

Gender Equality in the Distribution of Inheritance Property from Al-Qur'an and Mawaris Fiqh's Perspective

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Abstract

Inheritance is the transfer of assets or transfer of ownership rights from someone who has died to then be given to the rightful heirs. From the perspective of Islamic law, boys have greater inheritance rights than girls. This caused controversy among feminists who considered differences in the distribution of inheritance as unfair under the pretext of gender equality and women's emancipation. This study aims to determine the perspective of the Qur'an and Islamic fiqh regarding gender equality in the distribution of inheritance. By using a literature study research method, this article shows that; 1) From the perspective of the Al-Qur'an, Surah An-Nisa verse 11, the distribution of inheritance to boys and girls is unequal because boys get a 2:1 share from girls. 2) In the perspective of the Maharis fiqh regarding gender equality in the 2:1 division of inheritance between boys and girls, it is associated with proportional rights and obligations between the two, men's greater burden and obligation to provide for the family and parents after marriage.

Keywords: Gender Equality, Inheritance, Al-Qur'an, Fiqh Mawaris

INTRODUCTION

Gender equality is a hot topic of conversation that is no longer foreign to Indonesian society. On the other hand, activities and actions demanding gender equality are also increasingly popular among the millennial generation and various institutions in an effort to create equal rights between men and women. Based on data from the World Economic Forum (WEF) which measures the Global Gender Equality Index in 2023, Indonesia is ranked 87th out of 146 countries with a score of 0.697.¹ From this data, it can be seen that Indonesia has not yet established gender equality well so in this increasingly advanced era, many efforts are starting to encourage gender equality.

¹ World Economic Forum, "Global Gender Gap Report 2023," World Economic Forum, 2023, <https://www.weforum.org/reports/global-gender-gap-report-2023/digest/>.

The Koran has emphasized gender equality in certain aspects. For example, in terms of glory in the sight of Allah SWT, there is no distinction between men and women, because the most noble person in the sight of Allah SWT is seen from his piety. In accordance with the words of Allah SWT in the Al-Qur'an surah Al-Hujurat verse 13:

أَتَقْسِمُ بِاللّٰهِ نَدَّ عَ أَكْرَمَكُمْ إِنَّ

*"Indeed, the noblest among you in the sight of Allah is the one who is most pious"*²

This verse proves that the Qur'an equalizes men and women to the same degree, the only difference is the level of devotion to Allah SWT. On the other hand, although the Qur'an has equalized gender in terms of the degree of piety, the Qur'an as the first and main source of Islamic law, as well as containing guidelines for human life, also differentiates between genders in terms of the distribution of inheritance.

From here, controversy arose because the distribution of inheritance in the Koran is not the same for men and women.³ With developments in the times that have seen many shifts in roles, women are now able to play an equal role with men, and it is not uncommon for women to become the backbone of the family economy.⁴ This social change factor is what triggers gender bias by feminists and gender activists who want equality in terms of sharing inheritance with men. They consider the 2:1 difference in inheritance shares between men and women to be unfair,⁵ so they demand gender equality in a 1:1 ratio because they value justice in the sense of being equal without distinguishing between genders.⁶

This phenomenon is certainly a conception of Islamic law regarding the distribution of inheritance which must be able to answer the needs of society in initiating the value of justice for women today.⁷ The Al-Qur'an has stated that women get half of the share of men, but this statement should not be understood textually and immediately conclude that the Al-Qur'an does not treat women fairly, but needs to look at the context first.⁸

Based on these circumstances, this research aims to determine the perspective of the Al-Qur'an and Islamic jurisprudence regarding gender equality in the distribution of inheritance. For this reason, there are two questions that are the main focus of this research. First, what is the perspective of the Al-Qur'an, Surah An-Nisa verse 11, regarding the distribution of inheritance Second, what is the perspective of the Maharis fiqh regarding gender equality in

² Al-Qur'an Kemenag, "Al-Qur'an Kemenag," 2023, <https://quran.kemenag.go.id/quran/per-ayat/surah/49?from=13&to=18>.

³ Kurniati Nashirun, "Konsep Keadilan Dan Kesetaraan Gender Tentang Pembagian Harta Waris Dalam Perspektif Hukum Islam," *Madani Legal Review* 6, no. 1 (June 28, 2022): 65–78, <https://doi.org/10.31850/malrev.v6i1.1708>.

