

### The Position of Adopted Children (Mangain) in Obtaining the Status of the Heirther According to the Batak Toba Traditional Instruction Law

Ning Adiasih  
Tribaski University

DOI: <https://doi.org/10.36418/eduvest.v2i9.575>

Keywords: Adapted Children, Status Of Batak Toba Traditional Heritages

#### Abstract

The adoption of adopted children in the Toba Batak community is carried out in an open and cash way. The main reason in the Toba Batak community is the absence of descendants. The indigenous Batak Toba community itself adheres to a patrilineal system that is based on male/father lineage. The requirements for adopting children by the Toba Batak indigenous people are carried out according to the customs of the indigenous people, by carrying out a traditional ceremony "dirajahan" in front of dalihan na tolu, traditional leaders / leaders, and local indigenous people by giving ulos parompa (carpet) and dekke sitio. rio (carp) as evidence of an inauguration in the process of the traditional ceremony. The position of an adopted child is basically legal to become an heir and his rights are equal to the position of a biological child, because according to the customary inheritance law of the Toba Batak with evidence of the existence of the traditional ceremony, an adopted child is legally the heir of his adoptive parents himself, without the need for tools, evidence as well as a deed. Adopted children have the right to joint property and inheritance from their adoptive parents



PDF HTML

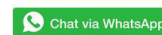
Published  
2022-09-13

Issue  
Vol. 2 No. 9 (2022); Journal Eduvest - Journal of Universal Studies

Section

#### ABOUT JOURNAL

- Guidelines for Author
- Focus and Scope
- Peer Review Process
- Publication Ethics
- Article Processing charge
- Editor and Reviewers
- Copyright and License Statement
- Abstract and Indexing
- Plagiarism Policy
- Open Access Statement



#### SUPPORTED & TOOLS

tools by

need for tools, evidence as well as a deed. Adopted children have the right to joint property and inheritance from their adoptive parents

[View the full text of this article](#)

Section  
Articles

License

Copyright (c) 2022 Ning Adiasih



This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License.

tools by



#### SUBMISSION

Manuscript Template

#### INFORMATION

For Readers  
For Authors  
For Librarians

#### VISITOR

4894388  
View My Stats

#### Similar Articles

- Hamza Khalifa Ibrahim, Hamza A. Khalifah, Zahrah Meelad Eisay, ADMIR JANICE, Aejeeliyah Yousof, [Quality of Life in Chronic Diseases](#), *Eduvest - Journal of Universal Studies*: Vol. 2 No. 9 (2022); *Journal Eduvest - Journal of Universal Studies*
- Endah Sari Purbaningstih, Muadi Muadi, Iin Indra Nuraeni, [Analysis of Psychological Status and Sleep Quality in Breast Cancer Patients](#), *Eduvest - Journal of Universal Studies*: Vol. 2 No. 9 (2022); *Journal Eduvest - Journal of Universal Studies*
- Susanti Ir Perangin-Angin, [The Effect of Risk Factors on Stunting Events the TTH Papan Puskesmas, Mahar Hillir Kelurahan, Medan Deli District, Medan City, 2021](#), *Eduvest - Journal of Universal Studies*: Vol. 2 No. 9 (2022); *Journal Eduvest - Journal of Universal Studies*
- Elysaabeth Sinulingga, Agung Waluyo, Sri Yona, Tris Yonado, [Developing Karo Culture-Based Spiritual Intervention Model to Reduce HIV/AIDS Stigma](#), *Eduvest - Journal of Universal Studies*: Vol. 2 No. 6 (2022); *Journal Eduvest - Journal of Universal Studies*
- Dian Awiriani Ratna Dewi, Nasser Nasser, Tiarsen Buston, Topane Gayus Lumbuan, [Stem Cells Service Legality Post Application of Law Number 36 Year 2009 about Health](#), *Eduvest - Journal of Universal Studies*: Vol. 2 No. 7 (2022); *Journal Eduvest - Journal of Universal Studies*
- Wayan Candra, I Gusti Ayu Harini, Agus Sri Lestari, I Ketut Gama, Dewa Gede Sastra Ananta Wijaya, [The Effect of Assertive Behavior on Depression in Diabetes Mellitus Patients](#), *Eduvest - Journal of Universal Studies*: Vol. 2 No. 9 (2022); *Journal Eduvest - Journal of Universal Studies*
- Hamza Khalifa Ibrahim, Noor-Alhooda Milood Al-Awkally, Abdul Samad, Hafeez ur Rehman Ali Khera, Waqar Zaib, Muhammad Hamza, [Covid-19 Pandemic and Its Impact on Psychological Distress, Malignancy and Chronic Diseases: A Scoping Review](#), *Eduvest - Journal of Universal Studies*: Vol. 2 No. 5 (2022); *Journal Eduvest - Journal of Universal Studies*
- Utomo Wicaksono, I Made Muliarta, Luh Made Indah Sri Handari Adiputra, [Reducing Cts Complaints and the Fatigue of Rock Breaker Through Ergonomics Approach By Exercising Nerve-Tendon Mobilization and Short Break](#), *Eduvest - Journal of Universal Studies*: Vol. 1 No. 10 (2021); *Journal Eduvest - Journal of Universal Studies*

You may also start an [advanced similarity search](#) for this article.

**Eduvest - Journal of Universal Studies** is a double blind peer-reviewed academic journal and open access to multidisciplinary fields. The journal is published monthly by **Green Publisher Indonesia**.

**Eduvest - Journal of Universal Studies** provides a means for sustained discussion of relevant issues that fall within the focus and scopes of the journal which can be examined empirically.

This journal publishes research articles multidisciplinary sciences, which includes: Humanities and social sciences, contemporary political science, Educational sciences, religious sciences and philosophy, economics, Engineering sciences, Health sciences, medical sciences, design arts sciences and media. Published articles are from critical and comprehensive research, studies or scientific studies on important and current issues or reviews of scientific books.

This journal publishes research articles covering multidisciplinary sciences.

