

## ***Kalalah* Inheritance in QS. al-Nisa [4]: 176: A Comparative Study of the Interpretation of Ibn al-'Arabi and Wahbah az-Zuhaili**

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### **Abstrak**

Artikel ini menjelaskan perbedaan waris *kalalah* dalam perspektif *Tafsir Ahkam al-Qur'an* karya Ibn Al-'Arabi dan *Tafsir al-Munir* karya Wahbah az-Zuhaili yang tertuang dalam QS. al-Nisa [4]: 176. Dengan memakai metode kualitatif secara deskriptif-komparatif, hasil dari artikel ini menjelaskan bahwa warisan *kalalah* dilihat dari perspektif Ibn al-'Arabi dalam *Ahkam al-Qur'an* dan Wahbah az-Zuhaili dalam *Tafsir al-Munir* berbeda dari penyajian penafsirannya. Ibn al-'Arabi memahami *kalalah* sebagai orang yang tidak meninggalkan ayah atau anak sehingga pembagian warisan mengikuti sesuai ketentuan al-Qur'an dan hadis serta menekankan pentingnya ijtihad Sedangkan menurut Wahbah az-Zuhaili dalam *Tafsir al-Munir*, waris *kalalah* dipahami dengan orang yang tidak meninggalkan ayah atau anak sehingga pembagian warisnya ditentukan pada tiga bagian, yaitu untuk saudara laki-laki dan perempuan (seibu) yang ditinggalkan oleh pewaris, saudara perempuan atau lebih yang ditinggalkan oleh pewaris, dan bagian saudara laki-laki dan perempuan (seayah) yang ditinggalkan oleh pewaris dengan jumlah yang banyak. Perbedaan penafsiran waris *kalalah* menurut kedua mufasir ini menunjukkan bagaimana hukum Islam telah dipahami dan diterapkan dari persepektif yang berdeda sesuai dengan konteks zaman dan kebutuhan masyarakat. Artikel ini menunjukkan bahwa penafsir Ibn al-'Arabi lebih bersifat klasik dan tekstual, sementara az-Zuhaili lebih fleksibel dan kontekstual.

**Kata Kunci:** Waris *Kalalah*, Ibn al-'Arabi, Wahbah az-Zuhaili

### **Abstract**

This article explains the differences between *kalalah* inheritance from the perspective of *Tafsir Ahkam al-Qur'an* by Ibn al-'Arabi and *Tafsir al-Munir* by Wahbah az-Zuhaili as stated in the QS. al-Nisa [4]: 176. Using descriptive-comparative qualitative methods, the results of this article explain that the *Kalalah* heritage is seen from the perspective of Ibn al-'Arabi in *Ahkam al-Qur'an* and Wahbah az-Zuhaili in *Tafsir al-Munir* is different in presenting his interpretation.

Ibn al-'Arabi understands *kalalah* as a person who does not leave behind father or child so that the distribution of inheritance follows according to the provisions of the Qur'an and hadith and emphasizes the importance of *ijtihad*. Meanwhile, according to Wahbah az-Zuhaili in *Tafsir al-Munir*, *kalalah* inheritance is understood by people who does not leave father or child so that the distribution of inheritance is determined in three parts, namely for brothers and sisters (co-parents) left behind by the heir, or more sisters left behind by the heir, and the portion of brothers and sisters (co-fathers) who left by the heirs in large amounts. The different interpretations of inheritance of *kalalah* according to these two commentators show how Islamic law has been understood and applied from different perspectives according to the context of the times and the needs of society. This article shows that Ibn al-'Arabi's interpretation is more classical and textual, while az-Zuhaili's is more flexible and contextual.

**Keywords:** Heirs of *Kalalah*, Ibn al-'Arabi, Wahbah az-Zuhaili

## INTRODUCTION

In the Qur'an there is a lot of discussion about problems that occur in this world, one of the main problems discussed in the Qur'an is inheritance. Inheritance is basically an inseparable part of law, while law is part of the main aspects of Islamic teachings.<sup>1</sup> Of all the laws that apply in society, it is the laws of marriage and inheritance that determine and reflect the family system that applies in society.<sup>2</sup> Therefore, in actualizing the law of inheritance contained in the Qur'an, its existence must be explained in factual form.<sup>3</sup>

Regarding the provisions for distribution of inheritance, each heir has been regulated in QS. al-Nisa [4]: 11, 12 and 176. As mentioned in QS. al-Nisa [4]: 11, Allah SWT explains how property is divided between parents and children, both men and women, as well as grandchildren, both men and women, or mothers. Then in QS. al-Nisa [4]: 12, Allah SWT tells about the division of inheritance between spouses and brothers, or the case of *kalalah*. Meanwhile, in verse 176 of Surah an-Nisa', Allah SWT also tells about the *kalalah* case.

Lose it is the *masdar* form of the word "*kalala*" which etymologically means tired or weak. The word *kalalah* was originally used to refer to something that circled around and did not end up or down, such as the word "*ikili*" which means crown because it wants to circle the head. A person can be said to be *kalalah* if he has no descendants and ancestors (sons and fathers). The relatives of that side are *kalalah*

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<sup>1</sup> Nova Anggraini, Apriyanti Apriyanti, Kamaruddin Kamaruddin, "Perspektif Al-Qur'an terhadap Pembagian Harta Waris di Desa Pedamaran Kecamatan Pedamaran Kabupaten Ogan Komering Ilir (Studi Living Qur'an)", *Jurnal Semiotika-Q: Kajian Ilmu al-Quran dan Tafsir* 2, no. 1 (2022), h. 105-121.

<sup>2</sup> Hazairin, *Hukum Kewarisan Bilateral Menurut Al-Qur'an dan Al-hadits*, (Jakarta: Tinta Mas, 2013), h. 11.

