ZONA LAW AND PUBLIC ADMINSTRATION INDONESIA (ZLPAI)
VOLUME 1 ISSUE 1 (2023) ISSN 2988-5345

REVIEW OF THE CIVIL CODE AND COMPILATION OF ISLAMIC LAW ON THE GRANT OF ALL PROPERTY TO ADOPTED CHILDREN

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Abstract

In Indonesia itself there is legal pluralism in the inheritance law section. Among them there is inheritance law based on Islamic inheritance law, inheritance law based on civil inheritance law. Grant or will is one way or effort in terms of transfer of property according to Islamic Law. A grant is a gift of property that occurs during the grantor's lifetime, while a will is a gift of property that occurs after the testator's death. Both of these instruments are encouraged in Islam, where if they are done correctly and in accordance with the requirements of the conditions then it can avoid disputes and struggles over property. The writing of this journal is carried out using normative juridical and empirical juridical methods where normative juridical is carried out by basing on applicable laws and regulations while empirical juridical is based on the implementation of laws and regulations that apply to society. *The results of this study state that the relationship between grants and inheritance according to the Compilation of Islamic Law and the Civil Code is due to the transformation of Customary Law into Islamic Law (Article 211) of the Compilation of Islamic Law. A grant from a parent to his child can count as an inheritance. In the Civil Code, the relationship between grant and inheritance has existed since the creation of the Civil Code and the Compilation of Islamic Law itself. This is in the interest of all Indonesians*.

Keywords: compilation of Islamic law, civil code, grant of all property to adopted children

1. INTRODUCTION

Adopting a child is essentially the act of accepting guardianship over a child previously owned by another individual, thus integrating them into the adoptive family unit. The act of adoption involves the formation of a family bond between an adoptive family and a child, mimicking the relationship between biological parents and their biological offspring. In addition, adoption can be defined as a legal process that transfers the responsibility of upbringing, upbringing, and education of a child from his or her parents or legal guardians to the adoptive family. In Indonesia, Law Number 35 of 2014 which amends Law Number 23 of 2002 concerning Child Protection, especially in article 39 paragraph (1), recognizes and regulates the practice of child adoption. The underlying principle of this arrangement is that adoption of a child should only take place if it is deemed to be in the best interest of the child.

The issue of child adoption is not a new phenomenon. Since the time of jahiliyah, the practice of child adoption has been carried out in various ways, driven by different motives, and in accordance with the regulations of society and applicable laws. The act of adoption of a child can be considered a legal act, because it contains parental responsibility towards someone else's child, thus creating a legal bond between the adopter and the adopted child. Adopted children often develop close relationships with members of their adoptive family and may be treated as if they are biologically related(Hafidzoh, Hadirman, and Luma 2021).

The practice of adopting the child must be carried out in accordance with established legal regulations and in line with the customary norms of the local community. When discussing the topic of adoption of children, it is inevitable to discuss the issue of inheritance rights. Legal pluralism exists in Indonesia's legal sector, particularly in relation to child adoption. There are different types of inheritance law, and one of them is based on Islamic principles. This particular inheritance law follows the guidelines laid down in Islamic teachings. In the realm of civil inheritance law, the concept of inheritance plays an important role. It refers to the legal transfer of assets, property, and rights from a deceased individual to a lawful beneficiary as prescribed by law(Muhammad 2015).

After the death of a person, naturally the question arises about the fate of legal relations closely related to their existence. This certainly has a direct impact on the welfare of the community at large. As long as a person is alive, their interests and affairs need attention and resolution to prevent prolonged social complications. One common issue that often arises relates to the transfer of assets from parents to offspring, usually in the form of inheritance, grants, or disposition of wills. Grants or wills are one way or effort in terms of transferring property. In accordance with the principles of Islamic Law, a grant refers to a transfer of property that occurs during the life of the person making the grant, while a will refers to the transfer of property that occurs after the death of the person making the will.

