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Negotiating Divine Shares: Comparative Dynamics of Islamic Inheritance Law in Yemen and Indonesia

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Abstract

Background: Islamic inheritance law (*faraidh*) sets normative rules for estate distribution, but its socio-legal application varies across contexts. This study compares Mukalla (Yemen) and Kedungreja (Indonesia) to examine how legal pluralism mediates inheritance practices and balances textual fidelity with local socio-cultural adaptation.

Methods: Qualitative comparative analysis using interviews and document review in Mukalla and Kedungreja, analyzed through thematic coding.

Results: Two coherent models of inheritance implementation emerged. Mukalla demonstrates doctrinal continuity, where Shāfi'ī jurisprudence and religious institutions ensure textual fidelity and centralized authority. Kedungreja reflects a negotiated, context-sensitive approach, integrating family deliberation, customary norms, and state law, resulting in flexible outcomes.

Discussion: The findings illustrate that Islamic inheritance law operates as a living legal system, dynamically shaped by authority structures, interpretive frameworks, and socio-cultural environments.

Conclusion: Legal pluralism mediates the balance between normative prescriptions and social realities, confirming that both textual fidelity and contextual adaptation are legitimate manifestations of Islamic law.

Novelty: By combining normative fiqh analysis with empirical socio-legal comparison, the study provides an internationally relevant framework for understanding Islamic inheritance law across diverse institutional and cultural contexts.

Keywords: Faraidh; Islamic Family Law; Legal Pluralism; Comparative Study; Yemen; Indonesia



INTRODUCTION

Islamic inheritance law (*faraidh*) constitutes a core dimension of Islamic Family Law, providing a normative framework for the distribution of estates among heirs in accordance with Qur'anic prescriptions (al-Nisā' 4:11–12, 4:176) and classical fiqh methodologies. Unlike other areas of Islamic jurisprudence that allow significant discretionary interpretation, *faraidh* has traditionally been viewed as mathematically precise and divinely mandated, assigning fixed shares to heirs. Classical jurists across the major Sunni schools, including Al-Shāfi'ī, Abū Ḥanīfah, Mālik ibn Anas, and Ibn Ḥanbal, developed systematic approaches to operationalize these prescriptions, ensuring doctrinal consistency across diverse Muslim communities. Consequently, *faraidh* is not only a legal instrument but also an ethical and social mechanism designed to maintain justice, familial protection, economic continuity, and social equilibrium. Despite its textual clarity, the implementation of Islamic inheritance law demonstrates significant socio-legal variability. Empirical studies indicate that actual practices frequently diverge from strict Qur'anic calculations, interacting instead with local customs ('urf), state legal frameworks, and community-based dispute resolution mechanisms. This phenomenon exemplifies legal pluralism in Muslim societies, wherein Islamic law coexists, negotiates, and adapts alongside other normative orders. Scholars such as Griffiths (2021) and Anggraeni (2023) emphasize that legal pluralism is not merely the coexistence of multiple laws, but a dynamic process in which authority, legitimacy, and social norms are continuously renegotiated. Within inheritance practices, this pluralism often manifests in the negotiation of shares, delayed distribution, or the integration of customary ethical considerations, highlighting the interplay between normative legal fidelity and socio-cultural adaptation.

Existing research predominantly addresses inheritance practices within single-country settings. Studies on Indonesian Muslim communities have highlighted the interaction between Islamic law, customary norms, and state legal frameworks, showing how social harmony, economic conditions, and family cohesion shape inheritance distribution (Fitriyati et al., 2025; Putra & Riyanta, 2024). In contrast, scholarship on Middle Eastern contexts, particularly Yemen, often emphasizes the continuity of Shāfi'ī jurisprudence and the centrality of religious authority, portraying inheritance law as a textually anchored and institutionally reinforced system (Aulia et al., 2024; Al-Attas, 2023). While these studies provide valuable insights, they remain regionally bounded and largely descriptive, focusing on procedural or doctrinal characteristics rather than on the broader theoretical mechanisms underlying transregional variation.

This geographic and analytical limitation highlights a substantial research gap: how does Islamic inheritance law operate across transregional socio-legal environments with contrasting levels of legal pluralism, institutional authority, and socio-cultural adaptation? Comparative analysis between Middle Eastern and Southeast Asian contexts is not merely an exercise in geographic contrast; it is essential to understand the mechanisms through which Islamic law maintains normative integrity while simultaneously accommodating diverse social realities. Without such cross-regional examination, scholarship risks treating *faraidh* either as a static doctrinal code or as an undifferentiated flexible practice, thereby obscuring its adaptive and contextually embedded nature.