<sup>3</sup> Ali Parman, *Kewarisan Dalam Al-Qur'an*, (Jakarta: Raja Grafindo, 1995), h. 1.

because they are around it, not above or below.<sup>4</sup> Then the word *kalalah* is used for someone who does not have a father and children. *Kalalah* is also interpreted as someone who is weak, this weakness is seen due to the lack of protection from a father when he was young and the lack of protection from a child when parents are old.<sup>5</sup>

Lose it is one of the concepts in Islamic inheritance which relates to your inheritance. In verse 12, the Qur'an does not provide detailed limitations regarding *kalalah*, while in verse 176, *kalalah* is described as someone who dies and leaves no children. The terms of *kalalah* have also not been explained in detail by Rasulullah SAW, as evidenced by Abu Bakr's question, "I said about *kalalah* based on my opinion. If this opinion is true then it is truly from Allah and if it is false then it is from myself and Satan." A similar statement was also confirmed by Friend Umar bin Khattab who said, "Three things that if the Messenger of Allah explained, would please me more than the world and its contents, namely the issues of *kalalah*, usury and the caliphate." On this basis, the issue of *kalalah* has generated many differences of opinion among ulama regarding its meaning, which then has implications for its application in Islamic inheritance law.<sup>6</sup>

A number of Sunnah scholars are of the opinion that *kalalah* is a person who does not abandon sons and fathers. Most scholars understand that the word *walad* mentioned in verse 176 refers only to boys. In this way, daughters do not preclude the inheritance rights of their brothers because their existence does not affect the meaning of *kalalah*. The position of biological sisters or father's sisters when a daughter becomes *ashabah*. They obtain their rights to inherited assets not determined by *furud* numbers but receive whatever amount of remaining assets, if any.<sup>7</sup>

This inheritance problem concerns three elements or concerns pillars and conditions, namely: *first*, inherited assets (*maruts*), how the form of transferred assets is influenced by the nature of the family where the heir and heirs are located. *Second*, the heir (*muwarris*), how the heir's relationship with his property is influenced by the family system, nature and environment in which the heir is

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<sup>4</sup> Safitri Aini, *Implementasi Konsep Kalalah Dalam Kewarisan Istri Pada Masyarakat Muslim (Studi di Bangunrejo Kecamatan Bangunrejo Kabupaten Lampung Tengah)* Skripsi, UIN Raden Intan Lampung, 2021.

<sup>5</sup> Yira Dianti, *Ahli Waris Kalalah Dalam Perspektif Hukum Positif Dan Hukum Islam*, Skripsi, UIN Tulungagung, 2017, h. 3.

<sup>6</sup> Syabbul Bachri, "Perbandingan Penerapan Konsep Kalalah Dalam Pemikiran Hukum Waris Islam," *AT-TURAS: Jurnal Studi Keislaman* 9, no. 1 (2022), h. 122.

<sup>7</sup> Ahmad Suganda, "Konsep Kalalah Dalam Fiqih Waris", *Jurnal At-Tatbiq: Jurnal Ahwal Al-Syakhsiyyah* 5, no. 1 (2020), h. 1-17.

located. *Third*, heirs, how and to what extent there are kinship ties between heirs and heirs.<sup>8</sup>

If you look closely, there have been several studies that discuss this problem. *First*, Devarizi Anjasmara's thesis in 2023 entitled "*The Concept of Kalalah in Islamic Heritage (Study of the Thought of Muhammad Syahrur and Fazlur Rahman)*", which explains the different approaches to the concept of *kalalah* according to Muhammad Syahrur and Fazlur Rahman.<sup>9</sup> *Second*, a journal by Syabbul Bachri in 2022 entitled "*Comparison of the Application of the Kalalah Concept in Islamic Inheritance Law Thought*", which contains the differences between several scholars regarding the concept of *kalalah* inheritance.<sup>10</sup> *Third*, a journal by A. Sarjan in 2021 entitled "*The Problem of Siblings' Inheritance Rights in Kalalah Inheritance*", which explains the basic provisions for *kalalah* inheritance and the distribution of inheritance rights.<sup>11</sup> *Fourth*, the journal by Akbaru Wustho Arham and Elfia in 2020 entitled "*Muhammad Syahrur's Thoughts About Inheritance of Kalalah and Its Relevance to Islamic Legal Reform*", the article contains the interpretation of *kalalah* according to Muhammad Syahrur which gives a new color to Islamic thought with the idea of limit theory or what known as *Nazhariyat al-Hudud*.<sup>12</sup> *Fifth*, a journal by Ahmad Suganda in 2020 entitled "*The Concept of Kalalah in the Fiqh of Waris*", which contains differences between scholars regarding the meaning of *walad* in the QS. al-Nisa [4] verse 12 and verse 176.<sup>13</sup>

The author finds this inheritance problem interesting, because someone has died and left no children or parents. After considering problems related to inheritance issues, such as when the division of inheritance remains the cause of rifts in family ties. It turns out that, apart from individual greed and avarice, the chaos is often caused by the fact that the heirs do not know what inheritance is and how to divide it. With this rarely heard issue of *kalalah* inheritance, the author wants to know what *kalalah* inheritance means here and who will receive it. This research focuses on the problem of *kalalah* contained in the QS. al-Nisa [4]: 176 which explains the size of the share for siblings or half-siblings according to the differences in the interpretation of previous classical scholars, namely Ibn al-'Arabi in his book *Ahkam*

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<sup>8</sup> Yira Dianti, *Ahli Waris Kalalah Dalam Perspektif Hukum Positif Dan Hukum Islam*, Skirpsi, UIN Tulungagung, 2017, h. 3.

<sup>9</sup> Devarizi Anjasmara, *Konsep Kalalah dalam Kewarisan Islam (Studi Pemikiran Muhammad Syahrur dan Fazlur Rahman)*, Skirpsi, UIN Raden Intan Lampung, 2023.

<sup>10</sup> Bachri, "Perbandingan Penerapan Konsep Kalalah, (n.d).

<sup>11</sup> A. Sarjan, "Problematisa Hak Waris Saudara Dalam Kewarisan Kalalah", *Jurnal Ar-Risalah: Jurnal Hukum Keluarga Islam*, 1, no. 1 (2021).