To guarantee the rights of the recipient, the law mandates such provisions. The overall scope of inheritance and involvement of various parties is a complex process that requires careful consideration. Regulation of income and its complex calculations are carefully outlined in the prescribed format. When considering grants, it's important to consider grants, in particular. What I mean by "impact" are various factors or elements that must be considered. The inheritance given by the surviving heirs to their successors and descendants is an unprecedented gesture. In the case of later division of inheritance, it is important to follow a clear and direct path. Aspects are noticed or have the intention to be returned to one's inheritance. The unequivocal relationship between grant and inheritance is also expressly described in Article 1086 of the Civil Code, which regulates about all heirs. In the Compilation of Islamic Law, Book II focuses on the topic of inheritance. In particular, this chapter explores the principles and guidelines for a clear understanding of Islamic inheritance law. Article 211 of the Compilation of Islamic Law provides for grants. It states that Inheritance can be interpreted as the transfer of value and trust from parents to their children.

In order to uphold justice and ensure the welfare of adopted children, the integration of Islamic law as stipulated in Presidential Instruction Number 1 of 1991 allows adopted children to receive inheritance from their adoptive parents through a mandatory will (Article 209 KHI). Conversely, the adoption of children is not regulated in the Civil Code (BW), so there is no legally recognized adoption of children according to civil law. However, the emergence of child adoption laws, particularly Staatsblad No. 129 of 1917, can be attributed to the impact of World War II on the Netherlands(Ajib 2020).

2. IMPLEMENTATION METHOD

The writing of this journal is carried out using normative juridical and empirical juridical methods where normative juridical is carried out by basing on applicable laws and regulations while empirical juridical is based on the implementation of laws and regulations that apply to society. Secondary data source. This investigation was conducted through extensive examination of various literary sources, including journals, books, and current articles. Research methodology uses literature research, which involves collecting data and theoretical frameworks by studying relevant books, scientific papers, previous research findings, relevant journals, articles, and other sources related to the research subject. After all the necessary data is obtained, both primary and secondary

data are analyzed qualitatively and then presented descriptively. This descriptive approach includes explaining and elaborating the issue of adopted children in Islamic inheritance law and civil law.

3. RESULTS AND DISCUSSION

3.1 Civil Code Review of the Grant of All Property to Adopted Children

The term "adopted son" does not exist in the Civil Code. In contrast, information about adopted children can only be found in the Staatsblad of 1917 Number 129 of 1917, which is a supplement to the Civil Code. This is because the Civil Code does not regulate adopted children. The purpose of the Staatsblad was to address the legal vacuum in governing this particular issue. This provision serves as a guideline for persons who are subject to the Civil Code (Burgerlijk Weetboek) and have an interest in adopting or being adopted. However, it should be noted that the Netherlands has recently enacted an adoption law, which is based on the recognition of new community groups emerging throughout Europe.

a. Parents who have experienced the tragic loss of a child and cannot conceive another child biologically.
b. Children left without parents due to the loss of their lives in times of conflict.
c. The increasing number of children born to unwed parents was the driving force behind Staten General's decision to pass adoptie law. This law provides limited opportunities for adoption and aims to address the aforementioned issues.

The discussion about the placement of adopted children in a family context can be explained by referring to the contents of Staatsblad Number 129 of 1917, especially Articles 5 to Article 15. Article 12 specifically regulates the position of adopted children, equating their legal position with the position of biological children born in adoptive families. Therefore, adopted children have the same position and rights as their siblings, including the inheritance of the adoptive parents' property if they die. These provisions contained in Staatsblad Number 129 of 1917 are complementary to the Civil Code, because the Civil Code itself does not have regulations regarding adopted children.

When looking at adoption from a legal point of view, it includes the framework established by legislation. This framework deals with the process by which prospective parents assume legal responsibility for the child they are about to adopt. These children can be taken care of by prospective adoptive parents both from biological parents and from childcare institutions. The adoption of these children usually involves a direct court order issued by the prospective parents who wish to adopt them. In the view of legal expert Ali Affandi, the adoption of children or in this case the adoption of children is not regulated in the Civil Code. This is because the Civil Code primarily views marriage as a means for individuals to establish fellowship and not as a means to ensure the continuity of offspring. This is due to the Civil Code which is basically a form of product produced for the first time by the Dutch East Indies government(Maisaroh n.d.).

