



Modernisation of Islamic Family Law in Indonesia (Analysis of Counter Legal Draft- Compilation of Islamic Law in Inheritance Law)

Tri Siska Marni¹, Silfia Hanani², Nofiardi³

¹²³Islamic Law Study Programme, Sjech M.Djamil Djambek State Islamic University Bukittinggi, indonesia

Abstract. This article explains the construction of inheritance law built by the Counter Legal Draft-Compilation of Islamic Law (CLD-KHI) and how it is relevant to the challenges and agenda of reforming Islamic family law in Indonesia in the future. For data collection, a literature review in the form of primary, secondary and tertiary legal materials is used. The specification of this research is descriptive analytical, which aims to provide a description carried out using qualitative methods from legal theories and legal doctrines as well as the opinions of Islamic law experts. It can be concluded that the concepts and ideas of CLD-KHI thinking in inheritance law have the spirit of legal liberalisation. The method used is to capture the spirit of a Qur'anic text or prophet's hadith so as to obtain the universal message of the text, namely the public good and the purpose of the sharia, not the literal meaning contained in the text of the verse. So it is very natural that since its inception in 2004 until now, the ideas and thoughts of CLD-KHI have not only caused prolonged polemics, but also tremendous rejection from various groups.

Keywords: CLD-KHI; KHI; Islamic Family Law, Islamic Inheritance Law

1. Introduction

Humans in their lives as social creatures always interact with each other. In the era of globalisation, with social interaction between cultures and nations, the pace of social change is accelerating. The impact of social change can lead to an imbalance of pre-existing laws with social realities that continue to change. (Mas'adi, 1997)

Regarding social change, sociologists give different opinions from one another, but they certainly agree that change affects the social system of a society. One of the impacts of social change is that it can affect the concept and legal order. (Mas'ud, 1999). Conversely, law can also be influenced by the dynamics of society. The development of modernity can also affect the development of legal concepts including Islamic law which is always developing in Indonesia. (Munawir, 1986)

This is where the modernisation of law in society becomes important. Including the study of the modernisation of Islamic family law in Indonesia, especially the Compilation of Islamic Law (Islamic Jurisprudence Compilation) commonly referred to as KHI. The Compilation of Islamic Law (KHI) for some is considered as the first real form of Islamic family law reform in Indonesia in order to fulfil the requirements of Islamic law to become positive law in the ranks of legislation. Even the Compilation of Islamic Law (KHI) is considered a "new face" in Islamic family law in Indonesia. (Jazuni, 2005). Although it is already 26 years old. However, until now it is still hotly discussed as a result of modernity in Indonesian society which has been studied and researched from various perspectives such as sociology, psychology, politics, law, gender and so on.

The added value of the preparation of the Compilation of Islamic Law (KHI) is the diversity of references, but the reference books from various madzhabs, which amounted to 38 pieces to be used in the preparation of the Compilation of Islamic Law (KHI), none of which showed the book of ushul fiqh. Nevertheless, when viewed from the elements of reform formulated such as marriage registration, the principle of monogamy, the age limit of marriage and so on, it appears that the Compilation of Islamic Law (KHI) was prepared using various methods of ushul fiqh, such as qiyas and al-mashlahah mursalah. (Wahid, 2001)

Reinterpretation and reformulation also became the paradigm of the preparation of the Compilation of Islamic Law (KHI), in the sense that the Compilation of Islamic Law (KHI) actualised areas of fiqh that were felt to be not actual by reviewing the arguments that had been interpreted by previous scholars to produce fiqh in their time, then reinterpreted with the demands of sharia and maqasid as-syariah. This method is considered quite effective in realising the benefit. Nevertheless, others still consider that the Compilation of Islamic Law (KHI) undoubtedly contains some articles that may no longer be relevant to current conditions and need to be reviewed. (Ahmad Suganda, 2022)

