

ABSTRAK

PENERAPAN METODE RADD DALAM PRAKTIK HUKUM WARIS ISLAM DITINJAU DARI KOMPILASI HUKUM ISLAM (KHI)

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Metode radd secara singkat diatur dalam Pasal 193 Kompilasi Hukum Islam sebagai bentuk penyelesaian apabila terdapat sisa harta warisan setelah dibagikan kepada ahli waris dzawil furudh dan tidak ada ahli waris yang berperan sebagai ashabah. Penerapan metode radd dalam Pengadilan Agama menunjukkan perbedaan penafsiran, terkhusus pada keberhakan suami/istri mendapat bagian radd, sebagaimana ditunjukkan dalam Putusan Nomor 2672/Pdt.G/2017/PA.Ckr dan Putusan Nomor 448/Pdt.G/2016/PA.Bjb. Penelitian ini menganalisis penerapan metode radd menurut Kompilasi Hukum Islam dan bentuk penyelesaian sengketa waris yang berkaitan dengan metode radd dalam hukum waris Islam.

Penelitian ini merupakan penelitian hukum normatif dengan tipe penelitian deskriptif. Pendekatan yang digunakan adalah pendekatan perundang-undangan. Teknik pengumpulan data dilakukan melalui studi kepustakaan dan studi dokumen. Data yang terkumpul kemudian diolah melalui tahapan pemeriksaan, penandaan, rekonstruksi, dan sistematisasi data, selanjutnya dianalisis secara kualitatif.

Hasil penelitian menunjukkan bahwa Kompilasi Hukum Islam Pasal 193 menyatakan sisa harta dibagi secara berimbang di antara seluruh dzawil furudh tanpa pengecualian. Namun, dalam praktik peradilan ditemukan disparitas putusan, yaitu jenis pembagian radd kepada seluruh ahli waris tanpa terkecuali seperti Putusan Nomor 2672/Pdt.G/2017/PA.Ckr menerapkan radd kepada semua dzawil furudh dan Putusan Nomor 448/Pdt.G/2016/PA.Bjb membatasi radd hanya kepada ahli waris nasab (anak-anak), tidak termasuk istri. Disparitas ini timbul karena perbedaan penafsiran hakim terhadap Pasal 193 KHI dan rujukan mereka pada pendapat ulama yang berbeda.

Kata Kunci: Radd, Kompilasi Hukum Islam, Waris.

ABSTRACT

APPLICATION OF THE RADD METHOD IN THE PRACTICE OF ISLAMIC INHERITANCE LAW REVIEWED FROM THE COMPILATION OF ISLAMIC LAW (KHI)

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The radd method is briefly regulated in Article 193 of the Compilation of Islamic Law as a form of settlement if there is remaining inheritance after it has been distributed to the dzawil furudh heirs and there are no heirs acting as ashabah. The application of the radd method in Religious Courts shows differences in interpretation, particularly regarding the right of the husband/wife to receive a radd share, as demonstrated in Decision Number 2672/Pdt.G/2017/PA.Ckr and Decision Number 448/Pdt.G/2016/PA.Bjb. This study analyzes the application of the radd method according to the Compilation of Islamic Law and the forms of inheritance dispute resolution related to the radd method in Islamic inheritance law.

This research is normative legal research with a descriptive research type. The approach used is a legislative approach. Data collection techniques were carried out through literature studies and document studies. The collected data was then processed through the stages of examination, marking, reconstruction, and systematization of data, and then analyzed qualitatively.

The research results indicate that Article 193 of the Compilation of Islamic Law states that the remaining assets are distributed equally among all dzawil furudh without exception. However, in judicial practice, disparities in rulings were found, such as the type of radd distribution to all heirs without exception, as in Ruling Number 2672/Pdt.G/2017/PA. Ckr applied radd to all dzawil furudh, while Decision Number 448/Pdt.G/2016/PA.Bjb limited radd only to nasab heirs (children), excluding the wife. This disparity arose due to differences in judges' interpretations of Article 193 of the KHI and their references to differing opinions of scholars.

Keywords: Radd, Compilation of Islamic Law, Inheritance.