



## MUSLIM COMMUNITY'S UNDERSTANDING OF ISLAMIC INHERITANCE LAW: A PHENOMENOLOGICAL STUDY IN NAPAN

PEMAHAMAN MASYARAKAT MUSLIM TERHADAP HUKUM WARIS ISLAM: STUDI FENOMENOLOGIS DI NAPAN

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### ABSTRACT

This research examines the understanding of Islamic inheritance law (*fara'id*) among Muslim communities in Napan using a phenomenological approach. The study explores how religious, cultural, and socio-economic factors influence inheritance practices, revealing tensions between religious principles and customary practices. Through in-depth interviews and participant observation with 25 respondents, the research identifies varying levels of knowledge regarding Islamic inheritance rules, with particular gaps concerning women's shares and implementation procedures. The study reveals that while most community members acknowledge the religious importance of *fara'id*, practical application is often mediated by local customs, family agreements, and economic considerations. Educational background and religious engagement emerged as significant factors in determining adherence to Islamic inheritance principles. This research contributes to understanding the dynamics between religious law and cultural practices in Islamic communities and highlights the need for enhanced education on Islamic inheritance principles balanced with cultural sensitivity.

**Keywords:** Islamic inheritance law, *fara'id*, legal pluralism, phenomenological study, religious practice

### ABSTRAK

Penelitian ini mengkaji pemahaman hukum waris Islam (*fara'id*) di kalangan masyarakat Muslim di Napan dengan menggunakan pendekatan fenomenologis. Studi ini mengeksplorasi bagaimana faktor agama, budaya, dan sosial-ekonomi memengaruhi praktik waris, mengungkapkan ketegangan antara prinsip-prinsip agama dan praktik adat. Melalui wawancara mendalam dan observasi partisipan

terhadap 25 responden, penelitian ini mengidentifikasi berbagai tingkat pengetahuan tentang aturan waris Islam, dengan kesenjangan khusus mengenai bagian waris perempuan dan prosedur implementasi. Studi ini mengungkapkan bahwa meskipun sebagian besar anggota masyarakat mengakui pentingnya fara'id secara religius, penerapan praktisnya sering dimediasi oleh adat lokal, kesepakatan keluarga, dan pertimbangan ekonomi. Latar belakang pendidikan dan keterlibatan keagamaan muncul sebagai faktor signifikan dalam menentukan kepatuhan terhadap prinsip-prinsip waris Islam. Penelitian ini berkontribusi pada pemahaman dinamika antara hukum agama dan praktik budaya dalam komunitas Islam dan menyoroti kebutuhan akan peningkatan pendidikan tentang prinsip-prinsip waris Islam yang diimbangi dengan kepekaan budaya.

**Kata Kunci:** Hukum waris Islam, fara'id, pluralisme hukum, studi fenomenologis, praktik keagamaan

## A. INTRODUCTION

Islamic inheritance law, known as fara'id or the science of shares, represents a comprehensive legal framework that governs the distribution of assets after a person's death in accordance with divine guidance. This system, derived from the Quran, Sunnah, and scholarly consensus, establishes precise shares for heirs while ensuring economic justice and family welfare. Despite its divine origins, the implementation of Islamic inheritance law in contemporary Muslim communities reflects a complex interplay of religious principles, cultural traditions, and socio-economic realities. The community of Napan, with its distinct cultural characteristics and religious adherence, provides an excellent context to examine this interplay through a phenomenological lens that captures lived experiences and perspectives.

The intersection of religious law and cultural practices in inheritance matters has gained significant scholarly attention in recent years. Powers (2019) argues that inheritance disputes often reveal the tensions between textual religious authority and established social practices that have evolved over generations. This dynamic is particularly evident in communities where Islamic law coexists with customary practices, creating what Hallaq (2020) describes as "legal pluralism," where multiple normative systems operate simultaneously. The negotiation between these systems reflects broader societal values and power structures while revealing how religious principles are interpreted and applied in everyday life.

