

ABSTRACT

Mufida Minurul Rohmah, Rizky. 2014. **The position of supplementary inheritor (*Plaatsvervulling*) (comparison case of article 841 KUH Perdata and article 185 KHI).** Thesis Al-Ahwal Al-Syakhsiyyah Department. Maulana Malik Ibrahim State Islamic University of Malang. Advisor: Dra. Jundiani. SH., M.Hum

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Based on the development of Islam in the world nowadays, the effort of Islamic implementation is being continued. For example, find the supplementary inheritor problem solving in order to fill the justice of the inheritor. Basically, the supplementary inheritor can be the inheritor if his parent passed away earlier than the heir.

The focuses of this study are: 1. how is the position of the supplementary inheritor (*plaatsvervulling*) based on article 841 KUH Perdata with article 185 KHI, 2. How the the supplementary inheritor is compare (*plaatsvervulling*) based on article 841 KUH Perdata with the article 185 KHI.

The research use normative law method by the statue and law comparison approach. Normative law is the method that considers to the review of related literature or documents named secondary data, such as: primary legal source, secondary legal source, and tertiary legal source.

Based on result of this research, Inheritance law KUH Perdata and inheritance law KHI admit the supplementary inheritor or the inheritance changer, it proof in the article 841-848 KUH Perdata. But, in the article 185 KHI does not allow to get the bigger potion than the inheritor. It generally means that the supplementary inheritor became a new system in the Islamic inheritance system.

The comparison of the supplementary inheritor based on two kinds of laws above show both of man and woman have similarity to become a substitute of the inheritor who died earlier than them. The scope of KUH Perdata and KHI are done only by down straight line and siding line. Whereas, the difference in KUH Perdata, the supplementary inheritor get the right and obligation in all the right's **changing person**, in KHI does not allow to get the portion more than the siding inheritor's part. KUH Perdata, the inheritor should exist, and must be exist when the heir passed away. In KUH Perdata, the supplementary inheritor abolishes *ashobah*, KHI, the supplementary inheritor still uses *ashobah*. KUH Perdata, the inheritance's part that is received by man and woman is equal in their right and obligation, it is 1:1, KHI, the dividing of inheritance that is received by man more than woman's part, it is 2:1.