



Distribution of Inheritance Regarding Child Adoption (Adoption) in Islamic Inheritance and Civil Law

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Abstract: The distribution of inheritance for adopted children in Islamic inheritance and civil law in Indonesia is a complex and multidimensional issue, reflecting the dynamics between the principles of religious law and the development of modern secular law. This study aims to analyze the position of adopted children in the Islamic inheritance system and civil law, and to identify the challenges and integrative solutions needed to protect their rights. The method used is qualitative with a descriptive-analytical approach, through literature studies, interviews with legal experts, and analysis of relevant laws and regulations. The results of the study indicate that traditional Islamic law does not automatically recognize adopted children as heirs, except through special mechanisms such as wills, while civil law provides greater flexibility by recognizing the inheritance rights of adopted children as equal to biological children. This difference gives rise to legal conflicts, especially in families that integrate the two legal systems. In addition to legal aspects, social and ethical factors such as cultural stigma also influence the acceptance of adopted children's inheritance rights. This study recommends harmonization between Islamic law and civil law through legal reform and constructive dialogue between stakeholders, as well as increasing education and public awareness regarding the rights of adopted children in inheritance. Thus, it is hoped that a more just and inclusive legal system will be created, which is able to protect the rights of adopted children while maintaining the basic principles of Islamic law.

Keywords : Inheritance Distribution; Adopted Children; Islamic Inheritance.

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1. Introduction

Inheritance is one of the fundamental aspects of the Islamic legal system that regulates the distribution of an individual's inheritance after his/her death. In the context of family, inheritance does not only include property, but also moral and social responsibilities towards the surviving family members. One of the important issues that arises in the distribution of inheritance is adoption, which raises various questions related to the inheritance rights of adopted children within the framework of Islamic law and civil law. Adoption as a legal institution has been regulated in various legal systems in Indonesia, including Islamic law which is the main source of family law in this country. However, the application of Islamic inheritance principles to adopted children often faces significant challenges and differences in interpretation.¹

Traditionally, Islamic inheritance law distinguishes between biological and adopted children, with biological children having clear inheritance rights that have been regulated in detail in the Qur'an and Hadith. Adopted children, on the other hand, often do not have the same status in the distribution of inheritance, unless there is a special arrangement or will that recognizes their rights. This creates a legal and social dilemma, especially in modern societies where adoption has become a common practice to meet the needs of children who do not have a nuclear family. The inconsistency between Islamic inheritance law and modern adoption practices can lead to injustice and conflict in the distribution of inheritance, which can ultimately damage family relationships and create dissatisfaction among the community.

In addition, the rapid development of civil law in the digital era adds complexity to inheritance distribution, especially related to the management and distribution of the deceased's personal data. Civil law regulates how personal information should be managed, stored, and shared, which has direct implications for the inheritance process. In the context of adoption, the personal data of adopted children is an important issue that needs to be properly regulated to ensure that their rights are protected in accordance with the principles of Islamic law and applicable civil law. For example, information regarding adoption status, biological relationships, and inheritance rights must be managed transparently and accurately to avoid disputes and ensure that the rights of adopted children are recognized and protected.²

This issue is increasingly relevant considering the increasing adoption rate in Indonesia and the complexity of modern family structures that often involve various legal and biological relationships. In this context, research on the distribution of inheritance for adoption in Islamic inheritance and civil law is very important to provide a comprehensive understanding and effective solutions in overcoming the legal and social challenges faced. This research is expected to provide significant contributions to the development of Islamic inheritance law, especially in

¹ Muhammad Al Ghazali, "Perlindungan Terhadap Hak Hak Anak Angkat Dalam Pembagian Harta Warisan Menurut Kitab Undang Undang Hukum Perdata Dan Hukum Islam" (PhD Thesis, IAIN Bengkulu, 2015), <http://repository.iainbengkulu.ac.id/id/eprint/3233>.

² INTEGRASI HUKUM ISLAM DAN ADAT JAWA, "Integrasi Hukum Islam Dan Adat Jawa Atas Harta Waris Bagi Anak Angkat," accessed January 19, 2025, <https://ejournal.uinsatu.ac.id/index.php/ahkam/article/view/1464>.

accommodating the rights of adopted children, as well as providing clear guidance in the management of personal data related to inheritance.

In addition, this study is also relevant to ongoing legal reform efforts in Indonesia, which aim to align inheritance law with evolving social needs and realities. In the context of globalization and increasing mobility of society, the issues of adoption and inheritance rights are becoming increasingly complex and require a holistic and multidisciplinary approach. Therefore, this study will not only discuss legal aspects, but also consider social, cultural, and ethical factors that influence the distribution of inheritance in the context of adoption.³

The existing literature shows that there are various views and interpretations regarding the inheritance rights of adopted children in Islamic law. Some scholars argue that adopted children do not have inheritance rights unless explicitly acknowledged in the will, while others argue that adopted children should have the same rights as biological children as a form of recognition of the family ties that exist. On the other hand, civil law provides a strict framework regarding the management of personal data, which must be adhered to at every stage of inheritance distribution, from the identification of heirs to the distribution of inheritance. Therefore, the integration of the principles of Islamic law and civil law is a challenge that requires in-depth study and innovative solutions.

