ABSTRACT

The times today can be found a phenomenon in which a person's biological condition is normal but felt he was part of the opposite sex is seen anatomically opposite. factors that cause a person to be transgender in addition to hormonal factors may also occur due to the influence of environmental factors. Humans as subjects of law certainly will have legal events. certain legal events faced by human beings is death. Human mortality events occurring naturally will lead to legal consequences one of which is the inheritance. goals are accomplished researchers to understand and determine the status and position of transgender in the positive law in Indonesia and to understand and formulate the implementation of the division of inheritance against transgender people in positive law in Indonesia.

The approach used in this study is normative research that emphasizes the use of data library associated with theories of law and positive law enforcement practices pertaining to the problems studied. Specification of research used in this study is a descriptive analysis describes the actual data and facts. stages of the research conducted by the research literature and field study. data analysis methods that researchers use is normative qualitative analysis was performed in order after conclusion can be drawn to answer the problems studied.

The results showed that transgender status and position determination from the court to get to know the gender change is in accordance with the sex after surgery, while transgender who have not received the determination of the change of sex is not the same as before sex change surgery. The division of inheritance against transgender people in the customary law and not governed by KUHPerdata whereas in Islamic law are sharing arrangement based transgender inheritance by setting contained in Al-Hadist and Istihad.