relatives dies and the property is distributed to heirs who are entitled to it.

Quraish Shihab's View on the Division of Inheritance

In Tafsir al-Mishbah, such a division of inheritance in this work of tafsir is put in the context of necessity. This consideration of needs makes the female part half more minor than the male part. Men's need for property is greater than the demand to provide for children and wives.

In another book, Quraish Shihab begins this discussion by affirming that QS. Al-Nisa verse 11 speaks of the rights of daughters and sons in matters of inheritance, not the rights of all women or all men, and not in all matters. According to him, this sentence is important to underline because not all religious provisions in the field of inheritance distinguish between women and men. Quraish Shihab gives an example: Mother and father when left dead by their child, and leave a son or son and daughter, the father and mother get the same share each, which is one-sixth.

The two reasons Quraish Shihab gives in the book about the provisions of this verse are: First, the man is obliged to give dowry and provide to his wife and family. Second, men have a unique advantage in emotional control compared to women. This suggests that the control of property based on reason's considerations should take precedence over based on emotions. Quraish Shihab rejects the notion that the provisions of the verse are

not final. According to him, such an assumption is based on the belief that the provision for the size of the Prophet's time fifteen centuries ago was very advanced if, at that time, women did not have the slightest right of inheritance. Therefore, the provision should be revisited, adhering to the Qur'anic basic principle of justice and equality, which states that inheritance between boys and girls should be equal.

Quraish Shihab states that it is tough to assert that women are equal to men, both in the name of science and religion. The differences between the two types of humans must be admitted, like it or not. Equalizing them will only create a new kind of human being, not male or female. Men are charged by religion with paying dowries and spending on wives and children, while women are not. So how can the Qur'an and Sunnah equate their parts? Even mathematically, the Qur'an favors women over men. A man needs a wife, but he has to spend it. Women also need a husband, but she is not obliged to pay for it, even if she must be provided for. If we say that a man should spend on a woman, then his share is twice as much as God ordains a woman for him and his wife.

If he is not obliged to spend it, half of what he should receive can be sufficient. On the other hand, that one female part was enough for her had she not been married. But if she marries, then the necessities of life are borne by her husband, while the other part of it she can save without spending. Now, who runs out, and who is the whole share if he marries? The man, because the two parts he has must be divided in half, while what the woman has is not used. If so, God's partiality toward women weighs more than His partiality toward men in this matter of inheritance.

Quraish Shihab cannot accept the provisional opinion of contemporary thinkers who suppose that the decree of inheritance described in the Qur'an is not final. However, they admit that it is for the measure of the time of the Prophet Muhammad (peace be upon him) fifteen centuries ago; it is very advanced to realize that women did not have the slightest inheritance then. However, it is still a temporary word that needs to be reviewed for the present time because, in essence, the Qur'an wants justice. Times have now changed, and since the decree is not final, it may be revised and expanded by establishing equal shares of daughters and sons in the acquisition of inheritance rights. Quraish Shihab still believes this decree of inheritance is the final decree because Allah has not established the perfection of religion.

The reason for Quraish Shihab's refusal is apparent: the provision has been finalized based on the details of each heir's acquisition, as Allah affirmed in QS. Al-Nisa [4] verses 13-14, which reads:

1. "They are provisions of God. Whoever obeys Allah and His Messenger, Allah will put him in heaven that flows in the river while they remain in it, and That's a big win. And whoever disobeys Allah and His Messenger and breaks His provisions, Allah will put him into the fire of hell while he remains in it; and unto him humiliating torments."
2. The following reason Quraish Shihab points out is that the inheritance provision does not include the issue of *ijtihad* as understood from QS.al-Nisa [4] verse 11, which reads:

"Allah decreed for you (the distribution of inheritance to) your children. That is, the share of a son is equal to that of two daughters, and if the children are all girls, more than two, then for them, two-thirds of the property is left behind; if the daughter is alone, then she gets half the property. And for two parents, to each one-sixth of the property left behind, if the deceased had children; if the deceased has no children and he is inherited by his parents (only), Then his mother gets one-third; if the deceased had several relatives, then his mother got one-sixth. (The division of the division above) after fulfilling the, will he make or (and) after paying his debt? (About) your parents and children don't know which of them is closer (many) benefits to you. This is a decree from God. Verily, Allah is All-Knowing, All-Wise."

