



Legal Consequences of Concealing Adopted Children's Lineage: A Comparative Study Between Indonesian Criminal Law and Islamic Law on Identity, Inheritance, and Child Protection

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Article History Received: 2026-05-16 Revised: 2026-05-24 Published: 2026-05-30 Keywords: <i>Adopted Child; Islamic Law; Lineage</i>	Concealing the ancestry of adopted children constitutes a complex legal issue that involves the intersection between criminal law, child protection, and Islamic legal principles. Adoption in contemporary society is no longer merely a social relationship of care but also generates significant legal consequences concerning personal identity, lineage, inheritance rights, guardianship, and family relations. In Indonesia, the legal framework of adoption reflects a pluralistic character, where national law prioritizes the protection of children's rights and administrative certainty, while Islamic law strictly maintains the preservation of nasab (lineage) as an essential element of individual legal status. The practice of concealing the biological origins of adopted children creates a conflict between social perceptions that often place adopted children in an equivalent position to biological children and legal principles requiring transparency of identity. This study aims to examine the legal consequences of concealing the ancestry of adopted children from the perspectives of Indonesian criminal law and Islamic law. This research employs a normative juridical method using statutory and conceptual approaches through analysis of relevant legislation, the Compilation of Islamic Law, and Islamic legal doctrines. The findings indicate that concealing the ancestry of adopted children may constitute a legally prohibited act under Indonesian criminal law, particularly when accompanied by false statements, unlawful adoption procedures, or manipulation of a child's identity, which may result in criminal liability. From the perspective of Islamic law, such concealment contradicts the principle of maintaining nasab and may create legal consequences concerning inheritance, marriage guardianship, and familial status. Islamic law permits adoption in the form of kafalah, emphasizing protection and care without altering the child's original lineage. This study concludes that transparency regarding the origins of adopted children is a fundamental legal obligation that serves to protect children's rights, prevent future legal disputes, and harmonize positive law with Islamic legal values in Indonesia's adoption system.

I. INTRODUCTION

Concealing the ancestry of adopted children is a crucial legal issue, both in Indonesia and from an Islamic perspective. The issue of lineage concealment is not only related to family relations but also involves broader legal dimensions, including the child's right to personal identity, legal recognition, inheritance status, and protection from discriminatory treatment. In modern child protection discourse, identity is recognized as an inherent right of every child because knowledge of biological origins contributes to psychological development, social belonging, and legal certainty regarding personal status (UNICEF, 2021; Freeman, 2020).

Under Islamic law, adoption, or tabanni, does not change the child's lineage and does not automatically grant inheritance rights to the adoptive parents. This is intended to maintain clarity of lineage, which is crucial for determining inheritance rights and guardianship relationships. This clarity is also crucial for protecting children's rights, particularly regarding identity and inheritance rights.

Historically, the concept of adoption has developed differently between Western legal traditions and Islamic legal traditions. Western adoption systems generally allow the transfer of parental status through adoption, while Islamic law distinguishes between caregiving

relationships and biological lineage relationships. This distinction creates a fundamental difference regarding whether adoption can alter a child's legal identity. Islamic law accepts the responsibility of caring for children through the concept of *kafalah*, but rejects the transformation of lineage because lineage has implications for inheritance, marriage restrictions, and family authority (Kamali, 2019).

However, in practice, the ancestry of adopted children often remains hidden, which can impact children's rights, including inheritance and identity rights. Several cases have shown actions to change or conceal the biological identity of adopted children, which violates existing legal provisions, both in Islamic law and Indonesian positive law.

The concealment of lineage frequently occurs due to social motivations, such as avoiding stigma, maintaining family reputation, or creating the perception of a complete family relationship. However, these motivations cannot justify actions that eliminate a child's right to know their biological identity. From a child protection perspective, the child's best interests principle requires that all decisions concerning children must prioritize their long-term welfare rather than merely fulfilling the interests of adults involved in the adoption process (Lansdown, 2020).

Furthermore, Indonesian law also regulates adoption through the Child Protection Law, which requires transparency regarding the origins of adopted children and provides criminal sanctions for concealing or falsifying their origins. This indicates a tension between social practice and law that needs to be addressed to more effectively protect the rights of adopted children. Although adoption is considered a positive social step, it raises a number of legal questions, both in the context of criminal law and Islamic law. In Indonesia, the status of adopted children under criminal law is regulated by the Child Protection Law, which recognizes the rights of adopted children, but with certain limitations that differ from those of biological children. Meanwhile, under Islamic law, adopted children do not have a blood relationship with their adoptive parents, which has implications for inheritance and guardianship rights.

The legal regulation of adoption in Indonesia demonstrates an attempt to balance two interests: protecting children who require care and

maintaining certainty regarding their biological identity. Article 39 of Law Number 35 of 2014 concerning Child Protection explicitly states that adoption does not terminate the blood relationship between adopted children and their biological parents. This provision reflects the legislative position that adoption creates a caregiving relationship rather than a replacement of biological lineage (Mulyadi, 2022).

