

Comparative Analysis of Islamic Family Law and National Civil Law in Protecting Women's Inheritance Rights

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Article Info

Article history:

Received Apr 12th, 2026

Revised Mei 20th, 2026

Accepted Jun 26th, 2026

Keyword:

Islamic family law, national civil law, women's inheritance rights, legal pluralism, gender justice, comparative legal analysis.

ABSTRACT

This study examines the comparative protection of women's inheritance rights within Islamic family law and national civil law in plural legal societies. The research aims to analyze the effectiveness of both legal systems in ensuring legal certainty, gender justice, and institutional protection for women involved in inheritance disputes. The study employs a qualitative research method using a comparative socio-legal case study design because this approach enables comprehensive examination of legal norms, judicial interpretation, institutional practices, and socio-cultural influences affecting inheritance implementation. The research was conducted in Jakarta, Yogyakarta, and West Java, Indonesia, selected due to their representation of legal pluralism, active inheritance dispute cases, and the coexistence of Religious Courts and civil courts. The study involved twelve informants consisting of judges, legal scholars, advocates, religious counselors, and women litigants, selected purposively based on expertise and direct experience related to inheritance disputes. The findings reveal that both Islamic family law and national civil law formally recognize women's inheritance rights; however, implementation remains constrained by patriarchal culture, legal dualism, institutional inconsistency, and limited legal awareness. The study recommends harmonization of legal frameworks, gender-sensitive judicial interpretation, expansion of legal aid services, and public legal education to strengthen substantive inheritance justice for women.



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INTRODUCTION

The discourse on women's inheritance rights has become an increasingly significant issue within contemporary legal studies, particularly in societies characterized by legal pluralism where religious law and national civil law coexist (Kaplanova, 2024). In many Muslim-majority countries, including several jurisdictions in Asia, the Middle East, and Africa, inheritance arrangements are regulated through a combination of Islamic family law, customary traditions, and state civil law frameworks. Although Islamic inheritance law historically introduced progressive reforms concerning women's property rights, practical implementation frequently reveals disparities between normative legal principles and social realities (Jo'raboy, 2025). Women often encounter structural, cultural, and procedural barriers that limit their effective access to inheritance, despite the existence of formal legal protections (Jagota & Kaur, 2024). These challenges have intensified scholarly debate regarding the comparative effectiveness of Islamic family law and national civil law in ensuring substantive justice and gender equity in inheritance distribution.

The state of the art within contemporary legal scholarship demonstrates that previous studies have predominantly focused on doctrinal interpretations of Islamic inheritance law, especially concerning the proportional distribution of shares between male and female heirs (Zimmerman & Chalidze, 2023). Numerous scholars have analyzed Qur'anic provisions, classical fiqh doctrines, and the application of inheritance principles within modern Islamic legal systems. Other studies have concentrated on national civil law reforms aimed at promoting equality before the law and strengthening women's legal standing in inheritance disputes (Ma, 2025). However, the majority of existing literature

tends to examine these legal systems separately rather than comparatively. As a result, insufficient attention has been devoted to evaluating how Islamic family law and national civil law interact, overlap, or conflict in protecting women's inheritance rights within contemporary plural legal environments (Kapitonova, 2024). This gap indicates the need for a comprehensive comparative analysis capable of identifying both the strengths and limitations of each legal framework.

The main problem addressed in this research emerges from the persistent inconsistency between legal recognition and practical realization of women's inheritance rights. In several jurisdictions, women formally possess inheritance entitlements under both Islamic law and national civil law, yet discriminatory cultural practices frequently undermine these rights (Farziyeva, 2025). Patriarchal traditions, unequal access to legal institutions, social pressure, and limited legal literacy often discourage women from claiming their inheritance shares (Iristian, 2023). Furthermore, legal dualism sometimes creates uncertainty concerning which legal system should prevail in inheritance disputes, especially in multicultural societies where religious identity influences family law adjudication (Holden, 2024). Such conditions produce legal ambiguity that may weaken judicial protection and reduce women's access to justice. Consequently, a comparative investigation is necessary to determine whether Islamic family law or national civil law offers more effective legal safeguards in protecting women's inheritance rights.

The research gap identified in this study lies in the limited integration of comparative legal analysis with socio-legal perspectives regarding women's inheritance protection. Existing research generally concentrates either on theological legitimacy within Islamic jurisprudence or on constitutional equality within civil law systems. Few studies systematically compare how both legal frameworks operate institutionally, normatively, and practically in addressing gender-based inheritance disputes (Trunk-Fedorova, 2025). Moreover, earlier studies often overlook the dynamic interpretation of Islamic law in modern contexts and fail to consider how legal reform initiatives can harmonize religious values with universal human rights principles (Al-Hafiz, 2025). This research therefore seeks to bridge the gap by critically examining the compatibility, divergence, and practical implications of Islamic family law and national civil law in safeguarding women's inheritance rights.

The novelty of this research is reflected in its interdisciplinary and comparative approach that combines normative legal analysis with socio-legal examination. Unlike prior studies that emphasize doctrinal debates in isolation, this research evaluates the practical effectiveness of both legal systems in achieving legal certainty, justice, and gender protection. The study also introduces a contemporary analytical framework that explores the possibility of harmonizing Islamic legal principles with national civil law standards through contextual interpretation and legal reform mechanisms (Nuraeni & Songgirin, 2024). By emphasizing women's lived experiences and institutional legal practices, this research contributes a more comprehensive understanding of inheritance justice within pluralistic legal societies. This novelty is expected to provide an original contribution to international legal scholarship, particularly in the fields of comparative law, Islamic legal studies, and gender justice.

Based on the background and identified research gap, this study formulates several central research questions. The first question concerns how Islamic family law regulates women's inheritance rights within classical and contemporary legal interpretations. The second question examines how national civil law frameworks protect women's inheritance rights through statutory regulations and judicial mechanisms. The third question analyzes the comparative effectiveness of Islamic family law and national civil law in ensuring substantive legal protection and gender justice. The fourth question investigates the legal, cultural, and institutional factors that hinder the realization of women's inheritance rights in plural legal systems. These research questions are designed to facilitate a systematic exploration of normative principles as well as practical legal implementation.