Neither in everyday life nor from a legal point of view, Dutch society does not officially recognize the existence of adoption institutions. However, adopted children are still entitled to inheritance from their adoptive parents in accordance with the Civil Code. Of course, the adoption of a child has a significant influence on the inheritance rights of a child in relation to his adoptive parents, who have legal status as children and adoptive parents. The rules governing the transfer of property to adopted children are rooted in the same inheritance laws that apply to adoptive parents. In this position, adoptive parents have an obligation to fulfill their parental responsibilities to ensure that their adopted child is not left without support

after they die. In practice, one of the ways of adopting a child is the preparation of a child adoption certificate with the help of a notary, along with other necessary legal procedures, and apart from a notary, the process of adopting a child can also be taken by submitting an application to the authorities, namely the District Court in order to request legal certainty.

Considering the moral obligation of adoptive parents to ensure the welfare of their adopted child even after they die, it is generally permissible for adopted children to receive an inheritance or be referred to as heirs in a will. Typically, in larger urban areas, wills are formalized in written form by a Notary Public specifically appointed by the testator to accurately convey their final wishes and instructions. This process requires a minimum of two witnesses to be present during the reading or examination of the testator's last will and testament. Therefore, the will takes the form of a will, which may include part or all of the estate of the heirs, while preserving the absolute rights of other heirs broadly and allowing revocation when necessary(Mutohar 2010).

The provisions governing the grant of wills or known as wills are regulated in Chapter XIII Book II of the Civil Code. Includes various provisions that must be fulfilled in a general will. These provisions set out criteria for a person's ability to make or participate in a will, various types of wills, inheritance of inheritances, grants made in wills, and revocation and annulment of wills. Article 875 of the Civil Code further regulates this provision by providing an understanding of wills which include the grant of wills (legaat) and inheritance (erfstelling). Erfstelling refers to a determination made in a will. The intended beneficiary, either in whole or in part, is usually appointed by the person who left or bequeathed the property, as stipulated in Article 954 of the Civil Code. While the testator is someone who through a will appoints a certain person or party to inherit predetermined goods or property, such as a residence or vehicle. It may also include movable property or the right to receive all or part of the proceeds of inheritance, as provided for in Article 957 of the Civil Code. It is important to note that the Civil Code imposes certain restrictions on the distribution of inheritance to legal heirs, commonly known as the Legitime Portie. Articles from Article 913 to Article 929 of the Civil Code underline the provisions in question. According to Asser Meyers, an expert in his field, the main purpose of this law, which explains the concept of the Legitime Portie, is to protect the rights of descendants from potential exploitation by heirs. This perspective is echoed in Oemarsalim's publications. Portie Legitime, also referred to as an absolute share, is defined as the part of the inheritance that must be allocated to direct descendants. The law expressly prohibits heirs from determining division, either through grants or wills, as stipulated in Article 913 of the Civil Code (Hendarsanto 2006) .

3.2 Compilation of Islamic Law and Civil Code on the Grant of All Property to Adopted Children

The division of inheritance according to the compilation of Islamic law involves the division of heirs into three distinct groups: Ashabul furudh, Ashabah, and Dzawil arham:

The group of heirs consists of:

a. According to blood relations The male group consists of father, son, brother, uncle and grandfather. The female group consists of mothers, daughters, sisters and grandmothers.
b. According to the marriage relationship consists of widowers and widows. In the case of all heirs who are entitled to attend, only children, fathers, mothers, widows, or widowers are entitled to inherit. The Islamic faith describes the aims and objectives of the heir, which go beyond the personal welfare of the heir himself. It also stresses the importance of considering the welfare of orphaned individuals and poor neighbors as societal obligations.

This principle is explained in the Qur'an Surah An-Nisa (4) verse 8(R. Zainul Mushthofa, Siti Aminah, and Dendik Irawan 2022).

