

Lineage, Adoption, and Legal Dualism: A Case Study of the Inclusion of Adopted Children in Family Cards in Marihat Butar Village, Simalungun

Ade Khoirunnisa^{1*}, Fakhurrazi M.Yunus², Gamal Achyar³

¹⁻³ Universitas Islam Negeri Ar-Raniry Banda Aceh, Indonesia

*Corresponding Author: adekhoirunnisa5@gmail.com

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Abstract

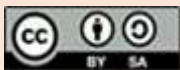
This research is motivated by the practice of altering the lineage of adopted children on the Family Card (Kartu Keluarga) in Marihat Butar Village without a court decree. This practice creates a problem in the form of a discrepancy between administrative facts and the provisions of positive law and Islamic law, which has not been extensively analyzed integratively from both legal perspectives. The objective of the research is to analyze the juridical consequences of this non-procedural lineage alteration, specifically its impact on population administration status and the civil rights of the child from the perspective of Islamic law. The method used is qualitative with a normative legal theory approach, collecting primary data through in-depth interviews with 5 adoptive couples, which were then analyzed descriptively-analytically. Results and discussion indicate that this practice creates legal dualism. In Islamic law, it results in the severance of legitimate lineage, inheritance rights, and mahram relations with the biological parents. Meanwhile, in positive law, this action creates inconsistency between population documents and biological facts, potentially causing issues regarding the child's civil legal status and public services. The implication of these findings reveals the urgency for socialization and strict law enforcement regarding legitimate child adoption procedures. There is also a need to integrate population administration databases with court rulings to prevent similar deviations in the future.

[Penelitian ini dilatarbelakangi oleh praktik pengubahan nasab anak angkat dalam Kartu Keluarga (KK) di Desa Marihat Butar tanpa melalui penetapan pengadilan. Praktik ini menciptakan masalah berupa kesenjangan antara fakta administratif dengan ketentuan hukum positif dan hukum Islam, yang belum banyak dianalisis secara integratif dari kedua perspektif hukum tersebut. Tujuan penelitian adalah menganalisis konsekuensi yuridis dari pengubahan nasab secara tidak prosedural tersebut, khususnya dampaknya terhadap status administrasi kependudukan dan hak-hak keperdataan anak dalam perspektif hukum Islam. Metode yang digunakan adalah kualitatif dengan pendekatan teori hukum normatif, mengumpulkan data primer melalui wawancara mendalam terhadap 5 pasangan orang tua angkat, yang kemudian dianalisis secara deskriptif-analitis. Hasil dan pembahasan menunjukkan bahwa praktik ini menimbulkan dualisme hukum. Dalam hukum Islam, praktik ini mengakibatkan terputusnya hubungan nasab sah, hak waris, dan hubungan mahram dengan orang tua kandung. Sementara dalam hukum positif, tindakan ini menciptakan inkonsistensi antara dokumen kependudukan

dan fakta biologis, berpotensi menimbulkan masalah dalam status keperdataan anak dan pelayanan publik. Implikasi dari temuan ini mengungkap urgensi sosialisasi dan penegakan hukum yang tegas mengenai prosedur pengangkatan anak yang sah. Diperlukan juga integrasi database administrasi kependudukan dengan putusan pengadilan agar dapat mencegah penyimpangan serupa di masa depan.]

Keywords: Lineage, Adopted Children, Family Card, Islamic Law

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INTRODUCTION

Child adoption in Indonesia has been normatively regulated within a comprehensive and coherent legal framework. This regulatory structure is hierarchically constructed, beginning with Law Number 23 of 2002 on Child Protection, which was most recently amended by Law Number 35 of 2014 and serves as the primary legal umbrella. Its implementation is further elaborated in Government Regulation Number 54 of 2007 concerning the Implementation of Child Adoption, which defines adoption as a legal act that transfers a child from the authority of his or her parents, lawful guardian, or other parties responsible for the child's care, education, and upbringing, into the family environment of the adoptive parents (Article 1 paragraph (2)). Furthermore, technical and administrative aspects are regulated in the Regulation of the Minister of Social Affairs Number 110/HUK/2009 concerning the Requirements for Child Adoption. For Indonesian citizens who are Muslim, the *Kompilasi Hukum Islam* (KHI), Book I on Family Law (Articles 171–185), provides substantive provisions that are aligned with the principles of Islamic law. The consistency among these regulations affirms that Indonesia has established a comprehensive legal foundation to ensure that child adoption is carried out in the best interests of the child (Ramadan et al., 2023; Amalia, 2025; Alifza & Nasution, 2025).