⁴ Fatimatuz Zahro and Shinta Pramesti K.m, "Kesetaraan Gender Dalam Hukum Kewarisan Islam Perspektif M. Syahrur," *Mahakim: Journal of Islamic Family Law* 7, no. 1 (January 1, 2023): 25–46, <https://doi.org/10.30762/mahakim.v7i1.201>.

⁵ Rahmat Miskaya and Izzal Afifir Rahman, "Keadilan Gender Pembagian Warisan Dalam Fiqih Mawaris," 2023.

⁶ Endah Amalia Amalia, "Penyetaraan Gender Dalam Hal Pembagian Warisan," *Ahkam: Jurnal Hukum Islam* 8, no. 2 (November 19, 2020): 213–32, <https://doi.org/10.21274/ahkam.2020.8.2.213-232>.

⁷ Zahro and K.m, "Kesetaraan Gender Dalam Hukum Kewarisan Islam Perspektif M. Syahrur."

⁸ "Polemik Warisan dan Kesetaraan Gender - ARTIKULA.ID," July 28, 2019, <https://artikula.id/subhanashari/polemik-warisan-dan-kesetaraan-gender/>.

the distribution of inheritance. It is hoped that this research can accommodate the needs of the community regarding differences in calculating the distribution of inheritance in Islam. Apart from that, it is hoped that this research will be able to contribute to increasing the intellectual treasures related to Islamic inheritance law.

METHODOLOGY

Qualitative methods are used in this research with the type of literature study, namely a method that involves collecting data by understanding, studying, and analyzing theories from various literature sources related to the topic of gender equality and Islamic jurisprudence. This research is descriptive and analytical in nature by analyzing and constructing the problem of dividing the inheritance of the Al-Qur'an perspective and Islamic fiqh from various relevant literature such as books, scientific journals, and related research that has been carried out by other researchers.⁹ Apart from that, this research also uses a normative approach based on Islamic legal theories and concepts in order to understand and examine Islamic legal issues and be able to draw conclusions.¹⁰ The data analysis technique in this library study research uses the content analysis method to maintain the credibility of the review process, to ensure the validity of the research, checking between library sources and rereading library sources is carried out.¹¹ The results of library materials obtained from various sources or references need to be analyzed critically and intensively to support propositions and ideas in developing a comprehensive understanding and making contributions related to gender equality and Islamic jurisprudence.¹²

RESULTS AND DISCUSSION

Distribution of Inheritance from Al-Qur'an Perspective Surah An-Nisa Verse 11

An heir is a person who has the right to inherit the inheritance left by the heir or person who died.¹³ Meanwhile, inheritance as stated in the Al-Qur'an Surah An-Nisa verse 7 uses the term *taraka* (inheritance) which is transferred to the person who has the right to receive it.¹⁴ From this, it can be understood that inheritance is the process of transferring inheritance or transferring the rights and obligations of someone who has died and then giving it to the heirs who are entitled to receive it.¹⁵ Thus, in terms of Islamic inheritance law, the Al-Qur'an is the

⁹ Miza Nina Adlini et al., "Metode Penelitian Kualitatif Studi Pustaka," *Edumaspul: Jurnal Pendidikan* 6, no. 1 (March 1, 2022): 974–80, <https://doi.org/10.33487/edumaspul.v6i1.3394>.

¹⁰ M. Mohsi, "Pendekatan Normatif Dalam Studi Hukum Islam," *ASASI: Journal of Islamic Family Law* 1, no. 1 (October 15, 2020), <https://ejournal.iaimu.ac.id/index.php/ASASI/article/view/2>.

¹¹ Heru Hermawan, Gantina Komalasari, and Wirda Hanim, "Strategi Layanan Bimbingan Dan Konseling Untuk Meningkatkan Harga Diri Siswa: Sebuah Studi Pustaka," *JBKI (Jurnal Bimbingan Konseling Indonesia)* 4, no. 2 (October 16, 2019): 65, <https://doi.org/10.26737/jbki.v4i2.924>.

¹² Adlini et al., "Metode Penelitian Kualitatif Studi Pustaka."

¹³ Rahmat Haniru, "Hukum Waris Di Indonesia Perspektif Hukum Islam Dan Hukum Adat," *AL-HUKAMA: The Indonesian Journal of Islamic Family Law* 4, no. 2 (2014): 456–74, <https://doi.org/10.15642/al-hukama.2014.4.2.456-474>.

