

**Legal Analysis of Child Adoption in Indonesia Based on the Child Protection Law and Government Regulation Number 54 of 2007
(Study of Decision Number 269/Pdt.P/2024/PN Smg)**

Windy Christie¹, Hening Hapsari Setyorini²

¹ Faculty of Law, University of Indonesia, Indonesia

² Faculty of Law, University of Indonesia, Indonesia

[1 windy.christie@ui.ac.id](mailto:windy.christie@ui.ac.id), [2 hening.hapsari@gmail.com](mailto:hening.hapsari@gmail.com)

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Abstract

This paper analyzes the legal provisions of child adoption in Indonesia in the Child Protection Law and Government Regulation Number 54 of 2007 and its implementation in Decision Number 269/Pdt.P/2024/PN Smg. This paper was compiled using a doctrinal research method. In the process, child adoption must be motivated by the fulfillment of the child's best interests and in accordance with applicable legal procedures. The case study of Decision Number 269/Pdt.P/2024/PN Smg shows the legal implementation of the principles of child protection in child adoption in Indonesia. The applicant has cared for and raised his prospective adopted child since birth, fulfilling the child's physical, emotional, and social needs well. In addition, the Applicant's financial and emotional conditions have also met the applicable requirements, as evidenced by a statement from the Social Service. Overall, this decision provides an illustration that child adoption carried out in accordance with the law can be a solution that provides benefits for all parties, especially for children as the main subject of legal protection.

I. Introduction

Scarcity is Indonesia is a state of law, in accordance with Article 1 paragraph (3) of the 1945 Constitution (hereinafter referred to as the 1945 Constitution), "The state of Indonesia is a state of law."¹ That article means that all order and rules in the life of the nation and state in Indonesia are carried out based on the law. Then, Article 27 paragraph (1) of the 1945 Constitution also states that, "all citizens are equal before the law and the government and are obliged to uphold the law and the government without exception."² That article at least regulates the rights and obligations of citizens, which include marriage and having children.

One of the purposes of marriage is to have children. Children are a blessing and a trust from God Almighty. Many people also consider that children are the highest treasure whose value cannot be replaced. Therefore, children must be cared for and protected, including their inherent rights. However, not all marriages can have children for various reasons. This, the need or desire to adopt a child arises.

In legal science, adoption is known as a legal institution that holds juridical value. In essence, adoption is considered one of the efforts to imitate nature by artificially creating offspring (*adoptio naturam imitatur*). Rabel stated that, "no institution can be designed as adoption, unless it makes the child legitimate in relation to the adopting parent."³ Article 1 paragraphs (1) and (2) of Government Regulation Number 54 of 2007 on the Implementation of Child Adoption provides definition of child adoption as follows:

"1. Adoption is a legal act that transfers a child from the authority of the biological parents, legal guardians, or others responsible for the care, education, and upbringing of the child, into the environment of the adoptive parents' family.

*2. An adopted child is a child whose rights are transferred from the authority of the biological parents, legal guardians, or others responsible for the care, education, and upbringing of the child, to the environment of the adoptive parents based on a court decision or decree."*⁴

In Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 on Child Protection, it is further emphasized that the intention of adoption must be driven by reasons or motivations that best serve the interests of the child. This means that adoption should not be carried out solely based on the interests of the prospective adoptive parents, but must ensure the certainty, security, safety, and care of the adopted child so that the child can grow up well and prosper.

As time progresses, the function of adoption also changes, which in turn impacts the assessment of the consequences of adoption. Initially, adoption was viewed solely as a means to continue a lineage, resulting in the severance of ties between the adopted child

¹ The 1945 Constitution of the Republic of Indonesia, UUD 1945, Article 1 paragraph (3).

² *Ibid*, Article 27 paragraph (1).

³ Rusli Pandika, *Hukum Pengangkatan Anak*, (Jakarta: Sinar Grafika, 2012), p. 3.

