

INHERITANCE DISTRIBUTION BETWEEN SONS AND DAUGHTERS: A COMPARATIVE STUDY OF INDONESIA AND TUNISIA

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Abstract

The distribution of inheritance between male and female children is a complex issue in Islamic family law, considering the varying interpretations and applications of the law in different countries. In Indonesia, the Compilation of Islamic Law (KHI) serves as a reference for inheritance distribution, which is often considered more conservative and tends to allocate a larger share to male children. Meanwhile, Tunisia is known for its progressive approach through the Code of Personal Status (CPS), which has undergone various reforms to enhance gender equality. This study aims to examine how equal inheritance distribution between male and female children is perceived in Islamic family law, and to compare the Islamic family laws of Indonesia and Tunisia regarding the inheritance shares of males and females. Using a qualitative research design, descriptive analysis techniques, and inductive methods are the primary techniques used to trace data and facts to analyze and find answers to the formulated research questions. The results show that in Islamic family law, the distribution of inheritance between males and females is clearly stipulated in the Qur'an, where males receive twice the share of females (Surah An-Nisa verse 11). This is based on the financial responsibilities of males within the family. Therefore, equal inheritance distribution is not in accordance with Sharia. In Tunisia, the laws that establish equal inheritance distribution between males and females are based on principles of justice and gender equality as part of the modernization of family law. In Indonesia, inheritance law is governed by the Compilation of Islamic Law (KHI), which adheres to Sharia principles, while Tunisia has adopted reforms that reflect gender equality. Despite differences in formal legal approaches, both countries uphold the fundamental values of Islam in the distribution of inheritance.

Keywords: *Inheritance; Male Children; Female Children.*

I. INTRODUCTION

The Qur'an is the holy book of Islam, serving as a guiding principle for humanity.¹ It contains provisions and regulations governing human life, both vertical (the relationship between humans and Allah) and horizontal (interpersonal relationships). One of the aspects discussed in the Qur'an is the matter of inheritance. In the societal context, marital law and inheritance law play a crucial role in defining and reflecting family systems while constituting an integral part of civil law.²

¹ Ali Akbar, "Metode Tahfidz Al-Qur'an Di Pondok Pesantren Kabupaten Kampar," *Jurnal Ushuluddin* 24, no. 1 (2016): p.91-101, <https://www.researchgate.net/publication/331638425%0Ahttps://ejournal.staisyamsululum.ac.id/index.php/attadbir/article/view/108/93>.

² Ali Parman, *Kewarisan dalam al-Qur'an: Suatu Kajian Hukum Dengan Pendekatan Tafsir Tematik* (Jakarta: RajaGrafindo Persada, 1995), ed. 1., Cet. 1., p. 2.

Islamic law does not favor either men or women exclusively but applies equitably to both based on their roles as beings created by Allah SWT, consisting of men and women. In other words, men have rights and obligations toward women, just as women have rights and obligations toward men.³ Islam views men and women equally in social life, with equal rights and responsibilities. The rules on inheritance, as outlined above, are established by Allah in His commands, specifically in the Qur'an, particularly in Surah Al-Nisā' verse 11.⁴

Surah Al-Nisā', like other chapters revealed in Madinah, contains numerous life rules and legal provisions. This chapter primarily addresses issues such as inheritance distribution, marriage laws, prohibited relationships, and the reciprocal responsibilities of men and women. According to most Islamic scholars, the laws contained in Surah Al-Nisā' fall under the category of qath'i, meaning they are definitive and absolute, leaving no room for debate.

