



TINJAUAN HUKUM UNDANG-UNDANG INVESTASI: STRATEGI MENDORONG PERTUMBUHAN EKONOMI

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Abstract

This study aims to examine the role of investment in driving economic growth and assess effective strategies to increase investment in various sectors. In an ever-evolving economic era, investment is one of the important pillars in strengthening a country's economic base. This review includes an analysis of various investment methods, including foreign direct investment (FDI), infrastructure development, and human resource development. Using empirical data and case studies, this research concludes that a comprehensive and integrated approach such as strengthening pro-business policies, simplifying regulations, and improving the quality of education is crucial to creating a favorable investment environment. The findings of this research are expected to provide guidance for policymakers and stakeholders in designing more effective strategies to promote economic growth through increased investment: A Strategy to Drive Economic Growth."

Keywords: Law, Investment, Economic Growth.

Abstrak

Studi ini bertujuan untuk mengkaji peran investasi dalam mendorong pertumbuhan ekonomi dan menilai strategi-strategi yang efektif untuk meningkatkan investasi di berbagai sektor. Dalam era ekonomi yang terus berkembang, investasi menjadi salah satu pilar penting dalam memperkuat basis ekonomi suatu negara. Tinjauan ini mencakup analisis berbagai metode investasi, termasuk investasi asing langsung (FDI), pembangunan infrastruktur, dan pengembangan sumber daya manusia. Dengan menggunakan data empiris dan studi kasus, penelitian ini menyimpulkan bahwa pendekatan yang menyeluruh dan terintegrasi seperti penguatan kebijakan pro-bisnis, penyederhanaan regulasi, dan peningkatan kualitas Pendidikan sangat krusial untuk menciptakan lingkungan investasi yang mendukung. Temuan penelitian ini diharapkan dapat memberikan panduan bagi pembuat kebijakan dan pemangku kepentingan dalam merancang strategi yang lebih efektif untuk mendorong pertumbuhan ekonomi melalui peningkatan investasi. yang pada penelitian ini peneliti beri judul "Tinjauan Hukum Undang-undang Investasi: Strategi Mendorong Pertumbuhan Ekonomi."

Kata Kunci: Undang-Undang, Investasi, Pertumbuhan Ekonomi.

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Introduction

The distribution of inheritance is an important aspect in maintaining the fairness of wealth distribution in society, both from the point of view of Islamic law and customary law in Indonesia.¹ Inheritance law not only functions to ensure the economic continuity of the family, but also plays a role in maintaining social harmony and balance between family members. In the context of Islamic law, the distribution of inheritance is strictly regulated based on sharia provisions that give different portions to men and women, in accordance with the rights and obligations of each in the family. However, along with social changes and increasing demands for gender equality, there is a growing demand in some circles for an equal distribution of inheritance, both between boys and girls. This phenomenon sparked an in-depth discussion regarding fairness, equality, and compatibility between sharia law and expected modern practices.²

The main problem faced in this study is the contradiction between the values of equality that develop in contemporary society and the provisions of sharia that are considered inflexible in the distribution of inheritance. On the one hand, there is a social demand to treat men and women equally in the distribution of inheritance as a form of gender justice. On the other hand, Islamic law has traditionally stipulated that men receive a larger share because they are considered to have greater economic responsibility in the family. This tension has not been fully resolved, especially due to the lack of empirical research on how the practice of equal distribution of inheritance is accepted in Indonesian Muslim society, as well as its impact from a social and legal perspective.³

The purpose of this study is to comprehensively explore how the equitable distribution of inheritance is practiced in the context of Islamic and customary law, as well as to evaluate the extent to which the concept of gender justice can be applied in the inheritance system in Indonesia. In addition, this study seeks to understand the views of the community and scholars regarding the application of equal distribution, as well as assess its impact on family harmony. As such, this research aims to provide new, deeper

¹ Andi Asdar Yusup, "CONTROVERSY OF ISLAMIC LAW ON THE DISTRIBUTION OF INHERITANCE TO THE HEIRS OF Andi Asdar Yusup Introduction Indonesian as a Society That Have Different Ethnic Groups, Cultures, and Religions Demands Its People the Ability to Create Harmonious Social Rel," *HUNAF: Jurnal Studia Islamika* 14, no. 2 (2017), <https://doi.org/http://dx.doi.org/10.24239/jsi.v14i2.490.377-403>.

² Lorinza Hartomo Raz, "An-Nur : Jurnal Studi Islam ISLAMIC INHERITANCE LAW IN THE MODERN ERA :," *An-Nur: Jurnal Studi Islam* 15, no. 2 (2023): 287–99, <https://doi.org/https://jurnalannur.ac.id/index.php/An-Nur ISLAMIC>.

³ Rahmatul Khasanah, "The Understanding of the Palm Hamlet Community Towards Islamic Inheritance Law," *Indragiri Journal of Multidisciplinary Research* 3, no. 1 (2023): 51–56, <https://doi.org/https://www.jurnalindrainstitute.com/index.php/jipm>.

insights into how Islamic law can adapt to evolving social demands without neglecting its basic principles.

In the existing literature, most of the research focuses more on the normative study of Islamic law related to the distribution of inheritance, but very few explore the normative juridical aspects of the practice of equal distribution of inheritance in Indonesia. In addition, the comparative study between Islamic law and customary law in the context of gender justice has not received adequate attention. This gap points to the urgent need for a more in-depth study of how the two legal systems can be compromised in the face of modern demands, particularly in terms of inheritance distribution justice.

