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REINTERPRETING ISLAMIC INHERITANCE: SUPREME COURT JURISPRUDENCE AND GENDER JUSTICE IN INDONESIA

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Abstract

The implementation of Islamic inheritance law in Indonesia continues to face interpretive challenges in balancing classical jurisprudence with contemporary demands for gender justice. This study examines how the Indonesian Supreme Court, through landmark decisions – Decision No. 86 K/AG/1994 and Decision No. 184 K/AG/1995 – has redefined inheritance principles by granting daughters the legal authority to block the inheritance rights of the testator’s siblings. Employing a normative-juridical approach that integrates statutory, conceptual, and case-based analyses, this research explores the Court’s interpretive reliance on Ibn ‘Abbās’s minority opinion concerning Qur’an 4:176, which equates the inheritance positions of sons and daughters. The findings reveal that the Court’s jurisprudence prioritizes genealogical proximity (qarābah al-dam) over gender preference, thereby reconfiguring inheritance distribution and affirming daughters as residuary heirs (‘aṣabah). This reinterpretation represents a progressive form of ijtihād qaḍā’ī that harmonizes Islamic law with constitutional principles of equality and justice. Academically, the study contributes a contextual model for integrating maqāṣid al-sharī‘ah and civic reason within Indonesia’s plural legal framework; practically, it offers a reference for reforming the Compilation of Islamic Law and advancing gender-equitable inheritance jurisprudence across Muslim-majority societies.

Keywords: *Islamic Inheritance; Supreme Court; Gender Justice; Legal Pluralism; Maqāṣid al-Sharī‘ah.*

A. Introduction

Indonesia's inheritance system operates within a distinctive framework of legal pluralism where Islamic law, customary law (*adat*), and civil law coexist, interact, and occasionally compete. This plurality reflects the nation's sociocultural heterogeneity while simultaneously producing normative tension in adjudication and social practice (Djawas et al., 2022; Safitri & Saiful, 2025; Zainuddin et al., 2024). Within *adat* regimes, kinship systems fundamentally shape inheritance patterns: the Minangkabau community applies a matrilineal model, whereas Batak and other ethnic groups retain patrilineal traditions (Ilyas et al., 2023; Rabbani et al., 2024; Santika & Eva, 2023). By contrast, Indonesia's Civil Code guarantees sons and daughters equal rights to succession (Ahmad, 2022; Ash-Shiddieqy, 1987). Yet Islamic inheritance doctrine – derived from Qur'an 4:11 and 4:176 and codified in the Compilation of Islamic Law (KHI) – differentiates shares between male and female heirs and denies daughters the status of *'asabah* (Islamiyati, 2015). These divergent systems coexist in everyday legal consciousness and frequently generate disputes over which normative order should prevail, especially when women's inheritance rights are implicated.

The clash between classical jurisprudence and contemporary notions of gender justice has become increasingly visible in Indonesia's courts. Landmark Supreme Court Decisions No. 86 K/AG/1994 and No. 184 K/AG/1995 adopted an inclusive interpretation of the Qur'anic term *walad* (Q 4:176) to encompass both sons and daughters, thereby enabling daughters to inherit residually and exclude the deceased's siblings. Such reasoning departs from the traditional *jumhūr al-fuqahā'* view and represents a judicial effort to prioritize substantive fairness over formalistic textualism. Similar patterns have appeared in the Semarang Religious Court, whose judges emphasized that the parent-child relationship takes precedence over collateral kinship (Amron, 2006; Reskiani et al., 2022; Fitriyati et al., 2025). These developments illustrate a broader judicial trend toward harmonizing Islamic inheritance norms with principles of equality and social welfare,

resonating with the pluralistic accommodations found in Aceh's blended *adat*-Islamic practices (Ilyas et al., 2023; Faiz et al., 2023).

Comparable normative conflicts between tradition, religion, and human rights are evident across Indonesia's legal landscape. Studies on *kawin magrib* in Lombok reveal persistent violations of women's rights despite Islamic legal recognition of equality (Sugitanata et al., 2023; Ash-Shiddieqy, 1987). Research on interfaith marriages exposes the "double-faced" nature of Indonesia's family law, which oscillates between inclusive and exclusionary interpretations of faith and gender (Rajafi et al., 2024; Fitriyati et al., 2025). These cases mirror the inheritance dilemma: when statutory, religious, and customary systems collide, women's interests are often subordinated to patriarchal readings of law. Therefore, the Supreme Court's reinterpretation of *walad* symbolizes a pivotal judicial intervention within a broader movement to protect women's legal agency amid Indonesia's plural legal order.

