

Legal Review of Adoption According to Islamic Law in Connection with Legal Certainty

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ABSTRACT

Adoption is a legal act where a husband and wife take a child who is not their biological child to be adopted with the aim of providing protection, affection and responsibility as a biological child. One example of the practice of child adoption is the application submitted by an Indonesian citizen in case 02/Pdt.P/2011/PA.Pbr. This study was conducted to see how the procedure for child adoption in Indonesia, especially within the scope of practice of the Religious Court and what considerations the judges took in deciding the case 02/Pdt.P/2011/PA.Pbr. This study is a normative legal study by studying the case file Number 02/Pdt.P/2011/PA.Pbr, while the nature of this study is descriptive, namely a study that provides data as accurately as possible about the conditions or symptoms that can help in strengthening new theories. In addition, the author also conducted interviews with the Panel of Judges who handled the case to complete the research. The results of the study show that from the decision 02/Pdt.P/2011/PA.Pbr where the applicants withdrew their application because the child's uncle wanted to care for the child so that the applicants gave the uncle the opportunity to care for the child, the judge considered the applicants who had been present and of their own accord withdrew their application which read, today, Thursday, February 10, 2011 I, the applicants, of my own accord, withdraw my registered lawsuit so that the judge determined the withdrawal of the application. While in another case, namely case number 154/Pdt.P/2024/PA.Pbr, the judge took into account the strong desire of the applicants to care for him, and for the sake of the child's future, the matter was discussed and tried. The results of the deliberation then determined that the responsibility for the interests and welfare of the child shifted to the responsibility of the applicants.

Keywords: *Child Adoption, Religious Court, Responsibility*

1. Introduction

Every human being who is given advantages by Allah SWT is equipped with the feeling of liking the opposite sex. This causes every human being to have the desire to live together with their partner in a bond called marriage. Marriage is a contract that allows association and limits the rights and obligations and mutual help between a man and a woman who are not mahrams.¹ Islam prescribes marriage with the aim of continuing the lineage, to protect oneself from immoral acts, to create a sense of love and affection, to respect the Sunnah of the Prophet, and to purify the lineage. Lineage is very important in the formation of the Muslim community. By getting married, a Muslim has followed and respected the Sunnah of his Prophet, and through marriage will be able to make clear the lineage, who is whose child and whose lineage, so that

¹ Magfirah, 'Asas Perkawinan Dalam Hukum Islam', *Jurnal Mahkamah*, 3.1.

there will be no people whose origins are unclear.²

Based on the letter Al-A'raf verse 189, every person who marries will hope to have a pious child from their own descendants. But in reality, many have not been blessed with a child. Because of this factor, many people adopt a child. Adopting a child is an act of taking another person's child into one's own family so that between the person who adopts the child and the child who is adopted, a family relationship arises, the same as that between a parent and their own biological child.³ The adoption recommended in Islam is Hadhanah, which is intended to nurture and educate the child. Etymologically, the word hadhanah means al-janb, which means beside or under the armpit, or it can also mean placing something in the lap. This means caring for and educating someone who is not yet mumayiz or who has lost their intelligence because they cannot do their own needs. Meanwhile, according to Zahabi, hadhanah terminology means serving a small child to educate and improve his personality by people who are entitled to educate him at a certain age when he is unable to do it himself.⁴ Islam encourages Muslims to care for the children of those who are poor, needy, abandoned, etc., but it is not permissible to sever ties with their biological parents. This care must be based solely on charity, in accordance with God's guidance.⁵

