



RESEARCH ARTICLE

Principles of Property in the Adoption of Children by Married Couples, One of Which is the Biological Parent

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ARTICLE INFO	ABSTRACT
Received: Nov 13, 2024	Adoption by married couples, one of whom is the biological parent, is an interesting topic in the context of family law in Indonesia. This study aims to evaluate the application of the principle of propriety in adoption, and to analyze its implications for the inheritance rights of adopted children. Based on a normative legal study, this study found that the principle of propriety has been consistently applied in accordance with Law No. 35 of 2014 and Government Regulation no. 54 of 2007. However, complexity arises in the distribution of inheritance rights, where adopted children have overlapping rights as biological and adopted children. This highlights the importance of mediation, legal education, and strengthening regulations to ensure a balance between the best interests of the child and the protection of the rights of other parties. These findings are expected to be a reference in formulating fairer and more comprehensive policies related to adoption. Pengangkatan anak oleh pasangan suami istri, yang salah satunya adalah orang tua kandung, merupakan topik yang menarik dalam konteks hukum keluarga di Indonesia. Penelitian ini bertujuan untuk mengevaluasi penerapan asas kepatutan dalam pengangkatan anak, dan menganalisis implikasinya terhadap hak waris anak angkat. Berdasarkan kajian hukum normatif, penelitian ini menemukan bahwa asas kepatutan telah diterapkan secara konsisten sesuai dengan Undang-Undang Nomor 35 Tahun 2014 dan Peraturan Pemerintah Nomor 54 Tahun 2007. Namun, timbul kompleksitas dalam pembagian hak waris, di mana anak angkat memiliki hak yang tumpang tindih sebagai anak kandung dan anak angkat. Hal ini menyoroti pentingnya mediasi, pendidikan hukum, dan penguatan regulasi untuk memastikan keseimbangan antara kepentingan terbaik anak dan perlindungan hak pihak lain. Temuan ini diharapkan dapat menjadi acuan dalam merumuskan kebijakan yang lebih adil dan komprehensif terkait pengangkatan anak.
Accepted: Jan 8, 2025	
Keywords	
Principle of Propriety	
Adoption	
Inheritance Rights	
Asas Kepatutan	
Pengangkatan Anak	
Hak Waris	
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INTRODUCTION

The family is the smallest unit in society that has an important role in forming the next generation of the nation. One of the things that is generally dreamed of by married couples is to have offspring to continue the family line. The fourth largest number of children in the world is occupied by Indonesia, where one third of Indonesia's population consists of children or around 84.4 million children. Consisting of 43.2 million boys and 41.1 million girls. They are the next generation and future assets of the nation. Therefore, the success of eliminating violence against children will determine the

quality of human resources and will be the strength of the Indonesian nation to face world challenges in the future(Kurniasi, et al., 2022).

However, not all couples can have biological children for various reasons, so adoption is one of the alternatives chosen. Adoption has long been known and practiced in Indonesia, both in the context of customary law and positive law. This phenomenon is not only relevant today, but has existed since before colonial times and continues to develop in the lives of indigenous peoples in the archipelago(Ratnasari, 2021). This diversity protects children from the judicial process so that they do not experience stigmatization when dealing with the law because they are expected to return to a normal social environment as children.(Ratnawati, 2020).

Based on Article 1 number 9 of Law of the Republic of Indonesia No. 23 of 2002 concerning Child Protection (hereinafter referred to as the Child Protection Law) it is regulated that an adopted child is a child whose rights are transferred from the authority of the parent's family, legal guardian, or other person responsible for the care, education, and raising of the child, into the family environment of the adoptive parents based on a court decision or ruling. The purpose of adoption, as regulated in Article 2 of Government Regulation of the Republic of Indonesia No. 54 of 2007 concerning the Implementation of Child Adoption (hereinafter referred to as the PP on the Implementation of Child Adoption), is for the best interests of the child in order to realize the welfare and protection of the child. Its implementation must be based on local customs and provisions of applicable laws and regulations.(Windani & Meiliawati, 2023).

