
	<p>Solo International Collaboration and Publication of Social Sciences and Humanities E-ISSN: 2988-3512 Vol.4, No.2, 2026, pp. 877-890 DOI: https://doi.org/10.61455/sicopus.v4i02.580</p>	
<p>Received January 10, 2026</p>	<p>Revised May 29, 2026</p>	<p>Accepted June 21, 2026</p>

Delay in the Distribution of Productive Inheritance Assets: A Sharia-Based Analysis Through the Methodology of Taha Jabir Al-Alwani

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Abstract

Objective: This study aims to analyze the validity of the postponement of inheritance distribution in productive assets using the perspective of maqāsid al-syari'ah Taha Jabir al-Alwani. The focus is to balance the provisions of inherited fiqh with the need to maintain the family's economic sustainability. **Theoretical framework:** The research uses the contemporary maqāsid al-shari'ah theory of Taha Jabir al-Alwani, which consists of three main pillars: al-Tauhid, al-Tazkiyah, and al-'Umran. These three pillars are the basis for assessing the benefits of postponing the distribution of inheritance. **Literature review:** A literature review discusses the differences between the classical fiqh of inheritance that encourages immediate division and the contemporary maqāsid approach that takes into account modern socio-economic conditions. The literature also covers the concept of productive asset management in Islam. **Method:** The research uses normative qualitative methods with a conceptual and maqāsid approach. The analysis was carried out through the method of al-jam'u bayna al-qirā'atain, which is to connect sharia texts with social reality. **Results:** The results of the study show that the postponement of inheritance distribution can be allowed if it meets the principles of justice (al-Tauhid), transparency and agreement (al-Tazkiyah), and is able to increase the economic benefits of assets (al-'Umran). If it causes conflict or loss, then the practice is not justified. **Implications:** This study provides guidelines for judges, mediators, and families in resolving disputes over the inheritance of productive assets. The results can be used as a basis for more benefit-oriented decision-making. **Novelty:** The novelty of the research lies in the use of maqāsid al-shari'ah Taha Jabir al-Alwani to assess the delay in the distribution of inheritance of productive assets. This research expands the concept of ḥifẓ al-māl from simply maintaining wealth to productive and sustainable wealth management.

Keywords: postponement of the distribution of inheritance, productive assets, maqasid al-shari'ah, taha jabir al-alwani, islamic inheritance law.

INTRODUCTION

The discussion of Islamic heritage is one of the main subjects of the field of sharia, which is regulated and detailed with the principles that have been affirmed in the Qur'an (QS. Id. at 11-12, 176. [1]). Over the centuries, the discourse on this subject has undergone changes and refinements. A fundamental principle in the text is the immediate distribution of the estate after the death of the heir, after the estate has been used to meet funeral needs, debt repayment, and the execution of the will [2].

Although normative provisions (Islamic law) have clearly regulated the distribution of inheritance, the practice of postponing the distribution of inheritance remains widespread and even cultured among Indonesian Muslim communities, especially in productive assets such as family businesses, agricultural land, commercial property, and other investment instruments. This phenomenon is inseparable from the role of customary law that contributes to the inheritance system. In other words, customary law is one of the main factors causing the failure of the implementation of Islamic inheritance law, which should be implemented immediately [3]. Elfia et al. mentioned that there is a legal dualism in the distribution of inheritance, namely, Islamic inheritance law and customary inheritance law. In practice, customary inheritance law seems more dominant than Islamic inheritance law [4].

The negative consequences of the practice of delaying inheritance distribution have been documented in a number of previous studies. Maimanah et al. explained that the people of Banjar who postpone the distribution of inheritance face various problems, including conflicts among heirs that have implications for the destruction of harmony in kinship relations, the inadequate management of inheritance assets, and the emergence of civil lawsuits between heirs in judicial institutions. Research in the city of Langsa shows that delays cause minor to severe conflicts, changes in the value of assets that cause a reduction in inheritance rights, and even cause a break in kinship ties [5]. Meanwhile, in Merauke, Papua, the delay in the distribution of inheritance caused disharmony in the family who became the heirs [6].

As public awareness of the negative risks inherent in the practice of postponing inheritance distribution has increased, some groups have begun to adopt pre-death wealth distribution mechanisms as an anticipatory measure to maintain the integrity of family relationships and prevent potential future disputes [7]. However, these preventive measures cannot be categorized as a definitive solution, considering that death is unexpected; it can happen to anyone, anytime, and anywhere, without any creature capable of knowing it other than God.

Previous studies have generally been normative-doctrinal that expressly prohibit procrastination, or those that are sociological in nature, describing the practice of procrastination without systematic legal reconstruction. There has been no specific study to analyze the delay in inheritance distribution on productive assets using the framework *Maqāsid al-Syari'ah*, a contemporary framework that is able to bridge the gap between text and reality. In the context of the modern family, productive assets require sustainable management in order to be more developed and can become the economic resilience of the family over time [8].

