

## **Ensuring Substantive Justice in Islamic Inheritance Law: The Role of Religious Courts in Protecting Vulnerable Heirs in Indonesia**

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**Abstract:** This study examines how substantive justice is ensured in the application of Islamic inheritance law through the role of religious courts in protecting vulnerable heirs. The research aims to analyze judicial reasoning in resolving inheritance disputes and to assess how religious courts balance normative faraidh provisions with the need for equitable legal protection. Employing doctrinal legal research with a case law approach, this study analyzes Decision Number 164/Pdt.G/2025/PA.Amt of the Amuntai Religious Court, supported by statutory analysis of the Compilation of Islamic Law and relevant Qur'anic provisions. The findings indicate that the court did not merely apply inheritance formulas textually, but exercised judicial discretion to uphold substantive justice, particularly by recognizing the legal status of vulnerable heirs, appointing guardianship arrangements, and imposing provisional seizure to prevent the misuse of inherited assets. This approach demonstrates the court's active role in safeguarding the rights and interests of heirs who are structurally disadvantaged within family disputes. The study concludes that religious courts function not only as normative law enforcers, but also as key institutions in bridging the gap between formal Islamic inheritance rules and substantive justice.

This contributes to broader discussions on the dynamic interpretation of Islamic family law in contemporary legal practice.

**Keywords:** Islamic Inheritance Law; Substantive Justice; Religious Courts; Vulnerable Heirs; Judicial Reasoning

## Introduction

Islamic inheritance law constitutes one of the most structured and detailed branches of Islamic family law, regulating the transfer of property rights from a deceased person to his or her heirs through clearly prescribed normative provisions. Rooted primarily in Qur'anic injunctions, particularly Surah al-Nisā', Islamic inheritance law (*farā'id*) establishes fixed shares for heirs based on kinship, marital ties, and generational proximity.<sup>1</sup> These provisions aim to ensure legal certainty, prevent arbitrary claims, and maintain social harmony within the family. In theory, the clarity of Islamic inheritance norms is intended to minimize disputes and safeguard justice among heirs. However, in practice, inheritance disputes remain one of the most frequent sources of family conflict in Muslim societies, including Indonesia, often requiring judicial intervention by religious courts.

The persistence of inheritance disputes reveals a critical tension between normative legal prescriptions and lived social realities. While Islamic inheritance law provides a mathematically precise distribution formula, disputes often arise due to unequal access to information, power imbalances among heirs, emotional dynamics within families, and differing interpretations of ownership status over inherited property. These complexities become particularly acute when disputes involve vulnerable heirs, such as persons with disabilities, minors, or heirs who are structurally disadvantaged within the family hierarchy. In such cases, a strictly textual application of *farā'id* may be insufficient to achieve

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<sup>1</sup> Muhammad Ahmad Ibrahim AlJahsh, "Influence Of Cultural Context On Qur'ānic Translation: Analyzing Social Justice Interpretations In Sura An-Nisā' Verse 58," *Journal of Ma'alim Al-Quran Wa Al-Sunnah* 19, no. 2 (2023): 366–87.

substantive justice, thereby necessitating judicial discretion to protect the rights and interests of those most at risk.

In the Indonesian legal system, Islamic inheritance disputes fall under the jurisdiction of religious courts (Pengadilan Agama), which operate within a plural legal framework combining Islamic law, statutory regulations, and judicial practice. The Compilation of Islamic Law (Kompilasi Hukum Islam/KHI) serves as the primary codified reference for Islamic family law, including inheritance, while Qur'anic principles and classical fiqh doctrines continue to inform judicial reasoning.<sup>2</sup> Within this framework, religious court judges are not merely tasked with applying normative inheritance formulas, but also with interpreting and contextualizing Islamic legal principles to address concrete disputes. This dual role places religious courts at the center of efforts to reconcile legal certainty with substantive justice.

Despite the centrality of religious courts in resolving Islamic inheritance disputes, much of the existing scholarly literature remains predominantly normative and descriptive. Previous studies have largely focused on explaining inheritance shares, comparing Islamic inheritance law with civil law systems, or documenting judicial decisions without critically engaging with judicial reasoning and discretion. As a result, the role of religious courts as active agents of substantive justice particularly in cases involving vulnerable heirs has not received sufficient analytical attention. This gap is significant, given that judicial interpretation often determines whether Islamic inheritance law functions merely as a formal legal mechanism or as a means of protecting human dignity and social justice within the family.

The concept of substantive justice provides an important analytical lens for examining the role of religious courts in inheritance disputes. Unlike formal or procedural justice, which emphasizes compliance with established rules, substantive justice focuses on the fairness of outcomes and the protection of fundamental rights. In the context of Islamic law, substantive justice is closely aligned with the objectives of the sharī'a

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<sup>2</sup> Imam Mawardi, "Islamic Law and Imperialism: Tracing on The Development of Islamic Law In Indonesia and Malaysia," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 13, no. 1 (2018): 1, <https://doi.org/10.19105/al-ihkam.v13i1.1583>.

