

Modern Scientific Approaches to the Qur'anic Inheritance System: A Comparative Analysis of Muhammad Shahrur's and Hazairin's Thought

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Abstract

This study aims to examine the law of inheritance in the Qur'an through the perspective of modern science by analyzing two contemporary intellectual models, Muhammad Shahrur's mathematical approach and Hazairin's anthropological–customary law approach. The research problems address how modern mathematics employed by Shahrur and social sciences utilized by Hazairin reinterpret the Qur'anic verses on inheritance, as well as the extent to which their approaches offer solutions to contemporary inheritance issues. This study adopts a qualitative method through library research, textual analysis of inheritance verses, and a critical comparative analysis of the theories proposed by Shahrur and Hazairin. The findings indicate that when the inheritance verses are interpreted through the logic of modern mathematics and the anthropology of customary law, the resulting inheritance distribution reveals a consistent and proportional structure that does not require additional legal engineering. Shahrur's model affirms the mathematical coherence of the Qur'an, while Hazairin's model emphasizes its social and anthropological relevance. The integration of modern scientific perspectives with the Qur'anic inheritance verses provides inherent solutions without necessitating legal manipulation in inheritance calculations.

Keywords: scientific approach, Qur'anic inheritance verses, Muhammad Shahrur, Hazairin.

1. Introduction

Inheritance is a fundamental component of the structure of Islamic family law. The Qur'an stipulates detailed rules governing the distribution of inheritance, particularly in QS. al-Nisā' [4]: 11–12 and 176. However, in practical application, the inheritance system has emerged as one of the most debated and problematic domains within Islamic jurisprudence. (Kusumaatmadja 1976:12) This can be observed in the emergence of various inheritance calculation mechanisms such as *'awl*, *radd*, *gharawayn*, and other forms of legal engineering, which are not explicitly found in the Qur'anic inheritance verses. This condition indicates both a process of “contextual grounding” and a “tension” between the literal interpretation of the inheritance verses and the socio-cultural traditions of the society in which they were applied. On the one hand, these mechanisms were sufficient to provide solutions to inheritance issues in their original historical contexts; on the other hand, they may generate new problems when applied indiscriminately across different places and periods. This is because juridical interpretations (*fiqh*) cannot be separated from the social traditions and cultural

contexts in which they were formulated, while each society and historical period possesses its own distinct traditions and cultural frameworks that are not necessarily identical to one another.

Social and cultural traditions, including the state of development of knowledge and science, have not been extensively discussed or systematically incorporated into inheritance discourse. A number of scholars have proposed solutions to various inheritance-related problems, ranging from the reformulation of inheritance law based on *maqāṣid al-sharī'ah*, to egalitarian reinterpretations of inheritance, and structural reconstructions of the positions of heirs. (Daud 2018; Hamzah, Abdurrohim, and Ahyani 2025; Nurlaelawati 2012; Wahyu, Sya'bani, and Permana 2024) However, most of these approaches remain focused on modifying existing *fiqh* schemes rather than returning to the mathematical and social structures inherent in the Qur'anic inheritance verses themselves. Moreover, the proposed solutions have largely overlooked the use of modern science as an analytical approach.

Amid these debates, the ideas of Muhammad Shahrur¹ and Hazairin² offer two alternative approaches that both open space for new interpretive readings. Shahrur introduces a modern mathematical approach through his theory of limits, emphasizing the internal numerical coherence of the Qur'anic inheritance verses. Meanwhile, Hazairin proposes an anthropological–customary law perspective through a bilateral inheritance model, which is considered more compatible with the realities of modern family structures. Both approaches have the potential to enrich the discourse on the reconstruction of Islamic inheritance law and to address contemporary challenges. However, in certain aspects, self-contradictions can be identified in the thought of both scholars, particularly in their respective inheritance distribution mechanisms. Therefore, an integrative effort is required to combine the strengths of Shahrur's mathematical approach with Hazairin's social sensitivity in order to produce a more comprehensive, consistent, and applicable Qur'anic inheritance model.

Discussions on inheritance in the thought of Shahrur and Hazairin are not entirely new and have been extensively addressed in previous studies. However, earlier research has not specifically focused on the integration of science and religion in the Qur'anic inheritance verses, particularly within the frameworks of Shahrur's and Hazairin's thought. Some studies concentrate on the inheritance concepts of Shahrur and Hazairin separately, either in general terms or by examining specific aspects of their ideas. (Abu Bakar 2007; Aniroh 2020; Aniroh, Nasution, and Sodikin 2024; Anshori 2004; Cammack 2002) Others have compared the two scholars' perspectives, but such comparisons tend to focus on socio-economic factors, (Muliati 2024) inheritance and bequests for heirs, (Fatoni and Bachri 2024) the concept of *kalālah*, (Bachri 2022) or comparisons with the ideas of other thinkers. (Al-Yasa 1989; Asikin 2011; Haris and Bachri 2025; Jamil 2017; Juandi 2005; Permana 2018; Roudhoh 2024)

¹ Muḥammad Shahrur (1938–2019) was a Syrian civil engineer and Qur'anic thinker. Born in Damascus, he earned his civil engineering diploma in Moscow (1964) and completed his M.Sc. and Ph.D. at University College Dublin (1969–1972). He served as Professor of Civil Engineering at the University of Damascus from 1972 to 1999.