During the pre-Islamic era in Arab society, daughters were not entitled to inherit from their father's wealth. Furthermore, widows were not only deprived of inheritance rights but also treated as objects of inheritance. Women were regarded as property or slaves. Upon a husband's death, the husband's guardian would claim the widow by placing his garment over her, effectively preventing her from remarrying unless approved by the guardian or unless she could redeem herself with wealth.⁵

Many historians reveal that in pre-Islamic Arab society, the birth of a female child was undesirable and considered a bad omen. Female infants were often buried alive immediately after birth. This inhumane practice was prevalent among tribes such as Quraysh and Kendah. With the advent of Islam, women were elevated to a position of high esteem, rescued from the depths of misfortune and disgrace, including infanticide and mistreatment, to a status of honor and dignity. Islam equalized the rights of women and men in several matters, including inheritance involving parents and children.⁶

The Islamic inheritance system reflects the religion's concern for equitable wealth distribution. Allah's provisions regarding inheritance are clear in purpose and direction. However, many Muslims remain unaware of the details and implementation of these rules. It is an undeniable fact that the emergence of inheritance law was not merely a response to the issues of the pre-Islamic era but

³Mansour Fakih, *Membincang Feminisme: Diskursus Gender Perspektif Islam* (Suarabaya: Risalah Gusti, 1996) p. 49

⁴*Ibid.*,

⁵Muhammad Albar, *Perempuan Karir dalam Timbangan Islam: Kodrat Keperempuanan, Emansipasi dan Pelecehan Seksual*, Penerjemah: Amir Hamzah Fachruddin (Jakarta: Pustaka Azzam, 1998) p. 7

⁶Al-Thahir al-Hadad, *Perempuan Dalam Syariat dan Masyarakat*, Penerjemah: M. Adib Bisri (Jakarta: Pustaka Firdaus, 1993) cet, IV, p. 35.

was also presented in a detailed, systematic, concrete, and realistic manner to prevent misinterpretation. This characteristic is recognized by legal experts as a unique feature. Of the many legal verses (ayat ahkam) in the Qur'an—totaling 228, according to Abdul Wahhab Khallaf—none are as technically sophisticated and comprehensive as the inheritance laws.⁷

Based on the aforementioned background, it is evident that the issue of inheritance in the Qur'an is neither simple nor straightforward to resolve. Inheritance is indeed a sensitive matter that requires thorough understanding to avoid future disputes. Sayyid Quṭb, a prominent member of the Ikhwan al-Muslimin and a reformer of Islamic thought in the 20th century, explained that the 2:1 inheritance ratio does not signify gender discrimination. Instead, it aligns with the principles of justice and balance in the responsibilities borne by men and women in both family and societal contexts. Men, upon marriage, are obligated to provide for their wives and children, while women, before and after marriage, remain financially supported by others.⁸

Inheritance transcends past events, extending its relevance to present and future circumstances. Therefore, the interpretation of inheritance principles in the Qur'an must be supported by the intellectual engagement of the Muslim community, as it constitutes an essential aspect of Islamic teachings. From this standpoint, the author seeks to further investigate this issue by conducting a study titled the distribution of inheritance between sons and daughters in the perspective of Islamic family law in Indonesia and Tunisia.

II. RESEARCH METHOD

This study employs a qualitative research design,⁹ with descriptive analysis and an inductive approach serving as the primary techniques to investigate data and facts, aimed at addressing the research questions within a defined scope. Descriptive analysis focuses on providing a detailed and in-depth depiction of observed phenomena, while the inductive approach facilitates the drawing of general conclusions from specific data collected. Data collection methods include interviews, observations, and documentation, which are subsequently analyzed to identify patterns or themes relevant to the research problem.¹⁰ This qualitative approach prioritizes the meaning and deeper understanding of the phenomena under investigation rather than merely relying on numerical data or statistics. As a result, it offers a more comprehensive and contextualized perspective.

⁷Milki Barokah, *Disparitas Putusan Perkara Waris*, (Tesis S1 Fakultas Syariah dan Hukum, UIN Syarif Hidayatullah Jakarta) p. 2.

⁸Sayyid quṭb, *Tafsir Fī Zilâl al-Qur'an: di bawah naungan al-Qur'ân*, penerjemah: As'ad Yasin (Jakarta: Gema Insani Press, 2001) p. 290.