(maqāṣid al-sharīʿa), particularly the protection of life, intellect, lineage, and property. When applied to inheritance disputes, this perspective highlights the need to safeguard the material and social welfare of heirs, especially those who are unable to protect their own interests. Consequently, the judicial process becomes not only a forum for distributing assets, but also a mechanism for ensuring ethical responsibility and social balance within Muslim families.

The issue of vulnerable heirs is particularly relevant in inheritance disputes adjudicated by religious courts.<sup>3</sup> Vulnerable heirs may include individuals with mental or physical disabilities, minors, elderly dependents, or heirs who lack effective control over inherited property. Without adequate judicial protection, such heirs may face exclusion, exploitation, or marginalization by more dominant family members. In these circumstances, religious courts are expected to move beyond a mechanical application of inheritance formulas and to employ judicial discretion in order to ensure that inheritance law fulfills its protective function. Measures such as guardianship arrangements, provisional seizure of disputed assets, and judicial supervision of inheritance distribution illustrate how courts may operationalize substantive justice within the bounds of Islamic legal principles.

This study is situated within this broader context and seeks to examine how religious courts in Indonesia ensure substantive justice in the application of Islamic inheritance law, particularly in cases involving vulnerable heirs. By focusing on Decision Number 164/Pdt.G/2025/PA.Amt issued by the Amuntai Religious Court, this research explores how judicial reasoning is constructed, how normative inheritance rules are interpreted, and how protective legal mechanisms are employed to prevent injustice. The selected case is particularly significant because it involves intra-family conflict over inheritance distribution and the recognition of a vulnerable heir requiring judicial protection. As such, it provides a concrete example of how religious

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<sup>3</sup> Yusep Abdulsiddik, Utari Roza Elsera, and Alfi Husni, "Analysis of Religious Court Decisions in Resolving Inheritance Disputes Still Under Collateral a Maqashid Syariah Perspective," *Hakamain: Journal of Sharia and Law Studies* 3, no. 2 (August 21, 2024): 59–68, <https://doi.org/10.57255/HAKAMAIN.V3I2.342>.

courts navigate the intersection between normative farā'id provisions and substantive justice considerations.

The primary objective of this research is to analyze the role of religious courts in ensuring substantive justice within Islamic inheritance disputes by examining judicial reasoning and decision-making processes. Specifically, this study aims to assess how judges balance legal certainty derived from normative inheritance rules with equitable considerations aimed at protecting vulnerable heirs. In doing so, the research seeks to contribute to broader scholarly discussions on the dynamic interpretation of Islamic family law and the evolving role of judicial institutions in Muslim legal systems. Rather than treating Islamic inheritance law as a static body of rules, this study emphasizes its application as a living legal system shaped by judicial practice and social realities.

Methodologically, this research employs doctrinal legal research with a case law approach. The doctrinal method is used to analyze primary legal materials, including court decisions, statutory provisions contained in the Compilation of Islamic Law, and relevant Qur'anic verses governing inheritance. The case law approach allows for an in-depth examination of judicial reasoning (*ratio decidendi*) as reflected in the selected court decision. By focusing on how legal norms are interpreted and applied in a concrete case, this method facilitates a critical assessment of the extent to which substantive justice is realized in judicial practice. The analysis is further supported by secondary legal materials, such as scholarly articles and legal commentaries, which provide theoretical and contextual insights into Islamic inheritance law and judicial discretion.

The data analysis in this study is conducted qualitatively, emphasizing normative interpretation and analytical reasoning rather than statistical measurement. Judicial considerations articulated in the court decision are examined to identify underlying principles, interpretive strategies, and protective measures adopted by the judges. This approach enables a nuanced understanding of how religious courts operationalize Islamic inheritance law in complex family disputes. Through this analysis, the study highlights the capacity of religious courts

to function not only as enforcers of legal norms, but also as institutions that actively promote substantive justice and social protection.

By addressing the underexplored role of religious courts in protecting vulnerable heirs, this research contributes to the field of Islamic legal studies and socio-legal scholarship. It demonstrates that the application of Islamic inheritance law cannot be reduced to a purely formal exercise, but must be understood as a dynamic process shaped by judicial interpretation and ethical considerations. Ultimately, this study underscores the importance of religious courts in ensuring that Islamic inheritance law serves its foundational purpose: the realization of justice, balance, and protection within the Muslim family.

