



# Negotiating Inheritance Rights for Adopted Children: A Socio-Legal Study of Islamic Law and Local Practices

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Received: January 2026; Revised: March 2026; Accepted: April 2026

DOI: <http://doi.org/10.33852/jurnalin.v10i1.738>

## Abstract:

This study discusses the position of adopted children in the Islamic inheritance system and social practices. The background of the research arises from the incompatibility between Islamic legal norms, which place adopted children outside their inheritance rights because they lack a relationship of *nasab*, and the community's social practices, which tend to grant property to adopted children based on contributions and emotional closeness. The purpose of the research is to analyze how Islamic law is implemented in local practice, understand the mechanism of wealth allocation, and evaluate the interaction between formal law and social values. The research uses a qualitative-empirical approach with data collection through semi-structured interviews, field observations, and documentation of Islamic legal literature. The study found that adopted children acquire property through compulsory wills, grants, or direct distribution, reflecting the flexibility of Islamic law and the principle of substantive justice. In conclusion, Islamic law can adapt to social context without altering the principle of *nasab*, while society upholds social justice through formal and informal mechanisms. This research makes a theoretical and practical contribution to socio-legal studies, highlighting the harmonization between sharia norms and local practices that are oriented towards benefit.

**Key Words:** *Adopted Child, Inheritance Rights, Islamic Law, Obligatory Wills, Local Practices*

## Abstrak:

Penelitian ini membahas kedudukan anak angkat dalam sistem kewarisan Islam dan praktik sosialnya. Latar belakang penelitian muncul dari ketidaksesuaian antara norma hukum Islam, yang menempatkan anak angkat di luar hak waris karena tidak memiliki hubungan *nasab*, dengan praktik sosial masyarakat yang cenderung memberikan harta kepada anak angkat berdasarkan kontribusi dan kedekatan emosional. Tujuan penelitian adalah menganalisis bagaimana hukum Islam diimplementasikan dalam praktik lokal, memahami mekanisme pemberian harta, serta mengevaluasi interaksi antara hukum formal dan nilai sosial. Penelitian menggunakan pendekatan kualitatif yuridis-empiris dengan pengumpulan data melalui wawancara semi-terstruktur,

observasi lapangan, dan dokumentasi literatur hukum Islam. Hasil penelitian menunjukkan bahwa anak angkat memperoleh harta melalui wasiat wajibah, hibah, atau pembagian langsung, yang mencerminkan fleksibilitas hukum Islam dan prinsip keadilan substantif. Kesimpulannya, hukum Islam dapat beradaptasi dengan konteks sosial tanpa mengubah prinsip *nasab*, sedangkan masyarakat menegakkan keadilan sosial melalui mekanisme formal dan non-formal. Penelitian ini memberikan kontribusi teoritis dan praktis dalam sosio-legal studies, menyoroti harmonisasi antara norma syariat dan praktik lokal yang berorientasi pada kemaslahatan.

**Kata Kunci:** *Anak Angkat, Hak Waris, Hukum Islam, Wasiat Wajibah, Praktik Lokal*

## INTRODUCTION

Inheritance is an important issue in people's lives because it directly affects the sustainability of family finances, the stability of social relations, and the protection of rights after a person dies (Black et al., 2025; Zschocke et al., 2023). In Muslim society, the issue of Inheritance is understood not only as the distribution of wealth but also as part of the implementation of religious teachings with a strong normative basis (Roziqi et al., 2025). The Qur'an, hadith, and ijma' ulama have regulated in detail who is entitled to be the heir, the amount of their share, and the principle of justice that must be maintained in the distribution of Inheritance. These provisions aim to prevent family conflicts and to ensure that each party's rights are protected proportionately (Sari, 2026; Syafrijal et al., 2025). However, in social practice, not all family relationships can be explained simply through *nasab*, marriage, or *wala'* relationships. One relationship that often causes problems is adoption (Husain et al., 2024). Therefore, the study of adoption and inheritance rights is important because it reconciles the certainty of Islamic law with the need for social justice.