Within this comprehensive system, the obligation to obtain a court determination constitutes a central pillar of a substantive nature rather than a mere procedural formality. Such determination functions as a crucial instrument of legal protection. In concrete terms, a court decision provides certainty regarding the child's civil status, including matters related to inheritance relations, guardianship arrangements, and other rights as the legitimate child of the adoptive parents. Moreover, the determination safeguards the child's legal identity by formally transferring the child's birth certificate under the name of the adoptive parents, thereby ensuring continuity in access to education, health services, and social recognition without bureaucratic obstacles. The rigorous judicial process also serves as a filtering mechanism to ensure that essential requirements—such as the consent of the biological parents, the preparedness of the adoptive parents, and most importantly, the best interests of the child—are genuinely fulfilled (Zayana, 2022).

Normatively, Indonesia has established a comprehensive and consistent legal system governing child adoption, regulated hierarchically through Law No. 35 of 2014, Government Regulation No. 54 of 2007, the Regulation of the Minister of Social Affairs No. 110/HUK/2009, as well as the *Kompilasi Hukum Islam* (KHI), with the requirement of a court determination serving as a key instrument to ensure certainty of the child's civil

status and the protection of the child's legal identity. However, in practice, systematic deviations occur, as reflected in a recurring pattern in Marihat Butar Village, Simalungun Regency, where the community commonly alters the lineage status of adopted children in the Family Card (*Kartu Keluarga / KK*) by registering them as biological children. This practice, which contradicts both population administration regulations and substantive law, reveals a paradox in which the state is administratively present yet substantively absent in law enforcement, thereby creating space for the legitimization of lineage manipulation while neglecting the legal protection owed to the child (Khotimah, 2023).

Based on the literature review, previous studies on child adoption can generally be classified into two main streams: normative analyses of Islamic and positive law, and studies concerning the status of adopted children alongside religious fatwas. However, the primary focus of this research is not adoption in general but specifically the practice of altering the lineage (*nasab*) of adopted children through population administration instruments—particularly the Family Card (*Kartu Keluarga / KK*)—without a valid court determination. Earlier studies have generally not highlighted three critical aspects of this practice: the concrete administrative consequences arising from such alteration of lineage, the potential dualism of population documents that may result, and the role of the state which, indirectly, may facilitate such deviations through weaknesses in the verification system. This study therefore addresses that gap through an integrative analysis examining the substantive legal consequences of bypassing population administration procedures. The novelty of the study lies in its dual-legal approach, which reveals the tension between formal law, substantive law, and social realities within the context of a specific empirical case.

This research is urgent because the practice of altering the lineage of adopted children in the Family Card without a court determination has created legal uncertainty and threatens the protection of children's rights as legal subjects. The inconsistency between the normative provisions of Islamic law, which emphasize the principle of safeguarding lineage (*hifz al-nasab*), and positive law, which requires a court determination, alongside administrative practices at the community level, generates a form of legal dualism that has serious implications for the child's civil status, *mabram* relations, and inheritance rights. Furthermore, weaknesses in the verification mechanisms within the population administration system risk perpetuating legal deviations, opening the possibility of future legal disputes, and hindering children's access to public services. Therefore, this study is essential for clarifying the legal consequences of such practices while simultaneously encouraging systemic improvements in the governance of population administration.

METHOD

This study employs a qualitative method with a field research design conducted in Marihat Butar Village, Simalungun Regency (Sugiyono, 2021). The approach applied is empirical-judicial, an approach that not only describes the legal facts that exist within society but also analyzes the gap between such practices and the norms established in positive law and Islamic law (Amiruddin & Asikin, 2004). The object of the study focuses on the phenomenon of registering adopted children in the Family Card (*Kartu Keluarga / KK*) and attributing their lineage (*nasab*) to adoptive parents without following the legally prescribed procedures.

The informants were determined through purposive sampling, whereby participants were intentionally selected based on specific criteria, namely married couples in the research location who had adopted a child and altered the lineage of the adopted child in the Family Card without obtaining a court determination. Based on these criteria, five

couples were selected as the primary informants. Primary data were collected through in-depth interviews to explore the motivations, processes, and consequences of the practices undertaken. Secondary data were obtained through document analysis of statutory regulations such as Law No. 35 of 2014, Government Regulation No. 54 of 2007, Presidential Regulation No. 96 of 2018, as well as books, journal articles, and other relevant scholarly works (Ali, 2016). The data were analyzed descriptively, and their validity was ensured through triangulation and reconfirmation. The empirical–juridical approach was employed to describe the practice of altering lineage while simultaneously analyzing its legal implications according to positive law and the principles of Islamic law.

