

The Inheritance of Dzawil Arham According to Imam Syafi'i in The View of Maqashid Syari'ah

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Abstract: Divergent views on the inheritance rights of dhawu al-arham (distant kindred) remain a significant issue in Islamic inheritance law, particularly regarding Imam Shafi'i's position, which excludes them from inheritance even in the absence of dhawu al-furudh (fixed-share heirs) and ashabah (residuary heirs). This study analyzes Imam Shafi'i's perspective and evaluates it through the framework of maqasid al-shari'ah. Employing library research with a qualitative analytical approach, the study uses classical Shafi'i legal texts as primary sources and contemporary books and scholarly articles as secondary sources. The findings show that inheritance rights are limited to dhawu al-furudh and ashabah, based on legally recognized causes of inheritance: lineage (nasab), marriage, and al-wala' (patronage). Because no explicit Sharia text assigns a share to dhawu al-arham, they are excluded from inheritance. When no eligible heirs exist, the estate is transferred to the Baitul Mal (public treasury) for public benefit. From the perspective of maqasid al-shari'ah, Imam Shafi'i's view upholds the protection of wealth (hifzh al-mal), legal certainty, and the prevention of harm through adherence to established Sharia principles. contemporary public sphere, rather than viewing it merely as an administrative issue in the halal certification process.

Abstrak: Perbedaan pandangan mengenai hak waris *dhawu al-arham* (kerabat jauh) masih menjadi isu penting dalam hukum waris Islam, khususnya terkait posisi Imam Syafi'i yang tidak memberikan hak waris kepada mereka, bahkan ketika tidak ada *dhawu al-furudh* (ahli waris dengan bagian pasti) maupun *ashabah* (ahli waris sisa). Penelitian ini menganalisis perspektif Imam Syafi'i dan mengevaluasinya melalui kerangka *maqasid al-syari'ah*. Dengan menggunakan metode studi pustaka dan pendekatan analisis kualitatif, penelitian ini memanfaatkan kitab-kitab hukum klasik mazhab Syafi'i sebagai sumber primer serta buku-buku kontemporer dan artikel ilmiah sebagai sumber sekunder. Hasil penelitian menunjukkan bahwa hak waris terbatas pada *dhawu al-furudh* dan *ashabah*, berdasarkan sebab-sebab kewarisan yang diakui secara hukum: hubungan darah (*nasab*), pernikahan, dan *al-malā'* (hubungan patronase). Karena tidak ada dalil syariat yang secara eksplisit menetapkan bagian waris bagi *dhawu al-arham*, mereka tidak mendapatkan hak waris. Jika tidak ada ahli waris yang berhak, harta warisan dialihkan ke Baitul Mal (kas negara) untuk kemaslahatan umum. Dari perspektif *maqasid al-syari'ah*, pandangan Imam Syafi'i menjunjung tinggi prinsip perlindungan harta (*hifz al-māl*), kepastian hukum, dan pencegahan kemudaratatan melalui kepatuhan terhadap prinsip-prinsip syariat yang telah ditetapkan.

Keywords: Islamic Inheritance, *Dzawil Arham*, *Maqashid Syariah*, *Baitul Maal*

Introduction

Islamic inheritance law (*fiqh al-mawāris*) is an instrument of Sharia aimed at realizing distributive justice and public interest in the management of a deceased person's estate. The

provisions governing inheritance distribution do not merely regulate the transfer of ownership from the deceased to the heirs; they also manifest the objectives of Sharia (*maqāṣid al-syarī'ah*), particularly regarding the preservation of wealth (*ḥifẓ al-māl*) and lineage (*ḥifẓ al-nasl*), as well as the prevention of familial disputes. Consequently, Islamic inheritance law is founded upon principles of legal certainty, a balance between rights and obligations, and the protection of both individual and societal interests (Diah, 2023; Harahap, S. M., & Ritonga, 2022). In this context, the jurisprudence of inheritance regulates the essential elements (*rukun*), prerequisites, grounds for inheritance, and the classification of heirs to ensure that the distribution of assets is conducted fairly and in accordance with Sharia stipulations.

