

THE DIVISION OF INHERITANCE OF ADOPTED CHILDREN IN THE INDIGENOUS PEOPLE OF KAMPUNG NAGA ASSOCIATED WITH ISLAMIC LAW

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ABSTRACT

Adoption of a child according to customary law is an act of taking another person's child into his own family in such a way that there is a kinship relationship that is the same as between parents and their own biological children. This research was conducted in Kampung Naga, Tasikmalaya Regency, because the majority of the population adheres to Islam but in all aspects of life including the distribution of inheritance still uses customary law rules. The purpose of this study is to examine the position of the inheritance rights of adopted children based on laws and regulations and the practice of inheritance distribution to adopted children. The research method uses normative juridical which is a juridical analytical research specification which will be processed in a qualitative juridical manner. The position of the adopted child's inheritance, if a court decision is requested, is carried out, a court ruling that will provide legal certainty to the adoptive parents and adopted child as strong evidence that it is true that there has been an adoption of a child. The two systems of adopting children are carried out not explicitly and not in cash, including those carried out in the Kampung Naga Community, Tasikmalaya Regency.

Keywords: adopted; customary; kampung naga.

INTRODUCTION

The existence of adopted children in the midst of indigenous peoples carried out by certain families, seems to be an interesting phenomenon that can be discussed in today's scientific traditions. R. Soepomo gave the definition of the adoption of a child in his book "Chapters on Customary Law" that the adoption of a child is the adoption of another person's child. With the adoption of this child, a legal relationship will arise between the adoptive parents and the adopted child like the relationship between the parents and the biological child.¹

The adoption of a child according to customary law is an act of taking another person's child into one's own family in such a way, that later between the person taking the child and the child taken there arises a family relationship that is the same as between the parent and the biological child himself.² The child is a mandate from the almighty God, given so that it can be nurtured by birth

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¹ Etik Kuswanti, "Tinjauan Yuridis Tentang Perjanjian Pengangkatan Anak dan Akibat Hukum Bagi Anak Angkat Ketika Bapak Ibu Angkat Bercerai (Studi Kasus Putusan Pengadilan Agama Serang No. 339/PTS/92/93/PA.SRG), *Universitas Islam Sultan Agung Semarang*, Thesis, 2018, p. 16.

² Rahayu Gemilang, "Analisis Terhadap Pelaksanaan Penetapan Anak Angkat Dalam Wujud Penerapan Prinsip Kepentingan Terbaik Untuk Anak Dikaitkan Dengan Peraturan Pemerintah Nomor 54 Tahun 2007 Tentang Pelaksanaan Pengangkatan Anak", *Universitas Padjadjaran, Skripsi*, 2018, p. 15.

and birth by the family. A child is indeed worthy of living with all the needs that both biological parents strive for, because it is his responsibility. However, the situation is often not felt by some children who may be because one or both parents are gone. This possibility causes the child's life situation to no longer be like that of another child, who still has biological parents. This kind of situation can also occur with the possibility because both biological parents are indeed economically unable to afford the child's life.

The adoption of a child by a particular family ultimately has legal consequences that may occur in the future. The existence of an adopted child in the family allows for the existence of a high emotional bond, which no longer separates between each other. Thus, in time the adopted child can be counted as a person who is entitled to the property of the adoptive parents after death. This is the intended result of happening later in life. Related to the problem in this study, that the existence of the adopted child has a position on the inheritance property.

As is known, inheritance law in Indonesia is still plural, it happens because Indonesia does not yet have a National Inheritance Law that applies to all Indonesians. In connection with the absence of this law, in Indonesia there are still 3 (three) inheritance legal systems, namely the law of inheritance in the Civil Code, Islamic Law, and also Customary Law.³ According to customary law where indigenous peoples adhere to parental, matrilineal and patrilineal kinship lines. In addition, in practice, the legal settlement of inheritance in the community has the form of division of heirs through a traditional system as is the case in the practice of dividing inheritance assets in Java, for example, the heir divides the inheritance property by appointing an heir to inherit his property by the will of the heir, sometimes it is distributed equally or not to his heirs and each heir has their own share that has been determined by the heir. Even this way of division is done a lot before the heir dies to his heirs. In other words, sometimes the rights are granted after the heir dies but it can also be that the transfer of rights already exists before the heir dies.⁴

