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#### **Abstract**

This study aims to analyze the position of adopted children in three types of law related to adoption and inheritance and to discuss the considerations of judges in disputes over the inheritance of their adoptive parents. The type of this research is descriptive research with a normative approach. Based on this research, the position of adopted children to the inheritance of their adoptive parents is strongly influenced by which type of law is used in the practice of adoption because Western law, Islamic law, and customary law that apply as the basis for adoption in Indonesia have different provisions. Then, if it is found that there has been a violation of law in the adoption of a child which causes problems with inheritance, the judge will identify the problem based on the facts and consider it based on the law used to adopt the adopted child so that the result decision can provide a sense of justice, benefits, as well as legal certainty or in other words an ideal decision.

**Keywords:** Adopted Children, Inheritance, Problem, Violation of the Law

#### **INTRODUCTION**

In essence, humans are social beings, as social beings, humans cannot stand alone but always need the presence of other people. A real example of understanding humans as social beings can be shown by the existence of a family. The family is a collection of several people who are bound by a marriage then understand and feel as they stand as a unique combination and together strengthen this combination for the happiness, welfare and peace of all members in the family (Simanjuntak, 2015). According to Article 1 No. 3 of Act No. 35 of 2014 concerning Amendments to Act No. 23 of 2002 concerning Child Protection, the term family is defined as the smallest unit in society consisting of husband and wife, or husband and wife and their children, or father and children, or mother and child, or blood relatives in a straight line up or down to the third degree.

As has been explained, the formation of a family begins with the existence of a marriage. Marriage is a legal relationship between a man and a woman for a long time (Jamaluddin & Amalia, 2016). Based on Article 1 of Act No. 1 of 1974 concerning Marriage, marriage is defined as a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on Belief in the One Supreme God. Similar to the law, Soedharyo Saimin defines marriage as an agreement entered into by two people, in this case an agreement between a man and a woman with the aim of

forming a happy and eternal family or household and must be based on Belief in One Supreme God. (Wibisana, 2016)

In a marriage, children are considered as a valuable asset and the greatest gift from God, so it is reasonable for couples who have carried out marriages to insist on having them. But in reality, not all couples can be blessed with children. So to achieve a complete family with the presence of a child, some of them make efforts to adopt children in order to have descendants who are expected to be the successors of the family (Fachri Said, 2018).

Adoption of a child in the Big Indonesian Dictionary is unknown, the Big Indonesian Dictionary only recognizes the term adoption, adoption is defined as the adoption of someone else's child as one's own child. Then according to Article 1 No. 2 of Government Regulation No. 54 of 2007 concerning the Implementation of Child Adoption, this term is defined as a legal act that diverts a child from the authority of parents, legal guardians, or other people who are responsible for care, education and development the child, into the family of adoptive parents.

Adoption of children is not only limited as an effort so that couples who have not been blessed with children have offspring, but also an effort to protect the rights and interests of children for the welfare of children in accordance with customs and laws and regulations that apply. This is in accordance with what is mandated in Article 2 of Government Regulation No. 54 of 2007 concerning Implementation of Child Adoption and Article 39 Paragraph 1 of Act No. 35 of 2014 concerning Amendments to Act No. 23 of 2002 concerning Child Protection.

Legal deviations in child adoption that still occur today include the failure to carry out the procedure for determining child adoption by the court. This clearly contradicts Article 20 Paragraph 1 of Government Regulation No. 54 of 2007 concerning the Implementation of Child Adoption which states that an application for adoption that meets the requirements is submitted to the court to obtain a court order. Then, in addition to the process of determining it, legal deviations can also be found in the practice of listing the status of an adopted child as a biological child by the adoptive parents, so that the adopted child has the status of a "children" in his birth certificate. Then it is also necessary to understand that the existence of legal irregularities in child adoption does not only have a negative impact on the welfare of the child itself, but will become the forerunner of wider problems.