The primary objective of this research is to comparatively analyze the role of Islamic family law and national civil law in protecting women's inheritance rights. More specifically, the study aims to identify similarities and differences between both legal systems concerning inheritance distribution, legal certainty, and gender protection. The research also seeks to evaluate the effectiveness of legal institutions in resolving inheritance disputes involving women and to assess the extent to which existing legal frameworks accommodate principles of justice and equality (Sirena, 2023). In addition, this study

intends to formulate recommendations for legal harmonization and policy reform capable of strengthening women's inheritance protection within plural legal environments. Through these objectives, the research aspires to contribute both theoretically and practically to the development of equitable inheritance law systems.

From a theoretical perspective, this research provides important contributions to the advancement of comparative legal studies and Islamic legal scholarship. The study enriches academic discourse regarding the relationship between religious law and civil law within pluralistic legal systems (Kensiwi & Subekti, 2025). It also contributes to contemporary debates concerning gender justice, legal reform, and the contextual interpretation of Islamic law in modern societies. By integrating normative and socio-legal approaches, this research expands analytical perspectives concerning the practical operation of inheritance law and the intersection between legal doctrine and social realities.

Academically, this research offers a valuable reference for scholars, students, and legal researchers interested in family law, Islamic jurisprudence, gender studies, and comparative legal analysis. The findings are expected to support the development of interdisciplinary legal research methodologies and encourage further scholarly discussions regarding women's rights within plural legal contexts. In addition, this study may serve as an academic foundation for future comparative studies examining the interaction between religious norms and state legal systems in other areas of family law.

Practically, the research provides significant implications for policymakers, judges, legal practitioners, and human rights advocates. The findings may assist governments and legal institutions in designing more inclusive inheritance regulations and improving judicial protection mechanisms for women (Sedova & Andreeva, 2025). The study can also support advocacy initiatives aimed at increasing women's legal awareness and access to justice in inheritance disputes. Furthermore, this research may contribute to the formulation of balanced legal policies capable of reconciling religious values with constitutional principles of equality and human rights protection.

Despite its contributions, this research acknowledges several limitations. The study primarily focuses on comparative normative analysis and selected socio-legal dimensions, which may limit broader empirical generalization across all jurisdictions. Differences in cultural traditions, legal institutions, and judicial practices among countries may also influence the applicability of findings. Moreover, the research emphasizes women's inheritance rights within the context of Islamic family law and national civil law, without extensively addressing customary inheritance systems that may significantly affect inheritance practices in certain communities. These limitations indicate that the conclusions of this study should be interpreted within the scope of the selected legal and social contexts.

Future research is therefore recommended to expand empirical investigation concerning women's experiences in inheritance disputes across diverse legal systems and cultural settings. Subsequent studies may also examine the role of mediation institutions, religious courts, and alternative dispute resolution mechanisms in strengthening women's inheritance protection (Rybachek, 2025). Comparative studies involving non-Muslim legal traditions or international human rights frameworks could further enrich academic understanding of inheritance justice. Additionally, interdisciplinary research integrating legal analysis with sociology, anthropology, and gender studies would provide deeper insights into the complex interaction between law, culture, and social transformation in protecting women's inheritance rights.

LITERATURE REVIEW

The study of women's inheritance rights within the intersection of Islamic family law and national civil law has attracted increasing scholarly attention in contemporary comparative legal discourse (Sirko, 2023). Legal pluralism in many Muslim-majority countries has generated complex interactions between religious norms, statutory regulations, and socio-cultural traditions in determining inheritance distribution (Mukaddam, 2024). In principle, both Islamic family law and national civil law seek to establish legal order and justice in family relations, including inheritance matters. Nevertheless, practical implementation frequently reveals tensions between doctrinal interpretation, constitutional equality, and patriarchal social structures (Kozak-Isik, 2024). Consequently, scholarly literature

increasingly emphasizes the importance of examining how different legal systems respond to women's inheritance claims and whether such systems provide substantive protection against discrimination and exclusion.

Contemporary literature on Islamic inheritance law demonstrates that Islamic legal doctrine historically introduced a structured inheritance framework intended to protect women's proprietary rights (Mohanty & ShalinI, 2025). Classical Islamic jurisprudence recognizes women as independent legal subjects capable of owning, managing, and inheriting property. The Qur'anic inheritance provisions established mandatory inheritance shares for female heirs, representing a significant reform within the historical context of pre-Islamic Arabian society (Bernaz-Lukavetska, 2023). However, modern legal scholars argue that the implementation of these provisions has often been influenced by patriarchal interpretations and socio-cultural practices that limit women's access to inheritance (Campbell, 2024). In contrast, national civil law systems generally emphasize formal equality, constitutional protection, and equal access to justice. Despite this normative commitment, women in several jurisdictions continue to encounter procedural barriers, unequal bargaining power, and social pressures that hinder effective realization of inheritance rights (Zainuddin, 2024). These conditions indicate that legal recognition alone is insufficient without institutional enforcement and cultural transformation.

This research employs three major theoretical frameworks to analyze the comparative protection of women's inheritance rights, namely Legal Pluralism Theory, Feminist Legal Theory, and Justice Theory. These theories are selected because they provide complementary perspectives concerning the interaction between religious law, state law, gender justice, and institutional legal protection. Together, they establish an integrated conceptual foundation for understanding the complexity of inheritance disputes within plural legal systems.

The first theory applied in this research is Legal Pluralism Theory, widely popularized by John Griffiths in his influential work "What is Legal Pluralism?" published in 1986 while affiliated with the University of Groningen, the Netherlands (Vig et al., 2023). Griffiths argued that modern societies are characterized by the coexistence of multiple normative orders operating simultaneously within the same social field. According to this theory, state law does not function as the sole source of legal authority because religious norms, customary traditions, and informal social practices also regulate human behavior (Husain & Abubakar, 2023). Griffiths emphasized that legal pluralism reflects social reality more accurately than legal centralism, particularly in multicultural societies where different communities maintain distinct normative systems.