Regarding the Adoption of a Child requested or submitted by Indonesian Citizens in this case 2 (Two) applicants in the Child Adoption Case Number 02/Pdt.P/2011/PA.Pbr based on Islamic Law, namely the applicants have submitted an application for the determination of child adoption based on Islamic law. Applicant I and Applicant II have been married on January 19, 1996 which was registered at the Bukitraya District Religious Affairs Office, Pekanbaru City in accordance with the Marriage Certificate Extract No. 903/69/1/1996 dated January 19, 1996. During the marriage, Petitioner I and Petitioner II have been blessed with a 14-year-old son. Petitioner I and Petitioner II received the handover of a daughter who was born on August 3, 2008 from the child's mother in accordance with the Child Handover Letter dated January 1, 2011 (Child Handover Letter Attached) Petitioner I and Petitioner II wish to adopt the child as an adopted child based on Islamic Law for the benefit of the child's future both in terms of his life and education, because the child's father died on October 1, 2010 and the child's mother does not have a permanent job, along with his biological brother who was born on September 24, 2006 and the child's mother is currently 6 months pregnant, while the child's mother is not related by blood to Petitioner I and Petitioner II. Based on the reasons/arguments above, the Petitioners request that the Head of the Pekanbaru Religious Court examine and try this case, then continue with the decision whose ruling in the primary demand is to grant the Petitioners' request, to appoint Petitioner I and Petitioner II as adoptive parents.

In the subsidiary claim, the Petitioners requested the Panel of Judges of the Pekanbaru

² Abdul Thalib, *Hukum Keluarga Dan Perikatan* (UIR Press, 2008).

³ Soerojo Wignjodipoero, *Pengantar Dan Asas-Asas Hukum Adat* (PT Toko Gunung Agung, 1983).

⁴ Andi Syamsu Alam and M Fauzan, *Hukum Pengangkatan Anak Perspektif Islam* (Kencana, 2008).

⁵ Muderis Zaini, *Adopsi Suatu Tinjauan Dari Tiga Sistem Hukum* (Sinar Grafika, 1995).

Religious Court, if they have a different opinion, please issue another decision that is fairest (eq aequa bono). Based on the Child Adoption Application submitted by the Petitioners with their application letter dated January 12, 2011 which has been registered at the Pekanbaru Religious Court Clerk's Office Number: 02/Pdt.P/PA.Pbr dated January 12, 2011, they requested that the Pekanbaru Religious Court be pleased to issue a decision which in essence grants Petitioner I and Petitioner II as adoptive parents and determines the child as the adopted child of Petitioner I and Petitioner II. However, later, the Petitioners explained to the Panel of Judges that the uncle of the adopted child wanted to care for the child so that the Petitioners gave the opportunity to the uncle of the child who would be adopted to care for him. The Applicants agreed to withdraw the application that had been registered at the Pekanbaru Religious Court Clerk's Office Number: 02/Pdt.P/2011 PA.Pbr dated January 13 2011. The Pekanbaru Religious Court considered the matter on the day and date of the trial that had been set.

The Applicants have been present, and with their own awareness the Applicant withdrew their application. The Panel of Judges of the Pekanbaru Religious Court considering the Laws and Islamic Laws related to this Application determined that it granted the Applicant's application to withdraw the case, declared case Number 02/Pdt-P/2011/PA.Pbr dated January 12, 2011 to have been completed because it was withdrawn and charged the Applicant to pay all the court costs which until now have been calculated at Rp.191,000,- (One Hundred Ninety-one thousand rupiah). Based on the description above, the author is interested in conducting a study to find out how the child adoption process is based on the determination Number 02/Pdt-P/PA.Pbr and the Legal Considerations of the Panel of Judges in the Determination Number 02/Pdt-P/201 I/PA.Pbr.

2. Research Method

This research is classified as normative legal research by studying case file Number 02/Pdt.P/2011/PA.Pbr, while the nature of this research is descriptive, namely a study that provides data as accurately as possible about conditions or symptoms that can help in strengthening new theories. In addition, the author also conducted interviews with the Panel of Judges who handled the case to complete the research. The purpose of this study is to find out and understand the process of adoption, especially within the scope of religious courts and what considerations the judges took in determining case number 02/Pdt-P/201 I/PA.Pbr.