² Prof. Dr. Hazairin, S.H. (1906–1975) was an Indonesian legal scholar and jurist, born in Bukittinggi, West Sumatra, into a cross-cultural Muslim family with Minangkabau (matrilineal) and Bengkulu (bilateral) backgrounds. Trained in law at the *Rechtshogeschool* in Batavia, he later became Professor of Law at the University of Indonesia. His engagement with Indonesia's plural legal traditions informed his formulation of a bilateral Islamic inheritance system. Hazairin also served as Indonesia's Minister of Home Affairs (1953–1955) and Chief Justice of the Supreme Court (1959–1966).

To address this gap and to realize the proposed integrative effort, this study employs a qualitative approach in the form of library research. The data are obtained through an examination of primary sources, namely Muhammad Shahrur's *Naḥwa Uṣūl Jadīdah li al-Fiqh al-Islāmī* and Hazairin's *Hukum Kewarisan Bilateral menurut Qur'an dan Hadith*, as well as secondary sources such as books, journal articles, and scholarly writings relevant to the theme of inheritance law in the thought of Shahrur and Hazairin. The analytical methods applied are descriptive–analytical and comparative, involving a systematic exposition of each scholar's intellectual model followed by a comparison of their epistemological foundations, methodological approaches, and conceptual implications for the understanding of Islamic inheritance law. Modern scientific approaches—namely mathematics and legal anthropology—are employed to enrich the analysis and to assess the relevance and contribution of Shahrur's and Hazairin's ideas within the context of contemporary Islamic legal development. This interdisciplinary approach serves as the foundation of the study in demonstrating that the structure of inheritance in the Qur'an becomes increasingly evident in its coherence and completeness when viewed through the lens of modern science.

2. The Relationship between Science and Religion in Discourse

The relationship between science and religion constitutes one of the central themes in contemporary religious thought. Ian G. Barbour proposes four typologies of the relationship between science and religion: conflict, independence, dialogue, and integration—each of which represents a distinct perspective on how revelation and scientific rationality are understood to relate to one another. The conflict typology views science and religion as mutually exclusive and negating entities, while the independence typology strictly separates their respective domains of inquiry. In contrast, the typologies of dialogue and integration open up more constructive spaces of engagement, wherein science and religion may interact and even be integrated without losing their respective epistemological identities. This framework is significant as a theoretical foundation for understanding the potential application of modern scientific approaches in the study of Islamic law.

The dialogical and integrative approaches proposed by Barbour are highly relevant to the development of contemporary Islamic law, particularly when normative Qur'anic texts are confronted with social change and scientific advancement. Through a dialogical approach, revelation remains positioned as an authoritative source, yet is interpreted with rational and contextual awareness. Meanwhile, the integrative approach enables Islamic normative values to be understood through the methodological tools of modern sciences without falling into reductionism. In this context, *ijtihād* is understood not merely as a textual endeavor, but also as a scholarly process that takes into account social realities, cultural structures, and scientific developments, thereby ensuring that Islamic law remains dynamic and relevant.

This methodological framework becomes particularly significant when applied to the study of Qur'anic inheritance, which is explicitly regulated in Sūrat al-Nisā' verses 11, 12, and 176. These inheritance verses prescribe proportional shares for heirs and are positioned as part of the legal boundaries (*ḥudūd*) that embody dimensions of certainty and justice. This concept indicates that Islamic inheritance law possesses a range of normative limits that allow for the equitable regulation of rights in accordance with family structures and social conditions. Therefore, the inheritance verses do not merely demand normative compliance, but also require a rational

understanding of their objectives and legal logic.

Within this context, modern scientific approaches function as analytical instruments for understanding the internal rationality of Qur'anic inheritance law. Modern mathematics is employed to identify proportional patterns and quantitative relationships in inheritance distribution, as developed by Muhammad Shahrur through his theory of limits (*nazariyyat al-ḥudūd*). On the other hand, legal anthropology is utilized to examine the socio-cultural dimensions of inheritance law, as reflected in Hazairin's thought, which emphasizes a bilateral inheritance system within Indonesian society. The integration of mathematical (exact sciences) and anthropological (social sciences) approaches, both of which fall within the domain of science, (Syamsuddin 2012:27) demonstrates that Qur'anic inheritance law can be comprehensively understood, both as a divinely normative system and as a legal framework that interacts dynamically with human social and cultural realities.