The conceptual framework developed by Griffiths explains that conflicts frequently emerge when multiple legal systems claim authority over the same legal issue. In the context of inheritance law, Islamic family law and national civil law may coexist within a single jurisdiction, creating overlapping legal obligations and interpretative challenges (Dong & Li, 2025). The relevance of this theory to the present research lies in its ability to explain why women's inheritance rights are often affected by institutional dualism and normative fragmentation. The theory further clarifies the research gap concerning the limited comparative analysis of how religious and civil legal systems interact in protecting women's rights.

The development of Legal Pluralism Theory has expanded significantly in contemporary scholarship. Scholars such as Sally Engle Merry of New York University, United States, have further developed the theory by emphasizing the relationship between local legal cultures and global human rights norms (Kannabiran, 2025). Merry argued that legal pluralism should not merely be understood as the coexistence of legal systems, but also as a dynamic process involving negotiation, adaptation, and power relations. Contemporary developments of this theory are particularly relevant to inheritance disputes because women's legal experiences are often shaped by both formal legal structures and informal social expectations. Therefore, Legal Pluralism Theory provides an analytical foundation for examining how legal dualism may either strengthen or weaken women's inheritance protection.

The second theory utilized in this research is Feminist Legal Theory, prominently developed by Catharine Alice MacKinnon in the 1980s during her academic affiliation with the University of

Michigan, United States (Macharashvili, 2025). MacKinnon argued that law is not always neutral because legal structures often reflect patriarchal power relations embedded within society (Munir, 2025). According to Feminist Legal Theory, legal systems may formally recognize equality while simultaneously reproducing structural discrimination through interpretation, institutional practices, and cultural assumptions. MacKinnon emphasized that substantive equality requires not only formal legal recognition but also transformation of social conditions that perpetuate gender inequality.

The conceptual framework of Feminist Legal Theory highlights how gendered power structures influence legal interpretation and access to justice. Within inheritance disputes, women frequently face social and institutional barriers despite possessing formal inheritance rights under religious or civil law (Dhillon & Garg, 2025). This theoretical perspective is highly relevant to the present study because it explains the discrepancy between normative legal protection and practical realization of women's inheritance rights. The theory also addresses the main research problem concerning persistent discrimination and unequal legal enforcement affecting women in inheritance cases.

The contemporary development of Feminist Legal Theory has become increasingly intersectional and transnational. Scholars such as Martha Albertson Fineman from Emory University, United States, have expanded feminist legal analysis through the vulnerability theory approach (Ziyamov, 2025). Fineman argues that legal systems should recognize structural vulnerability and institutional dependency rather than relying solely on abstract equality principles. Current feminist legal scholarship also emphasizes the interaction between gender, religion, culture, and socio-economic inequality. This modern development strengthens the analytical relevance of Feminist Legal Theory within comparative inheritance studies because women's inheritance experiences are influenced not only by legal doctrine but also by broader social structures.

The third theoretical framework employed in this research is Justice Theory, particularly the theory of justice developed by John Bordley Rawls in his seminal work "A Theory of Justice" published in 1971 while affiliated with Harvard University, United States (Mutua, 2025). Rawls proposed that justice should be understood as fairness, where social and legal institutions are designed to ensure equal basic liberties and equitable opportunities for all individuals (Ghoshal, 2025). According to Rawls, fair legal arrangements must protect vulnerable groups and prevent social inequalities from undermining individual rights. His principles of justice emphasize impartiality, equal access to rights, and institutional fairness.

The conceptual relevance of Rawls' theory to inheritance law lies in its focus on distributive justice and institutional legitimacy. Women's inheritance rights cannot be assessed solely through formal legal provisions; rather, they must also be evaluated in terms of fairness, accessibility, and practical outcomes (Addo, 2024). Rawls' framework enables this research to examine whether Islamic family law and national civil law provide equitable mechanisms for protecting women's inheritance entitlements. Furthermore, Justice Theory contributes to understanding the research objective of identifying which legal framework offers greater substantive justice for women.

Contemporary developments of Justice Theory have expanded beyond classical liberal frameworks. Scholars such as Amartya Kumar Sen from Trinity College, University of Cambridge, United Kingdom, introduced the capability approach, emphasizing that justice should be measured by individuals' actual ability to exercise rights and opportunities (Mousourakis, 2025b). Sen criticized purely institutional approaches and argued that justice requires practical realization rather than abstract legal guarantees. This development is particularly relevant to women's inheritance rights because legal entitlement alone does not ensure effective access to inherited property. By incorporating Sen's perspective, the present study strengthens its analysis of how legal systems function in practice.

The integration of these three theories provides a comprehensive conceptual framework for addressing the main research problem. Legal Pluralism Theory explains the coexistence and interaction between Islamic family law and national civil law. Feminist Legal Theory reveals how patriarchal structures may undermine women's inheritance protection despite formal legal recognition. Justice Theory evaluates whether legal systems achieve substantive fairness and equitable access to inheritance

rights (Laadiy et al., 2025). Together, these theories address the identified research gap concerning the limited interdisciplinary analysis of women's inheritance protection within plural legal systems.

The theories are also directly connected to the research questions concerning the comparative effectiveness of Islamic family law and national civil law in protecting women's inheritance rights. Legal Pluralism Theory supports examination of institutional interaction between multiple legal systems. Feminist Legal Theory facilitates analysis of gender-based discrimination and structural inequality. Justice Theory provides evaluative criteria for measuring fairness and legal effectiveness. Consequently, these theoretical frameworks collectively support the research objectives of identifying legal strengths, institutional weaknesses, and potential pathways for legal harmonization.

From a theoretical perspective, the application of these theories contributes to the development of interdisciplinary comparative legal studies by integrating legal sociology, feminist jurisprudence, and justice-oriented analysis (Barac et al., 2023). Academically, the theories strengthen scholarly understanding of inheritance law within pluralistic societies and encourage further comparative research regarding gender justice and legal reform. Practically, the theories provide analytical guidance for policymakers, judges, and legal practitioners in designing more inclusive inheritance regulations and improving institutional legal protection for women.

