

Inheritance Law in Egypt, Sudan, and Jordan: A Comparative Study of Systems and Implementation

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Abstract

Inheritance law in Islamic legal systems exhibits unique characteristics shaped by religious doctrine, state policies, and socio-cultural dynamics. This study conducts a comparative analysis of inheritance law in Egypt, Sudan, and Jordan, focusing on legal sources, regulatory implementation, and practical challenges. By employing a normative juridical approach with comparative legal analysis, this research systematically examines legislation, court rulings, and scholarly literature to highlight variations in the application of Islamic inheritance principles across these jurisdictions. The findings reveal that while all three countries base their inheritance systems on Islamic law, significant differences emerge due to political, social, and cultural influences. Egypt integrates Islamic inheritance law with national regulations, reflecting modernization efforts, whereas Sudan maintains a *fiqh*-based system strongly influenced by customary law. Jordan, meanwhile, codifies Islamic inheritance law within its legal framework, with the Sharia Court playing a central role in dispute resolution. The comparative approach of this study underscores the adaptability of Islamic inheritance law in different legal environments and highlights the need for harmonization between religious principles and contemporary legal reforms. The findings carry important implications for future legal reforms, suggesting that policymakers should consider contextual adaptations to enhance inclusivity and responsiveness to social changes. This study contributes to comparative legal scholarship by offering insights into the dynamic interplay between Islamic law and national legal systems, while proposing recommendations for progressive inheritance law reform in Muslim-majority countries.

INTRODUCTION

Inheritance law is an integral part of the Islamic legal system that regulates the distribution of property after the death of a person. The basic principles of Islamic inheritance law are derived from the Qur'an, hadith, and scholarly consensus, which are then developed in various schools of fiqh. However, its application in various Muslim countries is strongly influenced by the prevailing social, political and national legal dynamics.¹² In the contemporary context, Muslim countries have adapted inheritance laws to suit the needs of modern societies, sometimes creating tensions between religious norms and values of equality or social justice.³ In countries such as Egypt, Sudan and Jordan, differences in the regulation and implementation of inheritance law reflect diverse approaches to sharia ranging from progressive, legislation-based reforms to conservative preservation of classical fiqh traditions.

Inheritance laws in Egypt, Sudan and Jordan have diverse characteristics and implementations, although all are based on the principles of Islamic law ⁴. In Egypt, Islamic family law reforms began to develop in the 20th century, influenced by legal changes in Turkey. One of the main innovations in the Egyptian inheritance law system was the introduction of the concept of compulsory bequests for orphaned grandchildren, which was not addressed in the classical literature. The relevant regulations are set out in Law No. 71 of 1946, *Some Muslim countries, like Egypt, have reformed inheritance laws to include Dhawū al-Arhām (orphaned grandchildren) as eligible heirs, addressing gaps in classical Islamic jurisprudence.*⁵ In Jordan, the inheritance law system is framed by the Islamic Family Law but faces significant challenges related to the social exclusion of women from equal inheritance rights.⁶

When compared to inheritance law in Indonesia, Egypt maintains the views of classical scholars, while Indonesia is more flexible in adjusting inheritance law to the times and local traditions. For example, in Egyptian inheritance law, religious differences

¹ Lynn Welchman, *Women and Muslim Family Laws in Arab States: A Comparative Overview of Textual Development and Advocacy* (Amsterdam: Amsterdam University Press, 2007), <https://doi.org/10.5117/9789053569740>; Mulki Al-Sharmani, *Gender Justice and Legal Reform in Egypt: Negotiating Muslim Family Law* (Oxford University Press, 2017).

² Al-Sharmani, *Gender Justice and Legal Reform in Egypt: Negotiating Muslim Family Law*.

³ Peri Bearman and Rudolph Peters, *The Ashgate Research Companion to Islamic Law* (Routledge, 2016).

