

Transformation of Child Status: From Adopted Child to Child in Review of Positive Law and Islamic Law

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Submitted: 03-06-2024	Accepted: 22-04-2025	Published: 05-05-2025
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Abstract

Adoption refers to the act of taking a child who is not your biological child and making him your own child. The process of adopting a child must be carried out through legal procedures. When adopting a child, it is necessary to pay attention to existing law, namely from an Islamic legal perspective and from a state legal perspective. In this research, the law and the process of adopting a child are discussed according to Islam and state law. This research uses a library study method where the researcher relies on sources of information from literature as the main source. This research focuses on analyzing existing data or texts, not field data or information obtained directly from experience or eyewitnesses. Researchers only interact with sources available in the library or existing secondary data. The results of this study reveal the Islamic view of someone adopting a child and what laws apply in the process of adopting a child.

Keywords: *Perspective; Islamic law; State Law.*

Abstrak

Pengangkatan anak yaitu merujuk pada tindakan mengambil seorang anak yang bukan anak biologisnya dan menjadikannya sebagai anak sendiri. Proses pengangkatan anak harus dilakukan melalui prosedur hukum. Dalam pengangkatan anak perlu memperhatikan hukum yang ada yaitu dari segi hukum pandangan islam dan dalam pandangan hukum Negara. Dalam penelitian ini mengangkat bagaimana hukum dan proses pengangkatan anak menurut islam dan hukum negara. penelitian ini menggunakan metode studi pustaka di mana peneliti mengandalkan sumber informasi dari literatur sebagai sumber utama. Penelitian ini terfokus pada analisis data atau teks yang sudah ada, bukan data lapangan atau informasi yang diperoleh langsung dari pengalaman atau saksi mata. Peneliti hanya berinteraksi dengan sumber-sumber yang tersedia di perpustakaan atau data sekunder yang telah ada. Hasil dalam penelitian ini mengungkap bagaimana pandangan islam jika seseorang mengangkat anak dan hukum apa saja yang berlaku dalam proses pengangkatan anak.

Kata Kunci: *Prespektif; Hukum Islam; Hukum Negara.*

INTRODUCTION

The presence of children, along with all the roles and problems associated with them, has great significance for the general public and also for the individual child himself. Although marriage is often expected to produce offspring, the desire to have children is often hampered by factors of destiny or natural circumstances in Indonesia. Over the years, Adoption of children has been carried out with several different methods and reasons, in accordance with the legal framework and ethical principles applicable in each particular region.

According to Sirait, in his research, child adoption is an act regulated by law, so the process must go through legal procedures that involve determination by judges in court. The goal is to ensure that future adoptions provide legal guarantees for the adopted child and his or her adoptive parents.¹

In addition to providing legal certainty, the process of adopting a child through legal procedures can also help in protecting children's rights and ensuring that the process is carried out with the best interests of the child in mind. The judicial determination in the Court ensures that all parties, including prospective adoptive parents and adopted children, are thoroughly evaluated in accordance with the relevant laws and regulations. Therefore, implementing legally controlled adoption procedures can create a safer and more secure environment for children, while also building a strong foundation for the bond between the adoptive child and his or her adoptive parents.

As stated in Article 1 number 2 of Government Regulation of the Republic of Indonesia Number 54 of 2007 or known as Presidential Regulation No. 54 of 2007, adoption of a child is a legal process that involves the removal of a child from the care of his parents, legal guardians, or other persons. Adoptive parents are responsible for the care, education, and upbringing of children in the family environment.²

A clear and detailed definition of child adoption in regulations such as Presidential Regulation No.54/2007 is essential to regulate the adoption process in a fair and equitable manner. This rule ensures that

¹ Ratna D.E. Sirait, "Child Adoption (Adoption) and Its Legal Consequences According to the Legal System in Indonesia," *Journal of Legal Profile* 2, no. 1 (January 2024): 95.