In conclusion, the literature review demonstrates that Legal Pluralism Theory, Feminist Legal Theory, and Justice Theory collectively establish a strong conceptual foundation for analyzing women's inheritance rights within the interaction of Islamic family law and national civil law. The perspectives of John Griffiths, Catharine Alice MacKinnon, and John Bordley Rawls reveal that inheritance disputes are shaped not only by legal doctrine but also by institutional structures, gender relations, and principles of fairness (Rezaei et al., 2025). The integration of these theories addresses the primary research problem, bridges the identified research gap, and supports the novelty of the study through an interdisciplinary comparative approach. Furthermore, the theoretical framework strengthens the formulation of research questions, clarifies research objectives, and enhances the theoretical, academic, and practical contributions of the study concerning the protection of women's inheritance rights in plural legal systems.

RESEARCH METHODS

This research employs a qualitative legal research methodology to critically examine the comparative protection of women's inheritance rights within Islamic family law and national civil law systems (Sinitsyn, 2023). The qualitative approach is considered the most appropriate methodological framework because the research primarily focuses on understanding legal interpretations, institutional practices, socio-cultural dynamics, and normative principles related to inheritance justice. Unlike quantitative methods that emphasize numerical measurement and statistical generalization, qualitative legal research enables deeper exploration of legal meaning, judicial reasoning, social context, and the lived experiences of legal actors involved in inheritance disputes (Abdillah et al., 2024). The qualitative approach is particularly relevant to comparative legal studies because it facilitates comprehensive interpretation of legal doctrines, institutional mechanisms, and socio-cultural factors influencing the implementation of women's inheritance rights within plural legal systems.

The research design adopted in this study is a comparative socio-legal case study design (Dhingra & Balani, 2024). This design combines doctrinal legal analysis with socio-legal examination to evaluate how Islamic family law and national civil law operate in practice in protecting women's inheritance rights. The comparative dimension allows systematic evaluation of similarities, differences, strengths, and weaknesses between religious and state legal frameworks. Meanwhile, the socio-legal dimension enables analysis of the interaction between law, society, institutional culture, and gender relations (Muhammadong, 2023). The selection of this design is based on the understanding that inheritance disputes cannot be adequately examined solely through textual legal interpretation because practical legal outcomes are also influenced by social norms, institutional structures, and judicial practices. Therefore, the comparative socio-legal case study design provides an integrated analytical framework capable of addressing both normative and empirical dimensions of inheritance protection.

This study is conducted in Indonesia as the primary research location because Indonesia represents one of the most significant examples of legal pluralism in the contemporary Muslim world (Rafiqi, 2023). Indonesian inheritance law is characterized by the coexistence of Islamic family law, national civil law, and customary legal traditions. Such legal diversity creates a complex legal environment in which women's inheritance rights are often negotiated through multiple normative systems. Indonesia is therefore selected because it offers a relevant and representative context for examining the interaction between Islamic family law and national civil law in protecting women's inheritance rights. Furthermore, Indonesia has established specialized Religious Courts responsible for adjudicating Islamic family law disputes, while national civil courts continue to operate under the broader statutory legal system (Mahfudhi, 2025). This institutional dualism makes Indonesia an important site for comparative legal analysis.

More specifically, the research focuses on selected judicial and academic institutions located in Jakarta, Yogyakarta, and West Java. Jakarta is chosen because it functions as the national legal and administrative center where major legal reform discussions and judicial policymaking processes occur. Yogyakarta is selected due to its strong academic tradition and its prominence as a center for Islamic legal scholarship and socio-legal research (Latifiani et al., 2024). West Java is included because it represents a region with significant Muslim population diversity and active inheritance dispute cases involving both Islamic and civil legal frameworks. The selection of these locations aims to provide broader socio-legal representation and to capture variations in institutional practice, legal interpretation, and cultural influences affecting women's inheritance rights.

Because this research applies a qualitative methodology, the study does not prioritize statistical representativeness but rather emphasizes purposive and theoretical sampling (Sarabekov, 2025). The participants are selected based on their expertise, institutional role, and direct involvement in inheritance law practice or scholarship. The research involves twelve primary informants consisting of judges, legal scholars, advocates, religious leaders, and women involved in inheritance disputes. The number of informants is considered sufficient to achieve data saturation, where additional interviews no longer produce substantially new information relevant to the research objectives (Yimer, 2024).

The first category of informants consists of judges from Religious Courts and District Courts. One informant identified using the pseudonym Judge Ahmad serves as a senior Religious Court judge in Jakarta with more than fifteen years of experience handling Islamic inheritance disputes. He is selected because of his expertise in applying Islamic family law within judicial practice. Another informant, identified as Judge Ratna, is a District Court judge in West Java specializing in civil inheritance litigation. She is included to provide comparative insights concerning national civil law implementation and judicial protection mechanisms for women. The inclusion of judges is essential because judicial interpretation significantly influences the realization of women's inheritance rights in practice (Mousourakis, 2025a).

The second category includes legal academics and Islamic law scholars. Professor Hasan, a senior lecturer in Islamic jurisprudence from Yogyakarta, is selected because of his extensive publications regarding Islamic inheritance reform and gender justice. Another academic informant, Professor Maria, is a legal scholar specializing in comparative civil law and constitutional equality principles. These academic informants are chosen because they provide theoretical perspectives concerning legal pluralism, legal reform, and comparative inheritance systems. Their expertise supports the doctrinal and conceptual analysis required in this research.

The third category consists of legal practitioners and advocates involved in women's inheritance cases. Advocate Lina, a legal aid lawyer working in Jakarta, is selected due to her direct experience representing women in inheritance disputes before both Religious Courts and civil courts. Advocate Yusuf, another participant from West Java, specializes in mediation and family dispute resolution involving Islamic inheritance claims. Legal practitioners are included because they possess practical understanding concerning procedural barriers, institutional limitations, and challenges encountered by women seeking inheritance protection (Humairah et al., 2025).

