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# Academia Open



*By Universitas Muhammadiyah Sidoarjo*

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## Maqāṣid Mediation Balances Gender Justice in Islamic Inheritance: Mediasi Maqāṣid Menyeimbangkan Keadilan Gender dalam Waris Islam

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### Abstract

**General Background** Islamic inheritance is a central component of Islamic family law explicitly regulated by the Qur'an and Hadith, yet it remains debated because of gender-based disparities in relation to justice and public welfare. **Specific Background** This study examines contemporary debates on gender justice in Islamic inheritance law through a structured review of reputable journal articles published between 2015 and 2025, guided by hermeneutical reading and the maqāṣid al-sharī'ah perspective. **Knowledge Gap** Previous studies have often remained within two opposing poles, namely textualist-apologetic defense of the 2:1 inheritance ratio and revisionist-contextual demands for equal shares, without offering an integrative Islamic epistemological synthesis. **Aims** This study analyzes the normative basis of inheritance distribution, evaluates classical and modern debates on unequal inheritance rights, and offers a reinterpretive framework grounded in internal Islamic hermeneutics, maqāṣid al-sharī'ah, and maṣlaḥah. **Results** The study maps three major positions: textualist-apologetic, revisionist-contextual, and Islamic feminist critiques. It also reveals a movement toward proportional justice, where inheritance rights are considered in relation to real economic responsibility and contribution, especially when a person functions as the main provider. **Novelty** The study formulates maqāṣid al-sharī'ah as a manhaj wasatī, or mediating framework, that integrates textual authority, socio-historical context, and substantive justice. **Implications** This framework supports a contextual yet textually grounded understanding of Islamic inheritance law for inclusive and gender-responsive legal reasoning.

### Highlights

- Proportional fairness links shares with actual economic responsibility.
- Three scholarly positions are mapped across textualist, contextual, and feminist debates.
- Wasathiyah reasoning connects scriptural authority with changing social realities.

### Keywords

Gender Justice; Islamic Inheritance; Maqāṣid Al Sharī'ah; Islamic Hermeneutics; Family Law

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## INTRODUCTION

Islamic inheritance law is a fundamental aspect of Islamic family law, detailed in the Qur'an and Hadith (Rozi & Muar, 2024). These rules reflect the broad and integrated character of Islamic law in organizing human life, especially in maintaining a fair balance between the rights and duties of men and women. In Surah an-Nisā' verses 11, 12, and 176, the Qur'an clearly determines inheritance shares according to each heir's family relationship and legal standing (Kemenag, 2019). One of the most frequently discussed rules is the provision that, in certain equivalent positions, a male heir commonly receives a portion twice as large as that of a female heir (Walim, 2017). In its historical setting, this arrangement was closely tied to the social order of early Arab society, where men carried the main financial responsibility for the family, while women were generally not expected to serve as the principal economic providers (Septiani et al., 2025).

In the present context, however, women's social position has changed in significant ways. Women now participate more actively in economic, educational, and social spheres, and this development has prompted scholars to reconsider the relevance and fairness of classical inheritance rules when applied to contemporary realities (Huda & Dodi, 2020).

Differences in inheritance rights between men and women are often interpreted as a form of gender inequality that is considered contrary to the universal Islamic principles of justice and equality [1]; [2]. Thus, the issue of inheritance from a gender perspective is important to re-examine so that Islamic law remains relevant to social developments and the principles of substantive justice [3].

The issue of how inheritance should be distributed between men and women has been discussed for a long time within Islamic legal thought. Broadly speaking, this debate has produced two major perspectives. The first is the classical or apologetic position, which defends the established inheritance system by referring to textual evidence and mathematical logic. Within this view, the 2:1 ratio is seen as a just arrangement when understood within the normative structure of shari'ah (Arjani, 2008). The second perspective is the modern or radical-revisionist position, which seeks to reinterpret inheritance texts that are perceived as gender-biased by using a secular framework of equality. This approach has nevertheless been criticized, as it is often regarded as departing from the epistemological foundations of Islamic legal reasoning (Harjoni et al., 2023). Together, these two positions show an ongoing tension between preserving textual authority and responding to contemporary demands for social justice. Even so, neither has fully offered a reinterpretive model that can address present realities while remaining firmly rooted in an Islamic framework. The research gap arises because most previous studies tend to stop at these two extreme poles without presenting a comprehensive conceptual synthesis. Studies that are only apologetic often fail to address the challenges of substantive justice in modern society, while revisionist approaches are often considered too liberal and lose theological legitimacy [4]; [5]. Recent studies have begun to offer a middle ground by using internal Islamic hermeneutics through the tools of *maqāṣid al-syarī'ah*, *maslahah*, and *usul fiqh* [6]. This approach does not replace the text, but explores the purpose and spirit of inheritance law to remain in line with the principles of justice ('adl) and equality (*musāwah*) in the modern era [7]. Thus, this research is present to strengthen efforts to reinterpret Islamic inheritance law based on *maqāṣid al-syarī'ah* as a form of dynamic *ijtihād* that maintains the authenticity of the text while addressing contemporary gender justice issues [8]; [9].