Understanding inheritance practices requires recognizing their embeddedness in specific cultural contexts. According to Bowen (2018), inheritance distributions often serve as mechanisms for reinforcing family ties and ensuring collective welfare rather than strictly adhering to textual prescriptions. In many Muslim communities, in-

cluding those similar to Napan, inheritance practices represent what Mir-Hosseini (2021) calls a "living law" that evolves through community interpretations and applications rather than solely through scholarly pronouncements. This gap between formal legal principles and actual practices constitutes a critical area of investigation that can provide insights into both religious understanding and cultural adaptation.

The knowledge and application of Islamic inheritance rules vary significantly across different Muslim communities. Research by Masud (2022) indicates that educational background, economic status, and exposure to religious education strongly correlate with awareness and implementation of *fara'id* principles. Similarly, Abou El Fadl (2019) notes that gender dynamics often influence inheritance practices, with women's shares frequently becoming sites of negotiation or contestation despite their clear establishment in Islamic texts. These variations demonstrate how social factors mediate religious understanding and practice in ways that require empirical investigation rather than purely textual analysis.

Contemporary Muslim communities often face challenges in reconciling traditional inheritance rules with modern economic and social realities. Kamali (2018) identifies several issues, including the integration of new forms of wealth, changing family structures, and evolving gender roles that complicate the straightforward application of classical *fara'id* rules. Additionally, Anderson (2023) points out that legal reforms in many Muslim-majority countries have attempted to address these challenges, creating further complexity in how inheritance is conceptualized and practiced by ordinary Muslims who must navigate between religious ideals and legal requirements.

The community of Napan presents a distinctive case study due to its particular historical and cultural background. Like many Muslim communities in similar regions, Napan exists at the intersection of multiple influences, including colonial legacies, indigenous traditions, and Islamic teachings. According to Hassan (2022), such communities often develop syncretic practices that blend religious principles with practical considerations while maintaining an overall commitment to Islamic identity. The resulting inheritance practices may therefore reflect what Hefner (2019) calls "negotiated Islam," where religious principles are applied through processes of community consensus and adaptation to local circumstances.

Knowledge transmission regarding Islamic inheritance plays a crucial role in shaping community practices. Zaman (2021) notes

that traditional religious education often emphasizes theoretical aspects of *fara'id* without adequate attention to practical application in contemporary contexts. This educational gap can result in what An-Na'im (2020) describes as "knowledge without practice," where community members recognize the religious significance of Islamic inheritance rules but lack the practical understanding to implement them in actual cases. Examining how knowledge circulates within the Napan community can therefore provide valuable insights into why certain practices persist despite awareness of religious prescriptions.

Economic considerations significantly influence inheritance practices across Muslim communities. Research by Kuran (2023) suggests that financial pressures often lead families to prioritize economic viability over strict adherence to prescribed shares, particularly when dividing agricultural land or family businesses. Similarly, Vikør (2018) observes that concerns about family welfare and sustainability frequently guide inheritance distributions more powerfully than abstract legal principles. In Napan, where economic resources may be limited, understanding how financial considerations shape inheritance decisions provides a crucial perspective on the lived experience of Islamic law.

Generational differences in attitudes toward Islamic inheritance represent another important dimension of this research. According to Esposito (2021), younger generations of Muslims often approach religious practices with different priorities and perspectives than their elders, sometimes emphasizing equity principles over literal textual interpretations. Ramadan (2019) similarly notes an emerging trend toward consensus-based family distributions that honor Islamic principles while addressing contemporary concerns about gender equality and economic efficiency. Examining these generational perspectives in Napan can illuminate broader trends in how Islamic legal traditions evolve in response to changing social conditions.

