

## Comparative Analysis of Inheritance Verses in The Qur'an: Hamka and Hazairin's Interpretations and Their Relevance in Modern Social Context

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### ABSTRACT

This study compares the interpretations of inheritance verses (Q.S. An-Nisa: 7, 8, 11, 12, 176) by two prominent Indonesian Muslim thinkers, Hamka (Tafsir Al-Azhar) and Hazairin (bilateral inheritance system). Using a qualitative library research method with a comparative (muqaran) approach, framed by Fazlur Rahman's Double Movement theory and Ibn 'Ashur's Maqasid al-Shariah, this study finds that Hamka employs an *adab ijtimai'i* (literary-social) approach emphasizing ethical and distributive justice, protection of vulnerable groups, and moral responsibility within the framework of classical fiqh (patrilineal). Hazairin employs an anthropological-legal approach, constructing a bilateral inheritance system that eliminates the 'ashabah category, recognizes maternal and paternal lineages equally, and introduces the concept of substitute heirs (mawali). Methodologically, Hamka uses *tahlili* (sequential) method, while Hazairin uses thematic-inductive (*mawdu'i*). Substantively, Hazairin argues that a daughter can block siblings from inheritance (unlike Hamka's patrilineal position) and that grandchildren from daughters are substitute heirs. Both thinkers share a common goal: social justice, poverty alleviation, and protection of vulnerable groups. Their interpretations are highly relevant for developing fair, contextual, and maqasid-oriented inheritance distribution mechanisms in modern Indonesia.

**Keywords:** inheritance verses, Hamka, Hazairin, bilateral inheritance, social justice, poverty alleviation

### INTRODUCTION

Islamic inheritance law (*faraidh*) is not merely a mechanism for transferring property after death but a deliberately designed system for wealth distribution to maintain social balance and prevent wealth accumulation among a few. The Qur'anic principle *kay laa yakuna dulatan baynal aghniyaa* (that wealth does not circulate only among the rich) places wealth distribution as a normative goal of sharia (Sainul, 2022). Al-Ghazali emphasized that protecting property (*hifz al-mal*) aims not at individual accumulation but at ensuring human survival and social stability (Marwinata et al., 2025). In contemporary Indonesia, poverty remains a serious issue, and inheritance disputes often impoverish widows and orphans (Azizah et al., 2025).

Two major Indonesian thinkers offer distinct yet complementary interpretations. Hamka, through *Tafsir Al-Azhar*, employs an *adab ijtimai'i* approach, emphasizing ethics, social justice, and protection of the weak (Indri, 2025). Hazairin, a legal anthropologist, criticizes classical fiqh's patrilineal bias and constructs a bilateral inheritance system to Indonesia's kinship structure (Aniroh et al., 2024; Hazairin, 1990).

Previous studies have focused separately on Hamka's contextual interpretation (Prayetno & Arifullah, 2023) or Hazairin's legal methodology (Saoki, 2015). However, a systematic comparative analysis linking both to poverty alleviation and modern social context remains scarce. This study fills that gap by asking: (1) How does Hamka interpret inheritance verses? (2) How does Hazairin interpret them? (3) What are the methodological and substantive differences? (4) What is their relevance in modern social context?

Theoretical frameworks used are Fazlur Rahman's Double Movement (moving from contemporary situation to the Qur'anic era and back to derive universal moral principles) (Umair & Said, 2023; Zumaroh et al., 2025) and Ibn 'Ashur's Maqasid al-Shariah (emphasizing 'adl, musawah, and hifz al-nidham al-usrah) (Asyur, 2001; Auda, 2008).

## RESEARCH METHOD

This study uses qualitative library research. The primary data are Hamka's *Tafsir Al-Azhar* (1982, 1983) and Hazairin's *Hukum Kewarisan Bilateral Menurut Qur'an dan Hadith* (1990). Secondary data include journal articles from Scopus-indexed and Sinta-accredited journals (2015-2026). The approach combines tafsir muqaran (comparative exegesis), fiqh analysis, and maqasid al-shariah analysis. Data collection uses documentation. Validity is ensured through source triangulation and consistency with maqasid principles. Data analysis includes reduction, classification, comparative analysis, fiqh analysis, and maqasid analysis.