In a practical context, the implementation of fair inheritance distribution in accordance with Islamic law and civil law requires a good understanding from legal practitioners, courts, and the general public. Education and socialization regarding the inheritance rights of adopted children and the management of personal data in the inheritance process are crucial to ensure that all parties can understand and apply these rules correctly. In addition, the development of clear and comprehensive regulations that accommodate the rights of adopted children in inheritance and ensure adequate protection of personal data will greatly assist in reducing potential conflicts and increasing fairness in inheritance distribution.⁴

More specifically, this study will examine various relevant sources of Islamic law, including the Quran, Hadith, and *ijma'* (consensus of scholars), to understand the basics of inheritance law related to adopted children. In addition, an analysis of civil law in force in Indonesia will be conducted to identify how these principles can be integrated into the inheritance distribution process. Case studies and comparisons with practices in other countries will also be conducted to provide a broader picture of the challenges and possible solutions.

The use of qualitative methodology with a descriptive-analytical approach will allow researchers to dig deeper into the problem and find relevant and applicable solutions. Data collection through literature studies, interviews with legal experts, and analysis of related legal documents will be carried out to gain a comprehensive understanding

³ Wasiat Wajibah Anak Angkat, "Jurnal Sosial Dan Budaya Syar-i," accessed January 19, 2025, <https://www.academia.edu/download/103079004/pdf.pdf>.

⁴ Maryati Bachtiar, "Penerapan Sistem Waris Pada Masyarakat Adat Melayu Di Kabupaten Pelalawan," *Jurnal Ilmu Hukum* 11, no. 1 (2022): 37-52.

of this issue. The results of the study are expected to provide concrete and applicable policy recommendations for policy makers, legal practitioners, and the community in facing the challenges of inheritance distribution regarding child adoption in Islamic inheritance and civil law.

In addition, this study will also discuss the social and ethical implications of inheritance distribution for adopted children, including how this affects family relationships and child welfare. Thus, this study will not only contribute to the legal field, but also to the social and ethical aspects related to adoption and inheritance practices in modern Islamic societies. The importance of this study lies in its ability to provide a more inclusive and equitable framework for inheritance distribution, which respects the rights of adopted children while ensuring that personal data management is carried out ethically and in accordance with applicable regulations.⁵

In the context of globalization, where intercultural and cross-legal interactions are becoming increasingly intense, this study also has broad relevance in providing an understanding of how Islamic inheritance principles can be adapted and integrated with universal civil law. This is important to ensure that the rights of individuals, especially adopted children, are consistently protected across jurisdictions that may have different approaches to adoption and inheritance.

2. Method

This research was conducted based on a literature study with various references. journals and books as well as some of the best and most updated articles. Library research is research carried out by collecting data and theoretical basis by studying books, scientific works, research results previous, related journals, related articles and sources related to the research in accordance with the research being studied.⁶ After all data has been successfully collected during the research process Primary data and secondary data are analyzed qualitatively and then presented. descriptively, namely explaining, describing, depicting problems related to child adoption in Islamic inheritance law.

3. The Position of Adopted Children in Islamic Inheritance and Civil Law

The position of adopted children in Islamic inheritance and civil law is a complex and multifaceted topic, reflecting the dynamics between religious legal traditions and modern secular legal developments. In the context of Islamic law, the traditional concept of adoption differs significantly from adoption in civil law, which is more flexible and adaptive to the needs of contemporary society. Islamic law, based on the Qur'an and Hadith, emphasizes the importance of preserving biological lineage and the inheritance rights that have been regulated in detail for biological children. Therefore, adopted children are traditionally not recognized as automatic heirs unless

⁵ Zikri Darussamin, "Integrasi Kewarisan Adat Melayu-Siak Dengan Kewarisan Islam," *Al-Fikra: Jurnal Ilmiah Keislaman* 11, no. 2 (2017): 186–205.

⁶ Ika Atikah, "Metode Penelitian Hukum," 2022, <http://repository.uinbanten.ac.id/9155/1/P%20Metode%20Penelitian%20Hukum.pdf>.

explicitly appointed through a will or other special arrangement. This principle is based on the concept of "khitābah" or legal relationship that does not change biological lineage, which is considered important for maintaining clarity in the inheritance of property.

In contrast, modern civil law, particularly in the Indonesian legal system which adheres to Western legal principles, provides greater flexibility in regulating adoption and the inheritance rights of adopted children. The Indonesian Marriage and Family Law, influenced by Dutch civil law, allows for the adoption of adopted children with rights similar to biological children, including inheritance rights. This reflects the need for modern society to recognize and protect the rights of children adopted in family structures that are not always based on biological relationships. However, the fundamental differences between Islamic law and civil law in regulating adoption create challenges in practice, especially for families seeking to integrate the two legal systems.⁷

One of the main issues that arise from this difference is how to balance the principles of Islamic law that emphasize biological lineage with the need for a more inclusive civil law for adopted children. On the one hand, there is the need to protect the rights of adopted children so that they are not discriminated against in the distribution of inheritance. On the other hand, there is a concern that full recognition of adopted children in Islamic inheritance law could blur the lineage and cause legal uncertainty. To address this dilemma, some scholars and legal practitioners have proposed solutions such as special will arrangements that explicitly mention the rights of adopted children or the application of the principle of "wanah" (will) in inheritance that allows the inheritance of property to be arranged according to the wishes of the deceased, including for adopted children.