Indeed, this traditional customary law has been subject to much influence by major Asian religions and cultures-particularly Islam, Buddhism and Hinduism as well as other faith streams.⁵ In writing this article, the author will focus on research studies on the system of implementing the inheritance of indigenous peoples in West Java, one of which is in Kampung Naga, Tasikmalaya Regency, because the majority of the population adheres to Islam but in all aspects of life including the division of inheritance still uses the rule of customary law. According to the beliefs of the people of Kampung Naga, by carrying out the customs of karuhun (ancestral) heritage means to respect the

³ Hazar Kusmayanti, Lisa Krisnayanti, Hak dan Kedudukan Cucu Sebagai Ahli Waris Pengganti Dalam Sistem Pembagian Waris Ditinjau dari Hukum Waris Islam dan Kompilasi Hukum Islam, *Jurnal Ilmiah Islam Futura*, Vol. 19, No 1, Agustus 2019, p. 70.

⁴ Anggita Vela, "Pembagian Waris Pada Masyarakat Jawa Ditinjau dari Hukum Islam dan Dampaknya", *As-Salam (Jurnal Hukum Islam dan Pendidikan)*, Vol. IV, No. 2, Januari 2015, p. 70.

⁵ Hazar Kusmayanti, Efa Laela Fakhriah, Bambang Daru Nugroho, "The Settlement of Dispute Regarding Division of Joint Property After a Divorce In The Central Aceh Regency", *Jurnal Islam Futura*, Volume.21 No.2, Agustus 2021, p. 172.

karuhun (ancestors). Everything that comes from the teachings of the karuhun (ancestors) of Kampung Naga, and something that the karuhun does not do is considered something taboo. If these things are done by the people of Kampung Naga, it means violating customs, disrespecting karuhun (ancestors), this will inevitably cause havoc.⁶

Kampung Naga maintains the preservation of its culture and customs from generations by its people. The people still stick to their customs because they still believe that the entire system of life rules passed down by the ancestors is the best way of life that must be followed, if they leave it, there will come a catastrophe for the village. Likewise with the law of inheritance, especially with regard to the inheritance rights of adopted children.

In customary law there are universal values, and the patterns that are possessed as the basis of the law, all of which reflect the self of the customary law itself including Sundanese customary law. The typical patterns in question are the habits of life help and help-help. The rules contained in customary law are also based on justice and truth to be aimed at, which must be truth and justice reflected by the feeling of justice and truth that lives in the conscience of the people or society concerned.

In Islamic law there is the principle of justice and balance. Justice is a non-negotiable value because only with justice is there a guarantee of the stability of human life. The balance, harmony and harmony of attitudes and behaviors of human beings living in society, radiate in the form of values, rights and obligations. The principle of fairness and balance, implies that there must always be a balance between rights and obligations; between the rights that a person acquires and the obligations he must fulfill. Justice in the law, both contained in the Sundanese customary law and the Compilation of Islamic Law, is the last point to obtain the deepest essence regarding the position of the adopted child towards the inheritance as in the matter. The renewal of this study found the relationship between two legal systems, namely Sundanese customary law and Islamic Law in the indigenous people of Kampung Naga Taikmalaya in terms of providing property to adopted children. The share of property given to adopted children, as well as the amount given according to Sundanese customary law and the Compilation of Islamic Law. Thus, this study will be able to answer problems clearly without inequality, namely first analyzing the inheritance position of adopted children based on laws and customary laws, secondly the division of inheritance of adopted children in the naga village community.

METHODS

The method used in this study is a normative juridical approach method, juridical, which is dotted with existing laws and regulations as positive law. This research was also obtained through

⁶ Kampung Naga, di akses dari https://id.wikipedia.org/wiki/Kampung_Naga, pada senin, 04 Juli 2022, pukul 20.18 WIB.

field research examining the behavior of people who are symptomatic in people's lives, always interacting and related to social aspects, as well as literature research compiled systematically.

The research method used is a qualitative method because in this study an event is described according to reality, namely regarding the implementation of the adoption of children and the position of adopted children according to customary law in the Kampung Naga Community. With the aim of finding principles and information to find out their relationship with the main problem so that an objective conclusion can be drawn.

