



Who Speaks on Behalf of God in Law? Critical Reflections on Maqāṣid and Wasiat Wājibah for Non-Muslim Heirs in Indonesia

Ach. Rosidi Jamil* | Sekolah Tinggi Agama Islam (STAI) Al Mujtama, Pamekasan | Indonesia

Ludfi | Sekolah Tinggi Agama Islam (STAI) Al Mujtama, Pamekasan | Indonesia

*Correspondence: rosidi.jamil91@gmail.com

Abstract

This study investigates how divine authority within Indonesian Islamic law is being reconstituted through a critical epistemological lens that combines maqāṣid principles with Derridean deconstructive methods and Foucault's analysis of power-knowledge relationships. Moving beyond traditional frameworks that conceptualize divine authority as an unchanging, timeless quality inherent in legal scripture, the research contends that assertions of authority within Islamic jurisprudence emerge through discursive construction and institutional bargaining shaped by particular historical and political circumstances. With Indonesia as its focal point, the study explores the mediating role of fatwā-issuing bodies and Religious Courts in articulating legal authority within a context marked by plural legal systems and increasing expectations for meaningful justice. This epistemological approach is applied to analyzing the reinterpretation of wasiat wājibah (obligatory bequest) as it pertains to non-Muslim inheritors—a doctrinal evolution that illustrates Indonesia's unique approach to Islamic law within its religiously diverse society. Employing qualitative textual examination and genealogical methodology, the research reveals how deconstructive analysis dismantles fixed dichotomies including divine/human authority and text/context, while maqāṣid al-sharī'ah furnishes normative guidance for ethical reformulation centered on justice ('adl), public welfare (maṣlaḥah), and human dignity (karāmah). Results indicate that Indonesian Islamic legal application, especially judicial creativity in inheritance matters, represents a fluid and contextually responsive balancing act between doctrinal commitment and societal conditions. By conceptualizing Islamic law as a developing ethical conversation rather than immutable divine prescription, this research makes theoretical contributions to Islamic legal philosophy and empirical contributions to comprehending contemporary Islamic legal transformation in Indonesia. The study provides insights relevant to fatwā development, judicial interpretation, and wider discussions concerning Islamic law, pluralism, and governance throughout Southeast Asia.

Keywords: Critical–Maqāṣid Epistemology, Derridean deconstruction, Foucauldian power, Wasiat wājibah, Islamic legal reform

Received: November 09, 2025 | Revised: November 20, 2025 | Accepted: December 25, 2025



INTRODUCTION

Islamic legal debates have long revolved around tensions between scriptural texts (*al-naṣṣ*) and rational thought (*al-ʿaql*). Traditional jurisprudence (*fiqh*) was historically understood as clearly manifesting divine intent within society. Contemporary scholarship on Islamic law, however, has challenged the notion that legal rulings represent God's unfiltered voice. Researchers now recognize that all legal determinations undergo human interpretive processes shaped by historical circumstances, political interests, and ideological frameworks (Abou El Fadl, 2001; Hallaq, 1997). Consequently, divine authority within Islamic legal systems should be understood not as self-evident textual reality but as epistemological claims constructed through interpretation. Contemporary scholarly discussions frequently frame this tension as dialogue between *Usūlī*-conventional approaches—prioritizing textual sources, structured legal analysis, and *bayānī* methods—and progressive-critical perspectives associated with thinkers like Fazlur Rahman, Mohammed Arkoun, and Jasser Auda. These progressive scholars emphasize historical context, ethical objectives, *maqāṣid al-sharīʿah*, and holistic systems-based approaches to legal interpretation (Audah, 2008; F. Rahman, 1982). This shift reflects broader epistemological transformation: reconceptualizing Islamic law not as immutable divine decree but as dynamic tradition responsive to evolving contexts.

Within Indonesia's contemporary socio-legal environment, debates over divine authority extend beyond methodology into institutional and discursive realms. Drawing on Michel Foucault's framework linking truth claims to power/knowledge structures, Islamic law derives legitimacy from institutions controlling authoritative religious speech (Foucault, 1980). Here, the Indonesian Ulema Council (Majelis Ulama Indonesia-MUI) and Religious Courts (Peradilan Agama) play critical roles. Through *fatwās*, court rulings, and procedural mechanisms, these bodies shape public understanding of orthodoxy, legal validity, and religious authority (Gillespie, 2007; Hasyim, 2019; Sirry, 2013). Research demonstrates how MUI pronouncements—particularly concerning pluralism and *Ahmadiyya*—reinforce discursive boundaries affecting religious debate, policy development, and judicial logic (Hasyim, 2019). This institutional framework operates within Indonesia's broader legal pluralism, where Islamic law intersects with state legislation, customary (*adat*) norms, and international human rights frameworks. Within this complex landscape, claims to divine authority increasingly confront demands for social equity, gender justice, and protection of vulnerable communities (Kharlie et al., 2021; Nurlaelawati & Salim, 2013; Ropi, 2017).

Islamic legal authority in Indonesia thus emerges through ongoing negotiation among normative tradition, state structures, and evolving social expectations. This study employs Jacques Derrida's deconstructive approach to interrogate persistent epistemic dichotomies—divine versus human authority, text versus reason, revelation versus context—that often constrain Islamic law's ethical adaptability (Derrida, 1976). Deconstruction does not reject revelation but exposes internal tensions, logical paradoxes, and deferred meanings (*différance*) embedded within legal texts and interpretive traditions. By destabilizing claims to fixed meaning, deconstruction creates interpretive space for justice-oriented readings faithful to Islamic law's ethical core. Combined with Foucault's genealogical analysis of authority, this

approach demonstrates that divine command claims are textually constructed, institutionally validated, and historically contingent rather than inherently immutable (Foucault, 1980).

To avoid relativistic pitfalls, this critical analysis remains normatively anchored in *maqāṣid al-sharīʿah*. Post-deconstructive reconstruction targets substantive ethical objectives—*al-ʿadl* (justice), *maṣlaḥah* (public welfare), and human dignity—rather than rigid textual literalism detached from lived experience (Audah, 2008; F. Rahman, 1982). *Maqāṣid* functions here as ethical guide orienting interpretive reconstruction while preserving doctrinal coherence. Indonesian jurisprudence offers compelling illustration through *wasiat wājibah* (obligatory bequest) for non-Muslim heirs. Classical interpretations—primarily relying on literal readings of prophetic traditions concerning interfaith inheritance—categorically exclude non-Muslim relatives from succession rights. Indonesian courts, however, have increasingly recognized *wasiat wājibah* as judicial instrument protecting close relatives otherwise disadvantaged by strict inheritance rules. This approach realigns inheritance law with *maqāṣid al-sharīʿah*, balancing normative consistency with ethical responsiveness (Fatahullah et al., 2025; Ilhami, 2016; Puspantoro, 2025).

