

COMPARISON OF INHERITANCE OF LEGAL SYSTEM: INHERITANCE IN ISLAM, ANGLO-SAXON AND CONTINENTAL EUROPE

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Abstract : *This study aims to compare the concept of inheritance in three different legal systems: Islamic law, Anglo-Saxon law, and Continental European law. The main objective of this research is to analyze the differences, similarities, as well as the social and legal implications of these distinct inheritance systems. The research methodology involves a literature review and an analysis of relevant legislation concerning inheritance laws in the three legal systems under study. Data is collected from reliable primary and secondary sources, including Islamic legal texts, relevant statutes and court decisions in Anglo-Saxon law, and regulations and legal precedents in Continental European law. The findings of this study reveal that Islamic law governs inheritance based on Sharia principles, which divide the inheritance proportionally according to family relationships and religious provisions. Anglo-Saxon law adheres to the principles of intestate succession, where property is distributed to heirs based on the line of descent and specific rules in the law. On the other hand, the Continental European legal system bases the distribution of inheritance on a broader concept of lineage, encompassing more distant relatives as heirs. The social implications of these findings highlight the differences in how societies organize inheritance and the rights of heirs, which can impact fairness and harmony within families. From a legal perspective, the implications encompass variations in the protection of inheritance rights and the legal processes applicable in each legal system.*

Keywords: *Inheritance Law, Islamic law, Anglo-Saxon law, Continental European law*

1. INTRODUCTION

Inheritance is a highly important and complex legal issue in various legal systems around the world. Legal systems of different countries often have different approaches to regulating the distribution of inheritance among heirs. Among the various legal systems, three prominent ones are the Islamic legal system, the Anglo-Saxon legal system, and the Continental European legal system. In the context of Islamic law, the concept of inheritance is governed by the principles of Shariah established by religious teachings (Ismail, 2019).

This legal system provides clear guidelines on how inheritance assets are fairly distributed among heirs, considering family relationships and applicable religious provisions. On the other hand, the Anglo-Saxon legal system adopts a different approach with the principle of intestate inheritance law, where the distribution of inheritance assets is carried out when someone dies without making a will. This includes determining heirs based on lineage and rules established in the law, without considering religious aspects (Djawas et al., 2022).

Meanwhile, the Continental European legal system has different characteristics, recognizing heirs from more distant family relationships. The broader concept of descent in this system affects how inheritance assets are distributed, allowing cousins, aunts, uncles, and other distant relatives to have rights in inheritance (Ismail, 2019). The Continental European legal system often imposes limitations on individual freedom in determining the fate of inheritance assets through wills. Some countries may restrict the types and amounts of assets that can be bequeathed through wills, giving greater importance to established inheritance distribution rules (Joulfaian & Wilhelm, 1994).

By detailing the fundamental differences in the approaches of these three legal systems to inheritance, this research aims to contribute to a deeper understanding of the diversity of values,



norms, and principles of inheritance law on a global level (Y. YUSDANI et al., 2021). The practical and philosophical implications of this comparison can provide a basis for the development of a fairer inheritance law that aligns with the needs of society in various legal contexts. Based on the above background, the focus of this research study is to conduct a comparative analysis of inheritance in the Islamic legal system, Anglo-Saxon legal system, and Continental European legal system.

2. RESEARCH METHOD

This research is a literature review (library research) of the comparative type, comparing the principles of inheritance in three different legal systems: the Islamic Legal System, the Anglo-Saxon Legal System, and the Continental European Legal System. This study gathers data from primary legal sources, such as the Quran and Hadith for the Islamic Legal System, historical and contemporary legal documents for the Anglo-Saxon Legal System, and regulations and legal decisions for the Continental European Legal System. Then, a conceptual analysis of the principles of inheritance in the three legal systems is conducted. This includes a deep understanding of the values, norms, and principles that form the basis of inheritance law in each system. It involves case studies or concrete examples from each legal system to provide real illustrations of the application of inheritance principles in legal and societal contexts (Hoecke, 2015).