The following verses are 13 and 14, which give encouragement, warning, promises, and threats regarding the terms of establishing a share in the inheritance. For this reason, the Quraish Shihab, the division of inheritance between men and women, is a decree from Allah that no one can change and is not opposed.

Amina Wadud's View on Inheritance Distribution

The social condition of society today is much different from the past. Women stay at home a lot and rarely interact socially. Women's preoccupations in the past were more dominant in domestic matters and gender-related rules that did not favor them. Although many of these traditions exist today, there has been a cultural shift. Communication barriers between men and women have been wide open and accessible. This can be noted as a form of new culture that needs to be considered in this context.

Amina Wadud felt the need for a reconstruction of this phenomenon. Islam should be able to legalize the rights and roles of women in their roles in society to be equal and not only dominated by men. The confinement that has occurred for centuries against women is expected to be unraveled by this legality. It may be that, in the end, women can dominate the public space, considering the volume of women is more than men. Women are taking over roles that men previously dominated (Sarkowi & Qosyim, 2023).

Amina Wadud offers the hermeneutic method of the Qur'an through the abovementioned approach. The hermeneutic model referred to by Amina Wadud is a method of interpretation that, in its operations, aims to determine the substance of the verse. To achieve this substance, a mofussil always correlates three perspectives: 1). The text is written in what context. 2). How is the grammatical construction, what is the style of expression, and what does it say? 3). How the whole text is, its Weltanschauung/worldview. With these three aspects, Amina Wadud believes that differences in interpretation can be explored by modifying the three variations.

Regarding inheritance or material excess, there is only one verse of the Qur'an that mentions that Allah Subhanahu Wata'ala has ordained for men a more significant share than for women (QS. al-Nisa':7). However, Amina refers to sura al-Nisa' verse 34 regarding excess in inheritance, so such materialistic excesses are also not absolute. According to Amina, many men interpret the excess inheritance because they spend their property or support women so that there is a reciprocal relationship as an unconditional indication of the excess of men over women. This interpretation of men being superior to

women is unfounded and not by the teachings of Islam. This is baseless because there is no information in the verse that states men's physical or intellectual superiority.

Inheritance, expressed in the classical interpretation that the division of inheritance between men and women is different, namely 2:1. There are several reasons expressed by Fakhruddin ar-Razi in his tafsir, that first, men are more important than women. This is reflected in the era of jahiliyyah; women did not advance on the battlefield because women were considered weak. Second, morally, intellectually, and religiously, men are considered more perfect. Third, with the perfection possessed by men, it is considered capable of running the wheels of the economy by managing these treasures.

Amina Wadud criticized this formulation of inheritance division. According to him, the ratio of 2:1 is a mathematical formulation whose truth is not absolute because it is only a division model. This means it can allow other models to be used in the division of inheritance. The distribution of inheritance must be fair about the benefits of the estate for the heirs. The parameter is expediency (naf'a).

The contribution of Amina Wadud's thoughts in terms of inheritance distribution is as follows: 1) The distribution of inheritance is intended for living families, both male and female; 2) The entire property can be bequeathed to heirs; 3) but still takes into account the condition of the heirs and the benefits of the inherited property.

What is clear to Wadud is that the fundamental principle in the distribution of inheritance is to benefit and provide justice for those left behind. Therefore, the verses on the technical division of inheritance are more sociological and are only one alternation, not a necessity to follow. Consequently, these verses should be understood as the spirit (spirit) or moral ideal, the spirit of justice behind the formal legal text. The spirit of justice is what *muhkamat* or *qathi'* is, while the technical operations can be seen as *Mashi zanni*, along with acculturation and the needs of the times.

Amina Wadud considered the size of the benefits of male and female heirs to his family. A 2:1 inheritance ratio between the male and the female can be applied if the son is more needy or valuable than the daughter. However, a 1:2 ratio of inheritance division between a man and a woman applies when a daughter is in need or more valuable than her son. If sons and daughters have equal benefits for their families, then the distribution of inheritance becomes balanced by comparison.

Gender Justice Analysis

Gender justice is a process of fair treatment of women and men. Gender justice means no role-freezing, double burden, subordination, marginalization, or violence against women and men. The realization of justice and gender equality is characterized by the absence of discrimination between women and men; thus, they can participate and reasonably obtain benefits.