⁹ Endah Marendah Ratnaningtyas; Ramli; Syafruddin; Edi Saputra; Desi Suliwati; Bekty Taufiq Ari Nugroho; Karimuddin; Muhammad Habibullah Aminy; Nanda Saputra; Khaidir; Adi Susilo Jahja, *Metodologi Penelitian Kualitatif* (Sigli Pidie: Yayasan Penerbit Muhammad Zaini, 2023).

¹⁰ Sugiyono, *Metode Penelitian Kuantitatif Kualitatif Dan R&D* (Bandung: Alfabeta, 2010).

III. DISCUSSION

a. Equal Distribution of Inheritance Between Males and Females in Islamic Family Law

The discussion on inheritance laws is generally considered by most Islamic scholars to be definitive and unalterable. For instance, regarding the rights of male and female offspring, scholars universally agree that the share allocated to a male heir is twice that of a female heir, based on the primary reference from Surah Al-Nisā' (4:11–12). According to Al-Khazin, these verses were revealed concerning Aus bin Thabit al-Ansari, who passed away, leaving behind his wife, Umm Kahha, and three daughters. Two of his cousins and executors of his will, Suwaid and Arfajah, took possession of his estate and refused to provide any share to his wife and daughters. During the pre-Islamic era, inheritance was not granted to women or minor boys, only to men who could engage in warfare and secure spoils of war. Umm Kahha subsequently appealed to the Prophet Muhammad, stating: "O Messenger of Allah, Aus bin Thabit has passed away, leaving behind three daughters and me, his wife, with nothing to support us. He left substantial wealth, but Suwaid and Arfajah have taken everything." The Prophet summoned them, but they replied, "O Messenger of Allah, his daughters cannot ride horses, carry burdens, or combat enemies." Consequently, Allah revealed these verses, which clarified that inheritance was not exclusive to men but also included women. Allah decreed that males (sons and close male relatives of the deceased) have a share of what is left by parents and relatives, and females (daughters of the deceased) also have a share of the inheritance.¹¹

This revelation overturned pre-Islamic customs that denied inheritance to women and minor boys. The verses were revealed after Umm Kahha sought justice from the Prophet Muhammad regarding the unfair treatment she and her daughters faced after her husband's death. The ruling established that inheritance must be distributed to both males and females, ensuring that Islamic law guarantees equitable access to inheritance rights for all heirs, regardless of gender.

Scholars differ regarding the specific circumstances surrounding the revelation of these verses. It is narrated that Jaber fell ill, and the Prophet Muhammad, accompanied by Abu Bakr, visited him. They found Jaber unconscious. The Prophet performed ablution and sprinkled its water over Jaber, reviving him. Upon regaining consciousness, Jaber inquired, "O Messenger of Allah, how should I manage my wealth? What should I do with my estate?" The Prophet did not respond until the inheritance verses were revealed. In another account, Jaber mentioned, "I have no direct heirs except distant relatives; how should my inheritance be distributed?" Thus, the inheritance laws (*faraid*) were revealed. Other narrations state that the Prophet received no divine instruction until the verses were revealed, which specified, "Allah commands you regarding your children."¹²

¹¹ Al-Khazin, Ali Ibn Muhammad, *Lubab Al-Takwil Fi Ma'ani Al-Tanzil*, Jld. I, (Mausuah Asfar), p. 344.

¹² Al-Khazin, Ali Ibn Muhammad, *Lubab Al-Takwil Fi Ma'ani ...*

Maqatil and Kalbi narrated that these verses were revealed regarding Umm Kahha, the wife of Aus bin Thabit, and their daughters. Atha mentioned a similar case involving Saad bin Rabi, who was martyred during the Battle of Uhud, leaving behind two daughters, a wife, and a brother. According to Jaber, Saad's wife brought their daughters to the Prophet Muhammad, complaining: "O Messenger of Allah, these are the daughters of Saad bin Rabi, who was martyred in the Battle of Uhud. Their uncle has taken their inheritance, leaving them with nothing. Without wealth, they cannot marry." The Prophet replied, "Allah will decide this matter." Subsequently, the inheritance verses were revealed. The Prophet then sent a messenger to Saad's brother, instructing him: "Give two-thirds of Saad's estate to his daughters, one-eighth to their mother, and the remainder to you."¹³

