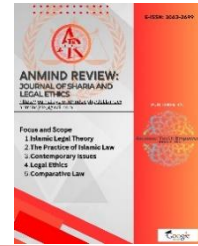


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## Negotiating Islamic Inheritance and Legal Ethics in Interfaith Families: Evidence from North Sulawesi, Indonesia

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### ABSTRACT

Inheritance distribution in interfaith families poses significant ethical and legal challenges within Islamic law, particularly in pluralistic societies. This study examines how interfaith families in North Sulawesi, Indonesia, negotiate Islamic inheritance norms amid religious diversity and social realities. Employing qualitative field research, data were collected through in-depth interviews with members of interfaith families across several districts and cities in North Sulawesi. The findings reveal two dominant patterns of inheritance practice: collective utilization of inherited property without formal division and equal distribution among heirs regardless of religious affiliation. Although these practices diverge from classical Islamic inheritance rules that prohibit mutual inheritance between Muslims and non-Muslims, they are ethically motivated by the pursuit of family harmony, social cohesion, and conflict prevention. This study argues that such practices represent a form of ethical negotiation within Islamic law, reflecting principles of legal ethics, *maqāṣid al-sharī'ah*, and legal pluralism rather than legal deviation. By situating local inheritance practices within broader debates on Islamic legal ethics and tolerance, this article contributes to contemporary discussions on how Islamic law responds to interfaith family realities in multicultural societies.

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## 1. INTRODUCTION

Inheritance law occupies a central position in Islamic jurisprudence, as it regulates not only the distribution of wealth but also reflects broader ethical commitments to justice, social order, and family responsibility (Moors, 2018; Nugraha, 2024). Classical Islamic inheritance (*fara'id*) is grounded in clear normative prescriptions derived from the Qur'an, prophetic traditions, and juristic consensus, including the well-established principle that mutual inheritance between Muslims and non-Muslims is prohibited (Juma't Dasuki, 2018; Yahaya, 2020). While this doctrinal clarity has long provided legal certainty within homogeneous Muslim societies, it increasingly encounters ethical and practical challenges in pluralistic contexts where interfaith families have become a social reality (Shelley, 2017).

In contemporary multicultural societies, particularly in regions characterized by religious diversity, the rigid application of classical inheritance rules may generate social tension, family conflict, and perceptions of injustice (Colombo, 2015; Sohrabi, 2019). This tension is especially visible in interfaith families, where emotional bonds, caregiving responsibilities, and shared economic life often transcend religious boundaries (Rahmadania, 2024; Warner Colaner et al., 2023). As a result, families frequently face a moral dilemma: whether to strictly adhere to formal Islamic inheritance norms or to adopt alternative arrangements that prioritize family harmony, social cohesion, and conflict prevention. This dilemma places Islamic inheritance law at the intersection of legal normativity and ethical pragmatism.

Indonesia presents a compelling context for examining this issue. As a country constitutionally committed to religious freedom and legal pluralism, Indonesia accommodates multiple legal systems, including Islamic law, customary law (*adat*), and state law (Anggraeni, 2023; Ilyas et al., 2023). Within this plural legal landscape, interfaith marriages although normatively contested, continue to occur, particularly in regions with long-standing traditions of religious coexistence. North Sulawesi represents one such region, where Muslim and non-Muslim communities have historically lived side by side, fostering social values of tolerance, mutual respect, and communal solidarity (Gasatan, 2023; Gunawan et al., 2023; Suhasti et al., 2019). These values often shape family practices, including inheritance arrangements, in ways that diverge from formal legal prescriptions.

Existing scholarship on Islamic inheritance has largely focused on doctrinal analysis, classical jurisprudential debates, or normative reform proposals, particularly regarding gender equity and *was'iyyah wajibah* (Bilalu et al., 2022). However, relatively limited attention has been given to how interfaith families negotiate inheritance norms in everyday practice and how such negotiations can be understood within the framework of Islamic legal ethics. Studies that do address interreligious inheritance often remain polarized between strict textualism and liberal reinterpretation, leaving insufficient room for examining lived practices as ethically meaningful responses to social complexity.

