



“An Islamic Law Review of the Delay in the Distribution of Inheritance among the Community of Kampung Berua, Anrong Appaka Village, Pangkajene District, Pangkajene and Islands Regency.”

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ABSTRACT

This study aims to examine the effectiveness of zakat fund management in ensuring equitable distribution between mainland and island areas, as well as to identify the challenges and efforts undertaken by the National Amil Zakat Agency (BAZNAS) of Pangkajene and Islands Regency. The research employs a qualitative approach using structured interviews with five informants. The findings indicate that zakat management is relatively effective in terms of planning and targeting accuracy; however, equitable distribution has not been fully achieved, particularly in island areas due to geographical constraints, transportation limitations, and weather conditions. In addition, the distribution is still largely dominated by consumptive assistance rather than productive programs. The main challenges include limited access, insufficient personnel, and lack of program dissemination. Efforts such as amil training, collaboration with external parties, and improvements in beneficiary data collection have been implemented, but remain suboptimal. Therefore, strengthening partnerships, enhancing amil capacity, utilizing information technology, and developing sustainable productive zakat programs are necessary to improve equitable distribution.

1. Introduction

Islamic law is a set of rules governing the relationship between humans and their God (vertical relationship) and the relationship among humans (horizontal relationship) (al-Zuhaili, 1985: 15) . The rules governing the relationship between humans and

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God consist of procedures for direct worship, categorized as acts of devotion such as performing prayer (salat), paying alms (zakat), fasting during the month of Ramadan, and undertaking the pilgrimage (hajj) for those who are able (Sabiq, 1983: 120). Meanwhile, the rules governing relationships among humans are called *muamalah*, which are provisions established by God that directly relate to human social life (Rofiq, 2003: 23).

Islamic law in the field of *muamalah* consists of:

1. *Munakahat* (which regulates marriage, divorce, and their consequences),
2. *Wirasah* (which regulates all matters related to heirs, the deceased, inheritance, and the distribution of estates). This law of inheritance is known as the science of *faraid*,
3. *Muamalah* (in a specific sense, regulating property matters, ownership rights, and human relations in trade, leasing, partnerships, and others),
4. *Jinayat* (containing rules related to criminal law),
5. *Al-ahkam as-shultaniyyah* (discussing matters related to the head of state, government, military, taxation, and so on),
6. *Siyar* (regulating issues of war and peace, relations with followers of other religions, states, and others),
7. *Mukhamasat* (regulating judicial matters, courts, and procedural law).

Inheritance law is the law that regulates the transfer of ownership rights of the deceased's estate (*tirkah*), determines who is entitled to become heirs, and specifies their respective shares (Syarifuddin, 2004: 5).

Furthermore, the Qur'an explicitly addresses the division of inheritance in accordance with Islamic law. Allah states in QS. al-Nisa/4:11–12, (Departemen Agama RI, 2019):

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ فَإِنْ كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثًا مِمَّا تَرَكَ وَإِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ وَلَا يُوْثِرُ لِكُلِّ وَاحِدٍ مِّنْهُمَا الشُّدُسَ مِمَّا تَرَكَ إِنْ كَانَ لَهُ وَلَدٌ فَإِنْ لَمْ يَكُنْ لَهُ وَلَدٌ وَوَرِثَهُ أَبُوهُ فَلِأَبِيهِ الثُّلُثُ فَإِنْ كَانَ لَهُ إِخْوَةٌ فَلِأَخْوَتِهِ الشُّدُسُ مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دِينٍ آبَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُنَّ أَقْرَبُ لَكُمْ نَفْعًا فَرِيضَةٌ مِنَ اللَّهِ إِنْ اللَّهُ كَانَ عَلِيمًا حَكِيمًا * وَلَكُمْ نِصْفُ مَا تَرَكَ أزْوَاجُكُمْ إِنْ لَمْ يَكُنْ لَهُنَّ وَلَدٌ فَإِنْ كَانَ لَهُنَّ وَلَدٌ فَلِكُمُ الرُّبْعُ مِمَّا تَرَكَنَّ مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دِينٍ وَلَهُنَّ الرُّبْعُ مِمَّا تَرَكَنَّ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكَنَّ مِنْ بَعْدِ وَصِيَّةٍ تُوصُونَ بِهَا أَوْ دِينٍ وَإِنْ كَانَ رَجُلٌ يُورَثُ كَلَلَةً أَوْ امْرَأَةً وَوَلَةً أَخٌ أَوْ أُخْتٌ فَلِكُلِّ وَاحِدٍ مِّنْهُمَا الشُّدُسُ فَإِنْ كَانُوا أَكْثَرَ مِنْ ذَلِكَ فَهُمْ شُرَكَاءُ فِي الثُّلُثِ مِنْ بَعْدِ وَصِيَّةٍ يُوصَى بِهَا أَوْ دِينٍ غَيْرِ مُضَارٍّ وَصِيَّةً مِنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَلِيمٌ

