

## THE PRACTICE OF EQUAL INHERITANCE DISTRIBUTION IN KARANGBANYU VILLAGE, NGAWI



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### Abstract

This study examines the practice of equal inheritance distribution (1:1) between men and women in Karangbanyu Village, Ngawi, which differs from the Quranic provisions of 1:2. The research aims to analyze the community's perception of the *maslahah* construction underlying this practice. Using a socio – legal qualitative approach, data were collected through non – participatory observation and semi – structured interviews with village officials, religious leaders, and community members who practice the 1:1 distribution. The findings reveal that the 1:1 inheritance practice is driven by traditional customs, parental instructions, efforts to avoid conflict, perceptions of justice, and an appreciation for children's roles in caring for their parents. While this practice brings social benefits, such as family harmony, reduced conflict, and the fulfillment of subjective justice, these benefits are considered *maslahah khassah*, which do not meet the criteria of *maslahah mu'tabarah*. From the perspective of Islamic law, the equal distribution contradicts the *qath'i* text on inheritance and is therefore categorized as *maslahah mulghah*. The study concludes that the 1:2 distribution remains the normative and objective form of *maslahah* that is in line with *maqasid al – shariah*, offering a proportional approach. This research contributes to a deeper understanding of how local constructions of justice and *maslahah* influence the application of Islamic inheritance law in rural settings, particularly in how Islamic legal principles are adapted to local customs and social contexts.

### Abstrak

Penelitian ini mengkaji praktik pembagian warisan yang setara (1:1) antara laki-laki dan perempuan di Desa Karangbanyu, Ngawi, yang berbeda dengan ketentuan dalam Al-Qur'an yang mengatur pembagian warisan 1:2. Penelitian ini bertujuan untuk menganalisis persepsi masyarakat terhadap konstruksi *maslahah* yang mendasari praktik ini. Menggunakan pendekatan kualitatif sosio-hukum, data dikumpulkan melalui observasi non-partisipatif dan wawancara semi-terstruktur dengan perangkat desa, tokoh agama, dan masyarakat yang mempraktikkan pembagian warisan 1:1. Hasil penelitian menunjukkan bahwa praktik pembagian warisan 1:1 dipengaruhi oleh adat istiadat, perintah orang tua, upaya menghindari konflik, persepsi keadilan, dan penghargaan terhadap peran anak dalam merawat orang tua. Meskipun praktik ini memberikan manfaat sosial, seperti keharmonisan keluarga, pengurangan konflik, dan pemenuhan keadilan subjektif, manfaat tersebut dianggap sebagai *maslahah khassah* yang tidak memenuhi kriteria *maslahah mu'tabarah*. Dari perspektif hukum Islam, pembagian warisan setara ini bertentangan dengan teks *qath'i* tentang warisan dan karena itu dikategorikan sebagai *maslahah mulghah*. Penelitian ini menyimpulkan bahwa pembagian warisan 1:2 tetap merupakan bentuk normatif dan objektif dari *maslahah* yang sejalan dengan *maqasid al-syari'ah*, memberikan pendekatan yang proporsional. Penelitian ini memberikan kontribusi dalam pemahaman yang lebih mendalam tentang bagaimana konstruksi lokal mengenai keadilan dan *maslahah* memengaruhi penerapan hukum warisan Islam dalam konteks sosial pedesaan, terutama dalam bagaimana prinsip-prinsip hukum Islam disesuaikan dengan adat dan konteks sosial setempat.

## INTRDUCTION

Islam regulates human life from birth until after death, including the transfer of inherited property known as inheritance law. Inheritance law holds an important position in Islamic jurisprudence because God has clearly stipulated its rules in the Qur'an, particularly regarding the shares of male and female heirs, which are determined in a 2:1 ratio.<sup>1</sup> This provision has been understood as a form of justice that brings benefit (*mashlahah*) to both parties, because Islam allocates inheritance shares in accordance with their respective social responsibilities. Men are obligated to provide for the family, give a dowry, and serve as the economic support of the household, while women are not burdened with financial responsibilities, even though they may work and earn income. Therefore, the difference in inheritance shares reflects a balance between rights and obligations.<sup>2</sup> Although many women today work and contribute to the family's financial income, their wealth or earnings are not obligatory for them to spend on household needs. In fact, their honor and welfare are guaranteed at every stage of life as the responsibility of men.<sup>3</sup> Thus, it can be said that men have greater material obligations compared to women.

