



Muslim Widows' Lived Experiences in Navigating Inheritance Rights in Indonesian Religious Courts

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ABSTRACT

Islamic inheritance law represents a vital intersection between religious doctrine, social norms, and gender dynamics in Muslim-majority societies. While doctrinal clarity exists, the lived experiences of women particularly widows navigating inheritance processes remain underexplored. Previous research has largely focused on legal procedures and theoretical principles, leaving unanswered how Muslim widows personally experience and interpret the pursuit of their inheritance rights within religious court systems. This study uses a descriptive phenomenological approach to explore how justice, agency, and identity are subjectively constructed through this legal journey. In-depth interviews were conducted with nine Muslim widows who had pursued inheritance claims in Indonesian religious courts, and data were analyzed thematically using Colaizzi's method. The findings reveal four major themes: feelings of powerlessness in the legal system, social stigma and family pressure, strategies of resilience, and moral reinterpretation of justice through faith. These themes uncover the complex emotional and spiritual dimensions of legal experience that are often absent in normative analyses. The study deepens our understanding of justice as a lived experience and offers a foundation for culturally grounded legal advocacy. These insights hold potential for future research on gender-sensitive reform and experiential legal studies in other Islamic contexts. However, this study is limited by its small sample size, focus on a single national context, and reliance on self-reported narratives, which may not fully capture the diversity of widows' experiences across different regions or legal settings. Acknowledging these limitations helps contextualize the findings and underscores the need for broader comparative research.



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INTRODUCTION

Inheritance in Islamic law represents not only a legal obligation but also a deeply embedded cultural and spiritual practice that reflects the values of justice, family structure, and gender roles (Murdan, 2025). In many Muslim-majority societies, the distribution of inheritance follows the Qur'anic injunctions and classical jurisprudence, which aim to ensure fairness among heirs while maintaining family cohesion (Mustofa, 2023). However, the actual implementation of these laws often unfolds within a complex intersection of tradition, religious interpretation, and socio-cultural power dynamics.

The experience of Muslim widows in navigating inheritance claims highlights a critical dimension of this complexity (Aziz, 2023). While Islamic inheritance law formally grants widows a share of their late husband's estate, in practice, the enforcement of this right is frequently mediated by social expectations, family negotiations, and legal systems that may not always empower women to assert their entitlements (Kasim & Daud, 2022). In many communities, widows are expected to remain passive or self-sacrificing, and their efforts to claim inheritance may be perceived as disruptive or even immoral. This creates an emotional and psychological tension between legal rights and lived realities.

Despite the doctrinal clarity of Islamic inheritance law, little is known about how widows themselves make sense of and navigate these legal processes. Prior studies have often focused on legal texts, procedural compliance, or policy reforms, but the lived realities and subjective experiences of widows remain underexplored. Phenomenological inquiry offers a valuable pathway to uncover the subjective dimensions of these experiences, revealing how women interpret justice, power, and agency within the bounds of religious and cultural norms (Asmuni & Adikara, 2024). Understanding these experiences is essential not only for advancing legal reforms but also for fostering a more inclusive discourse on women's rights in Islamic contexts.

Although recent scholarship has begun to address gendered access to inheritance, much of it remains external and descriptive, relying on doctrinal interpretation or quantitative surveys (Hakim, 2024; Nabilah et al., 2025). These approaches often overlook the emotional, moral, and existential dimensions of widows' struggles, reducing complex realities into abstract categories. Consequently, the gap between normative legal frameworks and lived realities persists.

This study addresses that gap by adopting a descriptive phenomenological approach to explore how Muslim widows in Indonesia experience inheritance disputes. Unlike prior research that emphasizes law in theory, this study foregrounds widows' own voices and meaning-making processes—how justice is felt, how agency is enacted, and how identity is reshaped through encounters with family, courts, and faith. This article is structured into several sections. The introduction outlines the general and specific background, followed by a discussion of the knowledge gap and justification for the study (Firdawaty et al., 2024). The methods section presents the philosophical foundation, participant selection, data collection process, and analysis techniques. Results are organized thematically to reflect key experiential dimensions of the widows' journeys (Fausi, 2024; Sidqi et al., 2023). Finally, the discussion and conclusion reflect on the implications of these findings for Islamic legal practice, gender equity, and future research.