Previous scholarship has examined aspects of this pluralism, yet left crucial gaps. Lubis and Daulay (2024) discuss co-heir arrangements among brothers and daughters; Islamiyati (2015) analyzes gender inequality embedded in the KHI; and Kamarusdiana et al., (2021) evaluate the Supreme Court's reasoning regarding daughters as *ḥājib ḥirmān* (blocking heirs). Other works have highlighted the influence of *adat* and Western civil law (Adhha, 2020; Hajar, 2016; Karim, 2012; Sarmadi, 1970) or critiqued patriarchal bias in Qur'anic exegesis (Zahro & Pramesti K.M., 2023).

More recent analyses stress reform through *maṣlaḥah* and substantive justice (Haidar, 2023) and document regional efforts to protect women and children under plural legal frameworks (Hidayah, 2023; Zainuddin et al., 2024). Wulandari et al., (2025) expanded the debate through a comparative legal dissection, revealing systemic discrimination against women in inheritance adjudication, while Aditi et al., (2023) examined women's inheritance rights in Bali's traditional society, showing how custom and religion can simultaneously constrain and empower female heirs. Yet these studies seldom connect Indonesia's progressive judicial developments to the



global discourse on *ijtihād qaḍā'ī* (judicial reasoning) and the dynamic adaptability of Islamic jurisprudence (Hakim, 2021).

From a doctrinal perspective, contemporary scholarship emphasizes the necessity of re-examining *fiqh* through its historical contingency. Abdurrahman (2022) revisits Noel J. Coulson's contribution to Islamic legal history, arguing that juristic diversity is intrinsic to *fiqh* and allows contextual reinterpretation. This theoretical insight supports the Indonesian Supreme Court's openness to reformulate inheritance norms through contextual *ijtihād*. Similar arguments are echoed in the literature on legal reform and legislative hierarchy (Nugraha et al., 2023) and on the role of justice collaborators and witness protection within Indonesia's legal modernization (Sholecha et al., 2023; Hutchinson & Duncan, 2012). These studies affirm a national momentum toward harmonizing traditional jurisprudence with human-rights-based reasoning and inclusive justice frameworks.

Within Islamic inheritance, *maqāṣid al-sharī'ah* provides a normative bridge between textual authority and social reality. Fatahullah et al., (2025) demonstrate how customary practices such as mandatory bequests influence Islamic law's evolution toward equitable outcomes. Mustika et al., (2023) and Aditi et al., (2023) further reveal how restorative and inclusive justice approaches can resolve conflicts between formal law and community expectations. These insights are vital for understanding Indonesia's judicial reinterpretation of *walad*, which reaffirms the objectives of protecting lineage (*hifẓ al-nasl*), property (*hifẓ al-māl*), and dignity (*hifẓ al-'ird*). The Supreme Court's reasoning aligns with *maqāṣid*-based hermeneutics that seek justice beyond literalism, echoing global reform trends noted by Khan (2007) and Hoballah (2006).

Nevertheless, empirical and doctrinal analyses often remain compartmentalized. Few have systematically examined how Indonesia's Supreme Court operationalizes *maqāṣid* reasoning within plural legal contexts or how these judicial innovations influence lower courts. Comparative insights from other Muslim-majority nations, such as Malaysia and Brunei Darussalam, show increasing institutional cooperation to reform

family law through gender-sensitive interpretation (Norhartijah & Kurniawan, 2025). Indonesia's contribution stands out for grounding such reform in judicial rather than legislative processes—transforming *fiqh* through case law instead of statutory amendment. This characteristic highlights the dynamic interaction between religion, state, and civil society that defines Indonesia's legal pluralism.

Conceptually, this study positions Indonesia's judicial reinterpretation as part of a global trajectory of contextual *ijtihād*. Through its inclusive reading of *walad*, the Supreme Court challenges the rigidity of classical *fiqh* while remaining faithful to Qur'anic objectives. The shift from gender-based preference to genealogical proximity (*qarābah al-dam*) not only secures daughters' inheritance rights but also embodies a civic-reasoning approach consistent with Abdullahi An-Na'im's (2008) notion of a religiously neutral state that enables Islamic law to operate within public rationality. As Johansen's theory of *fiqh* contingency (Gilliot & Johansen, 2000) explains, legal norms must adapt to changing social realities to preserve justice as the higher intent of the *sharī'a*. Indonesia's Supreme Court, by internalizing these theoretical imperatives, exemplifies how judicial reasoning can modernize Islamic law without severing its textual roots.

This study, therefore, fills a significant academic and practical gap. It systematically analyzes how Indonesia's Supreme Court reinterprets inheritance provisions, situating these judicial developments within contemporary global debates on gender justice, *maqāṣid*-based reform, and legal pluralism. Academically, it offers a contextual model for re-thinking Islamic inheritance through *ijtihād qaḍā'ī* that reconciles classical doctrine with modern egalitarian principles. Practically, its findings may inform the revision of the *Compilation of Islamic Law* and guide policymakers and judges in other Muslim-majority societies seeking to balance tradition with equality.