This research offers a significant contribution by combining legal and social approaches in examining the equal distribution of inheritance. In addition, this study provides important empirical data on the views of the Indonesian Muslim community, including ulama, towards the modern trend of more equal distribution of inheritance. The relevance of this research is increasingly prominent along with increasing awareness of the importance of gender justice in various aspects of life, including in inheritance law. By providing recommendations that can be applied both in policy and practice, this research is expected to be able to bridge the tension between the traditional application of sharia and the social reality that continues to develop in society.

Method

The research method used in this study is a normative juridical approach, which focuses on the analysis of legal texts and literature related to the distribution of inheritance from the perspective of Islamic law, especially in the context of equal distribution of inheritance. This research involves the study of primary legal sources such as the Qur'an, hadith, and fiqh books that discuss heritage, as well as secondary literature that includes articles, books, and previous research reports. By analyzing various interpretations of sharia and the views of scholars on this issue, this study aims to identify patterns of public acceptance and rejection of equal distribution of inheritance, as well as its implications for gender justice and inheritance law reform in Indonesia. This method allows researchers to gain an in-depth understanding of the legal principles underlying the practice of inheritance division and how it adapts to ongoing social changes.

Results and Discussion

Acceptance of the Practice of Equal Distribution of Inheritance

The practice of equal distribution of inheritance in Indonesia is accepted in various ways by the community and scholars. Many families have begun to adopt this system for reasons of gender justice and demands for social equality, especially among urban

communities.⁴ However, from the perspective of Islamic law, scholars generally still refer to traditional sharia provisions that give a larger portion to men.⁵ These findings are in line with the theory of distributive justice in Islamic law, which emphasizes the financial responsibility of men in the family, but contradicts the egalitarian theory of justice that is developing among modern societies. These results also support previous research that states that there is a tension between religious norms and changing social realities, especially regarding the issue of gender equality in Muslim families. Thus, the interpretation of these results suggests the existence of a gap between theory and practice, which is influenced by social, cultural, and geographical contexts.⁶

Nevertheless, challenges remain, especially from scholars and community leaders who adhere to conventional sharia traditions and interpretations. Many of them argue that the principle of justice in the distribution of inheritance should still refer to the gender roles that have been determined in Islamic law, where men often get a larger portion than women.⁷ This creates a tension between the modern understanding of equality and the traditional interpretation that has existed for centuries. As a result, there is an urgent need to develop a constructive dialogue between various stakeholders in society, including clerics, academics, and women activists, to find a middle ground that can reflect the values of justice in the contemporary context.⁸

Furthermore, the influence of social media and digital platforms also plays a significant role in shaping people's views on the equal distribution of inheritance. Through various online discussions and campaigns, ideas about gender equality and women's rights are increasingly gaining ground in public discourse. Social media has become an effective tool for disseminating information and voicing opinions, which may have previously been overlooked in local contexts. This creates greater awareness among the public, especially

⁴ Asep Saepudin Jahar and Shubhan Shodiq, "SOCIAL AND RELIGIOUS DIMENSIONS OF CHILDREN ' S IN HERITANCE IN TURKEY , SAUDI ARABIA AND INDONESIA," *MIQOT* 46, no. 1 (2022): 26–52, <https://doi.org/10.30821/miqot.v46i1.870>.

⁵ Suwarti, Decha Khunmay, and Stepan Abannokovya, "Conflicts Occurring Due to the Application of Different Legal Inheritance Systems in Indonesia," *Legality: Jurnal Ilmiah Hukum* 30, no. 2 (2022): 214–27, <https://doi.org/10.22219/ljih.v30i2.21020>.

⁶ Fahmi Fatwa et al., "Traditional Law vs . Islamic Law ; An Analysis of Muslim Community Awareness in Inheritance Issues Islamic Inheritance Law (Far ā ' i ğ) Has Been Regulated in Islam Clearly in the Distribution of Inheritance . Haries , in His Research on the Banjar Ulam," *Al-Ahkam* 32, no. 1 (2022): 109–30, <https://doi.org/http://dx.doi.org/10.21580/ahkam.2022.32.1.11000>.

⁷ Kiki Adnan Muzaki, Asep Saepudin Jahar, and Muhammad Amin Suma, "Reform of The Law of Inheritance in Turkey and Tunisia," *AL-'ADALAH* 17, no. 2 (2020): 249–68, <https://doi.org/http://dx.doi.org/10.24042/adalah.v17i2.8031>.

