

Analysis of the Inheritance Rights of Adopted Children with Disabilities

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ABSTRACT

This study examines the inheritance rights of adopted children with disabilities from the perspective of maqashid shari'ah, using a case study in Prampelan Hamlet, Adipuro Village, Kaliangkrik District, Magelang Regency. In Islamic law, adopted children lack a blood relationship (nasab) with their adoptive parents and are therefore not automatically entitled to inherit. However, in the research area, adopted children—particularly those who are the only dependents and have disabilities—are often treated as biological children, including in inheritance matters. A descriptive qualitative approach was employed, with data collected through observation, interviews, and document analysis. The findings indicate that inheritance practices for adopted children with disabilities are primarily motivated by compassion and social responsibility rather than strict legal norms. Although these practices do not fully conform to formal Islamic inheritance law, they reflect the objectives of maqashid shari'ah, especially in the principles of hifz al-nafs (protection of life) and hifz al-mal (protection of wealth), providing social protection for vulnerable groups. The study recommends enhancing public understanding of Islamic inheritance law and utilizing Islamic legal mechanisms such as wasiat wajibah (mandatory bequests), hibah (gifts), and waqf (endowment) to ensure justice and legal protection for adopted children with disabilities.

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Introduction

Islam, as a comprehensive religion, has a clear inheritance law system that regulates who is entitled to receive an inheritance and their respective shares, with particular attention to vulnerable groups in society (Al-Qur'an, Surah An-Nisa, 11-12; Hallaq, 2009). The Islamic inheritance system (al-mawaris) is based on three main principles: blood relations (nasab), marriage, and wala' (the emancipation of slaves). Inheritance rights can only be obtained through these three causes and not through child adoption (Kamali, 2008). The status of

adopted children within the Islamic inheritance system becomes a complex issue due to differences in perspectives between Islamic law, customary law, and positive law in Indonesia (Al-Attas, 1990). Normatively, Islamic law does not recognize inheritance rights for adopted children due to the absence of nasab (lineage), as emphasized in the Qur'an (Surah Al-Ahzab, 4-5). Scholars agree that adopted children do not automatically inherit (Al-Sarakhsy, 2003), although they must be treated well and fairly in daily life.

The problem becomes even more complex when the adopted child has a disability. Data from the Ministry of Social Affairs of the Republic of Indonesia (2020) shows that there are approximately 21.84 million people with disabilities in Indonesia (8.56% of the total population), who often face discrimination in fulfilling basic rights, including inheritance rights. For adopted children with disabilities, legal guarantees for access to inheritance are crucial, considering their limitations in earning a livelihood and meeting independent living needs. Statistics from the Indonesian Central Bureau of Statistics (BPS, 2020) show that the unemployment rate among people with disabilities reaches 3.7%, significantly higher than the national unemployment rate of 5.22%.

On the one hand, Islamic inheritance law (*fiqh al-mawārīth*) firmly stipulates that adopted children (*al-walad al-mutabannā*) do not qualify as legal heirs because they lack a lineage (*nasab*) relationship with the adoptive parents. This principle is grounded in the Qur'an and classical juristic consensus, which strictly differentiates between biological lineage and social caregiving. On the other hand, Islam places a strong ethical emphasis on the protection of vulnerable and marginalized groups, including persons with disabilities, as explicitly reflected in the Qur'an, particularly in Surah 'Abasa (80:1-4), which underscores the obligation to uphold human dignity and social justice regardless of physical limitations.

This normative tension becomes increasingly visible in contemporary social realities, especially in cases involving adopted children with disabilities who face structural economic constraints and long-term dependency (Siregar, 2017). While doctrinal Islamic law maintains clear inheritance boundaries, lived practices often respond to humanitarian considerations and emotional bonds formed through long-term caregiving. In Indonesian society, inheritance practices are not solely determined by Islamic law but are also deeply influenced by customary law (*adat*) and local traditions, which frequently prioritize social harmony and familial responsibility over strict legal formalism (Koentjaraningrat, 2009).

Empirical realities demonstrate that adopted children are frequently treated as biological children within the household, resulting in strong emotional attachments and social

recognition as family members. These dynamics generate expectations—both moral and material—regarding inheritance rights. Although Law No. 23 of 2002 on Child Protection explicitly states that adoption does not sever biological lineage nor automatically grant inheritance rights from adoptive parents (Republic of Indonesia, 2002), deviations from this legal framework persist at the community level.

Such practices are evident in Dusun Prampelan, Desa Adipuro, Kecamatan Kaliangkrik, Kabupaten Magelang, where families not only adopt children with disabilities but also designate them as sole heirs to family property. This local practice reflects a moral reasoning rooted in compassion, responsibility, and social welfare, yet it simultaneously raises critical legal and theological questions regarding compliance with Islamic inheritance norms.

