

## **COMPARING ISLAMIC MODELS OF SUBSTITUTE HEIRS: KHI, HAZAIRIN, SHAHUR, AND SHIA PERSPECTIVES**

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### **Abstract**

*Although the concept of substitute heirs in the Compilation of Islamic Law (KHI) adopts the inheritance principles of Hazairin's thought, there are notable differences between the two. On the other hand, there is an assumption that the substitute heir system is a new legal framework that has never existed before. However, upon further examination, there are several models of substitute heir systems within the Islamic tradition. This study aims to analyze and compare the substitute heir models conceptualized by the KHI, Hazairin, Shahrur, and Shia schools of thought. This research is a library study employing a qualitative approach with a descriptive-comparative analysis method. The findings reveal that while all models recognize substitute heirs as a vital mechanism to ensure justice in inheritance distribution, significant differences exist in their principles, legal foundations, and heir hierarchies. The KHI limits the portion of substitute heirs so as not to exceed the portion of heirs of the same degree, whereas Hazairin provides full rights without proportional restrictions. Shahrur offers a progressive concept (tardliyah), emphasizing the equalization of grandchildren with children and flexible distribution based on his hudud theory. In contrast, the Shia school employs an exclusive hierarchical system that prioritizes closer relatives and applies the per stirpes distribution method. This study highlights the unique contributions of each model to the discourse on Islamic inheritance law reform and provides insights to address the evolving needs of families and society.*

**Keywords:** Substitute Heirs, Islamic inheritance Law, Comparative Analysis

### **Abstrak**

*Meskipun pergantian ahli waris dalam Kompilasi Hukum Islam (KHI) mengadopsi kewarisan dari pemikiran Hazairin, terdapat perbedaan diantara keduanya. Disisi lain terdapat anggapan bahwa sistem pergantian waris merupakan sistem aturan baru yang belum pernah ada sebelumnya. Padahal, jika diteliti terdapat beberapa model sistem pergantian ahli waris dalam khazanah Islam. Penelitian ini bertujuan untuk menganalisis dan membandingkan model ahli waris pengganti yang dikonseptualisasikan KHI, Hazairin, Shahrur, dan Mazhab Syiah. Penelitian ini merupakan penelitian kepustakaan yang menggunakan pendekatan kualitatif dengan metode analisis deskriptif-komparatif. Hasil penelitian menunjukkan bahwa*

*meskipun semua model mengakui ahli waris pengganti sebagai mekanisme penting untuk memastikan keadilan dalam pembagian warisan, terdapat perbedaan yang signifikan dalam prinsip, dasar hukum, dan hierarki ahli waris. KHI membatasi bagian ahli waris pengganti agar tidak melebihi bagian ahli waris sederajat lainnya, sedangkan Hazairin memberikan hak penuh tanpa batasan proporsional. Shahrur menawarkan konsep progresif (tardliyah) yang menekankan penyetaraan cucu dengan anak dengan fleksibilitas distribusi bagian berdasarkan teori hududnya. Sebaliknya, Mazhab Syiah menggunakan sistem hierarki eksklusif yang memprioritaskan kerabat terdekat dan menerapkan metode distribusi per stirpes. Penelitian ini menyoroti kontribusi unik dari masing-masing model terhadap diskursus reformasi hukum kewarisan Islam, serta memberikan wawasan untuk menjawab kebutuhan keluarga dan masyarakat yang terus berkembang.*

**Kata Kunci:** Ahli Waris Pengganti, Hukum Kewarisan Islam, Analisis Komparatif

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## A. Introduction

Islamic inheritance law is a complex and meticulously structured system designed to ensure the equitable distribution of wealth among heirs while adhering to divine principles(Fathurrahman & Firmansyah, 2024, p. 356). The resolution of inheritance cases can also be quite complicated, particularly when confronted with differing legal systems, including Islamic law, customary law, and state law.(Wardi et al., 2024) One of the distinctive features of this legal framework is the concept of substitute heirs, which allows for the representation of deceased heirs in inheritance succession(Krismono, 2024, p. 5). While the foundational principles of inheritance are derived from the Quran, Hadith, and classical Islamic jurisprudence, the interpretation and implementation of substitute heirship have evolved significantly across various schools of thought and legal frameworks.

