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Abstract: A grant defined as a gift to the possession of goods without remuneration or an agreement by which the grantor in his lifetime freely and irrevocably, delivers something for the purposes of the grantee who accepts the surrender. The issue raised in this study is How the judge considers case number 89./Pdt.G/2019/PA. TALU and what distinguishes the withdrawal of grants according to the compilation of Islamic law (KHI) with the Civil Code. In this study, the author uses a type of qualitative research using the normative juridical approach method, the intention is to analyze the problem, carried out by reviewing legal materials. The results of the study are in decision number 89./Pdt.G/2019/PA. TALU obtained in this study is that there is a voluntary grant of land to his child and then the grant is withdrawn by the grantor, the withdrawal of the grant that has been given according to article 212 (KHI) that the grant cannot be withdrawn except for the parents' grant to their child. In the compilation of Islamic Law limits the possibility of withdrawal of grants, unless it involves parents giving grants to their children, According to the Civil Code the withdrawal of grants can be made by expressing intention to the grantee and filing demands for the return of the goods that have been granted. These two legal systems provide different bases in the context of grantmaking.

Keywords : Grant Withdrawal, Parents, Compilation of Islamic Law (KHI)

1. Introduction

A grant is generally defined as the granting of ownership of goods for nothing. In the context of Islam, grants are also one way of moving property that has strong legality and is highly recommended. In Islam, grants have a dimension of worship both vertically and horizontally. Vertically, grants are a form of obedience of a servant

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to the commands of Allah SWT. Through a grant, a person practices obedience and devotion to God by passing on a portion of his property to the grantee without expecting anything in return. ¹Horizontally, grants can strengthen brotherhood and build affection between givers and grantees. Through the act of giving grants, the emotional and social connection between the two can be strengthened. Grants also encourage mutual help among Muslims, thus creating bonds of solidarity and helping those in need.² Thus, grants in Islam have strong legality and are encouraged because they contain worship values that include obedience to Allah's commands vertically and strengthening the bonds of brotherhood, compassion, and help horizontally.

In the Big Indonesian Dictionary (KBBI), grants are defined as voluntary giving with the procedure of transferring ownership of rights to others. This definition is in line with the common understanding of grants. When someone makes a grant to the recipient, the beneficiary has no obligation to reward the giver. However, the concept of grants is not as easy as the principle of give and take. Grants can take the form of large sums of money or items of high value. In applicable civil law, grants are required to have evidence so that they cannot be sued by third parties. With this evidence, the grant is considered valid and applicable to all parties involved. One way to affirm the receipt of a grant is through the use of a notarial deed. Thus, a grant is a voluntary gift involving a procedure for transferring ownership of rights to another person. The grantee has no obligation to reward the giver. In civil law, it is important to have valid evidence, such as a notarial deed, in order for the grant to be legally recognized and cannot be challenged by a third party.

¹ Acmad Ali, *Unveiling the Law of a Philosophical and Sociological Study* Jakarta: Gunung Agung Store Publishers, 2002.

² Anton Afrison, *Withdrawal of Grants That Have Been Given by Grantees Through Judges' Decisions in Review of Islamic Law and Civil Law*, University of Muhammadiyah Palembang, 2015.

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In the Civil Code, a grant is defined as an agreement in which the grantor, during his lifetime, freely and irrevocably, delivers an object to the grantee for his purposes. In this context, a grant involves an agreement between the grantor and the recipient in which the grantor gives an object to the recipient for a specific purpose voluntarily, without remuneration, and without the right to take the object back.³ On the other hand, in the Compilation of Islamic Law (KHI), a grant is defined in Article 171 letter (g) as the voluntary and unremunerated gift of an object from a living person to another person to be owned by the recipient. In this context, a grant involves a voluntary gift from a living person to another person in the absence of any obligation of remuneration, with the intention that the object becomes the property of the recipient.