Accordingly, the objective of this study is to examine how the Supreme Court of Indonesia has reinterpreted the inheritance provisions within Islamic law—particularly the concept of *walad*—to prioritize genealogical proximity over gender preference, and to evaluate the



implications of this jurisprudence for advancing gender justice, harmonizing Islamic and civil law, and contributing to the global discourse on judicial *ijtihad* within plural legal systems.

Academically, it offers a contextual model for rethinking Islamic inheritance law through the lens of judicial *ijtihad* that reconciles classical texts with contemporary principles of equality. Practically, its findings may serve as a foundation for reforming the Compilation of Islamic Law in line with the Supreme Court's progressive jurisprudence, while also providing a reference point for other Muslim-majority countries facing similar challenges in harmonizing Islamic law with demands for gender equality and social justice. In this way, Indonesia's experience contributes not only to national debates but also to global conversations on the renewal of Islamic law in pluralistic societies.

B. Method

This study applies a normative-juridical (doctrinal legal research) design, the most suitable approach for examining legal reasoning grounded in authoritative texts rather than empirical field data. The method enables systematic analysis of how Islamic law, civil law, and *adat* law interact within Indonesia's plural inheritance system (Lubis & Daulay, 2024). Through this approach, the research investigates how the Supreme Court reinterprets the position of daughters as heirs, reflecting both national legal reform and broader debates on gender justice in Islamic law (Haidar, 2023; Zahro & Pramesti K.M., 2023).

The research integrates three complementary approaches: statutory, conceptual, and case-based analyses. Statutory analysis focuses on the *Compilation of Islamic Law* (KHI) and the Indonesian Civil Code (KUHP_{Perdata}); conceptual analysis engages *maqāṣid al-sharī'ah* and judicial *ijtihad*; while case-based analysis examines interpretive reasoning within landmark Supreme Court decisions. Together, these approaches ensure doctrinal precision and theoretical contextualization.

The primary data sources include the Qur'an — particularly Q. 4:11 and Q. 4:176 — the KHI, the KUHP_{Perdata}, and selected Supreme Court decisions that

have become jurisprudence. Secondary materials such as books, journal articles, and legal commentaries (Ali, 2021; Ibrahim, 2006; Marzuki, 2008; Soekanto, 2018) complement the doctrinal foundation, while tertiary sources like legal dictionaries and encyclopedias provide terminological clarity.

The case selection follows explicit criteria: each decision must have an identifiable case number, judicial level, and year; directly concern daughters' inheritance rights or the interpretation of *walad* and *'aṣabah*; and contain a clear *ratio decidendi* on blocking rights (*ḥijb/ ḥirmān*). Based on these criteria, two Supreme Court decisions – No. 86 K/ AG/1994 and No. 184 K/ AG/1995 – were selected as primary cases, complemented by the Semarang Religious Court ruling (Amron, 2006) and other studies (Reskiani et al., 2022; Safitri & Saiful, 2025).

Data were collected through documentary review using keywords such as “*walad*”, “*'aṣabah*”, and “*ḥijb/ ḥirmān*”. Relevant literature was identified through citation snowballing to include recent works on *maqāṣid al-sharī'ah*, gender justice, and legal pluralism. Judicial documents were thematically coded to reveal interpretive patterns regarding genealogical proximity, *maṣlahah*, and equality principles. Triangulation across statutes, case law, and scholarly commentary ensured validity and replicability (Rabbani et al., 2024; Santika & Eva, 2023).

This study did not involve human or animal participants and therefore required no ethics approval. Nevertheless, academic integrity was upheld through accurate citation, acknowledgment of all sources, and disclosure of methodological limitations. By combining doctrinal legal reasoning with interdisciplinary insights, the study ensures methodological rigor and contributes to understanding how judicial *ijtihād* advances gender justice within Indonesia's plural legal system.

C. Results and Discussion

The results of this study derive from a doctrinal examination of primary legal sources, statutory texts, and judicial decisions that collectively demonstrate how Indonesia's Supreme Court has reformulated the inheritance



status of daughters through interpretive reasoning. These findings are organized into five thematic clusters: (1) the normative framework of inheritance law, (2) jurisprudential developments in the Religious Courts and the Supreme Court, (3) comparative perspectives from customary law, (4) harmonization with the Civil Code, and (5) synthesis of the emerging legal principles that emphasize genealogical proximity over gender preference.

1. Results

a. *Normative framework of Islamic Inheritance Law*

Islamic inheritance law, derived from the Qur'an and the *Compilation of Islamic Law* (KHI), establishes a gender-based differentiation of shares. Qur'an al-Nisā' 4:11 provides that "*a male shall receive the portion of two females*," while verse 4:176 regulates the inheritance of *kalālah* (those without ascendants or descendants) through the term *walad*. The KHI codifies these provisions in Article 176, which stipulates that:

"A daughter, if she is the only child, receives one-half of the estate; if there are two or more daughters, they jointly receive two-thirds; and when accompanied by a son, the son's share is equal to that of two daughters".