The application of Islamic inheritance law does not always yield a consensus of opinion, particularly regarding the status of *dhawu al-arham* (distant kindred) heirs. These differences stem from the *istinbat* (legal deduction) methods employed by scholars in interpreting inheritance-related scriptural evidence (Mandasari, P. A., Djanuardi, D., & Supriyatni, 2022; Shesa, 2018). Issues arise when a person passes away without leaving *dhawu al-furud* (fixed-share heirs) or '*asabah* (agnatic residuary heirs) but is survived by relatives classified as *dhawu al-arham*. In such instances, the majority of scholars from the Hanafi and Hanbali schools recognize the inheritance rights of *dhawu al-arham* as substitute heirs; conversely, the Shafi'i school does not grant such rights, as there is no explicit scriptural text (*nass*) establishing their specific shares (Fadheli, M., & Umami, 2023; Ritonga, 2021). According to the Shafi'i school, in the absence of *dhawu al-furud* or '*asabah* heirs, the estate is surrendered to the *Baitul Mal* (Public Treasury) as the institution representing the interests of the Muslim community (az-Zuhaili, 2011). These divergent views reflect a dialectic between the textual (*bayani*) approach—which emphasizes adherence to scriptural provisions—and the public interest (*maqasid al-shari'ah*) approach, which prioritizes the realization of justice and utility in the distribution of the estate (Ilyas, Mahfud, & Pratama, 2023).

Several previous studies have examined the issue of inheritance involving *dhawu al-arham* (distant kindred) and the views of Imam Shafi'i from various perspectives. (Harahap, S. M., & Ritonga, 2022) discussed the fundamental concepts of *fiqh al-mawarith* (Islamic inheritance jurisprudence) and the methods for resolving inheritance distribution under Islamic law. (Diah, 2023) analyzed the concept of *radd* (redistribution of the surplus) in Islamic inheritance law through a comparative study of *fiqh al-mawarith* and the Compilation of Islamic Law, thereby illustrating the mechanism for distributing assets when a surplus exists. Meanwhile, (Ardi, M., Syamsuriati, 2024) outlined the classification of heirs based on *nasab* (lineage) and *sabab* (legal cause) as the basis for determining inheritance rights. While these studies have enriched the discourse on Islamic inheritance law, they have largely focused on normative aspects and heir classification rather than on a philosophical analysis of the arguments underpinning the Shafi'i school of thought.

Based on the literature review, there is still research space that needs to be developed. Studies regarding *dhawu al-arham* generally only discuss their position in the perspective of madhhab jurisprudence or compare opinions between madhhabs without testing Imam Syafi'i's arguments using the *maqāṣid al-syarī'ah* framework, especially the principles of *ḥifẓ al-māl* and the realization of benefits. In fact, the *maqāṣid* approach is important to assess whether the transfer of inheritance assets to *Baitul Mal* when there are no *dhawu al-furud* or '*ashabah* heirs is still relevant to the objectives of the Shari'a in realizing justice, legal certainty and social benefits. Thus, this research offers a different perspective through an integrative analysis between Imam Syafi'i's thinking and the theory of *maqāṣid al-syarī'ah*.

Based on this description, this article aims to analyze Imam Syafi'i's opinion regarding not being given inheritance rights to *dhawu al-arham* when there are no *dhawu al-furud* or '*ashabah* heirs, and examine the relevance of this argument from the perspective of *maqāṣid al-syarī'ah*. It is hoped that this analysis can provide an academic contribution to the development of the study of Islamic

inheritance law, especially in understanding the relationship between the textual approach of the Shafi'i school and the objectives of the Shari'a in realizing justice and benefit.

Method

This study employs a library research method with a qualitative approach. The library research method was selected because the object of study – Imam Shafi'i's legal thought regarding the status of *dhawī al-arḥām* (distant kindred) heirs – requires analysis based on authoritative literature within the field of Islamic inheritance law. Library research enables a systematic examination of concepts, legal arguments, and the evolution of scholars' ideas through relevant written sources (Harahap, S. M., & Ritonga, 2022; Shesa, 2018). A qualitative approach is utilized to comprehend meanings, interpret legal arguments, and elucidate the relevance of Imam Shafi'i's views within the perspective of *maqāṣid al-sharī'ah* (the objectives of Islamic law).

