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## **RECOGNITION THE RIGHT OF INHERITANCE OF ADOPTED CHILDREN BASED ON THE CEREMONY OF REASON ACCORDING TO BALINESE HINDU CUSTOMARY LAW IN LOMBOK ISLAND (CASE STUDY OF DISTRICT COURT RULING CLASS I A MATARAM NUMBER: 46/PDT.G/2019/PN.MTR)**

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### **Abstract**

The adoption of children under the customary law in Indonesia has a binding legal force so that it is recognized its validity. This is in line with the recognition of customary law as one of the core of the positive laws in Indonesia as stipulated in article 18 B paragraph (2) of the 1945 Constitution. In the traditional Hindu-Balinese law on Lombok island, the adoption of a child is carried out with a ceremony called the Peperasan (Balinese Ceremony). The ceremony is a sacred ceremony that will legally sever the familial relationship of a child raised with his birth parents including the issue of inherited. Tying an adopted child's relationship with his adoptive parents as heirs does not often cause legal problems in court with others who feel they have a closer kinship with the heir, especially the unclaimed validity of the extortion ceremony that has been performed. The issue raised in this study is about the consideration of the judge's law on the validity of the adoption of the child and the legal consequences in the form of inheritance based on the Hindu-Balinese Customary Law. This type of research is normative legal research. The approaches used in this study are Case Approach, Statute Approach and Conceptual Approach. Legal material collection techniques use document studies and analysis of legal materials using a deductive mindset. Based on the results of the study conducted by the author has obtained legal facts related to the judge's consideration of the recognition of the right of inheritance of adopted children based on the traditional Hindu-Balinese law on Lombok island determines that the child adopted through the Creator's Ceremony is a child who has a legal position as the biological child of his adoptive parents. The Ceremony has legal implications for the transfer of rights and obligations of children to their adoptive parents, including issues of inheritance, whereby the Child of The peperasan is entitled to obtain all the inheritance of his adoptive parents accompanied by the obligation to fulfill the goodness to his adoptive parents when his adoptive parents are still alive or deceased. The inheritance of the adopted child will be erased when the adopted child does not run goodness to his adoptive parents when his adoptive parents were alive or deceased.

**Keywords: Adopted Child, Inheritance Right, Hindu-Balinese Custom.**

### **Abstrak**

Pengangkatan anak menurut hukum adat di Indonesia mempunyai kekuatan hukum mengikat sehingga diakui keabsahannya. Hal ini sejalan dengan pengakuan hukum adat sebagai salah satu inti dari hukum positif di Indonesia sebagaimana diatur dalam pasal 18 B ayat (2) UUD 1945. Dalam hukum adat Hindu-Bali di pulau Lombok, pengangkatan seorang anak dilakukan dengan upacara yang disebut Peperasan. Upacara adalah upacara sakral yang secara hukum akan memutuskan hubungan kekeluargaan seorang anak yang dibesarkan dengan orang tua kandungnya termasuk masalah warisan. Mengikat hubungan anak angkat dengan orang tua angkatnya sebagai ahli waris

tidak sering menimbulkan masalah hukum di pengadilan dengan orang lain yang merasa memiliki kekerabatan yang lebih dekat dengan ahli waris, terutama keabsahan yang tidak diklaim atas upacara pemerasan yang telah dilakukan. Permasalahan yang diangkat dalam penelitian ini adalah tentang pertimbangan hukum hakim atas keabsahan pengangkatan anak dan akibat hukum berupa warisan berdasarkan Hukum Adat Hindu-Bali. Jenis penelitian yang digunakan adalah penelitian hukum normatif. Pendekatan yang digunakan dalam penelitian ini adalah *Case Approach*, *Statute Approach* dan *Conceptual Approach*. Teknik pengumpulan bahan hukum menggunakan studi dokumen dan analisis bahan hukum menggunakan pola pikir deduktif. Berdasarkan hasil penelitian yang dilakukan penulis diperoleh fakta hukum terkait dengan pertimbangan hakim atas pengakuan hak waris anak angkat berdasarkan hukum adat Hindu-Bali di pulau Lombok menentukan bahwa anak yang diangkat melalui Upacara adalah anak yang mempunyai kedudukan hukum sebagai anak kandung dari orang tua angkatnya. Upacara memiliki efek pengalihan hak dan kewajiban Anak kepada orang tua angkatnya termasuk masalah warisan, dimana Anak Peperasan berhak untuk mendapatkan semua warisan dari orang tua angkatnya disertai kewajiban untuk memenuhi kebaikan orang tua angkatnya pada saat orang tua angkatnya masih hidup atau sudah meninggal dunia. Warisan anak angkat akan terhapus apabila anak angkat tidak menjalankan kebaikan kepada orang tua angkatnya pada saat orang tua angkatnya masih hidup atau sudah meninggal dunia. Warisan anak angkat akan terhapus apabila anak angkat tidak menjalankan kebaikan.

