

Pemikiran hukum kewarisan Islam di Indonesia tentang bagian perolehan ahli waris pengganti

Deskripsi Lengkap: <https://lib.ui.ac.id/detail?id=20406207&lokasi=lokal>

Abstrak

Legal pluralisme has shaped the different inheritance regimes in Indonesia. Islamic Inheritance Law in particular is founded on the principle of Ijbari, or full compliance and conformity with God's laws as set forth in the Qur'an. In terms of extended family relations, as the Qur'an does not have specific rules in this regard, there are legal opportunities for flexibility in implementation, allowing the mujtahid to do ijtihad according to the unique situations and conditions of their people. This paper discusses the dynamic and development of Islamic inheritance Laws in Indonesia using legal historical analysis and attempts to draw interconnections between different idea and understanding of the people to show the dynamics of Islamic inheritance laws in the different regions. Preliminary conclusions indicate that legal pluralisme can be applied in the field of Islamic inheritance laws that have the basic characteristics of the 'ijbari' but open to ijtihad in the territories which have a propensity to apply strictly the provisions in the Qur'an.