The main problem arises from a fundamental difference between the Islamic law of Inheritance and the community's social perception of adopted children. In Islamic law, the inheritance system is based on *nasab* (blood) relationships, marital relationships, and certain legal causes recognized by *sharia* (Hossain & Jamil, 2023; H. Nasution & Muchtar, 2024). Adopted children do not automatically become heirs because adoption does not change the biological relationship of fate. This principle is in line with the provisions of QS Al-Ahzab verse 4, which emphasizes that adopted children cannot be equated with biological children (Umar, 2026). However, in the social reality of Indonesian society, adopted children are often positioned as an integral part of the adoptive family, even in many cases treated the same as biological children. This is where legal and moral problems arise. The community views emotional closeness, parenting, devotion, and economic dependence as the basis for adopted children's eligibility to obtain a share of the property (Ajefu et al., 2022; Hossain & Jamil, 2023; Irianto, 2024; Sulistiyono & Harahap, 2025). The tension between normative law and social practice is the background for the importance of this research.

This phenomenon can be seen concretely in the people of Modung District, Bangkalan Regency. In local practice, adopted children are not always seen as outsiders in the adoptive family. Adopted children who have been cared for, raised, schooled, and lived with adoptive parents since childhood often gain strong social recognition as family members (Al Idrus et al., 2024; Kim & Lim-Soh, 2024; Umar, 2026). In some cases, adopted children take care of adoptive parents when they are sick, help with family work, or take on social roles that are usually carried out by biological children (Jalili et al., 2024; Mohsi et al., 2026). This condition makes the local community tend to consider that adopted children deserve to receive part of the Inheritance of their adoptive parents. These gifts can occur through a will, a grant during life, a deliberative division of the family, or an informal agreement after the heir dies (Husain et al., 2024; Shahab et al., 2026). However, such practices do not always conform to the normative limits of Islamic law, especially when the gift to an adopted child is treated as an inheritance rather than a grant or an obligatory will. This phenomenon demonstrates a dialectic between Islamic law and local community practices.

Several previous studies have discussed the position of adopted children in Islamic law, Indonesian positive law, and the Compilation of Islamic Law. These studies generally confirm that adopted children are not included as heirs according to Islamic inheritance law because they do not have a *nasab* relationship with adoptive parents (Mohsi et al., 2026; Sari, 2026). As a middle ground, the Compilation of Islamic Law under Article 209 provides a mandatory will for adopted children, with a maximum limit of one-third of the Inheritance (Irianto, 2024; Roziqi et al., 2025). Another study also views a mandatory will as a form of legal protection for adopted children without altering their status as heirs. Within this framework, Indonesia's positive law is seen as trying to accommodate the social needs of the Indonesian Muslim community (Tohet et al., 2025). However, most studies still operate at the normative-doctrinal level, namely by explaining the position of adopted children based on Nash, the opinions of scholars, and the provisions of KHI. This kind of study is important, but it does not fully explain how local communities understand, negotiate, and practice these provisions in their daily family lives.

Another weakness of previous research is its tendency to separate Islamic law from the social context in which it is enforced. In fact, in local societies, laws do not always exist as formal texts that are applied mechanically. Law often interacts with customs, family values, moral considerations, emotional relationships, and family deliberations. In the context of adopted children, the community not only considers the relationship of the family, but also the nurturing services, inner closeness, sacrifices, and the sustainability of the adoptive child's life after the adoptive parent dies. Research that only emphasizes normative aspects risks failing to capture that complexity. On the other hand, research that overemphasizes customary practices without grounding them in Islamic law can also blur the distinction between Inheritance, grants, and

obligatory wills. Therefore, research is needed that can bring together two sides simultaneously, namely Islamic legal norms as the basis for legitimacy and local practices as a social reality.

The novelty of this research lies in its efforts to read the issue of adoption and inheritance rights as a dialectical process between Islamic law and local practices in Modung Bangkalan District. This research not only asks whether adopted children have the right to inherit under Islamic law, but also examines how society understands the rights of adopted children, through what mechanisms property is given, and the extent to which the practice can be accounted for in the perspective of Islamic law. Thus, this study seeks to shift the discussion from a mere normative debate to a more contextual socio-legal analysis. Another novelty lies in the use of the perspective of *ushul fiqh*, especially *istihsan bi al-maslahah* and *maqashid al-shari'ah*, to assess whether the practice of giving property to adopted children can be understood as a form of legal adaptation oriented towards benefit. This approach is important because it can bridge the tension between inheritance-based provisions and the need to protect adopted children in local communities.