⁸ Iqbal Saujan et al., "Islamic Law of Inheritance and Its Implication amongst Muslim Society : An Empirical Analysis," *Journal of Contemporary Islamic Law* 7 (2022): 35–51, <https://doi.org/http://www.ukm.my/jcil>.

the younger generation, about the importance of combating injustice in the unequal distribution of inheritance systems.⁹

The importance of legal education cannot be ignored in this context. People who have better knowledge of inheritance law, both from an Islamic and customary perspective, tend to be better able to argue for their rights. Therefore, educational programs that focus on legal literacy should be encouraged, so that individuals, especially women, can understand and fight for their rights in the process of inheritance distribution. This effort will not only strengthen the position of women in the family but will also create a more equitable and balanced society.¹⁰

Furthermore, legal education efforts must involve various elements of society, including formal and informal educational institutions. Schools, colleges, and religious institutions have a strategic role in disseminating knowledge about inheritance rights and gender justice. Curriculum materials that include an understanding of Islamic inheritance law and customary law should be an integral part of education, with a contextual and relevant approach. In this way, the younger generation will not only gain theoretical knowledge, but also practical skills to apply the principles of justice in their daily lives.¹¹

Furthermore, collaboration between the government, non-governmental organizations, and local communities is very important in implementing legal literacy programs.¹² Through seminars, workshops, and public campaigns, the public can be given the opportunity to discuss and learn about inheritance-related issues. In addition, the use of information and communication technology, such as mobile applications and online platforms, can be an effective tool to disseminate legal information to the wider community, so that they can access knowledge more easily and quickly.¹³

On the other hand, the involvement of scholars and community leaders is also very important in this legal education process. They have a significant influence in shaping people's views on legal practices, including the division of inheritance.¹⁴ Therefore, dialogue involving religious leaders in discussing inheritance law issues can help reduce the

⁹ Muhammad Amin Nasution, "DECONSTRUCTION TOWARDS ISLAMIC INHERITANCE LAW IN INDONESIA (A Brief Study On Hazairin ' s Bilateral Inheritance Idea)," *Al-Ussrah : Jurnal Al-Ahwal As-Syakhsiyah* 10, no. 02 (2022): 11–20.

¹⁰ Miftahul Huda, "The Concept of Muḥammad Shaḥrūr on Gender Parity in Inheritance Legislation," *El-Ussrah* 6, no. 2 (2023): 262–80, <https://doi.org/http://dx.doi.org/10.22373/ujhk.v6i2.18121>.

¹¹ Tri Siska Marni, "Modernisation of Islamic Family Law in Indonesia (Analysis of Counter Legal Draft-Compilation of Islamic Law in Inheritance)," 2023, 317–25, <https://doi.org/https://www.doi.org/10.30983/gic.v1i1.131>.

¹² Khairuddin Hasballah, "Disparity in Judge Decisions in Resolving Rad Inheritance Disputes: Case Study at the Sharia Court in Banda Aceh City," *El-Ussrah: Jurnal Hukum Keluarga* 6, no. 2 (2023): 249–61, <https://doi.org/https://jurnal.ar-raniry.ac.id/index.php/ussrah/index Vol>.

¹³ Sittihajar Muhammad, "The Position of Childless Widows as Heirs to Husband ' s Inheritance (Comparative Analysis of Compilation of Islamic Law and Civil Inheritance Law)," *Sosial Science* 04, no. 02 (2023): 395–409.

¹⁴ Aminuddin Anugrah Reskiani, Dian Furqani Tenrilawa, "Reform Methods of Islamic Inheritance Law in Indonesia in Jurisprudence Anugrah Reskiani 1 , Dian Furqani Tenrilawa 2 , Aminuddin 3 , Rahman Subha 4," *Jurnal Ilmiah Syariah* 21, no. 1 (2022): 1–35, <http://dx.doi.org/10.31958/juris.v21i1.5564>.

negative stigma that may exist against the equal distribution of inheritance. With a better understanding of the social context and the values of justice, scholars can play the role of agents of change in favor of equity in the distribution of wealth.¹⁵

Finally, the establishment of a support network for women who want to fight for their rights in the distribution of inheritance also needs to be the main focus. Support from civil society organizations, legal institutions, and communities can provide the necessary protection and advocacy for women who may face resistance or discrimination. With a strong network, women can be more confident in demanding their rights, thereby creating broader change in society towards justice and equality. Through these efforts, it is hoped that the acceptance of the equal distribution of inheritance can be more widespread, providing benefits for all members of the community.

Comparison of Interpretation of Islamic Law and Customary Law

The comparison between Islamic law and customary law in the distribution of inheritance reveals the nuances of complexity involving the principles of justice, equality, and recognition of individual rights.¹⁶ In Islamic law, the basic principle underlying the distribution of inheritance is justice and compliance with the provisions enshrined in the Qur'an and Hadith. In general, Islamic law applies a different system of division for men and women, where men usually receive twice the share of women. On the other hand, customary law is often more flexible and influenced by the social norms that apply in the local community. For example, in some customary traditions, the distribution of inheritance can be done equally, regardless of gender, reflecting the egalitarian values that developed in modern society.¹⁷

When analyzing the differences and similarities between these two systems, it is important to consider the social and cultural context in which these laws apply. In many communities, prevailing customary norms often serve as the main regulator in the practice of property distribution, even above sharia rules.¹⁸ For example, in Javanese society, there is a tradition known as "gono-gini property," where property acquired during marriage is considered joint property, and the distribution is done equally. This suggests that despite

¹⁵ Syaikh Syaikh, "Legal Harmonization in the Distribution of Inheritance in the Dayak Ngaju Community in Central Kalimantan, Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 1 (2023): 195–215, <https://doi.org/10.22373/sjhk.v7i1.12410>.

¹⁶ Fikri, "ISLAMIC INHERITANCE LEGISLATION TOWARD THE NATIONAL LAW: THE ANALYSIS OF JUSTICE VALUES IN BACUKIKI PAREPARE SOCIETY," *Al-Risalah Forum Kajian Hukum Dan Sosial Kemasyarakatan* Vol. 17, No. 1, Juni 2017 (Hlm. 45-60) p-ISSN: 17, no. 1 (2017).

