



# Balanced Justice in Islamic Inheritance to Realize Unity and Sustainability of Collective Life

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**Abstract.** This paper aims to explore the values of justice in the Islamic inheritance system in realizing the sustainability of life. The method used in this research is normative juridical with descriptive analysis. The study results show that justice is one of the essences of Islamic teachings. Justice in the inheritance law system is closely related to the rights and obligations of the heirs and heirs and society, which can be viewed from theological, economic, and social perspectives. The basis for implementing inheritance law in the perspective of justice is to ensure order and justice for transferring assets from the deceased to their heirs. Justice is meant to treat the same or not to distinguish one person from another or the existence of equal rights. This shows that Islamic inheritance law provides social security for underprivileged families. If the Islamic inheritance system is practised properly and correctly, it will create unity and sustainability in collective life.

**Keywords:** Justice · Islamic Inheritance · Unity · Sustainability · Collective Life

## 1 Introduction

Islam is Allah SWT's final religion revealed to humanity through the Prophet Muhammad SAW. All forms of benefit taught by previous religions have been incorporated into Islam. He brought Islam, which is more unique than previous religions because Islam is a teaching that can be applied at any time, place, and society [1].

The Koran, Islam's first and primary law source, contains various teachings for humanity's benefit. Among scholars, some divide the Koran's content into three major groups: aqidah, khuluqiyyah, and 'amaliyah. Aqidah is related to the fundamentals of the faith. Khuluqiyyah has to do with ethics or morals. Amaliyah deals with legal issues that arise from aqwal and af'al (human actions). The last group ('amaliyah') in the Islamic legal system is divided into two major groups. First, there is worship, which regulates the pattern of human relations with God. Second, the muamalah regulates the pattern of social relationships [2].

The main objective of Islamic law (maqashid as-Syariah) is to protect the most critical values: religion, soul, mind, lineage, and property [3]. The five objectives are classified as maqashid ad-dharuriyat or urgent objectives.

One of the provisions discussed in Islamic law is the issue of inheritance, which is part of Islamic family law known as *Fiqh Mawaris* [4]. As part of the Islamic legal system, inheritance law will always refer to general legal principles. There are seven principles of Islamic law: monotheism, justice, *amar ma'ruf nahi munkar*, independence or freedom, equality or egalite, *ta'awun*, and tolerance [5].

The main concern in the distribution of inheritance in Islamic law is the issue of justice. This can be seen in one of the inheritance principles, which is balanced justice. The meaning of the principle of balanced justice is a balance between the parts obtained and their needs and uses [6]. Based on this description, the authors are interested in studying the problem of the values of justice in the Islamic inheritance system to realize unity and sustainability of collective life.

## 2 Methods

This type of research is normative juridical research. Normative research is a study that considers the law as something written in legislation or as a rule or norm that guides behaviour [7]. In line with the type of normative research, the approaches used are the statutory and conceptual approaches. The data used in this study is secondary data, divided into primary legal materials, namely statutory regulations, and secondary legal materials, consisting of journals, reports, and news in the mass media. Secondary data was gathered using library research collection techniques, and the information was then analyzed qualitatively and descriptively.

## 3 Result and Discussion

Justice is one of the legal goals that has gotten much attention throughout the history of legal philosophy. The goal of the law is not only to provide justice but also to provide legal certainty and expediency. Nonetheless, justice is the law's primary goal; some argue that it is the sole purpose of the law [8].

In the view of Islam, justice is the ultimate goal of the law. In Islamic law, justice must be achieved by referring to the primary sources of Islam, namely the *Qur'an* and *hadith*. Therefore, the opinion of seeking justice becomes a universal legal standard that can appear anywhere and anytime by the nature of the revelation of Islam to the face of the earth. In addition, the principle of justice is one of the principles found in the *Qur'an* in addition to the absolute principle and the individual principle.

Justice is one of the principles (doctrine) in Islamic inheritance law, which is concluded from an in-depth study of the basic principles contained in the law on inheritance. The most prominent thing in the discussion of justice regarding Islamic inheritance law is about equal rights and mutual inheritance between men and women, as well as a 2:1 ratio (read 2 to 1) between men and women [9].

In Islamic inheritance law, the idea of fairness means that there must be a balance between the rights received via inheritance and the duties or burdens of life that must be endured or performed by the heirs [10].