This evolution demonstrates how divine authority claims within Islamic law are negotiated across *fatwā* institutions, judicial practice, and statutory systems—reflecting Foucault’s power/knowledge framework and Derridean textual-ethical tensions (Hasyim, 2019; Sirry, 2013). It corresponds with broader Indonesian family law reform trends, where courts increasingly prioritize substantive justice over procedural rigidity to protect vulnerable parties across diverse social settings (Kharlie et al., 2021; Nasution & Nasution, 2021). Existing scholarship examines various dimensions of these changes. Research has analyzed MUI’s institutional role and *fatwā* dynamics within pluralistic Indonesia (Hasyim, 2019; Sirry, 2013), while studies on *maqāṣid* in MUI pronouncements reveal both its normative potential and limited progressive application (Syafei, 2017). Legal research documents doctrinal and jurisprudential developments regarding *wasiat wājibah*, including its extension to non-Muslim heirs through judicial decisions and creative statutory reading (Fatahullah et al., 2025; Ilhami, 2016; Puspantoro, 2025; Putri et al., 2024).

Nevertheless, theoretical gaps remain regarding systematic integration of Derridean deconstruction and Foucauldian power/knowledge analysis into Islamic legal epistemology, particularly as connected to Indonesian institutions and applied to *wasiat wājibah* cases. This research fills this gap by synthesizing critical theory with *maqāṣid*-based normative reconstruction. It pursues three objectives: first, examining how divine authority claims in Islamic law are constructed and legitimated within Indonesian discursive and institutional contexts, particularly through MUI *fatwās* and Religious Court rulings; second, developing a Critical-*Maqāṣid* Epistemology integrating Derridean deconstruction and Foucauldian analysis to reconstruct Islamic legal reasoning; and third, applying this framework to analyze Indonesian *wasiat wājibah* for non-Muslim heirs, demonstrating how deconstruction followed by *maqāṣid*-oriented reconstruction produces contextually responsive and equitable outcomes. This research advances Islamic legal philosophy by introducing critical-*maqāṣid* epistemology in two important ways. Theoretically, it offers systematic methodology for examining divine authority’s epistemic foundations while reorienting interpretation toward

ethical purposes. It demonstrates how maqāṣid-based reasoning can reconcile revelation with Indonesia's diverse social realities, providing practical insights for fatwā institutions, courts, and policy reform. The study reconceptualizes Islamic law not as static divine command but as evolving ethical conversation where justice, welfare, and human dignity remain central to legal interpretation.

METHOD

This research utilizes a theoretical-analytical approach rooted in documentary examination, prioritizing conceptual, normative, and hermeneutic inquiry rather than empirical observation. Such an approach is justified given the study's objective to interrogate the epistemological foundations of divine authority within Islamic jurisprudence and to develop an alternative interpretive framework termed critical-maqāṣid epistemology. Rather than examining behavioral patterns or institutional effectiveness, the investigation focuses on how textual sources, hermeneutic traditions, and institutional structures produce, maintain, and transform legal meanings, authoritative claims, and normative frameworks. The analytical structure integrates Derridean deconstructive techniques with Foucauldian examinations of power/knowledge relations, subsequently deploying maqāṣid al-sharī'ah as the foundation for normative reformulation. Drawing on Jacques Derrida's deconstructive theory, the research challenges entrenched dichotomies within classical Islamic legal thought—including divine/human authority, revelation/rationality, and Muslim/non-Muslim distinctions—that underpin assertions of fixed legal interpretation.

Through careful scrutiny of inheritance regulations in the Qur'an, particularly Q. al-Nisā' (4):11, alongside prophetic narrations concerning cross-faith inheritance matters, the study identifies moments of aporia and différance, revealing that juridical meaning is neither static nor self-sufficient but contingent upon historical, institutional, and interpretive frameworks (Derrida, 1976). This deconstructive intervention does not negate scriptural authority; rather, it exposes inherent tensions within the tradition that open space for renewed ethical consideration. Complementing this textual examination, the research applies genealogical inquiry informed by Michel Foucault's power/knowledge framework, understanding authority as emerging from discursive and institutional formations rather than being inherent in legal sources. Within the Indonesian setting, this genealogical approach investigates how authority is constructed and legitimated in Islamic law through fatwā mechanisms, judicial logic, and legal codification. The study highlights the Indonesian Ulema Council (MUI) as a key discursive institution that establishes orthodox positions via fatwās on cross-faith inheritance, and the Religious Courts (Peradilan Agama) as sites where authority becomes institutionally embedded through case law. Although MUI pronouncements lack formal legal force, they exercise substantial normative weight and often influence court decisions, illustrating how Islamic legal authority operates through dynamic networks of institutional validation and power relations (Foucault, 1980; Hasyim, 2019; Sirry, 2013).

Following these critical phases of deconstruction and genealogical inquiry, the study proceeds toward normative reformulation through maqāṣid al-sharī'ah. This phase reorients legal reasoning toward core ethical objectives—justice (al-'adl), public welfare (maṣlaḥah), and

human dignity (*karāmah*)—ensuring that reinterpetive efforts remain grounded in normative commitments rather than devolving into relativism. Regarding wasiat wājibah for non-Muslim beneficiaries in Indonesia, the analysis engages with significant Supreme Court rulings and pertinent scholarly literature advocating equity-oriented approaches to inheritance jurisprudence (Audah, 2008; Ilhami, 2016; Putri et al., 2024). Indonesian judicial bodies have expanded wasiat wājibah's scope beyond conventional parameters by foregrounding maqāṣid considerations, thus mitigating exclusionary outcomes while maintaining doctrinal coherence. This methodological progression—critical examination followed by ethical reconstruction—demonstrates Islamic law's capacity for reinterpretation as an adaptive and justice-centered normative system across varied social landscapes.