Previous studies on Islamic inheritance law in Indonesia have predominantly focused on normative analysis of faraidh provisions and their conformity with classical fiqh and statutory regulations.<sup>4</sup> Many scholars examine the distribution of inheritance shares based on Qur'anic injunctions and the Compilation of Islamic Law, often emphasizing legal certainty and doctrinal consistency. Other studies explore comparative aspects between Islamic inheritance law and civil inheritance regimes, highlighting differences in principles, allocation formulas, and legal consequences. While these studies provide an important doctrinal foundation, they generally approach inheritance law as a fixed normative system and tend to describe judicial decisions without critically analyzing the reasoning processes employed by judges. As a result, the role of religious courts is often portrayed as merely applying established inheritance rules rather than actively interpreting and contextualizing them to address complex social realities.

More recent scholarship has begun to shift attention toward judicial practice and socio-legal dimensions of Islamic family law, including the handling of inheritance disputes in religious courts. Some studies acknowledge that judges exercise discretion in resolving conflicts, particularly when disputes involve family disharmony or unequal power relations among heirs. However, these works often stop short of

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<sup>4</sup> Iwan Setiawan et al., "Reforming Marriage Law in Indonesia: A Critical Examination of Islamic Law on the Ban of Interfaith Marriages.," *Al-Manahij: Jurnal Kajian Hukum Islam* 18, no. 2 (July 1, 2024): 179, <https://doi.org/10.24090/MNH.V18I2.11134>.

systematically examining how religious courts protect vulnerable heirs, such as persons with disabilities or heirs lacking legal capacity. The protection mechanisms adopted by courts such as guardianship appointments, provisional seizure of disputed assets, and preventive judicial measures remain underexplored in existing literature. Consequently, there is still a significant research gap regarding how substantive justice is operationalized in Islamic inheritance disputes through judicial reasoning. This study seeks to fill that gap by offering a focused analysis of the role of religious courts in ensuring substantive justice and safeguarding vulnerable heirs within the framework of Islamic inheritance law.

## Discussion

### Judicial Interpretation of Islamic Inheritance Law and the Pursuit of Substantive Justice

The application of Islamic inheritance law in judicial practice often reveals a complex interaction between normative legal certainty and the pursuit of substantive justice. While the Qur'anic framework of *farā'id* provides explicit and detailed rules concerning inheritance distribution, judicial intervention becomes necessary when social realities complicate the straightforward application of these norms.<sup>5</sup> In this context, religious courts are not merely institutions that mechanically enforce inheritance formulas, but arenas in which judges actively interpret Islamic legal principles to resolve disputes that involve power imbalances, familial conflict, and the potential marginalization of certain heirs. The case examined in this study illustrates how judicial interpretation functions as a bridge between textual norms and equitable outcomes.

Islamic inheritance law is frequently characterized as one of the most rigid domains of Islamic jurisprudence due to its mathematically precise allocation of shares. This perception, however, risks oversimplifying the role of interpretation in Islamic law. Classical jurists

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<sup>5</sup> Iwan Romadhan Sitorus et al., "Legal Pluralism and the Transformation of Islamic Inheritance Law: A Study of Sasak Customary Practices in Indonesia," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 2 (November 23, 2025): 831–52, <https://doi.org/10.29240/JHI.V10I2.12500>.

themselves acknowledged that the implementation of farā'id requires contextual judgment, particularly in determining the status of heirs, the composition of the estate, and the fulfillment of prior obligations such as debts and wills. In contemporary legal systems, this interpretive responsibility is assumed by judges, whose decisions inevitably reflect a balance between adherence to normative prescriptions and responsiveness to concrete circumstances.<sup>6</sup> Thus, judicial reasoning becomes central to understanding how Islamic inheritance law operates as a living legal system rather than a static set of rules.

In the decision under analysis, the religious court demonstrated an interpretive approach that went beyond the literal application of inheritance shares. While the court adhered to the normative distribution mandated by Islamic law, it simultaneously engaged with the broader objective of ensuring substantive justice among the heirs. This approach aligns with the concept of substantive justice, which prioritizes the fairness of outcomes and the protection of fundamental rights over strict formalism. By situating inheritance distribution within the lived realities of the disputing parties, the court effectively transformed normative rules into instruments of justice rather than mere procedural endpoints.

The pursuit of substantive justice in Islamic inheritance disputes is closely linked to the objectives of Islamic law (maqāṣid al-sharī'ah). Among these objectives, the protection of property (ḥifẓ al-māl) occupies a central position, particularly in inheritance cases where the risk of asset misappropriation or exclusion is high. However, the protection of property cannot be isolated from other maqāṣid, such as the protection of human dignity and social welfare. When judges interpret inheritance norms with these objectives in mind, they affirm the ethical foundations of Islamic law and reinforce its relevance in contemporary legal contexts. The court's reasoning in the present case reflects this integrative understanding, as it sought to ensure that inheritance distribution served both legal certainty and social justice.

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<sup>6</sup> Louise de Barros Ibarra Papa, "Criminal Compliance and Corporate Criminal Liability: Perspectives for Preventive Protection of Human Rights in the Corporate Sphere," 2025, 81–119, [https://doi.org/10.1007/978-3-032-06213-0\\_4](https://doi.org/10.1007/978-3-032-06213-0_4).