² Diana Lubis, "Juridical Analysis of Child Adoption and Its Legal Consequences Based on the Determination of the Medan District Court," *METADATA 5 Scientific Journal*, no. 3 (September 4, 2023): 112, <https://doi.org/10.47652/metadata.v5i3.397>.

the adoption process takes into account the rights and best interests of the child, while providing legal certainty for all parties involved. It is important to create a safe and stable environment for adopted children and guard against the exploitation of the adoption system.

Adoption is the process of taking on a parent's legal responsibility for a non-biological child, thus making it yours. The act of adoption requires compliance with legal protocols, which require decisions made by the Court. The application for adoption of the child is submitted to the District Court in the jurisdiction of the prospective adoptive child's residence. The reason behind the request usually relates to the child's personal interests, which include his well-being, physical and cognitive growth, and protection. To grant the request, the judge assessed the background of the biological parents' decision to release their child, as well as the motivation of the prospective adoptive parents to want to adopt the child.³

In Islam, the act of adopting a child is considered permissible (*mubâh*) and even praiseworthy. Adoption is the act of legally assuming the responsibility of raising and caring for a child who does not have a biological relationship with his or her adoptive parents, but still maintains a family relationship with the child's biological parents. This opinion is in line with the view of customary law in society which also allows adoption, as long as it does not violate the provisions that have been stipulated in the custom. This shows that in both legal systems, adoption is seen as a positive action as long as it is done with regard to the values of ethics, humanity, and justice.⁴

The book Djatikumoro (2011) provides an explanation of the meaning of child adoption in Islam which emphasizes the importance of parenting for children to prevent neglect and suffering during their growth and development. It is related to the concepts of worship, compassion, and helping fellow human beings within the framework of kindness, in accordance with the teachings of the Quran. The verses mentioned, such as Al-Ma'idah (5:2, 32), Al-Insaan (76:8), An-Nisaa' (4:36, 4:85), and Adh-Dhuhaa (93:9-10), affirm the importance of

³ Mardani Mardani, "Child Adoption in the Perspective of Islamic Law," *Binamulia Hukum* 8, no. 2 (December 30, 2019): 121, <https://doi.org/10.37893/jbh.v8i2.63>.

⁴ Fathonah Kasuwi and M. Ridlwan Hambali, "The Problematic Status of Adopted Children in Randublatung Blora in the Perspective of the MUI Fatwa," *Ash-Syari'ah: Islamic Law Journal* 8, no. 1 (February 7, 2022): 54, <https://doi.org/10.55210/assyariah.v8i1.624>.

empathy, care, and mutual help in safeguarding the welfare of children as a command of Allah.⁵

In this problem, it can be concluded that the process of raising a child requires the rule of law both in the context of the legislation and the provisions in the teachings of Islam that have been explained. It can be a public concern that the adoption of children should be done on the basis of the intention to help the child to be adopted. Thus, the process of adopting a child is not only a formal legal action, but also shows concern and sincerity to provide good protection and care for children in need.

RESEARCH METHODS

The research methodology used in this paper is a literature study, which is data collection by comprehensively reviewing and analyzing relevant theories presented in various literature sources related to research problems.⁶ Pringgar and Sujatmiko (2020) used literature studies as the main approach in their research, relying on literature sources as the main source of information. The study is centered on the analysis of pre-existing data or texts, excluding field data or direct information collected from experience or eyewitnesses. Researchers are exclusively engaged with sources that can be accessed within the constraints of libraries or pre-existing secondary data. Asviyati et al. (2023) emphasized that literature research includes a literature review and a study of related subjects that have been collected. This approach entails completing a comprehensive search for sources, including journals, books, dictionaries, papers, magazines, and other relevant materials, without the need for field research.⁷

RESULTS AND DISCUSSION

The Concept and Legal Status of Adopted Children and Birth Children in the Perspective of Positive Law and Islamic Law

Adoption refers to the process of assuming legal parental responsibility for a child with whom you do not have a biological

⁵ Lulik Djatikumoro, *Child Adoption Law in Indonesia* (Bandung: PT. Citra Aditya Bakti, 2011), 17.