One of the problems that has the potential to arise due to the lack of legal certainty and the loss of the child's initial identity is in terms of inheritance. Adopted children who are biological children may inherit property left by their

adoptive parents, which will then lead to conflict with the actual heirs. This kind of problem is common, this can be shown by several existing cases such as in Court Judgment Number 161/Pdt.G/2021/PN.Kln and Court Judgment Number 876/Pdt.G/2019/PN.Sby.

Based on this explanation, this study will review the position of adopted children in three inheritance law systems, namely, civil law, Islamic law and customary law and highlight some of the considerations of judges in resolving disputes over the position of adopted children in disputes over the inheritance of their adoptive parents in Court Decision Number 161/ Pdt.G / 2021 / PN.Kln and Court Decision Number 876/ Pdt.G /2019/ PN.Sby.

### **RESEARCH METHODS**

The research method in a study aims to provide results that are scientific on the object of study that can be accounted for. In this study, researchers will focus on a doctrinal or normative approach to the applicable laws and regulations along with court judgments regarding the object to be studied (Efendi & Rijadi, 2022).

The doctrinal approach in this study was carried out by focusing on descriptive research. Descriptive research is legal research that aims to obtain a whole description of the legal situation in a particular place, regarding existing juridical phenomena, or certain legal events that occur in society (Fajar & Achmad, 2015). The description that the author wants to obtain in this study is regarding the position of adopted children on inheritance and consideration of judge's decisions related to the existence of legal irregularities in the inheritance of adopted children.

To get the desired description, it is necessary to have supporting and underlying data. Therefore, in this study data collection was carried out using the library study method. Literature study is a method for obtaining data by conducting a study of existing library materials. The library materials are in the form of books, documents, laws and regulations, thesis, articles and other library materials that are relevant to the object of research.

This research uses two types of data to be processed, these are the primary data in the form of Court Judgment Number 161/Pdt.G/2021/PN.Kln and Court Judgment Number 876/Pdt.G/2019/PN.Sby. , the secondary data in the form of scientific papers and other references related to research objects such as laws and regulations, articles, books and other literary sources.

Based on the data obtained, the researcher will conduct data analysis. Data analysis is the process of collecting and processing data so that the data can be described and can be used to solve the problem under study. The data that has been obtained from the results of this study are compiled and analyzed qualitatively, then the data is described descriptively in order to obtain a description that can be understood clearly and directed to answer the problem, then a conclusion is drawn.

### RESULTS, DISCUSSION, AND ANALYSIS

In every inheritance law system in Indonesia, the arrangements for these heirs are different. In the western inheritance law used by non-Muslim Indonesian citizens and regulated in the Civil Code, those who become heirs have been determined. Based on Article 832 it can be seen that those who become heirs are those who are in the hereditary system (*ab intestato*), besides that a person can also become an heir based on a testament as explained in Article 875 of the Civil Code. A will itself is a deed containing a person's statement regarding his will later after he dies (Meliala, 2015).

In the Islamic inheritance system used by Indonesian citizens who are Muslim and regulated by the Compilation of Islamic Law, in Article 174 paragraph (1) it has been classified who is the heir, the group includes: (Mujib, 2020)

1. Group of heirs based on blood relations. The male group consists of fathers, sons, brothers, uncles and grandfathers, while the female group consists of mothers, daughters, sisters and grandmothers.
2. Groups of heirs based on marital relations consisting of widowers or widows.

However, it should be understood that there are further provisions for the application of heirs where in paragraph (2) of the same article, it is explained that if all the heirs mentioned above are present, only children, fathers, mothers, widows and widowers are entitled to inheritance.

Similar to the classification according to the Civil Code, in the Compilation of Islamic Law, it is also found that there is a grouping of direct and indirect heirs. Direct heirs are those referred to in Article 174 of the Compilation of Islamic Law above, while indirect heirs are those regulated in Article 185 of the Compilation of Islamic Law, namely substitute heirs or descendants of direct heirs.