Against this backdrop, this study aims to analyze the inheritance distribution practices involving adopted children with disabilities and to examine them through the framework of *maqāṣid al-shari‘ah*. By emphasizing the higher objectives of Islamic law—particularly the protection of life (*hifz al-nafs*), intellect (*hifz al-‘aql*), lineage (*hifz al-nasl*), and wealth (*hifz al-māl*)—this research seeks to formulate a fair and Sharia-compliant solution that reconciles normative legal principles with social realities while ensuring the protection and welfare of vulnerable groups.

Method

This study employs a qualitative descriptive approach to explore inheritance practices involving adopted children with disabilities and to analyze these practices through the framework of *maqāṣid al-shari‘ah*. This approach is chosen to capture social meanings, moral reasoning, and legal considerations underlying inheritance decisions within the community. Data were collected through in-depth interviews with adoptive families and adopted children with disabilities to understand lived experiences and motivations, as well as focus group discussions with religious leaders and community elders to capture normative interpretations of Islamic law and local customary values. In addition, document analysis was conducted on classical Islamic inheritance texts (*fiqh al-mawārīth*), relevant national legislation, and local customary regulations. The collected data were analyzed using thematic content analysis to identify recurring patterns, interpret social practices, and examine the congruence and divergence between empirical realities and normative Islamic inheritance law. This analysis also serves as the basis for formulating fair and Sharia-compliant solutions that prioritize justice and the protection of vulnerable groups in line with the objectives of Islamic law. Throughout the research process, ethical principles were strictly observed, including obtaining informed consent, ensuring confidentiality, and providing special safeguards for vulnerable participants, particularly adopted children with disabilities.

Results

General Overview of the Research Location

This study was conducted in Prampelan Hamlet, Adipuro Village, Kaliangkrik Subdistrict, Magelang Regency, Central Java. Adipuro Village was formed as a result of the administrative division of Kaliangkrik Village in 2005 and currently consists of two hamlets (Prampelan I and II), four neighborhood units (RW), and thirteen community units (RT), with a total population of 3,575 as of September 2024. Geographically, the village is located on the southern slope of Mount Sumbing at an altitude of approximately 850 meters above sea level, covering an area of 2.95 km². The topography is predominantly sloped land, cultivated using terracing systems for agriculture. The climate is cool (18–24°C) with high rainfall, supporting horticultural farming such as potatoes, cabbage, onions, and other vegetables as the main livelihood.

Prampelan Hamlet has adequate social facilities, including three mosques, thirteen prayer rooms (musholla), two elementary schools, two Islamic junior high schools (MTs), one vocational high school (SMK), and a village health post (poskesdes). The community maintains strong adherence to Javanese traditions, mutual cooperation (gotong royong), and Islamic religious activities. Road infrastructure is relatively good, and the hamlet serves as a strategic route for climbers of Mount Sumbing, providing opportunities for tourism-based economic activities. With these social, geographical, and economic potentials, Prampelan Hamlet is a representative location for studying social interactions, village development, and rural community dynamics in highland areas.

Understanding the Concept of Adopted Children in Islam: Legal Inheritance Implications and the Role of Religious Guidance

Child adoption in Prampelan Hamlet, Adipuro Village, Kaliangkrik Subdistrict, Magelang Regency, is primarily guided by customary practices rather than formal legal procedures. According to the Village Secretary, Sigit Setyoko, many adoption cases are not officially recorded by government institutions. This situation reflects a limited public understanding of inheritance rights for adopted children, with a common assumption that they possess the same entitlements as biological children. While the village government has initiated collaborations with legal counselors and religious leaders to provide educational

programs, these efforts remain irregular and insufficiently systematic. Case studies in the community illustrate the complexities of this issue. For instance, Abdul Rohim and Napsiyah adopted a child due to being childless and considered their adopted child, Abda Muhammad Yusuf, entitled to full inheritance as their only child. Similarly, Ngapiyah and the late Nanjam adopted Arina, a child with a disability, in 2018. These cases highlight how emotional bonds and caregiving responsibilities often shape community perceptions of inheritance rights, sometimes contrary to Islamic legal principles. Interviews with Ngapiyah revealed that she perceives adoption as a virtuous act with moral and spiritual significance but does not differentiate between the legal status of adopted and biological children. She emphasized the responsibility of the family toward the child, stating, "An adopted child is just like a biological child. She is our responsibility. If we pass away and she has no inheritance, who will provide for her?" Such perspectives indicate a conflation of caregiving duties with legal inheritance entitlements.

Further inquiry showed that knowledge of Islamic inheritance law among adoptive families is often limited. While Ngapiyah understood the basic principle of distribution (2:1 ratio for male and female heirs), she was unaware of the specific regulations regarding adopted children. She expressed the belief that adopted children should inherit as biological children, particularly when the child has special needs, reflecting an assumption that justice in Islam equates to equal treatment rather than adherence to Qur'anic and Hadith-based legal provisions.