⁴ Adam Mestyan and Rezk Nori, "The Probate Regime: Enchanted Bureaucracy, Islamic Law, and the Capital of Orphans in Nineteenth-Century Egypt," *Law and History Review* 40, no. 4 (2022): 597–624, <https://doi.org/DOI: 10.1017/S0738248022000529>.

⁵ Ishak Tri Nugroho, "Perkembangan Perundang-Undangan Hukum Keluargamuslim Di Mesir (Studi Wasiat Wajibah Di Mesir)," *Familia: Jurnal Hukum Keluarga* 1, no. 1 (2020): 1–20.

⁶ Myriam Ababsa, "The Exclusion of Women from Property in Jordan: Inheritance Rights and Practices," *Hawwa* 15, no. 1–2 (2017): 107–28.

are explicitly a barrier to inheritance, while in Indonesia, inheritance rules are more general and can be adjusted based on agreement among the heirs.⁷

The application of inheritance law in Muslim countries, including Egypt, shows similarities in basic principles, but differences in implementation. A study of inheritance laws in Muslim-majority countries, including Egypt, reveals shared foundational principles of *faraid* (Islamic inheritance rules) but significant variations in implementation due to the interplay of legal codification, customary resistance, and gender dynamics. In Egypt, inheritance law is influenced by national regulations, which in some cases do not fully align with Islamic provisions. The study of All-Mu'izz Abas et al. (2023) shows differences in the application of compulsory testament in Muslim countries: Egypt grants it to both paternal and maternal grandchildren, while Malaysia and Jordan only to paternal grandchildren, reflecting the varying interpretations of Islamic inheritance law.⁸ This is in contrast to countries such as Saudi Arabia which strictly applies the inheritance system based on the Qur'an and hadith.⁹ This contrasts with Saudi Arabia, which adheres strictly to Quranic and Hadith-based inheritance systems without state modifications.

Throughout history, inheritance law has been understood from various perspectives in legislation, initially often associated with social security law or family law because of its role in protecting family members left behind. However, over time, inheritance law has been studied more in the realm of civil law, particularly in relation to the regulation of property rights and wealth distribution. As one of the oldest institutions in the civil law system, inheritance law is known to be very conservative and undergoes slow changes, although it must still adjust to the dynamics of economic relations in order to remain relevant.¹⁰ The study by Furziah (2023) emphasizes the importance of adapting

⁷ Hasan Bisri and Ayi Ishak Sholih Muchtar, "Perbandingan Hukum Kewarisan Mawâni' Irtsi Dan Dzaw Al-Arham Dalam Kompilasi Hukum Islam Dan Undang-Undang Waris Mesir," *TAJ DID* 28, no. 1 (July 15, 2021): 141, <https://doi.org/10.36667/tajdid.v28i1.424>.

⁸ Noor Lizza All-Mu'izz Abas, Mohamed Said, and Mohd Zamro Muda, "A Comparative Study on Legislative Provisions for Obligatory Bequest in Egypt and Malaysia," 2023.

⁹ Muhammad Husni Abdulah Pakarti and Diana Farid, "Implementasi Hukum Waris Dalam Islam: Studi Komparatif Tentang Praktek Waris Di Negara-Negara Muslim," *El-Ahli : Jurnal Hukum Keluarga Islam* 4, no. 2 (December 21, 2023): 37–62, <https://doi.org/10.56874/el-ahli.v4i2.1267>.

¹⁰ Hikmatullah Djamud et al., "Keadilan Hukum Waris Islam Versus Hukum Waris Burgerlijk Wetbook Di Indonesia (Analisis Perbandingan)," *Falah: Journal of Sharia Economic Law* 6, no. 1 (July 31, 2024): 1–14, <https://doi.org/10.55510/fjhes.v6i1.282>.

inheritance law to the modern socio-economic context without compromising its basic principles.¹¹

In Egypt, the social system has shifted from matriarchy to patriarchy, which has resulted in a reduction of women's rights, including in terms of inheritance. Inheritance is regulated through faraid law and testamentary mechanisms, where children of different genders can be heirs. Moreover, both men and women have the same right to make a will (No. 7/2023, 2023). The study by Bassiouni (2018) confirms that although the legal framework provides space for women, patriarchal social norms still limit the realization of such rights in practice. This demonstrates the tension between formal regulations and the social dynamics operating in Egyptian society.