⁴ Government Regulation Number 54 of 2007 on the Implementation of Adoption, Article 1 paragraphs (1) and (2).

and their biological parents (*adoptio plena*). After the aforementioned changes, in many cases, adopted children are no longer considered fully the biological children of their adoptive parents, but rather create a limited relationship, for example, limited to care and education (*adoptio minus plena*).⁵

In order to protect children's rights in the context of adoption, the government has introduced several policies and regulations. One of them is through the Child Protection Law, which serves as the main legal foundation for the protection and fulfillment of children's rights in all aspects of life. Then, to support technical implementation, the government also issued Government Regulation Number 54 of 2007 concerning the Implementation of Child Adoption (hereinafter referred to as PP Number 54 of 2007). This regulation more clearly and detailedly governs the principles, objectives, procedures, requirements, supervision, and processes both pre- and post-adoption that must be fulfilled by all parties involved.⁶

In addition to regulations, the government also established the Indonesian Child Protection Commission (hereinafter referred to as KPAI), which is an independent agency for monitoring child protection, including in the context of adoption. KPAI plays an important role in monitoring the child adoption process to ensure compliance with applicable regulations, providing advocacy to those in need, and addressing various issues that arise during or after the adoption process.⁷ With the presence of KPAI, it is hoped that every adoption of a child is carried out based on the principles of transparency, accountability, and compliance with applicable laws.

As part of the effort to understand and evaluate the implementation of regulations related to child adoption, it is important to examine the application of legal provisions in concrete cases. One relevant example is Decision Number 269/Pdt.P/2024/PN Smg, which serves as a case study in this research. This decision provides an overview of how the legal provisions regarding child adoption, as regulated in the Child Protection Law and Government Regulation No. 54 of 2007, are applied in judicial practice.

In this research, we will discuss the legal provisions regarding child adoption in Indonesia as seen from the Child Protection Law and Government Regulation No. 54 of 2007, and how the application of child adoption legal provisions in Decision No. 269/Pdt.P/2024/PN Smg has been in accordance with the principles child protection itself.

2. Research Method

The form of legal research used in this study is doctrinal legal research. According to

⁵ Pandika, *Hukum Pengangkatan Anak...*, p 3.

⁶ Mumu Abdul Muhaemin, "Adopsi Anak Tanpa Izin Ibu Kandung Perspektif Sadd Al-Dzariah dan Hukum Perlindungan Anak," (Master's Thesis in Family Law, Faculty of Sharia and Law, UIN Syarif Hidayatullah, Jakarta, 2022), p. 2.

⁷ *Ibid*, p. 16.

Peter Mahmud Marzuki, doctrinal research is defined as research sourced from applicable legal regulations and legal doctrines to address the legal issues faced.⁸ This research will focus on the inventory of positive law, legal principles and doctrines⁹, as well as examining the application of these legal regulations in practice.

The typology of this research is explanatory research. Explanatory research is research aimed at providing a deeper explanation to test an existing theory or hypothesis, with the final result being to strengthen or reject that hypothesis.¹⁰

The data analysis method that will be used in this research is the qualitative analysis approach, which is a research procedure that produces descriptive analytical data. Analysis is conducted on high-quality data or legal materials with the aim of revealing and understanding their truth.¹¹ The existing data will be elaborated and analyzed using theories or positive laws that have been formulated, and then conclusions will be drawn. The interpretation is the answer to the two research questions posed to comprehensively explain the main issue raised in this study, namely the legal provisions regarding child adoption in Indonesia based on the Child Protection Law, as well as its application in Decision Number 269/Pdt.P/2024/PN Smg.