Based on court decisions, according to the compilation of Islamic law, it is determined that adopted children remain legal children, so that there is still blood connection with their biological parents. This is because child adoption, as defined in the compilation of Islamic law, is seen as an expression of faith, demonstrated through the act of nurturing a child who is not his/her biological property. This care involves providing for all their needs and needs in the way of parents. In the case of inheritance rights, adopted children take precedence over natural children or other heirs, as provided for in Article 175 of the Compilation of Islamic Law. This article outlines the obligations of heirs, including the responsibility to fulfill all wishes and wills of the deceased. The compilation of Islamic Law includes the regulation of compulsory wills, which are contained in Article 209 paragraphs 1 and 2. The first paragraph states that the division of the adopted child's estate follows the guidelines outlined in Articles 176 to 193. However, adoptive parents who do not receive a compulsory will are entitled to a mandatory will that is 1/3 of the adopted child's estate. In the second paragraph, it is stated that adopted children who do not receive a will are given a mandatory will of 1/3 of the estate left by their adoptive parents. A mandatory will is a will that is executed regardless of the will of the deceased individual. This means that the will will be executed whether it is spoken, desired, or not by the deceased. Therefore, the execution of a will does not require proving that the will was expressly stated. Looking at the arrangements regarding the granting of wills to adopted children through compulsory wills, it appears that this concept is relatively new in the context of traditional jurisprudence. In fact, it is contrary to the laws and regulations of inheritance currently prevailing in various Islamic societies(Dzulhidayat 2022). The Qur'an categorically opposes the idea of equating rights and duties derived from adoption with those derived from biological kinship, as was prevalent in the customs of the Arab society of Medina at that time. In order for a will to be compulsory to be valid, it must comply with two special conditions:

a. The need lies in accepting the wishes of the testator rather than the wishes of the beneficiaries. If a person has a legitimate claim to an inheritance, regardless of its size, the creation of a will is not mandatory.
b. The deceased individual, not a parent or grandparent, does not confer upon the child the amount necessary to make a will. This required amount can be given through alternative means, such as gifts. If the individual has provided an amount that is less than mandated for the will, the will must be added to meet the required threshold.

In accordance with Article 209 of the KHI, the determination of a mandatory will for adopted children in the realm of jurisprudence is solely based on three ways: ijtihad istishlah, urf, and istihsan. This reflects the mandatory testamentary provisions for orphaned grandchildren. In other words, taking into account the customs and benefits observed by certain Indonesian individuals (such as the preference not to practice polygamy despite not having children for a long time), it is permissible to give a mandatory will to a person recognized as an adopted child. Civil Law considers inheritance rights as real rights to the property of a deceased person. Article 528 of the Civil Code states that inheritance rights are a means of obtaining property rights, while the regulations governing the acquisition of property rights are set forth in book II of the Civil Code. The previous discussion has provided an explanation of the position of adopted children in a family, as stipulated in the Civil Code. According to Staatblad Number 129 of 1917, Article 12 stipulates that adopted children are considered the same as biological children born in legally recognized marriages. In terms of inheritance rights, the Civil Code categorizes heirs into four different groups:

1. Heirs of Class I
   a. In discussing the classification of heirs, please note that Class I heirs include children and their entire lineage. In the context of this article, the child in question is considered a legitimate child. It is worth mentioning that the legislators have established separate provisions in section 3 title/chapter II, specifically from Article 862 of the Civil Code, to deal with children born out of wedlock. In the category of legal children, both biological children and legal adopted children are included.
   b. The determination of the inheritance rights of a husband or wife, based on his age, is directly related to the proportional share to which each child is entitled. The greater the share allocated to a child, the greater the rights of the surviving spouse.
2. Heirs of Group II

   Individuals belonging to this particular group consist of their parents, siblings, and their respective children. The distribution of inheritance for this group is specifically regulated in articles 854 to 857 of the Civil Code.
3. Heirs of Group III

   The group in question includes direct relatives, beyond parents, both paternal and maternal ones. As mentioned in Article 853 of the Civil Code, this group applies if there are no heirs from either Group I or Group II. In the case of maternal and paternal blood relatives, this includes grandparents, great-grandparents, great-grandparents, great-grandparents, and all ancestors further along from the family tree of both lineages.
4. Heirs of Group IV

   According to article 858 paragraph 1 of the Civil Code, if there are no Group II relatives and no Group III siblings, then 50% of the inheritance becomes a legal part of living blood relatives in a straight line up. The remaining fifty percent is allocated to relatives of other lines. In this context, relatives of other lines refer to their deceased uncles, aunts and descendants. The inheritance process in the Civil Code system is divided into two types, namely heirs according to law (ab intestato) and heirs by will (ab intestato). Heirs according to law who are related by blood to the deceased take precedence in inheriting under this law because of the provision of the lawful parts owned by each of the ab intestato heirs(Hendarsanto 2006).