**Kata Kunci:** *Anak Angkat, Hak Waris, Adat Hindu-Bali.*

## A. INTRODUCTION

In a marriage every couple always expects the presence of a child as a offspring who will look after, care for and care for the couple in his old age. In addition, the child is also expected to be a good successor to the remains of his parents. A marriage can be said to be imperfect, if the married couple has not had children, because the child has an important position and is one of the purposes of marriage. Mudaris Zaini states , That the desire to have children is a human instinct, it is in line with the carrying of human nature that feels that the child is part of the flesh of the parents, who will also inherit the special qualities of both parents.<sup>1</sup>

The desire to have children is a human instinct, but because of god's will, so the desire to have children is not achieved. To overcome this, the effort to have children is done by raising or adopting the child, both the child raised from his/her close family and the child from another person. In a certain legal institution the adoption of the child will result in severing the family relationship between the adopted child and his or her biological parents and some who do not disconnect the adopted child's kinship with his or her biological parents.

Arif Gosita gives an overview and understanding of the appointment of the child in general, namely an act of taking another person's child based on the provisions of the law that prevails in the society concerned.<sup>2</sup> While according to Soepomo the act of raising the child is a legal act that releases the child from the family relationship with the parents themselves who put the child into the family of his adoptive father so that the child himself is like a biological child.<sup>3</sup>

The adoption of a child under Article 1 number 2 of Government Regulation No. 54 of 2007 on the Implementation of the Adoption of a Child is a legal act that diverts a child from

<sup>1</sup>Mudaris Zaini.(1992). *"The Adoption of a Review of the Three Legal Systems.* Jakarta: Sinar Grafika, p.1

<sup>2</sup>Arif Gosita.(1998).*Child Protection Issues.* Jakarta: Akademi Pressindo, p. 44

<sup>3</sup>R. Soepomo.(2000).*Chapters on Customary Law.* Jakarta: Pradnya Paramita, p.103

the environment of power of the parent, legal guardian, or other person responsible for the care, education and raising of the child, into the family environment of the adoptive parent.

Under Article 1 number 9 of Law No. 23 of 2002 on Child Protection as changed by Law Number 35 of 2014, it says the adopted child is “The child whose rights are transferred from the family power environment of the parent, legal guardian, or other person responsible for the care, education, and raising of the child, into the family environment of the adoptive parent based on the decision or determination of the court.” The adoption of a child in addition to being recognized under the written provisions of the law, is also recognized its validity under the Customary Law. Customary Law is a positive law that is recognized for its existence in Indonesia, so it must be used as a reference in every application of the law. The existence of customary law is used as an order and reflection in the pattern of community behavior as a foothold of noble values that must be preserved. The existence of customary law after the constitutional amendment, has been recognized and guaranteed its existence as stated in Article 18 B Paragraph (2) of the 1945 Constitution which states; The State recognizes and respects the unity of the indigenous legal community and its traditional rights as long as it is alive and in accordance with the development of the people and principles of the Unitary State of the Republic of Indonesia, which is governed by law.

As mentioned earlier, the adoption of a child can be a termination of a family relationship / lineage between a child and his birth parents and follow the lineage of his adoptive parents. The provision can be seen from the application of the Balinese Hindu Customary Law on Lombok Island which determines that the adoption of the child is a sacred ceremony in which the child will be the successor of the offspring of his adoptive parents.

Furthermore I Gde Panetje mentions:<sup>4</sup>“The purpose of the institution to lift the sentana is to continue the descendants of kepurusan so that then after the lifter dies, there is a man who does the able of his corpse and respects his spirit in the raised sanggah.”