<sup>12</sup> Akbaru Wustho Arham and Elfia, "Pemikiran Muhammad Syahrur Tentang Kewarisan Kalalah Dan Relevansinya Terhadap Pembaruan Hukum Islam," *Journal Al-Ahkam* 21, no. 1 (2020), h. 61-80.

<sup>13</sup> Suganda, "Konsep Kalalah Dalam Fiqih Waris."

*al-Qur'an*, which is based on the Maliki school of thought, with contemporary *fiqh* scholars who are famous throughout the world, namely Wahbah az-Zuhaili in his book *Tafsir al-Munir*.

The reason the author took Ibn al-'Arabi's interpretation is because he was a great scholar in the fields of tafsir, *fiqh*, and hadith. He also had a huge influence in the science of jurisprudence and was a major figure in the Maliki school of thought. Meanwhile, the reason for taking Wahbah az-Zuhaili's interpretation is because he is a contemporary Islamic jurisprudence scholar and a figure in the Syafi'i school of thought, one of whose books, namely *Tafsir al-Munir*, is a highly respected interpretation and is widely used by scholars and students throughout the world. So, from this research, it can be concluded that there are differences in the inheritance of *Kalalah* according to previous classical ulama with the Maliki school of thought and contemporary ulama with the Shafi'i school of thought.

## RESEARCH METHODS

This type of research takes the form of library research, using descriptive-qualitative methods with *muqarin* (comparative) interpretation analysis. The primary data sources used are the book *Tafsir Ahkam al-Qur'an* by Ibn al-'Arabi and the book *Tafsir al-Munir* by Wahbah az-Zuhaili. Meanwhile, secondary data includes tafsir books that contain the science of inheritance, including *Tafsir al-Azhar*, *Tafsir Ibn Katsir*, *Tafsir al-Mishbah*, and other supporting books related to the theme of discussion. The steps taken in this research were to analyze the two ulama's interpretations of the inheritance of the *Kalalah* and provide in-depth insight by comparing how the views of the two *mufasir* differed.

## RESULTS AND DISCUSSION

### Definition of Inheritance of *Kalalah*

Lose it means that it comes from the root word which is composed of the letters *kaf* (ك) and *lam* (ل). According to Ibnu Faris, the basic meaning of this word revolves around three things, namely: "*blunt (versus sharp)*", "*circling something with something*", and "*one of the organs of the body (chest)*". The first is like the expression *kalla as-saifu* (كل السيف = the sword becomes dull), and (كليل = blunt sword). The second, like *iklil* (الكيل) which means headband or crown. It is named so because of the circular shape of the head. Apart from these three meanings, Sayyid Thanthawi gives another meaning, namely "*loss of strength due to fatigue*".<sup>14</sup>

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<sup>14</sup> M. Quraish Shihab, *Ensiklopedia Al-Qur'an: Kajian Kosakata*, (Jakarta: Lentera Hati, 2007), h. 422.

There is an opinion that defines a *kalalah* as someone who dies, but he has no children and no father, or someone who dies, but he does not have heirs from the *ashl* (principal) line, namely father, grandfather, and so on. He also has no heirs from the *furu'* (branch) line, namely sons, daughters, granddaughters from sons or grandsons from sons and continuing downwards.<sup>15</sup> Muhammad Syahrur defines *kalalah* as a condition where the husband or wife is no longer around and the brother is the only heir. As depicted in QS. al-Nisa [4]: 176 which is lowered in winter. Syahrur emphasized that in all inheritance laws and determining the boundaries of the shares of each heir, the provisions are determined in conditions when two genders, men and women join the category of heirs, not in conditions of one gender alone. Meanwhile, if there is only one gender, then the inheritance is distributed equally.<sup>16</sup>

Hazairin is of the opinion that *kalalah* is a condition where a person dies without having any children, neither sons nor daughters. In other words, *kalalah* is the condition of a person who dies, dies without children. The childless death referred to by Hazairin can give rise to a new interpretation besides that put forward by classical *fuqaha* and other legal experts. What is meant is someone who dies, whether male or female, who never married during their lifetime and left no parents except only their siblings.<sup>17</sup>

In the *Compilation of Islamic Law*, the word "*kalalah*" is not found, but the limits of *kalalah* which are conditions for a group of brothers to receive inheritance are explained in articles 181-182. In article 181 regarding the share of inheritance between half-brothers and sisters, it is stated: "If a person dies without leaving children and father, then brothers and sisters each receive one-sixth. If there are two or more of them, then they together get one third." Meanwhile, article 182 states: "If a person dies without leaving behind a father and children, and he has one biological sister or father, then he gets half the share." If there are two or more siblings or siblings, then they together get two-thirds of the share. If the sister is together with the brother, it is two to one with the sister.<sup>18</sup>

### **Biography of Ibn al-'Arabi and *Ahkam al-Qur'an***

Ibn al-'Arabi's full name is Muhammad bin 'Abdullah bin Muhammad bin 'Abdullah bin Ahmad al-Ma'arifi al-Andalusi al-Ishbili. Born on Thursday night, 22 Sha'ban, 468 AH/1076 AD, in Seville. He comes from a respectable family and loves

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<sup>15</sup> Muhammad Thaha Abul Ela Khalifah, *Hukum Waris: Pembagian Waris Berdasarkan Syariat Islam*, (Solo: Tiga Serangkai, 2007), h. 39.

<sup>16</sup> Wusto Arham and Elfia, "Pemikiran Muhammad Syahrur Tentang Kewarisan Kalalah dan Relevansinya Terhadap Pembaruan Hukum Islam," *Jurnal Ahkam* (2020).

<sup>17</sup> A. Sarjan, "Problematisasi Hak Waris Saudara Dalam Kewarisan Kalalah", h. 100.