Judicial interpretation also plays a critical role in addressing the inherent limitations of a purely textual approach to inheritance law. Textualism, when applied rigidly, may inadvertently legitimize unjust outcomes, particularly in cases involving vulnerable heirs. For instance, heirs who lack legal capacity or bargaining power may formally receive their allocated shares yet remain unable to exercise effective control over inherited assets. In such situations, a literal application of inheritance formulas may satisfy procedural legality while failing to achieve substantive justice. The court's interpretive stance in this case suggests an awareness of this risk and a willingness to employ judicial discretion to mitigate it.

The role of judicial discretion in Islamic inheritance law has often been underappreciated in scholarly discourse, which tends to emphasize the determinacy of *farā'id* rules.<sup>7</sup> However, discretion does not imply arbitrariness; rather, it reflects a reasoned application of legal principles to complex factual scenarios. In the case at hand, judicial discretion manifested not in altering inheritance shares, but in shaping the legal mechanisms through which those shares were protected and enforced. This distinction is crucial, as it demonstrates that substantive justice can be pursued without undermining the normative integrity of Islamic inheritance law.

By interpreting inheritance law through the lens of substantive justice, the court effectively reaffirmed the normative authority of Islamic law while adapting its application to contemporary realities. This approach counters the assumption that flexibility in judicial practice necessarily weakens legal certainty. On the contrary, the court's reasoning suggests that legal certainty and substantive justice are not mutually exclusive, but mutually reinforcing. When judges articulate clear reasoning grounded in established legal principles, discretionary measures can enhance rather than diminish the legitimacy of judicial decisions.

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<sup>7</sup> M. A. (Mohammed) Issa, "The Legal and Jurisprudential Foundation of the State's Right to Inheritance-an Analytical Study in Iraqi Law, Comparative Law, and in Light of Islamic Sharia and Contemporary Scholars' Opinions," *European Scholar Journal* 6, no. 01 (January 28, 2025): 6–26, <https://www.neliti.com/publications/605119/>.

The decision also reflects a broader trend within Islamic family law adjudication toward contextual and purposive interpretation. Rather than treating Islamic law as a closed normative system, judges increasingly engage with its underlying values and objectives. This interpretive orientation is particularly significant in plural legal systems like Indonesia's, where religious courts operate alongside civil legal institutions and are expected to address both normative and social dimensions of legal disputes. In this context, judicial interpretation serves as a mechanism for harmonizing Islamic legal principles with broader conceptions of justice embedded in the national legal order.

From a theoretical perspective, the court's reasoning contributes to ongoing debates about the nature of Islamic law as a dynamic legal tradition.<sup>8</sup> Scholars have long contested whether Islamic law should be understood primarily as a system of immutable rules or as a flexible framework capable of responding to social change. The case analyzed in this study supports the latter view by illustrating how judges actively interpret and apply Islamic inheritance law in ways that address contemporary challenges. This dynamic interpretation does not negate the authority of classical jurisprudence, but rather reaffirms its relevance by situating it within current socio-legal contexts.

The emphasis on substantive justice also has important implications for the legitimacy of religious courts. Public trust in judicial institutions depends not only on their ability to apply the law consistently, but also on their capacity to deliver outcomes perceived as fair and equitable. In inheritance disputes, where emotions and family relationships are deeply entangled, judicial sensitivity to substantive justice can play a crucial role in maintaining the credibility of the legal system. By demonstrating attentiveness to the protection of vulnerable heirs, the court reinforces its role as a guardian of justice rather than a mere arbiter of technical legality.

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<sup>8</sup> Chantal Saint-Blancat, "Islam in Diaspora: Between Reterritorialization and Extraterritoriality," *International Journal of Urban and Regional Research* 26, no. 1 (March 1, 2002): 138-51, <https://doi.org/10.1111/1468-2427.00368>;WGROU:STRING:PUBLICATION.

Moreover, the court's interpretive approach challenges the dichotomy often drawn between normative Islamic law and judicial creativity. Rather than positioning judicial interpretation as a departure from Islamic norms, the decision illustrates how interpretation can function as a means of actualizing those norms. In this sense, substantive justice is not an external value imposed on Islamic inheritance law, but an internal objective derived from its ethical foundations. Judicial interpretation thus becomes a vehicle for realizing the moral aspirations embedded within Islamic legal principles.

In analyzing this decision, it is important to recognize that judicial interpretation operates within institutional constraints. Judges must navigate statutory provisions, established jurisprudence, and procedural requirements while responding to the particularities of each case. The court's reasoning reflects an effort to balance these constraints with the imperative of justice. This balancing act underscores the complexity of adjudicating inheritance disputes and highlights the importance of judicial competence and ethical judgment in Islamic family law cases.

