

# Juridic Analysis of the Provisions of Health Rights on Adapted Children in the Perspective of Civil Material Law (Burgerlijk Wetboek) in Indonesia

*By WahyuT IJMRA\_Wahyu*

## Juridic Analysis of the Provisions of Health Rights on Adapted Children in the Perspective of Civil Material Law (Burgerlijk Wetboek) in Indonesia



Wahyu Tris Haryadi

Faculty of Law Bhayangkara Surabaya University Indonesia

**ABSTRACT:** The legal consequences of adopting a child are that the child legally acquires the good name of the adoptive father, becomes a child of the marriage of the adoptive parents, and becomes the heir of the adoptive parent. That is, as a result of the appointment, all civil relations that arise from birth, namely between biological parents and children are cut off. Children who are legally adopted through court decisions have the same position as biological children. Give rights to the parties to the inheritance of their parents. The Civil Code also states that all property of the deceased legally belongs to all his heirs, and no legal decisions are made by will alone.

**KEYWORDS:** adopted child, inheritance, adoption

### INTRODUCTION

The State of Indonesia is a state of law, where the law could be applied properly and correctly in accordance with the applicable provisions. Included in the law that protects children. A child is someone who is not yet 18 years old and is included in the womb. The hope of parents in continuing their offspring is relying on children, inheriting property and various kinds of family interests and other factors. It is undeniable, children are the pride and support of the family who are expected to become successful people in the future so they can maintain the honor of their family and parents. In terms of child protection and child care, it has been regulated in Law Number 23 of 2002, Law Number 35 of 2014. In addition, child protection provisions also apply to the civil inheritance system. In the law of adoption in the Netherlands, the provisions of Article 344 ksub.f. Burgerlijk Wetboek stated that before adopting a child, the prospective adoptive parents must first become the guardian of the prospective adopted child. This provision can be seen as one of the efforts to protect the interests of prospective adopted children. From the example of arrangements in the United States and in the Netherlands, it appears that the government needs an active role in protecting the interests of children, especially prospective adopted children. The active role of the government is a natural thing and should be implemented in the Indonesian state, because the question of protecting the interests of children and the question of child welfare are related to social welfare which is one of the responsibilities of the state as explicitly recognized in Law Number 11 of 2009 concerning social welfare, especially on the provisions of Article 1 paragraph 1. (Rusli Pandika, 2012)

The interests of individuals regarding the adoption of children in the family through adoption institutions have become part of the family law system in Indonesia. The development of the situation and condition of the community affects the adoption system, where the adoption agency is an element of the law that develops in the community. Over time, there have been many submissions to the rules regarding the process of adopting children, which for the first time were only specifically for the community of Chinese descent groups which had been regulated by the Dutch East Indies government through Staatsblad number 129 of 1917. (Lili Rajidin, 2001). Articles 5 to 15 Staatsblad 1917 number 129 specifically discusses adoption or adoption in the Chinese community, which has since become a positive law (written) regarding adoption arrangements. If a person in the male line from the Chinese community who is married does not have a legal male lineage, either by birth or through adoption, then he and his wife or after the dissolution of the marriage by her, can adopt only a Chinese boy. who are not married and have children, have not been adopted by other parties, are at least 18 years younger than their husbands and 15 years younger than their wives or widows who will adopt them as children. If the adopted person is a blood relative, both legal and out of wedlock, then he must obtain the same inheritance rights from the family because he was appointed to the common ancestor of both parties.

## Juridic Analysis of the Provisions of Health Rights on Adapted Children in the Perspective of Civil Material Law (Burgerlijk Wetboek) in Indonesia

In terms of the degree of descent, the adoption process can be canceled by law if the process of adopting a daughter and adopting a child is carried out in a way other than through an authentic deed, because the provisions for this appointment actually come from a traditional Chinese belief, that the descendants of sons are believed to be the successors of the family. In the future and who can preserve the ashes of his parents' ancestors. Court decisions are a product of the legal process in child adoption. Legal certainty for parents and adopted children is provided through court decisions in orderly regulation of the legal practice of adopting children, where both in the religious courts for Muslims and the district courts this has developed regularly. Among the Indonesian people, the practice of adopting or adopting children is widely known, both through customary law by the natives, the provisions of Islamic law by Muslims, and through staatsblad number 129 of 197 by the Chinese. The parties involved in the practice of adopting children include the biological parents, the adopting parents, the child as the adopted party, as well as arrangements related to the legal provisions. The party who gives the adopted child is the biological parent, the adoptive parent is the party who adopts the child, and the adopted child is the party who will make the object to be an adopted child. Meanwhile, the governing law is the law that regulates the stages and terms of adoption that applies in a country where the child and his biological parents reside, and which becomes a habit for the local community or customary law.

