



THE LEGAL STATUS OF PARENTAL GIFTS AS INHERITANCE UNDER ISLAMIC LAW: AN ANALYSIS OF ARTICLE 211 OF THE INDONESIAN COMPILATION OF ISLAMIC LAW

Rafnitul Hasanah Harahap

Universitas Islam Negeri Sumatera Utara, Indonesia

Email: rafnitulhasanahrp1@gmail.com

Corresponding Author: rafnitulhasanahrp1@gmail.com

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Abstract

Article 211 of the Compilation of Islamic Law (Kompilasi Hukum Islam or KHI) states that "a gift from parents to their children may be taken into account as an inheritance." This provision creates a degree of ambiguity between the concepts of inheritance and hibah (inter vivos gift). As a result, the article continues to raise questions and requires further clarification regarding how parental gifts to children should actually be calculated in relation to inheritance. Against this background, this study seeks to examine and analyze more deeply the concept of hibah under Article 211 of the KHI. To address the principal issue, this study employs library research. The research approaches consist of a legal approach, a historical approach, and a conceptual approach. The study concludes, first, that a parental gift to a child may be taken into account as a substitute for inheritance where the amount of the gift exceeds the recipient's inheritance share and does not give rise to disputes among the heirs. Second, parental gifts to children may continue to generate legal problems where one child is able to prove that a gift was made to him or her, while other heirs object to the gift. In such circumstances, Article 211 cannot necessarily be applied, potentially resulting in an unequal distribution of inheritance among the children as heirs. Third, the treatment of parental gifts to children under the KHI as a substitute for inheritance satisfies the requirements of *masalah mursalah* when applied in accordance with its relevant conditions and limitations.

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1. INTRODUCTION

Article 211 of the Compilation of Islamic Law (KHI) provides that "a gift from parents to their children may be taken into account as an inheritance" (Tim Redaksi Nuansa Aulia, 2013). This provision is noteworthy because, conceptually, hibah and inheritance constitute two distinct legal institutions. Hibah refers to the voluntary transfer of ownership during the lifetime of the donor, whereas inheritance is transferred to heirs only after the death of the deceased (Manan, 2006; Basyir, 2014). This difference in the timing of the transfer of rights gives rise to legal questions when a gift that has been fully completed during the donor's lifetime is later recalculated as part of the inheritance. Accordingly, the principal issue under Article 211 does not concern the existence of hibah itself, but rather the legal limits and circumstances under which a parental gift to a child may be taken into account in inheritance distribution.

The word "may" in Article 211 indicates that the provision is not formulated as a mandatory rule that applies automatically. However, the KHI does not provide detailed parameters for its application, such as whether every parental gift to a child must be taken into account as inheritance,



whether its application depends on objections raised by other heirs, or how a gift should be treated if its value is lower or higher than the recipient's inheritance share. This lack of clarity creates room for divergent interpretations in practice, particularly where a gift is made only to some children and later gives rise to objections from the others. At the same time, the regulation of hibah under the KHI also requires the legal capacity of the donor, limits on the amount of property that may be gifted, ownership of the gifted property, and the presence of witnesses in the execution of the gift (Manan, 2006; Saepullah, 2015). Therefore, Article 211 must be interpreted systematically in relation to the rules governing gifts, inheritance, and the protection of heirs' rights.

In Islamic law, hibah essentially carries a charitable and social dimension because it is granted voluntarily without consideration. Nevertheless, disproportionate gifts among children may give rise to jealousy, family conflict, and questions of fairness after the parents' death. Rofiq (2013) emphasizes the importance of justice in parental gifts to children, while Yanggo and Anshary (1995) explain the relationship between the regulation of hibah under the KHI and the possibility of treating parental gifts as part of inheritance. In this context, Article 211 may be understood as an attempt to reconcile legal certainty concerning gifts already made with the need to preserve fairness in the distribution of family property. This position may also be examined through the broader proposition that law should pursue not only certainty, but also justice and utility (Raharjo, 2008).

Within the scope of the literature used in this study, discussions concerning parental gifts to children have largely focused on the conceptual distinction between hibah and inheritance, as well as normative explanations of the relevant provisions of the KHI. There remains room for further inquiry into how the word "may" in Article 211 should be interpreted, the circumstances that justify its application, and how the provision may be assessed through the principle of *maslahah mursalah*. This research gap is significant because an overly broad application of Article 211 risks blurring the conceptual boundary between hibah and inheritance, whereas an overly narrow application may diminish its corrective function when a gift creates inequality among heirs. Thus, the academic issue is not limited to defining hibah and inheritance, but extends to the construction of legal reasoning for determining when Article 211 should appropriately be applied in resolving inheritance disputes.