Journal has become a member of Crossref (Prefix: [10.38418](#)) with Online ISSN [2775-3727](#) and Print ISSN [2775-3735](#).

**Eduvest - Journal of Universal Studies, In Issue Vol. 1 No. 1 Year 2021. The license used is CC BY SA**

Journal title	<b>Eduvest - Journal of Universal Studies</b>
Initials	<b>Eduvest</b>
Abbreviation	<b>Eduvest</b>
Frequency	monthly
DOI	<b>prefix 10.38418</b> by
Online ISSN	<a href="#">2775-3727</a>
Print ISSN	<a href="#">2775-3735</a>
Editor-in-chief	<a href="#">Taufik Ridwan</a>
Publisher	<a href="#">Green Publisher Indonesia</a>
Citation Analysis	<a href="#">Google Scholar</a>

Journal **Eduvest - Journal of Universal Studies** is indexed and abstracted in the following databases:

- [EBSCO](#)
- [Crossref](#)
- [Copernicus](#)
- [Google Scholar](#)

DOI	<b>prefix 10.38418</b> by
Online ISSN	<a href="#">2775-3727</a>
Print ISSN	<a href="#">2775-3735</a>
Editor-in-chief	<a href="#">Taufik Ridwan</a>
Publisher	<a href="#">Green Publisher Indonesia</a>
Citation Analysis	<a href="#">Google Scholar</a>

Journal **Eduvest - Journal of Universal Studies** is indexed and abstracted in the following databases:

- [EBSCO](#)
- [Crossref](#)
- [Copernicus](#)
- [Google Scholar](#)
- [Garuda](#)
- [Scilit](#)
- [Dimensions](#)
- [BASE](#)

This journal is also available on several library catalogues:

- [One Search](#)
- [Internet Archive](#)
- [Harvard Library](#)
- [Washington University Libraries](#)
- [Stanford University](#)
- [KU Libraries](#)

The journal has been listed in:

- [ROAD](#)

International Standard Serial Number

p-ISSN: [2775-3735](#) | e-ISSN: [2775-3727](#)

This work is licensed under a



This work is licensed under a [Creative Commons Attribution-ShareAlike 4.0 International](#).

Platform &  
workflow by  
**OJS / PKP**

Vol. 2 No. 9 (2022): Journal Eduvest - Journal of Universal Studies



DOI: <https://doi.org/10.36418/eduvest.v2i9>

Published: 2022-09-10

ABOUT JOURNAL

- [Guidelines for Author](#)
- [Focus and Scope](#)
- [Peer Review Process](#)
- [Publication Ethics](#)
- [Article Processing charge](#)
- [Editor and Reviewers](#)
- [Copyright and License Statement](#)
- [Abstract and Indexing](#)
- [Plagiarism Policy](#)
- [Open Access Statement](#)



SUPPORTED & TOOLS

tools by

Articles

**Analysis of Laston Ac-Wc Mixed With Reclaimed Asphalt Pavement (RAP) and Adding Styrofoam Based on Marshall Parameters**

**Falderika Falderika**, Civil Engineering Study Program, UNIKOM, Indonesia 1668-1675  
**Bahliar Bahliar**, Civil Engineering Study Program, UNCEN, Indonesia



**The Effectiveness of the Combination of Play Therapy and Speech Therapy on the Behavioral Development of Children With Autism Spectrum Disorder (ASD)**

**Heni Sumastri**, Health Polytechnic Ministry of Health, Palembang, Indonesia 1676-1686  
**Marta Pastari**, Health Polytechnic Ministry of Health, Palembang, Indonesia, Indonesia



**The Position of Adooted Children (Mansrain) in Obtaininre the Status of the Heirther Accordins to the Batak Toba**

Articles

**Analysis of Laston Ac-Wc Mixed With Reclaimed Asphalt Pavement (RAP) and Adding Styrofoam Based on Marshall Parameters**

**Falderika Falderika**, Civil Engineering Study Program, UNIKOM, Indonesia 1668-1675  
**Bahliar Bahliar**, Civil Engineering Study Program, UNCEN, Indonesia



**The Effectiveness of the Combination of Play Therapy and Speech Therapy on the Behavioral Development of Children With Autism Spectrum Disorder (ASD)**

**Heni Sumastri**, Health Polytechnic Ministry of Health, Palembang, Indonesia 1676-1686  
**Marta Pastari**, Health Polytechnic Ministry of Health, Palembang, Indonesia, Indonesia



**The Position of Adopted Children (Mangain) in Obtaining the Status of the Heirther According to the Batak Toba Traditional Instruction Law**

**Ning Atlasih**, Trisakti University, Indonesia 1687-1700



**Humanism Education Model at Rama Park School, Denpasar**

**Ni Wayan Karmini**, Humanism Education Model at Rama Park School, Denpasar, Indonesia 1701-1711



**The Effect of Risk Factors on Stunting Events the Titi Papan Puskesmas, Mabar Hilir Kelurahan, Medan Deli District Medan City, 2021**

**Susanti hr Perangin-Angin**, Poltekkes Kemenkes Medan, Indonesia 1712-1727



**The Effect of Motivation on Nurse Performance in Moderation with Nurse Credentials at PKU Muhammadiyah Kutowinangun Hospital in the Covid-19 Pandemic Era**

**Rio Dimas Sugarta**, Master in Hospital Administration, University of Muhammadiyah Yogyakarta, Yogyakarta, Indonesia 1728-1741

**Fitri Arofati**, Master in Hospital Administration, University of Muhammadiyah Yogyakarta, Yogyakarta, Indonesia  
**Elyse Maria Rosa**, Master in Hospital Administration, University of Muhammadiyah Yogyakarta, Yogyakarta, Indonesia



**Women Regional Heads and Gender-Responsive Policies in Tabanan Regency, Bali, Indonesia**

**Ratnawati Ratnawati**, Gadjah Mada University, Yogyakarta, Indonesia 1742-1755  
**Oberlin Silalahi**, Proklamasi University 45, Iin. Proklamasi 1 Babarsari, Yogyakarta, Indonesia, Indonesia



