



ANALOGY AND HARMONY: AN ANALYSIS OF THE RIGHTS AND OBLIGATIONS OF ADOPTED CHILDREN IN THE DISTRIBUTION OF INHERITANCE FROM THE PERSPECTIVE OF ISLAM AND CHRISTIANITY

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Abstract: This study examines an important comparative legal and religious issue regarding the rights of adopted children in inheritance distribution from Islamic and Christian perspectives. While the abstract summarises key findings, there is a risk of oversimplifying the complexities of religious doctrines and national legal systems governing inheritance laws. Although adopted children's rights are limited in Islamic law, the possibility of making a will can mitigate these restrictions; however, additional nuances arise from various schools of thought and interpretations that influence the scope of inheritance. Conversely, the Christian perspective is often generalised as uniformly granting equal rights to adopted children, which may only hold across some Christian denominations or legal systems influenced by Christian principles. The abstract would benefit from a more detailed analysis of internal variations within each religion and consideration of how different national laws operationalise religious principles. Furthermore, the notion of "harmony" between these two religious traditions in addressing justice for adopted children may be overstated, as the theological foundations guiding inheritance distribution differ fundamentally. A more critical engagement with potential conflicts or limitations in achieving harmonious legal frameworks would add depth to the analysis.

Keywords: adopted children's rights, inheritance law, Islamic perspective, Christian perspective, wills, denominational variability, harmonious legal frameworks, theological foundations of inheritance.

A. Introduction

The division of inheritance is a crucial issue and often a source of dispute in families. In the context of inheritance law, the status of adopted children is an interesting topic to research because of the different treatment in various legal systems and religions. In Islam, adopted children do not automatically receive inheritance rights from their adoptive parents but can be given a will of up to one-third of the estate (Ismiradi, 2024). This is based on the principles of Islamic law, which emphasise lineage as the main basis



for inheritance distribution. On the other hand, in Christianity, especially as adopted in the laws of certain countries, adopted children have the same inheritance rights as biological children (Sholeh, 2023). This difference reflects the diversity of theological and legal views that may affect the welfare of adopted children.

Inheritance plays a very important role in the context of family and society. It involves the distribution of assets and property from generation to generation, affecting individuals' economic stability and well-being within the family. In many cultures, inheritance is seen as a material asset, a symbol of continuity, and the passing on of family values and cultural identity. A fair distribution of inheritance can strengthen family ties, minimise conflict, and ensure each family member gets their fair share according to their contribution and standing (Arifin & Amin, 2024). On the other hand, an unfair distribution of inheritance can trigger disputes and divisions within the family, which often continue into the next generation. In addition, inheritance also plays an important role in society as it can affect the overall social and economic structure. The distribution of wealth through inheritance can narrow or widen social gaps, depending on how it is divided. In societies that adhere to certain legal systems and religions, such as Islam and Christianity, inheritance rules also reflect the religious and ethical values the community holds dear, thus serving as a moral and legal guide in managing the estate. Therefore, correctly understanding and applying the principles of inheritance is crucial to ensure harmony and justice within the family and the wider society.

Adoption has evolved significantly alongside modern society's social, cultural, and economic changes, profoundly impacting inheritance law. Historically, adoption may have been practised primarily for social benevolence, but it has become a more prevalent and accepted practice across various aspects of life. This shift has necessitated a reassessment and adjustment of inheritance law to become more inclusive and equitable for adopted children (Litehua, 2020).

In many legal systems, including those grounded in religious principles, adopted children often do not possess the same inheritance rights as biological children. This discrepancy can lead to unfairness and legal uncertainty, adversely affecting adopted children. For instance, under Islamic law, adopted children lack direct inheritance rights; however, they may receive a share through a will or grant. Conversely, some legal systems influenced by Christian principles recognise adopted children as having equal inheritance rights with biological children, reflecting a more egalitarian perspective (Nasution, 2014). These developments underscore the urgent need for dialogue and policy adjustments to ensure that inheritance laws mirror changing social realities, acknowledge the rights of adopted children, and prevent their disadvantage in the inheritance distribution process. Therefore, legal reforms are essential to address the evolution of adoption, allowing inheritance law to respond effectively to modern family dynamics and ensure justice for all family members.