The basic concept of guardianship in the Marriage Law remains the same as in the Civil Code, namely that guardianship is the management of the assets of a child who does not have parents or a child who cannot carry out his role as a parent by a person appointed as a guardian. However, there are several changes in several matters. When the Marriage Law was enacted, there was a change in the regulation of guardianship(Allagan, et al., 2024).

The 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution of the Republic of Indonesia) guarantees the rights of every child to survival, growth and development, as well as protection from violence and discrimination. Furthermore, in Article 39 paragraph (1) of Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection (hereinafter referred to as the Child Protection Law) that child adoption must be carried out in the best interests of the child and not sever blood relations between the adopted child and his biological parents. Article 8 letters a and b of the PP on the Implementation of Child Adoption also regulates that child adoption must be carried out based on local customs and provisions of applicable laws and regulations.(Aisawa & Lesmana, 2023).

Historically, regulations regarding child adoption in Indonesia have existed since the Dutch East Indies era. Staatsblad 1917 Number 129 Concerning Child Adoption (hereinafter referred to as Stb. Thn 1917 No. 129) regulates child adoption for Indonesian citizens of Chinese descent, which initially only applied to male children and resulted in the severance of civil relations with biological parents. Over time, the practice of child adoption developed and spread to various levels of society, no longer limited to certain groups. This development was also followed by changes in regulations that paid more attention to the interests and protection of children.

In the Burgerlijk Wetboek (hereinafter referred to as BW) known as the Civil Code in Indonesia, there is no term for adopted child or foster child. Regulations regarding adopted children can only be found in Stb. Year 1917 No. 129 which is a complement to BW, because in BW there are no regulations governing adopted children, so the birth of the Staatsblad is to fill the legal gap governing the issue. The adoption regulated in the provisions of the Staatsblad only applies to the Chinese community.

In the provisions of Article 12 of Stb. Year 1917 No. 129, with the adoption of a child, the adopted child then uses the family name of the adoptive parents and has the same legal status as the biological

child of the adoptive parents. With the adoption, the adopted child has the same status as the heir ab intestato. So an adopted child should have the right to inherit from his adoptive parents as a biological child born in a legal marriage.

Based on Article 39 paragraph (1) and paragraph (2) of the Child Protection Law, it is stipulated that: "adoption of a child may only be carried out in the best interests of the child and is carried out based on local customs and provisions of laws and regulations and as referred to in paragraph (1) does not sever the blood relationship between the adopted child and his biological parents."

The concept of child adoption from Stb. Year 1917. No. 129 is very different from the provisions in the PP on Child Adoption and the Law on Child Protection, in the PP on Child Adoption and the Law on Child Protection it is expressly stipulated that child adoption does not sever the blood relationship between the adopted child and his biological parents. This provision is very clearly different from Stb. Year 1917. No. 129 which sever the civil relationship between the adopted child and his biological parents.(Sholehudin, et al., 2021).

The laws and regulations that do not specifically regulate adopted children in Indonesia often cause problems and confusion in society. Especially in the distribution of inheritance to adopted children, namely the legal basis for the certainty of the distribution of assets that are entitled to be received by adopted children. The status of adopted children who are considered not the same as biological children seems to be the point of the problem of the lack of attention to the amount of inheritance that should be received by adopted children from their adoptive parents.

One example of a child adoption case at the Sumbawa District Court Number: 26/PDTP/2011/PN.SBB dated June 9 2011 which has legalized the adoption carried out by a married couple, one of whom is the biological parent of the child they adopted.(Sumbawa Besar District Court, 2025). Ang San San married Slamet Riady Kuantanaya who had a legal Buddhist marriage in Mataram which was registered at the Population, Manpower & Transmigration Office of Mataram City with Marriage Certificate Number: 41/C/KM/2006 dated December 6, 2006. When she married, Ang San San was a widow and had a child named Veronica Anastasia Mercedes. In their marriage, this couple was not blessed with biological children, however, based on a mutual agreement between Slamet Riady Kuantanaya and Ang San San, they adopted a child, namely Veronika Anastasya Mercedes who is Ang San San San's biological child from her previous marriage.(Corruption News, 2025).