Despite this, the status of adopted children remains recognized in terms of care and education. Therefore, challenges arise regarding the legal consequences of adoption, particularly regarding inheritance rights and legal identity, particularly regarding whether adopted children can inherit property from their adoptive parents. Furthermore, potential legal issues, both within the context of criminal law and Islamic law, have also received increased attention. Previous studies have generally examined adoption from the perspective of child protection, inheritance law, or Islamic family law separately. However, limited studies have specifically analyzed the criminal implications of concealing adopted children's lineage by integrating Indonesian criminal law and Islamic legal principles within a comparative framework. This research attempts to fill this gap by examining how both legal systems conceptualize lineage protection and impose legal consequences on acts that intentionally obscure the identity of adopted children. Therefore, it is important to understand the status, legal consequences, and perspectives of both legal systems regarding concealing the origins of adopted children.

This research offers a conceptual contribution by positioning lineage disclosure as a legal protection mechanism rather than merely an administrative requirement. Unlike previous studies that focus primarily on adoption procedures, this research analyzes concealment of lineage as a legal violation affecting identity rights, inheritance certainty, and family legal relations. Through a comparative analysis between Indonesian criminal law and Islamic law, this study seeks to formulate a more comprehensive understanding of adoption governance that protects both children's rights and legal order.

II. RESEARCH METHODS

This study employs a normative juridical research method with a qualitative approach. Normative juridical research examines law as a

system of norms consisting of legal principles, statutory provisions, doctrines, and judicial interpretations. This method is considered appropriate because this research focuses on analyzing the legal consequences of concealing the origins of adopted children through the perspective of Indonesian criminal law and Islamic law rather than examining empirical behavior in society (Marzuki, 2017).

The research applies three approaches, namely the statutory approach, conceptual approach, and comparative approach. The statutory approach is conducted by examining relevant legal provisions concerning adoption, child protection, criminal liability, and family relations, including Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, the Criminal Code provisions related to concealment of identity and false recognition of children, and the Compilation of Islamic Law (KHI). Through this approach, the study analyzes the extent to which Indonesian positive law provides protection for adopted children's identity rights and regulates legal consequences for violations related to adoption procedures and lineage concealment (Soekanto & Mamudji, 2015).

The conceptual approach is used to analyze fundamental legal concepts related to adoption, lineage (nasab), child protection, inheritance rights, and guardianship. This approach is important because the issue of adopted children's origins cannot be understood solely through statutory provisions but must also be examined through legal doctrines and Islamic legal principles concerning the preservation of lineage. In Islamic jurisprudence, maintaining nasab is categorized as one of the essential objectives of Islamic law (maqashid al-shariah) because lineage determines various legal consequences, including inheritance, marriage restrictions, and family relationships (Kamali, 2019).

Furthermore, this research employs a comparative approach by comparing the conceptual framework of Indonesian criminal law and Islamic law regarding the concealment of adopted children's origins. This comparison aims to identify similarities and differences between the two legal systems, particularly regarding the protection of identity rights, prohibition of false lineage attribution, and legal sanctions imposed against acts that violate adoption principles (Zuhaili, 2019).

The legal materials used in this research consist of primary, secondary, and tertiary legal

materials. Primary legal materials include statutory regulations, including Law Number 35 of 2014 concerning Child Protection, the Indonesian Criminal Code provisions related to crimes involving child identity and lineage, the Compilation of Islamic Law, the Qur'an, and relevant Hadith concerning lineage and adoption. Secondary legal materials consist of legal books, scientific journals, academic articles, and opinions of legal scholars related to criminal law, child protection law, and Islamic family law. Meanwhile, tertiary legal materials include legal dictionaries, encyclopedias, and other supporting references that provide explanations regarding legal terminology.

The collection of legal materials was conducted through library research by identifying, classifying, and analyzing legal sources relevant to the research objectives. The collected materials were analyzed qualitatively using descriptive-analytical techniques. This analysis method aims to interpret legal norms, examine their relationship with legal principles, and construct legal arguments regarding the prohibition and legal consequences of concealing adopted children's origins. The conclusions were drawn deductively by connecting general legal principles regarding child protection and lineage preservation with specific legal issues concerning concealment of adopted children's identity (Marzuki, 2017).

Through this methodological framework, the research seeks to provide a comprehensive legal analysis regarding the position of adopted children, the consequences of concealing their origins, and the compatibility between Indonesian criminal law and Islamic legal principles in protecting children's identity rights.

III. RESULTS AND DISCUSSION

A. Overview of Adopted Children

1. Understanding Adopted Children

Adoption is a legal and social institution that exists in almost every legal system, although its legal consequences differ depending on the philosophical foundation of each legal tradition. In general, adoption refers to the transfer of responsibility for the care, education, and protection of a child from the biological family to another person or family through a legally recognized mechanism. However, the transfer of responsibility does not necessarily mean the transfer of biological status because

lineage has different legal implications from parental responsibility (Soemitro, 2011).