Overall, the comparative study of inheritance law in Egypt, Sudan and Jordan reveals that despite efforts to adapt inheritance rules to social and legal developments, significant differences remain in their interpretation and application in each country. These differences reflect the interaction between Islamic legal traditions and the demands of modernization and adaptation to social changes and national regulations in each country.

This study aims to analyze in depth the similarities and differences between the inheritance law systems in Egypt, Sudan and Jordan. Furthermore, through this comparison, this paper also seeks to formulate recommendations based on the principles of social justice and equality, in order to design an inheritance law system that is more adaptive and relevant to the demands of modern times.

METHODE

This research uses a normative juridical approach with a comparative analysis method to examine the inheritance law systems in Egypt, Sudan and Jordan. This approach aims to understand the principles of Islamic inheritance law applied in each country and explore their differences and similarities in the context of national regulations and implementation practices. methodological and practical reasons. These three countries offer unique representations of Islamic legal systems: Egypt is known for legal modernization through codification, Sudan demonstrates a blend of customary law and Islamic principles, while Jordan stands out for the dominance of religious courts in inheritance disputes. This type of research is descriptive-analytical, which seeks to describe and analyze the provisions of inheritance law in the legal system of each country based on the sources of Islamic law and applicable laws and regulations. The normative

¹¹ Furziah, "Pengaruh Dinamika Sosial-Ekonomi Terhadap Resolusi Konflik Pembagian Warisan: Tantangan Dan Solusi," *ISLAMITSCH FAMILIERECHT JOURNAL* 4, no. 2 (November 24, 2023): 100-117, <https://doi.org/10.32923/ifj.v4i2.3953>.

juridical approach is used to examine the applicable inheritance law regulations in Egypt, Sudan, and Jordan based on primary legal sources (the Qur'an, hadith, laws, and court decisions) and secondary legal sources (books, scientific journals, and previous research results). A comparative approach is applied to identify differences and similarities in the inheritance law systems in the three countries. This analysis will help understand the factors that influence the implementation of inheritance law in various Islamic legal systems. Sources of data for this research were obtained from: Primary legal sources, such as legislation related to inheritance law in Egypt, Sudan, and Jordan, as well as relevant court decisions. Secondary legal sources, including books, scientific journals, research reports, and academic articles that discuss Islamic inheritance law in general and specifically in the countries studied. Tertiary legal sources, such as legal encyclopedias, legal dictionaries, and other academic references that support the analysis of inheritance law concepts. Data collection techniques are collected through library research, by reviewing literature that discusses Islamic inheritance law and its implementation in Egypt, Sudan and Jordan. In addition, legal documents such as laws and court decisions were also analyzed to gain a deeper understanding of inheritance practices in each country.

RESULTS AND DISCUSSION

This research reveals significant findings related to the comparison of inheritance law systems and their application in three countries, namely Egypt, Sudan and Jordan. All three refer to the principles of Islamic Sharia as the basis of law, but their implementation shows striking differences. These variations are influenced by the unique social background, history and political dynamics in each country. To provide a more structured overview, Table 1 is organized to provide a general comparison of the characteristics of the inheritance law systems in the three countries.