Inheritance law is a set of statutory regulations that regulate the law of property arising from death, namely regarding the transfer of property left by the deceased and the consequences of the transfer to the people who obtain it, both in their relationship with third parties. Pitlo, (1979) Inheritance law is a set of rules that regulate the method or process of transferring assets from the heir to the heir. Not everyone gets the gift of offspring, even if they do various ways, the last way they take is usually adoption, which means raising a child that originally belonged to someone else to be his, in Arabic called Al-Tabanni. It was found that in practice there are two models of adoption of children, namely first, adopting a child that originally belonged to someone else to be cared for with care and love but without being given the rights of a biological child, only to be treated as his own child for his adoptive parents. The scholars agree that raising children in this way is not prohibited by religion, even if it is carried out with sincere intentions it can be a good thing. Second, adopting a child from someone else's child is then given rights like a biological child, so that the child has the name of the descendant and the lineage of his adoptive parents, can inherit the inheritance, and obtain other rights the same as his own biological child.

Inheritance rights of adopted children with the adoption of children, the status of adopted children will change where children who are not biological children themselves are physically and mentally considered as biological children, meaning that the child gets the same recognition as biological children. The inheritance system in BW Civil Law does not recognize the terms original property or gono-gini property or wealth that can be shared in marriage, because the inheritance of each person in BW civil law, is a single unit which is integrated and intact in its entirety and will pass from the hands of the other person. bequeath to the beneficiary or his heirs. This means that the unequal arrangement based on the type and origin of the inheritance from the heir is not known in the BW civil law. As written in Article 849 BW, the law regulates their inheritance without regard to the nature or origin of the items in the inheritance. The customary inheritance law system provides a distinction between the origin and types of goods left by the testator. If a person dies according to customary law by leaving a certain amount of property, then the first thing to do is determine inheritance, which includes the original inheritance brought by one of the parties when the couple married, but also gono-gini property which is property obtained by the other party. the couple together during their family life together. (Eman Suparman, 2018)

### METODE PENELITIAN

This type of research is a normative juridical research, which describes the laws and regulations as a starting point for reviewing the subject matter and is associated with theories, principles, concepts and doctrines of legal science. This study uses a statutory approach, namely to examine the laws and regulations relating to the subject matter discussed in this study, and uses a conceptual approach so that there are similarities in thinking about several concepts in this study. While the case approach is used to determine the judge's considerations in applying the law. Then a systematic interpretation is carried out, so that the legal material has meaning, then it is analyzed to obtain answers to the main problems raised in the study.

### RESULTS AND DISCUSSION

#### *The position of inheritance rights between adopted children and biological children in the perspective of material civil law Burgerlijk Wetboek (BW)*

Adoption of children can result in the inheritance status of adopted children to their adoptive parents. The inheritance of the adopted child returns to the inheritance law of the adoptive parents. According to legal values, adoptive parents are obliged

## Juridic Analysis of the Provisions of Health Rights on Adapted Children in the Perspective of Civil Material Law (Burgerlijk Wetboek) in Indonesia

to try not to abandon their adopted child after his death. So in general, in social life, adopted children get a share of the inheritance through a will to support life. (Soepomo, 1986) A will is a way for the owner of the property to express his final desire to distribute his inheritance to his heirs during his life, and it only takes effect after the testator dies. This last request is usually made when the heir is too sick and cannot recover, sometimes even before the heir takes his last breath. Say this last wish, usually in the presence of next of kin and gain the trust of the heirs. The final word about his hope is what in West Java is called *wekasan* or *welingan*, in Minangkabau society it is known as *umanat*, in Aceh it is known as *peuneusan* and in Tapanuli *ngeudeskan*. (Hilman Hadikusumo, 2003)