Grants have a close relationship with social aspects, where through grants, affection can be formed and strengthen relationships among others. Grantmaking has become common and familiar, especially in the context of rural and urban communities. However, grant transactions are more common in rural communities, where grantmaking is usually addressed to relatives or family circles. Grants generally occur due to unfavorable economic conditions in one of the relatives. A person who has relatively more sufficient wealth voluntarily gives some of his property to relatives who face financial difficulties. Through these grants, social inequality can be reduced, and mutual love and strong fraternal ties can grow.

In the context of grants, there is also the concept of grant withdrawal regulated in the Compilation of Islamic Law (KHI) and the Civil Code (KUHPercivil). According to Article 212 of the IHL, grants are generally irrevocable except in the case of a parent's grant to his child.⁷ This means that a parent can withdraw a grant that has

³ M. Yahya Harap, *Position of Authority and Manner of Religious Justice*, Sinar Grafik, 2007.

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been made to his child. In the Civil Code, the general principle is that grants cannot be withdrawn unless there are certain reasons as stipulated in Article 1688. Such reasons include: (a) when the grantee does not meet the conditions set forth in the grant agreement, (b) if the grantee commits a crime against the grantor, such as murder or commits other serious crimes against him, and (c) if the grantee refuses to provide subsistence assistance to the grantor when the grantor is experiencing financial difficulties. In such situations, the grant may be cancelled in accordance with applicable law.

The problem faced in this study is related to the provision of a grant made by a mother to one of her children in the form of a residential plot of land with an area of about 1,938 m² in Jambu Baru, Jorong Padang Seven. The land is currently controlled by the child, where his biological mother also lives with the child. At first, the child respected his mother. However, in recent times, the child has treated his mother badly, behaved violently, and hurt her heart. Since 2018, the mother was not treated well and was eventually taken in by her son. The child's attitude that does not appreciate and hurt his mother, despite often being given advice, makes the mother want to take back the property that has been given to her child. The purpose of the withdrawal of the property is to prevent long disputes and maintain good family relations between other brothers. In this context, the authors identify the problem as the main focus of the research conducted. Based on this background, the author is interested in conducting research with the title **JURIDICAL REVIEW OF THE WITHDRAWAL OF PARENTAL GRANTS TO THEIR CHILDREN REVIEWED WITH THE COMPILATION OF ISLAMIC LAW (KHI) (STUDY OF DECISION NUMBER 89/Pdt.G/2019/PA. TALU**

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2. Method

In this study the author used the normative juridical approach method. The reason why the author uses this method is because the main data used is secondary data, which is in the form of data obtained based on literature studies and supporting data is primary data, which uses field data where

The specifications in this study are descriptive analytical, namely describing the applicable laws and regulations associated with legal theories and the practice of positive law implementation concerning the object of research to be studied.

3. Analysis or Discussion

3.1. Judge's Consideration Related to Case Number 89/Pdt.G/2019/PA. Talu

The judge's consideration is an important stage in the judicial process where the panel of judges considers the facts revealed during the trial. This judge's consideration has a very significant role in determining the value of the judge's decision that reflects justice and provides legal certainty. In addition, the judge's consideration also has a beneficial impact on the parties involved in the case. Therefore, it is important for judges to face the judge's consideration carefully, kindly, and carefully. If the judge's consideration is not carried out carefully, properly, and carefully, this can potentially cause the judge's decision derived from the consideration to be overturned by the High Court or Supreme Court.²³ The cancellation of this decision is carried out if there are errors in the judge's judgment that can affect justice and legal certainty. Therefore, the judge's consideration must be carried out carefully and based on applicable legal principles to ensure the fairness and validity of the resulting decision. In the end, the judge's careful, good, and careful consideration will provide assurance that the resulting judge's decision has basis

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that is strong, fair, and in accordance with applicable law. This is one of the important pillars in the justice system to ensure public trust in the judiciary and maintain the integrity and sustainability of the judicial process.⁴