SUPPORTED & TOOLS

tools by



SUBMISSION

[Manuscript Template](#)

INFORMATION

[For Readers](#)

[For Authors](#)

[For Librarians](#)

VISITOR

000-43009

[View My Stats](#)

### Editorial Team

#### Editor in Chief

[Taufik Ridwan](#), Universitas Negeri Jakarta, Indonesia

#### Journal Manager

[Abdulkhlim](#), Universitas Diponegoro, Semarang, Indonesia

### EDITORIAL BOARD

1. [Putri Amalia Zubaedah](#), Green Publisher, Indonesia
2. [Hari Purmono](#), Universitas Gadjah Mada, Indonesia
3. [Leni Pebriantika](#), Universitas Baturaja, Indonesia
4. [Sinoda Kisno](#) Bogor Agricultural University, Indonesia
5. [Otong Saeful Bahri](#), Universitas Muhandi Setiabudi Erebes, Indonesia
6. [Roymon Panjaitan](#), Universitas Sains dan Teknologi Komputer Semarang, Indonesia
7. [Muhammad Iqbal](#), National Cheng Kung University, Tiongkok
8. [Timilehin Olasoji](#), National Open University of Nigeria, Nigeria
9. [S. Mahabub Basha](#), K.S.R. College of Engineering, Tiruchengode, India
10. [Aryani Noviantari](#), National Institute of Health Research and Development, Indonesia
11. [Nugroho Arif Sudiyo](#), Universiats Duta Bangsa, Indonesia
12. [Dian Wuri Astuti](#), STIKES Guna Bangsa Yogyakarta, Indonesia

### ABOUT JOURNAL

[Guidelines for Author](#)

[Focus and Scope](#)

[Peer Review Process](#)

[Publication Ethics](#)

[Article Processing charge](#)

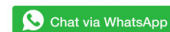
[Editor and Reviewers](#)

[Copyright and License Statement](#)

[Abstract and Indexing](#)

[Plagiarism Policy](#)

[Open Access Statement](#)



### SUPPORTED & TOOLS

tools by

## THE POSITION OF ADOPTED CHILDREN (*MANGAIN*) IN OBTAINING THE STATUS OF THE HEIRTHEER ACCORDING TO THE BATAK TOBA TRADITIONAL INSTRUCTION LAW

Ning Adiasih  
Trisakti University, Indonesia  
Email: ning.a@trisakti.ac.id

### ABSTRACT

*The adoption of adopted children in the Toba Batak community is carried out in an open and cash way. The main reason in the Toba Batak community is the absence of descendants. The indigenous Batak Toba community itself adheres to a patrilineal system that is based on male/father lineage. The requirements for adopting children by the Toba Batak indigenous people are carried out according to the customs of the indigenous people, by carrying out a traditional ceremony "dirajahon" in front of dalihan na tolu, traditional leaders / leaders, and local indigenous people by giving ulos parompa (carpet) and dekke sitio. tio (carp) as evidence of an inauguration in the process of the traditional ceremony. The position of an adopted child is basically legal to become an heir and his rights are equal to the position of a biological child, because according to the customary inheritance law of the Toba Batak with evidence of the existence of the traditional ceremony, an adopted child is legally the heir of his adoptive parents himself, without the need for tools. evidence as well as a deed. Adopted children have the right to joint property and inheritance from their adoptive parents*

### KEYWORDS

Adapted Children, Status Of Batak Toba Traditional Heritages



This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International

How to cite:

E-ISSN:

Published by:

Ning Adiasih. (2022). The Position of Adopted Children (*Mangain*) in Obtaining the Status of the Heirtheer According to the Batak Toba Traditional Instruction Law. Journal of Eduvest. Vol 2(9): Page 1687-1700

2775-3727

<https://greenpublisher.id/>

## INTRODUCTION

Inheritance law in Indonesia is still plural, this happens because Indonesia does not yet have a National Inheritance Law that applies to all Indonesian people. In connection with the absence of such a law, so in Indonesia, pluralistic inheritance laws still apply, namely; Customary Inheritance Law, for Indonesian citizens; Islamic Inheritance Law, for native Indonesian citizens in various regions and certain circles who have the influence of Islamic religious law; Western Inheritance Law, for Indonesian citizens of Chinese and European descent based on the Western Civil Code (Wiranata & SH, 2005) .

In customary law itself, there are three inheritance systems, namely, the collective inheritance system, the majority inheritance system and the individual inheritance system (Suhaidi & Suka'arsana, 2020) . In the collective inheritance system, the inheritance is passed on and its ownership is transferred from the heir to the heir as a unit that cannot be divided into control and ownership. In the majorat inheritance system, it is actually a collective inheritance system, only the forwarding and transfer of ownership rights over undivided property is delegated to the eldest child who serves as the head of the household or the head of the family replacing the position of the father and mother as the head of the family (Sudiyat, 2007) . In an individual or individual inheritance system, it is an inheritance system where each heir gets a division to be able to control and or own inheritance according to their respective parts (Imam, 1981) .

The most important thing in the issue of inheritance is the existence of elements which are absolute elements, namely; An inheritor on death leaves property; One or several heirs who are entitled to receive the property left behind; Inheritance or inheritance, namely wealth left by the heir and once transferred to the heir (Soimin, 2007).

Law No. 1 of 1974 concerning Marriage in Article 1 explains that marriage is an inner and outer bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family or household based on God Almighty. One of the purposes of marriage is to have children. A marriage bond can be said to be imperfect if it does not have children. This is because having offspring in the marriage bond has a great influence in the marriage (Soepomo, 1987) .

In essence, all couples want the presence of a child in the midst of their family. The fact is that not all couples in the family are blessed with offspring in a household bond, some have children and some do not. Those who do not have children will generally adopt children (Soemitro, 1990) .

Usually the reasons for adopting the child are the same as for each ethnic group studied, namely; For not having children; Because they have no sons and no daughters (Soekanto, 1986).