Specifically, this study has three main objectives: To analyze the normative basis of inheritance distribution in the Qur'an and Hadith and to understand the socio-historical context behind it. To identify and evaluate classical and modern debates regarding the inequality of inheritance rights between men and women from the perspective of Islamic justice. And to offer a reinterpretation framework based on internal Islamic hermeneutics, especially through the *maqāṣid al-syarī'ah* and *maslahah approaches* to construct an understanding of inheritance law that adheres to the texts, but is relevant to social realities and the principles of gender equality today [10].

Academically and practically, this article makes two main contributions: From a theoretical perspective, it enriches the body of Islamic law and gender studies by presenting a synthesis model between textual and contextual approaches. Using the *maqāṣid al-syarī'ah (Islamic law) tool*, this article attempts to shift the focus from a mathematical reading of inheritance verses to an understanding that emphasizes *the spirit of justice* and social balance [11]. From a practical and applicable perspective, this article is expected to serve as a reference for policymakers, academics, and practitioners of Islamic law in reformulating inheritance policies in modern society. This approach opens up a new space for *ijtihād* that allows Islamic inheritance law to be understood more contextually without ignoring the basic principles of sharia, thus encouraging the creation of a just, inclusive, and gender-equitable inheritance system within the framework of Islamic epistemology [12].

## METHODS

This research is a qualitative research with a library research method *which* is arranged systematically.

### 1. Literature Selection Strategy

A structured literature search was conducted to ensure the data used was relevant and high-quality. Literature selection was based on the following criteria:

a. Time Range: Primary sources (religious texts and classical scriptures) are used without time constraints as a normative basis. However, secondary sources (contemporary journal articles and books) are limited to publications from 2015–2025 to capture the dynamics of recent thought.

b. Source Type: Prioritizes scientific articles from reputable journals indexed by Sinta (S2–S1) or Scopus, as well as books from authoritative Muslim thinkers in the field of Islamic law and gender.

## 2. Data Analysis Stages

Data analysis in this study was carried out through systematic stages referring to Creswell [13] as follows:

- a. Data Reduction: Filtering the collected literature, removing irrelevant data, and focusing on the core arguments regarding inheritance distribution.
- b. Data Presentation: Grouping the views of classical scholars and contemporary thinkers into a comparative table or matrix.
- c. Drawing Conclusions: Formulating a new synthesis regarding gender justice in inheritance based on the perspective of *maqāṣid al-syarī'ah*.

To provide a clear picture of the research process, here is the workflow followed:

**Table 1.** *Typology of Thought Approaches in the Discourse of Gender Justice in Islamic Inheritance Law*

Stage	Main Activities
<b>Initial Search</b>	Keyword search "Islamic Inheritance", "Gender Justice", and "Reinterpretation of Law" in academic databases (Google Scholar, Moraref, Scopus).
<b>Selection</b>	Conduct <i>screening</i> based on year criteria (2015–2025) and content relevance (Inclusion/Exclusion).
<b>Theme Classification</b>	Grouping the literature into three categories: (1) Normative-Classical, (2) Feminist/Contemporary Criticism, and (3) Moderate Perspective.
<b>Synthesis</b>	Connecting these various arguments with the <i>maqāṣid al-syarī'ah framework</i> to find common ground.
<b>Conceptual Model</b>	Developing a new framework that bridges the apologetic and radical-revisionist poles (Evi Dwi Septiani et al., 2025)

This approach enables researchers to produce a comprehensive understanding, where the analysis is not only descriptive but also hermeneutic and contextual to the demands of contemporary social justice.