In Indonesia, the Kompilasi Hukum Islam (KHI) provides a codified guideline for Islamic inheritance, incorporating the concept of substitute heirs to address contemporary familial dynamics. The provision regarding substitute inheritance in the KHI is outlined in Article 185, which states that the position of an heir who predeceases the testator may be replaced by their children. Furthermore, the inheritance share of the substitute heirs must not exceed the portion that would have been received by the original heir they are replacing.(Muyasar, 2024, p. 231) Similarly, Hazairin, a prominent Indonesian legal scholar, introduced an alternative approach rooted in the bilateral lineage system, which challenges traditional

patrilineal interpretations. Hazairin made significant contributions to the application of substitute inheritance in Indonesia, as the substitute heir provisions in the KHI are considered to adopt his ideas.(Rasyid, 2024a, pp. 7–8) On the other hand, Muhammad Shahrur, a modernist thinker, advocates for a reinterpretation of Islamic law that aligns with social justice and gender equality, offering a progressive perspective on substitute heirship , known as the concept of *tardhiyah*(Syahrur, 2000, p. 265). Meanwhile, Shia jurisprudence, as a distinct branch of Islamic thought, also provides its own unique principles and mechanisms for addressing substitute heirs, often diverging from Sunni practices(Fyzee, 1948, pp. 442–443).

Based on the aforementioned provisions, it is evident that the system of substitute heirs is not a novel concept in Islamic law. However, each framework offers different technical approaches to implementing substitute inheritance. Several studies in the past five years concerning substitute heirs have highlighted three main aspects. The first aspect pertains to philosophical and theoretical analysis. Approaches in this area emphasize the ontology, epistemology, and axiology of substitute inheritance law, as seen in the research conducted by ESP Noor et al.(Noor et al., 2024) Other studies within this aspect stress the value of utility (maslahah) in the application of substitute inheritance, enabling more flexible legal implementation to achieve the objectives of sharia(Firdaus, n.d.; Fiteriana, 2023). The second aspect of previous research focuses on dispute resolution and legal challenges related to substitute heirs. Studies in this area examine legal issues and dispute resolution involving substitute heirs in various contexts.(Aini, 2023; Liastikha, 2024; Patimah & Izzah, 2021) Finally, earlier studies have explored the case study and implementation aspect of substitute inheritance. Research in this domain analyzes the application of substitute heirs through case studies in courts or specific communities.(Elawati et al., 2024; Fitriyah, 2022; Hidayati, n.d.)

As a distinction from previous studies, this article aims to examine and compare the models of substitute heirs as conceptualized by the Kompilasi Hukum Islam (KHI), Hazairin, Shahrur, and Shia jurisprudence, exploring their legal, theological, and social foundations. This research emphasizes that the concept of substitute heirs is not a novel subject within the study of Islamic jurisprudence (fiqh). There are several models for implementing substitute heirs in Islamic law, each with its own unique characteristics. By analyzing these diverse approaches, this study seeks to identify commonalities, distinctions, and potential contributions to the broader discourse on Islamic inheritance reform. Ultimately, the research highlights how substitute heirship serves as a vital mechanism to address evolving familial and societal needs within the framework of Islamic law.

## B. Research Method

This study employs a qualitative approach with a descriptive-comparative analysis method to examine models of substitute heirs in Islamic law as reflected in the Kompilasi Hukum Islam (KHI), the thoughts of Hazairin, Shahrur, and Shia jurisprudence. The research data consists of primary data in the form of legal texts such as the KHI and court documents related to the application of substitute heirs, as well as secondary data, including books, scholarly journals, and articles discussing various perspectives on the subject. Data collection is conducted through library research, encompassing the analysis of legal documents, academic works, and relevant publications. Data is analyzed using a descriptive-comparative approach, beginning with the identification and description of substitute heir concepts from each model. The subsequent step involves comparing the legal, theological, and social foundations of each model to identify their similarities, differences, and unique characteristics. This study is limited to a conceptual analysis and the implementation of substitute heir systems in Indonesia, as well as the perspectives of Hazairin, Shahrur, and Shia jurisprudence, without including empirical reviews across other Muslim-majority countries.