3. Results and Discussion

1. Legal Provisions for Adoption in Indonesia Based on the Child Protection Law and Government Regulation No. 54 of 2007

Child adoption is also known by the term adoption. Adoption in the Great Dictionary of the Indonesian Language (hereinafter referred to as KBBI) is translated from "adoption," which terminologically means to legally raise someone else's child as one's own.¹² The definition of adoption is also provided by Soerjono Soekanto, which is "to elevate someone to a certain position that creates a relationship as if or seemingly based on blood ties as an act of adopting a child to become one's own child."¹³ Another definition of adoption is provided by Hilman Hadikusuma, which states, "the process of legally adopting someone else's child by adoptive parents in accordance with local laws and customs, aimed at providing a positive impact on the continuity of lineage and the preservation of family wealth."¹⁴

⁸ Peter Mahmud Marzuki, *Penelitian Hukum: Edisi Revisi*, (Jakarta: Kencana Prenada Media Group, 2005), p. 47.

⁹ Suteki dan Galang Taufani, *Metodologi Penelitian Hukum*, (Depok: Rajawali Pers, 2018), p. 174.

¹⁰ Zainudin Ali, *Metode Penelitian Hukum*, cetakan ketiga, (Jakarta: Sinar Grafika, 2011), p. 105.

¹¹ Muhaimin, *Metode Penelitian Hukum*, (Mataram: Mataram University Press, 2020), p. 106.

¹² Departemen Pendidikan dan Budaya, *Kamus Besar Bahasa Indonesia*, (Jakarta: Balai Pustaka, 1988), p. 7.

¹³ Soerjono Soekanto, *Intisari Hukum Keluarga*, (Bandung: Citra Aditya Bakti, 1989), p. 52.

¹⁴ Hilman Hadikusuma, *Hukum Perkawinan Adat* (Jakarta: Fajar Agung, 1987), p. 149.

The legal provisions regarding adoption in Indonesia have been regulated in various complementary regulations. One of the main regulations is Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 on Child Protection. In Articles 20 to 26 of the Child Protection Law, efforts are regulated to protect, fulfill the rights, and improve the welfare of children. One of them is by allowing and creating regulations for capable parents to adopt children.¹⁵

In Chapter VIII, Section Two, specifically in Articles 39 to 41 of the Child Protection Law, it is also stated that adoption must be motivated by the aim of fulfilling the best interests of the child and in accordance with the applicable legal procedures.¹⁶ In addition, adoption of a child must not sever the child's relationship with their biological parents.

In Article 39 of the Child Protection Law, there are legal principles regarding child adoption, as follows:

1. "Adoption of a child can only be carried out in the best interest of the child and based on local customs and applicable laws;"
2. The adoption of a child as referred to in paragraph (1) does not sever the blood relationship between the adopted child and their biological parents;
3. The prospective adoptive parents must share the same religion as the prospective adopted child;
4. Adoption of a child by foreign nationals can only be done as a last resort; and
5. If the origin of the child is unknown, then the child's religion is adjusted to the religion of the local majority."¹⁷

Adoption must be recorded in the birth certificate without erasing the child's identity, and the religion of the adoptive parents must be the same as that of the adopted child. If the adoption is carried out by a foreign citizen, it is only permitted as a last resort. In cases where the origin and religion of the child are unknown, the child's religion is adjusted to the religion of the local majority.¹⁸

Based on the Child Protection Law, there are rights that must be fulfilled by parents who adopt a child as a form of legal protection for the child, as follows:

1. Right to Identity

Article 5 of the Child Protection Law, which states, "every child has the right to a name as an identity and citizenship status,"¹⁹ guarantees the child's right to have and know their identity. Additionally, in the process of child adoption, all parties involved are also required to inform the child's original identity and provide access to information related to the child's biological parents;

2. Right to Education and Health

This right is an obligation that must be fulfilled without discrimination or distinction. Foster parents are required to provide access to the best education and healthcare for the foster

¹⁵Laila Fatma Lubis, "Analisis Akta Kelahiran Anak Adopsi Ditinjau dari Peraturan Perundang-undangan No. 23 Tahun 2002 Tentang Perlindungan Anak di Mandailing Natal (Ditinjau dari Perspektif HAM)," *Jurnal EDUCATIO (Jurnal Pendidikan Indonesia)*, Vol. 9 No. 1 (2023), p. 283.

