

Interfaith Heirship in Islamic Jurisprudence: Exploring Ijtihad Approaches in Contemporary Legal Reforms

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Abstract

This study explores the complex issue of interfaith heirship within the framework of Islamic jurisprudence, focusing on contemporary efforts to reinterpret traditional doctrines through ijtiḥad. Classical Islamic law generally prohibits non-Muslim heirs from inheriting from Muslim relatives, a stance rooted in historical socio-religious contexts. However, in response to evolving pluralistic societies and the growing demand for legal inclusivity, contemporary Muslim scholars and legal reformers have initiated various ijtiḥad-based approaches to reassess this prohibition. Employing a qualitative normative legal method, this research examines key classical texts, modern fatwas, and statutory reforms in selected Muslim-majority countries. The findings reveal a dynamic spectrum of scholarly opinions, ranging from strict adherence to traditional rulings to more progressive reinterpretations that emphasize maqasid al-shariah (the objectives of Islamic law), particularly justice, family unity, and human dignity. The study concludes that while doctrinal tensions remain, ijtiḥad presents a legitimate and evolving mechanism to harmonize Islamic inheritance law with contemporary legal and social realities, thereby promoting more inclusive and contextually responsive interpretations.

I. Introduction

Inheritance law in Islam is an integral part of the Islamic family law system (al-ahwāl al-syakhṣiyyah) which is set out in detail in the Qur'an, Hadith, and classical works of jurisprudence (Rahman et al., 2024; Ezzerouali et al., 2025). The Qur'an, especially in Surah An-Nisa verses 11, 12, and 176, regulates the distribution of inheritance rights based on kinship relations and the rank of heirs, with the aim of ensuring justice and protection of the rights of heirs (Subramanian, 2008). The Islamic inheritance system contains the principles of clarity, proportional justice, and protection for vulnerable family members, such as children and women (Kamali, 2008). This law of inheritance is a normative system that is not only legal, but also spiritual and moral, which is believed to be part of Allah's decree that cannot be challenged (Qur'an Surah An-Nisa: 13-14).

One of the important principles in Islamic inheritance law is the exclusivity of inheritance, which is the provision that a non-Muslim cannot inherit from a Muslim, and vice versa (Salbiah Ahmad, 2011). This principle is based on the hadith of the Prophet Muhammad PBUH which states that "la yarithu al-muslim al-kāfir, wa la al-kāfir al-muslim" (a Muslim does not inherit from the infidels, and the infidels do not inherit from the Muslims) (HR. Bukhari and Muslim). The classical scholars of the four major sects generally agree that religious differences are a barrier (man'i) in inheritance (Irvani et al., 2023; Leeman, 2009). This provision is based on the protection of the faith as the main foundation in the Islamic legal system and the separation of religious identities between Muslims and non-Muslims (Al-Qaradawi, 2001). However, in the context of contemporary multicultural societies, this principle raises the problem of social justice and raises the urgency to be reviewed through the ijtihad approach (Tudor, 2014).

In the era of globalization and transnational migration, contemporary society is increasingly characterized by a pluralistic and multireligious social reality. Cross-cultural interactions and religious beliefs are now common in social, family, and legal life (Marni et al., 2023). The phenomenon of interfaith marriage, interfaith kinship relationships, and coexistence in a community with diverse value systems challenges the conventional boundaries of classical Islamic law, including in terms of inheritance (Nisa, 2020). This reality requires an inclusive and adaptive legal response to social change, without ignoring the basic principles of sharia (An-Na'im, 2008). Religious pluralism is not only a sociological fact, but also a theological and juridical challenge that requires a new approach in the interpretation of Islamic law. The consequences of this plurality are evident in the context of family law and inheritance (Yahya & Sahidin, 2022; Fahimah et al., 2024). In many cases, relationships between

family members of different religions raise complex legal issues, especially in a legal system that adopts Islamic law as one of the sources of legislation. If traditional principles remain rigidly applied without considering the modern social context, it has the potential to give birth to injustice, discrimination, and violations of citizens' civil rights (As-Suvi & Zuhriah, 2023). Therefore, religious plurality demands a renewal of Islamic legal thought (*tajdid al-fikr al-Islami*) through a contemporary *ijtihad* approach that prioritizes *maqasid al-shariah*, such as justice, welfare, and protection of human rights (Abou El Fadl, 2014). This is the normative basis for responding to the dynamics of society that continue to develop within a relevant and fair legal framework (Maizuddin et al., 2023).