The research data sources comprise both primary and secondary data. Primary data are derived from classical texts (*turāth*) that serve as the primary references for the Shafi'i school of thought, particularly those addressing inheritance law and the status of *dhawī al-arḥām* heirs. Secondary data are obtained from scholarly books, journal articles, undergraduate theses, master's theses, doctoral dissertations, and other academic documents discussing Islamic inheritance law, heir classification, and *maqāṣid al-sharī'ah* theory. The use of both data types aims to achieve a comprehensive understanding and facilitate literature triangulation, thereby ensuring that the interpretation of Imam Shafi'i's views is more objective and academically sound (Mandasari, P. A., Djanuardi, D., & Supriyatni, 2022; Ritonga, 2021).

Data collection was conducted through a literature review utilizing the documentation method. All relevant literature was identified, selected, classified, and recorded based on its relevance to the research focus. This process encompassed exploring the fundamental concepts of Islamic inheritance, identifying the essential elements (*rukun*) and grounds for inheritance, classifying heirs, examining Imam Shafi'i's arguments regarding *dhawī al-arḥām* (distant kindred), and addressing the concept of *maqāṣid al-sharī'ah* (objectives of Islamic law). These stages aimed to secure valid data directly linked to the research problem, thereby ensuring a systematic and in-depth analysis (Ilyas, Mahfud, & Pratama, 2023).

Data analysis employed a thematic approach. The process began with data reduction, followed by the grouping of information based on key themes, data presentation, and finally, the drawing of conclusions. The themes analyzed included the grounds for inheritance, the classification of heirs, the status of *dhawī al-arḥām* according to Imam Shafi'i, the rationale for denying inheritance rights to *dhawī al-arḥām*, and the relevance of these issues to *maqāṣid al-sharī'ah* principles – specifically *ḥifẓ al-māl* (preservation of wealth) and *maṣlaḥah* (public interest). Subsequently, the data underwent descriptive-analytical interpretation by comparing Imam Shafi'i's views with those of other schools of thought and findings from previous studies; this facilitated conclusions regarding the alignment of these views with the objectives of Islamic law in realizing justice and public welfare (Fadheli, M., & Umami, 2023).

Results and Discussion

Divergent scholarly opinions regarding the status of *dhawī al-arḥām* (distant kindred) heirs reflect differing epistemological paradigms within Islamic inheritance law: the textual approach and the *maṣlaḥah* (public interest/welfare) approach. This divergence arises when a deceased person leaves behind neither *dhawī al-furūd* (fixed-share heirs) nor *ʿaṣabah* (agnatic residuary heirs) but is survived by *dhawī al-arḥām* relatives. According to the Shafi'i school – as articulated in texts such as *Fath al-Muʿīn* and *al-Tahdhīb* – *dhawī al-arḥām* are not entitled to inherit; instead, the estate reverts to

the *bayt al-māl* (public treasury). This ruling is grounded in the *tawqīfī* principle, which holds that inheritance laws are *qaṭ'īyyah* (definitive and immutable), meaning the designation of heirs must rest solely upon explicit scriptural evidence from the Qur'an and Hadith. As there is no *naṣṣ* (scriptural text) explicitly establishing inheritance rights for *dhawī al-arḥām*, Imam Shafi'i rejected granting them a share of the inheritance (Rahim, 2021). This approach demonstrates the consistency of Imam Shafi'i's *istinbāt* (legal deduction) methodology in upholding legal certainty, preventing subjectivity, and preserving the integrity of the Islamic inheritance system. Conversely, scholars of the Hanafi and Hanbali schools recognize the inheritance rights of *dhawī al-arḥām* based on considerations of family welfare and the continuity of wealth distribution. These differences illustrate that Islamic inheritance law is shaped by both the interpretation of scriptural texts and the orientation of *maqāṣid al-sharī'ah* (the objectives of Sharia) regarding the realization of justice, utility, and the protection of family rights (Najib, 2024; Zuwika, W., Ulya, R. M., Herianto, Wati, E. A., Zaman, B., 2024).

