

## ABSTRACT

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Keyword: Concept, Adopt, Lineage

Child adoption is a way for those who want to have child but they have not had them. There are several reasons which motivate child adoption such as: discontinuation of descendance, getting rightful benefits, and sympathy for the child. Adoption has been practiced since Rasulullah became prophet, up till the time of the apostolate. Islamic law has regulated and allowed people to adopt children as long as it does not disect the original parent lineage. In the Indonesian statute law, the regulation of adoption has also been set up in several articles in various laws, although they have been not completed yet. Child adoption is closely related to the children lineage problem. Islam pays attention on lineage problem highly, as well as legislation in Indonesia also tries to protect someone's personal rights because the lineage problem is closely related to inheritance and marriage guardianship. However, in some cases of adoption, abandoned children with their linage, it result in a new problem about their inheritance and marriage guardianship. This study also mentions about the lineage of the adopted child with unknown lineage.

In this research, researcher compared the lineage status of adopted children from Islamic law perspective and Indonesian positive law perspective. It Reviews how the legal consequences of the relationship between the child and the child's adoptive parents, inheritance, guardianship and psychological impact on children. Those who are with known lineage and those who are with unknown lineage.

This study used a kind of normative research, or literature research, and it used a comparative approach. The method of data collection is documentation or literature studies, and it is supported by data from informans as additional data.

The results of this study is that adopted children have no lineage relationship with his adoptive parents from both perspective of Islamic law and positive law. So, they have no right to get an inheritance, and could not get custody in a ceremony by the adoptive parents. Inheritance and their guardianship remains on their biological parents. For the children who do not know their lineage, guardian of marriage is the guardian of the judge, and they will not get the inheritance but as the adoption of the first child.