## RESULT AND DISCUSSION

### A. Normative Basis for Distribution of Inheritance in Islam

Islamic inheritance law has a strong and explicit normative basis in the Qur'an and Hadith. Among the most frequently cited verses are Surah *an-Nisa'*, verses 11, 12, and 176, which serve as the primary reference for dividing the share of heirs [14].

1. **Surah an-Nisā' verse 11** explains the share of boys and girls, with the provision that "for a boy the same share as two girls."

2. **Verse 12** regulates the share of husband and wife and half-siblings.

3. **Verse 176** confirms the division for the case of *kalālah* (people who die without leaving children and parents).

These verses are *qath'i al-dilālah*, meaning they have a definite legal meaning and are not open to multiple interpretations regarding the size of the inheritance (al-Qurṭubī, *al-Jāmi' li Ahkām al-Qur'ān*). The hadith of the Prophet SAW also emphasizes the principle of fair and measured distribution, such as his words: "Give the inheritance to those who are entitled to it, and the remainder is for the closest male relatives." [15]

Thus, normatively, the inheritance distribution system in Islam is part of the sharia that is *tawqīfī* (determined directly by revelation), not merely the result of human *ijtihād*. Its purpose is to avoid disputes and injustice in the distribution of inheritance within society [16].

The provision that men's share is twice that of women is often a major point of criticism in gender justice discourse. However, a comprehensive understanding requires examining the socio-historical context in which the verses were revealed. At the time of the revelation of the Qur'an, pre-Islamic Arab society (*jahiliyyah*) adhered to a very strong patriarchal system. Women not only did not receive a share of the inheritance, but were even considered part of the inheritance itself [17]. The revelation of the inheritance verses in Surah *an-Nisa'* was a social and moral revolution, because for the first time, women were recognized as having legal and spiritual inheritance rights [18].

The "two-to-one" (2:1) rule, therefore, should be understood through the lens of proportional justice rather than mere numerical equality (Firdawati et al., 2022). Within the social structure of early Islam, men carried the primary financial obligations of the family, including the provision of dowry, maintenance, housing, and protection, as reflected in QS an-

Nisā': 34. Women, by contrast, were not assigned the same financial burden and were themselves entitled to dowry and maintenance (Septiani et al., 2025). In this sense, the larger inheritance portion allocated to men was designed to correspond to heavier social and economic responsibilities, rather than to signify male superiority (Naqvi & Tahayori, 2023). Classical commentators generally emphasize that the ratio of justice in inheritance law cannot be separated from the principle of social responsibility inherent in each gender.

a. Al-Qurṭubī emphasized that inheritance law is part of the Islamic social system that unites spiritual and material aspects. He wrote that a man's greater share does not demean women, but rather reflects *their kifāyah* (responsibility for maintenance) towards the family [19]

b. Ibn Kathīr explains that these provisions are *ta'abbudī* (worship-based), but also contain social wisdom—namely the distribution of wealth that maintains balance among family members [20]

c. Fakhr al-Dīn al-Rāzī in *Mafātīḥ al-Ghaib* added that the 2:1 division is also a form of long-term economic protection for women, because the Islamic social system requires men to provide for their wives, children, and relatives [21]

From this point of view, the classical interpretation does not place women as inferior, but rather as part of a distributive justice system that is oriented towards balancing responsibilities and rights [11]

The concept of justice in Islam is not synonymous with absolute equality, but with proportional justice (*justice based on responsibility*). This principle aligns with the principle of Islamic jurisprudence: justice is putting things in their proper place (*al-'adl huwa waqf al-shay' fī mawḍi'ih*) [22]

In the context of inheritance law, justice is defined as a balance between social rights and obligations. Men who receive a larger share, on the other hand, bear greater economic obligations; conversely, women receive economic security without financial responsibility. Therefore, the 2:1 distribution system in early Islam was a form of functional justice, not gender inequality [23]

However, the development of modern society requires a review of the application of this law so that maqāṣid al-syarī'ah values such as justice (*'adl*), benefit (*maṣlaḥah*), and balance (*tawāzun*) continue to be realized in accordance with the current socio-economic context [24]