RESULTS AND DISCUSSION

Deconstructive Analysis and Its Significance for Islamic Inheritance Jurisprudence

This study confirms two related propositions. Initially, the concept of divine authority within Islamic jurisprudence represents not a fixed attribute of holy scriptures but rather a discursive formation shaped by temporal, institutional, and sociopolitical dynamics. Additionally, an epistemological approach grounded in critical-maqāṣid thinking—merging Derrida's deconstructive theory with Foucault's framework of power/knowledge relations—provides an appropriate methodology for ethically transforming Islamic juridical thought toward justice across varied communities. Findings reveal that claims to authority within Islamic jurisprudence emerge through fatwā mechanisms, judicial practices, and statutory frameworks rather than constituting fixed divine pronouncements. Moreover, applying this epistemological approach to Indonesia's reinterpretation of wasiat wājibah concerning non-Muslim beneficiaries confirms its real-world utility, producing legally adaptive outcomes aligned with maqāṣid values of equity, communal welfare, and human worth.

The investigation employs Jacques Derrida's deconstructive approach to scrutinize the foundational knowledge structures underlying Islamic inheritance jurisprudence. Deconstruction seeks neither to undermine revelation nor dismiss normative authority; it instead exposes how interpretive oppositions, historically crystallized into orthodox positions, are fundamentally contingent. Within juridical discourse, binaries including divine versus human authority, scripture versus intellect, and Muslim versus non-Muslim frequently appear as fixed, self-evident categories. Derrida's concept of *différance* challenges this assumption by demonstrating that significance remains constantly postponed and contextual, arising from interpretive collectives, institutional power structures, and temporal-cultural circumstances rather than simple lexical or quantitative fixity (Guillemette & Cossette, 2006).

Close study of Qur'anic inheritance provisions and relevant prophetic materials shows these binary distinctions do not operate as timeless universals. The categorical prohibition of inheritance for the *ghayr Muslim* beneficiary, commonly presented as an unchanging norm, illustrates this claim. Under deconstructive scrutiny, this prohibition appears dependent upon successive strata of juristic agreement (*ijmā'*), institutional fatwā power, established protocols, and prevailing communal assumptions. These forces collectively maintain semantic stability across particular cultural-historical settings, creating an illusion of doctrinal permanence

(Fahimah et al., 2024; Rahmahdaniyati & Lisnawati, 2024). Within this framework, perceived divine fixity emerges more accurately as interpretive accumulation over time.

Deconstructive examination uncovers recurring *aporia*—internal contradictions and hermeneutic impasses—within textual and juridical traditions themselves. Derrida characterizes *aporia* as simultaneously "impassable and unavoidable," compelling interpreters to move beyond inflexible binaries while preserving normative integrity. Within Islamic inheritance jurisprudence, such contradictions surface when literal textual readings produce outcomes conflicting with foundational ethical imperatives of fairness and collective benefit. These tensions justify revisiting scriptural materials through ethical lenses such as justice (*‘adl*) and public welfare (*maṣlahah*) without compromising revelation. This methodology positions ethical reasoning not external to divine directive but locates *maqāṣid al-sharī‘ah* as integral to interpretive renewal (Alias et al., 2024; Hurst, 2008; Opwis, 2005).

Derrida's deconstructive analytical power becomes evident through application within Indonesia's socio-legal context. Examination of judicial decisions, fatwā pronouncements, and procedural frameworks demonstrates how institutional structures actively mediate the application of Qur'anic inheritance provisions. Indonesian Religious Courts do not merely execute texts mechanically; they construe, weigh, and modify norms according to societal conditions and ethical imperatives. These observations confirm that what often appears as immutable divine legislation is actually negotiated through particular socio-legal mechanisms involving judicial actors, fatwā institutions, and legislative tools (Agustono, 2024; Rahmahdaniyati & Lisnawati, 2024). Deconstruction generates not interpretive chaos but rather clarifies the systematic conditions enabling legal meaning's production and contestation.

The potential for reconstruction following deconstruction aligns substantially with the *maqāṣid al-sharī‘ah* paradigm, which foregrounds ethical objectives encompassing fairness, communal benefit, and human dignity. Deconstruction exposes the contingent character of juridical binaries, establishing a methodological foundation for reform that honors revelation while engaging contemporary social contexts. This approach offers a meaningful alternative both to rigid scriptural literalism, which risks ethical paralysis, and to boundless relativism, which undermines normative consistency. Instead, Islamic juridical interpretation operates within a productive tension among text, context, and ethics, enabling the law to function as evolving moral discourse rather than static regulatory code.

Mapping Authority Through Genealogical Analysis in Indonesian Inheritance Law

Drawing on Michel Foucault's power/knowledge framework, this genealogical study reconceptualizes authority as a dynamic constellation of discursive practices rather than a static property residing in texts or institutions. Within this framework, law functions not simply as a mechanism of prohibition but as a productive force that establishes norms, generates legitimacy, and constructs truth regimes through its institutional apparatus and interpretive methodologies (Al Jabbar, 2026; Turkel, 1990). Applied to Indonesia's Islamic inheritance system, this lens enables systematic examination of how divine authority claims are produced,

circulated, and consolidated across fatwā-issuing bodies, court systems, and legislative instruments.

Within this discursive network, the Indonesian Ulema Council (Majelis Ulama Indonesia-MUI) occupies a pivotal position as an institution that articulates and regulates Islamic legal orthodoxy. Through its fatwā pronouncements, MUI delineates normative boundaries on contentious issues such as cross-faith inheritance, thereby shaping both religious discourse and legal expectations. Fatwa No. 5/MUNAS VII/MUI/9/2005 exemplifies this role by prohibiting direct inheritance between Muslims and non-Muslims while permitting alternative mechanisms such as inter vivos gifts (*hibah*) and testamentary bequests (*wasiat*). This formulation reflects a strategic balancing act between classical *fiqh* principles and Indonesia's pluralistic context, seeking to preserve doctrinal consistency while mitigating potential social conflict. Although MUI fatwas lack binding legal force within Indonesia's formal legal hierarchy, research demonstrates their substantial normative influence, particularly within Religious Court jurisprudence on family matters (Jarir et al., 2025; Rahmahdaniyati & Lisnawati, 2024). Through a Foucauldian lens, MUI exercises authority less through direct enforcement than through producing authoritative religious knowledge that shapes judicial interpretation.