## C. Result and Discussion

### 1. The Substitute Heir Model in the Compilation of Islamic Law

Islamic inheritance law in Indonesia recognizes the concept of substitute heirs following the enactment of Presidential Instruction Number 1 of 1991 regarding the Compilation of Islamic Law (KHI). The KHI is the result of collective ijtihad by Indonesian scholars (fuqaha), designed to serve as a legal guideline for various aspects of life, including marriage, inheritance, and endowments (waqf). It functions as the legal basis for Religious Courts in handling cases within their jurisdiction (Banjarsari, 2020, pp. 119–120). The concept of substitute heirs, known in legal terms as *plaatsvervulling*, is explicitly regulated in Article 185 of the KHI. The article states: 1) If an heir passes away before the testator, their position may be replaced by their child, except for those excluded under Article 173 of the KHI. 2) The share of a substitute heir must not exceed the share of an equivalent heir who is replaced (Kompilasi Hukum Islam, 1991).

The use of the word “may” in Article 185 paragraph (1) indicates the tentative nature of the concept of substitute heirs. Accordingly, substitute heirs may or may not replace their parent's position, and they may or may not receive inheritance. However, in practice, the Supreme Court views the position of substitute heirs as having significant urgency. Ambiguity in specifying the position of substitute heirs in a case can result in the claim being deemed unclear (obscurum

libel) and inadmissible. For instance, Supreme Court Decision Number 334K/AG/2005 emphasizes the importance of clear regulations regarding the position of substitute heirs (Ummi Maskanah, 2024). This decision states that substitute heirs can only replace the position of heirs who passed away before the testator. This clarity is essential to avoid legal disputes and to ensure certainty in the distribution of inheritance. As stipulated in Article 173, the following individuals are excluded from becoming heirs: "A person is barred from inheritance if, by a court decision with permanent legal force, they are convicted for: a) having committed or attempted to commit murder or serious harm against the testator; b) having falsely accused the testator of committing a crime punishable by 5 years of imprisonment or a more severe penalty." (Kompilasi Hukum Islam, 1991)

Article 185 paragraph (2) presents a unique aspect that differs from Hazairin's perspective on the substitute heir system. According to the KHI, while grandchildren as substitute heirs can take the place of their parents, their share must not exceed the share of equivalent heirs they are replacing. For example, in cases where a male substitute heir inherits alongside a female heir, the share of the male substitute heir must not be greater than that of the female heir. Even though, if the replaced individual were still alive, they would typically receive a larger share than the female heir. The following illustrates the distribution of inheritance for a male substitute heir inheriting alongside a female heir under the Compilation of Islamic Law (KHI):

**Table 1. Illustration of the Share for Male Substitute Heirs Inheriting Alongside Female Heirs Under KHI**

Heirs	Original Share	Result (60 million IDR estate)	Share after Adjustment with KHI 185 (2)
Grandchild (Substitute for a son)	Remaining share based on the 2:1 ratio for male and female heirs	$2/3 \times 60 \text{ million} = 40 \text{ million}$	30 million
Daughter		20 million	30 million

Based on the illustration above, the substitute heir for the son cannot receive the full share of the person being replaced (the son) because if given in full, their share would exceed the portion of heirs of the same degree as the one being

replaced. Therefore, in such cases, the share is distributed equally between the daughter and the substitute heir for the son.

## 2. Heir Substitute According to Hazairin's Version

Hazairin proposed that an heir substitute is an individual entitled to inherit the portion of the estate that was supposed to be received by someone who passed away before the heir. This situation arises because the deceased person would have been the rightful heir if they were still alive. In determining the heir substitute, Hazairin refers to the Qur'an, specifically using the term *mawali* found in Surah An-Nisa, verse 33. Although the Qur'an does not provide detailed explanation on this matter, Hazairin's *ijtihad* approach is considered sufficient and respected as a theoretical foundation that can serve as a reference in Islamic inheritance law. The implementation of this concept is regarded as important for achieving public interest, which includes justice and legal certainty for Muslims in Indonesia. Based on this, the concept was later adopted by the Indonesian government and incorporated into the Compilation of Islamic Law (KHI) Article 185 (Rasyid, 2024b). Although KHI adopted Hazairin's concept of heir substitutes, there are slight differences between the two.