This article seeks to address this gap by exploring how interfaith families in North Sulawesi manage inheritance distribution and how these practices can be interpreted through the lens of Islamic legal ethics. Rather than treating deviations from classical inheritance rules as mere legal violations, this study approaches them as forms of ethical negotiation that reflect broader principles of *maqasid al-shari'ah*, particularly the preservation of family unity (*hifz al-nasl*), social harmony, and the prevention of harm (*raf' al-darar*). By foregrounding ethical reasoning embedded in family decisions, this research challenges the binary opposition between legal compliance and social practice.

Accordingly, this study addresses two main research questions: (1) How is inheritance distributed within interfaith families in North Sulawesi? and (2) What ethical values underpin these inheritance practices in the context of Islamic law? Through qualitative field research involving in-depth interviews with members of interfaith families, this article demonstrates that inheritance

practices often take the form of collective property use or equal distribution among heirs regardless of religious affiliation. These practices are motivated not by the rejection of Islamic law, but by ethical considerations rooted in tolerance, fairness, and familial responsibility.

By situating empirical findings within broader debates on Islamic legal ethics and legal pluralism, this article contributes to contemporary discussions on how Islamic law engages with interfaith family realities. It argues that ethical considerations play a crucial role in shaping inheritance practices and that acknowledging these considerations is essential for developing a more responsive and humane understanding of Islamic inheritance law in pluralistic societies.

## 2. METHODS

This study adopts a qualitative research design with a field-based approach to examine inheritance practices within interfaith families in North Sulawesi, Indonesia (Creswell & Poth, 2018). A qualitative method is particularly appropriate for this research as it allows for an in-depth exploration of ethical reasoning, social dynamics, and legal perceptions underlying family decisions that cannot be adequately captured through quantitative measurement. The study is situated within a socio-legal framework, combining empirical investigation with normative analysis grounded in Islamic legal ethics.

Data were collected through semi-structured, in-depth interviews with members of interfaith families residing in several districts and cities across North Sulawesi. The selection of research sites was based on the presence of interfaith family arrangements and the region's long-standing tradition of religious pluralism. Participants were selected using purposive sampling to ensure that the informants had direct experience with inheritance-related decision-making, either as heirs, surviving spouses, or senior family members involved in deliberations over inherited property (Moleong, 2021).

In total, interviews were conducted with representatives from interfaith families whose religious affiliations included both Muslim and non-Muslim members. The interviews focused on inheritance arrangements following the death of a family member, the rationale behind the chosen mode of distribution, and the ethical, religious, and social considerations influencing these decisions. To enhance the credibility of the findings, interview data were triangulated with relevant legal documents, including provisions of Islamic inheritance law and Indonesia's Compilation of Islamic Law (*Kompilasi Hukum Islam*), as well as supporting literature on Islamic jurisprudence and legal pluralism.

Data analysis followed an inductive thematic approach (Braun & Clarke, 2022). Interview transcripts were systematically coded to identify recurring patterns related to inheritance practices, ethical values, and perceptions of Islamic law. These empirical themes were then analyzed in dialogue with normative frameworks drawn from Islamic legal ethics, particularly the concepts of *maqāṣid al-shari'ah*, tolerance, justice, and harm prevention. This analytical process enabled the study to move beyond descriptive reporting and to interpret inheritance practices as ethically meaningful responses to plural legal and social contexts.

Ethical considerations were integral to the research process. Informed consent was obtained from all participants, and confidentiality was maintained by anonymizing personal identifiers. The study does not seek to assess the religious correctness of individual practices but rather to understand how families ethically negotiate Islamic inheritance norms within interfaith settings. By integrating empirical data with ethical and normative analysis, this methodology provides a robust foundation for examining the intersection of Islamic law, legal ethics, and social practice in pluralistic family contexts.

### 3. RESULTS AND DISCUSSION

#### Inheritance Practices in Interfaith Families

The empirical findings of this study reveal that inheritance practices in interfaith families in North Sulawesi are shaped by negotiated arrangements that balance religious awareness with ethical and relational considerations. Rather than strictly applying classical Islamic inheritance rules, families consciously adopt alternative practices that they perceive as more conducive to maintaining family unity and social harmony (Mohadi, 2023; Uddin, 2025). These practices emerge from deliberative family processes and reflect lived experiences within a plural religious environment.