The Religious Courts (*Peradilan Agama*) constitute another crucial site in this genealogical mapping, serving as the mechanism through which normative discourses crystallize into legally binding decisions. These courts have progressively expanded the doctrine of *wasiat wājibah* beyond its traditional limitation to adopted children, extending its application to non-Muslim beneficiaries, particularly where considerations of fairness, financial dependence, and familial bonds are salient. This jurisprudential trajectory emerges clearly in landmark Supreme Court rulings including No. 368K/Ag/1995, 16 K/AG/2010, 218 K/AG/2016, and 331 K/AG/2018, wherein judges invoke *maqāṣid al-sharī'ah* principles—justice (*‘adl*), public welfare (*maṣlaḥah*), and human dignity (*karāmah*)—to justify departures from rigid textualist approaches to inheritance distribution. These rulings typically draw upon statutory provisions such as the Compilation of Islamic Law (*Kompilasi Hukum Islam-KHI*) and Supreme Court guidance, while simultaneously incorporating ethical considerations oriented toward collective benefit (Halim, 2021; Muslih & Almi, 2024; Sanjaya et al., 2022).

This evolving jurisprudence signals a broader transformation in legal discourse toward what Setyawan et al. (2024) characterize as critical-*maqāṣid* reasoning—an interpretive methodology that prioritizes ethical objectives while maintaining fidelity to revelatory foundations. Through deploying *maqāṣid al-sharī'ah* to reconstruct exclusionary inheritance frameworks, Indonesian courts exhibit an interpretive authority that remains both normatively grounded and responsive to social heterogeneity. From a genealogical perspective, this development challenges conventional binaries between "traditional *fiqh*" and "state law," instead revealing a fluid dialogue among inherited jurisprudential traditions, state regulation, and ethical imperatives. Authority in Indonesian Islamic inheritance law emerges not as a monolithic or static entity but as a continually negotiated outcome produced through the

intersection of textual sources, institutional practices, and socio-moral contexts within Indonesia's pluralistic legal landscape.

Reframed Case Analysis: Legal Plurality in Indonesia and the Function of Wasiat Wājibah

Within Indonesia's multifaceted legal landscape—encompassing Islamic jurisprudence, state civil regulations, and customary (adat) traditions—the evolving understanding of wasiat wājibah serves as a crucial bridge connecting religious fidelity with equitable outcomes. Traditional farā'id succession principles categorically exclude non-Muslim partners and certain close kin from inheritance rights, creating outcomes that frequently clash with the lived realities and ethical expectations within religiously mixed households. Rather than dismantling doctrinal frameworks or pursuing sweeping legislative reform, Indonesian judicial authorities have developed a methodologically sound interpretive strategy grounded in analogical inference (qiyās) and teleological legal reasoning (ta'līl). Through this approach, Islamic succession norms remain responsive to varied social contexts while retaining their essential character.

Wasiat wājibah operates as a fairness-oriented judicial tool enabling courts to allocate discretionary portions to heirs who would otherwise be disqualified, all while upholding the core structure of Islamic inheritance principles. This instrument operates within well-defined legislative parameters—most notably the one-third ceiling articulated in Article 209 of the Compilation of Islamic Law (Kompilasi Hukum Islam-KHI)—thus safeguarding primary beneficiaries' entitlements and maintaining jurisprudential coherence. Through the deliberate integration of maqāṣid al-sharī'ah into their interpretive framework, judicial bodies align their rulings with Islamic law's overarching objectives: justice (ʿadl), communal benefit (maṣlaḥah), and human worth (karāmah). These normative principles function as interpretive anchors, enabling judges to harmonize reverence for textual authority with responsiveness to contemporary social realities.

The jurisprudential significance of this evolution lies in demonstrating that ethical innovation within Islamic legal thought is both feasible and normatively imperative. Contrary to views portraying legal pluralism as threatening doctrinal coherence, Indonesian judicial experience treats plurality as an environment where maqāṣid-informed interpretation flourishes. Through the institutionalization of proportionate implementation and explicit ethical deliberation, wasiat wājibah strengthens legal predictability, protects marginalized claimants, and showcases Islamic jurisprudence's capacity to engage modern complexities without compromising core tenets.

This understanding crystallizes through examination of three interconnected legal trajectories that emerged sequentially. First, Article 209 of the KHI marks the inaugural statutory recognition of wasiat wājibah within Indonesian law. This provision constituted significant reform by requiring that adopted children and adoptive parents obtain a mandatory estate portion capped at one-third, despite these relationships falling outside classical farā'id recognition of legitimate heirs. Codifying wasiat wājibah reflects a conscious effort to harmonize Islamic norms with Indonesia's sociocultural realities by accommodating situations

where formal kinship lacks doctrinal standing yet carries substantial social weight. Here, the KHI operationalizes *maqāṣid al-sharīʿah*—particularly justice (*ʿadl*) and public welfare (*maṣlaḥah*)—through structured legal provisions, demonstrating how principled reasoning enables legal evolution without severing doctrinal continuity (Nugraheni et al., 2010). Building upon this foundation, the second trajectory involves the Supreme Court extending *wasiat wājibah* eligibility to non-Muslim beneficiaries. Groundbreaking judgments including Supreme Court decisions No. 368K/AG/1995, 16K/AG/2010, 218K/AG/2016, and 331K/AG/2018 expanded *wasiat wājibah*'s scope beyond adopted children to encompass non-Muslim spouses and kin. Judges employed analogical reasoning and purpose-driven interpretation informed by *maqāṣid al-sharīʿah*, drawing upon ethical imperatives of justice, communal solidarity, and welfare to prevent exclusionary outcomes that might fracture family cohesion. Importantly, these rulings preserved the religious prohibition against direct Muslim-non-Muslim inheritance; rather, *wasiat wājibah* functioned as a compensatory legal mechanism, maintaining doctrinal limits while addressing ethical concerns (Setyawan et al., 2024; Zainab & Sudirman, 2023). This jurisprudential approach illustrates *maqāṣid al-sharīʿah*'s adaptive application, demonstrating Islamic law's functionality within culturally diverse settings. The third trajectory concerns judicial discretion's exercise in trial courts, where *wasiat wājibah* receives context-responsive application informed by social and ethical factors. Empirical research and case law reveal judges calibrating compulsory bequest amounts within the one-third threshold by considering relational dimensions including sustained marital commitment, caregiving contributions, financial dependency, and affective ties. Through incorporating socio-moral relationships into their reasoning, courts ensure outcomes reflect both doctrinal conformity and ethical principles of justice (*ʿadl*) and welfare (*maṣlaḥah*). This methodology enhances legal reliability and public confidence, demonstrating that *maqāṣid*-centered interpretation can effectively reconcile textual adherence with social fairness (Puspantoro, 2025).