Sudi highlighted that during the pre-Islamic era, inheritance was denied to women and weak boys. Only men capable of fighting were entitled to inheritance. An example is Abdurrahman, the brother of Hassan the poet, who passed away, leaving behind his wife, Umm Kijah, and five daughters. His estate was claimed by male relatives, prompting Umm Kijah to seek the Prophet Muhammad's intervention, after which these verses were revealed. Regarding the verses' context, Abu Jafar Muhammad ibn Jarir al-Tabari stated that these revelations provided the Prophet Muhammad with Allah's directives on inheritance obligations. During the pre-Islamic era, heirs who did not participate in warfare—such as minor children and women—were excluded from inheritance. These verses clarified that wealth left by the deceased must be distributed as outlined, ensuring equal rights for sons and daughters, regardless of age or status. Males were allocated twice the share of females to account for their financial responsibilities.¹⁴ The pre-Islamic tradition of denying inheritance to women and minors was thus abolished. An illustrative case involved Abdurrahman, Hassan's brother, whose estate was seized by male heirs, leaving his widow, Umm Kijah, and five daughters without support. Umm Kijah sought justice from the Prophet, prompting the revelation of these verses.¹⁵

Al-Qurthubi, in his exegesis of this verse, elucidates that the inheritance shares mentioned in the Book of Allah are six specific portions: one-half, one-quarter, one-eighth, two-thirds, one-third, and one-sixth. The share of one-half applies to five groups: biological daughters, granddaughters from sons, full sisters, paternal half-sisters, and husbands, provided there are no legal impediments. One-quarter is allocated to husbands in the presence of impediments and to wives in their absence. The share of one-eighth is designated for wives when impediments exist. Two-thirds is distributed among four groups: two or more biological daughters, granddaughters from sons, full sisters, and paternal half-sisters, subject to the absence of impediments.¹⁶

¹³ *Ibid.*,

¹⁴ Al-Thabari, Abu Ja'far Muhammad Ibn Jarir, *Jami'ul Bayan 'An Takwili Ayil Quran*, Jld. Vii, (Mausuah Asfar), p. 31.

¹⁵ Al-Thabari, Abu Ja'far Muhammad Ibn Jarir, *Jami'ul Bayan ...*, p. 31.

¹⁶ Al-Qurthubi, Muhammad Bin Ahmad, *Al-Jamik Li Ahkamil Quran*, Jld. V, (Mausuah Asfar), p. 60.

The share of one-third applies to two groups: mothers without surviving children or grandchildren and where there are no two or more siblings, as well as to two or more maternal half-siblings. This represents one-third of the entire estate. Alternatively, one-third of the remainder applies to mothers when a spouse and both parents are present, giving the mother one-third of what remains. This rule extends to cases involving a grandfather alongside siblings, wherein one-third of the remainder may be more favorable for the grandfather.

The share of one-sixth is assigned to seven groups: both parents, a grandfather alongside children or grandchildren, grandmothers (paternal and maternal, when present together), granddaughters from sons alongside biological daughters, paternal half-sisters alongside full sisters, and individual maternal half-siblings. All these shares are derived from the Qur'an except for those of grandmothers, which are based on the Sunnah. The foundational causes of inheritance in Islamic law are threefold: blood relations, lawful marriage, and the bond of emancipated slavery. These causes may overlap, such as when a man is both the husband of a woman and her emancipator or cousin, enabling inheritance on multiple grounds.

