

HAZAIRIN'S INTERPRETATION OF INHERITANCE VERSES IN THE QUR'AN AND ITS INFLUENCE ON THE COMPILATION OF ISLAMIC LAW

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Abstract: Hazairin is a leading figure in legal reform in Indonesia and is famous as the pioneer of the idea of Indonesian madhhab. This paper examines Hazairin's interpretation of the Qur'an issued to bilateral and mawāly theories in the inheritance system in Indonesia and the implications of his interpretation. This study uses a hermeneutic approach to interpreting the Qur'an, which looks at how Hazairin reads and provides interpretations of inheritance law verses in the context of inheritance in Indonesia. The results showed that Hazairin interprets the inheritance verses differently as he tries to present these verses by considering local values. Hazairin's interpretation of the Qur'an Surah al-Nisa (4): 7 has found the bilateral system, which is adopted in article 174 of the Compilation of Islamic Law (KHI), and his interpretation of the Qur'an Surah al-Nisa (4): 33 has found the new concept of mawāly system and is adopted the Compilation of Islamic Law Article 185. For this reason, this study argues that the interpretation by referring to prevailing local values as carried out by Hazairin can provide a strong foundation, but it should always refer to the source of Islamic law.

Keywords: Hazairin, interpretation, heritage, verses, Qur'an.

Introduction

Hazairin is one of prominent legal experts who formed Islamic law in Indonesia. His expertise in customary law in Indonesia and Islamic law influenced him to emphasise the need for a formulation of Islamic

law that is unique to the people of Indonesia.¹ his book “*Hukum Kewarisan Bilateral menurut Qur'an dan Hadith*”² (*Bilateral Inheritance Law according to Qur'an and Hadith*) is a unique thematic interpretations in which he reads and understands of Qur'an verses on inheritance using an anthropological approach and local values of the Indonesian people. His interpretation later was adopted in the Compilation of Islamic Law (KHI), the main Islamic legal basis for judges in providing legal settlements in Indonesian religious courts,³ which complements the Law No. 1 /1974 on Marriage.⁴

Hazairin's legal renewal was caused by his anxiety that Indonesian society, which is predominantly Muslims, is an adherent of the Shafi'iy school and other schools intensely coloured by the Arab cultural pattern. Applying Islamic law in Indonesia often makes it difficult, unfair, and unsuitable.⁵ This situation led to the renewal of Islamic law in Indonesia with the form of the Fiqh of the Indonesian National School (Fiqh Mazhab Nasional Indonesia).⁶ Fiqh of the Indonesian National School⁷ is an effort to contextualize Islamic law with the culture and reality of Indonesian society as a continuation of Hasbi Ash Shiddieqy (1904-1975) efforts to build the theory of Indonesian fiqh. Suppose Hasbi only calls for a fiqh thinking method with an Indonesian pattern from the theoretical side. In that case, Hazairin

¹ Agus Moh. Najib, “Metodologi Ijtihad Mazhab Indonesia : Menelusuri Pemikiran Ushul Fikih Hazairin”, *Ay-Syir'ab* 50, 1 (2016).

² Hazairin, *Hukum Kewarisan Bilateral Menurut Qur'an Dan Hadith* (Jakarta: PT. Tintamas Indonesia, 1982).

³ Euis Nurlaelawati, “Hukum Keluarga Islam Ala Negara : Penafsiran Dan Debat Atas Dasar Hukum Kompilasi Hukum Islam Di Kalangan Otoritas Agama Dan Ahli Hukum,” *Ay-Syir'ab Jurnal Ilmu Syari'ab Dan Hukum* 50, 1 (2016): pp. 199–222.

⁴ Ahmad Imam Mawardi and A. Kemal Riza, “Why Did Kompilasi Hukum Islam Succeed While Its Counter Legal Draft Failed? A Political Context and Legal Arguments of the Codification of Islamic Law for Religious Courts in Indonesia,” *Journal of Indonesian Islam* 13, 2 (2019), p. 434.

⁵ Abdul Aziz Dahlan (et al.), “Hazairin Gelar Pangeran Alamsyah,” in *Ensiklopedi Hukum Islam Vol. II* (Jakarta: Ichtisar Baru Van Hoeve, 2006), pp. 538-539.

⁶ Zulhamdi, “Kedudukan Fiqh di Indonesia Pasca Kemerdekaan”, *Jurnal At-Tafkir* 11, 1 (2018): pp. 1–30.

⁷ Abdurrohman Kasdi, “Reconstruction of Fiqh Nusantara: Developing the Ijtihad Methodology in Formulating Fiqh from Indonesian Perspective,” *Qudus International Journal of Islamic Studies* 7, 2 (2019), p. 250, <https://doi.org/10.21043/qjis.v7i2.4797>.

emphasizes the need for a separate "law school" for the Indonesian people, namely departing from the case and finding its legality.⁸

Hazairin's theory is known as the reception exit theory.⁹ The reception exit theory is antithesis of reception theory which states that Islamic law is applicable only when it is received by customary law of Indonesia. Thus, it insinuates that only certain aspects of Islamic law become customary law of Indonesia. Hazairin's reception exit theory seeks to restore Islamic law's position as a partner of customary law.¹⁰ Hazairin's reception exit theory is formulated based on real circumstances since Indonesia's independence, the establishment of the Republic of Indonesia, the formation of the Pancasila as a state foundation, the 1945 Constitution in the Preamble and Chapter IX and the understanding of Article II of the Transitional Rules which is to prioritize the basis and spirit of independence without merely formally accepting the understanding of the transitional rules. The receptive contrary theory is based on the fact that the independent Republic of Indonesia is according to moral ideals, inner ideals, and awareness of the law of independence, meaning there is freedom in practicing religious teachings and laws.¹¹

There have been several previous studies on Hazairin, including Hazairin's legal thought and His Contribution towards the Indonesian legal system,¹² Islamic Legal Reform in Twentieth Century Indonesia: A Study of Hazairin's Thought,¹³ and Islamic inheritance law in

⁸ Najib, "Metodologi Ijtihad Mazhab Indonesia."

⁹ Erfina Fuadatul Khilmi, Arvina Hafidzah, and Praptika Septi Familia, "The Implementation of Inheritance Dispute Arrangement Based on Local Wisdom in Gayasan A, Jenggawah, Jember Regency," *International Journal of Social Science and Religion (IJSSR)* 2, 1 (2021), p. 82, <https://doi.org/10.53639/ijssr.v2i1.30>.