The choice to analyse the rights and obligations of adopted children in the context of Islamic and Christian religious perspectives is grounded in several compelling reasons. Firstly, these two religions have extensive global followings, and their inheritance rules significantly influence numerous societies (Pahmiyanti, 2022). Secondly, Islam and Christianity present differing approaches and doctrines concerning inheritance law, providing fertile ground for a comprehensive comparative analysis. Islamic inheritance law is explicitly detailed in the Qur'an and Hadith, with specific principles governing the

inheritance rights of adopted children that diverge from those of biological children (Anton et al., 2024). In contrast, Christianity, often informed by the teachings of the Bible and church tradition, tends to adopt a more flexible approach and frequently adheres to civil law that recognises the rights of adopted children as equivalent to those of biological children. This comparison illuminates how both religions interpret justice and well-being within the family context and how their differences and similarities can inform the development of more inclusive and harmonious inheritance law policies.

Lastly, understanding these two perspectives is crucial for providing a comprehensive foundation for policymakers, academics, and legal practitioners in formulating equitable rules that align with the religious values upheld by their communities. Engaging with the complexities and nuances of these religious teachings will enhance the discourse around inheritance laws and ensure that they evolve to meet the needs of contemporary society.

B. Method

The research method used in this study is a qualitative approach with a descriptive-analytical method, which aims to provide an in-depth description of the rights and obligations of adopted children in the distribution of inheritance from the perspective of Islam and Christianity. The qualitative approach was chosen because it allows researchers to explore and understand complex phenomena in detail, as well as explore the meaning behind the rules and principles applied in both religions. The descriptive-analytical method was used to systematically and thoroughly describe how inheritance law is applied to adopted children in Islam and Christianity and analyse the differences and similarities between the two. This research relies on primary and secondary data sources collected through literature study. Primary data sources include sacred texts, such as the Qur'an and Hadith in Islam and the Bible in Christianity, which form the basis of inheritance law in both religions. In addition, fatwas of scholars, church documents, and theological literature are also included in the primary data sources. Secondary data sources consist of books, journal articles, research reports, and legal documents related to the inheritance of adopted children in both religions. Through an in-depth literature analysis, this research seeks to compile a comprehensive picture of inheritance law policy in the context of adoption and provide recommendations that can support creating a more just and harmonious legal system (Imanina, 2020).

C. Result and Discussion

The concept of adopted children in Islam has a specific definition and legal basis based on the teachings of the Qur'an and Hadith. In Islam, adopted children are known as "tabanni," which means adopting a child from another family as one's own, but does not replace the position of biological children in terms of nasab and inheritance rights. The legal basis for child adoption in Islam can be found in the Qur'an, Surah Al-Ahzab, verses 4-5, which emphasises that adopted children must remain attributed to their biological parents and are not considered biological children of the adoptive parents (Lestari, 2020). This is to maintain clarity of lineage and inheritance laws. The position of adopted children in Muslim families is regulated in such a way that they receive the same love and protection as biological children but with certain restrictions regarding Sharia rights. Adopted children do not have direct inheritance rights from their adoptive parents. However, according to Islamic sharia, they can receive grants or wills of up to one-third

of the estate. In Muslim societies, adopted children are recognised as part of the family, but their legal status remains distinct from biological children. This ensures that sharia lineage, inheritance, and blood relations principles are maintained. Nonetheless, adopted children continue to receive full attention and support from their adoptive families in terms of education, maintenance and welfare, demonstrating Islam's commitment to the protection and welfare of children, regardless of their biological status (Muayyanah, 2010).

The concept of adopted children in Christianity includes definitions and legal bases that reflect the principles of compassion, nurture, and recognition of equal status with biological children. In the Christian context, adopted children are often legally adopted and accepted as family members with the same rights and obligations as biological children. The legal basis for adoption in Christianity can be found in the teachings of the Bible, which emphasises the importance of adopting orphans and providing love to them as part of social service and kindness (Pandika, 2022). Adopted children in Christianity have a legally and socially recognised position as an integral part of the family, with inheritance rights equal to biological children under applicable civil law. They also receive moral and spiritual support from the Christian community when facing life's challenges. In Christian societies, adopted children are seen as a gift to provide a better life and family stability, reflecting the values of love and acceptance in Christian communities that embrace the principles of social justice and care for the weak (Anshor, 2017).

