

HAK MEWARIS ANAK MUSLIM DARI ORANG TUA NON MUSLIM

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Penelitian ini bertujuan untuk mengetahui serta menganalisis hak mewaris anak Muslim dari orang tua non Muslim pada beberapa keluarga di Kota Palu serta untuk mengetahui dan menganalisis hambatan-hambatan yang terjadi dalam pewarisan dari orang tua non Muslim kepada anak Muslim.

Jenis penelitian yang penulis gunakan dalam penelitian ini adalah penelitian normatif empiris. Peneliti akan melakukan penelitian kepustakaan yang mencakup undang-undang, buku, hasil-hasil penelitian terdahulu, dokumen resmi dan lain sebagainya, penulis juga akan mengadakan penelitian langsung di lapangan menggunakan metode wawancara untuk memperoleh data primer. Subjek penelitian dalam penelitian ini terbagi atas responden yang merupakan ahli waris Muslim yang mengalami peristiwa permasalahan yang diteliti dan narasumber yang merupakan tokoh agama, praktisi, serta akademisi. Metode analisis data yang digunakan adalah dengan menggunakan metode analisis kualitatif deskriptif yaitu suatu metode analisis data yang dilakukan melalui kategorisasi permasalahan yang diteliti dan dikumpulkan.

Berdasarkan hasil penelitian penulis : Pertama, pengaturan mengenai pembagian warisan dari orang tua Non Muslim kepada anak Muslim dalam hukum positif di Indonesia ada dalam hukum waris Islam bahwa anak Muslim tidak berhak atas harta warisan dari orang tua Non Muslim, namun dapat menerima harta warisan melalui hibah atau wasiat. Kedua, masih terdapat banyak permasalahan ditengah masyarakat mengenai hak waris anak Muslim dari orang tua non Muslim. Berbagai hambatan itu muncul dari para ahli waris lainnya yang tidak mau memberikan bagian kepada saudaranya dengan alasan perbedaan agama. Dalam agama orang tua non Muslim (Buddha dan Kristen) tidak ada hambatan pewarisan kepada anak Muslim.

Kata kunci : Hak Mewaris, Ahli Waris, Muslim, Non Muslim.

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RIGHTS OF INITIALITY OF MUSLIM CHILDREN FROM NON-MUSLIM PARENTS

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This study aims to determine and analyze the inheritance rights of Muslim children from non-Muslim parents in several families in Palu City and to determine and analyze the obstacles that occur in inheritance from non-Muslim parents to Muslim children.

The type of research that the authors use in this study is empirical normative research. Researchers will conduct literature research which includes laws, books, previous research results, official documents and so on. The authors will also conduct direct research in the field using the interview method to obtain primary data. The research subjects in this study were divided into respondents who were Muslim heirs who had experienced the events of the problem being studied and sources who were religious leaders, practitioners, and academics. The data analysis method used is to use descriptive qualitative analysis method, namely a method of data analysis carried out through categorization of the problems studied and collected.

Based on the author's research: First, the regulation regarding the distribution of inheritance from non-Muslim parents to Muslim children in positive law in Indonesia is in Islamic inheritance law, that Muslim children are not entitled to inheritance from non-Muslim parents, but can receive inheritance through grants or wills. Second, there are still many problems in the community regarding the inheritance rights of Muslim children from non-Muslim parents. These various obstacles arise from other heirs who do not want to give their part to their siblings due to religious differences. In the religion of non-Muslim parents (Buddhist and Christian) there is no inheritance barrier to Muslim children.

Keywords: Inheritance rights, heirs, Muslims, non-Muslims.

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