In Islam, women are not commanded to earn a living or provide a dowry, unlike men who bear the responsibility of financial support and giving a dowry. If a woman is unmarried, the responsibility for her maintenance lies with her father. Once she is married, that responsibility shifts from her father to her husband, which reflects the honor accorded to women. Moreover, if a woman no longer has a husband or father, the responsibility for her financial support is transferred to her son. Therefore, the fact that women receive half the share of men in inheritance is a just provision, because the wealth received by men will ultimately be used to support women.<sup>4</sup>

However, the practice of inheritance distribution in various regions shows deviations from these provisions. Many communities distribute inheritance in ways that do not conform to Islamic law, interpreting justice based on economic, social, and familial considerations. For some communities, justice is understood as equalizing the shares between sons and daughters, regardless of the differences in responsibilities between them.<sup>5</sup> Some communities believe that the 2:1 division is merely one possible method of inheritance distribution rather than the only one,<sup>6</sup> while others argue that sons and daughters hold the same status, making the 2:1 provision unjust.<sup>7</sup> In addition, many communities use a family – based distribution system in order to prevent conflict among family members. For example, the community of Masjid Lama Village in Batu Bara

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<sup>1</sup> Zainuddin Zainuddin, "The Value of Justice in the Distribution of Inheritance for Substitute Heirs in Islamic Inheritance Law," *IOSR Journal of Humanities And Social Science (IOSR-JHSS)* 26, no. 11 (2021): 42, <https://doi.org/10.9790/0837-2604041520>.

<sup>2</sup> Nur Homsar Haryati, "Kesetaraan Gender Dalam Pembagian Harta Waris Perspektif Kyai Pesantren Roudlotul Jannah" (IAIN Lampung, 2017), 18.

<sup>3</sup> Mubasyir, "Apakah Kesetaraan Dalam Warisan Mencapai Keadilan," Mubasher.aljazeera, 2018.

<sup>4</sup> Hamid Pongoliu, "Wujud Keadilan Dalam System Hukum Kewarisan Islam," *Kajian Hukum Islam Al-Manahij* 6 (2012): 184.

<sup>5</sup> Gde Suranaya Pandit, "Konsep Keadilan Dalam Persepsi Bioetika Administrasi Publik, Public Inspiration," n.d., 1.

<sup>6</sup> Syaikh, "Kewarisan Islam Dalam Perspektif Keadilan Gender," *El-Mashlahah* 8, no. 2 (2018): 133.

<sup>7</sup> M. Lutfi Hakim, "Keadilan Kewarisan Islam Terhadap Bagian Waris 2:1 Antara Laki – Laki Dengan Perempuan Perspektif Filsafat Hukum," n.d., 17.

Regency distributes inheritance equally (1:1) between sons and daughters due to a lack of understanding of Islamic inheritance law.<sup>8</sup>

The practice of inheritance distribution that contradicts Islamic law is not limited to the 1:1 division between sons and daughters. In Sumi Village, West Nusa Tenggara, for example, the community distributes inheritance by giving a larger share to the firstborn child, whether male or female, on the grounds that the firstborn will act as the parents' successor and bear the responsibility of providing financial support.<sup>9</sup> In Minangkabau society, the practice of inheritance distribution involves transferring the function and responsibility of managing, administering, and overseeing the property from the *muwarris* (decedent) to the *waris* (heir).<sup>10</sup> In addition, the Sasak community places women in a very low position, leaving them without inheritance rights to the wealth of their parents and family.<sup>11</sup>

Although several previous studies have examined the deviation of inheritance distribution practices, most of them focus only on describing the phenomenon or on sociological and customary analyses, without thoroughly exploring how communities interpret justice and *mashlahah* to the extent that they decide to modify the provisions of Islamic law. This study seeks to fill that gap by offering an analysis based on *mashlahah* and Islamic concepts of justice regarding the 1:1 inheritance distribution practiced in the community.

This article is divided into five sections. The first section provides an introduction, describing the research problem, research gaps, and study objectives. The second section discusses the research methods used in this study. The third section discusses the theoretical framework and previous studies related to Islamic inheritance law, *masalah*, and the concept of justice in Islam. The fourth section analyzes field findings on inheritance practices in rural communities and examines them through the lens of *mashlahah*. The final section presents conclusions and provides recommendations for understanding and applying Islamic inheritance law in contemporary society.

## METHODS

The research utilized a qualitative approach with a socio-legal methodology to explore community behavior and interactions concerning inheritance distribution in Karangbanyu Village, Ngawi. Data collection was conducted through non-participatory observation and semi-structured interviews, which enabled the researcher to gain insights into the social dynamics, family interactions, and practices surrounding inheritance distribution within the community. The study took place from January to March 2025, and the sample consisted of seven informants who were selected using purposive sampling. The informants included two village officials, one religious scholar, and four community members who practice the 1:1 inheritance distribution. The data collection process aimed

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<sup>8</sup> Muhammad Lukmanul Husnain Hutahaen, "Pembagian Harta Warisan Menurut Al-Qur'an Dan Dilematika Dalam Masyarakat Desa Masjid Lama Kecamatan Talawi Kabupaten Batubara" (UIN Sumatera Utara, 2019), 67.

<sup>9</sup> Sri Wahyuningsih, "Praktik Pembagian Warisan Antara Anak Kali-Kali Dan Perempuan Di Desa Sumi Kecamatan Lambu Kabupaten Bima Nusa Tenggara Barat" (UIN Sunan Kalijaga, 2019), 6.

