

**LEGAL ANALYSIS OF CHILD ADOPTION IN INDONESIAN CIVIL LAW BASED ON CHILD PROTECTION LAW****Harriani Bianca Daryana<sup>1\*</sup>, Appe Hutauruk<sup>2</sup>, Hotman Sinambela<sup>3</sup>, Fendi Maruba Parlindungan Hutahaean<sup>4</sup>**<sup>1,2,3,4</sup>Program Studi Ilmu Hukum, Fakultas Hukum, Universitas Mpu Tantular, Jakarta, Indonesiaharrianibianca543@gmail.com<sup>1\*</sup>, appehturuk@gmail.com<sup>2</sup>, hotmanbertaok@gmail.com<sup>3</sup>, fendihutahaean@gmail.com<sup>4</sup>**Abstract**

Adoption is not merely an administrative act; it has far-reaching impacts on a person's civil status and legal relationships. The primary focus of this research is to examine the procedures and requirements for adoption under Indonesian civil law, particularly within the framework of child protection regulations, and to examine the legal position and civil rights of adopted children following a court ruling, particularly regarding guardianship and inheritance rights. The research was conducted using a normative juridical approach. The data used were secondary, encompassing primary, secondary, and tertiary legal sources, and were then analyzed qualitatively. The analysis of court decisions, implementing regulations, and legal literature indicates that the adoption mechanism under Indonesian positive law must go through litigation through a court ruling. Based on Article 39 of the Child Protection Law and relevant jurisprudential precedent, this judicial process formally aims to provide legal certainty and close the gap for child trafficking practices. In addition, the regulation mandates the state to conduct oversight through measurable material and social verification to ensure the principle of "the best interests of the child" is met. From a legal perspective, the court's decision transfers full guardianship rights to the adoptive parents, but does not sever the blood relationship (*nasab*) with the biological parents. Because guardianship is completely transferred, questions arise regarding the economic rights of adopted children at the time of inheritance. According to applicable law, adopted children do not automatically become heirs in *abintestato*; protection of their economic rights is guaranteed through alternative instruments, such as mandatory wills under Islamic law or gifts and wills under civil law. Thus, these rights can still be fulfilled as a form of welfare and social justice for adopted children.

**Keywords:** Civil Law, Inheritance, Adoption, Child Protection, Guardianship

**INTRODUCTION**

The family is the smallest unit in a social structure, generally consisting of a husband, wife, and one or more children as the continuation of the lineage (Ramdani, Miftahudin & Latif, 2023). The existence of the family has always been recognized as the main foundation in building a civilized, stable, and prosperous social structure (Rifai & Susilawati, 2023). In the context of Indonesian society, which is rich in religious and communal values, the presence of a child in the midst of a marriage bond is not merely seen as a form of personal happiness for the husband and wife, but also has a very deep philosophical and sociological meaning. Children are considered a trust entrusted by God, a priceless gift, as well as a very important means to preserve the family legacy (Harahap, 2025). Preserving this legacy not only includes material aspects in the form of wealth, but also includes biological (lineage) and cultural preservation (values and good name of the family) after the parental generation passes away. Children are the successors to the baton of life, expected to uphold the family's good name, pray for their parents, and care for them in their old age.

However, the reality of life shows that not all couples legally married can easily conceive biological children. Various factors, both medical and non-medical, viewed by religious communities as part of the destiny and decree of Allah SWT, cause a couple to experience difficulty or absolute inability to have biological children. As a result, many couples experiencing the absence of biological children face a sense of emptiness and psychological stress (Sholikhah & Ruhaena, 2024). To overcome this and to continue a harmonious and intact family life, many couples ultimately decide to take the noble path of adopting a child who is not their own flesh and blood. Through this adoption, the child is expected to become a successor, a source of solace, and ultimately an integral part of the family, becoming the successor and heir after the adoptive parents' death (Idfi & Dewi, 2025).