<sup>18</sup> Bachri, "Perbandingan Penerapan Konsep Kalalah," (n.d).

knowledge. His grandfather and father were prominent figures in Andalusia. His father was famous as a scholar in Seville, and was one of the figures of the Zahiri school (followers of Abu Muhammad bin Hazm al-Zahiri) who was famous for his knowledge, a writer and an intelligent poet. His uncle, Abu al-Qasim al-Hasan bin Abi Hafsh al-Hawzani was also a great scholar in Seville.<sup>19</sup> It was in this family environment that Ibn al-'Arabi grew up. At the age of 9, he had memorized the Qur'an, under the guidance of Abu 'Abd Allah Muhammad bin Muhammad al-Sarqusti (d. 477 H) and at the age of 16 he had also mastered Arabic, mathematics and the science of qira 'Ah.<sup>20</sup>

He is known as someone who has a thirst for knowledge. This is evident from his visits to various regions such as Egypt, Syria, Baghdad and Mecca. In every country he visited, he always took advantage of learning from the scholars he met.<sup>21</sup> In 485 AH, he left for Egypt via the coast of Tunis. There he stayed for some time and spent several months studying under the guidance of Abu al-Hasan 'Ali bin Muhammad. Apart from that, he also studied with Abu 'Abd Allah Muhammad bin 'Ali al-Maziri.<sup>22</sup>

He arrived in Egypt at the end of 485 H. There he met Mahdi al-Warraaq, Abu al-Hasan bin Sharf, Abu al-Hasan bin Dawud al-Farisi, and studied with them. From Egypt, he went to Bayt al-Maqdis and there he met Abu Bakr Muhammad al-Walid al-Thurthushi al-Fahri (d. 529 AH). He also visited Syria and stayed for some time before continuing his journey to Baghdad. In Syria, Ibn al-'Arabi studied under the guidance of a Shafi'iyah scholar, namely Abu al-Fath Nashr bin Ibrahim al-Maqdisi, al-Hafiz al-Akfani, Ahmad bin al-Farrat, and several other scholars. Meanwhile, in Baghdad, which was the capital of the 'Abbasid caliphate at that time, he studied various disciplines such as *ulus al-din* and *ulus al-fiqh*, Arabic language and *adab*, and various other disciplines. Here he studied from Ibn al-Tuyuri, 'Ali bin al-Husayn al-Bazzaz, Abu Hamid al-Ghazali, and several other scholars.<sup>23</sup>

In 489 AH he arrived in Mecca to perform the Hajj. Despite this, he still took the time to study with the scholars there. Before returning to his hometown, Ibn al-'Arabi also visited the city of Alexandria. In his birthplace, he devoted himself. He is also busy as a teacher, judge, preacher and writer. He is known as a generous person and always invites people to donate.<sup>24</sup>

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<sup>19</sup> Ali bin Sulayman al-'Abid, *Tafsir Ayat al-Aham wa Manahijuna*, (Riyadh: Dar al-Tadmuroyah, 2010), h. 243.

<sup>20</sup> Ali bin Sulayman, *Tafsir Ayat al-Ahkam wa Manahijuna...*, h. 244.

<sup>21</sup> Abu Bakar Muhammad bin al-'Arabi, *Ahkamul Qur'an*, (Beirut: Dar al-Kutub al-'Ilmiyah, 2008), Vol. 1, h. 6.

<sup>22</sup> Ali bin Sulayman, *Tafsir Ayat al-Ahkam wa Manahijuna...*, h. 245.

<sup>23</sup> Ali bin Sulayman, *Tafsir Ayat al-Ahkam wa Manahijuna...*, h. 246-247.

<sup>24</sup> Ali bin Sulayman, *Tafsir Ayat al-Ahkam wa Manahijuna...*, h. 248-249.

His determination in seeking knowledge bore sweet fruit. His travels and visits to various regions made him a person with broad insight, making him the most influential cleric in Seville, his hometown. He is known to have mastered various disciplines such as fiqh, ushul, hadith, adab, poetry and kalam. He is also known as an expert in *khilafiyah* issues.<sup>25</sup> Ibn al-'Arabi died in a place called Aglan, an area near the city of Fas, in the month of Rabiul Awwal in 543 H. His body was taken to Fas and buried there.

Throughout his life, Ibn al-'Arabi has written a number of phenomenal works, including *Ahkam al-Qur'an* which is the reference book for this research, *Anwar al-Fajr fi Tafsir al-Qur'an*, *Qanun al-Ta'wil fi Tafsir al-Qur'an*, *al-Nasikh wa al-Mansukh fi al-Qur'an*, *al-Muqtabas fi al-Qira'ah*, *al-Ahadith al-Musalsalat*, *Sharh Hadith al-Ifk*, *Sharh Hadith Jabir fi al-Shafa'at*, *al-Salik fi Sharh Muwatta' Malik*, *al-Intisaf fi Masa'il al-Khilaf*, *al-Khilafiyat*, *al-Mashul fi Usul al-Fiqh*, *al-'Awasim min al-Qawasim*, *al-Nawahi 'an al-Dawahi*, and many more. The preparation of the book *Ahkam al-Qur'an* is included in the first category. Ibn al-'Arabi compiled his book of tafsir in surah order based on the Ottoman mushaf, starting with surahs al-Fatihah, al-Baqarah, Ali Imran, al-Nisa', and so on. Sometimes Ibn al-'Arabi mentions the superiority of the surah to be discussed.<sup>26</sup>

At the beginning of the surah that will be discussed, Ibn al-'Arabi first mentions the number of verses in the surah. What needs to be noted is that the number of verses mentioned is different from the number of verses in the Ottoman mushaf. This is very natural, because the number referred to by Ibn al-'Arabi is not the actual number of verses, but rather the number of verses that will be discussed in the surah. Because not all verses in one surah are discussed, when it is said "second verse", or "third verse", what is meant is the second or third verse that is being discussed. In general, the verses discussed are divided into several problems (*masa'il*) which are then explained one by one.