In this context, the Counter Legal Draft - Compilation of Islamic Law (CLD-KHI) appeared in 2004 as an effort to modernise Islamic family law in Indonesia by the Gender Mainstreaming Team (PUG) of the Ministry of Religious Affairs as an antithesis product to the existence of the Compilation of Islamic Law (KHI). However, the emergence of the Counter Legal Draft - Compilation of Islamic Law (CLD-KHI) has drawn controversy because it is considered excessive and even deviates from Islamic teachings, even though it explores the values and basic principles of Islam such as the principles of equality, brotherhood, justice, benefit, enforcement of human rights, gender equality and also the principle of democracy. (Mulia, 2005)

The reasoning of CLD-KHI's legal formation carries six visions of Islamic law that are aspired to, namely pluralism (ta'addudiyah), nationality (muathinah), upholding human rights (iqamah alhuquq al-insaniah), democracy, benefit (maslahah) and gender equality (al-musawa al-jinsiyah). These six basic principles are the framework that animates all provisions of Islamic law in the CLD-KHI version. Because in accordance with the perspective used, the vision aspired to and the drafting principles used, the CLD-KHI not only offers the main provisions of Islamic law that are different from the Compilation of Islamic Law (KHI), but also changes the framework of view of the concept of marriage, the relationship between men and women, as well as the procedures for marriage, divorce, divorce and reconciliation and inheritance law issues towards fair, democratic and pluralist relations, both between husband and wife, parents and children, as well as family and society. (Wahid, 2001)

The law of inheritance is a very important topic in Islamic family law. Classical scholars and contemporary Islamic thinkers have always given serious attention to the discussion of inheritance. Their intensity on the issue of inheritance is due to the Qur'an and hadith, which are the first reference of Islamic law, explaining its arrangements in great detail and straightforward provisions. (Syafi'e, 2011)

Along with the times and changing situations and conditions, the inheritance arrangements that have been firmly regulated have more or less experienced problems and even social clashes that cannot be avoided. The situation and the changing times that took place so quickly encouraged many contemporary Islamic thinkers to return to ijtihad by exploring the universal and eternal values that exist in the Qur'an and Prophetic Hadith.

Therefore, thinking about the law of inheritance until now has not stopped and will continue in the future, even though it is known how Islam has regulated the law of inheritance for a long time. In this context, the scholars have agreed to make the science of inheritance, which is then called faraidh, a branch of science that stands alone. Even in Islamic teachings, studying the science of inheritance gets a special call. (An-Na'im, 1994)

Therefore, the integration of KHI, which is considered to still use religious logic, with CLD-KHI, which already uses legal logic, especially in the case of inheritance, is a form of comparative study in the discourse of finding the meeting point of fiqh studies (Islamic Law) and modern sociology, which has been ignored so far..

2. Methods

The author uses a type of qualitative research whose data is in the form of descriptive (words/statements) in legal products and the opinions of scholars in relevant fiqh books that can be used as material in compiling information. The object of this research is the modernisation of Islamic family law, in this case an analysis of the CLD-KHI on inheritance. The source of data for further research is obtained from two sources, namely; First: Primary data sources obtained from the Compilation of Islamic Law (KHI) and the CLD-KHI draft. Second: Secondary data sources obtained from the opinions of scholars in relevant fiqh books. Comparisons are then made between KHI and CLD-KHI on inheritance which are considered problematic and then find common ground through tracing the sociological history of the emergence of legal modernisation in KHI and CLD-KHI, so as to produce new knowledge, new laws and new paradigms that contribute knowledge to Indonesian Islamic legal thought that is more contextual and can be implemented in society.