3. INHERITANCE LAW

Inheritance law in Indonesia exhibits a diverse array of patterns, where each population group is subject to its own laws. This results in differences regarding the meaning and significance of inheritance law. However, when discussing inheritance law, the focal point cannot be separated from three main elements: the existence of the deceased's estate (wealth) referred to as inheritance; the presence of heirs who possess or own the inherited property and transfer or continue it; and the presence of heirs, individuals who receive the transfer or division of the inherited property (Barlinti, 2013).

Below are some definitions of inheritance law:

3.1 Islamic inheritance law (faraidh law), the understanding of inheritance law according to terminology is fate, destiny/fate, and in sharia, it is the portion allocated/determined for heirs. Thus, faraidh is specific regarding the portion of heirs determined by sharia (Fauzi, 2017).

3.2 According to Soepomo, from the perspective of customary law, the understanding of inheritance law is the regulations that govern the process of transferring and transmitting immaterial goods from one human generation to their descendants (Soepomo, 1963).

It can be understood that inheritance law is a part of law that regulates the transfer of assets and property from one generation to the next after someone's death. This concept encompasses rights and obligations related to the deceased (the person who passed away) and heirs (those who receive the inheritance). Inheritance law establishes rules and procedures for fairly dividing inherited assets in accordance with applicable provisions (Q, 2023).

4. CONCEPT OF INHERITANCE IN ISLAMIC LAW

4.1 Principles of Inheritance Law in Sharia

Inheritance law in Islam is based on the principles of shariah, which serve as the main guidelines in determining the distribution of inherited assets. Some key principles relevant in this context are as follows: first, the principle of justice. Islamic inheritance law emphasizes the importance of justice in the distribution of inherited assets. Each heir must receive a fair and proportionate share according to religious provisions. Second, the principle of family ties. Islamic inheritance law recognizes the close relationship between heirs and the deceased based on family ties (Djawas et al., 2022). Heirs who are closer in relationship to the deceased usually have greater rights in inheritance. Third, the principle of respect for religious provisions. Islamic inheritance law emphasizes the importance of following religious provisions in determining heirs and the distribution of inherited assets. This means that Islamic inheritance law is based on the teachings of the Quran and the Hadith of Prophet Muhammad (Admin, 2023).

4.2 Arrangement of Inherited Assets for the Nuclear Family



In Islamic inheritance law, the nuclear family such as children, spouses, and parents are given priority in the distribution of inherited assets (Rajab et al., 2022). Some important aspects in arranging inherited assets for the nuclear family are as follows: first, children. Children have strong inheritance rights in Islamic law. They are entitled to receive a certain portion of the inherited assets from their parents. Second, husbands and wives. In Islamic inheritance law, surviving husbands or wives also have rights to a certain portion of the inherited assets of their deceased spouse. Third, parents. Parents have the right to receive inheritance from their children if they pass away before their children. The arrangement of inherited assets in Islamic law also includes other legal aspects such as the law of wills, the law of zakat, and the law of faraidh (the detailed division of inherited assets in the Quran). The principles of inheritance law in Islam offer a clear and fair framework for the distribution of inherited assets in Muslim society (Aziz, 2023).

4.3 Rights of Heirs According to Religious Provisions

In Islamic inheritance law, the rights of heirs are determined based on religious provisions described in the Quran and the Hadith of Prophet Muhammad. Islam recognizes and respects the family relationship between the deceased and the heirs. This relationship serves as the main basis for determining who is eligible to be heirs (Supriyadi, 2017). Furthermore, Islamic inheritance law adheres to the principle of equality between male and female heirs in the division of inherited assets. This means that both male and female heirs have the same rights to receive a portion of the inherited assets (Mu'in et al., 2023). The Quran and Hadith also provide clear guidelines on the division of inherited assets among heirs. Each heir receives a specific portion according to religious provisions, and this portion must be respected and protected (Yusuf, 2017).

4.4 Implementation of Islamic Inheritance Law in Society

The implementation of Islamic inheritance law in society faces several challenges and important roles. The implementation of Islamic inheritance law can be seen from the following four points: first, awareness and understanding of society. It is important to increase society's awareness and understanding of Islamic inheritance law (Djawas et al., 2022). Education and socialization regarding the rights of heirs and the principles regulated by religion are important so that society understands and respects the provisions of inheritance law. Second, the role of legal and religious institutions. Legal and religious institutions play a key role in the implementation of Islamic inheritance law. They must provide guidance and assistance to society in resolving inheritance disputes and ensure that the distribution of inherited assets complies with religious provisions (Kusumadewi, 2021). Third, the influence of local culture and traditions. The implementation of Islamic inheritance law can be influenced by local culture and traditions in society. Therefore, it is important to accommodate cultural values that are not contradictory to religious provisions, but still ensure justice and equality in the distribution of inherited assets (Yusdani et al., 2023). Keempat, penyelesaian sengketa waris. Implementasi hukum waris Islam melibatkan penyelesaian sengketa waris.