In big cities, it is often found that a notary makes a will in writing from a notary who is brought in to deliver a final speech in front of two witnesses. Therefore, a testamentary grant is in the form of a will that transfers some or all of the heir's wealth, but without prejudice to the absolute rights of other heirs and can be canceled. This is based on the decision of the Supreme Court Number 62/1962 pn. Tjn, dated October 13, 1962 and based on the decision of the Supreme Court, dated August 23, 1960 Number 225K/SIP/1960, said that a testamentary grant may not harm the heirs of the grantor. A will grant can be made by the testator himself or in a notarial deed, where a special notary is brought in to pay attention to the last words in the presence of two witnesses, in such a way that the will grant takes the form of a notarial deed and is called a will or testament. In the circumstances of the deed, it is possible for the Notary to give advice to the heirs so that the will do not deviate from the regulations that have been set which can make the deeds legally invalid. A will or also called a *tastamen* is a will statement made by a person about what will be done with his property after his death. He could give his wealth to whoever he wanted. Since this is something special and contrary to custom, such a gift must have proof of acceptance. So this gift is manifested in a message for his family. Through a will, a person who previously did not have the right to inherit certain inheritance rights can obtain it based on the information or authority, authorization, or testamentary power of the testator as long as he is still alive.

The granting of this will is recognized under the title of will as regulated in Book II Chapter XII according to the inheritance law of the Civil Code of BW. General requirements regarding wills, the ability of a person to make a will or to obtain the benefits of a will, form of will, inheritance of heirs, granting of wills, cancellation and termination of wills. This matter is emphasized in Article 875 BW which mentions the understanding of the letter of the will, namely: "A will or testament is a deed containing a statement of a person regarding things he wants can happen after he dies and can be revoked". The testament or will according to book II chapter XIII Article 875 of the Civil Code of BW contains the appointment of heirs (*erfstelling*), or will grants (*legaat*). *erfstelling*, namely the determination of the testament, which aims that upon a specific appointment a person will receive all of his inheritance or part of his wealth by the person who leaves an inheritance from his wealth (Article 954 of the Civil Code). While *legaat* is a person who inherits with a will, appoints a person to receive the inheritance of a number of goods, such as a house or car or movable property belonging to the person who inherits, or to obtain inheritance. the result of all part of his inheritance (Article 957 of the Civil Code). In a will, it is possible for people who are not entitled to inherit or will not receive an inheritance to obtain it during their lifetime from the testimony or power of the testator, giving or giving a will. In society this can happen to wives and/or children who have low ancestry, it can also happen to adopted children and their own children.

Under Western law (BW Civil Code) there is a limit on the granting of wills, namely the size of the estate distributed to heirs known as "Ligitime Portie" or "wettelijkerdeel" (amount determined by law). This is determined in Article 913-929 of the Civil Code. The law was created to establish a legal portal to avoid and protect the children of the deceased from the tendency of the deceased to benefit others. Ligitime Portie (absolute part) is an inheritance or part of an inheritance that must be given to heirs in a straight line, on how to prohibit heirs from giving something in the form of gifts (grants) or wills (Article 913 of the Civil Code). Therefore, the absolute or guaranteed portion by Legitime Portie is a straight line of heirs (often referred to as "Pancers"). Straight down, if the heir only leaves his only legal child, his absolute share is half of the inheritance. So that if there is no will, the only child gets all the inheritance, and if there is a will, the only child is guaranteed half of the inheritance. If there are 2 (two) children left, then the absolute share is 2/3 of each child. This means they guarantee that everyone will get 2/3 of their share if there is no will. If 3 or more children are left, the absolute share of each is 3/4. This means that if there is no will then each will get a guarantee of 3/4 of the share. In a straight line (parents, grandfather, etc.), the absolute share is always half, which by law becomes each person's share in the inheritance after death. It should also be noted that children born out of wedlock (adopted children) who have been recognized are absolutely guaranteed, namely half of the share that must be obtained according to the law. A grant or testamentary grant can cover the entire estate if there are no blood relatives in the next row and no illegitimate children are accepted.