RESULTS AND DISCUSSION

Adoption Cases in Marihat Butar Village

Based on the research conducted by the author, it was found that the issue of altering lineage (*nasab*) in the Family Card (*Kartu Keluarga* / KK), whereby adopted children are attributed to the lineage of their adoptive parents, has occurred in Marihat Butar Village, Simalungun Regency, over a relatively long period, namely from 1979 to 2011. This phenomenon indicates the existence of a practice that persisted for more than three decades, in which biological kinship identities were administratively replaced by adoptive relationships within population administration documents.

The study reveals that although the practice is motivated by various considerations—such as preserving family lineage, providing social status, and inheritance-related reasons—the alteration of lineage was frequently carried out without a fully valid legal adoption process. Consequently, such practices have the potential to create legal complexities in the future, particularly concerning inheritance rights and the child’s citizenship status. As an illustration, the following table presents data from five sample couples out of ten couples who adopted children and altered the lineage of the adopted children in the Family Card. These documents have been used smoothly in various administrative processes without any obstacles and, to date, have never resulted in legal accountability or sanctions. For research ethics and confidentiality, the personal identities of the respondents are withheld and presented only in the form of initials.

Data on Spouses of Child Adoption Cases

Table 2.

NO	Initials of Parents Adopt	the Gender of the Child	When Adopted
1.	Mr. D and Mrs. M	Women	2 Years
2.	Mr. S and Mrs. P	Male	7 Years
3.	Mr. S and Mrs. H	Women	7 Day
4.	Mr. S and Mrs. P	Women	1 Day
5.	Mr. J and Mrs. S	Women	1 Moon

The Practice of Child Adoption and the Alteration of Lineage in the Family Card

The married couple identified by the initials D and M adopted a child in 2011 when the child was two years old. The adoption was motivated by the couple’s inability to have children and their belief that adopting a child could serve as a symbolic means to encourage the arrival of a biological child. The adopted child was the biological child of Mr. D’s sister, and therefore the adoption process was conducted informally and witnessed only by family

members without obtaining a court determination. The adopted child was subsequently included in the Family Card (*Kartu Keluarga / KK*) without complying with the requirements for Family Card modification as stipulated in Presidential Regulation of the Republic of Indonesia No. 96 of 2018.

The married couple with the initials S and P adopted a child in 1983 when the child was seven years old. The adoption was carried out because the couple desired to have a son but had not been blessed with a male child. Consequently, they adopted a boy who was the biological child of their neighbors, Mrs. P and Mr. S. One year after the adoption, the child was transferred from the biological parents' Family Card to the adoptive parents' Family Card and was attributed to the lineage of the adoptive father. The adoption process was conducted without a court determination and was witnessed only by members of both families.

Another married couple, identified by the initials S and H, adopted a child in 2006 when the child was seven days old. The reason for the adoption was the couple's hope of having children, as they had not yet been blessed with offspring. The child adopted was the biological child of Mrs. H's sister. However, until the present time the couple has still not had biological children. The adoption process was witnessed only by family members without any court determination. Mr. S and Mrs. H subsequently registered the adopted child in their Family Card and attributed the child's lineage to Mr. S.

The married couple with the initials S and P adopted a child in 1979 when the child was one day old at birth. The adoption occurred because the couple did not have a daughter and wished to have a female child. They therefore adopted a girl who was the biological child of their neighbor, Mrs. M. The adoption was carried out without a court determination and was witnessed only by members of both families. The adopted child was included in the Family Card of Mr. S and Mrs. P without fulfilling the requirements for modifying the Family Card as stipulated in Presidential Regulation of the Republic of Indonesia No. 96 of 2018 concerning the Requirements and Procedures for Population Registration and Civil Registration.

The married couple identified by the initials J and S adopted a child in 2007 when the child was one month old. The child was the biological child of Mr. J's sister. The couple decided to adopt the child in order to assist the biological parents in meeting the child's needs, as the biological parents faced economic difficulties in raising their three children, including the adopted child. Mr. J and Mrs. S therefore chose to adopt the child with the intention of providing protection and ensuring the child's welfare and development. The adoption process was witnessed only by family members without any court determination. The adopted child was subsequently included in the Family Card of the adoptive parents and the child's lineage was attributed to Mr. J.