Pengadilan tata usaha penyelesaian sengketa harus beroperasi secara adil dan transparan untuk menjamin keadilan bagi semua pihak yang terlibat (Rahmat, 2020).

5. CONCEPT OF INHERITANCE IN THE ANGLO-SAXON SYSTEM

Intestate inheritance law in the Anglo-Saxon system refers to the legal provisions that govern the distribution of inherited assets when someone passes away without leaving a valid will. In cases of intestate inheritance law, the court will determine how the inherited assets will be distributed among the heirs according to the applicable laws (Wiratha, 2016). In the Anglo-Saxon legal system, the determination of heirs is based on the lineage of the deceased. Direct heirs such as children and grandchildren will be the primary heirs, and they are entitled to receive a specific portion of the inherited assets. If the deceased does not have direct heirs, then the lineage will be traced backward to determine the heirs entitled to receive a portion of the inherited assets. This Anglo-Saxon legal system may vary between different jurisdictions. Additionally, the determination of heirs in intestate inheritance law may also be influenced by local customs and traditions. This can lead to variations in how inherited assets are distributed among heirs in different communities (Arfaizar et al., 2022). Understanding the concept of inheritance in the Anglo-Saxon legal system is crucial in handling legal cases involving intestate inheritance and ensuring justice and legal certainty in the process of distributing inherited assets (Hulalata, 2021).

The Anglo-Saxon legal system plays a significant role in regulating the distribution of inherited assets when someone passes away without a valid will (Media, 2019). The influence of this law includes the rules and principles of intestate inheritance law that apply in specific regions. Each jurisdiction may have slightly different regulations, which can affect how inherited assets are



distributed among heirs (Muchith, 2013). Cultural factors also have a significant impact on the arrangement of inherited assets in the Anglo-Saxon system (Cahyono, 2018). Cultural values in society, such as the importance of family, loyalty to traditions, and views on ownership of property, can influence how individuals perceive the inheritance distribution process and how the assets should be distributed. For example, in some cultures, the deceased may feel a moral responsibility to give a larger portion of the inherited assets to family members in greater need, even if it is not required by law (Arfaizar et al., 2023).

A review of legal cases related to inheritance in the Anglo-Saxon system helps to understand how this law is applied in practice. These cases involve various disputes and conflicts involving the distribution of inherited assets among heirs. Courts will resolve these disputes based on the principles of intestate inheritance law that apply. These case studies can also reveal challenges and differences in legal interpretations that occur in dispute resolution. Some cases may involve conflicts of interest among heirs, while others may address complex legal questions related to lineage or the definition of valid heirs (Ansarullah, 2024). The results of these case reviews provide valuable insights into the effectiveness of the Anglo-Saxon legal system in handling inheritance disputes and how this law can be improved or enhanced to ensure justice for all parties involved (Cahyono, 2018).

6. CONCEPT OF INHERITANCE IN THE CONTINENTAL EUROPEAN LEGAL SYSTEM

In the Continental European legal system, the concept of inheritance reflects a broader approach to determining heirs (Maulana, 2021). Some important aspects of this approach are as follows: firstly, a broader family connection. The Continental European legal system recognizes a wider family connection in determining heirs. In addition to direct heirs such as children and grandchildren, this system also considers more distant family members, such as siblings, cousins, uncles, and aunts (Sukirman & Mukhlas, 2023). Secondly, forced heirship laws. In some jurisdictions in Continental Europe, there may be forced heirship laws that govern the portion of inherited assets allocated to specific heirs. This may result in a portion of the inherited assets being allocated to heirs specified by law, regardless of the deceased's wishes in the will. Thirdly, proportional distribution. The Continental European legal system tends to apply proportional distribution of inherited assets, where each heir's portion is determined based on a fair percentage of the total inherited assets. This approach aims to achieve fairness in the distribution of inherited assets among entitled heirs (Arlis, 2021).