Two dominant patterns of inheritance practice were identified. The first involves the collective retention and shared utilization of inherited property without formal legal division. This pattern was commonly observed in cases where the deceased family member was non-Muslim, while surviving spouses and children included both Muslim and non-Muslim members. In such cases, inherited assets—most frequently the family home—were intentionally preserved as shared property, allowing all family members to benefit without invoking formal inheritance distribution.

One Muslim informant, whose non-Muslim wife had passed away, explained this decision as follows:

“I understand very well the rules of Islamic inheritance because I serve as an imam in this community. I know that a Muslim cannot inherit from a non-Muslim. That is precisely why I chose not to divide the property. We agreed as a family that the house would not be sold or divided, but used together, so that none of the children would feel excluded.” (Interview, Mr. A, Imam and surviving husband, North Minahasa, 12 June 2023).

This statement demonstrates that the decision to adopt collective inheritance was not driven by ignorance of Islamic law, but by conscious ethical reasoning (Powers, 2017; Uddin, 2025). By avoiding formal division, the family sought to respect Islamic legal boundaries while simultaneously ensuring that non-Muslim family members were not excluded from shared family resources (Hakim & Nasution, 2022; Powers, 2017). Another informant emphasized the conflict-prevention function of this arrangement:

“If the inheritance were divided according to religious rules, some of the children would receive nothing. That would create conflict. By keeping the property together, we avoid disputes and maintain peace in the family.” (Interview, Mr. A, Imam and surviving husband, North Minahasa, 12 June 2023).

The second pattern identified in this study involves the equal distribution of inherited assets among heirs regardless of religious affiliation. This practice was primarily found in families where the deceased was Muslim and left behind children of different religious backgrounds. In these cases, surviving spouses or senior family members deliberately chose equal distribution as an ethical response to family diversity (Chambers & Gracia, 2021).

A surviving spouse articulated this reasoning clearly:

“I know that Islamic law does not allow non-Muslim children to inherit. But they are still my children. If I divided the inheritance based on religion, it would feel like discrimination. I chose to divide everything equally so that no child would question why their share was smaller or nonexistent.” (Interview, Mrs. B, surviving spouse, Manado City, 3 July 2023).

This testimony highlights how ethical concerns regarding parental responsibility and emotional justice outweighed strict legal formalism. Informants repeatedly expressed that unequal inheritance based on religious affiliation would undermine familial bonds and potentially generate long-term

resentment. Equal distribution was therefore understood as an act of moral care rather than legal defiance.

Across both patterns, inheritance decisions were preceded by family deliberation and mutual consent. Informants emphasized that all family members were informed about Islamic inheritance rules before alternative arrangements were adopted (Anggraeni, 2023; Juma't Dasuki, 2018). This awareness was essential in legitimizing the decisions ethically, as Muslim heirs perceived their consent as a voluntary and conscious act rooted in tolerance and familial responsibility.

From an empirical standpoint, these findings demonstrate that inheritance in interfaith families functions less as a rigid legal transaction and more as a relational and ethical process. Property distribution is negotiated through dialogue, emotional consideration, and ethical reflection, highlighting the central role of lived experience in shaping legal behavior within plural family contexts.

### **Ethical Reasoning Behind Inheritance Choices**

The inheritance choices observed in interfaith families in North Sulawesi are underpinned by complex ethical reasoning that goes beyond formal legal compliance (Luntajo & Hasan, 2025). Rather than approaching inheritance solely as a matter of legal entitlement, families frame their decisions in moral terms, emphasizing relational justice, emotional responsibility, and the preservation of family unity. This ethical orientation shapes how Islamic inheritance norms are interpreted and applied within interfaith family settings.

