

Citizenship Education Study of the Position of Adopted Children in Customary Law

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Abstract

This research is a qualitative descriptive study that aims to find out the implementation of child adoption under customary law in Tananahu District, Teluk Elpaputih District, to find out an overview of citizenship education regarding the rights of adopted children from the perspective of customary law in Negeri Tananahu, and to find out the process of distributing inheritance to adopted children. based on customary law in Negeri Tananahu. Primary data collection was carried out through interviews with a number of informants who were considered to be directly involved. Data collection techniques used are observation, interviews and documentation. The results of these interviews can show that based on a study of citizenship education in customary law in Tananahu Country regarding the position of adopted children that children who are adopted either from the family or not from the family will become part of the adoptive parent's family. The adopted child will be cared for and all the fulfillment of the child's needs will be borne by the adoptive parents. Before becoming part of the adoptive parent's family, of course, they have gone through the stages and processes according to custom, so that the child who is legally adopted becomes part of the adopting family. Adopted children have the same rights as biological children, such as the right to love, the right to education, and the right to a decent life. According to customary law in Tananahu, the inheritance rights of adopted children and biological children are not the same, but that does not mean that adopted children do not receive inheritance, only with different amounts. Biological children will get more inheritance rights than adopted children.

Keywords: Position, Adopted Children, Customary Law



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INTRODUCTION

Indonesia is a country that has various kinds of diversity, where there are many differences in ethnicity, religion, race, and culture. Even this diversity is still maintained today by sticking to the philosophy of Unity in Diversity, which means that although we are different, we are still one. This philosophy is the guideline for Indonesian society so that the differences in society remain intact. Indonesia, which is rich in culture and customs, has made Indonesia a great country and that is the characteristic and fundamental difference between Indonesia and other countries. One example of a custom that is still attached to this day and is even still practiced by Indonesian people is the custom regarding the position of adopted children in customary law.

The traditions of the Indonesian people do not die, but are always evolving, always moving with the times. As well as always developing in accordance with the civilization of the nation. Custom is a reflection of the personality of a nation, which is one of the manifestations of the soul of the nation concerned from century to century. Therefore, every nation in this world has its own customs which are not the same as one another. It is this custom which is alive and connected with the traditions of the people which is the wonderful source of our customary law. Since passing through the proclamation gate until entering the reform gate,

there are no laws and regulations that adequately regulate the implementation of child adoption in Indonesia. In the reform era, arrangements for child adoption began to materialize with the birth of Law Number 23 of 2002 concerning Child Protection. This law regulates various efforts made in the context of protection, fulfillment of rights and improvement of child welfare, which also regulates child adoption. .

In general what is meant by children is offspring or generation as a result of sexual relations or intercourse (sexual intercourse) between a man and a woman both within marriage and outside marriage. Then in customary law as stated by Soerojo Wignjodipoero quoted by Tholib Setiadi, it is stated that: "unless it is seen by the parents as the next generation, the child is also seen as a vessel in which all the hopes of his parents in the future must be shed, it is also seen as a protector of their parents later when the parents are no longer physically capable of earning a living (Tholib Setiady, 2010: 173).

Children's rights are generally regulated in Law no. 23 of 2002 article 1 paragraph (12) provides a definition of children's rights. In this article what is meant by children's rights is: "Part of human rights that must be guaranteed, protected and fulfilled by parents, family, society, government and the State." Children's rights deserve to be protected both in everyday life and in the judicial process itself, because as mentioned above, children's rights are also part of human rights, whereas we all know that human rights are basic rights or basic rights that every person has since he was born into the world until he dies anyway and that right can be defended by anyone. The study of customary law in Indonesia regarding the adoption of children cannot be separated from a marriage bond between father and mother so that they become one family. Marriage is a place for humans to dedicate themselves to one another and respect each other's feelings and is the bond that gives birth to the family as the basis of society and the state.

In adopting a child, there are two interested subjects, namely the adopting parents and the child adopted by the adopting party. Adoption of a child may not be solely for the benefit of the adoptive parents, but must also pay attention to the interests of the adopted child. Adoption is a form of protection for adopted children, where what is meant by protection is all activities to guarantee and protect children and their rights so that they can live, grow and develop, and participate optimally in accordance with human dignity and status, and receive protection. from violence and discrimination (Article 1 number 2 of Law No. 23 of 2002 concerning child protection). Children are the continuation and continuity of human, nation and family life so that their rights must be protected. Adoption of children can be done in different ways and purposes, according to the legal and legal system that lives and develops in the area concerned.

Apart from the study of the law on adoption in Indonesia, there is also a study on the position of adopted children in customary law in Maluku, which confirms that the position of adopted children in view of customary law in Maluku can be seen from the aspect of legal consequences of adoption according to some walahy. customary law, has similarities with adoption law which is known in Western law, namely the entry of an adopted child into the family of the adopting parents and the breaking of family ties with the adopted child's family or biological parents. Meanwhile, seen from the motivation for adopting children, it is different from the motivation for adopting children contained in the Child Protection Act Law No. 23 of 2002 which emphasizes that legal acts of adoption must be motivated solely for the best interests of the adopted child. In customary law more emphasis is placed on concerns (prospective adoptive parents) of extinction, then prospective adoptive parents take children from their kinship environment which are carried out by kinship, then the adopted child then

occupies all the positions of the biological child of the mother and father who adopted him and he is released from his relatives.