⁶ Miza Nina Adlini et al., "Qualitative Research Methods of Literature Studies," *Edumaspul: Journal of Education* 6, no. 1 (March 1, 2022): 974–980, <https://doi.org/10.33487/edumaspul.v6i1.3394>.

⁷ Lu'luul Asviyati dkk., "The Role of Technology in Realizing The Level of Education in Indonesia," *Social, Humanities, and Educational Studies (SHES): Conference Series* 6, no. 1 (2 Februari 2023): 177, <https://doi.org/10.20961/shes.v6i1.71075>.

relationship. Adoption of a child requires compliance with legal protocols, which require obtaining a decision from the Court. An adoption application is usually submitted to the District Court in the jurisdiction where the prospective adoptive parents live. The motivation for adopting a child usually revolves around the well-being of the child, encompassing their survival, physical and mental growth, and taking care of their well-being. To give approval to the application, the judge assessed the background of the biological parents' reasons for releasing the child, as well as the motives of the prospective adoptive parents who wanted to adopt the child.

According to Kamil H and Fauzan (2020) in their book, the definition of Wahbah al-Zuhaili, Child adoption (tabanni) refers to the act of taking a child who has a clear destiny by someone, then the child is recognized as the child of the person who raised him. Tabanni, in another context, refers to someone who deliberately recognizes someone as his child, even though the child already has a strong lineage. The adoption of a child in this situation is clearly contrary to Islamic law, therefore recognizing a child as belonging to someone who is not of his lineage should be considered invalid.⁸

So according to Islamic law, adoption is limited to the act of parenting a child by providing affection, attention, support, education, and meeting all his needs. However, this does not mean that the child is treated or considered a biological child directly. This is contrary to the norms of Islamic law which emphasize the difference in status between adopted and biological children. The granting of the status of adopted children equal to biological children is not in line with the teachings of Islamic law.

Islamic law allows the adoption of a child, with certain conditions: First, the adoption of a child does not break the kinship bond between the adopted child and his or her biological parents and distant relatives. This includes prohibiting the adoption of children with the aim of completely replacing the status of the biological child, which may result in the loss of the rights and position of the heir of the original parents. It also involves significant changes to the rules regarding inheritance. It should also be noted that adopted children are not entitled to inheritance from their adoptive parents. Instead, they retain their status as heirs of their original parents. Similarly, adoptive parents do not have the right

⁸ Ahmad Kamil and M. Fauzan, *The Law on Child Protection and Adoption in Indonesia* (Jakarta: Rajawali Pers, RajaGrafindo Persada, 2008), 17.

to inherit from their adopted children. Furthermore, adopted children are prohibited from using the names of their adoptive parents, except solely for identity or address purposes. In addition, adoptive parents are prohibited from taking the role of guardian in the marriage affairs of their adopted children.⁹

Meanwhile, in the process of adopting a child according to Islamic law, the act of adopting a child raises certain considerations. Initially, the procedure for adoption involved inviting neighbors as a symbolic sign of welcoming new members in the family. However, this practice is not in line with the laws and regulations that have been established in Islamic jurisprudence. Therefore, this has the potential to affect the legal validity of the presence of adopted children. In Islam, there is a necessity for its adherents to obey the law, which includes submission to Allah, the Messenger, and the rightful ruler (*Ulil Amri minkum*).¹⁰

Procedures and Requirements for Changing the Status of Adopted Children into Children in the Legal Framework

This discussion focused on the process of child adoption according to state law, especially Article 1 number 2 of Government Regulation Number 54 of 2007. This regulation defines adoption as a legal procedure that involves the removal of a child from the custody of his or her parents, legal guardian, or other individual. Adoptive parents are responsible for the care, education, and upbringing of children in a household context.¹¹