If the provisions of the absolute portion above are violated, the heirs guaranteed by the absolute portion can file a lawsuit in court to reduce the gift or will so as not to violate the law. especially the Civil Code. So the rule regarding the absolute part is

## Juridic Analysis of the Provisions of Health Rights on Adapted Children in the Perspective of Civil Material Law (Burgerlijk Wetboek) in Indonesia

basically limiting the freedom of people to make a will. According to Article 931 of the Civil Code of BW, that in making a will or testament grant, there are three ways: a. an open will; b. Will in handwriting (olographic testament); c. Closed testament (R.G. Kartasapoetra, 1994). Section 932, paragraph 2 of the Civil Code discusses the possibility of preventing an heir from signing the cover or deed of acceptance after the will has been written and signed. If this happens, the notary must record the circumstances and reasons for his absence. Article 933 of the Civil Code states that this olographic testament applies directly proportional to the validity of an open testament made before a notary, and is considered to be made on the day the notary receives the deed. So do not rule out the date written in the will itself. According to Article 934 of the Civil Code, the beneficiary can cancel the testament. Generally, this is carried out by means of a re-application that must be stated in an authentic deed (Notary deed). By re-accepting this olographic testament, the inheritance grant must be assumed as if it were withdrawn (herroepen), this is confirmed by paragraph 2 of Article 934 of the Civil Code. Meanwhile, Article 937 stipulates that if this olographic testament is given to a Notary through that method in a sealed envelope, the Notary has no right to open the seal. The seal can be opened after the beneficiary dies, by handing it over to the Balai Harta Peninggalan (weeskamer) to be opened and completed as through a secret testament (Article 942 of the Civil Code), namely by making an oral procedure at this opening and on condition that a will is found, then the will it must be submitted to a notary. An olographic testament can be submitted to a Notary openly, so it is not confidential. In this way, the deed of acceptance to be kept (deed of van bewaareving) by the Notary is written in his own testament under the writing of the heir which contains the last hope. Then the deed is signed by the Notary, the witnesses and the beneficiary.

A will (openbaar) according to article 938 of the Civil Code stipulates that a will (openbaar) must be submitted before a notary through two witnesses. Furthermore, the person who left the inheritance has fully expressed his hopes to the notary (zakelijk), so the notary must record these statements in clear sentences. There is disagreement about whether information about those who leave bequests should be in writing or through direct practice (gebaren) (Oemarsalim, 1991). Usually the person who leaves the inheritance has a cold so he can't read, then the person concerned makes notes on paper. If the person who leaves the lineage after listening to this reading nods, then this verbal statement will suffice. Article 939 paragraph 2 of the Civil Code explains that if the heir submits his will to a notary, there is a possibility that the witness is not present and the notary will write it down on his behalf. A brief statement of desire before a witness. Then according to paragraph 3 of Article 939 of the Civil Code, the notary's words can only be read out and announced to the heirs, is the word read out really his last will? This announcement and reading as well as questions and answers must be made even though the statement of the heir has previously been stated before the witness. Then the Notary deed is signed by the Notary, the heirs and witnesses. If the beneficiary cannot sign or is unable to attend, the notary must explain in detail. In addition, it must also be explained that in the Notary deed all of the required provisions have been carried out.

Those who are not allowed to be witnesses are as described in Article 944 Paragraph 4 of the Civil Code concerning the making of an open testament, namely: a. Up to the fourth degree of the heirs or persons who receive the will or their relatives; b. Children, grandchildren, and children-in-law or grandchildren-in-law of a Notary; Assistant Notaries concerned. The secret treaty (geheim) stipulates that the heir must write it himself, or someone else can write his final wish. Then, the heirs must sign the writing. After that the writing can be put in a closed envelope, sealed and then given to a Notary (Article 940 and Article 941 of the Civil Code). This closing and sealing can be done before a Notary and four witnesses. In addition, the heir must make a statement before a notary and witnesses that the contents of the cover are his will and that it is written and signed by him, or written by another person and signed by him. The Notary then makes a superscriptie deed as a form of approval for the information. The deed can be written on a letter containing a statement on a cover. Notaries, heirs and witnesses are required to sign the deed so that it has permanent legal force. The last paragraph of Article 940 of the Civil Code stipulates that the will must be submitted by a notary together with other notarized original documents. Article 941 of the Civil Code describes a situation where the heir cannot speak (mute) but can write. For this, the will must still be written, dated and signed by the beneficiary. Then it is given to the Notary, and above the superscriptie deed which states that the writing given is his will. If the testator dies, then the person who has the obligation to convey it to those concerned is a Notary, this is guided by Article 943 of the Civil Code. What is meant by the notification is related to the testaments. Then guided by Article 935 of the Civil Code, namely the heir is allowed to write his last hope in a letter under the hand, meaning that there should be no interference from a Notary, in this case only recognizes the appointment of people who have the obligation to carry out a testament (executeur testamentair), related to orders concerning burials as well as the donation of clothes, jewelry and household utensils.