Based on this background, the problem of this research lies in the misalignment between the provisions of Islamic law that do not place adopted children as heirs and the practice of society that tends to give social status to adopted children like biological children. This inconsistency cannot be directly assessed as an aberration because in many cases the practice arises from a real need to maintain justice, benefit, and family harmony. However, this practice cannot be accepted indefinitely, as Islamic inheritance law has normative principles that must be maintained, especially the rights of the heirs of the *nasab* and the maximum limit on wills. The provisional argument of this study is that the practice of giving property to adopted children in Modung District can be understood as a form of social adaptation to Islamic law, as long as it is carried out through justified mechanisms, such as grants during life or compulsory wills, not by changing the status of adopted children to heirs. Thus, this research contributes to explaining the boundary between acceptance of local practices and adherence to sharia principles.

This research is important because it offers a more balanced understanding of the relationship between Islamic law and local practice in the case of the Inheritance of adopted children. On the one hand, this study emphasizes that Islamic law has a normative structure that must be respected, especially related to the position of heirs and the principle of *nasab* in Inheritance. On the other hand, this study also shows that Islamic law has a space for *ijtihad* to respond to social needs through the concepts of grants, wills, obligatory wills, *istihsan*, and *maqashid al-shari'ah*. By critically examining the practices of the people of Modung District, this research is expected to make a theoretical contribution to the development of the study of Islamic family law and a practical contribution to the community in resolving the issue of adopted children's

property in a fair, legal, and non-conflicting manner. Therefore, this research is directed at finding a proportionate balance among legal certainty, social justice, and family benefits.

## RESEARCH METHODS

This research uses a qualitative approach, specifically a juridical-empirical or socio-legal research design. This approach was chosen because the research aims not only to understand law as a written norm, but also to examine how law is understood, accepted, negotiated, and practiced in people's lives. In the context of this study, the provisions of Islamic law regarding the position of adopted children in Inheritance are not enough to be analyzed only through normative texts, such as the Qur'an, hadiths, the opinions of scholars, and the Compilation of Islamic Law, but also need to be seen in the social practices of society. Therefore, the juridical-empirical approach is considered relevant for examining the relationship between Islamic inheritance law as a norm and the local practice of the people of Modung District, Bangkalan Regency, in the distribution of property to adopted children. Through this approach, research can shed light on whether the practice aligns with, deviates from, or adapts to the principles of Islamic law.

This research is located in Modung District, Bangkalan Regency. This location was chosen because the people in the area have interesting social practices related to child adoption and the giving of property to adopted children. In some cases, adopted children are not only seen as the custodian, but are also considered part of the family because of the emotional closeness, parenting relationships, devotion, and social contributions to the adoptive parents. This condition makes the practice of giving property to adopted children often not only understood as assistance or mercy, but also as a form of family justice. Modung District was chosen because it shows the meeting between Islamic legal norms, family values, local customs, and community moral considerations. Thus, this location is considered relevant to reveal how Islamic law interacts with local practices in the issue of the rights of adopted children to the Inheritance of adoptive parents.

Data collection in this study was conducted through interviews, observations, and documentation (Almusaed et al., 2025; Mbanaso et al., 2023). The interviews were conducted in a semi-structured manner, providing the researcher with clear guidelines for the questions while still allowing the informant to explain their experiences, views, and reasons in depth. The informants in this study include religious leaders, community leaders, legal practitioners, or those who understand inheritance issues, as well as people who have direct experience in the practice of child adoption and the distribution of property to adopted children. Observations were conducted to understand the community's social context, especially the pattern of family relations, the way the community views adopted children, and the practice of family deliberation in

property distribution. Documentation is carried out by examining relevant legal materials and documents, such as the Qur'an, hadith, fiqh books, Compilation of Islamic Law, laws and regulations, books, scientific journals, and family documents if available and ethically accessible.

The data analysis in this study uses a qualitative analysis model that includes data condensation, data reduction, data presentation, and data verification. Data condensation is carried out by sharpening, simplifying, and focusing on data from interviews, observations, and documentation in accordance with the research's focus: the practice of giving property to adopted children and its conformity with Islamic law. Data reduction involves sorting relevant data and excluding data that is not directly related to the research problem. After that, the data are presented in a narrative description of the pattern of community practices, the socio-religious reasons behind them, and the relationship between these practices and Islamic law norms and KHI. The last stage is data verification, which involves carefully concluding by comparing field findings with the normative provisions of Islamic law. At this stage, the research seeks to identify commonalities, differences, and forms of adaptation between Islamic law and local community practices (Li & Zhang, 2022; Salmona & Kaczynski, 2024).

