



Shifting Rights to Education of Adopted Children in Terantang Village Perspective of Islamic Law

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Abstract

Providing the right to proper education for adopted children is the basic goal of adoption. The right to education is one of the rights that must be fulfilled by adoptive parents. In general, the organizers of children's rights above are the obligation and responsibility of the government and society. This research states that in Islamic law adopting a child is a good deed, which helps adopted children get a proper education. The phenomenon that occurred in Terantang Village, the right to education for adopted children shifted to utilization, because it was caused by several factors, one of which was from an economic perspective. The purpose of this research is to strengthen previous research, and to further examine the shift in educational rights for adopted children and to look at the factors that lead to non-fulfillment of adoption rights in Terantang Village. This study uses a sociological normative. The results of this study found several factors that resulted in a shift in educational rights, even the rights of adopted children were not given, such as: economic factors, community habits and social media factors. In fact, in Islam, adoption is a good deed, but over time this right shifts to utilization.

Keywords: Right to Education, Adopted Children, Islamic Law.

Abstrak

Memberikan hak pendidikan yang layak bagi anak angkat adalah tujuan dasar dari pengangkatan anak. Hak pendidikan tersebut merupakan salah satu hak yang harus dipenuhi orang tua angkatnya. Pada umumnya penyelenggara hak-hak anak di atas, merupakan kewajiban serta tanggung pemerintah dan masyarakat. Penelitian ini menyatakan dalam hukum Islam mengadopsi anak merupakan perbuatan yang baik, yang menolong anak

angkat mendapatkan pendidikan yang layak. Fenomena yang terjadi di Desa Terantang, hak pendidikan anak angkat bergeser menjadi pemanfaatan, karena diakibatkan beberapa faktor salah satunya dari segi ekonomi. Tujuan dari penelitian ini, memperkuat penelitian sebelumnya, serta meneliti lebih lanjut mengenai pergeseran hak pendidikan anak angkat serta melihat faktor-faktor yang mengakibatkan tidak terpenuhinya hak angkat di Desa Terantang. Penelitian ini menggunakan pendekatan normatif sosiologis. Hasil penelitian ini menemukan beberapa faktor yang mengakibatkan pergeseran hak pendidikan, bahkan tidak diberikan hak anak angkat tersebut seperti: faktor ekonomi, faktor kebiasaan masyarakat dan faktor media sosial. Sejatinya dalam Islam pengangkatan anak adalah perbuatan yang baik, tetapi seiring waktu hak tersebut bergeser menjadi pemanfaatan.

Kata Kunci: Hak Pendidikan, Anak Angkat, Hukum Islam.

Introduction

The era of society 5.0 requires that every individual, especially progressive parents, follow it, because this era requires technology-based education. So that in this era of society 5.0, giving the right to education is one of the most important rights for adopted children. The phenomenon that occurred in Terantang Village, Kampar Regency, was that the rights that should have been granted were not fulfilled, they were even used. In fact, providing the right to proper education for adopted children is the basic goal of adopting a child.

The basic goal of adopting a child is to guarantee educational welfare for him, so that in this situation it opens up opportunities for anyone who wants to adopt a child (Manopo, 2017). Initially, the adoption of adopted children is to continue the descent for their adoptive parents, when in a marriage bond they cannot have children. In line with that, adoption is also permitted for parents who are well-off and have good intentions to carry out their responsibilities as adoptive parents.

The above understanding is the concern of researchers to see the phenomena that occur and analyze why these practices are carried out. Factors that result in adoptive parents not paying attention to their adopted children, one of the factors that can be seen from an economic perspective. With economic factors that are less able than adoptive parents, it has a big impact on the continuity of children's education (Ary Chandra Pramana, 2017). The definition above, provides an explanation that it is very necessary to pay attention to the economy of the adoptive parents, before adopting a child. As explained above, one of the goals of allowing adoption is for the welfare of the child, especially in the field of education.