DISCUSSION

The Position of Inheritance of Adopted Children Based on Laws and Customary Laws and Regulations

According to Sulistyowati Irianto in her book *Pluralism of Inheritance Law and Women's Justice*, stated that legal pluralism is an undeniable legal reality, various factors that cause the pluralism of inheritance law include history, culture, economy and political constellations.⁷ One of the factors that caused the occurrence of legal pluralism in Indonesia was the division of the population in Indonesia during the Dutch colonial era which was divided into three groups, namely the European group, the foreign eastern group, the Middle East) and the bumi putera.⁸

This division of population groups resulted in the regulation of inheritance law in Indonesia which is currently still pluralistic because there are three legal systems of inheritance, namely customary inheritance law, Islamic inheritance law, and civil inheritance law. The existence of differences in the legal system of inheritance causes the elements contained in inheritance law to have similarities and differences. Inheritance law according to the Civil Code and Islamic Inheritance Law applies throughout the territory of Indonesia for residents who are subject to both laws. Meanwhile, the applicability of customary inheritance law has differences in each region in Indonesia that has different customs. The inheritance law underwent different developments and institutionalization processes.⁹

In this study, the author emphasizes more on the Customary Inheritance Law that applies to indigenous or indigenous Indonesians. Soepomo gave a definition of customary inheritance law that the Customary Inheritance Law is a series of regulations that regulate the passing and passing of inherited property or inheritance from one generation to another, both regarding material and immaterial objects.¹⁰ As the provisions of the Western Inheritance Law and Islamic Inheritance Law

⁷ Priyanti, Sari Elsy, "Tinjauan Yuridis Penggolongan Penduduk Dalam Pembuatan Keterangan Waris", *Jurnal Lex renaissance*, Vol.4, No. 1, Januari 2019, P. 231.

⁸ Djanuardi, Hazar Kusmayanti, Linda Rachmainy, *Penyuluhan Hukum Penyelesaian Sengketa Hukum Islam di Kecamatan Darmaraja Kabupaten Sumedang, Kumawula*, Vol. 4, No.3, Desember 2021, P. 415.

⁹ Sonny Dewi Judiasih, Hazar Kusmayanti, Deviana Yuanitasari, *Pergeseran Norma Hukum Waris di Indonesia*, Unpad Press, Bandung, 2021, p. 6.

¹⁰ R. Soepomo, *Bab-bab tentang hukum adat*, Pradnya Paramita, Jakarta, 2003, p. 72.

are clearly the basis of the law and its source and its provisions and apply to who follows the Inheritance Law. The form, nature and system of Customary Inheritance Law are closely related and related to the form of society and the nature of kinship /kinship in Indonesia.¹¹

In parental inheritance law, it is known as the Sundanese customary inheritance law. According to R.W. van Bemmelen, Sunda is a term used to name the plains of the northwestern part of east India while the southeastern mainland is named Sahul. Sundanese is also closely related to the notion of culture. That there is Sundanese culture, which is a culture that lives and grows and develops among the Sundanese who live in the Land of Sunda (West Java).

Parental or bilateral inheritance law in the West Java area which refers to Sundanese customary law is to give equal rights between the male and female parties, both to husbands and wives, as well as sons and daughters including the family of the male side and the family of the female side. This means that the son and daughter are both getting inheritance rights from both parents, even the widower and widow in his development also include inheriting each other. Even the process of giving property to heirs especially to children, both to sons and daughters has generally begun before the parents or heirs are still alive. The system of division of inherited property in a parental society is individual meaning that inherited property can be distributed from the owner or heir to the heirs, and privately owned.¹²

For example one of the sections of the family law regarding the adoption of a child. Raising children is called "mupu anak" (North Banten & Cirebon), "mulung" or "ngukut anak" (Sundanese tribe generally) and "mungut anak" (Jakarta). Adoptive parents are generally responsible for the child they raise while the biological parents are out of responsibility after the appointment. The method of lifting is very simple, usually only the family who surrenders and who lifts, but the neighbors will find out soon. Some were attended by relatives from both sides. Appointments using letters were found only in two places, namely in Meester Cornelis (Jatinegara) which was approved by the assistant wedana and Lengkong-Bandung which was witnessed by the Village Head. Based on the research conducted by the author, one of the differences in the right to inherit customs is about the division of inheritance of adopted children.

The adoption of a child or the adoption of a child is known as a legal institution because the impact of this adoption of a child will be of juridical value. Based on the provisions of Article 1 of Government Regulation Number 54 of 2007 concerning the Implementation of Child Adoption (hereinafter referred to as PP Adoption of children), what is meant by adopted children is a child whose rights are transferred from the sphere of power of parents, legal guardians or other persons responsible for the care, education and raising of the child into the family environment of their adoptive parents based on a decision or court determination.

¹¹ *Ibid*, p. 79.