In addition, there are differences of interpretation among scholars regarding whether adopted children should have the same inheritance rights as biological children. Some scholars argue that in the purer framework of Islamic law, inheritance rights should be limited to biological children in order to maintain the integrity of the lineage and legal certainty. They argue that the adoption of an adopted child through adoption does not change the biological relationship and therefore should not automatically grant equal inheritance rights. However, other scholars propose a more flexible approach, taking into account social changes and the needs of modern society that increasingly recognizes the diversity of family forms. They argue that Islam has room for adaptation and that the recognition of adopted children in inheritance can be done without compromising the basic principles of Islamic law, provided it is regulated clearly and transparently.⁸

In the context of civil law, the regulation of adoption and inheritance rights of adopted children is more structured and regulated in detail in the law. Law Number 1 of 1974 concerning Marriage, for example, stipulates that adopted children have the same rights as biological children in terms of inheritance, unless there is a statement

⁷ M. Iqbal and Nurul Latifah Hamzah, "Hukum Kewarisan Islam Berdasarkan Sejarah, Hukum, Asas-Asas Kewarisan," *Jurnal Syariah Dan Ekonomi Islam* 2, no. 1 (2024): 18–27.

⁸ Ibid.

otherwise from the adoptive parents through a will. This provides a strong legal basis for adopted children to inherit the inheritance of their adoptive parents without having to go through a complicated ratification process. However, the implementation of this law in practice often faces obstacles, especially when there is a conflict between religious law and civil law. For example, in cases where one party to the family adheres to Islamic law and the other party refers to civil law, there is often a discrepancy that requires court intervention to determine the inheritance rights of adopted children.⁹

In addition, the development of information technology and personal data management also adds complexity to inheritance distribution, especially in the context of adoption. Civil law governing the protection of personal data stipulates that information regarding adoption status, biological relationships, and inheritance rights must be managed properly to prevent conflicts and ensure the protection of the rights of adopted children. In this regard, it is important to ensure that personal data related to adoption is accessed and used ethically and in accordance with applicable regulations, both in the context of Islamic law and civil law. This requires close cooperation between legal institutions, courts, and other relevant agencies to ensure that the rights of adopted children are protected and fulfilled in accordance with applicable legal principles.

On the social side, acceptance of adopted children in the context of inheritance is also influenced by the norms and cultural values of society. In Indonesian society, which is predominantly Muslim, there is still a tendency to prioritize biological relationships in the context of family and inheritance. This can cause stigma or injustice for adopted children who want to claim their inheritance rights. Therefore, it is important to increase public awareness and understanding of the importance of recognizing the rights of adopted children in inheritance, both through education and social campaigns. Thus, a more inclusive and fair social environment for adopted children can be created, which in turn can reduce the potential for conflict and increase harmony in the family.¹⁰

In the context of legal reform in Indonesia, efforts to align Islamic inheritance law with civil law are also important to create a more harmonious and inclusive legal system. The government and policymakers need to consider the necessary changes and adaptations in existing laws to accommodate the needs of an increasingly diverse modern society. For example, the development of regulations that explicitly recognize the inheritance rights of adopted children in Islamic law can be a significant first step. In addition, dialogue between religious scholars, legal practitioners, and academics needs to continue to be carried out to find the best and fairest solutions for all parties involved.

Comparative studies with other countries that have similar Islamic and civil law systems can also provide valuable insights in addressing these challenges. Several

⁹ Nida Izzati and Dimas Alan Saputra, "Pergeseran Nilai Praktek Hukum Waris Dalam Masyarakat Adat Lampung," *Jurnal Media Akademik (JMA)* 2, no. 9 (2024), <https://jurnal.mediaakademik.com/index.php/jma/article/view/774>.

¹⁰ JAWA, "Integrasi Hukum Islam Dan Adat Jawa Atas Harta Waris Bagi Anak Angkat."

countries, such as Malaysia and Pakistan, have made efforts to integrate Islamic legal principles with civil law in the context of inheritance and adoption. Their experiences can serve as references for developing a better legal framework in Indonesia, which can accommodate the needs of adopted children without compromising the basic principles of Islamic law. In addition, international cooperation in the field of family law can also help in the exchange of knowledge and best practices that can be adapted to the local Indonesian context.¹¹

In practice, the implementation of fair inheritance distribution in accordance with Islamic law and civil law requires a deep understanding from legal practitioners, judges, and the general public. Therefore, adequate education and training regarding the rights of adopted children in the context of inheritance is essential to ensure that these rules are applied consistently and fairly. In addition, the development of comprehensive legal resources, such as practical guides and guidelines, can help facilitate better decision-making processes in courts and other legal institutions.

Furthermore, it is important to create an effective and efficient dispute resolution mechanism to handle conflicts that may arise from the division of inheritance involving adopted children. Alternative dispute resolution such as mediation and arbitration can be a faster and more friendly solution for families facing inheritance disputes. Thus, it can reduce the burden on the courts and expedite the resolution of problems peacefully and harmoniously.