Legal conflicts in interfaith inheritance cases often arise due to inconsistencies between the provisions of religious law, state law, and the values of social justice that develop in modern society. In the classical Islamic legal system, religious differences are an absolute barrier to inheritance (*mawāni' al-irṭh*), resulting in non-Muslims being unable to inherit property from Muslims and vice versa (Najamudin et al., 2024). However, in the context of modern countries with pluralistic legal systems such as Indonesia, India, and Nigeria, conflicts often occur when state laws or court rulings try to mediate between *sharia* principles and human rights principles that demand non-discrimination and equality before the law (Bowen, 2003). This shows the tension between revelation-based normative law and constitutional reality that demands the protection of citizens' rights regardless of religious differences (Wasman, 1970).

From an ethical point of view, legal provisions that prevent interfaith inheritance often pose a moral dilemma, especially in close and harmonious family relationships despite different beliefs (Bisyri, 2020). For example, a non-Muslim child who cares for Muslim parents until the end of his life, is morally seen as worthy of inheritance, but is prevented from being held back by jurisprudence (Muhajir et al., 2023; Arni et al., 2025). This condition raises profound ethical questions related to substantive justice in the Islamic legal system. In many cases, families face psychological and social burdens of having to choose between following the provisions of the law or upholding family values and moral justice. This tension shows the importance of an ethical and contextual approach to *ijtihad* to harmonize Islamic legal norms with the values of universal justice in a multireligious society (Sachedina, 2009).

The issue of interfaith heirship is a contemporary issue that is increasingly relevant as interfaith interactions increase in modern society. The provisions of classical jurisprudence prohibiting inheritance between Muslims and non-Muslims are based on past socio-theological conditions, where religious differences were considered the main constraints on civil rights (Azhari et al.,

2024). However, in the context of today's pluralistic society that upholds the principles of justice and equality of rights, these provisions require review. Therefore, the *ijtihad* method is an important instrument in bridging the tension between traditional legal norms and the need for contemporary justice (Hallaq, 2009). *Ijtihad* as a process of legal reasoning in Islam has the flexibility to respond to the changing times, while adhering to the principles of *maqasid al-shariah*, such as justice ('*adl*'), benefits (*maslahah*), and the maintenance of human rights.(Kutaraya et al., 2024) In the context of interfaith heritage, a number of contemporary scholars and scholars have begun to explore the reinterpretation of the *nash* and *hadith* that are the basis for the prohibition of interfaith heirship. This approach does not aim to eliminate *nash*, but provides a new meaning that is contextual and relevant to the conditions of today's society(Abdulla & Keshavjee, 2018). For example, some scholars suggest the permissibility of inheritance through the obligatory will or grant as a form of legal *ijtihad* that is solutive without explicitly contradicting the *sharia* (Kamali, 2008; Al-Qaradawi, 2001).

Furthermore, the need for reinterpretation through *ijtihad* is also in line with the constitutional demands in many Muslim-majority countries that recognize the principle of equality of citizens without discrimination on religious grounds. Within the framework of the modern state of law, exclusive inheritance law can be a source of social injustice and even legal discrimination(Hermanto et al., 2024). Therefore, *ijtihad* is not only a theoretical means of science in the realm of *fiqh* proposals, but also a tool of legal transformation to adapt Islamic *sharia* to democratic values and human rights. The reinterpretation of interfaith inheritance law through *ijtihad* is a progressive step that reflects the dynamics of Islamic jurisprudence as a legal system that is alive and adaptive to social changes (Abou El Fadl, 2014).

