

ABSTRACT

Name: AHMAD BAIHAQI, NIM: 1440201262, Title: THE MAYORAT SYSTEM OF THE MAYORAT IN THE PERSPECTIVE OF ISLAMIC LAW AND THE EFFECT OF THE MUSLIM COMMUNITY (Study at Karya Penggawa Subdistrict of Pesisir Barat of Lampung Province)

Inheritance is a treasure of the relics of the parents then passed down to his heirs. the pattern of distribution of inheritance of Indonesia, some are using customary law and some are according to Islam or the division according to the science of pharaid which is contained in the Compilation of Islamic Law (KHI). One form of customary inheritance is the inheritance of the adat majority of men who are located in Penggawa District of Kab. West Coast of Lampung Province. The question of inheritance, often arises to be one of the most crucial and sensitive issues in a family. Man's natural attraction to wealth often triggers the transformation of something that was originally a gift of destruction to the family

The formulation of the problem in this thesis research is How is the system of division of inheritance according to adat law of major of men and of Islamic law in Penggawa District of West Coast Regency of Lampung Province ?, How is the customary law status of male major in the view of Islamic law in Kecamatan Karya Penggawa West Coastal District of Lampung Province ?, How is the influence of customary inheritance of major male to Muslim society in Penggawa District West Coastal District of Lampung Province?

The purpose of this thesis is to find out the system of division of inheritance according to the adat law of major men and Islamic law in Penggawa District of West Coast Regency of Lampung Province, to know the status of customary law of male heir's inheritance in the view of Islamic law in Kecamatan Karya Penggawa West Coastal District of Lampung Province, to determine the influence of customary inheritance of male mayorat to Muslim community in Penggawa District West Coastal District of Lampung Province.

Research methodology used is by using qualitative method, with type of descriptive analytical research that is research by using secondary data in the form of legislation, legal theories and interview. This study also uses a case approach located in Penggawa District West Coast District

The conclusion drawn from this thesis research is the system of division of inheritance according to the adat law of major men and Islamic law, that the division of inheritance according to the customary law of the major men is the inheritance to be the fullest rights of the eldest son, he as the sole beneficiary who inherited all the treasures of his ancestors. While the system of division of inheritance according to Islamic law is in accordance with the Qur'an Q.S. An-Nisa: 11-12, 176, or according to the science of pharaid. The status of customary law of the male major's inheritance in the view of Islamic law in Penggawa District West Coastal District of Lampung Province is the pattern of division of inheritance as it is already contrary to Islamic law, which should be divided based on the pharaid science in accordance with Islamic Shari'ah. The influence of customary inheritance of major male to Muslim community in District Penggawa West Coastal District of Lampung Province that custom made in society is not a problem and become maslahat among families, in principle al-'adah al-sahihah because it is accepted by all people but there is the dependency of his brothers on the first son and after having their respective families then will leave the hometown or out of the place of his parents who have become the right of the first boy.