The position of children according to customary law, as biological children have the most important position in each indigenous community. According to the parents, the child is seen as the next generation, the child is also seen as a place where all the hopes of the parents must be shed in the future, seen as a protector for their parents when that person is no longer physically able to make a living for himself. Children are expected to be a substitute or successor of the family in terms of breadwinners and as protectors of the family. Based on initial observations and direct interviews between the researcher and the traditional head of Negeri Tananahu, Teluk Elpaputih District, Central Maluku Regency regarding the position of adopted children in customary law, there are several indications that when viewed from the point of view of adopted children, types of adoption can be classified. . This type is divided into two parts, namely Adopting Children Not from the Family. In this case, what is meant by adopting a child who is not from the family means that the child adopted or the prospective child is taken from the circle of origin (no relationship between relatives or family with the prospective adoptive parents).), and put into the family of the person who adopted him as a foster child.

Usually this action is accompanied by the handing over of magical items or some money to the biological parents, while the kinship with the child's parents is broken according to custom. Such adoption must be clear (clear), which means that the adoption of the child must be carried out with traditional ceremonies in accordance with the customary provisions of each region which are confirmed by the customary heads and attended by members of the community and family relatives in order to fulfill the principle of publicity in adopting the child.

Adopting Children from the Family, Before adopting children from within the family itself, there are several agreements that must be discussed as follows: (a) Men from a family must first discuss their wishes with their families in advance, (b) The child to be adopted or the prospective adopted child must break the kinship with the birth mother and her family according to custom, namely by carrying out a thread burning procession (which means thread is a material for making clothes where clothes are useful for covering one's body or body and with this symbol, the child's relationship broken up with his family), besides that the party who adopts the child (adoptive parents) according to custom must hand over or pay a thousand kepeng (kepeng is a means of payment or better known as Uang perforated which has a high value) accompanied by clothes complete woman (which indicates the relationship between the child and the mother is broken), (c) After the above process is carried out, the adopted child is then entered into the kinship of the family that adopts him and is introduced to the local community) where this term is called extortion, (d) Before adopting a child, first the adoptive parents must obtain approval or permission from the king, from the king's approval letter, in this case acting on behalf of the king for adoption purposes, to make a certificate of adoption. Such reasons for adoption usually occur in couples whose husbands are infertile and cannot have children. Parents' Treatment of Adopted Children Based on the reality that happened in Tananahu Country is not in accordance with the concept of children's rights in general in Indonesia, where every child must be guaranteed, protected and fulfilled by parents, family, community, government and the State. The facts that occur in Negeri Tananahu are as follows: (a) Adopted children are not properly cared for, (b) The rights of adopted children are ignored, (c) The inheritance of adopted children and biological children experiences different portions.

The indigenous people of Negeri Tananahu, Teluk Elpaputih District, Central Maluku Regency, when taking children, are usually adopted from the father's family because the

community adheres to a patrilineal or paternal kinship system. Before adopting a child, prospective adoptive parents first seek approval from the child's biological parents and the family. The form of the agreement itself is limited to the words attended at a family meeting. Thus the author is interested in conducting research with the title "Study of citizenship education about the position of adopted children in customary law"

RESEARCH METHODS

The type of research used in this study is descriptive qualitative. The location of this research was carried out in Negeri Tananahu, Teluk Elpaputih District, Central Maluku Regency, Maluku Province. The technique used is purposive sampling, where data sources are determined with certain considerations (Komariah & Satori, 2017:57). The subjects in this study were 8 people consisting of 5 parents of adopted children, 1 father king, 1 Saniri Negeri and 1 traditional leader. Data collection techniques in this writing are Observation, Interview, Documentation.

The analytical method used in this study is to use a qualitative analysis method, namely a method that aims to provide an overall picture of the subject under study and is not intended to test hypotheses (Adi, 2004: 117). According to Miles and Huberman (in Basrowi and Suwandi, 2008: 209) there are three activities carried out in conducting data analysis including: Data Reduction, Data Presentation, Drawing Conclusions

RESEARCH RESULTS AND DISCUSSION

Based on research that has been carried out by researchers starting from October 21 to November 21 in Tananahu Country, the researcher has succeeded in obtaining data that is in accordance with the research objectives, as well as answering the main problems in this study. In accordance with the research title, namely the study of citizenship education regarding the position of adopted children in customary law, it can be discussed through the following problem formulation:

Implementation of Child Adoption in Customary Law in Tananahu Country

Adopted children are children who are adopted or adopted from other families, in this case they can be from the family and also from parties outside the family. In the process of adopting a child it is usually carried out according to local customs and habits as happened in Negeri Tananahu, that before adopting a child there must first be approval from both the family who wants to adopt it and the party being adopted. If both parties have mutually agreed, then the adoption process is carried out together with traditional leaders to confirm that the adopted child has legally become part of the adopting family.