¹⁴ Haniru, 459.

¹⁵ Pratini Salamba, "Tinjauan Hukum Mengenai Pembagian Harta Warisan Menurut Kuhperdata," *LEX ADMINISTRATUM* 5, no. 6 (October 19, 2017): 66, <https://ejournal.unsrat.ac.id/v3/index.php/administratum/article/view/17533>.

primary source that regulates in detail and detail the distribution of inherited assets. It explains in a very applicable way the distribution of inheritance left by the testator, then it is also explicitly stated regarding the people who have the right to receive inheritance and the amount of their share.¹⁶ The Al-Qur'an has specifically regulated in Surah An-Nisa verses 11 and 12 regarding who has the right to receive an inheritance along with the number of shares obtained by each heir.¹⁷ However, this research focuses more on Surah An-Nisa verse 11:

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ فَإِنْ كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ وَإِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِنْ كَانَ لَهُ وَلَدٌ فَإِنْ لَّمْ يَكُنْ لَهُ وَلَدٌ وَوَرِثَتْهُ أَبَوُهُ فَلِلْمُتِّ الثُّلُثُ فَإِنْ كَانَ لَهُ إِخْوَةٌ فَلِلْمُتِّ السُّدُسُ مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ آبَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفَعًا فَرِيضَةٌ مِّنَ اللَّهِ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا

Substantially, paragraph 11 discusses five things, including; the rationalization of differences in the distribution of inheritance between men and women, distribution of children's inheritance, the distribution of parental inheritance, and the timing of inheritance distribution. Tafsir Ibn Katsir states that this noble verse is verse that discusses the science of faraidh (distribution of inheritance) which is defined as a legal conclusion.¹⁸ Meanwhile, in Tafsir Al-Munir, Sheikh Wahbah Az-Zuhaili explains that in this verse on inheritance, Allah SWT has described in detail the portion of each heir; how much is the share of *al-furuu'* (children), how much is the share of *al-ushuul* (father and mother), how much is the share of husband and wife, and the share of siblings and mother.¹⁹ Meanwhile, according to Quraish Shihab in the Al-Mishbah commentary book, this verse details Allah's decrees which stipulate the distribution of inheritance to heirs, both men and women, adults and children.²⁰

It is explained in the book Tafsir Al-Munir that the section *يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ* shows that Allah SWT has instructed parents to distribute inheritance to their children, including all children who existing or still in the womb, whether male or female, both direct children and grandchildren below (other than children who disbelieve).²¹

¹⁶ Fatahuddin Aziz Siregar, "Pembagian Harta Warisan Berdasarkan Kesepakatan Menurut Al-Qur'an Dan As-Sunnah," *FITRAH: Jurnal Kajian Ilmu-ilmu Keislaman* 8, no. 1 (January 1, 2014): 118, <https://doi.org/10.24952/fitrah.v8i1.343>.

¹⁷ Mar'atul Azizah, Moch Sya'roni Hasan, and Jamaludin Jamaludin, "Nilai-Nilai Pendidikan Akhlak Dalam Pembagian Waris (Kajian QS. An Nisa' Ayat 11 Dan 12)," *Urwatul Wutsqo: Jurnal Studi Kependidikan Dan Keislaman* 12, no. 1 (March 29, 2023): 149, <https://doi.org/10.54437/urwatulwutsqo.v12i1.866>.

¹⁸ Labib Fahmi, "Hermeneutika Emillio Betti dan Aplikasinya dalam Menafsirkan Sistem Kewarisan 2:1 pada Surat an-Nisa Ayat 11," *Ulul Albab: Jurnal Studi dan Penelitian Hukum Islam* 2, no. 1 (November 4, 2018): 163.

¹⁹ Syekh Wahbah Az-Zuhaili, *Tafsir Al-Munir Jilid 2: Aqidah, Syariah, Manhaj* (Jakarta: Gema Insani, 2013), 612.

²⁰ Moh Quraish Shihab, *Tafsir Al-Mishbah: Pesan, Kesan, Dan Keserasian Al-Qur'an*, Cet. 6 (Ciputat, Jakarta: Lentera Hati, 2005), 360.