When informed that Islamic law does not grant adopted children automatic inheritance rights, families often respond with surprise and concern. However, the study found that explanations regarding alternative mechanisms, such as bequests (wasiyat), gifts (hibah), and endowments (waqf), facilitated a more receptive understanding of legally compliant ways to provide for adopted children. Finally, the study highlights a limited engagement with religious leaders regarding inheritance planning. Interviews with local religious figures, including Kyai Suhalman, confirmed that families rarely seek guidance on the legal status of adopted children in inheritance matters. This gap underscores both the need for enhanced community education

and the potential role of religious authorities in bridging knowledge gaps about Islamic inheritance law and the welfare of vulnerable groups.

Discussion

Implementation of Inheritance Rights for Adopted Children with Disabilities in Prampelan Hamlet, Adipuro Village, Kaliangkrik Subdistrict, Magelang Regency: A Maqashid Shari'ah Perspective

1. Inheritance Practices for Adopted Children with Disabilities

Child adoption in Prampelan Hamlet is primarily motivated by humanitarian values and compassion rather than biological necessity. The case of Ngapiyah and the late Nanjam, who adopted Arina, illustrates a motivation grounded in concern for a child with disabilities requiring special attention. Arina's biological parents agreed to the adoption due to difficulties in managing other children, hoping that she would receive better care (Al-Attas, 1990; Hallaq, 2009). Inheritance practices in Prampelan do not strictly follow national law or Islamic jurisprudence but are largely shaped by customary norms emphasizing familial solidarity, humanity, and social conditions. In practice, an adopted child who is the only child in a family and has been cared for for a long period may receive the entire inheritance. This approach contrasts with maqashid shari'ah principles, which limit the inheritance rights of adopted children to a maximum of one-third of the estate, with the remainder distributed to the biological relatives of the deceased (Kamali, 2008; Al-Sarakhsy, 2003).

Inheritance distribution is carried out through family deliberation involving all family members, including the adoptive parents' relatives. Decisions consider not only the legal status of the adopted child but also emotional closeness and the child's sense of responsibility toward the adoptive parents. Village officials and community leaders often act as mediators, witnesses, and recorders to ensure decisions are fair and aligned with communal values (Koentjaraningrat, 2009).

2. Implementation of Inheritance Fulfillment According to Maqashid Shari'ah

The study identified three main challenges in fulfilling inheritance rights for adopted children with disabilities in Prampelan. First, community understanding of Islamic inheritance law remains limited, particularly regarding the legal status of adopted children, often resulting in practices that diverge from Shari'ah provisions. Second, adoptive parents express concern

about the child's welfare after their death, especially due to the child's limited ability to manage assets and live independently. Third, although not yet realized, potential conflicts may arise between adopted children and other heirs due to differing interpretations of inheritance rights under Islamic law (Hallaq, 2009; Siregar, 2017). From a maqashid shari'ah perspective, particularly the principle of hifzh al-nafs (protection of life), fulfilling inheritance rights for adopted children with disabilities represents a form of safeguarding their survival and well-being. This principle emphasizes not only protection from physical harm but also ensuring mental, social, and economic welfare (Kamali, 2008). The fiqh maxim Dar'ul Mafasid Muqaddamun 'ala Jalbil Mashalih (preventing harm takes precedence over achieving benefits) is particularly relevant, as the community's allocation of inheritance reflects care and protection for vulnerable groups, even when explicit Shari'ah provisions do not mandate it. Such practices demonstrate the community's effort to preserve the rights and continuity of life for adopted children with disabilities. To address these issues in a Shari'ah-compliant and legally sound manner, the study proposes three alternative solutions. First, wasiat wajibah (mandatory bequest), which provides posthumous inheritance to ensure the child's welfare (Hallaq, 2009). Second, family waqf, in which part of the estate is endowed to support the child's needs sustainably. Third, hibah (gifts during the lifetime of the parents), offering legal clarity while reducing potential disputes. All three approaches align with the objectives of maqashid shari'ah by ensuring justice, protection, and the continuity of life for adopted children with disabilities (Kamali, 2008; Al-Sarakhsy, 2003).

Conclusion

The study highlights that the implementation of inheritance rights for adopted children with disabilities in Prampelan Hamlet is strongly influenced by customary practices, compassion, and social values rather than strict adherence to Islamic law or national regulations. While families often grant significant portions of inheritance to adopted children out of care and responsibility, this practice diverges from Shari'ah principles, which limit the rights of adopted children to a maximum of one-third of the estate.

From a maqashid shari'ah perspective, fulfilling the inheritance rights of adopted children with disabilities is essential to protect their survival, well-being, and socio-economic security. Community practices that allocate inheritance, even beyond strict legal entitlements, reflect the principle of safeguarding vulnerable groups (hifzh al-nafs) and embody the fiqh maxim Dar'ul Mafasid Muqaddamun 'ala Jalbil Mashalih. To ensure both Shari'ah compliance and legal clarity, mechanisms such as wasiat wajibah (mandatory bequests), family waqf, and hibah (gifts) are recommended. These measures provide a structured and equitable approach,

balancing the protection of adopted children with the legal framework of inheritance while aligning with the objectives of justice, welfare, and sustainability emphasized in maqashid shari'ah.

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