This formulation follows the *jumhūr* view that daughters are not *'aṣabah* (residuary heirs) and, therefore, cannot exclude the inheritance rights of the deceased's siblings. It reproduces the classical legal hierarchy that privileges male heirs and assigns daughters a secondary position. Nevertheless, this construction becomes the reference point against which Indonesia's judiciary has developed interpretive reform.

b. *Jurisprudential developments and judicial reasoning*

The reinterpretation of inheritance provisions began to take shape in first-instance courts before reaching the Supreme Court. The Semarang Religious Court (2006) introduced a progressive interpretation by ruling that daughters could exclude siblings of the deceased, reasoning that the direct filial relationship between parent and child carries greater weight than collateral kinship. This local judicial innovation signaled a doctrinal shift toward emphasizing familial proximity as the organizing principle of inheritance.

The turning point emerged in the Supreme Court's Decision No. 86 K/AG/1994, which recognized daughters as residuary heirs capable of blocking (*ḥājib ḥirmān*) the claims of the deceased's siblings. The decision explicitly interpreted the Qur'anic term *walad* inclusively, covering both sons and daughters. The Court declared:

"A daughter, as a direct descendant, holds a closer position to the testator than the testator's siblings; therefore, the siblings' inheritance rights lapse".

This reasoning was reaffirmed in Decision No. 184 K/AG/1995, where the Court again emphasized the principle of genealogical proximity (*qarābah al-dam*) over gender preference. The judgment stated that:

"The term walad in Qur'an 4:176 must be understood as encompassing both sons and daughters, such that a daughter may act as an heir who excludes (ḥājib) the rights of the testator's siblings".

These two decisions collectively constitute a doctrinal breakthrough in Indonesian inheritance jurisprudence. They mark the judiciary's move away from strict textualism toward a purposive interpretation aligned with *maqāṣid al-sharī'ah*, particularly the protection of lineage (*hiḏ al-nasl*) and property (*hiḏ al-māl*). The Supreme Court thus positioned judicial *ijtihād* (*ijtihād qaḏā'ī*) as an authoritative mechanism of reform that balances scriptural fidelity with social justice imperatives.

c. Comparative evidence from customary law

Parallel to judicial developments, Indonesia's customary (*adat*) systems exhibit considerable variation in inheritance practices. Classic ethnographic works by Hazairin (1976, 1982) and Hadikusuma (1993) identify three dominant kinship models: matrilineal (e.g., Minangkabau), patrilineal (e.g., Batak), and bilateral systems practiced in other ethnic groups. In the matrilineal system, daughters occupy the central position as inheritors of ancestral property, whereas the patrilineal model restricts inheritance primarily to male descendants.

Recent research demonstrates that local communities increasingly negotiate between *adat* and Islamic norms. Muzana, Sulong, and Ismail (2016)



found that in Aceh's Pidie region, families often merge customary and Islamic rules by allocating larger portions to daughters through familial consensus, with unresolved disputes resolved in village courts before reaching the *Mahkamah Syar'iyah*. Similarly, Ilyas et al., (2023) reported that Acehnese customary law has gradually been accommodated within Islamic law, prioritizing social harmony and fairness over formalistic interpretation.

This diversity supports the argument that Indonesia's plural legal order is not merely fragmented but adaptive. The Supreme Court's emphasis on genealogical proximity resonates with matrilineal principles already embedded in local culture, illustrating a convergence between judicial innovation and living customary law.

d. Harmonization with the Indonesian civil code

The principle of genealogical proximity in the Supreme Court's reasoning also aligns with Article 852 of the Indonesian Civil Code (KUHPerduta), which stipulates that:

"Children and their descendants, without distinction of gender, inherit from their parents, grandparents, or blood relatives, whether legitimate or illegitimate".

Under this provision, daughters and sons are positioned equally, and the presence of children automatically excludes the inheritance rights of the deceased's siblings. The Supreme Court's jurisprudence, by recognizing daughters as *'aṣabah*, thus harmonizes Islamic inheritance with the civil law's egalitarian structure. This alignment reflects a broader judicial effort to integrate the ethical ideals of Islamic law with the gender-neutral framework of national civil law.

