

Abstract

Ismail, Taufiq, 07210091, Consideration of religious court judges about the cancellation of deed of grant tuban (studi case no 1995/Pdt.G/2006/Pa.Tbn), Jurusan Ahwal al-Syakhshiyah, Fakultas Syariah, University of Islamic Negeri Maulana Malik Ibrahim Malang

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Grant is a voluntary gift to get closer to God without expecting anything in return. Grants awarded to experts allowed the family (Inheritance) or not expert family, of property to non-Muslims. Islam also does not set a specific level for the property or had to be granted for the property to be granted than the grantor owned. The formulation: 1. Religious Court Judge Tuban consideration of the cancellation deed of grant. 2. Islamic Law and Legal Studies in the Court Decision Religious Positive Number: 1995/pdt.G/2006/Pa.tbn. The Research Methods and approaches used Research Library The observations are Religious Court Judges Decision Analysis with one judge who handles the case is being investigated as a judge member of the panel of judges, then the data is processed and analyzed with descriptive Analytical Methods.

The incident occurred on May 30, 2001 Date of KDH donated his entire estate as much as 11 objects, 9 objects in the form of land and a house 2 object to their children unless TRJ because only he is not told in the grant process by brother / inya. Giving Grant Deed itself incompatible with the existing rules so that the legal consequences resulting harm others who are entitled to a property Grants.

By Bukhari and Muslim, from Nu'man bin Bashir, that the father Nu'man (Bashir) never came together before the Prophet Nu'man., Then said: Behold I will donate my things to my young Nu'man this. Then the Messenger of Allah said: It means: Do you also give to all your children as you give to Nu'man bin Basir replied: No. Then the Messenger of Allah. Said: It means: "Be ye liken a gift among your children. And suppose you put someone (among your children), you undoubtedly prefer the (child) women. ". Then Bashir was taking back the grant. (Subulus Greetings Juz 3 things. Fiqhus 89 and Sunnah vol 3 544 terms). KHI mentioned in Article 211 grants the parents to their children can be considered as legacy. Article 212 Grants to children KHI mentioned may be withdrawn. This provision is based on the lines of Islamic law Hadith of the Prophet narrated by Ibn Umar and Ibn Abbas, which in essence can be unilaterally revoked. KHI Article 213 grants given to the grantor in a state hospital near his death his heir shall be approved. 726 Compilation of Islamic Economics Law which says that if penghibah in a state of serious illness then it must be able to grant the consent of his heir.