Islam puts inheritance law to regulate the distribution of inheritance to achieve justice for all entitled heirs, both men and women, and children or adults. Faraidl science has

given detailed limits on the amount of share for each heir, which is globally divided into three categories, definite (fardl), soft (ta'shib), or kinship (dzu rahm) and other than that, obstructed conditions (hijb), and it is forbidden to inherit (man'u min al-irts). Justice in Islam does not mean equality or adjustment to the conditions and realities of the times. Justice in Islam is more universal for all humans' survival on Allah SWT's instructions [11].

There are three forms of the number of shares obtained by men and women: (1) Men get the same amount as women: like mothers and fathers (both get 1/6) in a state of inheritance leaving biological children. Similarly, brothers and sisters get 1/6 (in the case of the heir being someone who does not have a direct heir). (2) Men get a share of more or twice as much as women in the same case, namely boys and girls. In a separate case, the widower gets twice the share the widow gets, i.e., if the testator does not leave a child and 1/8 if the testator leaves the child. (3) The share of women is greater than that of men, and the condition that women inherit men do not [10].

There are differences based on the number of shares obtained when receiving rights. However, this does not imply that it is unjust because justice in Islam is measured by the amount obtained when receiving inheritance rights and by use and needs. In general, men require more material wealth than women [12].

The Islamic inheritance system follows the principle of balanced justice, which means that there must always be a balance between rights and obligations, between what a person receives and the obligations that must be met. Men and women will be granted rights proportional to their responsibilities in family and community life.[13].

In the Islamic inheritance system, balanced justice preserves the common unity of family and community and ensures the survival of communal existence. According to this viewpoint, the integrity of the family and society is a social component of the Islamic inheritance system. As a result, a social or legal system will function well if all of its components function properly. According to Hayyan Ul Haq, excellent quality interactions between components would encourage full involvement of these components so that they can work proportionally, hence maintaining oneness. This requirement necessitates equilibrium or equality. This concept might be construed as justice in a legal environment. As a result, justice must be committed to preserving unity and sustainability [16].

One of the distinguishing features of Islamic inheritance law is that the person leaving the property is not given the authority to determine the portion of the property that will be received by the family left behind. This is enforced to ensure that no one receives preferential treatment, such as prioritizing certain family members. Furthermore, family conflict can arise during the distribution of assets when the inheritance is insufficient to meet the heirs' needs. This is because distinguishing a person from a group can lead to conflict [14].

The Islamic inheritance system adheres to the tashaluh principle, which means the distribution of inheritance based on the principle of peace through certain heirs giving up their share to be given to other heirs after they know their share. The purpose of this peace is to settle any quarrels or disputes between the heirs [15].

One example that can be put forward is Article 185 of the Compilation of Islamic Law (KHI), which regulates granting inheritance rights to grandchildren whose parents have died first. This article aims to provide welfare and not to let the grandson be neglected

due to lack of living expenses. This article is necessary to show the importance of the principle of justice in Islamic inheritance law. In addition, these provisions are based on al-nass and maqasid al-Shari'ah [14].

Several lessons can be drawn from the stipulation of the provisions for the distribution of inheritance in Islam that are just and balanced, namely: (1) In Islam, the position of parents, wife/husband, and children as heirs is equated. This is different from the jahiliyyah inheritance system, which makes the wife the object of inheritance and not the subject of the beneficiary; (2) maintains the integrity of the family. This is because inheritance can trigger disputes between family members. The detailed provisions of the division from Allah can avoid disputes in the family; (3) as a means of preventing poverty and misery for the heirs. This can be seen in the distribution of inheritance with a large portion to the heirs such as wife or husband, children, mothers, fathers, brothers, and even grandparents; and (4) as a means of prevention from hoarding one's inheritance. (4) with the distribution of inheritance in detail to the heirs, it is hoped that the granting of rights will be by the proportions; (5) realizing the benefit of family members in social life with an appropriate distribution of rights.

## 4 Conclusion

Islamic inheritance is a concept found in Islamic family law. The Islamic inheritance system adheres to the idea of balanced justice, which states that everyone is treated fairly depending on his or her services or rights. Men, for example, receive a bigger part since they have more family commitments, but women receive a lesser share. After all, they have greater responsibilities in the household. Several families The implementation of balanced justice attempts to create communal life's harmony and sustainability.

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