3. Inheritance in Muhammad Shahrur's Thought

Shahrur views the Qur'anic inheritance verses as dynamic texts that remain open to multiple interpretive alternatives in accordance with changing social contexts and human realities. According to him, the inheritance verses are not intended to function as rigid and singular legal prescriptions (*ḥaddiyyah*), but rather as *ḥudūdiyyah* verses—texts that establish minimum and maximum limits for the distribution of property. Within these prescribed boundaries, human beings are granted the space to exercise *ijtihād* and to formulate contextual arrangements, as long as they do not transgress the *ḥudūd* set by God. (Syahrur 1992:458–59) Through this approach, Islamic inheritance law preserves the principle of divine justice while remaining relevant and applicable to diverse and evolving social situations.

Various inheritance issues are elaborated by Shahrur through detailed calculations that draw upon the exact sciences, particularly modern mathematics. This approach is not limited to basic arithmetic operations, but also incorporates modern mathematical analysis rooted in the thought of René Descartes, especially the concepts of parabolas and hyperbolas as foundations for mathematical modeling. In addition, Shahrur refers to Isaac Newton's ideas on differential and integral analysis and applies set theory. Within this framework, he also employs the concepts of independent variables (*al-mutaḥawwil*) and dependent variables (*al-tābi'*) as analytical tools to explain the structure of inheritance distribution. (Syahrur 2000:235)

Shahrur also employs a semantic approach through paradigmatic and syntagmatic linguistic analysis. Paradigmatic analysis is used to trace the meaning of a term by relating it to other words that are either semantically equivalent or opposed, in line with his view—following Ibn Fāris—that absolute synonymy does not exist in the Arabic language and that meanings may be polyvalent. Subsequently, syntagmatic analysis is applied to determine the most appropriate meaning by taking into account the logical context and the linear relationships between a given word and the surrounding terms. (Syamsuddin 2002:139)

Before discussing the distribution of inheritance, Shahrur first emphasizes the concept of equality as a fundamental basis of inheritance law. According to him, equality between men and women cannot be understood in an absolute sense, as there are inherent differences that cannot be homogenized, such as physiological aspects. Therefore, the notion of equality in question lies in opportunities and rights, including access to employment, wages, and political choice. On this basis,

Shahrur distinguishes between two forms of equality; mathematical equality, which is abstract and logical in nature and devoid of social meaning, and group equality, which emphasizes equivalence among groups and their constituent elements based on both quantitative and qualitative considerations. Through this approach, human beings are understood as belonging to two basic groups, namely the male group (*dhukūr*) and the female group (*ināth*). (Syahrur 2000:67–68)

According to Shahrur, the rules of inheritance law are formulated on the basis of first-level equality between men (*dhakar*) and women (*unthā*), which legally encompasses all other forms of equality beneath it. This equality operates at the group level rather than at the individual level; therefore, the inheritance share of a male heir does not necessarily have to be identical to that of a female heir, but instead depends on the number of members within each group. When the number of males constitutes half of the number of females, the rule *li al-dhakar mithlu ḥaẓẓ al-unthayayn* applies. (Syahrur 2000:69–70) Under this condition, the total shares allocated to the male group and the female group are equal, with each group receiving 50 percent of the inheritance, even though the share received by each individual male is greater than that received by each individual female. (Syahrur 2000:243)

Shahrur's use of dependent variables (*tābi'*) and independent variables (*mutaḥawwil*) in the Qur'anic inheritance verses indicates that the prior mention of men (*dhakar*) before women in these verses signifies their position as dependent variables (*tābi'*), while women function as independent variables (*mutaḥawwil*) that serve as the basis for determining inheritance distribution. Women are referenced with the possibility of varying numbers because their shares constitute the point of reference, whereas men's shares follow from those results. (Syahrur 2000:240) On this basis, Shahrur symbolizes women as x and men as y , such that their relationship is expressed in the form of the function $y = f(x)$, thereby emphasizing that the value of men's inheritance shares consistently changes in accordance with variations in women's shares. (Syahrur 2000:236)

According to Shahrur, the application of set theory together with the concepts of independent and dependent variables enables the determination of the legal boundaries (*ḥudūd Allāh*) of inheritance law. The rule of a two-to-one ratio applies only when the number of women is twice that of men, as indicated in the verse *li al-dhakar mithlu ḥaẓẓ al-unthayayn*. When the numbers of men and women are equal, the provision *wa in kānat wāḥidatan falahā al-nisf* applies, whereas when the number of women exceeds twice the number of men, the provision *fa in kunna nisā'an fawqa ithnatayn falahunna thuluthā mā tarak* becomes applicable. These provisions are then formulated as three inheritance limits by shifting the calculation pattern from a parabolic to a hyperbolic model. Shahrur represents the number of women as F and the number of men as M , resulting in three basic conditions: when $F/M = 2$, the rule *li al-dhakar mithlu ḥaẓẓ al-unthayayn* applies; when $F/M > 2$, the rule *fa in kunna nisā'an fawqa ithnatayn falahunna thuluthā mā tarak* applies; and when $F/M = 1$, the rule *wa in kānat wāḥidatan falahā al-nisf* applies. (Syahrur 2000:238–39)