<sup>10</sup> Adeb Davega Prasna, "Kewarisan Harta Di Minangkabau Dalam Perspektif Kompilasi Hukum Islam" (UIN Syarif Hidayatullah, n.d.), 30.

<sup>11</sup> Zainal Arifin Haji Munir, "Wealth Distribution among Sasak Communities Through Inheritance: A Quest for Justice," *Samarah* 7, no. 3 (2023): 1632, <https://doi.org/10.22373/sjhk.v7i3.10835>.

to observe the phenomenon as it naturally occurred without any rigid constraints, allowing the researcher to capture an authentic and holistic understanding of the community's practices. By combining both observations and interviews, the researcher was able to gain both broad and detailed perspectives, ensuring a well-rounded and comprehensive exploration of the topic.

For data analysis, the study employed a descriptive analysis method, structured in three stages: data reduction, data presentation, and conclusion drawing. In the first stage, the data were categorized based on key themes related to the practice of 1:1 inheritance distribution, such as the cultural, social, and religious factors influencing the practice. These organized data were then presented in a descriptive narrative to clearly illustrate the patterns, underlying reasons, and public perceptions surrounding the practice. The final stage of the analysis involved comparing the empirical findings with Islamic inheritance law, particularly the prescribed 1:2 distribution, and assessing the alignment of the community's practice with Islamic legal principles, including the concept of *maslahah*. The methodological rigor was maintained throughout the study to ensure accurate interpretation and to provide a meaningful contribution to understanding how local constructions of justice and *maslahah* influence the implementation of Islamic inheritance law in rural communities.

## RESULT AND DISCUSSION

### RESULT

#### The Wisdom of Islamic Inheritance Distribution

Allah, the Exalted, has made wealth a means of sustaining human life, and the legislation of inheritance law constitutes one of the fundamental principles of the Shari'ah. Islamic law is the most just system, as Allah has established it in accordance with the nature and needs of the human soul.<sup>12</sup> Every divine ordinance, whether in the form of a command, a prohibition, the prevention of harm, or the promotion of benefit, undoubtedly contains *maṣlaḥah* (wisdom and benefit). Islam introduced a distinct system to abolish the negative practices of the pre-Islamic (Jahiliyyah) era, including in matters of inheritance, which at that time granted rights only to certain individuals while neglecting children and women, who were often disregarded and demeaned. Therefore, Allah established specific portions for women in inheritance and determined fixed shares for both men and women in the estate of a deceased relative.

The wisdom behind the distribution of inheritance between men and women includes, first, that Allah created both from a single soul, thereby affirming that there is no inherent difference between them, and both possess equal dignity in human worth. Allah created humankind from Adam and his spouse, Eve, so that the two might bring comfort and tranquility to one another. Second, the system of inheritance accords with human nature (*fiṭrah*). Third, in Islamic inheritance law, compassion and bonds of kinship serve as fundamental principles in its implementation. Fourth, the inheritance system within the Shari'ah embodies an essential principle of granting justice to the vulnerable and giving due consideration to their.

Allah has explicitly established the share of women in the Qur'an as a fixed portion (*fard*), with the wisdom of honoring their status. Consequently, male heirs classified as

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<sup>12</sup> Fatimah Zahara and Syahrini Harahap, "The Concept of Justice in the Distribution of Inheritance from the Perspective of Islamic Legal Philosophy," *Nationally Accredited Journal* 10, no. 1 (2023): 37, <https://doi.org/http://dx.doi.org/10.30659/akta.v10i1.34012>.

'*aṣabah* cannot claim the share allotted to women except for what remains after their portion has been distributed, thereby preventing men from manipulating or undermining the inheritance rights of women.

### Maslahah in Inheritance Distribution

The essence of *maṣlaḥah* lies in everything that realizes the objectives of the Sharī'ah through the preservation of benefits and the prevention of harm, whether material or immaterial. *Maṣlaḥah* encompasses benefits for both worldly and eternal life, and it places greater emphasis on the welfare of society as a whole rather than merely individual interests. In understanding *maṣlaḥah*, the Sharī'ah is in harmony with sound reason. Nevertheless, *maṣlaḥah* must always be consistent with the Qur'an, the Sunnah, and the *maqāṣid al-sharī'ah*. Reason serves only as a tool to identify and realize *maṣlaḥah*, since if left to stand alone, reason may at times regard something that is not beneficial as beneficial, or something that is not harmful as harmful. Therefore, the Sharī'ah functions as the ultimate balance in determining the true essence of *maṣlaḥah*.

