**ABSTRAK**

Moh. Iqbal Ramadhani, 2021, “*Tinjauan Hukum Islam Dan Kitab Undang-Undang Hukum Perdata Terhadap Praktik Hibah Tanah Di Desa Bangkes Kecamatan Kadur Kabupaten Pamekasan*” Skripsi, Program Studi Hukum EkonomiSyariah, Fakultas Syariah, IAIN Madura, Pembimbing: Abdul Jalil, M.HI.

**Kata Kunci:**Hukum Islam,Kitab Undang-Undang Hukum Perdata, Hibah

Hibah merupakan pemberian harta kepada orang lain dengan sukarela tanpa imbalan apapun semata-mata hanya untuk mendekatkan diri kepada Allah SWT dimana orang yang diberi bebas menggunakan harta tersebut. Namun ada beberapa hal yang patut diketahui tentang aturan mengenai tata cara, akad peralihan, serta hukum hibah yang ada. Sebab di dalam Hukum Islam dan Kitab Undang-Undang Hukum Perdata sudah diatur mengenai hibah itu sendiri agar supaya mengindari adanya sengketa di kemudian hari.

Dalam penelitian ini, terdapat rumusan masalah yaitu:1. Bagaimana praktik hibah tanah di Desa Bangkes Kecamatan Kadur Kabupaten Pamekasan? 2. Bagaimana tinjauan hukum Islam terhadap praktik hibah tana hdi Desa Bangkes Kecamatan Kadur Kabupaten Pamekasan? 3. Bagaimana tinjauan hukum perdata barat terhadap praktik hibah tanah di Desa Bangkes Kecamatan Kadur Kabupaten Pamekasan?.

Metode yang digunakan dalam penelitian ini menggunakan jenis penelitian hukum empiris. Dengan menggunakan metode pengumpulan data dengan wawancara, dan dokumentasi. Dan menggunakan metode analisis dengan langkah meruduksi data, penyajian data dan membuat kesimpulan.

Hasil penelitian terhadap praktik hibah di Desa Bangkes Kecamatan Kadur Kabupaten Pamekasan akad pemberian tanah hibah tersebut hanya terjadi melalui lisan bukan dengan akta PPAT.Tanah yang dihibahkan tersebut belum didaftarkan di kantor Agraria dan Tata Ruang. Jika melihat daripraktik hibah di Desa Bangkes, Kecamatan Kadur, Kabupaten Pamekasan dari dua kasus yang berbeda dimana akad tersebut menurut pandangan hukum Islam itu sudah sah dan sesuaidengan ketentuan perjanjian hibah tersebut. Akan tetapi jika melihat dari sudut pandang Kitab Undang-Undang Hukum Perdata banyak temuan yang tidak sesuai dengan aturan hukum yang ada. Maka dari itu tidak dibenarkan.Mengingat akad serta perjanjian hibah tersebut dapat menjadi permasalahan dan sengketa di kemudian hari jika tidak sesuai dengan aturan yang ada.

**ABSTRAC**

# Moh. Iqbal Ramadhani, 2021, “*Review of Islamic Law and Western Civil Law on Transfer of Land Grants in Bangkes Village, Kadur District, Pamekasan Regency*” Thesis, Sharia Economic Law Study Program, Faculty of Sharia, IAIN Madura, Supervisor: Abdul Jalil, M.HI.

# Keywords: Islamic Law, Western Civil Law, Grant

# A grant is a gift of property to another person voluntarily without any reward solely to get closer to Allah SWT where the person who is given is free to use the property. However, there are some things that should be known about the existing rules regarding procedures, transfer contracts, and grant laws. Because in Islamic Law and Western Civil Law, the grant itself has been regulated in order to avoid disputes in the future.

# In this study, there are formulations of the problem, namely: 1. How is the practice of transferring land grants in Bangkes Village, Kadur District, Pamekasan Regency? 2. How does Islamic law review the practice of transferring land grants in Bnagkes Village, Kadur District, Pamekasan Regency? 3. What is the review of western civil law on the practice of transferring land grants in Bangkes Village, Kadur District, Pamekasan Regency?.

# The method used in this study uses the type of empirical legal research. By using the method of data collection observation, interviews, and documentation. And using the method of analysis with steps reducing data, presenting data and making conclusions.

# The results of the study on the practice of transferring land grants in Bangkes Village, Kadur District, Pamekasan Regency, the grant land grant contract only occurred verbally, not by a notarial deed. The land that was donated has not been registered with PPAT. If you look at the practice of transferring land grants in Bangkes Village, Kadur District, Pamekasan Regency, from two different cases where the contract according to Islamic law is valid and in accordance with the provisions of the grant agreement. However, if you look at it from the point of view of western civil law, there are many findings that are not in accordance with the existing legal rules. Therefore it is not allowed. Given that the contract and grant agreement can become problems and disputes in the future if they are not in accordance with existing rules.