The implications of this interpretive approach extend beyond the individual case. By articulating a reasoning framework that emphasizes substantive justice, the court contributes to the development of jurisprudence that may influence future inheritance disputes. Such jurisprudence can serve as a reference point for judges facing similar cases, promoting a more consistent yet flexible application of Islamic inheritance law. In this way, individual judicial decisions can play a formative role in shaping the evolution of Islamic family law within the judicial system.

Ultimately, the pursuit of substantive justice through judicial interpretation underscores the adaptability of Islamic inheritance law in addressing contemporary legal challenges.<sup>9</sup> Rather than being confined to rigid formulas, Islamic inheritance law emerges as a principled system capable of accommodating the complexities of modern family life. The court's reasoning in this case exemplifies how religious courts can uphold

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<sup>9</sup> Salman Faris LC, "Revisiting the Legacy of Islamic Legal Scholarship: The Influence of Sharia on Contemporary Legal Systems," *Journal of Islamic Law and Legal Studies* 2, no. 1 (June 17, 2025): 1–15, <https://doi.org/10.70063/-.V2I1.56>.

normative legal certainty while simultaneously advancing equitable outcomes. This dual commitment reinforces the relevance of Islamic inheritance law as a living legal tradition and affirms the central role of judicial interpretation in its ongoing development.

### **Judicial Protection of Vulnerable Heirs: Guardianship and Preventive Legal Measures**

One of the most significant dimensions of substantive justice in Islamic inheritance disputes lies in the protection of vulnerable heirs. Vulnerability in inheritance cases does not arise solely from formal legal incapacity, but also from structural inequalities within family relations that may expose certain heirs to marginalization, exclusion, or exploitation. In this regard, religious courts play a crucial role in identifying vulnerability and translating Islamic legal principles into concrete protective mechanisms. The decision examined in this study demonstrates how judicial intervention extends beyond the allocation of inheritance shares to encompass broader measures aimed at safeguarding the effective enjoyment of inheritance rights.

Vulnerable heirs may include minors, persons with physical or mental disabilities, elderly dependents, or heirs who lack the social or economic power to assert their rights.<sup>10</sup> Although Islamic inheritance law formally guarantees shares to eligible heirs, the mere recognition of entitlement does not necessarily ensure protection in practice. In family disputes characterized by unequal power relations, dominant heirs may seek to control inherited assets, delay distribution, or pressure weaker parties into relinquishing their rights. Without judicial safeguards, such practices can undermine the ethical foundations of Islamic inheritance law, which emphasizes justice, balance, and mutual responsibility among family members.

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<sup>10</sup> Nora Ellen Groce, Jillian London, and Michael Ashley Stein, "Inheritance, Poverty, and Disability," *Disability and Society* 29, no. 10 (November 26, 2014): 1554–68, <https://doi.org/10.1080/09687599.2014.969831>; JOURNAL:JOURNAL:CDSO19; REQUESTEDJOURNAL:JOURNAL:CDSO20;WGROU:STRING:PUBLICATION.

In the case under analysis, the religious court explicitly acknowledged the presence of a vulnerable heir who required special legal protection. This recognition is itself a crucial judicial step, as vulnerability is not always apparent from formal legal categories. By identifying vulnerability as a legally relevant factor, the court signaled a shift from a purely formalistic application of inheritance rules toward a more contextual and human-centered approach. This shift reflects an understanding that justice in inheritance disputes cannot be achieved solely through numerical distribution, but must also address the conditions under which heirs are able to exercise their rights.

Guardianship (*wilāyah*) constitutes one of the primary legal instruments employed by religious courts to protect vulnerable heirs. In Islamic legal tradition, guardianship serves to safeguard the interests of individuals who are unable to manage their own affairs due to incapacity or vulnerability. While guardianship is often discussed in the context of marriage or child protection, its relevance to inheritance disputes is equally significant. By appointing a guardian to manage the inheritance rights of a vulnerable heir, the court ensures that the heir's legal entitlement is not rendered illusory by practical incapacity.

The judicial use of guardianship in inheritance disputes raises important questions about the scope and limits of judicial discretion. In the case examined, the court appointed a family member as guardian, recognizing both the necessity of protection and the importance of maintaining familial ties. This decision illustrates a nuanced approach that balances legal protection with social considerations. Rather than imposing external control, the court sought to embed protection within the family structure while subjecting it to judicial oversight. Such an approach reflects the Islamic legal principle that family relations should be preserved and strengthened, even in the context of legal disputes.

However, the appointment of guardianship alone may not be sufficient to protect vulnerable heirs if inherited assets remain exposed to misuse or unauthorized transfer. Recognizing this risk, the court supplemented guardianship with preventive legal measures, most notably the imposition of provisional seizure (*marital beslag*) over disputed inheritance assets. Provisional seizure functions as a temporary

restriction on the disposal of property, aimed at preserving the integrity of the estate pending final distribution. Although commonly associated with civil litigation, its application in Islamic inheritance disputes demonstrates the adaptability of procedural tools to serve substantive justice.