The fourth category includes women who have directly experienced inheritance disputes. Informants identified through pseudonyms such as Nur, Siti, and Rahma are selected because they provide firsthand perspectives regarding legal access, family pressure, social stigma, and institutional treatment within inheritance proceedings (Panych, 2025). The inclusion of women litigants is essential to ensure that the research captures not only institutional perspectives but also the lived experiences of those affected by inheritance conflicts. These participants are selected using purposive sampling because they possess direct relevance to the research objectives.

The study also includes several supporting informants from religious organizations and women's advocacy institutions. One informant, referred to as Ustaz Farid, is a religious counselor involved in community-based mediation regarding inheritance disputes. Another informant, identified as Maya, works within a women's rights organization advocating for gender equality and legal awareness concerning inheritance rights. These supporting informants are selected because they provide broader socio-cultural and institutional perspectives concerning the implementation of inheritance law within society.

Data collection in this research is conducted through multiple qualitative techniques to ensure depth, validity, and triangulation (Vylytsan, 2025). The primary method of data collection is semi-structured in-depth interviews. Semi-structured interviews are selected because they allow flexibility in exploring participants' experiences, interpretations, and legal reasoning while maintaining alignment with the research objectives (Asrafuzaman, 2025). Interview questions focus on legal interpretation, institutional practice, procedural challenges, gender discrimination, and perceptions regarding the effectiveness of Islamic family law and national civil law in protecting women's inheritance rights.

In addition to interviews, the study employs document analysis as a significant methodological component (Mitchell, 2024). Legal documents analyzed include inheritance statutes, religious court decisions, civil court judgments, constitutional provisions, Islamic legal compilations, academic publications, and legal reform policies. Document analysis is necessary because comparative legal research requires examination of normative legal frameworks alongside empirical findings. Judicial decisions are particularly important for identifying patterns of legal interpretation and institutional responses toward women's inheritance claims.

Observation is also utilized as a supplementary data collection technique. Non-participant observation is conducted in selected court proceedings, mediation sessions, and legal consultation activities involving inheritance disputes (Dusollier, 2025). This method enables the researcher to observe institutional interaction, courtroom dynamics, and procedural practices that may influence women's access to justice. Observation contributes additional contextual understanding beyond interview narratives and written legal documents.

To maintain research validity and credibility, the study applies methodological triangulation through comparison of interview data, legal documents, and observational findings (PETESHENKOVA, 2023). Source triangulation is also employed by comparing perspectives from judges, legal scholars, practitioners, religious leaders, and women litigants. This approach reduces subjectivity and strengthens the reliability of research findings. Furthermore, member checking is conducted by allowing selected informants to review summaries of interview interpretations to ensure accuracy and contextual validity (Krstić, 2023).

Data analysis in this research follows a thematic qualitative analysis approach integrated with comparative legal interpretation (Ruf & Yin, 2024). Thematic analysis is conducted through several stages, including data transcription, coding, categorization, interpretation, and synthesis. Initially, interview data and legal documents are transcribed and systematically organized. The researcher then identifies recurring themes related to legal pluralism, gender justice, institutional barriers, inheritance distribution, judicial interpretation, and legal reform. These themes are subsequently analyzed comparatively to identify similarities and differences between Islamic family law and national civil law concerning women's inheritance protection.

Comparative legal interpretation is employed to examine how different legal systems conceptualize justice, equality, and inheritance rights (Vanoni, 2025). This analysis focuses on doctrinal provisions, judicial reasoning, and institutional enforcement mechanisms. The integration of thematic and comparative analysis enables the research to connect normative legal frameworks with socio-legal realities. Consequently, the analysis not only explains legal principles but also evaluates their practical implications for women's inheritance protection.

Ethical considerations constitute an important aspect of this research methodology (Shpak, 2023). All participants are informed regarding the purpose of the study, the voluntary nature of participation, and confidentiality protections. Pseudonyms are used to protect participants' identities and maintain ethical research standards. Sensitive information concerning personal inheritance disputes is handled carefully to avoid emotional harm or legal risk to participants. Ethical approval principles are implemented to ensure that the research respects participant dignity, privacy, and legal rights.

The technique of drawing research conclusions in this study employs inductive analytical reasoning integrated with comparative synthesis (Hnatenko, 2023). Inductive reasoning allows conclusions to emerge gradually from empirical findings, interview narratives, and legal analysis rather than imposing predetermined assumptions. The researcher systematically identifies patterns, relationships, and contradictions within the data before formulating broader conceptual interpretations. Comparative synthesis is subsequently applied to evaluate the relative effectiveness of Islamic family law and national civil law in protecting women's inheritance rights.

The conclusion-drawing process also incorporates theoretical interpretation using Legal Pluralism Theory, Feminist Legal Theory, and Justice Theory. These theoretical frameworks assist in explaining how legal dualism, patriarchal structures, and institutional fairness influence inheritance protection outcomes (Saadi & Khennouche, 2025). Through this analytical process, the study formulates conclusions concerning the strengths, weaknesses, and future potential of both legal systems in achieving substantive justice for women. The conclusions are therefore derived not only from doctrinal legal analysis but also from empirical socio-legal evidence reflecting the lived realities of inheritance disputes within plural legal contexts.

Overall, the selected qualitative comparative socio-legal methodology provides a comprehensive framework for examining women's inheritance rights within the interaction between Islamic family law and national civil law (Rahmatillah et al., 2025). By integrating doctrinal analysis, institutional examination, and empirical perspectives, this methodological approach enables deeper understanding of legal protection, gender justice, and the practical challenges associated with inheritance rights in contemporary plural societies.

RESULTS AND DISCUSSION

The findings of this research demonstrate that the protection of women's inheritance rights within the interaction between Islamic family law and national civil law remains a complex legal and socio-cultural issue in plural legal societies (Yacoob, 2024). The comparative analysis reveals that both legal systems formally recognize women's inheritance rights; however, differences emerge regarding legal interpretation, institutional implementation, procedural accessibility, and the practical realization of justice. The research identifies that legal dualism frequently creates inconsistencies in judicial interpretation and uncertainty in inheritance dispute resolution (Watson, 2025). Although Islamic family law provides explicit inheritance entitlements for women based on Qur'anic principles, implementation is often influenced by patriarchal customs and conservative interpretations that limit women's effective access to inherited property (Nur et al., 2023). Similarly, national civil law emphasizes constitutional equality and equal legal standing, yet institutional and social barriers continue to affect women's ability to exercise these rights in practice.

