Jurnal El-Thawalib
Volume 7. No. 5. Oktober 2026
E-ISSN : 2828-7231
https://jurnal.uinsyahada.ac.id/index.php/thawalib/index
DOI: https://doi.org/10.24952/el-thawalib.v7i5.21208

Grants to Adopted Children in Indonesian Family Law: Patrimonial Recognition without Change of Nasab

Azka Syifaul Maula[1], Mohammad Naufal Wildany[2], Muhammad Irfan Arifai[3], Ihya Nizam Muhammad[4], Jimmy Malintang[5]
[1.2.4]Universitas Islam Negeri Sunan Kalijaga Yogyakarta, Indonesia
[3] Universitas Islam Negeri Raden Mas Said Surakarta, Indonesia
[5] Universitas Islam Negeri Walisongo Semarang, Indonesia

Coressponding Email: 25203011024@student.uin-suka.ac.id

Abstract: Adoption of children in Indonesian law transfers the responsibility of parenting without severing the child's blood relationship with the biological parents. This distinction raises the question of how adoptive parents provide economic recognition to adopted children without changing their fate and inheritance position. This study analyzes adopted children's position as grant recipients, grant limits, and the relevance of court decisions on grants and mandatory wills. The research uses normative legal methods with legislative, conceptual, and case approaches. Primary legal materials include relevant regulations, the Compilation of Islamic Law (KHI), the Civil Code, and four court decisions. Supreme Court Decision Number 1818 K/Pdt/2008 is the main decision because it addresses grant disputes involving adopted children. The Palangka Raya District Court decision serves as a comparator on adopted children's position in inheritance, while the two Syar'iyah Court decisions serve as comparators on mandatory wills. The last two decisions are not treated as a direct basis for determining the validity of grants. The analysis shows that grants and compulsory wills must be distinguished by their legal basis, the time of giving, and their object. This study proposes affective kinship as an analytical framework rather than a new source of inheritance rights to assess when the parenting relationship can obtain patrimonial recognition through legal instruments without changing the fate and position of the heirs.
Keywords: Adopted Child, Grant, Nasab, Affective Kinship.
Abstract: Pengangkatan anak dalam hukum Indonesia mengalihkan tanggung jawab pengasuhan tanpa memutuskan hubungan darah anak dengan orang tua kandungnya. Pembedaan ini menimbulkan persoalan mengenai cara orang tua angkat memberikan pengakuan ekonomi kepada anak angkat tanpa mengubah nasab dan kedudukan warisannya. Penelitian ini menganalisis kedudukan anak angkat sebagai penerima hibah, batas pemberian hibah, serta relevansi putusan pengadilan terkait hibah dan wasiat wajibah. Penelitian ini menggunakan metode hukum normatif dengan pendekatan perundang-undangan, konseptual, dan kasus. Bahan hukum primer meliputi peraturan yang relevan, Kompilasi Hukum Islam (KHI), KUHPerdata, serta 4 putusan pengadilan. Putusan Mahkamah Agung Nomor 1818 K/Pdt/2008 ditempatkan sebagai putusan utama karena berkaitan dengan

Copyright © 2026 by Author(s)
Jurnal El-Thawalib is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License

sengketa hibah kepada anak angkat. Putusan Pengadilan Negeri Palangka Raya digunakan sebagai pembanding mengenai kedudukan anak angkat terhadap harta peninggalan, sedangkan dua putusan Mahkamah Syar'iyah digunakan sebagai pembanding mengenai wasiat wajibah. Kedua putusan terakhir tidak diperlakukan sebagai dasar langsung untuk menentukan keabsahan hibah. Analisis menunjukkan bahwa hibah dan wasiat wajibah harus dibedakan berdasarkan dasar hukum, waktu pemberian dan objeknya. Penelitian ini mengusulkan affective kinship sebagai kerangka analitis, bukan sebagai sumber hak waris baru, untuk menilai kapan hubungan pengasuhan dapat memperoleh pengakuan patrimonial melalui instrumen hukum yang sah tanpa mengubah nasab dan kedudukan ahli waris.
Kata Kunci: Anak Angkat, Hibah, Nasab, Affective Kinship.

A. Introduction

Family law today has changed from a family that is built solely on biological relationships to a recognition of nurturing, responsibility, and affection as elements of family life, so that child adoption is no longer just an instrument of child protection, but also a social relationship that gives rise to the hope of the division of family property.[1] This raises a problem when affection and parenting responsibilities are expressed through the gift of property, while the law still maintains a boundary between the parenting relationship and the family relationship.

In the legal system in Indonesia, positive law separates the status of the adoption of a child and his legal relationship with the biological parents, including in the aspect of inheritance.[2] Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection (Article 39 paragraph 2) emphasizes that the adoption of a child does not break the blood relationship between the child and their biological parents.[3] Furthermore. Article 171 letter h of the Compilation of Islamic Law (KHI) defines adopted children based on the transfer of maintenance and education responsibilities from biological parents to adoptive parents, while Article 171 letter c (Compilation of Islamic Law) of KHI limits the position of heirs to the existence of blood relations or marital relations[4]

Basically, the adoption of a child does not create a direct inheritance relationship between the adopted child and the adoptive parents. However, the law still provides space for adopted children to obtain a share of the adoptive parent's property through mechanisms other than inheritance. One of them is a mandatory will that provides at most one-third of the inheritance property as stipulated in

[1] A. Octamaya Tenri Awaru, *Sosiologi Keluarga* (Kota Bandung: Media Sains Indonesia, 2021), hlm. 5.