The Hindu community on Lombok Island as a whole adopts the Balinese Hindu Customary Law that exists on the island of Bali as the origin of the Customary Law. The Balinese Hindu Customary Law Society in its kinship system adheres to the patrilineal kinship system, which is based on the father’s lineage. This carries the consequence of a very important role for the boy as the successor to the offspring for his family, whereas that is not the case with girls. The son as the successor of the offspring, has an obligation to be responsible for the worship of his ancestors, therefore he is entitled to the inheritance of his parents. A boy becomes the focus of the hope of his parents who are obliged to care for his parents in the future after being unable to work anymore, especially to the perfection of his parents’ worship when he dies.

Sensitive and most potentially disputed as a consequence of the adoption of a child under Bali’s Hindu Customary Law is the issue of the adopted child’s position as the beneficiary of his or her parents. The position of the adopted child in the Balinese Hindu Customary Law on

<sup>4</sup> I Gede Panetje.(1986). Various Notes on Balinese Customary Law. Denpasar: Kayumas, p. 63

Lombok Island is equal to the position of the biological child, so that all consequences of the child's obligations and rights must be applied as well as to the inheritance left by his adoptive parents, whereby an adopted child has full rights to the inheritance left by his adoptive parents.

To strengthen the position and existence of the existence of the adopted child as an executor of the obligations and recipients of rights left by his adoptive parents, the Balinese Hindu Customary Law governs the existence of the Ceremony of The Adoption as a condition of the legal appointment of the child and the legal recognition of the child as the executor of the obligation and the recipient of the right to inheritance claimed by his adoptive parents.

The Heating Ceremony is held sacredly with religious leaders, children to be raised or adopted, adoptive parents and biological parents or families of the child to be appointed as well as witnesses. It is very important to provide certainty and legal recognition of the status of the child raised in the eyes of the law.

Apart from the adoption of the child and its legal consequences in the form of inheritance as stipulated in the Balinese Hindu Customary Law on Lombok Island, it is not uncommon for legal problems to lead to disputes in court related to the truth and validity of the adoption of children through extortion ceremonies based on ownership of heritage property, as one of the disputes in Mataram district court with case Number: 46/Pdt.G/2019/PN.Mtr.

The legal issue arises based on social and economic disparities set against the backdrop of inheritance ownership, so the Extortion ceremony as a sacred ceremony of the adoption of a child in the Balinese Hindu Customary Law that applies in the Hindu community on Lombok island which is the basis of the ownership of inheritance is used as an excuse to claim the inheritance of heirs by people who actually have no legal interest in it.

<sup>2</sup>Based on the above description, the author is interested in reviewing and discussing this in this scientific paper with the title "recognition of the right of inheritance to adopted children based on the ceremony of the reasoning according to the balinese hindu customary law that exists in island lombok" (case study of district court decision class I A Mataram Number: 46/Pdt.G/2019/PN.Mtr).

## B. PROBLEM FORMULATION

What is the judge's legal consideration of the validity of the adoption of a child and its legal consequences in the form of inherited based on Balinese Hindu Customary Law in accordance with the Court's Ruling Number: 46/Pdt.G/2019/PN.Mtr at the District Court Class I A Mataram?

## C. RESEARCH METHODS

This type of research used in the writing of thesis is normative legal research, which is a type of <sup>11</sup>research that uses normative legal case studies in the form of legal behavior products,

where the point<sup>4</sup> of the study is the law that is conceptualized as the norm or rules that apply in society and become a reference to everyone's behavior. So normative legal research is focused on the inventory of positive laws, principles and doctrines of law, the discovery of laws in cases *in concreto*, systemic law, legal synchronization standards, legal comparisons and legal history. The types of approaches used in this study are: (1) Case Approach; This approach is done by reviewing cases related to the legal issues at hand. The cases studied are cases that have obtained the Court's Verdict. In this case is the Decision of Mataram District Court Number: 46/Pdt.G/2019/PN.Mtr at Class I A Mataram District Court. The point that is reviewed in each of these rulings is the judge's consideration to come to a decision so that it can be used as an argument in solving the legal issues at hand.(2) Statute Approach; This approach is done by examining all the laws and regulations that are stuck in the relationship with the problems (legal issues) that are being faced. In this case,<sup>14</sup> the Constitution of the Republic of Indonesia in 1945, Civil Code, Law No. 1/1974 on Marriage, Law No. 23/2002 on Child Protection as changed by Law No. 35/2014, Government Regulation No. 54/2007 on the Implementation of Child Adoption.