Imam Shafi'i's stance of denying inheritance rights to *dhawī al-arḥām* (distant kindred) demonstrates a consistent methodology of legal derivation (*istinbāt*) that prioritizes the Qur'an and Hadith as primary sources of law—superseding *ra'y* (rational opinion) and *qiyās* (analogical reasoning)—particularly regarding inheritance laws, which are classified as *ta'abbudī* (matters of ritual observance). This approach is not merely textual; it aims to uphold legal certainty and prevent subjectivity in the determination of heirs. According to Imam Shafi'i, the provisions concerning heirs and inheritance shares have been explicitly established by Sharia and cannot be expanded through *ijtihād* in the absence of a clear textual basis. Consequently, the residual estate is transferred to the *bayt al-māl* (public treasury)—both as a legal outcome of the absence of heirs possessing Sharia-recognized legitimacy and as a means of managing assets for the public interest. This approach underscores Imam Shafi'i's primary objective: preserving Sharia legitimacy, legal certainty, and the consistency of the Islamic inheritance system. In a contemporary context, this methodology remains relevant as a foundation for legal formulation that balances the authority of the *naṣṣ* (scriptural text), legal certainty, and the public interest. Recent studies further affirm that reforms in Islamic family law must be grounded in sound *uṣūl al-fiqh* (principles of jurisprudence) and integrate normative approaches with *maqāṣid al-sharī'ah* (the objectives of Sharia) in a balanced manner, ensuring continued alignment with Sharia principles (Najib, 2024; Nurhikmah, 2024; Zuwika, W., Ulya, R. M., Herianto, Wati, E. A., Zaman, B., 2024).

When analyzed through the perspective of *maqāṣid al-sharī'ah* (the objectives of Islamic law), Imam Shafi'i's view—which denies inheritance rights to *dhawī al-arḥām* (distant relatives)—aims to uphold the authority of the Sharia (*ḥifẓ al-dīn*) and safeguard wealth (*ḥifẓ al-māl*). The principle of *ḥifẓ al-dīn* is reflected in his consistent defense of the *tawqīfī* (divinely ordained) nature of inheritance law, whereby the determination of heirs and their shares must be based solely on the Qur'an and Hadith. Consequently, expanding the categories of heirs through *qiyās* (analogical reasoning) or rational considerations lacking a textual basis is viewed as potentially undermining the authority of revelation and the normative legitimacy of Islamic law (Najib, 2024). Meanwhile, *ḥifẓ al-māl* is realized by transferring the residual estate to the *bayt al-māl* (public treasury) in the absence of heirs possessing Sharia-recognized legitimacy. This mechanism ensures legal certainty, prevents disputes, and guarantees that the assets continue to benefit society. From a contemporary *maqāṣid al-sharī'ah* perspective, the protection of wealth focuses not only on individual ownership rights but also on the social function of wealth for the common good (*maṣlaḥah 'āmmah*) (Nurhikmah, 2024). Thus,

Imam Shafi'i's approach demonstrates that the protection of religion, legal certainty, and social utility are complementary objectives, aligning with the evolution of *maqāshid al-shari'ah* studies that emphasize a balance between normative legitimacy, justice, and societal well-being (Pertiwi, T. D., & Herianingrum, 2024).

From the perspective of *hifz al-māl* (preservation of wealth), Imam Shafi'i's view indicates that the protection of assets is oriented not only toward individual ownership rights but also toward the Sharia-compliant governance of wealth distribution. Inherited assets are regarded as a trust (*amānah*) that must be managed according to normatively legitimate provisions to prevent misuse and conflict. Consequently, in the absence of heirs explicitly recognized by Sharia, the remaining assets are transferred to the *bayt al-māl* (public treasury)—a solution that is both legally grounded and upholds the social function of wealth. This policy reflects the principle of *al-maṣlahah al-'āmmah* (public interest), as the assets can be utilized for the public good—such as aiding the poor, education, social services, and other community needs (Nurdin, A., Usman, B., Samad, F., & Mukhtar, 2022). This analysis aligns with contemporary developments in *maqāshid al-shari'ah* theory, which emphasizes a balance between legal certainty, distributive justice, and social utility. From this perspective, normative certainty serves as a prerequisite for preventing disputes and realizing the objectives of Sharia. Thus, Imam Shafi'i's approach represents not mere textualism, but a form of *iḥtiyāt* (methodological caution) aimed at safeguarding the integrity of inheritance law. This view also resonates with recent studies that position *maqāshid al-shari'ah* as a normative framework for wealth distribution that is just, sustainable, and oriented toward societal well-being, without disregarding the authority of the *naṣṣ* (scriptural text) (Nurhikmah, 2024; Pertiwi, T. D., & Herianingrum, 2024).