Table 1. Comparison of Inheritance Law Systems in Egypt, Sudan, and Jordan

Aspects	Egypt		Sudan		Jordan	
Sources of Law	Qur'an,	Hadith,	Qur'an,	Hadith,	Qur'an,	Hadith,
	and state legislation		customary	law	and Islamic Family Code	
Mandatory Testament Accommodation	Applied		Not applied		Limited	

Women's Access to Inheritance	Legally protected, but there is still social resistance	Limited customary practice	in	Vulnerable to being reduced by family pressure
Positive Influence	Law	High	low	Medium
Dispute Resolution Institution	Religious and civil courts	Sharia and adat courts	local	Sharia court ¹²

This study compares the inheritance law systems in Egypt, Sudan and Jordan which, although based on Islamic law, show variations in implementation due to social, historical and political factors. Egypt stands out as a pioneer of inheritance law reform through the integration of sharia and modern law, especially with the enactment of compulsory probate in Law No. 71/1946. This reform granted inheritance rights to orphaned grandchildren and reflected a neo-ijtihad approach. Although women are legally entitled to inheritance and can make wills, patriarchal practices and cultural resistance are still obstacles to implementation.¹³

Sudan maintains a classical inheritance law system influenced by Maliki fiqh and customary norms. Legal reforms, such as Judicial Notification No. 24 (1921) and the Muslim Personal Status Act (1991), are conservative. Patriarchal customary practices often exclude women from inheritance rights even though they are legally guaranteed.¹⁴ Reforms are often stalled by conservative dominance and weak legal institutions.

Jordan took a middle position by implementing legal reforms through an institutional approach. Although women's access to inheritance was legally expanded, social pressures caused many women to relinquish their rights. Only about 25% of women receive full inheritance.¹⁵ Reforms in Jordan are still symbolic and have not fully addressed gender inequality in inheritance practices. Overall, the three countries reflect a spectrum of approaches to Islamic inheritance law, from progressive to conservative, with the main challenge being the gap between formal law and social practice.

¹² Volodymyr Marchenko et al., "Chapter 2: Legal Relations: From Theory to Practice," *Comparative Analysis of Regulatory Acts of the EU Countries on the Protection of Intellectual Property in the Conditions of the Use of the Artificial Intelligence* 3, no. 19 (2024): 2024, <https://doi.org/10.36690/2674-5216-2024-3-44-66>.

¹³ Karim El Chazli, "Recent Developments in Egyptian Family and Inheritance Law," *Yearbook of Islamic and Middle Eastern Law Online* 21, no. 1 (March 15, 2022): 116–22, <https://doi.org/10.1163/22112987-12340009>.

¹⁴ Carolyn Fluehr-Lobban, "Islamization in Sudan: A Critical Assessment," *Middle East Journal* 44, no. 4 (1990): 610–23, <https://doi.org/>.

¹⁵ Ababsa, "The Exclusion of Women from Property in Jordan: Inheritance Rights and Practices."

1. Inheritance Law in Egypt

Egypt is one of the Muslim-majority countries that has taken proactive steps in adopting the principles of Islamic inheritance law into its national legal system, but with various forms of modifications that reflect modern social needs and the spirit of legal reform. One of the most significant reforms is the compulsory bequest (*waṣīyyah wājibah*), which grants inheritance rights to previously excluded heirs—particularly orphaned grandchildren—who were traditionally categorized as *dhawū al-arḥām* (distant kin) and had no Quranic entitlement under classical *fiqh*.¹⁶

The application of the mandatory will is officially outlined in Law No. 71/1946 on Inheritance, which explicitly stipulates that grandchildren of children who have died before the testator are entitled to receive a share of the estate. In classical Islamic inheritance law, grandchildren of deceased children (especially male grandchildren) are often categorized as *dzawil arham* - distant relatives who do not automatically inherit unless there are no closer heirs (*ashabah*). Thus, in many cases, orphaned grandchildren can be overlooked in the classical inheritance system.¹⁷

Egypt through its national regulations then intervened in this traditional legal structure by requiring inheritance for orphaned grandchildren in the condition that their parents (children of the testator) had died first. This is a form of legal *ijtihad* carried out by the state in order to answer legal gaps and gaps that are not explicitly regulated by classical texts. This mandatory will is not a voluntary gift from the testator, but has been regulated as a legal right that must be fulfilled from the inheritance before the distribution of inheritance to other heirs.