Adoption of a child is an act of taking another person's child into his own family in such a way that between the person who picks up the child and the child

who was picked up, the same family law arises, as exists between parents and their own biological children (Safarianingsih, 2021) .

Several regions in Indonesia have experienced developments regarding the adoption process so that it creates problems in traditional child adoption. The important thing that needs to be underlined is that the adoption of a child must be carried out through a legal process with a court order. The rights of adopted children should not be distinguished from the rights of other biological children in the family, because adopted children also have the right to obtain welfare equal to that of biological children (Raganatha, Sudaryatmi, & Ananingsih, 2016) .

Adoption of children in indigenous peoples in Indonesia is different from one another because it is influenced by the customary law system that applies differently. The problem that often arises is whether or not the adoption of the child is legal. Many indigenous peoples in Indonesia are familiar with child adoption, one of which is the Toba Batak community. The Toba Batak people place a high priority on sons in a family to continue their descendants and family customs because the Batak tribe adheres to a patrilineal kinship system, which means that their lineage is drawn from the male line. Adoption of a child is a habit that applies in society by following the provisions and rules that live and develop in the community, successor to the family, maintenance of property on the property of parents and successor to the genealogy of parents or relatives. The purpose of adopting another child is to continue the descent and will replace the father's position as the head of the family (Panggabean & Sinaga, 2004) .

For the Batak Toba indigenous people, in addition to adopting a child whose management is carried out at the local district court, they also have to carry out traditional ceremonies so that the child becomes a legitimate child within the Batak Toba indigenous community. The adopted child is given a surname according to the surname of the father who adopted the child (NIM, nd) .

Summary of the Cassation Decision by the Supreme Court of case No. 2777 K/Pdt/2014 regarding inheritance disputes in the Toba Batak customs with Jamsir Manik, also called A. Rinkot, residing in Hamlet IX Panglong, Sei Bamban Village, Serdang Bedagai Regency which is domiciled as the Petitioner First Defendant I/Appellate against Manuturi Manik who is also called Manuturi Hiras Halomoan Manik, residing in Hamlet XI Panglong, Sei Bamban Village, Sei Bamban District, Deli Serdang Regency as Respondents for Cassation first, Plaintiff/Appeal and Village Head Sei Bamban as Co-respondents The Respondent for Cassation was Defendant II and Co-Defendants/Co-Appeals who were set on Monday, April 27 2015 which in their decision stated (Nani Soewondo, 1984)

Whereas the Respondent for Cassation in the past, the Plaintiff has now sued the Petitioner for Cassation and the Respondent for Cassation first (Karnikesari, 2020) . Between the plaintiff and the defendant have a family relationship, where the Plaintiff's parents are the Uncle of the Defendant, namely the late. Torus Manik left his inheritance to the Plaintiff as his adopted son but the Defendant did not accept if the Defendant's Uncle gave his heir rights to the

Plaintiff because according to the Defendant, the Plaintiff was not entitled to the Defendant's Uncle's inheritance because the Plaintiff was not the biological child of the Defendant's Uncle. Therefore, the Defendant committed an unlawful act by not issuing administrative letters on behalf of the Plaintiff as an heir (Kamil, 2010).

This study aims to analyze how the position of adopted children (*Mangain*) according to the Toba Batak Traditional Inheritance Law and what are the juridical implications for the settlement of disputes over the status of adopted children's heirs (*Mangain*) according to the applicable Toba Batak Inheritance Law.

### RESEARCH METHOD

The research method used in this study is a qualitative descriptive method. The type of data used in this study is qualitative data, which is categorized into two types, namely primary data and secondary data. Sources of data obtained through library research techniques (library study) which refers to sources available both online and offline such as: scientific journals, books and news sourced from trusted sources. These sources are collected based on discussion and linked from one information to another. Data collection techniques used in this study were observation, interviews and research. This data is analyzed and then conclusions are drawn.

### RESULTS AND DISCUSSION

#### A. Position of Adopted Child (*Mangain*) according to Toba Batak Customary Law

Indonesia has many areas with various cultures, and has a family system. The family system in Indonesia has 3 types, namely:

- a. Patrilineal system, taking the lineage from the father's line
- b. Matrilineal system, taking the lineage from the mother's line
- c. Patrilineal or Bilateral system, taking lineage from the father or mother line.

Adoption of a child is an act of taking another person's child into his own family in such a way that between the person who picks up the child and the child who was picked up there arises a kinship similar to that between parents and their own biological children (Iqbal & Suparsetyani, 2020).

"Appointment of a child is a legal act that diverts, a child from the environment of parental authority, legal guardian, or other person responsible for the care, education and rearing of the child into the family environment of the adoptive parents"

In the Toba Batak community, the position of adopted children in inheriting is very questionable. Whether an adopted child can become a legal heir for the heir or not, especially from the point of view of the inheritance system in terms of the Toba Batak customary law, it is a patrilineal system that is taking the lineage from the father's line (Imam, 1981).



The patrilineal lineage system is adopted by the Toba Batak community which draws the inheritance system from the male side, boys are the successors of descendants or clans in the family tree. Boys mean a lot to his presence in a family. In the Toba Batak community, if a family does not have a son, then it can adopt a boy called a *Mangain* child on the condition that the adopted son must come from the family environment or close relatives of the person who raised it (Harahap , 2011) .

The adoption must be carried out in an open and cash manner, that is, it is carried out with a traditional ceremony of “dirajahon” with the help of the heads of the alliance, in the presence of dalihan na tolu and traditional leaders who live in the village around the place of residence of the person who adopted the child. If the terms of adoption as described above have been met, then the child will become the heir of the adoptive parents and will no longer inherit from his biological parents (Halim, 1985) .