This study employs the theory of *maslahah mursalah* as an analytical framework to assess whether the application of Article 211 produces genuine benefit, serves the public interest, and does not conflict with principles established by the *nass*. Under this theory, a benefit may be legally considered when it genuinely prevents harm or produces benefit, is not based merely on speculation, and remains consistent with the fundamental principles of Islamic law (Haroen, 1997; Khallaf, 2002). This framework is relevant for examining whether taking a gift into account as inheritance may function as a mechanism for maintaining fairness among children, preventing family disputes, and protecting property without arbitrarily altering the established rules of Islamic inheritance (Farih, 2008).

Based on this gap, the novelty of this study lies in positioning Article 211 of the KHI not as a provision that automatically transforms every parental gift to a child into inheritance, but rather as a norm whose application must be examined in light of the context of the dispute and the parameters of *maslahah mursalah*. Specifically, this study connects the legal characteristics of hibah and inheritance, the normative meaning of the word "may," and the requirements of public benefit as the basis for evaluating the application of Article 211. Accordingly, this study aims to explain the legal status of parental gifts to children in relation to inheritance and to analyze the extent to which Article 211 may be proportionately applied as an instrument for maintaining justice, preventing harm, and ensuring legal certainty in the resolution of Islamic inheritance disputes in Indonesia.

2. RESEARCH METHOD

This study employs a normative legal research method focusing on the legal construction of parental gifts to children as regulated under Article 211 of the Compilation of Islamic Law (Kompilasi Hukum Islam or KHI). Normative legal research is used because the principal issues examined concern the interpretation of legal norms, the conceptual relationship between hibah and inheritance, and the underlying principle of public benefit that may justify treating a gift as part of an inheritance. The study applies three approaches: a legal approach, a historical approach, and a conceptual approach. The legal approach is used to examine the relevant provisions of the KHI, particularly Article 171 letter g and Articles 210–214, as well as Presidential Instruction Number 1 of 1991 as the legal basis for the implementation of the KHI. The historical approach is employed to understand the background of the

formulation of the KHI and the development of Islamic legal thought in Indonesia that influenced the drafting of Article 211. Meanwhile, the conceptual approach is used to analyze the concepts of hibah, inheritance, justice, and *maslahah mursalah* in Islamic law. The combined use of these three approaches is intended to ensure that Article 211 is examined not only on the basis of its normative wording but also in light of its historical context and underlying legal concepts (Soekanto, 1986).

The legal materials used in this study consist of primary and secondary legal materials. Primary legal materials include the Qur'an, Hadith, Presidential Instruction Number 1 of 1991 concerning the Dissemination of the Compilation of Islamic Law, and provisions of the KHI directly related to hibah and inheritance. Secondary legal materials consist of books, scholarly articles, research findings, and academic works discussing the law of hibah, Islamic inheritance law, the Compilation of Islamic Law, and the theory of *maslahah mursalah*. The selection of legal materials was based on three criteria: their direct relevance to Article 211 of the KHI, their relationship to the legal connection between hibah and inheritance, and their capacity to provide a conceptual foundation for analyzing public benefit and justice in parental gifts to children. Legal materials were collected through library research and documentation by means of inventory, identification, classification, and systematization according to the focus of the study. The collected materials were then grouped into themes concerning the legal position of hibah, the relationship between hibah and inheritance, the meaning of the word "may" in Article 211, and the basis of public benefit that may justify the application of the provision in resolving inheritance-related issues (Soekanto, 1986).

The legal materials were analyzed qualitatively and prescriptively by interpreting and relating Article 211 of the KHI to the concepts of hibah, inheritance, and the theory of *maslahah mursalah*. The analysis was conducted in several stages. First, the study identified the differences in legal character between hibah, which takes effect during the donor's lifetime, and inheritance, which arises after the death of the deceased. Second, the normative meaning of the word "may" in Article 211 was interpreted to determine whether the provision is mandatory or instead allows discretionary application under certain circumstances. Third, the results of this interpretation were assessed using the theory of *maslahah mursalah* by applying three principal criteria: the benefit must be genuine rather than merely speculative, must provide a benefit of a general nature, and must not conflict with the Qur'an, Hadith, or established principles of Islamic law (Haroen, 1997; Khallaf, 2002). Each of these criteria was applied directly to assess the relevance of Article 211, particularly in preventing injustice and disputes among heirs arising from disproportionate parental gifts. The analysis also considered the balance between textual foundations and evolving social needs so that the use of *maslahah* remained consistent with the objectives of Islamic law (Farih, 2008). The findings were subsequently formulated deductively to determine the conditions and limits for applying Article 211 of the KHI to parental gifts made to children.