On the other hand, Imam Shafi'i's view reflects the realization of *hifz al-māl* (preservation of wealth) as a fundamental objective of *maqāshid al-shari'ah*. The protection of wealth is interpreted not merely as a guarantee of individual ownership rights but also as a mechanism to ensure that wealth is managed fairly, productively, and for the benefit of society. Consequently, in the absence of heirs with Sharia-recognized legitimacy, the remaining estate is transferred to the *bayt al-māl*—an institution that ensures wealth management in accordance with Sharia while preventing legal vacuums, disputes, and the misuse of assets. Through the *bayt al-māl*, wealth can be utilized for the public good—such as empowering the poor, education, healthcare, and social development—thereby fostering the welfare of the community (Anton, A., Sobirin, H., Hanifah, F., Tauzirie, M. F., & Fauziah, 2025; Nurdin, A., Usman, B., Samad, F., & Mukhtar, 2022). This perspective aligns with contemporary *maqāshid al-shari'ah* theory, which positions wealth distribution as an instrument for distributive justice, the equitable spread of welfare, and the protection of collective interests (Nafisyah, S. N., & Guspita, 2024). Furthermore, wealth governance must be grounded in principles of accountability, utility, and social sustainability (Pertiwi, T. D., & Herianingrum, 2024). Thus, Imam Shafi'i's approach demonstrates that the Islamic inheritance system does not merely regulate the transfer of ownership rights; it also maintains a balance between individual rights, societal well-being, and the objectives of Sharia (Nurhikmah, 2024; Zuwika, W., Ulya, R. M., Herianto, Wati, E. A., Zaman, B., 2024).

Imam Shafi'i's approach to *hifz al-māl* (the preservation of wealth) is not solely oriented toward economic aspects; it also encompasses ethical, social, and juridical dimensions to maintain a

balance between individual rights and collective interests. From the perspective of *maqāṣid al-sharī'ah* (the objectives of Islamic law), the protection of wealth aims to guarantee certainty of ownership while simultaneously realizing a distribution of wealth that is just, transparent, and sustainable. Therefore, the transfer of the residual estate to the *bayt al-māl* (public treasury) in the absence of heirs with *Sharī'ah*-recognized legitimacy does not constitute a disregard for *dhawī al-arḥām* (distant relatives); rather, it is a legal choice grounded in *al-maṣlahah al-'āmmah* (public interest) that possesses *Sharī'ah* legitimacy. Within the framework of contemporary *maqāṣid al-sharī'ah*, public interest is measured by the law's capacity to foster distributive justice, minimize family conflict, and ensure social welfare through responsible wealth management (Tarmizi, 2024). Furthermore, the function of the *bayt al-māl* is not limited to receiving residual inheritance; it serves as a public institution that manages the community's wealth for economic empowerment, poverty alleviation, education, and healthcare services (Nafisyah, S. N., & Guspita, 2024). In line with modern *maqāṣid* theory, inheritance law is understood as part of a social protection system that integrates justice, legal certainty, and public utility to maintain social stability and realize the common good (Budiman, A., Saifullah, M., & Ulum, 2024; Nurhikmah, 2024; Pertiwi, T. D., & Herianingrum, 2024; Zuwika, W., Ulya, R. M., Herianto, Wati, E. A., Zaman, B., 2024).