Furthermore, this harmonization illustrates a deeper institutional dialogue between religious and secular judicial reasoning – an embodiment of *legal syncretism* that enables Islamic jurisprudence to evolve within the constitutional order. By interpreting *walad* inclusively, the Supreme Court has bridged the conceptual divide between revelation-based hierarchy and

civic equality, thereby reinforcing Indonesia's commitment to justice as a shared moral value across legal systems.

e. *Synthesis of doctrinal findings*

The doctrinal comparison across legal sources confirms three major findings. First, the *jumhūr's* classical construction, codified in the KHI, maintains a gender-based hierarchy and excludes daughters from residuary status. Second, the Supreme Court's jurisprudence corrects this imbalance through a contextual reading of *walad* that grants daughters the ability to block the inheritance rights of siblings. Third, this reinterpretation creates a harmonized model consistent with *maqāṣid al-sharī'ah*, national civil law, and customary notions of fairness.

Table 1. (Reproduced below) summarizes this comparative synthesis

Legal Source	Status of Daughters	Status of Siblings	Underlying Principle
Qur'an (4:11, 4:176)	Entitled to shares at a 1:2 ratio compared to sons; interpretation of <i>walad</i> debated	Not explicitly mentioned	Normative textualism
Compilation of Islamic Law (KHI)	Daughters receive ½ or ⅔; not <i>'aṣabah</i>	Retain rights in the absence of sons	Gender preference (<i>jumhūr</i> view)
Semarang Religious Court (2006)	Daughters may exclude siblings	Siblings' rights lapse	Genealogical proximity
Supreme Court (1994 & 1995)	Daughters recognized as <i>'aṣabah</i>	Siblings' rights lapse	Blood proximity & <i>maqāṣid</i> justice
Customary Law	Varies: Matrilineal – central; Patrilineal – limited	Depends on kinship structure	Local cultural norms
Civil Code (Art. 852)	Equal to sons	Siblings' rights lapse	Gender equality & lineage priority

The data reveal that Indonesian jurisprudence has moved toward an integrative model that maintains scriptural legitimacy while achieving gender justice. By recognizing daughters as *'aṣabah* within judicial reasoning, the Supreme Court effectively reframes Islamic inheritance from a hierarchy of gender to a hierarchy of proximity—an interpretation consistent with evolving social realities and constitutional values.

f. Implications of the findings

The emergence of genealogical proximity as a guiding principle in inheritance adjudication signifies a transformative moment in Indonesia's Islamic legal development. The decisions illustrate how judicial *ijtihad* functions as a legitimate mechanism of reform within a plural legal environment, bridging the gap between classical doctrine and contemporary equality. The Court's reasoning embodies a pragmatic form of *maqāṣid*-based interpretation that safeguards familial welfare and property rights while promoting justice for female heirs.

This evolution also demonstrates the judiciary's responsiveness to socio-legal contexts. The Supreme Court's approach reflects not only doctrinal innovation but also an awareness of Indonesia's social pluralism and its constitutional mandate for equality before the law. The consistency between the Supreme Court's reasoning, local *adat* practices, and civil law provisions reinforces Indonesia's unique contribution to the global discourse on gender justice in Islamic law – a discourse increasingly shaped by the principle of contextual *ijtihad* and the universal pursuit of fairness.

2. Discussion

The findings of this study demonstrate that Indonesia's Supreme Court has undertaken a significant doctrinal shift in the interpretation of Islamic inheritance law through the redefinition of *walad* as a gender-neutral term encompassing both sons and daughters. This reinterpretation represents not merely a judicial innovation but also a process of reconciling doctrinal tradition with social and constitutional imperatives. The decisions of the Court—particularly No. 86 K/AG/1994 and No. 184 K/AG/1995—show an effort to recalibrate the relationship between text and context, revealing how Islamic law can be interpreted within the dynamic structure of Indonesia's plural legal system. Rather than simply reaffirming classical doctrines or echoing modern egalitarian ideals, these rulings display an attempt to mediate the tension between the two, guided by principles of justice (*'adl*) and public welfare (*maṣlaḥah*) (Isnina, 2023; Heriandita et al., 2025).

At the doctrinal level, the Court's approach diverges from the dominant position of the *jumhūr al-fuqahā* that denies daughters the role of *ʿaṣabah* and thereby sustains a gender hierarchy in inheritance. The Indonesian *Compilation of Islamic Law (KHI)* has codified this majority position in Article 176, prescribing differentiated shares based on gender and denying daughters the authority to exclude siblings from inheritance. Through its jurisprudence, however, the Supreme Court has reinterpreted *walad* inclusively and prioritized the principle of genealogical proximity (*qarābah al-dam*) over gender preference. This hermeneutical move constitutes a reinterpretation within the framework of *ijtihād qaḍāʾī*—a form of judicial reasoning that reexamines established doctrines to address new socio-legal realities. Abdurrahman (2022) explains that this kind of interpretive flexibility corresponds to the historical character of Islamic jurisprudence, which has always accommodated contextual shifts without undermining its epistemological foundations. Hence, the Court's reading of *walad* does not signify theological rupture but continuity through renewal.