Based on the description above, several research similarities were found, such as an article written by Afif Faizal Bahar, in cases of appointment without a court decision. The results of his research state that adopting an adopted child is

actually a person's social awareness, thereby giving rise to willingness, sincerity, and care to take over the role of his biological parents and fulfill the child's rights (Afif Faizal Bahar, 2021). Furthermore, the article written by Legi Riska Ivon stated that the rights of an adopted child in the field of inheritance are the same as that of a biological child, so that an adopted child has the right to receive it. A similar study written by Sumiati Usman stated that the inheritance rights for adopted children were the same as those for biological children (Sumiati Usman, 2013).

The description of the research above explains that there are many rights that must be given to adopted children, one of which is inheritance. What is interesting in this study and what distinguishes previous research, is focusing on the right of adoption in the field of education. The purpose of this study was reviewed again, to analyze the extent to which adoptive parents no longer give their adopted children the right to education. Several factors were found that led to the non-fulfillment of the right to education for adopted children, such as social factors, economic factors, cultural factors and so on.

This research is a field research, using a *sociological normative* with the nature of an analytical descriptive research. Using this approach can see the source of law from the verses of the Koran and see the practice of shifting the rights of the adopted child. This research is carried out systematically regarding society or the subjectivity of the person being studied as well as social, cultural and other aspects. Then described to achieve a complete picture as desired. Utilizing *phenomenological theory*, this method is generally subjective and case study based, with a subjective micro-level of social reality to be studied. This is a small part of the macro-social chain, so it is deliberately focused on in this study. *phenomenological* is that it does not have the ambition to generalize social reality constructed by players or actors who have become their way of life. The researcher chose the *phenomenological*, because the researcher identified a certain phenomenon in the community, in this case the shift in the rights of adopted children in Terantang Village.

Right to Education of Adopted Children According to Islamic Law

Today's education is very much needed to develop children's talents, so the basic purpose of adopting children is for the welfare of the education sector. Thus, adoptive parents have become responsible for the right to education for their adopted children. In essence, fulfilling the right to education for adopted children is helping each other in goodness. Regarding this matter, it is contained in the letter al-Ma'idah (5): (2) which reads:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَحِلُّوا شَعَائِرَ اللَّهِ وَلَا الشَّهْرَ الْحَرَامَ وَلَا الْهَدْيَ وَلَا الْقَلَائِدَ وَلَا آمِينَ
الْبَيْتِ الْحَرَامِ يَبْتَغُونَ فَضْلًا مِنْ رَبِّهِمْ وَرِضْوَانًا ۖ وَإِذَا حَلَلْتُمْ فَاصْطَادُوا ۚ وَلَا يَجْرِمَنَّكُمْ
شَتَانُ قَوْمٍ أَنْ صَدُّوكُمْ عَنِ الْمَسْجِدِ الْحَرَامِ أَنْ تَعْتَدُوا ۚ وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَى ۚ
وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ ۚ وَاتَّقُوا اللَّهَ ۚ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ

"O you who believe, do not violate the symbols (holyness) of Allah) do not (break the honor) the sacred months do not (disturb) hadyu (sacrificial

animals) and qalā'id (sacrificial animals) which is marked) and do not (also disturb) the visitors to the Baitul Haram while they seek the grace and pleasure of their Lord. When you have tahalul (finished ihram), go hunting (if you want). Never hate (your) against a people, because they hinder you from the Masjidil Haram, encourage you to do beyond the limits (to them). Help you in (doing) virtue and piety, and do not help each other in sin and enmity. Fear Allah, verily Allah is severe in punishment."

The meaning of the letter above, explains that fulfilling the right to education for adopted children is helping in goodness. Helping the rights of adopted children in the field of education, to achieve their goals up to the level of tertiary education is a noble deed. Good education for children is the obligation of parents to pay attention to their children in the field of education, because every individual has the right to education especially an adopted child who has become an obligation for him to fulfill their rights. Every child has the right to education, whether adopted, street, or children with special needs (Husna, 2019). Thus, education is something that really needs attention, for the sake of a bright future for adopted children.