The sources for this research consist of primary sources, namely a copy of the decision in case number 02/Pdt-P/201 I/PA.Pbr. and interviews with judges related to this case. Secondary legal sources include legal regulations, literature, and previous research journals related to this title.

3. Result and Discussion

3.1. Child Adoption Process in Decree Number 02/Pdt.P/2011/PA.PBR

Human life in society, state and nation cannot be separated from the existence of rules or laws as guidelines that regulate society in running the wheels of life so that it can run in an orderly manner.⁶ Likewise, adoption must be carried out in accordance with existing laws and regulations, as adoption requires the consent of both the biological parents and the adopting parents. With the consent of both parties, the responsibility of the biological parents is transferred to the adoptive parents, and vice versa, the adopted child's position is transferred to the adoptive parents' family environment. This transfer requires a written application, which begins with a process submitted to the court.

The Decree Number 02/Pdt-P/2011/Pbr-Pku originated from a petition for adoption filed by Desben Effendi and Sri Febdarina. Desben Effendi and Sri Febdarina are a married couple living at Jalan Karya Sari RT.01 RW.03 No.35, South Tangkerang Village, Bukitraya District, Pekanbaru City. Desben Effendi is a 44-year-old private employee, while Sri Febdarina is a 37-year-old private teacher. The applicants in their petition letter dated January 12, 2011, which was registered at the Pekanbaru Religious Court Clerk's Office with register Number 02/Pdt-P/201 I /PA-Pbr. In essence, in the petition letter, the applicants asked the judge to decide as follows:

1. Determine the Petitioners' petition.
2. Appointing Applicant I (Desben Effendi) and Applicant II (Sri Febdarina) as adoptive parents of a child named Keysa Aurel Suheimi Novelita binti Heri Suheimi.
3. Determine Keysa Aurel Suheimi Novelita binti Heri Suheimi as the adopted child of Applicant I and Applicant II.

According to Retno Wulan Sutantio and Iskandar Oeripkartawinata, in a civil process, one of the judge's duties is to investigate whether a legal relationship that forms the basis of a lawsuit actually exists or not. The existence of this legal relationship must be proven. If the plaintiff fails to prove the arguments that form the basis of their lawsuit, the lawsuit will be rejected. If successful, the lawsuit will be granted.⁷ Based on the procedure for receiving, examining, and adjudicating child adoption applications, which will be determined by the Panel of Judges, a marginal notation must be made on the adopted child's birth certificate. With the enactment of Law Number 3 of 2006, the Religious Court has absolute authority to receive, examine, and adjudicate child adoption applications based on Islamic Law. Just as the legal product issued by the District Court regarding child adoption is in the form of a "Determination," the legal product of the Religious Court regarding Child Adoption carried out based on Islamic Law also takes the form of a "Determination."

Because the adoption decree based on Islamic law by the Religious Court does not sever the legal relationship or lineage with the biological parents, the adopted child is

⁶ Eddi Wibowo, *Hukum Dan Kelayakan Publik* (YPAPL, 2004).

⁷ Retne Wulan Sutantio and Iskandar Oeripkartawinata, *Hukum Acara Perdata Dalam Teori Dan Praktek* (Mandan Maju, 1989).

legally recognized as the biological child of his biological parents. Therefore, it cannot be assumed that the adopted child is a newborn child in the family of his adoptive parents with all the rights and obligations of a biological child. Therefore, the adopted child's birth certificate is not automatically invalidated or deleted after the adoption decree is issued by the Religious Court. The logical consequence is that there is no need to register an adopted child determined based on Islamic law by his adoptive parents with the Civil Registry Office. Therefore, it is necessary to offer to the Government in relation to the possibility of registering an adopted child determined by the Religious Court by making a marginal note on the child's birth certificate.⁸

However, on Thursday, February 10, 2011, the Petitioners returned to the Pekanbaru Religious Court to withdraw their case because the uncle of the adopted child wanted to take care of the child. Petitioner I and Petitioner II explained to the Panel of Judges that the strong desire of the uncle of the child to be adopted (Keysa Aurel Suheimi') to take care of her, so Petitioner I and Petitioner II concluded to give the opportunity for custody to the uncle of Keysa Aurel Suheimi Novelita, therefore the Petitioners agreed to withdraw their case which had been registered at the Pekanbaru Religious Court Clerk's Office Number 02/Pdt-P/2001/PA-Pbr. Dated January 12, 2011.