Islam was born with a conception of human relations based on the justice of the position of men and women. In addition to decision-making, women in Islam also have economic rights, namely, to own wealth, and neither their husbands nor fathers can interfere with their property. This wealth includes those obtained through inheritance or

cultivated by himself. Islam thus overthrew a social system that was unfair to women and replaced it with a just system.

This interest arises to raise social injustice issues, especially those afflicting women. This is because there is a close relationship between gender differences and gender inequalities with the unjust structure of society more broadly. A clear understanding and distinction between the concepts of sex and gender is indispensable in discussing social injustice.

Analysis of gender injustice can be seen from the interpretation of men who consider that human women are weak and even low. This subordination of Muslims is one of the injustices to women. Sura an-Nisa places men above women. The question is why the Qur'an puts such a position. The Engineer proposes that in understanding the verse, the man is the manager over the woman (Qaw Yamuna 'ala an-nisa') should be understood as a description of the state of the structure and social norms of society at that time and not a doctrinal norm that should be practiced.

This verse makes it clear that men were the household managers at that time, not the assertion that men should rule or lead. In Islamic history, women's civilization changed because of the increasing awareness of women's rights, and the concept of rights also developed. When the verse was revealed, there was no awareness of it. The word qawwam, from time to time, is understood differently. In the past, based on that verse, women were considered inferior to men and served their men as part of their duties. Seeing conditions like this, from studies conducted using gender analysis, it turns out that various manifestations of injustice were found as follows:

Marginalization (economic impoverishment) of women. Although not every marginalization of women is caused by gender injustice, what is at issue in gender analysis is marginalization caused by gender differences. For example, many rural women are marginalized and impoverished by male-focused agricultural programs. This is because of his assumption that the farmer is identical to the male farmer. So, women feel there is no place for them to work.

Subordination to either sex, generally to women. In the household and society, many policies are made without giving importance to women. For example, women are only appropriate in the kitchen or only limited to winking konzo. So this understanding makes society, until now, consider women weak and can do nothing but in the kitchen, on a mattress, and well.

One of these types of injustice reduces the income rights of women, in this case, inheritance, according to the thoughts of interpreters of their time. Men are considered vital and superior to women. So, men's income is more significant than women's. This income, according to the majority of scholars, also provides for his wife and children, so naturally, men get two, and women get one.

It can be seen that Quraish Shihab's thought above emphasizes his interpretation of men because he considers one woman's share to be sufficient for her share. The two parts of the man fulfill his responsibility as a husband to his wife and children because the wealth obtained by men will decrease while women will not.

Stereotyping (negative labeling) of certain genders and the consequences of these stereotypes include discrimination and various other injustices. In society, there are many negative labels placed on women, which result in limiting, complicating, impoverishing, and harming women because of society's belief that men are the primary breadwinners. However, if women work, it is assessed as an extra expense, and they are paid less.

The kind of injustice when society argues from time to time it is men who are obliged to provide for their children and wives, so that they consider women who work at home as not suitable and only as an addition whose pay is also low. With such assumptions, it will be difficult for women. According to Amina, many men interpret the excess inheritance because they spend their property or support women so that there is a reciprocal relationship as an unconditional indication of the excess of men over women. This interpretation of men being superior to women is unfounded and not by the teachings of Islam. This is baseless because there is no information in the verse that states men's physical or intellectual superiority. Due to the realities of today's society, we cannot guarantee that work outside the home or inside the house is the hardest.

Violence against certain genders, generally women, due to gender differences. This violence ranges from physical violence, such as rape and beatings, to subtle violence, such as harassment. A lot of violence committed against women is caused by gender stereotypes.

When women's social awareness has grown that women's domestic roles should be judged and incarcerated according to what the Qur'an teaches (see QS.al-Baqarah:21), not merely an obligation, the protection and livelihood that men give to women is no longer considered a male advantage. Therefore, the domestic role women perform must be balanced by men in providing livelihood and protection to their wives.

With such a line of thinking, the Engineer said that the ar-real qawwamuna 'ala an-nisa' statement is not normative but contextual. The facts on the ground show that there are a lot of domestic violence victims who are women. In conditions like this, we can see where the protection lies for the wife; it is as if the wife is made a baby when they cannot give what they want by committing violence.