¹⁰ Thomas B. Pepinsky, R. William Liddle, and Saiful Mujani, "Piety and Public Opinion: Understanding Indonesian Islam," *Piety and Public Opinion: Understanding Indonesian Islam* 7, 1 (2018), p. 10.

¹¹ Afridawati, "History, Typology, and Implementation of Islamic Law in Indonesia: Combination of Sharia and Fiqh or the Result of Historical Evolution?," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 21, 1 (2021), 42.

¹² Sukiati, "Hazairin' Legal Thought and His Contribution towards the Indonesian Legal System," *Journal of Indonesian Islam* 6, 1 (2012): pp. 93–124.

¹³ Sukiati Sugiono, "Islamic Legal Reform in Twentieth Century Indonesia: A Study of Hazairin's Thought" (McGill University, 1999).

Indonesia: The Influence of Hazairin's theory of bilateral inheritance.¹⁴ The three writings discuss Hazairin's thoughts and contributions to the Indonesian legal system, especially inheritance law. Hazairin insisted that Islamic law should be considered one of the sources of national legal systems. Hazairin's legal reform has had a significant impact on the development of the legal system in Indonesia. This is readily apparent in the emergence of certain Indonesian Islamic institutions, for example, the Indonesian Marriage Law, the Compilation of Islamic Law, BAZIS and the Law of Islamic Courts.

In addition, there are other studies on Islamic law in Indonesia, with a glimpse of Hazairin's thoughts, including Reconstruction of Fiqh Nusantara: Developing the Ijtihad Methodology in Formulating Fiqh from Indonesian Perspective,¹⁵ History, Typology, and Implementation of Islamic Law in Indonesia: Combination of Sharia and Fiqh or the Result of Historical Evolution?¹⁶ and Reestablishing Indonesian Madhhab 'Urf and the Contribution of Intellectualism.¹⁷ Based on the research study above, it is known that no one has discussed Hazairin's interpretation method. Until now, the study of Hazairin still revolves around his thoughts on customary law.

Hazairin Qur'an interpretation studies are essential because no research discusses the method of Hazairin Qur'an interpretation. The theory of *mawāly* due to Hazairin's interpretation of verse 33 of Q.S. Al-Nisa' (4), has built an Islamic inheritance system typical of Indonesian society.¹⁸ Based on this assumption, this article discusses Hazairin's thinking in interpreting inheritance verses based on the local wisdom of Indonesian society and its influence on the Compilation of Islamic Law in Indonesia. This research continues previous research on Hazairin's thoughts on the interpretation of inheritance and its implementation in the compilation of Islamic law in Indonesia. This research method is a literature review with a qualitative approach. Data

¹⁴ Mark Cammack, "Islamic Inheritance Law in Indonesia: The Influence of Hazairin's Theory of Bilateral Inheritance," *Studia Islamika* 10, 1 (2003): pp. 97–122.

¹⁵ Kasdi, "Reconstruction of Fiqh Nusantara.

¹⁶ Afridawati, "History, Typology, and Implementation of Islamic Law in Indonesia.

¹⁷ Agus Moh Najib, "Reestablishing Indonesian Madhhab 'Urf and the Contribution of Intellectualism," *Al-Jami'ab* 58, 1 (2020): pp. 171–208.

¹⁸ Ade Kusumadewi, "Political Transformation of Islamic Inheritance Law Into National Law," in *Omnibus Law Opportunities And Challenges Towards Entrepreneurs And Labor: Comparative Review* (Semarang: Universitas Islam Sultan Agung, 2020), p. 396.

is obtained through books, articles and other library references, which are then analyzed descriptively.

Hazairin Biography

Hazairin was born in Bukittinggi, West Sumatra, on November 28, 1906.¹⁹ He was an only child in his family and of Persian descent.²⁰ His father was named Zakaria Bahri,²¹ a teacher from Bengkulu. His grandfather was Ahmad Bakr, a famous Islam missionary of his time. His mother was from Minangkabau, an ethnicity known for being obedient to the teachings of the Islamic religion. That is why since childhood Hazairin grew up in an environment full of religious guidance, especially from his grandfather who taught him Islam and Arabic. Hazairin's formal education was firstly at Dutch elementary school for indigenous people (HIS, *Hollands Inlandsche School*) Bengkulu and graduated in 1920; then continued his education at Dutch junior high school (MULO, *Meer Uitgebreid Lagere Onderwijs*) Padang and graduated in 1924; then continued to Dutch high school (AMS, *Algemene Middlebare School*) in Bandung and graduated in 1927; next at Dutch Law School for Indigenous people (RHS, *Rechtkundige Hoogeschool*), majoring in customary law in Batavia (now Jakarta) until he got the title of Mr. (*Meester in de Rechten*) in 1935, a year later he obtained a doctorate with a dissertation entitled "De Redjang" (regarding the customs of Rejang in Bengkulu) under tutelage of B. Ter Haar, a leading Dutch Customary law expert of the time.

Upon graduation, Hazairin was appointed a Teaching Assistant at the Batavia Law College from 1935-1938. Later, the Dutch administration appointed him as an employee seconded to the Chairman of the Padang Sidempuan District Court, North Sumatra, and an Investigating Employee of the South Tapanuli Customary Law and the Tapanuli Residency in 1938-1942. When the Japanese came to power in Indonesia, Hazairin was appointed a Legal Counsel. In

¹⁹ Sugiono, "Islamic Legal Reform in Twentieth Century Indonesia, p. 8; Bismar Siregar, "Bunga Rampai Karangan Tersebar Bismar Siregar," I (Jakarta: Penerbit Rajawali Press, 1989), p. 157.

²⁰ Damrah Khair, "Hukum Kewarisan Islam Dalam Pandangan Hazairin" (Master Thesis, IAIN Syarif Hidayatullah Jakarta, 1988).