The use of provisional seizure reflects a proactive judicial stance toward preventing injustice rather than merely responding to it after the fact. In inheritance disputes, delays in judicial resolution often create opportunities for asset dissipation, concealment, or transfer to third parties. Vulnerable heirs are particularly susceptible to harm in such situations, as they may lack the capacity to monitor or contest these actions. By imposing provisional seizure, the court effectively neutralized these risks and ensured that the inheritance estate remained intact for equitable distribution.

From a normative perspective, preventive legal measures such as provisional seizure are consistent with the objectives of Islamic law, particularly the protection of property and the prevention of harm (*ḍaḥ al-ḍarar*). Islamic legal principles emphasize the avoidance of harm as a foundational ethical requirement. Judicial measures that prevent the loss or misuse of inheritance assets align with this principle by safeguarding the material interests of all heirs, especially those who are unable to protect themselves. In this sense, preventive judicial intervention is not an external addition to Islamic inheritance law, but an extension of its ethical core.

The court's reliance on preventive measures also underscores the importance of judicial foresight in inheritance disputes. Rather than assuming that formal recognition of inheritance rights will suffice, the court anticipated potential abuses and acted to prevent them. This forward-looking approach distinguishes substantive justice from reactive adjudication and highlights the judiciary's role as a guardian of legal and ethical order. For vulnerable heirs, such judicial foresight can make the difference between meaningful protection and nominal recognition.<sup>11</sup>

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<sup>11</sup> Enrique Ghersi, "El Carácter Competitivo de Las Fuentes Del Derecho," *Revista de Economía y Derecho*, 2010.

At the same time, the use of guardianship and provisional seizure raises questions about proportionality and judicial restraint. Excessive intervention may risk infringing on the autonomy of other heirs or prolonging disputes. The court's reasoning in this case suggests an awareness of these concerns, as the measures adopted were tailored to the specific circumstances of vulnerability and conflict. By grounding its intervention in clear legal reasoning and established principles, the court mitigated the risk of arbitrary or disproportionate action.

The protection of vulnerable heirs through judicial measures also has broader implications for the legitimacy of religious courts. In societies where family disputes are deeply sensitive and emotionally charged, courts that demonstrate attentiveness to vulnerability and fairness are more likely to command public trust. Conversely, courts perceived as indifferent to power imbalances risk reinforcing perceptions of injustice and alienation. By actively protecting vulnerable heirs, religious courts affirm their role as institutions of moral authority as well as legal adjudication.<sup>12</sup>

Furthermore, the judicial protection of vulnerable heirs contributes to the evolving understanding of Islamic inheritance law as a system responsive to social realities. Classical fiqh developed in contexts where extended family structures and communal oversight provided informal protection for vulnerable individuals. In contemporary societies, where such structures may be weakened, formal judicial protection becomes increasingly necessary. The court's approach reflects an adaptation of Islamic legal principles to modern conditions, ensuring that their protective intent remains effective.

From a comparative perspective, the protection of vulnerable heirs through judicial intervention aligns with broader trends in family law across legal systems. Many jurisdictions recognize the need for special protection mechanisms in inheritance disputes involving incapacity or inequality. The distinctive contribution of religious courts lies in grounding such protection within Islamic legal and ethical

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<sup>12</sup> Muhammad Sibawaihi and Mokhammad Baharun, "Adat Pernikahan Melayu Jambi Perspektif 'Urf Dalam Ilmu Ushul Fiqh," *Istidlal: Jurnal Ekonomi Dan Hukum Islam* 1, no. 2 (2017): 167–74, <https://doi.org/10.35316/istidlal.v1i2.106>.

frameworks, thereby reinforcing the legitimacy of judicial measures among Muslim communities. This integration of universal justice concerns with religious legal principles enhances the normative coherence of Islamic inheritance law.

The case analyzed in this study thus illustrates how religious courts operationalize substantive justice through concrete protective mechanisms. By combining guardianship with preventive legal measures, the court addressed both the formal and practical dimensions of inheritance rights. This dual approach underscores the understanding that justice is not achieved merely by declaring rights, but by ensuring the conditions necessary for their realization. For vulnerable heirs, such conditions are indispensable.

In examining this judicial practice, it becomes evident that the protection of vulnerable heirs is not a peripheral concern, but a central test of the effectiveness of Islamic inheritance law in practice. Courts that fail to address vulnerability risk reducing inheritance law to a symbolic system detached from social reality. Conversely, courts that integrate protection into their reasoning reaffirm the ethical foundations of Islamic law and enhance its relevance in contemporary legal contexts.