From the perspective of modern child protection law, adoption is no longer primarily viewed as a mechanism to fulfill the interests of adults who wish to have children, but rather as a legal instrument aimed at ensuring the survival, development, and welfare of children. Therefore, the primary consideration in adoption must be based on the principle of the best interests of the child (the best interests of the child). This principle has become a universal standard in contemporary child protection systems, including in Indonesia through the Child Protection Law (Kementerian Pemberdayaan Perempuan dan Perlindungan Anak, 2020).

In Islamic legal terminology, adoption is known as *tabanni*, which refers to the act of taking another person's child and treating that child as one's own. Historically, the practice of *tabanni* during the pre-Islamic Arab period resulted in the complete transformation of the child's legal status, including the use of the adoptive father's name, inheritance rights, and family relationships. Islamic law later corrected this practice by distinguishing between adoption as a form of child protection (*kafalah*) and adoption that changes lineage (*nasab*) (Nasroen, 1996).

The distinction between *kafalah* and *tabanni* demonstrates that Islamic law does not reject the humanitarian dimension of adoption. Islam encourages caring for orphans and children who require protection, but rejects the alteration of biological identity. This is because lineage (*nasab*) is considered one of the fundamental elements in Islamic legal structure, which determines various legal consequences, including inheritance, marriage restrictions, and guardianship relationships (Syamsu Alam Andi & Fauzan, 2008).

Therefore, the essence of adoption in Islamic law is not the creation of a new biological relationship but the establishment of a social responsibility relationship. Adoptive parents are responsible for providing care, education, and protection, but these responsibilities do

not change the child's biological origin. Concealing the child's origins therefore creates a contradiction with the fundamental objective of Islamic law, namely preserving lineage (*hifzh al-nasl*) as one of the essential elements of *maqashid al-shariah* (Al-Zuhaili, 2011).

The importance of maintaining lineage is closely related to the protection of individual rights. Identity is not merely administrative information but an element of personal dignity that determines a person's legal position within society. Therefore, concealing the origin of an adopted child can create uncertainty regarding the child's identity and potentially cause legal harm in the future, particularly concerning marriage, inheritance, and family relations (Aziz, 2019).

2. Adopted Children in Islam

Islamic law regulates adoption through the principle of maintaining clarity of lineage (*nasab*). The legal basis can be found in Surah Al-Ahzab verses 4 and 5, which explicitly differentiate between adopted children and biological children. The verse emphasizes that adopted children must continue to be associated with their biological fathers when their identity is known, because this reflects justice and truth before Allah (Kementerian Agama Republik Indonesia, 2019).

This provision demonstrates that Islamic law views lineage as a legal fact that cannot be changed merely through social recognition. A person cannot acquire the status of biological child solely because of emotional closeness, care, or affection. Although adoptive parents have a moral and legal obligation to protect the child, the biological relationship remains attached to the original family (Ichsan & Dewi, n.d.).

The prohibition against changing lineage is also supported by the hadith narrated by Imam Bukhari and Muslim concerning the prohibition of attributing oneself to someone other than one's biological father while knowing the truth. This principle reflects the Islamic legal commitment to maintaining honesty and preventing confusion in family relationships (Al-Bukhari, 2002).

From the perspective of *maqashid al-shariah*, the prohibition of hiding the origins of adopted children aims to protect one of the five fundamental objectives of Islamic law, namely the protection of lineage (*hifzh al-nasl*). The preservation of lineage is necessary because many Islamic legal consequences depend on the certainty of family relationships, including inheritance distribution, marriage prohibitions, and guardianship authority (Al-Syatibi, 2004).

Regarding inheritance, Islamic law establishes that adopted children do not automatically become heirs of adoptive parents because inheritance relationships arise from blood relations (*nasab*), marriage (*musaharah*), or legally recognized forms of guardianship. However, Islamic law does not ignore the welfare of adopted children because it provides alternative mechanisms such as gifts (*hibah*) and mandatory wills (*wasiyyah wajibah*) as regulated in Article 209 of the Compilation of Islamic Law (Kompilasi Hukum Islam, 1991).

This arrangement demonstrates that Islamic law seeks to maintain equilibrium between two principles: protecting children who need care and preserving legal certainty regarding lineage. Therefore, concealing the origins of adopted children is considered problematic because it not only violates the principle of honesty but also has the potential to disrupt the Islamic legal order concerning inheritance and family relationships (Harun Nasroen, 1996).

3. Adopted Children According to Law and KHI

The regulation of adoption in Indonesia reflects the development of a legal system that combines elements of civil law, customary law, and religious law. Historically, some Indonesian communities recognized adoption as creating a relationship equivalent to biological parentage. However, modern Indonesian legislation has shifted toward a child protection paradigm that prioritizes the rights and interests of adopted children (Rais et al., 2016).

Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection provides a clear legal framework that adoption does

not terminate the blood relationship between adopted children and biological parents. Article 39 paragraph (2) emphasizes that adoption is a transfer of responsibility for care and education, not a transfer of biological identity (Law Number 35 of 2014 concerning Child Protection).

Furthermore, Article 39 paragraph (5) requires adoptive parents to inform adopted children about their origins and biological parents while considering the psychological readiness of the child. This provision reflects recognition of the child's right to identity, which is part of fundamental human rights protection (Kusumaatmadja & Sidharta, 2009).

The obligation to disclose origins has significant legal implications. Concealing the child's biological identity may create uncertainty regarding inheritance rights, marriage relationships, and other civil consequences. Therefore, Indonesian law views transparency in adoption not only as an ethical obligation but also as a legal requirement designed to prevent future disputes (Marzuki, 2017).

The Compilation of Islamic Law also adopts a similar approach. Article 171 letter (h) of KHI defines an adopted child as a child whose responsibility for daily living expenses, education, and care has been transferred to adoptive parents based on a court decision. However, this transfer does not create a blood relationship or inheritance relationship between the adopted child and adoptive parents (Kompilasi Hukum Islam, 1991).

Thus, both Indonesian positive law and Islamic law share a fundamental similarity: adoption is recognized as a form of protection and care, but it does not eliminate the child's original identity. This similarity demonstrates that the prohibition against concealing the origins of adopted children is not merely based on religious doctrine but is also consistent with modern principles of child protection and legal certainty.

B. Legal Protection

1. Legal Consequences of Adopted Children According to Islamic Law

From the perspective of Islamic law, adoption primarily creates a relationship of

responsibility and care rather than a transformation of biological status. The fundamental principle underlying adoption in Islam is that the child's original lineage (nasab) must remain preserved. This principle demonstrates that Islamic law places identity and lineage as essential elements of legal certainty because various legal consequences depend on the clarity of a person's biological relationship (Syamsu Alam Andi & Fauzan, 2008).

The preservation of lineage is closely related to the objective of Islamic law (maqashid al-shariah), particularly the protection of offspring (hifzh al-nasl). The concept of hifzh al-nasl does not merely refer to maintaining biological reproduction but also protecting family structures, identity, and legal relationships between individuals. Therefore, any action that causes confusion or falsification of lineage is considered contrary to the objectives of Islamic law because it may create uncertainty regarding rights and obligations within the family system (Al-Syatibi, 2004).

a. Lineage

Lineage is one of the most important legal concepts in Islamic family law. In Islamic jurisprudence, nasab refers to a legal relationship arising from blood ties that creates various consequences, including inheritance rights, marriage prohibitions, and guardianship authority. Because of its significant legal implications, lineage cannot be transferred merely through social recognition or emotional attachment (Syamsu Alam Andi & Fauzan, 2008).

The prohibition against changing the lineage of adopted children is explicitly regulated in the Qur'an through Surah Al-Ahzab verses 4 and 5. These verses instruct Muslims to associate adopted children with their biological fathers when their identity is known. This provision reflects the Islamic principle that truth and justice in family relationships must be maintained, even when a child has been raised and cared for by another family (Kementerian Agama Republik Indonesia, 2019).

The preservation of lineage also prevents several potential legal problems. If an adopted child is falsely recognized as

a biological child, confusion may arise regarding marriage restrictions because Islamic law prohibits marriage between individuals who have certain blood relationships. Likewise, false lineage may affect inheritance distribution because inheritance rights are determined based on legally recognized family relationships (Harun Nasroen, 1996).

Therefore, concealing the origins of an adopted child is not merely an administrative issue but represents a violation of a fundamental legal principle in Islamic law. The concealment may create an artificial family relationship that contradicts the actual biological condition of the child and may result in injustice toward both the adopted child and other members of the family.

Islamic law also emphasizes that maintaining lineage does not mean reducing the dignity of adopted children. On the contrary, recognizing the child's biological identity is a form of protection because it guarantees the child's right to know their origins. A child's identity is an inherent right that cannot be eliminated merely because the child receives care from another family (Ichsan & Dewi, n.d.).

b. Guardianship

Guardianship in Islamic law is closely related to authority and responsibility over individuals who are considered unable to independently perform certain legal actions. The concept of guardianship (wilayah) includes protection, supervision, and representation based on responsibility and affection (Syamsu Alam Andi & Fauzan, 2008).

In the context of adopted children, Islamic law distinguishes between caregiving authority and legal guardianship arising from lineage. Adoptive parents may have the responsibility to provide education, protection, and daily necessities, but they do not automatically obtain the status of biological guardians, particularly in matters where lineage has legal consequences, such as marriage guardianship (wali nikah) (Harun Nasroen, 1996).