From these three formulas, Shahrur concludes that the ratio between the inheritance shares of women and men is inversely proportional to the size of each group. By denoting the male share as $D1$ and the female share as $D2$, the relationship is expressed as $y = D2/D1 = 1/x$, which is visualized through the hyperbolic equation $y = 1/x$ and applied to the first and third limits as long as the ratio F/M lies between zero and two. At the second limit, however, when the number of women exceeds twice the number of men and all heirs are adult women, the equation $y = 2/x$ applies. (Syahrur 2000:254–60) Through this model, Shahrur asserts that all inheritance cases fall within a consistent

and measurable mathematical framework. The subsequent Qur'anic verses are therefore understood as elaborations of particular cases derived from these three limits, including cases involving parents without children and *kalālah* involving four or more siblings or mixed genders. Furthermore, Shahrur finds that the total shares allocated to all heirs always amount to exactly 100 percent, thus eliminating the need for the concepts of *radd* and *'awl*, and excluding inheritance rights for individuals who are not explicitly mentioned in the Qur'anic verses. (Syahrur 2000:262)

Furthermore, Shahrur classifies heirs into four groups: *al-uṣūl* (ascendants), *al-furū'* (descendants), *al-zawj* (spouse), and *al-ikhwah* (siblings). The category of *al-uṣūl* is not limited to the father and mother alone, but also includes grandparents and other ascendants, and Shahrur even interprets the term to encompass not only biological parents but also adoptive parents. (Syahrur 2000:262) The shares assigned to these heirs in the Qur'anic verses are understood as minimum limits; therefore, in cases that fall outside the conditions explicitly mentioned in the verses, they may inherit the entire estate. (Syahrur 2000:286) This is because, according to Shahrur, Islamic inheritance law in the Qur'an is stipulated only in situations involving the coexistence of two genders—male and female, father and mother, husband and wife, and so forth. (Syahrur 2000:295)

The mechanism of inheritance distribution in Shahrur's thought differs from that commonly applied by the majority of *fuqahā'*. According to Shahrur, when a person dies leaving property and heirs, the procedure for settlement is as follows: [1] Fulfillment of social obligations, such as the payment of state taxes, settlement of debts, and other financial liabilities. [2] If assets remain, the next step is the execution of the deceased's will (*waṣīyyah*), if any. [3] If there is still a remainder, the inheritance is then distributed according to the following mechanism: a) The inheritance share of the husband or wife is allocated first; b) The remainder (after deducting the spouse's share) is then distributed to the father and/or mother, if they are present; c) The remaining estate (after deducting the shares of the parents) is subsequently distributed to the children, whether male or female; d) If there are neither children nor a father, but siblings are present, the settlement proceeds through the *kalālah* mechanism. (Syahrur 2000:288–93)

4. Inheritance in Hazairin's Thought

Hazairin argues that Indonesian Muslim society, in practicing Islamic teachings, is not required to imitate Arab customs that may not align with Indonesia's socio-cultural context. He emphasizes that the practice of Islam does not necessitate the elimination of local customs and traditions as long as they do not contradict the principles of the Qur'an. Rather, Hazairin interprets the Qur'anic inheritance verses as an effort by the Qur'an to guide society toward a bilateral or parental kinship system grounded in equality and justice, by positioning heirs from both male and female lineages on an equal footing within the inheritance structure.

Before formulating his concept of inheritance, Hazairin, in his work *Hukum Kewarisan Bilateral menurut Qur'an dan Hadith*, first examines the fundamental principles of inheritance law found in the Qur'an. He then elaborates on various models of kinship systems that develop within societies, which are essentially based on lines of descent, namely patrilineal, matrilineal, and parental or bilateral systems. By relating these three systems to Qur'anic verses concerning marriage and inheritance, Hazairin subsequently concludes that the Qur'an is normatively more compatible with a bilateral kinship system. (Hazairin 1982:6–58)

This kinship system recognizes the positions of family members from both male and female lines of descent in a balanced manner. In strengthening his argument, Hazairin also critically examines inheritance-related hadiths, including the hadith of Ibn ‘Abbās concerning *awlā rajulin dhakarīn*, which gave rise to the concept of *‘aṣabah*. He interprets this hadith as an instance of the Prophet’s *ijtihād* in resolving inheritance cases prior to the revelation of the Qur’anic inheritance provisions. Consequently, inheritance-related hadiths that are not aligned with the Qur’anic verses are regarded by Hazairin as rulings that have been abrogated by revelation and are therefore temporary in nature, corresponding to their specific historical context. (Hazairin 1982:93–99)

In his discussion of bilateral inheritance law based on hadith, Hazairin also formulates his methodological framework of *ijtihād* by affirming the supremacy of the rulings of God and His Messenger, insofar as they do not contradict the *Kitābullāh*. When no explicit provisions are found in these two sources, *ulū al-amr* are granted the authority to exercise *qiyās*, both inductively and deductively. Inductive *qiyās* is employed to apply existing legal rulings to new cases that correspond to established textual provisions, whereas deductive *qiyās* is used to formulate new legal rulings that respond to situational demands while remaining grounded in the principles of revelation. In practice, inductive *qiyās* may be carried out by *muftīs*, judges, and state officials, whereas deductive *qiyās* is undertaken by *ulū al-amr* through the mechanism of *shūrā*. (Hazairin 1982:61–74; Najib 2016:11–14)