The desire and longing to have children is truly a universal hope for every married couple. The presence of children is often considered a crucial element that completes the happiness of a household, strengthens the emotional bond between husband and wife, and provides greater meaning and purpose to married life. Unfortunately, harsh realities such as infertility, certain medical conditions, or destiny that precludes the couple from producing biological children often present real obstacles. In such impasses, many couples choose adoption as an alternative way to still experience the true joy of parenthood. The choice to adopt a child not only serves to fulfill the emotional needs of parents but also has a very noble social and humanitarian dimension. By adopting a child, adoptive parents channel an abundance of affection, provide educational guarantees, and allocate material support to children who may be less fortunate or neglected. This action directly upholds the principle of social justice by providing better life opportunities and an adequate family environment for children who desperately need it (Rosada & Khasanah, 2025).

In Indonesia, the practice and implementation of adoption do not occur in a legal vacuum, but are governed by a constellation of pluralistic legal systems. The legal system for adoption in the archipelago is essentially governed by three main legal frameworks that coexist and develop side by side: civil law derived from the *Burgerlijk Wetboek* (BW), Islamic law, and customary law (Fauziah & Saepudin, 2026). Each of these legal systems provides a distinctly different normative foundation, requiring the adoption process to continually adapt to the provisions applicable to each legal domain to which the parties submit themselves. Although these three systems interact and shape national life, not all of their regulations explicitly and in detail address the mechanisms and legal consequences of adoption; therefore, specific national-level legislation is urgently needed to address this legislative gap.

From a Civil Law (CW) perspective, the Indonesian Civil Code initially did not contain a single article specifically governing adoption. The principle of kinship in the BW was originally based purely on biological blood relations. However, over time and considering the

dynamics of the needs of society, especially the Chinese community during the Dutch East Indies, the adoption mechanism was finally accommodated and officially regulated through Staatsblad Number 1917-129 Chapter II. This historic document established very fundamental rules of the game, stating that children adopted through this procedure would obtain civil status that was completely equal to the biological children of their adoptive parents (Hasyim, Annogerah & Sani, 2026). The legal consequences of this Staatsblad were massive; with adoption, the civil relationship between the adopted child and his biological blood family was severed, and he entered completely into the family ties of his adoptive parents. Thus, adopted children were considered legitimate descendants of the adoptive parents' marriage and had the same absolute inheritance rights (*ab intestato*) as biological children. This determination provides a strong legal basis for adoptive parents to legally recognize the child in matters of name use, property ownership, guardianship, and other civil rights (Yarifudin, Bin Ridwan & Fathurrohman, 2024).

This contrasts with the Islamic legal framework adopted by the majority of Indonesians. Under Islamic law, the practice of adoption is discouraged and even prohibited if the primary goal is to provide legal status that is absolutely identical to that of a biological child (falsifying lineage) (Imamudin, Rusly & Irawan, 2025). Islam places great emphasis on protecting the purity of lineage. Therefore, adoption must be limited solely to providing affection, fulfilling life's needs, education, and moral responsibility without in any way eliminating or obscuring the blood relationship between the child and their biological parents. This approach aligns with the teaching that caring for orphans or abandoned children is a noble deed that earns great rewards, as long as it does not violate Islamic law. Therefore, adoption in Islamic terminology is better understood as "tabanni" (in a corrected pre-Islamic context) which is now realized in the form of "kafalah" (care/guardianship), namely taking a child purely to be raised, not changing his legal status to that of a biological child. Consequently, the adopted child retains the name of his biological father, does not break the mahram, and does not receive the right to inherit inheritance through *faraid*, but is usually accommodated through the obligatory will or grant.

On the other hand, for indigenous communities spread across the Indonesian archipelago, adoption is governed by cultural norms and customary law, characterized by a highly diverse kinship system. The concept of adopted children in the customary legal system emphasizes the communal nature of family law and focuses on the continuity of the lineage through generations (Sihombing et al., 2025). The rights and obligations of adopted children are strongly influenced by local customs, whether they adhere to a patrilineal, matrilineal, or parental kinship system. Adoption in this context typically involves specific ceremonial procedures or customary rituals that serve to acknowledge new emotional and social ties while ensuring that the child remains symbolically and socially connected to their biological lineage.

