

ABSTRACT

Abd. Rouf. 2012. Inheritance rights for Applicant Euthanasia Perspective of Islamic Law. Thesis. Department of Al-Ahwal Asyakhshiyah, Faculty of Shari'ah. Islamic University of Maulana Malik Ibrahim Malang. Supervisor, Dr. H. M. Saad Ibrahim, M.A.

KEY WORDS: Inheritance Rights, Applicant and Euthanasia.

This study was to answer the problem of inheritance rights for the applicant euthanasia. Euthanasia is an act of murder committed in terms of a medical mistake, either by action or omission of a right to treatment that should be taken by the patient. so that patients can die quickly and fairly. Euthanasia may occur because they demand from patients, medical teams, or derived from the patient's family. The problem here is when the act of euthanasia was performed on the basis of the request or consent of the family with a doctor or medical team treating patients, the action has the potential of killing. While in Islam states that the causes of loss of inheritance rights for the heirs of three, one of whom was killed.

Views of its kind, this study classified the research literature as well as normative studies verificative. In this study uses primary data source of the arguments in the Qur'an relating to inheritance rights issues; books that raise the hadiths of the Prophet as Mukhtasar Nailul Authar, the work of Al-Imam ash-Syaukani, al -Lu'lu 'wal Marjan works of Muhammad Fuad Abdul Baqi, and the book Death Medical (Mercy Killing) by Muhammad Yusuf. Then processed and analyzed using the method of qiyas, which connects a case that there are no other cases its nash to the existing legal texts because there are similarities between the legal 'illat.

In its legal istinbâth, researchers used killing law of act that contained in hadith *كَيْسَ لِّلْقَاتِلِ شَيْءٌ وَإِنْ لَمْ يَكُنْ لَهُ وَارِثٌ فَوَارِثُهُ أَقْرَبُ النَّاسِ إِلَيْهِ وَلَا يَرِثُ الْقَاتِلُ شَيْئًا* as Al-Aslu by decciding Illat which its contained is killing soul (killing motive). The original law contained in the Hadith is unlawful for the murderer to inherit from the person who killed and its al-far'u is passive euthanasia, when researchers have analyzed selectivly among the properties contained in passive euthanasia as well as setting 'illat contained in it is of killing.

From this research, it is concluded that the legal status of the applicant's rights to inheritance for passive euthanasia, it's hindered petitioner his right to inherit property from the heir to the respondent.