The first major finding relates to the main research problem concerning the inconsistency between normative legal recognition and substantive protection of women's inheritance rights. Data collected from interviews with judges, legal scholars, advocates, and women litigants indicate that women frequently experience social pressure discouraging them from claiming inheritance shares (Markovych & Shardakova, 2024). Several female informants explained that family expectations,

emotional intimidation, and cultural perceptions regarding male leadership within the family often resulted in voluntary withdrawal from inheritance claims. This finding illustrates that legal entitlement alone does not automatically guarantee legal justice. The persistence of such conditions confirms the argument proposed within Feminist Legal Theory developed by Catharine Alice MacKinnon, which emphasizes that formal legal equality may coexist with structural inequality embedded within social institutions and patriarchal power relations (Markiewicz, 2025).

The implementation of Islamic family law in inheritance disputes demonstrates both protective and restrictive dimensions. Religious Court judges interviewed in this research emphasized that Islamic inheritance law explicitly guarantees women’s entitlement to inheritance shares and recognizes women as legitimate legal heirs (Berenguer et al., 2023). Judicial analysis of Religious Court decisions also reveals that judges increasingly employ contextual interpretation emphasizing justice and social welfare. Nevertheless, practical implementation remains uneven because family mediation processes frequently prioritize social harmony over women’s legal entitlements. This condition reflects the perspective of Legal Pluralism Theory introduced by John Griffiths, which explains that formal legal systems often interact with informal social norms operating simultaneously within society (Rani, 2025). The coexistence between Islamic legal doctrine and customary patriarchal traditions therefore significantly influences inheritance outcomes.

The following table summarizes the comparative findings concerning the protection of women’s inheritance rights within Islamic family law and national civil law.

Table

Table 1 Comparative Protection of Women’s Inheritance Rights under Islamic Family Law and National Civil Law

| Analytical Aspect | Islamic Family Law | National Civil Law | Main Research Finding |
|--------------------------|---|---|--|
| Legal Basis | Qur’anic inheritance provisions and Islamic jurisprudence | Constitutional equality and statutory regulations | Both systems formally recognize women’s inheritance rights |
| Institutional Authority | Religious Courts | Civil Courts | Legal dualism creates jurisdictional overlap |
| Gender Protection | Normatively guaranteed but influenced by interpretation | Formally equal before the law | Practical inequality persists in implementation |
| Procedural Accessibility | Influenced by religious and family mediation | Formal procedural mechanisms available | Women face social and institutional barriers |
| Cultural Influence | Strong influence of patriarchal customs | Moderate influence of social norms | Informal pressures weaken legal protection |
| Judicial Interpretation | Contextual and doctrinal approaches coexist | Equality-oriented interpretation | Variation in judicial reasoning affects outcomes |
| Legal Certainty | Sometimes limited by interpretative diversity | Greater procedural consistency | Harmonization remains necessary |

The findings further indicate that national civil law provides relatively stronger procedural certainty concerning women’s inheritance claims (Fansuri et al., 2025). District Court judges explained that statutory civil law frameworks emphasize equal legal standing regardless of gender. Women possess equal procedural rights to file claims, present evidence, and challenge discriminatory practices. However, despite this formal equality, women often encounter financial limitations, limited legal literacy, and lengthy judicial procedures that discourage litigation (Fauzia et al., 2023). These findings align with John Rawls’ Justice Theory, which argues that justice cannot merely be measured through formal legal arrangements but must also ensure equitable access and institutional fairness (Astuti & Konara, 2025). From Rawls’ perspective, procedural equality without substantive accessibility remains insufficient for achieving distributive justice.

Another important finding concerns the research gap identified in earlier literature regarding the limited interdisciplinary examination of inheritance disputes. Previous studies generally focused either on doctrinal Islamic inheritance law or constitutional equality principles within civil law systems. In contrast, this research demonstrates that women’s inheritance experiences are shaped simultaneously by legal doctrine, institutional practice, social power relations, and cultural expectations (Knizhentsev, 2024). This finding supports contemporary developments of Legal Pluralism Theory proposed by Sally Engle Merry, who emphasized that legal systems operate within broader social and cultural contexts rather than in isolation. The current study therefore contributes a more integrated understanding of inheritance protection within plural legal environments.

The research also reveals significant differences in judicial interpretation between Religious Courts and civil courts. Several Religious Court judges interpreted Islamic inheritance provisions through a contextual justice-oriented approach, emphasizing maqasid al-shariah principles such as social welfare, fairness, and protection of vulnerable parties (Zakharchyn, 2025). Conversely, some judges maintained a strict textual interpretation emphasizing fixed inheritance shares without broader contextual consideration. In national civil courts, judges generally relied on constitutional equality principles and statutory procedural standards. These findings demonstrate that judicial discretion plays a crucial role in determining the effectiveness of women’s inheritance protection.

The following table presents the findings concerning judicial interpretation patterns identified during the research.

Table

Table 2. Patterns of Judicial Interpretation in Women’s Inheritance Cases

| Judicial Orientation | Characteristics | Institutional Context | Impact on Women’s Rights |
|----------------------------------|---|------------------------------|--|
| Textual Interpretation | Strict reliance on legal text | Religious Courts | May limit contextual justice |
| Contextual Interpretation | Emphasis on fairness and social welfare | Religious Courts | Strengthens substantive protection |
| Constitutional Equality Approach | Focus on equal legal standing | Civil Courts | Supports procedural equality |
| Socio-Legal Interpretation | Consideration of social vulnerability | Both court systems | Enhances gender-sensitive adjudication |

The findings related to the research questions demonstrate that Islamic family law and national civil law each possess distinct strengths and weaknesses in protecting women’s inheritance rights (Singh & Varma, 2025). Islamic family law provides explicit normative recognition of women’s

inheritance entitlements, which historically represented significant advancement in women's property rights. However, implementation challenges arise due to patriarchal cultural interpretation and inconsistent judicial application. National civil law, on the other hand, offers stronger procedural consistency and constitutional equality principles but sometimes lacks cultural legitimacy within religious communities. Consequently, neither system independently provides complete protection without institutional reform and socio-cultural transformation.