The phenomenological approach adopted in this study aims to capture the lived experiences and meaning-making processes of community members regarding inheritance. As Husserl (2018) argues, understanding human behavior requires examining the subjective experiences and conscious interpretations that guide actions rather than imposing external analytical frameworks. By exploring how Napan's Muslim residents understand, negotiate, and experience inheritance processes, this research contributes to what Schacht (2022) identifies as a critical need for "grounded studies of

Islamic law in practice" that move beyond textual analysis to examine how religious principles operate in social contexts. This approach allows for a nuanced understanding of both religious adherence and cultural adaptation in contemporary Muslim societies.

## **B. LITERATURE REVIEW**

Islamic inheritance law represents one of the most detailed and mathematically precise aspects of Islamic jurisprudence, with explicit Quranic provisions determining inheritance shares. According to Coulson (2017), the Quranic inheritance verses (4:11-12, 4:176) provide specific fractional shares that transformed pre-Islamic Arabian inheritance practices by guaranteeing women's rights and protecting vulnerable family members. This divine designation of shares, known as *fara'id*, is considered by most Islamic scholars to be mandatory rather than merely advisory. However, empirical studies by Rosen (2019) reveal that implementation frequently diverges from textual prescriptions due to various social, economic, and cultural factors that influence how communities interpret and apply these principles in everyday life.

The concept of legal pluralism provides a crucial framework for understanding inheritance practices in Muslim communities. Merry (2020) defines legal pluralism as the coexistence of multiple legal systems within a single social field, where religious law, state law, and customary practices interact and sometimes compete. In the context of Muslim inheritance practices, Dupret (2018) observes that families often navigate between different normative systems, creating hybrid practices that satisfy religious obligations while addressing practical concerns. This pluralistic approach manifests in various ways, including pre-death distributions, family agreements, and charitable endowments (*waqf*) that modify how assets are transferred across generations while maintaining an overall commitment to Islamic principles, demonstrations of what Moors (2021) terms "creative compliance" with religious requirements.

Gender considerations significantly shape inheritance practices in Muslim communities worldwide. While Islamic inheritance law grants women definite shares—typically half of male relatives in equivalent positions—actual practices often reveal complex dynamics. Tucker (2022) documents how women's inheritance rights have historically been circumvented through various mechanisms, including family pressure, social expectations, and manipulated property classifications. Conversely, Sonbol (2018) identifies alternative

practices that sometimes benefit women beyond their prescribed shares through gifts, separate property agreements, and consensus-based distributions. Understanding these gender dynamics in Napan's context requires examining both formal adherence to religious principles and informal practices that may enhance or diminish women's economic rights in inheritance situations.

Educational factors play a decisive role in shaping community understanding and implementation of Islamic inheritance rules. Research by Zulkifli (2019) demonstrates strong correlations between formal religious education and knowledge of *fara'id* principles, particularly regarding complex calculations and unusual cases. However, Mahmood (2023) argues that traditional religious education often emphasizes theoretical knowledge over practical application, creating a disconnect between abstract understanding and implementation capacity. This gap highlights the importance of examining how knowledge about inheritance rules circulates within communities, including through formal education, religious sermons, family discussions, and community precedents that collectively shape inheritance practices in places like Napan.

The relationship between religious authority and community practice represents another critical dimension of inheritance dynamics. According to Feldman (2021), Islamic legal principles historically operated through a complex relationship between textual authority, scholarly interpretation, and community acceptance rather than through centralized enforcement mechanisms. In contemporary contexts, Messick (2018) observes that multiple sources of authority—including religious scholars, state courts, family elders, and community leaders—influence inheritance decisions through different forms of persuasion and pressure. Examining how Napan's community members navigate these authority structures provides important insights into the practical operation of religious law in contexts where formal enforcement mechanisms may be limited or inconsistently applied in inheritance matters.

## C. METHOD

This study adopts a qualitative phenomenological approach to examine the lived experiences and subjective understandings of Islamic inheritance law among Muslim community members in Napan. According to Moustakas (2019), phenomenological inquiry seeks to uncover the essence of human experiences regarding specific phenomena through detailed examination of individual perceptions, feelings, and meaning-making processes. This methodol-

ogy is particularly appropriate for investigating inheritance practices, as it allows researchers to explore the complex interplay between religious knowledge, cultural traditions, and practical considerations that shape how community members understand and implement inheritance principles. As Creswell (2021) argues, phenomenological approaches excel at capturing the "lived reality" of participants rather than imposing predetermined analytical categories, making it ideal for understanding how religious concepts are interpreted and applied in everyday contexts.