## D. DISCUSSION

### 1. Case Analysis Based on Court Ruling Number: 46/Pdt.G/2019PN.Mtr

#### The Parties

That the lawsuit as the Court Ruling Number: 46/Pdt.G/2019/PN.Mtr was filed by the Plaintiffs is:

- o I Made Pasek : Male age 70 years old, Hinduism, Self-Employed Work
- o I KM Sudartha : Male age 43 years old, Hinduism, Self-employed Work
- o I Made Raka Suta: Male age 40, Hindu, Self-Employed
- o I NGH Sudartha: Male age 38 years old, Hinduism, Self-Employed Work. All of them are located at Jl. Amerthapura No. 8 Kr. Siluman, Cakranegara, Mataram City.

While defendants in this case are:

I Gede Kariana Yasa, SE : Male, age 51 years old, Hinduism, Civil Servant's Work, addressed at Jln. Amerthapura No. 2 Kr. Siluman, Cakranegara, Mataram City.

#### Case Position

That the Plaintiffs filed a lawsuit with the following evidences:

- That the Plaintiffs had ancestors named I Ketut Mijil and I Nengah Urdhi, both siblings and which I Ketut Mijil alias I Ketut Mangku Mijil died on December 5, 1999 while I Nengah Urdhi died in 2004;
- That during his life I Ketut Mijil namely I Ketut Mangku Mijil married Ni Luh Jawa also died having no children (Putung), while I nengah Urdhi during his life married Ni Luh Sika who died in 1995, also had no children (Putung);

- That during his life the two ancestors above besides having no descendants aka Putung also left unmobile relics in the form of the following shelling land and rice fields:
  - a. Rice field located in subak Sayang-sayang Daya, an area of 5.5.80 m<sup>2</sup> SHM. No. 354 belongs to I Ketut Mijil Alm;
  - b. Rice field located in Subak Bertais Side dish, area 7,746m<sup>2</sup> SHM. No.1224 belongs to I Ketut mijil Alm;
  - c. Rice field located in Subak Sayang-Sayang Daya, an area of 6,471m<sup>2</sup> SHM. No: 518 belongs to I Ketut Mijil Alm;
  - d. The rice field is located in Subak Tohpati, an area of 2,756m<sup>2</sup> SHM. No:1188, belonging to I Ketut Mijil Alm and now the rice field has been changed in the name of I nengah Urdhi;
  - e. A plot of land located in the Eastern Chakra, area 874m<sup>2</sup> SHM No: 1361 on behalf of I Nengah Urdhi;
  - f. A plot of tanh located in the Eastern Chakra, area 1040m<sup>2</sup> SHM. No:1922 on behalf of I negah Urdhi;
  - g. A plot of land located in the Eastern Chakra, area 1204m<sup>2</sup> SHM. 1917 on behalf of I Nengah Urdhi;
  - h. A plot of land located in Dasan Tereng, an area of 6,594m<sup>2</sup> SHM. No: 6594m<sup>2</sup> SHM. No: 279 on behalf of I Nengah Urdhi;
  - i. A plot of land located in Dasan Tereng, an area of 6,237m<sup>2</sup> SHM. No: 1072 on behalf of I Nengah Urdhi.
- That the land is an inheritance land left by the heir and has not been divided by the heirs and the Plaintiffs are also entitled to be heirs;
- That the disputed land is now controlled by the Defendant on the grounds that the defendant is the sole heir under Court Determination No. 17/PDT. P/2004/PN. MTR;
- That the determination requested by the Defendant based on the extortion certificate (lifting the child) that actually never occurred child extortion carried out by Alm. I Nengah Urdhi because according to an affidavit made by I Wayan Kalianget Mona at the time who organized the Pitra Yadnya ceremony there was never any blackmail against defendants and at that time the Defendant was 14 years old;
- That according to Balinese Hindu Customary Law, the child to be blackmailed is a child who is a toddler or a child and must also obtain approval from the next of kin, namely the Plaintiffs, while the extortion certificate dated September 14, 1981 is an incorrect letter because the letter seems to have actually occurred witnessed by I made Pasek (Plaintiff 1), which the Defendant explained that the letter was for the condition of making a prona certificate that year;
- That when associated with the Power of Attorney dated February 10, 2007 and the news of the agreement which in the Power of Attorney the defendant is authorized to sell a plot of land owned by I nengah Urdhi by I Made Pasek (Plaintiff 1), I made Budiarta (Plaintiff 4),

