

### ABSTRACT

Permadi, Fenky. 2011. Studies Article 185 of Islamic Law Compilation Succeeded About Inheritance (An Overview *Mashlahah*). Department of Al-Ahwal Al-Syakhshiyah, Faculty of Sharia, The Islamic State University of Maulana Malik Ibrahim Malang

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Keyword: Heir Substitute, *Mashlahah*.

In the development of Islamic inheritance law. There is a matter concerning substitute heirs having the purpose of searching for justice for the heirs. Basically, the substitute heirs become heirs because the parents having the inheritance rights have passed away before the inheritors.

As for the main problem of this research is how exactly the concept of substitute heirs in article 185 Compilation of Islamic Law, then how the review of the position of heir *mashlahah* replacement.

To answer the above problems, the authors use this type of library research by using a qualitative approach, in this case the data is in the form of theories or concepts about the position of substitute heirs of *mashlahah* reviewed. Then the data were analyzed qualitatively using the method of documentation. This documentation method aims to find data about the things or variables related to the heir and successor *mashlahah*.

The results obtained from this study can be seen that the concept of substitute heirs under section 185 Compilation of Islamic law that applies to all descendants of the heir who died first of the heirs and the heirs of the successor does not exceed an equal heir with being replaced. Besides that also, because the position of substitute heirs are not described in the Holy Koran directly, but the content *mashlahah* line with the objectives of Islamic law that is to realize a sense of justice for the heirs.

Therefore, the method *mashlahah mursalah* is very relevant in solving problems heir successor. Because, the position of substitute heirs is not something contrary to *maqâshid al-Shari'ah*, the benefit rational because the result of an *ijtihad* and considerations of justice upon the inheritance for heirs.