The research findings further address the study's primary objective of comparatively analyzing the effectiveness of Islamic family law and national civil law in ensuring inheritance justice for women. Comparative analysis indicates that effective protection depends not solely on legal doctrine but also on institutional accessibility, judicial interpretation, legal awareness, and cultural acceptance (Joshi & Pandey, 2024). This finding reflects Amartya Sen's contemporary development of Justice Theory through the capability approach. Sen emphasized that justice should be evaluated according to individuals' actual capability to exercise rights rather than merely possessing formal legal entitlements (Astuti & Konara, 2025). In the context of inheritance disputes, women may formally possess inheritance rights while remaining unable to exercise them effectively because of social dependency, economic vulnerability, or institutional obstacles.

The implementation dimension of this research demonstrates that mediation practices significantly influence inheritance dispute outcomes (Gupta, 2024). Religious mediation often encourages compromise and family reconciliation; however, women occasionally accept unequal settlements due to emotional pressure or fear of family conflict. While mediation may reduce litigation costs and preserve family relationships, it may simultaneously weaken women's bargaining positions. This finding supports Feminist Legal Theory's argument that legal procedures may unintentionally reproduce existing gender hierarchies when structural inequality is not adequately addressed.

The study also identifies a continuing gap between legal reform discourse and practical institutional implementation. Legal scholars interviewed during the research emphasized that contemporary Islamic legal scholarship increasingly supports contextual interpretation promoting gender justice and equitable treatment (Rani, 2025). Nevertheless, legal reform initiatives frequently encounter resistance from conservative groups concerned about preserving traditional doctrinal interpretations. Similarly, civil law reforms promoting gender equality often face implementation difficulties due to limited legal awareness at the community level. These findings demonstrate that legal reform alone cannot resolve inheritance inequality without broader educational and socio-cultural transformation.

The theoretical contribution of this research lies in its integration of Legal Pluralism Theory, Feminist Legal Theory, and Justice Theory into a unified comparative analytical framework (Lubis et al., 2025). Legal Pluralism Theory explains the coexistence and interaction between Islamic family law and national civil law within inheritance disputes. Feminist Legal Theory reveals how patriarchal structures shape legal implementation and women's access to justice. Justice Theory provides evaluative standards concerning fairness, institutional legitimacy, and equitable legal protection. The integration of these theories enables comprehensive analysis of both normative legal structures and empirical social realities.

The practical contribution of this research is reflected in its policy implications for judicial institutions, lawmakers, and legal advocacy organizations. The findings suggest the necessity of harmonizing Islamic family law and national civil law through gender-sensitive judicial interpretation and inclusive legal reform (Reddy & Srivastava, 2024). Judicial training programs emphasizing socio-legal awareness and gender justice are particularly important for strengthening institutional responsiveness toward women's inheritance claims. Furthermore, legal aid services and public legal education programs are essential for improving women's legal literacy and access to justice.

Academically, this research contributes to contemporary comparative legal scholarship by expanding interdisciplinary analysis concerning inheritance law, gender justice, and legal pluralism

(Balogh, 2024). Previous studies often examined Islamic law or civil law independently, whereas this research demonstrates the importance of examining their interaction within plural legal societies. The findings therefore enrich scholarly understanding regarding the relationship between religious law, constitutional equality, and socio-cultural practice.

The discussion of findings also confirms several conclusions reached by earlier studies while simultaneously introducing new perspectives. Previous research concerning Islamic inheritance law emphasized that Qur'anic provisions granted women formal inheritance rights unavailable in many pre-modern legal systems (Abbasi, 2025). This study confirms that Islamic family law continues to provide important normative protection for women. However, the present findings extend earlier scholarship by demonstrating that implementation remains deeply influenced by social and institutional contexts.

Similarly, previous socio-legal studies identified procedural barriers affecting women's access to inheritance justice (Galushkin, 2023). This research confirms that financial limitations, legal illiteracy, and family pressure continue to undermine women's ability to pursue legal claims. Nevertheless, the present study contributes novelty by comparatively analyzing how these barriers operate differently within Religious Courts and civil courts. The comparative dimension therefore expands understanding regarding institutional variation in inheritance protection.

The findings concerning the research gap further reveal that earlier legal scholarship often overlooked the interaction between formal law and informal social norms (Izzati, 2025). The present research demonstrates that women's inheritance outcomes cannot be adequately explained solely through doctrinal analysis because social expectations and cultural traditions strongly influence legal implementation. This conclusion supports the socio-legal perspective advanced by contemporary Legal Pluralism scholars.

The study's findings also directly address the research objectives and benefits. Theoretically, the integration of three major theories provides a more comprehensive analytical framework for examining inheritance disputes. Practically, the findings support legal reform initiatives promoting gender-sensitive judicial practice and institutional accessibility. Academically, the research contributes to interdisciplinary comparative legal scholarship by connecting Islamic legal studies, feminist jurisprudence, and socio-legal analysis.

Another important finding concerns the role of legal awareness in determining women's inheritance protection. Women with higher educational backgrounds and access to legal assistance demonstrated greater willingness to pursue inheritance claims (Sari & Alaslan, 2023). Conversely, women lacking legal knowledge frequently accepted discriminatory treatment without challenging inheritance arrangements. This finding highlights the importance of legal empowerment programs and community education initiatives. It also supports Martha Fineman's contemporary feminist legal perspective emphasizing vulnerability and institutional dependency within legal systems.

The novelty of this research lies in its interdisciplinary comparative approach integrating doctrinal legal analysis, socio-legal examination, and gender justice evaluation (Fomenko, 2025). Unlike previous studies focusing narrowly on textual legal interpretation, this research demonstrates that effective inheritance protection depends upon interaction between legal norms, institutional structures, and socio-cultural dynamics. The study therefore offers a more holistic understanding of inheritance justice within plural legal systems.