Based on the results of observations that the adoption of this child is very necessary because according to some people in Negeri Tananahu that there are some families who experience infertility and cannot have children so that the adoption of this child is very necessary in order to maintain offspring and continue the legacy of their parents. In order to understand the implementation of child adoption under customary law, we must first understand the explanation of whether it is necessary to adopt a child, as well as what are the reasons for adopting a child. The following are the results of the researcher's interview on October 25, 2022 with Mr. Marthen Pelletimu, who is a traditional leader in Tananahu Country, along with the results of the interview: "In my opinion, adoption is necessary because we first look at the child's life. This means that if there are no more people who are concerned about

the child, of course we also feel compassion. Because if we do that it is also the best thing and can save other people from adversity.”

Another explanation the researcher got from a resident of Tananahu, Mr. Yosias Gapang on October 25, 2022, is the result of the interview: we couldn't have children or we couldn't have children so we took the initiative to adopt children.” From the results of the interviews submitted by several informants and respondents above, it can be analyzed that the adoption of children is necessary because according to the people of Tananahu State, adoption is an important matter considering that there are still members of the community who do not yet have offspring, both sons and daughters. So that the community takes the initiative to adopt children both from the family and not from the family as an inducement to get offspring as supported by (Ian Marthasari, 2010: 3) in his journal entitled adoption according to customary law in Mlonggo District, Jepara Regency (Characteristics and legal position that) that the background for adoption was carried out, namely among others because of the desire to have children, for couples who do not have children, the hope and belief will get children after adopting children or as "inducing" and still want to add another type of child which has been owned. As compassion for abandoned children, the poor, orphans and so on (Ian Marthasari, 2010: 3).

As for the reasons why the community adopts children, this is done because according to the community's view that through adoption the lineage will not be lost, the relationship between families is not broken if they are raised from among the family, and the most important thing is that there are those who continue the inheritance and their descendants do not will disappear, as conveyed by (Muhammad Rais, 2016: 192) in the legal dictum journal entitled Position of adopted children in the perspective of Islamic law, customary law and civil law, that in customary inheritance law, adopted children receive rights and obligations as heirs are like biological children, both material and immaterial (Muhammad Rais, 2016: 192).

Based on the analysis of the data above, it can be concluded that adoption is very important to do so that the lineage is not lost, the relationship between families is not broken and there are those who continue the inheritance left by their parents. In adopting children, of course there are certain provisions based on or in accordance with customary law that applies in each region. So that in adopting children, the local community will follow the existing provisions. Based on the observation results, one of the provisions in adopting children in Negeri Tananahu is that adopted children must be acknowledged from both sides of the family and there must be approval through custom. To find out more about the provisions for child adoption in Negeri Tananahu, the following are the results of the researcher's interview with Mr. Marthen Pelletimu on 25 October 2022, the following are the results of the interview: part of our family, he must be recognized by custom first so that the child can legally become part of our family, so that the child can also get an inheritance.” Another explanation the researcher got from a resident of Tananahu, Mr. Yosias Gapang on October 25, 2022, is the result of the interview: "In my opinion, in adopting a child, there must be approval from the family who adopts both the female and male families.”

From the results of the interviews submitted, it can be analyzed that the provisions for adopting children in Negeri Tananahu, as has been explained by several communities and traditional leaders of Negeri Tananahu, that in adopting children have basic provisions such as the need for approval or agreement from the family, both the family adoptees and families who are adopted without coercion, which means that if there is no agreement between the adopting family and the adopted family, there is no need to adopt children, as supported by (Ian

Marthasari, 2010: 6) in his journal entitled adoption According to customary law, the agreement referred to here is that prospective adoptive parents must discuss their intentions carefully with the biological parents that the child to be cared for will be raised and educated properly and all their needs will be met. In this agreement, if there are conditions put forward by the biological parents, the prospective parents must fulfill them first (Ian Marthasari, 2010: 6). In addition, the provisions for adoption must be recognized by custom, so that the adopted child is legally part of the adopting family. Adoption of children according to customary law in order to be considered legal must be carried out with certain ceremonies and attended by traditional elders and the adopting family and the adopted family so that their status becomes clear and clear to family members. Based on the above data analysis, it can be concluded that when adopting a child in Negeri Tananahu, there are certain provisions that need to be considered so that the adopted child can legally become part of the adopting family. As for these provisions, there must be an agreement from the adopting family and the adopted family, and it is carried out with traditional ceremonies in accordance with the customs in Tananahu Country.

Adoption according to customary law is an attempt to take a child who is not his own with the intention of caring for him and treating him as his own child. Regarding the adoption of children when viewed from customary law, it varies in each region according to the family system that applies to these areas, as well as regarding the conditions for adoption are also not the same, because it must be done according to local customs. Thus the legitimacy of the child is recognized, both within the family itself, and within the local indigenous community. The conditions for adopting a child in Negeri Tananahu as explained by the people of Negeri Tananahu that the conditions for adopting a child are that there must be agreement from both sides of the family, an agreement to care for the adopted child with full responsibility, carried out in accordance with the ceremonies the customary ceremony in force, and the last is the handing over of the child to the adopting family when the requirements have been met. To find out more about the conditions for adoption in Tananahu Country, the following is the result of an interview from Mr. Marthen Pelletimu who is a traditional head of Tananahu Country on 25 October 2022, as well as the results of the interview: "In my opinion, the conditions for adopting a child first You have to look at the child's family first, if indeed the family agrees regarding the adoption of the child, of course we also voluntarily accept the child. But if there is no consent from his family we cannot force it. In addition, there must be deliberations between the two parties together with traditional leaders to discuss their aims and objectives."