²¹ Syekh Wahbah Az-Zuhaili, *Tafsir Al-Munir Jilid 2: Aqidah, Syariah, Manhaj*, 621.

Ash-Shabuni explains this verse in his book in section *حَظُّ الْأُنثَيَيْنِ* shows the law if the heir (the person who died) only has one son and one daughter, then the son gets two shares, while the daughter gets one share.²²

In the interpretation of Al-Misbah in section *فَإِنْ كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ* explains that if the children are all girls, more than two in number, and there is no boy with either of them, then their share is two-thirds of the inheritance left by the person who died. It is also explained in section *وَأِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ* that is, if the daughter is the only one (there are no other heirs with the right to be with her), then she is entitled to half of the assets left behind.²³

After finishing prioritizing the child's parts, because they are weaker than the parents, the parts for both parents (mother and father) are explained because they are the closest to the child. Explained in the book *Tafsir Fii Zilalil Qur'an* in section *وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ* *إِنْ كَانَ لَهُ وَلَدٌ* If the deceased has children, then each of them gets one sixth of the assets left behind.²⁴ Then in part *فَإِنْ لَّمْ يَكُنْ لَهُ وَلَدٌ وَوَرِثَتْهُ أَبَوُهُ فَلِلْمُتِّ ثُلُثُ* According to Quraish Shihab, if the deceased has no children (the heirs are only his parents), then his mother is entitled to a one-third share of the assets left behind. Meanwhile, the rest became his father's share.²⁵ It is also explained in section *فَإِنْ كَانَ لَهُ إِخْوَةٌ فَلِلْمُتِّ السُّدُسُ* If the deceased has several siblings, either two or more, either siblings or one mother or one father, then the mother is entitled to one/sixth of the inheritance, because having several siblings changes the mother's share from one third to one sixth, while the father gets a share. Five/sixths.²⁶ Meanwhile, the brothers did not receive an inheritance due to their father being a *hajbu nuqshaan* (obstacle) in the rules of Islamic inheritance law.²⁷

Although the parts of the heirs have been explained above, in section *مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ* explains that the distribution of the inheritance may be given after completing the deceased's will and paying off debts (if the deceased is in debt).²⁸ In this case, repayment of the debt takes precedence over fulfilling the will. This is based on a hadith narrated by At-Tirmidhi from Ali bin Abi Talib r.a who said that the Messenger of Allah decided that debts should be paid off before the will, because debt is an obligation and a necessity that remains with the dependents of the person who owes it, whether they are alive or dead.²⁹ Apart from that, the debt will still be sued by the debtor, so that the debtor will sue his heirs.³⁰ Meanwhile,

²² Muhammad Ali Ash-Shabuni, *Pembagian Waris Menurut Islam* (Gema Insani, 1995), 25.

²³ Shihab, *Tafsir Al-Mishbāh*, 360.

²⁴ Sayyid Quthb, *Tafsir Fii Zilalil Qur'an di bawah naungan Al-Qur'an Jilid 1-10*, Terj. As'ad Yasin dkk (Jakarta: Gema Insani, 2000), 206.

²⁵ Shihab, *Tafsir Al-Mishbāh*, 360.

²⁶ Syekh Wahbah Az-Zuhaili, *Tafsir Al-Munir Jilid 2: Aqidah, Syariah, Manhaj*, 623.

²⁷ Ash-Shabuni, *Pembagian Waris Menurut Islam*, 26.

²⁸ Quthb, *Tafsir Fii Zilalil Qur'an di bawah naungan Al-Qur'an Jilid 1-10*, 206.

²⁹ Abdul Syatar, "Prioritas Wasiat Dan Hutang Dalam Warisan (Perbandingan Mazhab)," *Al-'Adl* 11, no. 1 (January 2, 2018): 135, <https://doi.org/10.31332/aladl.v11i1.1239>.