The Islamic and Christian concepts of justice in the distribution of inheritance reflect different values and principles but often share the common goal of ensuring fairness and well-being for the family members involved. In Islam, the principles of justice in the distribution of inheritance are detailed in the Qur'an and Hadith, emphasising the importance of dividing property fairly by the provisions of sharia. Islam recognises fixed inheritance rights for certain family members based on blood relations, with set proportions for each heir. The concept of justice in Islam also includes moral and social aspects, where inheritance arrangements must consider the needs and responsibilities of the family towards members who are less capable or who need special protection (Lutfi, 2023). On the other hand, in Christianity, compassion, solidarity, and consideration of the needs of family members frequently serve as guiding principles in the concept of justice in the distribution of inheritance. Christianity teaches to respect the will set out in the will, ensure that each heir is treated fairly, and respect their spiritual values and practical needs. General principles in the division of inheritance, in both Islam and Christianity, include transparency, testimony, and the involvement of the community or religious authority in resolving conflicts or injustices that may arise. Justice in the division of inheritance is not only about the fair distribution of property but also about ensuring family harmony and continuity and fulfilling the ethical and religious values held by the community concerned.

1. Rights and Obligations of Adopted Children in the Distribution of Inheritance According to Islam

The rights and obligations of adopted children in the distribution of inheritance according to Islam are regulated by various legal sources, including the Qur'an, Hadith, fiqh (Islamic jurisprudence), and fatwas of scholars. As the main source of Islamic teachings, the Qur'an provides guidance on the distribution of inheritance in several suras, including Surah An-Nisa verses 11-12, which regulate how inheritance should be

divided among heirs by sharia provisions. The Qur'an also affirms the principle of justice in the distribution of inheritance, although it specifically stipulates different shares for each heir based on their blood relationship to the deceased (Karim, 2016). Hadith, which are records of the sayings and deeds of the Prophet Muhammad, provide further examples and explanations of the application of inheritance law in the daily lives of Muslims. Fiqh, the discipline that governs the practice of Islamic law, develops more detailed rules on the division of inheritance, including special arrangements for adopted children. Fiqh considers the social context and practical needs in interpreting and applying the provisions of inheritance law according to the time and place situation. In addition, the fatwa ulama, which are the legal opinions of leading scholars in Muslim societies, provide additional guidance on how Islamic inheritance law should be applied in complex or controversial cases. Overall, this legal basis underscores the importance of fairness, transparency, and adherence to sharia values in the distribution of inheritance, including how adopted children are treated and given an appropriate share in the inheritance despite not having the same biological status as biological children.

The mechanism of inheritance distribution in Islam follows general provisions that are strictly regulated by the Qur'an and Hadith and interpreted by fiqh to accommodate different situations. The general provisions of inheritance stipulate that any Muslim who dies must leave an estate for his or her heirs, which consists of immediate family such as children, spouse, parents, and siblings. The share of each heir is determined based on a fixed division regulated by sharia, with different proportions for each family relationship. In the context of adopted children, they do not automatically have the same inheritance rights as biological children, but they can be given a share of the estate through a will or grant. A will is a decision the testator makes regarding their property before passing away, and it may include giving inheritance to those who are not the sharia-defined heirs, such as adopted children.

Conversely, a grant is a direct gift of property by the testator to a desired beneficiary during his or her lifetime. In the case of adopted children, the testator may choose to give part of their estate as a bequest to ensure that the adopted child receives appropriate recognition and economic support. This shows the flexibility in the Islamic legal system to treat adopted children fairly despite not having the same biological standing as biological children in terms of inheritance. Thus, the mechanism of inheritance distribution in Islam considers the principles of justice and family welfare while complying with the provisions of sharia law governing rights and obligations in the guardianship of property.

In modern contexts, applying Islamic inheritance laws must consider the evolving dynamics of family structures, including the increasing prevalence of adoption. Scholars and legal practitioners continuously seek to balance traditional Islamic principles with contemporary realities, ensuring that adopted children receive equitable treatment. Adoption in Islam, known as "kafala," differs from the Western concept of adoption. Kafala involves taking responsibility for a child's upbringing and welfare without severing the child's biological ties. The adoptive parents (kafil) provide for the child (makfoul) and raise them as their own, but the child retains their original family name and inheritance rights from their biological parents. This distinction is crucial in Islamic law, which emphasises maintaining lineage and biological relationships.