In addition to the legal and social aspects, this study must also consider the ethical implications of recognizing the inheritance rights of adopted children in the context of Islam and civil law. From an ethical perspective, granting inheritance rights to adopted children can be considered a form of justice and respect for those who have been adopted, thereby strengthening family ties and improving the welfare of the child. However, this must also be balanced with the need to maintain the integrity of the law and religious principles that underlie the Islamic legal system. Therefore, a balanced and holistic approach is needed to ensure that the rights of adopted children are recognized and protected without compromising the basic principles that underlie Islamic law.¹²

In the context of globalization and increasing mobility of people, the issue of adoption and inheritance rights is also becoming increasingly relevant at the international level. Many families in Indonesia have family members abroad or are involved in complex international relations. This raises questions about how the inheritance rights of adopted children are regulated in different jurisdictional contexts and how Islamic legal principles can be integrated with applicable international law. Therefore, this study also needs to pay attention to cross-border aspects and how international

¹¹ Dicky Patadjenu, Marzuki Marzuki, and Nasaruddin Nasaruddin, "Hadhanah Dan Perwalian/ Anak Angkat Dan Solusi Hukum," *Prosiding Kajian Islam Dan Integrasi Ilmu Di Era Society (KIIIES)* 5.0 3, no. 1 (2024): 510-16.

¹² Fadly Kaizar Ahmad, "Pelaksanaan Hibah Hak Atas Tanah Kepada Anak Angkat Oleh Orang Tua Angkatnya" (Master's Thesis, Universitas Islam Sultan Agung (Indonesia), 2022), <https://search.proquest.com/openview/d784e9a5376d0c02c54d134d6898c2b3/1?pq-origsite=gscholar&cbl=2026366&diss=y>.

cooperation can help in creating better solutions to inheritance problems involving adopted children.

In addition, technological developments also open up new opportunities in the management and distribution of inheritance, which has direct implications for the division of inheritance for adopted children. Information technology allows for more efficient and transparent management of inheritance data, but also raises challenges related to privacy and security of personal data. Therefore, strict regulations and clear policies regarding the management of personal data in the context of inheritance are essential to ensure that the rights of adopted children are well protected. This includes the application of data security principles, limited access, and effective supervision to prevent misuse of personal information that could harm the inheritance rights of adopted children.¹³

In terms of practical implementation, it is important to create synergy between religious institutions and secular legal institutions to ensure that the rights of adopted children are recognized and protected in both legal systems. This cooperation can involve the development of joint regulations, training for legal practitioners and religious institutions, and increased coordination between religious and district courts in handling inheritance cases involving adopted children. In this way, a more harmonious and effective legal system can be created in accommodating the rights of adopted children in Islamic inheritance and civil law.

Overall, the position of adopted children in Islamic inheritance and civil law reflects the challenges and opportunities in integrating traditional principles with modern legal needs. By understanding the differences and similarities between the two legal systems, and identifying innovative and inclusive solutions, a more just and effective legal framework can be created to protect the rights of adopted children. Further research is needed to delve deeper into specific aspects of this issue, including case studies, comparative analysis, and the development of policy recommendations that can be applied in everyday legal practice. This can ensure that the rights of adopted children are respected and protected in all aspects of life, including in the context of inheritance, thereby creating a more just, harmonious and inclusive society.¹⁴

In addition, it is also important to highlight the role of education and public awareness in increasing public understanding of the rights of adopted children in inheritance. Many conflicts and injustices in the distribution of inheritance that arise from ignorance or misunderstanding of the rights of adopted children can be minimized through educational programs that target various levels of society. This education is not only intended for the general public, but also for legal professionals, including judges, lawyers, and notaries, who play an important role in interpreting and

¹³ Faizun Kim Azhar et al., "Analisis Hukum Pembatalan Hibah Terhadap Anak Angkat Melalui Lembaga Adat Aceh Di Tinjau Dari Kompilasi Hukum Islam (Studi Di Desa Meunasah Dayah Kecamatan Peusangan Kabupaten Bireuen Provinsi Aceh)," *Jurnal Hukum Al-Hikmah: Media Komunikasi Dan Informasi Hukum Dan Masyarakat* 4, no. 3 (2023): 557-79.

¹⁴ I. BAB, "Jiwa/Km'. Bila Diamati Menurut Kabupaten Dan Kota Terdapat Perbedaan Kepadatan Penduduk Yang Cukup Berarti, Dimana Kota Palangka Raya Sebagai Ibukota Propinsi Kalimantan Tengah Merupakan Kota Dengan Kepadatan Paling Tinggi 71, 50 Jiwa/KM2, Sedangkan Kabupaten Barito," n.d.

applying inheritance law in the context of adoption. With increased knowledge and understanding, it is hoped that the process of distributing inheritance can be carried out more fairly and in accordance with applicable legal principles, both within the framework of Islamic law and civil law.