## RESULTS AND DISCUSSION

### Hamka's Interpretation: Adab Ijtima'i Approach

Hamka (1908-1981) was an Indonesian scholar, writer, and historian from Minangkabau, influenced by Muhammad Abduh's modernism. His *Tafsir Al-Azhar* is widely read for its accessible, ethical, and socially conscious style.

For Q.S. An-Nisa: 7, Hamka emphasizes that this verse abolished the Jahiliyyah tradition that excluded women and children from inheritance. He quotes a Malay proverb, "*sedikit diagih bercecah, banyak diagih berumpuk*" (share a little when little, share a lot when abundant), to highlight proportional justice. He concludes that Islam is not just rituals but includes civil laws ensuring social peace (Hamka, 1983, jld 4, p. 270-271).

For Q.S. An-Nisa: 8, Hamka interprets that relatives, orphans, and the poor present at distribution should be given a portion. He leans toward Sa'id bin Jubair's view that this is *muhkam* (clear ruling). Moreover, he stresses that kind words (*qaulan ma'rufan*) are more important than wealth, as they preserve family harmony (Hamka, 1983, p. 271-273).

For Q.S. An-Nisa: 11, Hamka explains the 2:1 ratio between male and female children as fair, given men's heavier financial responsibility (supporting wife, children, and family). He illustrates that women are protected by fathers, then husbands, then sons. He also explains the shares of parents (1/6 each if there is a

child) and emphasizes the importance of will (*wasiyyah*) up to one-third of the estate for non-heir relatives or charitable causes (Hamka, 1983, p. 278-282).

For Q.S. An-Nisa: 12, Hamka explains the shares of spouses (husband: 1/2 or 1/4; wife: 1/4 or 1/8) and uterine siblings (1/6 for one, 1/3 for more than one). He notes that giving equal shares to all wives despite polygamy indirectly encourages monogamy to avoid complexity (Hamka, 1983, p. 284-287).

For Q.S. An-Nisa: 176 (*kalalah* case), Hamka explains the shares of consanguine siblings (2:1 male to female) and emphasizes that these detailed rules prevent disputes and ensure justice (Hamka, 1982).

Hamka's social justice orientation includes restorative justice (restoring women's rights), distributive-proportional justice (rights aligned with responsibilities), collective justice (moral duty to poor relatives), and contextual justice (room for deliberation). From a *maqasid* perspective, Hamka protects property (*hifz al-mal*), lineage (*hifz al-nasl*), and life (*hifz al-nafs*). From Double Movement: he moves from modern poverty to the Qur'anic context (recognizing the revolution of giving women any share), but on the second movement, he remains within the Shafi'i school, not reconstructing the structural hijab rules.

## Hazairin's Interpretation: Anthropological Approach

Hazairin (1906-1975) was a legal scholar and anthropologist, Minister of Home Affairs, and expert in adat law. Raised in a family blending patrilineal (father from Bengkulu) and matrilineal (mother from Minangkabau) cultures, he developed the bilateral inheritance system.

For Q.S. An-Nisa: 7, Hazairin argues this verse explicitly proves that the Qur'an recognizes kinship from both parents. The phrase "*al-walidani wa al-aqrabun*" (both parents and relatives) is bilateral (Hazairin, 1990, p. 6).

For Q.S. An-Nisa: 8, Hazairin uses the phrase *ghaira mudharrin* (without causing harm) from verse 12 as a foundational principle against discrimination. He argues that giving to poor relatives is not just charity but a legal obligation to prevent harm.

For Q.S. An-Nisa: 11, Hazairin accepts the 2:1 ratio but rejects its patrilineal implications. He argues that *walad* (child) includes both sons and daughters as lineage connectors. Therefore, grandchildren from daughters are substitute heirs (*mawali*), and a daughter can block siblings from inheritance - a radical departure from classical fiqh. He criticizes the concept of *'ashabah* (male agnatic heirs) as a later cultural accretion, not explicitly Qur'anic. Hazairin reclassifies heirs into *Zawu al-faraidh* (fixed-share heirs), *Zawu al-qarabah* (blood relatives), and *Mawali* (substitute heirs), eliminating *'ashabah* (Hazairin, 1990, p. 17-32).