Adopted children inherit from the person who adopted them and will become heirs. In the case of adoption, if the adopted child is a boy, the child must refer to the clan of the parents who adopted him, so that the hereditary system can still be continued. This is in accordance with customary law that takes place in the life of the Toba Batak people, namely the Dalihan na tolu system which consists of three stones, the three relationships are:

- a. Dongan sauntunga (surname)
- b. Hula-Hula (wife's family)
- c. Boru (male's family)

The dalihan na tolu system is a law that regulates the life of the Toba Batak people as is the case with the adoption of the child. A child who has been adopted (*Mangain*) according to customary law, legally obtains the name of his adoptive father, is made a child born from the marriage of his adoptive parents, becomes the heir of the adoptive parents and because of the adoption of the child all civil relations are cut off from descendants due to birth. (between children and their biological parents) (Hadikusuma, 1977) .

Teer Haar states that a child who has been adopted as an adopted child gives birth to juridical and social rights, both in terms of inheritance law, child support and protection obligations, marriage, and social life. In customary inheritance law, adopted children receive rights and obligations as heirs like biological children, both material and immaterial, for example: customary titles, customary positions, and the dignity of descendants (Gultom, 2010) .

The procedure for adopting a child (*Mangain* or paranakhon) in the Toba Batak community is by deliberation (marpokat) about the intentions of adoptive parents (*Mangain*) in the aim of adopting a child. In the marpokat there were dalihan na tolu and traditional or village elders (natua-tuani huta), where the function of dalihan na tolu was as a witness to the process of adopting the child. The party who is *Mangain* must take care of his adopted child (*Mangain*) as he takes care of his own offspring. Does not discriminate against position or status

even though they are not biological children. Likewise with those who raise their children, they must believe in the nanian's parents.

Furthermore, the parents who adopt the child (*Mangain*) will hold a traditional child adoption party in front of the *dalihan na tolu*, the traditional head and the local indigenous community, namely the traditional name-penning event (*Na Margoar*) by holding the giving of *ulos parompa* (carpet) and *dekke sitio- tio* (goldfish) which is interpreted as *tudu-tudu ni sipanganon* as a symbolic sign that a ceremony of recognition or confirmation of the adopted child has taken place and at that time the adopted child is tabulated with the name to be used with the surname of the adoptive father who raised it. The legalization of the status of adopted children (*Mangain*) in terms of inheritance rights, if the adoptive parents die, they can be declared as heirs of the heirs and carry out the lineage (Fukan, 2018).

The rights of an adopted child can be equated with the rights of a biological child, because before a child is adopted, it must go through a certain customary process, which aims that the adopted child is legally the clan of the adopting parent, who is entitled to the inheritance from his adoptive parents. Toba Batak Customary Inheritance Law recommends to give inheritance to their adopted children, adoptive parents will give whatever they have to their adopted children and the right to inherit their assets. An adopted child has the right to inherit the assets of his adoptive parents in the form of inheritance, namely inherited assets and joint assets from the marriage of his adoptive parents as long as his adoptive parents do not have other descendants. But what if the adoptive parents have other descendants, such as biological daughters, the inherited property cannot be passed on to the adopted child such as family inheritance, because those who are entitled to inherit the family inheritance are the original descendants of the person who inherits it (AMELIA, Mohjan, & Yusuf, 2006).

#### **a. Comparison of Adoption in terms of Girls**

When viewed in terms of the adoption of daughters in Batak Toba customary law, daughters are not something that many Batak Toba people do because the Toba Batak people are more concerned with continuing the clan lineage from the male side, so that is the reason why the adoption of daughters is not much. conducted. Even so, there are a handful of Toba Batak indigenous people who also adopt daughters because one of the reasons is that if parents only have sons but do not have daughters, then daughters are adopted in a family. In terms of the adoption of daughters, the purpose of the Toba Batak indigenous people in general is only as an adopted child who can accompany the adoptive parents' old age later. Like the Toba Batak traditional philosophy "Hamatean Anak, Boru Hangoluan" which means, the son in the Toba Batak custom, the son will take care of and intervene in the traditional ceremony when the parents die, but the daughter takes care and participates interfere in the life or old age of their parents later. Therefore, why do the Toba Batak indigenous people raise daughters in a family.

In terms of the legal consequences of adopting a daughter, the legal status of the child is the same as that of a biological child. With the adoption of the traditional ceremony for the adoption of the child and the legalization of the child's status in front of the *dalihan na tolu*, to the local customs and community, the status of the adopted daughter is the same as that of a biological child. But what distinguishes it in terms of inheritance, if the right to inherit, the adoption of a son is the same as that of a son's biological son. In the Toba Batak tradition, in terms of inheriting adopted children, women do not get property but receive gifts, such as:

- a. Land (*hauma pauseang*)
- b. Lunch rice (*beautiful Arian*)
- c. Inheritance from grandfather (*old dondon*)
- d. Tanak simply (*hauma punsu tali*)

The following will explain examples of cases of adoption in Toba Batak customs:

- a. The adoption of a son in the Toba Batak tribe, who was adopted by someone else. The child is named Harian Arrow, biological father is Bryan Wyne, biological mother is Sarah Victoria. Adopted by Mr. Frank Sihombing and Mrs. Yohana Theresia br. Rajagukguk, the child was adopted since he was 1 year old because he did not have children from his marriage. The process of adopting the child is carried out with a traditional ceremony called *Dirajahon*. This adoption has been carried out openly and in cash, which means that the adoption of the child was carried out openly and attended by *Dalihan Na Tolu*, the local Head of Customs and Indigenous Peoples. The position of adopted children here is the same as the position of biological children as long as they do not have biological children or legal children from the result of their marriage. According to the case example here, the adopted child here is a boy, where the adopted child will have the right to inherit the property of his adoptive parents at any time or until he is married, he will still be entitled to inherit the inheritance from his adoptive parents.
- b. The adoption of a daughter in the Toba Batak tribe, who was adopted by someone else. The child is named Jessie Angelica, the biological father is named Arnold Gustaf and the biological mother is named Nora Natasya. Adopted by Mr. Christian Erol Napitupulu and Mrs. Nenny br. Tobing since he was 3 years old, where they adopted a child because they had no offspring. The process of adopting the child is carried out with a traditional ceremony called *Dirajahon*. This appointment is made in a clear and cash manner. In this adoption, the adopted child has the same position as the biological child as long as the adoptive parents do not have any biological children. The adopted child will be the heir of his adoptive parents and has the right to inherit

from his adoptive parents as long as he is not married, if he is married he is not entitled to inherit from his adoptive parents because this adopted child will inherit property from his husband.