In addition to the western inheritance law system and Islamic inheritance law, there is also customary inheritance law, this inheritance law is still used by Indonesian citizens who still adhere to their customary laws. In this system, customary law is used which is not written in their respective customary environment. In their environment, customary law is considered to contain spiritual values which are not only a guideline for living together, but also as a basis for resolving violations that occur in society. The use of customary law is clearly recognized and protected by law, in addition to that in the state constitution precisely in Article 18B paragraph (2) of the 1945 Constitution it has also been mandated that there be recognition and respect for the customary law community itself (Hermawan, Rizal, Haryumeinanda, & Hasrah Cahya Oktiviasti, 2021).

The position of the adopted child against the inheritance of his adoptive parents can provide following the table.

Table 1. The existence of Inheritance Rights Based on Legal System

No.	Legal System	Inheritance Rights	Legal Basis
1.	Western Law	Exist	Article 12 <i>Staatsblad</i> 1917 No. 129
2.	Islamic Law	Not exist, unless there is a mandatory	Article 209 Compilation of Islamic Law
3.	Customary Law	In accordance with the prevailing customs and kinship system.	Prevailing custom

Based on the table, the position of the adopted child will be described again over the inheritance of his adoptive parents in accordance with the law.

### 1. Western Law

In western inheritance, the Civil Code (*Burgerlijk Wetboek*) does not recognize the term adoption, especially regarding adopted children, this term according to Article 1 of Government Regulation No. 54 of 2007 concerning the Implementation of Adoption, is defined as a child whose rights are transferred from the family's environment of parents, guardians who are legal, or other person who is responsible for the care, education,

and raising of the child into the family environment of his adoptive parents based on a decision or court order. Based on this article, an adopted child can also be interpreted as someone who is not the descendant of a husband and wife but they care for and treat them like their own offspring (Wardiono, Budiwati, Nuswardhani, & Rochman, 2018).

Because the Civil Code does not regulate provisions regarding adopted children, then for adopted children, the provisions refer to *Staatsblad* 1917 Number 129, In the provisions of *Staatsblad* 1917 Number 129 to be exact in Article 12, it is explained that adopted children have the same legal status as biological children of adoptive parents. One of the legal positions of biological children is as heirs (*ab intestato*), so that an adopted child should also have the right to inherit from his adoptive parents as well as a child born in a legal marriage (Prayustin & Setiabudhi, 2014).

## 2. Islamic Law

In the Compilation of Islamic Law, the term adopted child can be found in Article 171 letter h which states that an adopted child is a child who is under the care of his daily life, educational expenses and so on, transfers the responsibilities from his biological parents to his adoptive parents based on a court decision. For the adopted children themselves, for the sake of realizing justice and welfare, the Compilation of Islamic Law through Article 209 has made it possible for adopted children to inherit their adoptive parents through a mandatory will (Aisyah, 2020).

The obligatory will is different from the will in general, the implementation of this obligatory will does not depend on and is influenced by the will of the heir. This will is still carried out even though in reality it is not spoken, written, or desired by the heir. The implementation of a mandatory will does not require proof of whether the will is true or not but is only based on legal reasons justifying the will being carried out (Aisyah, 2020).

## 3. Customary Law

In customary inheritance law, the determination of the position of adopted children in inheritance depends on the prevailing customary law kinship system. In the traditional Batak community in North Sumatra or the indigenous people in Bali who use a patrilineal kinship system, if a family



does not have male children or descendants, the family adopts a son through a traditional ceremony. The adopted child is then given the family name of his adoptive parents and is made a biological child in his new family, so the adopted child is cut off from his biological parents and he enters the kinship of the adoptive parents, in other words the adopted child becomes an heir or inherit the property of his adoptive parents (Hajati, et al., 2018).