For Q.S. An-Nisa: 12, Hazairin interprets *kalalah* consistently as "death without children" (male or female). Uterine siblings are not discriminated against; all siblings are treated equally with a 2:1 ratio.

For Q.S. An-Nisa: 176, Hazairin argues that the phrase *laysa lahu walad* (he has no child) means no descendants, male or female. Thus, a single daughter blocks all

siblings, including consanguine brothers. This ensures that family assets stay with direct descendants, preventing structural poverty.

Hazairin's social justice orientation includes structural justice (rebuilding the legal system), equality of lineage (grandparents from both sides are equal), protective justice (substitute heirs prevent loss of rights due to death order), and legal nationalism (proposing an "Indonesian School" of fiqh). From maqasid perspective (Ibn 'Ashur), Hazairin realizes *'adl* (justice), *musawah* (equality), and *hifz al-nidham al-usrah* (protecting the family system). From Double Movement: he moves from modern Indonesian bilateral society back to the Qur'anic text, extracting the universal principle that direct descendants have priority over collaterals, then applies it to allow daughters to block siblings a progressive second movement.

## Comparative Analysis: Methodological, Substantive, and Social Justice Orientations

### Methodological and Substantive Differences

The following table summarizes the key methodological and substantive differences between Hamka and Hazairin.

Aspect	Hamka (Tafsir Al-Azhar)	Hazairin (Bilateral System)
<b>Background</b>	Exegete, writer, historian	Legal scholar, anthropologist
<b>Method</b>	Tahlili (sequential)	Mawdu'i (thematic-inductive)
<b>Approach</b>	Adab ijtima'i (literary-social)	Anthropological-legal
<b>Source</b>	Al-ma'tsur and al-ra'y (within Shafi'i framework)	Direct Qur'anic reasoning, critique of established madhhab
<b>Kinship System</b>	Follows traditional patrilineal (Shafi'i madhhab)	Constructs an indigenous Indonesian bilateral system
<b>'Ashabah (Residuary Heirs)</b>	Retained as a key legal framework in inheritance	Eliminated entirely in favor of proportionate distribution
<b>Daughter Blocking Siblings</b>	No (siblings can still inherit alongside a daughter)	Yes (a daughter blocks deceased's siblings from inheriting)
<b>Grandchildren from Daughter as Heirs</b>	No (traditionally excluded; only assisted via obligatory will)	Yes (inherits as 'mawali' or substitute heirs for deceased child)

<b>Grandparents</b>	Only father's father (al-jadd al-shahih) is recognized	Both paternal and maternal grandparents inherit equally
<b>Uterine Siblings</b>	Assigned fixed special shares (1/6 for individuals, 1/3 for multiple)	Treated equally with full siblings, subjected to the 2:1 male-to-female ratio

### Shared Social Justice Orientation: A Comparative Matrix

Beyond their methodological and substantive differences, both Hamka and Hazairin share a deep commitment to social justice. The following matrix, adapted from a systematic comparison of their works, highlights twelve key dimensions where their orientations converge, despite differing approaches.

Matrix of Comparative Aspects of Social Justice in Islamic Inheritance

Aspect of Social Justice	Hamka	Hazairin	Shared Orientation
<b>Theological Basis</b>	Emphasizes the ethical and moral values of the Qur'an in wealth distribution	Emphasizes the legal structure of the Qur'an that guarantees justice	Both make the Qur'an the foundation of social justice in inheritance
<b>Protection of Vulnerable Groups</b>	Defends the rights of women, orphans, and the poor	Defends the rights of women, grandchildren, and heirs from the maternal line	Both side with historically marginalized groups
<b>Women's Rights</b>	Recognizes women's legitimate right to inheritance	Recognizes women as equal heirs and lineage connectors	Both reject the denial of women's inheritance rights
<b>Purpose of Wealth Distribution</b>	Prevents accumulation of wealth among a few	Ensures fair and equitable distribution of family assets	Both position inheritance as an instrument of economic equalization
<b>Justice Orientation</b>	Ethical and distributive justice	Structural and juridical justice	Both seek substantive justice within the family
<b>Rights and Responsibilities</b>	Inheritance rights linked to financial responsibility (nafqah)	Inheritance rights linked to equality of lineage	Both understand inheritance as a socially responsible system