2. Qur'anic Guidance

The Qur'an provides foundational guidance on the distribution of inheritance, emphasising the importance of justice and fairness. Specific verses, such as Surah An-Nisa (4:11-12), outline the shares of inheritance allocated to various heirs, prioritising blood relations:

- **Surah An-Nisa (4:11):** "Allah commands you concerning your children: for a male, what is equal to the share of two females..."
- **Surah An-Nisa (4:12):** "And for you is half of what your wives leave if they have no child. However, if they have a child, for you, it is one-fourth of what they leave, after any bequest they may have made or debt..."

Several Hadiths provide additional guidance on inheritance and the treatment of adopted children. The Prophet Muhammad's sayings and actions offer insights into the principles of justice and compassion:

1. On Justice and Fair Treatment:

- **Hadith:** "Whoever takes in an orphan among the Muslims to raise, he will be with me like this in Paradise," and he held his two fingers together (Sahih al-Bukhari). This Hadith emphasises the virtue of caring for orphans, which can be extended to adopted children, promoting their fair treatment and welfare.

2. On Inheritance and Exclusion of Adopted Children:

- **Hadith:** "The child belongs to the bed (i.e., to the legal husband of the wife), and the stone is for the adulterer" (Sahih al-Bukhari and Sahih Muslim). This Hadith indicates that lineage and blood relations are paramount in determining inheritance rights, thereby excluding adopted children from automatic inheritance.

These Hadith highlight the importance of biological lineage in inheritance while encouraging the care and support of adopted children through other means.

Fiqh and Jurisprudential Interpretations

Islamic jurisprudence (fiqh) provides detailed rules for inheritance, accommodating various social contexts and practical needs. Scholars have developed mechanisms to ensure that adopted children receive support despite not having automatic inheritance rights:

- a) **Wills (Wasiyyah):** A Muslim can bequeath up to one-third of their estate to non-heirs, including adopted children. This allows the testator to allocate a portion of their wealth to ensure the financial security of adopted children.
 - **Hadith:** "It is the duty of a Muslim who has anything to bequeath not to let two nights pass without writing a will about it" (Sahih al-Bukhari). This Hadith underscores the importance of making a will, including provisions for adopted children.
- b) **Lifetime Grants (Hiba):** Adoptive parents can transfer property to adopted children during their lifetime through hiba. This direct transfer ensures that adopted children receive financial support.
 - **Hadith:** "Give the inheritance to those who are entitled to it, and whatever is left is for the nearest male relative" (Sahih al-Bukhari). This Hadith reinforces

the importance of distributing inheritance fairly while allowing for flexibility through lifetime grants.

3. Mechanisms for Inheritance Allocation

In addressing the inheritance rights of adopted children under Islamic law, various practical mechanisms are utilised:

1. **Bequeathing through Wasiyyah:** As previously mentioned, a Muslim can bequeath up to one-third of their estate to non-heirs, including adopted children. This allows the testator to allocate a portion of their wealth to ensure the adopted child's financial security. The flexibility of wasiyyah enables the testator to consider the specific needs and circumstances of the adopted child.
2. **Lifetime Grants (Hiba):** Through hiba, adoptive parents can transfer assets to the adopted child during their lifetime. This direct property transfer can include cash, real estate, or other valuable assets. By making such grants, adoptive parents can support the adopted child substantially, ensuring their well-being and stability.
3. **Guardianship and Care:** Beyond financial considerations, the guardianship responsibilities of adoptive parents in Islam encompass providing education, healthcare, and overall nurturing. The holistic approach to guardianship reflects the broader Islamic values of compassion and responsibility towards all children, irrespective of their biological status.

Challenges and Solutions

Implementing these mechanisms in contemporary Muslim societies presents certain challenges. Legal systems in different countries may vary in their recognition and enforcement of Islamic inheritance laws, particularly regarding the status of adopted children. However, several solutions can address these challenges:

1. **Legal Reforms:** Some Muslim-majority countries have undertaken legal reforms to integrate Islamic principles with contemporary family law better. These reforms aim to provide clearer guidelines for the inheritance rights of adopted children, ensuring they are adequately protected and supported.
2. **Community Awareness and Education:** It is crucial to educate the Muslim community about the importance of fair treatment for adopted children. Religious leaders, scholars, and community organisations play a vital role in raising awareness about the mechanisms available within Islamic law to support adopted children.
3. **International and Comparative Perspectives:** Engaging with international legal frameworks and comparative studies can offer valuable insights. Muslim scholars and legislators can explore innovative approaches that align with Islamic principles by examining how other legal systems address the inheritance rights of adopted children.