The organizers of the children's rights above, is a joint obligation to provide rights to them. These rights include protection of the right to education, health, and security. The responsibilities of the adoptive parents are to raise children, protect children, provide security, and support children according to their talents. Supporting children's talents that lead to positive things, such as preventing underage marriages and actions that are carried out by Allah SWT, so that they become good people. Providing full rights protection for children is a good deed, because children are an investment for future generations. It is hoped that all parents will provide an equal education for every child, as well as access to education that every child can get (Putro Ferdiawan, 2020).

Educating children, basically schools also play a very important role for adopted children, because each child spends a third of his time studying and developing his talents at school (Setiani, 2019). The importance of education for every child in Indonesia is not only limited to biological children but also children who are less fortunate. This is an obligation for parents, the explanation contained in KHI regarding this matter states *"adopted children are children whose daily care for their daily needs starting from education and so on, shifts their responsibilities to their adoptive parents"* (Ummah, 2005).

Thus, for the maintenance of the rights of adopted children both in terms of protection, development and coaching. Actually, more roles are needed for child protection agencies, the community, parents, religious institutions and so on (Jaya, 2016). Thus it is necessary to pay more attention to outreach to the community, especially in rural areas regarding the rights of adopted children. So that it does not have an impact on children in the future. Basically one of the good intentions if based on a good thing is a good deed that brings rewards, it's just that some persons or adoptive parents are no longer able to finance it, especially in terms of the economy as the author described above.

Basically adoption of adopted children has existed since the time of Rasulullah SAW, he also adopted an adopted son named Zaid bin Haritsah. His

lineage did not change to his adoptive father. His name is also called by the name Zaid Bin Muhammad, but called by the name Zaid bin Haritsah. Thus, in Islamic law it is permissible to adopt adopted children, but it will not change the child's lineage with his adoptive parents. This is found in al-Qur'an al-Ahzāh, (33): (5) which reads:

ادْعُوهُمْ لِأَبَائِهِمْ هُوَ أَقْسَطُ عِنْدَ اللَّهِ ۚ فَإِنْ لَمْ تَعْلَمُوا آبَاءَهُمْ فَإِخْوَانُكُمْ فِي الدِّينِ وَمَوَالِيكُمْ ۚ وَلَيْسَ عَلَيْكُمْ جُنَاحٌ فِيمَا أَخْطَأْتُمْ بِهِ وَلَكِنْ مَا تَعَمَّدَتْ قُلُوبُكُمْ ۚ وَكَانَ اللَّهُ غَفُورًا رَحِيمًا

"Call them (adopted children) by (using) their father's name. That is what is fair in the sight of Allah. If you do not know their father, (call them as) your brothers in religion and your masters. There is no sin on you if you make a mistake about it, but (which is a sin) what is intended by your heart. Allah is Forgiving, Most Merciful."

The meaning of the letter above explains that Islamic law allows adopting children, but it is forbidden to change their lineage with their adoptive father. So the problem in adopting children today is manipulating population data, and making the child his biological child. Regarding the explanation above, it is contained in the letter al-Ahzāb, (33): (4) which reads:

مَا جَعَلَ اللَّهُ لِرَجُلٍ مِنْ قُلُوبَيْنِ فِي جَوْفِهِ ۚ وَمَا جَعَلَ أَزْوَاجَكُمْ اللَّائِي تُظَاهِرُونَ مِنْهُنَّ أُمَّهَاتِكُمْ ۚ وَمَا جَعَلَ أَدْعِيَاءَكُمْ أَبْنَاءَكُمْ ۚ ذَٰلِكُمْ قَوْلُكُمْ بِأَفْوَاهِكُمْ ۚ وَاللَّهُ يَقُولُ الْحَقَّ وَهُوَ يَهْدِي السَّبِيلَ

"Allah did not make for a person two hearts in his cavity, He did not make your wives whom you zihar as your mother, and He did not make your adopted child as your (own) biological child. Those are just words in your mouth. Allah says something that is right and He shows the (correct) way."