Tafsir Ibn al-'Arabi can be included in the category of tafsir bi al-ma'tsur, where the interpretation relies heavily on history, whether in the form of hadith, or athar sahaba or tabi'in. Apart from that, Ibn al-'Arabi often explained the meaning of verses by referring to other verses (*tafsir al-Qur'an bi al-Qur'an*). In general, Ibn al-'Arabi's method of interpretation in his work *Ahkam al-Qur'an* can be seen from the introduction (*muqaddimah*) of the book, he says:

*"Allah has opened a way to understand His book through the scholars we (read: I) met. However, we see that there are still gaps (which were left by the ulama). Then we review what we took or received from the ulama. After that, we test it according to scientific standards. What is correct (in our opinion) we maintain and take, as for what is not appropriate, we refute and correct. "Next (we start) by mentioning the*

<sup>25</sup> Ibn al-'Arabi, *Ahkam al-Qur'an*, Vol. 1, h. 6.

<sup>26</sup> Ibn al-'Arabi, *Ahkam al-Qur'an*, Vol. 1, h. 15.



*verse and we trace the series of words, even the letters so that we understand the meaning of the mufradat."*<sup>27</sup>

This book of interpretation is a book of interpretation presented using the tahlili method. Indeed, the themes discussed are related to ahkam, but Ibn al-'Arabi arranged them based on the sequence of surahs and verses according to those contained in the mushaf.

### **Biography of Wahbah az-Zuhaili and *Tafsir al-Munir***

Wahbah az-Zuhaili was born in 1932 AD, located in Dair 'Atiyah, Faiha subdistrict, Damascus province, Syria. His full name is Wahbah bin Mustafa al-Zuhaili, son of Musthafa al-Zuhaili. Namely, a farmer who was simple and famous for his piety.<sup>28</sup> Wahbah began studying the Qur'an and completed his ibtidaiah school in Damascus in 1946 AD. Then he continued his studies at Sharia lectures until he finished in 1952 AD. He also continued his studies in Cairo by attending lectures at several faculties, namely at the Faculty of Syar'iyah, Faculty of Arabic at Al-Azhar University and Faculty of Law at Ain Shams University.<sup>29</sup> He passed his study period brilliantly, obtaining a sharia bachelor's degree at Al-Azhar and an Arabic language concentration certificate at Al-Azhar in 1956 AD. At Ain Syams University, Wahbah also obtained a license degree in law, then continued his master's at Cairo University, The Faculty of Law was completed in 1959 AD, and he completed his doctoral program four years later, namely in 1963 AD.

After receiving his doctorate, he began his career as a teacher and educator. He was appointed professor at Damascus University in 1975. He focused on the study of Islamic law, Islamic legal philosophy and comparative legal systems at the Sharia Faculty.<sup>30</sup> He has also been a guest lecturer at several universities, including the Faculty of Law in Benghazi, Libya (1972-1974), the University of Khartoum Sudan, the Faculty of Sharia at the United Arab Emirates University (1984-1989) and the Islamic University in Riyadh. In its development, he was an expert in one of the comparative schools of thought (*muqaranat al-madzahib*), *al-Fiqh al-Islam Adillatuhu*, which is one of the largest works of comparative jurisprudence that is currently famous, which discusses fiqh issues with the rules of the syara'.<sup>31</sup>

<sup>27</sup> Ibn al-'Arabi, *Ahkam al-Qur'an*, Vol. 1, h. 3-4.

<sup>28</sup> Saiful Amin Ghofir, *Profil Para Mufasssir Al-Qur'an* (Yogyakarta: Pustaka Insan Madani, 2008), h. 174.

<sup>29</sup> Eko Zulfikar, Ahmad Zainal Abidin, "Penafsiran Tekstual Terhadap Ayat-Ayat Gender: Telaah Penafsiran Wahbah az-Zuhaili Dalam Kitab Tafsir al-Munir", *Al-Quds: Jurnal Studi Al-Quran dan Hadis* 3, no. 2 (2019), h. 136.

<sup>30</sup> Ummul Aiman, "Metode Penafsiran Wahbah Az-Zuhaili: Kajian Tafsir Al-Munir", *Miqot: Jurnal Ilmu-Ilmu Keislaman* 36, no. 1 (n.d), h. 4.

<sup>31</sup> Wahbah az-Zuhaili, *Al-Fiqh al-Islami wa Adillatuhu*, (Damaskus: Dar al-Fikr, 2011), h. 21.

He wrote more than 133 books and when mixed with short dissertations up to 500 papers. Among his works are: *Atsarul Harb fil Fiqhil Islami*, *Takhrij wa Tahiiq Ahadiits*, *Takhrij wa Tahqiq Ahaadits wa Atsar Jami'ul 'Uluum wal Hikam*, *al-Washit fii Ushuulil Fiqhil Islaami*, *Al-Fiqhul Islami fii Ushuli bihil Jadiid*, *Nazhariyyah adh-Dharuurah asy-Syar'iyyah*, *Dirasah Muqaranah*, *Nazhariyyah ad-Dhamaan au Ahkaamul Mas'uliyah al-Madaniyyah wal Jinah'iyyah fi Fiqhil Islaamii*, *An-Nushuush al-Fiqhiyyah al-Mukhtarah: taqdim, ta'liq, tahlil*, *Nizhaamul Islam*, *Ahkaamul Ibaadaat 'alal Madzhab al-Maliki*, *al-Fiqhul Islaami 'alal Madzhab al-Maliki*, *Fiqhul Ibadaat*, *al-Washaayaa wal Waqf*, and many more.<sup>32</sup>

The writing of *Tafsir al-Munir* was motivated by Wahbah az-Zuhaili's dedication to science, especially Islamic science, with the aim of connecting Muslims with the Qur'an based on a close and logical relationship. This tafsir was written over a period of years, approximately 16 years (1975-1991 AD), after writing two other books, namely *Ushul Fiqh al-Islam* (2 volumes) and *al-Fiqh al-Islam wa Adillatuhu* (8 volumes). *Tafsir al-Munir*'s was completed on Monday at eight in the morning, 13 Dzulqa'dah 1408 AH or 27 June 1988 AD, at which time Wahbah Zuhaili was only 56 years old. *Tafsir al-Munir* was first published by Dar al-Fikr Beirut Lebanon and Dar al-Fikr Damsyiq (Damascus) Sutyah in 16 volumes in 1991 AD/1441 AH.<sup>33</sup>