According to Islamic law, *maṣlaḥah* is divided into three types. First, *maṣlaḥah mu'tabarah* (recognized benefit), namely a form of *maṣlaḥah* that has a specific legal basis. Ibn Qudamah al-Ḥanbalī explains that this type of *maṣlaḥah* is also referred to as *qiyas*, that is, the conformity of a ruling with established evidence, and its use is beyond doubt. A *mujtahid* may establish a ruling based on Sharī'ah evidence derived from the Qur'an, the Sunnah, or *ijmā'* (consensus). An example of this type of *maṣlaḥah* is the stipulation of punishment for drinking *khamr* (intoxicants) by analogy to the punishment for false accusation of adultery (*qadhf*), since a person who is intoxicated may logically utter accusations without self-control.<sup>13</sup>

Second, *maṣlaḥah mulghah* (disregarded benefit), namely a supposed *maṣlaḥah* that is invalid because it contradicts the Qur'an or the Sunnah, which serve as the foundation for *maṣlaḥah mu'tabarah*. In essence, this is not a true benefit but rather a mischaracterization, as it actually constitutes harm (*mafsadah*). Third, *maṣlaḥah mursalah* (unrestricted benefit), which refers to a *maṣlaḥah* that has no specific Sharī'ah evidence either affirming or rejecting it. This type is still regarded as *maṣlaḥah* because it is capable of preventing harm and bringing about benefit, even though there is no direct textual evidence affirming it. A sound reason can accept this form of *maṣlaḥah* when there is a genuine need within society.<sup>14</sup> In its application, the establishment of law based on *maṣlaḥah mursalah* is limited to customary matters that are rational (*ta'aqquly*), but it cannot be applied in determining rulings in the field of worship (*ta'abbudy*).<sup>15</sup>

Scholars categorize *maṣlaḥah* into three levels. First, *daruriyyat* (essentials), namely primary and obligatory benefits necessary for preserving life in both this world and the Hereafter. If neglected, life would fall into disorder, and those who abandon them would be subject to punishment in the Hereafter. Second, *hajiyyat* (needs), which refer to benefits required by society to facilitate life and alleviate hardship, though they do not reach the level of primary necessity. If neglected, life does not collapse, but difficulties arise, for

<sup>13</sup> Salma, *Maslahah Dalam Perspektif Hukum Islam*, n.d., 4.

<sup>14</sup> Mukhsin Nyak Umar, *Al-Maslahah Al-Mursalah* (Aceh: Turast, 2017), 60.

<sup>15</sup> Fahmi Fatwa Rosyadi Satria Hamdani et al., "Traditional Law vs. Islamic Law; An Analysis of Muslim Community Awareness in Inheritance Issues," *Al-Ahkam* 32, no. 1 (2022): 124, <https://doi.org/10.21580/ahkam.2022.32.1.11000>.



example, the concession to break the fast for pregnant women or the sick during Ramadan. Third, *taḥsīniyyāt* (embellishments), which are complementary benefits that refine life in accordance with the values of propriety and good manners. An example is the requirement of purification before performing prayer.

The laws prescribed in the Qur'an are founded upon the principle of *maṣlaḥah* (benefit) for humankind. The provision of inheritance distribution at a ratio of 2:1 between men and women is not intended to privilege men over women or to diminish women's rights, but rather is grounded in the principle of true justice. By taking into account the rights and responsibilities of each, the 2:1 allocation in fact reflects proportional justice. There is no doubt that Islamic law is the most just system, and every decree of Allah, whether in the form of a command or a prohibition, always contains *maṣlaḥah*, namely the prevention of harm (*dar' al-mafasid*) or the attainment of benefit (*jalb al-masalih*). Benefit can be derived from both sides, and thus Allah has established inheritance provisions in a just manner between the two.

In terms of human dignity, there is no distinction between men and women. The Prophet Muhammad (peace be upon him) said, "*Women are the twin halves of men,*" indicating that women originate from the same essence as men. Allah has prescribed the 2:1 inheritance ratio based on *maṣlaḥah*, in accordance with the respective rights and obligations of men and women. Men bear the responsibility of providing financial support, the obligation to work to meet the needs of the family, and the duty to pay the dowry (*mahr*). Hence, men hold the role of *qiwamah* (guardianship and leadership) over women, and the 2:1 provision aligns with the weight of responsibilities they are required to bear. Meanwhile, women play a vital role in conceiving, giving birth, nursing, and nurturing children. Both men and women hold an honorable status and complement one another. Allah says: "*And live with them (your wives) in kindness. For if you dislike them—perhaps you dislike something in which Allah has placed much good*" (Qur'an, al-Nisa' 4:19).<sup>16</sup> This verse emphasizes the importance of kindness, compassion, and respect toward women.

Several scholars also classify Surah An-Nisa (11–12) as *qath'iy* evidence, meaning a provision that is absolute and indisputable. Consequently, the inheritance distribution with a 2:1 ratio is regarded as fixed and unchangeable, even if social conditions shift over time.<sup>17</sup> From the perspective of the axiology of Islamic legal philosophy, this one-to-two inheritance ratio represents substantive justice rather than merely formal justice. Substantive justice here seeks to maintain a balance between the rights and obligations of men and women, in accordance with their respective roles and social responsibilities within the community.<sup>18</sup>

Thus, the inheritance law prescribed by Allah, the Exalted, contains *maṣlaḥah* for His servants, both in this world and in the Hereafter. However, human beings often fail to realize the true benefits and harms that pertain to them.