These interrelated developments reveal how Indonesian courts embed *maqāṣid al-sharīʿah* within a pluralistic legal architecture that balances doctrinal consistency with distributive justice. Preserving doctrinal parameters, promoting fairness and welfare for vulnerable household members, and anchoring determinations in statutory frameworks like the KHI and Surat Edaran Mahkamah Agung (SEMA) collectively represent principled adaptation of Islamic law to Indonesia's socio-legal environment (Setyawan et al., 2024; Zainab & Sudirman, 2023; Puspantoro, 2025). Indonesian succession law avoids rigid literalism and unbounded positivism alike; instead, it evolves through context-aware reasoning integrating revelation, ethical purposes, and concrete social circumstances.

This analytical synthesis confirms that Islamic inheritance law in Indonesia functions as a vital normative framework enabling ethical renewal through institutional mechanisms. By operationalizing *wasiat wājibah* as a justice-centered instrument, Indonesian courts model effective integration of *maqāṣid*-based reasoning into legal interpretation. This demonstrates Islamic jurisprudence's ability to preserve normative foundations while responsively engaging the complexities inherent in pluralistic contemporary societies.

Reimagining and Reshaping Justice-Centered Legal Decision-Making

This investigation diverges from earlier Indonesian academic work on Islamic jurisprudence and pluralistic systems in multiple important respects. Earlier scholarship has largely focused on mapping the political forces behind fatwā creation and examining how the Majelis Ulama Indonesia (MUI) functions in defining religious orthodoxy and influencing governmental policy. Hasyim's influential work demonstrates the manner in which MUI fatwās embedded anti-pluralist ideology during the post-Suharto era, establishing discursive frameworks that deeply affected legal structures and societal standards. Although such scholarship offers valuable understanding of fatwā's institutional authority and its broader social-political consequences, it rarely advances toward a systematic critical epistemological framework that directly links deconstructive analysis and power/knowledge critique to courtroom procedures and judicial reasoning (Hasyim, 2015; Umam et al., 2024).

The present investigation strengthens current academic work by showing the process through which authority assertions—first dismantled at the epistemological plane by analyzing binary divisions like text against context and divine against human authority—are then reassembled in judicial settings using maqāṣid al-sharī'ah. Rather than remaining confined to theoretical criticism, this work reveals the practical courtroom application of deconstructed authority, transforming critical scholarship into operational legal practice. This transformation reveals the vibrant interplay between critical Islamic scholarship and adjudicative processes, addressing a persistent void in Indonesian Islamic legal discourse.

Earlier analyses of maqāṣid al-sharī'ah within MUI fatwās have acknowledged its normative potential while pointing to its constrained progressive application. Syafei (2017) notes that maqāṣid-based reasoning in MUI fatwās often gets confined to conservative or exclusionary readings that prioritize Muslim concerns while overlooking the intricacies of pluralistic social contexts. By comparison, this investigation's results reveal a jurisprudential transformation within Religious Courts, where maqāṣid functions as a dynamic justificatory structure for fair decisions. Courts are progressively integrating maqāṣid reasoning into judicial processes and administrative structures, demonstrating a practical jurisprudence that maintains Islamic ethical commitments to justice, welfare, and social cohesion while responding to contemporary challenges (Ismail et al., 2024; Syafei, 2017).

Prior scholarship, notably Ilhami (2016), has documented the doctrinal broadening of wasiat wājibah to include adopted children, stepchildren, and children born outside formal lineage structures, limited by a one-third asset restriction. The current study advances this trajectory by both theorizing and empirically demonstrating the application of wasiat wājibah to non-Muslim beneficiaries as an equity-driven instrument grounded in critical-maqāṣid reasoning. Supreme Court precedents, including rulings No. 368K/AG/1995 and No. 331K/AG/2018, authorize this expansion through teleological and sociological interpretation methods, bringing normative texts into alignment with varied social circumstances. Lower courts strengthen this development by applying maqāṣid principles including ḥifẓ al-nas and ḥifẓ al-māl to safeguard family wellbeing and property entitlements, thereby reframing wasiat wājibah as an instrument of distributive justice instead of a narrow doctrinal accommodation (Halim, 2021; Ilhami, 2016; Puspantoro, 2025).

Within the broad comparative scholarship on legal pluralism, academic conversation often oscillates between advocating for preserving plural legal frameworks and promoting national legal consolidation. This investigation's findings propose a workable middle ground by positioning wasiat wājibah as a case-specific equity tool within Indonesia's pluralistic legal landscape. This approach avoids the risks associated with rigid codification while affirming the epistemic validity of Islamic law within a democratic and multicultural society. This research incorporates critical theory into adjudication, reframing Islamic legal epistemology as an evolving, justice-focused practice that responds to social complexity (Harahap et al., 2025; Lukito, 2012).

From a theoretical standpoint, this investigation advances a critical-maqāṣid epistemology where deconstruction functions as a methodological foundation for ethical reconstruction. Derrida's *différance* concept reveals the contingent nature of legal meaning by showing how juridical symbols derive significance through difference and deferral rather than fixed presence. When this insight is brought into Islamic legal discourse, it destabilizes rigid binary hierarchies including text against context or literal against purposive interpretation, thereby enabling normatively informed reinterpretation. Foucault's power/knowledge analysis enables a reconceptualization of authority in Islamic law as discursively produced through institutional mechanisms rather than as an unchangeable divine quality. This encourages reflexive examination of divine authorization claims in both judicial and fatwā reasoning (Derrida, 1982; Turkel, 1990).

Following critical examination of authority, maqāṣid al-sharī'ah provides the normative structure for reconstruction, directing legal reasoning toward justice (‘adl), welfare (maṣlaḥah), and human dignity (karāmah), alongside the al-ḍarūriyyāt al-khams. Jasser Auda argued that activating maqāṣid reconnects Islamic law with its foundational characteristics of purposefulness, multidimensionality, and openness—qualities enabling legal determinations to address contemporary ethical demands while remaining anchored in textual tradition. This framework balances Usūlī respect for textual authenticity with socio-historical consciousness, successfully bridging classical fiqh with modern governance needs (Audah, 2008).

The results verify the feasibility of justice-oriented reinterpretation within Indonesia's pluralistic legal system, marked by the coexistence of Islamic law, civil law, and adat. Religious Courts have operationalized maqāṣid through mechanisms like wasiat wājibah, which safeguard vulnerable parties, particularly non-Muslim spouses, while maintaining adherence to religious prohibitions on direct interfaith inheritance. Judicial practice reveals a systematic methodology where courts proactively recognize cases with substantial exclusion risk, record social and moral bonds including caregiving relationships and economic dependence, implement wasiat wājibah proportionally within legal parameters, and offer explicit maqāṣid-grounded reasoning to support their determinations. This methodology enhances legal predictability, transparency, and public confidence by rendering ethical reasoning explicit and accountable (Audah, 2008; Isman et al., 2024; Palasenda et al., 2025).