¹² Bambang Daru Nugroho, Ranti Fauza Mayana, Selly Riawanti, " Sosialisasi Hukum Waris Adat Sunda dalam Penegakan Hukum Keluarga di Kecamatan Darmareja Sumedang", *Kumawula*, Vol. 4, No.3, Desember 2021, p. 504.

If you look at the applicable laws and regulations, the adoption of children is essentially carried out in order to realize the welfare of the child. This is stated in Article 39 of Law 17 of 2016 concerning the Establishment of Government Regulations in Lieu of Law Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection into Law (hereinafter referred to as the Child Protection Law). The definition of an adopted child is also contained in Article 1 paragraph (9) of the Child Protection Law is "A child whose rights are transferred from the sphere of power of the Parent Family, legal Guardian, or other person responsible for the care, education, and rearing of the child into the family environment of his adoptive parents based on a decision or court determination"

In this study, the author emphasizes more on the adoption of children carried out based on customary customs is also closely related to the right to inherit and the kinship system adopted by the indigenous people. In a society that still upholds customary laws and traditions, the gender of a child is also a consideration in order to continue the lineage. As is known, the Customary Inheritance Law is a series of regulations that regulate the passing and operation of inherited property or inheritance from one generation to another, both regarding material and immaterial objects.¹³

Then can an adopted child inherit the inheritance from his adoptive parents if he refers to the essence of the customary inheritance law above?

By customary law the adoption of a child from a family or close relative is legal because it has been carried out according to customary traditions, but national law is still questioned regarding the legal status of adopted children based on customary law without being asked for a court order.¹⁴ Referring to Article 9 of the Government Regulation on the Implementation of Child Adoption, it states that:

- "(1) The adoption of children is based on local customs as referred to in Article 8 letter a, namely the adoption of children carried out in a community that is actually still doing customs and customs in social life.
- (2) The adoption of a child based on local customs may be requested for a court order."

In Article 9 paragraph (2) of the Pp Implementation of the Adoption of Children above there is the word "can be requested for a court determination" to be carried out, then the determination of the court which will provide legal certainty to the adoptive parents and adopted children as strong evidence that it is true that there has been an adoption of the child and on the basis of the determination of the court strengthens the rights of the adopted child in terms of receiving the inheritance if one or both adoptive parents die. The court's determination of the adoption of a child is an affirmation and as a reinforcement of the customary processions carried out in the procedure

¹³ R. Soepomo, *Bab-bab tentang hukum adat*, Pradnya Paramita, Jakarta, 2003, p. 72.

¹⁴ Ida Ayu Kade Irsyanti Nadya Saraswati, "Status Hukum dan Hak Waris Bagi Anak Angkat yang Tidak Dimohonkan dengan Penetapan Pengadilan", *KERTHA WICAKSANA*, Volume 16, No, 1 2022, p. 8.

for the adoption of a child. If in the procession of the adoption of the child has received a certificate from the head of the custom or the local sub-district, then the determination of this court is as a reinforcement of the certificate.

The Practice of Inheritance Division in the Naga Traditional Village of Tasikmalaya Regency is Associated With Islamic Law

Although Indonesia is known as a unitary state in the form of a unity, there are different things because of the plurality of ethnic groups scattered in remote areas.¹⁵ One of them is the implementation of the adoption of children in a customary manner. The implementation of child adoption in Indonesia in each region is different from another because it is carried out in accordance with customary law in force in the area concerned.

One of them is the parental or bilateral inheritance law in the West Java area which refers to Sundanese customary law is to provide equal rights between the male party and the female party, both to the husband and wife, as well as sons and daughters including the family of the male side and the family of the female side.¹⁶ In this study, the author will examine the right to bequeath in the Sundanese indigenous people, namely the indigenous people of Kampung Naga in Tasikmalaya Regency.

In general, the people of Kampung Naga Tasikmalaya are Muslims, the Islamic teachings they adhere to are no different from other Muslims, it's just that like other indigenous peoples, they are also very obedient and obedient to hold the customs and beliefs of karuhun (ancestors). The inheritance system used in Kampung Naga is an individual inheritance system, because the people of Kampung Naga adhere to a parental hereditary system. Settlement of customary inheritance law disputes in the parental or bilateral kinship system, is also the same as dispute resolution in patrilineal and matrilineal societies, where the settlement of disputes is resolved amicably first with the heirs.¹⁷

The distribution of inheritance in Kampung Naga is carried out by means of grants and will grants. Grants according to customary law are explained by the division of the estate when the owner is still alive and given to his family. Teer Haar revealed that the grant was made while the grantor was still alive. Kampung Naga adheres to the parental system, in customary law that adheres to the parental, matrilineal and patrilineal family system, parents who give grants to their children can be counted as inheritance.¹⁸

¹⁵ Bambang Daru, Hazar Kusmayanti, etc, Legal Protection for Marriages of Traditional Beliefs Adherents in Indonesia, *Nat. Volatiles & Essent. Oils*, Vol. 8, No. 5, 2021, P. 10299.