In the critical nuances of the academic literature, Zainal Muttaqin considers that the prohibition on the postponement of inheritance distribution does not apply completely; it must be distinguished between ordinary assets and productive assets [9]. By using the framework of *Al-Maslahah Al-Mursalah* al-Ghazali's version, he stated the possibility of postponing the distribution of productive inheritances with three conditions, namely the consent of all heirs, the existence of real benefits, and the profits from the development of assets are distributed proportionally according to the provisions in the Qur'an [10]. Although Muttaqin's contribution is significant, the research still rests on a framework of *Maqasid* classical and methodological *maslahah mursalah* al-Ghazali.

This research offers a new approach using the method developed by Taha Jabir al-Alwani with the method of *al-Jam'u bayna al-qirā'atain* (reading texts and reality) with three main pillars, namely *monotheism*, *tazkiyah* and *'umran*. This research aims to be able to find out about the delay in the distribution of inheritance in productive assets that are agreed upon and managed professionally, and can be justified in a *maqasid* manner. Thus, this study will fill the gap between normative studies that prohibit the absolute postponement of inheritance distribution and sociological studies that describe practices without legal reconstruction. This article will directly explain the application of the principle of *maqāsid* al-Alwani to

contemporary family economic issues, as well as offer the development of wealth as a new dimension in *hiḥẓ al-māl*, which has been understood statically so far.

LITERATURE REVIEW

Studies on the postponement of the distribution of inheritance have been widely carried out from the perspective of normative Islamic law. Most studies confirm that the distribution of inheritance should be carried out as soon as possible after the fulfillment of the heir's obligations in the form of funeral expenses, debt repayment, and the execution of the will [11]. The delay is considered to have the potential to hinder the transfer of property rights to heirs and open up opportunities for family disputes. Abduh's research shows that the tradition of delaying the distribution of inheritance in society is often contrary to the spirit of principle *ijbārī* in Islamic inheritance law, which places the transfer of inheritance rights as a legal consequence that takes place automatically after the death of the heir. Similar findings were also reinforced by Maimanah et al., who stated that the delay in the distribution of inheritance has the potential to cause internal family conflicts and unclear asset ownership status [12].

However, some empirical studies show that the practice of postponing the distribution of inheritance is still widely practiced in various regions in Indonesia. A study by Dahliani et al. in Langsa City found that emotional factors, respect for the surviving parents, and considerations for maintaining family relationships were the main reasons for the delay in the distribution of inheritances [13]. Research by Susanto et al. in Merauke also shows that postponement of inheritance is often carried out to maintain family harmony, even though it can ultimately give rise to new conflicts. These findings show that there is a gap between the legal norms of Islamic inheritance and the social reality that is developing in Indonesian Muslim society [14].

In addition to social factors, legal pluralism in Indonesia also influences the practice of inheritance. Djawas et al. explained that Indonesia's inheritance system is at the intersection of Islamic law, customary law, and civil law, thus giving birth to various forms of inheritance distribution practices [15]. Elfia et al. found that in Javanese and Minangkabau societies, customary values are often more dominant than fiqh provisions in determining the mechanism of inheritance. This condition causes the practice of postponing the distribution of inheritance to be understood solely as a violation of religious norms, but also as part of the social and cultural construction that develops in society [16].

Recent developments in the study of Islamic inheritance law have begun to direct attention to the concept of productive inheritance. Rajafi introduced the idea of productive inheritance as a model of inheritance management that is not only oriented to the distribution of assets, but also to the development of the economic value of property for the welfare of the heirs [17]. Furthermore, Muttaqin specifically examines the delay in the distribution of productive inheritances through the approach of *al-maṣlaḥah al-mursalah* and concludes that the delay can be justified if it obtains the consent of all heirs, provides real benefits, and still guarantees the distribution of profits in proportion to their respective rights [18]. These findings show that there is room for flexibility in Islamic inheritance law when the object of inheritance is in the form of assets that have productive and sustainable value.

Nevertheless, previous studies are still dominated by classical fiqh approaches and traditional *maṣlaḥah* theory. There have not been many studies that use the framework of contemporary *maqāṣid al-syarī'ah*, especially the thought of Taha Jabir al-Alwani with the concept of *al-maqāṣid al-'ulyā al-ḥākimah*, which consists of *al-Tauḥīd*, *al-Tazkiyah*, and *al-'Umrān*. In fact, the framework offers an integrative approach through the *al-jam'u bayna al-qirā'atayn* method that seeks to bring together the reading of the text of revelation and social reality at the same time. Therefore, this study seeks to fill the literature gap by analyzing the delay in inheritance distribution on productive assets using the perspective of *contemporary*

maqāṣid al-Alwani in order to produce a legal formulation that is more responsive to the needs of modern Muslim families.