   In accordance with this law, heirs are categorized into two different categories based on their respective positions. The first group consists of heirs who are entitled to inherit based on their own position, as specified in Article 852 paragraph (2) of the Civil Code. This article states that the heirs inherit individually, provided that they are directly related to the deceased in the first instance and have their own rights. The second group, called "bij plaatvervuling" heirs, is governed by the regulations outlined in Articles 841 to 848 of the Civil Code.

   In the context of a will, persons referred to as heirs or appointed by the testator are considered heirs ad testamento. A will, as defined in the Civil Code (BW), is a legal document that states a person's desire for the disposition of their assets upon their death. Typically, a will is a unilateral declaration and can be revoked by the testator either explicitly or implicitly. The provisions regarding wills as contained in Article 874 of the Civil Code (BW), contain provisions that the contents of the will must not conflict with the legal part in Article 913 of the Civil Code (BW). One of the conditions is that the will must not contradict the valid part of Article 913 of the Civil Code (BW). The most common form of will is one that includes "erfstelling", which is the appointment of an individual or

many individuals as heirs who will receive the entire inheritance or part of it (Hendarsanto 2006).

3.3 The views of the schools on the grant of all property to adopted children

Based on the writings of as-Sayyid Sābiq and Chairuman Pasaribu, it is widely recognized among Islamic scholars that a person has the right to allocate his entire wealth as a grant to someone who is not his rightful heir. However, Muhammad Ibn al-Hasan and the founder of the Hanafi school argued that it was not lawful to donate all his property, even for a noble cause. They consider such actions foolish and believe that measures must be taken to prevent them. In this situation, there are two different scenarios to consider: if the grant is made to an individual or legal entity other than the heirs, the majority of Islamic jurists agree that there are no restrictions. However, if the donation is made to the grantor's children, a different view arises.

The ability to distinguish gifts from parents to their children is a matter of dissent among scholars. According to Imam Malik and ahlu al-Zahir, it is considered haram, while Fuqaha Amsar considers it makruh (disliked). The actions of the Prophet (peace be upon him), as exemplified in the case of Nu'man Ibn Basyar, emphasize the importance of equating the gifts of parents to their children. Many other hadiths, albeit with different interpretations, reinforce the notion that it is not permissible to distinguish between gifts from parents to their children, favoring one over the other(Plomp 2007).

Inheritance can be seen as a form of parental grant to their children. However, it is important to ensure that the implementation of these grants does not cause divisions in the family. The principles of Islamic law are in harmony with the cultural values of the Indonesian nation, as well as the teachings of Muhammad Ibnul Hassan. According to him, a person who loses his entire wealth is considered legally unfit. Therefore, if a person donates his entire property, he is considered incapable of making a legitimate grant. This is because they failed to meet the necessary requirements. It is also important to note that actions taken in the interest of their families and heirs are not considered justifiable under Islamic law. Every individual has a responsibility to protect themselves and their families from the potential consequences of their actions. In this context, it becomes mandatory for every family member to work for the welfare of the entire family unit. If the actions committed cause his family to experience destitution, it is tantamount to plunging his relatives into a poor state of poverty.

In the analysis presented by As-Sayyid Sābiq and Chairuman Pasaribu, it is argued that if a person donates his property in a state of illness, then dies, the legal implications of the donation are like a will. Therefore, if another party or one of the entitled heirs declares that they have received a grant, then the grant is considered invalid and unenforceable. The underlying concern lies in the possibility that the giver's actions may be less voluntary, or that they may not be able to distinguish right from wrong when making charitable donations. However, if the heirs affirm the authenticity of the grant, it is considered valid. The majority of scholars (Jumhur Fuqaha) believe that the sick are allowed to donate up to one-third of their wealth. This latter provision seems to have been followed in the compilation of Islamic law(R. Zainul Mushthofa et al. 2022).