In examining a case, the judge needs evidence that is taken into consideration to decide the case correctly and fairly. The evidentiary process is the most important stage in the trial, because it aims to ascertain the truth of the events or facts proposed.²⁴ A judge can only render a judgment after being convinced that the fact is proven and occurred, so that there is a legal relationship between the parties. In this context, there is an application for withdrawal of the application filed by the Applicant before the Respondent gives an answer. The request is not contrary to the law, so it is considered appropriate to be granted. This matter is in the field of marriage based on applicable law. With the withdrawal of this application, the costs of the case that have been incurred during the trial will be charged to the Applicant. In deciding this case, the judge considers all relevant legal provisions and regulations. This is done to ensure that the decisions taken are in accordance with applicable provisions and reflect fairness in the judicial system. This consideration process is an important step in ensuring legal certainty and the integrity of the judiciary in resolving cases appropriately and fairly.

This study will discuss the basis for the consideration of the Court Judge in deciding the case in decision Number: 89 / Pdt.G / 2019 / PA. TALU. The case that became the object of the decision was the withdrawal of grants made by parents to their children. In this study, factors will be analyzed and discussed on which the Court Judge will consider making decisions in the case. These considerations include legal aspects, evidence submitted, values of justice, applicable legal principles, and other

⁴ Mardani Islamic *Heritage Law in Indonesia*, PT. RajaGrafindo Persada, Jakarta, 2014.

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considerations relevant in the context of grant withdrawal. This study aims to understand and analyze the reasons and considerations of the Court Judge in making decisions and the implications of the decision on applicable law and justice.

A. Sitting Case No. 89/Pdt.G/2019/PA. Talu

In the plaintiff's letter registered at the registrar of the Talu Religious Court with number 86 number 89 / Pdt.G / 2019 / PA. TALU, dated February 1, 2019, the Plaintiff submitted the following: The Plaintiff is the biological mother of the Defendant, who is one of the Plaintiff's biological children from the marriage between the Plaintiff and the Defendant's late husband named Buyung Udin. In addition to the Defendant, the Plaintiff has other children, namely Amri, Anasrul, Agusman, Sabarudin, Samsuar, and Bahari. On February 17, 2023, with good intentions and affection, the Plaintiff granted a piece of residential land to the Defendant, located in Jambu Baru Jorong Padang Tujuh District, Kenagarian Aur Kuning, Pasaman District, West Pasaman Regency, with an area of approximately 1,938 m². Since it was granted, the land has been controlled by the Defendant, and the Plaintiff lives with the Defendant. Initially, the Defendant respected the Plaintiff as a parent, but some time ago, the Defendant changed his attitude, often treated the Plaintiff unkindly, behaved harshly, and hurt the Plaintiff's heart, not showing a child's affection for his parents. Since 2018, the Plaintiff has lived with the Defendant after being granted the property by the Plaintiff, because the Plaintiff is no longer treated properly by the Defendant. A series of attitudes of the Defendant that concern the Plaintiff have often been advised by the Plaintiff and the other relatives of the Plaintiff, but the Defendant has remained unchanged. With the Defendant's disrespect and hurt Plaintiff's attitude, Plaintiff believes that Defendant does not have good intentions as a biological child to look after and care for Plaintiff who is elderly. Therefore, the Plaintiff wishes to withdraw the grant that has been granted to the Defendant to avoid a long dispute that could

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damage the familial relationship between the Plaintiff's other children. Based on Article 3 and Article 49 of Law Number 3 of 2006 which has been updated to Law Number 50 of 2009 concerning Religious Courts, Religious Courts have the authority to decide grant cases involving Muslims.