Table 1. Comparison Table of Previous Research and Research Gap

Researcher & Year	Study Focus	Key Findings	Research Limitations	Current Research Position
Abduh (2021)	Delay in the distribution of inheritance from the perspective of Islamic law	The postponement of inheritance is seen as inconsistent with <i>the principle of ijbārī</i> because inheritance rights are supposed to transfer automatically after the death of the heir.	Focusing on the normative aspect of fiqh and has not considered the management of productive assets.	Examine the postponement of inheritance not only from the normative aspect, but also the socio-economic benefits of productive assets.
Maimanah et al. (2024)	Legal impact of delaying inheritance distribution	Delays have the potential to cause family conflicts and unclear property ownership status.	It has not discussed the conditions under which the delay actually produces benefits for the heirs.	Assess whether the postponement is justified if it provides a collective benefit and still safeguards the rights of the beneficiaries.
Dahliani et al. (2018)	Practice of postponing inheritance in Langsa City	Emotional factors, respect for parents, and family harmony are the main reasons for postponing inheritance.	Focus on social realities without analysis of <i>maqāṣid shari'ah</i> .	Linking the social practice of postponing inheritance with the framework of <i>contemporary maqāṣid</i> .
Susanto et al. (2025)	Procrastination of heirs in Merauke society	The delay is done to maintain family relationships, but it can give rise to new conflicts in the future.	It has not studied the management of heritage that is productive and sustainable.	Examine the procrastination model accompanied by the management of productive assets and the distribution of benefits.
Djawas et al. (2022)	Pluralism of inheritance law in Indonesia	The practice of inheritance is influenced by the interaction of Islamic law, custom, and civil law.	It does not specifically discuss the delay in the distribution of inheritance on productive assets.	Placing the practice of procrastination in the context of legal pluralism and modern economic needs.
Elfia et al. (2023)	The influence of customs on the distribution of inheritance	Customary values are often more dominant than fiqh provisions in inheritance practice.	It has not yet developed a legal formulation that integrates text and social reality.	Using an integrative approach of <i>maqāṣid al-syarī'ah</i> to read the relationship between social norms and practices.
Rajafi (2016)	The concept of productive inheritance	Inheritance can be managed productively to	It has not addressed the legitimacy of the	Developing the concept of productive

		improve the welfare of the heirs.	delay in the distribution of inheritance from the perspective of <i>contemporary maqāšid</i> .	inheritance through the analysis of the delay in the distribution of productive assets.
Muttaqin (2023)	Procrastination of productive inheritance through <i>the approach of al-mašlahah al-mursalah</i>	A postponement can be justified if it is agreed upon by all beneficiaries and provides tangible benefits.	It still uses the classical <i>mašlahah</i> approach and has not used the <i>framework of maqāšid</i> al-Alwani.	Using the perspective of <i>contemporary maqāšid al-syarī'ah</i> , Taha Jabir al-Alwani as the main analytical knife.
Najidah (2016)	The thoughts of <i>maqāšid al-syarī'ah</i> Taha Jabir al-Alwani	Explain the concepts of <i>al-Tauhīd</i> , <i>al-Tazkiyah</i> , and <i>al-'Umrān</i> as the highest <i>maqāšid</i> of the shari'a.	It is not applied to the issue of inheritance law.	Applying the theory of <i>maqāšid</i> al-Alwani in the case of delaying the distribution of inheritance of productive assets.

METHODOLOGY

This research is a library research with a type of normative legal research. With normative legal research, the researcher wants to position law as a building of a system of norms, principles, and rules of laws and regulations in Islamic heritage, accompanied by Taha Jabir al-Alwani's thoughts on *maqāšid al-shari'ah* [19]. This study fully examines both primary literature sourced from the original works of Taha Jabir al-Alwani and secondary data in the form of accredited journal articles, mawaris fiqh textbooks, and relevant academic literature. Data collection was carried out through documentation study techniques and systematic literature review from trusted academic databases (Scopus, DOAJ and Garuda).