¹⁶Muhaemin, *Adopsi Anak...*, p. 58.

¹⁷Law Number 35 of 2014 on Amendments to Law Number 23 of 2002 on Child Protection, Child Protection Law, Article 39.

¹⁸Muhaemin, *Adopsi Anak...*, hlm. 58.

¹⁹Law Number 35 of 2014 on Amendments to Law Number 23 of 2002 on Child Protection, Child Protection Law, Article 5..

child;

3. Right to Guardianship and Protection

Foster parents are obligated to provide the best protection and guardianship for their foster children, including attention in the form of affection, the best upbringing, and the fulfillment of basic rights such as adequate food, clothing, and shelter.

4. Right to Relationship with Biological Family

Article 39 paragraph (2) of the Child Protection Law states, "...does not sever the blood relationship between the adopted child and their biological parents,"²⁰ accommodating this right by regulating that the parties involved in the adoption process do not sever or eliminate the adopted child's access to information related to their biological parents, and further can facilitate meetings between the adopted child and their biological parents; 5.

Right to Protection from Violence and Exploitation

Foster parents must ensure and guarantee that the foster child receives the best protection from all forms of violence, including physical, psychological, or sexual violence.²¹ Technically,

Government Regulation Number 54 of 2007 provides more detailed guidelines

for child adoption, explaining that adoption is the transfer of rights from the biological parents, legal guardians, or responsible parties to the adoptive parents.²² This regulation also includes the procedures for child adoption, from pre-adoption to post-adoption, including the provision that the adoption must be validated by a court decision because it can have significant and long-term effects.

Soedaryo Soimin argues that, "to ensure the increasing societal demand for children, legal stability for adoptive parents, and the necessity that adopted children can only be obtained after receiving a court order or decision."²³ This opinion is further supported by the enactment of Article 20 of Government Regulation Number 54 of 2007, which states that "the application for adoption that has met the requirements is submitted to the Court to obtain a Court decree."²⁴

If adoption is carried out without following the appropriate legal procedures, various significant legal impacts will arise in the future. One of them is the emergence of misunderstandings regarding the legal status of an adopted child, especially concerning the relationship of mahram. An adopted child who is considered a mahram can lead to violations of religious rules, such as the prohibition of marrying someone who is actually permissible to marry or the allowance of seeing the private parts of others that should not be permitted. In addition, family relationships and rights that have been established in Islam, such as guardianship, can be disrupted. For example, for an adopted daughter in Islam, her marriage guardian must still come from her biological family, so adoptive parents cannot act as her marriage guardian.²⁵

Adoption without a court decree also does not create a valid legal relationship between the child and the adoptive parents. As a result, there is no legal evidence to validate the relationship, which could lead to legal issues in the future. As part of the judicial system, court decisions ensure

²⁰Law Number 35 of 2014 on Amendments to Law Number 23 of 2002 on Child Protection, Child Protection Law, Article 39 paragraph (2).

²¹Muhamad Nur Rifaldi Rachman, "Implementasi Perlindungan Hukum Terhadap Hak-Hak Anak Angkat Setelah Perceraian Orang Tua Angkatnya Menurut UU No 23 Tahun 2002 Dalam Perspektif Hak Asasi Anak," *Journal of Comprehensive Science*, Vol. 2 No. 5 (2023), p. 1166.

²²Fransiska Maryl Agatha, "Pengangkatan Anak Oleh Orang Tua yang Berbeda Keyakinan Dengan Calon Anak Angkatnya," *Jurnal Preferensi Hukum*, Vol. 1 No. 2 (2020), p. 17.

²³Soedaryo Soimin, *Himpunan Dasar Hukum Pengangkatan Anak*, (Jakarta: Sinar Grafika, 2004), p. 28.

²⁴Government Regulation Number 54 of 2007 on the Implementation of Child Adoption, Article 20.