Az-Zuhaili stated that *Tafsir al-Munir*'s is not just a quotation and conclusion from several previous mufassirs' opinions as outlined in his tafsir book. However, *Tafsir al-Munir*'s was written on the basis of selectivity which is more authentic, useful and closer to the spirit (essence) of the content of the verses of the Qur'an, both from classical, modern, al-ma'sur and rational tafsir. The study of *Tafsir al-Munir*'s also seeks to avoid differences in theories or theoretical and useless views, as is the case in fanatical schools in the field of fiqh (different schools of thought), even though az-Zuhaili himself belongs to the Hanafi school of thought. In this case, az-Zuhaili in interpreting the verses of the Qur'an relating to law (verse *al-ahkam*) does not only explain the opinions of imams or other schools of thought.<sup>34</sup>

The method of *Tafsir al-Munir* used by Wahbah az-Zuhaili is an iqtiran method, namely combining *Ma'tsur* with *Ra'yi* when viewed from the source of the interpretation. Meanwhile, if you look at the way of explanation, it uses the muqarin method and uses the tafsily method in terms of the breadth of the explanation. *Tafsir al-Munir*'s is also a tahlily tafsir, when viewed from the objective and orderly

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<sup>32</sup> Wahbah az-Zuhaili, *Al-Fiqhul Islam wa Adillatuhu* Terj. Abdul Hayyoe al-Kattani, dkk, (Jakarta: Gema Insani, 2011), Jilid 10, h. 527-538.

<sup>33</sup> Wahbah az-Zuhaili, *Tafsir Al-Munir fi ql-'aqidah wa asy-Syariah wa al-Manhaj*, (Beirut: Dar al-Fikr, 2009), Juz XV, h. 888.

<sup>34</sup> Widan Hidayat, "Medernitas Penafsiran Al-Qur'an (Metodologi Tafsir al-Munir Karya Wahbah Al-Zuhaili)", *Cross-Border* 6, no. 1 (2023), h. 283-304.

perspective of the verses, namely interpreting the verses in accordance with the order of the Ottoman Mushaf. Meanwhile, if we look at its tendencies, *Tafsir al-Munir* falls into the category of fiqh style.<sup>35</sup>

### **The Inheritance of *Kalalah* According to Ibn al-'Arabi in *Ahkam al-Qur'an***

Ibn al-'Arabi stated that the *zahir* verse explains *kalalah* as a person who does not have a father or son and leaves behind brothers. *Kalalah* is a linguistically defined name. Among the meanings of *kalalah* which are determined linguistically, one of them is used for sharia meaning. QS an-Nisa' [4]: 176 names the heir with *kalalah* and states the portions that will be received by the heirs. Father and son are not mentioned in the verse. Ibn al-'Arabi believes that this is what Allah means by *kalalah*. This kind of understanding shows that the meaning of *musytaq* (another meaning of *kalalah*) requires this in its entirety and the linguistic understanding also absolutely requires this.<sup>36</sup>

In the book *Ahkam al-Qur'an*, Ibn al-'Arabi explained, our scholars said: The meaning of the verse is that if the person who died did not have sons or daughters and he inherited as *kalalah*, then for his sister, half (of the inheritance) is a specified part. Meanwhile, if the person who died had a daughter, then together with the woman, he becomes the '*ashabah* (male heir) and gets the share that the '*ashabah* would have received if there was no woman, without a specified limit. Allah did not say: if he has a son, then his sister gets nothing with him.

So, what Ibn Abbass and Ibnu Zubair said has a basis; Ibn Abbas said: If a deceased person has a daughter, her sister does not get anything, unless there is a brother with her. Indeed, Allah explains his rights when he inherits a person who dies as a *kalalah* (a person who does not leave behind a father or son), and Allah does not explain what his rights are if he does not inherit as a *kalalah*. So Rasulullah SAW explained it with a revelation from his Lord, thus making him (his sister) as '*ashabah* together with the daughter of the deceased, and this does not change her inheritance rights to the deceased if she is inherited as *kalalah*.<sup>37</sup>

So if it is said: "Is there a greater error than this? Umar did not know about it and the companions disagreed about it with differences of opinion remaining to this day." We say: "This is not a heresy, this is a promised explanation, because Allah did not make the legal methods a text that can be understood by everyone, but instead made it a conjecture specifically for the scholars, so that Allah will elevate the status of those who believe between you and those who have been given some

<sup>35</sup> Ridlwan Nasir, "Metode Dan Corak Kitab Tafsir Al-Tafsir Al-Munir", *Al-Thiqah: Jurnal Ilmu Keislaman* 5, no. 2 (2022), h. 25–41.

<sup>36</sup> Evra Willya, "Konsep Kalalah Dalam Al-Quran Dan Penafsirannya Menurut Studi Suni Dan Syiah Imamiyyah," *Ahkam: Jurnal Ilmu Syariah* 14, no. 1 (2014), h. 135–44.

<sup>37</sup> Ibn al-'Arabi, *Ahkam al-Qur'an*, n.d.

degree of knowledge. The mujtahids (scholars who carry out *ijtihad*) try in various ways of reasoning, so that some of them reach the truth and get ten rewards. Worldly laws operate according to Allah's will, this is clear to the scholars, and Allah knows best."<sup>38</sup>

The meaning of the explanation above is that differences of opinion among friends regarding certain laws are not heresy. The explanation promised by Allah through revelation to the Messenger of Allah is that understanding and interpreting the law requires the *ijtihad* of the ulama. Allah raises the status of believers and knowledgeable people through this process, and worldly laws run according to the will of Allah SWT.