A recurring ethical consideration expressed by informants is the imperative to preserve family harmony. Many families perceived strict application of classical Islamic inheritance rules, particularly the exclusion of non-Muslim heirs, as ethically problematic in the context of shared family life. Informants emphasized that inheritance decisions are not made in isolation from past caregiving relationships and emotional bonds. One Muslim informant explained:

“Inheritance is not only about rules. It is about the relationships we have built as a family. If one child is excluded because of religion, it will break the trust that has been built over many years.” (Interview, Mr. C, Muslim heir, Minahasa Regency, 18 June 2023).

This statement reflects an ethical framework in which justice is understood relationally rather than procedurally. Informants consistently associated justice with equal recognition of family members' dignity and emotional contributions, particularly caregiving roles performed during the parents' lifetime. In this regard, ethical responsibility was often framed as gratitude and reciprocity rather than legal obligation (Duff, 2018).

Another dominant ethical consideration is the prevention of conflict (*raf' al-darar*). Families repeatedly emphasized that inheritance disputes are among the most common sources of long-term familial conflict (Hassan, 2023). The anticipation of such conflict played a decisive role in shaping inheritance arrangements. One surviving spouse stated:

“If we follow the rules strictly, some children will feel hurt. That hurt will not disappear; it will stay for years. I chose a solution that avoids conflict, even if it is not exactly the same as the legal rule.” (Interview, Mrs. D, surviving spouse, Bitung City, 25 June 2023).

This ethical reasoning aligns closely with one of the central principles of Islamic legal ethics, namely the prevention of harm. Although informants rarely articulated their reasoning in formal jurisprudential terms, their decisions reflect an intuitive application of ethical maxims widely recognized in Islamic law, such as the prioritization of harm prevention over rigid legal formalism (Shelley, 2017).

Tolerance also emerges as a central ethical value guiding inheritance choices. However, tolerance in this context is not understood as passive acceptance of religious difference. Instead, it is expressed through active ethical decision-making that seeks to accommodate difference without undermining family cohesion. Informants viewed tolerance as a moral obligation arising from shared family identity rather than mere religious coexistence. As one informant noted:

“Even though our religions are different, we are still one family. If inheritance separates us, then religion becomes a source of division, and that is something we want to avoid.” (Interview, Mr. E, family elder, Manado City, 2 July 2023).

This ethical framing challenges interpretations of Islamic inheritance law that prioritize legal boundaries without sufficient attention to social consequences. Families did not deny the authority of Islamic law; rather, they engaged in ethical reasoning to reconcile legal norms with lived realities. In doing so, they implicitly distinguished between the moral objectives of Islamic law and its formal procedural expressions (Hassan, 2023).

Importantly, ethical reasoning in inheritance decisions was often collective rather than individual. Families described inheritance deliberations as joint processes involving discussion, explanation of religious norms, and mutual consent. Muslim heirs frequently emphasized that alternative arrangements were adopted only after all family members were made aware of Islamic inheritance rules (Shelley, 2017). This awareness was crucial in ensuring that ethical compromises were perceived as voluntary acts of tolerance rather than violations of religious duty.

From the perspective of Islamic legal ethics, these findings suggest that inheritance choices in interfaith families represent a form of moral agency exercised within legal pluralism. Families navigate between doctrinal norms, social expectations, and ethical imperatives, producing inheritance arrangements that reflect contextual justice rather than strict textual adherence. This ethical negotiation underscores the dynamic relationship between Islamic law and social reality, highlighting the importance of ethical interpretation in contemporary applications of Islamic inheritance law.

### **Maqāṣid al-Sharī‘ah and Legal Pluralism**

The inheritance practices observed in interfaith families in North Sulawesi can be meaningfully interpreted through the framework of *maqāṣid al-sharī‘ah*, which emphasizes the ethical objectives of Islamic law rather than its rigid formal application (Komarudin, 2023). Rather than approaching Islamic inheritance rules as static and self-contained norms, the families studied implicitly engaged with the underlying purposes of Islamic law, particularly those related to the preservation of family cohesion, social harmony, and moral responsibility.