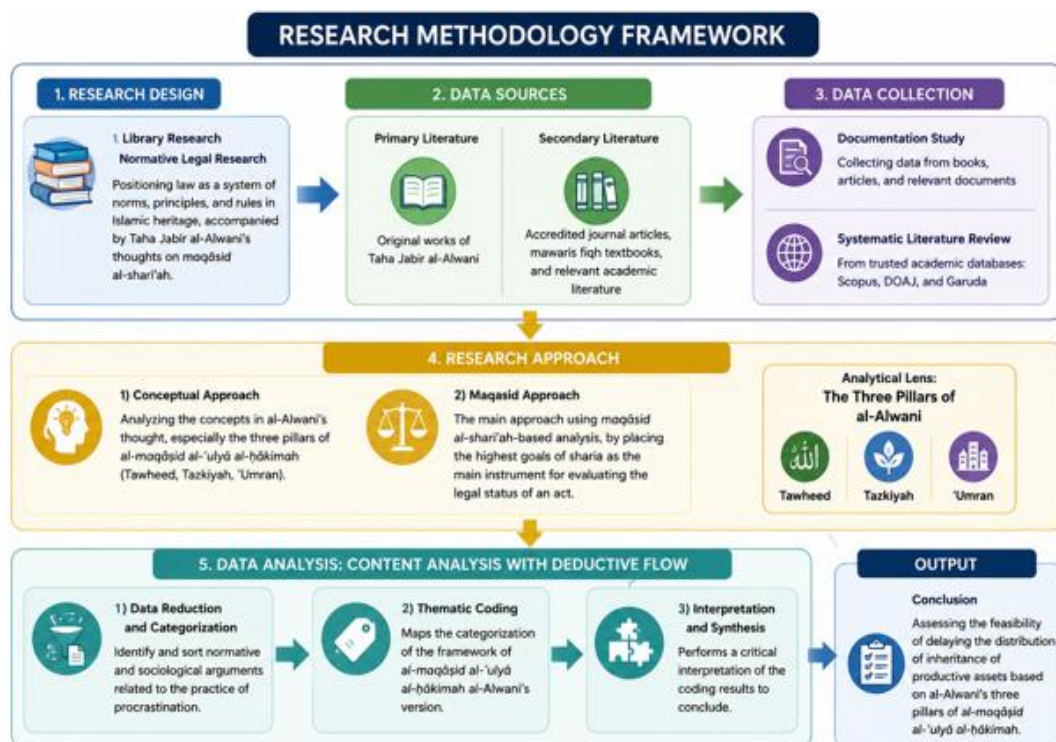


Figure 1. Research Methodology Framework

The approach in this study is a qualitative approach with specific approach qualifications, namely 1) a conceptual approach, to analyze the concepts in al-Alwani's thought, especially the three pillars of *al-maqāṣid al-'ulyā al-hākimah* (*Tawheed, Tazkiyah, 'Umran*), 2) the *Maqāsid approach*, as the main approach using *maqāṣid al-shari'ah-based* analysis, by placing the highest goals of sharia as the main instrument for evaluating the legal status of an act. The analytical lens used is the three pillars of al-Alwani to assess the feasibility of delaying the distribution of inheritance of productive assets.

To process the data, this study uses a content analysis technique with a deductive analysis flow structured in three specific stages, namely 1) data reduction and categorization, which is used to identify and sort normative and sociological arguments related to the practice of procrastination, 2) thematic coding, which maps the categorization of *the framework of al-maqāṣid al-'ulyā al-hākimah* al-Alwani's version, 3) interpretation and synthesis, which performs a critical interpretation of the coding results to conclude.

RESULTS AND DISCUSSION

The Problem of Delaying the Distribution of Inheritance

Normatively, scholars agree that the distribution of inheritance can be done immediately after the death of the heir, although it is not explicitly regulated by nash regarding the immediate distribution [20]. The provisions in QS. An-Nisa verses 11-12, which regulate the share of each heir, are not accompanied by an imperative order for the immediate distribution of inheritance. In Islamic inheritance law, one of the principles is known as the principle of *ijbari*. The principle of *ijbari* is coercive in nature and must comply with the stipulations that have been in the Qur'an. The existence of this principle can be seen from the transfer of assets, the amount of assets and to whom the transfer is made. Transfer of property to heirs in basic provisions *Ijbari* switch on its own without the efforts of others [21].

The nature of the *ijbari* principle regarding the transfer can be interpreted as the distribution of inheritance must be carried out as soon as possible and should not be delayed. This is in accordance with the rules *Al-Aslu Fi Al-Amri Yaqtadi Al-Faura*. [22]. However, although the opinion of scholars is more likely to be carried out immediately, the provisions in the Nash of the Qur'an do not have an imperative order for immediate renewal. Expediting division is one of the good deeds to avoid conflicts in the future. Inheritance is a trust left by the heirs to be immediately fulfilled by the owner, namely, the heirs. Delaying the distribution of inheritance can be categorized as an act to take away the rights of others and an act of manipulation of other people's property [23].

Maimanah et al. revealed that classical fiqh scholars have distinguished between delays in distribution caused by technical factors, such as the existence of an unknown heir, a fetus in the womb, and delays caused by socio-cultural factors. Delays in the distribution of inheritance due to technical reasons are generally allowed, but delays without a clear reason tend to be less permissible because they often cause inequality [24]. The absence of sanctions for postponement is a loophole for the community to continue practicing it.

