

ABSTRAK

Nuroniyyah, Hafidzotun. 2013. Distribution of Assets Inheritance practices in Sukosari, Jember (*Living Law Review*). Thesis. Al-Ahwal Al-Syakhshiyyah Department, Faculty of Sharia, the State Islamic University of Maulana Malik Ibrahim of Malang. Supervisor: Dr. Zaenul Mahmudi, M.A.

Keywords: Inheritance, living law

Customary law is the law of life. In accordance with his nature, customary law continues to grow and evolve as the community itself and includes Living Law that is part of the cultural aspects of Indonesia. Each community both complex and very simple forms have activities functioning in the control of society or social norms. As villagers Sukosari Muslim majority, they still cling to the applicable customary norms ranging from the time of the ancestors. Inheritance law used in Sukosari is not Islamic law and civil law, but the tradition passed down through generations, and this is evidence from the social and cultural conditions that exist in the area. Therefore, researcher wanted to know more about the practice of the devision of the community in Sukosari, and how does living law affect the division of inheritance practice carried out by the community.

The purpose of this study is to determine the division of inheritance practices in Sukosari, Jember and knows the division of inheritance in the village in the perspective of *Living Law*. This research is a descriptive empirical phenomenon by describing the division of inheritance in Sukosari area. The approach used is qualitative approach. The data collected in the form of primary and secondary data were conducted by interview, and documentation that proceded with the editing, classification, verifying, and analyziz. Finally a conclusion that is the result of research and advice to the parties concerned.

Research results showed that the inheritance laws in Sukosari based on local customs, but the division of inheritance that is used although, basically the division of inheritance is not in accordance with the rules of Islamic inheritance law. The Sukosari's Community included in kinship Parental / Bilateral division of inheritance and when they use individual inheritance system. Descendant heirs of testator itself, unless the testator, itself has no biological children, then the estate given to the heir siblings. In essence, there are two things that affect the inheritance law in Sukosari, the villagers of the marriage culture in Sukosari requiring husbands to wives, where the culture requires a wife to have their own properties so as not to burden her husband. It is based on the assumption that the husband and wife have the same rights and responsibilities in married life, especially in matters of the family economy. This is wedding cultural heritage affect existing systems. Boys and girls have the same rights in the receiving portion legacy.