3. Results and Discussion

The Compilation of Islamic Law (KHI) was prepared by the Supreme Court and the Minister of Religious Affairs and received the recognition of ulama from various elements. Officially KHI is the result of consensus (ijma) of scholars from various groups through the medium of workshops held nationally, which then received legislation from state power. In fact, KHI is seen by some people as a state madhhab fiqh, because the drafting elements starting from the research process, drafting to the final conclusion were carried out by a team whose members were almost entirely state people. Meanwhile, the CLD-KHI was formulated by civil society, without the involvement of the government, judiciary and legislature.

The Compilation of Islamic Law (KHI) and CLD-KHI are present in history as products of family law reform in Indonesia, which in terms of methods and conception of reform, both have similar concepts, namely Intra doctrinal reform which still refers to conventional fiqh concepts by means of; *tahyir* (choosing the view of one of the fiqh scholars, including scholars outside the madzhab), can also be called *tarjih*, and *talfiq*, (combining a number of opinions) and Extra doctrinal reform which in principle no longer refers to conventional fiqh concepts but refers to the text of the Quran and sunnah by reinterpreting the text (reinterpretation).. (Nasution, 2012)

However, the Compilation of Islamic Law (KHI) and the CLD-KHI clearly have a different spirit. The conception tried to be built in the Compilation of Islamic Law (KHI) is considered to represent the religious worldview of the Indonesian people, which is largely shaped by religious teachings. Pancasila as the philosophy of life of the Indonesian nation

and state will not be separated from the values of the Almighty God and the legal awareness and legal ideals of the Indonesian people based on religious legal values also represent the conditions of Indonesian society which are parental (bilateral), whereas the CLD-KHI carries the spirit of western-style liberalisation which is considered by some to be far from Islamic teachings and does not reflect the conditions of the Muslim ummah in Indonesia. That is why the formulation of CLD-KHI from the beginning of its birth in 2004 until now has not only become a prolonged polemic but also received tremendous resistance. (Ahmad Suganda, 2022)

In the ideas of reforming inheritance law, the criticisms levelled at the CLD-KHI framework are directed at five targets, including: First, the CLD-KHI concept has a spirit of legal liberalisation. As it is known that all Islamic doctrines are referred to the Qur'an which is the primary source, so is the case with Islamic inheritance law. Islamic inheritance law is a direct expression of the sacred texts of the Qur'an. Islamic inheritance law is even the only form of regulation that is directly announced through the Qur'an in great detail. There is no other rule designated by the naḥs of the Qur'an as complete as mawaris. (Ash-Shabuni, 2004).

There are explanations that are very technical in application regarding the distribution of inheritance left by the heir. These explanations are related to the process and procedures for distribution. Systematically regulated preliminary actions that are the obligations of the heirs to the heirs' property, before the distribution of the inheritance. It is also confirmed explicitly with categorical expressions regarding the people who are entitled to receive the inheritance and the amount of their respective shares.

The technical terms used by the Qur'an are numerous, indicating that the rules of inheritance are rigid and compulsory laws that are accepted as they are, need not be examined further, and are simply implemented according to the will of the text. Lafazes such as fate, mafruda, farradna are some of them. In the perspective of the possibility of understanding its meaning by humans, the verses of inheritance fall into the category of muḥkam. In a special sense, muḥkam is a verse that is easy to know its meaning, contains only one face, its meaning can be known directly, without the need for other information. (al-Qattan, 2011)

Inheritance verses in the Qur'an looks so solid and is a unified system, there are no verses that contradict each other. This fact closes the possibility of nasikh mansukh regarding mawaris verse. If, for example, there is a contradiction then nasikh mansukh can be applied, taking into account the relevant aspects to find out the real law. The discussion of nasikh-mansukh can only be related to the verse of inheritance with the assumption that the verses of inheritance in question have cancelled the law of inheritance that was in effect in the pre-Islamic period, because according to some opinions the notion of naskh also includes such an understanding. The verses that imply a definite belief in the finality of the parts of inheritance can be discussed as follows: The use of the word nasiban in verse 7 of surah an-Nisa` implies that a certain amount must be given to the owner. Each heir seems to say: "qad wajaba li nashibun biqaulillahi subhanahu wata'ala".

