Construction of Gender-Based Islamic Inheritance Law Curriculum: Interconnection Integration Approach

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Abstract: The differences in the instrumentation of text and context approaches in the distribution of inheritance according to Islamic law involves the theory of gender relations as developed by contemporary thinkers. This kind of paradigm starting from the thoughts that appeared in the content of Islamic inheritance law courses in college, started from normative Islamic religious rules and then slowly began to see the cultural side that developed in society. The existence of an integration-interconnection approach is expected to link the relationship between religious dogma and science to build Islamic inheritance law that is oriented towards gender justice and adaptive knowledge in society. This article aims to elaborate a model for developing a curriculum of Islamic inheritance law in colleges that is gender justice-oriented. The study was conducted using a qualitative approach and literature study then analyzed descriptively analytically by referring to the literature related to inheritance law and gender. The results show that the integration-interconnection approach can link Islamic inheritance law and gender relations. The Islamic inheritance law curriculum development is carried out by linking normative rules with gender issues in content. Development efforts are made to find the Islamic inheritance law curriculum content gender justice-oriented in colleges.

Keywords: gender, integration-interconnection, Islamic inheritance law curriculum

INTRODUCTION

Inheritance law is an important sub in islamic law, considering that inheritance will always intersect with human life (Rohman & Sugeng, 2018). The fairness of inheritance distribution to male and female heirs will always be debated. The starting point of the debate departs from the verse of the qur'an surah an-nisa 'verse 11, which emphasizes that the share of men is twice as large as women. Textually, the verse determines the number of inheritance rights for men is greater than that of women in a ratio of 2:1. The magnitude of the different sections gives rise to various views, starting from those who see that these provisions are part of the secret of allah swt so that these provisions must be seen as provisions that must be obeyed (Suma, 2012). On the other hand, some parties see that the provision is problematic. The distribution of inheritance favors certain groups based on gender so that it is considered a gender-biased provision.

The problem of inheritance distribution, which seems to marginalize women, is related to conditions in the pre-islamic period where men and women were very different. This difference has become more striking over the years where men dominate, and women are only used as objects to satisfy the lusts of kings and rulers. Ironically, women are also used as goods that can be traded. Men have very broad rights over women, while women themselves do not have any rights even if their rights are ignored (Fauziyah, 2020).

Women in the past experienced very cruel oppression. The dignity of women at that time had no value at all. Various conditions of injustice continue to hit women, including inheritance (Kushbayev, 2018). Women have absolutely no opportunity to get inheritance rights from their families. Even they are used as items that can be inherited. This condition continues so that the stigma attached to women becomes very thick and is felt as lowly people (Afroogh & Fahim, 2021).

This very worrying condition for women began to be degraded with the presence of islam. The presence of islam, which brings the values of justice and equality between humans, creates a new atmosphere that is more humane for women (Murtadlo, 2018). Women who previously seemed to be always marginalized gradually improved where women were placed in their rightful places. Islam's concept of justice and equality has become a new color in human civilization that does not distinguish humans based on gender, social status, ethnicity, and race. Islam views all humans as having the same degree, and only one thing that distinguishes them is the level of righteousness as stated in the word of allah swt al-hujurat verse 13.

The values of justice brought by islam also extend to the aspect of inheritance. Women who were not given inheritance rights from the start were even positioned as inherited assets began to improve their position by being positioned as heirs entitled to receive the inheritance. Inheritance verses in the qur'an mention that there are at least 21 heirs from women (Suma, 2012). This will certainly be in stark contrast to the state of inheritance before the arrival of islam. The concept of islamic inheritance has succeeded in overcoming the marginalization and discrimination against women to get their rightful place.

However, behind the slick breakthrough of islamic inheritance law in providing inheritance rights for women, there are still some problems in today's society. The

gender perspective highlights several provisions in the islamic inheritance system which are considered gender-biased. It should be understood gender is a concept that aims to identify the differences between men and women in terms of local social and cultural influences (Umar, 2010). The gender conception promotes justice and equality between men and women in the domestic and public spheres. In the case of islamic inheritance, several provisions were found that favored the share of men over women, which is considered irrelevant at this time. Changes in culture and culture coupled with the currents of globalization and modernization have made thinkers and scholars of islamic law begin to review the aspects of justice in islamic inheritance. The gender aspect in inheritance distribution needs to be criticized, considering that nowadays, the barriers of difference are starting to erode. The roles and functions of men and women in the private and public sectors hardly look different where each has the same abilities and capabilities. Feminists consider that the current culture of society is more patriarchal so that the role of men seems to be more dominant than women's (Nurmila, 2015).