So in the example above, it can be concluded that there is a difference in inheritance rights between adopted sons and adopted daughters.

#### **b. Comparison of Child Adoption in terms of Karo Batak Customs**

The process of implementing the distribution of the inheritance of adopted children of the Karo Batak indigenous people is carried out by means of deliberation of the heirs where, this method is very widely used by the local population. The method used is the heirs (adoptive parents) in distributing the inheritance by conducting deliberation first on the parts that will be divided among the heirs. In this case, all adopted children get the same share as biological children and usually they also give shares to daughters whose share is smaller than biological sons and adopted children. Usually in the deliberation, only sons or adopted sons from their father's descendants distribute the inheritance.

The sharing of inheritance in the Batak Karo indigenous community has become a tradition and according to Rasmi Sinuhaji, one of the traditional leaders of the Karo Batak, that the inheritance obtained for an adopted child is the same as the biological child in the Karo Batak where there is no difference in the process. the distribution, but the adopted child can only get joint search property from his adoptive parents which is called "erta ex encari" where this property is obtained by his adoptive parents during the marriage. Inheritance according to the Karo Batak customary law is the entire estate of the heir, both tangible and intangible. Tangible goods can be divided into two parts, namely:

- a. Jabu goods (house property)
- b. Land goods (goods outside the home)

Thus, based on Toba Batak customary law in terms of adoption (*Mangain*), adopted children basically have the same position, the same status, and the same rights in terms of inheritance, as well as biological children. The adoption of a legitimate child in a family that adopts a child, is carried out with the Dirajahon traditional ceremony in front of Dalihan Na Tolu, the Head of Customs and the local customary community with all the symbols carried out in the traditional ceremony which ultimately results in the customary law consequences of the adoption itself. That an adopted child has the right to become an heir and is entitled to inherit his adoptive parents in the form of inheritance, namely inherited property and joint property as long as the adoptive parents do not have other descendants without any time limit.

**c. Analysis of Supreme Court Decision No. 2777/K/Pdt/2014 Regarding Disputes on the Position of Adopted Children as Heirs according to the Toba Batak Customary Inheritance Law**

Indonesia is a country consisting of thousands of islands and various ethnic groups in Indonesia. Although Indonesia adheres to the law of positivism, which means that the law applies based on the law, in certain cases it uses customary law which is the hallmark of each region (AMALIASARI, 2019).

In the implementation of inheritance against the position of adopted children (*Mangain*) in the customary inheritance law of the Batak Toba that applies within the Batak Toba customary community itself, where in the Batak Toba customary community, the adopted child is still questioned about his position as heir because basically the customary law of inheritance is Batak Toba. is a patrilineal system that takes the lineage from the male line, where the offspring are the biological children of the heir.

According to M. Djojodiguno, an adopted child is the taking of another person's child with the intention that the child will become the child of his adoptive parents. He added that this adoption was carried out in such a way that the child both physically and mentally is his own child.

Adoption of children in Indonesian society has several goals and/or motivations. The aim is to continue the offspring, if in a marriage there is no offspring. In general, adoption is carried out for reasons such as:

- a. Have no descendants
- b. There is no successor
- c. According to local customary marriage law
- d. Good relationship and brotherhood
- e. Sense of family and humanity
- f. Labor needs.

According to customary law, the procedure for adopting a child can generally be carried out in two ways, namely:

- a. Cash/cash means that the child is released from his original environment and put into a relative who adopted him with a payment for magical objects, money, clothes.
- b. It means that the adoption is carried out in ceremonies with the help of the heads of the fellowship, it must be clearly appointed into the legal system.

In the case previously described, the late Torus Manik and the late Tiomnar Br. During his lifetime, Pardede had assets in the form of land in Sei Bamban, about 27 rante rice fields in Sei Panglong, about 19 rante rice fields in Paret Dua, about 12 rante rice fields in Paret 1, 10 rante rice fields in Ria-Ria, 6 rante rice fields and elsewhere another covers an area of 149 rante and has a gold necklace. During the 15 years of marriage, the late Torus Manik and the late Tiomnar Br. Pardede had no descendants, so in the end they

decided to adopt a child in order to have a descendant. By holding a traditional party in front of the *dalihan na tolu*, the traditional head and the local indigenous community, Manuturi Manik was appointed as the legitimate son of the late. Torus Manik and the late Tiomnar Br. Pardede, by carrying out various applicable customary provisions. The appointment of Manuturi Manik, male and legalized by changing the name, reviewing the *pisanamot* and giving the fish *dekke sittio-tio* in front of the *dalihan na tolu*, the head of adat and the local community, created a relationship between customary law and the giving of the surname of the adoptive father in the name of the adopted child (*Mangain*), and the rights that will be obtained by Manuturi Manik (Aisyah, 2019) were born.

The disputed matter in this case, where Manuturi Manik as the Plaintiff wants to get a statement letter as the only heir of the late. Torus Manik and the late Tiomnar Br. Pardede so that Manuturi Manik can exercise his rights as heirs. However, Jamser Manik as the Defendant, the biological son of Allaudin Manik, the brother of the late Torus Manik who was a cousin of Manuturi Manik, did not accept that Manuturi Manik became the heir of the late Torus Manik because according to Jamser Manik, Manuturi Manik was only an adopted son who appointed by his uncle in which the Plaintiff is not entitled to heir status. The Defendant committed an unlawful act with the village head by not issuing a statement letter and not signing and stamping the letter which made the Plaintiff unable to exercise his rights as heir.