[2] Jumarim Jumarim, 'The Practice of Adoption in the Sasak Community and Its Implications for Marriage Law in Indonesia', *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 1 (April 2024): 445, https://doi.org/10.22373/sjhk.v8i1.18581.

[3] Undang-Undang (UU) Nomor 35 Tahun 2014 Tentang Perubahan Atas Undang-Undang Nomor 23 Tahun 2002 Tentang Perlindungan Anak.

[4] Kompilasi Hukum Islam.

Article 209 paragraph (2) of the KHI. This provision recognizes the adopted child's economic interests without changing their status as an heir.

In addition to a mandatory will, the gift of property to an adopted child can be done through a grant when the adoptive parents are still alive.[5] In contrast to inheritances that arise after the death of the heir, a grant is a transfer of property that is carried out during the life of the giver and does not depend on the position of the recipient as an heir.[6] The existence of a grant then raises its own problems when the granting of property to an adopted child is faced with the limits of the gift and the interests of the heirs. This raises the question of whether the relationship of upbringing and closeness with the adopted child can be recognized in inheritance without altering the fate and position of the inheritance.

The granting of property to an adopted child may intersect with the interests of the biological child or other heirs, especially if the object of the grant includes most or even all of the giver's property.[7] This issue can be seen in the Supreme Court Decision Number 1818 K/Pdt/2008 regarding grants to adopted children in question by biological children.[8] Normative issues also arise from Article 211 of the KHI regarding grants from parents to children that can be counted as inheritance, and Article 212 of the KHI regarding the possibility of withdrawing the grant from parents to children.

The *maqāṣid* approach also allows grants to be judged not only on the formal form of their legal acts, but by taking into account the purpose and consequences they cause.[9] In his discussion of Ibn al-Qayyim's thoughts, Auda shows the importance of paying attention to the intent and consequences of a legal action, including through examples of actions used to change the share that the heir should receive.[10] Through this perspective, it is relevant in grants to adopted children because gifts based on the affection and welfare interests of the adopted child still need to be considered together with the consequences for the interests of other heirs

---

[5] Nabillah, Rosnidar Sembiring, and Utary Maharany Barus, 'Hak Anak Angkat Terhadap Warisan Dalam Waris Perdata Dan Islam: (Studi Kasus Putusan Pengadilan Negeri Palangkaraya No. 27/Pdt. g/2019/Pn. Plk).', *Jurnal Hukum Lex Generalis* 6, no. 6 (2025), https://doi.org/https://doi.org/10.56370/jhlg.v6i6.1643.

[6] Alif Andi, 'Batasan Hibah Dalam Perspektif Perlindungan Hak Ahli Waris Menurut Hukum Islam Dan KHI', *Al Fuadiy Jurnal Hukum Keluarga Islam* 8, no. 1 (January 2026): 1–13, https://doi.org/10.55606/af.v8i1.1802.

[7] Mohammad Ghozali et al., 'Kajian Perbandingan Hak Warisan Anak Angkat Di Indonesia Dan Malaysia: A Comparative Study Of The Inheritance Rights Of Adopted Children In Indonesia And Malaysia', *Malaysian Journal of Syariah and Law* 12, no. 3 (December 2024): 726–38, https://doi.org/10.33102/mjsl.vol12no3.1164.

[8] Putusan Mahkamah Agung Nomor 1818 K/Pdt/2008.

[9] Taufiqurohman Taufiqurohman and Nelli Fauziah, 'The Evaluation of Maqāṣid Asy-Syarī'ah on Discourses of the Islamic Family Law', *El-Usrah: Jurnal Hukum Keluarga* 6, no. 1 (September 2023): 81, https://doi.org/10.22373/ujhk.v6i1.13035.

[10] Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: The International Inst. of Islamic Thought, 2008), hlm. 20.

Previous studies on the economic position of adopted children have focused a lot on the mechanism of compulsory wills and the position of adopted children in inheritance, such as research by Yuniarsih et al. (2022), which examined the provision of property to adopted children through compulsory wills based on the Decision of the Palembang Religious Court No. 35/Pdt.G/2018/PTA.Plg.[11] Furthermore, the research of Usman and Jafar (2026) discusses the implications of Article 209 of the KHI on the economic protection of adopted children through compulsory wills.[12] Meanwhile, Lubis et al. (2026) have expanded the discussion by examining grants, wills, and mandatory wills for adopted children from the perspective of KHI and the Civil Code.[13] These studies provide an important basis for the access of adoptive children to the assets of adoptive parents, but this study places the issue at a different point, namely grants as a form of patrimonial recognition of the parenting relationship without changing the fate and position of inheritance, by analyzing the limits of grants, the interests of the heirs, their relationship with the obligatory will, and the court's considerations in forming the limits of economic recognition.

Based on these issues, this study aims to: (1) analyze the position of adopted children in Indonesian family law, (2) analyze grants as an instrument of patrimonial recognition and its limits in relation to nasab, heirs, and obligatory wills, (3) examine judicial considerations regarding grants to adopted children, and (4) formulate *affective kinship* as a conceptual framework to explain the relationship between parenting and affection that obtains recognition in the patrimonial realm without changing the relationship of nasab.

