

## ABSTRACT

Mohamad Hoirul Anam, Student ID Number 10210025, 2014. **Inheritance of Adopted Child at *Osing* Society In Grogol Village, Giri Subdistrict, Banyuwangi, Based on Fiqh and KHI Perspective.** Thesis. Al-Ahwal Al-Shakhshiyah Department, Sharia Faculty, the State Islamic University of Maulana Malik Ibrahim of Malang. Supervisor: Dr. Zaenul Mahmudi, M.A.

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**Keywords:** Inheritance, adopted child, osing society, fiqh, KHI

Child adoption is taking other people's children done by someone both men and women then these children put in their own family, it results to the transfer of roles and responsibilities from the biological parents to the adoptive parents to care for and raise the child. The act in real terms can be seen in the lives of several families in the *Osing* society at grogol village, giri subdistrict, Banyuwangi. Child adoption is done in various manners and motivations. For instances, the families don't have children or even a sense of compassion for the family of adopted children. Families who have adopted children then take it as a biological child and he will also be entitled to the estate of his adoptive parents.

Based on the problem above, the researcher intends to study about: a). What is the position of adopted child in the family of *Osing* society in Grogol village, Giri subdistrict, Banyuwangi? b). How does the system of inheritance regulate the adopted child in the community in Grogol village, Giri subdistrict, Banyuwangi? Researcher also review the above issues on Fiqh and KHI perspective.

This research is an empirical study using a qualitative approach. In accordance with the chosen research approach, the methods of data collection researchers use are interview and observation. The data obtained from two methods. Analysis method used is descriptive aiming to describe a situation or phenomenon happened in the field. In the last stage is to draw a conclusion that the purpose of finding answers appropriate to formulation of the problem set.

Research finding shows that: a). The position of the adopted child is considered as a biological child so he has a strong position within the adoptive family. b). The system of inheritance gives adopted children the estate as a whole, if he is the only son. If they have other biological child, the adopted child is given half. This is not in line with the principles of the fiqh rules. The adopted child does not have bloodship with his adoptive parents. Therefore, he does not have the right of inheritance from them. According to KHI adopted child is considered legitimate by the decision of the Court and obtain the of obligatory bequest (*wasiat wajibah*) of third part of his adoptive parent's inheritance.