3. RESULT AND ANALYSIS

Parental Gifts to Children May Be Taken into Account as Inheritance under Article 211 of the Compilation of Islamic Law

The findings show that Article 211 of the Compilation of Islamic Law (Kompilasi Hukum Islam or KHI) places parental gifts to children within a specific relationship with inheritance law through the provision that such gifts "may be taken into account as inheritance." Conceptually, however, hibah and inheritance remain two distinct legal acts. Hibah is a voluntary transfer of property made while the donor is still alive, whereas inheritance refers to the transfer of property after the death of the deceased to those legally entitled as heirs (Basyir, 2014; Manan, 2006). Accordingly, Article 211 cannot be interpreted as a provision that automatically transforms every parental gift to a child into inheritance. The use of the word "may" indicates its facultative character, meaning that such a gift may be taken into account in the distribution of inheritance when particular circumstances justify its application. This finding also demonstrates that the legal status of a gift must first be assessed according to the provisions governing hibah under the KHI, including the donor's legal capacity, ownership of the gifted property, limits on the amount of property that may be transferred, and fulfillment of the requirements for a valid gift (Tim Redaksi Nuansa Aulia, 2013).

The normative analysis further shows that Article 211 becomes particularly relevant when a gift is made only to certain children and subsequently raises issues of fairness during the distribution of the estate. Where the gift does not give rise to objections among the children as heirs, the gift may continue to be regarded as an independent legal act, while the remaining estate is distributed according to Islamic inheritance rules. Conversely, where an heir considers himself or herself disadvantaged

because one child has already received a gift and is also entitled to an inheritance share, the gift may be taken into account in determining the final inheritance allocation as a mechanism for preventing disproportionate distribution. Under this construction, Article 211 does not invalidate the gift but provides a corrective mechanism within the inheritance distribution process so that a lifetime transfer does not result in excessive inequality among heirs. This interpretation is consistent with the view that parental gifts to children are connected to inheritance because transfers made during the parents' lifetime may affect the ultimate balance of property received by each child (Rofiq, 2013).

From an analytical perspective, the legal construction of Article 211 may be understood as an adaptation of Islamic law to the needs of resolving family disputes in Indonesia. The KHI itself was formulated to provide a more uniform legal reference for the settlement of cases within the Religious Courts and to reduce variations in legal application that had previously depended heavily on diverse classical fiqh sources (Zain & Alshodiq, 2005). Therefore, the relationship between hibah and inheritance under Article 211 should not be assessed solely on the basis of the conceptual differences between the two, but also in light of the provision's function in maintaining legal certainty, justice, and utility. From the perspective of fundamental legal values, a legal provision should not merely guarantee formal certainty but should also consider justice and its practical benefit for the parties concerned (Raharjo, 2008). Article 211 may therefore function as a corrective instrument where a formally valid gift produces substantive inequality among children after the donor's death. In this sense, the provision does not equate hibah with inheritance but rather connects the economic consequences of the gift with the inheritance distribution process when such consideration is necessary to preserve a fair balance among heirs.

On this basis, Article 211 should be interpreted narrowly and contextually. Treating every parental gift to a child as inheritance would risk undermining the character of hibah as a completed legal act during the donor's lifetime and would blur the fundamental distinction between gifts and inheritance. Conversely, completely rejecting the possibility of taking a gift into account in inheritance may disregard the corrective function of Article 211 when a transfer benefits only certain children and later gives rise to disputes after the parents' death. Therefore, the word "may" is more appropriately understood as creating legal discretion to consider a gift according to the specific circumstances, particularly whether inequality exists and whether objections are raised by other heirs. The principle of fairness in parental gifts is important because unjustified differences in treatment may generate family conflict and inequity in the distribution of property (Rofiq, 2013). Under this construction, Article 211 of the KHI operates as an alternative legal norm that bridges the legal certainty of a completed gift with the need to achieve justice in inheritance, rather than as a provision that automatically treats every parental gift to a child as part of the inheritance.