## B. Contemporary Criticism and Reinterpretation

The development of modern Islamic thought is inseparable from social dynamics that demand a reinterpretation of legal texts, including inheritance law. Changes in societal structures, increased women's participation in the economic and educational sectors, and the emergence of the Islamic feminist movement have led to criticism of inheritance distribution, which is considered gender-biased [25]. This criticism stems from the belief that Islam inherently upholds the values of justice (*'adl*), equality (*musāwah*), and welfare (*maṣlaḥah*), so that all legal provisions must reflect these principles in a changing social context [6]; [2]

Contemporary thinkers have attempted to shift the focus from a literal understanding of inheritance texts to a contextual and maqāṣidī understanding, emphasizing that justice is not merely a matter of numerical distribution, but rather a balance between rights, responsibilities, and social realities. Thus, criticism of the 2:1 system is not intended to reject the Qur'anic text, but rather to reinterpret its meaning to maintain its relevance in modern society [26]

Amina Wadud (1999) in *Qur'an and Woman* emphasizes the importance of reading the Qur'an through a gender hermeneutic approach that considers the historical context and moral purpose of revelation. She argues that the 2:1 inheritance distribution is not a universal norm that applies throughout time, but rather a product of the 7th-century social context when men were the primary breadwinners. According to Wadud, the substantive meaning of the inheritance verse is social justice and family responsibility, not a specific mathematical number. Thus, when women's economic roles change, the principle of justice that is the spirit of the Qur'an must be prioritized over the literal form of the distribution. She proposes that inheritance law be understood in a contextual-egalitarian manner, where the portion of inheritance can be adjusted to the economic and social conditions of each individual in the family [27]

Fazlur Rahman (1982), through the concept of *double movement hermeneutics*, offers an interpretive methodology that connects the historical meaning of the text with universal moral goals. According to him, the inheritance verses reflect the moral principle of justice embodied through specific social formulations during the Prophet's time. Therefore, Muslims today must move in two directions: first, understanding the historical context in which the text was revealed; second, applying its moral values in a modern context. Within this framework, the 2:1 division is not a rigid provision, but a historical manifestation of the principle of socio-economic justice. If social structures change—for example, when women also become breadwinners—then the implementation of justice can also change in accordance with the maqāṣid al-syarī'ah [28]

Musdah Mulia (2014) is an Indonesian Islamic thinker who emphasizes the importance of reading Islamic legal texts from the perspective of gender equality and universal humanity. She believes that some classical Islamic jurisprudence provisions, including inheritance law, were formulated within a patriarchal social context that is now irrelevant. Musdah does not reject the Qur'anic text, but emphasizes that *the maqāṣid al-syarī'ah* must be the primary reference in reinterpreting inheritance verses. The basic Islamic principles of *'adl* and *musāwah* demand that every human being, male and female, must receive rights according to their contributions and needs. Therefore, in a modern context where women also contribute to the family economy, inheritance distribution should be adjusted to be more proportional and substantively fair [29]. Asma Barlas (2002) in *Believing Women in Islam* highlighted the patriarchal bias in the classical exegetical tradition,

which they argued often placed women in a subordinate position. Both argued that the Quran does not actually affirm male superiority, but rather emphasizes distinct moral and social responsibilities. They advocated for inclusive, non-patriarchal interpretations so that the Quran's message of equality could be realized in law and social practice, including inheritance systems [30]

These criticisms have elicited mixed responses from Islamic scholars and academics. Some believe that feminist reinterpretation has the potential to undermine the authority of *qath'i* texts, while others view it as a form of contextual *ijtihad* in line with the spirit of *tajdid* (Islamic renewal). Jasser Auda (2008) and Nashirun (2022) maintain that *maqāṣid al-sharī'ah*, as the higher objectives of Islamic law, offers a useful way to connect scriptural authority with the realities of changing social life. Through his systems approach to *maqāṣid*, Auda understands Islamic law as a dynamic and interrelated system, whose broader purposes are directed toward justice, mercy, and public welfare. Seen from this angle, inheritance law is not limited to a collection of fixed legal rules. It can also be read as an ethical structure designed to preserve family welfare and support social justice (Kolig, 2012).

This *maqāṣid*-oriented reading suggests that Islamic inheritance law should be approached as a text that continues to speak to lived realities, rather than as a rigid rule detached from social change. Its essential values, including 'adl, raḥmah, and maṣlaḥah, need to be understood in relation to contemporary conditions. When women become the primary economic providers in the family, inheritance distribution should ideally take into account their actual contribution and financial needs, while still remaining faithful to the basic principles of Islamic justice (Rozi & Muar, 2024b).