This distinction is important because Islamic marriage law requires a legitimate

guardian who has a recognized legal relationship with the bride. Therefore, an adoptive father cannot replace the biological father as a marriage guardian merely because he has raised the child since childhood. If the biological father is unknown or unavailable, Islamic law provides alternative mechanisms through the appointment of a legal guardian (wali hakim) according to applicable procedures (Zuhaili, 2011).

The separation between caregiving and guardianship demonstrates that Islamic law does not deny the role of adoptive parents but places limits to prevent confusion in legal relationships. Consequently, concealing the origins of adopted children may create serious legal consequences because it may cause errors in determining guardianship authority, particularly in marriage.

c. Inheritance

Inheritance is one of the areas most affected by the legal status of adopted children. Islamic inheritance law establishes that inheritance rights arise from three main relationships: blood relationship (nasab), marriage (musaharah), and certain forms of legal authority recognized by Islamic jurisprudence. Since adopted children do not have a blood relationship with adoptive parents, they do not automatically become heirs of adoptive parents (Harun Nasroen, 1996).

This principle is derived from the Qur'anic concept that inheritance must be distributed among persons who have legally recognized relationships with the deceased. Therefore, equating adopted children with biological children in inheritance matters may violate the rights of legitimate heirs and create injustice within the family structure (Muthiah Aulia et al., 2015).

Nevertheless, Islamic law does not ignore the welfare of adopted children. The prohibition of automatic inheritance does not mean that adopted children cannot receive financial protection. Islamic law provides alternative mechanisms through hibah and wasiyyah wajibah. In Indonesia, Article 209 of the Compilation of Islamic Law recognizes the possibility of granting

mandatory wills to adopted children or adoptive parents up to a maximum of one-third of the inheritance (Kompilasi Hukum Islam, 1991).

This arrangement reflects the flexibility of Islamic law in balancing legal certainty and social justice. The protection of lineage is maintained, while the humanitarian needs of adopted children remain accommodated. Therefore, hiding the origins of adopted children becomes problematic because it may artificially create inheritance relationships that are not recognized under Islamic law.

2. Legal Consequences of Adopted Children According to Positive Law

Indonesian positive law regulates adoption through a child protection perspective rather than through the creation of a new biological relationship. The primary objective of adoption under Indonesian law is to ensure the welfare, protection, and development of children who require care, while maintaining their fundamental identity rights (Rais et al., 2016).

Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection establishes that adoption does not terminate the blood relationship between adopted children and biological parents. This provision indicates that Indonesian law rejects the concept of adoption that completely replaces biological identity with adoptive identity (Law Number 35 of 2014 concerning Child Protection).

a. Lineage (Blood Relations)

In Indonesian legal perspective, adoption creates a relationship of care and responsibility but does not create a new biological relationship. Adoptive parents obtain the authority to provide protection, education, and daily necessities, but they cannot legally erase the child's original identity.

Article 39 paragraph (2) of the Child Protection Law explicitly confirms that adoption does not sever the blood relationship between adopted children and biological parents. Furthermore, adoptive parents have an obligation to inform adopted children regarding their origins and biological parents while

considering the psychological readiness of the child (Law Number 35 of 2014 concerning Child Protection).

This obligation reflects the recognition of the child's right to identity. The right to know one's origins has become an important element in contemporary child protection law because identity is closely related to personal dignity and psychological development. Concealing a child's origins may negatively affect the child's self-concept and create legal uncertainty in adulthood (Marzuki, 2017).

Therefore, Indonesian law views concealment of adoption origins as an act that potentially violates children's rights. Although adoptive parents may have good intentions in protecting the child's feelings, such intentions cannot justify actions that eliminate the child's right to accurate information regarding their biological background.

b. Guardianship

Under Indonesian positive law, guardianship of adopted children is primarily related to the transfer of responsibility for care and protection. Article 1 paragraph (9) of the Child Protection Law defines an adopted child as a child whose rights and responsibilities regarding care, education, and upbringing are transferred to adoptive parents based on a court decision.

Unlike Islamic law, Indonesian positive law does not primarily regulate guardianship based on lineage but focuses on the responsibility of adoptive parents toward children's welfare. Adoptive parents therefore have legal responsibility for protecting the child and ensuring the fulfillment of their rights (Law Number 35 of 2014 concerning Child Protection).

However, this transfer of responsibility does not authorize adoptive parents to falsify or eliminate the child's biological identity. The authority of adoptive parents is limited to caregiving functions and cannot extend to changing fundamental personal information. Consequently, concealment of origins exceeds the legitimate authority of adoptive parents because it transforms a caregiving

relationship into a false biological relationship.

