

RINGKASAN

**Wahyuni Maulida 210510005 Implementasi Hukum Waris Islam Dan Adat Dalam
Pembagian Warisan Adat Gayo (Studi Penelitian Di
Kecamatan Permata Kabupaten Bener Meriah)
(Jumadiah, S.H., M.H, dan Prof. Dr. Yulia, S.H., M.H.,)**

Ahli waris dalam hukum Islam merupakan unsur penting yang telah diatur dalam Al-Qur'an Surah an-Nisa' ayat 11 dan 12, yang menetapkan siapa saja yang berhak menerima warisan beserta bagiannya. Dalam masyarakat Gayo, pepatah "*turun ni edet ari putemerhum, turun ni hukum ari cik serule*" menegaskan bahwa zat dan sifat tidak dapat dipisahkan satu sama lain. Kompilasi Hukum Islam (KHI) Pasal 171 huruf a mengatur pemindahan hak atas harta peninggalan (tirkah) dari pewaris kepada ahli waris serta bagian masing-masing. Namun, praktik pewarisan di masyarakat Gayo sebagian mengutamakan anak laki-laki, sementara anak perempuan dan orang tua pewaris sering tidak memperoleh bagian warisan, dan lambatnya pembagian harta warisan sehingga menimbulkan konflik. Hal ini menunjukkan dominasi adat dibandingkan pemahaman hukum waris Islam. Penelitian ini membahas implementasi hukum waris Islam dan adat dalam pembagian warisan adat Gayo serta peran tokoh agama dan adat dalam menyelesaikan permasalahan warisan di masyarakat Gayo.

Berdasarkan rumusan masalah tersebut, maka metode penelitian yang digunakan dalam skripsi ini, yaitu menggunakan jenis penelitian yuridis empiris dengan menggunakan pendekatan kualitatif. Untuk memperoleh data yang diperlukan dalam penelitian ini dilakukan melalui penelitian lapangan dan penelitian kepustakaan seperti buku-buku hukum atau jurnal yang relevan dengan penelitian ini.

Sebelum membagikan harta warisan, masyarakat Gayo mengadakan musyawarah keluarga yang melibatkan seluruh ahli waris dan tokoh adat seperti sarak opat dan petue sebagai mediator. Masyarakat menganut prinsip hukum waris Islam 2:1 antara laki-laki dan perempuan, namun jika kesepakatan tidak tercapai, pembagian dilakukan bagi rata dengan memperhatikan prinsip kekeluargaan dan keadilan sosial. Perselisihan biasanya terkait tanggung jawab anak laki-laki, sehingga kembali ke ketentuan faraid. Rumah orang tua diwarisi oleh anak bungsu dengan kompensasi uang kepada kakak dan abang untuk menjaga keseimbangan hak dan tanggung jawab. Proses dilakukan di tingkat kampung, dan jika musyawarah adat gagal, kasus dirujuk ke Majelis Ulama sebagai otoritas yang memiliki kewenangan untuk memberikan keputusan sesuai hukum Islam.

Disarankan Masyarakat Gayo dianjurkan lebih memahami prinsip hukum waris Islam dan adat secara bersamaan, agar pembagian warisan berjalan adil dan mengurangi konflik, juga perlu adanya penyuluhan tentang hukum waris Islam dan adat Gayo agar masyarakat mampu menerapkan keduanya dengan tepat dalam pembagian harta warisan dan Peran tokoh adat dan agama perlu diperkuat melalui pelatihan dan pemahaman hukum agar penyelesaian warisan lebih efektif dan diterima semua pihak.

Kata Kunci : Implementasi Hukum Waris, Islam dan Adat.

SUMMARY

Wahyuni Maulida 210510005 **"The Implementation of Islamic and Customary Inheritance Law in the Distribution of Gayo Customary Inheritance (A Study in Permata District, Bener Meriah Regency)"**
(Jumadiah, S.H., M.H., and Prof. Dr. Yulia, S.H., M.H.)

Heirs in Islamic Law are a crucial element, as regulated in the Qur'an, Surah An-Nisa' verses 11 and 12, which stipulate who is entitled to inherit and their respective shares. In Gayo society, the proverb "turun ni edet ari putemerhum, turun ni hukum ari cik serule" emphasizes that essence (zat) and nature (sifat) cannot be separated. The Compilation of Islamic Law (Kompilasi Hukum Islam, KHI), Article 171(a), regulates the transfer of rights over the deceased's estate (tirkah) from the deceased to the heirs, including their respective portions. However, in practice, inheritance in Gayo society often prioritizes male children, while female children and the deceased's parents frequently do not receive their portions, and delays in distributing inheritance often lead to conflicts. This indicates the dominance of customary law over the understanding of Islamic inheritance law. This study examines the implementation of Islamic inheritance law and customary law in the division of Gayo customary inheritance, as well as the role of religious and customary leaders in resolving inheritance disputes within the community.

Based on these research questions, this study employs an empirical juridical research method with a qualitative approach. Data were collected through field research and literature review, including relevant legal books and journals.

Before distributing the inheritance, Gayo society conducts family deliberations involving all heirs and customary leaders such as sarak opat and petue as mediators. The community generally follows the principle of Islamic inheritance law, allocating shares at a ratio of 2:1 between male and female heirs. However, if an agreement is not reached, the division is carried out equally while still considering family values and social justice. Disputes usually concern the responsibilities of male children, in which case the division refers back to faraid provisions. The parents' house is typically inherited by the youngest child, with financial compensation provided to older siblings to maintain a balance of rights and responsibilities. The process is conducted at the village level, and if customary deliberations fail, cases may be referred to the Majelis Ulama, which has the authority to provide decisions according to Islamic law.

Recommendations It is suggested that the Gayo community better understand the principles of both Islamic inheritance law and customary law so that inheritance distribution can be fair and reduce conflicts. Additionally, outreach on Islamic inheritance law and Gayo customary law should be provided to enable the community to apply both. The role of customary and religious leaders should also be strengthened through training and legal understanding so that inheritance resolution is more effective and accepted by all parties.

Keywords : Implementation of Inheritance Law, Islam and Customary Law.