²⁵Rini Safarianingsih, "Akibat Hukum Pengangkatan Anak Tanpa Penetapan Pengadilan," *Perahu*, Vol. 10 No. 2 (2022), p. 30.

that adoption is carried out in accordance with applicable regulations, providing legal certainty for all parties involved.²⁶

Based on Article 12 paragraph (1) of Government Regulation Number 54 of 2007, there are requirements that must be met in the process of adoption, namely:

1. "Not yet 18 years old;"
2. Being an abandoned or neglected child;
3. Being in a childcare facility or under family supervision; and
4. Require Special Protection."²⁷

The above requirements show that the government is striving to provide a specific and comprehensive legal framework to ensure that child adoption is carried out responsibly and in accordance with the principles of child protection. The age requirement is set in accordance with the legal definition of a child, in order to prioritize the fulfillment of children's rights to receive protection and proper care.

Information regarding the age of the child as referred to in Article 12 paragraph (1) above, is further detailed in Article 12 paragraph (2) of Government Regulation Number 54 of 2007, which includes:

1. "Children under the age of 6 (six) years are the top priority;
2. Children aged 6 (six) years up to but not yet 12 (twelve) years;
3. As long as there is an urgent reason, and the child is 12 (twelve) years old up to not yet 18 (eighteen) years old; and
4. As long as the child requires special protection."²⁸

The next provision, which states that adoption is carried out for abandoned or neglected children, indicates that adoption is prioritized for children in vulnerable situations, with the aim of providing them with a better chance at life.²⁹ Furthermore, the government requires that child adoption be carried out for children who are in childcare facilities or under family supervision, with the aim of having direct oversight of the child's condition before the adoption process is carried out. Lastly, the adopted child must require special protection, which includes protection from exploitation, violence, or inhumane treatment.³⁰

In law, adoption is permitted for couples who have strong reasons and motivations for adopting a child.³¹ In addition, prospective parents must also ensure that they meet the requirements outlined in Article 13 of Government Regulation Number 54 of 2007, which include:

1. Physically and mentally healthy;
2. Aged at least 30 (thirty) years and at most 55 (fifty-five) years;
3. Of the same religion as the prospective adopted child;
4. Of good character and has never been convicted of a crime;
5. Married for at least 5 (five) years;

²⁶ *Ibid*, hlm. 30-31.

(1). ²⁷ Government Regulation Number 54 of 2007 on the Implementation of Child Adoption, Article 12 paragraph

(2). ²⁸ Government Regulation Number 54 of 2007 on the Implementation of Child Adoption, Article 12 paragraph

²⁹ Nurma Suspitawati Tambunan, "Perkembangan Pengaturan Pelaksanaan Pengangkatan Anak di Indonesia," *Jurnal Retenrum*, Vol. 1 No. 2 (2020), p. 77.

³⁰ *Ibid*, hlm. 78.

³¹ Ali Afandi, *Hukum Waris, Hukum Keluarga, Hukum Pembuktian*, (Jakarta: Bina Aksara, 1986), p. 93.

6. Not a same-sex couple;
7. Do not or have not yet had children or only have 1 (one) child;
8. In a state of economic and social capability;
9. Obtaining the child's consent and written permission from the child's parents or guardians;
10. Make a written statement that the adoption of the child is in the best interest of the child, welfare, and protection of the child;
11. The existence of a social report from the local social worker;
12. Have fostered the prospective adopted child for at least 6 (six) months since the foster care permit was granted; and
13. Obtain permission from the Minister and/or head of the social agency.³²

2. Analysis of the Suitability of Decision Number 269/Pdt.P/2024/PN Smg Against the Principles of Child Protection

The Child Protection Law stipulates that every child, including adopted children, has the same rights in terms of legal protection and equal treatment by the government, society, and family. At least there are 2 protections that are the rights of children, juridical and non-juridical protections. Legal protection includes protection in the fields of public and civil law. Meanwhile, non-legal protection includes social, educational, and health protection.³³