The Panel of Judges also considered that on the appointed day and date of the trial, the Applicants were present and of their own accord withdrew the application which read, "On Thursday, February 10 2011, I, the Applicants, of my own accord, withdrew my lawsuit which had been registered at the clerk's office of the Agama Pekanbaru Court with case register number 02/Pdt-P/2011/PA-Pbr."

Considering the statutory regulations and Islamic law related to this application, the following decision has been made:

1. Granted the Petitioner's request to withdraw the case.
2. Declaring case number 02/Pdt-P/2011/PA-Pbr dated January 12 2011 has been completed because it has been revoked.
3. Charges the Petitioner to pay all court costs which are now calculated at Rp.191,000,00 (One Hundred and Ninety One Thousand).

In the case referred to as a petition, there is no dispute here, the Judge only provides his services as a state administrative officer. The Judge issues a decision or commonly called a Declare decision, a decision that is stipulating, explanatory only. In this case, the Judge decides a conflict as in a lawsuit. This is different from case number 154/Pdt.P/2024/PA.Pbr which was filed by Harizal Bin Bahari and Reny Afwanasyah Binti Syahrudin, a married couple living on Jalan Kayu Manis RT.03 RW.08 No.35, Sidomulyo Timur Village, Marpoyan Damai District, Pekanbaru City. Harizal Bin Bahari is a 40-year-old private employee while Reny Afwanasyah Binti Syahrudin is a 38-year-old housewife. The applicants in their application letter dated August 2, 2004, which was registered at the Pekanbaru Religious Court Clerk's Office with register

⁸ Ahmad Kamil and M.Fauzan, *Hukum Perlindungan Dan Pengangkatan Anak Di Indonesia* (Rajawali Pers, 2008).

number 154/Pdt-P/2024/PA-Pbr, essentially asked the judge to decide as follows:

1. Determine the Petitioners' petition.
2. Appointing Applicant I (Harizal Bin Bahari) and Applicant II (Reny Afwanasyah Binti Syahrudin) as adoptive parents of a child named Rahniah Zhafirah.
3. Determine Rahniah Zhafirah as the adopted child of Applicant I and Applicant II.

The Panel of Judges also considered that on the day and date of the trial that had been set, the Applicants had been present and had presented two witnesses to fulfill the trial requirements.

Considering that the statutory regulations and Islamic law relating to this application have issued the following determination:

1. Granted the petition of Petitioner I and Petitioner II.
2. Declaring the legal adoption of a child carried out by Applicant I (Hasrizal Bin Bahari) and Applicant II Reny Afwinasyah Binti Syahrudin) for 1 (one) female child named Rania Zhafirah born on July 29, 2023.
3. Charges the Petitioner to pay all court costs in the amount of Rp.130,000,00 (One Hundred and Thirty Thousand).

3.2. Legal Considerations of the Panel of Judges in Decision Number 02/Pdt-P/P/2011/PA-Pbr

The application for adoption in civil case Number 02/Pdt-P/201 I/PA-Pbr was due to the mother of the child to be adopted having handed over to the Petitioners to care for her child named Keysa Aurel Suheimi. This handover was made because the child's mother was 6 months pregnant and unemployed while her husband had died. In order to resolve the issues of Petitioner I and Petitioner II in Decision Number 02/Pdt-P/2011/PA-Pbr, the Panel of Judges based on the legal provisions arising from the Petition in question. However, before the Panel of Judges rendered its decision, the Panel of Judges first provided legal considerations for each part of the case that served as the basis for its decision. The Panel of Judges was of the opinion that the main point of the petitioners' request was the decision regarding the legal certainty of the validity of the adoption carried out by Petitioner I and Petitioner II based on Islamic law against a daughter named Keysa Aurel Suheimi.

