

ABSTRAK

Proses peralihan harta dari orang yang telah meninggal kepada yang masih hidup dalam hukum kewarisan Islam ada tiga unsur yaitu pewaris, harta warisan dan ahli waris. Besaran perolehan harta yang diperoleh ahli waris sesuai dengan jenis kelamin. Timbul permasalahan apabila seorang ahli waris dikatakan jenis kelaminnya tidak jelas sebagaimana pada Penetapan Pengadilan Nomor: 52/Pdt.P/2015/PN Mkd yang dimohonkan oleh Bowo Saputro di Kabupaten Magelang bahwa didalam Kutipan Akta Kelahiran Nomor: AL.6670344824 yang dikeluarkan oleh Kantor Catatan Sipil Kabupaten Magelang tanggal 11 Februari 2014 dimana dalam akta kelahiran tersebut jenis kelamin anak Pemohon tertulis perempuan dan ternyata tidak ada kecocokan dengan keadaan fisik anak pemohon saat ini.

Kata kunci : Waris Islam, Ahli Waris, *Khuntsa*

ABSTRACT

The process of transferring the property of the deceased to those who are still alive in Islamic inheritance law consists of three elements: inheritors, inheritance and heirs. The amount of the property obtained by the heirs divided according to the gender. Problem arises when the gender of an heir is said to be unclear as in Court Decision Number 52/Pdt.P/2015/PN Mkd petitioned by Bowo Saputro in Magelang District whom in the Birth Certificate Excerpt Number: AL.6670344824 issued by Civil Residence Registration Office of Magelang District on February 11 2014, where in the birth certificate the gender of the Petitioner's child is written as female but there is no match with the present physical state of the applicant's child. On this reseacr, the writer using legal research method. Legal research is a process to find the law, the principle, ada doctrine of law to answer the legal issues. The heir as in Court Decision Number 52/Pdt.P/2015/PN Mkd is classified as a khuntsa not musykil and part of the inheritance classified as a man.

Keywords: Islamic Inheritance, Heir, Khuntsa