Another statement the researcher got from Mrs. Eda Maahaly who is a resident of Negeri Tananahu on October 25 2022, along with the results of her interview: can give affection and not discriminate. The main thing is being able to take care of and being able to see the child well." From the results of interviews submitted by the people of Negeri Tananahu, it can be analyzed that conditions are an important matter in adopting children. Because through these conditions, the legitimacy of the adopted child can be recognized in the adopted family. The conditions for adopting a child in Negeri Tananahu are the first that there must be agreement from both sides of the family through approaches, the second is that there is an agreement to care for the child who is adopted with full responsibility. If these conditions have been met, then the child will be handed over to the adopting family. These requirements are also supported by (Agung Tresna Putra, 2007: 55) that there must be an agreement between the appointing party and the appointed party. The point is that someone who wants to adopt a child must first discuss his wishes with his family in a mature manner (Agung Tresna, 2007: 55).

Based on the analysis above, it can be concluded that there are conditions that must be met in adopting a child and those who wish to adopt must fulfill these conditions. The requirements for adopting a child in Tananahu Country are that there must be an agreement between the two families through approaches, an agreement will take care of the adopted child, then proceed with traditional rituals so that the adopted child is legally recognized by the prevailing customs. Adoption is a legal act that transfers a child from the sphere of authority of parents, legal guardians, or other persons who are responsible for the care, education and upbringing of said child, into the family environment of adoptive parents. In adopting a child, there are various kinds of processes carried out in accordance with the customs that apply in each region. Because each region has its own procedures for adopting children. In the following, the researcher will examine the process of adopting children in Negeri Tananahu based on the data that the researchers found in the field. Based on the results of the researchers' observations that there are several stages in the process of adopting children in Negeri Tananahu, namely those that are certainly carried out according to custom, such as the family who wants to adopt a child will send several people to pick up the child to be adopted. The child's family will also welcome a delegate from the adopting family. After that the child will be escorted to the house of the adopting family, the adopting family will welcome the child and the child's family and continue with carrying out traditional rituals performed by both sides of the family together with traditional leaders such as eating betel nut by drinking sopi and ends with a prayer by the priest. Thus, the child is legally part of the adopting family.

The following are the results of the researcher's interview with Mr. Marthen Pelletimu as the Traditional Head of Tananahu Country on October 25 2022, The following are the results of the interview: "In my opinion, the method or process for implementing it is regulated by custom. First, the adopting family will send envoys to several people to pick up the child at their residence. This appointed family will also welcome the person who was sent earlier. After the pick-up process took place, the child was escorted back to the adopting family. The adopting family will also welcome the child and the child's family and continue with traditional rituals performed by both families together with traditional leaders, such as eating betel nut and drinking sopi and ending with a prayer by the priest. Thus, the child is legally part of the adopting family."

Almost the same presentation from Mr. Martinus Rumlata, Mr. Matheos Kainama, Mrs. Eda and Mr. Erwin Sahertian on 25 October 2022, the following are the results of the interview: "From the results of the interview above, it can be analyzed that in the process of adopting a child, of course, there will be various stages or various kinds of traditional rituals in accordance with local customs, such as the process of adopting a child in Negeri Tananahu, namely the process of adopting a child is carried out according to custom starting from picking up the child. by the family who wants to adopt, followed by a reception by the family who is appointed. After the welcoming ceremony is over, the adopted child is escorted to the house of the adopting family by carrying out various traditional rituals which are carried out together with traditional leaders along with both sides of the family as well as priests. The traditional rituals are drinking sopi, eating siri areca nut, and the last one is praying as a form of confirmation so that the adopted child really legally becomes part of the adopting family. As supported by Rasuli Pandika Op, Cit p. 28 in his journal entitled adoption according to the customary law system in Law no. 4 of 1979 concerning Child Welfare which states that adoption is carried out according to custom and habits by prioritizing the interests of the child for the benefit of the child's welfare and adoption is carried out outside of customary customs, carried

out based on statutory regulations. Based on the results of the analysis above, it can be concluded that the process of implementing child adoption in Negeri Tananahu is carried out according to local customs and culture. traditionally regulated starting within the family wishing to adopt a child, the process of taking the child must be agreed upon together with the family and a ritual procession will be carried out in accordance with the customary rules of the people of Negeri Tananahu.