One of the most salient *maqāṣid* reflected in the empirical findings is the preservation of family unity (*hiḥz al-nas*). Informants consistently emphasized that inheritance decisions were guided by the desire to maintain familial relationships across religious boundaries (Nasution, 2022). In interfaith family contexts, strict application of classical inheritance rules was perceived as potentially undermining this objective by excluding certain family members from material and symbolic recognition. As one family elder explained:

“If inheritance divides us because of religion, then it fails to protect the family itself. What matters most is that the family remains intact.” (Interview, Mr. F, family elder, Minahasa Regency, 21 June 2023).

This perspective reflects an ethical prioritization of family continuity over procedural inheritance compliance. From a *maqāṣid*-oriented standpoint, such prioritization can be understood as an effort to safeguard the social function of the family, which is central to Islamic moral and legal thought (Azni et al., 2023).

Another key *maqāṣid* evident in the findings is the prevention of harm (*raf' al-dārar*) (Hassan, 2023). Families repeatedly expressed concern that rigid inheritance divisions based on religious affiliation could generate emotional harm, long-term resentment, and even legal disputes. These concerns motivated the adoption of collective inheritance arrangements or equal distribution as strategies to minimize potential harm. This ethical orientation resonates with well-established legal maxims in Islamic jurisprudence that prioritize harm prevention and social stability.

The application of *maqāṣid* reasoning in these inheritance practices also intersects with the realities of legal pluralism in Indonesia. As a plural legal system, Indonesia accommodates Islamic law alongside state law and customary norms (*adat*) (Auda, 2007; Kamali, 2008). Within this context, families are not merely subjects of a single legal system but active agents navigating multiple normative orders. Inheritance decisions are thus shaped by overlapping legal, moral, and cultural considerations.

Legal pluralism enables families to draw selectively from different legal frameworks in order to construct inheritance arrangements that they perceive as ethically legitimate. The practices identified in this study illustrate how Islamic law operates not in isolation but in dialogue with social norms and ethical expectations (Shelley, 2017). Families did not abandon Islamic law; rather, they recontextualized its application within a plural legal environment that demands flexibility and ethical sensitivity.

Importantly, the interaction between *maqāṣid al-shari'ah* and legal pluralism challenges binary interpretations of Islamic law as either strictly formalistic or entirely relativistic. The findings suggest a middle ground in which ethical objectives guide the adaptation of legal norms without negating their normative authority. This approach aligns with contemporary scholarship that views Islamic law as a moral-legal system capable of ethical responsiveness in diverse social contexts.

By situating inheritance practices within the frameworks of *maqāṣid al-shari'ah* and legal pluralism, this study demonstrates that interfaith family inheritance arrangements represent neither legal deviance nor abandonment of Islamic principles. Instead, they constitute ethically grounded legal practices that reflect the dynamic interplay between Islamic law and plural social realities. Recognizing this interplay is essential for advancing a more nuanced and context-sensitive understanding of Islamic inheritance law in multicultural societies.

### **Tolerance as Islamic Legal Ethics**

Tolerance emerges as a central ethical principle underpinning inheritance practices in interfaith families in North Sulawesi. However, tolerance in this context should not be understood merely as passive acceptance of religious difference (Verkuyten & Kollar, 2021). Rather, it operates as an active form of Islamic legal ethics that shapes how legal norms are interpreted, negotiated, and applied within plural family settings. The empirical findings indicate that tolerance functions as a moral guide that enables families to reconcile religious commitments with social realities.

Informants consistently framed tolerance as an ethical responsibility arising from shared family bonds rather than as a concession that undermines religious identity. Inheritance decisions were perceived as moments of ethical testing, where adherence to formal legal rules could either reinforce or weaken family cohesion. One informant articulated this ethical tension clearly:

“Religion should not become a reason to hurt one another. If the inheritance rules create division, then we must find a way that preserves both faith and family.” (Interview, Mr. G, Muslim heir, Tomohon City, 28 June 2023).

This statement reflects an ethical orientation in which tolerance is linked to moral accountability and relational justice. Families did not abandon Islamic principles; instead, they sought to express those principles through practices that uphold dignity, compassion, and mutual recognition.