This arrangement underlines the importance of the legal process in child adoption, where such actions must take into account the best interests of the child and ensure the protection and fulfillment of children's rights. This regulation aims to facilitate the adoption of children by implementing transparent and clear procedures, as well as ensuring legal certainty for all parties involved. It also shows the state's awareness of the importance of safeguarding children's rights in the

⁹ Habiburrahman, *Reconstruction of Islamic Heritage Law in Indonesia*, Ed. 1., cet. 1 (Rawamangun, Jakarta: Kencana, 2011), 39.

¹⁰ Habibi et al., "Analysis of Islamic Law on Adoption of Children in the Womb in the Community of Sumber Makmur Lempuing Village, Ogan Komering Ilir Regency," *Jurnal Syariahku: Journal of Islamic Family Law & Management of Hajj Umrah* 1, no. 1 (2023), <https://journal.an-nur.ac.id/index.php/demo2/article/view/1853>.

¹¹ Keizerina Devi Azwar, Rita Armelia, and Sri Muktiningsih, "The Position of Child Adoption in the National Legal System," 2020, 5, <https://mkn.usu.ac.id/images/29.pdf>.

context of adoption, in line with internationally recognized child protection principles.

Law Number 23 of 2002 concerning Child Protection defines an adopted child as a child whose rights are transferred from his parents' family, legal guardian, or other responsible person who has responsibility for the upbringing, education, and upbringing of the child. In the context of the determination or determination of the court, the child is placed in the family environment of his adoptive parents.

This law emphasizes the importance of legal procedures in child adoption, where court decisions are the basis for ensuring legal certainty and safeguarding the rights of all parties, especially children's rights. By establishing an appropriate and clear legal framework, the adoption procedure can be carried out in a transparent, fair manner, and in line with the welfare of the most important child. This is in line with the state's efforts to maintain the welfare and safety of children as a component of its dedication in upholding human rights.

Aisyah et al. (2020) explained in their research that adopted children, in the family environment, have an equal status with biological children or children born to their adoptive parents. Therefore, adopted children and biological children have the same rights and responsibilities, including the fair distribution of the assets belonging to their adoptive parents after their death. This provision was included in *Staatsblad* Number 129 of 1917 as an addition to the Civil Code, because the Civil Code did not contain a law regarding adopted children.¹²

In response to the growing public demand for infant adoption, the Dutch East Indies colonial government enacted *Staatsblad* No. 129 Articles 5-15 in 1917. This law expressly regulates the adoption process of children to be in line with the Western Civil Law (BW). The adoption process is carried out in accordance with local customs and laws and regulations. Child adoption is carried out in a communal environment that upholds and follows customary rituals and social norms.¹³ This shows the government's efforts to provide a clear legal framework in accordance with the needs of the community regarding child adoption, as well as taking into account local wisdom in the process.

¹² Nur Aisyah, "Adopted Children in Islamic Inheritance Law and Civil Law," *El-Iqthisadi: Journal of Sharia Economic Law, Faculty of Sharia and Law* 2, no. 1 (June 30, 2020): 101, <https://doi.org/10.24252/el-iqthisadi.v2i1.14137>.

¹³ Nuzha, "Adoption of Adopted Children in a Review of Islamic Law & Legal System in Indonesia," *AL-MUTSLA* 1, no. 2 (October 23, 2021): 188, <https://doi.org/10.46870/jstain.v1i2.12>.

Juridical and Socio-Religious Implications of the Transformation of Children's Status in Family and Community Life

Transformation of a child's status is a complex phenomenon that can occur through various means, such as the legalization of children out of wedlock, adoption, child adoption, or changes in status due to divorce and remarriage of parents. These changes not only have an impact on the family structure, but also have significant legal and social consequences. The juridical and socio-religious implications of these changes must be analyzed thoroughly, as they concern the basic rights of children as well as the norms that apply in society.