Overview of Citizenship Education Concerning the Rights of Adopted Children in the Perspective of the Customary Law of the Land of Tananahu

Adopted children basically do not have blood relations with their adoptive parents, but they are entitled to receive affection like biological children, earn a living, get proper education and the right to get the fulfillment of life's needs. In addition to the above rights, adopted children also have the right to inherit from their adoptive parents. Based on the observations that researchers have made in Tananahu Country, adopted children have the same rights as biological children, both the right to get a proper education, the right to get the same treatment and affection, the right to get the necessities of life and the right to inherit. However, in the distribution of inheritance, the inheritance rights of adopted children and biological children are not the same, because in Tananahu customary law the distribution of inheritance is done this way, but it does not rule out the possibility that adopted children will not receive an inheritance. To find out more about how the rights of adopted children in law exist in Tananahu Country, this is the opinion of Mrs. Julia Awayakuane on October 29, 2022, the following is the result of her interview: "In my opinion, an adopted child has rights, the right to get parental love, the right to get a proper education, the right to get the necessities of life."

Researchers received almost the same statement from Mr. Marthen Pelletimu, Yosias Gapang on 25 October 2022, along with the results of the interview: "In my opinion, adopted children have rights, rights such as getting an inheritance, getting affection (not favoritism). from all sides." Almost the same statement the researcher got from Mr. Julian Frans and Erwin Sahertian on October 25, 2022, along with the results of the interview: "In my opinion, an adopted child has rights, the right to get an education, the right to get a decent life like his siblings." From some of the statements conveyed by several informants above, it can be analyzed that adopted children have rights under customary law. The rights referred to here are the right to get a proper education, the right to receive equal treatment and affection, the right to get fulfillment of life's needs and the right to inherit. So, there is no difference in rights between adopted children and biological children as supported by Staatsblad Number 129 of 1917 in his journal About Adoption in Article 12 which equates a child with a legitimate child from the marriage of the person who adopts. Regarding the division of inheritance obtained by adopted children who have been listed in class I heirs, namely class I heirs consisting of children or all their descendants. The child referred to in this article is a legitimate child, because regarding children out of wedlock, legislators make separate arrangements in part 3 of the title/chapter II starting from Article 862 of the Civil Code. Included in the group of legal children are legal children and children who are legally adopted. Thus it can be concluded that adopted children have rights in their adoptive family. The rights possessed by adopted children are the right to get parental love, the right to get a proper education, the right to get the necessities of life, the right to get an inheritance, to get love (not favoritism). who cannot be distinguished from their siblings. Like the right to get a decent life, go to school and so on."

Because there is no blood relationship between the adopted child and his adoptive parents, the adopted child cannot become the heir to the inheritance of his adoptive parents. Even though the adopted child is not an heir, the adopted child has the right to part of the inheritance of his adoptive parents by getting a share on the basis of a mandatory will. Based on the results of the researchers' observations that there is no difference in rights between biological children and adopted children such as the right to a decent life, the right to receive affection, and the right to education. of these various rights, adoptive parents will always behave fairly, so that there are no disputes between adopted children and biological children. But there are certain rights that distinguish between the rights of adopted children and biological rights such as inheritance rights, because there is no blood relationship between the adopted child and his adoptive parents, the adopted child cannot become the heir to the inheritance of his adoptive parents. Even though the adopted child is not an heir, the adopted child has the right to part of the inheritance of his adoptive parents by obtaining a share on the basis of a mandatory will, also based on the considerations and decisions of the adoptive parents, because those who have the right to determine who is entitled to inheritance are the parents. To find out more about the rights of biological children with adopted children and the opinions of Mr. Marthen Pelletimu and Mrs. Julia Awayakuane as the Kings of Tananahu Country on 25 October 2022, here are the results of the interview: adopted get the same inheritance as biological children. Another opinion was also obtained by the researcher from Mrs. Eda on October 29, along with the results of her interview; "There is no difference in rights between adopted and biological children. All are equal."

Based on the results of the interview above, it can be analyzed that adopted children and biological children certainly have their own rights, and among these rights there are some rights that are not the same. As for the rights of adopted children with the same biological child, that is, they both have the right to receive good treatment, the right to receive affection, and the right to receive a proper education. Of the various kinds of rights, there is one right that distinguishes adopted children from biological children, namely the right of inheritance, where the right to be heirs is a biological child as supported by (Zahra Ayu Agridiaryni, 2015: 1). Inheritance rights are rights owned by a person to obtain property left by the heir to be given to his heirs. The position of adopted children in the view of customary law is that adopted children receive rights and obligations as heirs like biological children, both material and immaterial (Muhammad Rais, 2016: 192). Inheritance rights are rights owned by a person to obtain property left by the heir to be given to his heirs.

Thus it can be concluded that the differences between adopted and biological children have varied answers from the community. Some informants said that the division of inheritance was not the same, because it was impossible for adopted children to receive the same inheritance as biological children, while some informants also said that there was no difference in rights between adopted and biological children. All are equal. what biological children get is also what adopted children will get.

Are There Special Provisions For Adoptive Children To Obtain Rights?