¹⁷ Khudzaifah Dimiyati, "Converging Islamic and Religious Norms in Indonesia 's State Life Plurality," *Indonesian Journal of Islam and Muslim Societies* 12, no. 2 (2022): 421–46, <https://doi.org/10.18326/ijims.v12i2.421-446>.

¹⁸ Z Utkelbayeva, "Jamileh Abdelqader Shaban Rifai KAZAKH INHERITANCE LAW AND ITS DIFFERENCE The Following Factors Acted as Catalyst in Systematic Evolution of Kazakh Law ;," *Хабаршы. Шығыстану Сериясы*. 1, no. 92 (2020), <https://doi.org/https://doi.org/10.26577/JOS.2020.v92.i1.09>.

stricter guidelines of Islamic law, practices on the ground are often influenced by more progressive local values.¹⁹

Relevant case studies, such as those in the Minangkabau community, can provide a more in-depth picture of the interaction between Islamic law and customary law. In Minangkabau, the community adheres to a matrilineal system in which inheritance is passed down through a female lineage. In this case, despite the existence of sharia provisions that stipulate the division of property, strong customary values allow women to control and manage their inheritance, which at the same time strengthens their social position. This reflects how customary values can synergize with sharia principles, creating a legal system that is more inclusive and responsive to the needs of the community.²⁰

However, the interaction between customary values and sharia principles is not always harmonious. In some cases, rigid interpretations of Islamic law can create tensions with more progressive local norms. For example, in some more conservative communities, a rejection of the practice of equal distribution of property can result in women losing their right to inheritance. Therefore, it is important for scholars and community leaders to review the interpretation of existing laws in order to create a balance between Islamic and customary law that supports justice for all family members.²¹

Meanwhile, the role of legal education in society is very important to increase understanding of inheritance rights. Good education on inheritance law, both from an Islamic and customary perspective, can empower individuals to fight for their rights, especially for women who are often in vulnerable positions.²² Educational programs that emphasize legal literacy will help people understand the complexity of inheritance law and the importance of gender equality in the distribution of wealth. Thus, higher legal awareness will encourage the community to adopt inheritance practices that are fairer and in accordance with the needs of the times.

Overall, the comparison between Islamic law and customary law in the division of inheritance illustrates the need to find common ground between two different legal systems. Flexibility in the interpretation of the law can help align sharia principles with local values, which will ultimately create a fairer and more equitable system of inheritance distribution. In the context of an evolving society, it is crucial to promote dialogue

¹⁹ Ulfiani Rahman, "Men and Women in The Distribution of Inheritance in Mandar, West Sulawesi, Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 1 (2022): 156–75, <https://doi.org/10.22373/sjkh.v6i1.9094>.

²⁰ Lidya Fawwaz Rohmanna, Adesoji Kolawole Adebayo, and Syamsul Alam, "Perspective on Inheritance Rights in Other Wives," *LAW & SOCIAL POLICY* 3 (2023): 26–35, <https://doi.org/https://doi.org/10.52970/grlspr.v3i1.327>.

²¹ Nawir Yuslem, "DISCOURSE OF SUBSTITUTE HEIRS IN THE INDONESIAN HERITAGE LEGAL PRACTICE (Comparative Perspective) Nawir," *Justicia Islamica: Jurnal Kajian Hukum Dan Sosial* 18, no. 2 (2021): 211–26, <https://doi.org/10.21154/justicia.v18i2.2522>.

²² Ali Abubakar, "The Postponement of The Implementation of Inheritance Distribution in The Seunuddon Community, North Aceh in The Perspective of 'Urf Theory and Legal Pluralism," *El-Usrah: Jurnal Hukum Keluarga* 6, no. 2 (2023): 411–29, <https://doi.org/https://jurnal.ar-raniry.ac.id/index.php/usrah/index> Vol.

between stakeholders, including clerics, indigenous leaders, and community members, to find solutions that can strengthen social justice and gender equality in the practice of inheritance distribution.

Table 1: Comparison of Islamic Law and Customary Law Interpretations

Aspect	Islamic Law	Customary Law
Source of Law	Qur'an, Hadith, Ijma', and Qiyas	Customs and norms recognized in local communities
Principles of Inheritance Distribution	Based on justice, with specific rules for each heir	Varies depending on community traditions; may emphasize equal distribution
Percentage of Distribution	Islamic law specifies distribution based on gender and blood relations	Often emphasizes equality in distribution, though practices may vary
Gender Roles	Islamic law generally allocates a smaller share to women compared to men	Customary law may grant equal or greater rights to women in certain communities
Social Justice	Prioritizes justice based on Shariah law and individual rights	May prioritize justice based on societal norms and community traditions
Flexibility	Tends to be more rigid in the interpretation and application of Shariah	More flexible and adaptable to social conditions and context
Implementation	Formally applied through religious courts and Islamic legal institutions	Applied through social practices and local dispute resolution
Impact on Society	Influences moral and ethical values in Muslim communities	Preserves traditions and cultural identity, with strong influence on community behavior

A comparison between the interpretation of Islamic law and customary law in the distribution of inheritance shows that there is a tension between religious norms and local traditions that govern the distribution of wealth in society. Islamic law, with a strong foundation in sharia sources such as the Qur'an and Hadith, establishes specific principles of division based on blood and sex, which often results in inequality for women. In contrast, customary law tends to offer a more flexible and responsive approach to social

contexts, with some communities applying the principle of equal distribution, which can provide more equitable rights for women.²³ However, the interaction between these two systems can be complicated, as customary values often have to negotiate with stricter sharia principles. This analysis shows that to achieve justice in the distribution of inheritance, there needs to be a deeper dialogue between stakeholders in Islamic law and indigenous community leaders, in order to create a more inclusive legal framework that is able to accommodate the demands of gender justice in the context of an evolving society.