From these various criticisms and responses, a new direction emerged called internal Islamic hermeneutics, namely the effort to reinterpret the text using Islamic epistemological tools such as *maqāṣid al-syarī'ah*, 'urf, and *istihsān* rather than a Western secular framework. This approach seeks to bridge between two extremes: literalistic-apologetic and revisionist-liberal. Through this approach, inheritance law is understood as a dynamic social *ijtihad*, where the text remains sacred, but its application can be adjusted to achieve substantive justice [10]. Thus, contemporary reinterpretation is not a form of deconstruction of the Qur'an, but rather a reconstruction of the meaning of justice within the framework of *maqāṣid al-syarī'ah*, so that Islamic inheritance law continues to be relevant, adaptive, and in accordance with the principle of true gender equality [31]

### C. The *Maqāṣid al-Syarī'ah* Approach as the Middle Way

*Maqāṣid al-syarī'ah* etymologically means "the objectives of the sharia." Terminologically, according to al-Syātibī in *al-Muwāfaqāt*, *maqāṣid* are the objectives to be achieved by Islamic law in order to realize the benefit ( *maṣlaḥah* ) and prevent harm ( *mafsadah* ) for humans. The primary objectives of *sharī'ah* are commonly associated with the protection of five essential dimensions of human life: religion (**ḥifẓ al-dīn**), life (**ḥifẓ al-nafs**), intellect (**ḥifẓ al-'aql**), lineage (**ḥifẓ al-nasl**), and property (**ḥifẓ al-māl**).

Within the discourse of inheritance law, **maqāṣid al-sharī'ah** provides an epistemological lens for grasping the ethical meaning of justice embedded in the scriptural text. The 2:1 distribution between male and female heirs, therefore, should not be reduced to a purely mathematical formula. Rather, it may be understood as an expression of family welfare and socio-economic justice shaped by the social conditions in which the rule operates.

Therefore, understanding the *maqāṣid* opens up space for contextual *ijtihad* without violating the text, because it is oriented towards the spirit of sharia, not merely its formal form [32]

The *maqāṣidiyyah* approach views every Islamic law as having moral and social dimensions aimed at maintaining balance in human life. In the case of inheritance, the 2:1 distribution in classical times was designed to maintain economic justice based on the different burdens of responsibility between men and women. However, as social structures change, substantive justice, which is the *maqāṣid* of law, must be reviewed to remain relevant, with the following steps: The original *maqṣad* (*al-maqṣad al-aṣlī*) of the inheritance verse, namely justice, family economic balance, and protection of the weak (women and children); Analyzing changes in the social context, for example the increasing economic role of women and the disappearance of structural inequalities that previously underlie differences in inheritance shares; Formulating a new *maqṣad* (*al-maqṣad al-ḥadīth*) that remains based on the principles of justice and benefit, but with a more contextual legal formulation [33]. In this way, the distribution of inheritance is not merely seen from the numbers but from its function of justice. If the economic conditions and responsibilities within the family are equal, then the principle of *maqāṣidiyyah* justice demands that the distribution also be proportional, not discriminatory. This approach does not mean replacing the text of the Qur'an, but interpreting its purpose within the framework of actual benefits [34]

The principle of gender justice in the *maqāṣid al-syarī'ah* is not interpreted as absolute equality between men and women, but rather equality in respect, responsibility, and opportunities to obtain benefits [35] Al-Syātibī emphasized that justice in sharia means placing something in its proper place ( *wad' al -shay' fi mawḍi'ih* ). Thus, when the social structure changes and women share the family's economic burden, *maqāṣidiyyah* justice demands proportional adjustments in the distribution of inheritance [36]

The justice advocated by the *maqāṣid* is not a secularization of Islamic law, but rather an actualization of the spirit of Qur'anic justice. Values such as 'adl, *musāwah*, and *raḥmah* are universal principles that can be interpreted differently according to the context of space and time, as long as they do not violate the essence of the text. In this context, the *maqāṣid* act as an epistemological filter to distinguish between absolute texts and temporal applications [37] The *maqāṣid al-syarī'ah* approach offers a middle ground (*wasathiyah*) between two extremes in the study of Islamic inheritance law. The textualist approach emphasizes the necessity of following the distribution figures literally without considering the social context, while the revisionist approach tends to challenge the authority of the text and replace it with a secular gender equality paradigm.