RESEARCH METHODS

Study Design

This study employed a descriptive phenomenological design grounded in the philosophical tradition of Edmund Husserl, emphasizing the exploration of lived experiences and the essence of meaning as understood by individuals (Fife, 2020). The phenomenological approach was selected to gain a deep understanding of how Muslim widows experience and interpret the legal process of claiming inheritance rights within the context of religious courts. As the primary objective was to reveal the subjective meanings and emotional landscapes underlying participants' experiences, this approach provided the most suitable framework. Descriptive phenomenology, in particular, allowed for the intentional bracketing of prior assumptions (*epoche*) and the systematic identification of essential structures within the phenomenon under investigation.

Participants

Participants in this study consisted of Muslim widows who had undergone the process of claiming inheritance rights through religious courts in various regions of Indonesia. Selection was conducted using purposive sampling to ensure the inclusion of individuals with firsthand experience relevant to the phenomenon being explored. Inclusion criteria required participants to be adult Muslim women (aged 30 and above), legally recognized as widows, and with direct experience in pursuing inheritance claims within the last five years. Those with unresolved legal proceedings or lacking consent capacity were excluded. A total of nine participants were involved in the study, with ages ranging from 32 to 61 years. Most participants had limited formal legal knowledge and came from socioeconomically modest backgrounds, which provided essential contextual depth to the exploration of their legal and emotional experiences. The sample size of nine participants was considered sufficient to achieve data saturation, as recurring patterns and no substantially new themes emerged after the seventh interview. The final two interviews served to confirm thematic consistency, ensuring both depth and adequacy of representation in line with phenomenological research standards.

Data Collection

Data were collected through in-depth, semi-structured interviews conducted in person at locations chosen by the participants to ensure comfort, privacy, and emotional safety (Kawamura, 2020). A semi-structured interview guide was used to facilitate open-ended exploration while allowing flexibility for participants to elaborate on issues most meaningful to them. Each interview lasted between 45 and 90 minutes and was audio-recorded with consent. Interviews were conducted in Bahasa Indonesia and later transcribed verbatim. Field notes were also taken to capture non-verbal cues and environmental context. Efforts were made to foster a respectful and empathetic atmosphere throughout, allowing participants to reflect freely on their experiences. No standardized instruments were modified for this study, and the interview guide was developed based on core principles of phenomenological inquiry.

Data Analysis

Data were analyzed using thematic analysis grounded in descriptive phenomenology. Transcripts were first read multiple times to gain a holistic understanding of the narratives. Meaning units were then identified and clustered into categories that reflected recurring experiences across participants (Perry, 2023). These categories were further synthesized into core themes that captured the essential structures of the phenomenon. The process followed Colaizzi's method, including the return of thematic findings to participants for validation. NVivo software was utilized to support coding and thematic organization, although interpretive decisions were made through careful textual analysis rather than software algorithms. The final themes represented deeply rooted experiential meanings derived from the participants' own language, expressions, and reflections.

Ethical Considerations

Ethical approval for this study was obtained from the institutional review board of the affiliated university. Participants were informed of the study's objectives, procedures, and their rights, including the right to withdraw at any time without consequence. Written informed consent was obtained from all participants prior to data collection. Anonymity was ensured through the use of pseudonyms, and all data were stored securely in encrypted digital formats. The study adhered to the ethical standards outlined in the Declaration of Helsinki and complied with national guidelines for research involving human subjects.

RESULTS

Feeling Powerless in the Legal System

Many participants articulated a profound sense of helplessness when confronting the formal legal mechanisms of the religious courts. The language of law, the procedures, and the male-dominated environment were described as intimidating and alienating.

