Al-Mizan: Jurnal Hukum dan Ekonomi Islam
https://ejurnal.iiq.ac.id/index.php/almizan

# Judicial Reasoning on the Inheritance Rights of Adopted Children in Islamic Law

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**Article Information:**
Received July 15, 2026
Revised August 18, 2026
Accepted September 7, 2026

**Keywords:** *Adopted child, Islamic inheritance law, wasiat wajibah, compilation of Islamic law, inheritance dispute*

**Abstract**

Adoption is a social practice intended to provide protection and welfare for children; however, it raises legal issues regarding the status of adopted children under Islamic inheritance law due to the absence of a biological lineage (*nasab*) with adoptive parents. This article aims to examine the legal status of adopted children in Islamic inheritance law and to analyze the judicial reasoning in Decision Number 870/Pdt.G/2020/PA.Jmb. The study employs a qualitative method using content analysis of judicial decisions, the Compilation of Islamic Law (*Kompilasi Hukum Islam*), and relevant literature on Islamic inheritance law. The analysis reveals that adopted children are not recognized as legal heirs because inheritance rights in Islamic law are based on lineage, marriage, and other legally recognized causes. Nevertheless, legal protection is available through grants (*hibah*) and mandatory bequests (*wasiat wajibah*), limited to a maximum of one-third of the estate as regulated by the Compilation of Islamic Law. The decision further demonstrates that the court primarily focused on the parties' legal standing and evidentiary issues rather than substantively determining the inheritance rights of the adopted child. These findings highlight the importance of optimizing *wasiat wajibah* as a legal mechanism to protect adopted children while maintaining compliance with the principles of Islamic inheritance law.

## INTRODUCTION

Adoption is a long-standing social practice in society, serving as a form of protection, affection, and responsibility toward children in need of care (Nabila et al., 2025). In the Indonesian social context, adopted children are generally treated like biological children, whether in terms of upbringing, education, care, or the distribution of family assets (Hasyim et al., 2026). However, Islamic law provides a different framework because adoption does not alter the blood relationship between the child and their biological parents. This provision has implications for various aspects of Islamic family law, particularly regarding inheritance (Wahyu et al., 2024).

In the Islamic inheritance system, inheritance rights are determined based on blood ties, marital relationships, and certain grounds recognized by Sharia thus,

**How to cite:** Umro, M., Hafidz, S. F. M., Shoni, N. J. M., Saneva, S. S., Ediz, M. H. (2026). Judicial Reasoning on the Inheritance Rights of Adopted Children in Islamic Law. *Al-Mizan: Jurnal Hukum dan Ekonomi Islam*, *10*(2), 132-143.

**E-ISSN:** 2656-7164
**Published by:** Department of Sharia Economic Law Faculty of Sharia and Islamic Economics Institut Ilmu Al-Quran (IIQ) Jakarta

adopted children are not included among the heirs who receive a direct share of the inheritance as stipulated in the Quran and hadith (Khalidi, 2022; Mahfudz, 2024).

Islamic law still provides protection for adopted children through the instruments of gifts and mandatory bequests (Nofitasari, 2021). These provisions represent a harmonization between the principle of child protection and Sharia provisions regarding inheritance. In Indonesia, this protection is accommodated in Article 209 of the Compilation of Islamic Law, which allows adopted children to receive a mandatory bequest of up to one-third of their adoptive parents' estate. This provision demonstrates that although adopted children do not have inheritance rights due to the absence of a blood relationship, Islamic law still provides legal protection oriented toward justice and the welfare of the family.

Numerous studies have been conducted on the status of adopted children in Islamic inheritance law. Research by Dian, (2018) shows that adoption in Islam does not give rise to legal consequences regarding inheritance but does allow for the granting of gifts while the testator is still alive. Similar findings were presented by (Darmawan et al., 2025), who explained that the concept of lineage (*nasab*) serves as the primary basis for determining heirs, meaning that adopted children cannot be equated with biological children in the distribution of an estate. Meanwhile, Andinata, (2026) found that legal protection for adopted children is, in practice, more often realized through the granting of a mandatory bequest (*wasiat wajibah*) rather than through inheritance mechanisms. Research by Rahman, (2025) also confirms that lineage status is the primary factor preventing adopted children from automatically receiving inheritance rights under Islamic law.