The meaning of the verse above, explains the adoption of a good child according to Islamic law by not changing the lineage of the child with his adoptive father, so that it does not affect his inheritance and mahraman. This is contained in Surah al - Ahzāb, (33): (37) which reads:

وَإِذْ تَقُولُ لِلَّذِي أَنْعَمَ اللَّهُ عَلَيْهِ وَأَنْعَمْتَ عَلَيْهِ أَمْسِكْ عَلَيْكَ زَوْجَكَ وَاتَّقِ اللَّهَ وَتُخْفِي فِي نَفْسِكَ مَا اللَّهُ مُبْدِيهِ وَتَخْشَى النَّاسَ وَاللَّهُ أَحَقُّ أَنْ تَخْشَاهُ ۚ فَلَمَّا قَضَىٰ زَيْدٌ مِنْهَا وَطَرًا زَوَّجْنَاكَهَا لِكَيْ لَا يَكُونَ عَلَى الْمُؤْمِنِينَ حَرَجٌ فِي أَزْوَاجِ أَدْعِيَائِهِمْ إِذَا قَضَوْا مِنْهُنَّ وَطَرًا ۚ وَكَانَ أَمْرُ اللَّهِ مَفْعُولًا

"(Remember) when you (Prophet Muhammad) said to a person who has been given favors by Allah and you (also) have given favors to him, "Keep your wife and fear Allah," while you hide in your heart what will be stated by Allah, and you are afraid of people, but Allah has more right for you to fear. So, when

Zaid had ended the need for his wife (divorcing her), We married you to her (Zainab) so that there would be no objection for the believers to (marry) the wives of their adopted children, if they had fulfilled the needs of their wives. . God's decree will definitely happen ".

The definition above explains that asbabun nuzul from the letter, that is, when God ordered to marry Zainab, in fact Zainab was the mother of her adopted child.

The Phenomenon of Shifting Rights of Adopted Children in Terantang Village

Along with the progress of society in the 5.0 era of society, there has been exploitation and not giving rights to adopted children. As in the initial agreement on the purpose of adopting the child, which was caused by several factors. One of these factors is the economy, this was mentioned by one of the informants, Mr. Aji, "It is difficult to survive today, especially to send children to school." Thus the economic factor will change the mindset of parents for the welfare of children in the field of education.

Explanation of one of the respondents in this study in Terantang Village, as said by Mr. Ali Ahmad; The main factor that drives adoptive parents is one of them, Mr. Aji no longer gives rights to his adopted children, because of the wrong intention at the beginning of the adoption of the child. A group of people in Terantang Village believe that adopting a child can encourage or provoke someone to have offspring (Ahmed, 2020).

The above phenomenon explains that a group of people in Terantang Village still believe in the myths in their area, resulting in the initial goal of adopting a child not being fulfilled. The practice is seen after the adoptive parents have offspring or their biological child is born, then there is a distinction between the rights of the adopted child and his biological child. It can be seen from the results of the author's interview with Mr. Pajri that; *"The right that is no longer given by Mr. Budi is education for the adopted child, the factor is that Mr. Budi does not give his rights due to economic factors and does not pay attention to his adopted child"* (Pajri, 2020).

The definition above explains that another informant, namely Mr. Budi, did not give rights in the field of education, because he distinguished the rights of adopted children and his biological children as well as economic factors to send these children to school. This is in accordance with what was said by Mr. Budi as the second informant in this study, namely; *"We do not have extra funds to send our child to school, because the other child has gone to school, so it requires large funds."* The definition above explains not only economic factors that result in the rights of adopted children not being fulfilled, but there are also differences in the rights of biological children and adopted children. It is necessary for the authors to convey that in this study they did not mention the real names of the informants or objects, because those concerned objected. This study only found two research objects, because those concerned objected to being interviewed and objected to research.

Thus, there are still many adoptive parents who do not give the rights of adopted children, especially in this era of society 5.0. It is undeniable, in other regions there are phenomena similar to this problem, it's just not recorded and

known. In line with this, basically appointments in rural areas are still largely outside the court's approval. This happens because of the habit of people who fully trust people who want to adopt their children. This trust is like believing that his adoptive parents will love him and give him all his rights.