In indigenous peoples with a matrilineal kinship system such as the Minangkabau indigenous people, adopted children have absolutely no position over the inheritance of their adoptive parents. The Minangkabau indigenous people initially forbade and did not recognize adoption because it was considered to disrupt the inheritance system according to their customary law. However, the Supreme Court through Court Judgment No. 813 K/Sip/1972 dated May 13th 1975 has created a legal deviation so that child adoption can be carried out in Minangkabau (Agustian, 2014). In this indigenous community, child adoption can be done in two ways, by means of a traditional ceremony or by not going through a traditional ceremony. If the child is adopted through a traditional ceremony, the child must come from a tribe that is different from the tribe of the adoptive mother, but if the child is adopted not through a traditional ceremony, the child must come from the same tribe as the adoptive mother.

With the adoption of a child, whether through a traditional ceremony or not, the consequence is that the adopted child will be considered the biological child of the adoptive mother's tribe. But even so, in terms of position in inheritance, the adopted child still does not become the heir of his adoptive parents (Gunawan & Rizqullah Dany Putranto, 2020).

Then in indigenous peoples who have a parental kinship system like in Javanese indigenous peoples, adoption does not break the kinship of the adopted child with his biological parents. On the other hand, these adopted children in their adoptive parents' family are also equated with biological children, so they can also inherit from the inheritance of their adoptive parents. However, based on the Landraad Purworejo Decision dated August 25th 1937, adopted children are not allowed to return to inherit the inheritance or inheritance from their adoptive parents, they are only allowed to inherit the joint property of their adoptive parents (Gunawan & Rizqullah Dany Putranto, 2020)

From these various explanations, it can be understood that basically adopted children still have the possibility to obtain rights to the inheritance of their adoptive parents, provided that these rights are regulated in the law that their adoptive parents used in their adoption.

Speaking of adoption, what if there is a legal deviation the adoption made, which then causes a dispute in terms of inheritance. What if the adoptive parents still leave offspring or other relatives, it is possible that those who feel disadvantaged or are more entitled to the inheritance will make efforts to sue through the courts against the adopted child on the basis of a violation of law.

Based on this, it is felt necessary to know what important points that will later become the basis for a judge in considering a decision related to the problematic law violation. To answer this, the researcher will try to describe the judge's considerations referring to the two related decisions. The verdict includes:

Court Judgment No. 161/Pdt.G/2021/PN.Kln,

In this decision, it is known that a married couple named Sadiman Kamtyo Diharjo and Sularsih have died and during their lifetime they were blessed with eight children named Sri Suratmi, Sri Hartini, Suhartono, Sri Mulyani Wiji Lestari alias Sri Lestari, Sri Hartati, Harjanto, Sriyana, and Slamet Sutopo.

Suhartono is known to have died and left a child named Maylina Kristyaningsih. Apart from Suhartono, it is also known that Sri Mulyani Wiji Lestari also died in Klaten on March 2nd 2016. During her lifetime, Sri Mulyani Wiji Lestari alias Sri Lestari received a grant from her grandmother who is also the grandmother of the plaintiff named Kardi. The grant is in the form of a plot of land with an area of approximately 505 M<sup>2</sup> and is located in Bendan Village, Manisrenggo District, Klaten Regency. On the basis of the grant, Freehold Title No. 608/ Bendan Village on behalf of Sri Mulyani Wiji Lestari was issued.

Sri Mulyani Wiji Lestari during her lifetime also had one marriage with a man named Pujiono on July 14th, 2000. During her marriage, Sri Mulyani Wiji Lestari was not blessed with offspring and she never had adopted or adopted children. However, it is known that before marrying Sri Mulyani Wiji Lestari, Pujiono himself had raised a child named Ebiawan who later lived and was raised by both of them.

After the death of Sri Mulyani Wiji Lestari, siblings and descendants of the late Suhartono tried to inquire about the inheritance in the form of the yard to Ebiawan, however, information was later obtained that the object of the yard listed in the Freehold Title Number 608/Bendan Village, Manisrenggo District, Klaten

Regency had been transferred to Ebiawan based on inheritance Number 140/BDN/ 191/V/21 issued by the Head of Bendan Village and confirmed by the Manisrenggo Sub-District Head with information Number 590/121/MRO/2021 and has been recorded in the Land Book at the Klaten District Land Regency.

