

ABSTRACT

The discussion of thesis is lead to the law application of Moslem's heir and gender discrimination in sharing the heir according to the law of Moslem's heir, by analyzing fractures had by religion – law court of Mataram, high court of Mataram, and supreme court which related to the heir.

Those analysis show that the position to inherit between son and daughter can be said equal because each of them has the same rights in heir. If we see from the portion of the heir result differences which is son receive much bigger rather than daughter so that it can be said discrimination.

Thus about the portion of only daughter according to the law of Moslem's heir which sources from Al-Qur'an, Hadits, and Moslem Law Compilation, the daughter receive a half of portion of parent's wealth was clearly. The law of Moslem's heir based on Aqidah and religion, because of that the value of Aqidah and religion can't be put aside by the value of equality and humanity. The portion differences between son and daughter didn't mean to put the value of equality and humanity aside. Those differences related to the law of return that is given by man to woman food and livelihood. Those differences based on the law of return according to DR. Hamidah Abd. Al. Arti, don't contain discrimination.