B. Analysis of the judge's consideration in decision number 89/Pdt.G/2019/PA. Talu

Based on the sitting of the case and the application filed by the Plaintiff to the court, as well as the testimony given by the Plaintiff and the Defendant during the trial, the judge decided to withdraw the grant based on consideration. The case centers on Plaintiff's act of good faith and affection by making a grant to the Defendant, who is one of Plaintiff's children. The grant is in the form of residential land covering an area of approximately 1,938 square M. However, the Plaintiff felt that the Defendant had changed his attitude and often treated the Plaintiff unkindly, even being rude and hurting the Plaintiff's heart.

In this regard, the Plaintiff has considered that the Defendant's actions that no longer appreciate and tend to hurt the Plaintiff show the Defendant's impartiality as a biological child to look after and care for the elderly Plaintiff. Therefore, the Plaintiff decided to withdraw the grant that had been granted to the Defendant. In deciding on the withdrawal of the grant, the judge considered that the Defendant's actions that were inconsistent with the attitude of a child to parents caused a long dispute and threatened the harmony of family relations between the Plaintiff and the other children of the Plaintiff. Therefore, the withdrawal of the grant was considered an appropriate step to avoid greater conflict and maintain good familial relations among all of the Plaintiff's children. Based on these considerations, the judge decided to withdraw the grant that had been granted to the Defendant by the Plaintiff.

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The land grant, which was originally a piece of land, has undergone significant development and progress. At present, the land has undergone transformation into a property complex that includes two housing units located on the east side and two tavern units built by the Defendant in 2018. In addition, there is one more house located in the middle of the disputed land. It is important to note that the Defendant has expended a significant amount of cost, effort, and thought in developing and realizing the development of the land grant. In the process of building houses and shops, the Defendant referred to his legal rights based on the grant granted by the Plaintiff. Defendant clearly demonstrated good faith by honoring the grant and using the land to develop useful property.

The process of building this house and shop demonstrates Defendant's commitment to making positive and productive use of the grant. The Defendant held on the belief that the land grant had become his property by virtue of a lawful and lawful grant made by the Plaintiff. As such, the Defendant has demonstrated a clear commitment to use the land grant in good faith, undertake the development by expending significant resources, and respect the legitimate rights of the grant. Therefore, the process of development and progress of this land grant is the result of the efforts and goodwill of the Defendant in building the house and tavern.

In this case, it should be emphasized that the Plaintiff has a strong legal standing to apply for withdrawal of the grant between the Plaintiff and the Defendant. This is because the Plaintiff is the biological mother of the Defendant, which results in the Plaintiff qualifying as the authorized party to take legal action related to the grant. Speaking of the authority to withdraw grants, Article 212 of the Compilation of Islamic Law (KHI) is the relevant basis in this case. With this provision, the Plaintiff, as the Defendant's biological mother, has the legal right to apply for withdrawal of the

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grant that has been given to the Defendant. The legal authority possessed by the Plaintiff in applying for the withdrawal of this grant is essential to achieve justice and legal certainty. As a parent, the Plaintiff certainly has a legitimate and strong interest in ensuring that the grants that have been given have a positive effect and do not harm the parties involved. Thus, the Plaintiff is a party with legal interest with legal counsel to file this case. The Plaintiff fulfills the requirements stipulated in Article 212 KHI as the parent of the Defendant, so has the right to demand the withdrawal of the grant that has been given to the Defendant. In an effort to achieve justice, it is important for the Plaintiff to fight for his rights as a legal parent and the right to take legal action for the greater interest. *"Grants are irrevocable except for a parent's grant to his child."*⁵

Based on the events and legal facts that have been presented earlier, it can be concluded that the grant between the Plaintiff and the Defendant is invalid. The grant letter issued by the Plaintiff to the Defendant on February 17, 2003 has no binding legal force in the perspective of applicable law in Indonesia. This was due to the change in the Defendant's attitude that harmed the Plaintiff, with abusive, unkind behavior, and hurt the Plaintiff's heart. Therefore, the Plaintiff on such grounds decided to revoke the grant that had been granted to the Defendant. The judge of the Talu Religious Court, in ruling and granting the grant withdrawal suit, fundamentally considered aspects of Islamic law. In the context of Islamic law, the grant must meet certain conditions, including the presence of good faith and voluntary acceptance. However, if the grantee changes his attitude and behaves unkindly towards the grantor, the grantor has the right to revoke the grant. In this case, judges stand on the principles of Islamic law that prioritize justice and the interests of the parties

⁵ Zainuddin Ali, *Islamic Civil Law in Indonesia*, Sinar Grafika, Jakarta, 2007.