Social and Policy Impacts on Gender Justice

The practice of equal distribution of inheritance has a significant social impact on the position of women in society. In many contexts, inheritance is often a source of power and control in the family. When women are given equal rights in the distribution of inheritance, they not only gain access to wealth, but also a stronger position in decision-making in the family and society.²⁴ This can contribute to the reduction of gender injustices, which are often rooted in social traditions and norms that regard women as marginalized entities in economic affairs. By obtaining equal rights, women can more actively participate in social, economic, and political life.²⁵

Furthermore, the implementation of a fair distribution of inheritance can trigger a positive change in the public's view of the role of women. As women become more financially independent, society will begin to see them as valuable agents of change. This can strengthen women's position in various aspects of life, from their role in the family to their contribution to the community. Societies that recognize women's rights in inheritance will be more likely to value and support their participation in other social and economic activities, which in turn will improve the overall quality of life.²⁶

However, to achieve this goal, policy reforms that support gender justice in inheritance law are needed.²⁷ Policy recommendations can include reviewing and revising existing legislation, to make it more inclusive and reflect the principles of equality. Authorities need to ensure that inheritance law is not only based on often discriminatory traditions, but also on the values of justice and equality. Consistent and transparent law

²³ Oemar Moechthar, "A Juridical Study of Granting Wills to Heirs in the Perspective of Islamic Inheritance Law," *Yuridika* 37, no. 3 (2022): 739–58, <https://doi.org/10.20473/ydk.v37i3.41161>.

²⁴ Ahmad Redi and Hartini Antasari, "Comparative Analysis on the Regulation of Substitute Heir's Position in the Civil and Islamic Inheritance Law Perspective," vol. 655, 2022, 850–56.

²⁵ Muhammad Jazil Rifqi, "The Superiority of Customary Law over Islamic Law in the Settlement of Inheritance: Reflections on Snouck Hurgronje's Reception Theory Superioritas Hukum Adat Atas Hukum Islam Terhadap Eksistensi Waris: Refleksi Teori Resepsi Snouck Hurgronje," *Millah: Jurnal Studi Agama* 21, no. 1 (2021): 217–52, <https://doi.org/10.20885/millah.vol21.iss1.art8>.

²⁶ Ilyas Ilyas, "The Accommodation of Customary Law to Islamic Law: Distribution of Inheritance in Aceh from a Pluralism Perspectives," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 2 (2023): 897–919, <https://doi.org/10.22373/sjhk.v7i2.15650>.

²⁷ Zainuddin Mappong, "RIGHT TO SELF SUBMISSION TO WESTERN INHERITANCE LAW FOR THE HEIRS OF ISLAMIC RELIGION WHOM THE PROPERTY LEAVER," *JOURNAL OF LAW AND SUSTAINABLE DEVELOPMENT* 11, no. 2 (2023): 1–28.

enforcement is also very important to avoid the abuse of women's rights in inheritance practices. Policies that strengthen women's access to inheritance will encourage society to be more open to change.

The role of clerics and community leaders is crucial in facilitating these reforms. They have a great influence in shaping people's understanding of inheritance law and gender justice. By educating the community about the importance of a fair distribution of inheritance, scholars can help change the mindset that has been embedded in society. In addition, they can also act as mediators in this transition process, bridging between sharia law and existing customary values. Through an inclusive approach, clerics and community leaders can provide support for women in fighting for their rights.²⁸

The importance of dialogue between various parties cannot be ignored either. The establishment of a discussion forum involving stakeholders such as the government, civil society organizations, clerics, and community members, can create a space for the exchange of ideas and experiences. In this forum, issues related to gender justice in the distribution of inheritance can be raised and discussed openly. This approach not only improves understanding of the problem at hand, but also encourages collaboration in finding better solutions.²⁹

The enforcement of justice in the distribution of inheritance will also contribute to overall social welfare. When women have better access to economic resources, they will be better able to invest in education and family health. This will not only improve their quality of life, but also create a more empowered future generation. Gender justice in the distribution of inheritance is an integral part of sustainable social development, which prioritizes the welfare of society as a whole.³⁰

The sustainability of pro-women's welfare policies is highly dependent on the commitment of all parties, including the government, society, and individuals. Efforts to achieve gender equality in the distribution of inheritance must be a common agenda that involves all stakeholders. Every step towards justice should be seen as a contribution to greater social change, where women are not only treated equally, but also valued and empowered in every aspect of life.³¹

Finally, it is important to evaluate the impact of policies that have been implemented on a regular basis. This evaluation will provide insight into what works and

²⁸ Harnides, Syahrizal Abbas, and Khairuddin, "Gender Justice in Inheritance Distribution Practices in South Aceh, Indonesia," *Samarah* 7, no. 2 (2023): 1293–1316, <https://doi.org/10.22373/sjhk.v7i2.16688>.