Imam Shafi'i's rejection of inheritance rights for *dhawī al-arḥām* (distant kindred) can be understood through the approach of *sadd al-dharā'ī'* — a principle of *uṣūl al-fiqh* (legal theory) aimed at preventing *mafsadah* (harm or corruption). Although this concept is closely associated with the Maliki school, Imam Shafi'i's methodology demonstrates a similar orientation through the principle of *iḥtiyāt* (precaution) when establishing rulings that lack an explicit textual basis (*naṣṣ*) (Dakkak, 2023; Jalaludin, A., & Ahmad, 2024; Khosyī'ah, S., & Rusyana, 2022). In the context of inheritance, the absence of clear provisions regarding the order of priority or the shares allocated to *dhawī al-arḥām* creates the potential for legal uncertainty, divergent interpretations, family disputes, and even the manipulation of genealogical ties to secure an inheritance. Such conditions conflict with the principle of *qaṭ'iyyat al-aḥkām* (the definitiveness of legal rulings), which demands legal certainty within the Islamic inheritance system (Najib, 2024; Rahim, 2021). Imam Shafi'i's precautionary approach also aims to safeguard *maqāṣid al-sharī'ah* (the objectives of *Sharī'ah*), particularly *ḥifẓ al-māl* (preservation of wealth) and social order. From a contemporary *maqāṣid* perspective, legal certainty constitutes an element of *maṣlahah* (public interest) because it fosters justice, prevents conflict, and strengthens confidence in Islamic law (Hamzah, 2025). Consequently, the denial of inheritance rights to *dhawī al-arḥām* serves as a preventive strategy to uphold the integrity of *Sharī'ah* and avert *mafsadah*, aligning with reforms in Islamic family law that emphasize a balance between legal certainty, justice, and public interest (Budiman, A., Saifullah, M., & Ulum, 2024; Nurhikmah, 2024; Suhaili, 2025).

From the perspective of *maqāṣid al-sharī'ah* (the objectives of Islamic law), Imam Shafi'i's stance of denying inheritance rights to *dhawī al-arḥām* (distant relatives) represents a preventive strategy aimed at realizing legal justice (*tahqīq al-'adl*), maintaining social order, and averting family disputes (*raf' al-khilāf*), rather than merely restricting the rights of distant kin (Abdulsiddik, Y., Elsera, U. R., & Husni, 2024; Bahri, S., Eficandra, & Hirawan, 2024; Norholis., 2022). Within the *maqāṣid* framework, the success of a law is measured by its capacity to realize collective welfare through legal certainty and the preservation of social stability. Consequently, the transfer of the residual estate to the *bayt al-māl* (public treasury) — in the absence of heirs possessing *Sharī'ah*-

recognized legitimacy – is viewed as a mechanism grounded in normative principles; it serves to prevent disputes arising from inheritance contests, conflicting interpretations of kinship, or invalid genealogical claims. This approach demonstrates that Imam Shafi'i's objective was not only to uphold the purity of the *Shari'ah* but also to ensure that the inheritance system functioned as an instrument of justice and social order (Nurdin, A., Usman, B., Samad, F., & Mukhtar, 2022). This view aligns with contemporary *maqāṣid al-sharī'ah* theory, which positions legal certainty as a prerequisite for distributive justice and the effectiveness of Islamic law (Marwa, 2024). Its relevance is also evident in modern Islamic family law reforms that emphasize a balance between legal certainty, justice, and public interest, as well as *maqāṣid*-based dispute resolution aimed at strengthening family harmony and societal well-being (Budiman, A., Saifullah, M., & Ulum, 2024; Nafisyah, S. N., & Guspita, 2024; Puspitasari, D., Arzaqi, N., & Hasanah, 2025; Suhaili, 2025; Zuwika, W., Ulya, R. M., Herianto, Wati, E. A., Zaman, B., 2024).

Analysis of Imam Syafi'i's opinion is increasingly gaining normative legitimacy through the hadith of the Prophet Muhammad SAW which states:

Mā dhi 'bāni jā 'i 'āni ursilā fī ghanamin bi-afṣada lahā min ḥirṣi al-mar'ī 'alā al-mālī wa al-syaraḥi li-dīnīhī

This means, "Two hungry wolves unleashed upon a flock of sheep cause no more destruction than a person's greed for wealth and status causes to his religion (Abu 'Isa Muhammad bin 'Isa bin Saurah bin Musa bin ad-Dahhak as-Sulami at-Tirmidzi, 1975)."

