

ABSTRAK

Imaduddin, Muhammad. 2012. The Division of Inheritance Among *Kiai Pesantren's* Family (The Study of *Kiai Pesantren's* Family in Jember Region). Thesis, Department of Al-ahwal al-Syakhsiyyah, Faculty of Sharia, State Islamic University of Maulana Malik Ibrahim Malang. Supervisor: H. Isroqunnajah, M.Ag

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Kiai, in the Javanese community structure, substantially serves to resolve issues relating to Islamic law. Among numerous Islamic laws, the inheritance law is conflicting with the development of the pattern of life and culture in the community. Then, it is interesting to know more about the division of inheritance among *kiai pesantren's* family. The reason is that *kyai* is a figure who is considered to understand more about Islamic law than the laymen, so that they become role models in their communities in practising Islamic laws in relation to inheritance law. Therefore, the researcher is interested in studying more deeply about the division of inheritance among *kiai pesantren's* family in Jember. The researcher took the object of this study by classifying *kiai* into 2 categories: 1) national *kiai*, 2) local *kiai*, then the *kiai's* typologies: 1) spiritual *kiai*, 2) advocative *kiai*, 3) political adaptive *kiai*, 4) politically critical partner *kiai*. Because Jember also has a big number of *pesantren*, the assimilation of Javanese and Madurese culture has marked the easterlies and become the central of education in the so called "horseshoe" regions.

This study focuses on 1) the division of inheritance among *kiai pesantren's* family in Jember and 2) what factors that influence the division of inheritance among *kiai pesantren's* family in Jember. This study is aimed at knowing 1) the pattern used in the division of inheritance among *kiai pesantren's* family in Jember and, 2) the influential factors in the division of inheritance among *kiai pesantren's* family in Jember. The Method used for data collection is through the observation, interview and documentation. To analyze the data, the researcher uses the descriptive qualitative technical analysis which describes and interprets the available data to describe reality in accordance with the actual phenomena.

The results showed that 1) *Kiai* in Jember have similarities in the wealth division time that is when they are still alive as grants and leave less valuable wealth. Therefore, in the entire rest of his life, *kiai* only live in one of their sons' house or *pesantren* and any household items are also inherited later on when *kiai* have passed away. 2) The factors that affect *kiai* in dividing the wealth are that they avoid the problems, quarrel, hostility and fear of shortage among the family upon their leave. On one important side, the *kiai* want their knowledge as a major inheritance to fight for the Islamic *pesantren*.