The double burden of the assumption that women are nurturing and diligent and unsuitable to be the head of the household means that all domestic work is the responsibility of women. For example, among low-income families, this hefty burden must be borne by women themselves. Moreover, if the woman continues to work, she bears a double workload.

It can be seen that the reality of today's society is low economically, where women are the more dominant to do everything and can cover multiple roles because they see household needs that cannot be fulfilled. Moreover, if the couple has children, the needs of children are more estimated. Women should be more affectionate, pay enough attention, and think more about their children. So that is how we have to see the benefits or needs of women.

With these conditions, women are still not given the flexibility to work outside the home, so the distribution of property takes precedence over the needs or benefits of the

heir. It is precisely women who are entitled to two, given the increasing household needs. For example, there are several brothers whose fathers left. The first brother is a boy, and he has two sisters. The brother already has a good job, houses, and land everywhere, while the sister has no job. So, with this situation, wouldn't the brother's property increase compared to his sisters' if two were given to his brother? Of course, this is unfair. The contribution of Amina Wadud's thoughts on inheritance distribution is that the third point is to keep paying attention to the condition of the heirs and the benefits of the inherited property. What is clear to Wadud is that the fundamental principle in the distribution of inheritance is to benefit and justice for those left behind.

All manifestations of gender injustice are interrelated and influence each other. The manifestation of injustice is steadily socialized to men and women, which both men and women gradually become accustomed to. Finally, they believe that gender roles are as if they were natural. Mansour Fakih also explained in detail the problems arising from the injustice experienced by women. Although it is also sure that you are a man, you may experience the same thing. So, this gender analysis does not look at one side, namely women, but this also applies to men. It is intended that there will be no social inequality between the two.

According to Mansour Fakih, justice and gender equality are characterized by the absence of discrimination between women and men; thus, they can participate and reasonably obtain benefits.

Access

This access is something that both men and women can achieve. So what can be obtained by men, women must also get it. This means that there are no limitations to access for the opposite sex. The thought of Quraish Shihab's shop of access for women was there. Because it is said that the woman should get an inheritance, it is the right of heirs, as specified in the Qur'an surah an-Nisa verse 12. The division is clear that the male and female parts are 2:1. Women get one because women are not obliged to provide for their husbands and children, so the division of one is enough for themselves. According to his view, long before Islam entered, women did not participate in war, in a state of humiliation, or even in trade. With conditions like this, women do not get inheritance. Only since Islam came into existence did women get a share that was sufficient for her. Because, at that time, women did not get inheritances at all.

Meanwhile, Wadud's thinking is anti-patriarchy, so justice must obtain access. In inheritance, he put forward the principle of expediency for heirs. According to him, the division of inheritance in the Qur'an is one model of division, not the only one, so there are still other ways of dividing inheritance. So, she prioritizes women's rights that are neglected and go backward.

Participation Opportunities

Participation means whether women or men can participate or be involved in the division. Quraish Shihab, in the division of inheritance of heirs, wants a division not based on Islamic law by dividing equally, and all parties have agreed on it. It is justified, as long

as the division is equal but not based on judging that the degree of a division established by Allah is unfair or erroneous".

In the above words, mentioning based on mutual agreement means that there is an opportunity for participation between male and female heirs. From the division of inheritance described by Quraish Shihab, he allowed equal distribution provided there was a deliberative agreement between the heirs. This means that the division is based on the negotiation of the heirs with the agreement of each party.

According to him, women are not prevented from obtaining inheritance rights like the Arab community in the past. Even inheritance law gives a share of inheritance to female relatives, such as maternal brothers and sisters. Meanwhile, Amina Wadud emphasized in her principle that the division of inheritance must be based on the principle of justice, where the two must negotiate to find out who the heirs are entitled to get more because it is to the needs of the heirs. Because if you look at it from necessity, with different conclusions to interpret the division of inheritance.

Benefit Fairly

According to Quraish, Shihab departs from men and women; if you look at the text of the Qur'an, the Hadith have different natures, functions, and duties. In the context of that difference, men are required by religion to pay dowries and support spending on wives and children, which is different from women. With such conditions, Quraish Shihab sees the needs of men as more significant than women. The 2:1 division for men and women is appropriate for women. The division is relevant because women are not obliged to spend money on their husbands and children, but it does not hinder women's income. Women still have their rights, and that's enough for her.