In the Continental European legal system, lineage plays a significant role in determining heirs and the distribution of inherited assets. There are several aspects of lineage in the Continental European legal system, namely: firstly, lineage. The Continental European legal system usually follows vertical lineage to determine heirs. Children and grandchildren have strong inheritance rights and are the primary heirs. Secondly, exceptions to heirs. In some cases, the Continental European legal system also takes into account exceptions to specific heirs. For example, if an heir dies before the deceased, their descendants will represent their inheritance rights. Thirdly, absence of heirs. In situations where there are no living heirs, inherited assets may be allocated to charitable institutions or governmental bodies according to local laws. The Continental European legal system has variations across different countries, and each country may have different laws and regulations governing the concept of inheritance. Nevertheless, understanding the broader approach to heirs and lineage aspects in the Continental European legal system is important to ensure justice and legal certainty in the distribution of inherited assets (Albian, 2019).

In the Continental European legal system, the distribution of inherited assets is based on the principle of equality among heirs and a broader understanding of family. However, differences in inheritance laws between Continental Europe and other systems, such as Islamic inheritance law or Anglo-Saxon inheritance law, may be a concern in comparing the distribution of inherited assets. Some relevant comparisons between the distribution of inherited assets in the Continental European system and other systems are that in Continental European inheritance law, both male and female heirs have equal rights in the distribution of inherited assets. This is different from some other inheritance laws that may give preference to male heirs or limit the rights of female heirs (Djawas et al., 2022).

Furthermore, the Continental European inheritance law tends to recognize a wider family connection in determining heirs, including more distant family members such as cousins and uncles. On the other hand, other systems may focus more on immediate family, such as children and grandchildren. The Continental European inheritance law is not always based on specific religious provisions, while some other systems may be influenced by specific religious teachings and strong



traditions in the arrangement of inherited assets. In comparing the distribution of inherited assets, it is important to understand the social, cultural, and values contexts that shape each inheritance law system. Although there are differences between these systems, the ultimate goal is to achieve justice and legal certainty in the distribution of inherited assets (Cahyono, 2018).

The arrangement of inheritance in the Continental European system can have significant social implications in society. These implications include: firstly, gender equality. Equal inheritance rights between men and women in the Continental European system support gender equality in the distribution of inherited assets. This can contribute to a more active role for women in managing and utilizing inherited assets (Arfaizar et al., 2023). Secondly, broader family solidarity. Recognition of a wider family connection in this system can strengthen overall family solidarity. Distant heirs may feel more connected to the immediate family, and this can influence social relationships and togetherness within the family. Thirdly, impact on family decision-making. Broader distribution of inherited assets can affect family dynamics and decision-making. This arrangement can help maintain harmonious relationships within the family or, conversely, may lead to conflicts among heirs (Ramli et al., 2023).

Fourthly, impact on family economic empowerment. More equitable distribution of inherited assets among family members can contribute to the overall economic empowerment of the family. Heirs who receive a portion of the inherited assets may be able to use it for investment or improving their standard of living. The arrangement of inheritance in the Continental European system reflects a more inclusive view of family and inheritance rights equality (HAK et al., 2023). Its social implications include impacts on gender, family solidarity, family decision-making, and family economic empowerment. However, it is important to remember that each inheritance law system has different social consequences, and the role of legal and social institutions in ensuring justice and harmony in the distribution of inherited assets is crucial (Agustian et al., 2023).

7. COMPARISON OF THE CONCEPT OF INHERITANCE IN THE THREE LEGAL SYSTEMS

Differences and Similarities Between Islamic Law, Anglo-Saxon, and Continental European Law Differences and similarities between Islamic law, Anglo-Saxon law, and Continental European law encompass various aspects, including fundamental principles, approaches to inheritance regulation, as well as values and cultural factors influencing them. Here are some differences and similarities that can be identified:

7.1 Differences

7.1.1 Sources of Law Identifying the sources of a law holds significant importance in the context of clarity, enforceability, and understanding of applicable legal norms. By knowing the sources used by a system, society can understand and comply with the outcomes of legal decisions. Overall, identifying the sources of law is important as it creates a strong foundation for justice, orderliness, and certainty within a legal system (J. A. YUSDANI, 2023).