The present study addresses this gap by focusing on two analytically significant sites: Mukalla (Hadramaut, Yemen) and Kedungreja (Cilacap, Indonesia). Mukalla represents a socio-legal environment strongly influenced by classical Shāfi‘ī jurisprudence, where religious scholars (‘ulamā’) and qāḍīs hold centralized authority over inheritance matters. In this context, legal interpretation is tightly controlled, textual fidelity is prioritized, and customary practices have minimal influence on the allocation of inheritance. By contrast, Kedungreja exemplifies a pluralistic, negotiated system in which inheritance practices integrate Islamic law, family deliberation (musyawarah), local customary norms (adat/‘urf), and national legal frameworks. Here, authority is dispersed, legal legitimacy is socially negotiated, and inheritance outcomes often reflect social and economic considerations alongside formal fiqh prescriptions. The contrast between these contexts allows for a rigorous examination of how institutional configurations, normative interpretations, and socio-cultural values converge to produce divergent inheritance practices, despite shared doctrinal foundations.

Theoretically, this study is grounded in the concept of legal pluralism, understood not merely as the coexistence of multiple legal orders but as a lens for analyzing the dynamic interplay between authority, legitimacy, and social practice. This perspective allows the research to move beyond descriptive comparisons toward an analytical understanding of governance mechanisms within Islamic legal systems. In Mukalla, legal pluralism is minimal, and institutional authority consolidates normative interpretation. In Kedungreja, pluralism operates as a mediating mechanism, reconciling textual prescriptions with social realities, thereby illustrating the adaptive capacity of Islamic law within diverse socio-cultural and institutional contexts. By employing legal pluralism as a conceptual framework, this study contributes to the development of comparative Islamic legal theory, demonstrating how faraidh functions as a living legal tradition across different socio-legal environments.

The study also engages with broader debates in contemporary Islamic legal scholarship regarding the tension between textual fidelity (*al-nass*) and contextual reasoning (*al-waqi’*). Scholars such as (Tauda et al., 2023; Hefni et al., 2025) emphasize that Islamic law contains intrinsic mechanisms for contextual adaptation, including maqāṣid-oriented interpretation, *maslahah* (public interest), and consideration of customary norms (‘urf). The Kedungreja case provides empirical support for this theoretical argument, showing how contextual adaptation does not constitute deviation from Islamic law but represents a normatively coherent, socially responsive application of inheritance principles. Conversely, the Mukalla case reinforces the argument that centralized institutional authority ensures doctrinal stability, illustrating how textual fidelity and institutional reinforcement can coexist with the evolving socio-legal realities of Muslim communities. Together, these cases illustrate that Islamic inheritance law operates along a spectrum, negotiating between normative rigidity and socio-cultural flexibility depending on institutional, social, and economic contexts. Furthermore, the study addresses the transregional dimension of Islamic Family Law. By juxtaposing Middle Eastern and Southeast Asian practices, it highlights how shared doctrinal sources interact differently with local realities, contributing to a global understanding of Islamic legal pluralism. This transregional perspective is critical for contemporary Islamic legal scholarship, particularly in light of globalization, modernization, and digital transformation, which increasingly influence inheritance disputes and the applicability of classical jurisprudence (Rachmawan & Hidayah, 2025; Flora, 2024).



In sum, this research advances three key contributions. First, it empirically documents divergent inheritance practices in Yemen and Indonesia, moving beyond descriptive accounts toward theorized mechanisms of pluralism and adaptation. Second, it develops a conceptually grounded framework for understanding how Islamic law negotiates between normative prescriptions and social realities. Third, it provides a transregional perspective, linking Middle Eastern and Southeast Asian experiences to broader debates on Islamic legal pluralism, institutional authority, and contextualized justice. Through this approach, the study demonstrates that Islamic inheritance law is neither static nor uniform but dynamically shaped by the interplay of textual fidelity, institutional authority, and socio-cultural adaptation, offering a critical lens for future comparative research and contemporary legal reform.

LITERATURE REVIEW

Islamic inheritance law (*'ilm al-farā'id*) represents one of the most structurally precise components of Islamic Family Law, derived explicitly from the Qur'an (al-Nisā' 4:11, 4:12, 4:176) and systematized through classical *fiqh*. Its prescriptive distribution of fixed shares embodies both theological imperatives and a socio-legal rationale, ensuring economic continuity, familial stability, and distributive justice. Recent scholarship, however, increasingly frames inheritance law not merely as a mechanistic application of scriptural mandates but as a dynamic socio-legal institution interacting with state law, local custom, and evolving notions of justice (Achmad et al., 2025; Ahyani et al., 2025; Alhaq et al., 2025). This perspective situates Islamic inheritance law within a broader, comparative discourse, emphasizing the tension between textual fidelity and contextual adaptation.

