

ABSTRACT

Wihana, Jajang. 07210075. Tinjauan Ushul Fiqih Fatwa Yusuf Al-Qardlawi Tentang Kebolehan Seorang Moslem Menerima Warisan Dari Kerabat Non Moslem . Thesis. Major: Al-Al Shakhshiyyah Ahwal. Faculty: Sharia, State Islamic University of Malang Maulana Malik Ibrahim. Supervisor: Dr. Tutik Hamidah, M.ag

Keywords: Usul Fiqh, Yusuf al-Qardlawi Fatwas, legacy, non-Moslem relatives.

Barriers of legacy is one of the discussion Mawaris jurisprudence. In many such discussions controversy among classical scholars. Particularly those related to religious differences. In this case contemporary scholars. DR.Yusuf al-Qardlawi actually allow a Moslem inherit from non-Moslems relatives. This opinion is contrary to the saheeh hadith which states that:

"لَا يَرِثُ الْمُسْلِمُ الْكَافِرَ، وَلَا يَرِثُ الْكَافِرُ الْمُسْلِمَ"

The hadith clearly says that not inherit each other between Moslem and non Moslem but why Yusuf al-Qardlawi even allowed a Moslem inherit from non-Moslem relatives.

In this study, there are three issues that were examined, namely how the historical background Yusuf al-Qardlawi fatwa, what arguments are used as the basis and understanding how to Yusuf al-Qardlawi in a fatwa. The purpose of this study was to determine how the historical background Yusuf al-Qardlawi fatwa. To Know the arguments relied upon it and his understanding of his fatwa on the permissibility of a Moslem inherit from non-Moslem relatives.

This type of study is classified as library research or literature study uses the approach of usul fiqh is the author trying to find and dig up what the law istimbat Yusuf al-Qardlawi use in his fatwa, then provides an analysis of the problem. By using descriptive analytical method, namely: to describe and analyze carefully about the permissibility of a Moslem inherit from non-Moslem relatives.

From the results of this study that, the background of the emergence of the fatwa is originated from the accumulated anxiety Moslem minorities in Western societies are not in accordance with the provisions of the classical fiqh. While the arguments relied upon Yusuf Qardlawi, he more apply basic hadeeth narrated by 'Umar, Mu'awiyah and Muadh. Additionally Yusuf Qardlawi make a qiyas inheritance issues above with permissibility of a Moslem woman marry a heathen and abilitiy take ghanimah treasure. And understanding to hadith that reads

"لَا يَرِثُ الْمُسْلِمُ الْكَافِرَ، وَلَا يَرِثُ الْكَافِرُ الْمُسْلِمَ", then according to Yusuf al-Qardlawi make a takwil as did the followers of the Hanafi madhhab in make a takwil hadith which reads: "وَأَنْ لَا يَقْتُلَ مُسْلِمٌ بِكَافِرٍ "