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involved. Taking into account the change in Defendant's attitude against the Plaintiff, the judge granted the application for withdrawal of the grant. This action aims to restore justice and protect the rights of the Plaintiff as the Defendant's biological mother. Thus, the court in its judgment has taken into account aspects of Islamic law and granted the suit for withdrawal of the grant, recognizing that the grant between the Plaintiff and the Defendant was invalid based on the events and facts that occurred. The decision was taken to maintain justice and protect the rights of the Plaintiff as an aggrieved party.

Based on the provisions of Article 210 of the Compilation of Islamic Law, a person who has reached the age of at least 21 years, is reasonable, and is not in a state of coercion has the right to make a grant of as much as 1/3 of his property to another party or certain institution. In this case, the plaintiff has fulfilled these requirements, so that the grant made can be considered valid according to Islamic law in force in Indonesia.

"(1) A person who is at least 21 years of age, of sound sense, without coercion, may give as much as 1/3 of his property to another person or institution in the presence of two witnesses for possession. (2) The property granted shall be the right of the grantor."

However, we also need to consider the provisions of Article 1688 of the Civil Code that generally apply in Indonesia. The article states that a grant cannot be revoked or waived, except in certain circumstances. One of the situations that can lead to a grant recall is when the grantee commits or assists in committing a crime against the grantor or any other crime aimed at harming the grantor.

"A grant is irrevocable and therefore irrevocable, except in the following cases: 1. if the conditions of the grant are not met by the grantee; 2. if the person being granted is

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guilty of committing or participating in the commission of an attempted murder or any other crime on the grantor's person; 3. if the grantor falls into poverty, while the grantee refuses to provide for him."

In this case, there is evidence and evidence showing that the defendant, who is the plaintiff's biological child, has changed his attitude, treated the plaintiff unkindly, behaved harshly, and hurt the plaintiff's heart. Such actions can be categorized as adverse behavior and violate the relationship between the plaintiff and the defendant. Therefore, the plaintiff feels that the defendant has violated the conditions necessary to maintain the grant that has been granted. Evidence in civil procedural law based on article 1866 of the Civil Code / article 164 HIR, evidence recognized in civil cases consists of written evidence, witness evidence, allegations, confessions and oaths. Written/written/letter evidence, placed in the first order. Proving in Civil Cases is an attempt to obtain formal truth (*formeel waarheid*). Formal truth is based on legal formalities so that an authentic deed has perfect and binding evidentiary power. Perfect means that the judge does not need other evidence to decide the case other than based on the authentic evidence in question.⁶ While binding means the judge is bound by authentic evidence unless it can be proven otherwise. In this case to prove the arguments of the lawsuit, there is evidence in the form of a photocopy of the statement of grant made by Samsinar dated February 17, 2003 which has been arranged at the post office, affixed with *matrei* by the chairman of the council given code (p) and has submitted 5 witnesses who gave testimony under oath.

according to (witness 1) the reason the plaintiff withdrew the property he had granted was because the defendant did not want to take care of the plaintiff even

⁶ Mariana Coal, *Withdrawal of One's Grant to Others Perspectives of the Civil Code and KHI*, State Islamic University of North Sumatra, 2019.