The problem of delaying the distribution of inheritance in Indonesia cannot be separated from the plural social structure of its society. This can lead to fundamental differences between inheritance law practices in Indonesia and in other regions. Mursyid Djawas et al explained the role of culture in influencing the construction of national law contained in the Compilation of Islamic Law (KHI), in contrast to the construction of inheritance law in fiqh, which is more based on rules *Al-'ādah al-muḥakkamah* [25].

Abubakar et al. explained the reasons for the delay in the distribution of inheritance, which was caused by traditions that had been running for a long time, one of the parents was still alive, the economy was not sufficient, reluctance to talk about inheritance, embarrassment to ask for an immediate distribution, and was not old enough [26]. From these reasons, he is of

the view that the custom of postponing the distribution of inheritance is *Urf Sahih* and *Urf Fasid*.

On the other hand, countries that implement the hybrid system (Islamic law, customary law, and civil law) in the inheritance system have given rise to new problems in the legal system in Indonesia. This can be proven by the number of inheritance cases that have entered the court [27]. The character of the three legal systems has fundamental differences, customary law that is flexible and value-dependent in society, Islamic law that remains with provisions in the nash, and civil law that is individualistic and freedom-oriented, so that the character of each legal system is difficult to find a middle point [28].

The problem is even more complex when the inheritance that is postponed is a productive asset such as family businesses, agricultural land, commercial property and other investment instruments. This is certainly different from consumptive assets that can be divided without any disruption of their economic value; productive assets require sustainable management in order to develop and be able to maintain resilience over time [29]. Basically, the delay in the distribution of productive assets is caused by the desire to maintain business continuity, maintain integrity, maintain asset disintegration, and maintain productivity. However, poor management of productive assets can cause new problems, such as management conflicts, asset declines due to incompetent management, and legal disputes between heirs [30]. Thus, the postponement of the distribution of inheritance on productive assets requires a separate study that cannot be equated with assets with consumptive value.

From this presentation, it can be seen that the problem of delaying the distribution of inheritance is not only normative-technical, but also socio-cultural. Normatively, in the Qur'an, it is not imperative *for the immediate* distribution of inheritance, but the scholars tend to oblige the immediate distribution based on the principle of *ijbari* and *al-aslu fi al-amri yaqtadi al-faura*. Delays without *Sharia* reasons are considered to cause harm, such as family conflicts, damage to family harmony, loss of inheritance rights, and civil disputes. This problem is further complicated by the application of legal pluralism (Islamic law, customary law, and civil law), which has its own character [31]. The specificity of productive assets adds a new approach that not only prohibits and justifies absolute procrastination, but is able to play a central role in bridging the demands of the text and the socio-economic realities of the Muslim family today.

Table 2. Factors and Impacts of Legacy Distribution Delays

Delay Factors	Explanation	Positive Impact	Negative Impact
Emotional factors	Honouring the surviving parents	Maintain temporary family relationships	Potential future conflicts
Customary factors	Following the customs of the community	Maintaining social legitimacy	Contrary to Islamic inheritance law
Economic factors	Maintaining the continuity of the family business	Assets remain productive	Abuse of management
Technical factors	Unknown heirs or still fetuses	Protecting the rights of heirs	Delaying legal certainty
Legal pluralism factors	Differences in the legal system used	Flexibility of completion	Legal uncertainty

Maqasid al-Alwani as a Framework for Analysis of Procrastination of Heirs

Taha Jabir al-Alwani is a Muslim scientist who was born in 1935 in Iraq. He studied higher education from the faculty of Sharia and Qanun of al-Azhar University, Cairo, from

undergraduate to obtain a doctorate with cum laude predicate in the field of Ushul al-Fiqh [32]. Before moving to the United States, he worked as a scholar and lecturer in Islamic studies at the Iraqi Military Academy, then taught Islamic Law at al-Imam Muhammad bin Sa'ud University, Riyadh, Saudi Arabia. After that, he began to be involved with Western intellectual activities and became part of the International Institute of Islamic Thought (IIIT) and the Fiqh Council of North America (FCNA) [33]. He is an active and productive scholar in Islamic law, jurisprudence, ushul fiqh, Qur'anic knowledge and Islamic thought. He died on March 4, 2016, in Ireland while en route to Washington, D.C. [34].

As one of the contemporary Islamic intellectuals, al-Alwani has a great interest in the field of Islamic law. Al-Alwani is of the view that the crisis of Islamic law was caused by the decline of *ijtihad*, based on his analysis of the history of *ijtihad* and the emergence of *taqlid* due to the widespread idea of closing the door of *ijtihad* in the tenth century, with the departure of al-Tabari as the last *mujtahid* [35]. The development of *taqlid* in the tenth century is a consensus assumption about *Stuart O'T* Participating in one of the four schools is a must. Al-Alwani desires to propose that the dynamics of *ijtihad* should be used in the restructuring of Islamic methodology for the Islamization of contemporary knowledge, which he builds on the inevitability of freeing oneself from the knowledge of Western science, the concepts and categorizations that they have built [36]. He wants to build an attachment of *nash* and reason, emphasizing that Muslims, to overcome problems, use the relationship between science, religion and empirical reality, which can increase the understanding of *ijtihad* [37].