Another study highlights the dynamics of the application of wasiat wajibah in religious court practice. Tanjung et al., (2026) found that judges in Religious Courts tend to use the concept of wasiat wajibah as a legal protection mechanism for adopted children when no gifts were made during the testator's lifetime. Umar et al., (2026) explain that the application of Article 209 of the Compilation of Islamic Law reflects a shift in approach from a legal-formalistic one toward a public interest-based approach in resolving Islamic family disputes. Research by Qia & Multasam, (2024) also found that court rulings regarding adopted children generally seek to balance legal certainty, justice, and protection for those who are socially regarded as family members.

Another study highlights aspects of inheritance disputes involving adopted children. Suryantoro & Rofiq, (2021) found that inheritance conflicts often arise due to discrepancies between community social practices and Islamic legal provisions regarding heirs. A study by Syarief & Sabri, (2025) indicates that most inheritance disputes involving adopted children stem from a lack of understanding regarding the distinction between inheritance rights and the right to receive a gift or a mandatory bequest. These findings are reinforced by the research of Al-Maududi et al., (2026), which concluded that low literacy regarding Islamic family law leads many families to only understand the legal status of adopted children after the decedent's death. Meanwhile, Pratama et al., (2026) emphasize that judges' rulings in cases involving adopted children are based not only on inheritance norms but also on evidentiary considerations, legal standing, and the facts that emerge during the trial.

Although various previous studies have addressed the status of adopted children, mandatory bequests, and legal protection in Islamic inheritance, most still focus on normative and conceptual aspects. These studies have not specifically examined how judges assess the status of adopted children in concrete inheritance disputes, particularly when the main issue of the case relates to proving the rights and status of the parties in court. In other words, there remains a research gap between normative studies on the status of adopted children and its implementation in judges' deliberations in inheritance cases within the religious court system.

Based on this gap, the novelty of this study lies in its integrative analysis of Islamic inheritance concepts, the provisions on mandatory bequests in the Compilation of Islamic Law, and the judge's reasoning in Decision No. 870/Pdt.G/2020/PA.Jmb. This study not only identifies the legal status of adopted children under Islamic inheritance law but also examines how judges construct their legal arguments in inheritance disputes involving adopted children.

This article aims to analyze the legal status of adopted children under Islamic inheritance law and to examine the judge's legal reasoning in Decision No. 870/Pdt.G/2020/PA.Jmb. Through this analysis, the study is expected to make a theoretical contribution to the development of Islamic inheritance law, particularly regarding the relationship between the concepts of lineage (*nasab*), inheritance rights, and mandatory bequests (*wasiat wajibah*). In practical terms, the research findings are expected to serve as a reference for judges, academics, and the public in understanding the legal protection afforded to adopted children and in preventing inheritance disputes arising from differing interpretations of the legal status of adopted children within the Islamic inheritance system.

## METHODS

This article was written using a qualitative method, specifically content analysis, focusing on a study of Judgment No. 870/Pdt.G/2020/PA.Jmb regarding an inheritance dispute involving an adopted child. This approach was used to understand the legal framework, the judge's reasoning, and the application of Islamic inheritance law in resolving the case. Qualitative research aims to reveal the meaning, interpretation, and substance of a legal phenomenon in depth through the examination of legal documents and texts (Creswell, 2018; Engkizar et al., 2026; Eriyanti et al., 2020; Krippendorff, 2022). Therefore, the use of content analysis is considered appropriate because the research object consists of court decisions containing legal considerations, legal arguments, and the application of Islamic inheritance principles that need to be analyzed systematically and contextually.

The research data sources consist of primary and secondary data. The primary data consists of the Jambi Religious Court Decision No. 870/Pdt.G/2020/PA.Jmb, which serves as the main object of the study. Meanwhile, secondary data were obtained from the Compilation of Islamic Law, the Quran, hadith, books on Islamic inheritance law, scientific journal articles, and laws and regulations relevant to the status of adopted children and Islamic inheritance. The research instrument utilized the researcher as the primary instrument (human instrument), supported by documentation guidelines and data categorization sheets.

Data collection was conducted through documentary and literature reviews by examining court decisions, regulations, and related scholarly literature (Bowen, 2009; Sugiyono, 2022). The selection of these sources and data collection techniques was deemed appropriate because it allowed the researcher to obtain comprehensive information regarding the normative basis and its implementation in religious court practice.