²¹ Iskandar Ritonga, "Membumikan Hukum Islam Di Nusantara, Biografi dan Pemikiran Lima Tokoh Hukum Islam Indonesia," I (Jakarta: Quantum Press, 2000), p. 212.

addition, Hazairin has also served as Chairman of the South Tapanuli District Court, a current Chairman of the Indonesian National Committee (KNI) and a Member of the Tapanuli Government, a Resident Assistant, and Head of Luhak.²² After independence, he later turned into politics and co-founded All Indonesia Party (PIR, Partai Indonesia Raya) and become member of legislative assembly and once a minister of domestic affairs during the first cabinet of the Prime Minister Ali Sastroamidjojo (1953-1955). From 1960 until his death turned to academic and listed as the professor of customary law in at the University of Indonesia (UI). He also taught in several private universities in Jakarta until his death on December 12, 1975. He wrote several books on law, namely *Hendak kemana hukum Islam* (1960), *Hukum Islam Dan Masyarakat* (1963), *Hukum kewarisan bilateral menurut Qur'an dan hadith* (1967), *Hukum kekeluargaan nasional* (1968), and *Demokrasi Pancasila* (1973), *Tujuh serangkai tentang hukum* (1974), *Tinjauan mengenai Undang-Undang Perkawinan Nomor 1/1974 dan lampiran U.U. nomor 1/1974 tentang perkawinan* (1975), and *Pembaharuan hukum Islam di Indonesia* (1976).²³

Hazairin's Adaptive Thematic Interpretation of the Inheritance Law Verses

Tafsir is defined as: "the science of understanding the Kitab Allah which was revealed to the Prophet Muhammad, and explaining its meaning, and producing its laws and wisdom.²⁴ Any *ijtihad* (Islamic legal interpretation) based on the Qur'an or Hadith that produces the law is part of interpretation (*tafsir*), and the subject is *mufassir*. Therefore, Hazairin, who interpret inheritance law based on his interpretation of the verses of the Qur'an, is a *mufassir*, an expert who do *tafsir*. Hazairin is fulfilled the requirements of being *mufassir*, namely personal requirements and intellectual requirements. In terms of the *mufassir* personality, a *mufassir* must be a good Muslim. While the provision of memorizing the Qur'an is a condition that is temporal and flexible only. Intellectually, a *mufassir* should master a number of the

²² Jamil, "Hukum Waris Dan Wasiat.

²³ "Ensiklopedi Hukum Islam.

²⁴ Al-Zarkashi, *Al-Burhân Fî 'Ulûm Al-Qurân* (Beirut: Dar al-Fikr, 2004), pp. 163–65.

following disciplines: Arabic language, *ulum al-Qur'an*, and *ulum al-hadith*.²⁵

The method of interpretation carried out by Hazairin departs from the construction of his understanding of the position of the *usul al-fiqh* (Islamic legal theories) as the method of Islamic legal interpretation. The structure is based on the building of the *usul al-fiqh*, which, according to him, contains the meaning of thoughts about man's relationship with his God, with his fellow human beings, with his fellow living beings, and with all sorts of things, which bring out to a norm (law). Hazairin's thinking leads to the basis of principles and methods that must be used according to purely logical systems, either through deduction interpretation methods or induction, to produce norms (laws) or rules. Meanwhile, what is meant by the basis of the principle here is what moves the thought, the source or the rationale. This is intended by the *usul al-fiqh*, generally by deriving law from the Qur'an, al-Sunnah, *ijma'* (consensus) and *qiyas* (analogy).²⁶

The structure and legal system, as understood by Hazairin, must be arranged hierarchically and holistically. This is instrumental in establishing the decrees and application of new laws that are according to the decrees of Allah and His Messenger. These new laws must contain the principles of *'adl* (justice), *qisṭ* (balance), *ihsān/ma'rūf* (goodness). Therefore, the method that must be used to understand the legal lines in the Qur'an must use the Qur'an itself. This understanding prompted Hazairin to use *the mandū'iy* (theme-based) method, which he thought was the most authentic method of interpretation.²⁷

The method of interpretation carried out by Hazairin is not like the method that has been pursued by previous Indonesian *mufasssirs* who used *tahliliy* (analytical) method, which is an interpretation of the verses of the Qur'an according to the order of the verses arranged in *the Muṣḥaf Uthmāni* by explaining all aspects in the interpreted verses, as well as explaining the meanings according to the expertise and tendencies of the *mufasssir*. For example, *Tarjumān al-Mustafid* by

²⁵ Imam Masrur, "Telaah Kritis Syarat Mufasssir Abad Ke-21," *Qof* 2, 2 (2018): pp. 187–201.

²⁶ Hazairin, *Hukum Kewarisan Bilateral Menurut Qur'an dan Hadith*, p. 6.

²⁷ *Ibid.*, p. 3.

Abdurrauf Singkel²⁸ (1643-1693M); Tafsīr Marah Labīd by Shaykh Nawawi Banten (1813-1897M), Tafsīr al-Ibrīz, by Bisri Mustofa (1915-1977), and Tafsir al-Bayān by M.T. Hasbi ash-Shiddieqy (1905-1975). Almost all of these *tahliiy tafsirs* is deductive. They interpret verses of the Qur'an analytically descriptively from the first chapter (al Fatihah) to the last (al Nas). They also applied the theory of *naskh* (abrogation) in their interpretation. In contrast, Hazairin uses the inductive *Mawdu'iy* method, which interprets inheritance verses with a social anthropological approach by considering the values of justice of the Indonesian tradition (*qira'ah 'urfiyah*) to seek answers from the Qur'an and rejecting the theories of *naskh*. Hazairin's method of interpretation was to find an original view of the inheritance of the Qur'an and al-Hadith because, according to his observations, classical *fiqh* (Islamic jurisprudence) texts were no longer relevant to actual socio-cultural conditions in Indonesia. Although it might only be relevant to Indonesian context, Hazairin's method of interpretation is a new trend and comparable to modernists such as Fazlur Rahman (1919-1988M) of the theory of double movements,²⁹ Muhammad Shahrur (1938-2009M) with *qira'ah mu'asirah*, Nasr Hamid Abu Zayd (1943-2010M) by the method of interpretation of meaning and significance (*maghza*),³⁰ and Abdullah Saeed (b. 1964M) with his hierarchy of value.³¹

Interpretation of Hazairin and the Legality of the Inheritance Tradition in Indonesia

Hazairin interprets the verses of inheritance law through an anthropological approach using inductive thematic methods based on an understanding of the inheritance system known to Indonesian society.³² His interpretation provides a solution for applying

²⁸ 'Abd al-Ra'uf ibn 'Ali al-Fansuri Al-Jāwi, "Tarjumān Al-Mustafid" (Beirut: Dār al-Fikr, 1990).

²⁹ Muhammad Yusuf, Nahdhiyah, and Anwar Sadat, "Fazlur Rahman's Double Movement and Its Contribution to the Development of Religious Moderation," *IJISH International Journal of Islamic Studies and Humanities* 4, 1 (2021): pp. 51–71.

³⁰ Moch Nur Ichwan, *Meretas Kesarjanaan Kritis: Teori Hermeneutika Nasr Abu Zayd* (Jakarta: Teraju, 2003).