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though the plaintiff was old Furthermore, (witness 2) according to the plaintiff's story and the plaintiff's children the reason the plaintiff withdrew the property that had been granted was because the plaintiff did not want to take care of it anymore, (witness 3) according to the plaintiff's story the reason the plaintiff withdrew the property he had granted was because the defendant did not want to take care of the plaintiff even though the plaintiff was elderly even though the defendant's son had said the plaintiff was poisoned to die quickly, (witness 4) According to him, when the defendant lived with the defendant, the plaintiff was in good health in the care of the defendant and his children, (witness 5) according to him, the plaintiff's son named Amri brought the plaintiff to take care of the widowed pensioner, (witness 6 & 7) according to him, the witness saw that on the grant there was already a house and two shops. In this regard, the judges of the Talu Religious Court have considered the applicable aspects of Islamic law. In the end, based on relevant legal considerations, the court decided to grant the claim for withdrawal of the grant filed by the plaintiff. This is done by considering that the defendant has committed actions contrary to the good relationship between the plaintiff and the defendant, and considering that the plaintiff as the defendant's biological mother has the position and authority to withdraw the grant that has been given. Thus, the judge's decision is based on relevant legal reasons, including the provisions of Islamic law and civil law in force in Indonesia.⁷

In the context of handling grant cases in Indonesia, there is a legal basis governing the withdrawal of grants, especially between parents and children, namely Article 212 of the Compilation of Islamic Law (KHI). This provision contains strong legal

⁷ AIK UMP Drafting Team, *Al Islam and Kemuhammadiyah I, III, IV*, Universitas Muahammadiyah Palembang, 2010.

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implications in the event of cancellation or withdrawal of grants that have been given by parents to their children. In the case filed at the Talu Religious Court, the verdict rendered by the panel of judges was based on religious law considerations that refer directly to the Compilation of Islamic Law. In the decision, which is recorded in decision number 89/Pdt.G/2019/PA. TALU, the Panel of Judges has conducted careful research and consideration of applicable legal provisions, especially article 212 of the Compilation of Islamic Law (KHI). This article clearly stipulates that grants made by parents to their children are irrevocable. *"Grants are irrevocable, except for the grant of a parent to his child"*

Through its ruling, the panel of judges at the Talu Religious Court has carried out its obligation to consider the applicable legal provisions. They meticulously apply the provisions stipulated in article 212 of the Compilation of Islamic Law (KHI), which has an imperative nature in terms of the withdrawal of parental grants to their children. Thus, the decision given by the panel of judges at the Talu Religious Court, which decided to grant the grant withdrawal lawsuit, has been in line with applicable laws and regulations, especially article 212 of the Compilation of Islamic Law (KHI). The article expressly states that a parent's grant to his or her child is irrevocable, making the ruling an appropriate implementation of the law based on the existing legal foundation.

3.2. Differences in Grant Withdrawal According to the Compilation of Islamic Law (KHI) with Civil Code 35

The withdrawal of grants in the legal context in Indonesia involves two different regulations, namely the Compilation of Islamic Law (KHI) and the Civil Code (KUHPercivil). In the Compilation of Islamic Law, especially in article 212. This principle limits the possibility of grant withdrawal, unless it involves a parent making

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a grant to his child. Article 211 of the IHL also reinforces this principle by stating that grants from parents to their children can be counted as part of inheritance. However, it is important to note that the use of the word "may" in the article is not imperative (must), but rather provides an alternative in the resolution of inheritance disputes. The principle underlying parental grants to children is the principle of fair distribution between all children, without distinguishing one from another. This principle is in accordance with the teachings of the Prophet SAW who taught the importance of fair treatment in the distribution of inheritance. On the other hand, the Civil Code has a different mechanism for withdrawing grants. According to the Civil Code, the withdrawal of grants can be made by expressing intention to the grantee and filing a demand for the return of the goods that have been granted. If the grantee refuses to voluntarily return the items, then the grantor can file a claim for the return of the items to the court. *"Grants are irrevocable, except for the grant of a parent to his child."*

Keep in mind that these two legal systems provide different bases in the context of grant withdrawal. The compilation of Islamic Law enforces the principle that grants between parents and children are irrevocable, while the Civil Code provides a legal mechanism for returning goods granted if certain conditions are met. In a dispute situation of grant withdrawal, it is important for the parties involved to carefully consider the applicable legal regulations, both in the Compilation of Islamic Law and the Civil Code. In this regard, it is advisable to seek legal advice from a competent expert to understand more regarding the rights and obligations associated with the withdrawal of grants, as well as appropriate measures in resolving such disputes.⁸

⁸ Rainbow warriors team, *Fiqh Muamalah Methodology*, Kediri, Lirboy Press, 2013.