C. An Analysis of Hiding the Origins of Adopted Children from the Perspective of Criminal Law and Islamic Law

1. Criminal Law Perspective

From the perspective of Indonesian criminal law, concealing the origins of an adopted child cannot merely be understood as a private family matter. Instead, it constitutes conduct that may infringe upon legally protected interests, particularly the child's right to identity, legal certainty, and civil status. Modern criminal law increasingly recognizes that the protection of children extends beyond physical welfare to include the protection of legal identity as an essential component of human dignity (Muladi & Arief, 2010).

The child's identity is legally protected because it determines numerous civil and legal relationships throughout life, including family status, inheritance rights, citizenship administration, marriage, and access to social protection. Consequently, any deliberate act intended to falsify, conceal, or manipulate a child's origin potentially causes long-term legal harm that extends beyond the interests of the adoptive family (Marzuki, 2017).

Under Indonesian law, the Child Protection Law emphasizes that adoption does not sever the biological relationship between the child and the biological parents. Article 39 expressly requires adoptive parents to disclose the child's biological origins when the child has reached an appropriate level of maturity. This obligation reflects the legislative recognition that identity is an inalienable right of every child and cannot be waived by agreement between adults (Law Number 35 of 2014 concerning Child Protection).

From the perspective of criminal law policy, the obligation to preserve a child's identity is consistent with the principle that criminal law functions not only to punish offenders but also to protect fundamental legal interests (*rechtsgoederen*). In this context, the legal interest protected is the child's authentic civil identity, which forms the basis for numerous legal relationships throughout life (Moeljatno, 2008).

Furthermore, concealment of an adopted child's origin may satisfy the constituent elements of several criminal offences depending upon the factual circumstances of each case.

The first relevant offence concerns the concealment of a person's origin as regulated under Article 277 of the Indonesian Criminal Code. This provision criminalizes intentional acts that obscure or falsify the lineage or civil status of another person. Although historically this article was designed to address child substitution and falsification of parentage, its underlying legal rationale remains applicable to deliberate concealment of an adopted child's biological identity because such conduct intentionally creates legal uncertainty regarding the child's civil status (Lamintang, 2014).

The essential elements of Article 277 include intentional conduct (*dolus*), an act of concealing or falsifying origin, and resulting legal uncertainty regarding family identity. Where adoptive parents deliberately destroy birth records, falsify birth certificates, or intentionally represent an adopted child as their biological child, these elements may be fulfilled. The offence therefore protects not merely administrative records but the authenticity of family relationships recognized by law (Chazawi, 2016).

Secondly, Article 278 of the Criminal Code concerning false acknowledgment of a child may also become relevant when a person knowingly claims biological parentage over a child despite being fully aware that no biological relationship exists. Such conduct differs from lawful adoption because adoption legally transfers parental responsibility without transferring biological status. Therefore, presenting an adopted child as a biological child for legal purposes may constitute fraudulent acknowledgment prohibited under criminal law (Prasetyo, 2019).

Another important aspect concerns adoption conducted outside the procedures established by the Child Protection Law. Article 79 of Law Number 23 of 2002 as amended by Law Number 35 of 2014 provides criminal sanctions against any person conducting adoption contrary to statutory requirements. The criminalization reflects legislative policy that adoption must

occur transparently under judicial supervision in order to prevent child trafficking, identity falsification, and other abuses affecting children's rights (Law Number 35 of 2014 concerning Child Protection).

Beyond these specific offences, concealment of origin may also intersect with offences relating to falsification of authentic documents where birth certificates, family registration documents, or civil registry records are intentionally altered. In such situations, criminal liability may arise not solely because the child's identity is concealed but because official state documents have been manipulated, thereby undermining public trust in civil registration systems (Hamzah, 2015).

From a victimological perspective, the principal victim of such conduct is not merely the biological family but the adopted child. A child deprived of knowledge concerning biological origins may suffer lifelong consequences affecting legal identity, psychological development, inheritance claims, and access to biological family history, including hereditary medical information. Consequently, concealment of identity should be viewed as producing both legal and social harm extending far beyond administrative irregularities (Gosita, 2013).

Therefore, Indonesian criminal law increasingly supports the view that protecting children's identity constitutes an essential component of child protection policy. Criminal sanctions are justified not because adoption itself is prohibited, but because deception regarding biological origin undermines legal certainty, violates children's rights, and potentially disrupts the integrity of the national civil registration system.

2. Islamic Legal Perspective

Islamic law approaches the concealment of adopted children's origins from a fundamentally different yet complementary perspective. While positive law primarily emphasizes legal certainty and protection of civil rights, Islamic law places greater emphasis upon preserving lineage (*hifzh al-nasl*) as one of the essential objectives (*maqashid al-shariah*) that safeguard human society (Al-Syatibi, 2004).

Within Islamic jurisprudence, lineage is not simply biological information but constitutes a legal institution from which numerous rights and obligations emerge. Through lineage, Islamic law determines inheritance rights, marriage prohibitions, guardianship authority, maintenance obligations, and family identity. Consequently, preserving lineage serves both private and public interests because certainty regarding family relationships contributes to social order and justice (Al-Zuhaili, 2011).