Recognizing that legal pluralism can trigger uncertainty and potential vulnerabilities in child protection, the state exists to provide legal guarantees through national legal instruments. According to current Indonesian positive legislation, the definition of an adopted child is "a child whose rights are transferred from their family of origin, legal guardian, or other responsible party to the family environment of the adoptive parents based on a court decision." This imperative provision is expressly stipulated in Law Number 23 of 2002 concerning Child Protection, which was later amended and reinforced by Law Number 35 of 2014 and Government Regulation in Lieu of Law Number 1 of 2016. These three legal instruments marked a milestone that shifted the paradigm of adoption in Indonesia from one that was initially solely oriented toward meeting the needs of parents (to obtain an heir) to one that is absolutely oriented toward child protection. These regulations emphasize that the adoption process must go through formal judicial mechanisms to ensure the legality of the transfer of

custody, provide legal certainty, and most fundamentally, provide comprehensive protection for the child's rights (Afandy & Desiandri, 2025).

Furthermore, to ensure that the adoption process does not deviate from its noble purpose, the state has established a series of comprehensive legal requirements and provisions. The key provisions contained in Articles 39, 40, and 41 of Law Number 35 of 2014 encompass nine crucial principles: adoption may only be implemented if it is in the best interest of the child and must comply with local customs and laws and regulations. Adoption expressly does not sever the blood ties between the child and his or her biological parents. Adoption must be recorded on the birth certificate through a marginal notation mechanism without removing the child's identity of origin. Prospective adoptive parents are required to adhere to the same religion as the prospective adopted child for the sake of the child's continued spiritual education. Adoption by foreign nationals (intercountry adoption) is only permitted as a last resort (*ultimum remedium*). If the child's origin is unknown (for example, a found child), the identity must be based on the information of the person who found him or her and must be accompanied by a police investigation report. The religion of a child whose origin is completely unknown must be adjusted to the religion of the majority of the local population. Adoptive parents are legally obliged to inform the child of his or her biological origin and the whereabouts of his or her biological parents when the child is deemed ready; and The government, regional governments, and community participation play an active role in providing ongoing guidance and oversight of adoption processes. These provisions are specifically designed to protect children's human rights, maintain the continuity of biological relationships, and mitigate the risk of adoption abuse, such as human trafficking (Kirmila, 2024).

Adoption in Indonesia is a socio-legal phenomenon involving a highly complex interplay of social, religious, and legal dimensions. From a family perspective, adoption is a logical and emotional solution for couples who lack biological children, while also affirming a moral commitment to child protection. The legal framework, encompassing the civil system (BW and *Staatsblad* 1917), Islamic law, and customary law, has long provided a diverse yet complementary foundation for Indonesian reality. However, amid this pluralism, the enactment of the latest child protection legislation has brought about a significant shift in principles. The Child Protection Law explicitly emphasizes the principle that adoption must not sever blood ties, a principle that contradicts the characterization of adoption in the *Staatsblad* 1917 (BW), which completely severs blood ties. This intersection between civil law and the Child Protection Law often creates uncertainty in practice, both in society and in the judicial system (Corputty, Yunanto & Sutrisno, 2025). Although numerous previous studies have discussed adoption procedures purely from the perspective of the Child Protection Law (Familda & Imelda, 2023; Nabila, et al., 2025; Ramadan, Agustiani & Adnu, 2024; Sirait, 2024), or simply examined the inheritance rights of adopted children under Islamic law and the Civil Code separately (Bula, Dungga & Sarson, 2023; Bula, Dungga & Sarson, 2022; Rahman, 2025), there is still very little literature specifically constructing harmonization between the formal requirements for determining adoption based on the latest Child Protection Law and the details of its civil legal consequences, especially regarding guardianship and inheritance status, within a coherent national civil law system. This lack of dogmatic legal analysis, coupled with the inconsistent judicial decisions in determining the status of adopted children after the enactment of Law Number 35 of 2014, presents a crucial gap that must be addressed immediately. With the enactment of the rule that blood ties are not severed, fundamental civil questions arise regarding the procedural procedures that are currently valid under national law, as well as the extent of the resulting civil rights limitations. The Indonesian legal system is now required to strike a balance between certainty of civil inheritance rights, social justice, and comprehensive protection for adopted children. The need to identify the harmonization between the formal requirements under the Child Protection Law and the civil legal consequences inherent in

adopted children makes this topic crucial for in-depth academic research to prevent potential future family law disputes.