²⁹ Ninuk Tri Welas, "Comparative Study of Development between Islamic Inheritance Law According to Compilation of Islamic Law (KHI) & Faroid Science," *Sultan Agung Notary Law Review* 3, no. 1 (2021): 164–80.

³⁰ Rr Dewi Anggraeni, "Islamic Law and Customary Law in Contemporary Legal Pluralism in Indonesia: Tension and Constraints," *Ahkam: Jurnal Ilmu Syariah* 23, no. 1 (2023): 25–48, <https://doi.org/10.15408/ajis.v23i1.32549>.

³¹ Andi Sukmawati Assaad, "Gender Equity in Inheritance System : The Collaboration of Islamic and Bugis Luwu Customary Law Abstract ;," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 17, no. 2 (2022): 458–79, <https://doi.org/http://doi.org/10.19105/al-Ihkam.v17i2.676>.

what needs to be improved in an effort to achieve gender justice in the distribution of inheritance. By carefully monitoring the results achieved, more effective strategic measures to promote gender equality can be identified. This is a dynamic process and requires adaptation along with existing social and cultural developments.

From all the discussions above, it can be concluded that the practice of equal distribution of inheritance is not only a legal issue, but also a social issue that affects the lives of women and society at large. Through policy reforms, education, and the active role of clerics and community leaders, it is hoped that gender justice can be realized in the distribution of inheritance, bringing a positive impact on social welfare and gender equality in the future.

Table 2: Social Impact and Policy on Gender Justice

Aspect	Description	Related Policy	Impact on Gender Justice
Women's Position	Increased rights and roles of women in family and society	Women's Empowerment, Gender Equality Act	Promotes equal access to resources and power
Educational Access	Improved access to education for women	Women's Scholarship Programs, Gender-Based Education	Provides skills and knowledge for active participation
Economic Participation	More active female participation in formal and informal economies	Micro and Small Business Support Policies for Women (MSMEs)	Enhances women's economic status and that of their families
Normative Change	Shift in social norms supporting gender equality	Gender Awareness Campaigns, Gender Equality Education	Increases recognition and acceptance of women's rights
Inheritance Law Reform	Policy changes to promote fair inheritance distribution	Inheritance Law Revisions, Legal Education Programs	Ensures women's rights in inheritance distribution
Health and Well-being	Better access to healthcare services	Reproductive Health Policies, Women's Health Programs	Improves reproductive health and overall well-being
Social Protection	Strengthened social protection for women	Social Protection Programs for Women	Reduces violence against women and increases safety
Decision Making	Increased involvement of women in decision-making	Women's Quota in Politics Policy	Enhances female representation in strategic positions

An analysis of the social and policy impact on gender justice shows that reform efforts focused on women's empowerment have broad and significant implications. Increasing women's access to education, health, and economic participation not only improves their position in social structures, but also contributes to the development of more inclusive and equitable societies. Policies that support gender equality, such as scholarship programs and revisions to the inheritance law, play a key role in changing social norms that previously discriminated against women. In addition, women's participation in decision-making, both at the community and political levels, promotes better representation and ensures that women's voices are heard in policy-making processes.³² In this context, success in achieving gender justice depends heavily on the synergy between existing policies, support from community leaders and clerics, and public awareness of the importance of equality. Therefore, a holistic and integrated strategy is needed to create an environment that supports and strengthens the position of women, so as to achieve sustainable social welfare and gender equality in the long term.

Conclusion

This study shows that the acceptance of the practice of equal distribution of inheritance in Indonesia has undergone significant development, influenced by social, cultural, and religious factors of the community. Despite strong support from urban and educated circles, the traditional interpretation of sharia that is still dominant by scholars is often an obstacle to the application of gender justice principles in the distribution of inheritance. This research emphasizes that there is an urgent need for clerics and community leaders to adopt a more flexible approach in interpreting inheritance law in order to align with modern values that emphasize equality and justice. In addition, the results of this study highlight the importance of continuous dialogue between tradition and the demands of the times in the context of inheritance law reform in Indonesia. Therefore, suggestions for future research include expanding geographic coverage and more diverse methodologies, including a quantitative approach to deepen people's perceptions of equal distribution of inheritance. Longitudinal research is also important to observe the long-term impact of these changes on family dynamics and wealth distribution. From a policy perspective, it is important for policymakers to consider more inclusive and adaptive regulations that reflect the values of social justice, without sacrificing the fundamental principles of Islamic law. Overall, this research provides a strong foundation for further development in the field of Islamic law and gender justice, and invites all elements of society to contribute to building a fairer and more equitable inheritance law system.

³² Utama Wardi, "Comparative Analysis of Islamic Family Law and Customary Law in the Settlement of Inheritance Disputes in Indonesia," *Hakamain* 3, no. 1 (2024): 13-25, <https://doi.org/10.57255/hakamain.v3i1.330>.