The Qur'an explicitly prohibits attributing adopted children to adoptive parents. Surah Al-Ahzab verses 4 and 5 instruct believers to call adopted children by the names of their biological fathers whenever such information is known. Classical and contemporary Islamic scholars interpret this command as establishing a mandatory legal obligation rather than merely an ethical recommendation because lineage represents an objective legal reality that cannot be altered by social agreement (Kementerian Agama Republik Indonesia, 2019).

The prohibition was historically reinforced through the case of Zayd ibn Harithah, who had previously been known as Zayd ibn Muhammad before the revelation of Surah Al-Ahzab. Following the revelation, the Prophet Muhammad restored Zayd's biological lineage, thereby establishing an enduring legal principle that adoption cannot alter ancestry. This historical development demonstrates that Islamic law intentionally abolished pre-Islamic adoption practices that equated adopted children with biological offspring (Nasroen, 1996).

Concealing the biological origin of an adopted child therefore contradicts several fundamental principles simultaneously. First, it violates the obligation of truthfulness (*sidq*) because it intentionally creates false information regarding lineage. Secondly, it conflicts with the principle of justice (*'adl*) because false lineage may deprive biological relatives of their legitimate legal rights. Thirdly, it undermines the preservation of lineage (*hifzh al-nasl*), which Islamic legal theory

recognizes as one of the indispensable objectives of the Sharia (Al-Syatibi, 2004).

From the perspective of Islamic inheritance law, concealment of lineage may produce particularly serious consequences. If an adopted child is mistakenly treated as a biological heir, legitimate heirs may receive smaller inheritance shares than prescribed by Islamic law. Conversely, the adopted child may unknowingly assume legal rights that Islamic inheritance law never intended to confer. Such distortion undermines distributive justice embedded within the Qur'anic law of succession (Syamsu Alam Andi & Fauzan, 2008).

Likewise, uncertainty regarding lineage may affect marriage law. Islamic law prohibits marriage between certain categories of blood relatives (*mahram*). Where biological identity has been concealed, individuals may unknowingly enter marriages prohibited under Islamic law, thereby affecting the validity of marriage itself and the legal status of future descendants (Harun Nasroen, 1996).

Nevertheless, Islamic law does not diminish the humanitarian responsibility of adoptive parents. On the contrary, Islam strongly encourages *kafalah*, whereby orphaned or abandoned children receive affection, education, financial support, and equal treatment in daily life. The distinction lies in the fact that compassion does not justify alteration of legal identity. Thus, Islamic law separates social responsibility from biological reality, ensuring that both child welfare and legal certainty remain protected simultaneously (Ichsan & Dewi, n.d.).

This balance demonstrates that Islamic law provides a sophisticated legal framework in which adoption is encouraged as a charitable institution while falsification of lineage remains prohibited. Consequently, concealing the origins of adopted children cannot be justified merely by reference to emotional attachment or social harmony because such concealment ultimately jeopardizes broader legal and ethical values protected by Islamic law.

D. Social and Ethical Consequences

The concealment of the origins of adopted children produces consequences that extend far beyond criminal liability and family law. Although legal analysis generally focuses on statutory violations and judicial sanctions, the social and ethical dimensions of concealing a child's biological identity are equally significant because they directly affect the child's psychological development, social integration, and realization of fundamental human rights. Consequently, this issue should be understood not merely as a legal dispute but as a multidimensional problem involving legal, ethical, religious, and social considerations (Freeman, 2014).

One of the most significant consequences concerns the child's right to identity. Identity is universally recognized as an inherent human right that enables every individual to understand their personal history, family relationships, nationality, and cultural background. Without knowledge of biological origins, an adopted child may experience uncertainty regarding personal identity, which may persist throughout adulthood. This uncertainty affects not only emotional development but also numerous legal relationships requiring proof of family lineage (Tobin, 2019).

International human rights law explicitly recognizes this principle. The **Convention on the Rights of the Child (CRC)** affirms that every child has the right to preserve his or her identity, including nationality, name, and family relations, without unlawful interference. Furthermore, children have the right, as far as possible, to know and be cared for by their biological parents. These provisions demonstrate that the preservation of identity has become an internationally accepted human rights standard rather than merely a domestic legal policy (United Nations, 1989).

From a psychological perspective, identity formation constitutes one of the central developmental tasks during childhood and adolescence. According to Erikson's theory of psychosocial development, adolescents seek coherence regarding their personal identity, family background, and social role. Where information concerning biological origins is intentionally concealed, individuals may experience identity confusion, anxiety, distrust toward family members, and long-

term psychological distress after discovering the truth later in life (Erikson, 1968).

Empirical studies concerning adoption have similarly demonstrated that adopted individuals who receive truthful and age-appropriate information regarding their origins generally demonstrate healthier psychological adjustment than those who discover their adoption unexpectedly during adulthood. Openness within adoptive families promotes trust, emotional security, and stronger family relationships, whereas secrecy frequently generates feelings of betrayal and emotional alienation (Brodzinsky, 2011).