Research conducted by Rania Hussein (2017) shows that the prohibition of interreligious inheritance in Islamic law comes from the literal interpretation of certain *hadiths* without taking into account their historical context. Hussein highlighted that in some minority sects, such as *Zaidiyyah* and *Ibadiyyah*, there is a lack of understanding of this issue. Through the *maqasid al-shariah* approach, the researcher suggests that the principles of justice and family protection can be used as a basis for allowing interfaith heirship under certain conditions(Riyanta et al., 2025). This study recommends the importance of reforming Islamic inheritance law through the *ijtihad* method to answer contemporary social realities. Similar research was also conducted by Asma Uddin (2019) which traced the development of *fatwas* and legislation related to interreligious heritage in several countries such as Indonesia and Tunisia. He found that in some jurisdictions, courts and *fatwa* institutions have begun to use the obligatory will or grant approach as a compromise solution that allows non-

Muslims to acquire a share of the inheritance from Muslim relatives. Uddin emphasized that legal reform does not necessarily ignore classical traditions, but instead utilizes the *ijtihad* method to maintain the relevance of Islamic law to human rights principles and legal pluralism in the 21st century. Based on this, this study aims to analyze Interfaith Heirship in Islamic Jurisprudence: Exploring *Ijtihad* Approaches in Contemporary Legal Reforms.

2. Research Method

This research uses a qualitative approach with a juridical-normative method (legal doctrinal research), which focuses on the study of Islamic legal sources and relevant laws and regulations in the context of interfaith inheritance. This method aims to understand the basic principles of inheritance law in Islam as contained in the Qur'an, Hadith, and classical *fiqh* books, as well as how these provisions are interpreted by classical and contemporary scholars. In addition, this study also examines the basics of *ushul fiqh* and the theory of *maqasid al-shariah* as a basis for the use of the *ijtihad* method to respond to changing social realities in a multireligious society. The data in this study was obtained through library research, which included an analysis of primary literature such as *nash syar'i* (the Qur'an and Hadith), *fiqh* books from four schools, as well as secondary literature in the form of academic journals, fatwas, and legislation documents from several Muslim-majority countries such as Indonesia, Egypt, and Morocco. The data were analyzed descriptively-analytically and interpretively, with an emphasis on legal arguments and *ijtihad* methodologies used by Islamic thinkers in formulating more inclusive legal solutions. This study also considers a comparative approach to assess the diversity of legal responses to the issue of interfaith heirship in various juridical and sociocultural contexts.

3. Results and Discussion

Classical Islamic Law's View of Interfaith Heritage

The classical Islamic view of interreligious inheritance is based on the principle that religious differences are the main barrier to inheritance. This provision is sourced from the hadith of the Prophet Muhammad PBUH which reads: "*A Muslim does not inherit a disbeliever, and a disbeliever does not inherit a Muslim*" (HR. Bukhari No. 6764 and Muslim No. 1614). This hadith was used as a solid normative basis by the majority of scholars from the four schools (Hanafi, Maliki, Shafi'i, and Hanbali), who agreed that inheritance relations could only occur among fellow Muslims (Ezzerouali et al., 2025). This view expressly closes the opportunity for inheritance if there are religious differences between the heirs and heirs (Al-Kasani, 1997). In the classical construction of inheritance law, the identity of the faith is considered the main foundation of civil rights, including the right to receive inheritance. According to

Imam Nawawi from the Shafi'i madhhab, inheritance is a form of legal loyalty that must be based on the same faith. Therefore, the principle *of walā' al-dīn* or religious loyalty is a prerequisite for the transfer of inheritance (Nawawi, *Al-Majmu'*, volume 16). In this view, inheritance is not just an economic right, but also a symbol of theological solidarity within a religious community (Fitriana, 2014)

The Hanafi school is a little more flexible in some aspects of inheritance law, but still holds the position that religious differences are one of the three main barriers to inheritance besides murder and slavery (Rahman et al., 2024). Al-Kasani in *Bada'i al-Sana'i* states that a non-Muslim cannot inherit from a Muslim due to the absence of a valid religious relationship under the shari'i (Al-Kasani, 1997). Even in the context of *ahl al-kitab* (Jews and Christians), the prohibition still applies in general despite the similarity of status as followers of the same religion.