First, the judge will consider the absolute authority of the Religious Court in making a decision on child adoption, which has been explained that the case of child adoption applications by Muslims based on Islamic Law has been regulated in Law Number 3 of 2006, that the Religious Court has absolute authority to receive, examine, and adjudicate child adoption applications based on Islamic Law, so it becomes the absolute authority of the Religious Court. This is in accordance with the basic principle of the judiciary that the Court may not reject cases submitted to it on the grounds that the law does not exist or is unclear, but is obliged to examine and adjudicate it so that

the Judge is obliged to explore, follow and understand the legal values and sense of justice that live in society. Article 1 of Government Regulation Number 54 of 2007 concerning Adoption of Children, an adopted child is a child whose rights are transferred from the sphere of authority of the family of parents, legal guardian, or other person responsible for the care, education, and raising of the child, into the family environment of the adoptive parents based on a court decision or determination. Then Based on the facts found in the trial in relation to the principles of Islamic Law regarding the adoption of children submitted by Petitioner I and Petitioner II, it has fulfilled the intent and elements of Article. 49 Paragraph 1 letter b, Law Number 7 of 1989 in conjunction with Article 171 letter b and Article 209 of the Compilation of Islamic Law in conjunction with Circular Letter of the Supreme Court of the Republic of Indonesia Number 6 of 1983, the Panel of Judges is of the opinion that Petitioner I and Petitioner II's application to adopt a child named Keysa Aurel Suheimi can be granted.

Based on the results of the interview with the Pekanbaru Religious Court Judge who is also the Chairperson of the Panel in the Determination of Child Adoption Number 02/Pdt-P/2011/PA-Pbr, it was revealed that in the petition submitted by the Petitioners, the Panel of Judges considered that this petition was submitted for the welfare of the child because the mother of the child does not have a job and her husband has passed away. As long as it is for the benefit of the child, the petition can be granted because the interests of the child and the welfare of the child are the main considerations in determining a petition by the Panel of Judges.⁹

In this case, the Panel of Judges does not really refer to the concept of adoption based on *hadhanah*, where the Panel of Judges only pays attention to the facts in the trial without directly observing what the two parents who will adopt the child will be like, even though the original intention is for the benefit of the child and the welfare of the child, and the person who adopts the child is considered capable of adopting the child both financially, but it is feared that in the future the adopted child will not be cared for and looked after based on the Islamic concept of *hadhanah* which does not sever kinship ties and equalize inheritance rights like biological children and the issue of guardianship which should be carried out by the biological father of the adopted child because of the love for the child and many cases are found where the person does not want their adopted child to know that he is their biological child. Because the problems that have arisen recently are not a reference for a Judge in issuing a Child Adoption Decree. The Panel of Judges only considers everything that is in accordance with the Laws and Regulations and according to Islamic law then issues the Decree without considering the problems regarding the adopted child that will arise in the future.

According to the Decree of the Minister of Social Affairs of the Republic of Indonesia Number 414/HUK/KEP/II/1984 dated July 14 1984, the requirements for obtaining permission to adopt a child include:

1. For prospective adoptive parents:

⁹ 'Wawancara Penulis Dengan Hakim Drs.Syarifuddin, S.H., M .H.'