Translation:

“Allah instructs you concerning (the distribution of inheritance for) your children: the share of a male is equal to that of two females. If the children are all females, more than two, then they receive two-thirds of what is left. If only one female, she receives half. For parents, each receives one-sixth of the inheritance if the deceased has children. If the deceased has no children and is inherited by the parents alone, then the mother receives one-third. If the deceased has siblings, the mother receives one-sixth. (These distributions are) after the fulfillment of any will or debts. You do not know which of your parents or children is more beneficial to you. This is an obligation from Allah. Indeed, Allah is All-Knowing, All-Wise.

And for you (husbands) is half of what your wives leave if they have no children. If they have children, you receive one-fourth after fulfilling any will or debts. The wives receive one-eighth of what you leave if you have children. If you have no children, they receive one-fourth. If a man or woman dies leaving neither parents nor children but has a brother or sister (from the same mother), each receives one-sixth. If there are more than two, they share one-third after fulfilling any will or debts, without causing harm. This is an ordinance from Allah. Allah is All-Knowing, Most Forbearing.”

The Prophet Muhammad (peace be upon him) said:

“Distribute the estate among those entitled to prescribed shares according to the Book of Allah. Whatever remains after that should be given to the closest male relative.” (Abu Dawud, n.d.).

Based on the Qur'an and the hadith above, it can be concluded that each rightful owner must be given their due. It also affirms that both men and women have specific shares of inheritance from parents and relatives as determined by Allah. Furthermore, it details the categories of heirs and their respective shares. It should be noted that the science of inheritance is highly regarded among the Companions, and they paid great attention to it (al-Zuhaili, 1985: 32).

The conditions for inheritance and the barriers to receiving inheritance are as follows:

1. There are three conditions for obtaining inheritance:
 - a. The deceased must truly have passed away, either actually (*haqiqi*) or legally (*hukmi*), such as when a person is declared dead by a court due to disappearance (*al-mafqud*).
 - b. The heir must be alive at the time of the deceased's death or legally recognized as such. If two individuals entitled to inherit from each other die simultaneously and it is unknown who died first, then no inheritance occurs between them (Syarifuddin, 2004).
 - c. There must be a clear cause establishing the heir's right to inherit. This condition serves as confirmation, especially in legal proceedings (Rofiq, 2003).
2. The existence of causes and conditions alone is not sufficient if there are barriers, such as:
 - a. Difference in religion between the deceased and the heir. Muslim cannot inherit from a non-Muslim and vice versa (Bukhari, n.d.; Muslim, n.d.).
 - b. Murder A person who intentionally kills the deceased is not entitled to inheritance. Exceptions include: 1). Accidental killing, 2). Killing by someone legally incompetent, 3). Killing in the course of duty, 4). Killing in self-defense (Abu Dawud, n.d.; Tirmidhi, n.d.).