Hazairin introduced the concept of *mawali*, or substitute heirs. According to Hazairin, a substitute heir is an heir who replaces someone to receive the inheritance portion that the replaced person would have received. This substitution occurs because the replaced person, who would have been entitled to inherit, passed away before the testator. Hazairin's reference for establishing substitute heirs is derived from the Qur'an, specifically Surah An-Nisa, verse 33. Although the Qur'an does not provide a detailed explanation, Hazairin's *ijtihad* successfully formulated a theory deemed appropriate as a reference in Islamic inheritance law. After analyzing Hazairin's theory, it can be concluded that there is no discrimination between grandchildren through a son and grandchildren through a daughter when inheriting from their grandparents. This demonstrates that the inheritance rights of men and women are equal, meaning both men and women inherit without considering the gender of the person being inherited from. Grandchildren or great-grandchildren of a still-living testator are entitled to replace their deceased parents and receive the inheritance portion their parents would have received if they were still alive. The share for each substitute heir (*mawali*), according to Hazairin, corresponds to the share of the heir they are replacing, taking into account their respective positions. Furthermore, based on the principle of equal standing, the 2:1 ratio applies between male and female substitute heirs. (Sabdah & Supardin, 2021)

Based on the above, Hazairin's system of substitute heirs (*mawali*) does not restrict whether the substitute heir receives a larger share than heirs of the same

degree as the replaced heir. A substitute heir can receive a larger portion than heirs of the same level, provided it aligns with the share of the replaced heir. This distinguishes Hazairin's concept of substitute heirs from the provisions in Article 185 of the Compilation of Islamic Law (KHI). An illustration of this case is as follows:

**Tabel 2. Illustration of the Share of a Substitute Heir (Son) Inheriting Alongside a Daughter Based on Hazairin's Concept of Mawali**

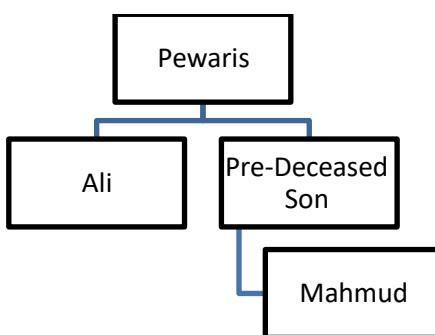
Heir	Share	Result (60 million IDR estate)
Grandchild (Substitute for a son)	Remaining share based on the 2:1 ratio for male and female heirs	$2/3 \times 60 \text{ million} = 40 \text{ million}$
Daughter		20 million

The table above demonstrates that a grandchild, whether male or female, acting as a mawali (substitute heir) receives a larger share than the daughter because they replace the son. Thus, in inheritance distribution, the 2:1 ratio applies as though the replaced son were still alive, and the share is allocated to the grandchild accordingly.

### 3. The Model of Substitute Heirs in the Shia School of Thought

In Islamic inheritance law according to the Shia school, the primary principle of inheritance substitution is that an heir with a closer blood relationship to the testator fully excludes heirs with more distant relationships. For example, if the testator leaves behind a living son (Ali) and a grandson (Mahmud) from the testator's predeceased son, Ali, as the closer heir, will completely exclude Mahmud from inheritance rights (Fyzee, 1948, pp. 442–443). The illustration is as follows:

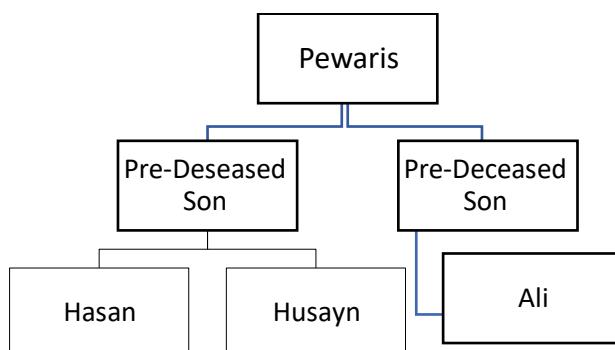
**Chart 1. Illustration in a Family Lineage**