According to Article 913 of the Civil Code, the absolute share or Ligitieme portie guarantees straight-line heirs, namely children and their descendants and parents and ancestors and above. Adopted children can inherit from their adopting parents, but in essence it does not harm other existing heirs. Orally adopted children, cannot receive inheritance from the adopter, but can

## Juridic Analysis of the Provisions of Health Rights on Adapted Children in the Perspective of Civil Material Law (Burgerlijk Wetboek) in Indonesia

obtain a power of attorney (absolute part) that does not deviate from *Ligitieme portie*. Adopted children who are adopted through the District Court receive inheritance from their adoptive parents with conditions depending on the region, because each region is different in giving inheritance to adopted children. This is emphasized through the opinion of the Notary, which states that adoption of children for Indonesian citizens of Chinese descent still uses Staatsblad 1917 Number 129. Because they are still using Staatsblad 1917 Number 129, the adopted child has the right to receive inheritance from the adopting parents. Because after being appointed, he has become the biological child of his adoptive parents. In accordance with the adoption law by court order, the status of adopted children is similar to that of biological children. The legal impact on the distribution of inheritance applies similarly to biological children as stated in Article 852 of the Civil Code. According to Article 830 of the Civil Code: "Inheritance only takes place because of death". So that the inheritance or inheritance is only opened when the heir has died and the heirs are still alive when the inheritance is open.

Menurut undang-undang ada dua cara untuk memperoleh warisan yaitu:

- a. Dengan abintestato (ahli waris menurut hukum) menurut Pasal 832 KUHPerdata BW. Menurut undang-undang, orang yang berhak mewarisi harta warisan adalah kerabat sedarah, baik yang sah maupun yang tidak sah, dan suami atau istri yang paling lama hidup.
- b. Melalui surat wasiat (para ahli waris sebagaimana namanya disebutkan dalam surat wasiat), Pasal 899 KUHPerdata. Dalam hal ini, pemilik harta membuat wasiat dan para ahli waris disebutkan dalam wasiat atau testamen. (Efendi Perangin, 1997)

Constitutional Court Decision No. 46/PUU-VII/2010 referred to the provision of children outside of marriage in terms of inheritance, the Constitutional Court (MK) assembly declared Article 43 Paragraph 1 of Law Number 1 of 1974 concerning marriage (Marriage Law) conditionally unconstitutional. In its ruling, the Court stated that Article 43 Paragraph 1 of the Marriage Law contradicts the 1945 Constitution as long as it is interpreted to eliminate relations with men who can be proven through science and technology and or other evidence that they are related by blood as their father. Based on the Constitutional Court's decision, or changes to the civil law system cannot be avoided. In inheritance law, based on the Civil Code, illegitimate children who receive inheritance are illegitimate children who have been recognized and ratified. Since the Constitutional Court's decision, children out of wedlock are recognized as legitimate children and have an inheritance relationship with their biological father. Thus there are several risks that will arise, one of which is related to the land that is the object of inheritance. Usually, inheritance land is used as collateral in bank transactions by the heirs. The existence of the Constitutional Court's decision resulted in claims of children out of wedlock against these guarantees could arise. Apart from that, it is undeniable that there will be many lawsuits to the religious (Islamic) courts and district courts (non-Islamic) from illegitimate children.