These developments indicate concrete institutional pathways for strengthening justice-oriented adjudication. Judicial education initiatives can incorporate critical-maqāṣid methodologies to equip judges with interpretive tools that balance doctrinal commitment with

ethical responsiveness, addressing gaps noted in existing legal training (Abdulghani et al., 2025; Hasibuan, 2023; Triana, 2021). The reformation of MUI fatwā production through systematic incorporation of maqāṣid reasoning could improve normative inclusiveness and reduce legal tension in pluralistic social environments, shifting from inflexible textualism toward dialogical and context-aware guidance (E. T. Rahman et al., 2025; Syafei, 2017). Creating standardized documentation of maqāṣid citations in judicial rulings through structured reasoning frameworks or procedural mechanisms like Supreme Court Circulars would improve consistency and transparency across cases (Arrasyid et al., 2023; Palasenda et al., 2025).

Taken together, these results correspond substantially with international scholarship advocating maqāṣid-centered reforms to address contemporary ethical challenges. By foregrounding justice, welfare, and human dignity, maqāṣid-based methodologies enable Islamic law to function as a normatively anchored yet socially adaptive system. Palasenda (2025) and Puspantoro (2025) emphasize that such reforms reconcile classical jurisprudence with modern conditions, ensuring Islamic law remains a dynamic, justice-oriented tradition in an increasingly diverse and interconnected world (Amin & Syahatah, 2025).

CONCLUSION

This study fulfills its three central aims. Initially, it demonstrates that assertions of religious legitimacy within Islamic jurisprudence are not inherent attributes of holy texts but rather emerge through historical and institutional forces operating via interpretive methodologies, fatwā mechanisms, and adjudicative systems. Subsequently, the work constructs a Critical-Maqāṣid Epistemology that merges Derrida's deconstructive approach with Foucault's framework examining power and knowledge to expose deeply embedded interpretive dichotomies and how legal authority gets discursively produced. Finally, applying this epistemological approach to Indonesia's reframing of wasiat wājibah for heirs outside Islam reveals that ethical reformation grounded in maqāṣid al-sharī'ah can yield justice-centered outcomes while maintaining theological coherence.

These findings matter because they can transform perceptions of Islamic law from static divine commandments into dynamic regulatory frameworks with evolving ethical dimensions. The research introduces a rigorous methodology combining deconstructive analysis with maqāṣid-centered rebuilding to harmonize scriptural revelation, rational inquiry, and institutional power. This proves especially valuable for Muslim communities navigating coexisting legal structures and growing complexity in family relationships. The proposed model moves beyond rigid literal textualism and unreflective adherence to tradition, sustaining normative anchors while enabling Islamic jurisprudence to meaningfully respond to contemporary demands for justice, collective benefit, and human worth.

The research contributes on both conceptual and applied levels. Conceptually, it advances Islamic legal philosophy by incorporating critical theoretical perspectives and normative ethical frameworks, showing how deconstruction functions not simply as a goal itself but as a preparatory method enabling ethical rebuilding. Practically, the work provides guidance for fatwā institutions, judicial reasoning processes, and legislative reform efforts,

particularly where Islamic law operates alongside diverse and government-regulated legal architectures. Indonesia's wasiat wājibah example shows that maqāṣid-focused interpretation can become embedded in legal practice, offering a workable model for justice-conscious decision-making in other predominantly Muslim nations.

Despite these achievements, certain weaknesses exist. The qualitative and library-oriented research design limits the ability to measure how widespread or statistically meaningful maqāṣid-centered reasoning is within Indonesia's Religious Courts. Furthermore, the examination assumes consistent access to judicial rulings and adequate documentation of judicial rationales—conditions that may vary geographically and across different adjudicative levels. These constraints point toward the need for additional empirical investigation to strengthen and extend the conclusions presented here.

Subsequent scholarship could advance this research program through several pathways. First, gathering and analyzing regional collections of Religious Court rulings would enable tracking over time and across space how wasiat wājibah gets adopted and evolves in interfaith inheritance matters. Second, cross-jurisdictional comparisons between areas with different degrees of judicial education in maqāṣid reasoning could assess how such preparation affects fairness-oriented adjudication and theological flexibility. Third, deeper investigation into the relationship between fatwā and judicial systems would reveal how authority flows between normative and adjudicative bodies, illuminating patterns of institutional interdependence. Finally, socio-legal inquiry into community perspectives using questionnaires, interviews, and content analysis would help gauge legitimacy, adherence, and confidence in maqāṣid-informed judicial decisions. By combining qualitative richness with empirical documentation, future scholarship can clarify how critical-maqāṣid epistemology translates into measurable justice outcomes within Indonesia's multifaceted legal environment. This would extend the present study's role in broader international dialogues concerning ethical transformation and interpretive innovation in Islamic legal traditions.

BIBLIOGRAPHY

- Abdulghani, N., Masuwd, M., Alrumayh, S., Masoud, M., & Toure, Y. (2025). Maqasid al-Shariah as a Framework for Developing Critical Thinking in Islamic Higher Education. *Journal of Islamic Studies and Social Science*, 1(2), 47–63.
- Abou El Fadl, K. (2001). *Speaking in God's Name: Islamic Law, Authority and Women*. Oneworld Publications.
- Agustono, I. (2024). The Significance Of Ijtihad and Fatwa Methods in The Development Of Islamic Law In Indonesia. *Taqnin: Jurnal Syariah Dan Hukum*, 6(02), 120. <https://doi.org/10.30821/taqnin.v6i02.18229>
- Akhsanty, A. S. (2025). The Concept of Wasiat and Wasiat Wajibah in Indonesia From The Perspective of The Compilation of Islamic Law (Khi). *Journal of Private and Commercial Law*, 72–94. <https://doi.org/10.20885/JPCOL.vol2.iss1.art4>
- Al Jabbar, M. A. A. (2026). Manifestations of Power Discourse Knowledge Michel Foucault as a Model. *Journal of Social Science*, 3(1), 96–109. <https://doi.org/10.61796/ijss.v3i1.78>