According to Suryati, there are 3 fundamental sources of inheritance law in Islam, namely the Quran, Hadith, and *ijtihad* (Suryati, 2017). One of the verses that serves as the basis for inheritance law in Islam is Surah An-Nisa verse 1:

إِنَّ الَّذِينَ يَأْكُلُونَ أَمْوَالَ الْيَتَامَىٰ ظُلْمًا إِنَّمَا يَأْكُلُونَ فِي بُطُونِهِمْ نَارًا ۖ وَسَيَصْلَوْنَ سَعِيرًا

Translation: Indeed, those who devour the property of orphans unjustly are only consuming into their bellies fire. And they will be burned in a Blaze (Departemen Agama RI, 2008).

This verse explains a warning to be careful in managing the inherited assets that belong to orphaned children, to avoid obtaining them unjustly. Consuming the assets of orphaned children unjustly is considered equivalent to swallowing the fire of hell. Individuals who obtain these assets improperly will face consequences in the afterlife by being placed in hell.

The source of Anglo-Saxon law is derived from the tradition of English common law, which is heavily influenced by the courts or what is known as precedent. The principle of precedent implies that previous court decisions serve as the basis or guidance for resolving similar cases in the future. In other words, past court decisions become binding precedents for similar cases in the future (Iqbal, 2022).

In addition to court decisions, Anglo-Saxon Law is also influenced by written laws. This includes regulations and laws explicitly laid down in written legal documents. Thus, Anglo-Saxon Law emphasizes the significant role of court decisions (precedent) as an authoritative source, along with the influence of written laws (Iqbal, 2022). Its flexibility and adaptability distinguish it from more codified legal systems, such as those encountered in the Continental European legal system.



Continental European Law is primarily influenced by legal codification. Legal codification refers to the process of systematically drafting and writing laws in the form of written statutes or legal codes. This includes the organization and classification of laws into a structured set of norms. In Continental European Law, written laws and formal legal documents play a central role. This means that the primary sources of law can be found in written texts that have been codified (Gozali, 2018).

The government in the Continental European legal system plays a significant role in the law-making process. The creation and amendment of laws are generally government initiatives, often carried out through formal legislative processes. Continental European Law tends to have more detailed provisions and remains connected to the distribution of inheritance, contracts, and other legal aspects. This detailing provides legal clarity and certainty but may sometimes be considered less flexible in addressing changing circumstances or evolving societal values (Gozali, 2018).

Overall, Continental European Law characterizes a more codified approach, where written laws and formal legal documents are the main pillars in the formation and application of the law. This distinguishes it from legal systems that emphasize court decisions, such as Anglo-Saxon Law. The sources of the three legal systems of inheritance have significant differences, namely Islamic law is based on the Quran, Hadith, and Ijtihad, Anglo-Saxon law is based on English legal tradition, court decisions, and written laws, while the Continental European legal system is based on legal codification.

7.1.2 Basic Principles of Inheritance

In Islamic law, the basic principle of inheritance highlights two aspects: justice and social responsibility. Emphasizing the principle of justice indicates that the distribution of wealth is done fairly and equitably, ensuring that each entitled party receives an equal treatment.

Furthermore, social responsibility becomes the focus by ensuring that the distribution of wealth not only fulfills individual rights but also considers the welfare of society as a whole. This aligns with the social values and ethics mandated by religious provisions that guide the process of wealth distribution. Thus, it can be concluded that inheritance division in Islamic law is a system where the principles of justice and social responsibility serve as the foundation in regulating wealth distribution, with religious provisions guiding the implementation of these values.

Based on Anglo-Saxon law, inheritance through wills refers to the individual's right to freely determine how their inheritance will be divided after death. This freedom includes determining heirs, allocating proportions of wealth, and other desired provisions. Meanwhile, if someone dies without making a will (intestate inheritance), Anglo-Saxon law regulates the distribution of wealth based on lineage. This means that specific rules are established to determine heirs and wealth distribution without any written instructions from the deceased.

