

Pembaharuan Hukum Kewarisan di dunia Islam : studi terhadap radd dalam fikih dan UU Hukum keluarga di Mesir, Syiria, Sudan , dan Tunisia

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Abstrak

in relation to the family law reforms, islamic countries are essentially divided into three categories divided into three categories. First, the islamic state that was not willing to reform and still treat family law as set forth in the law books based on the schools of law adopted. second, a completely Islamic state that has left the islamic family law and has taken the European civil law. Third, the islamic state that has tried to make a renewal to the islamic family law. according to Tahir Mahmood, there are thirteen aspects of contemporary muslim family law that has experienced renewal. One is the excess property of husband and wife inheritance after distributed to their heirs. Property can be said to exceed the amount of the distribution when the heirs consist of all the prescribed ones. Excess property will be returned to them in accordance with their prescribed shares. In classical Islamic law, if the property still remains after distributed to the prescribed heirs, whereas there are no residuary heirs. In the remaining heirs are only husband and wife , the rest of the property was handed over to the treasury of the state treasury. This paper discusses several Islamic countries that have committed to Family law reforms. They are Egyp that follows Shafi'it school of law, Syria that commits to Hanafit school of law, as wekk as Sudan and Tunisia which are Malikit.