The obligations of heirs before distributing inheritance are:

 - a. Managing and completing the funeral process.
 - b. Settling debts, including medical expenses, and collecting receivables.
 - c. Executing the deceased's will.
 - d. Distributing the inheritance among rightful heirs (al-Zuhaili, 1985; Syarifuddin, 2004).

After fulfilling these obligations, the inheritance may be distributed according to Allah's provisions. It is recommended not to delay the distribution, as it may lead to disputes among heirs. Essentially, the estate is a trust that must be delivered promptly to those entitled. Delaying it reflects a breach of trust and resembles taking what does not belong to oneself.

As Allah states in QS. al-Nisa/4:58:

إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ إِنَّ اللَّهَ كَانَ سَمِيعًا بَصِيرًا

Translation:

"Indeed, Allah commands you to render trusts to whom they are due and when you judge between people to judge with justice. Indeed, Allah gives you excellent instruction. Indeed, Allah is All-Hearing and All-Seeing." (Departemen Agama RI, 2019).

From this verse, it can be concluded that delaying inheritance distribution may cause disputes among heirs, as each has rightful claims. However, in reality, delays still occur.

Some delays last for years. Due to prolonged delays, some heirs pass away before receiving their share. In such cases, they lose the opportunity to benefit from their inheritance during their lifetime. Delays range from months to many years (Syarifuddin, 2004).

Based on preliminary observations among heirs in Kampung Berua, Anrong Appaka Village, one case shows a father who passed away 10 years ago, yet the inheritance has still not been distributed. Another case involves a father who died in 2007, and the inheritance remains undistributed, resulting in one of the heirs passing away before receiving their share.

Therefore, the author is interested in studying and describing this issue in a research titled: "A Review of Islamic Law on the Delay in the Distribution of Inheritance among the Community of Kampung Berua, Anrong Appaka Village, Pangkajene District, Pangkajene and Islands Regency."

2. Method

This study employs an empirical juridical (field research) approach, examining applicable legal provisions alongside real conditions in society to identify facts and resolve issues systematically (Soekanto, 2014). Conducted in Kampung Berua, Anrong Appaka Village, Pangkajene District, Pangkajene and Islands Regency, the research uses a qualitative approach through observation, semi-structured interviews, and document analysis (Moleong, 2017). Primary data are obtained directly from informants through interviews, while secondary data come from relevant literature such as books, journals, archives, and official documents (Sugiyono, 2019). Data collection methods include non-participant observation to directly examine inheritance delays, interviews to gather in-depth information, and documentation to record supporting data (Creswell, 2014). Research instruments consist of a mobile phone for recording, a camera for documentation, and interview guidelines to ensure systematic data collection. Data are analyzed through reduction, display, and conclusion drawing/verification, with continuous evaluation during fieldwork (Miles, Huberman, & Saldaña, 2014). The study ensures data validity through triangulation of sources, techniques, and time, as well as the use of reference materials such as interview transcripts and supporting documents to strengthen findings (Sugiyono, 2019).

3. Result and Discussion

Factors Causing the Delay in the Distribution of Inheritance in Kampung Berua, Anrong Appaka Village, Pangkajene District, Pangkajene and Islands Regency

The term *adat* originates from Arabic and is translated into Indonesian as custom or tradition, referring to patterns of behavior consistently practiced by individuals or communities over a long period of time (Koentjaraningrat, 2009). Customary practices reflect the values, attitudes, and ways of life within a traditional legal community, aimed at preserving and maintaining inherited traditions (Soekanto, 2014). This is also evident in the community of Kampung Berua, Anrong Appaka, which upholds various traditions in aspects of life such as marriage, housewarming ceremonies, and inheritance practices.

The people of Kampung Berua adhere to a patrilineal kinship system, where lineage is traced through the male line (father). In this system, males are regarded as the successors of the family lineage, while females, after marriage, are considered part of their husband's family. Consequently, in inheritance practices, males are often prioritized over females. This system reflects the strong influence of cultural values in social life, including in the distribution of inheritance.