The justification for the application of the concept of mandatory will can be seen from two important aspects. First, from the angle of humanity and social justice, the state seeks to prevent conditions of economic inequality and injustice experienced by orphaned grandchildren who lose their rights due to genealogical order in classical law. Secondly, from the point of view of the development of modern Islamic law, this approach reflects the flexibility and ability of Islamic law to respond to the dynamics of the times without having to deny the basic principles of sharia.

Egypt's move also reflects the influence of modern legal thinking as well as inspiration from legal reforms in other countries such as Turkey. This reformist approach shows that Islamic law is not static, but dynamic and responsive to the socio-cultural context and the

¹⁶ Haseeb Fatima, "A Critical Appraisal of Obligatory Bequest as Prevalent in Muslim Countries," *Islamic Studies* 63, no. 2 (2024): 213–40, <https://doi.org/10.52541/isiri.v63i2.3071>.

¹⁷ Saed Arthos, Muhammad Iqbal, and Sukri, "Analytical Study on Egyptian Inheritance Law Reform (Faraidh)," *Jurnal Akta* 8, no. 4 (2021): 209.

development of national legal norms. The implementation of mandatory wills in Egypt is a concrete example of how the state can play an active role in institutional *ijtihad* to create a more just and sustainable legal system.

In Egypt, Islamic inheritance law has been adopted with certain modifications in national regulations. One significant modification is the introduction of the concept of “*wajibah* wills” stipulated in Law No. 71 of 1946. This concept grants inheritance rights to orphaned grandchildren that were previously not recognized in classical Islamic inheritance law. Egypt introduced this concept to address inheritance issues that were not regulated in the classical books, with the aim of providing a fairer legal solution that suits contemporary social needs.¹⁸

Egypt, on the other hand, has an inheritance system that is influenced by their national laws which sometimes conflict with Islamic principles. Indonesia and Malaysia, which apply a mixed legal system, have inheritance rules that include Islamic principles but also take into account local cultural factors and customs.¹⁹

2. Inheritance Law in Sudan

Sudan is one of the countries that firmly maintains the application of Islamic inheritance law based on classical *fiqh*, especially those that refer to the Sunni *madhhab*, with the dominance of the Maliki and Shafi'i *madhhab*s.²⁰ This inheritance law system is substantially based on the principles set out in the Qur'an, *Sunnah*, *ijma'*, and *qiyas*. In practice, the distribution of inheritance is regulated in detail based on the category of heirs, certain predetermined shares (*al-faraidh*), as well as the provisions of the inheritance barrier (*mawani' al-irth*).²¹

However, the rigid application of classical *fiqh* texts without elaboration on modern social needs makes the system tend to be conservative and less adaptive. Although *fiqh* law provides a strong theological foundation and normative stability, Sudan faces serious challenges in balancing between the normative provisions of religion and the complexity of changing social realities. This includes issues of gender justice, the status of

¹⁸ Nugroho, “Perkembangan Perundang-Undangan Hukum Keluargamuslim Di Mesir (Studi Wasiat *Wajibah* Di Mesir).”

¹⁹ Muhammad Husni Abdulah Pakarti and Diana Farid, “Implementasi Hukum Waris Dalam Islam: Studi Komparatif Tentang Praktek Waris Di Negara-Negara Muslim,” *El-Ahli: Jurnal Hukum Keluarga Islam* 4, no. 2 (2023): 37–62.

²⁰ Bangun Village, Mhd Kurnia Rahman, and Amal Hayati, “Jurnal Legalitas Juridical Insights from Shafi' i *Madhhab* In” 18, no. 1 (2025), <https://doi.org/10.33756/jelta.v17i1.30989>.