In a case like the illustration above, Mahmud (the grandson) does not receive an inheritance because he is excluded by the living son (Ali). This is agreed upon by both Sunni and Shia schools of thought. However, in situations where there are no

direct heirs (living children of the testator), the inheritance will be distributed to descendants through the principle of stirpital inheritance, or what is known as the model of substitute heirs. Under this principle, the estate of the testator is divided based on family branches (stirps), where each branch receives an equal share as the testator's child would have received if they were still alive. Then, the share within each branch is equally distributed among the descendants in that branch (Fyzee, 1948, pp. 443–444). The case illustration is as follows:

**Chart 2. Illustration of the Case of Substitute Heirs (Stirpital) in Shia**



Based on the illustration above, if the testator leaves behind three grandsons one (Ali) from a predeceased son and two (Hasan and Husayn) from another predeceased son—the inheritance will be divided proportionally into two family branches. The share for each branch is then distributed equally among the grandsons within that branch. This principle ensures a fair distribution based on kinship while emphasizing the importance of the degree of relationship in the Islamic inheritance system.

According to Shia inheritance law, the determination of heirs applies the rule of exclusion, where an heir closer in degree to the testator fully excludes more distant heirs. For example, if a muslim passes away leaving a surviving son and a grandson from a predeceased son, the son, being closer in relationship to the testator, will exclude the grandson from inheritance rights. In the distribution of inheritance among descendants within the same class, Shia inheritance law uses the per stirpes principle, which is based on lineage, rather than the per capita method that divides inheritance equally among individuals. For example, if a testator leaves behind grandchildren from two predeceased sons, the inheritance is first divided according to the lineage of each son and then distributed equally among their respective descendants. This differs from Sunni inheritance law, which distributes inheritance on a per capita basis, giving each grandchild an equal share without regard to their lineage. Additionally, in Shia inheritance law, the descendants of a person who, if alive, would be a *fardh* heir (a Qur'anic sharer) or an '*asabah* heir (a

residuary heir) inherit the same status as the original heir. For instance, the son of a maternal sibling will inherit his father's share as a *fardh* heir, while the daughter of a paternal sibling will inherit her father's share as an '*asabah* heir. In contrast, Sunni inheritance law considers both of these heirs as distant relatives and does not distinguish between their statuses. Thus, Shia inheritance law emphasizes inheritance distribution based on lineage and the status of the original heir, creating a more specific system compared to the Sunni inheritance approach.(Budhiraja, 2022)

#### 4. The Heir Substitution System According to Shahrur

In matters of inheritance, Shahrur introduces the concept of *hudud Allah* (the boundaries set by Allah), which establishes a fair and flexible system of inheritance distribution based on three primary boundaries that serve as guiding principles. The first boundary, based on the verse *li al-dhakari mithlu hazz al-unthayayn* (to the male, a portion equal to that of two females), establishes that males receive twice the share of females, provided the number of females is twice the number of males. For example, if there is 1 male and 2 females, the inheritance is divided in half, with one-half allocated to the male and the other half split equally between the two females. On a larger scale, if there are 3 males and 6 females, one-half of the inheritance is allocated to the males (divided equally among the three), and the other half is allocated to the females (divided equally among the six). The formula is  $F/M = 2$ , where F represents the number of females and M represents the number of males.

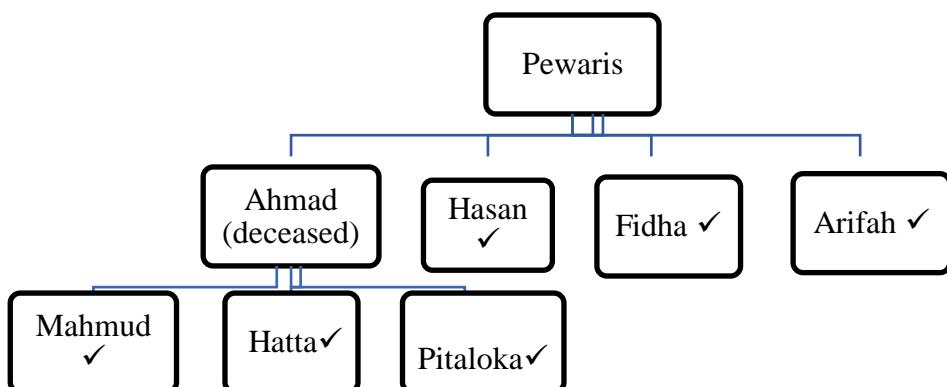
The second boundary, derived from the verse *fa in kunna nisa'an fawqa ithnatayn* (if there are females more than two), applies when the number of females exceeds twice the number of males. In this case, the males collectively receive  $1/3$  of the inheritance, while the females receive  $2/3$ . For example, if there is 1 male and 7 females, the male receives  $1/3$  of the estate, while the  $2/3$  is shared equally among the seven females. Similarly, if there are 2 males and 5 females, the two males together receive  $1/3$  of the estate (split equally), while the five females share the remaining  $2/3$ . The formula is  $F/M > 2$ , indicating that the number of females is more than twice the number of males.