<sup>16</sup> QS. An-Nisa' [4]: 19.

<sup>17</sup> Hani Sholihah, Nani Widiawati, and Mohd Khairul Nazif Bin Hj Awang Damit, "Reinterpretation of Justice in Islamic Inheritance Rights Based on Gender," *Al-Adalah* 21, no. 1 (2024): 110, <https://doi.org/10.24042/adalah.v21i1.21256>.

<sup>18</sup> Asman Asman and Andrey V. Kolyazhor, "Inheritance Distribution System: A One-To-Two Analysis of The Axological Perspective of Islamic Law Philosophy," *Abdurrauf Journal of Islamic Studies* 4, no. 1 (2025): 30, <https://doi.org/10.58824/arjis.v4i1.285>.

## The Practice of Inheritance Distribution between Men and Women in Karangbanyu Village, Ngawi

The application of inheritance distribution in Karangbanyu Village has various procedures. Most of the community divides inheritance with a 1:1 ratio or equally between men and women. Others apply a 2:1 ratio, whereby women receive a larger share than men. Meanwhile, only a few use a 1:2 ratio between men and women in accordance with Islamic law.<sup>19</sup> The practice of distribution with a 2:1 ratio, in which women receive a larger share than men, is carried out because daughters are considered to spend more time caring for their parents compared to sons. In addition, there is also a practice of granting a larger portion to the youngest child, whether male or female, as the youngest is perceived as the one who provides care for the parents for the longest period.<sup>20</sup>

Meanwhile, the 1:2 ratio distribution in Karangbanyu Village is rarely applied. In practice, if one of the heirs does not accept the 1:1 ratio distribution and demands that the inheritance be divided according to a 1:2 ratio, then the inheritance issue will not be resolved immediately and will take a long time until all heirs feel that justice has been served.<sup>21</sup> Therefore, some parents choose to distribute their inheritance before they pass away to achieve fairness between sons and daughters, or to allocate it after their children are married, while still reserving a portion for their own needs in old age.<sup>22</sup> However, in general, the people of Karangbanyu Village prefer to divide inheritance equally between men and women, which they refer to as family law. This pattern of distribution has been going on for a long time and has been passed down from generation to generation.<sup>23</sup> Therefore, this study focuses on the 1:1 division of inheritance practised by the Karangbanyu village community.

In practice, the 1:1 inheritance distribution is carried out based on the agreement of the heirs, so the division takes place through deliberation and consensus. Afterward, a death certificate is submitted to the village office, and the distribution is conducted in the presence of witnesses. Once the division is completed, the village authorities carry out administrative recording in the form of official letters and documents signed by the witnesses, the village secretary, the village head, and the neighborhood leader. Thus, the village plays a role in facilitating the distribution process and legitimizing the documents. The heirs accept the outcome of the 1:1 distribution, as they consider it fair and in accordance with the wishes of the parents.<sup>24</sup>

The reason why the people of Karangbanyu Village apply a 1:1 inheritance distribution between men and women is, first, customs and traditions. Indonesian society generally does not apply inheritance distribution in accordance with Islamic law, because what is widely applied in society is customary law. The aim is to avoid disputes over inheritance distribution. Therefore, the community finds it difficult to apply Islamic inheritance law with a 1:2 ratio because they live in a social environment with diverse

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<sup>19</sup> Interview with Sri, Secretary of Widodaren Village, Ngawi, September 1, 2023.

<sup>20</sup> Interview with John, an individual practicing 1:1 inheritance distribution, Ngawi, September 15, 2023.

<sup>21</sup> Interview with Wito, Secretary of Karangbanyu Village, Ngawi, September 8, 2023.

<sup>22</sup> Interview with Sriani, an individual practicing 1:1 inheritance distribution, Ngawi, August 31, 2023.

<sup>23</sup> Interview with Wito, Secretary of Karangbanyu Village, Ngawi, September 8, 2023.

<sup>24</sup> Interview with Pamijo, an individual practicing 1:1 inheritance distribution, Ngawi, August 24, 2023.

educational and social backgrounds.<sup>25</sup> The implementation of the 1:1 division in Karangbanyu Village has been going on for a long time and has been passed down from generation to generation, both within families and the village community.<sup>26</sup> Based on the understanding of the Karangbanyu Village community, they are actually aware that in Islamic inheritance law, the ratio between male and female heirs is 1:2. However, in practice, they apply a 1:1 ratio.<sup>27</sup>