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The basic principle in civil law, including in the Civil Code, is that a grant that has been given by a person to another person cannot be withdrawn unilaterally. In this context, a grant is considered an agreement that binds both parties, so that the grantor cannot take back what he has given. The Civil Code regulates grants in article 1666 which explains that a grant is an agreement in which the grantor, during his lifetime, voluntarily surrenders an object to the grantee without being able to withdraw it. In this article, there is an unequivocal sentence stating "irrevocable", indicating that the Civil Code also prohibits the withdrawal of grants. It can be interpreted that after the delivery of the object to which the grant is made, the grantor does not have the right to withdraw the object of the grant from the grantee. Thus, the principle contained in the Civil Code is in line with the principle that grants are irrevocable. Basically, civil law provides protection for the rights of the grantee after the grant has been lawfully made.

The next article to note is Article 1688, which provides other provisions related to the withdrawal of grants by grantors with several conditions that must be met. These conditions are as follows: (1) The grant may be withdrawn if it is not fulfilled the conditions under which the grant has been made, for example if the grantee is not present when the grant process is carried out. (2) The grant may be withdrawn if the grantee is guilty of committing or assisting in the commission of a crime aimed at taking the grantor's life or committing another crime against the grantor. (3) The grant may be withdrawn if the grantee refuses to provide a subsistence allowance to the grantor after the grantor falls into poverty. Given these provisions, it can be concluded that the Civil Code accommodates the possibility of recalling grants in certain situations, in order to protect the interests and fairness between the grantor and the grantee. However, it is important to note that the interpretation and application of law depends on the context of the specific case and the facts involved.

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If there is a dispute or difference of opinion regarding the withdrawal of the grant, it is better to consult the matter to the competent legal expert for a more detailed explanation and advice in accordance with applicable laws and regulations.⁹

In the context of Islamic law which is the source of material law in Religious Courts, there are provisions stipulated in the Compilation of Islamic Law (KHI) regarding the withdrawal of grants. The relevant article is Article 212 which expressly states that "Grants are irrevocable, except for the grant of a parent to his child". That is, a grant that has been given is generally irrevocable, except in special cases where the grant is made by a parent to his child. This article underlines the general prohibition against the withdrawal of grants, but also provides for certain exceptions. Imam Shafi'i's opinion provides further explanation regarding the withdrawal of grants in this context. According to Imam Shafi'i, grants can be withdrawn if they are given to people who can be considered children, either intrinsically or figuratively, such as biological children, grandchildren of one of the children, both male and female. However, if the grant is made to another person who does not fall into that category, then the grant is irrevocable. Thus, it can be concluded that the IHL provides an exception to the prohibition on the withdrawal of grants in the case of grants made by parents to their children. This indicates that the withdrawal of grants in this context is specifically regulated and recognized as a right that parents have to their children. It is important to note that the interpretation and application of Islamic law may vary depending on the school and the opinions of the scholars. In this regard, if there are differences of opinion or disputes regarding the withdrawal of grants, it is advisable to consult a competent Islamic jurist to obtain a more detailed explanation and in accordance with the prevailing religious

⁹ Mukti Arto, *Civil Case Practice in Religious Courts*, cet V Yogyakarta: Student Library, 2004.