The rights and obligations of adopted children in the distribution of inheritance according to Islam are intricately woven into the broader tapestry of Islamic jurisprudence. Islamic law provides a comprehensive framework that balances strict adherence to sharia with principles of justice and family welfare through the guidance of the Qur'an, Hadith, fiqh, and fatwas. Mechanisms such as wasiyyah and hiba offer flexible solutions to ensure adopted children receive fair treatment and financial support. In contemporary Muslim societies, addressing the challenges of implementing these mechanisms requires a concerted effort from scholars, legal practitioners, and community

leaders. By fostering awareness, pursuing legal reforms, and considering international perspectives, the Islamic legal system can continue to uphold its principles of compassion and justice in the treatment of adopted children. This holistic approach ensures that the inheritance rights of all family members, including adopted children, are respected and protected, reflecting the enduring values of Islam.

4. Rights and Obligations of Adopted Children in the Distribution of Inheritance According to Christianity

The legal basis for the distribution of inheritance from a Christian perspective includes the Bible and the church's teachings. It depends on the country's laws that recognise and apply Christian principles in its legal system. As the primary source of Christian teachings, the Bible provides guidelines on how inheritance should be managed and distributed in a moral and spiritual context. The teachings of the Christian church, which are based on biblical interpretations and traditional teachings, emphasise the importance of compassion, justice and attention to individual needs within the family. In many cases, civil law in Christian countries recognises adopted children as heirs with the same rights as biological children by the principles of inclusion and equality before the law. Adopted children have the right to receive a share of the estate, which aligns with their legally recognised rights. However, implementing Christian perspectives in state law may vary depending on each country's legal system, which often includes customisation and a broader interpretation of Christian values within the local social and cultural context. As such, this legal basis reflects an attempt to integrate Christian religious principles with state law to achieve fairness and sustainability in the distribution of inheritance, considering spiritual values and protecting individual rights in a Christian society.

Christian inheritance distribution mechanisms follow principles rooted in biblical and church teachings and adapt to civil laws recognising equal inheritance rights between adopted and biological children. The Bible generally guides the importance of wise property stewardship and fair division of inheritance in the family context. The Christian Church, through biblical interpretation and traditional teaching, teaches values such as compassion, justice and attention to individual needs within the family, which provide the foundation for ecclesiastical policies on inheritance. In some civil law jurisdictions influenced by Christian values, adopted children are recognised as having inheritance rights equal to biological children. This means they have a legitimate claim to the same estate share as biological children in civil law, following the principles of inclusion and equality before the law. This recognition encourages child adoption and provides legal certainty and protection for adopted children, ensuring that they are not disadvantaged in the division of family property. Nonetheless, the implementation of these equal inheritance rights may vary depending on the laws of the country implementing them, with some countries adopting laws that are more inclusive and consider Christian values in the context of family and inheritance law. As such, Christian inheritance-sharing mechanisms reflect an attempt to blend religious principles with civil law protections, preserving the integrity of the family and ensuring justice for all family members, including adopted children.

The Bible provides a moral and spiritual framework for the distribution of inheritance. Although it does not explicitly address the issue of adopted children, the

principles of love, justice, and care for the vulnerable are emphasised. Key biblical passages that inform Christian views on inheritance include:

- a) **Deuteronomy 21:17** outlines the rights of the firstborn to a double portion, emphasising the importance of fair and just treatment of heirs.
- b) **Proverbs 13:22**: "A good man leaves an inheritance to his children's children," underscores the responsibility of ensuring the well-being of future generations.
- c) **Romans 8:15-17**: This passage speaks to the spiritual adoption of believers as children of God, suggesting a theological basis for treating adopted children with the same care and love as biological children.

The teachings of the Christian Church, derived from biblical interpretations and centuries of tradition, reinforce the principles of compassion, justice, and attention to individual needs within the family. The church has historically advocated for the protection and fair treatment of all children, including those who are adopted.