In general, a child adopted into the family of adoptive parents retains their human rights as a child, which are fundamental rights for every child in Indonesia.³⁴ These rights encompass several important aspects. First, every child has the right to adequate nutrition, a healthy environment, and sufficient access to healthcare in order to live a good life. Second, children have the right to receive a guarantee of quality education from primary school to university. This education is very important for the child's future, as it serves as a foundation for living a better life.³⁵

The third right is the right to protection from violence, exploitation, and abuse. Children, as a vulnerable group, often become victims of mistreatment that violates their rights.³⁶ Therefore, the role of adults is very important in protecting them from actions that could threaten their future. Fourth, the right to participate, which includes the child's opportunity to engage in community activities, express opinions, and articulate ideas and thoughts. Adults around them are obliged to facilitate and support this right. Lastly, the right to national identity, where every child has the right

³² Government Regulation Number 54 of 2007 on the Implementation of Child Adoption, Article 13.

³³ Nandang Fathurrahman dan Yuli Kasmarani, "Perlindungan Hukum dan Pencegahan Tindak Kekerasan Terhadap Anak Angkat Dalam Hubungan Keluarga," *Ta'zir: Jurnal Hukum Pidana*, Vol. 6 No. 1 (2022), p. 25-26.

³⁴ Rachman, *Implementasi Perlindungan Hukum...*, p. 1165-1166.

³⁵ *Ibid.*

³⁶ Safarianingsih, *Akibat Hukum...*, p. 31.

to an official identity in the form of personal data that will be used until adulthood, thus their legal status as a citizen is recognized.³⁷

The implementation of child protection in the adoption process as carried out in Decision Number 269/Pdt.P/2024/PN Smg, issued by the Semarang District Court on July 9, 2024. In the decision, Her Margono, S.E. (hereinafter referred to as the Applicant) submitted a petition for the adoption of a child named Muhammad Fadhil Alvaro, who is the biological child of Mrs. Fatma Nur Isnaini and Mr. Khafid Effendi.³⁸

The application in the aforementioned decision was made by the Applicant who has been married to his wife since October 13, 2013, and has not been blessed with children. Muhammad Fadhil Alvaro is a child who, based on Birth Certificate Excerpt No. 3374-LU-26012023-0004, was born on January 8, 2023, in Semarang and was voluntarily entrusted by his biological parents to the Petitioner and his wife.³⁹

In the application, the Applicant stated that Muhammad Fadhil Alvaro has been cared for since birth, nurtured, and raised with full affection as if he were their biological child. To support the Applicant's request, when submitting the application, other supporting official documents were also included, such as the child's birth certificate, the child handover report signed by both biological parents, and permission from the Central Java Provincial Social Service. In the application, it is also stated that the applicant's wife passed away on March 15, 2024, but the applicant remains committed to raising the child as a single parent.⁴⁰

The principle of the best interests of the child is the strongest motivation and reason in the process of adoption. In Article 39 paragraph (1) of the Child Protection Law, it is stated that anyone who adopts a child must prioritize the child's well-being. In this case, the Applicant is said to have cared for and raised the prospective adopted child since birth, adequately meeting the child's physical, emotional, and social needs. Even after the Applicant's wife passed away, the Applicant continued to care for the prospective adopted child well and remained fully committed to the child's welfare.

The court considers important aspects such as the child's access to education, nutrition, and

³⁷ Rachman, *Implementasi Perlindungan Hukum...*, p. 1165-1166.

³⁸ Semarang District Court, Decision No. 269/Pdt.P/2024/PN Smg, Her Margono, S.E. (2024), p. 1-2.

³⁹ Semarang District Court, Decision No. 269/Pdt.P/2024/PN Smg, Her Margono, S.E. (2024), p. 2.

⁴⁰ *Ibid*, p. 2-4.

a stable nurturing environment.⁴¹ In this case, the Applicant is deemed financially and emotionally capable of meeting the child's needs. Evidence of supervision from the Social Service also strengthens that the applicant meets the established requirements to ensure the child's protection. Supported by the Applicant's economic condition, which is considered capable because they work as a Civil Servant at the Public Works Department of Semarang City.⁴² With no objections from the witnesses who provided testimony in the application hearing, this decision reflects that the best interests of the child have become the primary focus of the decision-making process.

