ABSTRAK

ALIYATUL AZMIYAH, NPM: 71220212025. ***Perbandingan Antara Hukum Islam dan Adat Karo terhadap Pembagian Harta Warisan (Studi Kasus di Desa Kutabuluh Kecamatan Kutabuluh Kabupaten Karo).*** **Dibimbing oleh Dr. Abu Bakar, S.H.I., M.A. sebagai Pembimbing I dan Drs. H. Sulaiman Tamba, M.A. sebagai Pembimbing II. Skripsi. Program Studi Hukum Keluarga Islam, Fakultas Agama Islam, Universitas Islam Sumatera Utara, Medan, 2026.**

Penelitian ini bertujuan untuk mengetahui sistem pembagian harta warisan menurut hukum Islam dan adat Karo, menganalisis praktik pembagian harta warisan pada masyarakat Karo Muslim di Desa Kutabuluh, Kecamatan Kutabuluh, Kabupaten Karo, serta mengidentifikasi faktor-faktor yang memengaruhi pemilihan hukum dalam pembagian warisan. Penelitian ini menggunakan metode penelitian hukum sosiologis empiris dengan pendekatan kualitatif. Data diperoleh melalui wawancara, observasi, dan dokumentasi yang melibatkan tokoh adat, tokoh agama, ahli waris, serta masyarakat setempat. Analisis data dilakukan melalui reduksi data, penyajian data, dan penarikan kesimpulan.

Hasil penelitian menunjukkan bahwa terdapat perbedaan mendasar antara hukum waris Islam dan hukum adat Karo. Hukum waris Islam bersumber dari Al-Qur'an, Hadis, dan ijtihad ulama dengan sistem kekerabatan bilateral yang memberikan hak waris kepada laki-laki dan perempuan sesuai ketentuan faraidh. Sementara itu, hukum adat Karo bersumber dari kebiasaan yang hidup dalam masyarakat dengan sistem kekerabatan patrilineal yang mengutamakan anak laki-laki sebagai penerus marga dan penerima utama warisan. Praktik pembagian warisan pada masyarakat Karo Muslim di Desa Kutabuluh menunjukkan bahwa hukum adat Karo masih lebih dominan dibandingkan hukum Islam. Pembagian warisan umumnya dilakukan melalui musyawarah keluarga dengan mengutamakan ahli waris laki-laki, sedangkan perempuan memperoleh bagian berdasarkan kesepakatan atau kerelaan pihak laki-laki. Faktor-faktor yang memengaruhi pemilihan hukum dalam pembagian warisan meliputi kuatnya pengaruh budaya adat, sistem kekerabatan patrilineal, rendahnya pemahaman masyarakat terhadap hukum waris Islam, serta keinginan menjaga keharmonisan keluarga dan keberlangsungan marga.

Penelitian ini menyimpulkan bahwa praktik pembagian warisan pada masyarakat Karo Muslim di Desa Kutabuluh masih didominasi oleh hukum adat Karo meskipun masyarakatnya beragama Islam. Oleh karena itu, diperlukan peningkatan pemahaman mengenai hukum waris Islam agar tercipta keseimbangan antara nilai-nilai adat dan prinsip keadilan dalam Islam.

Kata Kunci: Hukum Waris Islam, Hukum Adat Karo, Pembagian Harta Warisan, Masyarakat Karo Muslim.

ABSTRACT

ALIYATUL AZMIYAH, Student Identification Number (NPM): 71220212025. A Comparison between Islamic Law and Karo Customary Law on the Distribution of Inheritance (A Case Study in Kutabuluh Village, Kutabuluh District, Karo Regency). Supervised by Dr. Abu Bakar, S.H.I., M.A. as Supervisor I and Drs. H. Sulaiman Tamba, M.A. as Supervisor II. Undergraduate Thesis. Islamic Family Law Study Program, Faculty of Islamic Studies, Islamic University of North Sumatra, Medan, 2026.

This study aims to examine the inheritance distribution system according to Islamic law and Karo customary law, analyze the inheritance practices among Karo Muslim communities in Kutabuluh Village, Kutabuluh District, Karo Regency, and identify the factors influencing the choice of legal system in inheritance distribution. This research employs an empirical sociological legal approach with a qualitative method. Data were collected through interviews, observations, and documentation involving customary leaders, religious leaders, heirs, and local community members. The data were analyzed through data reduction, data display, and conclusion drawing.

The findings reveal fundamental differences between Islamic inheritance law and Karo customary inheritance law. Islamic inheritance law is based on the Qur'an, Hadith, and juristic interpretations (ijtihad), and follows a bilateral kinship system that recognizes inheritance rights for both male and female heirs according to the faraid provisions. In contrast, Karo customary law is derived from traditions and customs that have been passed down through generations and follows a patrilineal kinship system that prioritizes male descendants as clan successors and primary heirs. The inheritance practices among Karo Muslims in Kutabuluh Village indicate that Karo customary law remains more dominant than Islamic law. Inheritance distribution is generally carried out through family deliberation, with male heirs receiving priority, while female heirs obtain a share based on agreement or the willingness of male family members. The factors influencing the selection of the legal system in inheritance distribution include the strong influence of customary culture, the patrilineal kinship system, limited public understanding of Islamic inheritance law, and the desire to maintain family harmony and clan continuity.

This study concludes that inheritance distribution practices among Karo Muslim communities in Kutabuluh Village are still predominantly governed by Karo customary law despite the community's adherence to Islam. Therefore, greater efforts are needed to enhance public understanding of Islamic inheritance law in order to create a balance between customary values and the principles of justice embodied in Islamic teachings.

Keywords: Islamic Inheritance Law, Karo Customary Law, Inheritance Distribution, Karo Muslim Community.