Furthermore, this study also opens up space for discussion on how the values of justice and equality in law can be harmonized with religious principles that have specific rules and norms. In the context of pluralistic Indonesia, where various religions and legal systems coexist, it is important to find a balance that allows for respect for religious diversity while ensuring that the rights of individuals, including adopted children, are protected fairly and equally. This requires constructive dialogue between various stakeholders, including religious scholars, policy makers, academics, and civil society, to create solutions that are acceptable to all parties and in accordance with universal values of human rights and social justice.¹⁵

In practice, there is also a need to develop effective monitoring and evaluation mechanisms to assess the extent to which adopted children's rights in inheritance are recognized and protected in the existing legal system. This includes collecting statistical data on inheritance cases involving adopted children, analyzing court decisions, and evaluating the effectiveness of existing regulations. With accurate and comprehensive information, areas that require further improvement and development can be identified, and the impact of implemented policies and regulations can be measured. This can also help in formulating more targeted and evidence-based policy recommendations to improve the protection of adopted children's rights in the inheritance context.

Finally, it is important to emphasize that recognizing the rights of adopted children in inheritance is not only a legal issue, but also reflects fundamental human and ethical values. Respecting the rights of adopted children in inheritance is a form of respect for their dignity and well-being, as well as a contribution to the formation of a more inclusive and harmonious family. Therefore, efforts to integrate the rights of adopted children into the Islamic inheritance law system and civil law should be seen as part of a broader effort to create a society that is more just, equal, and caring for all its members, regardless of their biological background or family status.¹⁶

Thus, the discussion on the position of adopted children in Islamic inheritance and civil law reveals the complexity and dynamics that need to be addressed with a holistic and multidimensional approach. Through in-depth research and collaboration between various parties, it is hoped that solutions can be found that not only meet legal needs but also reflect universal human values and justice. This will ensure that adopted children receive proper protection and that their rights are fairly recognized

¹⁵ Maria Ulfah Daulay, "Tinjauan Hukum Kewarisan Islam Terhadap Putusan Mahkamah Agung Republik Indonesia No. 1182/K/Pdt/1988 Mengenai Kewarisan Anak Angkat" (PhD Thesis, IAIN Padangsidempuan, 2016), <http://etd.uinsyahada.ac.id/701/>.

¹⁶ Abd Halim, "Kedudukan Janda Dalam Hukum Waris Adat, Perdata, Dan Islam: Kajian Integratif," *Al-Mazahib: Jurnal Perbandingan Hukum* 5, no. 2 (2017), <https://ejournal.uin-suka.ac.id/syariah/almazahib/article/view/1417>.

in the distribution of inheritance, thereby improving their welfare and strengthening family ties in a society that is constantly developing and changing.

4. Distribution of Inheritance to Adopted Children in Islamic Inheritance and Civil Law.

The distribution of inheritance to adopted children in Islamic inheritance and civil law is a complex and multifaceted issue, reflecting the dynamics between the principles of religious law and the development of modern secular law in Indonesia. In the context of Islamic law, inheritance is regulated in detail based on provisions in the Qur'an, Hadith, and *ijma'* (consensus of scholars), which emphasize the importance of maintaining biological lineage and providing clear inheritance rights to legitimate heirs, such as biological children, wives, husbands, parents, and other close relatives. Adopted children, or adopted children, in traditional Islamic law are not automatically recognized as heirs because there is no change in biological lineage through adoption. The concept of "*khitābah*" or legal relationship formed through marriage also does not change the inheritance status of adopted children, so they do not have inheritance rights unless specifically regulated through a will or other legal mechanisms permitted by Islamic law. This is based on the principle that inheritance must maintain clarity and certainty in lineage, which is considered fundamental in maintaining social and moral integrity in Islamic society.¹⁷

On the other hand, Indonesian civil law, which is influenced by Western legal systems, especially Dutch law, provides greater flexibility in regulating adoption and the inheritance rights of adopted children. Based on Law Number 1 of 1974 concerning Marriage and other laws and regulations governing the family, adoption is recognized as an effort to provide legal protection to children who do not have a nuclear family. In civil law, adopted children have equal rights to biological children in terms of inheritance, unless there are other provisions regulated by the adoptive parents through a will. This provides a strong legal basis for adopted children to inherit the inheritance of their adoptive parents without having to go through a complicated ratification process, which is in line with the needs of modern society which increasingly recognizes and protects the rights of children adopted in more diverse family structures.¹⁸

The fundamental differences between Islamic law and civil law in regulating adoption pose unique challenges in practice, especially for families who wish to integrate the two legal systems. On the one hand, there is a need to protect the rights of adopted children so that they do not experience discrimination in the distribution of inheritance, in line with the principles of justice and equality recognized in civil law. On the other hand, there is a concern that full recognition of adopted children in Islamic inheritance law may obscure biological lineage and cause legal uncertainty that is contrary to the basic principles of Islamic law. To overcome this dilemma, some

¹⁷ Abd Hannan, "Pluralisme Hukum (Islam) Dalam Praktik Dan Penetapan Hak Waris Di Kalangan Muslim Lokal Madura," *Asy-Syari'ah: Jurnal Hukum Islam* 10, no. 1 (2024): 1-20.