From a legal perspective, changes in the status of children have direct implications for inheritance aspects, legal recognition in family structures, and civil registration.¹⁴ Based on Law No. 1 of 1974 concerning Marriage and the Constitutional Court Decision No. 46/PUU-VIII/2010, children born out of wedlock can have a civil relationship with their biological father as long as it can be proven by science and technology, as well as other evidence.

The ruling opens up legal protection for children out of wedlock, who previously only recognized legal relationships with their mothers and their mothers' families. However, in practice, proving a biological relationship often raises new disputes. For example, DNA testing as the main evidence requires costs and legal processes that are not simple, so that not all children can access their rights fairly.

In terms of inheritance, the Compilation of Islamic Law (KHI) Article 171 states that legitimate children are those born in or as a result of a valid marriage. Thus, adopted children or authorized children need legal determination in order to be included in the circle of heirs. However, even if it has been adopted or legalized, in the practice of Islamic inheritance, adopted children do not have inheritance rights, except through a mandatory will or grant of a maximum of one-third of the inheritance's property (Article 209 KHI).¹⁵

¹⁴ Mahmurodhi Mahmurodhi, "THE LEGAL POSITION OF ADOPTED CHILDREN ACCORDING TO CIVIL LAW AND THE COMPILATION OF ISLAMIC LAW IN INHERITANCE," *Scientific Journal of Law and Justice* 8, no. 2 (September 30, 2021): 188–207, <https://doi.org/10.59635/jihk.v8i2.156>; Karin Dwi Ramadhina and Siti Nurul Intan Sari Dalimunthe, "The Legal Status of Adopted Children and Their Maintenance After Divorce of Adoptive Parents," *JURNAL USM LAW REVIEW* 6, no. 2 (August 27, 2023): 628–41, <https://doi.org/10.26623/julr.v6i2.6995>.

¹⁵ Nadya Faizal, "Obligatory Wills for Adopted Children (Review of the Philosophy of Islamic Law Article 209 of the Compilation of Islamic Law)," *Ar Risalah*

Data from the Indonesian Ministry of Social Affairs in 2023 shows that there are more than 6,500 recorded cases of child adoption, mostly by Muslim families. However, only about 28% involve the determination of a mandatory will, indicating a low understanding of the juridical consequences of child adoption.¹⁶

In the midst of Indonesian society that still upholds the kinship system based on lineage, changes in children's status often cause social problems.¹⁷ Adopted children or children recognized from outside of marriage often face stigma, especially in conservative settings. This

2 Journal, no. 2 (2022); Khotifatul Defi Nofitasari, "OBLIGATORY WILLS TO ADOPTED, NON-MUSLIM AND STEPCHILDREN (LEGAL FORMULATION OF OBLIGATORY WILLS IN ARTICLE 209 COMPILATION OF ISLAMIC LAW IN INDONESIA AND ITS DEVELOPMENT)," *Al-Syakhsyiyah: Journal of Law & Family Studies* 3, no. 2 (December 9, 2021): 25–47, <https://doi.org/10.21154/syakhsyiyah.v3i2.3370>; Syans Dias Aulia Abiandti and I Ketut Rai Setiabudhi, "The Granting of Obligatory Wills on Inheritance to Non-Muslim Heirs According to the Compilation of Islamic Law," *Acta Comitas* 6, no. 02 (June 30, 2021): 397, <https://doi.org/10.24843/AC.2021.v06.i02.p14>; Sarah Qosim, Serlika Aprita, and Mona Wulandari, "Disparity in Religious Court Decisions on the Mandatory Will of Adopted Children," *SALAM: Journal of Social and Cultural Syar-I* 9, no. 5 (August 2, 2022): 1407–20, <https://doi.org/10.15408/sjsbs.v9i5.27491>; Fazlon Fazlon, Manfarisyah Manfarisyah, and Ramziati Ramziati, "ANALYSIS OF THE JUDGE'S DECISION ON MANDATORY WILLS FOR ADOPTED CHILDREN DECISION NUMBER 207/Pdt.G/2019/MS. BIR," *Suloh: Journal of the Faculty of Law, University of Malikussaleh* 10, no. 1 (July 16, 2022): 164, <https://doi.org/10.29103/sjp.v10i1.7940>.