In verse 12 of surah an-Nisa` there is also a concluding sentence that also strengthens the indication of the obligation to follow the textual provisions of the mawaris verses. The phrase "wallahu 'alimun halim", means the all-knowing people who comply with the rules of inheritance and the all-knowing people who leave the obligation to comply with the rules of inheritance. The affirmation of the obligation to comply with the provisions of inheritance is concluded by the next two verses, namely verses 13 and 14, which warn of

an appropriate reward related to the response of each mukallaf to the provisions of inheritance. It is sternly warned that this is the hudud, the shari'ah, the fixed rules set for His servants, so that they may know and then not violate them. The word hudud is more commonly used for things that are haram, which are forbidden to be done. In this context, it means that it is forbidden to violate the standard rules of inheritance. The stern warning with the reward of paradise for those who obey and hell for those who violate is delivered after verse 12 states that Allah is fully aware of who obeys and who violates the rules.

Based on the series of arguments above, it can be understood that there is actually no opportunity for the heirs to try to find their own way based on their ijtihad according to the conditions and circumstances surrounding them. Heirs are not allowed to make agreements that differ from the standard provisions on inheritance that are clearly contained in the verses of the Qur'an. The prohibition of making this agreement also includes after all heirs realise their respective shares. Because there is no room to create their own rules as long as it is attributed to the division of inheritance. Dividing the inheritance cannot but be in accordance with the faraid. What can be done is that after each heir receives their respective shares, they may grant their individual property rights to anyone they wish. This means that the action is included in the category of grants, not the distribution of inheritance.

In contrast to the above ideas, the CLD-KHI drafting team believes that the development of various ideas regarding inheritance is due to the emergence of various problems and conditions that are different from the situation of Islam during the time of the prophet. The CLD-KHI drafting team considers that Islamic law relating to inheritance law is no longer suitable to be applied in modern times, when the order of the times has changed. If imposed, according to them, Islamic law will lose its authority, and will be abandoned by Muslims themselves, because it is considered not to reflect a just attitude.

Such is at least the philosophical flow of the CLDKHI drafting team in understanding the need to immediately reconstruct and reform inheritance law in Indonesia. Do not judge an idea fourteen centuries ago in today's perspective. By saying that a woman's share of inheritance is half that of a man in today's perspective, the Qur'anic offer was not radical. But in the perspective of the time it was considered very radical, because previously women were only part of the inheritance. (Munir, 1999) Then Islam came and raised women from objects to subjects, although not yet in full capacity. Perhaps because of its tadrij (gradual) method, so it is not immediately one hundred per cent like men. This is actually just the first step. One day, if possible and desired, women can get the same, even more than men.

From this description, it then becomes clear that the CLD-KHI drafting team seems to want to convey messages through the spirit of liberalisation by carrying six visions of Islamic law that are aspired to, namely pluralism (ta'addudiyah), nationality (muathinah), upholding human rights (iqamah alhuquq al-insaniah), democracy, benefit (maslahah) and gender equality (al-musawa al-jinsiyah), because many people consider them to have exceeded the limits in carrying out legal istinbat and interpretation of verses on inheritance. They openly want to put the inheritance verses that are muhkam-ta'abudi into the realm of mu'amalah so that for them the texts of the Qur'an must be subjected (legitimised) under reality, the text of the Qur'an must follow the authority of reason, for them the most important thing is how to capture the universal message of the Qur'anic verse, namely the general benefit and the purpose of the sharia, not on the literal meaning contained in the text of the verse.

Secondly, the CLD-KHI concept is not relevant to the sociology of Indonesian society. The reasoning and legal vision of the CLD-KHI, as is known, carries six visions of Islamic law

that are aspired to. The six basic principles are the framework that animates all provisions of Islamic law in the CLD-KHI version. The six principles become the vision and ideals of the formation of Islamic law is the universal message of the Qur'an that must be applied in all Muslim countries, including Indonesia, even though these countries have different cultural roots and historically.