There is a difference of opinion among some scholars of the Hanafi school about the permissibility of donating one's entire property, even if it is for a good cause. This view is in line with the teachings contained in the compilation of Islamic law, which stipulates that grants should not exceed one-third of a person's total property. The excess from the gift can then be incorporated into the inheritance received by the rightful heirs. Therefore, it is agreed that the grant awarded to adopted children should not exceed one third of their specified share. It needs

ISSN 2988-5345

to be reevaluated the applicability and compliance with this regulation in the community, not to question its legal validity, but to ensure that the value of property grants is perceived to be fair by all parties involved and no one feels disadvantaged.

According to scholars of the Hambali School, as quoted by Muhammad Ajib in his book, a grant can be interpreted as the ownership of property granted, both known and unknown, which is difficult to ascertain. These assets already exist and are transferable as long as the giver is alive, and there is no hope of receiving any remuneration for the grant. It is important to note that giving is not a mandatory act.

Conclusively, a grant can be defined as a voluntary gift of an asset, whether easily identifiable or unclear, without expecting reimbursement. It is important to note that grants are awarded during the lifetime of the benefactor. In addition, the scope of assets eligible for grants is not limited to known holdings; Comprehensive guidelines have been established to cover a wide range of potential assets. Assets that are difficult to understand and difficult to ascertain can still qualify for grant consideration if their existence is verifiable and transferable to the grantee.

According to the Maliki school, grant is defined as the act of bestowing something on another person without expecting anything in return. This action can also be referred to as a reward. Based on the understanding of the Maliki school, it can be concluded that a grant is essentially a gift given without expecting anything in return. However, this definition does not specify when the grant will actually be made, thus requiring further clarification. It is widely understood that grants are usually awarded while the grantor is still alive(R. Zainul Mushthofa et al. 2022).

According to the teachings of the Shafi'i school, a grant is a deliberate granting of property rights as long as the giver is alive. Based on the definition of grants, it is clear that the deed of the grant occurs at the time when the giver knowingly, To ensure the proper execution of the grant in accordance with established regulations, it is important to understand its nature and purpose. According to Muhammad Sayid Sabiq, a grant can be defined as a contractual agreement in which a person voluntarily transfers goods from his possessions to others, without expecting reciprocity, as long as they are alive. This definition is in line with the views of other scholars who emphasize grants as one type of contractual agreement relating to the act of giving.

According to the view expressed by Shaykh Muhammad bin Salih al-Uthaymeen, a grant can be defined as a form of giving whereby a person transfers his property rights to another person during his life. The conclusion contains the understanding that a grant is a gift made openly and legally, with the intention of transferring the grantor's real property rights to the recipient. This clear transfer process involves giving grants openly and lawfully, similar to the common practice of gifting. To adhere to established guidelines, it is critical to have a comprehensive understanding of the grant and its intended purpose. According to eminent scholar, Muhammad Sayid Sabiq, a grant can be defined as a voluntary contractual agreement in which a person voluntarily transfers property to another individual, without expecting reciprocity, as long as both parties are alive. This definition is in line with the perspective of other scholars who emphasize grants as a specific type of contractual agreement centered around the act of giving (Aisyah, Islam, and Alauddin 2020).

According to Article 171 letter g of the Compilation of Islamic Law, the definition of grant is when a person voluntarily gives property to another person without expecting anything in return. The purpose of this gift is for the recipient to be the owner of the property, and the gift is given as long as the giver is alive. Therefore, a gift is a generous act that provides benefits and pleasure to the recipient.

After examining the previously given definition of grants, it can be concluded that they have the same essence. Grant is defined as the act of giving property from the grantor to another person without expecting any remuneration or remuneration of any kind. This act is voluntary and is done as long as the grantor is alive. Therefore, it can be concluded that a grant is an agreement made without expecting profit from the recipient. It is important to note that a grant is different from a loan, as it is considered a gift. In essence, a grant involves the transfer of property that is legally owned by the grantor himself.