The Maliki and Hanbali schools also adopted a similar position. Ibn Qudamah al-Maqdisi from the Hanbali school emphasized that inheritance only applies if there is religious unity between the heirs and the heirs (Marni et al., 2023). In the book *al-Mughni*, he explains that religious differences eliminate the principle of kinship in the perspective of inheritance rights (Ibn Qudamah, 1968). The main reason is because inheritance in Islam is not only a right, but also part of the system of *tazkiyah* or purification of property that contains the dimension of worship.

However, not all of the views of classical scholars are absolute. Deep Zaidiyah and Ibadiyah schools, there are more inclusive differences of opinion. Some scholars from this circle allow interreligious inheritance under certain conditions, arguing that the hadith prohibiting interreligious inheritance is not *qat'i al-dalalah* (definite meaning), but can be interpreted according to the social and political context of the Prophet's time (Hallaq, 2009). Although this view is in the minority, it shows that classical jurisprudence is not entirely monolithic. The exclusive view of inheritance law in classical Islam is also closely related to the concepts of *dar al-Islam* and *dar al-kufr* (Islamic and non-Muslim territories) which form the legal boundaries between Muslims and non-Muslims (Yahya & Sahidin, 2022). In this paradigm, legal loyalty and civil rights are limited by religious boundaries. Therefore, the concept of heritage cannot be separated from the political construction and collective identity of Muslims in the classical period, where religious differences were interpreted as a threat to the unity of the ummah (Kamali, 2008).

In general, this classical view aims to maintain the purity of the faith and the boundaries of the Islamic community, but in the context of modern multireligious societies, these provisions raise problems of justice and discrimination (Riyanta et al., 2025). Therefore, although the provisions of classical jurisprudence hold a dominant position in the history of Islamic law, the emergence of new social realities has prompted some contemporary scholars to re-examine these provisions through a *maqasid al-shariah* approach and contextual *ijtihad* (Abou El Fadl, 2014). This

reinterpretation does not aim to cancel the postulate, but to provide a more inclusive and relevant meaning to the challenges of the times.

Contemporary Ijtihad's Approach to Interfaith Heirship

In the context of an increasingly pluralistic modern society, the classical approach to the prohibition of interreligious inheritance in Islamic law began to be revisited through contemporary ijtihad (Ummah, 2019). Ijtihad, as a method of legal reasoning in Islam, allows for the reinterpretation of religious texts that are *zhanni* (not *qath'i*), especially when the social context and the need for justice of society undergo significant changes. This approach is based on the principles of *maqāṣid al-sharī'ah* which emphasizes the basic values of Islamic law such as justice, welfare, and protection of human rights (Auda, 2008).

One of the prominent figures in the development of contemporary ijtihad is Yusuf al-Qaradawi. He stated that under certain conditions, non-Muslims who have family relations with Muslims can be granted inheritance through the *mechanism of compulsory wills*. This is a form of compromise between classical Islamic inheritance law and the principle of social justice (Subramanian, 2008). According to al-Qaradawi, the total prohibition of interreligious inheritance can cause injustice in the context of multireligious families, which is now increasingly common in various Muslim countries (Al-Qaradawi, 2001). Furthermore, the contemporary ijtihad approach is also adopted in the legal systems of some Muslim countries. In Egypt, for example, the Constitutional Court has considered the principle of equality in some of the rulings of inheritance law, and al-Azhar scholars have proposed legal alternatives that do not violate classical texts but still take into account contemporary realities. Meanwhile, in Indonesia, the Supreme Court through its jurisprudence opens up the space for giving inheritance to non-Muslims with a grant or will mechanism as a form of substantive justice (Cammack, 2007).