Through the method of *ijtihād* that he developed, Hazairin formulates a concept of bilateral inheritance that places male and female lines of descent on an equal footing. Within this framework, he classifies heirs into three categories: *dhawī al-furūd*, namely heirs with fixed shares as recognized in the Sunni inheritance system; *dhawī al-qarābah*, heirs who do not possess fixed shares and who receive the remainder of the estate; and *mawālī*, substitute heirs who assume the position of their parents who predeceased the testator. (Hazairin 1982:18)

Hazairin rejects the use of the concept of *‘aṣabah*, as it is considered to privilege male relatives, while female relatives can only attain such a position insofar as they are dependent upon male kin. In its place, he advances the concept of *dhawī al-qarābah*, which places men and women on an equal footing, whereby both are entitled to receive the residual estate according to their respective capacities, without dependence on other parties. Those classified as *dhawī al-qarābah* include children (both male and female), the father (in the absence of children), and siblings—without distinction, whether full siblings, paternal siblings, or maternal siblings—when neither children nor the father are present. (Hazairin 1982:35) Male and female children, along with their descendants, occupy an equal position with regard to *ḥijāb* (exclusion) and in influencing the shares of other heirs. Nevertheless, the proportional rule granting two shares to a son and one share to a daughter remains applicable, as in the Sunni inheritance system. (Hazairin 1982:33–39)

5. Comparative Analysis of the Inheritance Concepts of Shahrur and Hazairin

The ideas of Shahrur and Hazairin both originate from a critical stance toward classical Islamic inheritance law, which they view as overly literal and preserved in an unaltered form, thereby lacking responsiveness to social change. Both scholars agree that the Qur’anic verses on inheritance should not be understood in a static manner; rather, they must be interpreted through rational and contextual approaches in order to safeguard the principle of justice. Furthermore, both Shahrur and

Hazairin reject the dominance of the patrilineal system in inheritance practices and seek to affirm the position of women and the maternal line of descent within the structure of Islamic inheritance law. Consequently, heirs from both the male and female lines of descent are positioned on an equal footing.

Despite these points of convergence, the two scholars differ fundamentally in their methodological approaches and epistemological frameworks. Shahrur employs a modern scientific approach—particularly modern mathematics—by introducing the theory of limits (*ḥudūd*). Within this framework, the two-to-one ratio is not conceived as a fixed and universal formula, but rather as one normative boundary that applies only under specific conditions. In contrast, Hazairin, whose analysis is grounded in legal anthropology and kinship systems, interprets the Qur’anic inheritance verses within the framework of a bilateral family system that accords equal recognition to both male and female lines of descent. Hazairin places greater emphasis on the reconstruction of the structure of heirs and explicitly rejects the concept of *‘aṣabah*, which he considers incompatible with the principle of genealogical equality embedded in the Qur’an.

From the perspective of strengths, Shahrur’s thought offers a high degree of methodological flexibility and provides a rational–mathematical foundation for adjusting inheritance distribution in accordance with variations in the composition of heirs. This model is particularly relevant for addressing the complexity of contemporary inheritance cases, such as nuclear families, unequal economic distribution, and the increasing economic participation of women. However, Shahrur’s approach also exhibits notable weaknesses. His excessively mathematical interpretation risks marginalizing the social and relational dimensions of inheritance law. Another shortcoming lies in inconsistencies within his inheritance mechanism, particularly with regard to *mīrāth al-uṣūl* (inheritance of ascendants) and *mīrāth al-azwāj* (inheritance of spouses). On the one hand, Shahrur interprets “parents” (*al-uṣūl*) not only as biological parents but also as adoptive parents. (Syahrur 2000:262) On the other hand, he maintains that Qur’anic inheritance provisions are established only under conditions in which two genders are simultaneously present, such as father and mother, brother and sister, or husband and wife. (Syahrur 2000:295)

At the level of spouses, however, it is logically impossible for both husband and wife to inherit simultaneously, since one becomes an heir only upon the death of the other. Similarly, at the level of parents, it is not always the case that both father and mother inherit together; in certain cases, only one of them may act as an heir, either alone or alongside other heirs. Nevertheless, in the illustrative cases presented by Shahrur, fixed portions are still allocated in accordance with Qur’anic prescriptions, even when the heirs do not inherit jointly with their respective counter parts. (Syahrur 2000:288–94)

From the author’s perspective, Qur’anic inheritance verses are indeed primarily formulated for situations involving the coexistence of two genders, particularly at the level of descendants (children). However, at other levels of family structure, these verses should be understood as applying to cases in which heirs coexist within different hierarchical positions, rather than requiring their simultaneous presence at the same level. Consequently, the inheritance mechanism need not be implemented in a sequential manner—beginning with *mīrāth al-azwāj*, followed by *mīrāth al-uṣūl*, and so forth—but may instead be conducted in a unified manner, as proposed in Hazairin’s bilateral inheritance model. Moreover, Syahrur’s approach is often perceived as overly experimental and insufficiently connected to the classical fiqh tradition, rendering it less accessible and less familiar to

the broader Muslim community.