According to Soerojo Wignjodipoero, customary inheritance law possesses distinctive characteristics that reflect the communal mindset of Indonesian society, emphasizing togetherness and collective values (Wignjodipoero, 1995). This is also evident in Kampung Berua, where the community has formally adopted Islamic inheritance law, yet its implementation remains influenced by local customs. Although the principles of inheritance distribution follow Islamic law, the process itself continues to be shaped by longstanding traditions.

One of the strongest traditions is the postponement of inheritance distribution while one of the parents is still alive. Within the community, discussing or dividing inheritance during the lifetime of a parent is considered inappropriate and contrary to cultural norms. This is based on ethical considerations and respect for parents. Based on interview findings, community members feel it is improper to claim inheritance rights while a parent is still alive, particularly since many parents continue to depend on inherited assets such as rice fields, plantations, or fish ponds for their livelihood.

In addition to cultural factors, economic conditions also contribute to the delay in inheritance distribution. Many parents remain economically active and rely on their assets as a primary source of income, making the division of inheritance potentially disruptive to family stability. Even in cases where parents have retired from formal employment, they often return to managing land or other assets as a means of sustaining their livelihoods.

In practice, the distribution of inheritance in Kampung Berua does not follow formal procedures. Instead, it is carried out through family deliberation (*musyawarah*), often involving local religious figures such as village imams. Decisions reached through such deliberations are considered binding agreements among heirs, even though they may not fully align with Islamic legal provisions. Distribution is frequently based on age hierarchy, where the eldest family member is given the first right to choose their share, while women typically receive their portions last.

This study examines several real cases within the Kampung Berua community. In the first case, the deceased passed away in 2020, leaving behind a wife and four children. According to Islamic law, the shares are clearly defined; however, the inheritance has not yet been distributed because the family feels it is inappropriate to discuss such matters while the mother is still alive. Additionally, the relatively small amount of property has contributed to the delay.

The second case shows that although the deceased passed away in 2018, the inheritance remains undistributed because the father is still alive and actively managing the property. All heirs have agreed to postpone the distribution out of respect for the father's wishes. This case also involves jointly acquired property, which according to Islamic law should first be divided, yet this has not been carried out.

The third case involves a significant delay, dating back to 1980. The primary reason for the delay is that the mother, as the main heir, does not wish to distribute the inheritance, believing that her children are already economically independent. Nevertheless, the children are allowed to manage the inherited assets without formal division.

The fourth case highlights differences of opinion within a family. Some members wish to proceed with the distribution, but the decision to delay is maintained in deference to the opinions of elder family members and out of respect for the mother who is still alive.

Another case involves Zakaria, who left behind substantial assets including rice fields, land, a house, and a family business. However, the inheritance has not yet been distributed due to adherence to tradition and the fact that some children are still pursuing their education. The widow stated that inheritance should ideally be distributed only after both parents have passed away, in accordance with local customs.

Interviews with village authorities indicate that most residents of Kampung Berua delay inheritance distribution primarily because one parent is still alive. Additionally, distribution is often postponed until the children are considered mature and capable of managing assets independently.

From the perspective of religious leaders, this practice has been ongoing for a long time and falls under the concept of '*urf*' (custom) in Islamic legal theory (*ushul fiqh*). '*Urf*' refers to practices consistently observed within a community and may be considered in legal reasoning as long as they do not contradict Islamic principles. However, not all customs are permissible in Islam. Therefore, it is necessary to examine whether the delay in inheritance distribution constitutes a valid custom or contradicts the principles of justice in Islamic law.

Overall, the main factors contributing to the delay in inheritance distribution in Kampung Berua include customary traditions, ethical and moral considerations, economic conditions, limited understanding of Islamic inheritance law, and family agreements aimed at maintaining harmony and avoiding conflict. Although these delays are often motivated by good intentions, they may lead to injustice and future disputes, particularly when the delay is prolonged or results in heirs being deprived of their rightful shares (Syarifuddin, 2004).