³⁰ Ash-Shabuni, *Pembagian Waris Menurut Islam*, 26.

a will is a *tabarru'* (voluntary act) whose aim is to seek goodness and is sunnah, but it is just as important as fulfilling the heir's debts.³¹

In the book *Tafsir Al-Munir*, it is explained in section أَبَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُم أَقْرَبُ أَنْفَعًا that there is a symbiotic bond of mutualism between parents and children, both in the world by helping each other and assisting each other and in the afterlife where they may be able to provide intercession.³² And humans will not know which of the two (parents and children) has greater benefits for others.³³

The Concept of Gender Equality and Justice from the Mawaris Fiqh Perspective

From the division of inheritance that has been explained in Surah An-Nisa verse 11 above, what has become a sensitive debate is the division of inheritance between sons and daughters whose stipulation is 2:1, so feminists want justice by equalizing the division of inheritance between men and women. In essence, the Qur'an has explained this division fairly and rationally, this inequality is not a form of discrimination against women. The concept of equality in the Qur'an explains that girls have the same rights as boys in receiving inheritance because previously the right to receive inheritance for women was not known during the period of ignorance.³⁴

So justice and equality in the distribution of inheritance from the perspective of maharis fiqh cannot be measured by the level of equality alone. However, in the Islamic law of inheritance (Islamic inheritance law), there must be a balance between the inheritance rights obtained and the obligations borne by the principle of justice.³⁵ Therefore, the concept of justice from the perspective of inheritance fiqh is determined based on the size of the responsibility imposed on the heirs.³⁶ According to Ash-Shabuni, Islamic law differentiates the distribution of inheritance between men and women because men (fathers, brothers, sons, or anyone who is capable among their male relatives) have an obligation to fulfill the needs and requirements of women (mothers, wives, children) in terms of living.³⁷ Meanwhile, in Islamic teachings, women are not obliged to provide support for anyone.

Then in the book *Tafsir Al-Misbah*, it is explained that men are required by religion to pay dowry to their wives, spend on their wives and children, provide a place to live for her, and give her food and drink.³⁸ From this, it can be seen that when talking about partiality, the

³¹ Nurul Adliyah, "Wasiat Dalam Sistem Pembagian Harta Peninggalan Menurut Hukum Islam," *Al-Amwal : Journal of Islamic Economic Law* 5, no. 1 (2020): 72–82, <https://doi.org/10.24256/alw.v5i1.2063>.

³² Syekh Wahbah Az-Zuhaili, *Tafsir Al-Munir Jilid 2: Aqidah, Syariah, Manhaj*, 624.

³³ Ash-Shabuni, *Pembagian Waris Menurut Islam*, 28.

³⁴ viky Mazaya, "Kesetaraan Gender Dalam Perspektif Sejarah Islam," *Sawwa: Jurnal Studi Gender* 9, no. 2 (April 21, 2014): 323–44.

³⁵ Muhammad Ali Murtadlo, "Keadilan Gender Dalam Hukum Pembagian Waris Islam Perspektif The Theory Of Limit Muhammad Syahrur," *Gender Equality: International Journal of Child and Gender Studies* 4, no. 1 (February 25, 2019): 181.

³⁶ Nashirun, "Konsep Keadilan Dan Kesetaraan Gender Tentang Pembagian Harta Waris Dalam Perspektif Hukum Islam," 73.

³⁷ Ash-Shabuni, *Pembagian Waris Menurut Islam*, 19.

³⁸ Shihab, *Tafsir Al-Mishbāh*, 369.

Qur'an actually favors women who are more special than men because men need a wife and he is obliged to provide for her, while women also need a husband but he is not obliged to provide for her.

Apart from that, the Al-Qur'an explains the system of inheritance distribution very fairly and the concept of inheritance distribution in the Islamic fiqh proves that Islam loves women more. This can be seen from two directions, first, in the structure of heirs (*ashab al-furuud*) which number 12 more women than men, namely 8 women (mother, wife, daughter, grandmother, granddaughter, biological sister, half-sister, and half-sister), while 4 men include: husband, father, grandfather, and half-sister.³⁹ Second, women have greater potential than men to obtain an inheritance.