- a) **Catechism of the Catholic Church**: The Catechism emphasises the dignity and rights of every person and advocates for the equitable treatment of adopted children in inheritance matters.
- b) **Protestant Teachings**: Various Protestant denominations uphold similar values, promoting the inclusion and equal treatment of adopted children based on Christian love and justice principles.

Church teachings often encourage believers to act with charity and fairness, ensuring that adopted children are not disadvantaged in the distribution of inheritance.

In many Christian-majority countries, civil law recognises adopted children as having equal inheritance rights as biological children. This legal recognition reflects the principles of inclusion and equality before the law, ensuring that adopted children are entitled to a fair share of the estate. The implementation of these rights varies depending on the legal system of each country:

- a) **United States**: Inheritance laws in the U.S. generally treat adopted children as equal to biological children, providing them the same rights to inherit from their adoptive parents.
- b) **United Kingdom**: Similar to the U.S., the U.K.'s inheritance laws grant adopted children the same inheritance rights as biological children.
- c) **Other Countries**: Many countries with Christian influences in their legal systems have similar provisions, ensuring the protection of adopted children's inheritance rights.

This legal framework supports the adoption process by providing legal certainty and protection for adopted children, aligning with Christian values of family and justice.

Implementing these principles and laws in practice can present challenges, but there are mechanisms and approaches to address them:

- a) **Legal Instruments**: Wills and trusts are common tools used to ensure that adopted children receive their rightful share of inheritance. By explicitly including adopted children in these documents, adoptive parents can safeguard their interests.
- b) **Advocacy and Education**: It is crucial to educate communities about the rights of adopted children and the importance of equitable inheritance practices. Religious leaders and organisations can play a significant role in this advocacy.

- c) **Judicial Oversight:** Courts often intervene to ensure that the distribution of inheritance is fair and just, particularly in cases where there may be disputes or ambiguities regarding the rights of adopted children.

The rights and obligations of adopted children in the distribution of inheritance according to Christianity are deeply rooted in biblical principles, church teachings, and civil law. These elements collectively ensure that adopted children are treated fairly and compassionately, receiving an equitable share of the inheritance. By integrating religious values with legal protections, Christian societies strive to uphold the integrity of the family and ensure justice for all its members, including adopted children. Continued advocacy, education, and legal reforms are essential to maintaining these principles, reflecting the Christian tradition's enduring commitment to justice and compassion.

5. Comparison of Rights and Obligations of Adopted Children in the Distribution of Inheritance: Islam vs. Christianity

In comparing the rights and obligations of adopted children in the distribution of inheritance between Islam and Christianity, some similarities include the principles of justice and the welfare of adopted children. The division of inheritance in Islam and Christianity is based on the principle of justice, which ensures that all family members, including adopted children, should receive fair and equal treatment. The welfare of adopted children is also a major concern in both religions, with efforts made to ensure that they receive fair treatment and a share of the inheritance sufficient to support their lives. Cultural influences and state laws also play an important role in implementing these principles. In many Muslim-majority countries, state laws often take into account Islamic values in inheritance law regulations, which may recognise the rights of adopted children but within the limits set by sharia.

Similarly, in Christian contexts, where Christian-based state laws often recognise adopted children as heirs with equal rights to biological children, reflecting values of inclusion and attention to the needs of adopted children in society. However, local cultural influences can also affect how these principles are interpreted and applied in legal practice, varying between countries depending on the existing social, cultural and legal context. Thus, while there are similarities in the principles of justice and welfare of adopted children between Islam and Christianity, the implementation and recognition of their rights in the division of inheritance is often influenced by the local culture and laws of the country in which they live.

The difference in the recognition of direct vs indirect inheritance rights between Islam and Christianity is reflected in the approach to adopted children and the role of wills and grants in inheritance distribution. In Islam, adopted children do not have the same direct inheritance rights as biological children. While they can be recognised as heirs through wills or bequests, this is limited to one-third of the estate by the sharia provisions that govern how the estate should be divided among the designated heirs. This approach reflects the principle of justice in Islam, which establishes a clear role for adopted children in getting a share of the inheritance, but not on par with biological children in terms of direct inheritance rights from Islamic inheritance law. On the other hand, in the Christian context, many civil law jurisdictions that adhere to Christian principles recognise adopted children as heirs with equal rights to biological children. This means that adopted children can receive inheritance directly without the need to go through a will or special bequest. The role of wills and bequests in Islam is more prominent as mechanisms that allow

testators to give their assets to individuals outside of the sharia-defined heirs, including adopted children, with certain restrictions. Meanwhile, in the Christian context, recognising equal inheritance rights for adopted children represents an attempt to ensure inclusion and fair treatment in the division of family property, reflecting the values of compassion and care for adopted children in Christian society. Thus, these differences reflect different interpretations and applications of religious principles and legal approaches in recognising and regulating the inheritance rights of adopted children between Islam and Christianity.