### The Position of Inheritance of Adopted Children From Adoptive Parents Who Have Divorced

Basically, inheritance is the transfer of all rights and obligations of the deceased (heirs) to their heirs. Therefore, it can give rise to legal problems arising from the succession process prescribed by law (ab Intestate or Intestate Sucession) or through will succession. Walmart believes that inheritance means replacing heirs with heirs in relation to property law. Inheritance only occurs in the relationship of heirs in the realm of property law. Personal or family legal function of the beneficiary (Ridwan Khairandy, 1999)

Broadly speaking, there are 2 (two) groups of people who deserve to be called heirs, namely those who by law or by law that person has been designated as heirs, who are also called heirs ab intestato and those who become heirs because of a will/testament. or also known as testamentair. Inheritance according to the law is a form of inheritance in which blood relations are the determinants of the inheritance relationship between the heir and the deceased. (Surini Ahlan and Nurul Elmiyati, 2012)

In addition to blood relations, marital relations are also the dominant factor of inheritance according to law. In general, there are two categories of people who deserve to be called heirs. The first group is those who are legally recognized as heirs, and the second group is those who become heirs due to certain legal actions carried out by the heirs during their lifetime, such as acknowledgment of legal actions of children, legal acts of child adoption, or legal acts of adoption. adoption, and other claims Legal action on a will or Article 833 paragraph (1) of the BW Civil Code states that all heirs automatically by law obtain ownership rights over all assets of the deceased (heirs). Article 874 of the Civil Code also states that all property of the deceased legally belongs to all his heirs, and no legal decisions are made by wills alone. Staatsblad 129:1917 states that the legal consequences of adopting a child are that the child legally acquires the good name of the adoptive father, becomes the child of the marriage of the adoptive parents, and becomes the heir of the adoptive parent. That is, as a result of the appointment, all civil relations that arise from birth, namely between biological parents and children are cut off. Children who are legally adopted through court decisions have the same position as biological children. Give rights to the parties to the inheritance of their parents. The Civil Code of BW stipulates that an heir can inherit the property of several heirs, one of which is because he inherits according

## Juridic Analysis of the Provisions of Health Rights on Adapted Children in the Perspective of Civil Material Law (Burgerlijk Wetboek) in Indonesia

to the provisions of the law (ab intestato). According to Surini Ahlan Sjarif and Nurul Elmiyati, inheritance according to law is a form of inheritance where kinship determines the inheritance relationship between the heir and heirs.

Although kinship is a determining factor, this is not absolutely true, because Staatsblad 129:1917 stipulates that adopted children have the same status as children who have blood relations with adoptive parents. By treating an adopted child as a child of a legal marriage, all civil rights owned by the biological child are also attached to the adopted child, including matters relating to inheritance. Even if the marriage of both parents ends due to divorce, the civil relationship between biological parents and biological children does not end. So the child becomes the heir to every divorced parent. The above provisions also apply to adopted children. The analogy given by Staatsblad 129:1917 is that, like biological children, adopted children also have inheritance rights from both adoptive parents. This situation continues because the relationship of child adoption is stated in Article 15 Staatsblad 129: 1917 that child adoption cannot be abolished by mutual agreement. As long as the formal aspects specified in Staatsblad 129:1917 are fulfilled, the adoption is binding forever. According to this provision, in the event of a divorce from the adoptive parents, the civil relationship between the adopted child and the parents, including inheritance rights, remains. In the event of the death of the father or mother, the adopted child becomes the respective heir of the father or mother.

### CONCLUSION

Based on the results of the discussion, it can be concluded that the process of adopting an adopted child can be made by submitting an application to the District Court of the area where the child was adopted to obtain legal certainty regarding the adoption of the child in accordance with the provisions of the applicable law. The right to inherit an adopted child is not regulated in the Civil Code, so specifically for Indonesian citizens, the position of the inheritance rights of an adopted child is the same as that of a legitimate child. Therefore, he has the right to inherit the inheritance of his adoptive parents according to the provisions of the law or inherit according to the inheritance law of Testamentair if he obtains a testament. The provisions of the Staatsblad 129:1917 which stipulates that an adopted child has a civil relationship with his adoptive parents as well as the relationship between his biological parents and his biological child, so that even though both adoptive parents are divorced, they do not break the civil relationship with their adopted child who has been adopted. Fixed adopted child has the right of inheritance from the father and from the mother who has adopted him as a child born from a legal marriage in the event of the death of the father or from the mother, the adopted child becomes the heir of each of the father or mother.