In the end, the team of formulators of CLD- KHI through the spirit of liberalisation that was carried as if they wanted to change the framework of thinking of the formation of Islamic law from theocentrism to anthropocentrism from elitist to populist, from deductive to inductive and this was done because they considered the cultural reality of Indonesian society which is different from the Arab and Middle East, as well as considering the condition of many Indonesian women who are currently able to support themselves and their families from their productive work and many women who become public leaders, ranging from village heads, police chiefs to presidents. Therefore, they are so eager to deconstruct the understanding of inheritance law in the Compilation of Islamic Law (KHI) which is considered no longer relevant to the demands of modernity. If we look at the framework of the formation of inheritance law in the Compilation of Islamic Law (KHI), at least distributive justice has been reflected in every article of inheritance in it..

The development of gender equality thinking is also accommodated in the Compilation of Islamic Law (KHI) which is the *ijma'* of Indonesian scholars and has received legal force from the government by paying attention to the "living law" in the midst of society without losing the "spirit of shari'at", by making legal breakthroughs that sometimes seem different from conventional *fiqh* and these breakthroughs are made in an effort to fulfil a sense of community justice. Among the articles that can accommodate gender equality in the Compilation of Islamic Law (KHI) are: Article 1 letter (f) which is quite significant in establishing husband-wife partnership. The classical *fiqh* book has not explicitly recognised the existence and role of the wife in giving birth to joint property, so Article 1 letter (f) is representative enough to recognise the role of the wife. The existence of joint property is not associated with who acquires and is not associated with its registration in whose name.

According to the Compilation of Islamic Law (KHI), however the pattern of husband and wife relations and each party cannot perform legal actions against joint property without the consent of the other party. Article 29 paragraph (3) of the Compilation of Islamic Law (KHI) explicitly stipulates that gender equality between husband and wife starts from the marriage contract. Marriage does not place the wife sub-ordinate to the husband's position. Likewise, Article 45 to Article 5 of the Compilation of Islamic Law (KHI) regulates the marriage agreement. Conventional *fiqh* books do not discuss marriage agreements. The impression is that the marriage contract is only an agreement between the guardian and the husband, where the bride or wife has no right to express her opinion or will in connection with the legal event of marriage.

The Compilation of Islamic Law (KHI) explicitly includes a marriage agreement which is a medium to accelerate the realisation of "*mu'asyarah bi alma'ruf*". With the opportunity to enter into a marriage agreement, the existence and role of the wife as the husband's *mitar* is getting stronger. Article 5 of the Compilation of Islamic Law (KHI) states that if the marriage agreement is violated, it can be used as a reason by the wife for marriage cancellation or a reason for divorce. The Compilation of Islamic Law (KHI) Article 77 to Article 79 concerning the rights and obligations and position of husband and wife. The view that the husband is more dominant than the wife in marital relations is confirmed by the three articles mentioned above. Husbands cannot impose their opinions and wishes on

their wives. In matters of principle, such as the creation of a *sakinah* household and the care and maintenance of children, they must work together. If one party neglects his or her obligations, the other party can sue the Religious Court to make the negligent party fulfil his or her obligations. In addition, the determination of the place of joint residence must be decided jointly.

The example above is the spirit of gender equality accommodated by the Compilation of Islamic Law (KHI) which affects inheritance law related to social issues that grow and develop along with the progress of society and the more heterogeneous a society, the more complex the problem. The legal breakthrough made by the Compilation of Islamic Law (KHI) above is an anticipation of social change as described above, and is significant enough to answer the demands of gender equality in the corridor justified by Islam. (Ahmad Suganda, 2022)

The articles analysed above show that the Compilation of Islamic Law (KHI) is a vision of the future in an effort to make Islamic law a positive law for Muslims. The articles that accommodate gender equality prove that Islamic law in Indonesia has taken a step forward in the framework of national legal development. The Compilation of Islamic Law (KHI) has developed the spirit of Islamic law contained in various sources of law such as the Qur'an, as-Sunnah and so forth in an effort to fulfil the sense of justice of the community, based on the principle of *maslahah*.