²¹ Emre Tekmen, “Inheritance Law BT - The Palgrave Encyclopedia of Islamic Finance and Economics,” ed. Murat Ustaoglu and Cenap Çakmak (Cham: Springer Nature Switzerland, 2024), 1–7, https://doi.org/10.1007/978-3-030-93703-4_36-1.

extramarital children, and the distribution of inheritance within the more complex family structures of the contemporary era.

Although Sudan officially implements Islamic inheritance law, in practice customary law still plays a dominant role in the resolution of inheritance cases, particularly in rural areas and tribal communities. This customary law is often at odds with Islamic law, especially in terms of the distribution of inheritance between men and women. In many cases, women are disproportionately excluded from inheritance or even excluded from distribution altogether, on the grounds of maintaining assets in the paternal lineage.

The dominance of customary law demonstrates the dualism of the legal system in Sudan, which has implications for inequality in the protection of inheritance rights for certain groups, especially women and children. The strong influence of patriarchal social structures also complicates efforts to harmonize between Islamic law and customary law, although in principle Islamic law has provided a more advanced basis for justice than conservative local customs.

One of the main challenges in the inheritance law system in Sudan is the lag in responding to social developments and the needs of contemporary society. Unlike Egypt or Jordan that have initiated codification and reform of family law, Sudan has not shown significant steps in updating its legal instruments, particularly in the aspect of inheritance.

This situation has led to legal stagnation, where the norms applied are no longer adequate to address the complexity of modern family dynamics, urbanization, and shifts in the economic structure of society. In addition, the absence of a well-integrated judicial system between the Sharia Court and state judicial institutions is also an obstacle in creating consistency in the application of inheritance law.

Nonetheless, there have been some local initiatives by scholars, academics and civil society organizations to encourage the reform of inheritance law through contextual approaches and reinterpretation of classical texts. However, these efforts are still hampered by cultural resistance, lack of political will, and the lack of legal literacy of people at various social levels.

The Islamization of Sudan's legal system under the Nimeiri regime was a radical experiment that placed Islamic law as the sole source of national legislation. In the context of inheritance law, the transition from a mixed inheritance system to a shari'a system introduced rigid yet theologically sound rules of property division. Principles such as the two-to-one right of inheritance for men, the abolition of inheritance based on relationships outside of shar'i lineage, and the limitation of wills to a maximum of one-

third, provided a new direction in the structure of property ownership and management in Sudanese society.²²

The future of customary law in Sudan is at the crossroads between the preservation of cultural heritage and the pressures of Islamization and legal modernization. In terms of inheritance law, the rejection of legal plurality has resulted in injustice and social tensions. Attempts to abolish customary law in favor of sharia consistency or Western law ignore the fact that the vast majority of the Sudanese population still lives and resolves disputes within the framework of customary law.²³

In practice, the application of Islamic inheritance law faces major challenges in the multicultural and multi-religious context of Sudan. In the Muslim-majority north, the Islamic inheritance system replaced English common law, while in the non-Muslim-majority south where customary law is still practiced (such as among the Dinka and Nuer), the application of the principles of fardh and ashabah caused juridical and social disorientation. The highly mathematical, patriarchal and lineage-based Islamic inheritance system is incompatible with the customary system which is more collective, based on social-communal relations and gives greater space to the practical needs of the family.²⁴

Some Muslim countries still retain their Islamic values and uses in governing the country and others abandon Islamic law and adopt Western law instead. About the reform of family law in some Muslim countries and comparing them so that it becomes like that found that Turkey applies secular law, Syria and Sudan apply Islamic law. Meanwhile, Indonesia is in the middle of neither fully secular nor fully Islamic law.²⁵

3. Inheritance Law in Jordan

In Jordan, Islamic inheritance law has been codified in national legislation, which reflects the basic principles of Islamic law. This codification aims to ensure that the division of inheritance is carried out in accordance with the provisions of sharia, which provides for the equitable distribution of inherited property among heirs. However, challenges arise when Islamic law has to adapt to modern social and legal contexts, as

²² Carey N Gordon, "The Islamic Legal Revolution: The Case of Sudan," in *Int'l L.*, vol. 19 (HeinOnline, 1985), 793.