Maqāṣid exists as an epistemological synthesis: it maintains the integrity of the text while allowing for flexible application of the law according to context. From this perspective, reinterpreting inheritance law does not mean rejecting verse 2:1, but rather understanding that its just rationale can be applied in different forms to achieve the same maqṣad—namely, social justice and family welfare. In line with Jasser Auda's (2008) view, maqāṣid al-syarī'ah operates within a dynamic system ( *systems approach* ), where Islamic law is not a static structure, but rather a mechanism that constantly adapts to maintain the moral and social balance of society. Thus, maqāṣid functions as a bridge between the ideals of revelation and the ever-changing social reality [32].

Concretely, this maqāṣidiyyah approach can be operationalized in a more equal distribution of inheritance through several transformative mechanisms that remain grounded in the corridors of sharia. First, the use of the instrument of Takharuj (peace/voluntary agreement). In this mechanism, the male heir consciously gives some of his rights to the female heir after the formal division of 2:1 is made on paper. This step is not seen as a contradiction to the text of the Qur'an, but rather a manifestation of the principle of ' *an taradin* (mutual consent) to maintain *Hifz al-Nafs* (harmony of brotherhood) and prevent family conflict, which is one form of *mafsadah* .

Second, recontextualization based on the dynamic *Illat* (Legal Ratio). While the 2:1 distribution historically rested on the absolute responsibility for maintenance in the hands of men, in the contemporary family context where women share the economic burden or are the breadwinners, this *illat* has shifted. Maqāṣid understands substantive justice as a form of distribution that corresponds to the real weight of responsibility borne by each party. On this basis, a more equal division of inheritance may be reached when all adult and legally competent heirs give their full consent through family consensus (*ijmā' al-usrah*), without pressure or coercion from any side.

Another important element is the incorporation of bequest and will instruments. From a maqāṣid perspective, these instruments can be used during the testator's lifetime to create a fairer balance of assets for daughters, or to provide protection for family members who have made significant contributions but, under the standard inheritance structure, receive only a limited share.

In this way, justice is no longer understood as a rigid mathematical figure, but rather as a function of economic protection. This application allows Muslim families to achieve equality without feeling out of place within their religious framework, as they are not changing the text of the Qur'an, but rather realizing the Qur'an's highest goals (namely justice and compassion) in a changed reality.

#### D. *Synthesis and New Conceptual Model*

The literature review shows that there are three main currents of thought on the issue of gender justice and Islamic inheritance law:

1. The *textually conservative Apologetic-Normative approach* attempts to defend the classical formula (2:1) by arguing that the provision is *ta'abbudī* (based on unchangeable revelation). Figures such as al-Qarḍāwī and Wahbah al-Zuhaylī represent this view. They emphasize that justice in Islam is *proportional*, not *absolutely egalitarian*, because men have the responsibility to provide for their family [38].
2. **The Critical-Revisionist Approach** , born from contemporary Muslim feminists such as Amina Wadud, Asma Barlas, and Fatima Mernissi, believes the classical inheritance system contains a patriarchal bias resulting from social interpretation, not from final Qur'anic provisions. They demand a reinterpretation based on universal gender equality and substantive justice [27]; [39].
3. **The Moderate-Maqāṣidiyyah approach** , which attempts to reconstruct Islamic law by placing maqāṣid al-syarī'ah as *an epistemological and ethical method* . Figures such as Ibn 'Āshūr and Jasser Auda emphasize that maqāṣid functions to maintain justice and welfare according to changing social contexts, without breaking away from the authority of revelation [1].

From this comparison, this study confirms that the tension between the apologetic and revisionist approaches can be overcome through a maqāṣidiyyah approach that is more systematic, contextual, and based on universal Islamic values [40].