### **The Inheritance of *Kalalah* According to Wahbah az-Zuhaili in *Tafsir al-Munir***

Regarding the discussion about *kalalah*, Wahbah az-Zuhaili defines *kalalah* as a person who dies and has no father or children, as explained in his book *Tafsir al-Munir*:

الكالالة: من لا وَّالِد له ولا ولد<sup>39</sup>

"*Kalalah is a person who no longer has a father and no children.*"

On another page, Wahbah az-Zuhaili said:

والراجح ان الكالالة: من عدا الوالد والوالد<sup>40</sup>

"*There is a strong opinion about the *kalalah* being heirs other than parents and children.*"

Based on the opinion above, it shows that *kalalah* is someone who dies without leaving a father or son as an heir. Then regarding the distribution of the amount of inheritance between siblings, Wahbah az-Zuhaili refers to the QS. al-Nisa (4): 12 which explains this. While QS. al-Nisa [4]: 176 discuss the size of the share for half-siblings or half-siblings.<sup>41</sup>

Wahbah az-Zuhaili's opinion regarding *kalalah* is the opinion expressed by a number of ulama. The *jumhur* ulama are of the opinion that *kalalah* is a person who dies and does not have a father and no children, but the *jumhur* ulama specialize in understanding not having only sons or fathers.<sup>42</sup> In this way, daughters do not rule out the possibility of male and female siblings inheriting, because their existence does not affect the meaning of *kalalah*. As stated in the book *Bidayah al-Mujtahid wa*

<sup>38</sup> Ibn al-'Arabi, *Ahkam al-Qur'an*, n.d.

<sup>39</sup> Az-Zuhaili, *Tafsir al-Munir...*, Jilid 3, h. 402.

<sup>40</sup> Az-Zuhaili, *Tafsir al-Munir...*, Jilid 3, h. 613.

<sup>41</sup> Wusto Arham and Elfia, "Pemikiran Muhammad Syahrur Tentang Kewarisan Kalalah Dan Relevansinya Terhadap Pembaruan Hukum Islam."

<sup>42</sup> Amir Syarifuddin, *Hukum Kewarisan Islam*, (Jakarta: Kencana, 2012), h. 161.

*Nihayah al-Muqtashid* written by Ibnu Rusyd al-Hafiz, which means the following: "Most of the ulama are of the opinion that they get inheritance by *ashabah*, they are given the remaining portion of the share of the daughters' children."<sup>43</sup>

From the opinion above, it is understood that brothers have the right to inherit inheritance at the same time as having daughters, likewise sisters have the right to inherit inheritance at the same time as having daughters. It is different if there is a son or father of a deceased person, then brothers and sisters have no right to inherit." Therefore, if the deceased has no sons and no father, this situation is called *kalalah*. This is the opinion of the *jumhur* ulama which has become a consensus among the ulama, including ulama from the Islamic jurisprudence school of law, who understand the meaning of *kalalah* as someone who dies and has no sons or father.<sup>44</sup> Interpretation of the verse about *kalalah* in *Tafsir al-Munir*'s:

يَسْتَفْتُونَكَ قُلِ اللَّهُ يُفْتِيكُمْ فِي الْكَلَالَةِ إِنْ امْرُؤٌ هَلَكَ لَيْسَ لَهُ وَلَدٌ وَلَهُ أُخْتٌ فَلَهَا نِصْفُ مَا تَرَكَ وَهُوَ يَرِثُهَا إِنْ لَمْ يَكُنْ لَهَا وَلَدٌ فَإِنْ كَانَتَا اثْنَتَيْنِ فَلَهُمَا الثُّلُثَانِ مِمَّا تَرَكَ وَإِنْ كَانُوا إِخْوَةً رِجَالًا وَنِسَاءً فَلِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ يُبَيِّنُ اللَّهُ لَكُمْ أَنْ تَضِلُّوا وَاللَّهُ بِكُلِّ شَيْءٍ عَلِيمٌ

"They ask you for a fatwa (regarding *kalalah*). Say, "Allah gives you a fatwa regarding *kalalah*, (namely) if a person dies and he has no children, but has a sister, her (sister's) share is half of the property he left behind. As for the brother inheriting (all of the sister's property) if he has no children. However, if there are two sisters, divide both two-thirds of the assets left behind. If they (the heirs consist of) several brothers and sisters, one brother's share is the same as the share of two sisters. Allah explains (this law) to you so that you do not go astray. Allah is All-Knowing of everything." (QS. an-Nisa' [4]: 176)

The reason this verse was revealed is that an-Nasa'i narrated from Jabir, he said: "I was suffering from illness, then the Messenger of Allah came to visit me. Then I said, 'O Messenger of Allah, may I bequeath a third of my inheritance to my sisters?' Rasulullah SAW said, 'Be kind to your sisters.' Then I said, 'How about half?' He said, 'Be good to your sisters.' Then he went out, then after that he came in to see me again and said, 'I don't see that you will die now because of your illness. "Indeed, Allah SWT has sent down a revelation and explained what is due to your sisters, namely two-thirds," Jabir once said, "This verse (verse 176 of surah an-Nisa') came down regarding me" (HR. an-Nasa'i). Ibn Murdawaih narrated from Umar bin Khaththab, "He asked Rasulullah SAW about how al-Kalalah was inherited? Then verse 176 of surah an-Nisaa' came down."

<sup>43</sup> Ibnu Rusyd al-Hafid, *Bidayah al-Mujtahid wa Nihayah al-Muqtashid*, (Beirut: Dar al-Fikr, t.th), Juz 2, h. 258,

<sup>44</sup> Amir Syarifuddin, *Hukum Kewarisan Islam...*, h. 60.