A prominent theme in contemporary literature is legal pluralism, particularly in Southeast Asia. In Indonesia, Islamic inheritance law is formally institutionalized through the Religious Courts and the Compilation of Islamic Law (KHI), yet customary norms (*'adat*) and local socio-cultural practices exert significant influence on outcomes (Anggraeni, 2023; Alhaq et al., 2025; Putra & Riyanta, 2024). Scholars consistently note that this pluralistic framework results in flexibility: while formal prescriptions exist, families frequently negotiate shares through consensus (*musyawarah*) to preserve harmony (Suharsono et al., 2024; Idary et al., 2024). In this sense, inheritance law functions as a living law, simultaneously respecting textual rules and accommodating local realities. Notably, comparative studies highlight variability even within Southeast Asia; for example, Wahidah et al. (2024) observe that Malaysia's more centralized legal framework produces less negotiated adaptation than Indonesia, demonstrating the pivotal role of institutional authority in shaping legal practice.

Empirical work further illustrates how pragmatic adaptations mediate between Qur'anic prescriptions and social norms. In Indonesia, delayed distribution, voluntary waivers, or use of alternative mechanisms such as *hibah* (gifts) and *wasiat wajibah* (compulsory bequests) are commonly employed to resolve disputes and mitigate inequities (Hakim, 2024; Fitriyati et al., 2025). These practices underscore the normative principle that Islamic law operates not merely as an abstract code but as a socially embedded system, capable of balancing justice (*'adl*), family cohesion, and welfare (*maṣlahah*). Importantly, this scholarship engages critically with gendered allocations, showing that while classical jurisprudence favors male heirs in certain



contexts, courts increasingly integrate maqāsid-oriented reasoning to address contemporary socio-economic realities (Fitriyati et al., 2025; Hanafi & Tomeh, 2019).

In contrast, Middle Eastern contexts, particularly Yemen's Hadramaut region, demonstrate stronger continuity with classical Shāfi'ī jurisprudence. Studies in Mukalla show that inheritance administration remains largely under religious authorities ('ulamā' and qādīs), with minimal mediation by state institutions (Aulia et al., 2024; Mustafid et al., 2024). This centralized authority reinforces textual fidelity, producing a more conservative and less flexible application of faraidh compared to Indonesian practice. The contrast between Indonesia and Yemen illustrates how institutional and socio-political structures directly influence the extent to which Islamic inheritance law is adapted or negotiated, highlighting the importance of comparative, transregional analysis (Rosman et al., 2025). The literature increasingly emphasizes maqāsid al-sharī'ah (the higher objectives of Islamic law) as a conceptual lens for interpreting inheritance law. Scholars argue that inheritance should be understood not solely as a procedural distribution system but as a normative instrument promoting justice, family stability, and intergenerational equity (Zaprulkhan, 2018; Susana et al., 2025; Rozikin et al., 2025). This theoretical orientation supports the observed flexibility in practice, particularly in pluralistic contexts like Indonesia, where maqāsid-based reasoning justifies alternative mechanisms and discretionary adjustments to rigid textual allocations. Critically, it also provides a foundation for evaluating gender equity, as courts reconcile classical prescriptions with women's increasing economic participation and societal roles (Fitriyati et al., 2025; Ceasar et al., 2025).

An emerging body of interdisciplinary scholarship demonstrates that inheritance law cannot be fully understood in isolation from social, cultural, and technological factors. Legal sociology highlights the contestation between competing normative orders—Islamic law, customary law, and state legislation—and the role of negotiation in conflict resolution (Rosman et al., 2025; Idary et al., 2024). Anthropological studies emphasize kinship, communal values, and moral economy in shaping inheritance practices, particularly in rural or indigenous communities such as Minangkabau and Batak societies (Fakhyadi et al., 2025; Harahap et al., 2025; Hakim et al., 2025). These analyses collectively suggest that the effectiveness and legitimacy of Islamic inheritance law depend as much on social embeddedness as on doctrinal precision. More recently, computational approaches have illustrated the formal, rule-based structure of faraidh, with algorithmic and AI models applied to simulate equitable distribution (Ariyanti, 2023; Rachmawan & Hidayah, 2025). Such innovations reinforce the inherent mathematical logic of inheritance law while providing practical tools for implementation in digital and transnational contexts, particularly where disputes involve complex asset portfolios or cross-border estates. These developments bridge classical jurisprudence and modern technological capabilities, demonstrating the adaptability of Islamic legal systems in contemporary society.

Despite this growing literature, several gaps remain. First, there is limited empirical comparative research between Southeast Asia and the Middle East on the practical implementation of inheritance law, leaving questions about transregional variation underexplored. Second, many studies treat normative fiqh analysis and socio-legal investigation separately, resulting in fragmented perspectives. Third, although maqāsid-



oriented and interdisciplinary frameworks have been proposed, their integration into comparative empirical research remains limited.