³¹ Abdullah Saeed, *Interpreting The Qur'an*, pp. 126-144.

³² Ahmad Edwar, "Indonesian Jurisprudence: Islamic Law Transformation in Law System of Indonesia," *Kordinat: Jurnal Komunikasi Antar Perguruan Tinggi Agama Islam* 119, 2 (2020), p. 313.

inheritance law in Indonesia, where most people are familiar with the bilateral system and the representation of heirs. Hazairin's model of interpretation uses western style of hermeneutics.³³

The adaptive inductive interpretation model provides the legality of the inheritance tradition well-known by the Indonesian people. This can build dynamic social integration because the laws offered promise justice and welfare according to the understanding and needs of the Indonesian people. This has been proven by the support of the Supreme Court's decision in the inheritance regulation, which has been used as a reference in judicial settlements in Indonesia to date.³⁴

The adaptive inductive method of interpretation initiated by Hazairin does not enter the territory considered *shari'ah* which is *thabit* (immutable), for example, on the provisions of the division of inheritance. Hazairin's interpretation is only in the realm of *fiqh* which is *mutaghayyirah* (mutable), for example, regarding the meaning of *mawālīy*, *kalālah*, and *aqrabūn*, which contain a multiple meaning (*mushtarak*). The text of the verse, which has the character of *fiqh* is understood by Hazairin with an anthropological approach through the parameters of *'adl* (the principle of justice), the principle of *ma'ruf* (the law that has been known and gives *maslahah*), and must not deviate from the spirit of the Qur'an and the Sunnah.³⁵ Hazairin's study of inheritance verses is built on the interpretation of verses 23-24 of the Qur'an Chapter 4 (al-Nisa') with a social anthropological approach. The study then gave birth to bilateral theories in Islamic inheritance law.³⁶ He interprets the verse of inheritance *bayāniy* (descriptively) through an inductive mindset. In interpreting the verses of inheritance, Hazairin began by explaining the various forms of society in Indonesia. Then determine the law of inheritance based on the system of inheritance that prevails in society.³⁷

³³ Wathani, "Hermeneutika Jorge J.E. Gracia Sebagai Alternatif Teori Penafsiran Tekstual Alqur'an.

³⁴ Najib, "Reestablishing Indonesian Madhhab 'Urf and the Contribution of Intellectualism, p. 197.

³⁵ Sukiati, "Hazairin' Legal Thought and His Contribution towards the Indonesian Legal System, p. 112.

³⁶ Yeni Salma Barlinti, "Inheritance Legal System in Indonesia: A Legal Justice for People," *RIMA: Review of Indonesian and Malaysian Affairs* 3 (2013), p. 23.

³⁷ Hazairin, *Hukum Kewarisan Bilateral Menurut Qur'an dan Hadīth*, p. 11.

In Indonesia, family forms based on the system (line) of descent are divided into patrilineal, matrilineal, and parental or bilateral.³⁸ Patrilineal forms great familial unity Such as; clans, clans and so on. For example, the people of Tanah Gayo, Alas, Batak Karo, Ambon, West Papua, and Bali, where everyone always connects only to his or her father. Matrilineal forms great familial unity such as; clans, tribes and so on. For example, the form of the Rejang (South Tapanuli) community, Minangkabau, connects only to his or her mother. Parental or bilateral forms a large family unity Such as; tribes, clumps and so on. The parental system is embraced by many regions in Indonesia, such as; Java, Madura, East parts of Sumatra, Riau, Aceh, South Sumatra, all of Kalimantan, all of Sulawesi, Ternate and Lombok, by connecting not only to the father or mother but to the both.³⁹ The continuation of the patrilineal and matrilineal form of society is a form of exogamous marriage, that is, the prohibition of marriage between men and women in one clan.⁴⁰ Hazairin used the analysis of the formation of the family system to make corrections to the Sunni Muslims' view about the inheritance system in Islamic law.⁴¹

This form of society has implications for the marriageability of one clan. This is as mentioned in the verses 22-24 of the Qur'an Chapter 4 (al-Nisa), which rejects the existence of the condition of exogamy in marriage. These clauses support the enactment of a parental or bilateral form of society.⁴² This is evidenced by the inheritance verses 7, 11, 12, 176, and 33 of the Qur'an Chapter 4 that position all male and female children as heirs, and fathers and mothers are made heirs to all their children who have no heirs other than both. Likewise, male and female brothers, whether a sibling or maternal half-siblings or paternal half-siblings, also have the right of inheritance when the brother dies who have no heirs except them.⁴³ This inheritance system characterizes

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Ibid., p. 12.

⁴¹ Andi Nuzul, "Koreksi Hukum Kewarisan Bilateral Menurut Hazairin Terhadap Ajaran Hukum Kewarisan Patrilineal Ahlussunnah Waljamaah," *Sosio-Religia* 9, 3 (2010), pp. 722–735.

⁴² Hazairin, *Hukum Kewarisan Bilateral Menurut Qur'an dan Hadith*, p. 13.

⁴³ Ibid., p. 14.

bilateral inheritance, which does not distinguish between ancestral and hereditary positions, genders, and types of fraternities.⁴⁴

The bilateral form of the society of the Hazairin idea constructed by the marriage verses⁴⁵ in the Qur'an Surah al-Nisa'(4): 22-24, and the inheritance verse in the Qur'an of (4): 7, leads to the interpretation of the Qur'an Surah al-Nisa (4): 12 and 176, about the position of bilateral fraternal relations, i.e. without distinction of the status of fraternal relations, whether a sibling or half-siblings on the mother's side or half-siblings on the father's side, they have equal relationships and rights in inheritance. Because siblings in the bilateral community sense are to include brothers and sisters, half-siblings on the mother's side or half-siblings on the father's side.⁴⁶

In addition, according to Hazairin, the different fixed shares of inheritance (*farāid/furuḍal-muqaddarah*) in in the case of *kalalah* in the Quran (4):12 is because there is the parent of the heir, while the Quran (4):176 is in the case when there is no parent of the heir. This is different from the conventional interpretation among Muslim jurists that the Quran (4):12 speaks about brother and sister on the side of the mother, whereas the Quran (4):176 addresses full brother and sister as well as on the father's side. This breakthrough view of Hazairin in interpreting the Qur'an verses of inheritance is in according to the character of the customary inheritance system in Indonesia.⁴⁷ This interpretation drew criticism from muslim jurists of his day because Hazairin is a customary law expert by training and therefore was considered not an expert in interpreting the Quran. His method and approach to interpretation was not common in his time.⁴⁸

Hazairin also brought about a new idea concerning *mawaly* (manumitter) which was based on his interpretation on the Qur'an (4): 33. Conventionally, this *mawaly* verse has been interpreted as the

⁴⁴ Nuzul, "Koreksi Hukum Kewarisan Bilateral Menurut Hazairin Terhadap Ajaran Hukum Kewarisan Patrilineal Ahlussunnah Waljamaah.