Conversely, Hazairin’s primary strength lies in the sociological and contextual robustness of his thought. His concept of bilateral inheritance is relatively easy to comprehend and implement, particularly within societies such as Indonesia that predominantly adhere to a parental or bilateral kinship system. Furthermore, his ideas establish a stronger bridge between Islamic inheritance law and national positive law, as well as judicial practice within Islamic courts. Nonetheless, Hazairin’s limitations are evident in his retention of the two-to-one ratio as a fixed normative rule, thereby restricting the scope for flexibility in inheritance distribution amid significant transformations in family social and economic structures. Additionally, his inheritance mechanism does not substantially depart from Sunni inheritance law. In certain respects, inconsistencies also emerge between the egalitarian spirit promoted by the bilateral/parental kinship system and the concrete outcomes of inheritance distribution within his framework.

Based on the foregoing analysis, the respective strengths of Shahrur’s and Hazairin’s thought may be integrated to formulate a model of Islamic inheritance law that is more coherent and relevant to contemporary contexts. Shahrur’s mathematical approach and his theory of legal boundaries (*ḥudūd Allāh*) can be employed to interpret inheritance proportions elastically while remaining within normative Qur’anic limits. At the same time, Hazairin’s anthropological framework and bilateral inheritance system may serve as the structural and social foundation for determining the position and status of heirs. Such a synthesis enables the development of an Islamic inheritance system that remains firmly rooted in the Qur’anic text, yet is responsive to social realities, upholds the principle of substantive justice, and is capable of addressing the challenges of modern inheritance law without compromising its normative legitimacy.

To facilitate a clearer understanding of the comparison between Shahrur’s and Hazairin’s inheritance models, the following table presents their key conceptual differences.

Table 1. Comparison of the Inheritance Concepts of Shahrur and Hazairin

Muhammad Syahrur	Hazairin
Modern mathematics as an analytical approach	Legal anthropology and customary law
Inheritance verses are dynamic and open to alternative interpretations within normative boundaries	Inheritance verses are oriented toward a bilateral (parental) family system
The 2:1 formula is not a fixed rule but one of the normative limits applicable under specific conditions	The 2:1 formula constitutes a generally applicable normative rule
The concept of <i>‘aşabah</i> is not a central component	The concept of <i>‘aşabah</i> is rejected for being patrilineal and inconsistent with Qur’anic principles
Women’s shares function as the determining variable (independent variable) in inheritance calculations	Women occupy a genealogically and structurally equal position with men
Flexible, rational, and adaptive to social change	Contextual, practical, and compatible with Indonesian society

Syahrur's <i>ḥudūd</i> formulas are not yet familiar among legal practitioners and the general public	Largely similar to the Sunni inheritance system
Inconsistencies in the treatment of <i>mīrāth al-uṣūl</i> (ascendants) and <i>mīrāth al-azwāj</i> (spouses)	Inconsistencies in the application of the proclaimed principle of equality within the bilateral/parental system
Contribution: Rational–mathematical reconstruction of Islamic inheritance law	Contribution: Structural–sociological reconstruction of Islamic inheritance law

Despite their significant differences in methodological orientation and epistemological framework, the inheritance concepts proposed by Muhammad Shahrur and Hazairin should not be understood as mutually antagonistic. Rather, these differences are complementary, as each addresses distinct dimensions of Islamic inheritance law. Shahrur’s rational–mathematical approach offers analytical flexibility and normative elasticity, while Hazairin’s anthropological and structural framework provides sociological grounding and contextual legitimacy. Read together, both perspectives open the possibility of an integrative model that combines normative dynamism with social embeddedness, thereby paving the way for a synthetic formulation of Islamic inheritance law that is both textually grounded and contextually responsive.

An Integrative Synthesis Model of Shahrur–Hazairin Inheritance Law

This synthetic model is grounded in the principle of bilateral inheritance as formulated by Hazairin, namely the equal recognition of male and female lines of descent as the structural foundation of inheritance. Under this system, all heirs from both the paternal and maternal sides are positioned on an equal genealogical footing, while the patrilineal concept of *‘aṣabah*, which tends to subordinate female relatives, is explicitly rejected. Consequently, the structure of inheritance is constructed upon the principles of genealogical equality and social justice, making it particularly relevant to Indonesian society, which is characterized by plural customary and cultural traditions.

Upon this bilateral structural foundation, the model incorporates Shahrur’s theory of *ḥudūd* as a dynamic normative framework. Inheritance verses are understood as establishing minimum and maximum limits rather than rigid and singular legal prescriptions. Distribution ratios, including the 2:1 formula, are positioned as context-dependent legal possibilities applicable under specific conditions, rather than as universal rules. To ensure legal consistency and accountability, the model employs modern mathematical analysis as developed by Syahrur, particularly through the concepts of independent variables (women) and dependent variables (men), as well as hyperbolic equations ($y = 1/x$ and $y = 2/x$). This mathematical approach functions as an analytical and verificatory tool rather than a source of law, ensuring proportional distribution, maintaining the total allocation at exactly 100 percent, and avoiding classical technical problems such as *‘awl* and *radd*.