### REFERENCES

- 1) Ahlan Sjarif Surini and Elmiyati Nurul, 2012. Western Civil Inheritance Law, Raja Grafindo, Jakarta
- 2) Efendi Warin, 1997. Inheritance Law, PT. Raja Grafindo Persada, Jakarta.
- 3) Eman, Suparman, 2018. Indonesian Inheritance Law (in the perspective of Islam, Custom, and BW revised edition), PT Refika Aditama Bandung.
- 4) Gunawan and Putranto M.R.D, 2020. The Position of Adopted Children Against Inheritance Based on Inheritance Law in Indonesia, Airlangga Journal, Media Iuris Vol. 3 No. 2, June 2020.
- 5) Hadikusuma, Hilman, 2003. Customary Marriage Law and Traditional Ceremonies, PT Citra Aditya Bakti, Bandung.
- 6) Kartasapoetra R.G., 1994. Discussion on Mortgage Law Inheritance Law, Bumi Aksara, Jakarta.
- 7) Khairandy Ridwan, et al., 1999. Introduction to Indonesian Civil Law, Gama Media, Yogyakarta
- 8) Oemarsoeman, 1991. The Basics of Inheritance Law in Indonesia, Rineka Cipta, Jakarta.
- 9) Pitlo A, 1979. Inheritance Law According to the Dutch Civil Code, Translation of M. Isa Arief, Intermasa, Jakarta.
- 10) Pandika Rusli 2012, Child Adoption Law, Sinar Graphic, Jakarta.
- 11) Rasjidin Lili, 2001. NuAm Marriage and Divorce in Malaysia and in Indonesia, PT. Rosdakarya Youth, Bandung 2001.
- 12) Soepomo R in Harahap Yahya, 1986. Aspects of Covenant Law, Alumnus, Bandung.
- 13) Vollmar H.F.A, 1992. Introduction to Civil Law Studies, Rajawali, Jakarta



There is an Open Access article, distributed under the term of the Creative Commons Attribution – Non Commercial 4.0 International (CC BY-NC 4.0) (<https://creativecommons.org/licenses/by-nc/4.0/>), which permits remixing, adapting and building upon the work for non-commercial use, provided the original work is properly cited.

# Juridic Analysis of the Provisions of Health Rights on Adapted Children in the Perspective of Civil Material Law (Burgerlijk Wetboek) in Indonesia

---

ORIGINALITY REPORT

---

# 19%

SIMILARITY INDEX

---

## PRIMARY SOURCES

---

1	<a href="https://ojs.transpublika.com">ojs.transpublika.com</a> Internet	249 words — 4%
2	<a href="http://www.fepbl.com">www.fepbl.com</a> Internet	126 words — 2%
3	<a href="https://pdfs.semanticscholar.org">pdfs.semanticscholar.org</a> Internet	93 words — 2%
4	<a href="http://ijsshr.in">ijsshr.in</a> Internet	71 words — 1%
5	Glad Mauraina, Angel Pratiwi, Dian Purnama. "CHILD ADOPTION BY UNMARRIED PERSON IN THE INDONESIAN CIVIL LAW SYSTEM", Cepalo, 2021 Crossref	65 words — 1%
6	<a href="http://ijmmu.com">ijmmu.com</a> Internet	60 words — 1%
7	<a href="http://garuda.kemdikbud.go.id">garuda.kemdikbud.go.id</a> Internet	38 words — 1%
8	Rusli Rusli, Nur Mohamad Kasim, Duke Arie Widagdo. "LAW ENFORCEMENT ON THE INHERITANCE OF SIRI MARRIED IN THE JUDICIAL VERDICT", AI-	30 words — 1%