Addressing these gaps, the present study examines inheritance practices in Mukalla (Yemen) and Kedungreja (Indonesia). By integrating normative fiqh analysis with socio-legal empirical investigation, it aims to critically assess how faraidh is applied across different institutional, socio-cultural, and legal contexts. This approach contributes to the development of a context-sensitive, empirically grounded, and globally relevant discourse in Islamic Family Law scholarship, advancing understanding of legal pluralism, maqāṣid-based interpretation, and contemporary socio-legal transformations.

METHODOLOGY

This study employs a qualitative research approach with a comparative case study design to investigate the implementation of Islamic inheritance law (*‘ilm al-farā’id*) in Mukalla (Hadramaut, Yemen) and Kedungreja (Cilacap, Indonesia). A qualitative paradigm is appropriate as the research seeks to capture lived experiences, social meanings, and the negotiation of normative legal principles in local contexts (Creswell & Poth, 2023). Unlike purely doctrinal studies, this approach allows for understanding how Islamic law is operationalized in diverse socio-legal environments, an approach supported by recent socio-legal scholarship emphasizing context-sensitive legal analysis (Achmad et al., 2025; Alhaq et al., 2025). A multiple-case comparative design was adopted to examine contrasting institutional and socio-cultural frameworks. Mukalla was selected for its Shāfi‘ī jurisprudential dominance and administration through religious authorities (*qāḍīs* and *‘ulamā’*), whereas Kedungreja illustrates a plural legal environment where Islamic law interacts with state regulations and local customary norms (*‘urf*) (Anggraeni, 2023; Firmansyah & Nas, 2024). This purposive selection is guided by the theoretical premise that the comparative study of Islamic legal practices illuminates how normative frameworks are reshaped by institutional and cultural variables (Aulia et al., 2024).

Participants were drawn from three categories at each site: (1) legal practitioners—*qāḍīs* in Yemen and Religious Court judges in Indonesia—who directly adjudicate inheritance disputes; (2) Islamic scholars—*‘ulamā’* in Mukalla and *kyai* in Kedungreja—providing interpretive expertise in *fiqh al-farā’id*; and (3) community members with direct inheritance experience. Purposive sampling was applied to prioritize information-rich cases capable of revealing practical negotiation of legal norms (Palinkas et al., 2023; Fakhyadi et al., 2025). The sample size and selection criteria were carefully calibrated to balance depth with cross-site comparability.

Data collection combined semi-structured interviews, document analysis, and non-participant observation. Interviews elicited detailed accounts of inheritance dispute processes, highlighting how law, custom, and perceived justice intersect (Fitriyati et al., 2025). Documentary sources included classical *fiqh* texts, national legal frameworks (e.g., Indonesian Compilation of Islamic Law), judicial decisions, and local fatwas, enabling systematic comparison of normative prescriptions with lived practices (Flora, 2024). Observational data captured the enactment of these norms in family negotiations and community interactions, providing



context-sensitive insights into the social enforcement of Islamic law (Ismail et al., 2024; Wahidah et al., 2024).

Data analysis employed thematic analysis structured around explicit coding procedures. Initial coding identified recurrent patterns, including legal compliance, authority negotiation, and interaction between fiqh and custom. Codes were iteratively refined into analytical categories, forming core themes such as institutional authority, law-custom interplay, and culturally mediated perceptions of fairness (Vogel, 2024; Rozikin et al., 2025). Comparative legal analysis was then applied to highlight differences and similarities across the two sites, facilitating a nuanced understanding of how identical legal principles are operationalized under divergent socio-institutional conditions (Yusmita et al., 2025). To ensure trustworthiness, the study incorporated multiple triangulation strategies. Source triangulation cross-verified data from interviews, observations, and documents; method triangulation integrated field observation with textual analysis; and theoretical triangulation examined findings against established fiqh and socio-legal literature (Lincoln & Guba, 2023; Rachmawan & Hidayah, 2025). Member checking involved returning preliminary interpretations to participants, while peer debriefing with Islamic Family Law scholars provided additional validation and minimized interpretive bias.

Ethical standards were rigorously applied. Approval was obtained prior to fieldwork, and participants were fully informed about study objectives. Written consent was secured, confidentiality maintained, and anonymity ensured in reporting to protect sensitive family information (Fitriyah & Adnan, 2025). Data were exclusively used for academic purposes, consistent with ethical socio-legal research protocols. Overall, this methodology tightly integrates qualitative socio-legal methods with comparative analysis. By explicitly linking theoretical frameworks to sampling, data collection, and analysis, it demonstrates how Islamic inheritance law is negotiated in both traditional and pluralistic settings. This design allows for an empirically grounded understanding of *'ilm al-farā'id* as a living legal system interacting dynamically with social structures and institutional arrangements (Hakim et al., 2025; Alhaq et al., 2025).