The novelty of this research lies in the shift in focus from whether adopted children have the right to inherit to the issue of the extent to which the affective relationship between adoptive parents and adopted children can obtain patrimonial recognition through grants without changing the relationship of descent. From this perspective, *affective kinship* explains that the relationship between parenting and affection can have consequences in the realm of property, but these consequences do not necessarily change the adopted child's position in the structure of fate and inheritance.

B. Research Methods

This study uses a normative legal research method and employs three approaches: the statutory approach, the conceptual approach, and the case

[11] Mila Yuniarsih et al., 'Wasiat Wajibah Bagi Anak Adopsi Untuk Mendapat Harta Waris', *Ma'mal: Jurnal Laboratorium Syariah Dan Hukum* 3, no. 1 (February 2022): 38–63, https://doi.org/10.15642/mal.v3i1.119.

[12] Munadi Usman and Muhammad Jafar, 'Wasiat Wajibah Untuk Anak Angkat Dan Implikasinya Terhadap Hukum Kewarisan Islam Indonesia', *Ameena Journal* 4, no. 2 (May 2026): 235–46, https://doi.org/10.63732/aij.v4i2.214.

[13] Suaib Lubis et al., 'Perkembangan Hukum Hibah Dan Wasiat Kepada Anak Angkat Sebagai Ahli Waris: Kajian KUHPerdata Dan KHI, Prosedur, Peralihan, Pencabutan Dan Pembatalan', *QANUN: Journal of Islamic Laws and Studies* 5, no. 1 (July 2026): 486–96, https://doi.org/10.58738/qanun.v5i1.1574.

approach. The statutory approach examines legal provisions on child adoption, inheritance, mandatory wills, and grants in the Compilation of Islamic Law, the Civil Code, the Child Protection Law, Government Regulation Number 54 of 2007, and Government Regulation Number 24 of 1997. The conceptual approach develops an understanding of inheritance recognition and *affective kinship*, while clarifying the distinction between affective kinship and nasab. Meanwhile, the case approach examines judicial reasoning in determining the legal status of adopted children and addressing issues concerning property ownership, grants, inheritance, and mandatory wills.

The primary legal legal material in this study consists of laws and regulations and four court decisions selected based on their relevance to the patrimonial position of adopted children. Supreme Court Decision Number 1818 K/Pdt/2008 is presented as the main decision because it directly relates to the grant dispute involving adopted children. The Decision of the Palangka Raya District Court Number 27/Pdt.G/2019/PN Plk is used as comparative material to examine the issue of the position of adopted children towards inheritance, while the Decision of the Aceh Sharia Court Number 125/Pdt.G/2011/MS-Aceh and the Decision of the Bireuen Syar'iyah Court Number 207/Pdt.G/2019/MS are used as comparative material. Beer is used as a normative comparison regarding the provision of economic benefits through a mandatory will. The two mandatory will decisions are not used to draw direct conclusions about the validity of grants, but to clarify differences in the legal basis, timing, object, and limits of patrimonial recognition through grants and mandatory wills. The analysis examines each decision by identifying the legal issues, relevant norms, judges' legal considerations, and resulting legal consequences. The analysis then synthesizes these findings with provisions on child adoption, grants, inheritances, and mandatory wills to define the limits of patrimonial recognition for adopted children without changing the relationship between nasab and the position of inheritance.

C. Discussion and Research Results

The Position of Adopted Children in Indonesian Family Law

Under Indonesian family law, child adoption does not alter the child's blood relationship with their biological parents. Article 39 paragraph (2) of the Child Protection Law explicitly provides that adoption does not sever this relationship between an adopted child and their biological parents.[14] The same principle is stipulated in Article 4 of Government Regulation Number 54 of 2007, which confirms that adoption does not terminate the blood ties between the child and their biological parents.[15] Similarly, Article 171 letter h of the Compilation of Islamic Law (KHI) defines an adopted child as one whose daily care, educational expenses, and other living needs become the adoptive parents' responsibility, replacing the

[14] Undang-Undang (UU) Nomor 35 Tahun 2014 Tentang Perubahan Atas Undang-Undang Nomor 23 Tahun 2002 Tentang Perlindungan Anak.

[15] Peraturan Pemerintah (PP) Nomor 54 Tahun 2007 Tentang Pelaksanaan Pengangkatan Anak.

responsibilities previously borne by the biological parents, based on a court decision.

The distinction between the parenting relationship and the hereditary relationship becomes important when the adoption of a child is associated with family property. The parenting relationship gives rise to the responsibility to maintain, educate, and meet the needs of the child, while the right to property is a legal consequence that requires its own basis.[16] Therefore, the existence of a parenting relationship does not automatically make the adopted child an heir. In Islamic inheritance law as formulated in the KHI, Article 171 letter c makes blood or marriage the main basis for an inheritance relationship. The adopted child thus does not become an heir solely because of the adoption relationship.