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teachings.¹⁰

Although there are differences in substance between the Compilation of Islamic Law (KHI) and the Civil Code (KUHPercivil), basically both have provisions prohibiting the withdrawal of grants. However, the difference lies in the content of the substance or subject matter of the regulations regulated in the two laws. In the context of the Civil Code, grants can be withdrawn in some regulated situations. First, the withdrawal of the grant can be made if the conditions specified in the grant agreement are not met. For example, if the grantee does not meet the conditions agreed in the grant agreement. Second, grant withdrawal can be made if the grantee is involved in acts that violate the law or aim to harm the grantor, such as committing criminal acts that have the potential to endanger the grantor's life or committing other violations of the law that can be subject to criminal sanctions. Third, the withdrawal of the grant can be made if the grantee refuses to provide a subsistence allowance to the grantor after the grantor experiences a significant economic downturn, that is, a condition in which the grantor is no longer able to meet basic needs.

Meanwhile, in the KHI, the withdrawal of grants only applies specifically to grants given by parents to their children. This means that in the context of Islamic law, grants from parents to their children can be withdrawn with certain exceptions. It should be emphasized that the interpretation and application of law may vary depending on the opinion and school of law followed. Therefore, if there are differences of opinion or disputes related to the withdrawal of grants, it is advisable to consult with legal experts who are experienced and understand well the two legal sources in order to

¹⁰ Salim HS, *Introduction to Written Civil Law (BW)*, Sinar Grafika, Jakarta, 2009. Satijipto Rahardjo, *Legal Science*, Eighth Ctk, Citra Aditya Bakti, Bandung, 2014.

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obtain a more detailed explanation and in accordance with the applicable legal context.

4. Conclusion

1. The basis for the consideration of the Panel of Judges at the Talu Religious Court in deciding the case for the withdrawal of grants in decision number 89/Pdt.G/2019/PA. TALU has complied with applicable laws and regulations, especially referring to Article 212 of the Compilation of Islamic Law (KHI). In the article, there is a very clear provision regarding the withdrawal of grants from parents to their children, stating that grants cannot be withdrawn, unless the grant is made by parents to their children. Basically, religious courts as the competent judicial institutions in family and religious law cases use the Compilation of Islamic Law as a source of material law to decide grant disputes. In the case of withdrawal of grants, the court refers to the clear and unequivocal provisions contained in Article 212 of the KHI. This provision provides specifically that grants that have been given by a parent to their child are irrevocable, underlining the prohibition on withdrawing such grants except with such exceptions. Thus, the Panel of Judges at the Talu Religious Court has been correct in referring to Article 212 KHI as the legal basis in deciding the grant withdrawal case, and decision number 89/Pdt.G/2019/PA. The TALU is an appropriate implementation and in accordance with the rules. Applicable law in The Compilation of Islamic Law. This shows that Islamic law recognizes the principle of stability and legal certainty in the context of grants, especially when the grant is given by a parent to his child, so that the grant becomes irrevocable except in certain situations that have been clearly stipulated in Islamic law itself.

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2. The difference in the withdrawal of grants between the Compilation of Islamic Law (KHI) and the Civil Code lies in the provisions governing such withdrawals. According to Article 212 of the KHI, grants are irrevocable, unless the grant is made by a parent to his child. This provision states that in general grants are irrevocable, but there are special exceptions for grants from parents to their children. On the other hand, in the Civil Code there is Article 1688 which explains that the grant can be withdrawn by the grantor with certain conditions. The first condition is if the conditions set out in the grant are not met by the grantee. This indicates that if the grantee does not meet the predetermined requirements, the grantor has the right to withdraw the grant. The second condition is if the grantee commits or assists in committing a crime aimed at taking the grantor's life or committing another crime detrimental to the grantor. In this situation, the grant may also be canceled by the grantor. Given this difference, it can be concluded that the IHL generally prohibits the withdrawal of grants, except in the case of grants from parents to their children. Meanwhile, the Civil Code provides room for grantors to withdraw grants in certain situations involving violations of grant terms or criminal acts that harm grantors.

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