RESULTS

This section presents the empirical findings on the implementation of Islamic inheritance law (*'ilm al-farā'id*) in two distinct contexts: Mukalla (Hadramaut, Yemen) and Kedungreja (Cilacap, Indonesia). Drawing on interviews, case observations, and comparative literature, the analysis demonstrates that although both communities reference the same foundational sources—the Qur'an and classical fiqh—the application of inheritance law is shaped by divergent socio-institutional configurations and local socio-cultural practices. These findings reveal that *faraidh* functions not as a static legal code but as a dynamic normative framework that interacts with local authority, social norms, and economic realities (Aulia et al., 2024; Asman, 2021). A primary distinction between the two cases lies in the structure of authority governing inheritance. In Mukalla, authority is centralized within religious institutions. The *'ulamā'* and *qāḍīs* serve as primary interpreters and enforcers of Shāfi'ī fiqh, and all eight respondents emphasized their social legitimacy and uncontested authority. Inheritance disputes are primarily adjudicated in religious forums rather than state courts. One informant noted,



“Inheritance is fully guided by scholars who understand *faraidh*, and their rulings are generally accepted without disagreement” (Interview, Mukalla, 2025). Observational data from five inheritance cases confirmed this practice: disputes were resolved solely within the religious authority framework, with decisions strictly following classical *fiqh* guidelines.

In contrast, Kedungreja exhibits a decentralized and pluralistic authority system. Interviews with ten respondents indicate that family deliberation (*musyawarah*) and community mediation led by village elders or *kyai* often precede formal Religious Court intervention. Courts are engaged only when consensus cannot be reached. One participant stated, “Inheritance is first discussed within the family; only if disagreement persists, it is brought to the Religious Court” (Interview, Kedungreja, 2025). Observations of seven inheritance cases confirmed that negotiation and mediation, rather than formal adjudication, were the primary resolution mechanisms. This demonstrates a diffusion of legal legitimacy across informal, customary, and state-based institutions (Anggraeni, 2023; Idary et al., 2024). These contrasting structures illustrate the role of institutional context in shaping the operationalization of Islamic law. Mukalla’s centralized model ensures interpretive stability, whereas Kedungreja’s pluralistic arrangement allows flexible adaptation to social circumstances.

The implementation style of inheritance law further differentiates the two contexts. In Mukalla, textual fidelity dominates: Qur’anic shares are applied precisely, including the male-to-female proportional allocation. Respondents consistently emphasized that these prescriptions are divinely mandated and immutable. A local scholar explained, “Inheritance rules are fixed by Allah; human interpretation must not contradict them” (Interview, Hadramaut, 2025). Observational evidence supports this: in all five cases observed, the division strictly adhered to classical Shāfi’ī rulings without consideration of familial or economic circumstances. Conversely, Kedungreja demonstrates flexibility and social negotiation in inheritance implementation. Interviews revealed that while *faraidh* serves as the normative reference, actual distributions are often adjusted for practical or relational considerations. Modifications may include equal division among heirs, adjustments for caregiving contributions, or compensation for unequal economic input. One informant observed, “Even though Islamic law has rules, we sometimes adjust them so that all family members feel treated fairly” (Interview, Kedungreja, 2025). Field observations corroborated this: in four out of seven cases, modified distributions were implemented, reflecting a negotiated balance between doctrinal reference and social equity (Putra & Riyanta, 2024; Ismail et al., 2024). The divergence in implementation styles indicates that while Mukalla prioritizes doctrinal certainty, Kedungreja emphasizes relational justice and context-sensitive adaptation. These differences are rooted not in doctrinal disagreement but in contrasting socio-institutional environments.

Justice emerges as another key point of divergence. In Mukalla, justice is equated with strict compliance with divine law (*‘adl* as obedience). All eight respondents emphasized that fairness is defined by adherence to Qur’anic prescriptions, independent of individual circumstances. One participant remarked, “Justice is what Allah has determined, not what humans perceive as fair” (Interview, Mukalla, 2025). Observed inheritance cases confirmed this deontological approach: socio-economic status or family dynamics were not considered in the distribution of assets. In Kedungreja, justice is relational and contextually interpreted. Respondents frequently highlighted the importance of social balance, family harmony, and equitable treatment. One



interviewee noted, “Equal distribution is sometimes considered more just because daughters also contribute economically” (Interview, Kedungreja, 2025). Field observations showed that negotiated adjustments often reflected economic contribution, caregiving, or efforts to maintain familial cohesion, illustrating a substantive justice orientation influenced by socio-economic and gender considerations (Fitriyati et al., 2025; Hanafi & Tomeh, 2019). Thus, the notion of justice is closely intertwined with institutional authority and implementation style. Mukalla prioritizes legal and theological orthodoxy, whereas Kedungreja emphasizes relational fairness mediated through local social norms.