²³ Joseph B. Akamba and Isidore Kwadwo Tufuor, "The Future of Customary Law in Ghana," in *The Future of African Customary Law* (Cambridge University Press, 2011), 202–24, <https://doi.org/10.1017/CBO9780511844294.010>.

²⁴ Akamba and Tufuor.

²⁵ Abdul Hakim, "Annulment of Marriage and Khuluk in Family Law in Muslim Countries: A Comparative Study of Family Law in Syria, Sudan, Turkey and Indonesia," *Al Hurriyah : Jurnal Hukum Islam* 7, no. 2 (December 31, 2022): 192, <https://doi.org/10.30983/alhurriyah.v7i2.5561>.

seen in legal reform efforts in Jordan that focus on women's rights and other issues related to inheritance.

The Sharia Court in Jordan plays an important role in the resolution of inheritance disputes. As an authorized institution, the Sharia Court is tasked with interpreting and applying Islamic inheritance law in cases that are filed. It serves to ensure that the distribution of inheritance is done in accordance with the principles of sharia, as well as to resolve disputes that may arise between heirs. In this context, the Sharia Court also plays a role in balancing between Islamic law and evolving social needs.

Islamic inheritance law in Jordan shows flexibility in responding to social change. Although Islamic law has strict provisions regarding the distribution of inheritance, there is room for interpretation and adjustment to suit changing social and economic contexts. For example, in some cases, customary law or local practices may influence the way in which inheritance distribution is carried out, as seen in a study of inheritance distribution in Aceh, Indonesia, where customary law was favored due to its flexibility in considering socio-economic conditions.²⁶ In Jordan, legal reform efforts also reflect the need to adapt inheritance law to modern values and Women's rights.

Inheritance law in Jordan reflects an attempt to integrate sharia principles with social needs and modern legal . The codification of Islamic inheritance law in national legislation aims to ensure fairness in the distribution of inheritance, while the Sharia Court plays an important role in resolving inheritance disputes. The flexibility of inheritance law allows for adaptation to social change, although challenges remain in balancing between Islamic tradition and the need for legal reform.²⁷

The results of this study reveal that although the three countries apply Islamic sharia as the basis of inheritance law, there are significant variations in its adaptation to national laws and social realities. This finding is in line with Sait & Lim's (2006) research which emphasizes the importance of Islamic law's flexibility in responding to contemporary challenges.²⁸ However, particularly in Sudan and Jordan, there is a gap between the formal legal provisions and the practice on the ground.²⁹

²⁶ Harnides, Syahrizal Abbas, and Khairuddin, "Gender Justice in Inheritance Distribution Practices in South Aceh, Indonesia," *Samarah* 7, no. 2 (2023): 1293–1316, <https://doi.org/10.22373/sjkh.v7i2.16688>.

²⁷ Annalisa Bezzi, "Women and the Law in Jordan," 2016.

²⁸ Siraj Sait Siraj Sait and H Lim, "Land, Law and Islam: Property and Human Rights in the Muslim World.," 2006.

²⁹ Asman Asman and Andrey V. Kolyazhor, "Inheritance Distribution System: A One-To-Two Analysis of The Axological Perspective of Islamic Law Philosophy," *Abdurrauf Journal of Islamic Studies* 4, no. 1 (February 28, 2025): 30–45, <https://doi.org/10.58824/arjis.v4i1.285>.