One way to change this paradigm is to change the islamic inheritance law curriculum design in universities. Applying islamic inheritance law in society has a fairly strong correlation with scholars' understanding of inheritance law courses both at the law faculty and at the sharia faculty. Islamic inheritance law is one of the compulsory subjects in law universities throughout indonesia. So, it can be ascertained that legal scholars in indonesia know islamic inheritance law even though with varying levels of knowledge. The problem is the style and content of islamic inheritance law courses emphasize more on the normative aspects so that students' understanding is more textual towards inheritance law texts without considering external elements that may coincide with the application of inheritance, such as cultural culture, the level of community diversity, etc. The textual approach in understanding islamic inheritance law will be at odds with the real conditions in today's society, given the cultural changes and the progress of human civilization that releases gender barriers.

One approach that is quite popular in integrating the relationship between religion and science is the integration-interconnection approach (Abdullah, 2012). This approach seeks to integrate religious values with science by combining text and context, normative and empirical, so that the elaboration of religious knowledge will be connected with other aspects outside of religious dogma. Through curriculum

development in course content with this integration-interconnection approach, islamic inheritance law is projected to be more adaptive in responding to the community's needs without departing from fundamental religious norms and is certainly expected to provide a sense of justice that is not gendered biased (Fadilah, 2019).

Research related to curriculum development models and gender relations in islamic inheritance law has certainly been done a lot. Rosmiaty Azis's (2018) study states that curriculum development is based on five main things, namely theological, philosophical, psychological, sociocultural, scientific, and technological. Furthermore, Syamsul Bahri (2017) states that curriculum development is a necessity that must be carried out to adapt education to social change and explore previously new knowledge. A similar topic was also carried out by Karima Nabila (2019), who described the curriculum development process and its stages. These studies have not touched the ideal curriculum development model, especially in developing islamic inheritance law in universities. Likewise, studies related to islamic inheritance law and gender relations have not formulated the concept of teaching islamic inheritance law knowledge that is gender justice-oriented. As stated by Ali Murtadlo (2018) with muhammad syahrur's limit theory that the verse of the qur'an, which mentions a ratio of 2:1, is the maximum and minimum limit so that in its application it must not go outside the boundaries of Allah's provisions. Similar to this study, Endang Sriani (2018) and Maryati (2012) state that islamic inheritance law must be developed to meet the community's needs by maintaining the values of gender justice.

This research is different from similar studies in that this study aims to examine the model of curriculum development in islamic inheritance law courses with a gender perspective. This study aims to analyze developing an islamic inheritance law curriculum with a gender perspective in law colleges. In addition, this article will also elaborate on a curriculum development model with an integration-interconnection approach directed at finding the content of gender-oriented islamic inheritance law courses in law colleges.

METHOD

This research is classified as qualitative research using a literature study approach. The literature study is carried out by examining various literature and curriculum policies. Furthermore, the data that has been collected will be analyzed

using a descriptive-analytical content analysis method by elaborating the curriculum development model on the content of Islamic inheritance law courses. The study of Islamic inheritance law is directed at gender relations as a new offer in realizing gender-oriented Islamic inheritance law in the law college curriculum.

RESULT AND DISCUSSION

The urgency of curriculum development in learning outcomes, the term curriculum is a term that is quite popular in education. The word curriculum is often translated as learning plans in simple terms. As referred to in the sentence, the function of the plan is intended as a guideline, a guide on the type, scope, sequence of contents, and the educational process that will be carried out in the future (Sukmadinata, 2004). Etymologically, the term curriculum comes from the Greek *curir*, which means runner and curare, a place to race. The term curriculum in ancient times was closely related to the world of sports in ancient Rome (Langgulung, 1986; Muhaimin, 2005). The term curriculum was first found in Webster's dictionary in 1856, originally used in sports. Then in 1955, the term curriculum began to be used in the field of education which meant several subjects in an educational institution (Tafsir, 2004).

The term curriculum is also found in Arabic called *manhaj*, which means the path humans take in various fields of life. Suppose it is associated with the educational context. In that case, *manhaj* is interpreted as a set of plans and media used as a reference in achieving educational goals by academic institutions (Langgulung, 1986). *Manhaj* is the path that educators and students take to develop knowledge, skills, attitudes, and values (Muhaimin, 2005).