Contemporary Muslim scholars such as Khaled Abou El Fadl and Mohammad Hashim Kamali also provide theoretical justifications for this reinterpretation. They emphasized the importance of reviewing the meaning of the hadith prohibiting interreligious inheritance by considering its historical context (Marni et al., 2023). According to them, the text is particular and arises in a situation of religious identity conflict that is no longer universally relevant in today's democratic and pluralistic society (Abou El Fadl, 2014; Kamali, 2008). Therefore, the *maqasid*-oriented approach of ijtihad is considered more capable of responding to contemporary challenges.

Another approach in modern ijtihad is the use of *the methodologies of istislah* (consideration of the public interest) and *istihsan* (better legal preference). In the case of interfaith inheritance, contemporary scholars who advocate reinterpretation see that giving a share of the inheritance to non-Muslims in a Muslim family can prevent social conflict and maintain family harmony (Law, Bioethics and Society : *Jewish and Islamic Approaches to Fertility Treatments and Human Germline Genome*

Editing Vanessa Goodwin, n.d.). This reflects the orientation of maqasid which is not only normative-theological, but also sociological and ethical (Shabana, 2010). However, this approach has not gone unnoticed by critics. Conservatives believe that this kind of ijihad can blur the boundaries of religious identity that is at the core of Islamic inheritance law. They argue that opening up opportunities for interfaith inheritance can set a precedent for the easing of other shari'a norms. However, the proponents of contemporary ijihad answer that ijihad is not a form of arbitrary legal liberalization, but rather an ethical and methodological response to the dynamics of the times while remaining within the framework of Islamic principles (Ramadan, 2009). Thus, contemporary ijihad on interfaith heritage reflects the ever-evolving dynamics of Islamic law. He shows the ability of the sharia to synergize with the values of universal justice without denying his divine identity. In a multicultural and multireligious society, the reinterpretation of the law through ijihad is a form of actualization of Islamic values that are rahmatan lil-'alamin—spreading grace for all mankind, regardless of religious differences (Irvani et al., 2023).

Social Reality and the Emergence of Legal Challenges to Interfaith Heirship

In a contemporary society that is increasingly pluralistic and multicultural, the phenomenon of interfaith families is becoming an inevitable reality (Nisa, n.d.). Mixed marriages between believers of different religions or the process of individual conversion from one religion to another often create a family structure consisting of members with different religious backgrounds. This condition directly raises new problems in the realm of Islamic family law, especially related to the distribution of inheritance. The provisions of classical Islamic law that prohibit interreligious inheritance no longer reflect the complex needs and social structure of modern society (Shah, 2010).

Conflicts began to arise when classical sharia law norms were faced with the demands of justice in a religiously plural family. For example, a Muslim father who has a non-Muslim child due to religious conversion or vice versa will face a dilemma in the division of inheritance. If the principle of religious exclusivity in inheritance law is applied literally, then family members of different religions have no inheritance rights, regardless of biological ties or social contributions within the family (Yahya & Sahidin, 2022). This creates a tension between normative law and moral principles and substantive justice in family relationships (Esposito & DeLong-Bas, 2001). Legal challenges are increasingly complex when countries with pluralistic legal systems recognize religious differences as part of the human rights and protection of minorities. In countries like Indonesia, for example, the national legal system recognizes the existence of Islamic law, but it also guarantees equality before the law. Thus, when there is a dispute over inheritance across religions, the court is faced with a choice between applying exclusive religious law or inclusive constitutional principles. This creates legal voids or even inconsistencies in judicial decisions (Cammack, 2007).

In some cases, courts try to find a middle ground through the concept of *a grant* or *a mandatory will*, but this approach is not always able to answer the demands of justice felt by the parties. Because, in many classical Islamic legal systems, grants or wills have certain limitations, such as not being allowed to exceed one-third of the total inheritance except with the consent of the other heirs (Marni et al., 2023). Therefore, the application of these alternative solutions is often limited and disproportionate to the contribution or emotional closeness of interfaith family members (Schacht, 1964). This inequality raises broader ethical and legal questions: is inheritance simply a matter of formal legal rights based on religious similarities, or does it also include relational justice and contribution to family life? In the context of contemporary society, family relationships are more often formed on the basis of human values, social solidarity, and emotional involvement, rather than just religious identity (Nisa, 2020). Therefore, maintaining legal norms that are not responsive to the new social structure has the potential to give birth to injustice and legal alienation among Muslims themselves (Moosa, 2004).