Third, the concept of human rights and pluralism formulated is not in accordance with the context of the Qur'an. Every approach used in Islamic studies contains meaning and value in it. Even though these meanings are not all known explicitly, only those who formulate them know the details. The concept of human rights is used in the methodology of the CLD-KHI approach. Human rights are the basic capital for the realisation of justice in society. Human rights also guarantee that every member of society can live, freely and responsibly. However, every concept must have limitations that cannot be applied in total. Islam teaches human rights to act in all aspects of life, but of course every action has levels and norms that must be obeyed, so that rationality does not become God in determining the way of life. Human rights that can be accepted by society are human rights that are still bound by *sharia*.

Fourth, the CLD-KHI material is still Islamic law, so it would be better if they first change the 1974 Marriage Law as a first step in the process of reforming Islamic law. The role of the autonomy of reason that they play as a form of freedom of thought has crossed the lines of the provisions of *shari'ah*. How can judges be sure that the material presented guarantees goodness and benefit? If they give an understanding that marriage is a *mua'malah* and not an act of worship. The opening article already violates the rules, let alone the subsequent articles.

In the CLD-KHI material there is a renewal of understanding raised through several approaches such as gender, human rights, democracy, pluralism, nationality, and benefit. The approach used in the CLD-KHI must be recognised as being inspired by general civil law, an idea that emerged from liberal western philosophy and is not in line with religious values. It contains a provision that has been cancelled in the 1974 Marriage Law, which states that marriage is only a civil relationship. This provision has been abolished by the Marriage Law and does not appear in the Compilation of Islamic Law (KHI).

Fifth, the role of the autonomy of reason has exceeded the provisions of *shari'ah*. In the CLD-KHI there is no new understanding that makes the draft worthy of being appointed as a law that is a counterpoint to the Compilation of Islamic Law (KHI). (Ahmad Suganda,

2022) Yuniati and Akhbaruddin, judges at the Yogyakarta Religious Court (PA) argue that it is all just a game of liberals. In her opinion, if the Gender Mainstreaming Team (PUG) wants to make changes to the draft or articles in the Compilation, it has been recognised by the state and religion.

4. Conclusions

The Compilation of Islamic Law (KHI) views that inheritance law is ta'abbudi because all the technicalities and details have been detailed (muhkam) contained in the verses of the Qur'an so that it automatically closes the space for ijtihad. All legal provisions must be accepted as an act of worship and obedience. This is different from the ideas of CLD-KHI legal thinking which views that the inheritance law in the Qur'an is mu'amalah in nature, so for them the verses of the Qur'an relating to inheritance must be captured from its universal spirit and message, they avoid literary interpretation of the verse.

KHI is more ideological and uses theological reasoning while CLD-KHI uses legal reasoning by incorporating principles that are not used in KHI, such as the principles of democracy, pluralism, human rights and so on. Although KHI has determined the inheritance distribution system according to fiqh reasoning, the Indonesian Muslim community currently prefers the distribution of inheritance based on secular civil law. The gap between the behaviour of Muslims and fiqh rules has triggered various efforts to reformulate inheritance law that is more humanist, open to gender discourse and interfaith rights. Despite the pros and cons, CLD-KHI carries a system of inheritance law that is based on the principles of justice, equality and the spirit of pluralism.