Theoretically, this phenomenon can be explained through the lens of responsive law theory, which requires the law to be able to adapt to social dynamics while ensuring protection for vulnerable groups.³⁰ Thus, although sharia is universal, its implementation must consider the socio-historical context of each country to achieve substantive justice.³¹

This research not only confirms previous findings, but also makes a new contribution through a comparative analysis of three countries that have rarely been studied simultaneously. The findings reinforce the urgency of developing a responsive and equitable model of inheritance law, while highlighting the need for policy reform in countries that are still dominated by customary norms rather than Islamic principles of justice.³²

CONCLUSION

This comparative study, "The Legal System of Inheritance Law of Egypt, Sudan, and Jordan: A Comparative Study of System and Implementation," aimed to analyze and contrast the core components of inheritance law in these three distinct Islamic jurisdictions. Our findings reveal several key conclusions regarding the commonality in legal bases, differences in implementation, and the inherent social and legal challenges faced by each nation. All three countries – Egypt, Sudan, and Jordan – fundamentally derive their inheritance law systems from the tenets of Islamic law, specifically from the Qur'an, Sunnah, *ijma'*, and *qiyas*. This shared foundation underscores a universal adherence to the core principles of *fara'id* within Sunni Islam. However, the study clearly demonstrates that the actual application and evolution of these principles are profoundly shaped by each nation's unique socio-political landscape and national legal framework.

Significant differences in implementation are evident across the three states. Sudan, for instance, largely maintains a textual and conservative interpretation of Islamic inheritance law, showing minimal deviation from traditional texts. This approach often leads to a direct confrontation with deeply entrenched customary law practices, creating a complex dualism. Conversely, Egypt has proactively reformed its inheritance law, notably by introducing the concept of mandatory wills, which serves to address contemporary societal needs. Jordan, on the other hand, has opted for a robust integration

³⁰ Wael B Hallaq, "The Origins and Evolution of Islamic Law," 2005.

³¹ Mursyid Djawas, "The Construction of Islamic Inheritance Law_ A Comparative Study of the Islamic Jurisprudence and the Compilation of Islamic Law," 2022.

³² Zainal Arifin H Munir, "Justice and Peace: The Reconstruction of Inheritance Law Based on Tradition in Lombok," *Russian Law Journal* 11, no. 2 (2023): 25–32.

of Sharia principles into its national legal system through comprehensive codification and by empowering the Sharia Court with a dominant role in inheritance dispute resolution.

Despite their varying approaches, all three nations confront substantial social and legal challenges in bridging the normative provisions of Islamic inheritance law with evolving modern social dynamics. In Sudan, the persistent dualism between Sharia and customary law frequently results in unequal inheritance rights, disproportionately affecting women and children. For Egypt and Jordan, the primary challenge revolves around harmonizing traditional Islamic law with modern civil rights frameworks and continuing the broader modernization of family law.

SUGGESTIONS AND RECOMMENDATIONS

This study's findings carry significant theoretical and practical implications. Theoretically, it highlights the dynamic and adaptive nature of Islamic law when confronted with diverse national contexts, challenging simplistic notions of a monolithic Islamic legal system. Practically, understanding these variations is crucial for legal practitioners, policymakers, and international bodies involved in legal reform and human rights advocacy in the region. Based on these conclusions, we offer the following recommendations:

1. Harmonization of Sharia Law and National Law

Governments in each country need to develop an inheritance legal framework that is not only consistent with sharia principles, but also able to accommodate contemporary social needs, such as gender equality, protection of orphans, and flexibility in inheritance distribution.

2. Strengthening Community Legal Literacy

Systematic efforts are needed to improve people's understanding of their rights in inheritance law, especially among women and indigenous communities who have been marginalized in the inheritance process. Legal socialization and community-based education are crucial to promote legal inclusion.

3. Reform and Contextual Codification

Countries like Sudan that still apply literal inheritance laws should consider gradual reforms, such as Egypt's, so that Islamic inheritance law can function fairly and be relevant in the complexity of modern society. Codification that takes into account local conditions will create legal certainty while maintaining the integrity of the sharia.

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