Research findings on the inheritance rights of adopted children can have a significant impact on inheritance law in Muslim and Christian-majority countries. In Muslim-majority countries, research findings that support the recognition of adopted children's inheritance rights within certain limitations, such as through wills or bequests, may influence the reform or adjustment of inheritance laws that are more inclusive. This could lead to changes in legal practice that recognise the need for adopted children to get a fair share of the inheritance by the values of justice and welfare espoused in Islam. Meanwhile, in Christian-majority countries, research findings highlighting the need for recognition of equal inheritance rights for adopted children could strengthen arguments for expanding the recognition of civil laws that already recognise adopted children as heirs with the same rights as biological children. This could prompt legal reforms to ensure that adopted children are not neglected in the division of family property, which aligns with Christian values of inclusion and compassion. Thus, the findings of this study not only have the potential to change inheritance law practices but can also influence the perception and treatment of adopted children in society and the legal system, creating a more just and empowering environment for them in dealing with inheritance issues.

An inclusive policy proposal that considers both religious perspectives could focus on strategies to raise awareness and understanding of the rights and obligations of adopted children in inheritance. First, the government could adopt a public education approach that provides clear and accessible information about inheritance law in the context of Islam and Christianity. This could be done through formal and informal education programs, seminars, and information campaigns involving religious and legal communities. This increased understanding will help dispel stereotypes and misconceptions that may exist in the community about the status of adopted children in inheritance.

Second, in developing an inclusive inheritance law policy, the government could consider an interfaith dialogue that facilitates discussions between Islamic and Christian religious authorities and other legal and social stakeholders. This dialogue aims to agree on universally recognised principles for protecting adopted children's rights that respect religious values and applicable national laws. The government may also consider revisions or changes in existing legal regulations to ensure that adopted children are provided with adequate legal protection and recognised equally in the distribution of inheritance by the religious principles embraced by the community.

In addition, establishing a specialised institution or unit responsible for handling inheritance cases involving adopted children could help facilitate fair and transparent settlements. This unit could provide legal assistance, mediation and psychological support to the families involved to ensure that the interests of adopted children are

recognised and defended by the humanitarian values and justice espoused by multicultural societies.

Through these measures, the proposed inclusive policy can promote social harmony and justice in the division of inheritance, which respects and strengthens both religious perspectives and protects the rights of adopted children in a culturally and religiously diverse society.

Both Islam and Christianity emphasise the principles of justice and the welfare of adopted children in the distribution of inheritance. In both religions, these principles ensure that all family members, including adopted children, are treated fairly and equitably according to their respective religious values. Efforts are made in both contexts to ensure that adopted children receive fair treatment and a share of the inheritance sufficient to support their lives.

Cultural Influences and State Laws:

- In many Muslim-majority countries, state laws often consider Islamic values in inheritance law regulations. These laws may recognise the rights of adopted children within the limits set by sharia.
- In Christian-majority contexts, state laws often recognise adopted children as heirs with equal rights to biological children, reflecting values of inclusion and attention to the needs of adopted children.

Local cultural influences can affect how these principles are interpreted and applied in legal practice, varying between countries depending on the existing social, cultural, and legal context.

Differences

Recognition of Direct vs. Indirect Inheritance Rights:

1. Islam:

- Adopted children do not have the same direct inheritance rights as biological children.
- Sharia provisions allow them to be recognised as heirs through wills (*wasiyyah*) or bequests, limited to one-third of the estate.
- **Hadith on Wasiyyah:** "It is the duty of a Muslim who has anything to bequeath not to let two nights pass without writing a will about it" (Sahih al-Bukhari).

2. Christianity:

- Many civil law jurisdictions that adhere to Christian principles recognise adopted children as heirs with equal rights to biological children.
- Adopted children can receive inheritance directly without going through a will or special bequest.
- It reflects the values of inclusion and compassion for adopted children in Christian society.