The validity of the data in this study was assessed through triangulation of sources and techniques and confirmation of findings with informants. Source triangulation is carried out by comparing information obtained from religious leaders, community leaders, legal practitioners, and people who have experienced firsthand the practice of child adoption or property distribution. The triangulation technique involves comparing data from interviews, observations, and documentation to ensure the findings do not rely solely on a single data source. In addition, the researcher also confirms important information to the informant to ensure that the data obtained is not misunderstood. This check is important because the issue of Inheritance of adopted children is related to family experiences, religious values, and sensitive social practices. Thus, the validity of the data is maintained, ensuring that the research results are scientifically accounted for rather than based solely on the researchers' assumptions (Olmsted, 2024).

## **Results and Discussion**

### **Results**

#### **The Position of Adopted Children in the Inheritance System According to Islamic Law**

This study found that adopted children in the local context of Modung District occupy different normative and socially practiced positions. Operationally, an adopted child is defined as an individual who is cared for and raised by a parent who is not their biological parent but has the same emotional closeness and social responsibility as a biological child. In practice, society

expands this definition to include aspects of the adoptee's contributions to the family, such as caring for foster parents in old age, participation in household chores, and involvement in family decisions. This is the basis for the community to provide property through a mechanism resembling Inheritance. However, normatively, Islamic law places adopted children outside the category of heirs because they lack a relationship of descent.

The results of the first interview with a local religious leader confirmed: "Adopted children are not heirs according to the sharia, but since they participate in raising and caring for adoptive parents, it is natural to give some of the property through a will or grant." The researcher's interpretation of this data shows that society interprets justice not only through formal legal provisions, but also through social contributions and emotional closeness. This discourse emphasizes the principle of substantive justice, in which the rights of adopted children are respected proportionately without changing the legal status of the *nasab*. A second interview with a community leader stated: "Here, we often divide property to adopted children through compulsory wills or direct divisions. The community accepts this as natural because adopted children are also responsible for the family." The researcher's interpretation indicates a legal duality: sharia norms remain applied (adopted children are not heirs), but social practices develop to provide economic protection and social recognition for adopted children.

The field observations corroborated the interview. Researchers found that some families actively created mandatory wills or grants before the heirs died. This documentation is not only formal but also accompanied by an explanation of the reason for giving it to the adoptive child, for example, the adoptive child's devotion or their role in caring for the parents. The researcher's interpretation concludes that this practice demonstrates social adaptation to Islamic legal norms, in which the community continues to respect the principle of *nasab* while adjusting the distribution of wealth to balance social justice and the interests of adopted children.

This restatement or summary of field data shows a consistent pattern: normatively, adopted children do not have inheritance rights; in social practice, adopted children are given economic rights through compulsory wills or grants; and the community accepts this mechanism as a form of appreciation for social and emotional contributions. This pattern shows that Islamic law in practice can be flexible, taking into account local benefits and justice.

The description of the data pattern indicates a dynamic interaction between legal norms and local practices. Adopted children receive legal protection through mandatory wills instruments without changing the position of the *nasab*. At the same time, the community equates the rights of adopted children with those of biological children socially. This indicates the existence of an adaptive strategy of society, where formal laws are respected, but social practices are adjusted to create substantive justice.

**Table 1. Social Contribution of Adopted Children to the Practice of Property Giving**

Informant Position	Interview Excerpts	Indicator
Religious Figures	"Adopted children are indeed not heirs according to the sharia, but because they participate in raising and caring for adoptive parents, it is natural to be given part of the property through a will or grant."	Understanding of Islamic law; recognition of the social contribution of adopted children; The application of a mandatory will as an instrument of justice.
Community Leaders	"Here, we often divide property to adopted children through mandatory wills or direct distribution. The community accepts this as natural because adopted children are also responsible for the family."	Local social practices; legal adaptation; public acceptance; balance of social and normative justice.