Based on interviews conducted with five respondents who were adoptive couples, the findings indicate that the motivations underlying child adoption are not solely driven by the desire to have offspring after a long period of marriage or to obtain a child of a particular gender. Rather, adoption is also motivated by the intention to provide protection and to fulfill the child's developmental needs. The rationale of adopting a child to safeguard the child's welfare and prevent deprivation is consistent with the provisions stipulated in Government Regulation No. 57 of 2007 concerning the Implementation of Child Adoption. Nevertheless, in practice, the adoption process was not fully aligned with the governmental regulations in Indonesia. This is evident from the fact that the adoption procedures were not conducted through the court system but were instead carried out informally within the family circle (Handayani & Abubakar, 2019).

From the perspective of Islamic law, this phenomenon can be examined through two principal conceptual lenses. First, in terms of motivation, the practice may be categorized as *kafalah* (child care or guardianship), which is strongly encouraged because it aims to provide protection and proper care for the child. Second, in terms of procedure and legal consequences, the practice shifts into the domain of *tabanni*, which is considered prohibited (*haram*), because it is undertaken without a valid legal basis from a court and, more crucially, because its implementation involves the alteration of the child's lineage (*nasab*) in the Family Card (*Kartu Keluarga / KK*). This alteration of lineage constitutes the critical point of violation of Islamic legal principles, as it contradicts the fundamental principle of safeguarding lineage (*hifz al-nasab*) as emphasized in QS. Al-Ahzab: 4–5. The absence of legal legitimacy from a court not only generates problems of legal certainty within the state legal system but also has the potential to lead the actors into violations of Islamic law, particularly in matters concerning the purity of lineage, *mabram* relations, and inheritance rights (Syahidah, 2015).

Legal Loopholes in the Alteration of Adopted Children's Lineage within Population Administration

The case descriptions of the five couples who attributed the lineage of adopted children in the Family Card (*Kartu Keluarga / KK*) without a court determination reveal both a violation of substantive law and a loophole within the formal framework of administrative law. Legally, Article 39 of Law No. 35 of 2014 concerning Child Protection explicitly stipulates that child adoption must be carried out based on a court determination. Furthermore, Article 3 of Law No. 23 of 2006 concerning Population Administration provides that Population Events that must be reported include "Child Adoption," which implies that such reporting must be supported by its legal basis, namely the relevant court determination.

Nevertheless, this practice can occur due to the provision in Article 58 paragraph (1) of the Population Administration Law, which mandates that changes to population data may be made following the occurrence of a Population Event or an Important Event. The loophole lies in the verification process carried out by administrative officers. If an officer at the village office or the Civil Registration and Population Office accepts a *Surat Pernyataan Tanggung Jawab Mutlak* (SPTJM) submitted by the adoptive parents along with supporting documents such as the child's birth certificate—as is sometimes permitted for other types of administrative reporting—without rigorously verifying the existence of a court determination (as required under Article 65 of the Population Administration Law regarding the clarity of identity), the request for data modification and lineage attribution may be processed administratively. Consequently, this action violates Article 49 of the Child Protection Law, which guarantees a child's right to personal identity, including citizenship status, name, and lineage. As a result, the child's civil status becomes legally vulnerable and may be subject to annulment (Article 6 of the *Kompilasi Hukum Islam*).

The implications of altering the lineage of adopted children in the Family Card without a court determination are extensive and may generate complex legal and administrative problems in the future. First, in relation to public services, the child's identity becomes fragile because it is constructed upon a legally defective foundation. For instance, when applying for a passport, immigration authorities conduct rigorous verification procedures. Any discrepancy or absence of a court determination may serve as grounds for rejection, as authorities must consider the possibility of criminal acts such as human trafficking or identity falsification. Similarly, in the issuance of the electronic identity card (*Kartu Tanda Penduduk Elektronik / e-KTP*), although the data are derived from

the Family Card, the validity of the entire Family Card itself may be questioned if inconsistencies are later discovered.

Second, the administrative consequences are equally significant and may hinder various aspects of the child's life. In the process of school admission through the *Penerimaan Peserta Didik Baru* (PPDB), particularly in affirmative pathways or parental job relocation schemes, an invalid Family Card may raise doubts and result in delays or even the cancellation of admission. In the banking sector, such as when applying for joint credit with parents or opening an account under parental guardianship, verification of family relations through a problematic Family Card may lead to rejection. Even for relatively simple administrative matters, such as issuing a new Family Card or recording biometric data, the discovery of inconsistencies may lead to the suspension of the family's entire administrative record for investigation, causing delays and obstructing access to public services.