The purpose of holding a curriculum in an educational process is to facilitate the learning process that educational institutions manage as the main person in charge. Some experts say that the curriculum is limited to planned learning activities and includes various events that occur in school supervision (Nasution, 1989). Even more than that, the curriculum consists of all activities inside and outside school (Saylor & Alexander, 1960). Therefore, as part of an education system, the curriculum has an important role in overseeing a structured learning process to achieve the expected goals. Besides that, the curriculum is also a description and derivative of an educational institution's vision, mission, and educational purposes, which includes all forms of desires, beliefs, knowledge, skills, and services provided in schools (Miel,

1994). So, it can be said that the curriculum is a value center that will be transformed to students.

The curriculum as a reference in the educational process seems dynamic and flexible, considering that the curriculum cannot be separated from the sociocultural construction that occurs in society. The direction and goals of the education curriculum will very likely experience shifts and changes along with the dynamics of social changes in the community (Unlu, 2018). These changes are caused by various factors, ranging from internal factors and external factors. To these changes, the curriculum must be able to respond adaptively so that the direction and goals of education are more futuristic and more able to accommodate the community's needs according to their era. On the other hand, if the curriculum is rigid and less responsive to the changes, the consequences will be quite serious. The output born from a rigorous curriculum will be outdated so that it 'stutters' in adapting to local conditions.

Based on this phenomenon, efforts to develop a curriculum become a must for educational institutions to continue to run it. Curriculum development efforts are the main task of policymakers and education observers so that they are obliged to continue to follow every detail of changes that occur in society. This is done so that later it can be used as material for consideration and input in designing an adaptive curriculum. In addition, the role of the community in curriculum development is also necessary given that the community is the perpetrator of the changes that occur so that their active participation is needed in responding to all forms of changes that occur.

As a concrete step in developing a curriculum that is responsive to social change, these development efforts must pay attention to several levels of curriculum development, including: (1) National level. At the national level, curriculum development must touch all elements of education, both in the formal and non-formal sectors. Curriculum development as far as possible is carried out linearly based on the level and orientation of each education. (2) Institutional level. At the institutional level, curriculum development is carried out in several forms, such as formulating educational institutions' vision, mission, and goals, compiling graduate competency standards, and determining curriculum content. Determination of the curriculum is also inseparable from several criteria that must be met, ranging from process standards, content standards, result standards, assessment standards, and teaching staff standards. (3) Course level. Curriculum development in subjects/courses can be done by developing a lecture syllabus. Ideally, the syllabus is always designed

periodically. It is hoped that the output target of the lecture process will produce competent students according to the needs of society and industry. (4) Level of learning in class. Applicatively, the curriculum development process in the lecture process is carried out in updating the semester lecture plan. The semester lecture plan development is carried out by each lecturer or a team of lecturers in charge of a particular subject. Lecturers as much as possible should be able to adapt the lecture process to the pattern of development and changes that occur. The way of shifting to the digitalization era must be followed by lecturers who teach courses (Arifin, 2013).

Islamic inheritance law and gender relations, inheritance law in Islam is an inseparable part within the scope of Islamic law, where Islamic law itself is a sub-teaching of Islam. Thus, Islamic inheritance law follows Islamic religious rules that explain the inheritance system. The study of Islamic law (*fiqh*) calls inheritance law into several names, such as *mawarits* and *faraidl* (Hadikusuma, 1991). The word *Mawarits*, the plural form of *Mirats*, refers to the meaning of the deceased's inheritance. While *faraidl* is the plural form of *faridlah* which means provisions or stipulations of *syara'*. Terminologically, *faraidl* or *mawarits* means science that examines the procedure for distributing the inheritance of someone who has died to be given to people who are entitled to receive it (Syarifuddin, 2004).

Hasbi Ash-Shiddiqie explains inheritance law as knowledge by which people inherit, those who cannot inherit, the level received by each heir, and how to return it (As-Shiddiqi, 2001). While the Compilation of Islamic Law article 171 states that inheritance law is the law that regulates the transfer of ownership rights to the inheritance of the heirs determines who is entitled to become heirs and how much of each. Some of the definitions above show that inheritance law has an important role in mitigating disputes between heirs who have the potential to disagree in the distribution of inheritance. Rigidly and definitely, the inheritance law will determine who the heirs are entitled to an inheritance along with the share he gets from the inheritance.