References

- Abubakar, Ali. "The Postponement of The Implementation of Inheritance Distribution in The Seunuddon Community, North Aceh in The Perspective of 'Urf Theory and Legal Pluralism." *El-Usrah: Jurnal Hukum Keluarga* 6, no. 2 (2023): 411–29. <https://doi.org/https://jurnal.ar-raniry.ac.id/index.php/usrah/index> Vol.
- Anggraeni, Rr Dewi. "Islamic Law and Customary Law in Contemporary Legal Pluralism in Indonesia: Tension and Constraints." *Ahkam: Jurnal Ilmu Syariah* 23, no. 1 (2023): 25–48. <https://doi.org/10.15408/ajis.v23i1.32549>.
- Anugrah Reskiani, Dian Furqani Tenrilawa, Aminuddin. "Reform Methods of Islamic Inheritance Law in Indonesia in Jurisprudence Anugrah Reskiani 1 , Dian Furqani Tenrilawa 2 , Aminuddin 3 , Rahman Subha 4." *Jurnal Ilmiah Syariah* 21, no. 1 (2022): 1–35. <http://dx.doi.org/10.31958/juris.v21i1.5564>.
- Assaad, Andi Sukmawati. "Gender Equity in Inheritance System : The Collaboration of Islamic and Bugis Luwu Customary Law Abstract :” *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 17, no. 2 (2022): 458–79. <https://doi.org/http://doi.org/10.19105/al-Ihkam.v17i2.676>.
- Dimiyati, Khudzaifah. "Converging Islamic and Religious Norms in Indonesia ' s State Life Plurality." *Indonesian Journal of Islam and Muslim Societies* 12, no. 2 (2022): 421–46. <https://doi.org/10.18326/ijims.v12i2.421-446>.
- Fatwa, Fahmi, Rosyadi Satria, Suci Pebrianti, Liza Dzulhijjah, and Hudzaifah Muhammad Maricar. "Traditional Law vs . Islamic Law ; An Analysis of Muslim Community Awareness in Inheritance Issues Islamic Inheritance Law (Far ā ' i ḍ) Has Been Regulated in Islam Clearly in the Distribution of Inheritance . Haries , in His Research on the Banjar Ulam." *Al-Ahkam* 32, no. 1 (2022): 109–30. <https://doi.org/http://dx.doi.org/10.21580/ahkam.2022.32.1.11000>.
- Fikri. "ISLAMIC INHERITANCE LEGISLATION TOWARD THE NATIONAL LAW: THE ANALYSIS OF JUSTICE VALUES IN BACUKIKI PAREPARE SOCIETY." *Al-Risalah Forum Kajian Hukum Dan Sosial Kemasyarakatan Vol. 17, No. 1, Juni 2017 (Hlm. 45-60) p-ISSN: 17, no. 1 (2017)*.
- Harnides, Syahrizal Abbas, and Khairuddin. "Gender Justice in Inheritance Distribution Practices in South Aceh, Indonesia." *Samarah* 7, no. 2 (2023): 1293–1316. <https://doi.org/10.22373/sjhc.v7i2.16688>.
- Hasballah, Khairuddin. "Disparity in Judge Decisions in Resolving Rad Inheritance Disputes: Case Study at the Sharia Court in Banda Aceh City." *El-Usrah: Jurnal Hukum Keluarga* 6, no. 2 (2023): 249–61. <https://doi.org/https://jurnal.ar-raniry.ac.id/index.php/usrah/index> Vol.
- Huda, Miftahul. "The Concept of Muḥammad Shaḥrūr on Gender Parity in Inheritance Legislation." *El-Usrah* 6, no. 2 (2023): 262–80. <https://doi.org/http://dx.doi.org/10.22373/ujhk.v6i2.18121>.
- Ilyas, Ilyas. "The Accommodation of Customary Law to Islamic Law: Distribution of Inheritance in Aceh from a Pluralism Perspectives." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 2 (2023): 897–919. <https://doi.org/10.22373/sjhc.v7i2.15650>.
- Jahar, Asep Saepudin, and Shubhan Shodiq. "SOCIAL AND RELIGIOUS DIMENSIONS OF CHILDREN ' S IN HERITANCE IN TURKEY , SAUDI ARABIA AND INDONESIA." *MIQOT*

