

ABSTRACT

Ilmina Marfuati Kamalia. 10210095. 2014. *The Judge Legal Oppinion of The Refusal Adoption Inheritance Case on Religious Courts Malang (Case Study Number: 0018 / Pdt.G / 2013 / PA.Mlg)*. Thesis. Department of Al-ahwal Al-syakhshiyah, Faculty of Shariah, the State Islamic University of Maulana Malik Ibrahim Malang. Supervisor: Dr. H. Isroqunnajah, M. Ag.

Keywords: Refusal, Child Lift and Inheritance

Humans can not be separated from the issue of inheritance. Since man who died and left property will certainly pass on their wealth to their heirs. If the heir does not have an heir, the assets were given to the treasury as well as if the heir has adopted child or the adoptive parents, the majority of his wealth given to the adopted child or the adoptive parents. Case of inheritance that can not be solved by means of kinship can be settled in court. In the Religious Malang for example, a foster child who sued the possessions of the adoptive parents through the legal system can not prove the argument of the claim so that the judges rejected a lawsuit filed adopted child. Based on these cases, the research in this paper provides evidence on how the validity of the adopted child before the court in case number: 0018 / Pdt.G / 2013 / PA.Mlg, what evidence must be filed in the trial of the case and how the judge rejected the view inheritance case filed by the foster child.

The Research type is empirical research. The approach used is qualitative approach. Then the data sources derived from primary and secondary data. The method used in data collection are interviews and documentation. The data is processed by multiple stages of the examination of data, classification, verification, analysis and conclusions.

The results of this study indicate that all sorts of evidence can be considered valid depending on how the Plaintiff's use of such evidence. Evidence that must be presented in a court of law in accordance with Article 164 Herzien Inlandsch Reglement the form of papers, witness, allegation, admission and oath. But in general, if the evidence in the form of letters have been able to provide answers about the truth in front of the judges, it does not need to be proved by other evidence, and if it's less, it is necessary to use the evidence of witnesses and so on. Panel of Judges set to reject the case of inheritance by two reasons. First, the adopted child could not designated as heir. This is referred to in the Compilation of Islamic Law Article 209 paragraph (2) was borrowed through. Second, the evidence presented by the adopted children are legally flawed and imperfect.