Herein lies the urgency of this research. Resolving this legal uncertainty and normative disharmony is a pressing need, given the vulnerable position of adopted children in civil disputes. Practice often demonstrates conflicts when dealing with the validity of guardianship and the distribution of inheritance, where adopted children are often disadvantaged due to the lack of standard guidelines for harmonization between classical civil law and modern child protection principles. If left unchecked, this ambiguity will actually harm the principle of the best interest of the child itself, because the child will not receive complete protection and legal certainty regarding his civil rights when family disputes arise in the future.

## **RESEARCH METHODS**

This research was implemented using a normative juridical approach, which is essentially a legal literature study that emphasizes the analysis of positive norms, fundamental principles, and efforts to align child protection regulations with the applicable civil law framework. To analyze the main issues raised, the researchers utilized three main approaches. First, a statute approach was applied to in-depth examine relevant legal instruments, including laws, government regulations, and implementing regulations that specifically regulate children's rights. Second, a conceptual approach focused on understanding core civil law concepts, such as the legal status of children in family life, their inheritance rights, and the legal implications arising from that status. Third, an analytical approach was used to test the consistency and coherence of the application of the identified norms, thus detecting potential contradictions or regulatory gaps that need to be addressed.

Data sources were selected in a hierarchical manner to ensure the depth and completeness of the information. At the first level, primary materials included official regulations and current laws, such as the Child Protection Law and the Civil Code, which served as the primary basis for the normative analysis. At the second level, secondary materials include legal textbooks, scientific journal articles, and expert works that provide interpretations, critiques, and additional perspectives on the issues discussed. Furthermore, at the third level, tertiary materials in the form of legal dictionaries, encyclopedias, and other comprehensive reference sources are utilized to clarify definitions of technical terms and add historical and conceptual context. All of this material is collected through library research techniques, in which researchers systematically record, classify, and archive documents in both physical and digital formats, facilitating data retrieval and verification.

After data collection is complete, the analysis process is conducted using a descriptive qualitative approach using a deductive approach. Researchers begin by identifying the general principles contained in the Child Protection Law and then apply these principles to concrete cases arising in the civil law context, such as disputes over child inheritance, custody, and parental responsibility. Through this deductive procedure, researchers can formulate coherent answers to the issues raised and assess the extent to which existing regulations align with international norms and globally recognized child protection standards. The final results of this analysis are expected to not only provide a comprehensive picture of the relationship between child protection regulations and civil law, but also offer practical recommendations for improving policies, adjusting regulations, and improving implementation in the field, so that children's rights can be optimally protected within a consistent and sustainable legal framework.

## **RESULT AND DISCUSSION**

In examining the procedures and requirements for adoption from the perspective of Indonesian Civil Law, as adjusted to the Child Protection Law (Law Number 23 of 2002 in

conjunction with Law Number 35 of 2014), understanding legal terminology is a crucial initial step (Susetiyo, 2025). In a legal context, terminology refers to the use of technical terms with specific meanings that differ from the general meanings used in everyday language (Danil, Daulay & Iska, 2025). Legal terminology itself is a set of words or phrases used in doctrine, legislation, and legal practice, which serve to provide certainty of meaning, consistency, and avoid ambiguity in the application of norms. Through appropriate terminology, law can be constructed systematically because each term has a clear definition, both juridically and doctrinally.

In legal construction, it is important to distinguish between legal terminology and legal substance, both of which are fundamentally different but complementary. Legal terminology refers to the formal aspects that define legal language, conceptually and linguistically, thus placing greater emphasis on the systematic and defined aspects of legal language. Conversely, legal substance is the content or material of the law itself, namely the norms, principles, and rules that govern legal relations in society (Hasan et al., 2024). Legal substance encompasses the values, objectives, and provisions contained in legislation and doctrine, thus placing greater emphasis on the normative and functional aspects of law. Thus, legal terminology serves as a “conceptual tool” for understanding and communicating law, while legal substance is the “normative content” that becomes the object of regulation and implementation.

