

ABSTRAK

PENYELESAIAN SENGKETA WARIS ISLAM DI KAMPUNG ADAT CIKONDANG BERDASARKAN HUKUM ISLAM DAN HUKUM ADAT DIKAITKAN DENGAN KOMPILASI HUKUM ISLAM

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Indonesia menganut beberapa sumber hukum kewarisan, yaitu hukum waris barat, hukum waris Islam, dan hukum waris adat. Dalam pembagian waris masyarakat adat akan menyelesaikan proses pewarisan dengan menggunakan sistem hukum adatnya masing-masing. Hal ini dilakukan pula oleh masyarakat adat kampung Cikondang. Sistem pembagian waris yang dilakukan oleh masyarakat adat kampung Cikondang ialah memakai sistem individual parental. Penelitian ini bertujuan untuk mengetahui bagaimana keselarasan antara hukum waris Islam dengan hukum waris adat secara praktik, serta penerapan sistem hukum waris Islam dalam penyelesaian sengketa pembagian waris pada masyarakat adat kampung Cikondang.

Penulisan skripsi ini menggunakan metode yuridis normatif dengan spesifikasi penelitian deskriptif analitis. Penulis menghubungkan problematika secara komprehensif berdasarkan peraturan hukum nasional yang relevan. Teknik pengumpulan data menggunakan studi kepustakaan dan studi virtual untuk mencari informasi data yang berlokasi di kampung Cikondang. Pengumpulan data ini penulis mencarikan informasi dengan menggunakan metode wawancara pada narasumber.

Hasil penelitian ini menunjukkan bahwa penyelesaian sengketa waris dalam hukum Islam dan hukum adat di Kampung Adat Cikondang berjalan secara harmonis, Hal tersebut disebabkan karena Proses penyelesaian sengketa di Kampung Adat Cikondang diselesaikan secara musyawarah mufakat, sesuai dengan asas hukum adat, dalam perspektif hukum Islam penyelesaian sengketa pembagian waris di Kampung Cikodang sudah sesuai dengan menggunakan mekanisme musyawarah mufakat. penyelesaian sengketa dalam hukum Islam untuk langkah awal menekankan prinsip upaya perdamaian seperti antara lain tercantum dalam Al-Qur'an surah Al-Hujurat ayat 9.

**Kata Kunci : Penyelesaian sengketa Waris, Hukum Waris Islam,
Hukum Waris Adat.**

ABSTRACT

DISPUTE RESOLUTION OF ISLAMIC HEIRS IN THE CIKONDANG TRADITIONAL VILLAGE BASED ON ISLAMIC LAW AND COMMON LAW ASSOCIATED WITH THE COMPILATION OF ISLAMIC LAWS

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Indonesia adheres to several sources of inheritance law, namely western inheritance law, Islamic inheritance law, and customary inheritance law. In the distribution of inheritance, indigenous peoples will complete the inheritance process using their respective customary law systems. This is also done by the indigenous people of Cikondang village. The inheritance distribution system carried out by the indigenous people of the Cikondang village is to use an individual parental system. This study aims to find out how harmony between Islamic inheritance law and customary inheritance law is practical, as well as the application of the Islamic inheritance law system in resolving inheritance distribution disputes in the indigenous people of Cikondang village.

Writing this thesis using normative juridical method with descriptive analytical research specifications. The author relates the problems in a comprehensive manner based on the relevant national legal regulations. Data collection techniques used library research and virtual studies to find information on data located in Cikondang village. In collecting this data, the writer seeks information using the interview method with informants.

The results of this study indicate that the settlement of inheritance disputes in Islamic law and customary law in the Cikondang Traditional Village runs harmoniously. This is because the dispute resolution process in the Cikondang Traditional Village is resolved by deliberation for consensus, in accordance with the principles of customary law, in the perspective of Islamic law dispute resolution the distribution of inheritance in Kampung Cikodang is in accordance with using a consensus deliberation mechanism. Dispute resolution in Islamic law for the first step emphasizes the principle of peace efforts as stated among others in the Al-Qur'an surah Al-Hujurat verse 9.

Keywords: Inheritance dispute resolution, Islamic Inheritance Law, Customary Inheritance Law.