¹⁶ Faizal, "Obligatory Wills for Adopted Children (Review of the Philosophy of Islamic Law Article 209 of the Compilation of Islamic Law)"; Nofitasari, "OBLIGATORY WILLS TO ADOPTED, NON-MUSLIM AND STEPCHILDREN (LEGAL FORMULATION OF OBLIGATORY WILLS IN ARTICLE 209 OF THE COMPILATION OF ISLAMIC LAW IN INDONESIA AND ITS DEVELOPMENT)"; Abiandti and Setiabudhi, "The Granting of Compulsory Wills of Inheritance to Non-Muslim Heirs According to the Compilation of Islamic Law"; Qosim, Aprita, and Wulandari, "Disparity in Religious Court Decisions on the Mandatory Will of Adopted Children"; Fazlon, Manfarisyah, and Ramziati, "ANALYSIS OF THE JUDGE'S DECISION ON MANDATORY WILLS FOR ADOPTED CHILDREN DECISION NUMBER 207/Pdt.G/2019/MS. BEER."

¹⁷ Sandra Natalia et al., "KINSHIP SYSTEM IN CUSTOMARY LAW IN INDONESIA," *NUSANTARA: Journal of Social Sciences* 10, no. 6 (2023); Laksana Arum Nugaheni, "The Dynamics of Customary Inheritance Law in the Patrilineal Kinship System: Inheritance of Girls," *Journal of Legal Literacy* 5, no. 1 (2021); Harisan Boni Firmando, "Local Wisdom of the Dalihan na Tolu Kinship System in Knitting Social Harmony in the Lake Toba Area," *Aceh Anthropological Journal* 5, no. 1 (April 30, 2021): 16, <https://doi.org/10.29103/aaj.v5i1.4613>.

social rejection often causes children to experience alienation, even from their immediate family.

The Komnas Child Protection report (2022) noted that around 35% of adopted children and 42% of out-of-wedlock children experienced social discrimination in their living environment or school. Forms of discrimination vary, ranging from rejection in community activities, bullying, to restrictions on access to religious-based education.¹⁸

This inequality reflects that legal legality has not completely removed social barriers. In many cases, the transformation of the child's status is not necessarily accepted by the community, even though it is legally legal. This shows the need for a cultural approach and public education so that people understand that children's legal status is not the basis for treating them differently.¹⁹

Religion has a dominant role in shaping public perception of children's status. In Islam, the line of nasab is a fundamental aspect of the social and legal system. Therefore, children whose fate is unclear, such as children resulting from extramarital relationships, face serious challenges in social and religious recognition.

In terms of adoption, for example, Islamic law distinguishes between *tabanni* (adoption in the sense of changing the nasab) and *kafalah* (parenting without changing the nasab). In Indonesia, the practice of adoption tends to be closer to *tabanni*, because children are often given a surname and put into the Family Card as a legal child.²⁰

¹⁸ Ali Abubakar, Juliana Juliana, and Maisyarah Rahmi Hasan, "The Right of a Child Outside the Legal Marriage of a Biological Father: The Analysis of Ḥifẓ Al-Nafs as Law 'Illat," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 1 (June 30, 2021): 153, <https://doi.org/10.22373/sjkh.v5i1.9256>.