However, in 2017 Ang San San and Slamet Riyadi Kuantanaya divorced, and on May 6, 2021 Slamet Riyadi Kuantanaya passed away. Based on the Death Certificate issued by the Bugis Village Office, Sumbawa District, Sumbawa Regency Number 474.3/040/V/2021 or Death Certificate Extract Number 5204-KM-24012021-0007 dated May 24, 2021 and the division of joint assets or joint assets by the Court has not been carried out until the death of Slamet Riyadi Kuantanaya(Zensumbawa, 2024).

In fact, adoption is not necessary if the husband from the second marriage wants to participate in raising and educating his underage child because the husband from the second marriage by law becomes the guardian of the participant. In each guardianship there is only one guardian Article 331 BW, this is known as the principle of indivisibility. This principle has exceptions, one of which is if the guardianship is carried out by the mother as the longest living parent (langstlevende ouder) if she remarries, her husband becomes the guardian of the participant (medevooged) Article 351 BW by law also becomes a fellow guardian and is fully responsible for all actions taken after the marriage takes place(Pulungan, 2020).

The decision made by the Judge in terms of validating the adoption of a biological child by his own biological mother with the consent of the married couple in their second marriage is suspected of violating the principle of propriety. The position of the adopted child as an heir becomes unclear because the adoptive parent is the biological mother, the adopted child can inherit in his position as

a biological child or his position as an adopted child on his mother's side. Meanwhile, to the adoptive father's side if he is not adopted, his position is as a stepchild who has no right to inherit because he is not related by blood. However, in Stb Year 1917 No.129 it is regulated that adopted children can inherit from their biological parents.

The concept of propriety and fairness in law is closely related to the principle of good faith. According to PL Wery, the implementation of good faith is as follows: both parties must act towards each other as they should among polite people without deceit, without trickery, without trickery, without disturbing the other party, not by looking at their own interests alone, but also by looking at the interests of the other parties.(Werry, 1990). Shidarta expands this understanding by stating that good faith is not only about honesty, but also about propriety and fairness. This propriety and fairness include actions that do not harm others, without proper interests, and do not cause harm to others.(Setiawan, 2020).

In the context of adoption, the principle of propriety must be applied to ensure that the process is carried out in the best interests of the child, without harming other parties. The other parties in question are the heirs of the adoptive parents. This includes considering the rights of the child, both as a biological child and as an adopted child, as well as the implications for civil relations and inheritance rights. The application of this principle becomes increasingly complex in cases where adoption by a married couple must pay attention to the balance between maintaining blood relations with the biological parents and providing a clear legal status as an adopted child.(Mirza, et al., 2024).

Previous research related to this topic is a study entitled "Juridical Review of Adopted Child Inheritance Rights in the Perspective of the Civil Code" written by Citra Dewi Saputra et al., published in 2023. This study uses a normative-juridical approach and qualitative analysis methods to examine the inheritance rights of adopted children according to the Civil Code (KUHPerdata). The results of the study show that even though adopted children have a civil relationship with their adoptive parents, their inheritance rights still depend on wills or gifts. This article also highlights the importance of supervision in the adoption process to ensure the protection of adopted children's rights.(Saputra, et al., 2023). The similarity between the research and this research is that both discuss the legal protection of adopted children in the context of the family. The difference is, this research focuses on the inheritance rights of adopted children based on civil law regulations, while the "Principle of Propriety" research focuses more on the implementation of ethics in the adoption process.