Data analysis was conducted using a content analysis model through the stages of data reduction, categorization, interpretation, and drawing conclusions, as outlined by (Huberman, 2014). The collected data were classified based on the research themes, namely the status of adopted children in Islamic inheritance law, the concept of the *wasiat wajibah*, and the judges' considerations in their rulings. Data validity was ensured through source triangulation by comparing court rulings, provisions of the Compilation of Islamic Law, and various relevant Islamic legal literature to ensure the consistency and validity of the research findings (Assyakurrohim et al., 2022; Engkizar et al., 2024; Harun et al., 2026; Kassymova et al., 2025). These steps of analysis and validity testing were chosen because they produce a more objective, in-

depth, and academically accountable interpretation in explaining the legal constructs used by judges in resolving inheritance disputes involving adopted children.

## RESULT AND DISCUSSION

The findings of the analysis indicate that the status of adopted children under Islamic inheritance law cannot be separated from the concept of *nasab*, which forms the basis for determining rights and obligations under Islamic family law. To understand the legal framework used in resolving the dispute in Decision No. 870/Pdt.G/2020/PA.Jmb, it is first necessary to explain the basic concept of adopted children from an Islamic perspective, particularly as it relates to lineage, legal rights and obligations, and its implications for the inheritance system. An understanding of these concepts is crucial because Islamic law makes a clear distinction between foster relationships and blood relationships, which directly affects the inheritance status of adopted children. Therefore, a discussion of the definition of adopted children in Islam serves as the conceptual foundation for analyzing the status of adopted children and the judge's considerations in the inheritance dispute that is the subject of this study.

### Adopted Children in Islam

Adoption in Islam is known as *tabannī*, which refers to taking in a child to be cared for and raised without altering the child's lineage. Before Islam, the Arab society of the *Jahiliyyah* era treated adopted children as equal to biological children, including in the use of family names, lineage, and inheritance rights. This practice was subsequently clarified through the provisions of the Quran, specifically Surah Al-Ahzab, verses 4–5, which affirm that adopted children cannot be equated with biological children and must remain attributed to their biological fathers (Faizah & Umam, 2023). These provisions demonstrate that Islam prioritizes the protection of clear lineage as a fundamental principle, as it relates to various legal consequences, such as guardianship, *mahram* relationships, and inheritance (Sitakar & Zuhrah, 2026). Thus, adoption in Islam is not intended to create a new lineage but rather serves as a form of social and humanitarian responsibility that continues to respect the child's biological identity (Nasruddin et al., 2025).

Conceptually, the practice of adoption in Islam is closer to the concept of *kafālah*, which involves caring for and providing for a child's basic needs without severing the child's biological ties. This system emphasizes the protection, education, and well-being of the child, while also safeguarding the rights of the biological family as established by Islamic law. Therefore, an adopted child retains a legal relationship with their biological parents, including regarding inheritance, while the relationship with the adoptive parents is more one of caregiving than one of lineage. Although Islam strongly encourages the care of orphans and abandoned children as an expression of social compassion, Islamic law still sets limits to ensure that adoption does not result in a change in lineage status or in the legal rights inherent to the line of descent (Indrisa & Marwa, 2025).

In the Indonesian legal context, adoption is recognized as a means of child protection, but its implementation must still take into account the principles of Islamic law for the Muslim community. Consequently, an adopted child does not automatically become an heir to the adoptive parents and does not acquire the civil rights derived from a blood relationship. Protection for adopted children is provided through other mechanisms, such as gifts and mandatory bequests, which allow for the fulfillment of justice without disregarding Sharia provisions regarding inheritance. A proper understanding of the distinction between foster relationships and blood relationships is crucial, given that many people still equate the status of adopted children with that of biological children, which often leads to legal disputes, particularly regarding the distribution of inherited assets (Rajib et al., 2026). Thus, the

concept of adoption in Islam represents a balance between child protection, social responsibility, and legal certainty grounded in the preservation of lineage.

**The Concept of Inheritance in Islam**

Islamic inheritance law (*farā'iḍ*) is a legal system that governs the transfer of ownership rights to property from a deceased person to those entitled to receive it based on the provisions of Sharia (Piliang & Tsauri, 2019). Unlike other branches of Islamic law, which allow considerable room for ijtihad, Islamic inheritance law has a detailed normative foundation in the Quran, particularly in Surah An-Nisā', verses 11, 12, and 176. These provisions clearly outline the parties entitled to inherit, the shares they receive, and the conditions for inheritance. Therefore, Islamic inheritance law serves not only as a mechanism for the distribution of assets but also as an instrument to realize justice, preserve family continuity, and prevent disputes among family members following the death of the decedent (Zuwika et al., 2024).