References

- Ali, M. D. (1997). *Hukum Islam dan Peradilan Agama*. Jakarta: Rajawali Pers.
- al-Qattan, M. K. (2011). *Studi Ilmu-Ilmu al-Qur'an*. Bogor: Pustaka Litera Antar Nusa.
- An-Na'im, A. A. (1994). *Dekonstruksi Syariah, Wacana Kebebasan Sipil, HAM dan Hubungan Internasional dalam Islam*. Yogyakarta: LKIS.
- Ash-Shabuni, S. M. (2004). *Hukum Waris Menurut Al- Qur'an dan Hadits*. Bandung: Trigenda Karya.
- Brown, L. C. (2000). *Religion and State: The Muslim Approach to Politics*. New York: Colombia University Press.
- Hamka. (1976). *Sejarah Umat Islam Jilid II*. Jakarta: Bulan Bintang.
- Jazuni. (2005). *Legislasi Hukum Islam di Indonesia*. Bandung: Citra Aditya Bakti.
- Mas'adi, G. A. (1997). *Pemikiran Fazlur Rahman tentang Metodologi Pembaharuan Hukum Islam*. Jakarta: RajaGrafindo Persada.
- Mas'ud, M. K. (1999). *Filsafat Hukum: Studi tentang Pemikiran Abu Ishaq al-Shatibi*. Bandung: Pustaka.
- Miller, D. H. (1983). *Family Studies: Review Yearbook; A General Framework for Family Impact Analysis*. London: Sage Publication.
- Mulia, S. M. (2005). Pembaharuan Hukum Keluarga Islam di Indonesia. In K. H. AF, *Islam dan Civil Society Gerakan dan Pemikiran Islam Kontemporer* (pp. 317-321). Jakarta: Paramadina.

- Munawir, I. (1986). *Posisi Islam di Tengah Pertarungan Ideologi dan Keyakinan*. Surabaya: Bina Ilmu.
- Munir, L. Z. (1999). *Memposisikan Kodrat Perempuan dan Perubahan dalam Perspektif Islam*. Bandung: Mizan.
- Muttaqin, D. (2005). Telaah terhadap Draft KHI Perspektif Sejarah Sosial Hukum. *Jurnal Al-Mawarid Edisi XIV*, 250-270.
- Nasution, K. (2012). Arah Pembangunan Hukum Keluarga: Pendekatan Integratif dan Interkonektif dalam Pembangunan Keluarga Sakinah. *As-Syir'ah: Jurnal Ilmu Syari'ah dan Hukum Vol. 46 No.1*.
- Nasution, K. (2009). *Hukum Perdata (Keluarga) Islam Indonesia dan Perbandingan Hukum Perkawinan di Dunia Islam*. Yogyakarta: Academia & Tazzafa.
- Nasution, K. (2012). *Pengantar Studi Islam*. Yogyakarta: Academia & Tazzafa.
- Saeed, A. (2014). *Pemikiran Islam: Sebuah Pengantar*. Yogyakarta: Baitul Hikmah.
- Suganda, Ahmad. dkk. (2022). Analisis Counter Legal Draft- Kompilasi Hukum Islam dan Hukum Waris. *At-Ta'dil Jurnal Hukum Keluarga Islam Vol 1 No 1*, 1-19.
- Summa, M. A. (2005). *Hukum Keluarga Islam di Dunia Islam*. Jakarta: RajaGrafindo.
- Syafi'e, M. (2011). Hak Non Muslim Terhadap Harta Waris (Hukum Waris Islam, KHI, CLD-KHI di Indonesia). *Jurnal Al-Mawarid Vol 11 No 2*, 175-193.
- Wahid, M. d. (2001). *Fiqh Madzhab Negara: Kritik atas Politik Hukum Islam di Indonesia*. Yogyakarta: PT LKiS Pelangi Aksara.
- Wahyudani, Z. (2015). Perubahan Sosial dan Kaitannya dengan Pembagian Harta Warisan dalam Perspektif Hukum Islam. *Jurnal Ilmiah ISLAM FUTURA Vol. 14 No. 2*, 166-189.