Legal protection for adopted children constitutes a legal construct realized through the synergistic collaboration of three principal actors—namely the state, society, and the family—in order to ensure the comprehensive fulfillment of children's rights. The scope of this protection encompasses the guarantee of the right to life, the right to grow and develop optimally, the right to obtain education, and the right to be protected from all forms of violence, exploitation, and discrimination. Teleologically, the essence of this legal protection is to create legal certainty that enables adopted children to undergo a proper process of personal development and to access a sustainable future (Zulaeka et al., 2024).

On the other hand, a fundamental weakness also lies in the institutional capacity and operational procedures at the level of relevant government agencies, particularly the Civil Registration and Population Office (*Dinas Kependudukan dan Pencatatan Sipil / Dukcapil*) and other public service institutions. First, there is fragmentation of databases that remain insufficiently integrated. Data within the population administration system are not directly and in real time connected with court databases that record judicial determinations on child adoption. As a result, officers at village offices or Dukcapil rely primarily on the physical documents submitted by applicants and lack adequate verification tools to examine their legal validity. Second, weaknesses also exist in technical guidelines and institutional socialization. Administrative officers are often guided merely by directives to facilitate public services efficiently without being equipped with a comprehensive understanding of the Child Protection Law and the legal implications arising from each modification of population data.

The Concept of *Nasab* in Islamic Law

Linguistically, *an-nasab* derives from the word *nasaba*, which means “to attribute” or “to ascribe.” Terminologically, *nasab* refers to a kinship relationship that connects two individuals based on a common lineage, whether close or distant (Mahdum Kholit Al-Asror, 2023). According to Wahbah al-Zuhayli, *nasab* constitutes a firm foundation that establishes familial relations based on blood ties or the recognition that an individual forms part of a particular family lineage (M. Jamil, 2016). Ibn al-‘Arabi, as cited by Al-Qurthubi, further defines *nasab* as a concept describing the union of male sperm and female ovum within a union that is legally valid according to Islamic law (Irfan, 2013).

Within the context of the modern state, the classical *fiqh* principle concerning the preservation of biological lineage encounters the practical demands of population administration, which require the clear legal status of every individual. At this point, a dialectical relationship emerges between *Fiqh al-Nasab* and state administrative law. *Fiqh al-*

Nasab emphasizes that an adopted child does not inherit the lineage of the adoptive parents, which has legal implications for *mabram* relations, inheritance rights, and guardianship in marriage. In contrast, positive law seeks to ensure legal certainty regarding a child's identity through official documents such as birth certificates and the Family Card (*Kartu Keluarga / KK*), thereby guaranteeing the fulfillment of the child's civil rights. The point of harmonization lies in the court determination, which serves as a bridge between these two interests by producing a legally valid administrative status without altering the child's biological lineage in accordance with Islamic principles. Consequently, integrating the concept of *nasab* with the population administration system not only reinforces the continued relevance of classical *fiqh* but also safeguards the child's dual identity—both the biological identity recognized in religious doctrine and the legal identity recognized in civic life—thereby preventing legal dualism and the emergence of legal uncertainty that could harm the child in the future.

The relationship between *Fiqh al-Nasab* and state administrative law in the context of child adoption thus creates a complex yet constructive dialectic, in which both legal systems complement one another in pursuing justice and legal certainty. Fundamentally, *Fiqh al-Nasab* prioritizes the preservation of the biological purity of a child's lineage. In Islamic legal thought, an adopted child cannot inherit the lineage of the adoptive parents. This principle carries significant legal implications, particularly with regard to *mabram* relations, inheritance rights, and guardianship in marriage, all of which remain connected to the biological parents.

At the same time, positive law emphasizes child protection, social welfare, and legal certainty within the governance of population administration. The state requires a clear legal status for every child in order to guarantee the fulfillment of civil rights, including the right to identity through a birth certificate, the right to be listed in the Family Card, and access to education and health services. The point of convergence between these two systems lies in the harmonization facilitated through the Religious Court (*Pengadilan Agama*). A judicial determination of child adoption issued by the Religious Court—after considering the principle of *maslahah* and the relevant *shari* requirements—becomes a key document that is administratively valid and legally recognized.

Child Adoption in Islamic Law

Child adoption is a common practice in society, particularly among couples who have remained without offspring for a long period and hope that adopting a child may serve as a catalyst for eventually having biological children (Muhammad Ifdhol Khitamy, 2023). Adoption is not solely intended to obtain offspring or to have a child of a particular gender; it is also often motivated by the desire to assist orphaned children. In addition, the objectives of adoption include promoting the child's welfare, protecting the child from violence and discrimination, and providing a decent standard of living. These objectives are consistent with the principle of child welfare as stipulated in Law of the Republic of Indonesia No. 4 of 1979 concerning Child Welfare (Budiman, 2017).