The mechanism of inheritance distribution under this model proceeds as follows: 1) the fulfillment of social obligations, including funeral expenses (*tajhīz al-mayyit*), repayment of debts, and other financial liabilities; 2) the execution of any valid testamentary bequests, where applicable; and 3) the distribution of the remaining estate among all eligible heirs according to their respective shares, based on the reciprocal positions within a bilateral/parental kinship system. In line with Hazairin’s intellectual orientation, this

synthetic model also integrates legal anthropology as an instrument of contextualization. Social realities, family structures, economic responsibilities, and the social roles of heirs are taken into consideration when determining proportional shares within the boundaries of *ḥudūd Allāh*. Through this approach, inheritance law remains firmly rooted in Qur’anic norms while simultaneously engaging with the empirical realities of society.

The integrative Shahrur–Hazairin inheritance model may be summarized in the following principles: 1) the inheritance structure is bilateral and reciprocal, neither patrilineal nor matrilineal; 2) inheritance verses are understood as legal boundaries (*ḥudūd*), not as singular and rigid prescriptions; 3) distribution proportions are contextual yet determinate and remain within Qur’anic limits; 4) modern mathematics serves as a tool of legal verification rather than legal determination; and 5) substantive justice and public welfare (*maṣlaḥah*) constitute the primary objectives of inheritance distribution. This synthetic model offers a framework of Islamic inheritance law that is normatively grounded yet non-rigid, rational without being secular, and contextual without abandoning revelation. By integrating Hazairin’s structural strengths with Shahrur’s methodological flexibility, this model holds significant potential as a conceptual alternative for the development of contemporary Islamic inheritance law, both in academic discourse, Islamic family law legislation, and judicial practice within religious courts.

6. Conclusion

This study concludes that both Shahrur and Hazairin are united by a strong commitment to positioning the Qur’anic inheritance verses as the primary normative source of Islamic inheritance law, albeit through distinct methodological approaches. Shahrur emphasizes a dynamic reading of the inheritance verses through the theory of *ḥudūd* and the application of modern scientific approaches, particularly mathematics, thereby conceptualizing the Qur’anic provisions as legal boundaries that allow contextual variation in implementation. In contrast, Hazairin foregrounds a structural–sociological analysis by formulating a bilateral inheritance system that accords equal recognition to male and female lines of descent and explicitly rejects patrilineal constructions of inheritance law. Rather than constituting a contradiction, these differences reflect the methodological richness and intellectual diversity within contemporary Islamic legal thought.

Furthermore, the synthesis of Shahrur’s and Hazairin’s ideas results in a model of Islamic inheritance law that is more coherent, adaptive, and responsive to modern social realities. Hazairin’s bilateral inheritance framework provides a just and contextually grounded structural foundation, while Shahrur’s theory of legal boundaries offers normative flexibility that remains firmly within the limits of *ḥudūd Allāh*. The integration of these two perspectives opens new avenues for the development of Islamic inheritance law that remains faithful to the authority of revelation while simultaneously engaging with scientific advancement, social transformation, and the pursuit of substantive justice in contemporary society.

Bibliography

Abu Bakar. 2007. “Pemikiran Hukum Kewarisan Bilateral: Studi Pemikiran Hazairin.” *Al-Banjari: Jurnal Ilmiah Ilmu-Ilmu Keislaman* 6, No. 11:21–38.