The Supreme Court's reasoning is also deeply influenced by Indonesia's broader plural legal context, where Islamic, customary (*adat*), and civil law coexist and intersect. The 1994 and 1995 decisions effectively harmonize these three domains by introducing a principle—proximity of lineage—that is compatible with all. From the perspective of civil law, the Court's reasoning is congruent with Article 852 of the Civil Code, which guarantees inheritance equality between male and female descendants. From the perspective of *adat*, it resonates with the matrilineal traditions of the Minangkabau and other local systems that emphasize lineage continuity rather than gendered authority (Hazairin, 1976, 1982; Hadikusuma, 1993). And from the perspective of Islamic jurisprudence, the emphasis on proximity corresponds to Qur'anic logic that places the nuclear family at the center of inheritance distribution (Q 4:11, 4:176). This alignment shows how legal pluralism in Indonesia can serve not as a source of contradiction but as a productive space for synthesis.

However, this harmonization should be understood within its limits. As Wulandari et al., (2025) observe, Indonesia's inheritance system continues



to reproduce inequality in practice despite progressive jurisprudence, mainly due to uneven application at lower judicial levels and resistance from cultural traditions that privilege male lineage. The Supreme Court's reinterpretation, while normative in scope, does not automatically transform social behavior. It sets a doctrinal standard that requires further institutional and educational reinforcement. Similar to Nugraha, Al Arif, and Fikri's (2023) findings regarding regulatory coherence, judicial decisions in a plural system depend on systemic alignment across multiple layers of governance. Without consistency in lower religious courts and administrative regulation, the jurisprudence risks remaining a symbolic reform.

The Court's interpretive method also reflects a cautious use of *maqāṣid al-sharī'ah* as a normative framework. Rather than deploying *maqāṣid* as a rhetorical justification for change, the Court applied its logic implicitly by prioritizing *maṣlaḥah* (public welfare) and *ḥifẓ al-nasl* (protection of lineage). This restrained application maintains doctrinal legitimacy while allowing for ethical adaptation. Mustika et al., (2023) similarly note that inclusive approaches to justice—when grounded in ethical teleology rather than ideological assertion—tend to sustain institutional legitimacy in contexts where tradition holds significant authority. The Supreme Court's decisions embody such a balance by reformulating doctrine without displacing its theological grounding.

Nevertheless, the judicial reasoning remains open to critique. By reinterpreting *walad* inclusively, the Court departs from the consensus of major schools of jurisprudence. Scholars like Haroen (1996) and Supriadi (2016) warn that unrestrained flexibility may erode the epistemic authority of *fiqh* and fragment the unity of Islamic legal reasoning. Yet, the Indonesian experience demonstrates a different trajectory: reinterpretation here does not stem from external secular influence but from internal demands for coherence within a plural society. The Court's hermeneutic exercise can thus be understood as a defensive adaptation—protecting Islamic law's relevance in a changing socio-legal landscape rather than diluting its identity.

At the same time, the socio-legal significance of these rulings cannot be overstated. By granting daughters the right to block siblings from inheritance, the Court has not only altered the doctrinal content of Islamic inheritance law but also redefined the relationship between religion, gender, and authority. In communities where patriarchy is reinforced through customary practice, such as the *Kawin Magrib* tradition among the Sasak Muslims in Lombok (Sugitanata et al., 2023; Isnina, 2023), women's legal standing often depends on judicial intervention. The Court's reinterpretation provides normative tools for local courts to address these injustices without rejecting cultural identity. Rajafi, et al. (2024) describe this dynamic as Indonesia's "double-faced legal expression," in which law oscillates between formal egalitarianism and cultural conservatism. The Supreme Court's jurisprudence, in this context, does not eliminate the duality but introduces a moderating mechanism that allows law to engage tradition critically rather than reproduce it unreflectively.

The Court's reasoning also corresponds with Indonesia's ongoing process of judicial modernization. Sholecha et al., (2023) observe that institutional reforms in the judiciary increasingly emphasize substantive justice over procedural compliance, as seen in the expansion of rights-based interpretations in criminal and civil law. Within this evolving judicial culture, the inheritance decisions serve as an example of how *ijtihād qaḍā'i* can embody institutional maturity rather than individual activism. The decisions thus reflect a broader epistemic shift in the judiciary—from viewing law as static text to understanding it as a living discourse embedded in ethical and social realities.

From a broader jurisprudential perspective, the reinterpretation of *walad* suggests an effort to reconcile two competing epistemologies within Islamic law: *ta'abbudī* (devotional adherence to text) and *ta'aqqulī* (rational interpretation). Abdurrahman's (2022) historical analysis of Coulson's thought and Johansen's theory of contingency (Gilliot & Johansen, 2000) both highlight that the vitality of Islamic law depends on its capacity to oscillate between these poles. The Indonesian Supreme Court exemplifies this



oscillation: its rulings maintain textual allegiance while acknowledging socio-historical contingency. In doing so, the Court affirms what Fatahullah et al., (2025) call “reform within tradition”, a pattern that avoids the binary of orthodoxy versus modernity.