⁴⁵ Rizkisyabana Yulistayaputri and Sharfina Sabila, "Legist Ratio on the Distribution of the Inheritance between Men and Women in Order to Protect Women's Rights: Islamic Law Experience," *2nd Global Conference on Women's Studies* (2021), p. 82.

⁴⁶ Hazairin, *Hukum Kewarisan Bilateral Menurut Qur'an dan Hadith*, p. 52, and p. 54.

⁴⁷ Junaedi, "Konstruksi Pemikiran Fikih Indonesia: Pergeseran Dari Teosentrisme Ke Antroposentrisme.

⁴⁸ R. Michael Feener, *Muslim Legal Thought in Modern Indonesia*, I (Cambridge: Cambridge University Press, 2007), p. 73.

inheritance of *wala'* caused by two conditions: first; Inheritance that occurs due to formal kinship (*shar'iy* or *bukmiy*) arising from the relationship of liberation from the bondage of slavery. *Second*; Formal kinship (*Shar'iy* and *Hukmiy*) arises from fraternal agreements that protect each other. This patronage relationship was later referred to as *nasab bukmi*, distinguishing it from the *nasab haqiqi relationship*. Child adoption is included in the category of *nasab bukmi*. In addition, Hazairin also defined *mawāly* as 'heirs by representation, i.e. people who become heirs but without direct link between them and the deceased.⁴⁹ Such an inheritance practice is common in Indonesia.

Lafaz "*mawāly*" according to al-Raziy is *mushtarak*; It contains many meanings, including:⁵⁰ the patron who frees from slavery, the freed slave, the one who takes an oath or promise and is bound by his oath, the son of the uncle's man, because he is the helper and protector of the kinship between the testator and him, the leader, family group, or relative, or heirs,⁵¹ both biological and sociological, and patron chosen by a convert to Islam.⁵² This aligns with the meaning that developed and was known in Islamic society because the Qur'an aligned with the needs or wisdom of location and times. Therefore, Hazairin, in interpreting the meaning of *mawāly* offered a solution for the inheritance system that is widely practiced by Indonesian society by allocating inheritance rights to grandchildren from the lineage of the deceased's daughter who died before him, and provided a strong basis that the Qur'an, which is in (4): 33, recognizes the representation in inheritance.

Contribution of Hazairin Interpretation in Indonesian Inheritance System

Hazairin's interpretation seeks to provide a solution to the inheritance system in Indonesia through re-reading the Qur'an. He uses an inductive mindset based on three customary inheritance system in Indonesia,⁵³ the individual inheritance system, the collective inheritance system, and the major inheritance system. A feature of

⁴⁹ Hazairin, *Hukum Kewarisan Bilateral*, p. 32.

⁵⁰ Al-Raziy, *Tafsir al-Raziy*, vol 5, p. 189.

⁵¹ Ibn 'Ashur, *al-Tabrir al-Tamwir*, vol 3, p. 402.

⁵² Al-Raziy, *Tafsir al-Raziy*, juz 5: 191.

⁵³ Hazairin, *Hukum Kewarisan Bilateral Menurut Qur'an dan Hadith*, pp. 15-18.

individual inheritance is that the estate can be distributed to the heirs, such as the within the Javanese bilateral inheritance system and Batak patrilineal community in Northern Sumatera.⁵⁴ The collective inheritance system is characterized by handing over inheritance to a special institution called "heirloom property". The property is not distributed to heirs but it becomes a joint property in which heirs only share the benefits. The system applies in the matrilineal society in Minangkabau and parental or bilateral societies. While the majority inheritance system is an inheritance system that distributes the entire estate to only one single heir of a clan. For example, the prevailing system in patrilineal society of Bali gives the estate only to the eldest son. The same system also applies in the matrilineal community of Semendo Land, south Sumatra, in which estate is only given to the eldest daughter. Likewise, it is applicable in the *parental* or *bilateral* Dayak community in West Kalimantan who give the estate to the oldest son and daughter.⁵⁵

Furthermore, Hazairin asserts that the inheritance system is not influenced by society. Therefore, when he interprets the Qur'an, it is independent of his views on society. For example, individual inheritance systems are also found in the Batak but they are but patrilineal, not bilateral. According to Hazairin, the system fits better with the concept of *Ahl al-Sunnah*. Therefore, the concept of the Qur'an cannot be understood within the realm of their minds. In addition, Hazairin sought to illustrate Java's bilateral individual inheritance system by tracing how to use two main customary principles in determining heirs; first, the line of priority which consists of family members, and the line of representation who is not family member but the deceased appointed him or her before the death. These two principles also apply to the matrilineal collective inheritance system in Minangkabau with its distinct community system.⁵⁶

A search of the inheritance system, according to Hazairin, must identify the inheritance characteristics. An analysis on the characteristics of the three inheritance systems mentioned above, according to Hazairin, shows that the inheritance system in the Qur'an is more appropriate and meets the criteria or characteristics of the

⁵⁴ Ibid., p. 15.

⁵⁵ Ibid.

⁵⁶ Ibid., p. 19.

individual inheritance system, as in the Qur'an (4): 7,11,12, 33 and 176. It is because of the existence of *farā'id/furūd al-muqaddarah* (fixed portions), identification of *dhawū al-furūd* (those heirs entitled to a fixed share), and the heirs must be distributed to each heir. This means that the estate is distributed to the heirs.⁵⁷ The bilateral individual inheritance system offered by the Qur'an is different from the customary inheritance system in Indonesia. It acknowledges the possibility of positioning of the deceased's parents concurrently with the deceased's children as heirs. The possibility of positioning the deceased's brother position concurrently with the deceased's parents as heirs as the heir's brother which has been expounded by the Qur'an (4):11. This possibility is not known to the Indonesian people.⁵⁸ The inheritance system contained in the Qur'an also recognizes the possibility of the concurrent position of the deceased's parents, at least the deceased's mother and brother as heirs, when the heir dies extinct. In Qur'anic terms, it is called *kalālah*.⁵⁹ The Qur'an also introduces a system of inheritance which enables husbands and wives inherit each other as well as introduces *farā'id/furūd al-muqaddarah*.⁶⁰