There are several conditions in the maharis fiqh where women receive a different share or level from men. First, equal levels, such as father and mother both getting one/sixth share if the heir has children, as well as brothers and sisters from the same mother both getting one/sixth share.⁴⁰ Second, women's shares are greater than men's, if the heir leaves behind a father and two daughters, then the father gets one/sixth and the daughters get 2/3. Third, only women are heirs, while men do not inherit, for example, the heir leaves daughters, sisters, brothers, and uncles, then daughters and sisters get half because they occupy the position of *ashabah ma'a al-ghair* so that blocking the heirs of brothers and uncles.⁴¹

The following is a table regarding the division of inheritance to make it clearer:

Table 1. Women inherit the same as men

Heir	Part	6	
Father	1/6	1	1/6
Mother	1/6	1	1/6
boy	<i>Ashobah</i>	4	4/6

Table 2. Women inherit more than men

Heir	Part	6	
Father	1/6 + remainder	1+1=2	2/6
Girl	2/3	4	2/6
Girl	2/3	4	2/6

Table 3. Women inherit, men do not inherit

Heir	Part	3	
Boy	<i>Ashobah bil ghoir</i>	2	2/3
Girl	<i>Ashobah bil ghoir</i>	1	1/3
Biological brother	<i>Mahjub</i>	-	-

³⁹ Fadlih Rifenta and Tonny Ilham Prayogo, "Nilai Keadilan Dalam Sistem Kewarisan Islam," *Al-Manahij: Jurnal Kajian Hukum Islam* 13, no. 1 (June 25, 2019): 120, <https://doi.org/10.24090/mnh.v0i1.2117>.

⁴⁰ Rifenta and Prayogo, 118.

⁴¹ Mohammad Syifa Urrosyidin, Mohammad Syamsul Arifin, and Devid Frastiawan Amir Sup, "Esensi Keadilan dalam Ilmu Waris Islam," *Ijtihad : Jurnal Hukum dan Ekonomi Islam* 15, no. 2 (January 20, 2022): 275, <https://doi.org/10.21111/ijtihad.v15i2.6742>.

In the Al-Muntakhab commentary, justice in the distribution of inheritance is seen from the aspect of needs, such as the child's share being greater than that received by their parents because if seen from the perspective of needs the child still lives a longer life with a long period of time until adulthood. so that the need for assets is greater or even as much as an adult.⁴² If the magnitude of an adult's needs and the length of time a minor's needs are related to the acquisition of inheritance rights, then the results of both will receive the same level of benefit for what they receive. This is the true concept of justice from the perspective of Mawaris fiqh, namely balanced justice, not equal justice.

In essence, even though the current social order has experienced a shift in roles, such as women working or providing support for their families, this is only limited to easing the burden. Because men play a key role in providing the dowry and are responsible for the economy, which is their obligation. Therefore, the concept of 2:1 inheritance distribution still applies even though there has been such a change in roles, but the percentage is very small.⁴³

CONCLUSION

The results of this research show that the Al-Qur'an has specifically regulated it in Surah An-Nisa verse 11 which discusses five things, including; rationalization of differences in the distribution of inheritance between men and women, distribution of children's inheritance, distribution of parental inheritance, and timing of inheritance distribution. Then, justice in the perspective of mawaris fiqh is that there is a balance between the inheritance rights obtained and the obligations they bear. The differences in division are based on several conditions, first, men have an obligation to fulfill the needs and requirements of their families. Second, a man is required by religion to pay his wife a dowry, provide for her and her children, provide a place for her to live, and give her food and drink. Third, justice is seen from the aspect of needs, such as the share of children being greater because the needs of children and adults are much greater than those of adults. This is the true concept of equality and justice from the perspective of the Al-Qur'an and Islamic fiqh, namely balanced justice, not equal justice. This research has the major drawback that it tends to rely on a review of existing literature. Most of the data and information presented in this research comes from literature sources and research that researchers have carried out before, so it is limited in exploring different contexts and situations and allows for a lack of empirical data. Therefore, further, more comprehensive research with more relevant research methods is needed. With this research, we are at least able to provide a general view of the distribution of heritage from the perspective of the Al-Qur'an and Mawaris Fiqh, the results of which can be used in developing better heritage policies in the future.

⁴² Nabila Afida Wahyu, "Kesetaraan Gender Dalam Pembagian Warisan (Studi Pemikiran Quraish Shihab)" (undergraduate, UIN KH Achmad Siddiq Jember, 2023), 60, <http://digilib.uinkhas.ac.id/23999/>.

⁴³ Ita Ma'rifatul Fauziyah and Yunitasari Yunitasari, "Penerapan Waris 1:1 Dalam Yurisprudensi Islam Perspektif Kesetaraan Gender," *NUSANTARA: Jurnal Ilmu Pengetahuan Sosial* 9, no. 4 (April 22, 2022): 1452, <https://doi.org/10.31604/jips.v9i4.2022.1444-1456>.

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