Research conducted by Imanuel Tandilangi entitled "Legal Status of Child Adoption for Adoptive Parents Who Are Not Yet Married" was published in 2022. This study uses an empirical method with a qualitative approach to analyze the considerations and legal consequences of child adoption by unmarried parents. The results of the study indicate that the reasons for child adoption by single parents include the need for offspring, heirs, or compassion. However, non-compliance with legal regulations can be detrimental to children and create legal consequences such as inheritance rights issues. The similarity with this study is the focus on the legal aspects and child protection in the context of adoption. However, Imanuel's research emphasizes more on the issue of adoption by unmarried single parents, while other studies examine the application of the principle of propriety to married couples with one of the biological parents as the subject.(Tandilingangi, 2022).

The impact and consequences of this problem can be uncertainty regarding the status and rights of the child, potential conflict within the family regarding the distribution of inheritance, and the possibility of legal disputes in the future. In addition, this situation can also affect the psychological condition of the child who may experience identity confusion or feel that they do not have a clear status in the family. In the long term, this legal ambiguity can create problematic precedents in similar cases in the future, and has the potential to threaten the main purpose of adoption, which is for the best interests of the child.

The problems that arise from this situation include the potential for conflict of interest between the child's status as a biological child and an adopted child, especially in terms of inheritance. In addition, there is the possibility of legal confusion regarding the status and rights of the child, given the two positions in the civil relationship with the adoptive parents. Furthermore, the application of the principle of propriety in this case requires careful legal interpretation to ensure that the child's best interests remain the top priority, without neglecting the rights of other parties involved.

Research on this topic is important to provide legal clarity and practical guidance in handling similar cases in the future. By analyzing the application of the principle of propriety in this context, research can make a significant contribution to the development of family law and child protection in Indonesia.

Furthermore, this study can help identify areas that require legal reform or further clarification, so that it can encourage the creation of more comprehensive and fair regulations in handling complex adoption cases like this. Therefore, the researcher will examine the phenomenon of this topic, namely "The Principle of Appropriateness in Adoption of Children by Married Couples Where One of Them is the Biological Parent". The formulation of the problem that will be raised in this study includes two main things, namely whether the adoption of a child who has a blood relationship with one of the married couples has fulfilled the principle of appropriateness, and what are the inheritance rights of adopted children in situations where one of the married couples is the biological parent.

RESEARCH METHODS

The method used in this research is normative legal analysis. This research approach uses a legislative approach and a conceptual approach.(Yusfin, 2021). This approach involves an extensive review of primary legal sources, including regulations, relevant academic publications, scientific articles, reports and other legal documents to gain a comprehensive understanding of the issue under study.(Maskun, et al., 2024). The legal materials used include primary legal sources such as the 1945 Constitution, the Civil Code, the Child Protection Law, PP No. 54 of 2007, Staatsblad 1917, and related jurisprudence. Secondary legal materials include literature, journal articles, and the views of legal experts, while tertiary legal materials in the form of legal dictionaries and encyclopedias are used as additional references.(Benuf & Azhar, 2020).

The data collection technique was carried out through a literature study of legal and non-legal materials. The analysis of legal materials was carried out descriptively-analytically with grammatical, systematic, and teleological interpretations of laws and regulations, court decisions, and legal literature. This study aims to evaluate the application of the principle of propriety in the adoption of children by married couples, one of whom is the biological parent, analyze its implications for the inheritance rights of adopted children, and provide recommendations based on legal analysis that considers substantive justice.(Dawn, 2015).

ADOPTION OF A CHILD WHO IS BLOOD RELATIONSHIP WITH ONE OF THE MARRIED COUPLE HAS FULFILLED THE PRINCIPLE OF APPROPRIATENESS

Principle of Appropriateness in Child Adoption Requirements

The results of this study indicate that the adoption of a child who is related by blood to one of the married couples has fulfilled the principle of propriety. The principle of propriety is an important basis in determining whether the adoption of a child can be carried out properly and in accordance with the provisions of the applicable law in Indonesia. In this context, propriety is not only seen from the legal aspect, but also from the moral and ethical aspects related to the welfare of the child. The principle of propriety in the requirements for adoption of a child is regulated in Law No. 35 of 2014 concerning Child Protection, which emphasizes that adoption of a child must always prioritize the best interests of the child. This provision requires all parties to consider the impact of adoption on

the child's life, including their emotional and social relationships with their biological parents and adoptive parents.