The ethical implications of concealing a child's origins are equally profound. Ethical theories grounded in autonomy and human dignity maintain that every individual possesses the moral right to truthful information concerning matters that fundamentally affect personal identity. Consequently, adoptive parents who intentionally conceal biological origins may believe they are protecting the child from emotional distress, yet such paternalistic reasoning conflicts with the child's autonomous right to know the truth regarding their own identity (Beauchamp & Childress, 2019).

From the perspective of legal ethics, transparency also contributes to the realization of justice. Concealment may inadvertently prejudice biological relatives whose legal rights depend upon accurate family relationships. Questions concerning inheritance, guardianship, succession, and even medical decision-making frequently require reliable information concerning biological ancestry. Thus, concealment of identity affects not only the adopted child but also other members of both the biological and adoptive families.

Within Islamic ethics, honesty (*sidiq*) and trustworthiness (*amanah*) represent fundamental moral obligations governing interpersonal relationships. Deliberately concealing lineage contradicts these ethical principles because it creates false legal and social perceptions regarding family relationships. Islamic legal philosophy therefore regards preservation of lineage not merely as compliance with formal legal rules but as an ethical obligation reflecting respect

for truth, justice, and human dignity (Al-Zuhaili, 2011).

Furthermore, concealment of biological origins may generate broader social consequences by weakening public confidence in adoption systems. Public trust depends upon transparent legal procedures that ensure adoption serves the best interests of children rather than the personal interests of adults. Where identity manipulation becomes socially tolerated, confidence in civil registration systems, judicial supervision, and child protection institutions may gradually deteriorate, thereby increasing opportunities for illegal adoption, child trafficking, document falsification, and exploitation (UNICEF, 2021).

In contemporary child protection discourse, adoption is increasingly viewed through a rights-based approach rather than a charity-based approach. This perspective emphasizes that children are independent rights holders rather than passive beneficiaries of adult decisions. Accordingly, decisions concerning adoption including decisions regarding disclosure of biological origins must prioritize the child's long-term rights rather than the short-term preferences of adoptive parents. Such an approach aligns with both international human rights law and Indonesian child protection legislation, which recognize identity as a fundamental component of child welfare (Freeman, 2014).

From a comparative legal perspective, many jurisdictions have gradually shifted toward greater openness in adoption practices. Several countries have introduced open adoption systems that permit adopted children to access information concerning their biological families upon reaching a certain age. Although the legal models differ, the underlying philosophy remains consistent: preserving biological identity enhances rather than weakens the legitimacy of adoption because it reconciles child protection with respect for individual rights (Bridge & Swindells, 2018).

Ultimately, the concealment of adopted children's origins should not be evaluated solely according to formal legal compliance but also according to broader considerations of justice, child welfare, and human dignity. Criminal law, Islamic law, and international human rights law converge in recognizing that

children possess an inherent interest in preserving their biological identity. Consequently, transparent adoption procedures should be regarded as essential mechanisms for safeguarding children's rights while simultaneously maintaining legal certainty, family integrity, and public confidence in the administration of justice.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

The concealment of the origins of adopted children constitutes a legal issue that extends beyond administrative non-compliance, affecting the protection of children's identity, lineage, inheritance rights, guardianship, and legal certainty. From the perspective of Indonesian criminal law, such conduct may give rise to criminal liability where it involves falsification of identity, concealment of lineage, or adoption procedures that violate statutory requirements. Indonesian positive law therefore emphasizes transparency in adoption as an essential component of child protection.

From the perspective of Islamic law, the concealment of lineage is fundamentally inconsistent with the objectives of the *Sharī'ah* (*maqāṣid al-sharī'ah*), particularly the protection of lineage (*ḥifẓ al-nasab*). While Islam strongly encourages the care and protection of abandoned or vulnerable children through the institution of *kafālah*, it strictly prohibits altering or concealing a child's biological identity. Accordingly, both Indonesian criminal law and Islamic law converge in recognizing that transparency regarding a child's origins is indispensable for safeguarding legal rights, preserving family identity, and ensuring justice for all parties involved in the adoption process.

B. Sugestions

The Indonesian government should strengthen the implementation and supervision of adoption procedures by ensuring greater integration between civil registration, child protection institutions, and judicial authorities to prevent the concealment of children's origins. Legal education should also be enhanced to improve public awareness regarding the legal consequences of unlawful adoption practices.

From the perspective of Islamic law, religious institutions and family courts should continue promoting the concept of *kafālah* while emphasizing the obligation to preserve the biological identity of adopted children. Future studies are recommended to employ empirical and comparative approaches to examine how adoption practices are implemented in different jurisdictions and to evaluate the effectiveness of existing legal protections for adopted children in safeguarding their identity and lineage rights.

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