Of course, every child has the same rights in life, both adopted and biological children. As for the customs of the indigenous people in Tananahu, of course, in the process of adopting children, there are also special provisions in it. With the provisions made, it can be a guideline for adopted children and of course adopted children and biological children must be treated fairly in order to get a decent life without discriminating. Therefore, the provisions governing the obligations and responsibilities of parents as well as the management and protection of

Indonesian children (adopted children) are very important. The following is the result of the researcher's interview with one of the informants, namely Mrs. Julia Awayakuane on October 29, 2022, the following are the results of the interview: "For special provisions, it is certain that there is such as making a certificate from the village, meaning that having this certificate is proof of the delimitation of rights between adopted children and biological children. Having a certificate will also serve as proof of support in the future when there is a debate about their rights. The issue of how adopted children obtain these rights all depends on and returns to their parents."

Based on the results of the interviews above, it can be analyzed that there are special provisions for adopted children to obtain rights only in the form of certificates. With a certificate, it can be used as evidence of the limitation of rights between adopted and biological children. With this certificate, it can also be used as a guide in the future when there is debate about their rights, so it is adopted children who get these rights depending on their own parents, as supported by Philipus M Hadjon in his journal entitled Legal Protection Against Inheritance. Adopted children in Indonesia, the purpose of children obtaining certificates is so that children receive preventive legal protection, the purpose of which is to prevent violations of the rights of adopted children and repressive legal protection, the purpose of which is to resolve disputes. The purpose of this legal protection must be to protect adopted children for the right to inherit from their adoptive parents.

Based on the opinion above, it can be concluded that there are special provisions for adopted children to obtain their rights, so the child must have a certificate of adoption. The purpose is to prove the limitation of rights between adopted and biological children. With this certificate, it can also be used as a guide in the future when there is a debate about their rights, so it is adopted children who get these rights, it all depends on their own parents. The purpose of having a certificate is to get preventive legal protection which aims to prevent violations of the rights of adopted children and repressive legal protection whose goal is to resolve disputes.

How Do Adopted Children Get Rights?

Protection of children in Indonesia, including adopted children, aims to ensure the fulfillment of children's rights so that they can live, grow, develop and participate optimally in accordance with human dignity and dignity, and receive protection from violence and discrimination, for the realization of quality, moral Indonesian children. noble and prosperous. Adopted children and other children in general are a mandate and a gift from God Almighty, in which the rights as children and the dignity and dignity of a whole human being are inherent, rights that need to be respected by society in general, the rights of adopted children. These include, among other things, the right to live, grow, develop, and participate fairly in accordance with human dignity, as well as protection from violence and discrimination, the right to a name as self-identity and citizenship status. The right to worship according to their religion, think and express according to their level of intelligence and age, under parental guidance. The right to know their parents, to be raised and cared for by their own parents. In the event that for some reason the parents cannot guarantee the child's growth and development, or the child is in a neglected state, then the child has the right to be cared for or appointed as a foster child or adopted child by other parents in accordance with the provisions of the applicable laws and regulations. The right to obtain health services and social security in accordance with physical, mental, spiritual and social needs. The right to receive education and teaching in the framework of personal development and the level of intelligence in accordance with their interests and talents. Every child while in the care of parents, guardians, or any other party responsible for

upbringing, has the right to receive protection from good treatment. Regarding the question of how adopted children obtain rights, the answer from the informant was based on the results of an interview with Mr. Martinus Rumalatea on 25 October 2022, the following is the result of the interview: it also comes down to the parents' decision.

Based on the results of the interviews with the informants above, it can be analyzed that the adoption of children in obtaining their rights depends on the decisions of the adoptive parents themselves. As supported by Suharto: 110 in his journal *Inheritance Rights of Adopted Children According to Law in Indonesia* which explains that an adopted child and biological children of adoptive parents have the same rights. Therefore, adopted children in the family have the same position as biological children or children born to their adoptive parents. This can also have consequences for the equality of rights and obligations possessed by adopted children, including the distribution of the inheritance of their adoptive parents if they have died. So the position of adopted children in obtaining inheritance has the same rights as biological children regarding legitimate children are children born as a result of a legal marriage. Therefore, the position of adopted children even though they are not biological children has the same position in the eyes of the law, especially in the distribution of inheritance.

Thus it can be concluded that the rights of adopted children will be obtained depending on the decision of the adoptive parents, but according to the explanation of the experts above, it is clear that the rights of biological children and adopted children have the same rights in their kusu family in the distribution of inheritance.

The Process of Distribution of Inheritance to Adopted Children Based on Customary Law in Tananahu Country

According to the Indonesian Ministry of Law and Human Rights' national legal development agency (BPHN), inherited assets are assets in the form of rights and obligations that can be valued in money. In this case, inheritance is a legacy that is given to the heirs or the family concerned when someone dies. The distribution of inheritance may occur when one of the family members, especially parents, passes away. Inheritance given to heirs generally varies, some are in the form of movable property or immovable property. Movable assets can be in the form of jewelry, vehicles, savings, securities, while immovable assets are land and buildings. The division of inheritance is usually based on blood relations, marriage, brotherhood, and kinship. Basically, to carry out the division of inheritance, the heirs can determine the procedure for dividing the inheritance based on a mutually agreed upon form of legal choice. There are several forms of legal options that are generally available, including civil law, Islamic law and customary law.