Imam Ahmad, Bukhari, Muslim, At-Tirmidhi, an-Nasa'i, Abu Dawud, and Ibn Majah narrated from Jabir, he said, "*The Rasulullah SAW came to visit me when I was sick and unconscious. Then Rasulullah SAW took ablution water, then he poured water on me, then I regained consciousness, then I said, 'Indeed, I am not inherited but kalalah, so how will the inheritance be distributed?' Then the verse about inheritance came down, namely verse 176 of surah an-Nisa'.*" (HR Imam Ahmad, Bukhari, Muslim, Tirmidhi, an-Nasa'i, Abu Dawud, and Ibnu Majah). Imam al-Bukhari and Muslim narrated from Barra, that this verse (176) is the last verse that was revealed, namely regarding the issue of inheritance. This means that this verse is the last faraidh verse revealed.<sup>45</sup>

Wahbah az-Zuhaili interprets in *Tafsir al-Munir's*, *al-Kalalah* taken from the word (الإكليل) or crown which covers the head from all sides. The word *al-Kalalah* can be a term for the heir and also for the inheritor. When it comes to heirs, it means heirs other than parents and children. Abu Bakr said, "*al-Kalalah* is apart from parents and children." As for the person who inherits, it means the person who dies, while the heirs consist of heirs other than one of the parents and children.

If a person dies and has no children, but he has a half-sister or father, then the sister gets  $\frac{1}{2}$  of the share. Umar bin Khaththab considered the law of *kalalah* to be unclear, so he said in *Sahih Bukhari* and *Sahih Muslim*, "There are three things that I really hope that Rasulullah SAW will explain to us regarding these 3 things with an explanation that we can use as a reference. "Those three things are the inheritance of grandfather and *al-Kalalah*, while the third thing is one of the chapters on usury." Namely several verses on usury which are found at the end of Surah al-Baqarah. Ibn Majah also narrated Umaar bin Khaththab's statement with the editorial "*al-Kalalah*, usury and the caliphate."

The meaning of walad here includes male/female, because the discussion in *kalalah* is a person who has no children at all (either male/female) and no parents. Meanwhile, the meaning of female in verse 176 is a full sister. or father. As for sisters and mothers, Allah SWT explained it at the beginning of Surah an-Nisaa' based on *ijma'* as mentioned in the previous section. Sisters get  $\frac{1}{2}$  if the deceased had daughters. If he has a son, then the sisters get nothing. The verse explains that sisters get  $\frac{1}{2}$  if they don't have sons/daughters, this is not desirable. And it is also required to get  $\frac{1}{2}$  if the person who died did not have parents. And this condition has made the *ijma'* of the ulama.

Allah says (وَهُوَ يَرْتَهَا) namely that a brother inherits the tirkah to his sister in its entirety with *ashabah*, if the sister has no children and there are no parents who veil her from inheritance. The meaning of sibling here is the father's biological sister/brother. As for the mother's sister, she cannot get the full amount, but her

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<sup>45</sup> Wahbah az-Zuhaili, *Tafsir Al-Munir*. (n.d).

share is only  $1/6$ . If there are two sisters (siblings/from the father, not the mother) or more, then both of them get  $2/3$  of what the brother left behind. What this means is that 2 sisters get  $2/3$  of the total. If the person receiving the inheritance is several brothers/sisters (biological), then the man's share is the same as the share of 2 women. As for some of the mother's siblings, they get the same  $2/3$ .<sup>46</sup>

Explanation of the parts for heirs: *first*, share for brothers and sisters (seibu) left behind by the heir. In this division, Wahbah az-Zuhaili in his commentary on *al-Fiqh al-Islam wa Adillatuhu* is of the opinion that if someone dies and he leaves behind a brother or sister from the mother, then each will get  $1/6$  of the assets left behind. And in the book *Tafsir al-Munir*, if there are a lot of them, then each of them gets  $1/3$ , which means they are the same, with no difference between men and women. *Second*, the share of two or more sisters left by the testator. In this distribution, Wahbah az-Zuhaili in *Tafsir al-Munir*'s believes that if there is more than one female heir or half-sister, then each heir will get  $2/3$  of the assets left behind. And in the book of *al-Fiqh al-Islam wa Adillatuhu* that two sisters from the same mother get  $1/3$ . *Third*, the share of brothers and sisters (fathers) left by the heir in large numbers. In this division, Wahbah az-Zuhaili, in *Tafsir al-Munir*'s, is of the opinion that if several brothers or sisters (biological) receive the inheritance, then the male's share is equal to the share of the two women, and several maternal siblings receive  $1/3$ .<sup>47</sup>

## CLOSING

The *kalalah* problem above stems from differences between scholars regarding the interpretation of the *kalalah* verses contained in the QS. al-Nisa [4]: 176. This article concludes that Ibn al-'Arabi understands *kalalah* as a person who does not leave father or son. In terms of inheritance distribution, he explained that the deceased person's inheritance will be divided between other relatives according to the provisions of the Qur'an and hadith. This includes brothers and sisters, who will receive certain shares according to established rules. Apart from that, Ibn al-'Arabi emphasized the importance of *ijtihad* in understanding inheritance laws, including *kalalah* cases. In the sense that understanding the context and text is the key to deciding the right law. Meanwhile, according to Wahbah az-Zuhaili in *Tafsir al-Munir*, inheritance of *kalalah* is understood using a comparative interpretation and *fiqh* approach, combining the interpretation of verses with legal analysis from various schools of thought, resulting in a broader and deeper understanding. *Kalalah* according to az-Zuhaili is a person who does not leave behind father or child so that the distribution of inheritance is determined in three parts, namely for brothers and

<sup>46</sup> Wahbah az-Zuhaili, *Tafsir Al-Munir*. (n.d).

<sup>47</sup> Wahbah az-Zuhaili, *Tafsir Al-Munir*. (n.d).

sisters (sister) left by the heir, sisters or more left by the heir, and the share of brothers -men and women (fathers) who are left behind by the heir in large numbers. Thus, the different interpretations of inheritance of *kalalah* according to these two commentators show how Islamic law can be understood and applied from different perspectives according to the context of the times and the needs of society. While Ibn al-'Arabi provides invaluable insight through his interpretation of the classic, Wahbah az-Zuhaili provides guidance for how these principles can be applied in a contemporary context.

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