From this explanation, a fundamental question arises in societal practice: whether “adopted child” and “adoptive child” have the same meaning. Mechanically and sociologically, the two are often considered synonymous by the general public. However, within the Indonesian legal system, there is a significant difference in juridical emphasis. From the perspective of Indonesian positive law, the mechanisms between child adoption and adoption are procedurally identical and unified, where the term “adoption” is a sociological terminology or foreign absorption that is legally accommodated in a legal instrument called “Child Adoption.” The differences that arise are more doctrinal. The term “adoption” is often associated with the Western legal system (*Burgerlijk Wetboek*) which has the character of severing the relationship of lineage or the original lineage of the child with his biological family. In contrast, “adoption” in national law expressly maintains the child’s origin and does not sever blood ties, as strictly mandated in the Child Protection Law. Although the terms are often interchangeable in social interactions, the legal mechanism recognized by the state is only a formal path that aims to guarantee certainty of civil status and, most importantly, for the best interests of the child.

Entering into the discussion of positive legal norms in the adoption mechanism, the importance of procedures is rooted in the state’s efforts to realize the principle of legal certainty (*rechtszekerheid*) and protect the human rights of legal subjects to avoid arbitrary actions. Procedures or formal law serve as a means to actualize material law, where each stage stipulated by law becomes a control instrument to ensure transparency and accountability (Rahmah, & Harahap, 2025). In the context of adoption, strict mechanisms ranging from the administrative stage to the court’s decision are a form of state control to ensure that material requirements have been met. This supervision is not intended to complicate matters, but rather as a preventive instrument to prevent the occurrence of child trafficking and other illegal adoption practices. The increasing phenomenon of child exploitation places the state in a crucial position to tighten supervision, manifested through the application of the precautionary principle. These stringent requirements are intended to verify the integrity of prospective adoptive parents and the validity of the consent from the family of origin, in order to mitigate loopholes in legal processes that could potentially harm the child’s dignity, honor, and human rights (Nazmi & Syofyan, 2023).

Indonesian law implements a multi-layered licensing mechanism (multi-layered supervision) for adoption. This multi-layered licensing requires more than one form of approval, recommendation, or authorization from different institutions before a legal action can

be declared valid. Adoption requires more than just obtaining permission from a single agency; it must go through several interrelated stages, reflecting the principle of checks and balances between institutions. The social services department assesses welfare and social conditions, social workers assess psychological aspects, and the court conducts judicial review. Adoption decisions are not based solely on administrative considerations but must also be legally legitimized through the judiciary to minimize the risk of future neglect or exploitation. Compliance with due process is an absolute prerequisite for the validity of this legal act.

Systematically and normatively, referring to Government Regulation Number 54 of 2007 and Law Number 35 of 2014, the adoption procedure in Indonesia must go through seven comprehensive stages (Siregar & Waluyo, 2025). First, the Application and Administrative Requirements Stage, where the process begins with a submission to the authorized social agency. Applicants are required to provide personal identification, proof of marital status (at least 5 years), a statement of physical and mental health, proof of economic capability, a letter of good conduct from the police, and most importantly, a religious affiliation with the child to be adopted. Second, the Social Research Stage (Home Study), where social workers conduct factual verification to assess the economic conditions, family stability, residential environment, and mental and psychological readiness of prospective adoptive parents. Third, the Temporary Child Placement Stage (Foster Care), which is a transitional care period to evaluate the suitability, adaptation, and emotional bond between the child and prospective adoptive parents in everyday life.

Fourth, the Social Institution Recommendation Stage, issued if the temporary foster care period is deemed successful and meets child welfare criteria. This recommendation is a crucial step toward the litigation stage. Fifth, the Court Determination Stage, which is the heart of the legalization of the adoption. A judge in the District Court or Religious Court (depending on the parties' jurisdiction) will comprehensively assess all documents, social research findings, and trial facts before issuing a legally binding decision. Sixth, the Registration and Legalization Stage, in which the court decision must be registered with the civil registration agency. This registration is done through a marginal notation on the child's original birth certificate, thus recognizing the state's civil status without erasing their initial biological identity. Finally, the Seventh, the Guidance and Supervision Stage, in which the state, through social institutions, continues to monitor the child's development after adoption as a form of ongoing responsibility.