Customary law (*urf*) interacts differently with Sharia in the two contexts. In Kedungreja, custom plays a significant role in regulating inheritance, especially for assets such as family businesses or agricultural land. Observations indicate that inheritance may be delayed, pooled, or redistributed to prevent economic fragmentation and maintain family cohesion. Interview data highlighted that customary considerations often supersede strict Qur’anic allocations when practical concerns arise (Ismail et al., 2024; Alhaq et al., 2025). In Mukalla, the influence of custom is significantly constrained. Local traditions exist but are subordinate to fiqh principles; deviation from prescribed shares is rare. Interviewees stressed that while cultural norms are acknowledged, they cannot override religious mandates (Yusmita et al., 2025; Rosman et al., 2025). This establishes a hierarchical relationship between Sharia and custom in Yemen, contrasting with a more integrative model in Indonesia. The findings can be summarized in Table 1, explicitly linking categories to empirical sources:

Table 1. Comparative Implementation of Islamic Inheritance Law in Mukalla and Kedungreja

Aspect	Mukalla (Yemen)	Kedungreja (Indonesia)	Basis Data
Institutional Authority	Dominated by ‘ulamā’ and qāḍīs	Family deliberation, elders, Religious Courts	8 interviews Mukalla, 10 interviews Kedungreja
Legal Structure	Strong Shāfi’ī fiqh continuity	Legal pluralism (fiqh, adat, state law)	Literature + field notes
Implementation Style	Strict textual application of faraidh	Negotiated and flexible distribution	5 case observations Mukalla, 7 cases Kedungreja
Role of Custom (<i>urf</i>)	Limited and subordinated	Strong and socially influential	Interviews and observations
Justice Orientation	Divine textual justice	Contextual and social justice	Interviews, corroborated with case observations
Dispute Resolution	Religious adjudication	Family consensus before formal court	Interviews and field observations
Asset Distribution Model	Fixed Qur’anic shares	Modified or equalized shares possible	Observational data

Source: Authors’ analysis based on fieldwork, interviews, observations, and literature review.

The synthesis illustrates two contrasting models. Mukalla represents a centralized, doctrinally stable system emphasizing textual fidelity and religious authority. Kedungreja exemplifies a pluralistic, socially negotiated system integrating customary law and state legal frameworks. Despite these differences, both contexts maintain *faraidh* as a normative anchor, demonstrating that Islamic inheritance law is reinterpreted rather than replaced in plural legal settings (Suharsono et al., 2024). Beyond legal application, inheritance law serves as a mechanism for social cohesion in both communities. In Mukalla, compliance with prescribed shares reinforces



religious legitimacy and family stability. In Kedungreja, negotiated distributions foster relational harmony and prevent intra-family conflict. Field observations in both contexts revealed that the legal mechanisms of inheritance are inseparable from their social functions, highlighting the embeddedness of *faraidh* within broader kinship structures.

Overall, the findings confirm that Islamic inheritance law is a dynamic, context-sensitive system. The two cases demonstrate how socio-institutional structures, implementation style, and local customs interact to shape inheritance practices. Mukalla prioritizes textual fidelity and centralized religious authority, while Kedungreja prioritizes negotiation, pluralism, and social equity. Both contexts retain *faraidh* as a moral and normative reference, demonstrating the law's flexibility and adaptability across diverse Muslim societies (Vogel, 2024; Wahidah et al., 2024; Hanafi & Tomeh, 2019). This empirical evidence underscores the importance of situating Islamic law within its lived social contexts to fully understand its operational logic.

DISCUSSION

The findings from Mukalla (Hadramaut, Yemen) and Kedungreja (Cilacap, Indonesia) reveal that Islamic inheritance law (*faraidh*) operates along a spectrum between textual fidelity and contextual reasoning, shaped by local socio-institutional embeddedness and interpretive orientations. In Mukalla, inheritance law is embedded in centralized religious institutions where 'ulamā' and qāḍīs maintain strict adherence to Shāfi'ī fiqh. The legal process emphasizes doctrinal continuity, normative certainty, and compliance with classical textual sources. This textualist orientation produces standardized inheritance outcomes, reflecting a conception of justice closely tied to divine command and scriptural prescriptions. Legal authority is concentrated, and the strong presence of scholarly institutions ensures sustained legal literacy, reinforcing adherence to established norms. The Mukalla case exemplifies how religious-institutional embeddedness shapes both the epistemology and practice of law, demonstrating that textual fidelity, when supported by institutional authority, functions as a mechanism of stability and legal coherence.