This decision also reflects comprehensive protection of children's rights as stipulated in the Child Protection Law. Article 39 paragraph (2) of the Child Protection Law, which states, "the adoption of a child as referred to in paragraph (1) does not sever the blood relationship between the adopted child and their biological parents,"⁴³ has also been fulfilled in the ruling. In this case, the handover report signed by the biological parents serves as evidence that the process was conducted voluntarily and without coercion.

The right to a child's identity is also protected through the recording of their status in the population register as mandated by Article 39 paragraph (2a) of the Child Protection Law, which states, "the adoption of a child as referred to in paragraph (1) must be recorded in the birth certificate, without erasing the child's original identity."⁴⁴ The judge ensures that this recording process is carried out correctly to provide the child with legitimate legal protection. With this approach, the court has ensured that the child continues to have access to their rights, both legally and socially.

In this case, the court also ensured that all the requirements stipulated in Article 12 of Government Regulation Number 54 of 2007 have been met. Muhammad Fadhil Alvaro at the time of the adoption application by the Applicant was 18 months old or 1 year and 6 months. The applicant, who has been caring for the child since birth, has also obtained official permission from the Social Services Department, indicating that this process has been conducted under proper supervision. Article 16 of Government Regulation No. 54 of 2007 also stipulates that child adoption must consider the religion of the child and the adoptive parents. In this ruling, the judge ensured

⁴¹ *Ibid*, p. 13.

⁴² *Ibid*, p. 11.

⁴³ Law Number 35 of 2014 Concerning Amendments to Law Number 23 of 2002 on Child Protection, Child Protection Law, Article 39 paragraph (2).

⁴⁴ Law Number 35 of 2014 Concerning Amendments to Law Number 23 of 2002 on Child Protection, Child Protection Law, Article 39 paragraph (2a).

the religious compatibility between the applicant and the adopted child, which is one of the absolute requirements for child adoption in Indonesia. In addition, the adoption is carried out through a court decision, which provides legal certainty and ensures that the procedure follows the regulations.⁴⁵

Based on the above analysis, adoption must be carried out with consideration of the best interests of the child to avoid negative impacts in the future. Therefore, regulations regarding child adoption need to be strengthened by considering various important aspects, including the reinforcement of procedures, monitoring mechanisms, prevention of exploitation, protection of identity rights, and social guarantees. With a stricter and more transparent system, adoption can provide better legal protection for adopted children, while also preventing abuse or exploitation of them.

One important aspect of adoption is the strengthening of the requirements and procedures that must be met by prospective adoptive parents (COTA). The examination of prospective adoptive parents (COTA) must be conducted rigorously by reviewing their social, economic, and psychological backgrounds to ensure that they are truly capable of providing a safe environment that supports the child's development. In addition, a criminal record is a very crucial aspect in the selection process of prospective adoptive parents. Strict checks must be conducted to ensure that individuals with a criminal record, especially those related to child violence or sexual offenses, are not granted permission to adopt. This aims to protect the child from the possibility of exploitation, abuse, or unsafe environmental conditions. Children who have reached a certain age must also be given the right to express their consent before the adoption process is carried out.

Preventing child exploitation and trafficking is also an important aspect of adoption regulations. Adoptions carried out without proper legal procedures must be subject to strict sanctions to prevent abuse, especially in cases of international adoptions that often become loopholes for child trafficking under the guise of adoption. Therefore, the government must strengthen oversight of international child adoption by tightening the verification and legalization processes. In addition, adopted children must still have the right to know their original identity if they wish to. The citizenship status of adopted children must also be guaranteed to avoid legal issues in the future, such as losing citizenship or having an unclear legal status.