Inheritance is a method taken by the community regarding legal relationships that arise due to the death of a person (Oemarsalim, 1991). This legal relationship concerns certain objects in the form of property that must be divided among the heirs left behind where this distribution of assets tends to cause legal problems due to the dissatisfaction of certain parties or because of their ignorance of the inheritance law

itself or even because of the selfish and greedy nature that exists in oneself—the parties (Syarifuddin, 2004).

Inheritance law in Islamic teachings stipulates that a person's determination to be an heir is based on marriage ties, blood relations (descendants), and freeing enslaved people. The marriage bond allows husband and wife to inherit each other if one dies. At the same time, blood relations give inheritance rights to those who have the same lineage, such as children, parents, siblings, etc. This determination is, of course, imperative for Muslims, considering that the implementation of Islamic inheritance law is fardlu kifayah as agreed by fiqh experts (Rohman & Sugeng, 2018).

However, the provisions of Islamic inheritance law cannot be separated from the criticisms made by contemporary Islamic legal thinkers. They consider that the application of inheritance law, although initially it must be based on the texts of the Qur'an and hadith, beyond that, other models can be applied. Conceptually, this model is different from the provisions of the Koran and hadith. This model can be carried out by takharruj, namely the exit of one or more heirs from a group of heirs with other rewards in exchange for their rights to inheritance. Or with another model called tasaluh, namely the distribution of inheritance by way of an agreement between heirs and carried out by way of getting out of the provisions of the Shari'a with a deal that rewards will be given to heirs who relinquish their rights to certain parts (Syarifuddin, 2004).

In particular, the debate around the inheritance verse departs from Surah an-Nisa verse 11, which gives an excess of the share of sons over daughters of 2:1. All commentators understand that Allah SWT explains the inheritance of children left by the deceased if they consist of boys and girls at the same time in this editorial. In a situation where boys and girls are gathered together, the principle of the distribution is two to one for men regardless of the number of children left behind (Al-Thabari, 1992).

Responding to this verse, Muhammad Syahrur (2007) argues that the disparity in the distribution of inheritance rights to boys and girls is based on historical roots where men have always held positions of authority in society. Therefore, the interpretation of Islamic teachings cannot be separated from the interests of men. The mufassir's opposition in interpreting the verses of the Qur'an was also inseparable from the needs and conditions of the people at that time. The status of women as second-class creatures made the scholars' understanding in the past not out of the social context at that time (Enggineer, 2007). So it is not surprising that several

interpretations of the Koran do not favor women by positioning men as superior beings (Nurmila, 2021).

The interpretation of the inheritance verse should be directed at the principle of justice by not putting women at the bottom. Instead of providing justice for women, what happened gave a stigma of gender inequality. Injustice in discrimination can be seen from several factors, including marginalization and marginalization of women, subordination, negative stereotypes, violence, excessive burdens (Mulia, 2007). Therefore, the study of inheritance distribution should not stop at classical *fiqh* books but must be accompanied by contextualization that adapts to the conditions of space and time. The verses regarding inheritance were revealed in an instructional form so that the space for ijtihad is still very open, like other aspects of *muamalah*. Thus, the ratio of 2:1 in the distribution of inheritance for sons and daughters is not absolute. The comparison will continue to develop by the social conditions of the people who construct it.

Gender inheritance law curriculum development; integration-interconnection approach. Integration and interconnection are two related words. Integration is related to combining or uniting, while interconnection is related to connectedness. Science will be complete when there is an interconnection or integration with one another. Combining science with other aspects becomes very important considering the development of science in tandem with the times (Aziz, 2011).

The interconnection integration approach initiated by Amin Abdullah is intended so that there is no separation between science and other aspects, both between science, science, and religion, or science and socio-culture. This idea departs from the argument that science does not stand alone, but on the contrary, all knowledge and other aspects must complement each other (Abdullah, 2012). Therefore, the discourse of scientific development must also include formal educational institutions in an adequate curriculum structure.

Curriculum development for Islamic inheritance law courses refers to the courses' learning outcomes covering general and specific competencies. Students are expected to uphold human values in carrying out their duties based on religious, moral, and ethical values in the courses' learning outcomes provisions. These provisions affirm the purpose of inheritance law which functions as mitigation of disputes in the family in the struggle for inheritance rights.