From a civil law perspective, these procedures and requirements serve a fundamental purpose in creating legal certainty regarding the child's civil status. Without formal procedures, the relationship between a child and adoptive parents remains merely a *de facto* relationship, which is highly susceptible to future disputes regarding custody, child support obligations, and inheritance. A court ruling provides perfect evidence (*volledig bewijskracht*). The adoption procedure is essentially a preventative legal tool to avoid uncertainty that could harm the child, as the most vulnerable party, while maintaining a balance between the interests of the child, the adoptive parents, the biological family, and the state's legal order.

After the court issues a valid ruling, what is the legal standing and civil rights of adopted children within the Indonesian positive legal system, particularly regarding crucial aspects such as guardianship and inheritance? The definition of legal standing, from a legal theory perspective, is a fundamental concept related to the position of legal subjects in a legal relationship (*rechtsverhouding*). Legal standing determines whether a person has the legitimacy to file a claim, defend rights, or be subject to obligations. According to Hans Kelsen's Pure Theory of Law, an individual acquires legal standing when they are recognized as a subject possessing rights and obligations based on the prevailing system of norms (Kamilah & Jaidi, 2025).

However, sociologically, as stated by Satjipto Rahardjo, legal standing is not only understood normatively but must also be viewed as a social institution. Legal standing is

influenced by social reality, values of justice, and societal acceptance. Furthermore, Sudikno Mertokusumo emphasizes that legal standing is closely related to protected legal interests (*rechters relevant belang*). Civil rights themselves are the authority granted by law to legal subjects to protect their interests. Referring to Roscoe Pound's thinking on law as a tool of social engineering, civil rights function to balance various interests in society, so that their implementation must not conflict with propriety and public order (Diva, et al., 2025).

Within this analytical framework, the status of adopted children after a court ruling demonstrates a highly distinctive and unique legal structure within Indonesia's pluralistic legal system. Adopted children are legally recognized as legal subjects with full legal standing within their adoptive families. They are entitled to adequate protection, care, education, and welfare. However, this legal recognition does not create new kinship or blood ties. The legal status of adopted children is functional and limited to the socio-civil relationship of foster care, without severing their original civil status with their biological parents. This is a clear demarcation between Indonesian national law and the concept of pure adoption in Western law.

Regarding guardianship rights, Indonesian civil law structures adoption and guardianship as a functional unity. Theoretically, citing Paul Scholten's legal construction (*rechtsconstructie*), the law must bridge the gap between written norms and reality. Because the Child Protection Law emphasizes the transfer of custody, legal adoption results in a transfer of custody functions, which substantively manifests as guardianship (*voogdij*). Adoptive parents receive absolute legal authority from the court to act on behalf of their adopted child, manage their personal interests, and represent them in civil matters, such as education, healthcare, medical approval, and population administration. Although adoptive parents act as guardians functionally in everyday civil matters, it should be noted that under Islamic law, this guardianship does not extend to the position of lineal guardian (for example, acting as a marriage guardian for an adopted daughter), where the marriage guardian must still be referred to the biological blood relationship, or resort to a judicial guardian if the biological parents are unknown (Afifah, 2025).

