

The Epistemology of Islamic Inheritance Disputes

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ABSTRACT

This research explores the epistemology of Islamic inheritance law in Indonesia, rooted in the Quran, Hadith, and ulama's ijtihad, yet influenced by customary and national law. Using normative legal research with literature study, it finds that inheritance disputes arise from plural legal systems and interpretive differences. An integrative approach based on maqasid al-shariah is proposed to ensure justice and civilized resolution.

Keywords: *Islamic Inheritance Law, Epistemology, Inheritance Disputes, Integrative Approach*

A. INTRODUCTION

Islamic inheritance law is an integral part of Sharia that governs the transfer of assets from the deceased to their heirs. Although it is normatively rooted in the Quran and Hadith, its implementation in Indonesia faces complexity due to the interaction with customary practices and national law. This article examines the epistemological issues behind inheritance disputes, arising from varying interpretations, local traditions, and legal pluralism.

B. METHOD

This study employs normative legal research using a qualitative approach through literature review. The data sources include Islamic legal literature, scholars' fatwas, national legal instruments, and relevant case studies. The epistemological framework is used to analyze the dynamics of knowledge differences and interpretations in the application of Islamic inheritance law in Indonesia.

C. ANALYSIS/DISCUSSION

The discussion begins with understanding the epistemology of Islamic inheritance law, which draws from the Quran, Hadith, ijma', qiyas, and ijtiḥad. This structure integrates both normative principles and contextual adaptability.

Inheritance disputes in Indonesia are caused by:

1. Differences in schools of jurisprudence
2. Varied interpretations of legal texts
3. Incompatibility between normative law and social context
4. Overlap between Islamic law, customary law, and national law

Approaches to resolution:

- Maqasid al-Shariah: Emphasizes justice, protection of property, and social welfare
- Litigation: Through the Religious Court system for formal settlement
- Non-litigation: Mediation and deliberation as harmonious alternatives

Case examples show that Islamic-based mediation can effectively resolve conflicts by prioritizing ethical and familial values, avoiding prolonged court disputes.

D. CONCLUSION

The epistemology of Islamic inheritance law in Indonesia arises from the interaction between divine texts, juristic reasoning, local customs, and national regulations. Disputes are often rooted in interpretive differences, incomplete legal knowledge, and overlapping legal frameworks. An epistemological approach to resolution—through maqasid al-shariah, litigation, and non-litigation methods—promotes justice, social harmony, and a civilized legal culture.

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