

## ABSTRACT

Setiawati, Ratiwi Nurma. 09210025. 2013. **The Judges' Views of Lamongan Religious Court on the Child Adoption Case of the Unknown Biological Parents**. Thesis. Al ahwal Al Syakhsiyyah. Faculty of Sharia Islamic University (UIN) Maulana Malik Ibrahim Malang.

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Adoption is a law act that distracts a child from the authority of parent, legal guardian, or other people that are responsible for caring, education and rearing that child, into a foster parent family environment. Adoption process is done through a court order for the purpose of obtaining legal certainty. Adoption in Islam is allowed with the requirement that does not change the lineage relationship between children that are raised by biological parent and it is limited in the terms of the adoption or maintenance of children. However, when the adoption that is unknown by the biological parent, then how about their lineage. Adoption case that occurred in Pambon village, sub-district of Brondong, Lamongan is the child adoption that the biological parents are unknown. One of judge of religious court Lamongan said the lineage of that adopted child is existing in the parent who picked them up.

From the statement of that judge, the researcher needs to conduct this research to know each *ijtihad* of judge in religious court Lamongan in deciding the adoption case that the biological parents are unknown.

The type of research that the researcher uses in this research is a descriptive study with qualitative approach. The method of data collection is interview and documentation method, while the method of data analysis is a qualitative descriptive analysis.

The result of research shows that the petition of child adoption either child adoption of known biological parent or child adoption of unknown biological parent, may be granted when the adoption is intended to provide prosperity and welfare of the child and in accordance with the procedure that has been regulated in the regulation. The majority of the interviewed judges of the religious court in Lamongan view that the lineage of adopted children whose their biological parents are unknown, it could not switch to the adoptive parents. So the implication of legal guardianship of that adopted child is at the guardian of judge and their inheritance is only based on *wasiat wajibah*.