Conceptually, Islamic inheritance is based on three main elements: the decedent (*muwarris*), the heirs (*wāris*), and the estate (*tirkah*). Inheritance rights arise due to causes recognized by Islamic law, namely blood ties, valid marital relationships, and *walā'*. Lineal descent holds the most prominent position because it forms the basis for the majority of inheritance rights in Islam. Additionally, Islamic inheritance law recognizes several barriers to inheritance, such as differences in religion and the murder of the decedent. Thus, a person can only acquire inheritance rights if they meet the conditions specified by Islamic law (Assyafira, 2020).

One of the main characteristics of Islamic inheritance law is the application of the principle of balanced justice (*al-'adl al-mutawāzin*), which entails granting rights to each heir in accordance with their legal relationship and responsibilities. Based on this principle, adopted children are not classified as heirs because they have neither a blood relationship nor a marital relationship with their adoptive parents. Nevertheless, Islamic law still provides protection for adopted children through the mechanisms of gifts and mandatory bequests. In the Indonesian context, this protection is accommodated through the Compilation of Islamic Law, which grants adopted children the right to receive a mandatory bequest amounting to no more than one-third of their adoptive parents' estate. This provision demonstrates that Islamic law seeks to strike a balance between protecting adopted children and upholding the principle of bloodline as the primary foundation of the Islamic inheritance system (Habibi & Sariman, 2026).

**The Status of Adopted Children in Islamic Inheritance Law**

The status of adopted children in Islamic inheritance law is based on the principle that adoption does not create a blood relationship between the adopted child and the adoptive parents. In the Islamic inheritance system, inheritance rights arise only from a blood relationship, a marital relationship, or a *walā'* recognized by Islamic law. Therefore, an adopted child is not included among the heirs who are automatically entitled to receive the estate of their adoptive parents. This provision is rooted in Islamic teachings that emphasize the importance of maintaining the clarity of lineage, as reflected in Surah Al-Ahzab, verses 4–5; thus, adoption cannot alter a person's lineage or the legal consequences inherent in blood relations. Consequently, although a very strong emotional bond may develop between an adopted child and their adoptive parents, such a bond does not constitute a basis for inheritance rights under Islamic law.

The affirmation that there is no inheritance relationship between an adopted child and adoptive parents aims to maintain consistency with the fundamental principles of Islamic family law. Clarity regarding lineage has far-reaching implications because it relates to inheritance, guardianship over marriage, mahram relationships, and various other family rights and obligations. Therefore, the fuqaha regard lineage as the primary basis for determining the status of heirs. From this

perspective, the care and upbringing provided by adoptive parents do not alter the legal status of the adopted child, who remains connected to their biological family. This view indicates that Islamic law makes a clear distinction between social relationships arising from upbringing and legal relationships arising from kinship (Al'Haq, 2025).

Although they do not have direct inheritance rights, adopted children still receive legal protection under the Islamic legal system. This protection is realized through the instruments of *hibah* and *wasiat wajibah*, which allow adopted children to receive a share of their adoptive parents' estate without altering the fundamental principles of inheritance. A gift may be given while the adoptive parent is still alive as a form of voluntary donation, whereas a mandatory bequest is granted after the testator's death within certain limits aimed at maintaining a balance between the interests of the heirs and the protection of the adopted child. These provisions demonstrate that Islamic law is not only oriented toward legal certainty but also takes into account the values of public interest, justice, and protection for those who have become part of the family in a social sense (Husain & Kaunang, 2025).

In the Indonesian context, protection for adopted children gains more concrete legitimacy through Article 209 of the Compilation of Islamic Law, which grants adopted children the right to receive a mandatory bequest of up to one-third of their adoptive parents' estate. This provision reflects an effort to harmonize the principles of Islamic inheritance law with the social reality of a society that regards adopted children as an integral part of the family structure. Thus, while the status of adopted children under Islamic inheritance law is fundamentally outside the category of heirs, they still receive legal protection through mechanisms consistent with sharia. This legal framework demonstrates that the Islamic inheritance system seeks to maintain a balance between legal certainty, family justice, and the protection of adopted children's interests (Fikri et al., 2026; Pahroji, 2019).