while I Komang Gurit because he is now deceased is represented by the plaintiff's children 2 and 3. And in the News of the Deal event at point 4 the remaining legacy will be discussed after the completion of the improvement event. And the coincidence that was anointed at that time was I Nengah Urdhi. By the sake of the Defendant is not the only heir will remain the Plaintiff also as the Heir;

- That for that right in the form of Court Determination No. 17 / Pdt.P/ 2004 / PN. MTR or letters used by defendants concerning disputed land that is a legacy of deceased legacy. I Ketut Mangku Mijil and I Nengah Urdhi are illegitimate or have no legal force;
- That in order to guarantee the land dispute number 3 in the lawsuit as a whole so as not to be transferred or transferred by the Defendant to others, then plaintiff is very interested implored to Mataram district court and / or the noble Panel of Judges to be placed confiscated bail.

#### Defendant's Objection Point

That in the exceptions, answers, reconvention claims and duplic, defendants expressly dispute the evidence of the plaintiffs' lawsuit which is essentially as follows:

- The Plaintiffs and Defendants themselves are not actually from the offspring or ancestors as I Ketut Mangku Mijil and I Nengah Urdhi. The Plaintiffs were in fact the uncles of the Defendants and the Plaintiffs and Defendants had absolutely no blood relations with I Ketut Mangku Mijil and I Nengah Urdhi;
- I Ketut Mangku Mijil and I Nengah Urdhi are two brothers who in their marriage each have no children (putung). I ketut Mangku Mijil died first so that his inheritance switched in its entirety to his brother I Nengah Urdhi and subsequently I Nengah Urdhi as heir has appointed defendant as his adopted son through extortion ceremony, so that according to Balinese Hindu Customary Law Defendant is a child whose position is equivalent to the biological child and is legally entitled as heir of I Nengah Urdhi;
- In the lawsuit filed by the Reconvention Plaintiffs, there are 2 areas of land controlled by the Defendants, namely the field of land located in the Eastern Cakranegara 1,040m<sup>2</sup> SHM No.1922 recorded on behalf of I Nengah Urdhi and the land field located on Jln. Amarthapura No. 8 North Siluman Reef Environment, Cakranegara Village with an area of + 1,000m<sup>2</sup>;

#### Legal Considerations

That in dismissing the case, the panel of judges gave some consideration to the conclusiveness as the basis of in delivering the verdict, including:

1. Are the Plaintiffs the heirs of I ketut Mijil and I Nengah Urdhi and have the right to inherit the land of dispute?

In the inheritance in Balinese Hindu Customary Law, I Gede Pudja explains that the heirs in Balinese Hindu society adhere to the patrilineal kinship system, which governs about:

- a. The heir must have a blood relationship, i.e. the heir's own son;
- b. The boy must be a man;
- c. If you have no children, then the inheritance may fall to the adopted child;



- d. If the child and adopted children do not have children and adopted children, then the Balinese Hindu Customary Law opens up the possibility of reimbursement, through the replacement of the group of heirs with the right of preference to the group with other reimbursement rights that qualify for Hinduism

Further considering the evidence from the Plaintiff, there is absolutely no evidence to suggest that the Plaintiffs are descendants of I Nengah Urdhi and I Ketut Mijil, but the Plaintiffs are descendants of I Gede Bontok. The consequences of this are that the Plaintiffs are not heirs to I Nengah Urdhi and I Ketut Mijil.

That to further pay attention to the evidence submitted by the Defendant in the form of both letter evidence and witness evidence. Based on the evidence of letters –T-1, T-2, T-5 and T-18 and witness statements obtained the fact that Defendant was the legitimate adopted son of I Nengah Urdhi. Then considered also the Determination of Mataram District Court Number: 17/Pdt.G/2004/PN. MTR dated June 10, 2004 obtained the fact that the determination is a product of the court that has been tested materially and formal with the validity of the incident of the adoption of the child conducted by I Nengah Urdhi with the Extortion Ceremony.