While the doctrinal shift is clear, the outcomes at the implementation level remain complex. As Ilyas et al., (2023) and Muzana, Sulong, and Ismail (2016) found, customary inheritance in Aceh often integrates Islamic and local norms through community negotiation rather than litigation. The Court’s decisions, therefore, represent an elite-level reform that must eventually interact with these grassroots processes. Aditi et al., (2023) further show that in Bali’s traditional society, gender equity in inheritance depends on social consensus more than legal compulsion. Consequently, the transformative impact of jurisprudence will hinge on how local institutions interpret and socialize the principle of genealogical proximity in their daily practices. This intersection of law and social consensus marks the frontier where judicial reform either succeeds in reshaping norms or remains confined to doctrinal discourse.

Theoretically, the Court’s interpretive approach also interacts with *civic reason* as conceptualized by Abdullahi An-Na’im (2008), which advocates for religious reasoning to operate within the public domain without imposing exclusivist claims. The inclusive reading of *walad* aligns with this model: it retains its religious source but articulates its justification in civic terms such as justice, equality, and proximity. This dual articulation enables the decision to resonate beyond Muslim audiences, situating Indonesia’s Islamic jurisprudence within the framework of public reason and constitutional pluralism. The decisions thus contribute to a wider understanding of how Islamic law can coexist with universalist legal principles without forfeiting its particular identity.

Nevertheless, the broader implications of this judicial reform extend beyond Indonesia’s borders. In comparative terms, the reinterpretation of *walad* contributes to the global discourse on *ijtihād qaḍā’ī* and gender justice in Islamic law. It demonstrates that Islamic legal reasoning can adapt to

modern social orders through internal mechanisms rather than external imposition. This resonates with regional developments in Southeast Asia, where countries such as Malaysia and Brunei Darussalam are experimenting with *maqāṣid*-oriented frameworks to modernize family law (Norhartijah & Kurniawan, 2025; Hutchinson & Duncan, 2012). Indonesia's contribution lies in institutionalizing reform through judicial practice rather than codified legislation, thereby preserving the organic nature of *fiqh* while ensuring its responsiveness to societal change.

Viewed globally, the jurisprudence of Indonesia's Supreme Court offers a critical case study in reconciling faith-based legal traditions with universal values of justice and equality. The Court's reinterpretation of *walad* provides an indigenous model of reform in which doctrinal integrity and social responsiveness coexist. This experience demonstrates that legal modernization in Muslim-majority societies does not necessarily emerge from legislative or external reform, but can evolve organically through judicial reasoning grounded in *maqāṣid al-sharī'ah* and civic rationality (An-Na'im, 2008; Gilliot & Johansen, 2000).

In contrast to reformist movements that often rely on state codification or political decree, Indonesia's approach shows how *ijtihad qadā'i*—judicial reasoning as an internal mechanism of adaptation—can transform Islamic law without eroding its theological foundations. This pattern resonates strongly with broader Southeast Asian developments, where Islamic and customary laws are continuously adjusted to social realities through interpretive rather than legislative pathways (Norhartijah & Kurniawan, 2025; Fatahullah et al., 2025).

Comparatively, Indonesia's judicial reinterpretation contributes to a growing body of transnational legal thought that seeks to integrate *sharī'ah*-based reasoning with universal human-rights frameworks. The interpretive method employed by the Supreme Court parallels efforts in Malaysia and Brunei Darussalam to harmonize *fiqh* doctrines with constitutional principles, yet it remains distinctive for its judicial rather than bureaucratic character. This demonstrates that within the global Muslim world, reform need not



depend on state-centric codification but may instead emerge from judicial independence and ethical deliberation. Such an approach aligns with Abdurrahman's (2022) historical understanding of Islamic jurisprudence as an evolving discourse shaped by context, as well as with Aditi et al.'s (2023) findings on the adaptive negotiation of women's inheritance rights within Balinese and Lombok societies—showing that pluralism and gender equality can be contextualized without undermining religious legitimacy.

Furthermore, Indonesia's experience contributes to cross-cultural dialogues on justice by illustrating that gender equity in inheritance can be pursued within the internal logic of Islamic law rather than imposed externally. Studies by Wulandari et al., (2025) and Mustika et al., (2023) reveal similar struggles in aligning traditional legal norms with inclusive interpretations of justice in diverse socio-legal settings. In this sense, Indonesia's jurisprudence bridges religious legal systems and global equality discourses, providing a framework that other Muslim-majority and multi-religious countries may adapt to their own contexts.