¹⁸ Ismatul Karimah and Ade Gunawan, "Implementasi Hukum Adat Dalam Pembagian Dan Penyelesaian Sengketa Waris Pada Masyarakat Minangkabau: Studi Kasus Kerapatan Adat Pagaruyung," *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga* 6, no. 2 (2024): 2302-20.

scholars and legal practitioners have proposed solutions such as special will arrangements that explicitly mention the rights of adopted children or the application of the principle of "wanah" (will) in inheritance that allows the inheritance of property to be regulated according to the wishes of the deceased, including for adopted children, as long as it does not conflict with the basic principles of Islamic inheritance law.

In addition, there are differences of interpretation among scholars regarding whether adopted children should have the same inheritance rights as biological children. Some scholars argue that in a purer Islamic legal framework, inheritance rights should be limited to biological children in order to maintain the integrity of the lineage and legal certainty. They argue that the adoption of an adopted child through adoption does not change the biological relationship and therefore should not automatically grant equal inheritance rights. However, other scholars propose a more flexible approach, taking into account social changes and the needs of modern society that increasingly recognizes the diversity of family forms. They argue that Islam has room for adaptation and that the recognition of adopted children in inheritance can be done without compromising the basic principles of Islamic law, provided that it is regulated clearly and transparently through legitimate mechanisms in Islamic law.¹⁹

In the context of civil law, the regulation of adoption and inheritance rights of adopted children is more structured and regulated in detail in the law. Law Number 1 of 1974 concerning Marriage, for example, stipulates that adopted children have the same rights as biological children in terms of inheritance, unless there is a statement otherwise from the adoptive parents through a will. This provides a strong legal basis for adopted children to inherit the inheritance of their adoptive parents without having to go through a complicated ratification process. However, the implementation of this law in practice often faces obstacles, especially when there is a conflict between religious law and civil law. For example, in cases where one party to the family adheres to Islamic law and the other party refers to civil law, there is often a discrepancy that requires court intervention to determine the inheritance rights of adopted children. This shows the need for harmonization and integration between the two legal systems in order to provide better protection for the rights of adopted children in the context of inheritance.²⁰

The development of information technology and personal data management also adds complexity to inheritance distribution, especially in the context of adoption. Civil law governing the protection of personal data stipulates that information regarding adoption status, biological relationships, and inheritance rights must be managed properly to prevent conflicts and ensure the protection of the rights of adopted children. In this regard, it is important to ensure that personal data related to adoption is accessed and used ethically and in accordance with applicable regulations, both in the context of Islamic law and civil law. This requires close cooperation between legal

¹⁹ Ibid.

²⁰ Ilham Habibi Kusuma and Zulkifli Zulkifli, "Warisan Sama Rata (Studi Kasus Desa Bumi Mulya Kecamatan Logas Tanah Darat Kabupaten Kuantan Singingi Provinsi Riau)," *JISRAH: Jurnal Integrasi Ilmu Syariah* 4, no. 1 (2023): 175–83.

institutions, courts, and other relevant agencies to ensure that the rights of adopted children are protected and fulfilled in accordance with applicable legal principles. In addition, the application of appropriate information technology can assist in the management of inheritance data more efficiently and transparently, thereby minimizing the potential for disputes and increasing fairness in inheritance distribution.²¹

On the social side, acceptance of adopted children in the context of inheritance is also influenced by the norms and cultural values of society. In Indonesian society, which is predominantly Muslim, there is still a tendency to prioritize biological relationships in the context of family and inheritance. This can cause stigma or injustice for adopted children who want to claim their inheritance rights. Therefore, it is important to increase public awareness and understanding of the importance of recognizing the rights of adopted children in inheritance, both through education and social campaigns. Thus, a more inclusive and fair social environment can be created for adopted children, which in turn can reduce the potential for conflict and increase harmony in the family. In addition, the role of religious and educational institutions is also very important in shaping the public's view of adoption and the inheritance rights of adopted children, so that it can reduce negative stigma and increase social acceptance of adoptive families.²²

In the context of legal reform in Indonesia, efforts to align Islamic inheritance law with civil law are important to create a more harmonious and inclusive legal system. The government and policymakers need to consider the necessary changes and adaptations in existing laws to accommodate the needs of an increasingly diverse modern society. For example, developing regulations that explicitly recognize the inheritance rights of adopted children under Islamic law can be a significant first step. In addition, dialogue between ulama, legal practitioners, and academics needs to continue to be carried out to find the best and fairest solution for all parties involved. This approach can include revising existing fatwas, developing new legal mechanisms that can accommodate the inheritance rights of adopted children within the framework of Islamic law, and adjusting civil laws to ensure that the rights of adopted children are well protected.²³

Comparative studies with other countries that have similar Islamic and civil legal systems can also provide valuable insights in addressing these challenges. Several countries, such as Malaysia and Pakistan, have made efforts to integrate Islamic legal principles with civil law in the context of inheritance and adoption. Their experiences can be used as references to develop a better legal framework in Indonesia, which is able to accommodate the needs of adopted children without compromising the basic principles of Islamic law. In addition, international cooperation in the field of family

²¹ Nur Aisyah, "Anak Angkat Dalam Hukum Kewarisan Islam Dan Hukum Perdata," *El-Iqthisady: Jurnal Hukum Ekonomi Syariah*, 2020, 101–13.

²² Kusuma and Zulkifli, "Warisan Sama Rata (Studi Kasus Desa Bumi Mulya Kecamatan Logas Tanah Darat Kabupaten Kuantan Singingi Provinsi Riau)."

