

## ABSTRACT

Infa'na Fitria, Student ID Number 10220009, 2014, *Hibah According to Compilation of Sharia Economic Law and The Civil Code (A Comparative Study)*, Thesis, Sharia Business Law Department, Sharia Faculty, the State Islamic University of Maulana Malik Ibrahim of Malang, Supervisor: Dr. H. Abbas Arfan, Lc, M.H.

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**Key words:** Hibah, Compilation of Sharia Economic Law (KHES), The Civil Code (KUH Perdata)

Giving *hibah* or a gift is one way to get closer to Allah swt in order to foster a sense of solidarity and social care. *Hibah* is a form of gift (during lifetime) without expecting any return or exchange. In other words, *hibah* is a unilateral contract whereby a person offers the property to others without anything in return. The principal issues discussed in this research is on the comparison of hibah according to Compilation of Sharia Economic Law (KHES) and The Civil Code (KUHPerdata).

The aim of this research is to comprehensively understand about the rules or the provisions of *hibah* in Compilation of Sharia Economic Law and the Civil Code. In this research, the provisions include limits on the amount of property donated and the revocation of *hibah*. Of course, based on two legal materials, the Compilation of Sharia Economic Law (KHES) and the Civil Code .

This research using research method of legal normative or literature research and also use a comparative approach, regulatory approaches, and conceptual approaches. As the primary legal materials in this research is KHES and the Civil Code. And for the books, the Holy Qur'an, hadith, and the dictionary used as secondary and tertiary law namely Large Dictionary of the Indonesia Language (KBBI).

The conclusion of this research is the revocation of *hibah* in KHES it is allowed, except revocation to parents, sons or daughters, aunt or uncle, and other sources. In other side, the civil code does not permit the revocation of *hibah*, except for 3 things which are mentioned in article 1688 of the Civil Code. Meanwhile, in KHES for the property donated amount of *hibah* was limited as much as one-third of all the wahib's properties. Otherwise in the Civil Code does not provide for a limited number of donated property as well as in KHES.