4. CONCLUSION

Based on the description above, the author can conclude regarding grants to adopted children below:

1. Adopted children are given the same status as biological children according to the Civil Code. However, in the Compilation of Islamic Law, there is a clear distinction between the two. This distinction arises from the fact that adoption in the context of Islamic law does not sever the biological link between parent and child.
2. Under Islamic law, the division of inheritance follows a certain system that excludes adopted children from the category of heirs. The heirs themselves are classified into three distinct groups: Ashabul furudh, Ashabah, and Dzawil Arham. Please note that adopted children as referred to in Article 174 of the KHI are not included in the classification of heirs. However, there are provisions to address this issue, as adopted children can still receive part of the inheritance through a compulsory will, as stated in Article 209 of the Compilation of Islamic Law. In contrast, the Civil Code divides heirs into four separate groups. Adopted children in this case are treated the same as biological children, that is, put them in the first group of heirs. This group includes children and all their offspring, as well as surviving couples with the longest lifespan.
3. As outlined by the KHI (Korean Heritage Law), adopted children are entitled to inheritance property of a maximum of one-third of their adoptive parents, as stipulated in Article 209 of the KHI. However, this right is subject to the consent of all heirs involved. It is important to note that the Civil Code treats adopted and biological children equally, ensuring equal treatment under the law.
4. The relationship between grants and inheritance according to the Compilation of Islamic Law and the Civil Code is due to the transformation of Customary Law into Islamic Law (Article 211) of the Compilation of Islamic Law. A grant from a parent to his child can count as an inheritance. In the Civil Code, the relationship between grant and inheritance has existed since the creation of the Civil Code and the Compilation of Islamic Law itself. This is in the interest of all Indonesians.

REFERENCES

Aisyah, Nur, Universitas Islam, and Negeri Alauddin. 2020. “Anak Angkat Dalam Hukum.” *El-Iqtishady* 2:101–13.

Ajib, Muhammad. 2020. “Hibah Kepada Anak Angkat Di Indonesia.” *HUKUM* 37–80.

Dzulhidayat. 2022. “TINJAUAN HUKUM ISLAM TERHADAP PRAKTEK HIBAH KEPADA ANAK ANGKAT (Studi Kasus Desa Rimbo Kedui Kec. Seluma Selatan, Kab. Seluma).” *HUKUM* (8.5.2017):2003–5.

Hafidzoh, Ulfah Ainun, Hadirman, and Meiskyarti Luma. 2021. “STUDI KOMPARASI

KEKUATAN HUKUM HIBAH TERHADAP ANAK ANGKAT DALAM KEHI DUPAN SOSIAL-MASYARAKAT DITINJAU DARI HUKUM PERDATA DAN KOMPILASI HUKUM ISLAM." *Jurnal Interdisiplin Sosiologi Agama (JINSA)* 01(1):20–38.

Hendarsanto, Prastowo. 2006. "Studi Perbandingan Tentang Hubungan Hibah Dengan Waris Menurut Kompilasi Hukum Islam Dan Kitab Undang – Undang Hukum Perdata." *Jestic*.

Maisaroh. n.d. "KITAB UNDANG-UNDANG HUKUM PERDATA DAN." *Hukum Islam*.

Muhammad, Nor. 2015. "HIBAH HARTA PADA ANAK ANGKAT (Telaah Sosio Filosofis Terhadap Bagian Maksimal Sepertiga)." *Hukum Keluarga* (16.1.2015).

Mutohar, Solikul. 2010. "TINJAUAN MENGENAI SISTEM HIBAH HARTA KEPADA ANAK ANGKAT MENURUT KOMPILASI HUKUM ISLAM." *KELUARGA*.

Plomp, T. dkk. 2007. "HAK PEWARISAN PADA ANAK ANGKAT DALAM PERSPEKTIF HUKUM ISLAM, HUKUM PERDATA, SERTA HUKUM ADAT DI INDONESIA." *Angewandte Chemie International Edition, 6(11), 951–952.*

R. Zainul Mushthofa, Siti Aminah, and Dendik Irawan. 2022. "Praktik Pembagian Waris Anak Angkat Perspektif Hukum Islam, Kompilasi Hukum Islam, Hukum Perdata Dan Hukum Adat Di Desa Surabayan Kabupaten Lamongan." *JOSH: Journal of Sharia* 1(1):49–66. doi: 10.55352/josh.v1i1.460.