Islamic Legal Perspective on the Delay in the Distribution of Inheritance in Kampung Berua, Anrong Appaka Village, Pangkajene District, Pangkajene and Islands Regency

Islam does not merely regulate matters of faith and acts of worship directed toward Allah, but also governs interactions among individuals in worldly life, known broadly as *muamalat*, including issues related to inheritance distribution (al-Zuhaili, 2011). The rules established by Allah, known as *sharī'ah* law, encompass inheritance (*farā'id*) as a form of divine mercy (*rahmah*) for humankind. In legal terminology, this mercy is understood as *maṣlahah* (public benefit), which aims either to bring benefit or to prevent harm (Zaki, 2018).

For Muslims, inheritance is an obligatory matter, as there is no evidence indicating its non-obligatory nature. However, while Islamic texts clearly regulate the proportions and entitlements of heirs, they do not explicitly stipulate a fixed timeframe for distributing inheritance. What is emphasized instead is the obligation to determine and allocate shares justly (Syarifuddin, 2012).

This principle is affirmed in the Qur'an, Surah An-Nisa (4:7), where Allah states:

لِّلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ نَصِيبًا مَّفْرُوضًا

“For men is a share of what the parents and close relatives leave, and for women is a share of what the parents and close relatives leave, be it little or much—an obligatory share.” (QS. An-Nisa 4:7) (Departemen Agama RI, 2019).

This verse clearly establishes that both male and female heirs, whether adults or minors, are entitled to inheritance from their parents or relatives, regardless of the amount left behind. It demonstrates that Islamic inheritance law has been comprehensively regulated, ensuring fairness and clarity in distribution. Islam encourages the prompt distribution of inheritance to rightful heirs. Nevertheless, delays in inheritance distribution continue to occur among Muslim communities, including in Anrong Appaka Village, where local customs still influence the process. In practice, the community often uses traditional methods rather than fully adhering to Islamic legal principles.

In Islamic law, when a person passes away, the estate must be distributed according to established principles, including the principles of *ijbari* (automatic transfer), bilateral inheritance, justice, and individual rights. From this perspective, delaying inheritance distribution is generally discouraged, as it may lead to future disputes and injustice (Hidayat, 2023).

A relevant example can be found in a hadith reporting a dispute during the time of the Prophet Muhammad (peace be upon him), where two men brought a case of long-delayed inheritance. The Prophet warned them about the consequences of injustice and instructed them to resolve the matter fairly through mutual agreement. This hadith illustrates that disputes arising from delayed inheritance were already present in early Islamic history, and the Prophet emphasized immediate and just resolution.

Thus, while Islamic law does not specify an exact timeframe, it strongly discourages unnecessary delays in inheritance distribution. Prolonged delays can lead to conflicts, damage family relationships, and potentially result in injustice. If such delays cause harm (*mafsadah*), they are clearly prohibited in Islam. One of the common reasons for delay is waiting for an “appropriate time” or relying on family consensus, which may not always align with Islamic principles.

However, Islamic law does provide flexibility under certain conditions. If all heirs agree to postpone the distribution or if there are valid reasons—such as protecting the welfare of minor heirs—then the delay may be permitted. Conversely, if an heir requires their rightful share and is prevented from obtaining it, such action constitutes *ظلم* (injustice), which is strictly prohibited.

Scholars emphasize that delaying inheritance distribution often leads to disputes, particularly when some heirs depend on their share for urgent needs such as family support or financial stability. Therefore, such delays are not considered part of Islamic legal principles unless justified by strong reasons and mutual agreement.

This is further reinforced by a hadith narrated from Aisha (may Allah be pleased with her), in which the Prophet (peace be upon him) said:

Translation:

“Whoever wrongfully takes even a handspan of land, it will be placed around his neck from seven earths on the Day of Resurrection.” (HR. Bukhari and Muslim)

This hadith highlights the severity of injustice, particularly in matters related to property. It warns against taking or withholding the rights of others, even in seemingly minor amounts. The implication in the context of inheritance is clear: denying or delaying the rightful share of heirs without justification constitutes *ظلم* and carries serious consequences.

