

## ABSTRAC

Supardi. 06210029. *LEGAL STATUS TESTAMENT VIEWED FROM DIFFERENT RELIGIONS SYAFI'IYYAH FIQH AND KHI*. Thesis, Department of Al-ahwal al-shakhsiyyah, Faculty of Sharia, Islamic University (UIN) Malang Maulana Malik Ibrahim. Advisors Drs. Fadil SJ, M.Ag.

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Testament is an important transaction between two people about the transition property in accordance measure after one party dies. Indeed this transaction has been there before the advent of Islam with the existing regulations. After Islam came, the transaction is still maintained with a more rigid regulations. It's just still detectable differences of opinion in the case of religious differences between people who give testament (*Mushiyy*) and those who receive it (*Musha Lahu*). Starting from the discourse that this research tries to uncover the unanimity of the scholars view KHI about Syafi'iyyah and their legality will be the status of different religion.

Given the importance prihal will advance it will relate to treasure someone who had died that aim to do well especially if the person is a different religion, so how will the legal status of religious difference is by looking at the views of scholars Syafi'iyyah and KHI. As a means of measuring roundness and consistency of the scholars Syafi'iyyah KHI in regulating the testament of different religions, research carried out in a kind of Library Research for studies focused on library materials by using a qualitative descriptive approach that leads to juridical textual of Islamic Law (Syafi'iyyah ) and the KHI by reviewing what has been thrown by Syafi'iyyah and from various books or books which are then compared with KHI to be aware of differences and the meeting point of the two legal systems, can then be used as a basis for implementation.

By using these research methods, concluded that Syafi'iyyah not require religious equality in doing trsansion will advance to the testament of different religions, but can be trusted and will full responsibility, because it *illat* testament is the provision of property, and religious differences are not included *illat* itself. While the principle of taking the property itself to be used in activities that will add to obedience to Allah, not even for disobedience to Him. Islamic Law Compilation (KHI) as one source of formal law in the settlement of this matter can not provide a clear space of wills, especially against people of different religions, but only limited to the age of the person entitled to make a will. So impressed by the absence of legal certainty, although it will have detailed rules on, for example regarding the cancellation will be discussed until the terms will be canceled.