Analysis of Article 211 of the Compilation of Islamic Law

The findings indicate that Article 211 of the Compilation of Islamic Law, which provides that "a gift from parents to their children may be taken into account as inheritance," should be understood as a facultative rather than imperative norm. The word "may" indicates that a gift made by parents to a child during their lifetime does not automatically change its legal status into inheritance after the donor's death. Conceptually, hibah constitutes the transfer of rights over property while the donor is alive, whereas inheritance arises only as a legal consequence of the death of the deceased (Basyir, 2014; Rofiq, 2013). Therefore, Article 211 does not eliminate the fundamental distinction between these two legal institutions. Instead, the provision creates the possibility of taking the value of a gift into account during the inheritance distribution process when specific circumstances reveal an issue of fairness among the heirs. Under this construction, Article 211 is more appropriately positioned as a corrective norm addressing the economic consequences of a gift rather than as a rule that transforms the legal nature of hibah into inheritance.

The analysis also shows that the application of Article 211 should be based on certain identifiable normative conditions. First, there must have been a valid gift from the parents to one or more of their children while the parents were still alive. Second, after the parents' death, the gift must give rise to objections because the recipient remains entitled to an inheritance share. Third, the gift must result in a tangible imbalance that adversely affects the interests of the other children in the distribution of family property. Under such circumstances, the gift already received may be taken into account when determining the recipient's final inheritance share. Conversely, where all heirs accept the gift and no issue arises concerning the balance of property distribution, there is no strong basis for automatically applying Article 211. This position is consistent with the character of hibah as a completed legal act

during the donor's lifetime and with the principle that recalculating a gift within inheritance is a legal possibility rather than an absolute obligation (Rofiq, 2013; Tim Redaksi Nuansa Aulia, 2013).

From an analytical standpoint, this construction demonstrates that Article 211 represents a form of adaptation of Islamic law within the context of Indonesian Muslim family life. The KHI was formulated, among other purposes, to provide more uniform legal guidance applicable to the resolution of family disputes within the Religious Courts, including matters that had previously produced diverse interpretations due to differences in the fiqh sources relied upon (Zain & Alshodiq, 2005). Therefore, Article 211 cannot be understood adequately through a purely textual reading that simply contrasts the definitions of hibah and inheritance. Rather, it must be interpreted in light of its normative purpose, namely maintaining a balance between legal certainty regarding gifts already made and fairness in the distribution of family property after the parents' death. Within the framework of legal values, certainty, justice, and utility do not always occupy identical positions, and legal application therefore requires a balancing of these three values (Raharjo, 2008). Article 211 can perform this function provided that it is applied proportionately and does not displace the basic rules of Islamic inheritance.

The legal implication is that Article 211 should not be understood as a basis for equating all parental gifts to children with inheritance shares, but rather as an adjustment mechanism in situations where a gift has the potential to create injustice among heirs. This approach is important because an overly broad application could undermine legal certainty regarding gifts that have been validly completed, whereas an absolute rejection of Article 211 could eliminate a legal instrument capable of correcting inequalities arising in the distribution of family property. Accordingly, the parameters for applying Article 211 should include the validity of the gift, the recipient's status as an heir, objections from other heirs, and the impact of the gift on the overall balance of inheritance rights. This analysis confirms that the substance of Article 211 is not to make hibah an automatic substitute for inheritance, but to provide legal space for taking a gift into account proportionately where necessary to achieve justice in inheritance settlement.

Analysis of Article 211 of the Compilation of Islamic Law Based on the Theory of Maslahah

The findings show that Article 211 of the Compilation of Islamic Law may be understood as embodying the value of maslahah provided that its application is conditional and is not interpreted to mean that every parental gift to a child automatically becomes part of the inheritance. The element of public benefit arises because Article 211 provides a legal mechanism for preventing injustice where a gift is made only to certain children and subsequently gives rise to objections from other heirs. In such circumstances, taking the gift into account as part of the property already received by the beneficiary may serve to prevent disproportionate distribution that could trigger family disputes. Conversely, where all heirs accept the gift and no party considers itself disadvantaged, the application of Article 211 does not become mandatory. This finding indicates that the maslahah embodied in Article 211 lies in its corrective function under particular circumstances, namely preventing harm resulting from an imbalance in the distribution of family property, rather than automatically converting every gift into inheritance (Haroen, 1997).