Regarding inheritance rights, the legal status of adopted children is complex due to legal pluralism in Indonesia, where the state's stance is differential and does not fully equate adopted children with biological children. In principle, under the national legal regime, adoption does not automatically confer inheritance rights because the purpose is caregiving, not the transfer of assets. However, the resolution of inheritance disputes depends heavily on the family law system adopted by the parties. From the perspective of Western civil law (*burgerlijk wetboek / staatsblad 1917 no. 129*) for communities subject to this provision, adoption has very strong legal consequences, where the adopted child is fully drawn into his adoptive family and cut off from his original family. In this system, the adopted child has an absolutely equal position with biological children, so that he has the right to be a legal heir (*ab intestato*) who can claim an absolute share (*legitieme portie*) of the inheritance of his adoptive parents. From the perspective of Islamic law (*Compilation of Islamic Law / KHI*) Islamic law is very strict in maintaining the purity of lineage. Adoption cannot change biological lineage, so that the adopted child does not have the position of heir (*dzawul furudh* or *ashabah*) of his adoptive parents, and vice versa. However, to guarantee a sense of social justice and the welfare of children who have been cared for throughout life, the Islamic legal system in Indonesia presents a legal breakthrough in the form of a mandatory will mechanism (Article 209 KHI). Through this instrument, adopted children (or adoptive parents) are legally entitled to a share of the inheritance of a maximum of 1/3 (one-third) of the total inheritance, even without an oral or written will during the testator's lifetime. From a customary law perspective, the status of an adopted child's inheritance varies greatly depending on the local patrilineal, matrilineal, or parental kinship structure. In some areas such as Bali or Java, adopted children (*anak pupon / sentana*) can be recognized by custom as the successor to the family and therefore have the right to inherit the inheritance and joint

property of their adoptive parents as if they were their biological children. The state, in this case through the jurisprudence of the Supreme Court, tends to accommodate and respect these customary legal practices as long as they do not conflict with the principles of propriety and justice.

A court decision on adoption is not merely an administrative confirmation, but rather the starting point for the birth of a formal civil legal relationship between the adopted child and the adoptive parents. This decision provides strong legal certainty for the implementation of guardianship, where the adoptive parents are legally fully responsible for the care and protection of the child. Furthermore, although the inheritance status is not standardized and still respects legal pluralism (both through the full inheritance scheme in Civil Law and Customary Law, and through the mandatory will scheme in Islamic Law), this decision provides legal certainty for the adopted child to demand the fulfillment of his economic rights before the law. This unified protection system that synergizes strict formal procedures with the clarity of civil law consequences demonstrates that Indonesian civil law has now progressively shifted to solely serve the welfare, future security, and best interests of children.

## **CONCLUSIONS**

The procedures and prerequisites for adoption within the framework of Indonesian Civil Law, as regulated by Law No. 23/2002 concerning Child Protection (amended by Law No. 35/2014) and Government Regulation No. 54/2007, stipulate that the adoption process is carried out through mechanisms established by statutory regulations. Adoption cannot be based solely on an agreement between the biological parents and prospective adoptive parents; it must go through a series of administrative stages, a social assessment conducted by professional social workers, recommendations from authorized social institutions, and a court decision that provides legal legitimacy to the adopted child's status. Through multi-layered supervision, the state verifies the eligibility of prospective adoptive parents from a legal, social, economic, psychological, and moral perspective, so that the child's rights can be fulfilled after the adoption process is complete. Thus, these procedures and requirements serve as a means to guarantee legal certainty, protect children from potential abuse such as trafficking, exploitation, or neglect, and ensure that adoption is not carried out solely for the benefit of adults. Furthermore, a court decision regarding adoption not only serves as a formal document but also serves as the basis for establishing a civil legal relationship between the adopted child and the adoptive parents, recognized and protected by the state. Following this decision, the adoptive parents gain legal standing to carry out the functions of care, maintenance, education, protection, and guardianship over the child, while the child is guaranteed his or her rights within the new family environment.

In the context of guardianship, the court decision authorizes the adoptive parents to represent the child's legal interests in all civil proceedings. However, regarding inheritance, adoption does not sever the blood ties between the child and the biological parents. Consequently, the adopted child's inheritance rights remain influenced by the applicable legal system, whether customary, civil, or Islamic. In other words, adoption does not automatically terminate the child's legal relationship with their family of origin. To optimally guarantee the civil rights of adopted children, the adoption process must be carried out through legal channels in accordance with applicable regulations. The link between the legal mechanisms of adoption and the recognition of children's civil rights creates a series of legal protections that provide certainty, order, and a sense of security for children involved in the process. Therefore, the main purpose of adoption goes beyond simply transferring the responsibility of care, it aims to provide ongoing legal protection and guarantee the child's future in a decent, safe and responsible family environment.

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