The *farā'id* system (the allotted portions), according to the Qur'an, has implications for the classification of heirs into; *dhawū al-farā'id* (those heirs entitled to a fixed share) and not *dhawū al-farā'id*. The *non-dhawū al-farā'id* group of *Ahl al-Sunnah* is divided into two groups; *'aṣābāt* (agnates) and *dhawū al-arḥām* (cognates). The groups of *'aṣābāt* in the *Ahl al-Sunnah* concept are further classified into three groups; *'aṣābah bi nafsibi* (*asaba* by themselves, the agnates proper who are connected to the deceased through male line, *'aṣābah bi ghairibi* (*asaba* through another, the female relatives who are deemed to become *asaba* through their coexisting brothers), and *'aṣābah ma'a al-ghayr* (*asaba* in conjunction with another). In the inheritance concept of *Ahl al-Sunnah*, the heirs belonging to the group are all members of a patrilineal family. The *dhawū al-arḥām* group in the *Ahl al-Sunnah* concept is all those who are not the *dhawū al-farā'id* group and are not *'aṣābāt*. They consist of people who belong to the patrilineal family members through marriage or the paternal family members of the mother. *Ahl al-Sunnah's* concept

⁵⁷ Ibid., pp. 18-17.

⁵⁸ Ibid., p. 17.

⁵⁹ Ibid.

⁶⁰ Ibid.

is easily understood and accepted by *patrilineal* society. For instance, the relationship between *'aṣābāt* and *dhawu al-arḥām* can be understood to some extent in the relationship between *kabanggi* on the one hand, with *mora* and *son boru* on the other hand in Batak.

Bilateral and *mawāliyy* theory initiated by Hazairin based on the Qur'an (4): 7, 33,⁶¹ and the (2): 180, as well as the analysis of the verses that establish the marriage in the Qur'an (4): 22-23, and (4): 24, which rejects the existence of the condition of *exogamy* in marriage, and the reality of the marriage of the daughter of the Prophet Muhammad saw, Fatimah with the son of her uncle, Ali ibn Abi Talib led to the new interpretation of the Qur'an (4): 11, 12, 33 and 176 on the classification of heirs consisting of *dhawu al-farā'id*, *dhawu al-qarābāt*, and *mawāliyy*.⁶² This also gives equal rights and relationship status to the offspring, both from the direction of the deceased's son and daughter. Likewise, the rights and status of fraternal relations between the heir brothers, whether a sibling, half-siblings on the side of mother or half-siblings on the side of father.⁶³ Gender equality is built by the bilateral inheritance system, and *mawāliyy* Hazairin characterizes the inheritance system in Indonesia in developing inheritance law in Indonesia.⁶⁴

Hazairin's interpretation resulted from his efforts to read verses that built inheritance law through inductive thematic methods with an anthropological approach. In addition, he sought to enculturate customary law that had been practiced by the Indonesian people in the light of the Qur'an's verses on inheritance. Thus, Hazairin's approach is expected to provide a solution to the ongoing practice of Islamic inheritance in Indonesia for two reasons. The first is that Islamic inheritance law unable to provide justice for the heirs for many

⁶¹ Fatimah Zuhrah et al., "Indonesian Islamic Inheritance Law Reform: Case Study on Heirs Substitutes in Malay Societies," *Proceedings of the 7th International Conference on Multidisciplinary Research* (2018), p. 363, <https://doi.org/10.5220/0008885203620366>.

⁶² Hazairin, *Hukum Kewarisan Bilateral Menurut Qur'an dan Hadith*; Nurhidayah and Mahsyar, "Comparison of Substitute Herities between Civil Law and Islamic Law in Indonesia," *Al-Iftab: Journal of Islamic Studies and Society* 1, 2 (2020), p. 115.

⁶³ Yulies Tiena Masriani, "Position of Substitute Heritage in the Perspective of Islamic Instruction Law," *South East Asia Journal of Contemporary Business, Economics and Law* 24, 3 (2021), p. 93.

⁶⁴ Sugiri Permana, "Kesetaraan Gender Dalam Ijtihad Hukum Waris Di Indonesia," *Ayy-Syuri'ah* 20 (2018): pp. 117–32; Ratno Lukito, "The Enigma of National Law in Indonesia: The Supreme Court's Decisions on Gender-Neutral Inheritance," *Journal of Legal Pluralism and Unofficial Law* 38, 52 (2006), p. 153.

Indonesians. The second is that application of Islamic inheritance law has ignored the customary inheritance system which many Indonesians has provided justice for the heirs. The results of Hazairin's interpretation gave place to the legality of the inheritance system based on *local wisdom*. They produced a contextual and *applicable* understanding (applicable) in the inheritance system of Indonesian society that recognizes the form of a bilateral society. The result of Hazairin's interpretation, although it received a poor response among scholars in his time,⁶⁵ has contributed to the renewal of law in Indonesia as his thought on representation has been incorporated into the Compilation of Islamic Law (KHI).⁶⁶

The bilateral theory of inheritance initiated by Hazairin gives equal rights and positions to all major heirs, all descendants of the heir, both male and female. Therefore, the parents of the deceased, both father and mother, then the position and relationship of the brothers, whether a sibling or half-siblings on the mother's side or half-siblings on the father's side are equal in rights and *farā'id* (portion of the estate). Based on the excerpted verses of inheritance, Hazairin divided the group of heirs into; *dhawū al-farā'id*, *dhawū al-qarābah*, and *mawāliyy*. The division is closely related to the issue of whether or not the Qur'an recognizes the line of priority and the line of representation as recognized in the individual inheritance system in bilateral society in Indonesia.⁶⁷ This idea inspired the grouping of heirs in bilateral system as stated in article 174 of KHI.⁶⁸

According to the line of representation applicable in Indonesia, the heir is any person in a group of priority on the condition that there is no link or no longer a living liaison between him or her and the deceased. The liaison no longer exists because he or she has died the time of the estate division in the individual inheritance system. Alternatively the liaison has died prior to the deceased in the collective inheritance system. Liaison in this case is the children of the deceased or the parents the deceased.⁶⁹ The line of representation indicates the

⁶⁵ Euis Nurlaelawati, *The Kompilasi Hukum Islam Adn Legal Practice in the Indonesian Religious Courts* (Amsterdam: Amsterdam University Press, 2010), pp. 112–49.

⁶⁶ Permana, "Kesetaraan Gender dalam Ijtihad Hukum Waris di Indonesia.

