

ABSTRACT

Title : BILATERAL AND *MAWA>LIY* INHERITANCE SYSTEM (The Study of Hazairin's Inductive and Adaptive Interpretation toward Verses of Inheritance Law)
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Hazairin's inductive and adaptive interpretation toward verses of inheritance law, which spawned bilateral and *mawa>liy* (substitute inheritance) of the Islamic inheritance system in Indonesia, is one of his reflections in the field of study of the Qur'an.

This study addresses four issues, namely: how is Hazairin's methodology of interpretation toward verses of inheritance law; How is the process of Hazairin's theory of bilateral and *mawa>liy* in interpreting verses of inheritance law contained in the Qur'an; and what is the implication of Hazairin's model of interpretation on verses of inheritance for the application of the inheritance system in Indonesia.

The methods used in finding the answer of the issues above are the study of the Qur'an and sociology, namely the method of inductive-*mawd'u>iy*, the theory of adaptive, and *'urf* in order to describe the method as well as characteristics of Hazairin's model of interpretation.

The result of the research concludes that Hazairin's method of interpretation is categorized as inductive thematic which involves sociological and anthropological approach in understanding the notion of inheritance verses.

Bilateral inheritance, according to Hazairin's view, is derived from analysis of the community formed by the Qur'an, chapter *al-Nisa>'* (4): 23, 24, which reject the terms of exogami in marriage. This analysis leads to the conclusion that these verses support the enactment of parental or bilateral form of society that has logical implication on inheritance law boosted by the Qur'an, chapter *al-Nisa>'* (4): 7, 9, 11, 12, 176 and 33.

While the notion of *mawa>liy* inheritance originated by Hazairin is derived from inductive analysis of the issue of the primacy of the principal line and main line replacement as known by individual inheritance system within bilateral community of Indonesia through the study of the Qur'an, chapter *al-Nisa>'* (4): 7, 9, 11, 12, 176, and 33 which give an indication of the primacy of staple lines and the main line replacement. The theory of *mawa>liy* initiated by Hazairin is also a result of inculturation with the local wisdom and character of Indonesian society.

The implication of the theory is offering inductive and adaptive method of interpretation to provide solution for the Islamic inheritance system in Indonesia, which neither give the position of grandchild from the lineage of women nor the bereaved grandchild by both of his father and mother when they had died before grandmother or grandmother did.

ABSTRAK

Judul : KEWARISAN BILATERAL DAN *MAWA>LIY* (Studi Penafsiran Induktif Adaptif Hazairin Terhadap Ayat-ayat Waris)

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Kata Kunci : Penafsiran Induktif Adaptif, Penafsiran *Mawd}u>'iy Induktif*, Penafsiran Sosiologi Ayat-ayat Waris, Kewarisan Bilateral dan *Mawa>liy*.

Penafsiran Induktif Adaptif Hazairin terhadap ayat-ayat waris yang melahirkan kewarisan bilateral dan *mawa>liy* (kewarisan pengganti) dalam sistem kewarisan Islam di Indonesia, merupakan salah satu refleksi Hazairin dalam bidang studi al-Qur'an.

Penelitian ini menjawab empat permasalahan; Bagaimana metode penafsiran Hazairin terhadap ayat-ayat kewarisan. Bagaimana proses lahirnya teori bilateral dan *mawa>liy* dalam penafsiran Hazairin, dan Apa implikasi penafsiran Hazairin terhadap ayat-ayat kewarisan bagi penerapan hukum waris di Indonesia

Metode yang digunakan dalam menemukan jawabannya adalah dengan studi al-Qur'an dan sosiologi, yaitu metode *mawd}u>'iy i du if*, teori *adaptif* dan *urf* untuk mendeskripsikan metode dan karakteristik gagasan penafsiran Hazairin.

Hasil penelitian menyimpulkan, bahwa metode penafsiran Hazairin termasuk kategori penafsiran *mawd}u>'iy i du if* yang melibatkan antropologi sosial dalam memahami gagasan ayat-ayat kewarisan.

Kewarisan bilateral menurut Hazairin berasal dari analisis bentuk masyarakat yang dibangun oleh QS. al- isa'(4): 23, dan 24, yang menolak adanya syarat *exogami* dalam perkawinan. Analisis ini menggiring pada kesimpulan bahwa ayat-ayat tersebut mendukung berlakunya bentuk masyarakat *parental* atau *bilateral* yang berimplikasi pada hukum kewarisan yang dikuatkan oleh QS. al- isa'(4): 7, 9, 11, 12, 176 dan 33;

Adapun gagasan kewarisan *mawa>liy* oleh Hazairin berasal dari analisis induktif terhadap isu *garis pokok keutamaan* dan *garis pokok penggantian* sebagaimana yang dikenal oleh sistem kewarisan individual dalam masyarakat *bilateral* di Indonesia melalui kajiannya terhadap QS. al- isa'(4): 7, 9, 11, 12, 176, dan 33 yang memberikan indikasi adanya garis pokok keutamaan, dan garis pokok penggantian. Teori *mawa>li>y* yang digagas oleh Hazairin juga merupakan hasil inkulturasi dengan karakter dan *local wisdom* (kearifan lokal) masyarakat Indonesia.

Implikasi dari penafsiran Hazairin menggiring lahirnya metode induktif adaptif dalam penafsiran, yang memberikan solusi bagi kewarisan Islam di Indonesia, yang selama ini tidak memberikan posisi bagi cucu yang berasal dari garis keturunan perempuan, dan juga tidak memberikan posisi bagi cucu yang ditinggal mati oleh ayah atau ibunya ketika ayah atau ibunya mati mendahului kakek atau neneknya.