Thus, the changing social reality demands a re-evaluation of the principles of interfaith inheritance law. The legal challenge does not only revolve around the legality, but also the moral and social legitimacy of these legal norms. Within this framework, there is an urgent need to develop a more contextual and inclusive approach to Islamic law, one of which is through the contemporary *ijtihad* method that pays attention to *maqasid al-shariah* and modern social dynamics (Auda, 2008). This approach is important to maintain the relevance of Islamic law while meeting the needs of justice in a pluralistic society.

The Conflict between Islamic Inheritance Law Norms and Modern Principles of Justice

In classical Islamic inheritance law, one of the main principles that is firmly held is the exclusivity of inheritance between fellow Muslims (Fahimah et al., 2024). This provision is rooted in the hadith of the Prophet which states that "A Muslim does not inherit a disbeliever, and a disbeliever does not inherit a Muslim" (HR. Bukhari and Muslim). Based on this evidence, the majority of scholars from the Hanafi, Shafi'i, Maliki, and Hanbali schools agree that religious differences are a barrier to obtaining inheritance (*mawani' al-irth*). Normatively, this rule is intended to maintain the boundaries of religious identity and solidarity of Muslims in a homogeneous society in the early days of Islamic development. However, when this principle is applied in a pluralistic and multireligious contemporary society, there is a tension between Islamic legal norms and modern principles of justice. In many cases, the prohibition of interfaith inheritance is considered irrelevant and instead creates injustice in the family structure that is already socially and emotionally formed. An example is when a non-Muslim child who has cared for his Muslim parents for life, is not entitled to receive an inheritance simply because of religious differences. This is where the conflict between formal legality and substantive justice arises (Esposito & DeLong-Bas, 2001).

The principles of justice in modern law, including in the national legal systems of many Muslim-majority countries, emphasize equal rights, non-discrimination, and the protection of individual rights regardless of religious background (Fahimah et al., 2024). This is reinforced by the constitutions in various countries that recognize inheritance rights as part of civil rights. When courts have to decide interfaith inheritance disputes, judges are faced with a dilemma between applying classical fiqh norms or following constitutionally guaranteed values of justice and human rights (Shah, 2010). This dilemma often leads to legal inconsistencies and uncertainty for justice seekers.

Some countries are trying to offer compromise solutions through mechanisms such as *grants* and *compulsory wills*, which allow the granting of assets to heirs of different religions outside of conventional inheritance schemes (Salbiah Ahmad, 2011). However, this mechanism is limited in nature because it is tied to a maximum limit of one-third of the total assets, and often does not reflect a fair proportion of the parties who contribute significantly in the family. This situation shows that settlement through administrative compromise has not fully answered the conflict of values between classical norms and contemporary justice values (Kamali, 2008).

To bridge this conflict, contemporary Islamic legal scholars have encouraged the reinterpretation of inheritance law based on the *maqāṣid al-sharī'ah* approach, which is the orientation of the law to basic goals such as justice, benefit, and protection of rights. In this approach, inheritance is not only seen as a formal religious-based inheritance, but also as a form of appreciation for social relations and family responsibility. This reinterpretation offers a middle ground that does not violate sharia principles, but also does not ignore the relational justice needed by modern society (Auda, 2008). Thus, the conflict between Islamic inherited legal norms and modern principles of justice is not solely a matter of the conflict between religion and positive law, but is an epistemological and methodological challenge in rereading religious texts in the midst of changing social dynamics. To maintain the relevance of Islamic law as a living and adaptive normative system, it takes scientific courage to carry out contemporary *ijtihād* that is rooted in the universal ethical values of Islam and contextual to the needs of the times.