The hadith affirms that Islamic *Shari'ah* does not merely regulate the legal aspects of asset ownership and distribution but also shapes moral character, shielding individuals from the greed (*ḥirṣ*) that can undermine both religious and social life. In inheritance law, regulations aim not only to identify eligible heirs but also to prevent family conflicts arising from disputes over assets. From the perspective of *maqāṣid al-sharī'ah* (the objectives of *Shari'ah*), the preservation of wealth (*ḥifẓ al-māl*) is inextricably linked to the preservation of religion (*ḥifẓ al-dīn*) and family harmony, as the misuse of assets can erode the values of honesty, trustworthiness, and justice (Nurhikmah, 2024). Within this framework, Imam Shafi'i's view – which directs the residue of an estate to the *bayt al-māl* (public treasury) in the absence of heirs with legitimate *Shari'ah* standing – is understood as an effort to balance legal certainty with the cultivation of social ethics. This policy establishes certainty regarding the status of assets while mitigating potential disputes stemming from inheritance claims lacking a normative basis. Such an approach aligns with contemporary *maqāṣid al-sharī'ah* theory, which views law as an instrument for moral development and the protection of the public interest; consequently, the success of the law is measured by its ability to realize justice, strengthen social solidarity, and uphold family integrity (Pertiwi, T. D., & Herianingrum, 2024). Recent studies further emphasize that the implementation of *maqāṣid* within family law must balance normative and ethical dimensions to ensure legal certainty, utility, peace, and societal well-being (Nafisyah, S. N., & Guspita, 2024; Nurdin, A., Usman, B., Samad, F., & Mukhtar, 2022; Zuwika, W., Ulya, R. M., Herianto, Wati, E. A., Zaman, B., 2024).

From the perspective of *maqāṣid al-sharī'ah* (the objectives of Islamic law), Imam Shafi'i's decision to transfer the remainder of an estate to the *bayt al-māl* (public treasury) – in the absence of

heirs with *Shari'ah* legitimacy—serves as a preventive measure to avert inheritance disputes and maintain social order. This policy not only upholds legal certainty based on scriptural texts (*naṣṣ*) but also safeguards the moral integrity of society through asset distribution grounded in clear normative principles (Ali Sam'un, 2024; Reskiani, A., Tenrilawa, D. F., Aminuddin, A., & Subha, 2022). Within the framework of *maqāṣid al-shari'ah*, inheritance law governs not only the allocation of economic rights but also fosters values of justice, solidarity, collective responsibility, and the public interest. Consequently, transferring assets to the *bayt al-māl* prevents the dominance of individual interests while ensuring that wealth is utilized for the social good. This approach aligns with contemporary *maqāṣid* theory, which emphasizes a balance between the protection of individual rights, legal certainty, and the public interest (Nurdin, A., Usman, B., Samad, F., & Mukhtar, 2022). Recent studies further affirm that reforms in Islamic family law must maintain *Shari'ah* legitimacy while accommodating social justice to effectively resolve conflicts and preserve social stability (Pertiwi, T. D., & Herianingrum, 2024; Zuwika, W., Ulya, R. M., Herianto, Wati, E. A., Zaman, B., 2024). Thus, Imam Shafi'i's view represents a legal strategy for maintaining a balance among legal certainty, distributive justice, and social welfare, in accordance with contemporary *maqāṣid al-shari'ah* (Nurhikmah, 2024).

Conclusion

Based on the research findings, it can be concluded that, according to Imam Shafi'i, *dhawī al-arḥām* (distant kindred) heirs are not entitled to inherit in the absence of *dhawī al-furūd* (fixed-share heirs) or *ʿaṣabah* (agnatic heirs), as there is no explicit evidence in the Qur'an or Hadith establishing their status and share within the Islamic inheritance system. Consequently, the remaining estate is transferred to the *bayt al-māl* (public treasury), an institution representing the interests of the Muslim community. When analyzed through the perspective of *maqāṣid al-shari'ah* (the objectives of *Shari'ah*), this view aims to preserve the purity of the *Shari'ah* (*ḥifẓ al-dīn*), protect property (*ḥifẓ al-māl*), and prevent disputes and legal uncertainty regarding the distribution of inheritance. The transfer of assets to the *bayt al-māl* also demonstrates that Islamic inheritance law is not solely oriented toward individual interests but also prioritizes the broader public welfare. Although some contemporary scholars and legal systems allow *dhawī al-arḥām* to inherit in the interest of fairness, Imam Shafi'i's opinion remains relevant; it offers principles of legal certainty, caution in legal determination, and the prevention of family conflict. Thus, Imam Shafi'i's thought illustrates that the primary objective of Islamic inheritance law is not merely the distribution of assets, but also the upholding of justice, social order, and the welfare of the community in accordance with the principles of Islamic *Shari'ah*.

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