However, the absence of an inheritance relationship does not mean that the law closes all possibilities for adopted children to obtain economic benefits from adoptive parents. KHI provides a special mechanism through Article 209 paragraph (2), which is a mandatory will for adopted children of at most one-third of the inheritance of adoptive parents. This provision distinguishes heir status from the right to obtain economic benefits from adoptive parents' property. Adopted children are not heirs by descent, but their economic interests can still be recognized through certain legal instruments.[17]

This distinction is also seen in judicial practice. The decision of the Aceh Syar'iyah Court Number 125/Pdt.G/2011/MS-Aceh stipulates that Nursiah binti Abd. Roni as the adopted son of the late Umar bin M. Ali and gave him a mandatory will of 1/10 part of the inheritance.[18] The decision shows that an adopted son can receive a share of the inheritance without first being recognized as an heir by blood relation.

Therefore, the position of adopted children in Indonesian family law needs to be understood through two different domains. The first domain is personal status, which is related to fate and inheritance status. The second domain is inheritance, which concerns the possibility of acquiring property through certain legal instruments. The separation of these two domains is the basis for understanding grants to adopted children.

Grants as Instruments of Patrimonial Recognition for Adopted Children

Grants differ from inheritance and compulsory wills. A grant is a gift made by a person to another party while the giver is still alive.[19] Therefore, the grantee does not have to have a position as an heir of the giver. In the case of an adopted child, the character opens up space for the adoptive parent to give part of his property to

[16] Wahbah Az-Zuhaili, *Al-Fiqh al-Islami Wa Adillatuhu*, VII (Damsyiq: Dar al-Fikr, 1989), hlm. 717.

[17] Ali Haydar Hasyim, Nurshinta Dinda Annogerah, and Rizka Aulia Sani, 'Kedudukan Anak Angkat Tanpa Legalitas Dalam Waris Menurut Hukum Positif Indonesia', *Perspektif*, 13 May 2026, 132–45, https://doi.org/10.30742/perspektif.v31i2.967.

[18] MS Aceh Nomor 125/Pdt.G/2011/MS-Aceh.

[19] Andi, 'Batasan Hibah Dalam Perspektif Perlindungan Hak Ahli Waris Menurut Hukum Islam Dan KHI'.

the child he has cared for and maintained without making the child an heir based on the relationship of descent.[20]

KHI Article 171 letter g defines a grant as the voluntary and unremunerated gift of an object from a person to another person who is still alive to be owned. This provision shows that a grant is a separate legal act based on the giver's will and the transfer of ownership of the object given. Article 210 of the KHI further stipulates that a person who is at least 21 years old, of sound mind, and without coercion may donate up to one-third of his property to another person or institution in the presence of two witnesses.

Article 210 of the KHI provides space for adopted children to become recipients of grants. Adopted children do not have to be placed as heirs to receive grants. Grants can be understood as instruments that allow the parenting relationship to obtain patrimonial consequences without changing the relationship of the inheritance.[21] This distinguishes a grant from a mandatory will. A compulsory will in Article 209 of the KHI works on the estate after the adoptive parents die, while the grant works while the giver is still alive. The time difference also causes a difference in legal objects. Property that passes through a valid grant during the giver's lifetime in principle no longer becomes part of the giver's estate at death. On the contrary, a compulsory will is given to the estate after death.[22]

Grants can be seen as a form of inheritance recognition of the parenting relationship. The recognition does not mean that the law turns an adopted child into a biological child or heir. What is recognized is the social and parenting relationship that has been established, while the legal consequences are limited to the transfer of property through the grant mechanism. However, recognizing inheritance cannot be separated from the issue of boundaries. The gift of property to an adopted child can intersect with the interests of other family members, especially when the object of the grant is an important part of the giver's wealth. Therefore, the legal question does not stop at whether the adopted child can receive a grant; it also turns on the extent to which the gift can be made without harming the other party's interests or changing the structure of the inheritance.

Limit of Grants to Adopted Children: Economic Recognition without Change of Nasab and Inheritance

The first limit of a grant to an adopted child is a limit related to personal status. A grant cannot be used to change fate. The granting of property to an adopted child does not make the recipient a biological child and does not change the

[20] Ramdan Fawzi et al., 'Legal Discovery Method for Non-Muslim Heirs as Recipients of Wasiat Wajibah', *Jurnal Hukum Islam* 22, no. 1 (June 2024): 163–90, https://doi.org/10.28918/jhi.v22i1_6.

[21] Hafidz Al Ghifari and Muhammad Yassir, 'Hibah Orang Tua Kepada Anak Sebagai Instrumen Pencegahan Sengketa Waris Perspektif Hukum Islam Di Pontianak Kota', *USRAH: Jurnal Hukum Keluarga Islam* 7, no. 3 (July 2026): 1114–31, https://doi.org/10.46773/w4bwtm98.

[22] Didin Haenudin et al., 'Dinamika Hukum Waris Islam: Hak Anak Angkat Antara Hibah Dan Wasiat Wajibah', *RIGGS: Journal of Artificial Intelligence and Digital Business* 4, no. 3 (August 2025): 2467–73, https://doi.org/10.31004/riggs.v4i3.2344.

biological relationship with the biological parents. Thus, the grant must be separated from the adoption as an institution that regulates the parenting relationship.

The second limit concerns the giver's ownership and authority. The giver can only grant property that is within his authority to be transferred.[23] In a grant dispute, therefore, it is not enough for the court to look at the existence of a grant deed, but it is necessary to assess whether the giver does have rights to the object granted, whether the object can be transferred and whether there is an interest of another party in the object.