The concept of adoption in Islamic law is addressed in the words of Allah the Almighty in QS. Al-Ahzab (33): 4–5:

“Allah has not placed within any man two hearts in his body; nor has He made your wives whom you declare unlawful by *zihar* to be your mothers; nor has He made your adopted sons your biological sons. That is merely a statement from your mouths, but Allah speaks the truth and guides to the right way.

Call them by the names of their fathers; that is more just in the sight of Allah. But if you do not know their fathers, then they are your brothers in faith and your *maula*. There is no blame upon you for what you do by mistake, but only for what your hearts intend. And Allah is Ever-Forgiving, Most Merciful.”

Based on these verses, it is explained that the practice of adoption during the pre-Islamic (*Jabilyyah*) period—which granted adopted children the same legal status as biological children—was a tradition prohibited by Islam. The verses clarify that the process of adoption does not alter the prior legal relationship between the adopted child and the child’s biological family, nor does it establish an equivalent legal status with the adoptive parents. This principle encompasses two primary aspects: the rules concerning *mabram* relationships and inheritance rights, whether arising from kinship relations or outside such relations. From this explanation, it can be concluded that the form of adoption prohibited in Islam is the full assimilation of an adopted child’s status with that of a biological child, whereby the legal relationship between the adopted child and the biological parents is severed, resulting in changes to the inheritance framework that should otherwise remain intact. This form corresponds to the concept of adoption as defined in the context of *tabanni* (Nuzha, 2021).

Child Adoption in Positive Law

The internal legal basis for judges in adjudicating adoption petitions in Indonesia was first established through Supreme Court Circular Letter (*Surat Edaran Mahkamah Agung / SEMA*) No. 2 of 1979 issued on 7 April 1979. This guideline was later refined by SEMA No. 6 of 1983, which emphasized that a court determination and judicial decision constitute the legal validity of a child adoption. Particular vigilance regarding intercountry adoption was subsequently regulated in SEMA No. 3 of 2005, which instructed judges to consistently refer to SEMA No. 6 of 1983 in order to safeguard the rights of Indonesian children, including in cases of adoption involving children affected by the earthquake and tsunami disaster in Nanggroe Aceh Darussalam. Furthermore, the administrative completeness of adoption petitions was regulated in SEMA No. 2 of 2009, which requires the inclusion of the child’s birth certificate as part of the application documents.

A. Requirements for Children to Be Adopted According to Article 12 of Government Regulation No. 54 of 2007:

1. The child must be under 18 (eighteen) years of age.
2. The child must be abandoned or neglected.
3. The child must be under the care of a family or a child care institution.
4. The child must require special protection.

B. Requirements for Prospective Adoptive Parents According to Article 12 of Government Regulation No. 54 of 2007:

1. Physically and mentally healthy.
2. Aged at least 30 (thirty) years and not more than 55 (fifty-five) years.
3. Adhering to the same religion as the prospective adopted child.
4. Of good character and never convicted of a criminal offense.
5. Married for at least 5 (five) years.
6. Not a same-sex couple.

7. Having no children, or only one child.
8. Economically and socially capable.
9. Obtaining the child's consent and written permission from the child's parents or guardian.
10. Providing a written statement that the adoption is undertaken in the best interests of the child.
11. Accompanied by a social report from the relevant social worker.
12. Having fostered the prospective adopted child for at least 6 (six) months since the caregiving permit was granted.
13. Obtaining approval from the Minister and/or the head of the relevant social institution.

The analysis of normative synchronization among Law No. 35 of 2014 concerning Child Protection, Government Regulation No. 54 of 2007 concerning the Implementation of Child Adoption, and Law No. 24 of 2013 concerning Population Administration demonstrates an ideal framework that should operate in a linear manner. The Child Protection Law establishes the fundamental principle that adoption must be based on a court determination and must prioritize the best interests of the child. This principle is further elaborated procedurally in Government Regulation No. 54 of 2007, which requires all adoptions to obtain a court determination and to be reported to the relevant authorities as the legal basis for modifications in population data. At this stage, substantive law clearly establishes the formal requirements.