There are several motivations for adopting children in Terantang Village, such as: not being blessed with children, an element of belief in adopting children, there is a family relationship, so the child is adopted, the child is in an economically disadvantaged family, the child does not have a father, mother, does not have children women, only having sons, as anglers in order to get offspring and help in the household. The definition above explains the community's motivation in carrying out children who have various perceptions. There are still many people who are willing to adopt children in rural areas without a court decision, because a group of people think that this is a good deed that can bring goodness.

In line with this problem, some adoptive parents manipulate population data by turning their adopted child into their biological child. In essence, Islamic law has explained that adopted children will not be able to change the child's lineage to their adoptive parents. Confirmed in Law Number 24 of 2013 regarding amendments to Law Number 23 of 2006 Concerning Population Administration, it is contained in Article 94 which reads, "anyone who manipulates elements of population data is threatened with imprisonment for a maximum of 6 years or a fine of up to Rp. 75,000,000,-".

So that for the sake of continuity of proper education for children, there are principles of protection, children's obligations and special and criminal protection contained in Law Number 35 of 2014 covering: the right to protect against violence, the right to grow and develop, the right to care, the right to use free time, the right to health, survival rights for children, care rights, discrimination, participation rights, civil rights, freedom rights, utilization rights, welfare rights and educational and cultural rights (Tang, 2016). The explanation above explains that the right to education for adopted children is a right that must be fulfilled by their adoptive parents. Giving this right is a good thing in Islam, because it belongs to mutual assistance in goodness.

Factors Influencing the Unfulfilled Right to Education of Adopted Children in Terantang Village.

There are several factors shifting the education rights of adopted children in Terantang Village, including: Social factors, among the people in the digitalization era or society 5.0 in rural areas, participating in today's progressiveness which encourages all groups to participate in living it. Such as media encouragement which results in social factors in society, focusing on using communication media, all of which can be accessed via the internet.

The average community activity in the era of society 5.0 is in the house, so everything you want is easy to find. Especially regarding today's lifestyle, where everything is only controlled by the internet or *e-commerce platforms*. Such as Youtube, Instagram, Facebook, Twitter, Tiktok, Shoppe, Lazada, and other OTT platforms. Like Whatsapp, Line which helps social communication to be better so that people's interests and styles increase and change. Thus arises inferiority towards people who have offspring (Ramli et al., 2020: 119-136). So that the

feeling of wanting to have children grows, plus the social encouragement of the community, this greatly affects both husband and wife who cannot have children, and even becomes pressure on him to be able to have children, namely by adopting adopted children to complete his family (Yulyanti, 2013) .

According to Mattensich and Hill, proficient in social relations is something that must exist in every individual. Adapting fellow human beings to today's changes that can affect lifestyles and have a negative impact on household resilience, so that good adaptation is needed, social skills (Herien Puspitawati, 2018). In fact, good socialization is clear evidence of achieving family welfare because the family is the smallest unit of the social system, so that the role of parents is very important in fulfilling aspects of the integrity of their household by giving and exercising their rights to their biological children and adopted children. the responsibility is to fulfill the rights of their children, especially in this research in the field of education (Apriliani, Nurwati, 2020).

Furthermore, economic factors, the continuity of education certainly requires large funds, has a large influence on children's education on parental income, with such factors it has a large impact on the continuity of education (Wayan Murjana Yasa, 2017). The economy greatly influences children's character, parents who live financially and have a low economy have parenting styles that tend to be authoritarian and tend to be depressed and confused in children's education and affect children's character (Faiz et al., 2021). With economic factors causing children to be disrupted in education, the basic objective of adopting adopted children for their welfare in education is good. However, it is necessary with a Court decision, it does not rule out the possibility that in this case, adoption outside the Court will make adopted children prosperous.

Furthermore, the community's habit factor, custody of adopted children in rural areas is a habit that is continuously carried out by the community, basically this habit is a good habit, over time the benefits change, one of which is in this study, namely supporting children to get offspring. This has resulted in several impacts, one of which is psychological here, which is the impact caused because children do not get proper education for their adoptive parents. Supposedly for the sake of the implementation of proper education is an allowance from his parents. Local community habits can influence parents in supporting children in education. Factors of parents' habits in the family such as environmental factors, kinship, friends in giving children's rights (Fitria, 2016).