Knowing this, Sri Mulyani Wiji Lestari's siblings and descendants of the late Suhartono felt aggrieved. This was because Ebiawan, who had only been raised by Sri Mulyani Wiji Lestari and Pujiono and was not an adopted child at all, was not related by blood, and had no legal relationship, was suddenly able to obtain rights to the plot of land.

Sri Mulyani Wiji Lestari's brothers and descendants of the late Suhartono also feel that the object of the plot of land in the Freehold Title Number 608/Bendan Village, Manisrenggo District, Klaten Regency is their right because the plot of land is an inherited property that Sri Mulyani Wiji Lestari received from her grandmother who is also their grandmother, and not the property she got after marrying Pujiono.

Ebiawan, who so far has only been raised by Sri Mulyani Wiji Lestari and Pujiono, acts as if he is the person who has the right to the land that is the object of the dispute, he has even subtly kicked Pujiono who has been caring for him all this time.

Based on these matters, Sri Mulyani Wiji Lestari's siblings and descendants of the late Suhartono sued Ebiawan on the basis of an unlawful act in the form of manipulating inheritance. They hoped that the letter concerned with the inheritance process would serve as the basis for turning over the name of the Freehold Title No.608/ Bendan Village on behalf of Sri Mulyani Wiji Lestari to Ebiawan to be declared null and void. In line with this, the Freehold Title currently in the name of Ebiawan must be declared as having no legal force and must be returned to its original state, namely in the name of Sri Mulyani Wiji Lestari.

Court Judgment Number 876/Pdt.G/2019/PN.Sby

In this court judgment, it was discovered that a woman named Slokowati Hadiwidjojo (Ong, Goen Nio) had married a man named Soelistio Hadiwidjojo (Lie, Sun Tiong) in Surabaya in 1966 and was recorded in the Marriage Deed No. 982 of 1966. Several years after their marriage, the couple still did not have a child, so they adopted two sons named Singgih Hadiwidjojo in 1969 and Gunawan Hadiwidjojo in 1973.

The two boys were gifts from Slokowati Hadiwidjojo's in-laws named Mr. Lie Pay. When the child was handed over, Singgih Hadiwidjojo was around seven months old while Gunawan Hadiwidjojo was about six months old. According to the statement from Slokowati Hadiwidjojo's parents-in-law, the two children were taken from a foundation, but it was not explained what the name and address of the foundation was, and even the names of the children's parents were never mentioned. Mr. Lie Pay only handed over the two children to be raised and adopted by Slokowati Hadiwidjojo and Soelistio Hadiwidjojo without going through the Court Judgment or adoption process until now. The couple Slokowati Hadiwidjojo and Soelistio Hadiwidjojo only had a son in 1979. The boy was born on May 7th, 1979 in Surabaya and was named Tedjo Hadiwidjojo.

In 2006, Soelistio Hadiwidjojo breathed his last. He died on March 27th, 2006 and can be proven based on the Excerpt of Death Certificate Number: 188/WNI/2006 issued by the Surabaya Civil Registration Office. The death of Soelistio Hadiwidjojo was followed by the death of his foster son Singgih Hadiwidjojo in March 2019.

Then it was discovered that on July 20th 2007 the heirs of the late Soelistio Hadiwidjojo had made a certificate of inheritance which was witnessed by the Embong Kaliasin Urban Village Head and confirmed by the Genteng Sub-District Head of Surabaya City. In the certificate of inheritance, it was explained that during his lifetime the late Soelistio Hadiwidjojo was married once to a woman named Slokowati Hadiwidjojo, and from this marriage, they were blessed with three biological children named Singgih Hadiwidjojo, Gunawan Hadiwidjojo, and Tedjo Hadiwidjojo.