The revelation of verses 11–12 in Surah An-Nisa is rooted in the historical context of addressing the lack of inheritance rights for daughters and vulnerable children. Concerns were brought to Prophet Muhammad (peace be upon him), prompting Allah to establish just inheritance provisions. Sons receive larger shares due to their financial responsibility for family maintenance. In fiqh (Islamic jurisprudence), scholars unanimously agree that the inheritance distribution between sons and daughters is conclusive. Sons receive twice the share of daughters, as articulated by Zakariya al-Ansari in *Asna al-Mathalib*: “A son inherits the entire estate if alone, as per ijma' (scholarly consensus), and when a son and daughter coexist, the son receives twice the share of the daughter. A lone daughter inherits half, thus a son inherits the full estate if alone.”¹⁷

Zakariya al-Ansari further explained this analogy to the inheritance of siblings, as stated in Surah An-Nisa (4:176): “If a man dies childless and has a sister, she will inherit half; however, a brother inherits all in the absence of children.” Similarly, two or more daughters share two-thirds, while the combination of sons and daughters follows the principle of “a male's share equals that of two females,” as established by consensus.

Zain al-Din al-Malibari in *Fath al-Mu'in* corroborates this consensus, citing Allah's command: “Allah instructs you concerning your children: for the male, the share of two females” (Surah An-Nisa, 4:11). The disparity in inheritance between males and females reflects divine wisdom, considering men's obligations to provide dowries, financial support for wives and children, and overall family welfare, whereas women bear no such responsibilities. Thus, the Qur'an's provisions reflect compassion and respect toward women, elevating their status in society.¹⁸

¹⁷ Zakaria Al-Anshari, *Asna Al-Mathalib Fi Syarh Raudh Al-Thalib*, Jld. III, (Mausuah Asfar), p. 8.

¹⁸ Muhammad Syata, *Ianah Al-Thalibin*, Jld. Iii, (Mausuah Asfar), p. 266.

The Compilation of Islamic Law (Kompilasi Hukum Islam, KHI), Article 183, states: "Heirs may mutually agree to distribute inheritance equitably after acknowledging their respective shares." This provision aligns with the permissibility of equal distribution if all heirs consent. As elucidated by Abdul Somad, this is permissible under three conditions: all heirs must be legally mature, aware of their Islamic inheritance shares, and willingly treat any excess as a gift. This ensures no future disputes arise.¹⁹ Islamic inheritance law emphasizes justice as a foundational principle.²⁰ However, justice does not imply strict equality in numerical distribution but rather a balance between rights and responsibilities. While the shares for males and females differ, this distinction embodies a broader understanding of fairness that considers individual needs and societal roles.

b. The Inheritance Shares of Men and Women in Indonesia

Inheritance law in Indonesia is governed by various legal frameworks depending on the societal group involved. For traditional communities, customary law is often applied. Chinese and European communities adhere to the Civil Code (Kitab Undang-Undang Hukum Perdata, or KUHPerdata). For Muslim communities, the Compilation of Islamic Law (Kompilasi Hukum Islam, or KHI) serves as the codified Islamic law tailored to the needs of Indonesian society. Inheritance, as defined by the KHI, refers to the distribution of assets left by a deceased person (the testator) to their heirs in accordance with applicable legal provisions. Heirs are defined as individuals entitled to receive portions of the inheritance. The distribution of inheritance in Indonesia follows the principle that it takes place after the fulfillment of the testator's obligations, such as debt repayment, burial expenses, and any existing wills.

1. Criteria and Conditions for Heirs

Article 171(c) of the KHI stipulates: "An heir is a person who, at the time of the testator's death, has a blood or marital relationship with the testator, adheres to Islam, and is not legally barred from inheriting." The explanation of this article specifies that the "person at the time of death" refers to the testator.²¹ The death of the testator is a primary condition, whereas the heir's survival at the time of the testator's death is not explicitly outlined. However, scholars like Fatchurrahman assert that heirs must be alive at the time of the testator's death—whether actual, presumed, or legally determined death—to be eligible to inherit.²² The criteria for heirs require not only survival at the time of the testator's death but also fulfillment of the causes and conditions of inheritance as outlined in Article 171(c). These causes, traditionally described in classical Islamic inheritance jurisprudence, include four types of relationships: blood ties, marital connections, wala' (a form of

¹⁹ Endah Amalia, Ashif Az Zafi, *Penyetaraan Gender Dalam Hal Pembagian Warisan*, Ahkam, Vol. 8, No. 2, (November 2020), p. 213-232

²⁰ U. Kamilah Mukhtar Ghaffar; Muhammad Saleh; Muhammad Yasir; Rina Septiani; Khurul Anam; Karimuddin Abdullah Lawang., *Kewarisan Anak Angkat Dalam Masyarakat Muslim Di Indonesia* (Tasikmalaya: Perkumpulan Rumah Cemerlang Indonesia, 2024).