- 46, no. 1 (2022): 26–52. <https://doi.org/10.30821/miqot.v46i1.870>.
- Khasanah, Rahmatul. “Pemahaman Masyarakat Dusun Sawit Terhadap Hukum Waris Islam.” *Jurnal Indragiri Penelitian Multidisiplin* 3, no. 1 (2023): 51–56. <https://doi.org/https://www.jurnalindrainstitute.com/index.php/jipm>.
- Mappong, Zainuddin. “RIGHT TO SELF SUBMISSION TO WESTERN INHERITANCE LAW FOR THE HEIRS OF ISLAMIC RELIGION WHOM THE PROPERTY LEAVER DIREITO À AUTOSUBMISSÃO À LEI DE HERANÇA OCIDENTAL PARA OS HERDEIROS DA RELIGIÃO ISLÂMICA , A QUEM O PROPRIETÁRIO.” *JOURNAL OF LAW AND SUSTAINABLE DEVELOPMENT* 11, no. 2 (2023): 1–28.
- Marni, Tri Siska. “Modernisation of Islamic Family Law in Indonesia (Analysis of Counter Legal Draft- Compilation of Islamic Law in Inheritance,” 317–25, 2023. <https://doi.org/https://www.doi.org/10.30983/gic.v1i1.131>.
- Moechthar, Oemar. “A Juridical Study of Granting Wills to Heirs in the Perspective of Islamic Inheritance Law.” *Yuridika* 37, no. 3 (2022): 739–58. <https://doi.org/10.20473/ydk.v37i3.41161>.
- Muhammad, Sittihajar. “The Position of Childless Widows as Heirs to Husband ’ s Inheritance (Comparative Analysis of Compilation of Islamic Law and Civil Inheritance Law).” *Sosial Science* 04, no. 02 (2023): 395–409.
- Muzaki, Kiki Adnan, Asep Saepudin Jahar, and Muhammad Amin Suma. “Reform of The Law of Inheritance in Turkey and Tunisia.” *AL-ADALAH* 17, no. 2 (2020): 249–68. <https://doi.org/http://dx.doi.org/10.24042/adalah.v17i2.8031>.
- Nasution, Muhammad Amin. “DECONSTRUCTION TOWARDS ISLAMIC INHERITANCE LAW IN INDONESIA (A Brief Study On Hazairin ’ s Bilateral Inheritance Idea).” *Al-Ussrah : Jurnal Al-Ahwal As-Syakhsyah* 10, no. 02 (2022): 11–20.
- Rahman, Ulfiani. “Men and Women in The Distribution of Inheritance in Mandar, West Sulawesi, Indonesia.” *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 1 (2022): 156–75. <https://doi.org/10.22373/sjkh.v6i1.9094>.
- Raz, Lorinza Hartomo. “An-Nur : Jurnal Studi Islam ISLAMIC INHERITANCE LAW IN THE MODERN ERA :” *An-Nur: Jurnal Studi Islam* 15, no. 2 (2023): 287–99. <https://doi.org/https://jurnalannur.ac.id/index.php/An-Nur ISLAMIC>.
- Redi, Ahmad, and Hartini Antasari. “Comparative Analysis on the Regulation of Substitute Heir ’ s Position in the Civil and Islamic Inheritance Law Perspective,” 655:850–56, 2022.
- Rifqi, Muhammad Jazil. “The Superiority of Customary Law over Islamic Law in the Settlement of Inheritance : Reflections on Snouck Hurgronje ’ s Reception Theory Superioritas Hukum Adat Atas Hukum Islam Terhadap Eksistensi Waris : Refleksi Teori Resepsi Snouck Hurgronje.” *Millah: Jurnal Studi Agama* 21, no. 1 (2021): 217–52. <https://doi.org/10.20885/millah.vol21.iss1.art8>.
- Rohmanna, Lidya Fawwaz, Adesoji Kolawole Adebayo, and Syamsul Alam. “Perspective on Inheritance Rights in Other Wives.” *LAW & SOCIAL POLICY* 3 (2023): 26–35. <https://doi.org/https://doi.org/10.52970/grlspr.v3i1.327>.
- Saujan, Iqbal, Seyed Mohamed, Mohamed Mazahir, and Nasrin Muhammadu Ibrahim. “Islamic Law of Inheritance and Its Implication amongst Muslim Society : An Empirical Analysis.” *Journal of Contemporary Islamic Law* 7 (2022): 35–51.

<https://doi.org/http://www.ukm.my/jcil>.

- Suwarti, Decha Khunmay, and Stepan Abannokovya. "Conflicts Occurring Due to the Application of Different Legal Inheritance Systems in Indonesia." *Legality: Jurnal Ilmiah Hukum* 30, no. 2 (2022): 214–27. <https://doi.org/10.22219/ljih.v30i2.21020>.
- Syaikhu, Syaikhu. "Legal Harmonization in the Distribution of Inheritance in the Dayak Ngaju Community in Central Kalimantan, Indonesia." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 1 (2023): 195–215. <https://doi.org/10.22373/sjhk.v7i1.12410>.
- Utkelbayeva, Z. "Jamileh Abdelqader Shaban Rifai KAZAKH INHERITANCE LAW AND ITS DIFFERENCE The Following Factors Acted as Catalyst in Systematic Evolution of Kazakh Law :” *Хабаршы. Шығыстану Сериясы*. 1, no. 92 (2020). <https://doi.org/https://doi.org/10.26577/JOS.2020.v92.i1.09>.
- Wardi, Utama. "Comparative Analysis of Islamic Family Law and Customary Law in the Settlement of Inheritance Disputes in Indonesia." *Hakamain* 3, no. 1 (2024): 13–25. <https://doi.org/10.57255/hakamain.v3i1.330>.
- Welas, Ninuk Tri. "Comparative Study of Development between Islamic Inheritance Law According to Compilation of Islamic Law (KHI) & Faroid Science." *Sultan Agung Notary Law Review* 3, no. 1 (2021): 164–80.
- Yuslem, Nawir. "DISCOURSE OF SUBSTITUTE HEIRS IN THE INDONESIAN HERITAGE LEGAL PRACTICE (Comparative Perspective) Nawir." *Justicia Islamica: Jurnal Kajian Hukum Dan Sosial* 18, no. 2 (2021): 211–26. <https://doi.org/10.21154/justicia.v18i2.2522>.
- Yusup, Andi Asdar. "CONTROVERSY OF ISLAMIC LAW ON THE DISTRIBUTION OF INHERITANCE TO THE HEIRS OF Andi Asdar Yusup Introduction Indonesian as a Society That Have Different Ethnic Groups , Cultures , and Religions Demands Its People the Ability to Create Harmonious Social Rel." *HUNAFA: Jurnal Studia Islamika* 14, no. 2 (2017). <https://doi.org/http://dx.doi.org/10.24239/jsi.v14i2.490.377-403>.