

ABSTRACT

Tomy Restu. NIM. 180211050124. (*Adoted Children's Position in the Living Law of Muslim Society Murung's Dayaknese Tribe*) the Guidance of I: Dr. Hj. Gusti Muzainah, S.H., M.H. and Guidance of II: Prof. Dr. Ahmadi Hasan, M. Hum. at Islamic Families Law Study Program, Post Graduate in Islamic University of Antasari State, Banjarmasin.

Keywords: *Living Law, Kaharingan, Kinship, Taboo, Hapambelum, Grant.*

The Muslim society of the Murung Dayak tribe has its own concept regarding the issue of the position of adopted children. In this case, there are two sides that must be considered, namely the pure living law of the Murung Dayak society and Islamic law which was later adopted by the Murung Dayak tribe. The Murung Dayak tribe, which is very synonymous with the Kaharingan religion, then embraces Islam, making it seem contradictory. However, with the existence of these two legal systems, a legal system was formed which was the result of the integration of the two, with identical characteristics to the traditions of the ancestors by upholding the concept of values in Islamic law. In other words, customary law is then adapted to religious law. This makes the author interested in conducting related research, one of which is regarding the position of adopted children so that it can be clearly described how the concept of the position of adopted children exists in the Muslim society of the Murung Dayak tribe and its harmony with Islamic law. This research is a normative legal research by examining the values in the customary law system of the Murung Dayak Muslim society and then analyzing the existing concepts with Islamic law. The author concludes that in the customary law of the Murung Dayak Muslim community, the position of adopted children is the same as biological children. Among them in terms of treatment or fulfillment of their rights as children. However, in terms of kinship, the adoption of a child is carried out by not completely severing the kinship between the child and his biological parents, in other words, the child only has a new or additional family. As for mahraman, a taboo that exists in the customary law of the Murung Dayak Muslim society is a form of obedience to the initial agreement for adoption but does not reach the point of prohibition. As for the inheritance of adopted children, adopted children who live together with their adoptive parents (hapambelum) are considered to have the same rights as biological children. However, with the custom of distributing inheritance before the testator dies (hibah-waris), then when the property is received by people who are not heirs (adopted children) it means that this is a pure gift. This happens because the Muslim society of the Murung Dayak tribe is not familiar with the concept of wasiat wajibah, therefore the giving of property by the heir to people who are not heirs is referred to as inheritance.