Ultimately, the judicial protection of vulnerable heirs exemplifies the broader function of religious courts as institutions that mediate between normative law and social justice. Through guardianship and preventive measures, judges translate abstract principles into tangible safeguards. This practice reinforces the idea that Islamic inheritance law, when interpreted and applied with sensitivity to vulnerability, can serve as a powerful instrument for achieving substantive justice within the family.

### **Bridging Normative Rules and Judicial Practice: Implications for Islamic Family Law**

Islamic inheritance law, or *fara'idh*, constitutes a fundamental aspect of Shari'ah, designed to ensure equitable distribution of a deceased person's estate among eligible heirs. This legal framework not only prescribes fixed shares for beneficiaries but also embodies broader principles of social justice, protection of dependents, and moral



responsibility.<sup>13</sup> In Indonesia, the application of Islamic inheritance law is mediated through Religious Courts (*Pengadilan Agama*), which have jurisdiction over matters of succession for Muslim citizens. These courts carry the dual responsibility of ensuring compliance with normative Shari'ah rules while addressing practical challenges that may compromise the substantive rights of heirs, particularly those who are vulnerable due to age, gender, disability, or economic dependence. The role of Religious Courts is therefore pivotal in bridging the gap between prescriptive legal norms and the lived realities of heirs, ensuring that the ethical and social objectives of Islamic inheritance law are fully realized.

At the normative level, Islamic inheritance law establishes clear rules on the distribution of property, grounded in Qur'anic injunctions and supplemented by classical jurisprudential interpretations. Heirs are categorized into primary and secondary beneficiaries, with fixed shares allocated to spouses, children, parents, and other relatives. For instance, sons typically receive twice the share of daughters, while spouses and parents are entitled to specific portions, reflecting both familial responsibility and moral equity. These rules aim to safeguard dependents, prevent disputes, and maintain familial and social harmony. However, the formalistic application of these prescriptions may not always guarantee substantive justice, particularly in cases where heirs are marginalized, unaware of their entitlements, or unable to assert their rights due to social or familial pressures. Substantive justice in this context implies not only adherence to the technical distribution of shares but also ensuring that all heirs, especially vulnerable ones, receive their fair entitlement in practice.

Religious Courts in Indonesia play a central role in translating these normative principles into enforceable outcomes. Judges in these courts are trained in both Islamic jurisprudence and national procedural law, enabling them to adjudicate inheritance cases while considering the socio-economic realities of the heirs. Their decisions often require balancing strict textual adherence with equitable solutions that protect

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<sup>13</sup> Nurkhalis Muchtar, "Metode Fatwa MPU (Majelis Permusyawaratan Ulama) Aceh," *El-Faqih: Jurnal Pemikiran Dan Hukum Islam* 9, no. 1 (2023): 16–38, <https://doi.org/10.58401/faqih.v9i1.865>.

vulnerable parties. For example, in cases involving minors, women, or disabled heirs, the court may appoint guardians or administrators to manage the inheritance until the heir is capable of exercising full control. Such measures demonstrate the courts' active role in operationalizing the *maqāṣid al-syarī'ah*, particularly the objectives of *hifz al-mal* (protection of property) and *'adl* (justice), ensuring that the ethical underpinnings of Islamic inheritance law are not compromised by procedural or social limitations.

Empirical observations reveal that vulnerable heirs face multiple obstacles in asserting their inheritance rights. In many rural or traditional settings, women may be unaware of their entitlements, or social norms may discourage them from claiming their shares. Children, particularly minors, rely on the intervention of guardians or courts to access their inheritance, and disabled heirs often require special assistance to manage their property effectively. These conditions highlight the practical challenges faced by Religious Courts in guaranteeing substantive justice. Courts must not only adjudicate disputes but also proactively facilitate mechanisms that protect these heirs, such as verifying the accuracy of estate inventories, supervising the execution of wills, and ensuring that property is distributed according to Shari'ah mandates rather than informal family arrangements that may disadvantage vulnerable parties.

The procedural framework of Indonesian Religious Courts provides both opportunities and limitations in this regard. The courts operate under the provisions of the Compilation of Islamic Law (*Kompilasi Hukum Islam*, KHI) and the Law on Religious Courts, which codify Shari'ah principles while prescribing procedural standards for case management.<sup>14</sup> KHI articulates detailed rules for succession, including the rights of different categories of heirs, procedures for claiming shares, and mechanisms for dispute resolution. Yet, the effectiveness of these provisions in ensuring substantive justice depends heavily on judicial discretion, the competency of court personnel, and the level of awareness among heirs. Judges are required to interpret the law

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<sup>14</sup> Lena Nova, "Hukum Waris Adat Di Minangkabau Ditinjau Dari Kompilasi Hukum Islam Dan Hukum Perdata," *AKADEMIK Jurnal Mahasiswa Humanis* 1, no. 1 (2021): 34–41.

in ways that accommodate specific vulnerabilities, applying principles such as *istihsan* (juridical preference) and *maslahah* (public interest) to protect the welfare of dependents without contravening normative entitlements.