Children are whole human beings, so their rights must be protected. Human rights include child protection. As human rights, children's rights must be recognized and protected. Children and adolescents are still easily influenced by their environment, both good and bad, because their mental development is not yet stable. Children easily become victims or commit crimes. Children's inability to think maturely makes them potentially victims or perpetrators of crimes.(Purba, et al., 2024).

One of the main requirements for adoption is the consent of the biological parents. This is important to ensure that the adoption decision does not harm the rights of the biological parents and the child themselves. This consent reflects the parents' awareness of their responsibility towards the child, even though they cannot raise him/her directly. This is in line with the principle of freedom of contract regulated in civil law, where all parties have the right to determine the terms of the adoption agreement based on mutual agreement. In the legal context, Article 39 paragraph (1) of Law No. 35 of 2014 states that adoption does not sever the blood relationship between the adopted child and his/her biological parents. This shows that even though the child is adopted by a married couple, the biological relationship is still recognized, which is in line with the principle of propriety. This also strengthens the legal position of the child in terms of inheritance rights and family identity.

The study also found that the court has a central role in assessing the suitability of prospective adoptive parents. The court will evaluate various aspects, including the social, economic, and psychological background of prospective adoptive parents. This assessment aims to ensure that the child will receive a safe and supportive environment after being adopted. This is in line with Government Regulation No. 54 of 2007 concerning the Implementation of Child Adoption which emphasizes the importance of a suitability examination before approval is given. The principle of propriety also includes an assessment of the blood relationship between the child and one of the married couples. In this context, the adoption of a child by his or her own biological parents can be considered a more natural step and in accordance with prevailing social norms. This provides assurance that the child will still have an emotional bond with his or her biological parents even though he or she has been adopted by a new partner.(Musthofa, 2022).

Furthermore, this study shows that adoption by a married couple where one of the parents is the biological parent can strengthen the child's identity and sense of belonging to their new family. The child can still feel the love of both parents, both biological and adoptive, thus creating a harmonious family environment.(Admin, 2022). However, challenges remain in this adoption process. One of them is the potential conflict between the rights of biological parents and the rights of adoptive parents. Therefore, it is important to conduct mediation before the adoption process is carried out so that all parties understand their respective rights and obligations. In terms of inheritance rights, the study found that although adopted children have the right to protection and affection from their adoptive parents, blood relations with biological parents are still legally recognized. This means that adopted children have inheritance rights from their biological parents if there is no other agreement that limits these rights.(Uton et al., 2024).

The importance of understanding inheritance rights must also be socialized to the community so that there are no misunderstandings in the future. Socialization regarding the rights of adopted children and legal protection for them needs to be carried out more intensively by related institutions to ensure that all parties understand the legal consequences of the adoption. In addition, this study also found that the application of the principle of propriety in adoption must involve various parties, including social institutions and the government. The involvement of various parties can help create a more transparent and accountable process in adoption.(Budiman, 2017).

Overall, the results of this study indicate that the principle of propriety in the requirements for adoption by married couples, one of whom is the biological parent, can be implemented properly if all legal procedures are followed. This will ensure that the best interests of the child are always the top priority in every decision related to adoption. Thus, this study provides a comprehensive overview of how the principle of propriety can be applied in the context of positive Indonesian law regarding adoption. It is hoped that the results of this study can be a reference for policy makers and legal practitioners in improving protection for adopted children and ensuring justice for all parties involved.(Dukcapil Office, 2022).

Principle of Propriety in the Principle of Propriety in Child Adoption

The results of this study indicate that the adoption of a child who is related by blood to one of the married couples has fulfilled the principle of propriety. This principle is an important basis in determining whether the adoption of a child can be carried out properly and in accordance with the legal provisions in force in Indonesia. In this context, propriety is not only seen from the legal aspect, but also from the moral and ethical aspects related to the welfare of the child.(Octasari, et al., 2023). The principle of propriety in the requirements for adoption is regulated in Law No. 35 of 2014 concerning Child Protection, which emphasizes that adoption must always prioritize the best interests of the child. This provision requires all parties to consider the impact of adoption on the child's life, including their emotional and social relationships with their biological parents and adoptive parents.