Regarding the inheritance certificate, Slokowati Hadiwidjojo and Tedjo Hadiwidjojo as the wife and only child of the late Soelistio Hadiwidjojo felt aggrieved. They felt that the appearance of the names Singgih Hadiwidjojo and Gunawan Hadiwidjojo as biological children in the inheritance certificate was not true. The two children are not biological children but only as adopted children whose adoption is made without going through a court judgment.

As time went by, Gunawan Hadiwidjojo misused the certificate of inheritance to control and sell the inheritance of the late Soelistio Hadiwidjojo for his own interests. Among the inherited assets sold are land located on Jalan Demak Surabaya which was sold in 2013 and land located on Jalan Jeruk Surabaya.

Slokowati Hadiwidjojo and Tedjo Hadiwidjojo are worried that if the certificate of inheritance is not canceled by the court, then Gunawan Hadiwidjojo will increasingly act as if he is the legal heir whose actions would certainly be very

detrimental to the interests of the late's wife and biological children. Apart from that, the Birth Certificate No. 282/WNI/1974 issued by the Civil Registry Office of the Municipality of Surabaya on March 18th 1974 stating Gunawan Hadiwidjojo as his biological child would become the root of other problems.

So based on this, Slokowati Hadiwidjojo and Tedjo Hadiwidjojo as the wife and only biological child of the deceased filed a lawsuit at the Surabaya District Court to cancel the inheritance certificate because the contents were incorrect. They also requested that the Excerpt of Birth Certificate No. 282/WNI/1974 in the name of Gunawan Hadiwidjojo issued by the Civil Registry Office of Surabaya Municipality, on March 18th, 1974 be declared null and void.

In the two court judgments above, similar cases were found, in which both decisions discussed the existence of legal irregularities in the form of not adopting children in accordance with applicable regulations and the practice of including the status of adopted children as biological children in quotations of their birth certificates. In addition, the irregularities in the two decisions resulted in the appearance of a certificate of inheritance stating that the adopted child was the biological child of both adoptive parents.

The certificate of inheritance was then misused by the adopted child to control and exploit the inheritance of his adoptive parents as if they were legitimate heirs. In the first case (Court Judgment Number 161/Pdt.G/2021/PN.Kln), the child used it to divert rights to the yard left by his adoptive parents, while in the second case (Court Judgment Number 876/Pdt.G/2019/PN.Sby), the existing certificate of inheritance is used by the adopted child to sell the land which is the property left by his adoptive parents.

In the first case (Court Judgment Number 161/Pdt.G/2021/PN.Kln), the judge decided to grant the plaintiffs' claim, the Judge decided by stating that the defendant (adopted child) was not the heir of his adoptive parents so that the certificate of inheritance there is then declared contrary to the law so that it is invalid, null and void, therefore the Freehold Title in the name of the adopted child based on the statement is also declared to have no legal force over the object of dispute.

In the second case (Court Judgment Number 876/Pdt.G/2019/PN.Sby), the judge also decided to grant the lawsuit filed by the plaintiff. The judge stated that the defendant (adopted child) was not the biological child of his adoptive parents, so a quote from a birth certificate stating this must be considered as having no legal force. And because the defendant has been declared not to be the biological

child of his adoptive parents, the existing certificate of inheritance is also declared to have no legal force.

In considering the two court judgments above, the judge emphasized the existence of convincing evidence. In this case, the testimony of the adoptive parents of the defendant acknowledges that the defendant (adopted child) is not his biological child and even though they have raised him, they have never been adopted through the court judgment process.

Because it was revealed that the defendant was not a biological child, it was this fact that later refuted the truth of the quotation from the birth certificate of the defendant (adopted child) which stated that he was a biological child. Then another fact is that the defendant who has never been adopted through a court judgment further strengthens the defendant's claim because he is not a legitimate adopted child.