Muslim Countries' Response to Interfaith Inheritance

In the context of Muslim countries, the issue of interfaith inheritance is a sensitive issue that touches on two domains at once: loyalty to classical fiqh doctrine and the need for legal reform in accordance with the dynamics of contemporary society (Tudor, 2014). A variety of responses emerge, depending on the legal approach used—whether strictly sharia-based, national positive law, or mixed legal systems. Countries with a more open legal approach to legal pluralism show a greater tendency to accommodate cross-religious inheritance within legally valid corridors (Welchman, 2007).

Egypt, as one of the countries with a strong Islamic legal tradition but also open to legal reform, offers a pragmatic solution through the obligatory wasiyyah (obligatory will) approach. Article 76 of Egyptian Law No. 77 of 1943 concerning Inheritance states that grandchildren of daughters or children of different religions can still receive property through the mechanism of a mandatory will, a maximum of one-third of the total inheritance. This is a compromise between the principle of fiqh exclusivity and the values of social justice, which is based on maslahah (benefit) as the main principle of maqāṣid al-sharī'ah (El Alami & Hinchcliffe, 1996). Meanwhile, Morocco, through the 2004 reform of the Mudawwanah (Moroccan Family Code), has shown significant progress in aligning Islamic family law with human rights, including on inheritance issues. While it does not explicitly allow for interfaith inheritance, Moroccan family law opens up new interpretive space for judges to consider the context of social justice, especially for women and children of interfaith marriages. This approach reflects a model of ijtiḥad that is not rigid to texts, but flexible to social realities (Buskens, 2003).

In Indonesia, as a country with the largest Muslim population in the world and a plural legal system, the response to cross-religious heritage is also dynamic. Although the Compilation of Islamic Law (KHI) normatively prohibits inheritance between Muslims and non-Muslims (Article 171 letter c), the Supreme Court in several of its decisions (e.g. Supreme Court Decision No. 368 K/AG/1995) has given room for grants or wills to non-Muslim heirs. In practice, the court tries to balance the principles of fiqh with the values of justice of Pancasila and human rights guaranteed by the constitution (Cammack, 2007). Tunisia, as a pioneer in family law reform in the Arab world, has demonstrated a progressive approach by prioritizing the principles of gender equality and social justice in inheritance law reform (Najamudin et al., 2024). The Tunisian president in 2018 even proposed that inheritance be carried out equally regardless of gender or religion. Although this proposal has drawn criticism from conservatives, it shows that the modern Muslim state has the capacity to carry out institutional ijtiḥad within the framework of the modern state of law (Sonneveld, 2019).

Overall, the response of Muslim countries to the issue of interfaith inheritance shows a spectrum of approaches from conservative to progressive (Arni et al., 2025). The influencing factors are the national legal system, the strength of religious institutions, socio-political pressures, and the commitment to human rights. Countries such as Egypt, Morocco, Indonesia, and Tunisia provide examples that Islamic law reform can go hand in hand with modern justice values, provided it is done through a careful approach to maqāṣid al-sharī'ah and contextual ijtiḥad. This is proof that Islamic law is not a stagnant system, but a system that is alive and responsive to the times (Kutaraya et al., 2024).

4. Conclusion

This study concludes that the classical norms of Islamic inheritance law that reject interfaith inheritance originate from textual constructions developed within the context of the early homogeneous Islamic society. However, when these norms are applied in contemporary pluralistic and multireligious societies, tensions arise between the principle of inheritance exclusivity and the values of universal justice upheld in modern law. This reality highlights the urgency of reinterpreting inheritance law through a contemporary *ijtihad* approach that considers the *maqāṣid al-sharī'ah*, such as justice, public interest, and the protection of individual rights within interfaith families. Various Muslim countries have shown diverse responses to this issue, ranging from the implementation of *wasiyyah wajibah* in Egypt, family law reforms in Morocco and Tunisia, to a progressive jurisprudential approach in Indonesia. This proves that Islamic law has methodological flexibility through the mechanism of *ijtihad* to respond to contemporary challenges. Therefore, the development of Islamic inheritance law in the context of interfaith inheritance needs to be directed towards an approach that is oriented towards substantive justice and social reality, without losing the normative spirit of *sharia*, which is rooted in universal ethical values.

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