According to the BPHN Kemenkumham RI, inheritance law is the law that regulates a person's wealth after he dies and regarding how to transfer a person's wealth after he dies. There are three elements in inheritance, including heirs, heirs and inheritance. The division of inheritance aims so that between the heirs or the parties left behind there is no dispute in distributing the existing assets. Based on the observations of researchers in Negeri Tananahu that there are various forms and types of assets that will be inherited to adopted children based on customary law in Negeri Tananahu such as valuables, treasures, houses, hamlets and land. Following are the results of the researcher's interview with Mr. Erwin Sahertian on October 25, 2022, the following are the results of the interview: "In my opinion, there is a distribution of inheritance to adopted children in the form of valuables, houses, land, and so on." Another opinion was also obtained by researchers from Ms. Eda Maahaly on October 29, 2022, along with the results of the interview: "In my opinion there is. The form of inheritance for adopted

children is like hamlets and land. Other comments the researcher received from Mr. Martinus Rumalatea and Mr. Matheos Kainama on 25 October 2022, the following are the results of the interview: "In my opinion there is. There are various forms of inheritance, including hamlets, houses, land and pets.

From the results of the interview above, it can be analyzed that based on the customary law of Negeri Tananahu, adopted children and biological children have the same rights except for inheritance rights. However, based on the results of the researcher's observations, basically according to local customary law, adopted children are not entitled to inheritance rights, but there are exceptions. The exception is that adopted children still get inheritance rights, but biological children will get more inheritance rights than adopted children, this depends on the decision of the parents as the heir. As for the inheritance rights of adopted children based on customary law of Negeri Tananahu in the form of land, assets, valuables, hamlets, houses and land. As supported by the legal basis that is used as a guideline is the existence of jurisprudence from the decision of the Supreme Court of the Republic of Indonesia which can be concluded that adopted children have the right to inherit limited to gono gini assets (joint assets). Based on the above opinion, it can be concluded that inheritance regulations according to customary law refer to the system that applies to each indigenous people.

How old is an adopted child to get inheritance based on customary law in Negeri Tananahu?

Based on the results of the researchers' observations that the age determination of adopted children in Negeri Tananahu in obtaining their parents' inheritance is sometimes uncertain and it depends on the age at which the adopted child is ready to receive the inheritance of his parents, all of that also depends on the decision of the parents in determining it. The following are the results of the researcher's interview with Mrs. Julia on October 29, 2022, the following are the results of the interview: "In my opinion, the age for an adopted child to get an inheritance is from the time he is born, or after he is 10-15 years old and above, all of that comes from the responsibility of the parents also" Another comment was also received by the researcher from Mr. Erwin Sahertian on October 25, 2022, along with the results of the interview: "In my opinion, the age for an adopted child to obtain inheritance rights is around six years after he can already obtain an inheritance".

Based on the results of the analysis above, it can be concluded that the age of the adopted child in obtaining inheritance is uncertain. The people of Negeri Tananahu provide an explanation regarding the age of the adopted child in obtaining inheritance. They said that the age for receiving an inheritance was uncertain, because there were those who received inheritance at the age of 18 and over. There were also many opinions that said that it depended on the decision of the family or adoptive parents. Because it is parents who have the right to determine at what age a child is entitled to inheritance. Thus it can be concluded that the age of adopted children to obtain inheritance varies among the people of Negeri Tananahu, there are those who are 6 years old, 10-15 and 18 years old who have just received an inheritance. This depends on the decision of the family or adoptive parents. Because it is parents who have the right to determine at what age a child is entitled to inheritance.

In the inheritance law, adopted children are not included as heirs, because biologically there is no kinship between adopted children and their adoptive parents unless the adopted child is taken from the adoptive parents' family. Because they are not heirs, adopted children do not get a share as heirs from the inheritance of their adoptive parents. Even though they do not receive an inheritance from their adoptive parents, the adopted child gets a will to get the

inheritance from his adoptive parents. In the customary law of Tananahu Country, based on the results of researchers' observations, the inheritance of adopted children and the inheritance of biological children is not the same because biological children are more entitled to receive inheritance rights, but it does not rule out the possibility of adopted children not getting inheritance, because some of the people of Tananahu Country said that the inheritance of adopted children and biological children is the same, there is no difference. This goes back to how the policies adopted by parents as inheritance givers. To further clarify, the following are the results of the researcher's interview with Mr. Marthen Pelletimu on October 25, 2022, the following are the results of the interview: "In my opinion, the inheritance of biological children and adopted children cannot be the same." , the following is the result of the interview: "In my opinion, for example, if an adopted child is a girl, it means that she does not get the same inheritance as her siblings, especially if she has a male sibling, the portion must be different."

Based on the results of interviews with researchers, it can be analyzed that the inheritance of adopted children and the inheritance of biological children is not the same because biological children are more entitled to inheritance rights, but it does not rule out the possibility that adopted children do not get inheritance, because some of the people of Tananahu State say that assets the inheritance of adopted children and biological children is the same, there is no difference. This goes back to the policies adopted by the parents as the giver of inheritance. As supported by Staatsblad Number 129 of 1917 in its journal Normative Volume 6 Number 2 of 2018 which says that an adopted child and biological children of adoptive parents have the same rights. Therefore, adopted children in the family have the same position as biological children or children born to their adoptive parents. This can also have consequences for the equality of rights and obligations possessed by adopted children, including the distribution of the inheritance of their adoptive parents if they have died. So the position of adopted children in obtaining inheritance has the same rights as biological children regarding legitimate children are children born as a result of a legal marriage. Therefore, the position of adopted children even though they are not biological children has the same position in the eyes of the law, especially in the distribution of inheritance.