This limit is clearly seen in the Supreme Court Decision Number 1818 K/Pdt/2008, which relates to the grant dispute to adopted children.[24] The case began with the gift of property by Abdullah Djoeffri to his adopted son, Eny Saraswati, which was then questioned by Erna Mariani. The decision shows that the grant deed and the name-change process alone do not close the possibility of testing the basis of ownership and the parties' legal relationship. The decision is therefore important because the recipient's status as an adopted child is not the only issue in determining the validity of the multi-grant; the object, the authority of the giver, and the interests of other parties must also be examined.

The issue of boundaries also needs to be distinguished between KHI grant law and civil law. KHI Article 210 uses a limit of no more than one-third of the giver's property. Meanwhile, in the Civil Code, the concept of *legitieme portie is known as the concept of legitieme portie,* which is related to the protection of the absolute part of certain heirs.[25] Grants and compulsory wills can both provide economic benefits to adopted children, but they work through different mechanisms. Grants occur during life, while compulsory wills are related to inheritances.[26] KHI has not provided detailed regulations on how grants that have been previously received must be considered when the issue of compulsory wills arises. The absence of these regulations shows the need for caution in determining whether previous gifts should be taken into account.

Article 211 of the KHI states that a parent's grant to his child can be counted as an inheritance, while Article 212 of the KHI, in principle, prohibits the withdrawal of grants, except for grants from parents to their children. The two provisions must be distinguished by their legal functions: Article 211 governs the calculation of grants in the distribution of inheritance, while Article 212 governs the possibility of withdrawing grants. Problems arise when both articles are applied to adopted children, because KHI does not explicitly explain the scope of the term child in both provisions. Therefore, its application must be interpreted systematically, with attention to Article 171, letters c and h, Article 209, and the grant's character as a

[23] Pasal 1667 KUHPerdata.

[24] Putusan Mahkamah Agung Nomor 1818 K/Pdt/2008.

[25] Muhammad Yusuf, Nurhaedah Nurhaedah, and Syamsul Alam, 'Analisis Hukum Hak Legitime Portie Dalam Sistem Hukum Waris Perdata Indonesia', *LEGAL DIALOGICA* 1, no. 1 (September 2025): 1–15.

[26] Haenudin et al., 'Dinamika Hukum Waris Islam', hlm. 2468.

legal act carried out while the giver is still alive. This interpretation is necessary so that economic recognition of adopted children is not automatically equated with a relationship of descent or heirship.

The Problem of Hibah and the Position of Adopted Children in Judicial Practice

Judicial practice shows that the issue of adopted children and family property does not always result in a uniform legal construction. These differences mainly arise because the laws used can be different, the objects of disputes are different, and the status and relationship of the parties are also different.[27] Therefore, court decisions need to be understood not only based on the amar, but also based on the facts of the case and the legal reasons underlying the decision.

1. Supreme Court Decision Number 1818 K/Pdt/2008

   Supreme Court Decision Number 1818 K/Pdt/2008 is the closest decision to the research focus because it directly addresses grants to adopted children that are later disputed in family disputes. The grant is carried out through a grant deed and a name change process, but then a dispute arises regarding the legal relationship of the parties and the status of the object. The series of cases shows that the grant deed cannot be separated from the examination of the ownership and the basis of the giver's authority.[28]

   This decision shows that the legal issue of grants to adopted children is not fully answered by whether adopted children can receive grants. A more appropriate answer should address whether the giver has authority over the object, whether the grant's conditions are met, and whether other parties' rights must be legally protected.

2. Decision of the Palangka Raya District Court Number 27/Pdt.G/2019/PN Plk

   The decision of the Palangka Raya District Court Number 27/Pdt.G/2019/PN Plk presents a different issue: a dispute over the adopted child's status relative to the adoptive parents' inheritance. The plaintiff, Yanatri Kristina, is an adopted child based on the court determination and has been cared for by Nawis Taher Dehen since childhood. In the case, a debate arose regarding the position of the adopted child as heirs and other parties who also claimed the right to the inheritance.[29]

   The ruling shows a conceptual difference between the civil inheritance system and Islamic inheritance law. Therefore, the Palangka Raya case is not used to conclude that all adopted children automatically become heirs, but to show that the status of adopted children and their patrimonial consequences depend heavily on the applicable legal regime.

[27] Daniel Sitepu and Ida Bagus Yoga Raditya, 'Kedudukan Anak Angkat Dalam Hukum Waris Perdata Indonesia', *Jurnal Media Akademik (JMA)* 4, no. 1 (January 2026), https://doi.org/10.62281/6exxne27.

[28] Putusan Mahkamah Agung Nomor 1818 K/Pdt/2008.

[29] PN Palangka Raya Nomor 27/Pdt.G/2019/PN Plk.

3. Decision of the Aceh Syar'iyah Court Number 125/Pdt.G/2011/MS-Aceh

In contrast to the Palangka Raya case, the Decision of the Aceh Syar'iyah Court Number 125/Pdt.G/2011/MS-Aceh is in the construction of Islamic inheritance law. In this case, Nursiah binti Abd. Roni was designated as an adopted child of the late Umar bin M. Ali and obtained a mandatory will of 1/10 part of the inheritance.[30]

The decision shows that an adopted child can obtain economic benefits from the adoptive parent's property through a mechanism that does not make him an heir based on blood relations. Section 1/10 also shows that the phrase "up to one-third" in Article 209 paragraph (2) of the KHI is the maximum limit, not a provision that requires each adopted child to receive a share of one-third.