2. Is possession of the land the object of dispute by the defendant of Reconvention is an unlawful act?

The consideration in the Convention is a unit in the sense of what has been considered in the Convention taken over in the Reconvention, then what will be proven in this case remains based on the validity of legal events in the form of the adoption of the child through the ceremony of blackmail which has been legally declared valid in the previous consideration (consideration in the Convention).

With the evidence that the extortion ceremony against the Reconvention Plaintiff by I Nengah Urdhi is true and done properly and lawfully, then the legal consequences of recognition of the inheritance rights for the Plaintiff of Reconvention must also be recognized in this case, so that the inheritance as in the Reconvention lawsuit controlled by the Defendants of Reconvention shall be submitted to the Plaintiff of Reconvention on the basis of unlawful conduct committed.

## **2. Analysis of The Judge's Consideration in Breaking the Validity of The Adoption of Children And the Legal Consequences of Inherited Based on Balinese Hindu Customary Law In Accordance with the Court's Ruling Number: 46/Pdt.G/2019/PN.Mtr At The District Court Class I A Mataram**

Decision-making is indispensable to judges over disputes that are examined and tried. Judges must be able to process or process data in the form of evidence obtained during the trial either from the evidence of letters, witnesses, guesses or oaths that are revealed in the trial, where then on the basis of that the panel of judges give legal considerations based on the suitability of the evidence so that a conclusion is obtained in the form of a verdict.

In consideration of the judge as the Court's Verdict Number: 46/Pdt.G/2019/PN.Mtr related to the issue of the validity of the adoption of the child and its legal consequences in the form

of inherited based on Balinese Hindu Customary Law can be withdrawn a rule of law that determines that a child who has been appointed as a child based on the extortion ceremony has the same position as the biological child, including in it is concerning the issue of inherited.

The point of press in the legal matter as the Court Ruling Number: 46/Pdt.G/2019/PN.Mtr is the recognition of customary law as a positive law in Indonesia based on Hinduism provisions. Customary law is very influential to the provisions of a particular religion, but not in whole or immediately the customary law is subject to the rules of religion as stated by Snouck Hurgronje, C. van Vollenhoven and Ter Haar which is “a law that lives and applies to the People of Indonesia regardless of the religion it embraces is customary law, while religious law is followed as long as the law of religion has been accepted by local customary law.”<sup>5</sup> Thus, based on this reception theory, which applies to Indonesians is customary law while religion only affects customary law.

On the basis of these provisions, the panel of judges in the case Number: 46/Pdt.G/2019/PN.Mtr gives considerations on the validity of the adoption of the child according to the provisions of the Balinese Hindu Customary Law on Lombok Island in addition to the suitability of the evidence presented in the trial, the considerations of the judge are also based on the suitability of the evidence with the prevailing legal methods.

In its consideration the panel of judges considered the Notarial Deed and Land Title Registrar Hamzan Wahyudi SH.,M.Kn Number: 1,667 on the statement of the appointment of the child through the ceremony of The Establishment of I Gede Kariana Yasa (Defendant) on September 14, 1981 led by Ida Pedanda Gede Putra Pamaron, so that based on this is made adjustments to the provisions of Government Regulation Number: 54 Year 2007 On the Implementation of The Adoption of Children in Article 2 jo Article 7 letter a jo Article 8 letter a jo Article 9 which in effect determines: “The appointment of a child is customarily carried out in accordance with the prevailing procedures in the society concerned and then has been requested to be appointed to the Court.” To be further considered also the Determination of Mataram District Court Number: 17/PDT. P/2004 dated June 10, 2004 on the legal ratification of the adoption of the child which has legally proven the material and formal truth of the child’s adoption on behalf of I Gede Kariana Yasa by I Nengah Urdhi.