- Alias, M. N., Abdullah, M. N., Kamis, M. S., Afandi, A. J., & Alias, N. (2024). Scientific Approach as the Basis for the Formation of Maqāṣid Al-Sharī'ah Concept and Principles: A Comparative Study. *Malaysian Journal of Syariah and Law*, 12(2), 350–363. <https://doi.org/10.33102/mjssl.vol12no2.568>
- Alvarez Maestre, A., & Pérez Fuentes, C. (2024). Heuristic and Cognitive Biases in Judicial Decisions: Interdisciplinary Analysis to Understand the Judicial Decision from Cognitive Psychology. *Russian Law Journal*, 12(1), 656–669.
- Amin, A. H., & Syahatah, A. (2025). Reviving the Spirit of Maqasid: Towards a Just and Flourishing Islamic Civilization. *Tanwir: Journal of Islamic Civilization*, 1(2), 1–11.
- Arrasyid, F., Pagar, P., & Tanjung, D. (2023). Islamic Family Law Reform in Indonesia Through Supreme Court Circulars: A Maqasid Sharia Perspective. *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam*, 6(2), 208–225. <https://doi.org/10.30659/jua.v6i2.29236>
- Audah, J. (2008). *Maqasid al-Shariah: A Beginner's Guide*. International Institute of Islamic Thought (IIIT).
- Audah, J. (2008). *Maqasid al-Shariah as philosophy of Islamic law: A systems approach*. The International Inst. of Islamic Thought.
- Bowen, J. R. (2003). *Islam, Law, and Equality in Indonesia: An Anthropology of Public Reasoning*. Cambridge University Press. <https://doi.org/10.1017/CBO9780511615122>
- Derrida, J. (1976). *Of Grammatology*. Johns Hopkins University Press.
- Derrida, J. (1982). *Margins of Philosophy*. University of Chicago Press. <https://press.uchicago.edu/ucp/books/book/chicago/M/bo24847024.html>
- Fadel, M. H. (2020). The Challenges of Islamic Law Adjudication in Public Reason. In M. Kumm, S. A. Langvatn, & W. Sadurski (Eds.), *Public Reason and Courts* (pp. 115–142). Cambridge University Press. <https://doi.org/10.1017/9781108766579.006>
- Fahimah, I., Suwarjin, S., Gusmansyah, W., Zubaedi, Z., & Jayusman, J. (2024). Interfaith Inheritance in Muslim Families in Indonesia: Practices, Philosophy, and the Direction of National Inheritance Law Development. *Ahkam: Jurnal Ilmu Syariah*, 24(2), 379–396. <https://doi.org/10.15408/ajis.v24i2.40907>
- Fatahullah, Sulistiyono, A., & Harahap, B. (2025). Reform of Islamic Inheritance Law: The Influence of Customary Law on the Institution of Wasiat Wajibah in Islamic Law | *Jurnal IUS Kajian Hukum dan Keadilan*. *Jurnal Ius Kajian Hukum dan Keadilan*, 13(1), 260–274. <https://doi.org/10.29303/ius.v13i1.1695>
- Foucault, Mi. (1980). *Power/Knowledge: Selected Interviews and Other Writings, 1972–1977*. Pantheon.
- Gillespie, P. (2007). Current Issues in Indonesian Islam: Analysing the 2005 Council of Indonesian Ulama Fatwa No. 7 Opposing Pluralism, Liberalism and Secularism. *Journal of Islamic Studies*, 18(2), 202–240. <https://doi.org/10.1093/jis/etm001>
- Guillemette, L., & Cossette, J. (2006). Jacques Derrida: Deconstruction and différance. *Signo*. <https://www.signosemio.com/pages/derrida/deconstruction-and-difference.php>

- Halim, A. (2021). Disparities of the Supreme Court Judge's Decisions on the Non-Muslim Inheritance: Indonesian Case. *Journal of Legal, Ethical and Regulatory Issues*, 24(6), 1–8.
- Hallaq, W. B. (1997). *Authority, Continuity and Change in Islamic Law*. Cambridge University Press.
- Harahap, A. P., Ramadhona, A., Sari, M., & Hasibuan, N. L. (2025). Legal Pluralism and Customary Justice in Indonesia: Reconstructing Adat Law under State Legal Dominance. *Littera Legis: Journal of Law, Society, and Justice*, 1(1), 1–16.
- Hasibuan, Z. (2023). For the Sake of Protecting Physical Needs: Maqasid Sharia Perspective Toward Judges Consideration on Child Custody. *Al-Hukama': The Indonesian Journal of Islamic Family Law*, 13(1), 76–92. <https://doi.org/10.15642/alhukama.2023.13.1.76-92>
- Hasyim, S. (2015). Majelis Ulama Indonesia and Pluralism in Indonesia. *Philosophy and Social Criticism*, 41(4–5), 487–495. <https://doi.org/10.1177/0191453714566547>
- Hasyim, S. (2019). Religious Pluralism Revisited: Discursive Patterns of the Ulama Fatwa in Indonesia and Malaysia. *Studia Islamika*, 26(1), 1–34. <https://doi.org/10.36712/SDI.V26I3.10623>
- Hurst, A. (2008). Derrida: Différance and the “Plural Logic of the Aporia.” In A. Hurst (Ed.), *Derrida Vis-à-vis Lacan: Interweaving Deconstruction and Psychoanalysis* (p. 0). Fordham University Press. <https://doi.org/10.5422/fso/9780823228744.003.0004>
- Ilhami, H. (2016). Development of the regulation related to obligatory bequest (wasiat wajibah) in Indonesian Islamic inheritance law system. *Mimbar Hukum*, 27(3), 553. <https://doi.org/10.22146/jmh.15884>
- Ismail, A. M., Subri, I. M., Baharuddin, A. S., Rahman, A. A., & Rosidi, M. H. (2024). The Role of Maqasid Al-Shariah in Contemporary Fatwa Formulation: A Balanced Approach: *Al-Qanatir: International Journal of Islamic Studies*, 33(7), 85–110.
- Isman, Zaim, M. A., & Eldeen, A. B. (2024). *Maqashid Sharia and Harmonizing Law in Indonesia: Impact for SDGs Global Context | SpringerLink*. In *Artificial Intelligence (AI) and Customer Social Responsibility (CSR)* (Vol. 517, pp. 745–759). Springer. https://link.springer.com/chapter/10.1007/978-3-031-50939-1_60
- Jarchosi, A. (2020). Pelaksanaan Wasiat Wajibah. *Adhki: Journal of Islamic Family Law*, 2(1), 77–90. <https://doi.org/10.37876/adhki.v2i1.34>
- Jarir, A., Chairina, N., Masduki, & Hakimi, A. R. (2025). Fatwā in Contemporary Islamic Judiciary: The Accommodation of Mui Fatwā among Judges of Indonesian Religious Court. *Al-Mawarid Jurnal Syariah Dan Hukum (Jsyh)*, 7(2), 373–396. <https://doi.org/10.20885/mawarid.vol7.iss2.art9>
- Johnston, D. L. (2007). Maqāsid al-Sharīʿa: Epistemology and Hermeneutics of Muslim Theologies of Human Rights. *Die Welt Des Islams*, 47(2), 149–187.
- Kharlie, A. T., Fathudin, F., & Triana, W. (2021). Reforming Islamic Marriage Bureaucracy in Indonesia: Approaches and Impacts. *Al-Jami'ah: Journal of Islamic Studies*, 59(2), 255–286. <https://doi.org/10.14421/ajis.2021.592.255-286>