**Mechanisms for Transferring Assets to Adopted Children Through Gifts and Mandatory Bequests**

Although adopted children are not considered heirs under Islamic inheritance law, Sharia still provides legal mechanisms that allow for the transfer of assets to adopted children without altering the principles of lineage and inheritance provisions. These mechanisms are realized through the instruments of gifts and mandatory bequests, which serve as a means of economic protection for adopted children. The existence of these two instruments demonstrates that Islamic law is not only oriented toward legal certainty regarding the status of heirs but also takes into account the aspects of public interest, justice, and protection for those who have become part of the family in a social sense. Thus, the transfer of assets to adopted children remains possible without disregarding the fundamental principles of Islamic inheritance (Rahman & Burhanuddin, 2026; Syarief & Sabri, 2025).

A gift is the voluntary transfer of property by one person to another during the giver's lifetime without any consideration. In the context of adoption, a gift is the most flexible instrument because adoptive parents can transfer a portion of their assets to their adopted child as an expression of love, appreciation, and moral responsibility. Such a gift may take the form of land, a house, money, or other forms of wealth, provided it is made legally and is not intended to prejudice the rights of eligible heirs. Because it is executed while the grantor is still alive, the property that has been gifted is no longer included in the estate after the grantor's death. Therefore, a gift is often viewed as an effective mechanism for ensuring the well-being of the adopted child while avoiding potential inheritance disputes in the future (Fathanah, 2026).

In addition to grants, protection for adopted children is provided through the concept of a mandatory bequest, which is recognized under Islamic law in Indonesia.

Article 209 of the Compilation of Islamic Law stipulates that an adopted child may receive a mandatory bequest of up to one-third of the adoptive parents' estate if no direct bequest has been made previously. This provision is a form of legal reconstruction aimed at accommodating the need to protect adopted children without designating them as heirs. The existence of the *wasiat wajibah* reflects an effort to balance Sharia provisions that emphasize the importance of lineage with the demands of social justice in society. The cap of one-third of the estate also demonstrates protection for the rights of legitimate heirs as determined by Islamic inheritance law (Ningsih & Marniati, 2023; Setiadi et al., 2025).

The existence of gifts and mandatory bequests essentially demonstrates that Islamic law integrates normative and humanitarian dimensions into the regulation of family relationships. These two instruments not only provide economic protection to adopted children but also serve as a means of maintaining family harmony and minimizing potential disputes between adopted children and biological heirs. Thus, the transfer of assets to adopted children through gifts and obligatory bequests represents a balance between legal certainty, the preservation of lineage, and the protection of social interests which are the primary objectives of Islamic law (*maqāṣid al-syarī'ah*) in the field of inheritance (Mariani, 2026).

**Regulations on the Status of Adopted Children in Indonesian Positive Law and the Compilation of Islamic Law**

Regulations regarding the status of adopted children in the inheritance system in Indonesia reveal a difference in paradigms between civil law and Islamic law. From the perspective of positive law, which is derived from the Burgerlijk Wetboek, adoption is understood as a legal act that creates a civil relationship between the adopted child and the adoptive parents. Conversely, Islamic law views adoption as a form of guardianship that does not alter the blood relationship and therefore does not give rise to legal consequences in matters of inheritance. This difference indicates that the legal status of adopted children in the distribution of an estate is largely determined by the legal system applied. Therefore, a study of the regulations concerning adopted children in Indonesian positive law and the Compilation of Islamic Law is essential for understanding the framework of legal protection afforded to adopted children within the national legal system (Maula & Zaki, 2024; Soliha, 2026).

In civil law, adoption is regulated as a legal institution that places an adopted child on an equal footing with a biological child. The provisions of Staatsblad No. 129 of 1917 affirm that the legal consequences of adoption include the use of the adoptive parents' surname and the establishment of civil relationships identical to those between biological parents and children. The consequence of this provision is the severance of the civil relationship between the child and his or her biological parents and the transfer of rights and obligations to the adoptive parents. With this legal status, the adopted child acquires the right to inherit from his or her adoptive parents as an intestate heir under the provisions of Article 852 of the Civil Code. This legal construct is based on the theory of legal fiction, which treats the adopted child as if they were a biological child born of the adoptive parents' marriage, thereby granting them the same civil rights and obligations, including in matters of inheritance (Dian, 2018).