Second, parental instructions. One factor in the implementation of a 1:1 inheritance distribution is the existence of instructions or a will from the parents. The majority of Karangbanyu Village residents divide their inheritance equally between men and women based on their parents' will.<sup>28</sup> Third, avoiding family conflict. Disputes within the family often arise when one of the heirs feels that the inheritance distribution is unfair. Therefore, the community agrees to adopt a 1:1 distribution so that no party feels disadvantaged and quarrels can be avoided. The reasoning used by the community in this regard is that Islamic law is established on the basis of the Qur'an, Sunnah, *ijma'*, and *qiyas*. Hence, according to them, it is necessary to have *ijma'*, or consensus among the heirs, prior to distribution, in order to prevent family conflict.<sup>29</sup> Fourth, the length of caregiving for parents. Some members of the community adopt a 1:1 distribution because they consider that daughters tend to care for their parents longer than sons. In addition, there is a practice of transferring part of the male heir's share to a female heir after the estate has been divided, or granting a larger portion to the youngest child, whether male or female, because the youngest is deemed to have accompanied the parents for the longest period.<sup>30</sup> Fifth, equalization of rights. The 1:1 distribution is also based on the belief that all children, both male and female, have equal rights to their parents' property. They are seen as equally involved in caring for and attending to their parents, while the parents themselves are understood to love their children equally. Therefore, from the community's perspective, there is no difference between the rights of men and women in inheritance.<sup>31</sup>

The people of Karangbanyu Village believe that a 1:1 division is fair. However, this fairness is not fairness in the perspective of Islamic law, but rather family fairness. This is because the division is carried out based on agreement or deliberation so as not to cause disputes. In their view, the *maṣlaḥah* of the 1:1 distribution is to prevent conflict, avert family disintegration, and strengthen kinship ties, thereby allowing the distribution to proceed peacefully. Another perceived benefit is that each heir receives an individual share to be managed personally, rather than as joint property.<sup>32</sup>

They also contend that although men bear greater obligations, such as providing financial support, paying the dowry, and leading the family, these responsibilities should

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<sup>25</sup> Interview with Wagiman, Religious Scholar in Karangbanyu Village, Ngawi, August 25, 2023.

<sup>26</sup> Interview with Pamijo, an individual practicing 1:1 inheritance distribution, Ngawi, August 24, 2023.

<sup>27</sup> Interview with Wagiman, Religious Scholar in Karangbanyu Village, Ngawi, August 25, 2023.

<sup>28</sup> Interview with Sriani, an individual practicing 1:1 inheritance distribution, Ngawi, August 31, 2023.

<sup>29</sup> Interview with Wagiman, Religious Scholar in Karangbanyu Village, Ngawi, August 25, 2023.

<sup>30</sup> Interview with John, an individual practicing 1:1 inheritance distribution, Ngawi, September 15, 2023.

<sup>31</sup> Interview with Wagiman, Religious Scholar in Karangbanyu Village, Ngawi, August 25, 2023.

<sup>32</sup> Interview with Wagiman, Religious Scholar in Karangbanyu Village, Ngawi, August 25, 2023.



not necessarily be linked to the issue of inheritance distribution. In their perspective, inheritance and family responsibilities are regarded as two separate matters. Therefore, the 1:1 distribution is still considered reasonable, even though men carry heavier responsibilities.<sup>33</sup>

The advantage of applying the 1:1 distribution is that it can prevent disputes among the heirs.<sup>34</sup> The majority of the community believes that if the distribution were carried out according to Islamic law (1:2), it would create a sense of injustice. By implementing the 1:1 system, they feel that fairness within the family is achieved and that fraternal ties become stronger.<sup>35</sup> In addition, following the parents' will to distribute inheritance equally (1:1) is also considered a form of filial devotion to them. Another benefit is that the rights of all children can be fulfilled without causing disputes. The community also perceives no shortcomings in this system. However, for some individuals who understand the Islamic inheritance law of 1:2, the weakness of the 1:1 distribution is that the provisions of the Sharia are not fully implemented.

## DISCUSSION

The people of Karangbanyu Village believe that a 1:1 division of inheritance between men and women is in the best interests of the community, as it can prevent conflict, prevent family breakdown, and strengthen relationships.<sup>36</sup> Another perceived *maṣlaḥah* is that each heir receives their own portion of the inheritance, allowing them to develop and manage it individually rather than having it remain as collective property. They also believe that the 1:1 distribution does not overburden the responsibilities of men, and that their obligations can still be fulfilled even though the inheritance is divided equally.<sup>37</sup>

The implementation of the 1:1 distribution is based on family consensus. The community considers this division to be the most just, as it aligns with what they perceive as *maṣlaḥah*. However, their understanding of justice differs from the concept of *maṣlaḥah* in Islam. According to the Shari'ah, the benefit of the 2:1 distribution lies in maintaining balance between the responsibilities of men and women. Women bear the noble roles of conceiving, giving birth, nursing, and raising children, while men are entrusted with the duty of leadership (*qiwamah*) over their wives and children, including providing financial support, paying the dowry (*mahr*), and shouldering economic burdens. Thus, while women hold an honored and elevated position, they are not burdened with financial obligations. Allah says: "*And live with them (your wives) in kindness. For if you dislike them, perhaps you dislike something through which Allah brings much good*" (Qur'an, al – Nisa': 19). This verse indicates that Allah commands believers to treat women with goodness, compassion, and consideration according to one's ability.

