

ABSTRAK

AKULTURASI HUKUM ISLAM KEDALAM MASYARAKAT ADAT OSING (STUDI KASUS PEMBAGIAN HARTA WARIS BAGI JANDA)

RULI ARIPIIN

Penelitian ini dilatarbelakangi oleh suatu permasalahan dimana dalam pelaksanaan pembagian harta waris dimasyarakat suku osing belum keseluruhannya sesuai dengan aturan yang ada dalam hukum Islam maupun hukum positif. Didalam masyarakat osing bahwa dalam pembagian harta waris ada ahli waris yang tidak mendapatkan harta waris dari peninggalan harta suami dan tradisi tersebut masih dilestarikan dilingkungan masyarakat sekitar.

Fokus dan pertanyaan penelitian, yaitu; *Pertama*, Bagaimana Hukum waris Islam mengenai pelaksanaan pembagian harta waris adat osing?; *Kedua*, bagaimana pandangan hukum waris Islam mengenai pelaksanaan pembagian harta waris adat osing?. Penelitian ini menggunakan metode penelitian kualitatif dengan menggunakan pendekatan normatif

Hasil dari penelitian ini yaitu: *Pertama*, pelaksanaan pembagian harta waris islam dalam adat osing sudah sesuai dengan ajaran Islam dan hukum positif. Namun, dalam pembagian harta waris tersebut ada ahli waris yang belum mendapatkan hak warisnya dari harta suami dikarenakan ada beberapa hal seperti hilangnya ikatan dalam keluarga dan tidak adanya generasi penerus dalam keluarga. *Kedua*, dalam pemutusan atau perdamaian antar ahli waris masyarakat osing masih menerapkan sistem perdamaian antar keluarga sehingga terjadi pertikaian antar ahli waris yang dapat menimbulkan konflik besar dalam keluarga.

Kata Kunci: Akulturasi, Hukum Islam, Adat Osing.

ABSTRACT
THE ACCULTURATION OF ISLAMIC LAW INTO INDIGENOUS OSING
(CASE STUDY OF INHERITANCE SHARING FOR WIDOWS)

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This research is backed by a problem in the implementation of the distribution of property in the Osing tribe not overall in accordance with the rules that exist in Islamic law and positive law. In the Osing society that in the division of the inheritance there are heirs who do not get the inheritance of the husband's estate and the tradition is still preserved in the surrounding community.

Focus and research questions, namely; First, how is the inheritance of Islamic law regarding the implementation of the Adat Osing estate?; Secondly, what is the view of Islam's inheritance regarding the implementation of the adat of Osing estate? This research uses qualitative research methods using a normative approach.

The implementation of the Division of Islamic inheritance in the customary osing is in accordance with Islamic teachings and positive law. However, in the distribution of the estate there are heirs who have not received the birthright from the husband's property because there are some things such as loss of bonds in the family and the absence of generations of successors in the family. Secondly, in the disconnection or reconciliation between the osing community is still implementing the peace system between the family so that there is a dispute between the heirs that can pose a major conflict in the family.

Keywords: Acculturation, Islamic Law, Indigenous Osing.