In Kedungreja, inheritance law manifests differently due to its socio-legal and pluralistic embeddedness. Authority is distributed among family elders, *kyai*, customary leaders, and formal courts, producing an interpretive environment where negotiation and deliberation are central. While Qur'anic prescriptions remain a reference point, local actors integrate fiqh with 'urf (custom) and maqāṣid principles, such as family cohesion (*ḥifẓ al-usrah*) and public welfare (*maslahah*), to guide practical decision-making. Legal outcomes are flexible and relational, shaped by social harmony, economic need, and familial solidarity. Contextual reasoning does not indicate a departure from Islamic law; rather, it represents a maqāṣid-oriented interpretation that operationalizes the objectives of Sharia to meet the realities of daily life. In this sense, Kedungreja demonstrates how distributed authority and pluralism facilitate adaptive legal reasoning, bridging normative prescriptions and lived practice.

The divergence between these communities can be conceptualized through the lens of a textual–contextual spectrum mediated by legal embeddedness. Mukalla occupies the textualist end of the spectrum, where law is closely bound to classical sources and interpreted through hierarchical scholarly authority. Kedungreja exemplifies the contextualist end, where law is

interpreted through negotiation and attention to socio-cultural context. Across this spectrum, epistemological orientation, authority structures, and socio-cultural values interact to produce distinctive understandings of justice, legal rationality, and adaptability. In Mukalla, justice is conceived as adherence to divine-textual mandates, whereas in Kedungreja, justice is relational and context-sensitive, reflecting broader objectives of Sharia beyond strict distributive equality. The interaction between textual fidelity and contextual reasoning can be illustrated in the following conceptual model:



Source: Authors' conceptualization based on comparative field analysis.

This model highlights that inheritance outcomes are not solely determined by textual sources but are co-constructed through institutional authority, interpretive frameworks, and socio-cultural environments. The textual–contextual spectrum clarifies why identical normative sources generate different practices: legal embeddedness shapes both the epistemology and operational logic of inheritance law. Moreover, the model shows that socio-cultural values, including reconciliation (*islah*), harmony (*rukun*), and familial solidarity, operate as extensions of *maqāṣid* objectives, ensuring that Islamic ethical principles inform practical decision-making. These values are particularly salient in Kedungreja, where they mediate flexibility and contextual adaptation without undermining doctrinal legitimacy. Education and legal literacy further modulate a community's position along this spectrum. In Mukalla, robust legal education reinforces textual fidelity, ensuring that classical *fiqh* knowledge is transmitted across generations. In Kedungreja, variation in legal understanding enables negotiated solutions that balance normative prescriptions with social realities. Thus, education functions as a critical mediator between the idealized law of texts and the lived law of communities, affecting both compliance and adaptive capacity.



The comparative evidence also illuminates the role of legal pluralism in contemporary Islamic family law. In Indonesia, pluralism allows communities to integrate state law, fiqh, and customary practice, creating opportunities for justice and social harmony but also generating potential inconsistencies across cases. In Yemen, strong institutional authority maintains doctrinal continuity but may limit adaptability to modern socio-economic transformations, such as corporate assets, digital property, or transnational inheritance. This suggests that textualist systems are not immune to pressures for reform; even classical frameworks must engage with contemporary realities through adaptive *ijtihad* while preserving foundational principles.

By situating the findings within the textual–contextual spectrum and the framework of legal embeddedness, this study advances theoretical understanding in several ways. It demonstrates that Islamic inheritance law is simultaneously principled and adaptive, reflecting a dynamic negotiation between revelation, rational interpretation, and social context. Legal outcomes are not the product of texts alone but of the complex interaction between epistemology, authority, education, and socio-cultural values. The spectrum framework integrates previously dispersed concepts—textual fidelity vs. contextual reasoning, *maqāṣid*-oriented interpretation, and legal pluralism—into a coherent analytical lens. This lens moves beyond descriptive comparison to offer a robust theoretical explanation for the observed divergence in inheritance practices.

Ultimately, Mukalla and Kedungreja represent two legitimate manifestations of Islamic legal tradition under distinct historical and socio-cultural conditions. Mukalla illustrates how centralized authority and textual fidelity maintain legal stability and doctrinal consistency, while Kedungreja shows how pluralism and contextual reasoning operationalize Sharia’s objectives in flexible, socially responsive ways. Both models reaffirm that Islamic family law is a living tradition, negotiating continuously between normative principles and lived realities. The conceptual framework of textual–contextual spectrum grounded in legal embeddedness and *maqāṣid* interpretation provides a powerful tool for understanding these variations and for anticipating the evolution of Islamic inheritance law in pluralistic and globalized contexts (Tauda et al., 2023).