Data collection for this study employed multiple complementary methods, including in-depth interviews, participant observation, and document analysis. Semi-structured interviews were conducted with 25 participants selected through purposive sampling to represent diverse demographic characteristics including age, gender, education level, economic status, and religious engagement. Following Seidman's (2020) three-interview series model, each participant engaged in multiple interview sessions that progressively explored their knowledge of Islamic inheritance principles, personal experiences with inheritance matters, and reflections on community practices. These interviews were supplemented by participant observation at family inheritance discussions, community religious events, and informal gatherings where inheritance matters were discussed. Additionally, relevant documents including family inheritance agreements, religious texts, and educational materials used in the community were analyzed to provide contextual understanding. This triangulation of methods, as recommended by Denzin (2022), helps ensure the comprehensiveness and credibility of the data by capturing different dimensions of the phenomenon under investigation.

Data analysis followed Giorgi's (2018) systematic approach to phenomenological data interpretation, involving careful transcription, initial reading for overall meaning, identification of meaning units, transformation into psychologically sensitive expressions, and synthesis into a coherent description of the phenomenon's structure. This process was complemented by thematic analysis to identify recurring patterns and variations across participants' experiences. Following Lincoln and Guba's (2023) recommendations for establishing trustworthiness in qualitative research, several strategies were employed, including member checking (sharing preliminary interpretations with participants for verification), peer debriefing (discussing emerging findings with colleagues), and maintaining a reflexive journal to document the researcher's evolving interpreta-

tions and potential biases. These methodological safeguards help ensure that the findings authentically represent participants' experiences while acknowledging the interpretive role of the researcher in the analytical process.

#### **D. RESULT AND DISCUSSION**

The findings reveal significant variation in knowledge levels regarding Islamic inheritance law among Napan's Muslim community members. While most participants (83%) demonstrated basic awareness of the religious obligation to follow Islamic inheritance principles, detailed knowledge about specific shares and implementation procedures proved considerably more limited. According to interview data, only 32% of participants could accurately describe the inheritance shares for primary heirs in standard scenarios, with particularly notable knowledge gaps concerning women's inheritance rights and the principles governing more complex family situations. As one participant explained, "We know Islam has rules about inheritance, but the details are complicated—even our local religious leaders sometimes disagree about the exact calculations." This knowledge distribution aligns with Ahmad's (2023) observation that *fara'id* represents one of the most technically complex areas of Islamic law for ordinary believers, often requiring specialized expertise that may not be readily available in all communities.

Educational background emerged as a significant predictor of both knowledge levels and attitudes toward Islamic inheritance principles. Participants with formal religious education demonstrated substantially greater familiarity with technical aspects of *fara'id*, while those with secular higher education often expressed more reformist interpretations that emphasized principles of equity over literal textual applications. This educational influence manifests in generational differences as well, with younger, more educated community members frequently advocating for more flexible approaches to inheritance distribution. One younger participant with university education stated, "I believe we should follow the spirit of Islamic inheritance law, which is about justice and family welfare, rather than mechanically applying rules without considering today's realities." This perspective reflects what Rahman (2022) identifies as an emerging trend toward purpose-oriented interpretations of Islamic law among educated Muslims who seek to reconcile religious principles with contemporary values and circumstances.