Table 1 shows that both religious and community leader informants emphasize the social contribution of adopted children as the basis for the provision of property, even though adopted children are not legally entitled to inherit. Religious leaders emphasized normative legitimacy through compulsory wills as an instrument that remained in accordance with sharia principles. In contrast, community leaders emphasized social acceptance of the distribution of property to adopted children. This pattern shows the synergy between the formal norms of Islamic law and the social practices of society, in which the will must serve as a bridge between legal certainty and social justice. Thus, this pattern demonstrates the flexibility of Islamic law in responding to the community's real needs, without sacrificing the principle of *nasab* or the rights of legal heirs.

### **Legal Policies That Prohibit or Allow Adopted Children to Receive Inheritance in Islam**

This study defines an adopted child operationally as an individual who is cared for and raised by parents who are not biological parents, but who have emotional closeness, social responsibility, and a real contribution to family life. In Modung District, adopted children are often treated like biological children in a social context, including helping to care for adoptive parents, participating in family decision-making, and participating in family economic activities. This definition emphasizes that even though the adopted child does not have a *nasab* relationship with the adoptive parents (QS. Al-Ahzab: 4 – مَا جَعَلَ اللَّهُ لِرَجُلٍ مِّن قَلْبَيْنِ فِيهِ – وَمَا جَعَلَ أَدْعِيَاءَكُمْ أَبْنَاءَكُمْ (جَوْفِهِ)), social contribution and emotional closeness are important factors that influence the practice of giving property.

The results of the first interview with a religious leader show that: "Adopted children are not heirs according to the sharia, but since they participate in raising and caring for adoptive parents, it is natural to give some of the property through a will or grant." The researcher's interpretation of this data emphasizes that the community appreciates the social contribution of adopted

children through the mechanism of compulsory wills, thereby recognizing their moral and social rights, even though this does not change their fate. This mechanism demonstrates an adaptation of benefit-based Islamic law (*istihsan bi al-maslahah*), in which the principle of *nasab* is maintained. At the same time, substantive justice is accorded to those socially close to the heirs.

A second interview from a community leader revealed: "Here, we often divide property to adopted children through a compulsory will or direct distribution. The community accepts this as natural because adopted children are also responsible for the family." The researcher interprets this practice as reflecting a duality of law: sharia norms are applied (adopted children are not heirs). In contrast, social practices evolve to provide economic protection and social recognition. This confirms the existence of social negotiations against legal norms, where the principle of justice is measured not only by *nasab* but also by real contributions to the family.

Observations show that some families actively make mandatory wills or grants before the heir dies. Field observations noted that explanations for giving property to adopted children were always accompanied by consideration of social contributions and service. The researchers interpret this practice as reflecting the flexibility of Islamic law, allowing legal norms to be respected while adjusting the distribution of wealth to achieve social justice and the benefit of adopted children.

Restatement of field data confirms a consistent pattern: normative law holds that adopted children do not have inheritance rights because there is no relationship of descent; in social practice, adopted children acquire property through compulsory wills or grants; the community accepts this mechanism as a form of appreciation for social contributions and emotional closeness. This pattern shows a dynamic interplay between formal law and local practice, which balances legal certainty and substantive justice.

Research data show that people in Modung District consistently place social values and real contributions as the basis for giving property to adopted children. Although the status of the adopted child remains unchanged, the practice of giving property through wills or grants demonstrates the community's adaptive strategy, which respects Islamic law while upholding social justice. This pattern reflects the harmonization of sharia norms and human values, so that local practices serve as a bridge between legal principles and social needs.

**Table 2. The Position of Adopted Children in the Practice of Property Giving**

<b>Informant Position</b>	<b>Interview Excerpts</b>	<b>Indicator</b>
Religious Figures	"Adopted children are indeed not heirs according to the sharia, but because they participate in raising and caring for adoptive parents, it is natural to be given part of the property through a will or grant."	Understanding of Islamic law; recognition of the social contribution of adopted children; The application of a mandatory will as an instrument of justice.