- a. Be married and at least 25 years old or a maximum of 10 years.
 - b. The age difference between the adoptive parents and the prospective adopted child is at least 20 years.
 - c. Be married for at least 5 years at the time of applying for adoption.
 - d. Be financially capable, as evidenced by a certificate from an authorized official, at least the local village head.
 - e. Be of good character, as evidenced by a certificate from the Indonesian National Police.
 - f. Be physically and mentally healthy, as evidenced by a certificate from a government doctor.
 - g. Submit a written statement that the adoption is solely for the benefit and welfare of the child.
2. For prospective adopted children:
 - a. Under 5 years of age.
 - b. Written consent from biological parents.

From the requirements submitted, Applicant I and Applicant II have fulfilled the specified requirements where Applicant I and Applicant II are swami wives. In addition, Applicant I and Applicant II have submitted a written statement that the adoption of a child is solely for the benefit and welfare of the child. Physically and economically the applicants are considered capable for the benefit of the child because Applicant I (Desben Effendi) is a private employee while Applicant II (Sri Febdarina) is a private teacher.

This is in accordance with the explanation of the Government Regulation of the Republic of Indonesia Number 54 of 2007, where the Government is committed to providing protection for children, therefore to fulfill the rights and improve the welfare of children, one of the solutions is to provide opportunities for parents who are able to carry out child adoption. Based on these facts, the purpose of child adoption as intended. SEMA RI Number 6 of 1983 concerning the improvement of SEMA Number 2 of 1979 in conjunction with SEMA Number 4 of 1989 in conjunction with SEMA Number 3 of 2005 in conjunction with PP Number 54 of 2007, namely to maintain the rights and improve the welfare of children can be fulfilled. So that by adopting a child, the Applicants as adoptive parents are obliged to care for, raise and educate them as their own biological children.

After examining the statements of the Applicants, the Judge then gave legal considerations. The legal considerations of the panel of judges regarding the application for adoption according to Decision Number 02/PdtP/201 I/PA-Pbr are that in essence the Applicants wish to withdraw their case on February 10, 2011 at the Pekanbaru Religious Court Clerk's Office. The Applicants had previously adopted a child named Keysa Aurel Suheimi on January 12, 2011. To determine whether this application is granted or not, it is necessary to first consider the intent and legal interests of the Applicants in the adoption. This adoption is basically in the best interests of the child named Keysa Aurel Suheirni to receive more appropriate care, maintenance, and education than before so that she has a better future. At the request

of the Applicants because of the wishes of the adopted child's uncle to care for her according to the information presented in Court, the Applicants ask for the Applicants' request to withdraw their case.

In Decision Number 02/Pdt-P/2011/PA-Pbr, considering the strong desire of the adopted child's uncle to care for him, and the child's uncle's desire to obtain the approval of the Petitioners and the mother of the child concerned, the matter was then discussed and tried. The results of the discussion then determined that responsibility for the interests and welfare of the child was transferred to the responsibility of the child's uncle. In determining a decision, the Panel of Judges only considered and considered the facts presented in the trial. Considering the applicable statutory regulations and Islamic law, the Panel of Judges decided to grant the Petitioner's request to withdraw the case, stating that case Number 02/Pdt-P/2011/PA-Pbr dated January 12, 2011 had been completed because it was withdrawn.

In order to resolve the issue of Petitioner I and Petitioner II in Decision Number 154 / Pdt-P / 2024 / PA-Pbr, the Panel of Judges is based on the legal provisions arising from the Petition in question. However, before the Panel of Judges delivers its decision, the Panel of Judges first provides legal considerations for each part of the case that is used as the basis for its decision. The Panel of Judges is of the opinion that the main point of the petitioners' request is the decision regarding the legal certainty of the validity of the adoption of a child carried out by Petitioner I and Petitioner II based on Islamic law against a daughter named Rania Zhafirah. After examining the statements of the Petitioners, the Judge then provides legal considerations. The legal considerations of the Panel of Judges regarding the application for adoption according to Decision Number 154 / Pdt-P / 2024 / PA-Pbr are that in essence the Petitioners want to adopt a child whose application has been registered at the Pekanbaru Religious Court Registry. The adoption of this child is basically in the best interests of the child named Rania Zhafirah to receive more appropriate care, maintenance, education than before so that she has a better future. At the request of the Petitioners due to the wishes of the adopted child's uncle to care for her according to the information presented in court, the Petitioners ask for the Petitioners' request to be granted. In Determination Number 154 / Pdt-P / 2024 / PA-Pbr, noting that the Petitioners' strong desire to care for her, and for the sake of the child's future, the matter was discussed and tried. The results of the deliberation then determined that the responsibility for the interests and welfare of the child was transferred to the responsibility of the Petitioners.