One of the main requirements for adoption is the consent of the biological parents. This is important to ensure that the adoption decision does not harm the rights of the biological parents and the child themselves. This consent reflects the parents' awareness of their responsibility towards the child, even though they cannot raise him/her directly. This is in line with the principle of freedom of contract regulated in civil law, where all parties have the right to determine the terms of the adoption agreement based on mutual agreement. In the legal context, Article 39 paragraph (1) of Law No. 35 of 2014 states that adoption does not sever the blood relationship between the adopted child and his/her biological parents. This shows that even though the child is adopted by a married couple, the biological relationship is still recognized, which is in line with the principle of propriety. This also strengthens the legal position of the child in terms of inheritance rights and family identity.

The study also found that the court has a central role in assessing the suitability of prospective adoptive parents. The court will evaluate various aspects, including the social, economic, and psychological background of prospective adoptive parents. This assessment aims to ensure that the child will receive a safe and supportive environment after being adopted. This is in line with Government Regulation No. 54 of 2007 concerning the Implementation of Child Adoption which emphasizes the importance of a suitability examination before approval is given. The principle of propriety also includes an assessment of the blood relationship between the child and one of the married couples. In this context, the adoption of a child by his or her own biological parents can be considered a more natural step and in accordance with prevailing social norms. This provides assurance that the child will still have an emotional bond with his or her biological parents even though he or she has been adopted by a new partner.(Kholifah & Baso, 2022).

Furthermore, this study shows that adoption by a married couple where one of them is the biological parent can strengthen the child's identity and sense of belonging to their new family. The child can still feel the love of both parents, both biological and adoptive, thus creating a harmonious family environment. However, challenges remain in this adoption process. One of them is the potential conflict between the rights of biological parents and the rights of adoptive parents. Therefore, it is important to conduct mediation before the adoption process is carried out so that all parties understand their respective rights and obligations.(Admin, 2022).

In terms of inheritance rights, the study found that although adopted children have the right to protection and affection from their adoptive parents, blood relations with their biological parents are still legally recognized. This means that adopted children have inheritance rights from their biological parents if there is no other agreement that limits these rights. The importance of understanding these inheritance rights must also be socialized to the community so that there are no misunderstandings in the future. Socialization regarding the rights of adopted children and legal protection for them needs to be carried out more intensively by related institutions to ensure that all parties understand the legal consequences of the adoption.(Pariari & Wahyuddin, 2024).

In addition, this study also found that the application of the principle of propriety in child adoption must involve various parties, including social institutions and the government. The involvement of various parties can help create a more transparent and accountable process in child adoption. Overall, the results of this study indicate that the principle of propriety in the requirements for child adoption by married couples, one of which is the biological parent, can be implemented properly if all legal procedures are followed. This will ensure that the best interests of the child are always the top priority in every decision related to child adoption.

Thus, this study provides a comprehensive overview of how the principle of propriety can be applied in the context of Indonesian positive law regarding child adoption. It is hoped that the results of this study can be a reference for policy makers and legal practitioners in improving protection for adopted children and ensuring justice for all parties involved.

INHERITANCE RIGHTS OF AN ADOPTED CHILDREN BY A MARRIED COUPLE WHICH ONE OF WHICH IS THE BIOOTHER'S PARENTS

Legal Certainty Regarding the Status of Adopted Children

The results of this study focus on the legal certainty of the status of adopted children by married couples, one of whom is the biological parent. Adoption in this context has significant legal implications, especially related to inheritance rights and recognition of the child's status in the family. The principle of propriety in adoption is clearly regulated in Law No. 35 of 2014 concerning Child Protection, especially in Article 39 paragraph (1) which states that adoption does not sever the blood relationship between the adopted child and his biological parents. This shows that even though the child is adopted, his biological rights and identity are still recognized, providing legal certainty for all parties involved.