However, this synchronization becomes dysfunctional when it encounters the Population Administration Law and its implementing regulations. These regulations govern the registration of children in official documents such as the Family Card (*Kartu Keluarga / KK*) and birth certificates, yet they do not provide an active and integrated verification mechanism to ensure that every application for the registration of an adopted child is genuinely based on a valid court determination as mandated by the relevant laws and regulations. The obligation of verification often depends on the honesty of applicants and the diligence of administrative officers at the village or sub-district level, without a centralized database capable of confirming the existence of a judicial decision. This procedural gap is frequently exploited in practice, allowing individuals to alter population administration data merely by submitting local administrative documents without presenting a court determination. Consequently, a situation emerges in which a child may be recorded as a “biological child” in the Family Card, thereby enabling the state's formal administrative law to record a status that contradicts its own substantive legal framework.

The Distinction between *Tabanni* and *Kafalah*

Tabanni etymologically derives from the Arabic term (التبني), whose root word is *al-ibn* (الإبن), meaning “child” or “son.” According to the *Al-Munjid* dictionary, *tabanni* (اتَّخَذَهُ أَبْنًا) means “to take someone as a son.” In the terminology of *fiqh* literature, *tabanni* is defined as the act of treating another person's child as one's own biological child. According to Shaykh Mahmud Shaltut, *tabanni* or adoption refers to the process of incorporating another person's child into a family, where the child is treated equally to a biological child in terms of care and the fulfillment of needs (Fathonah K. Daud & M. Ridlwan Hambali, 2022).

In contrast, linguistically *kafalah* signifies guarantee (*al-damān*), inclusion (*al-ḍamām*), responsibility (*ḥamālah*), or liability (*ḡa'āmah*). Terminologically, *kafalah* refers to a guarantee provided by a guarantor (*kāfil*) to a third party to fulfill the obligations of another party for whom responsibility is assumed. In other words, *kafalah* essentially represents the transfer

of responsibility for fulfilling certain obligations from the party originally responsible to the guarantor (*kaḥfil*) as a form of legal accountability (Arif & Halilah, 2019).

Based on this distinction, *tabanni* (adoption) and *kafalah* (guardianship or caregiving) represent two fundamentally different concepts in Islamic law. *Tabanni* refers to the act of adopting another person’s child as one’s own biological child, which results in the severance or alteration of the child’s original lineage (*nasab*). However, this practice is prohibited (*haram*) in Islam because it violates the principle of preserving lineage, as emphasized in the Qur’an. In the *tabanni* system, an adopted child is also entitled to inherit automatically in the same manner as a biological child.

By contrast, *kafalah* constitutes a form of caregiving that is permissible in Islam. Under *kafalah*, an individual assumes responsibility for caring for and supporting another person’s child without severing the child’s original lineage. The child continues to bear the name of the biological father, and *mahram* relations are not automatically established between the child and the caregiver’s family.

Comparative Table of Tabanni and Kafalah

Table 1.

NO	Aspect of	Tabanni	Kafalah
1.	Nasab Status	Changed/Considered as a biological child.	Unchanged, biological nasab remains to the original parents.
2.	Inheritance Rights	Can be an heir from adoptive parents.	Not having inheritance rights from caregiver (<i>carfil</i>).
3.	Marriage Guardian	Adoptive parents can become guardians of the marriage.	Biological parents.
4.	Mahram	Creates a mahram relationship	Not creates a relationship Mahram
5.	Administration	of "biological children"	"Adopted children"

Legal Consequences of Altering the Lineage of Adopted Children in Marihat Butar Village

Law No. 35 of 2014 on Child Protection, particularly Article 1 paragraph (9), requires that the process of child adoption obtain a legal determination from a court (Hidayatullah, 2023). This provision aims to create legal certainty in the adoption process, both to protect the rights of the child and those of the adoptive parents (Alatas et al., 2024). Government Regulation No. 54 of 2007, in Article 4, explicitly states that the legal status of adoption does not eliminate the blood relationship between the child and the biological parents (Zulaeka et al., 2024). Juridically, the legal force of adoption is established through a determination issued by a district court. However, in practice, many adoptions occur solely on the basis of agreements between prospective adoptive parents and biological parents without undergoing a valid legal process, as observed in Marihat Butar Village (Dimas Prayoga Pangestu & Murendah Tjahyani, 2023). In addition, communities frequently conduct adoption in accordance with local customary law systems. Nevertheless, such practices often do not conform to the provisions of positive law in Indonesia (Ar-risalah, 2024).