CONCLUSION

This study examined the implementation of Islamic inheritance law (*faraidh*) through a comparative lens, focusing on Mukalla (Hadramaut, Yemen) and Kedungreja (Cilacap, Indonesia). The central research question asked how a shared normative legal framework derived from the Qur’an and Sunnah is operationalized within distinct institutional, epistemological, and socio-cultural environments. The findings demonstrate that while the doctrinal foundations of Islamic inheritance law remain universally acknowledged, its practical realization is profoundly shaped by local authority structures, interpretive paradigms, and socio-cultural logics. This confirms that Islamic Family Law is not a monolithic or uniform system, but a dynamic legal tradition interacting continuously with context-specific realities. In Mukalla, inheritance practices reflect a model of textual fidelity reinforced by institutional centralization. The authority of ‘*ulamā*’ and *qāḍīs*, together with adherence to classical *Shāfi’ī*



jurisprudence, ensures consistency, predictability, and doctrinal continuity. Legal outcomes closely align with the prescribed Qur'anic shares, and deviations are minimal. This model addresses the research objective of understanding the role of institutional and epistemological structures in maintaining doctrinal integrity. It highlights that textual rigidity, when supported by centralized religious authority, functions as a mechanism of legal stability, illustrating how epistemology and institutional embeddedness shape both compliance and interpretive discipline. By contrast, Kedungreja exemplifies a contextual-adaptive model in which inheritance practices are negotiated through family deliberation, customary norms (*'urf*), and considerations of social harmony. *Faraidh* serves as a normative reference rather than a rigid formula, allowing flexibility to address relational justice, economic needs, and familial cohesion. This answers the research question concerning how social and cultural factors mediate the application of Islamic law. The findings demonstrate that contextual reasoning, *maqāsid*-oriented interpretation, and pluralistic authority structures enable legal adaptation without departing from normative principles, illustrating that flexibility and doctrinal fidelity coexist within the Islamic legal tradition.

The comparative analysis underscores that divergence between Mukalla and Kedungreja does not signify deviation from Islamic law but represents distinct modes of legal engagement shaped by socio-cultural and institutional contexts. In theoretical terms, the study contributes to discussions of legal pluralism by showing that Islamic law is operationalized through multiple interpretive pathways, where authority structures, epistemological orientation, and socio-cultural embeddedness collectively determine outcomes. It also reinforces the significance of *maqāsid*-oriented reasoning: justice in Islamic inheritance law is expressed not only through textual adherence but also through relational and context-sensitive adaptations aimed at promoting social welfare. The study thereby links empirical observations to broader conceptual frameworks of legal embeddedness, textual fidelity versus contextual flexibility, and the interaction of doctrine with lived realities. Practically, the research indicates that legal literacy and institutional capacity are critical mediating factors. In Mukalla, strong scholarly institutions sustain compliance and doctrinal stability, while in Kedungreja, variability in legal understanding allows for negotiation and adaptive outcomes. Policy and reform efforts in pluralistic Muslim societies should therefore balance normative reinforcement with initiatives that enhance public comprehension of Islamic legal principles and facilitate informed deliberation. Furthermore, recognizing the diversity of inheritance practices can improve harmonization between religious, customary, and state legal systems without undermining doctrinal integrity.

Despite its contributions, the study has several limitations that should inform interpretation and future research. First, the geographic focus on Mukalla and Kedungreja constrains generalizability, as practices in other regions or countries may differ substantially due to alternative socio-legal configurations. Second, the study relies primarily on qualitative data from key informants, legal documents, and observation, which may not capture the full range of variations across social strata or temporal dynamics. Third, the research emphasizes contemporary practices, so longitudinal changes or historical shifts in inheritance implementation are less represented. Finally, while the study incorporates socio-cultural factors, other influences such as economic stratification, gender dynamics, and urbanization may further shape inheritance practices and merit additional investigation.



In conclusion, this comparative analysis demonstrates that Islamic inheritance law functions as a living legal system, dynamically negotiated between textual principles, institutional authority, and social context. Mukalla represents doctrinal consolidation and centralized authority, while Kedungreja illustrates adaptive pluralism mediated by social negotiation and customary norms. Both contexts exemplify legitimate manifestations of Islamic legal tradition, showing that legal outcomes are contingent on local epistemic, institutional, and cultural arrangements. By explicitly linking research questions to empirical findings, the study clarifies how Islamic inheritance law is applied in practice, contributes to theoretical debates on legal pluralism and maqāṣid-oriented reasoning, and provides practical insights for education and legal policy in diverse Muslim societies. The research thereby affirms that understanding Islamic Family Law requires attentiveness to both its normative foundations and its socio-cultural flexibility, highlighting a duality essential for the continued relevance of Islamic legal systems in a pluralistic and globalized world.

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