<b>Family Protection</b>	Maintains family harmony through social ethics	Maintains family continuity through a bilateral system	Both place the family as the center of sharia's protection
<b>Conflict Prevention</b>	Emphasizes deliberation (musyawarah) and good character in division	Emphasizes legal certainty and a non-discriminatory system	Both aim to reduce inheritance disputes
<b>Contextual Approach</b>	Adapts understanding of inheritance to modern social conditions	Reformulates inheritance law to fit Indonesia's bilateral society	Both contextualize Islamic law to local realities
<b>Maqāsid al-Sharī'ah Perspective</b>	Emphasizes <i>hiḏ al-māl</i> , <i>hiḏ al-nafs</i> , <i>hiḏ al-nasl</i>	Emphasizes <i>al-'adl</i> , <i>al-musāwah</i> , <i>hiḏ al-niḏām al-usrah</i>	Both are oriented toward public benefit ( <i>maslahah</i> ) and social protection
<b>Double Movement Approach</b>	Extracts the moral ideal of the Qur'an for modern context	Develops a new legal structure based on the Qur'an's universal morals	Both connect the Qur'anic text with contemporary social reality
<b>Vision of Islamic Legal Reform</b>	Strengthens the ethical dimension within <i>faraidh</i>	Reformulates Indonesia's inheritance system along bilateral lines	Both open space for more responsive and progressive Islamic law.

## Relevance in Modern Social Context

First, inheritance as a family wealth distribution mechanism. Hamka's ethics of *iḥsān* (giving to poor relatives) and Hazairin's bilateral system both prevent wealth concentration. Empirical studies show that inheritance distribution is influenced by kinship structure, adat norms, and social relations (Windatria et al., 2026). Hazairin's system is more adaptive to Indonesia's predominantly bilateral kinship (e.g., Java, many parts of Sumatra).

Second, inheritance preventing structural poverty. Hamka's protection of orphans and widows aligns with *maqasid's* protection of vulnerable groups. Hazairin's substitute heir (*mawali*) concept—adopted in Article 185 of the Compilation of Islamic Law (KHI)—ensures that grandchildren do not lose economic rights due to their parent's earlier death. This is a form of protective justice breaking

the intergenerational poverty chain. Research shows that asset ownership and education significantly affect household poverty (Abrianti & Suchaina, 2025).

Practical proposals from integrating both thinkers include: (1) Family deliberation-based inheritance mediation (maqasid-oriented), (2) Mandatory will (wasiyyah wajibah) for poor dhawil arham, (3) Local wisdom-based inheritance consultation posts, (4) Early inheritance education in premarital courses, (5) Productive inheritance managed as family trust/koperasi, (6) Integration of fair inheritance as a criterion for social protection programs (PKH, Bansos).

## CONCLUSION

First, Hamka's interpretation of inheritance verses using the *adab ijtima'i* approach emphasizes ethics, social justice, protection of vulnerable groups (women, orphans, the poor), and distributive justice within the classical patrilineal *fiqh* framework.

Second, Hazairin's interpretation using the anthropological approach produces a bilateral inheritance system that eliminates 'ashabah, recognizes maternal and paternal lineages equally, introduces substitute heirs (mawali), and allows daughters to block siblings—a structural reconstruction for justice.

Third, methodological differences: Hamka uses *tahlili* (sequential) with literary-social approach; Hazairin uses *mawdu'i* (thematic-inductive) with anthropological-legal approach. Substantive differences: patrilineal vs. bilateral; 'ashabah retained vs. eliminated; different treatment of siblings, grandparents, and grandchildren.

Fourth, their interpretations are highly relevant for modern social context, especially for developing fair, contextual inheritance distribution mechanisms and preventing structural poverty. Integrating Hamka's ethical orientation and Hazairin's structural reform offers a progressive model for Islamic inheritance law in Indonesia.

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