Islamic law permits child adoption under the condition that it does not alter the child’s *nasab*, guardianship, or inheritance rules (Savitri, 2008). One of the principal

conditions for the permissibility of adoption in Islamic law is that it must not sever the lineage relationship between the child and the biological parents. One of the purposes of maintaining this lineage is to prevent the possibility of consanguineous (*mabram*) marriages in the future (Khaidar, 2022). In accordance with the Fatwa of the Indonesian Council of Ulama (*Majelis Ulama Indonesia / MUI*) 1404 H/1984 M on child adoption, Islam permits adoption provided that it does not alter the child's lineage or religion. What contradicts Islamic law is adoption that severs the lineage relationship with the biological parents (Sitorus, 2017). The primary objective of adoption from the perspective of Islamic law is to ensure the welfare of the child (Ana Nafisatul Mufarohah & Abdullah Arief Cholil, 2019), in line with the provisions of the *Kompilasi Hukum Islam* (KHI), Article 171 letter (h) (Bahar, 2021). Islam essentially recognizes the concept of caregiving, whereby an individual may take responsibility for caring for a child in need in order to ensure a proper standard of living, without establishing a new lineage relationship and while maintaining the kinship bond with the biological parents (Widiatmika, 2015).

In classical Islamic jurisprudence, the practice of adoption has long been regarded as a controversial issue. From a juridical standpoint, Islam permits adoption with the status of *mubab* (permissible), but with strict conditions that it must not alter lineage (*nasab*) nor equate the legal status of an adopted child with that of a biological child. Islamic law recognizes adoption only in the context of transferring the responsibility of care, including the provision of financial support, education, and upbringing. According to Islamic legal principles, incorporating an adopted child into the lineage (*nasab*) of the adoptive parents constitutes a prohibited act because it entails several forms of legal deviation. First, it is considered a form of false attribution in determining genealogy, thereby disrupting the purity of lineage. Second, such a practice undermines the Islamic inheritance system by granting inheritance rights to those who are not legally entitled to them while simultaneously depriving legitimate heirs of their rights. Moreover, its implications extend to the sphere of social relations, where the creation of false *mabram* relationships may lead to situations of unlawful *kehalwat*, while at the same time preventing marriages that would otherwise be permissible under Islamic law. Therefore, Islam firmly maintains that adoption must not alter lineage status, inheritance rights, or *mabram* relationships (Hidayatullah, 2024).

Based on the research conducted by the author, the following table presents an overview of the legal consequences arising from the alteration of lineage carried out by members of the community in Marihat Butar Village, Simalungun Regency, North Sumatra.

Legal Consequences of Changing Nasab in Marihat Butar Village

Table 3.

NO	Aspects of Legal Consequences of Adoption in Marihat Butar Village
1. Nasab	Nasab adopted children are cut off from their biological parents and switch to adoptive parents.
2. Adoptive	parents acquire full guardianship, including self-supervision, asset management, and implementation of actions Law for the benefit of adopted children.
3. The heirs of	the adopted child have the right as heirs to the parents' property his position, where his position and heirs' rights are equated with biological children.

CONCLUSION

Based on the analysis of the phenomenon of altering the lineage (*nasab*) of adopted children in the Family Card without a court determination in Marihat Butar Village, this study draws several conclusions. First, the practice occurs systematically and is driven by motives of administrative simplification, the desire to unify social identity within the family, and limited legal awareness among the community. In practice, this situation takes advantage of gaps in the verification process within the population administration system, allowing changes in family records to occur without formal judicial authorization.

Second, from a juridical perspective, this practice generates legal dualism when viewed through the lens of Islamic law and positive law. In Islamic legal principles, the alteration of lineage effectively severs the legitimate *nasab* relationship between the child and the biological parents, thereby affecting inheritance rights and the determination of *mabram* relationships. Meanwhile, within the framework of Indonesian positive law, such actions lead to inconsistencies in civil documentation, which may potentially disrupt the legal status of the child and complicate access to public services that rely on accurate population records.

Third, the urgency of institutional reform lies in strengthening the integration between the population administration database and judicial decisions related to child adoption. This integration should be accompanied by broader public dissemination regarding lawful adoption procedures to prevent similar practices in the future.

This research, however, has several limitations. The scope of the study is geographically limited to a single village and primarily focuses on the perspective of adoptive parents. As a result, it does not yet explore the long-term impacts on the adopted children themselves or the perspectives of village officials who play a role in the administrative process. Therefore, further research is recommended to expand the geographical coverage, conduct longitudinal studies to examine the long-term consequences for adopted children as they reach adulthood, and develop policy-oriented studies aimed at designing an effective model of data integration between the judicial system and population administration in order to close this legal gap at the national level.

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