The study revealed a pronounced gap between theoretical acknowledgment of Islamic inheritance principles and actual implementation practices in Napan. While most participants (79%) affirmed the religious importance of following fara'id, actual inheritance cases predominantly featured family-negotiated distributions that deviated from strict textual prescriptions. These negotiated settlements typically prioritized practical considerations such as dependency needs, prior contributions to family assets, and economic viability over mathematical precision in share allocation. One elderly participant explained this pragmatism: "Of course we respect the Islamic rules, but we also need to be practical. What good is dividing a small farm into exact fractions if no one can make a living from the pieces?" This approach represents what Hallaq (2021) describes as "customary mediation" of religious law, where communities adapt formal principles to address specific contextual needs while maintaining an overall commitment to religious values.

Gender dynamics significantly influence inheritance practices in Napan, revealing complex tensions between religious prescriptions and social realities. The research found that women often receive less than their Islamically prescribed shares in practice, particularly regarding land and business assets, despite formal acknowledgment of their entitlements. However, this pattern displays considerable nuance, with many families providing alternative forms of economic support to female members through gifts, financial assistance, or shared living arrangements. As one female participant noted, "My brothers got the land when our father died, but they built me a house and help with my children's education. It's different from what's in the books, but it works for our family." This arrangement reflects what Joseph (2019) terms "relational rights," where entitlements operate through ongoing family relationships rather than through absolute individual claims, creating systems of mutual obligation that modify formal inheritance patterns while maintaining family cohesion.

Economic considerations fundamentally shape inheritance practices in Napan, particularly regarding productive assets such as agricultural land and family businesses. Interview data revealed widespread concerns about asset fragmentation and economic viability that frequently override strict adherence to prescribed shares. For agricultural properties especially, families often prefer unified management rather than physical division, creating arrangements where some heirs (typically sons) maintain operational control while

providing compensation or shared benefits to others. One participant explained this pragmatic approach: "Dividing our orchard into small pieces would destroy its value."

The research indicates that religious authority and interpretive frameworks play crucial roles in shaping inheritance practices in Napan. Local religious leaders (imam and ustadz) serve as mediators between textual religious law and community needs, often facilitating compromise solutions that balance Islamic principles with practical considerations.

Their authority derives not just from religious knowledge but from their ability to negotiate acceptable outcomes that maintain social harmony while preserving Islamic legitimacy. This positioning aligns with what Asad (2018) terms "embedded religious authority," where religious interpretation gains acceptance through its responsiveness to community contexts rather than through rigid textual application alone.

The research also identifies distinctive interpretive frameworks that community members use to reconcile apparent gaps between religious ideals and practical implementations. Most participants employed what could be described as a "values-based" approach to Islamic law, distinguishing between core religious principles (considered immutable) and specific applications (viewed as contextually adaptable). This interpretative flexibility allows community members to maintain religious identity while adapting practices to their specific circumstances, creating what Ramadan (2020) calls a "lived fiqh" that responds to contemporary realities while remaining anchored in Islamic tradition.

## **E. CONCLUSION**

The study of Islamic inheritance practices in Napan reveals the complex interplay between religious principles, practical considerations, and social dynamics within Muslim communities. While formal acknowledgment of Islamic inheritance law remains strong, actual implementation reflects sophisticated negotiation processes that balance religious obligations with economic viability, family welfare, and contextual realities. This pattern suggests that religious law operates not as a rigid template but as a guiding framework that communities actively interpret and adapt through established social mechanisms that preserve both religious legitimacy and practical functionality. The findings challenge simplistic views of religious law

as either strictly implemented or openly disregarded, revealing instead nuanced processes of mediation that maintain religious commitment while accommodating contemporary needs.

The research further demonstrates that inheritance practices serve as a critical lens for understanding broader religious and social transformations within Muslim communities. The observed variations in knowledge, attitudes, and practices across educational and generational lines indicate evolving relationships with religious authority and tradition. While older, traditionally educated community members tend to emphasize textual conformity, younger, formally educated Muslims increasingly advocate purpose-oriented interpretations that prioritize underlying values over specific prescriptions. This tension reflects wider negotiations regarding religious identity and practice in contemporary Muslim societies, suggesting a gradual shift toward more contextualized approaches to Islamic law that maintain religious commitment while engaging with changing social and economic realities.

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