¹⁶ Bambang Daru Nugroho, Ranti Fauza Mayana, Selly Riawanti, " Sosialisasi Hukum Waris Adat Sunda dalam Penegakan Hukum Keluarga di Kecamatan Darmareja Sumedang", *Kumawula*, Vol. 4, No.3, Desember 2021, p. 504.

¹⁷ Tyara Maharani Permadi, Djanuardi Djanuardi, Hazar Kusmayanti, Penyelesaian Sengketa Waris Dalaam Masyarakat Adat Kampung Naga Berdasarkan Hukum Islam dan Hukum Adat, *Kertha Semaya: Journal Ilmu Hukum*, Vol. 9 No. 10, Oktober 2021, p. 1823.

¹⁸ Laksanto Utomo, *Hukum Adat*, Raja Grafindo, 2016, Jakarta, p. 104.

The heir in Kampung Naga distributed his property by way of a grant, arguing that there would be no dispute between his children in the future. The people of Kampung Naga do not have an inheritance law, because according to the customary law in Kampung Naga, the process of transferring ownership of the heir's property almost completely occurs before the heir dies. Such a process of transfer of property, Islamically, is not justified because the process of dividing the inheritance property is carried out when the heir is still alive, so it has not been broken the relationship of property due to death. From an Islamic perspective, the distribution of property while the heir is still alive to his heirs can be viewed as a grant process carried out by parents to their children.

Based on the results of an interview with Mr. KH. Atam Rustam as the Chairman of PCNU Tasikmalaya Regency explained that the grant is a voluntary giving agreement without expecting reciprocity and without any procedural purpose and the person who gives and receives it is still alive and does not have to be to the Heirs to anyone. In Islam the grant should not be considered as a process of division of inherited property, because Mirats or inheritance is the property or right left by the corpse which with the cause of its death becomes the right of the beneficiary of the inheritance established by the syara. Especially for the case in naga village, it is categorized as customary policy and the custom can be a binding law as long as it does not conflict with Islamic law.¹⁹

Based on research, the indigenous people of Kampung Naga continue to adhere to the Islamic Inheritance Law. That is, the acceptance of inherited property is based on Azas Ijbari, that is, the inheritance property passes by itself according to the decrees of Allah Almighty without being dependent on the will of the heir or heir.²⁰ Although the indigenous people of Kampung Naga are Muslims, they do not apply the principles in Islamic law in their lives. For example, the legal consequences of the adoption of children in the Kampung Naga Community, namely: If the adopted child is raised with the aim of continuing the descendants of the parents who raised him, then the adopted child is the heir and is entitled to the property left by the adoptive parents, namely the joint property of both adoptive parents. The position of the child is the same as that of the biological child, if the family has a biological child. Just like in West Java, which adheres to a parental family system, the child adoption system in the Kampung Naga Community, Tasikmalaya Regency, is carried out not in a clear manner and not in cash.

If the adopted child is only appointed for the sole purpose of maintenance, then his position is not as an heir, because it is appointed not for the purpose of continuing the offspring, so that he is not entitled to the estate of his adoptive parents. He got a share of the inheritance not in his position as heir, but had provided benefits or benefits for his adoptive parents, so he was given a

¹⁹ Wawancara dengan Bapak KH. Atam Rustam selaku ketua PCNU Kabupaten Tasikmalaya, pada hari Selasa, 08 Juni 2021, pukul 12.50 WIB.

²⁰ Muhamad Daud Ali, *Asas Hukum Islam*, Rajawali Press, Jakarta, 2012, p. 129.

part of his adoptive parents' share of the inheritance. So the adopted son still inherits from 2 sources, namely from the adoptive father and the biological father.