Strengthening the provision stipulated on the validity of the adoption of children through the Ceremony of Heating in accordance with the Balinese Hindu Customary Law, Chidir Ali mentioned:

“In one of the Rulings of the Supreme Court of the Republic of Indonesia Reg. Number: 1461/Sip/1974 states that according to the Balinese Customary Law, the adoption of a child must be accompanied by a separate Ceremony of Broadcasting in Banjar is an absolute condition.”<sup>6</sup>

The adoption of children in Hinduism as adopted into the provisions of the Balinese Hindu Customary Law on Lombok Island has magical, religious, bright and cash properties. This

<sup>5</sup> H.R. Otje Salman Soemadiningrat.(2002). *Reconceptualization of Contemporary Customary Law*. Bandung: Alumni, Bandung, p.78

<sup>6</sup>Chidir Ali.(1979). *The Customary Law of Bali Lombok In Indonesian Jurisprudence*. Pradnya Paramita, p. 134

trait has a sacred meaning because in addition to the matter of the world, the rapture of the child also has a close relationship with the life after death or the hereafter.

In one of the Hindu Scriptures, Manawa Dharmasastra explanation Article 161 Book IX states, “that a child or son is the one who can save the spirit of the ancestor from the threat of hell, if he does not have children, then can raise a child, because the prayer of a child and his worship of the ancestors can give way to heaven.” Thus the meaning taken from the contents of the book is that each family has a moral responsibility to have offspring, if they do not have a biological child, then the family can perform the adoption of the child through the ceremony of The Heating.

As a child who is legally adopted or adopted, the legal consequences arising from such legal events are the transition of the child's rights and obligations to his adoptive parents, including the issue of inheritance, for which the child is entitled to inheritance from his adoptive parents. However, the issue of inherited life may be erased or lost at any time if the child does not fulfill obligations or Dharma to his adoptive parents even if the adoptive parent dies.

According to Ida Made Santi Adnya ; The obligation of the child who is adopted is to carry out the Tri Renang that is God (Dewa Renang) that is to pay the debt of his adoptive parents who have died to the God (Sang Widhi Wasa), Resi Renang that is to pay the debt to the holy teacher who spreads religion so that we know the science and Pitre Renang which is a debt to the parents where the child must raise or cremation (Ngukur) then distilled in Paibon / Merajan / Sanggah. In addition, the adopted child / Peras has an obligation to maintain Paibon, Merajan or Sanggah that has been made because the right to the relics is born from that obligation.”<sup>7</sup>

Regarding the inheritance received by the Adopted Child or in Balinese Hindu customary law called Sentana Peperasan has the right to inherit all the inheritance of his adoptive parents which is determined in the form of:

1. Central Dwe (Inheritance) that has not been divided;
2. Used in the form of real goods in the form of soil and jewelry, sacred goods in the form of heirloom, religious goods in the form of cult workshops or Merajan;
3. Property given to married women children (Innate property from adoptive mother- Jiwa Dana).

In the case as Case Number: 46/Pdt.G/2019PN.Mtr which is based on unlawful actions committed by Defendant (I Gede Kariana Yasa) against the inheritance of I Nengah Urdhi can be proven otherwise by the Defendant himself, so that all the relics of I Nengah Urdhi including those mastered by the Plaintiffs (I Made Pasek et al) fall into the hands of the Defendant.

## E. CONCLUSION

Based on the discussion and results of the analysis of the author related to the validity of the adoption of children based on the Ceremony of The Ceremony of The Ceremony in the Balinese Hindu Customary Law in Lombok island obtained conclusions, namely: The Inauguration Ceremony is a ceremony of the adoption of the child legal validity. It is based on

<sup>7</sup>Head of Parisade Hindu Darma Indonesia (PHDI) Mataram City, as described as An Expert in The Case Number: 46/Pdt.G/2019/PN.Mtr, p. 63

6 recognition of customary law as a positive law that applies in Indonesia. The Ceremony of The Ceremony has the effect of transfer of the rights and obligations of the Child to his adoptive parents including the issue of inheritance, whereby the Child of The Heating 5 is entitled to obtain all the inheritance of his adoptive parents accompanied by the obligation to fulfill the Dharma to his adoptive parents when his adoptive parents are still alive or deceased. The authors' advice in the study on the validity of the adoption of children and their legal principles in the form of inherited based on the provisions of the Balinese Hindu Customary Law on Lombok Island are: Against every legal event in the form of Reasoning should be accompanied by authentic evidence in the form of notarial deed in order to be used as evidence formal and material truth the event of the legal event.

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