- 
- 9 [jurnal.unikal.ac.id](http://jurnal.unikal.ac.id) 30 words — 1%
- Internet
- 
- 10 Mariana Zhuo, Benny Djaja. "Judges' Consideration On Decision Number 582/PDT.G/2019/PN.JKT.TIM Related Legitieme Portie From The Perspective Of The Civil Law Regarding The Division Of Inheritance", *Jurnal Jurisprudence*, 2023 28 words — < 1%
- Crossref
- 
- 11 [ejournal.stih-awanglong.ac.id](http://ejournal.stih-awanglong.ac.id) 28 words — < 1%
- Internet
- 
- 12 [jurnal.unissula.ac.id](http://jurnal.unissula.ac.id) 25 words — < 1%
- Internet
- 
- 13 Zakiul Fuady Muhammad Daud, Raihanah Azahari. " The will ", *International Journal of Ethics and Systems*, 2019 21 words — < 1%
- Crossref
- 
- 14 Saji Saji, Liliana Tedjosaputro. "JURIDICAL ANALYSIS LOSS OF AB INTESTATO HEIRS RIGHT AS A RESULT OF UNREGISTERED MARRIAGE", *MAGISTRA Law Review*, 2020 20 words — < 1%
- Crossref
- 
- 15 Srirahma Srirahma, Sri Nanang Meiske Kamba. "Effectiveness of Article 53 On Marrying Pregnant Women In Compilation Of Islamic Law", *Estudiante Law Journal*, 2022 20 words — < 1%
- Crossref
- 
- 16 [journal.uinsgd.ac.id](http://journal.uinsgd.ac.id) 20 words — < 1%
- Internet

- 
- 17 Rizza Nafaani Hidayat, Rahtami Susanti, Ika Ariani Kartini. "Legal Consequences of Mixed Marriage Document Falsification In Indonesia (Case Study of Jessica Iskandar and Ludwig Franz Willibald)", UMPurwokerto Law Review, 2021  
Crossref 19 words — < 1%
- 
- 18 [journal.iainlangsa.ac.id](http://journal.iainlangsa.ac.id)  
Internet 19 words — < 1%
- 
- 19 [easpublisher.com](http://easpublisher.com)  
Internet 18 words — < 1%
- 
- 20 Soediro Soediro, Wahyu Puspita Kinanti, Mahdi Muhammad. "Settlement of Disputed Inheritance Sale and Purchase Cases without going through PPAT in Klinting Village, Somagede District, Banyumas Regency", Jurnal Dinamika Hukum, 2022  
Crossref 17 words — < 1%
- 
- 21 Euis Nurlaelawati, Stijn Cornelis van Huis. " THE STATUS OF CHILDREN BORN OUT OF WEDLOCK AND ADOPTED CHILDREN IN INDONESIA: INTERACTIONS BETWEEN ISLAMIC, , AND HUMAN RIGHTS NORMS ", Journal of Law and Religion, 2020  
Crossref 16 words — < 1%
- 
- 22 [doaj.org](http://doaj.org)  
Internet 13 words — < 1%
- 
- 23 [eprints.poltekkesjogja.ac.id](http://eprints.poltekkesjogja.ac.id)  
Internet 13 words — < 1%
- 
- 24 [nveo.org](http://nveo.org)  
Internet 12 words — < 1%

---

25 **Fifink Praiseda Alviolita. "PENYULUHAN HUKUM TENTANG PERLINDUNGAN HUKUM BAGI ANAK YANG BERHADAPAN DENGAN HUKUM (ABH) DI RT 037 RW 12 KECAMATAN TAHUNAN KELURAHAN UMBULHARJO KOTA YOGYAKARTA", Jurnal Besaoh, 2023** 11 words — < 1%  
Crossref

---

26 **www.grafiati.com** 10 words — < 1%  
Internet

---

27 **eprints.umpo.ac.id** 8 words — < 1%  
Internet

---

28 **Himmaturejuli Rosyid Ridlo, Reisca Tiara Hardiyani. "MEDICAL, LEGAL, AND SOCIAL ASPECTS OF THE SURROGATE MOTHER PHENOMENON", Journal Philosophy of Law, 2022** 6 words — < 1%  
Crossref

---

29 **Prasasti Dyah Nugraheni. "LEGAL ANALYSIS OF LEGITIME PORTIE FOR CHILDREN IN INSIDE AND OUTSIDE LEGITIMATE MARRIAGE IN CIVIL CODE (BURGERLIJK WETBOEK)", JURNAL ILMIAH LIVING LAW, 2019** 6 words — < 1%  
Crossref

---

EXCLUDE QUOTES OFF

EXCLUDE SOURCES OFF

EXCLUDE BIBLIOGRAPHY OFF

EXCLUDE MATCHES OFF