In *Fath al-Mu'in* it is stated: "*When men and women are gathered as heirs, the man receives twice the share of the woman. A man is granted a larger portion because of the specific responsibilities he bears, which are not required of women, whether in matters of*

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<sup>33</sup> Interview with Pamijo, an individual practicing 1:1 inheritance distribution, Ngawi, August 24, 2023.

<sup>34</sup> Interview with Wagiman, Religious Scholar in Karangbanyu Village, Ngawi, August 25, 2023.

<sup>35</sup> Interview with Sriani, an individual practicing 1:1 inheritance distribution, Ngawi, August 31, 2023.

<sup>36</sup> Interview with Wagiman, Religious Scholar in Karangbanyu Village, Ngawi, August 25, 2023.

<sup>37</sup> Interview with Pamijo, an individual practicing 1:1 inheritance distribution, Ngawi, August 24, 2023.

*warfare or other obligations.*" This indicates that the 2:1 distribution is in accordance with *maṣlaḥah* (public benefit). Similarly, in *Fiqh al-Mawāriṭh* by Imam al-Shafi'i, it is explained: "A man is given a larger share than a woman because his existence can restrict the inheritance rights of others, either by reducing or nullifying them."<sup>38</sup>

Thus, Allah has decreed that the share of inheritance for men is twice that of women, with profound wisdom.<sup>39</sup> In the Qur'an, Allah emphasizes that this distinction is established so that humankind does not go astray.<sup>40</sup> Whoever equates men and women in inheritance is undoubtedly mistaken, for the 2:1 distribution is a divine decree from Allah, who is the All-Knowing of the law, the *maṣlaḥah*, and all that He has created. Allah says: "And Allah is All-Knowing of everything"<sup>41</sup> This verse affirms that Allah is the Owner of the heavens and the earth, who knows the unseen and the visible, and who is fully aware of the deeds of His servants, whether hidden or apparent.

The essence of *maṣlaḥah* lies in everything that aligns with the objectives of the Shari'ah, namely to bring benefit and prevent harm, whether material or spiritual. *Maṣlaḥah* encompasses advantages for both worldly life and the Hereafter, and it is directed toward the welfare of society as a whole rather than individual interests. Moreover, *maṣlaḥah* must always be in harmony with the Qur'an, the Sunnah, and the *maqāṣid al-shari'ah* (the higher objectives of Islamic law).

Men hold *qiwamah* (leadership and responsibility) over women through the sacrifice of wealth, strength, and experience that Allah has bestowed upon them. Allah says: "Men are protectors and maintainers of women, because Allah has given one more (strength) than the other, and because they support them from their means" (Qur'an, al-Nisa': 34). This verse affirms that men are leaders, protectors, and caretakers of women, as their position carries greater responsibility and strength compared to women. Men are obliged to work hard, strive, engage in trade, farming, and bear the burdens of life. They are responsible for providing sustenance for themselves, their wives, and children, paying the *mahr* (dowry), as well as fulfilling their children's needs such as education, healthcare, clothing, and other necessities. They are also obliged to care for their parents and impoverished relatives. In contrast, women are not burdened with these obligations.

As long as a woman is unmarried, her financial support is borne by her father. If she marries, her sustenance becomes the responsibility of her husband. Should she divorce or be widowed, her support reverts to her father. Thus, women are not burdened with financial obligations but are honored throughout their lives. Nevertheless, Allah has entrusted women with an important role: to give birth, nurture, and educate the next generation. This responsibility is a great trust in shaping righteous offspring.

Such a benefit (*maṣlaḥah*) falls under the category of *maṣlaḥah mu'tabarah*, namely a *maṣlaḥah* that is supported by explicit *shari'ah* evidence. The *mujtahids* establish legal rulings based on the Qur'an, Sunnah, and *ijma'* within the framework of this *maṣlaḥah*. Thus, the laws of Allah are ordained for the welfare of His servants, both in this world and in the Hereafter. However, human beings often fail to fully comprehend what is truly beneficial and harmful for them.

<sup>38</sup> Sri Retno Asih, "Pembagian Harta Warisan Sama Rata Pada Masyarakat Desa Sidorejo Kecamatan Karangawen Kabupaten Demak Dilihat Dari Hukum Islam," 2021, 67 – 68.

<sup>39</sup> QS. An-Nisa' [4]: 11.

<sup>40</sup> QS. An-Nisa' [4]: 176.

<sup>41</sup> QS. An-Nisa' [4]: 64.