- Al-Yasa, Abubakar. 1989. "Ahli Waris Sepertalian Darah: Kajian Perbandingan Terhadap Penalaran Hazairin Dan Penalaran Fiqh Mazhab." Disertasi, Fak. Pascasarjana IAIN Sunan Kalijaga, Yogyakarta.
- Aniroh, Reni Nur. 2020. "Mempertegas Ide Kesetaraan Gender Dalam Sistem Kewarisan Bilateral: Sistem Waris Bilateral Pasca Hazairin." *Al-Ahwal* 13, No. 2:119–38.
- Aniroh, Reni Nur, Khoiruddin Nasution, and Ali Sodiqin. 2024. "The Bilateral Inheritance System in Islamic Family Law: Fairness, Equality, and Mutual Exchange Perspectives." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8(2):891–911.
- Anshori, Abdul Ghofur. 2004. "Konsep Kewarisan Bilateral Hazairin: Studi Filasafat Hukum Kewarisan Islam Di Indonesia." Disertasi, Universitas Gajah Mada, Yogyakarta.
- Asikin, Nur. 2011. "Hijab Dalam Hukum Kewarisan Islam (Studi Perbandingan Antara Imam Syafi'i Dan Hazairin)." Skripsi, Universitas Islam Negeri Sultan Syarif Kasim, Riau.
- Bachri, Syabbul. 2022. "Perbandingan Penerapan Konsep Kalalah Dalam Pemikiran Hukum Waris Islam." 9 no. 1:122–41.
- Cammack, Mark. 2002. "Islamic Inheritance Law in Indonesia: The Influence of Hazairin's Theory of Bilateral Inheritance." *Australian Journal of Asian Law* 4:295–315.
- Daud, Zakiul Fuady Muhammad. 2018. "Menyoal Rekonstruksi Maqashid Dalam Pembaharuan Hukum Kewarisan Islam." *Jurnal Ilmiah ISLAM FUTURA* 18. no. 1:1–33.
- Fatoni, Muhammad Wildan, and Syabbul Bachri. 2024. "Perspectives on Inheritance and Bequest for Heirs' Descendants: A Comparative Analysis of Muhammad Shahrur and Hazairin." 1, no. 2:51–76.
- Hamzah, Imron, Muharir Abdurrohim, and Hisam Ahyani. 2025. *Syari'ah 5.0: Kajian Maqasidi Atas Transformasi Wakaf, Mawarits, Dan Hukum Keluarga Islam Modern*. Bandung: Widina Media Utama.
- Haris, Abdul, and Syabbul Bachri. 2025. "Comparing Islamic Models of Substitute Heirs: KHI, Hazairin, Sharur, and Shia Perspectives." 23, no. 2:274–89.
- Hazairin. 1982. *Hukum Kewarisan Bilateral Menurut Qur'an Dan Hadith*. Jakarta: P.T. Tintamas Indonesia.
- Jamil, Rosidi. 2017. "Hukum Waris Dan Wasiat (Sebuah Perbandingan Antara Pemikiran Hazairin Dan Munawir Sjadzali)." *Al-Ahwal: Jurnal Hukum Keluarga Islam* 10:99–114.
- Juandi. 2005. "Wasiat Kepada Ahli Waris Dalam Pandangan Ibn Hazm Dan Muhammad Syahrur." Skripsi, Universitas Islam Negeri Sunan Kalijaga, Yogyakarta.

- Kusumaatmadja, Mochtar. 1976. *Hukum, Masyarakat Dan Pembinaan Hukum Nasional*. Bandung: Bina Cipta.
- Muliati, Emi. 2024. "Pengaruh Faktor Sosial Dan Ekonomi Terhadap Pembagian Waris Di Masyarakat Masa Kini: Perbandingan Pemikiran Hazairin Dan Muhammad Syahrur." Skripsi, Universitas Muhammadiyah Malang, Malang.
- Najib, Agus Moh. 2016. "Metodologi Ijtihad Mazhab Indonesia: Menelusuri Pemikiran Ushul Fikih Hazairin." *ASY-SYIR'AH: Jurnal Ilmu Syari'ah Dan Hukum* 50, No. 1:1-20.
- Nurlaelawati, Euis. 2012. "Menuju Kesetaraan Dalam Aturan Kewarisan Islam Indonesia: Kedudukan Anak Perempuan vs Saudara Kandung." Pp. 211-30 in *Problematika Hukum Kewarisan Islam Kontemporer di Indonesia*. Jakarta: Puslitbang Kehidupan Keagamaan Badan Litbang dan Diklat Kementerian Agama RI.
- Permana, Sugiri. 2018. "Implications of Hazairin and Munawir Sjadzali Thoughts in Establishment of Islamic Inheritance in Indonesia." *AHKAM* 18:375-94.
- Roudhoh, Muftirur. 2024. "Studi Komparasi Pemikiran Muhammad Syahrur Dan Muhammad Quraish Shihab Tentang Wasiat." Skripsi, Universitas Islam Negeri Raden Intan Lampung, Lampung.
- Syahrur, Muhammad. 1992. *Al-Kitāb Wa al-Qur'ān: Qirā'ah Mu'āṣirah*. Damaskus: al-Ahālī li aṭ-ṭibā'ah li an-Nasyr wa at-Tawzī'.
- Syahrur, Muhammad. 2000. *Naḥwa Uṣūl Jadīdah Li Al-Fiqh al-Islāmī*. Damaskus: al-Ahālī li aṭ-ṭibā'ah li an-Nasyr wa at-Tawzī'.
- Syamsuddin, Ach. Maimun. 2012. *Integrasi Multidimensi Agama Dan Sains: Analisis Sains Islam Al-Attas Dan Mehdi Golshani*. Yogyakarta: IRCiSoD.
- Syamsuddin, Sahiron. 2002. "Metode Intratekstualitas Muhammad Syahrūr Dalam Penafsiran Al-Qur'an." in *Studi Al-Qur'an Kontemporer: Wacana Baru Berbagai Metodologi Tafsir*. Yogyakarta: PT Tiara Wacana Yogya.
- Wahyu, Moh. Adib Sya'bani, and Syahrul Permana. 2024. "Hak Waris Dan Keadilan: Menggagas Reformasi Hukum Keluarga Dengan Prinsip Maqasid Syariah." *Jurnal Studi Inovasi* Vol. 4, no. 2:11-21.