Therefore, Anglo-Saxon law grants individuals the freedom to arrange their inheritance through wills, but if there is no will, the distribution of wealth will follow the rules of lineage established by the law. More detailed and fixed rules indicate that Continental European law has very specific and structured provisions regarding inheritance. Every aspect of wealth distribution, such as identifying heirs, proportion of distribution, and other inheritance rights, is regulated in detail within written laws or codes.

Moreover, Continental European law may recognize the inheritance rights of more distant family members. This means that more remotely related family members, such as cousins or distant relatives, may have rights to inheritance according to applicable law. Thus, overall, Continental European law is characterized by clarity and firmness in regulating the distribution of inherited wealth, and in some cases, it acknowledges the inheritance rights of more distant family members. It can be concluded that the basic principles of inheritance in these three legal systems also have quite significant differences. In Islamic law, the principle of inheritance division is based on justice and social responsibility. In the Anglo-Saxon legal system, individuals are given freedom, while the Continental European legal system is based on family relationships.

7.1.3 Religious Aspects

Islamic law has a very strong religious dimension in regulating inheritance rules. The strong religious dimension indicates that the rules related to inheritance in Islamic law are based on the principles and values of Islam. In this context, Islamic law places Islamic values as the legal foundation. This means that Sharia principles, which encompass teachings from the Quran and the Hadith of Prophet Muhammad, become the primary source of rules and provisions in inheritance regulation. The emphasis on this religious dimension indicates that the purpose of inheritance rules in Islamic law is to ensure that the distribution of inherited wealth is carried out in accordance with



the values and teachings of Islam.

In summary, Islamic law is known for having a strong religious foundation in regulating inheritance, with Islamic values serving as the main guidance in the formation of these rules. Meanwhile, the Anglo-Saxon legal system is not specifically associated with religious aspects, tending more towards focusing on individual freedom and the general traditions of English law. This indicates that in the Anglo-Saxon legal system, religion does not play a central role in the formation of rules, and it emphasizes more on the individual freedom to regulate inheritance through wills and the general traditions of English law.

Although the Continental European legal system has a history influenced by religion, this system has undergone secularization, with a greater emphasis on civil law. The historical influence of religion can still be felt, but over time, the Continental European legal system has undergone a process of secularization, in which religious elements are diminished, and more attention is directed towards civil law or written laws.

In conclusion, Islamic law has a strong connection with religion, while Anglo-Saxon law tends to be less related to religious aspects, prioritizing individual freedom. Meanwhile, the Continental European legal system, despite having religious roots, has shifted towards a more secular approach, emphasizing the principles of civil law.

7.2 Similarities

Despite significant differences, it turns out that there are similarities in the three inheritance systems, namely in the aspect of the importance of family relationships. All three acknowledge the importance of family relationships in determining heirs. This indicates that family relationships play a central role in the process of dividing inheritance in all three legal systems. Additionally, they also agree to provide special protection for underage heirs, although the implementation may vary. This shows concern for the interests of children inheriting wealth.

The three legal systems also recognize the rights of descendants, although the criteria and rules for distribution may differ. This indicates a similarity in recognizing inheritance rights based on descent among the three legal systems. They also agree that applying the principle of fairness in wealth distribution is a focus, although the approaches and implementations may differ. This reflects the high value placed on justice in all three legal systems.

8. CASE REVIEW OF COMPARISON IN INTESTATE INHERITANCE DISPUTE RESOLUTION

The settlement of inheritance without a will in accordance with Islamic law involves identifying heirs based on Sharia provisions, which include close family members such as children, spouse, parents, and siblings. Heirs are prioritized according to the order specified by Sharia provisions, creating a clear hierarchy in determining who is entitled to receive a portion of the inheritance.

8.1 Islamic law regulates the division of inherited wealth in a clear and detailed manner. Each heir is allocated a predetermined portion according to religious rules (HAK et al., 2023). For example, if a man passes away leaving behind a wife, two sons, and one daughter, the inheritance division based on Sharia provisions is explained as follows:

8.1.1 Wife: The wife left behind by the deceased has the right to receive a share of the inheritance. The wife's share is determined based on Sharia provisions, which is $\frac{1}{8}$ of the total inherited wealth if the deceased has descendants (children).