4. Decision of the Bireuen Syar'iyah Court Number 207/Pdt.G/2019/MS. Beer

Decision of the Bireuen Syar'iyah Court Number 207/Pdt.G/2019/MS. Bir also provides for economic benefits for adopted children through a mandatory will. In this case, Rosmanizar binti Mansur was designated as an adopted child as well as the recipient of a mandatory will from the late Usman bin Idris with a share of 1/5 of the inheritance.[31] The gift of 1/5 again shows that the maximum limit of one-third in Article 209 paragraph (2) of the KHI is not identical to the share that must be given in each case. The judge can determine certain parts based on the case's construction and the condition of the disputed property.

If the MS Aceh Decision gives 1/10 and the MS Bireuen Decision gives 1/5, both decisions show the same pattern:the adopted child obtains economic recognition without having to be placed as an heir under inheritance law. The difference lies in the share amount. Thus, Article 209 of the KHI sets the maximum limit, while determining the concrete parts requires assessing of the case at hand.

Court Consideration and Reconstruction Pattern of Grants to Adopted Children as *Affective Kinship*

Based on several previous decisions, the issue of adopted children and family property can be mapped into three main issues: status, the source of economic rights, and the limits of property grants. The issue of status concerns whether the adoption relationship can change personal position and destiny. The issue of the source of economic rights is related to the mechanism that can be used by adopted children to obtain economic benefits, either through grants or compulsory wills.[32] Meanwhile, the issue of limits is related to the extent to which the grant can be made without ignoring the provisions of the law and the interests of other parties.

[30] MS Aceh Nomor 125/Pdt.G/2011/MS-Aceh.
[31] MS Bireuen Nomor 207/Pdt.G/2019/MS.Bir.
[32] Muhammad Andri, Haris Budiman, and Mohammad Rafi'ie, 'Kedudukan Hak Anak Angkat Dalam Hukum Islam, Hukum Hukum Perdata Dan Hukum Adat', *Logika : Journal of Multidisciplinary Studies* 15, no. 01 (April 2024): 1–12, https://doi.org/10.25134/logika.v15i01.9204.

The Supreme Court Decision Number 1818 K/Pdt/2008 shows that the dispute over grants to adopted children is not only related to the status of the recipient, but also to the authority of the giver, the status of the object, and the interests of other parties to the property granted.[33] The Decision of the Palangka Raya District Court Number 27/Pdt.G/2019/PN Plk shows that the issue of the position of adopted children towards inherited property can obtain a different construction in accordance with the applied legal regime.[34] Meanwhile, the Decision of the Aceh Sharia Court Number 125/Pdt.G/2011/MS-Aceh and the Decision of the Bireuen Sharia Court Number 207/Pdt.G/2019/MS. Bir shows that in the construction of Islamic inheritance law, adopted children can obtain economic benefits through compulsory wills without having to be placed as heirs based on the relationship of descent.[35] In the case of Aceh, the shares given of 1/10 and 1/5, respectively, shows that the maximum limit of one-third as per Article 209 paragraph (2) of the KHI is the maximum limit, not the part that is automatically given to the adopted child.

Table 1. Decision Consideration Pattern

No.	Verdict	Legal Issues	Relevant Findings/Considerations
1	MA No. 1818 K/Pdt/2008	Grants to adopted children who are questioned by other parties who have an interest in the property	The validity of the grant is not only seen from the recipient's status as an adopted child, but also from the authority of the giver, the status of the object, and the interest of other parties in the property granted.
2	Palangka Raya District Court No. 27/Pdt.G/2019/PN Plk	Position of adopted children on the assets of adoptive parents	It shows that there is a problem regarding the position of adopted children in inheritance and the importance of determining in advance the legal regime used in assessing their status and economic rights.
3	MS Aceh No. 125/Pdt.G/2011/MS-Aceh	The position of adopted children in Islamic heritage	Adopted children are not placed as heirs based on blood relations, but still receive economic benefits through a mandatory will of 1/10 share.
4	MS Bireuen No. 207/Pdt.G/2019/MS. Beer	Mandatory wills for adopted children	The adopted child, Rosmanizar binti Mansur, was designated as the recipient of a mandatory will of 1/5 share. This shows that the maximum limit of 1/3 in Article 209 paragraph (2) of the KHI is the maximum limit, not the part that is automatically given.

[33] Putusan Mahkamah Agung Nomor 1818 K/Pdt/2008.
[34] PN Palangka Raya Nomor 27/Pdt.G/2019/PN Plk.
[35] MS Aceh Nomor 125/Pdt.G/2011/MS-Aceh; MS Bireuen Nomor 207/Pdt.G/2019/MS.Bir.

The four rulings show that the status of adopted children and patrimonial rights are two issues that must be separated. Adoption of children determines the relationship of custody and responsibility for the child, but does not in itself determine the transfer of property.[36] On the contrary, economic rights can be granted through certain legal instruments without having to change the relationship of inheritance. Thus, the relationship of custody is not identical to the relationship of inheritance, but it also does not mean that the relationship has no economic consequences at all.