The analysis based on the requirements of maslahah mursalah further indicates that Article 211 may be assessed through three principal criteria. First, the benefit must be real rather than merely speculative. In this context, the potential for injustice becomes tangible where one child has already received a substantial gift and subsequently remains entitled to an inheritance share, causing other children to feel disadvantaged. Second, the benefit must serve a broader interest rather than merely advantage a particular individual. The application of Article 211 is therefore directed toward maintaining balance in the legal relationships among heirs and preventing family conflict. Third, the claimed benefit must not conflict with legal principles established in the Qur'an, Hadith, and ijma' (Khallaf, 2002). Accordingly, Article 211 cannot be used freely to alter inheritance shares that have already been prescribed, but may instead function as an instrument for considering gifts previously received when concrete circumstances reveal an issue of fairness in the distribution of family property.

From a theoretical perspective, the concept of maslahah mursalah requires a balance between the textual foundations of Islamic law and evolving social needs. The use of maslahah is not intended to create rules detached from the nass, but rather to provide solutions to emerging problems where the textual sources do not regulate the specific form of the issue in detail (Farih, 2008). In the context of Article 211 of the KHI, the Qur'an has already established rules concerning inheritance shares, including in Q.S. An-Nisa [4]: 11-12, while the treatment of a parental gift made to one child before the death of the donor requires further consideration when the gift creates an imbalance among heirs. On this basis, Article 211 may be understood not as a replacement for the Islamic inheritance system, but as a form of

legal adaptation intended to address consequences arising from legal acts performed by the deceased during his or her lifetime.

The *maslahah* dimension of Article 211 may also be analyzed through the principle of preventing harm. The study refers to the principle that no action should cause harm to oneself or to others, as expressed in the Hadith *la darar wa la dirar* (an-Nawawi, n.d., p. 26). In the context of parental gifts to children, harm may arise where disproportionate transfers generate jealousy, feelings of unfair treatment, and disputes among heirs. Accordingly, taking a gift into account in the inheritance distribution may perform a preventive function when such consideration is genuinely necessary to avoid greater harm. Nevertheless, the principle of preventing harm also requires that Article 211 not be applied excessively. Recalculating every gift without regard to concrete circumstances may itself generate new legal problems by undermining legal certainty regarding gifts that were validly completed during the donor's lifetime. Therefore, the value of *maslahah* lies in proportionate rather than automatic application.

Viewed from the scope of its benefit, Article 211 also reflects the orientation of *maslahah* because the interest to be protected is not limited to the interests of the child who receives or does not receive the gift, but extends to fairness and stability within the family as a whole. Khallaf (2002) emphasizes that *maslahah mursalah* cannot be constructed solely to provide an advantage to a particular individual or group. In this context, Article 211 should therefore be directed toward achieving a balanced outcome for all heirs. This means that an objection raised by one heir does not by itself justify invalidating the gift or automatically transforming it into inheritance. It remains necessary to assess whether the gift has in fact produced a relevant imbalance or harm in the distribution of the estate. This approach is important so that *maslahah* is not used as a subjective justification for advancing the interests of one party, but rather as a basis for legal reasoning oriented toward justice and the prevention of family conflict.

Based on the overall analysis, Article 211 of the KHI may be situated within the framework of *maslahah mursalah* provided that its application satisfies three elements: the existence of a genuine benefit, an interest that is not merely individual in nature, and consistency with the fundamental principles of Islamic law (Khallaf, 2002). The *maslahah* underlying Article 211 is particularly related to the protection of family relationships, lineage, and property where parental gifts have the potential to create injustice. In this study, these values are positioned within an important sphere of protection because they relate to the preservation of family and property as part of the objectives of Islamic law (Haroen, 1997). Accordingly, Article 211 should not be understood as legitimizing the treatment of all parental gifts to children as inheritance, but rather as an alternative mechanism that may be applied in a limited manner where there is a genuine need to prevent harm and restore a fair balance of rights among heirs. Such an interpretation preserves the legal character of *hibah* as an *inter vivos* legal act while simultaneously positioning the principle of *maslahah* as a foundation for maintaining justice in the settlement of inheritance disputes.