The third boundary, derived from the verse *wa in kanat wāhidatan falaha nisfu* (if there is only one female, she receives half), applies when the number of males and females is equal, resulting in a balanced distribution of inheritance. For example, if there is 1 male and 1 female, each receives half of the inheritance. In larger cases, if there are 3 males and 3 females, half of the inheritance is distributed among the three males (each receiving  $1/6$ ), and the remaining half is shared among

the three females (each also receiving 1/6). The formula is  $F/M = 1$ , indicating an equal number of males and females (Setiawan et al., 2023, pp. 43–44).

Furthermore, in matters of inheritance substitution, Shahrur introduces the concept of *tardliyah*, or the substitution of heirs. Under this concept, grandchildren are entitled to inherit if the child of the deceased, who serves as the link between the grandchild and the deceased, has passed away earlier. The principle guiding *tardliyah* is *al-aqrab fa al-ab'ad* (the closer takes precedence over the farther). If someone dies leaving behind both a child and a grandchild, the child's presence excludes the grandchild from inheritance. However, if the deceased's child has passed away and the grandchild remains alive, nothing prevents the grandchild from receiving the inheritance (Syahrur, 2000, p. 265). For further clarity, refer to the following chart:

**Chart 3. Illustration of *Tardliyah* in a Family Lineage**



In the case of Adam, the deceased, leaving behind four children—Ahmad, Hasan, Fidha, and Arifah—the inheritance would normally be distributed among them. However, if Ahmad had passed away before Adam, Ahmad's descendants, namely Mahmud, Hatta, and Pitaloka, would hold an equal position to Adam's surviving children (Hasan, Fidha, and Arifah). This means that Adam is effectively considered to have six children: three sons (Hasan, Mahmud, and Hatta) and three daughters (Pitaloka, Fidha, and Arifah).

Based on Shahrur's boundary theory, the above scenario falls under the third boundary, which is derived from verse 11 of Surah al-Nisa: “وَإِنْ كَانَتْ لِوَجْهَةٍ فَلَهَا الْيَصْنَفُ”. (If there is only one [female], she receives half). This third boundary pertains to the distribution of inheritance among children, especially when the number of male heirs equals the number of female heirs. In such cases, the female group collectively receives 50% of the inheritance, divided equally among them. The remaining 50% is then distributed equally among the male heirs (Huda & Hidayati, 2023, p. 275).

## 5. Comparative Analysis of Various Substitute Heir Models in Islamic Inheritance

From the various substitute heir systems, including those based on KHI, Hazairin, Shahrur, and Shia jurisprudence, the similarities and differences among these models can be analyzed. The primary similarity across these models lies in the recognition of the concept of substitute heirs, which grants the descendants of a deceased heir the right to replace their position in receiving inheritance. All models, whether regulated in the Compilation of Islamic Law (KHI), Hazairin's thought, Shahrur's concept, or Shia inheritance law, aim to achieve justice in the distribution of inheritance, albeit through different approaches. Additionally, these four models regulate the distribution of substitute heirs' shares based on their position, though variations exist in terms of limitations and priorities. These regulations demonstrate that each system strives to adjust inheritance distribution to family circumstances while maintaining the principle of justice in Islamic inheritance. For a clearer explanation of the similarities in substitute heir models, refer to the following table:

**Table 3. Similarities in Substitute Heir Models of KHI, Hazairin, Shahrur, and Shia Jurisprudence**

Similarity	Explanation
Recognition of Substitute Heirs	All models recognize the concept of substitute heirs when an heir with descendants dies before the testator
Based on the Principle of Justice	Each model aims to create justice in inheritance distribution, although the methods differ
Regulation of Substitute Heirs' Shares	Substitute heirs receive their rightful shares, though there are variations in distribution rules across models