Meanwhile, Amina Wadud is very clear in her principle that the distribution of inheritance must be based on the principles of justice and expediency. There needs to be consideration in the division because, so far, women's rights have been ignored. To ensure fairness in the division, Amina Wadud looks at the practicality of the heirs so that it can be said to be fair for the distribution of inheritance. Given the heirs' right to inherited benefits, sharing them proportionately is natural. Profit (NAFTA) is a variable of interest.

However, the factors of members, combinations, and benefits still need to be considered in determining the division of Wadud's estate. Why, for example, should a boy in a family with a son and two daughters have to get a larger share if one of the daughters cares for and provides for the widowed mother? Considering the actual fun for some heirs may lead to different conclusions.

So, it can be concluded that with the opinions of the two figures above, it can be seen that this division of inheritance can be said to have fulfilled gender justice. Because in the book *Tafsir Nusantara* by Syarifuddin and Wardani, this book explains the opinion of Quraish Shihab. According to him, he drew reasoning to conclude that the formula 1:2 (female part: male part) still fulfills gender justice.

After seeing the difference in thought between the two figures above, the thoughts of Quraish Shihab in *Tafsir Al-Misbah* and Amina Wadud's interpretation of the division of inheritance between men and women, the two figures have absolutely nothing in

common. Even though these figures are from the current contentporer era, because he has different perspectives on interpreting a verse, it does not rule out the possibility of providing space for women to get their rights. In the book Quraysh Shibah entitled,

"You ask, Quraish Shibab answers" in the book found an explanation as follows: Suppose in the division of inheritance, the heirs desire a division that is not based on Islamic law by dividing equally, and all parties have agreed on it. In that case, it is justified, as long as the distribution is similarly not based on judging that the degree of division established by Allah is unfair or erroneous." Quraish Shibah, in his book, strongly asserts that he disagrees with the statements of Muslim feminists who say that they interpret verses. The Qur'an is by the times and reality in society. According to Quraish Shibab, Islamic law is a final decree; moreover, the division of inheritance is one of the Qur'an's most detailed and detailed divisions.

Another alternative to Quraish Shihab is if there is a parent who feels that Allah's decree is unfair if he has fulfilled the many needs of his son. The solution that can be taken is to give his daughter life and health the amount he considers can produce justice among his children. Allah authorizes the owner of property during his life and health to use his property as he sees fit within lawful and just limits. He no longer has authority when he dies; the property belongs to God. He alone has full authority to divide it as stipulated in the inheritance law.

Unlike Amina Wadud, a figure who fought for women's rights, she said that the division in the Qur'an 2:1 is not a final model of division. Still, there is another model in the division of inheritance. The distribution of inheritance in the Qur'an is one model that can be used. With the development of the times, the condition of society has become different from that of the past few centuries.

Amina Wadud was uneasy about the rights of women who got one compared to men. In the past, it was natural that 2:1 was applied in his time for the first reason: men who gave dowry to women. Second, men provide for women. Third, it was men who went to war and women who did the domestic role. But she feels that nowadays, women can do jobs generally done by men, for example, to make a living. So, he disagreed with the 2:1 division of inheritance for male and female.

So, the conclusion is that the two figures have achieved gender equality. Because each interpretation between the two characters has other alternatives in giving equal rights to the heirs, it does not rule out the possibility of differences in current conditions that allow each party a fair distribution of inheritance.

Conclusion

In the tafsir Al-Misbah, Quraish Shihab explains the verse of inheritance is a final decree. In Al-Misbah on inheritance, he explains that the 2:1 division of inheritance is the final decree. In another book, he also allowed the distribution of inheritance equally, but on the condition that it was based on agreement with the heirs, and he did not consider that the law God had established was wrong. As for the division of inheritance of Amina Wadud his view on the ratio of inheritance distribution may change according to the

justice and expediency of heirs. The distribution of inheritance must meet several considerations to know gender equality, such as access, opportunity to participate, and fair benefits. So, it can be concluded from both opinions that the figures have fulfilled gender equality in the distribution of inheritance. In the current contention era, division by torch or peace between heirs is allowed.

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