²¹ Zainal Abidin Abubakar, *Kumpulan Peraturan Perundang-Undangan Dalam Lingkungan Peradilan Agama*, (Jakarta: Yayasan Al-Hikmah Jakarta, 1993), p. 349.

²² Fatchur Rahman, *Ilmu Waris*, (Bandung: Al-Ma'arif, 1994), p.80.

allegiance), and religious bonds. However, the KHI simplifies these causes, focusing primarily on blood and marital relationships.

2. Male and Female Heirs under the KHI

Article 174(1)(a) of the KHI categorizes heirs based on blood relations into two groups: male and female. Male heirs include fathers, sons, brothers, uncles, and grandfathers. Female heirs consist of mothers, daughters, sisters, and grandmothers. This classification totals nine individuals—five male and four female heirs. This contrasts sharply with classical Islamic jurisprudence, which recognizes 25 heirs, highlighting a significant simplification by the KHI.²³ According to scholars H. Idris Djafar and Taufik Yahya, the KHI's interpretation of Article 174 expands the number of heirs to 39, comprising 21 males and 18 females, when factoring in the principle of substitution inheritance under Article 185. This extended list includes descendants and relatives not explicitly mentioned in the original provision.

3. Primary and Secondary Heirs

In Islamic inheritance law, primary heirs include sons, daughters, and parents. Sons receive twice the share of daughters, based on Article 176 of the KHI. For parents, both the father and mother are entitled to one-sixth of the estate if the deceased leaves children. Secondary heirs, such as siblings and grandparents, inherit in the absence of primary heirs. Under the Civil Code (KUHPerdata), inheritance is distributed among several classes of heirs. Class I includes children and their descendants, with the surviving spouse entitled to half the estate. Class II comprises parents and siblings, Class III includes grandparents and other ascendants, and Class IV encompasses collateral relatives and extended family members.²⁴

4. Challenges and Gender Critiques

The unequal distribution of inheritance, where male heirs receive double the share of females, is justified in Islamic law by the financial responsibilities traditionally assigned to men as family providers. However, this provision has faced criticism from a gender equality perspective. Critics argue that such unequal distribution perpetuates gender disparities and weakens women's economic standing in society. In conclusion, Islamic inheritance law in Indonesia, as codified in the KHI, reflects a balance between traditional Islamic principles and contemporary legal needs. However, the unequal inheritance shares between men and women continue to spark debates on gender justice and the need for reform to align with modern values of equality and fairness.

c. The Inheritance Rights of Men and Women in Tunisia

Traditionally, inheritance laws in Tunisia adhere to Sharia principles, where men typically receive a larger share of inheritance than women. This aligns with the Quranic provision that allocates a son's share to be twice that of a daughter. In 2018,

²³ Karimuddin, "Status Anak Dan Kewarisannya Dari Perkawinan Beda Agama Menurut Fiqh Al-Syafi'iyah," *Jurnal Al-Fikrah* 209–237, no. 7 (2018): 2, <https://ejournal.iaialaziziyah.ac.id/index.php/jiaf/article/view/387>.

²⁴ Helmi, Muhammad. "Kedudukan Kompilasi Hukum Islam Dalam Tata Urutan Perundang-undangan Di Indonesia." *MAZAHIB* 15, no. 1 (December 30, 2016): p.139–50.

President Beji Caid Essebsi proposed a draft law to equalize inheritance rights between men and women. This bill aimed to amend the traditional Sharia provisions, which were deemed discriminatory toward women. The proposal sparked massive protests from conservative groups, who argued that such changes contradicted Islamic teachings.