Islamic inheritance law is among the most detailed and comprehensive areas of Islamic jurisprudence. The Qur’anic verses on inheritance are considered *qat’i* (definitive) and *muhkamat* (clear in meaning), requiring minimal interpretation. They explicitly define eligible heirs, their respective shares, and conditions that may prevent inheritance. The central principle underlying these rules is *al-‘adalah* (justice), ensuring that every heir receives their rightful portion without discrimination or oppression.

Scholars such as Ash-Shabuni explain that the Qur’an clearly identifies categories of heirs (*ashab al-furudh*) and their prescribed shares, as well as those who inherit residually (*‘asabah*). It also specifies circumstances under which inheritance rights may be reduced or nullified. This comprehensive system reflects divine wisdom in safeguarding justice and preventing disputes.

The justice embedded in Islamic inheritance law ensures that no heir’s rights are neglected. It eliminates oppression, promotes equality, and establishes a balanced system that benefits all members of society. The purpose is to prevent domination by certain individuals, particularly in patriarchal contexts, and to uphold fairness between men and women.

In the context of Kampung Berua, although the community has adopted Islamic inheritance law in principle, its implementation remains influenced by customary practices. The patrilineal system places greater emphasis on male heirs, and the distribution process often follows traditional norms rather than Islamic legal provisions. Decisions are typically made through family deliberation, and inheritance is frequently divided based on age hierarchy rather than prescribed shares.

Additionally, the practice of delaying inheritance distribution until both parents have passed away is still prevalent. While such practices are often justified on cultural or ethical grounds, they may conflict with Islamic principles if they result in injustice or the denial of heirs’ rights.

In conclusion, from an Islamic legal perspective, delaying the distribution of inheritance is generally discouraged and may be prohibited if it leads to harm or injustice. While certain delays may be tolerated under specific conditions—such as mutual agreement or valid necessity—Islam strongly emphasizes the timely and fair distribution of inheritance to uphold justice, protect rights, and maintain family harmony.

4. Conclusion And Implication

Conclusion

Based on the research findings presented in the previous chapters, the author draws the following conclusions in this closing chapter:

1. The practice of inheritance distribution in Kampung Berua, Anrong Appaka Village, Pangkajene District, Pangkajene and Islands Regency is characterized by:
 - a) The heirs adhere to ethical norms that prohibit discussing inheritance while one of the parents is still alive; such discussions are considered taboo and inconsistent with the local customs of the Kampung Berua community.
 - b) Since most of the inherited assets consist of rice fields and plantations that serve as the primary source of livelihood for the parents, they continue to depend on these assets for their income and daily sustenance. Dividing the inheritance prematurely may cause difficulties for the surviving parent in maintaining their livelihood.
 - c) Due to the relatively limited amount of inherited property, the heirs do not prioritize the division of inheritance while one of the parents is still alive.
2. From the perspective of Islamic law, the delay in the distribution of inheritance in Kampung Berua, Anrong Appaka Village, Pangkajene District, Pangkajene and Islands Regency is generally not encouraged. However, such a delay may be permitted if there are strong and valid reasons or if it is agreed upon by all heirs through mutual consultation (*musyawarah*). In such cases, the postponement of inheritance distribution is considered permissible.

Implications

After conducting research in Anrong Appaka Village, the following recommendations are proposed:

1. It is expected that the implementation of inheritance distribution within the community should more closely adhere to Islamic law, in order to prevent potential conflicts. Islamic law is derived from the Qur'an and Hadith, and as is well known, the Qur'an provides clear guidance without doubt in resolving various issues.
2. It is hoped that this research will be beneficial and assist the community in understanding the proper application of Islamic law, particularly in the distribution of inheritance, especially for Muslims.

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