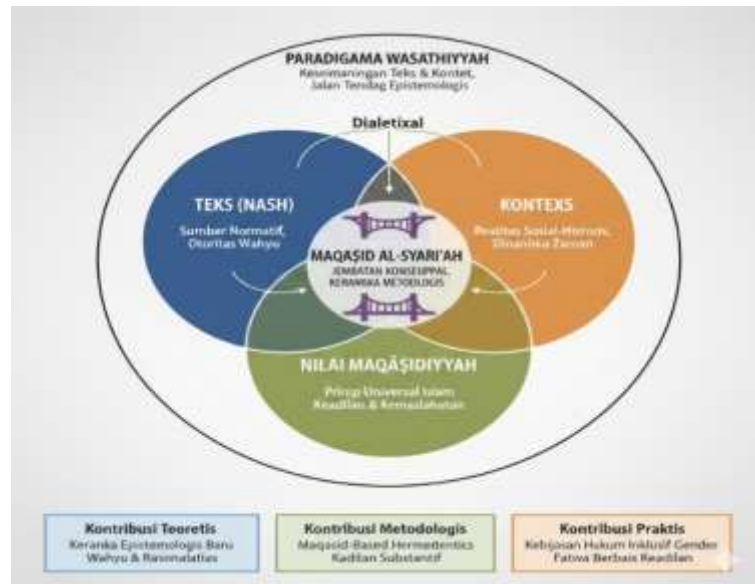
Both the apologetic and revisionist approaches have epistemological weaknesses that hinder the reconstruction of gender justice in inheritance law; the apologetic approach tends to reject the social context and maintain the formal form of the law, thus producing *statistical* but not *substantive justice* . This risks perpetuating social inequality in the name of the text. While the revisionist approach, on the other hand, often abandons the normative foundations of Islam and adopts a liberal humanist framework, thus giving rise to theological suspicion and social resistance in Muslim communities [41].

A new epistemological model is needed that is able to maintain a balance between loyalty to the text and sensitivity to the context, this is what is offered through the maqāṣid al-syarī'ah model as a conceptual bridge. The **maqāṣid al-sharī'ah** model formulated in this study is built upon the idea of **epistemological wasathiyah**, understood as a balanced middle path in Islamic legal reasoning. Within this model, maqāṣid is not positioned simply as a moral argument to support certain legal conclusions. Rather, it functions as a systematic analytical framework that brings together three connected elements: the **text (naṣṣ)** as the source of normative authority, the **socio-historical context** as a reality that continues to change, and **maqāṣidiyyah values** as guiding principles that mediate between textual foundations and contextual needs (Hashem, 2023).

In this model, *maqāṣid* functions as a dialectical mechanism that balances two extreme poles; it maintains the integrity of the text from liberal interpretations that are detached from the roots of revelation, while simultaneously refreshing

normative interpretations to remain contextual and fair to social change. Maqāṣid becomes a "mediating framework" that bridges between legal formalism and between "sharia obligations" and "humanitarian demands." The proposed conceptual model of maqāṣidiyyah has three main contributions to the study of contemporary Islamic law. Theoretical Contribution which provides a new epistemological framework that combines the normativity of revelation and social rationality, thus avoiding the dichotomy of "taqlid vs. liberalism." Methodological Contribution which offers a *maqāṣid-based hermeneutics approach* as a method of interpreting inheritance law oriented towards substantive justice. And Practical Contributions that encourage the formulation of more gender-inclusive Islamic inheritance law policies, both in the context of Muslim families and national law without violating sharia principles [42]. Thus, this model is not only theoretical but also operational, it can be used as a basis for making legal decisions or fatwas based on maqāṣidiyyah justice.

**Figure 1.** Conceptual Model of the Maqāṣid al-Syarī'ah Approach as a Mediating Framework in Islamic Inheritance Justice



## CONCLUSIONS

This study confirms that Islamic inheritance law is not mathematically static, but rather has a dynamic maqāṣidiyyah and social dimension, where the difference in inheritance shares (2:1) arises from the classical socio-economic construction that places men as the breadwinners, so that the justice promoted is proportional, not absolutely egalitarian. Through the maqāṣid al-syarī'ah approach as a wasathiyyah paradigm, this study offers a conceptual model that integrates the normativity of texts with the demands of social justice, and functions as a mediating framework between legal formalism and societal dynamics. This model contributes to the strengthening of an integrative epistemology of Islamic law, the development of a maqāṣid-based legal hermeneutic that emphasizes substantive justice, and the provision of a conceptual foundation for the renewal of inclusive and gender-just Islamic inheritance law, the implementation of which in the future needs to be strengthened through empirical, comparative, and institutional studies so that legal transformation does not stop at the normative realm, but is realized in socio-legal practices.

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