Legal certainty regarding the status of adopted children is also strengthened by the Civil Code (KUHPerdata) which regulates the rights of adopted children. In this context, adopted children are entitled to the same legal protection as biological children, including inheritance rights. This creates a guarantee that adopted children will not be legally disadvantaged after the adoption process is carried out. Government Regulation No. 54 of 2007 concerning the Implementation of Child Adoption emphasizes that adoption must be carried out by considering the best interests of the child. This includes a transparent and accountable process, where prospective adoptive parents must undergo a suitability examination before obtaining permission to adopt a child. This process ensures that the adoption decision not only benefits the adoptive parents but also protects the rights of the child(Listyowati, et al., 2024).

One important aspect of legal certainty is the consent of the biological parents. In this case, the biological parents have the right to choose who will be the adoptive parents for their child. This consent is not only administrative but also reflects the good faith of all parties to maintain the welfare of the child. Legal literature shows that in practice, adoption often involves ethical and moral considerations. In this context, the principle of propriety requires all parties to act with integrity and transparency during the adoption process. This is in line with the views of legal experts who

emphasize the importance of honesty in every legal transaction, including adoption.(Priscilia & Isradjuningtias, 2022).

Adoption by a married couple where one of the parents is the biological parent can strengthen the emotional bond between the child and both parents. This provides benefits for the child's psychological and social development, because they still have access to both of their parents even in the context of a new family. However, challenges remain in this adoption process. One of them is the potential conflict between the rights of biological parents and the rights of adoptive parents. Therefore, it is important to conduct mediation before the adoption process is carried out so that all parties understand their respective rights and obligations.(Pradana, 2023).

In terms of inheritance rights, the study found that although adopted children have the right to protection and affection from their adoptive parents, blood relations with their biological parents are still legally recognized. This means that adopted children have inheritance rights from their biological parents if there is no other agreement that limits these rights. The importance of understanding these inheritance rights must be socialized to the community so that there are no misunderstandings in the future. Socialization regarding the rights of adopted children and legal protection for them needs to be carried out more intensively by related institutions to ensure that all parties understand the legal consequences of the adoption.(Daulay & Waruru, 2021).

This study also found that the application of the principle of propriety in child adoption must involve various parties, including social institutions and the government. The involvement of various parties can help create a more transparent and accountable process in child adoption. Overall, the results of this study indicate that the principle of propriety in the requirements for child adoption by married couples, one of which is the biological parent, can be implemented properly if all legal procedures are followed. This will ensure that the best interests of the child are always the main priority in every decision related to child adoption.(Rahman, 2024).

Thus, this study provides a comprehensive overview of how the principle of propriety can be applied in the context of Indonesian positive law regarding child adoption. It is hoped that the results of this study can be a reference for policy makers and legal practitioners in improving protection for adopted children and ensuring justice for all parties involved.

Legal Certainty Regarding Inheritance Rights

The results of this study focus on legal certainty regarding the inheritance rights of adopted children by married couples, one of whom is the biological parent. In the context of Indonesian law, adoption has significant implications for the legal status of adopted children, especially in terms of inheritance rights. Legal certainty regarding the inheritance rights of adopted children is regulated in various laws and regulations, including Law No. 35 of 2014 concerning Child Protection. Article 39 paragraph (1) of this law emphasizes that adoption does not sever the blood relationship between the adopted child and his biological parents. This provides assurance that even though a child is adopted by a married couple, his biological rights and identity are still legally recognized.

In the Civil Code (KUHPerdota), although there are no specific provisions regarding the inheritance rights of adopted children, the general principle states that inheritance rights are given to heirs who are blood relatives. This means that adopted children do not automatically become heirs of their adoptive parents. However, they can still receive a portion through a will given by the adoptive parents. Government Regulation No. 54 of 2007 concerning the Implementation of Child Adoption also emphasizes the importance of a transparent and accountable process in child adoption. This process includes an examination of the suitability of prospective adoptive parents and the consent of the biological parents, which are important steps to ensure the best interests of the child.