4. CONCLUSION

The findings demonstrate that Article 211 of the Compilation of Islamic Law cannot be interpreted to mean that every parental gift to a child automatically becomes, or must necessarily be taken into account as, inheritance. *Hibah* and inheritance remain two distinct legal institutions, both in terms of the timing of the transfer of rights and their legal consequences. The use of the word "may" in Article 211 indicates that the provision is facultative in nature and is relevant only under certain circumstances, particularly where a gift is made to one or several children and subsequently creates inequality, objections, or disputes among the heirs after the parents' death. In such circumstances, the gift already received may be taken into account in the distribution of the estate as a mechanism for maintaining a fair balance of rights among the heirs. Conversely, where the gift was validly made and accepted by the heirs without giving rise to concerns of injustice, Article 211 does not necessarily need to be applied. Accordingly, Article 211 is more appropriately understood as a corrective norm and an alternative mechanism for resolving inheritance-related disputes rather than as a provision that equates *hibah* with inheritance.

From the perspective of *maslahah* theory, Article 211 of the KHI is grounded in considerations of public benefit provided that it is applied proportionately. Its beneficial function lies in preventing injustice, family conflict, and harm that may arise from disproportionate parental gifts. Nevertheless, the

application of *masalah* must satisfy the requirements that the intended benefit is genuine, serves a broader interest, and does not conflict with the fundamental principles of Islamic law. Therefore, Article 211 should be applied on the basis of the concrete circumstances of each case by considering the validity of the gift, the status of the recipient as an heir, the responses of the other heirs, and the impact of the gift on the overall balance of property distribution. Such an interpretation preserves legal certainty regarding gifts already made while maintaining the corrective function of Article 211 as an instrument for realizing justice and public benefit in the resolution of inheritance disputes among Muslim families in Indonesia.

References

- Amin Farih, *Kemaslahatan dan Pembaharuan Hukum Islam*, Semarang: Walisongo Press, 2008.
- Basyir, Ahmad Azhar, *Hukum Adat Bagi Umat Islam*, Yogyakarta: Nur Cahaya, 1987.
- Basyir, Ahmad Azhar, *Hukum Waris Islam*, Yogyakarta: UII Press, 2014.
- Haroen, Nasrun, *Ushul Fiqh I*, Jakarta: PT. Logos Wacana Ilmu, 1997.
- Harun, M. "penjelasan KHI pasal 211", 2012, dikutip dari Dede Ibin dalam <http://mharunn2.blogspot.co.id/2012/10/penjelasan-pasal-211-khi.html>.
- Khallaf, Abdul Wahhab, *Kaidah-kaidah Hukum Islam (Ilmu Ushulul Fiqh)*, Jakarta: PT. Raja Grafindo Persada, 2002.
- Manan, Abdul, *Aneka Masalah Hukum Perdata Islam di Indonesia*, Jakarta: Prenada Media Group, 2006.
- Mubarok, Jaih, *Ijtihad Kemanusiaan di Indonesia*, Bandung: Pustaka Bani Quraisy, 2005.
- Raharjo, Satjipto, *Biarkan Hukum Mengalir, Catatan Kritis tentang Pergulatan Manusia dan Hukum*, Jakarta: Kompas, 2008.
- Rofiq, Ahmad, *Hukum Perdata Islam di Indonesia, Edisi Revisi*, Jakarta: Raja Grafindo Persada, 2013.
- Saepullah, Usep, *Pemikiran Hukum Islam tentang Hibah (Analisis Fiqh dan Putusan Mahkamah Agung), Penelitian Individu*, UIN Sunan gunung Djati, Bandung, 2015.
- Shabuni, Muhammad Ali, *Pembagian Waris Menurut Islam*, Jakarta: Gema Insani, 1995.
- Soekanto, Soerjono, *Pengantar Penelitian Hukum, Cet 3*, Jakarta: Universitas Indonesia, 1986.
- Suparman, Erman, *Intisari Hukum Waris Indonesia*, Bandung: CV. Mandar Maju, 1995.
- Tim Redaksi Nuansa Aulia, *Kompilasi Hukum Islam (Hukum Perkawinan, kewarisan dan Perwakafan)*, Bandung: CV. Nuansa Aulia, 2013.
- Yahya bin Syarafuddin an-Nawawi, *Matan al-Arba'in al-Nawawiyyah fi al-Ahadits al-Shohihyyah al-Nabawiyyah*, Semarang: al-Barakah, Tt.
- Yanggo, Chuzaimah T, dan Hafiz Anshary, *Problematika Hukum Islam Kontemporer*, Jakarta: PT. Pustaka Firdaus, 1995.
- Zain, Muhammad dan Mukhtar Alshodiq, *Membangun Keluarga Humanis, Counter Legal Draft Kompilasi Hukum Islam yang Kontroversial Itu*, Jakarata: Grahacipta, 2005.