- Lukito, R. (2012). *Legal Pluralism in Indonesia: Bridging the Unbridgeable*. Routledge. <https://doi.org/10.4324/9780203113134>
- Muslih, M., & Almi, A. J. (2024). Compilation of Islamic Law within the Framework of State Typology: A Critical Analysis of the Reform of Islamic Family Law in Indonesia. *Adhki: Journal of Islamic Family Law*, 6(1). <https://doi.org/10.37876/adhki.v6i1.212>
- Nasution, K., & Nasution, S. (2021). Implementation of Indonesian Islamic Family Law to Guarantee Children's Rights. *Al-Jāmi'ah: Journal of Islamic Studies*, 59(2), 347–374. <https://doi.org/10.14421/ajis.2021.592.347-374>
- Nugraheni, D. B., Ilhami, H., & Harahab, Y. (2010). Pengaturan dan Implementasi Wasiat Wajibah di Indonesia. *Jurnal Mimbar Hukum*, 22(2), 311–329. <https://doi.org/10.22146/jmh.16229>
- Nurlaelawati, E., & Salim, A. (2013). *Contemporary Islamic Law in Indonesia: Sharia and Legal Pluralism*. Edinburgh University Press.
- Opwis, F. (2005). Maṣlaḥa in Contemporary Islamic Legal Theory. *Islamic Law and Society*, 12(2), 182–223.
- Palasenda, N., Kamila, A. C., & Nurfuadi, F. (2025). Analysis of Maqasid Shari'ah on Religious Court Decisions on the Granting of Compulsory Wills to Non-Muslim Heirs. *Diktum: Jurnal Syariah dan Hukum*, 23(2), 132–148. <https://doi.org/10.35905/diktum.v23i2.11577>
- Puspantoro, W. S. (2025). Pertimbangan Hakim dalam Perluasan Wasiat Wajibah di Luar Ketentuan Kompilasi Hukum Indonesia. *Journal of Law, Society, and Islamic Civilization*, 13(2), 120–131. <https://doi.org/10.20961/jolsic.v13i2.109134>
- Putri, E., Pratama, G., & Fajarwati, R. (2024, July 8). Implementation of Wasiat Wajibah as a Means of Inheritance for Non-Moslem Heirs. *Proceedings of the 7th International Colloquium on Interdisciplinary Islamic Studies (ICIIS)*, Banjarmasin. <http://dx.doi.org/10.4108/eai.17-6-2024.2349084>
- Rahmahdaniyati, I., & Lisnawati. (2024). Interreligious Inheritance: Exploring The Fatwa of The Indonesian Scholar Number 5/MUNAS VII/MUI/9/2005 on Interreligious Inheritance. *Mir'ah: Family Law and Legal Culture*, 1(2), 1–12.
- Rahman, E. T., Muharir, M., Ahyani, H., & Adnan, N. I. M. (2025). The Dynamics of The Fatwa on the Prohibition of Interfaith Greetings: Maqasid al-Shariah and its Implications for Multicultural Families in Indonesia. *Justicia Islamica*, 22(1), 25–48. <https://doi.org/10.21154/justicia.v22i1.9661>
- Rahman, F. (1982). *Islamic Methodology in History*. Central Institute of Islamic Research.
- Ropi, I. (2017). Ropi, I. (2019). *Religion and Regulation in Indonesia*. Macmillan.
- Sanjaya, E., Hastuti, I., & Prasetyo, B. (2022). Distribution of Different Religion Legacy According To Islamic Instruction Law (Case Study of The Supreme Court Decision Number 368 K/Ag/1995). *International Journal of Educational Research & Social Sciences*, 3(2), 538–546. <https://doi.org/10.51601/ijersc.v3i2.307>
- Setyawan, R., Witro, D., Busni, D., Kustiawan, M. T., & Syahbani, F. Z. M. (2024). Contemporary Ijtihad Deconstruction in The Supreme Court: Wasiat Wajibah as An

- Alternative for NonMuslim Heirs in Indonesia. *Jurnal Ilmiah Al-Syir'ah*, 22(1), 25–40. <https://doi.org/10.30984/jis.v22i1.2968>
- Sirry, M. (2013). Fatwas and their controversy: The case of the Council of Indonesian Ulama (MUI). *Journal of Southeast Asian Studies*, 44(1), 100–117. <https://doi.org/10.1017/S0022463412000641>
- Syafei, Z. (2017). Tracing Maqasid al-Shari'ah in the Fatwas of Indonesian Council of Ulama (MUI). *Journal of Indonesian Islam*, 11(1). <https://jiis.uinsa.ac.id/index.php/JIIs/rt/prINTERfriendly/277/0>
- Triana, W. (2021). Reforming the Education of Islamic Judges in Indonesia [Phd Thesis]. University of Melbourne.
- Turkel, G. (1990). Michel Foucault: Law, Power, and Knowledge. *Journal of Law and Society*, 17(2), 170–193. <https://doi.org/10.2307/1410084>
- Umam, N., Soiman, S., & Basit, A. (2024). Epistemological Critique of Islam Nusantara Studies in Indonesia: An Insider's Perspective. *Al-Tatawur: International Journal of Social Science*, 2(2), 01–11. <https://doi.org/10.61806/al-tatawur.v2i2.37>
- Yates, S. (2014). Power-Knowledge. In *Encyclopedia of Critical Psychology* (pp. 1480–1485). Springer, New York, NY. https://doi.org/10.1007/978-1-4614-5583-7_438
- Zainab, & Sudirman. (2023). Kajian Yuridis Penerapan Wasiat Wajibah Kepada Ahli Waris Non Muslim Dalam Hukum Waris Di Indonesia. *Maqasid: Jurnal Studi Hukum Islam*, 12(1), 127– 142. <https://doi.org/10.30651/mqsd.v12i1.17799>