

ABSTRAK

Syahrofi. 05210082. 2012. Renewal of Islamic Inheritance Law in Indonesia (Review of the Socio Historical Changes Waris Islam Towards Compilation of Islamic Law).
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Key words: Reform, inheritance of islam, Islamic Law Compilation

Heir to the teachings as well as legal provisions that have been institutionalized and become one of the joint lives of the people. The issue of inheritance in Indonesia have been arranged in various legal systems, such as customary law, religious law, as well as the positive law of the Dutch heritage. In an effort to reduce the possibility of strife, divisions, or different interpretations due to the effect of legal pluralism, in the event of a dispute, then the problem of inheritance need to be formulated, regulated in detail and reinforced in a statutory rule. The Birth Compilation of Islamic Law in response to a plurality of legal issues, particularly inheritance law applicable to Muslims. Nevertheless, as a product of law reforms did not rule enforcement KHI caused controversy.

The purpose of this study is to describe the background factors of inheritance law changes faraid to KHI, the epistemological constitution, inheritance in KHI, and purpose of the change-of-inheritance in Indonesia in sociological and historical. Research methods used included in the normative legal research or legal research literature. The research data obtained from the primary legal materials Compilation of Islamic Law, secondary legal materials such as scholars thought about the Compilation of Islamic Law relating to the issue of inheritance, and tertiary legal materials such as dictionary.

The results showed that the birth of the Compilation of Islamic Law is not of a vacuum, but there are social, political, and legal support. Preparation of KHI can be viewed as a process of transformation in the form of Islamic law is not written into the laws and regulations. In its formulation can be specified in two stages. First, the stage of collecting raw materials, were excavated from various sources, both written and unwritten. Second, the formulation stage based on the laws and regulations in force and source of Islamic law (Qur'an and Sunnah), in particular paragraph and text associated with the substance of KHI. Although it contains nothing new in the inheritance as the heir successor, KHI still follow the fiqh thinking about estate division between men and women. This has sparked many protests, particularly from women activists who later led to the idea that the same division in the Counter Legal Draft Compilation of Islamic Law (CLD-KHI).