He has offered the concept of *maqasid sharia* that is different from the concept of classical scholars. The concept he offers is *Al-Maqasid al-'ulya Hakimah*, which consists of the principle *al-Tauhid* (oneness of Allah), *al-Tazkiyah* (self-cleaning), and *Al-'Umran* (civilization). These three are the result of a synthesis of the basic principles of Allah's provisions and are placed as values, *Maqasid*, compared to the concept of *Maqasid* Previous. The birth of this concept is the result of al-Alwani's thorough reading of the Qur'an with the method he has developed, which is named after *Al-Jam'u Baina Al-Qira'atain* (convergence between two readings). The motto is: First, *Qiraat al-wahy*, which is based on the initial command of the Qur'an with the command *Iqra' Bismi Rabbika*, which contains the commandment to understand the Qur'an correctly. Second, *Qira'at al-Kaun*, which is based on the reading of the phenomena of the universe and the obligation to study all things, the traces of the previous *ummah* [38].

Al-Tauhid has been placed in a central position in the concept *al-Maqāṣid al-'ulyā al-ḥākimah*, which is the foundation of the entire Islamic legal system and thought. In addition, *al-Tauhid* becomes a standard of judgment that connects God with His creation and vice versa, an explanation of Islamic teachings about life in this world or in the hereafter [39]. In the context of postponing the distribution of the inheritance of productive assets, the principle of monotheism directs that all legal actions reflect Divine justice and trust. The delay in the distribution was not caused by negligence or neglect of the rights of the heirs, but because of the desire to maintain the trust in the form of productive assets in order to provide benefits for all heirs. With this principle, discriminatory or exploitative delays are strongly opposed, which opens up space for postponements aimed at maintaining the common good as long as they do not violate divine justice.

While *al-Tazkiyah* is one of the pillars that becomes the prophetic mission that makes man a caliph. In the framework of al-Alwani, it is not only interpreted as the purification of the soul individually, but also includes the purification of the social and economic system from destructive practices [40]. Related to the postponement of inheritance on productive assets, *al-Tazkiyah* demands a clean intention from the heirs and managers of these productive assets. The delay is not based on elements of greed, fraud, or an attempt to eliminate the rights of part of the heirs. The orientation of the delay is to clear the management of the estate from potential conflicts and ensure each heir obtains his or her rights proportionately.

Tazkiyah. It also demands transparency and accountability in the management of productive assets that have been postponed by distribution.

Al-'Umran As the third pillar, it is the most relevant to the issue of productive assets. *Al-'Umran*, which means the civilization or prosperity of the earth, is the ultimate goal of the sharia [41]. In contrast to the classical maqasid, which emphasizes *Hifz al-Mal* statically, *Al-'Umran* has shifted to a more dynamic understanding, where wealth is not only protected but developed for the benefit of human civilization. In the context of the postponement of the inheritance of productive assets, this pillar justifies, as long as the postponement is aimed at developing assets, increasing economic value and can provide long-term benefits for the heirs, this can be justified in a maqasid manner. Thus, *Al-Umran* encourages a reorientation from the distribution of inheritance to the development of inheritance as a form of human caliphate on earth.