This forms the basis for reconstructing the concept *of affective kinship* in this study. *Affective kinship* is not intended as a new form of kinship that replaces inheritance or creates a new inheritance status. This concept is used to explain the recognition of parenting, responsibility, and affection relationships that can obtain patrimonial consequences through available legal instruments. In this case, *affective kinship* is not intended to create a new type of inheritance, expand the category of heirs, or grants property rights solely because of emotional closeness. This concept is used to explain the relationship of nurturing, responsibility, and affection, which socially can be the reason for the giver to want to transfer property to an adopted child. The concept *of affective kinship* is operationalized through three relational indicators:

1. Sustainability of Parenting, which refers to the existence of real maintenance or education practices within the parties' relationship.
2. The responsibilities that are realized, for example, the fulfillment of life needs or education, as long as they are relevant and provable.
3. Affective relationships formed in family life must be understood as a social context, not as a single piece of evidence of the property rights.

These three relational indicators must be separated from the limits of juridical recognition. The relationship of parenting and affection explains the context in which patrimonial recognition is considered, but legal recognition can be assessed only if a legal instrument provides a basis. For grants, the test includes the grantor's authority, the object's ownership and feasibility, the fulfillment of conditions, and the consequences for other parties' rights. Then, for mandatory wills, the test follows Article 209 of the KHI and the state of the heritage property. The proposed testing model consists of four stages:

1. Identify the relationship between nurturing and affection that becomes a social context.
2. Determine the legal instrument used.
3. Test the legitimacy, object, authority, and limits of the instrument.

[36] Erha Saufan Hadana, 'Pengangkatan Anak Dalam Perspektif Hukum Islam', *Lentera: Indonesian Journal of Multidisciplinary Islamic Studies* 1, no. 2 (December 2020): 128–40, https://doi.org/10.32505/lentera.v1i2.2105.

4. Assess the consequences for nasab, inheritance position, and the rights of other parties.

Positive law recognizes grants and obligatory wills as distinct mechanisms from inheritance based on nasab. Affective kinship contributes a framework for assessing the relational reasons for giving while keeping those reasons within the limits of the law. This model connects the context of parenting, the choice of instruments, validity tests, and the protection of other parties' rights through a series of analyses.

D. Conclusion

Adoption of a child in Indonesian family law does not break the blood relationship with the biological parents and does not automatically make the adopted child the heir of the adoptive parents. However, economic recognition remains possible through lifetime grants and mandatory wills after death. The validity of the grant must consider the giver's authority, the ownership of the object, legal requirements, and the interests of other protected parties. Meanwhile, Article 211 and Article 212 of the KHI need to be interpreted systematically, especially regarding the calculation of grants as inheritance and exceptions to the prohibition on the withdrawal of grants. The relationship between grants and compulsory wills must also be assessed based on the character and legal basis of each, so that previous grants do not automatically remove or reduce compulsory wills.

The concept *of affective kinship* is an analytical framework that explains the patrimonial recognition of parenting and affectionate relationships without altering the heir's fate or creating a new heir status. This framework considers the sustainability of parenting, real responsibility, and affective relations as relational indicators, while still requiring a legal instrument to produce patrimonial consequences. This concept offers a testing model that links the parenting relationship, the provision's validity, and the protection of other parties' rights in determining the economic recognition of adopted children.

References

Andi, Alif. 'Batasan Hibah Dalam Perspektif Perlindungan Hak Ahli Waris Menurut Hukum Islam Dan KHI'. *Al Fuadiy Jurnal Hukum Keluarga Islam* 8, no. 1 (January 2026): 1–13. https://doi.org/10.55606/af.v8i1.1802.

Andri, Muhammad, Haris Budiman, and Mohammad Rafi'ie. 'Kedudukan Hak Anak Angkat Dalam Hukum Islam, Hukum Hukum Perdata Dan Hukum Adat'. *Logika : Journal of Multidisciplinary Studies* 15, no. 01 (April 2024): 1–12. https://doi.org/10.25134/logika.v15i01.9204.

Auda, Jasser. *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*. London: The International Inst. of Islamic Thought, 2008.

Awaru, A. Octamaya Tenri. *Sosiologi Keluarga*. Kota Bandung: Media Sains Indonesia, 2021.

Az-Zuhaili, Wahbah. *Al-Fiqh al-Islami Wa Adillatuhu*. VII. Damsyiq: Dar al-Fikr, 1989.

Fatahullah, Adi Sulistiyono, and Burhanudin Harahap. 'Reform of Islamic Inheritance Law: The Influence of Customary Law on the Institution of Wasiat Wajibah in Islamic Law'. *Jurnal IUS Kajian Hukum Dan Keadilan* 13, no. 1 (April 2025): 259–74. https://doi.org/10.29303/ius.v13i1.1695.

Fawzi, Ramdan, Encep Abdul Rojak, Ilham Mujahid, and Mualimin Mochammad Sahid. 'Legal Discovery Method for Non-Muslim Heirs as Recipients of Wasiat Wajibah'. *Jurnal Hukum Islam* 22, no. 1 (June 2024): 163–90. https://doi.org/10.28918/jhi.v22i1_6.

Ghifari, Hafidz Al, and Muhammad Yassir. 'Hibah Orang Tua Kepada Anak Sebagai Instrumen Pencegahan Sengketa Waris Perspektif Hukum Islam Di Pontianak Kota'. *USRAH: Jurnal Hukum Keluarga Islam* 7, no. 3 (July 2026): 1114–31. https://doi.org/10.46773/w4bwtm98.