²³ Dzul Fakhri Bula, Weny Almoravid Dunga, and Mohammad Taufiq Zulfikar Sarson, "Analisis Yuridis Warisan Anak Angkat Ditinjau Dari Kompilasi Hukum Islam Dan Hukum Perdata," *Aufklarung: Jurnal Pendidikan, Sosial Dan Humaniora* 3, no. 1 (2023): 42–55.

law can also help in the exchange of knowledge and best practices that can be adapted to the local context of Indonesia. This is important considering globalization and increasing mobility of people which bring new challenges in regulating the inheritance rights of adopted children in different legal jurisdictions.

In practice, the implementation of fair inheritance distribution in accordance with Islamic law and civil law requires a deep understanding from legal practitioners, judges, and the general public. Therefore, adequate education and training on the rights of adopted children in the context of inheritance is essential to ensure that these rules are applied consistently and fairly. In addition, the development of comprehensive legal resources, such as practical guides and guidelines, can help facilitate better decision-making processes in courts and other legal institutions. With increased knowledge and understanding, it is hoped that the inheritance distribution process can be carried out more fairly and in accordance with applicable legal principles, both within the framework of Islamic law and civil law.²⁴

In addition to the legal and social aspects, the ethical implications of recognizing the inheritance rights of adopted children in the context of Islam and civil law also need to be considered. From an ethical perspective, granting inheritance rights to adopted children can be considered a form of justice and respect for those who have been adopted, thereby strengthening family ties and improving the welfare of the child. However, this must also be balanced with the need to maintain the integrity of the law and religious principles that underlie the Islamic legal system. Therefore, a balanced and holistic approach is needed to ensure that the rights of adopted children are recognized and protected without compromising the basic principles that underlie Islamic law. In addition, this ethical aspect also reflects universal human values and social justice, which must be integrated into the legal system to create a more just and inclusive society.²⁵

In the context of globalization and increasing mobility of people, the issue of adoption and inheritance rights is also becoming increasingly relevant at the international level. Many families in Indonesia have family members abroad or are involved in complex international relations. This raises questions about how the inheritance rights of adopted children are regulated in the context of different jurisdictions and how Islamic legal principles can be integrated with applicable international law. Therefore, this study also needs to pay attention to cross-border aspects and how international cooperation can help in creating better solutions to inheritance problems involving adopted children. For example, harmonization of international regulations on adoption and inheritance can help in ensuring that the rights of adopted children are consistently protected across legal jurisdictions, thereby facilitating the inheritance process for families with members in various countries.²⁶

In addition, technological developments also open up new opportunities in the management and distribution of inheritance, which has direct implications for the

²⁴ Bachtiar, "Penerapan Sistem Waris Pada Masyarakat Adat Melayu Di Kabupaten Pelalawan."

²⁵ Bula, Dunga, and Sarson, "Analisis Yuridis Warisan Anak Angkat Ditinjau Dari Kompilasi Hukum Islam Dan Hukum Perdata."

²⁶ Angkat, "Jurnal Sosial Dan Budaya Syar-i."

division of inheritance for adopted children. Information technology allows for more efficient and transparent management of inheritance data, but also raises challenges related to privacy and security of personal data. Therefore, strict regulations and clear policies regarding the management of personal data in the context of inheritance are essential to ensure that the rights of adopted children are well protected. This includes the application of data security principles, limited access, and effective supervision to prevent misuse of personal information that could harm the inheritance rights of adopted children. The use of technology must also be accompanied by increased capacity and adequate infrastructure so that inheritance data management can be carried out professionally and in accordance with applicable standards, thereby increasing public trust in the existing legal system.²⁷

In terms of practical implementation, it is important to create synergy between religious institutions and secular legal institutions to ensure that the rights of adopted children are recognized and protected in both legal systems. This cooperation can involve the development of joint regulations, training for legal practitioners and religious institutions, and increased coordination between religious courts and district courts in handling inheritance cases involving adopted children. Thus, a more harmonious and effective legal system can be created in accommodating the rights of adopted children in Islamic inheritance and civil law. In addition, religious institutions can also play a role in providing education and socialization to the community regarding the importance of recognizing the inheritance rights of adopted children, so that it can change the views and social attitudes that are still conservative towards adoption and inheritance.

Overall, the distribution of inheritance to adopted children in Islamic inheritance and civil law reflects the challenges and opportunities in integrating traditional principles with modern legal needs.²⁸ By understanding the differences and similarities between the two legal systems, and identifying innovative and inclusive solutions, a more just and effective legal framework can be created to protect the rights of adopted children. Further research is needed to delve deeper into specific aspects of this issue, including case studies, comparative analysis, and the development of policy recommendations that can be applied in everyday legal practice. This can ensure that the rights of adopted children are respected and protected in all aspects of life, including in the context of inheritance, thereby creating a more just, harmonious, and inclusive society. In addition, it is also important to highlight the role of education and public awareness in increasing public understanding of the rights of adopted children in inheritance. Many conflicts and injustices in the distribution of inheritance that arise from ignorance or misunderstanding of the rights of adopted children can be minimized through educational programs that target various levels of society. This education is not only intended for the general public, but also for legal professionals, including

²⁷ Ridwan Jamal, "Kewarisan Anak Angkat Dalam Hukum Islam, Hukum Perdata Dan Hukum Adat," *Jurnal Ilmiah Al-Syir'ah* 4, no. 2 (2016), <http://journal.iain-manado.ac.id/index.php/JIS/article/view/203>.