From the perspective of Islamic legal ethics, tolerance in inheritance practices can be understood as an extension of broader ethical values such as justice (*al-'adl*), compassion (*rahmah*), and reconciliation (*ṣulh*) (Fahimah et al., 2024; Nugraha, 2024). These values are deeply embedded in Islamic moral teachings and serve as guiding principles in resolving social disputes. By prioritizing tolerance, families aimed to transform inheritance from a potential source of conflict into a means of reinforcing social harmony.

Tolerance also manifested through voluntary ethical sacrifice by Muslim heirs. In several cases, Muslim family members consciously relinquished exclusive inheritance rights or consented to alternative arrangements that allowed non-Muslim relatives to benefit from inherited property. This voluntary dimension is crucial, as it distinguishes ethical tolerance from legal coercion. Informants emphasized that such decisions were made freely and with full awareness of Islamic inheritance rules, thereby preserving moral agency.

One informant explained this ethical choice as follows:

“We knew the Islamic rules, but we also knew that peace in the family is more important. Giving up part of our share was not a loss; it was a way to protect our relationship.” (Interview, Mrs. H, Muslim heir, Manado City, 5 July 2023).

This ethical reasoning aligns with Islamic legal maxims that encourage reconciliation and the avoidance of harm. Tolerance, in this sense, functions as a normative bridge between legal doctrine and ethical practice, allowing Islamic law to remain relevant in plural social contexts.

Furthermore, understanding tolerance as Islamic legal ethics challenges reductive interpretations that equate legal compliance solely with textual adherence. The findings suggest that ethical evaluation plays a critical role in determining how legal norms are applied in real-life situations. Tolerance becomes a mechanism through which Islamic law is ethically actualized rather than formally imposed.

By framing tolerance as an integral component of Islamic legal ethics, this study contributes to broader discussions on how Islamic law can engage constructively with religious diversity. Inheritance practices in interfaith families demonstrate that tolerance is not antithetical to Islamic law but is deeply rooted in its ethical foundations. Recognizing tolerance as a legal-ethical principle enables a more nuanced understanding of Islamic inheritance law, one that accommodates diversity while maintaining normative coherence.

#### 4. CONCLUSION

This study has examined inheritance practices in interfaith families in North Sulawesi and demonstrated that such practices cannot be adequately understood through a strictly formalistic reading of Islamic inheritance law. The empirical findings reveal that families adopt two primary inheritance arrangements: collective utilization of inherited property and equal distribution among heirs regardless of religious affiliation, as ethically motivated responses to religious diversity within the family. These practices emerge not from ignorance or rejection of Islamic law, but from conscious ethical deliberation grounded in family relationships, social responsibility, and conflict prevention.

By analyzing these practices through the lenses of Islamic legal ethics, *maqāṣid al-shari'ah*, and legal pluralism, this study argues that inheritance arrangements in interfaith families represent forms of ethical negotiation rather than legal deviation. Families prioritize the preservation of family unity (*ḥifẓ al-nasl*), the prevention of harm (*raf' al-darar*), and relational justice, thereby operationalizing the ethical objectives of Islamic law within plural social contexts. Tolerance, in this framework, functions as an active legal-ethical principle that guides the adaptation of inheritance norms without negating their normative foundations.

The findings contribute to contemporary debates on Islamic inheritance law by highlighting the importance of lived experience and ethical reasoning in shaping legal practices. They challenge binary approaches that position Islamic law as either rigidly immutable or entirely relativistic, instead demonstrating how ethical considerations mediate between doctrine and social reality. In pluralistic societies, such ethical mediation is essential for ensuring that Islamic law remains responsive, humane, and socially relevant.

While this study is limited to interfaith families in North Sulawesi, its implications extend beyond the local context. It offers insights into how Islamic legal ethics can engage constructively with religious diversity and provides a conceptual framework for understanding inheritance practices in other multicultural settings. Future research may further explore comparative contexts or examine the role of institutional legal mechanisms in facilitating ethical negotiation within Islamic family law. Recognizing ethical reasoning as a central component of Islamic legal practice is crucial for advancing a more inclusive and context-sensitive understanding of Islamic inheritance law in the contemporary world.

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