Based on the results of the analysis above, it can be concluded that inheritance is a form of wealth left by the heir to his heirs. Every child has the right to inherit property from their parents. Adopted children based on the customary law of Negeri Tananahu also have the right to receive inheritance from their adoptive parents, this depends on the policies taken by their adoptive parents. In the distribution of inheritance both to biological children and to adopted children, of course, there is a process for distributing it, both through customary law and through legal channels. In the customary law of Negeri Tananahu, the process of dividing inheritance law is carried out through family meetings between parents and children. Through the meeting there will be a discussion regarding the distribution of inheritance and the boundaries of their respective inheritance. The following are the results of the researcher's interview with Mr. Marthen Pelletimu on October 25, 2022, the following are the results of the interview: "In my opinion, the process of dividing the inheritance, of course, must have prior approval between parents and biological children." October 25, 2022, the following are the results of the interview: "In my opinion, the process of distributing inheritance definitely requires the preparation of certain documents, so that biological children do not take their own rights." The following is the result of the researcher's interview with Mr. Marthen Peletimu (Kepala Soa) on 25 October 2022, the following are the results of the interview: the distribution of inheritance is certain and must be socialized according to custom so that the legal legitimacy

must also be clear according to customary law and government. So that if later there is a problem then there is already strong evidence.

Based on the results of the interview above, it can be analyzed that in the distribution of inheritance there will certainly be stages and processes that will be passed through both legal channels and through local customary law. In the customary law of Negeri Tananahu, the process of dividing inheritance law is carried out through family meetings between parents and children. Through the meeting there will be a discussion regarding the distribution of inheritance and the boundaries of their respective inheritance. As supported by Soepomo in the journal chapters on customary law 1986: h 79 says that customary law of inheritance contains regulations governing the process of forwarding and transferring property and intangible goods (Immateriele Goederen) from an generation of humans (Generatie) to their descendants. The process had started while the parents were still alive. It means not to "affect (affect) because parents died, indeed the death of the father and mother is an important event for that process, but in fact it does not radically affect the process of forwarding and transferring assets and non-object assets". The essence of Soepomo's view above is that all family assets, both the husband's property, the wife's property and joint property will become the rights of their offspring.

Based on the results of the analysis above, it can be concluded that in the distribution of inheritance of adopted children and biological children, of course there are stages and processes that will be passed both legally and according to customary law. In customary law in Negeri Tananahu, the process of dividing inheritance law is carried out through family meetings between parents and children to discuss the distribution of inheritance and the boundaries of their respective inheritances.

CONCLUSION

Starting from the discussion that has been described in the previous chapter, it can be concluded about the problems faced as follows: (1) adoption is an important matter considering that there are still members of the community who do not yet have offspring, both sons and daughters. So that the community takes the initiative to adopt children both from the family and not from the family as an inducement to get offspring, (2) adoption is very important to do so that the lineage is not lost, the relationship between families is not broken and there are those who continue the legacy left by their parents, (3) adoption has fundamental provisions such as the need for approval or agreement from the family, both the adopting family and the adopted family without coercion, which means that if there is no agreement between the adopting family and the adopted family, there is no need child adoption is carried out (4) conditions are an important matter in adopting children. Because through these conditions the legitimacy of the adopted child can be recognized in the adopted family, (5) the process of adopting a child will of course go through various stages or various kinds of traditional rituals in accordance with local customs as is the case with the process of adopting a child in Tananahu Country, namely the process of adopting a child is carried out according to custom, starting from picking up the child by the family who wants to adopt it, followed by welcoming the adopted family. After the welcoming ceremony is over, the adopted child is escorted to the house of the adopting family by carrying out various traditional rituals which are carried out together with traditional leaders along with both sides of the family as well as priests. The traditional rituals that are carried out are drinking sopi, eating siri areca nut, and the most recent is praying as a form of confirmation so that the adopted child really legally becomes part of the adopting family, (6) adopted children with biological children of course have their own

rights, and among these rights there are some rights that are not the same. As for the rights of adopted children with the same biological children, namely that they both have the right to receive good treatment, the right to receive affection, and the right to receive proper education, (7) the age of the adopted child in obtaining inheritance is uncertain. The people of Negeri Tananahu provide an explanation regarding the age of the adopted child in obtaining inheritance. They said that the age for receiving an inheritance was uncertain, because there were those who received inheritance at the age of 18 and over. There were also many opinions that said that it depended on the decision of the family or adoptive parents. same, no difference. This goes back to the policy adopted by the parents as the giver of inheritance. In the customary law of Negeri Tananahu, the process of distributing inheritance law (8) is carried out through family meetings between parents and children. Through the meeting there will be a discussion regarding the distribution of inheritance and the boundaries of their respective inheritance.

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