Ghozali, Mohammad, Muhammad Irkham Firdaus, Muhammad Aunurrochim Mas'ad Saleh, and Zahari Mahad Musa. 'Kajian Perbandingan Hak Warisan Anak Angkat Di Indonesia Dan Malaysia: A Comparative Study Of The Inheritance Rights Of Adopted Children In Indonesia And Malaysia'. *Malaysian Journal of Syariah and Law* 12, no. 3 (December 2024): 726–38. https://doi.org/10.33102/mjsl.vol12no3.1164.

Hadana, Erha Saufan. 'Pengangkatan Anak Dalam Perspektif Hukum Islam'. *Lentera: Indonesian Journal of Multidisciplinary Islamic Studies* 1, no. 2 (December 2020): 128–40. https://doi.org/10.32505/lentera.v1i2.2105.

Haenudin, Didin, Ahmad Ropei, Adam Hasyim, and Febri Ramadhani. 'Dinamika Hukum Waris Islam: Hak Anak Angkat Antara Hibah Dan Wasiat Wajibah'. *RIGGS: Journal of Artificial Intelligence and Digital Business* 4, no. 3 (August 2025): 2467–73. https://doi.org/10.31004/riggs.v4i3.2344.

Hasyim, Ali Haydar, Nurshinta Dinda Annogerah, and Rizka Aulia Sani. 'Kedudukan Anak Angkat Tanpa Legalitas Dalam Waris Menurut Hukum Positif Indonesia'. *Perspektif*, 13 May 2026, 132–45. https://doi.org/10.30742/perspektif.v31i2.967.

Jumarim, Jumarim. 'The Practice of Adoption in the Sasak Community and Its Implications for Marriage Law in Indonesia'. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 1 (April 2024): 445. https://doi.org/10.22373/sjhk.v8i1.18581.

Kompilasi Hukum Islam.

Lubis, Suaib, Arifuddin Muda Harahap, Ramadhan Syahmedi, and Mhd Yadi Harahap. 'Perkembangan Hukum Hibah Dan Wasiat Kepada Anak Angkat Sebagai Ahli Waris: Kajian KUHPerdata Dan KHI, Prosedur, Peralihan, Pencabutan Dan Pembatalan'. *QANUN: Journal of Islamic Laws and Studies* 5, no. 1 (July 2026): 486–96. https://doi.org/10.58738/qanun.v5i1.1574.

MS Aceh Nomor 125/Pdt.G/2011/MS-Aceh.

MS Bireuen Nomor 207/Pdt.G/2019/MS.Bir.

Nabillah, Rosnidar Sembiring, and Utary Maharany Barus. 'Hak Anak Angkat Terhadap Warisan Dalam Waris Perdata Dan Islam: (Studi Kasus Putusan Pengadilan Negeri Palangkaraya No. 27/Pdt. g/2019/Pn. Plk).' *Jurnal Hukum Lex Generalis* 6, no. 6 (2025). https://doi.org/https://doi.org/10.56370/jhlg.v6i6.1643.

Pasal 1667 KUHPerdata.

Peraturan Pemerintah (PP) Nomor 54 Tahun 2007 Tentang Pelaksanaan Pengangkatan Anak.

PN Palangka Raya Nomor 27/Pdt.G/2019/PN Plk.

Putusan Mahkamah Agung Nomor 1818 K/Pdt/2008.

Sitepu, Daniel, and Ida Bagus Yoga Raditya. 'Kedudukan Anak Angkat Dalam Hukum Waris Perdata Indonesia'. *Jurnal Media Akademik (JMA)* 4, no. 1 (January 2026). https://doi.org/10.62281/6exxne27.

Taufiqurohman, Taufiqurohman, and Nelli Fauziah. 'The Evaluation of Maqāṣid Asy-Syarī'ah on Discourses of the Islamic Family Law'. *El-Usrah: Jurnal Hukum Keluarga* 6, no. 1 (September 2023): 81. https://doi.org/10.22373/ujhk.v6i1.13035.

Undang-Undang (UU) Nomor 35 Tahun 2014 Tentang Perubahan Atas Undang-Undang Nomor 23 Tahun 2002 Tentang Perlindungan Anak.

Usman, Munadi, and Muhammad Jafar. 'Wasiat Wajibah Untuk Anak Angkat Dan Implikasinya Terhadap Hukum Kewarisan Islam Indonesia'. *Ameena Journal* 4, no. 2 (May 2026): 235–46. https://doi.org/10.63732/aij.v4i2.214.

Yuniarsih, Mila, Hasyim Muzakki A. W., Ika Viona Nur 'Aini, and Zainatul Ilmiyah. 'Wasiat Wajibah Bagi Anak Adopsi Untuk Mendapat Harta Waris'. *Ma'mal: Jurnal Laboratorium Syariah Dan Hukum* 3, no. 1 (February 2022): 38–63. https://doi.org/10.15642/mal.v3i1.119.

Yusuf, Muhammad, Nurhaedah Nurhaedah, and Syamsul Alam. 'Analisis Hukum Hak Legitime Portie Dalam Sistem Hukum Waris Perdata Indonesia'. *LEGAL DIALOGICA* 1, no. 1 (September 2025): 1–15.