8.1.2 Sons: Each son is entitled to a larger share of the inheritance compared to the daughter. Each son is entitled to an equal share, which is twice the share of the daughter. (Y. YUSDANI & ARFAIZAR, 2022). Therefore, each son is entitled to receive $\frac{2}{6}$ ($\frac{1}{3}$) of the total inherited wealth, while the daughter receives $\frac{1}{6}$.

8.1.3 Daughter: The daughter is entitled to an equal share of $\frac{1}{6}$ of the total inherited wealth. It is noted that this division is based on general Sharia provisions. However, in practice, certain factors such as debts and specific obligations may also affect the inheritance division (HAK et al., 2023). Additionally, families may reach agreements to distribute the inheritance fairly according to their needs and family agreements.

8.2 Anglo-Saxon inheritance law, also known as Common Law, provides different guidelines compared to Islamic law. Under the Anglo-Saxon system, intestate inheritance (without a will) generally follows the principles of lineage (Gozali, 2018). Here is the general approach to the



division of inheritance without a will in the case of a man passing away leaving behind a wife, two sons, and one daughter:

8.2.1 Wife: The wife left behind by the deceased typically has the right to receive a portion of the inheritance. The amount may vary depending on the specific jurisdiction, but generally, the wife will receive a certain amount or percentage of the inheritance.

8.2.2 Sons and Daughter: Sons and daughters are entitled to a share of the inheritance. In Anglo-Saxon law, there is no significant difference in the division of property between sons and daughters. In this case, each son and daughter may be entitled to an equal share, or the division may be made equally among all children.

8.2.3 Lineage Division: Anglo-Saxon law tends to follow the principle of lineage. This means that inherited wealth will be divided among the wife and children, with the possibility of a more equal division among the children, regardless of gender.

Anglo-Saxon inheritance law may vary between jurisdictions, and some jurisdictions may have different rules regarding intestate inheritance (Gozali, 2018). Additionally, this law tends to be more flexible than highly codified legal systems like Continental European law. In many cases, families may seek professional assistance, such as notaries or inheritance experts, to assist with the administrative process and ensure that the inheritance is distributed in accordance with applicable law.

8.3 The division of inheritance without a will (intestate) under Continental European law is generally governed by more codified legal provisions. This system tends to have more detailed rules and remains closely related to the distribution of inherited wealth (Iqbal, 2022). The following is a general approach to the division of inheritance without a will in the case of a man passing away leaving behind a wife, two sons, and one daughter:

8.3.1 Wife: The wife left behind by the deceased typically has the right to receive a certain portion of the inherited wealth. The amount may vary depending on the jurisdiction, but generally, the wife will receive a larger portion compared to the children. In some jurisdictions, the wife may receive half or more than half of the inherited wealth.

8.3.2 Sons and Daughter: Sons and daughters are entitled to a portion of the inherited wealth. In Continental European law, the division is generally more detailed and related to specific proportions of the total inherited wealth. The division may be made equally among sons and daughters, or proportional depending on local law.

8.3.3 Detailed Division: Continental European law tends to establish more detailed rules and criteria for division. For example, rules may determine exact proportions for each heir based on family relationships and lineage order.

8.3.4 Descendant Inheritance Rights: This system also recognizes descendant inheritance rights, and the division of wealth may involve sons and daughters more equally, depending on local law.

Rules of Continental European law may vary between countries, and these rules may be subject to changes in local legislation (Iqbal, 2022). Therefore, in situations like this, it is important to seek professional legal advice to ensure that the inheritance is distributed in accordance with the law applicable at the time of the deceased's death

9. Conclusion

The concept of inheritance division in the Islamic Law system, Anglo-Saxon System, and Continental European System has different foundations, thus leading to different considerations, understandings, and applications. For example, Islamic Law emphasizes justice and social responsibility, the Anglo-Saxon Law system prioritizes freedom and court decisions, while the Continental European Law system adheres strictly to legal rules and codification.

Islamic Law is the only legal system influenced by religious values, whereas Anglo-Saxon and Continental European systems are not related to religion at all. The variations in how societies organize inheritance indicate diversity in values, norms, and traditions across different legal systems. These differences may reflect variations in social perspectives regarding justice, family responsibility, and the relationship between individuals and families. However, it is found that all three systems agree on the importance of family ties in determining heirs and providing special protection for underage heirs, albeit with different implementations.

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