In the implementation of inheritance to an adopted child (*Mangain*), there was a bad faith from the Defendant, Jamser Manik, by committing an unlawful act. As has been explained, with all the efforts to carry out the traditional party carried out by the late Torus Manik in the adoption of a child, Manuturi Manik seen from customary law is legal as an heir of the late Torus Manik seen from the existing conditions, the adoption of a child by the late. Torus Manik is a son who is given a clan from his adoptive father and the implementation of the custom of adopting a child is carried out openly and in cash in front of the *dalihan na tolu*, the traditional head and the local indigenous community.

In customary law, Ter Haar states that adopted children are entitled to inheritance as children, not as foreigners. As long as the act of adopting a child has erased his character as a "foreigner" and made him a "child" character, the adopted child has the right to inherit as a child. That is the starting point of customary law. Where in reading the curriculum vitae of the Plaintiff's adoptive parents in the traditional ceremony process of the death of the late. Torus Manik and Alm. Tiomnar Br. Pardede, it is stated that the Plaintiff is the legitimate child of Torus Manik and Tiomnar Br. Pardede.

Stb, 1917 No. 219 determines that the legal consequences of the act of adopting a child are as follows:

- a. Article 11 : an adopted child legally has the name of the offspring of the person who adopts it.
- b. Article 12 paragraph 1: adopted children are made as children born from people who adopt. Consequently, the adopted child becomes the heir of the adoptive person.

Regarding the legal consequences in the adoption between children and their parents as follows:

- a. Blood relationship: regarding this relationship, it is considered difficult to break the child's relationship with the biological parents.
- b. Inheritance relationship: in the case of inheritance, it is expressly stated that the child will no longer inherit from the biological parents. The adopted child will inherit from the adoptive parents.
- c. Guardianship relationship : in this guardianship relationship, the child's relationship with the biological parents is cut off and turns to the adoptive parents. This shift only started when the verdict was pronounced by the court. All rights and obligations of biological parents are transferred to adoptive parents.
- d. Clan relations, titles, customary positions; In this case, the child will not receive a surname or title from his biological parents, but from his adoptive parents.

It is very clear that if a child has been adopted or adopted by his adoptive parents, legal consequences will arise from the act of adoption/adoption. For example in Indonesian law, if a child has been adopted by his adoptive family, then the child will get the same rights and obligations as a biological child. The adopted child will receive obligations such as respecting his parents or guardian, while the rights that the child will get when he has been adopted are the inheritance from his adoptive family, which can be in the form of land, assets, money, and other inheritable materials.

According to Article 42 of Law Number 1 of 1974 concerning Marriage which reads:

*"Legal children are children born in or as a result of a legal marriage"*

Whereas in the context of the article above there is no mention of a terminology of "biological children" only the terminology of "legitimate children" and "children" born in or as a result of legal marriages. So seen from the context of the article, that the Plaintiff is an adopted child who has been ratified or has confirmed his status and rights in the traditional ceremony of adopting a child which is carried out in front of the pretext na tolu, the head of adat and the local adat community, which can be declared as the legal heirs of the plaintiff's parents.

According to Article 55 paragraph (2) of Law Number 1 of 1974, as a comparison, the Assembly quoted the provisions of Article 261 part b of the Civil Code which principally determines, among others:

*"In the absence of such deeds, if the children continue to enjoy the status of legitimate children, this position is sufficient evidence."*

Based on the Jurisprudence of the Supreme Court regarding adopted children in Toba Batak customs, the Plaintiff does not have an authentic Deed issued by the Office of Population and Civil Registration, because the Plaintiff's adoptive parents did not make a statement of adoption of the child through a notary deed so that the Plaintiff does not have authentic legal evidence. Trusted. However, with the series of all Toba Batak traditional ceremonies that have been carried out, according to the customary inheritance law of the Toba Batak, an adopted child is adopted, maintained and confirmed the legal status and rights of the adopted child are equal to the biological child. Judging from the context, the plaintiff has enjoyed the position as a legitimate child with the recognition and traditional ceremonies that have been carried out and declared valid according to customary law. With this evidence, according to the court's decision which as stated in the decision is in accordance with the customary inheritance law of the Batak Toba, based on the recognition of the customary head and local customary community, this position has become sufficient evidence that the Plaintiff can become the legal heir of the Plaintiff's adoptive parents without it is necessary to have a valid statement letter in order to be able to exercise his rights as heirs because on the initial basis the child was adopted and confirmed his status is the same as the biological child, the rights of the heir have been born as a result of the law of the adoption itself.

Issues of inheritance to adopted children as heirs can be seen in several Court Decisions:

- a. MA-RI Decision No. 182.K/Sip/1959, dated July 15, 1959; The adopted child (adopted child) has the right to inherit the inheritance of his adoptive parents, which is not the original property/heirloom of his adoptive parents.
- b. MA-RI Decision No. 679/K/Sip/1968; Adopted children are entitled to become heirs and inherit the property of their adoptive parents, even though the adopted child is not entitled to the original property.

### **CONCLUSION**

Based on the discussion in the previous chapters, it can be concluded that; The position of adopted children in the Toba Batak indigenous people is in a clear and cash way. The main reason in the Toba Batak community is the absence of descendants. The indigenous Batak Toba community itself adheres to a patrilineal system that is based on male/father lineage. So that's why in general the Toba Batak people are more likely to adopt a son than a girl, but there are also those who adopt a daughter for certain reasons. The requirements for adopting children by the Toba Batak indigenous people are carried out according to the customs of the indigenous people, by carrying out a traditional ceremony "dirajahon" in front of dalihan na tolu, traditional leaders / leaders, and local indigenous people by giving ulos parompa (carpet) and dekke sitio. tio (carp) as evidence of an inauguration in the process of the traditional ceremony. The requirements for



adoption by the Toba Batak indigenous people do not fully meet the requirements set by the Government Regulation on the Implementation of Child Adoption. The position of an adopted child is basically legal to become an heir and his rights are equal to the position of a biological child, because according to the customary inheritance law of the Toba Batak with evidence of the existence of the traditional ceremony, an adopted child is legally the heir of his adoptive parents himself, without the need for tools. evidence as well as a deed. Adopted children have the right to joint property and inheritance from their adoptive parents.