Furthermore, the learning media factor, the era of society 5.0, teaches and teaches using media such as G-Meet and so on, so that parents are required to prepare *cellphones* or *cellphones* to carry out this learning. Even for the sake of fulfilling *cell phone* , a case of theft occurs so that learning can be fulfilled, this is a negative impact for the sake of education costs (Faiz, 2021). The definition above provides an explanation, the era of society 5.0 requires costs and the readiness of parents to control their children using it. From this research, it was found that many parents in rural areas did not understand and understand the use of these communication media, and were unable to keep up with the developments in this era of society. So that parents are expected to be able to follow these developments, for the sake of effective learning (Putri, 2020).

With the role that parents have, in educating children related to learning activities need attention. That a person's motivation in learning is different, among others: being diligent in dealing with assignments for a long time so diligently from the job, always wanting to learn and dissatisfied with the achievements he gets, highlighting interest or talent in learning problems, not liking to rely on others in learning problems, quickly get bored when in learning, strong in the opinions he puts forward. not easily influenced in his opinion, and likes to solve problems and discuss them.

Furthermore, adoptive parents care actors, the importance of parental involvement in education according to Plowden by highlighting assumptions, by encouraging good personality for parents, namely schools. Thus a school that can communicate well with parents will produce a commendable attitude from parents (Diadha, 2015). thus the factor of parental support for a child's education will have a major influence on early childhood talent, this is the factor that every parent should have to pay more attention to the basis of their child's right to education. Understanding the description of the factors above, the impact of non-fulfillment of the right to education of adopted children results in social impacts on the child and the child's psychology, therefore more attention is needed for the government, adoptive parents, and the community. For the sake of the fulfillment of proper education for adopted children which is a concern in this era of society 5.0.

The community's habit factor is also a determinant of parents changing in the goal of welfare for adopted children, from environmental influences, bad friends to their parents. A good environment makes parents have good character and can fulfill their obligations as parents. Social media factors are also an obstacle in this era of digitalization which, with the needs of schools for children who need telephones, will have a major influence on the role of parents in this regard, for the sake of effective learning in today's era of rapid technological advances. Basically adopting adopted children in rural areas is a noble goal for the welfare of the child, because the parents are less able to support the child.

However, it should be remembered that the child's lineage cannot be changed even if the upbringing of the child is borne by the adoptive parents. It is necessary that every adoptive parent pays more attention to their adopted child in order to provide proper rights, especially in education. So that in adopting a child you are able to finance it financially, because economic factors also determine the character of the child. The inability of parents to send them to school, makes it an obstacle for children to develop their talents. In fact proper education for each individual is important, this is a place for each individual to process the development of his talents, and can form individuals into figures that are beneficial to social and state life (Watson & Rois, 2017).

Conclusion

The research above provides a conclusion, that the right to education according to Islamic law is a mutual aid in goodness. But Islamic law stipulates that an adopted child cannot change his lineage, the child still returns his lineage to his biological parents. The phenomenon in Terantang Village is that there are several factors that prevent the adoptive parents from giving them the right to education, such as social, economic, community habits, social media, and so on. The definition

above explains that carrying out child adoption is a good deed and is classified as a good deed. Thus, giving rights to adopted children is the responsibility of the adoptive parents, especially in terms of education rights. So that the implementation of proper rights for adopted children has not gone well in a certain village.

Thus, further efforts to improve the welfare of the rights of adopted children can be carried out by outreach to the community, in this case in the field of education. The author uses a different method in previous research, with a *sociological normative* according to the author relevant to solving the problems of this research. Using the field research method, it was difficult for the writer to find all the informants who were the object of this research, because some of the informants did not want to provide information related to this research. In the author's opinion, this research could be reappointed with a different approach and reviewing as many practices as possible in certain communities, in this case the rights of adopted children.

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