"When I stepped into the courtroom, it felt like I didn't belong. The judge didn't even look at me, and I didn't understand a word of the documents. It was like they were speaking a different language."

This quote illustrates the disconnection between legal procedures and the participants' own capacity to engage with them, reinforcing the theme of powerlessness in a system where technical language and institutional authority create exclusion. The bureaucratic and procedural nature of Islamic inheritance law, while normatively just, becomes practically inaccessible for women who lack legal literacy or familial support. The participants felt not only excluded from the process but also overwhelmed by the power imbalance they encountered.

The Weight of Social Stigma and Family Pressure

Beyond legal institutions, participants described intense social and familial pressures that shaped their experiences and decisions. Cultural norms often painted widows as passive recipients rather than active claimants of inheritance, leading to emotional and moral dilemmas.

"They said I should be grateful for whatever is given, even if it's not fair. If I insist on my right, they say I'm greedy. But my husband would have wanted me to have what I deserve."

Here, the widow's words directly reveal how social stigma delegitimizes her legal claims, showing the clash between her understanding of fairness and the community's expectation of submission. This theme reflects the internal conflict between the religious understanding of fairness and the communal expectations of submission. The widows' attempts to assert their rights were often met with accusations of disrupting family harmony, thus marginalizing their legal standing through cultural pressure.

Strategies of Silent Resistance and Resilience

Despite the structural and social barriers, several participants found creative and resilient ways to claim their rights, often with the help of informal networks or local legal aid.

"I joined a group of women who meet at the mosque every Friday. One of them helped me meet a female lawyer who explained everything. That gave me the courage to file my case."

This account demonstrates how solidarity networks transformed religious spaces into sites of empowerment, illustrating the theme of resilience and showing that resistance was enacted through knowledge-sharing and spiritual support. Religious and communal spaces, while sometimes restrictive, also became platforms for empowerment. Participants utilized informal relationships and solidarity among women to resist marginalization. Legal empowerment emerged not only through knowledge but also through shared experience and spiritual motivation.

Redefining Justice through Personal Faith and Moral Reflection

A deeply reflective theme emerged as participants began to reframe their understanding of justice. For many, the legal victory or loss became secondary to the spiritual and moral clarity gained through the process.

"Even though I didn't win the case, I felt peace. I stood up for myself. I believe God sees my struggle, and that's justice enough for me."

This statement highlights how justice was redefined beyond material outcomes, supporting the theme that widows constructed alternative, faith-based interpretations of justice to reclaim dignity and meaning. Rather than viewing justice purely through legal outcomes, the women described a journey of self-affirmation and moral awakening. This theme illustrates how faith-based interpretations of justice can coexist with, and sometimes transcend, legal mechanisms.

Essential Conclusion

The lived experiences of Muslim widows seeking their inheritance rights highlight a complex interplay between law, gender, culture, and faith. While the legal framework of Islamic inheritance offers normative protections, the actualization of these rights is often mediated by social stigma, familial power dynamics, and personal resilience. The participants' narratives reveal a transformative journey where legal pursuit becomes a means of personal and spiritual affirmation, underscoring the importance of contextualizing legal justice within lived human experience.

DISCUSSION

The findings of this study reveal that Muslim widows' experiences of pursuing inheritance rights are shaped by a deep sense of powerlessness, societal stigma, and personal resilience (Gemilang et al., 2023). These experiences, as explored through a phenomenological lens, expose the complex interplay between legal entitlement, cultural expectations, and individual meaning-making directly addressing the core research question on how justice is lived, rather than merely legislated.

The narratives presented in this study offer a direct and nuanced response to the central inquiry: How do Muslim widows experience and interpret the legal process of claiming inheritance rights within their social and cultural context? The results indicate that while religious courts offer a formal avenue for justice, widows often encounter systemic barriers and emotional burdens that

challenge their agency (Alfiander, 2022; Ngadi, 2024). These insights contribute significantly to the understanding of legal consciousness among marginalized women in Muslim societies by highlighting the internal and interpersonal dimensions of legal struggle, which are rarely captured in doctrinal or policy-based research. The study's phenomenological approach thus uncovers forms of resistance, faith-driven meaning, and empowerment that conventional legal analyses overlook.