The juridical implication of the court's decision is that the plaintiff is declared the only legal heir of the late. Torus Manik and Alm. Tiomnbar Br. Pardede, and ordered Defendant II to issue heirs on behalf of the plaintiff in accordance with administrative regulations in the Republic of Indonesia in accordance with applicable laws. Strong evidence that an adopted child is legal as an heir by holding a traditional ceremony according to the customary inheritance law of the Batak Toba, the plaintiff is entitled to the inheritance rights of his adoptive parents and from there the village head should issue the heir letters so that the plaintiff can exercise his rights as heirs. .

Based on the results of interviews obtained from the traditional chairman of Parsadaan Punguan Sianturi Mandok Siraja, Sejabodetabek, that the traditional custom that prevailed in the past was that an adopted child only received joint property but inherited property. However, the current custom is that an adopted child can get inheritance and property with the inheritance of his adoptive parents. This is based on the awareness of the Toba Batak indigenous people who believe "that if adopted children are adopted as their own biological children, what we all have will later become their inheritance, both innate and joint property."

## REFERENCES

- Aisyah, Nur. (2019). Wasiat Dalam Pandangan Hukum Islam Dan Bw. *El-Iqthisady: Jurnal Hukum Ekonomi Syariah Fakultas Syariah Dan Hukum*, 1(1 Juni).
- Amaliasari, Rosida. (2019). *Konsistensi Putusan Pengadilan Dalam Sengketa Kewarisan Anak Luar Kawin Di Indonesia*. Universitas Airlangga.
- Amelia, Kiki Rezeki, Mohjan, Mohjan, & Yusuf, Dastini. (2006). *Hak Waris Anak Angkat Menurut Hukum Waris Yang Berlaku Di Indonesia*. Sriwijaya University.
- Furkan, Beti Ayu. (2018). *Analisis Penyelesaian Perkara Pidana Prespektif Hukum Adat Baja Pada Masyarakat Suku Donggo (Studi Di Desa Karamabura Kecamatan Dompu Kabupaten Dompu Nusa Tenggara Barat)*. University Of Muhammadiyah Malang.
- Gultom, Elfrida R. (2010). *Hukum Waris Adat Di Indonesia*. Jakarta: Literata.
- Hadikusuma, Hilman. (1977). *Hukum Perkawinan Adat*. Alumni.
- Halim, A. Ridwan. (1985). *Pengantar Tata Hukum Indonesia Dalam Tanya Jawab*. Ghalia Indonesia, Jakarta.
- Harahap, R. (2011). *Penetapan Waris Anak Angkat Dalam Masyarakat Batak Di*

- Desa Portibi Julu Sumatera Utara. *The Indonesian Journal Of Islamic Family Law*, 1(1).
- Imam, Sudiyat. (1981). *Hukum Adat Sketsa Asas*. Yogyakarta, Liberty.
- Iqbal, Muhammad, & Suparsetyani, Endang. (2020). Analisis Yuridis Terhadap Pembagian Warisan Alm. Rtdh. Pakpahan Kepada Ahli Waris Menurut Kuhperdata (Studi Kasus: Putusan Pengadilan Negeri Nomor. 564/Pdt. G/2015/Pn-Mdn). *Reformasi Hukum Trisakti*, 2(2).
- Kamil, Ahmad. (2010). *Hukum Perlindungan Dan Pengangkatan Anak Di Indonesia*.
- Karnikesari, Ammelia Karnikesari Ammelia. (2020). Pemberian Harta Orangtua Angkat Kepada Anak Angkat Dalam Praktiknya Di Kecamatan Sarolangun Jambi. *Abstract Of Undergraduate Research, Faculty Of Law, Bung Hatta University*, 11(1).
- Nani Soewondo, S. H. (1984). Kedudukan Wanita Indonesia Dalam Hukum Dan Masyarakat. *Balai Aksara-Yudhistira Dan Pustaka Saadiyah*.
- Nim, Oktaviani Tariani. (N.D.). Pelaksanaan Adat Perkawinan Masyarakat Dayak Ribun Di Desa Betuah Kecamatan Terentangkabupaten Kubu Raya. *Jurnal Fatwa Hukum*, 1(1).
- Panggabean, Henry P., & Sinaga, Richard. (2004). *Hukum Adat Dalihan Na Tolu Tentang Hak Waris*. Dian Utama Dan Kerabat (Kerukunan Masyarakat Batak).
- Raganatha, Berinda Sylvia, Sudaryatmi, Sri, & Ananingsih, Sri Wahyu. (2016). Eksistensi Hukum Adat Dalam Penyelesaian Sengketa Tanah Warisan (Studi Di Desa Purwosari, Kecamatan Wonogiri, Kabupaten Wonogiri). *Diponegoro Law Journal*, 5(2), 1–20.
- Safarianingsih, Rini. (2021). Akibat Hukum Pengangkatan Anak Tanpa Penetapan Pengadilan. *Perahu (Penerangan Hukum): Jurnal Ilmu Hukum*, 9(2).
- Soekanto, Soerjono. (1986). *Pengantar Penelitian Hukum*, Jakarta. Penerbit Universitas Indonesia.
- Soemitro, Irma Setyowati. (1990). *Aspek Hukum Perlindungan Anak*. Bumi Aksara.
- Soepomo, R. (1987). *Bab-Bab Tentang Hukum Adat*, Pt. Pradnya Paramita, Jakarta.
- Soimin, Soedharyo. (2007). *Himpunan Dasar Hukum Pengangkatan Anak*.
- Sudiyat, Iman. (2007). *Hukum Adat Sketsa Asas*.
- Suhaidi, Turmudzi, & Suka'arsana, I. Komang. (2020). Analisis Yuridis Terhadap Harta Pencarian Almarhumah Hj. Halimah Menurut Hukum Waris Adat Minangkabau. *Reformasi Hukum Trisakti*, 2(1).
- Wiranata, I. Gede A. B., & Sh, M. H. (2005). *Hukum Adat Indonesia Perkembangan Dari Masa Ke Masa*. Citra Aditya Bakti.