Legal literature shows that in practice, adoption often involves ethical and moral considerations. In this context, the principle of propriety requires all parties to act with integrity and transparency during the adoption process. This is in line with the views of legal experts who emphasize the importance of honesty in every legal transaction, including adoption. In terms of inheritance rights, although adopted children do not automatically have inheritance rights from their adoptive parents, they can receive a will or mandatory will. Article 209 paragraph (2) of the Compilation of Islamic Law (KHI) states that if adopted children do not receive a will, they are entitled to a mandatory will of up to 1/3 of their adoptive parents' inheritance. This provides economic protection for adopted children and ensures that they still receive a share of the adoptive parents' inheritance.(God, 2021).

Real cases decided by the Supreme Court show the legal problems that may arise in the relationship between adopted children and their adoptive families. For example, in a case where a father grants property to an adopted child without the consent of his wife, this can give rise to an inheritance dispute. The court ruled that the grant was void because it did not meet the applicable legal requirements. It is important to note that although the Civil Code does not specifically regulate the inheritance rights of adopted children, the general principle of blood relations still applies. Therefore, in order to prevent the complexity of legal issues, it is highly recommended that all parties understand the legal consequences of adoption and the rights associated with this status.(Roseliana, 2022).

Socialization of the rights of adopted children and legal protection for them needs to be carried out more intensively by related institutions to ensure that all parties understand the legal consequences of the adoption. This also includes an understanding of the limitations of inheritance rights held by adopted children. In this context, it is important to involve various parties in the adoption process, including social institutions and the government. The involvement of various parties can help create a more transparent and accountable process in adoption.(Susilo, et al., 2021).

Overall, the results of this study indicate that legal certainty regarding the inheritance rights of adopted children by married couples where one of them is the biological parent can be guaranteed if all legal procedures are followed correctly. This will ensure that the best interests of the child are always the top priority in every decision related to adoption. Thus, this study provides a comprehensive overview of how legal certainty can be applied in the context of Indonesian positive law regarding inheritance rights for adopted children. It is hoped that the results of this study can be a reference for policy makers and legal practitioners in improving protection for adopted children and ensuring justice for all parties involved.(Jessica & Yustikarini, 2024).

CLOSING

Based on the results of the study, the adoption of a child who is related by blood to one of the married couples has fulfilled the principle of propriety as stipulated in Law No. 35 of 2014 concerning Child Protection and Government Regulation No. 54 of 2007 concerning the Implementation of Child Adoption. The principle of propriety not only covers legal aspects but also moral and ethical aspects, with the main objective of ensuring the best interests of the child. The blood relationship between the adopted child and the biological parents remains legally recognized, providing certainty of legal status, including in terms of inheritance rights. The court has an important role in assessing the eligibility of prospective adoptive parents to ensure the welfare of the child after the adoption process. In terms of inheritance rights, the adoption of a child by a married couple, one of whom is the biological parent, provides legal protection for the child's rights. Adopted children have inheritance rights from their biological parents, while the relationship with the adoptive parents can be complemented through a will or mandatory will as stipulated in the Compilation of Islamic Law. This study emphasizes the importance of transparency and involvement of various parties in the adoption process to ensure justice for all parties involved.

To improve protection for adopted children, more intensive socialization regarding the rights of adopted children, especially regarding inheritance rights, is needed to the wider community. The government and related institutions need to strengthen education regarding the adoption process, including the importance of the consent of biological parents and the legal steps that must be followed. Mediation between biological parents and adoptive parents before the adoption process can be a solution to prevent conflict in the future. In addition, increased coordination is needed between social institutions, courts, and the government to ensure that the principle of propriety is applied consistently in every adoption process. Supervision and evaluation of prospective adoptive parents must be carried out comprehensively to ensure that children receive an environment that supports their growth and development. The results of this study can be a reference for policy makers in formulating regulations that are more responsive to the needs of child protection.

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