The main differences in the various models of substitute heir systems in Islamic inheritance lie in their legal approaches, principles of wealth distribution, and the position of substitute heirs. The Compilation of Islamic Law (KHI) stipulates that substitute heirs receive a share corresponding to the position of the parent they are replacing, but their share must not exceed that of other heirs of the same degree. In contrast, Hazairin's thought grants full rights to substitute heirs to receive their parents' full share without proportional restrictions. Shahrur's concept of substitute inheritance, known as *tardliyah*, treats grandchildren of predeceased heirs as equal and equivalent to the children of the testator. Meanwhile, Shia jurisprudence employs an exclusive hierarchical principle, whereby closer heirs block the

inheritance rights of more distant heirs. Additionally, Shia law uses the per stirpes method of distribution, where inheritance is divided by family branches, as opposed to other models that tend to distribute shares individually. These differences highlight variations in the implementation of justice within inheritance systems. For more details, the differences are presented in the following table:

**Table 4. Differences in Substitute Heir Systems Between KHI, Hazairin, Shahrur, and Shia Jurisprudence**

Aspect of Differences	Compilation of Islamic Law (KHI)	Hazairin's Thought	Shahrur's Concept	Shia School of Thought
Legal Basis	Based on Article 185 of KHI, a result of collective ijtihad by Indonesian scholars.	Based on Hazairin's ijtihad, referring to Surah An-Nisa, verse 33.	Based on the concept of <i>tradliyah</i> and <i>hudud</i> theory.	Exclusive hierarchical principles in Shia law
Grandchild as Substitute Heir	Entitled to a share but cannot exceed the portion of an heir of the same degree as the one being replaced	Entitled to a full share as the replaced parent without limits	Grandchildren are considered equal to other children of the testator under concept of <i>tardliyah</i>	only if there are no direct heirs (son or daughter)
Inheritance Distribution Principle	Proportional based on position and portion of equivalent heirs	Full share in accordance with the replaced heir's portion	Flexible, based on Hudud theory	Uses the per stirpes method based on family branches
Heir Hierarchy	A substitute heir must not receive a larger share than a direct heir	Does not differentiate between paternal or maternal lineage	Equalizing the status of grandchildren with children	closer heirs block the rights of grandchildren
Share of inheritance	Considers gender differences	Considers gender differences	flexible, Adjusting the proportional	Considers gender differences

Aspect of Differences	Compilation of Islamic Law (KHI)	Hazairin's Thought	Shahrur's Concept	Shia School of Thought
	(2:1 for males and females).	(2:1 for males and females).	allocation between female and male heirs using an equation formula based on the theory of hudud	(2:1 for males and females).

#### D. Conclusion

This study found that the substitute heir system in various Islamic legal models shares a common recognition of the concept of substitute heirs as a means to ensure justice in inheritance distribution within families. However, there are significant differences in the principles of distribution, legal foundations, and the position of substitute heirs among the models of the Compilation of Islamic Law (KHI), Hazairin's thought, Shahrur's *tardliyah* concept, and the per stirpes principle in Shia jurisprudence. The key finding is that the KHI limits the share of substitute heirs so that it does not exceed the share of heirs of the same degree, while Hazairin grants full rights corresponding to the portion of the replaced heir. Meanwhile, Shahrur's *tardliyah* concept is more flexible in distribution based on his hudud theory, and Shia jurisprudence emphasizes the exclusivity of hierarchical relationships. The contribution of this study is to offer an in-depth comparative analysis of substitute heir models across various perspectives of Islamic law. It enriches the literature on Islamic inheritance law and provides a foundation for policymakers to reform inheritance laws to better respond to the needs of modern society. The limitations of this study lie in its scope, which focuses on a conceptual analysis of substitute heir models according to the KHI, Hazairin, Shahrur, and Shia jurisprudence, without including empirical reviews of their application in different Muslim-majority countries. Additionally, the study does not delve deeply into the social, cultural, and economic influences on the implementation of each model. Therefore, future research is recommended to conduct field studies to explore the practical application of these models in various Muslim contexts, including an analysis of their impact on the fairness of inheritance distribution.

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