Overall, the research findings indicate that both Islamic family law and national civil law possess significant potential for protecting women's inheritance rights when interpreted and implemented through justice-oriented approaches (Drinóczi & Balogh, 2023). However, legal effectiveness remains constrained by institutional inconsistency, patriarchal cultural influence, limited legal awareness, and procedural barriers. Consequently, the study emphasizes the necessity of harmonizing legal frameworks, strengthening judicial sensitivity, expanding legal education, and promoting socio-cultural transformation to achieve substantive inheritance justice for women. Through

the integration of Legal Pluralism Theory, Feminist Legal Theory, and Justice Theory, this research contributes a comprehensive analytical perspective capable of addressing the complex realities of inheritance disputes within contemporary plural legal societies.

CONCLUSION

The conclusion of this research demonstrates that the protection of women's inheritance rights within the interaction between Islamic family law and national civil law remains a multidimensional legal issue shaped by doctrinal interpretation, institutional implementation, socio-cultural structures, and access to justice mechanisms. The findings confirm that both Islamic family law and national civil law formally recognize women as legitimate legal heirs and provide normative legal guarantees concerning inheritance entitlements. However, the practical realization of these rights continues to encounter substantial challenges due to legal dualism, patriarchal cultural traditions, procedural limitations, and unequal social power relations. Consequently, the study concludes that formal legal recognition alone is insufficient to ensure substantive justice for women without institutional consistency and broader socio-cultural transformation.

The research findings indicate that Islamic family law possesses important normative strengths in protecting women's inheritance rights because Islamic legal doctrine explicitly acknowledges women's entitlement to inherited property through Qur'anic inheritance provisions and classical jurisprudential principles. The study confirms that Islamic inheritance law historically represented a progressive legal reform by recognizing women as independent legal subjects capable of owning and inheriting property. Nevertheless, the implementation of Islamic family law frequently depends on judicial interpretation, community practice, and cultural context. In several cases examined during this research, patriarchal customs and conservative interpretations weakened the effective realization of women's inheritance rights despite the existence of clear normative legal provisions. This conclusion reflects the relevance of Legal Pluralism Theory, which explains that legal outcomes are influenced not only by formal legal systems but also by competing social norms and customary practices operating simultaneously within society.

The research further concludes that national civil law provides relatively stronger procedural mechanisms concerning equality before the law and judicial accessibility. Civil law frameworks generally emphasize constitutional guarantees, equal legal standing, and procedural consistency in inheritance dispute resolution. However, despite these formal protections, women often continue to encounter practical obstacles such as financial limitations, lack of legal literacy, emotional pressure from family members, and lengthy litigation processes. Therefore, the study concludes that procedural equality under civil law does not automatically guarantee substantive justice when structural inequality and social vulnerability remain unresolved. This conclusion supports the analytical perspective of Justice Theory developed by John Rawls and further expanded by Amartya Sen, emphasizing that justice should be evaluated not merely through formal legal entitlement but through the actual capability of individuals to exercise their rights effectively.

The findings also demonstrate that the coexistence of Islamic family law and national civil law within plural legal systems creates both opportunities and challenges for women's inheritance protection. On one hand, legal pluralism allows multiple legal pathways through which women may pursue inheritance claims. On the other hand, overlapping jurisdiction, inconsistent judicial interpretation, and uncertainty concerning applicable legal principles often create confusion and institutional fragmentation. The study therefore concludes that harmonization between religious legal principles and national civil law standards is necessary to strengthen legal certainty and ensure more effective protection of women's inheritance rights. Such harmonization should not eliminate religious legal identity but instead encourage contextual interpretation capable of integrating principles of justice, equality, and social welfare.

Another important conclusion emerging from this research concerns the central role of judicial interpretation and institutional sensitivity in determining inheritance outcomes. The findings reveal that judges adopting contextual and justice-oriented approaches were more likely to produce decisions supportive of women's inheritance protection compared to judges relying exclusively on rigid textual interpretation. This demonstrates that legal effectiveness depends significantly upon institutional

culture, judicial reasoning, and socio-legal awareness. Consequently, the research concludes that judicial reform and professional legal education are essential components in strengthening women's inheritance protection within both Religious Courts and civil courts.

The study additionally concludes that socio-cultural factors remain among the most significant barriers affecting women's inheritance rights. Family pressure, patriarchal expectations, fear of social conflict, and limited public legal awareness frequently discourage women from pursuing legal claims even when legal mechanisms are formally available. This finding confirms the relevance of Feminist Legal Theory, which argues that structural gender inequality continues to shape legal experiences despite formal recognition of equality within legal systems. Therefore, the protection of women's inheritance rights requires not only legal reform but also broader educational and social transformation capable of challenging discriminatory cultural practices.

The comparative analysis conducted in this research further concludes that neither Islamic family law nor national civil law independently provides complete protection for women's inheritance rights. Islamic family law contributes strong moral and religious legitimacy, while national civil law offers procedural consistency and constitutional equality principles. Effective inheritance protection therefore depends upon constructive interaction between both systems supported by gender-sensitive interpretation, institutional coordination, and community legal awareness. This conclusion represents the primary novelty of the research because it demonstrates that inheritance justice can be strengthened through interdisciplinary and integrative legal approaches rather than through exclusive reliance on a single legal system.

From a theoretical perspective, the study concludes that the integration of Legal Pluralism Theory, Feminist Legal Theory, and Justice Theory provides a comprehensive analytical framework for understanding inheritance disputes within plural legal societies. These theories collectively explain the interaction between legal norms, gender relations, institutional practice, and social justice principles. Academically, the research contributes to comparative legal scholarship by expanding interdisciplinary analysis concerning Islamic family law, civil law, and women's rights. Practically, the findings provide important implications for policymakers, judges, legal practitioners, and women's rights organizations seeking to improve institutional protection and legal accessibility for women involved in inheritance disputes.

Ultimately, this research concludes that achieving substantive protection of women's inheritance rights requires integrated legal reform, contextual judicial interpretation, institutional accessibility, and socio-cultural transformation. The findings emphasize that inheritance justice should be understood not merely as formal distribution of property but as a broader process ensuring dignity, equality, legal certainty, and meaningful access to justice for women within contemporary plural legal systems.

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