Meanwhile, Inheritance according to Islamic law pays attention to the existence of a blood relationship or *arhaam*, where the adopted son is not in the same position as the biological child in terms of inheritance. An adopted child can only bequeath by way of a compulsory will in accordance with the provisions of Article 209 of the Compilation of Islamic Law that an adopted child is entitled to 1/3 (one-third) part of the Estate of his adoptive parents as a mandatory will. In relation to the issue of compulsory wills or grants given to adopted children whose amount is a maximum of 1/3 of the actual share of adoptive parents with their heirs may give to the adopted child in the form of property exceeding 1/3 part as long as there is an agreement from the heirs and the agreement is made and recorded in front of a notary, this is also in line with the reading of Article 183 of the Compilation of Islamic Law.²¹

So, adopted children in Islam are still entrusted to their biological fathers. Islamic law prohibits the adoption of children which aims to raise someone else's child by exchanging his *nasab* to be like his own child and to be cared for like one's own child. The legal basis is contained in Sura Al-Ahzab verse (4), paragraph (5), and paragraph (37).²²

The adoption of children in Kampung Naga has a purpose, as for the purpose of maintenance, continuing the bloodline, humanity and compassion. Meanwhile, Islamic teachings only recognize or only allow the adoption of children who give the status of adopted children to get the maintenance of a living, affection, education, health services, and human rights as other children, without having to be confused with the status of biological children. The adoption of a child gives rise to the same legal relationship between the adoptive parent and the adopted child as the parent and the biological child". In the case of a marriage if the adopted one is a daughter, then the adoptive parents will marry her and become the deputy guardian. Although the population of Kampung Naga is predominantly Muslim, there is no marriage between adopted children and relatives of the right descendants of their adoptive parents. So the position of the adopted child in Islamic law is still attributed to his biological parents and not to his adoptive father.

Because the indigenous people of Kampung Naga are almost entirely Muslim, the legal consequences of the Islamic adoption of children should also apply to this community, namely with the following provisions:

1. does not break the blood relationship between the adopted child and the biological parents and the family.

²¹ Muhammad Rais, *Kedudukan Anak Angkat Dalam Perspektif Hukum Islam, "Hukum Adat dan Hukum Perdata (Analisis Komparatif)"*, Jurnal Hukum Diktum, Vol. 14, No. 2, Desember 2016, hlm. 188

²² Djanuardi, Hazar Kusmayanti, Linda Rachamainy, "Sosialisasi Hak Mewaris Anak Angkat Berdasarkan Hukum Islam dan Hukum Adat Untuk Mencapai Keadilan Keluarga, *Jurnal Pengabdian Dharma Laksana Mengabdikan Untuk Negeri*, Vol.3 No.2, Januari 2021, hlm.153

2. The adopted child does not domicile as the heir of the adoptive parents, but rather remains as the heir of his biological parents, nor does the adoptive parent do not domicile as the heir of his adopted son.
3. Adopted children may not use the name of their adoptive parents directly except merely as an identification/address.
4. Adoptive parents cannot act as guardians in marriage to their adopted children.²³

So based on the description above, although in the Compilation of Laws it has been clearly and unequivocally regulated that the arrangement for the distribution of inheritance to the adopted child is in the form of property exceeding 1/3 part, but there are still many Muslims in Indonesia, one of which is the indigenous people of Kampung Naga who have not implemented it. This is due to the existence of a process of combining (accusing) the values of customary law and Islamic legal values where the easiest thing to implement is not to bring in the *mudarat* that is used, without prejudice to Islamic law. The customary law in this case is a custom in everyday life which includes the term *muamalat* (community) not about *muamalah* (worship to Allah Almighty).

CLOSING

the inheritance position of the adopted child if a court determination is requested" is carried out then the court's determination that will provide legal certainty to the adoptive parents and adopted children as strong evidence that it is true that there has been an adoption of the child and on the basis of the court's determination strengthens the rights of the adopted child in terms of receiving the estate referring to Article 9 paragraph (2) pp implementation of the adoption of the child.

In general, in West Java, which adheres to the parental family system, the child adoption system is carried out not in a bright and not cash manner, including those carried out in the Kampung Naga Community, Tasikmalaya Regency. The removal of adopted children is carried out in an inconsistent and non-concrete manner. And the adoption of children in the indigenous community of Kampung Naga Tasikmalaya causes legal consequences in inheritance, namely obtaining inheritance from two sources, namely biological parents in the form of joint property and inherited property and from adoptive parents.

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²³ Zaini Muderis, i, Sinar Grafika, Jakarta, 2006,. Cet. Ke-3., hlm. 54

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