Inheritance law reform in Tunisia reflects not only efforts to achieve gender equality but also the complex social and political dynamics within the country. On one hand, there is a strong push to modernize laws to align with human rights values. On the other, resistance from conservative groups underscores the tension between maintaining traditional values and embracing progressive changes. Inheritance distribution in Tunisia is governed by Islamic inheritance law as codified in the country's Code of Personal Status (CPS) of 1956.²⁵

Fixed shares (ashabul furudh): The husband receives half of the estate if there are no children and one-quarter if children exist. Conversely, the wife receives one-quarter if there are no children and one-eighth if children exist. A sole daughter receives half of the estate, while two or more daughters share two-thirds. A mother receives one-sixth if there are children, grandchildren through a son, or two or more siblings; otherwise, she receives one-third. The father gets one-sixth if children or grandchildren through a son exist, or the remaining share after other heirs' portions are distributed if no such descendants exist. Grandparents inherit similarly to parents if the latter are deceased, with some exceptions.

Residuary heirs (ashabah): Male descendants inherit the remainder after fixed shares are distributed. If female descendants also exist, males receive twice the share of females. In the absence of direct descendants, siblings inherit the remainder under the same principle. **Other heirs:** These include grandsons through a deceased son, paternal uncles, and paternal aunts. Grandsons inherit similarly to sons, while uncles and aunts inherit only if there are no primary or residuary heirs. In 2018, President Essebsi proposed the Inheritance Equality Bill to ensure that men and women receive equal inheritance shares. This bill sought to amend the 1956 Code of Personal Status, which allocates men twice the inheritance of women. It introduced a provision making equal distribution the default, allowing a testator to opt for traditional Sharia-based distribution during their lifetime.

The bill gained approval from the Council of Ministers in November 2018 and was submitted to parliament for further deliberation. However, the Ennahda party, Tunisia's largest parliamentary bloc, openly opposed the proposal, arguing that it conflicted with Islamic law. Support for the bill remained polarized, reflecting the divide between secularists and Islamists in Tunisia. Despite significant legislative efforts, equal inheritance distribution is not yet a societal norm in Tunisia. Most families continue adhering to traditional Sharia-based practices, especially in rural areas where patriarchal traditions are stronger. Women in such settings often

²⁵ Code of Personal Status Tunisia (1956)

receive smaller shares or none at all, exacerbated by cultural pressures and social norms that discourage them from claiming their rightful inheritance.

Tunisia's attempts to reform inheritance laws deserve recognition for their commitment to gender equality and women's rights within family law. These initiatives represent progressive efforts to harmonize legal frameworks with modern principles of justice and equality. However, the failure to enact these reforms highlights the complexities of modifying laws rooted deeply in tradition and religious interpretation. Islamic inheritance laws, which allocate a son's share as twice that of a daughter, reflect socio-economic structures where men bear greater financial responsibilities within the family. The resistance to change underscores the challenges of reforming deeply entrenched legal norms. Factors such as religious interpretations, cultural traditions, and political dynamics contribute to this resistance. Therefore, while the reform efforts have not yet succeeded, it remains crucial to appreciate and support initiatives striving toward gender equality.

IV. CONCLUSION

In Islamic family law, inheritance distribution between men and women is governed by Quranic injunctions, specifically Surah An-Nisa (4:11). Sons receive twice the share of daughters due to men's greater financial obligations within the family. Consequently, equal inheritance distribution contradicts Sharia provisions. Despite differences in legislative approaches, both Indonesia and Tunisia follow Islamic inheritance principles. In Indonesia, inheritance law is regulated by the Compilation of Islamic Law (KHI), which adheres to Sharia principles of allocating sons twice the share of daughters. In contrast, Tunisia has attempted to reform its laws to provide equal inheritance rights, reflecting gender equality principles. However, both countries uphold fundamental Islamic values in inheritance matters, with the primary distinction lying in their formal legal approaches rather than their implementation of Sharia principles.

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