The model suggests that plural legal systems can achieve coherence not through uniformity but through ethical negotiation—a process in which courts act as mediators of value, translating spiritual norms into civic fairness. This approach resonates with Rajafi et al. (2024) analysis of Indonesia's "double-faced legal expression," in which the tension between tradition and modernity is not eliminated but constructively managed through interpretive balance.

Indonesia's reinterpretive model demonstrates that Islamic law can engage meaningfully with international human-rights discourses while retaining its normative autonomy. As highlighted by Khan (2007) and Hoballah (2006), the challenge for contemporary Islamic jurisprudence is not reconciling faith with modernity but ensuring that reinterpretation remains faithful to the ethical essence of revelation. The Indonesian example answers this challenge by institutionalizing a form of *ijtihad qadā'i* that operates within democratic and pluralist structures. By embodying the dialogical

relationship between revelation and reason, between local wisdom and global ethics, Indonesia's inheritance jurisprudence offers not only a pathway for internal reform but also a model for global engagement. It reaffirms that the pursuit of justice within Islamic law, when grounded in disciplined interpretation and ethical intentionality, can contribute constructively to the universal project of human dignity and gender equality across cultural and national boundaries.

Despite its theoretical and jurisprudential contributions, this study is limited by its reliance on a normative-juridical approach, which focuses on legal texts and judicial reasoning rather than empirical realities. The analysis depends primarily on the available summaries of Supreme Court Decisions No. 86 K/AG/1994 and No. 184 K/AG/1995, as full *ratio decidendi* documents remain inaccessible. This limitation affects the depth of doctrinal reconstruction and the ability to verify interpretive nuances in the judgments. Moreover, the study does not examine how lower courts or local communities apply the principle of genealogical proximity in practice, nor does it measure the social impact of these rulings on gender relations. Therefore, future empirical and comparative research is necessary to evaluate how this jurisprudence operates across different regions and legal cultures.

D. Conclusion

This study reveals that Indonesia's Supreme Court has carried out a substantial doctrinal transformation in Islamic inheritance law by reinterpreting *walad* as a gender-neutral concept encompassing both sons and daughters. This reinterpretation, as reflected in Supreme Court Decisions No. 86 K/AG/1994 and No. 184 K/AG/1995, shifts the organizing principle of inheritance from gender hierarchy to genealogical proximity. The transformation is not a deviation from classical jurisprudence but a contextual development rooted in disciplined judicial reasoning. The findings demonstrate that the Supreme Court's reinterpretation successfully integrates Islamic principles with national legal frameworks and customary



norms, thereby promoting substantive gender justice while maintaining doctrinal authenticity. The study concludes that Indonesia's judiciary has emerged as a dynamic space for legal reform within a pluralistic legal order, balancing faith-based values with modern legal rationality.

This research contributes to the academic and practical understanding of how Islamic law can adapt to contemporary societal demands without losing its foundational integrity. Theoretically, it provides a new perspective on the role of the judiciary as a legitimate actor in interpreting and developing Islamic law. The study highlights that the process of reform is achievable through legal reasoning rooted in moral and textual consistency, demonstrating that transformation in Islamic law can occur organically through the judiciary rather than solely through legislative mechanisms. Practically, the findings serve as a reference for strengthening gender-responsive interpretation within religious courts, developing curriculum materials for Islamic law faculties, and designing continuing education programs for judges. Furthermore, the study offers an example of how the harmonization between Islamic and civil legal systems can contribute to fairer and more inclusive legal outcomes in Indonesia's plural legal framework. This model also provides valuable insights for Muslim-majority societies seeking to reconcile religious authenticity with equality and social justice principles.

Building upon these insights, future research should expand the analysis of Indonesia's inheritance jurisprudence beyond the doctrinal framework to understand its social and comparative dimensions. Empirical research is needed to assess how the principle of genealogical proximity is implemented in lower courts and how it influences public understanding of justice and inheritance rights. Comparative studies across Southeast Asia and other Muslim-majority countries could further examine how judicial reasoning interacts with diverse cultural and institutional settings. Interdisciplinary research combining law, sociology, and anthropology would be particularly useful to explore how the reform of inheritance law affects social attitudes toward gender equality and family dynamics. Such

investigations would enrich understanding of how judicial innovation in Islamic law functions as a legal and social process within plural societies.

This study affirms that the renewal of Islamic law is best achieved through continuity, reflection, and disciplined interpretation rather than rupture or replacement. Indonesia's experience provides a compelling example of how judicial reasoning, rooted in ethical purpose and contextual awareness, can transform long-standing legal doctrines into instruments of justice and equality. This research ultimately conveys a central message: the evolution of Islamic law depends not on abandoning its traditions but on realizing their ethical potential within changing human realities. By demonstrating that faith, reason, and justice coexist harmoniously within a modern plural society, Indonesia's jurisprudence contributes meaningfully to the global understanding of how Islamic law can remain authentic and transformative in advancing human dignity and equality.

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