In addition to protection against exploitation and the identity of the child, social security for

⁴⁵Semarang District Court, Decision No. 269/Pdt.P/2024/PN Smg, Her Margono, S.E. (2024), p. 5.

adopted children must also be a concern in adoption regulations. The law must ensure that adopted children have full access to health facilities, education, and social security from both the state and their adoptive parents. The government can collaborate with international institutions and non-governmental organizations such as Save The Children Indonesia, which operates in the field of child protection, to adopt best practices in the adoption system and improve the welfare of adopted children in Indonesia. With stricter regulations focused on the best interests of the child, adoption can truly become a solution for children in need of substitute families, while also protecting their rights from various forms of exploitation or unfair treatment.

Strict regulations must also ensure that every adoption decision always considers the best interests of the child, not merely the desires of prospective adoptive parents to have a child. Children who have reached a certain age should be given the right to express their consent before the adoption process continues. This is in line with the principles of the UN Convention on the Rights of the Child (CRC), which emphasizes the importance of children's right to be heard in decisions affecting their lives. Moreover, transparency at every stage of adoption must be maintained to prevent deviations, such as child trafficking practices that often arise in poorly supervised adoption systems. Therefore, the courts and social institutions responsible for child adoption must have strict monitoring mechanisms to ensure that every adoption process follows procedures and that there is no abuse of power.

In addition to strengthening procedures, post-adoption supervision also needs to be tightened to ensure the child's welfare is guaranteed. The government or social institutions must conduct regular monitoring of foster families to ensure that the child receives proper protection and care. Periodic reports from social workers or authorities should be mandatory so that any form of deviation can be detected immediately. In addition, adopted children should have easy access to complaint institutions if they experience violence, exploitation, or neglect from their adoptive parents. With an effective monitoring system in place, adopted children can be protected from mistreatment and have a better quality of life in their adoptive families. Not only at the selection stage, post-adoption supervision is also an important element in ensuring the welfare of the child in the adoptive family. The government or authorized social institutions need to provide assistance and regular monitoring of adopted children to ensure that they receive a safe, loving environment that meets their developmental needs. Periodic reports from adoptive parents regarding the child's development should be part of the monitoring system, as well as the existence of a rapid intervention

mechanism if signs of exploitation, violence, or neglect towards the child are found. If violations are found, legal action must be taken immediately to protect the child and ensure that they do not suffer from problematic adoption.

CONCLUSION

The conclusions of this study are as follows:

1. Adoption in Indonesia is a legal process aimed at protecting and enhancing the welfare of children while maintaining their best interests. Regulated by the Child Protection Law and Government Regulation No. 54 of 2007, adoption must be carried out in accordance with legal procedures without severing the child's blood relationship with their biological parents. Adoptive parents are required to fulfill the child's basic rights, such as identity, education, health, protection, and relationship with the biological family. In addition, there are strict requirements for prospective adoptive parents to ensure the child's well-being. Adoption of a child that does not go through legal procedures can have legal consequences, including unclear status of the child and guardianship issues. Therefore, adoption must obtain a court decree to have legal validity and provide legal certainty for all parties involved.
2. Decision Number 269/Pdt.P/2024/PNSmg reflects the implementation of the principle of the best interests of the child in the adoption process, as regulated in the Child Protection Law and related regulations. Adopted children still have basic rights, including the right to nutrition, education, protection from violence, participation, and national identity. In this case, the court considered the child's welfare aspects, including the stable financial and emotional condition of the applicant, as well as the fulfillment of legal requirements such as permission from the Social Service and religious compatibility. The child adoption process is carried out legally, with identity records that maintain the blood relationship with the biological parents. Regulations regarding adoption need to be strengthened by ensuring strict procedures for prospective adoptive parents, effective oversight mechanisms, and prevention of child exploitation and trafficking. In addition, the protection of identity rights, legal status certainty, and access to social security must also be part of comprehensive regulations. With a more transparent system based on the best interests of the child, adoption can truly become a solution that provides protection, welfare, and a better future for the adopted child.

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