The reason why people apply the 1:1 inheritance distribution system is due to several factors, namely:

1. Customary Tradition,<sup>42</sup>
2. Parental Instruction or bequest,<sup>43</sup>
3. Efforts to avoid family conflict,
4. Consideration of the duration of parental care,
5. Equalization of rights.<sup>44</sup>

With regard to customs, the traditions practiced within society differ from Islamic inheritance law. According to the *sharī'ah*, genuine *maslahah* must be in accordance with the revealed texts (*naṣṣ*). Customs are classified into two categories: '*urf ṣaḥīḥ*' (valid customs that do not contradict the *sharī'ah*) and '*urf fāsid*' (invalid customs that oppose the *sharī'ah*). Since the 1:1 distribution of inheritance contradicts the provisions of the *sharī'ah*, it falls under the category of invalid custom ('*urf fāsid*').

*But if they (your parents) endeavor to make you associate with Me that of which you do not know, do not obey them; but accompany them in [this] world with appropriate kindness and follow the way of those who turn back to Me. Then to Me will be your return, and I will inform you about what you used to do."* (Qur'an, Surat Luqman [31]: 15).<sup>45</sup> This verse emphasizes the prohibition of obeying one's parents if their command contradicts the *sharī'ah*. The Prophet Muhammad (peace be upon him) also said: "*Obedience is only in matters of righteousness,*" and "*There is no obedience to any created being when it involves disobedience to the Creator.*" This means that if parents command something contrary to religion, the child is not obliged to obey them.

In terms of avoiding family conflict, disputes arise because the community has not yet fully understood Islamic law and the true essence of *maṣlaḥah* in the 1:2 distribution. If they understood this, such conflicts could be avoided.<sup>46</sup>

This verse indicates that the obligation of showing kindness and devotion to parents is distinct from the matter of inheritance distribution; thus, the two cannot be conflated. In terms of equalization of rights, the distribution of inheritance on a 1:1 basis is considered equal. However, Islamic law emphasizes that men and women have different roles and responsibilities. Therefore, the 1:2 distribution represents a balance of burdens between the two.

The findings of this study are consistent with Faiz (2020), who stated that Islamic inheritance law contains great benefits (*maslahah*) for humankind, strengthens brotherhood, and enhances human relations, while the share allocated to women is a form of Allah's mercy upon them. This study also supports the research of Muhammad al-Faruq, which emphasized that the 1:2 distribution brings benefits and *maslahah*. However, these findings differ from the study of Wasis Aib Rasidi, who concluded that *maslahah* can be achieved through reconciliation based on the principle of mutual agreement.

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<sup>42</sup> Interview with Wagiman, Religious Scholar in Karangbanyu Village, Ngawi, August 25, 2023.

<sup>43</sup> Interview with Sriani, an individual practicing 1:1 inheritance distribution, Ngawi, August 31, 2023.

<sup>44</sup> Interview with Wagiman, Religious Scholar in Karangbanyu Village, Ngawi, August 25, 2023.

<sup>45</sup> QS. Luqman [31]: 15

<sup>46</sup> Eka Rahayu Purbenazir, "Implementasi Hukum Waris Islam Pada Kecamatan Kepahilang Kabupaten Kepahiang," *Qiyas* 2, no. 1 (2017): 78.

## CONCLUSION

This study reveal that the practice of equal inheritance distribution (1:1) in Karangbanyu Village, Ngawi, is primarily driven by traditional customs, familial instructions, and efforts to avoid conflict within the community. Despite contradicting the Quranic guidelines of 1:2, the 1:1 distribution is seen as a means of ensuring social harmony and fulfilling subjective justice among family members. The study highlights that the community values fairness and the role of children in caring for aging parents, which contributes to the adoption of this practice. However, the research also shows that while this practice provides social benefits, such as reduced family disputes and perceived fairness, it does not align with the Sharia principles of inheritance, which establish a more objective, proportional distribution based on Islamic law.

This study contributes significantly to the understanding of how local interpretations of justice and *maslahah* can shape the application of Islamic inheritance law in rural settings. By examining the sociocultural factors that influence inheritance practices, the research bridges the gap between formal Islamic legal provisions and local customs, offering a deeper insight into how Islamic law is interpreted and applied in specific social contexts. The methodological approach, which combined qualitative methods with a socio – legal framework, provides a unique perspective on the intersection of law, religion, and culture. Furthermore, the study emphasizes the need for future research to explore how such practices can evolve to align more closely with Islamic legal norms while still respecting local traditions and values. Future studies could also investigate the perspectives of younger generations in these communities to understand the potential for change in inheritance practices over time.

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## Interviews

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- Interview with John, an individual practicing 1:1 inheritance distribution, Ngawi, September 15, 2023.
- Interview with Wito, Secretary of Karangbanyu Village, Ngawi, September 8, 2023.
- Interview with Sriani, an individual practicing 1:1 inheritance distribution, Ngawi, August 31, 2023.
- Interview with Pamijo, an individual practicing 1:1 inheritance distribution, Ngawi, August 24, 2023.
- Interview with Wagiman, Religious Scholar in Karangbanyu Village, Ngawi, August 25, 2023.