4. Conclusion

The process of adopting a child in the Decree Number: 02/PDT.P/2011/PA.Pbr and 154/Pdt-P/2024/PA.Pbr, began with a request made by the Petitioners to adopt a child with the aim of fulfilling all rights and improving the welfare of children in accordance with Government Regulation Number 54 of 2007. All requirements for adopting a child have been fulfilled by the Petitioners, and the Petitioners have

registered it with the Pekanbaru Religious Court Clerk's Office and have fulfilled the trial determined by the Panel of Judges, but because the uncle of the adopted child wants to take care of him again, the Panel of Judges granted the petitioners' request for his case. So that by granting the decision in case Number: 02/PDT.P/2011/PA.Pbr and 154/Pdt-P/2024/PA.Pbr, the Petitioners are obliged to care for, care for and educate him for the child's better future than before. Considerations of the Panel of Judges in determining the Determination Number: 02/PDT.P/2011/PA.Pbr and 154/Pdt-P/2024/PA.Pbr, namely the Panel of Judges in granting the application submitted by the Applicants took into account that the Application of Applicant I and Applicant II had fulfilled the provisions as stated in the Circular of the Supreme Court of the Republic of Indonesia Number 6 of 1983 concerning child adoption. And also based on Law Number 3 of 2006 concerning Religious Courts which have the authority to receive, examine and adjudicate child adoption applications submitted by Applicant I and Applicant II absolutely. However, the Panel of Judges does not really adhere to the concept of adoption of children according to hadhanah, where the Panel of Judges only pays attention to the facts in the trial without directly considering whether the adoption of the child is in accordance with the concept of Islamic law because the Panel of Judges only considers everything that is in accordance with the Laws and Regulations and according to Islamic law and then issues a Decision without considering problems regarding the adopted child that will arise in the future.

5. References

- Abdul Thalib, *Hukum Keluarga Dan Perikatan* (UIR Press, 2008)
- Alam, Andi Syamsu, and M Fauzan, *Hukum Pengangkatan Anak Perspektif Islam* (Kencana, 2008)
- Eddi Wibowo, *Hukum Dan Kelayakan Publik* (YPAPL, 2004)
- Kamil, Ahmad, and M.Fauzan, *Hukum Perlindungan Dan Pengangkatan Anak Di Indonesia* (Rajawali Pers, 2008)
- M.Fauzan, *Pokok-Pokok Hukum Acara Perdata Peradilan Agama Dan Mahkamah Syariah Di Indonesia* (KENCANA, 2005)
- Magfirah, 'Asas Perkawinan Dalam Hukum Islam', *Jurnal Mahkamah*, 3.1
- Muderis Zaini, *Adopsi Suatu Tinjauan Dari Tiga Sistem Hukum* (Sinar Grafika, 1995)
- Sutantio, Retne Wulan, and Iskandar Oeripkartawinata, *Hukum Acara Perdata Dalam Teori Dan Praktek* (Mandan Maju, 1989)
- 'Wawancara Penulis Dengan Hakim Drs.Syarifuddin, S.H., M .H.'
- Wignjodipoero, Soerojo, *Pengantar Dan Asas-Asas Hukum Adat* (PT Toko Gunung Agung, 1983)