⁶⁷ Hazairin, *Hukum Kewarisan Bilateral Menurut Qur'an dan Hadīth*.

⁶⁸ Zulhamdi, "Pembaharuan Hukum Islam di Indonesia dan tokoh-tokohnya," *Jurnal Ilmiah Islam Futura* 19, 2 (2019).

⁶⁹ Hazairin, *Hukum Kewarisan Bilateral Menurut Qur'an dan Hadīth*, p. 22.

existence of a particular group of heirs. Each heir has rights independently, not in place of another heir, because the liaison who no longer exists is no longer an heir. Therefore, each heir gets his or her share according to the position in the *jurai* (lineage or bloodline). In the individual system prevailing in Indonesia, in principle, sharing is on an equal basis, and the equality only applies to people equally positioned in *jurai*. *Jurai* is a term for the first group of children (alive or not) and their descendants, for the third group of siblings (alive or not) and their descendants, and for the fifth group of siblings of the parents (alive or not) and their descendants.

According to Hazairin's interpretation of the Qur'an (4):11,12, 176, and (4): 33, the Qur'an recognizes the line of priority and the line of representation.⁷⁰ These arrangements include:⁷¹ (1) **First priority:** Child: male and female, or as *dhawū al-farā'id*, or as *dhawū al-qarābah*, along with *mawālīy* for the late son and daughter who died before the deceased; Parents: Father and mother as *dharū al-farā'id*; Widow or Widower as *dhawū al-farā'id*; (2) **Second priority:** Sibling: male and female, as *dhawū al-farā'id*, or as *dhawū al-qarābah*, or *mawālīy* to late brothers and sisters who died before the deceased; Mother as *dhawū al-farā'id*; Father as *dhawū al-qarābah*; Widow or Widower as *dhawū al-farā'id*; (3) **Third priority:** Mother as *dhawū al-farā'id*; Father as *dhawū al-qarābah*; Widow or Widower as *dhawū al-farā'id*; (4) **Fourth priority:** Widow or Widower as *dhawū al-farā'id*; *Mawālīy* for mothers; *Mawālīy* for father.

The Hazairin theory of bilateral and *mawālīy* can be traced from the legal reasons found in his study on Indonesia inheritance law to date. The theory has abolished the concept of *dhū al-arḥām* in the inheritance of the *Ahl al-Sunnah* and has given equality to the division of inheritance to all heirs; sons and daughters, paternal and maternal lines, and all relatives, whether a full-sibling, half-siblings on the mother's side, or half-siblings on the father's side. It is because the bilateral inheritance system does not favour one particular line. This system has been based on the principle of '*adālah* (justice) and *qisṭ* (equality) in the division of inheritance based on its social function. Meanwhile, Hazairin's *mawālīy* theory has replaced the concept of '*aṣabah* in the inheritance of *Ahl al-Sunnah*. This theory has provided a place for

⁷⁰ Ibid., p. 26, p. 32, p. 36, and p. 37.

⁷¹ Ibid., p. 37.

understanding Indonesians who do not know the clans in their community system but know representation in inheritance that benefits them. This system has been based on the principle of *ihsān*, and *ma'rūf* in forming Islamic inheritance law.

The bilateral theory has given the position of inheritance to all descendants of the deceased regardless of male or female lines. Hazairin bilateral inheritance rejects the principle of *gharrawayn* and *akdariyah* or *muqāsamah* in Sunni inheritance and supports the principle of *mushārah* in inheritance. Likewise, the theory of *mawāliyy* has recognized representation heirs known to the Indonesian people.⁷² These two theories have provided a solution to Islamic inheritance, which has so far not provided a position for grandchildren who come from a female lineage, nor does it provide a position for grandchildren whose dies before them. Bilateral theory and *mawāliyy* have upheld the value of justice in Islamic inheritance law in Indonesia, which places the characteristics and *local wisdom* of Indonesian society. Therefore, the idea of Hazairin of representation, although not entirely, has been adopted and included in the Compilation of Indonesian Islamic Law in article 185. The implications of Hazairin's bilateral and representation inheritance (*mawāliyy*) can be traced from his explanation of the residue of share according to the Qur'an, the inheritance of *kalālah*, and *wasiyah* (testamentary disposition) to the heirs according to the Qur'an.

Conclusion

To say the least, Hazairin's effort of Quranic interpretation is equivalent to neo modernist Muslims' endeavors such as Fazlur Rahman (1919), Muhammad Shahrur (1938), Nasr Hamid Abu Zayd (1943) Abdullah Saeed (1964), and so on in reinterpreting Islamic tradition. Hazairin's *adaptive inductive ma'wāliyy* interpretation method on the Quranic verses of inheritance is a characteristic of hermeneutic interpretation. In so doing, he employs the approach of sociology and anthropology in understanding the idea of inheritance verses according to the values of justice already known by the inheritance system in Indonesia. The implications of Hazairin's hermeneutic interpretation for its application in Indonesia establish a method of adaptive

⁷² Ayu Putri Rainah Petung Banjaransari, "How Are the Articles in Compilation of Islamic Law Contrary to Sharia in the Books of Fiqh? A Book Review Ahli Waris Pegganti, Pasal Waris Bermasalah Dalam Kompilasi Hukum Islam (KHI)," *Indonesian Journal of Advocacy and Legal Services* 2, 1 (2020), p. 121.

inductive thematic interpretation of legal verses. This method provides an opportunity for the understanding of Quranic verses according to the customary law *ṣaḥiḥ* (*qirā'ab 'urfiyah*) and *maṣlaḥah* (benefit) to fulfil the sense of justice of the Indonesian people. The result of Hazairin's interpretation of the Qur'an (4): 7 has resulted in the invention of bilateral system, which in the Compilation of Islamic Law is contained in article 174, and his interpretation of the Qur'an (4): 33 has led to the acknowledgment of representation concept in inheritance by rereading *mawāly* system. His idea in turn is adopted in the Compilation of Islamic Law Article 185. []