Wills and bequests are more prominent in Islam as mechanisms that allow testators to give their assets to individuals outside of the sharia-defined heirs, including adopted children, with certain restrictions. In contrast, in the Christian context, recognising equal inheritance rights for adopted children represents an attempt to ensure inclusion and fair treatment in the division of family property.

Research Findings and Legal Reforms

Impact on Muslim-majority Countries:

- Research findings supporting recognising adopted children's inheritance rights within certain limitations may influence the reform or adjustment of inheritance laws to be more inclusive.
- This could lead to changes in legal practice that recognise the need for adopted children to get a fair share of the inheritance under the values of justice and welfare in Islam.

Impact on Christian-majority Countries:

- Research findings highlighting the need for equal inheritance rights for adopted children could strengthen arguments for expanding the recognition of civil laws.
- Legal reforms could ensure that adopted children are not neglected in the division of family property, aligning with Christian values of inclusion and compassion.

Inclusive Policy Proposal

An inclusive policy proposal considering both religious perspectives could focus on several strategies:

1. Public Education:

- Governments could adopt a public education approach that provides clear and accessible information about inheritance law in Islam and Christianity.
- Education programs, seminars, and information campaigns involving religious and legal communities can help dispel stereotypes and misconceptions about the status of adopted children in inheritance.

2. Interfaith Dialogue:

- Facilitate discussions between Islamic and Christian religious authorities, as well as legal and social stakeholders, to reach agreements on universally recognised principles for protecting adopted children's rights.
- Aim for respect for religious values and applicable national laws.

3. Legal Revisions:

- Governments may consider revising or changing existing legal regulations to ensure adopted children have adequate legal protection and are recognised equally in the distribution of inheritance.

4. Specialised Institutions:

- Establish specialised institutions or units responsible for handling inheritance cases involving adopted children.
- These units could provide legal assistance, mediation, and psychological support to families, ensuring the interests of adopted children are recognised and defended by humanitarian values and justice.

D. Conclusion

In the comparative analysis of the rights and obligations of adopted children in the distribution of inheritance from the perspectives of Islam and Christianity, several key findings emerge. Both religions exhibit distinct approaches to inheritance laws, rooted in their theological and doctrinal foundations, yet they share a common goal of ensuring justice and welfare for adopted children. In Islam, the inheritance rights of adopted children are governed by principles prioritising biological lineage. Adopted children do not automatically inherit from their adoptive parents but can receive up to one-third of the estate through a will (wasiyyah) or grants (hiba). This reflects Islam's emphasis on

maintaining the integrity of biological relationships while still providing mechanisms to support adopted children. Using these mechanisms demonstrates the flexibility within Islamic law to accommodate the needs of adopted children while adhering to its core principles. Christianity, on the other hand, generally accords adopted children with the same inheritance rights as biological children. This aligns with the Christian values of compassion and equality, often reflected in the civil laws of countries with Christian traditions. The legal systems influenced by Christianity tend to integrate these values, ensuring that adopted children are not disadvantaged in the inheritance process. This inclusive approach underscores the Christian commitment to treating all children within a family equally, regardless of their biological origins.

Despite these differences, both religious perspectives aim to foster a sense of fairness and familial harmony. Both Islam and Christianity acknowledge the significance of caring for adopted children, though they do so through distinct legal frameworks and doctrinal interpretations. These provisions are crucial in modern societies where the structure and dynamics of families are continually evolving. The findings of this study suggest that there is room for dialogue and potential harmonisation of inheritance laws to reflect better contemporary realities and the principles of justice inherent in both religious traditions. For policymakers and legal practitioners, understanding these nuanced perspectives is vital in crafting laws that are both respectful of religious values and responsive to the needs of all family members, including adopted children. Future research could explore the practical applications of these laws in various jurisdictions, examining case studies and legal reforms that have sought to address the rights of adopted children. Such studies would provide deeper insights into how these principles are implemented in real-world contexts and offer guidance for further legal and policy development. In conclusion, while the rights and obligations of adopted children in inheritance distribution differ significantly between Islam and Christianity, both traditions offer valuable frameworks for ensuring the welfare and justice of adopted children. These findings contribute to a more comprehensive understanding of inheritance laws and highlight the importance of continuing efforts to create inclusive and fair legal systems for all members of society.

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