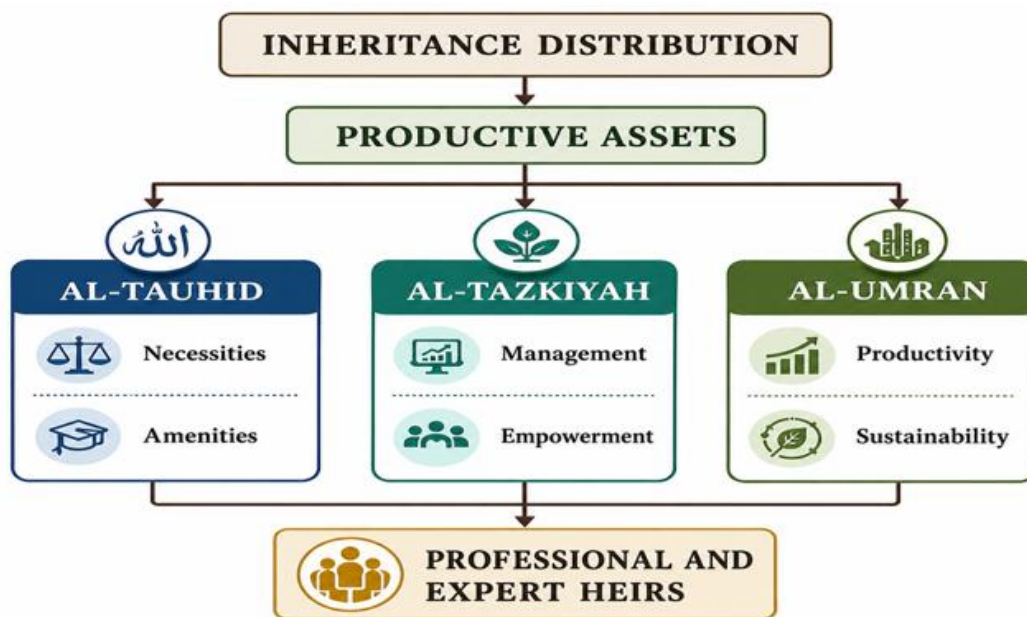


Figure 2. Drawing of a conceptual diagram of the delay in the distribution of inheritance

The three pillars work integratively. *Al-Tawheed* ensures that the postponement does not violate the values of divinity and justice, *al-tazkiyah* ensures that the postponement process is free from bad intentions and manipulative practices, while *al-'umran* ensures that the postponement process has a real contribution to the benefit and civilization. With the framework of maqasid al-Alwani, the perspective offered is that there is no a priori prohibition on the postponement of the distribution of the inheritance of productive assets, but it can be absolutely justified. This framework provides ethical and theological parameters to judge whether or not the delay in inheritance distribution is justified.

The Application of the al-Alwani Framework to Procrastination of Productive Inheritance

The application of al-Alwani's framework to the delay in the distribution of inheritance on productive assets requires contextual analysis rather than just rigid normative assessments. Productive assets are different from consumptive assets because they are not only valuable as an object of ownership, but also as a means of family economic sustainability [42]. Under certain conditions, the movement of productive inheritances often results in greater profits and can be enjoyed by extended families from generation to generation. The distribution of productive inheritance is seen as more progressive and responsive to the development of the

times. Therefore, the delay cannot be directly positioned as a violation of sharia without an assessment of its purpose, mechanism and impact.

From the perspective of monotheism, productive assets must be understood as a trust whose use is intended for the common good, reflecting justice for the heirs, not the dominance of one of the heirs over the inherited assets. In practice, monotheism requires certainty that the delay is not carried out due to discriminatory motives against certain heirs. Therefore, the delay can be justified if all heirs know their respective shares and realize that the assets managed are not private property, but remain in a collective responsibility that must be maintained fairly. This principle requires the recognition of the rights of each heir from the beginning, even if the division has not yet been implemented. Full awareness of the heirs of the delay is a form of monotheism that can be justified. The implication is that the management of productive assets must be supervised with a transparent and accountable mechanism because every management will be held accountable before Allah. Procrastination that benefits some heirs and harms others is a violation of the value of monotheism and is contrary to the purpose of justice in inheritance.

From the side of *al-tazkiyah*, this principle emphasizes the principle of purifying intentions, processes and systems from negative elements such as greed, cheating, and neglect of rights. In the context of the postponement of the inheritance of productive assets, *Al-Tazkiyah* is an instrument to test the motive of the postponement agreement, because this principle demands transparency, honesty and accountability. Al-Alwani stated that *tazkiyah* includes *Tazkiyah al-Niyyāt* and *Tazkiyah al-a'māl*. In practice, the delay in the inheritance of productive assets must meet the indicators *Tazkiyah*, including: 1) there is a written agreement from all heirs who are mature and sensible, 2) appointment of competent and trustworthy management, 3) a profit-sharing system and profit distribution periodically and proportionally to the share of each heir, 4) there is no element of abandonment of inheritance rights in the long term without a valid reason. If one of these indicators is not met, the practice of postponement can lose justification in terms of *Tazkiyah* and falls under the category of prohibited tyranny [43].

Meanwhile, from the point of view of *al-'umran*, it is the main pillar that distinguishes the framework of *maqasid al-Alwani* from the framework of classical *maqasid*. *Al-'Umran* encourages that inheritance is not only divided and consumed, but also managed to build civilization and prosperity on earth. In the context of productive assets, the delay can be justified if the delay is rationally proven to be able to survive and increase the value of the productive assets, and the increase can provide benefits for all heirs proportionately. On the other hand, if the delay causes a decrease in the value of assets, causes management conflicts, or economic stagnation, then the delay is contrary to *al-'umran*. Al-Alwani emphasized that any legal action that hinders the prosperity of the earth must be reviewed, even if it appears to be textually justified. *Al-'umran* provides flexibility and clear limits where procrastination is permissible as long as it is a cause for collective benefit and is not a cause of damage.