It is understood that universities have a very important role in developing and empowering the community in a real action based on their learning experiences while in college. To achieve this, there are three main factors that will determine its success: the suitability of the educational program, the usefulness of teaching methods, and supporting instruments (Akhmetshin et al., 2019). The fulfillment of these three elements will help universities produce graduates who are reliable in society. In addition, universities must also train students to think critically, which must be trained during the learning process in class.

In providing a complete understanding of gender-oriented Islamic inheritance law for students, law colleges must begin to make improvements to produce gender-oriented students. The improvement effort could have been done by developing a curriculum for inheritance law courses. To be able to achieve this, the learning process must start with several methods: (1) The habit of critical thinking related to gender equality. The habit of critical thinking for students must begin at learning in class. Lecturers have an important role in developing students' critical thinking skills with a gender approach as an analytical tool used. If the lecturer does not play this role during the learning process in the classroom, the achievement of critical thinking will certainly be difficult to realize (Unlu, 2018). (2) Contextual approach in understanding the text of the Qur'an and Hadith. In understanding the text of the Qur'an and hadith, students are required to gain knowledge about textual and contextual reading. Both methods must be given to students to be able to provide a complete picture in understanding the nature of the meaning implied in a verse of the Qur'an. Some people only accept textual reading to interpret the content of the verses of the Qur'an because the Qur'an is a sacred text, so it is not justified to interpret far from what is written. Meanwhile, other groups place the text of the Qur'an as a product of historical culture so that readers are required to look for the initial meaning of the text that was heard and understood by the first listeners of the Qur'anic text (Fadilah, 2019). A contextual reading of the verses of the Qur'an has been widely carried out by postmodern intellectuals as stated by Nina Nurmila (2020), including Fazlur Rahman 1919-1988), Masdar Farid Mas'udi (b. 1954), Muhammad Syahrur (1938-2019), Nasaruddin Umar (b. 1959), Ashgar Ali Engineer (1939-2013), Nasr Hamid Abu Zayd (1943-2010), and Husein Muhammad (b. 1953). (3) Social integration of society and inheritance. The integration process is expected to integrate science and other factors such as social

society. The social condition of the community that is constantly evolving is the reason for the need for an integration model to answer the needs of the community.

The integration-interconnection approach is instrumented to view society's Islamic science and social study. Inheritance law as part of the Islamic legal framework will be combined with sociological studies by developing a gender perspective. This method will connect two scientific aspects simultaneously and holistically by considering several other important elements. As a result, the sacred and normative inheritance will be dynamic when viewed from the point of view of integration-interconnection (Saftri & Sa'dudin, 2019).

The model for developing a gender-oriented inheritance law course curriculum can be carried out in several stages, as follows: (1) Development of course syllabus. The development of the lecture syllabus should be carried out on an ongoing basis. The potential for changes in the curriculum structure or course content will always exist, given the dynamically moving social conditions of society. However, the more patriarchal Indonesian social culture design must be studied critically by using students' critical reasoning power guided by lecturers in charge of the courses. Lecturers must begin to review graduate learning outcomes by the community's social conditions concerning relevant gender issues. The topics of discussion in the semester learning plan should be reduced to specific inheritance cases related to gender issues to be rationally criticized by students. (2) Level of learning in class. Applicatively, the curriculum development process should also be carried out in the learning process. Lecturers must begin to familiarize students with critical thinking with the flow of scientific thought. The sincerity and activeness of the lecturers in reviving the culture of critical thinking for students is the main key in the effort to achieve an understanding of gender-oriented inheritance. In the learning forum, the lecturer can provide several examples of inheritance problems which will then be confronted between the normative approach and the contextual approach from a gender perspective. From here, students will get a comprehensive learning experience and have a new paradigm in understanding gender-oriented inheritance law.

CONCLUSION

Universities have a very important role in shaping the mindset of students. The way students think in dealing with problems in society, especially inheritance matters, depends on how they get knowledge in college. The normative textual reading of

inheritance verses will lead to erroneous understanding and application in resolving inheritance cases. Instead of wanting to create justice for the heirs, what happened was the gender-biased distribution of inheritance due to the textual reading of the text. Therefore, it is necessary to develop an integrative-interconnective curriculum that can bridge the gap between religious science and sociological studies where society's patriarchal culture can be systematically criticized. The development model was carried out starting from the syllabus development for inheritance law courses, accompanied by the result of a learning process that instrumented the gender perspective as an additional analytical tool.

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