Unlike the civil law system, the Compilation of Islamic Law asserts that adoption does not alter the relationship of descent and does not create an inheritance relationship between the adopted child and the adoptive parents. This provision is based on the theory of descent in Islamic family law, which establishes the relationship of descent as the primary basis for the creation of inheritance rights. According to *fiqh*, inheritance rights arise only from a blood relationship, a valid marriage, or *walā'*, so an adopted child does not fall under the category of heirs

defined by Islamic law. Therefore, even though an adopted child lives and is raised in the adoptive family, their inheritance rights remain tied to their biological parents and vice versa. This provision demonstrates that Islamic law seeks to preserve the clarity of lineage (*ḥifẓ al-nasab*) as one of the primary objectives of Sharia in the areas of family and inheritance (Maliki & Hayya, 2026).

Although it does not designate adopted children as heirs, the Compilation of Islamic Law still provides legal protection through the mechanism of the mandatory bequest (*wasiat wajibah*), as stipulated in Article 209 of the Compilation of Islamic Law. This provision grants adopted children the right to receive up to one-third of their adoptive parents' estate if no direct bequest was previously made. The existence of the *wasiat wajibah* reflects an approach based on the public interest (*maṣlaḥah*) that seeks to accommodate the social realities of Indonesian society without disregarding the fundamental principles of Islamic inheritance. Thus, the provisions in the Compilation of Islamic Law demonstrate an effort to harmonize legal certainty, the protection of adopted children, and the preservation of the principle of lineage (*nasab*), which forms the foundation of Islamic inheritance law. This framework also reaffirms that the protection of adopted children can be realized without having to change their status to that of an heir on par with biological children (Umar et al., 2023).

## CONCLUSION

The findings of the analysis indicate that the legal status of adopted children under Islamic inheritance law is based on the principle of preserving lineage, which establishes the parent-child relationship as the primary basis for inheritance rights. Consequently, adopted children do not have the capacity to inherit from their adoptive parents, even though they have become part of the adoptive family in a social sense. The novelty of this article lies in the integration of a normative analysis of Islamic inheritance with the legal considerations in Decision No. 870/Pdt.G/2020/PA.Jmb, which demonstrates that the resolution of inheritance disputes involving adopted children is determined not only by inheritance norms but also by the legal status of the parties and the evidence presented in the judicial process.

The findings of the analysis also confirm that protection for adopted children within the Islamic legal system is more appropriately achieved through the instruments of gifts and mandatory bequests rather than through the expansion of heir status. These findings reinforce the function of mandatory bequests as a legal protection mechanism capable of accommodating the values of justice and the public interest without disregarding the principles of Islamic inheritance. Therefore, the results of this study highlight the importance of optimizing the use of gifts and mandatory bequests in inheritance practice, as well as strengthening judges' considerations in balancing legal certainty, the protection of adopted children's rights, and compliance with the principles of Islamic law.

## ACKNOWLEDGEMENT

We would like to express our deepest gratitude to everyone who contributed to the success of this research.

## DECLARATIONS

**Author contribution**

**Mabruroh Umro:** data curation, writing-original draft preparation, **Saifullah Fatah Muhammad Hafidz & Nuril Jinan Muhammad Shoni:** analysis, conceptualization, **Syifa Salsabila Saneva:** methodology, visualization, **M. Hidayat Ediz:** editing.

**AI Statement**
The data and the grammatical structure in this article have been validated and verified by English language experts and no AI-generated sentences are included in this article.

**Funding statement**
The author(s) declare that no financial support was received for the research, authorship, and/or publication of this article.

**Conflict of interest**
The authors declare that this research was conducted without any conflict of interest in the research.

**Ethical clearance**
The research company has agreed to carry out the research and is willing if the results of this research are published.

**Publisher's and Journal's Note**
Department of Sharia Economic Law Faculty of Sharia and Islamic Economics Institut Ilmu Al-Quran (IIQ) Jakarta as the publisher and Editor of Al-Mizan: Jurnal Hukum dan Ekonomi Islam state that there is no conflict of interest towards this article publication.

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Al-Mizan: Jurnal Hukum dan Ekonomi Islam

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