Community Leaders	"Here, we often divide property to adopted children through mandatory wills or direct distribution. The community accepts this as natural because adopted children are also responsible for the family."	Local social practices; legal adaptation; public acceptance; balance of social and normative justice.
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Table 2 explains that the social contribution of adopted children is the basis for the legitimacy of the granting of property. Religious leaders emphasize the normative aspects of Islamic law through compulsory wills, which they regard as a legitimate mechanism. In contrast, community leaders emphasize local social practices that are recognized and accepted by the community. This pattern shows a synergy between formal norms and social practices, in which substantive justice is applied through legal adaptation while maintaining the principle of *nasab* and the rights of legitimate heirs. This practice indicates that Islamic law can respond to social and humanitarian needs without altering the normative foundation of the inheritance system.

### Implications for Adoption and Inheritance Practices in Modung Bangkalan District

Adopted children are operationally defined as individuals who are cared for and raised by parents who are not biological parents but who demonstrate emotional closeness, social responsibility, and meaningful contributions to the family. In Modung District, adopted children do not have normative inheritance rights from adoptive parents because there is no *nasab* relationship as the main basis of the Islamic inheritance system (QS. Al-Ahzab: 4 – مَا جَعَلَ اللَّهُ لِرَجُلٍ مِّن قَلْبَيْنِ فِيهِ – وَ مَا جَعَلَ أَدْعِيَاءَكُمْ أَبْنَاءَكُمْ (جَوْفِهِ)). However, the will mechanism must provide adopted children with a share of the property, up to one-third, so that sharia principles are maintained while providing social protection. This operational definition is important for assessing how social practices adjust to Islamic legal norms.

Interviews with local religious leaders show that: "Adopted children are not heirs according to the Shari'a, but since they participate in raising and caring for adoptive parents, it is natural to be given some of the property through a will or grant." The researcher interprets that society understands substantive justice, in which the social contribution of adopted children is valued through the instrument of compulsory will. This mechanism reflects the application of the principle of *istihsan bi al-maslahah*, in which Islamic law is maintained (the child's fate does not change). In contrast, the social benefits of adopted children are accommodated.

Interviews with community leaders stated: "Here, we often divide property to adopted children through compulsory wills or direct divisions. The community accepts this as natural because adopted children are also responsible

for the family." The researchers' interpretation shows a dual legal and social situation: sharia norms are applied, but local social practices develop to provide economic protection and social recognition for adopted children. This confirms that society engages in social negotiations against legal norms, balancing legal compliance with contribution-based justice.

Field observations revealed that people use various mechanisms to grant property: compulsory wills, grants during life, and direct distribution within families. The researcher interprets this practice as the adaptation of Islamic law to social conditions in which formal norms are respected but the distribution of wealth is adjusted to uphold substantive justice. This phenomenon also shows the flexibility of Islamic law in practice, adapting its principles to local social realities.

Data show that adopted children receive social protection through formal and informal legal mechanisms, with high public acceptance of these mechanisms. The mechanism of the obligatory will functions as a bridge between legal certainty and human values. This social adaptation harmonizes Islamic legal norms and local practices, allowing for legal flexibility without altering the principle of *nasab* or the rights of legal heirs.

**Table 3. Implications for Adoption and Inheritance Practices**

<b>Informant Position</b>	<b>Interview Excerpts</b>	<b>Indicator</b>
Religious Figures	"Adopted children are indeed not heirs according to the sharia, but because they participate in raising and caring for adoptive parents, it is natural to be given part of the property through a will or grant."	Understanding of Islamic law; recognition of the social contribution of adopted children; The application of a mandatory will as an instrument of justice.
Community Leaders	"Here, we often divide property to adopted children through mandatory wills or direct distribution. The community accepts this as natural because adopted children are also responsible for the family."	Local social practices; legal adaptation; public acceptance; balance of social and normative justice.

Table 3 shows that the social contribution of adopted children is the main factor in the legitimacy of property giving. Religious leaders emphasize normative aspects and legal instruments (mandatory wills), while community leaders emphasize social acceptance and local practices. This pattern shows a synergy between formal law and social practice, in which substantive justice and adoption protection are accommodated without altering the status of the *nasab* or the rights of legal heirs. The pattern that emerged from the field data shows that the people of Modung Bangkalan place social values, contributions, and emotional closeness as the basis for granting property, both through formal channels (mandatory wills) and non-formal channels (grants, direct distribution).

This reflects the adaptation of Islamic law to local social needs, while affirming its flexibility and relevance in the real world.