²⁸ Sintia Stela Karaluhe, "Kedudukan Anak Angkat Dalam Mendapatkan Harta Warisan Ditinjau Dari Hukum Waris," *Lex Privatum* 4, no. 1 (2016), <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/11178>.

judges, lawyers, and notaries, who play an important role in interpreting and applying inheritance law in the context of adoption. With increased knowledge and understanding, it is hoped that the inheritance distribution process can be carried out more fairly and in accordance with applicable legal principles, both within the framework of Islamic law and civil law.

Furthermore, this study also opens up space for discussion on how the values of justice and equality in law can be harmonized with religious principles that have specific rules and norms. In the context of pluralistic Indonesia, where various religions and legal systems coexist, it is important to find a balance that allows for respect for religious diversity while ensuring that the rights of individuals, including adopted children, are protected fairly and equally. This requires constructive dialogue between various stakeholders, including religious scholars, policy makers, academics, and civil society, to create solutions that are acceptable to all parties and in accordance with universal values of human rights and social justice. In addition, the integration of social justice principles into the legal framework of inheritance can strengthen social cohesion and create a more inclusive society, where every individual, regardless of family status or biological relationship, has the same right to inherit and obtain proper legal protection.²⁹

In practice, there is also a need to develop effective monitoring and evaluation mechanisms to assess the extent to which adopted children's rights in inheritance are recognized and protected in the existing legal system. This includes collecting statistical data on inheritance cases involving adopted children, analyzing court decisions, and evaluating the effectiveness of existing regulations. With accurate and comprehensive information, areas that require further improvement and development can be identified, and the impact of implemented policies and regulations can be measured. This can also help in formulating more targeted and evidence-based policy recommendations to improve the protection of adopted children's rights in the context of inheritance. In addition, effective monitoring can ensure that established regulations are actually implemented well in the field, so that adopted children's rights are not only recognized theoretically, but also protected practically in every inheritance distribution process.³⁰

Finally, it is important to emphasize that recognizing the rights of adopted children in inheritance is not only a legal issue, but also reflects fundamental human and ethical values. Respecting the rights of adopted children in inheritance is a form of respect for their dignity and well-being, as well as a contribution to the formation of a more inclusive and harmonious family.³¹ Therefore, efforts to integrate the rights of adopted children into the Islamic inheritance law system and civil law must be seen as part of

²⁹ R. Zainul Mushthofa, Siti Aminah, and Dendik Irawan, "Praktik Pembagian Waris Anak Angkat Perspektif Hukum Islam, Kompilasi Hukum Islam, Hukum Perdata Dan Hukum Adat Di Desa Surabayan Kabupaten Lamongan," *JOSH: Journal of Sharia* 1, no. 01 (2022): 49–66.

³⁰ Regynald Pudihang, "Kedudukan Hukum Hak Waris Anak Angkat Menurut Kitab Undang-Undang Hukum Perdata," *Lex Privatum* 3, no. 3 (2015), <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/8998>.

³¹ Al Ghazali, "Perlindungan Terhadap Hak Hak Anak Angkat Dalam Pembagian Harta Warisan Menurut Kitab Undang Undang Hukum Perdata Dan Hukum Islam."

a broader effort to create a society that is more just, equal, and caring for all its members, regardless of their biological background or family status. Thus, the discussion on the distribution of inheritance to adopted children in Islamic inheritance and civil law reveals the complexity and dynamics that need to be addressed with a holistic and multidimensional approach. Through in-depth research and collaboration between various parties, it is hoped that solutions can be found that not only meet legal needs but also reflect universal human and justice values. This will ensure that adopted children receive proper protection and that their rights are fairly recognized in the distribution of inheritance, thereby improving their well-being and strengthening family ties in a society that is constantly developing and changing.

5. Conclusion

The distribution of inheritance for adopted children in Islamic inheritance and civil law in Indonesia reveals the complexity arising from the differences in the basic principles of the two legal systems. Traditional Islamic law emphasizes the importance of maintaining biological lineage and automatically does not recognize adopted children as heirs, except through special mechanisms such as wills. Meanwhile, civil law provides greater flexibility by recognizing the inheritance rights of adopted children equally with biological children, reflecting the needs of a more inclusive modern society. These differences pose challenges in practice, especially when the two legal systems must be integrated in one family, often requiring court intervention to resolve inheritance conflicts. In addition to legal aspects, social and ethical factors also play an important role in the acceptance of adopted children's inheritance rights, where cultural stigma remains a major obstacle. Therefore, harmonization between Islamic law and civil law through legal reform and constructive dialogue between stakeholders is urgently needed. In addition, increasing education and public awareness regarding the rights of adopted children in inheritance can help create a more just and harmonious society. Thus, integrative and inclusive efforts are expected to protect the rights of adopted children while maintaining the basic principles of Islamic law.

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