In practice, Religious Courts employ various strategies to safeguard vulnerable heirs. One key measure is the appointment of administrators (*wakil waris*) or guardians (*wali*) who manage inheritance assets on behalf of minors or incapacitated heirs.<sup>15</sup> This ensures that property is not misappropriated and that heirs receive their due shares when they are legally or socially able to exercise ownership. Courts also engage in mediation and reconciliation among family members, facilitating agreements that respect both Shari'ah entitlements and social harmony. Moreover, the courts sometimes enforce monitoring mechanisms, requiring regular reporting on the management of inheritance assets and intervention in cases of misuse or neglect. These practices underscore the courts' proactive role in bridging the gap between formal normative prescriptions and the practical realization of justice for all heirs.

The protection of vulnerable heirs also intersects with issues of gender equity and social inclusion. Women, despite being guaranteed specific shares under Islamic law, may face systemic barriers in asserting their rights due to patriarchal family structures, economic dependency, or cultural constraints. Religious Courts, through their rulings and procedural interventions, can mitigate these barriers by ensuring that women's entitlements are recognized and enforced. Similarly, children and disabled heirs benefit from judicial oversight that prevents exploitation and secures their inheritance in a manner consistent with Shari'ah objectives. In this way, the courts serve not only as arbiters of legal disputes but also as guardians of social justice, translating ethical imperatives into tangible outcomes that reflect both legal and moral obligations.

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<sup>15</sup> Harry Yuniardi et al., "Criticism of Taklik Talak as an Effort to Protect Women's Right in Indonesian Marriage Law," *Madania Jurnal Kajian Keislaman* 28, no. 2 (2024): 203–14, <https://doi.org/http://dx.doi.org/10.29300/madania.v28i2.5924>.

Challenges remain, however, in achieving consistent substantive justice across cases and jurisdictions. Variability in judicial interpretation, resource limitations, and differing levels of awareness among heirs can result in uneven application of inheritance laws. In some instances, informal arrangements or familial negotiations may circumvent court supervision, potentially disadvantaging vulnerable parties. To address these challenges, there is a need for ongoing judicial training, public education on inheritance rights, and procedural reforms that enhance transparency, accountability, and accessibility. The integration of technology, such as digital registries of inheritance claims and online case management systems, may further support courts in monitoring and enforcing equitable distribution.<sup>16</sup>

Academic scholarship and empirical research play a crucial role in informing these reforms. Studies on inheritance disputes, court practices, and social dynamics provide insights into patterns of vulnerability, common sources of conflict, and the effectiveness of judicial interventions. Comparative analyses with other Muslim-majority countries, such as Malaysia, Egypt, or Pakistan, offer lessons on best practices in protecting heirs, implementing guardianship systems, and harmonizing normative prescriptions with practical realities. Such scholarship reinforces the argument that substantive justice in Islamic inheritance law requires more than technical compliance with textual rules; it demands an integrated approach that considers social, economic, and cultural dimensions while remaining faithful to Shari'ah objectives.

## **Conclusion**

In conclusion, the protection of vulnerable heirs in Islamic inheritance law in Indonesia illustrates the critical role of Religious Courts in translating normative Shari'ah principles into substantive justice. While Islamic inheritance law provides clear guidelines for the

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<sup>16</sup> Reni Nur Aniroh, Khoiruddin Nasution, and Ali Sodikin, "The Bilateral Inheritance System in Islamic Family Law: Fairness, Equality, and Mutual Exchange Perspectives," *Samarah* 8, no. 2 (2024): 891-911, <https://doi.org/10.22373/sjhk.v8i2.17630>.

distribution of property, ensuring that these rules achieve their ethical and social objectives requires active judicial intervention. Religious Courts serve as both arbiters and guardians, employing mechanisms such as guardianship appointments, supervision of estate management, and mediation to safeguard the rights of women, children, and disabled heirs. These interventions bridge the gap between prescriptive legal texts and the practical realities faced by heirs, ensuring that the principles of equity, fairness, and social welfare are upheld.

Challenges persist, including variations in judicial interpretation, limited resources, and societal barriers that may impede heirs from asserting their rights. Addressing these challenges demands comprehensive judicial training, procedural standardization, public education on inheritance rights, and technological innovations to enhance transparency and accountability. Ultimately, substantive justice in Islamic inheritance law is achieved not solely through technical compliance with Shari'ah provisions but through a holistic approach that integrates legal, social, and ethical considerations. The experience of Indonesia's Religious Courts demonstrates that when judicial practice aligns with normative objectives, vulnerable heirs are effectively protected, and the broader goals of Shari'ah justice, protection of property, and social harmony are realized in everyday life.

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