These findings resonate with and extend previous work in the field. For example, (Zuhriah et al., 2023) discusses the gap between Islamic legal ideals and the lived realities of women in inheritance matters, emphasizing the need for a gender-sensitive jurisprudence. Similarly, (Fitri et al., 2024) highlights how patriarchal structures often mediate women's access to legal rights, though her work stops short of exploring how women emotionally and spiritually process such experiences. The present study complements and deepens these perspectives by illuminating not only the structural challenges but also the internal negotiations of identity, morality, and justice. In doing so, it also supports the broader theoretical premise that legal systems must be understood as both institutional and experiential spaces where law is not only applied but lived, contested, and redefined from within.

At the same time, it is important to acknowledge contrasting perspectives. Some scholars argue that Islamic inheritance mechanisms already ensure fairness and that challenges primarily stem from failures in implementation rather than inherent gendered bias (Rahman, 2022). Others suggest that widows' difficulties may reflect localized cultural practices rather than systemic flaws in religious court structures (Idris & Qasim, 2023). Engaging with these views highlights that the struggles identified in this study are not universally experienced in the same way across Muslim societies, and it underscores the need for caution in drawing broader generalizations. By situating the present findings alongside these alternative interpretations, the study affirms its contribution while also recognizing the contested nature of debates on gender, law, and justice.

The implications of this study extend beyond the individual experiences of the participants, offering broader insights into how religious legal systems intersect with gender and cultural expectations (Sebyar et al., 2025). These findings highlight the urgent need to reframe legal support mechanisms for Muslim widows, particularly by incorporating culturally sensitive counseling, accessible legal literacy programs, and faith-informed advocacy (Zainuddin & Filzah, 2022). From a social perspective, the study sheds light on how traditional family roles and community pressures can undermine women's legal identities, revealing a need for community-based dialogue on justice and gender roles. Professionally, the results may inform judicial training and policy development in religious court systems, ensuring that legal practitioners better understand the emotional and spiritual dimensions of women's legal journeys. In essence, this study encourages a shift from procedural formalism toward human-centered legal empowerment.

This study, however, is not without limitations. The use of purposive sampling and a relatively small number of participants, while appropriate for phenomenological research, restricts the generalizability of the findings (Musawwamah, 2022). The experiences shared were shaped by the specific socio-cultural context of Indonesia, particularly in regions where patriarchal norms remain strong. Moreover, the study focused exclusively on widows who had already undergone the legal process, excluding those who may have chosen not to pursue their inheritance rights at all an equally important group whose silence also reflects structural barriers (Saepullah & Hopipah, 2023). These limitations offer important context for interpreting the findings and should be considered when applying insights to other settings.

Future research may build upon this study by exploring other marginalized voices within the Islamic legal system, such as divorced women, orphaned daughters, or individuals from different regions with diverse cultural frameworks (Sudirman & Fasieh, 2023). Comparative studies across Muslim-majority countries could deepen our understanding of how context influences the lived experience of justice. Additionally, integrating longitudinal qualitative methods may provide further insight into how women's perceptions of legal identity and empowerment evolve over time (Nasution et al., 2024). Such research would not only enrich the theoretical discourse on gender and Islamic law but also guide the development of more inclusive and responsive legal practices.

CONCLUSION

This study explored the lived experiences of Muslim widows navigating inheritance rights in Indonesia's religious courts, highlighting how powerlessness, stigma, and resilience shape their sense of justice. By uncovering the emotional and spiritual dimensions often absent in legal analyses, it offers a distinct contribution to understanding justice as a lived experience. The findings underscore the need for gender-sensitive reform and culturally grounded advocacy, while also pointing to opportunities for future research with broader populations and longitudinal perspectives.

CONFLICT OF INTEREST

The authors declare no conflict of interest.

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