The facts above do not necessarily make judges decide the two cases. The judge still needs to consider which law was used in the adoption in the first place. Later, based on the information that appeared at the trial, it was discovered that the adoption in the first case (Court Judgment Number 161/Pdt.G/2021/PN.Kln) was carried out based on Javanese customary law. In the second case (Court Judgment Number 876/Pdt.G/2019/PN.Sby) it is not explained which law was used, but the fact that the parties in the case are citizens of descent, it can be concluded that the law used is western civil law

Based on the fact that the adoption in this case did not go through a court judgment, then in the second case (Court Judgment Number 876/Pdt.G/2019/PN.Sby) it has been proven that the adopted child is not a legitimate adopted child so he is not a heir. This refers to Article 1 number 1 of Government Regulation Number 54 of 2007 concerning the Implementation of Adoption which states that an adopted child is someone who is adopted based on a court judgment, and also Article 12 *Staatsblad* 1917 Number 129 which indirectly states that an adopted child considered as heirs because his position is equated with biological children.

Unlike the second case, in the first case (Court Judgment Number 161/Pdt.G/2021/PN.Kln) the basis for adopting a child used Javanese customary law. The adoption does not require a court judgments, this refers to Article 9 paragraph 2 of Government Regulation Number 54 of 2007 concerning the Implementation of Adoption which implies that adopting children using applicable customs does not need a court judgment but a court determination can be requested.

Based on this, the judge will then consider whether in this custom the adopted child is considered as the heir. In making considerations, judges based on several related jurisprudence which include:

1. Court Judgment of the Supreme Court of the Republic of Indonesia No.82K/Sip/1957 dated March 5th, 1958, wherein in the Customary Law of Mitigation a foster child or an adopted child cannot inherit (original) heirlooms from his adoptive parents. The heirloom can only be inherited by blood line heirs (in this case relatives) of the deceased.
2. Court Judgment of the Supreme Court of the Republic of Indonesia No.37K/Sip/1959 dated March 18th, 1959, where according to Customary Law in Central Java adopted children are only allowed to inherit mutual assets (joint property) from their adoptive parents, so the heirlooms (original) of adopted children not entitled to inherit it.
3. Court Judgment of the Supreme Court of the Republic of Indonesia No. 621K/SIP/1970 dated May 8th, 1971 which concluded that (1) adopted children have the right to inherit mutual assets (joint property), (2) adopted children are not entitled to inherit the inheritance (original), (3) Adopted children can close the inheritance rights of original heirs.

Based on these jurisprudential guidelines and based on the fact that the object of dispute in this case is a plot of land with an area of approximately 505 M<sup>2</sup> located in Bendan Village, Manisrenggo District, Klaten Regency based on Freehold title No. 608/Bendan Village is an inherited property or assets the origin of the late Sri Mulyani Wiji Lestari alias Sri Lestari. It was concluded that the defendant (adopted child) was already legally adopted but did not have the right to inherit the estate left by the late Sri Mulyani Wiji Lestari alias Sri Lestari which is an innate property.

### **CONCLUSION**

The position of an adopted child in an inheritance is based on what law their adoptive parents use in their adoption. If the law used is western civil law, then they are considered as heirs like biological children. If the law used is Islamic law, then they are not domiciled as heirs, but it is still possible for them to get an inheritance through a mandatory will. It is different if the adoption is carried out according to customary law, the position of the adopted child as heir will be seen based on which customary law is used and what kinship system is in it, because this position is different in each existing customary law and kinship system.

The judge's considerations in Court Decision Number 161/Pdt.G/2021/PN.Kln and Court Decision Number 876/ Pdt.G/2019/ PN.Sby show that the type of law used to adopt children is one of the main considerations. in the event that the problem of inheritance of an adopted child caused by the adoption is not based on a court order or the inclusion of the adopted child in the birth certificate, the judge will look at the facts and consider them based on the provisions of the law used by the adoptive parents in adopting the child, this is done because there is no All laws require a court order in adopting a child, apart from that, in one law and another, there are differences in the provisions regarding inheritance rights.

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