References

- Afridawati, Afridawati. "History, Typology, and Implementation of Islamic Law in Indonesia: Combination of Sharia and Fiqh or the Result of Historical Evolution?" *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 21, 1 (2021)
- Al-Jāwī, 'Abd al-Ra'uf ibn 'Ali al-Fansuri. "Tarjumān Al-Mustafid." Beirut: Dār al-Fikr, 1990.
- Al-Zarkashi. *Al-Burhān Fī 'Ulūm Al-Qurān*. Beirut: Dar al-Fikr, 2004.
- Banjaransari, Ayu Putri Rainah Petung. "How Are the Articles in Compilation of Islamic Law Contrary to Sharia in the Books of Fiqh? A Book Review Ahli Waris Pengganti, Pasal Waris Bermasalah Dalam Kompilasi Hukum Islam (KHI)." *Indonesian Journal of Advocacy and Legal Services* 2, 1 (2020).
- Barlinti, Yeni Salma. "Inheritance Legal System in Indonesia: A Legal Justice for People." *RIMA: Review of Indonesian and Malaysian Affairs* 3 (2013).
- Bismar Siregar. "Bunga Rampai Karangan Tersebar Bismar Siregar," I. Jakarta: Penerbit Rajawali Press, 1989.
- Cammack, Mark. "Islamic Inheritance Law in Indonesia: The Influence of Hazairin's Theory of Bilateral Inheritance." *Studia Islamika* 10, 1 (2003).
- Damrah Khair. "Hukum Kewarisan Islam dalam Pandangan Hazairin." Master Thesis, IAIN Syarif Hidayatullah Jakarta, 1988.

- Edwar, Ahmad. "Indonesian Jurisprudence: Islamic Law Transformation in Law System of Indonesia." *Kordinat: Jurnal Komunikasi Antar Perguruan Tinggi Agama Islam* 119, 2 (2020).
- Erfina Fuadatul Khilmi, Arvina Hafidzah, and Praptika Septi Familia. "The Implementation of Inheritance Dispute Arrangement Based on Local Wisdom in Gayasan A, Jenggawah, Jember Regency." *International Journal of Social Science and Religion (IJSSR)* 2, 1 (2021).
- Feener, R. Michael. "Muslim Legal Thought in Modern Indonesia," I. Cambridge: Cambridge University Press, 2007.
- Hazairin. *Hukum Kewarisan Bilateral Menurut Qur'an Dan Hadith*. Jakarta: PT. Tintamas Indonesia, 1982.
- Masrur, Imam. "Telaah Kritis Syarat Mufassir Abad Ke-21." *Qof* 2, 2 (2018).
- Ritonga, Iskandar. *Membumikan Hukum Islam Di Nusantara, Biografi Dan Pemikiran Lima Tokoh Hukum Islam Indonesia*. Jakarta: Quantum Press, 2000.
- Junaedi, Mahfudz. "Konstruksi Pemikiran Fikih Indonesia: Pergeseran Dari Teosentrisme Ke Antroposentrisme." *Manarul Qur'an* 18, 1 (2018).
- Kasdi, Abdurrohman. "Reconstruction of Fiqh Nusantara: Developing the Ijtihad Methodology in Formulating Fiqh from Indonesian Perspective." *Qudus International Journal of Islamic Studies* 7, 2 (2019).
- Kusumadewi, Ade. "Political Transformation of Islamic Inheritance Law Into National Law." *Omnibus Law Opportunities And Challenges Towards Entrepreneurs And Labor: Comparative Review*. Semarang: Universitas Islam Sultan Agung, 2020.
- Lukito, Ratno. "The Enigma of National Law in Indonesia: The Supreme Court's Decisions on Gender-Neutral Inheritance." *Journal of Legal Pluralism and Unofficial Law* 38, 52 (2006).
- Masriani, Yulies Tiena. "Position of Substitute Heritage in the Perspective of Islamic Instruction Law." *South East Asia Journal of Contemporary Business, Economics and Law* 24, 3 (2021).

- Mawardi, Ahmad Imam and A. Kemal Riza, "Why Did Kompilasi Hukum Islam Succeed While Its Counter Legal Draft Failed? A Political Context and Legal Arguments of the Codification of Islamic Law for Religious Courts in Indonesia," *Journal of Indonesian Islam* 13, 2 (2019).
- Najib, Agus Moh. "Metodologi Ijtihad Mazhab Indonesia: Menelusuri Pemikiran Ushul Fikih Hazairin." *Ayy-Syir'ab* 50, 1 (2016).
- . "Reestablishing Indonesian Madhhab 'Urf and the Contribution of Intellectualism." *Al-Jami'ab* 58, 1 (2020).
- Nurhidayah and Mahsyar. "Comparison of Substitute Herities between Civil Law and Islamic Law in Indonesia." *Al-Iftab: Journal of Islamic Studies and Society* 1, 2 (2020).
- Nurlaelawati, Euis. "Hukum Keluarga Islam Ala Negara : Penafsiran dan Debat atas Dasar Hukum Kompilasi Hukum Islam di Kalangan Otoritas Agama dan Ahli Hukum." *Ayy-Syir'ab Jurnal Ilmu Syari'ab Dan Hukum* 50, 1 (2016).
- . *The Kompilasi Hukum Islam and Legal Practice in the Indonesian Religious Courts*. Amsterdam: Amsterdam University Press, 2010.
- Permana, Sugiri. "Kesetaraan Gender Dalam Ijtihad Hukum Waris Di Indonesia." *Ayy-Syari'ab* 20 (2018).
- Sugiono, Sukiati. "Islamic Legal Reform in Twentieth Century Indonesia: A Study of Hazairin's Thought." McGill University, 1999.
- Sukiati. "Hazairin' Legal Thought and His Contribution towards the Indonesian Legal System." *Journal of Indonesian Islam* 6, 1 (2012).
- Wathani, Syamsul. "Hermeneutika Jorge J.E. Gracia Sebagai Alternatif Teori Penafsiran Tekstual Alqur'an." *Al-A'raf: Jurnal Pemikiran Islam dan Filsafat* 14, 2 (2017).
- Yulistiyaputri, Rizkisyabana, and Sharfina Sabila. "Legist Ratio on the Distribution of the Inheritance between Men and Women in Order to Protect Women's Rights: Islamic Law Experience." *2nd Global Conference on Women's Studies*.

- Zahari, Ahmad. "Legal Concepts of Justice in the Acquisition Qur'an Inheritance Rights and Arrangements Compilation of Islamic Law." *Journal of Law, Policy and Globalisation* 39 (2015).
- Zuhrah, Fatimah, Pagar, Saidurrahman, Chuzaimah, and Akmal Syahputra. "Indonesian Islamic Inheritance Law Reform: Case Study on Heirs Substitutes in Malay Societies." *Proceedings of the 7th International Conference on Multidisciplinary Research* (2018). <https://doi.org/10.5220/0008885203620366>.
- Zulhamdi. "Kedudukan Fiqh Di Indonesia Pasca Kemerdekaan." *Jurnal At-Tafkir* 11, 1 (2018).