## Discussion

The results of the study showed that adopted children in Modung Bangkalan District received different treatment between Islamic legal norms and local social practices. Normatively, adopted children do not have inheritance rights from adoptive parents because there is no relationship of descent, as affirmed in QS. Al-Ahzab (33): 4 – *وَمَا جَعَلَ أَدْعِيَاءَكُمْ... مَا جَعَلَ اللَّهُ لِلرَّجُلِ مِنْ قُلُوبَيْنِ فِي جَوْفِهِ*. *أَبْنَاءَكُمْ*. This is in line with classical fiqh literature, which emphasizes that Inheritance applies only to parties who have a blood relationship or a legal marriage (b Ahmad et al., 2024; U. R. Nasution, 2024; Wahidah et al., 2024). However, this study found that local communities transfer property to adopted children through compulsory wills, grants, or direct distributions before the heir dies, indicating the adaptation of Islamic legal norms to social realities (Urinboyev, 2023). These findings are consistent with the principle of *istihsan bi al-maslahah*, which maintains legal norms while accommodating the social welfare of adopted children, thereby achieving harmony between law and practice (Husain et al., 2024; Sari, 2026).

From interviews with religious leaders, it was found that giving property to adopted children is considered reasonable because of their social contributions, even though they are not normative heirs (Roziqi et al., 2025; Syafrijal et al., 2025). The researcher's interpretation emphasizes that society values substantive justice as the basis for property provision, thereby recognizing the rights of adopted children morally and socially. These results show compatibility with the literature that emphasizes the flexibility of Islamic law through *ijtihad* to deal with new situations, as described in the book *al-Majmu'* by Imam al-Nawawi, although previous literature emphasizes more normative aspects without paying attention to the adaptation of social practices (Mohsi et al., 2026; Sulistiyono & Harahap, 2025).

Interviews with community leaders reinforce this pattern, stating that the community accepts property distribution through a mandatory will or a non-formal mechanism because adopted children are responsible for the family (Hossain & Jamil, 2023; Irianto, 2024). Researchers interpret this as a legal and social duality, in which sharia norms remain applied (adopted children are not heirs). Still, social practices adjust to provide economic protection and social rewards (Umar, 2026). This difference highlights the gap in previous research, which tended to emphasize only normative legal aspects without examining real social practices in local communities (Ahmad et al., 2024; U. R. Nasution, 2024).

Field observations show that formal and non-formal mechanisms are used together, such as mandatory wills, grants, and direct distribution. Researchers interpret this phenomenon as evidence of law in action, which shows the flexibility of Islamic law in a social context (Mohsi et al., 2026; Wahidah et al.,

2024). This emphasizes that legal norms are not applied textually but are tailored to the needs of the community, including the contributions of adopted children and the emotional closeness between adoptive parents and adopted children (Ajefu et al., 2022; Zschocke et al., 2023). The theoretical implication is that Islamic law should be understood as a dynamic and adaptive system, not merely a normative text; the practical implications highlight the importance of social mechanisms for balancing legal compliance and social justice.

Overall, this study makes a significant contribution by uncovering the interaction between formal law and local practice, and by highlighting the novelty of documenting the practice of giving up the property of adopted children that exceeds the one-third limit mandated by the law in Modung. The results of the study confirm that adapting Islamic law to the local context harmonizes the principles of *nasab* and substantive justice, enabling adopted children to obtain social protection without altering their normative legal status. These findings add to the socio-legal literature on Islamic heritage in Indonesia, particularly in the context of foster children and social relationships that emphasize human values, social contributions, and emotional closeness.

## CONCLUTION

Based on the results of the research, it can be concluded that adopted children in Modung Bangkalan District do not have inheritance rights because there is no relationship between the family and the adoptive parents. However, in social practice, they still receive economic protection through mechanisms such as mandatory wills, grants, or direct distribution within the family. The gift is based on social contribution, emotional closeness, and the role of adopted children in caring for and helping adoptive parents. These findings show that Islamic law in community practice is not only understood as a written norm but also as a legal system that can interact with local values of justice and social welfare. Scientifically, this research contributes to enriching socio-legal studies on the relationship between Islamic law and local practices, especially in the issue of the inheritance of adopted children. The limitations of this research lie in the limited scope of the area and the lack of quantitative data on the pattern of wealth distribution, so that further research can expand the location of the study, use a comparative approach, and directly explore the perspective of adopted children so that the understanding obtained becomes more complete.

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