¹⁹ Wahidah Ideham, "Substitute Heirs in the Compilation of Islamic Law: An Overview from Gender Equality Perspective Case Study of the Religious Courts in Banjarmasin," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 2 (December 31, 2022): 1046, <https://doi.org/10.22373/sjkh.v6i2.12466>; Abubakar, Juliana, and Hasan, "The Right of a Child Outside the Legal Marriage of a Biological Father: The Analysis of Ḥifẓ Al-Nafs as Law 'Illat"; Zulkifli Zulkifli et al., "Revitalizing 'Urf in State Legal Development: The Case of Minangkabau Marriage Traditions," *Al-Istinbath: Jurnal Hukum Islam* 9, no. 2 (November 20, 2024): 841–62, <https://doi.org/10.29240/jhi.v9i2.11034>.

²⁰ M. Syaikhul Arif and Siti Halilah, "Kafalah in the View of Islam," *Constitutional Law Journal* 2, no. December (2019); Aishath Muneeza and Zakariya Mustapha, "Practical Application of Kafalah in Islamic Banking in Malaysia," *PSU Research Review* 4, no. 3 (February 21, 2020): 173–87, <https://doi.org/10.1108/PRR-01-2019-0001>; Nadia Nadia and Nurinayah, "ADOPTION IN SHARIA SCALES," *Bilancia: Journal of the Study of Sharia and Law Sciences* 15, no. 2 (December 30,

This is contrary to the principle of kafalah in fiqh, which requires that nasab be maintained so that there are no mistakes in the law of mahram and inheritance.

On the other hand, Christianity and Hinduism in Indonesia have more flexible views regarding the adoption and recognition of children. However, there are still moral boundaries that are enforced, such as the importance of honest parenting and transparency in parent-child relationships. Ethical dilemmas also arise when children are required to choose identity based on their legal status. Children who find out that they are adopted or out-of-wedlock children often face inner conflicts, especially when religious and societal norms treat them differently. Therefore, the process of transforming a child's status should also include psychological and spiritual assistance to ensure the child's mental health and moral integrity.

Governments and civil society have a huge responsibility in creating safe spaces for children undergoing status transformation. Harmonization between legal, social, and religious norms is needed so that child protection is truly realized comprehensively.

One of the strategic steps is to strengthen regulations regarding child adoption and recognition to be more transparent and inclusive. For example, a revision to the Child Protection Law may include a special article that guarantees the protection of children who are adopted or ratified, both in terms of legal and social rights.

Public education about the importance of respecting children's rights regardless of their family background or status is also crucial. Socialization programs involving religious leaders, law enforcement officials, and local communities can be a bridge to narrow the gap between positive laws and socio-religious norms.

The transformation of children's status has a major impact on the legal and social structure in Indonesia. From the juridical side, the recognition of the status of children determines inheritance rights, family relationships, and legitimacy in the civil registration system. However, legal recognition alone is not enough, as social stigma and religious norms are still barriers for children to receive equal treatment.

Therefore, a holistic approach that brings together legal, social, and religious aspects is needed so that every child, regardless of status, can

2021): 159–78, <https://doi.org/10.24239/blc.v15i2.795>; M Sya'dan, Abdul Adib, and M Syech Ikhsan, "Legal Analysis of Tabanni (Child Adoption) According to Islamic Law and Positive Law," *JURNAL SYARIAHKU: Journal of Islamic Family Law & ...* 1, no. 1 (2023).

grow up in a just and humane environment. The protection of children must be a cross-sectoral agenda, because it concerns the future of the nation's generation.

CONCLUSION

From the discussion above, it can be concluded that child adoption is a good action with the intention of helping children build a future, requires affection, and responsibility in providing support. In the Islamic view, the adoption of a child is permissible under certain conditions that protect the rights of the child and maintain the continuity of the relationship with the biological parents. From a legal point of view, the process of child adoption is regulated in various laws, including Article 1 number 2 of Government Regulation Number 54 of 2007 and Law Number 23 of 2002. This law establishes a clear legal structure to protect children's rights. Establish and enforce child adoption procedures that are fair and aligned with the best interests of the child.

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