Thus, the framework of *maqasid al-Alwani* does not merely allow or prohibit dichotomously, but provides a continuum of justification where a practice of postponing the practice of postponement is judged from the degree of fulfillment of monotheism, *tazkiyah* and *'umran*. The stronger the level of compliance with these three principles, the stronger the Sharia justification for the postponement. However, if there is a violation of one of these pillars, then the delay in the distribution of inheritance can lose the legitimacy of the *maqasid*, even though an agreement has been reached by the heirs. This can be offered to judges and family mediators to resolve disputes over the inheritance of productive assets in Indonesia, which are legally and culturally plural.

Table 3. Parameters for Assessing the Delay of Productive Heirs According to Al-Alwani

Pilar Maqasid	Indicator	Implications for Procrastination
<i>Al-Tauhid</i>	Justice, trust, and recognition of the rights of all heirs	Delays are allowed if there is no discrimination
<i>Al-Tazkiyah</i>	Transparency, goodwill, written agreement	Delay must be free from manipulation
<i>Al-'Umran</i>	Asset productivity, economic sustainability	Deferment should increase asset utilization

Table 3 presents the parameters used to assess the permissibility of delaying the distribution of productive inheritance assets based on Taha Jabir al-Alwani's maqāṣid al-sharī'ah framework. These parameters are derived from al-Alwani's three higher objectives of Islamic law, namely al-Tawhid, al-Tazkiyah, and al-'Umran, which serve as evaluative criteria for determining whether a postponement of inheritance distribution is consistent with Islamic ethical and legal principles.

The first pillar, al-Tawhid, emphasizes justice, trustworthiness, and the recognition of the legitimate rights of all heirs. From this perspective, delaying the distribution of productive assets is permissible only when the rights of every heir are protected and no party experiences discrimination, marginalization, or unjust deprivation. The second pillar, al-Tazkiyah, focuses on moral purification, transparency, sincerity, and mutual consent among the heirs. Accordingly, any decision to postpone the distribution process must be based on goodwill, clear communication, and documented agreements, ensuring that the delay is free from manipulation, coercion, or hidden personal interests.

The third pillar, al-'Umran, highlights social welfare, economic development, and sustainable asset management. Under this principle, delaying the distribution of productive inheritance assets can be justified if it contributes to greater economic productivity, preserves the value of the assets, and generates long-term benefits for all heirs. Therefore, the permissibility of postponement depends on its ability to realize justice, ethical integrity, and collective prosperity.

CONCLUSION

This study aims to analyze the validity of the delay in the distribution of inheritance in productive assets through the lens of the contemporary maqāṣid al-sharī'ah of Taha Jabir al-Alwani. Using a normative qualitative approach and the method of al-jam'u bayna al-qirā'atain (convergence of text and reality), this study reconstructs the law of inheritance, which is no longer an absolute dichotomous, but adaptive to the socio-economic reality of the modern Muslim family. The results of the study show that the delay in the distribution of the inheritance of productive assets can be justified according to sharia if it meets the parameters of the three pillars of al-maqāṣid al-'ulyā al-ḥākimah. First, the principle of al-Tauhid guarantees that the delay is aimed at maintaining collective trust and justice, not to discriminate or monopolize the rights of certain heirs. Second, the principle of al-Tazkiyah requires clean intentions, transparency, written agreements, competent management, and proportionate distribution of profits in order to cleanse the process from elements of greed, fraud, and tyranny. Third, the principle of al-'Umran is the main justification, where the delay must be able to significantly increase the value of assets, prevent economic stagnation, and provide long-term benefits for the sustainability of the family. On the other hand, if the practice of postponement actually causes a decrease in the value of assets, triggers management conflicts, or ignores inheritance rights within an unreasonable period of time, then the practice automatically loses its legitimacy of maqasid. By implication, al-Alwani's framework of thought offers practical ethical and theological parameters for mediators,

judges, and families in formulating agreements or resolving disputes over the distribution of productive assets in the midst of legal pluralism in Indonesia. These findings also contribute to developing the dimension of *hifz al-māl* from a static understanding to a dynamic and sustainable management of wealth.

Acknowledgments

The authors would like to express their sincere gratitude to Universitas Islam Indonesia for providing academic support and research facilities. Appreciation is also extended to colleagues and reviewers whose valuable insights and constructive feedback contributed significantly to the completion of this study.

Author Contribution

Tri Hasan Bashori conceptualized the study, conducted data collection, analysis, and manuscript drafting. Asmuni supervised the research process, contributed to the theoretical framework, and reviewed the manuscript critically.

Conflicts of Interest

All authors declare that there are no financial, professional, or personal conflicts of interest that could have influenced the research process, data interpretation, or publication of this manuscript. The study was conducted independently and objectively.

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