

STATUS OF ADOPTED CHILD TURNED INTO MAHRAM ACCORDING TO SYAFI'I FIQH

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ABSTRACT

Adopted children who have grown up will have certain genitalia boundaries with adoptive parents. This causes the role of adoptive parents to not be realized optimally and the rights of adopted children cannot be fully fulfilled. Conversely, when adoptive parents do not pay attention to Islamic values in the practice of adopting children, this is also strictly prohibited in religion, and is considered very fatal, because it is included in the practice of *tabanni* during the Jahiliyya era. This research was conducted to answer problems that are currently occurring in the practice of adoption, in the form of what is the status of adopted children in Islam, how is the process for adopted children being made mahram status according to Syafi'i fiqh, and what is the law that applies to adopted children. This research is included in the category of library research. The author uses a normative approach that is descriptive in nature. The results of the research are presented by the author in the form of solving problems that occur between adoptive parents and adopted children by changing the status of adopted children to become mahrams, namely: by breastfeeding when they are child, adopting children from husband or wife relatives, and marrying adopted children. Furthermore, when the status of an adopted child has been changed to that of a mahram, then what has legal consequences is only the boundaries (aurat) of the adopted child. Meanwhile, in matters of inheritance, marriage guardianship, and lineage, nothing changes even though the adopted child has the status of a mahram. However, considering that their relationship is familiar and since childhood the adopted child has been with the adoptive parent, feeling that something is missing if the adopted child's rights are differentiated from those of his biological child, then the solution that can be made for inheritance is a mandatory will or inheritance testament so that the adopted child can still feel the inheritance those left behind and *taukil* marriage guardians to adoptive parents for matters of marriage guardians so that they can feel the guardianship of their adoptive parents. As for the issue of lineage, this cannot be contested in any way, because pure lineage was given by biological parents which cannot be changed even by *tabanni*.

Keywords: Adopted Children, Mahram, Fiqh Shafi'i

A. PRELIMINARY

One of the goals of marriage is to continue the lineage. The lineage is important in a marriage, so that when a marriage has not been blessed with a child, it is thought that the marriage has failed to achieve its goal, because the desire to have

children is the instinct of every married couple (Muhammad Az-Zuhaili, 2011). Sometimes a family is said to be harmonious and considered complete if it consists of a father, mother and child. So it is not surprising, there are so many realities that occur in our environment,

marriages that are fostered with difficulty eventually end up being separated or divorced due to domestic turmoil, one of the consequences of which is the absence of a child in their midst (Zakia Al Farhani, 2011).

The family is the smallest community group consisting of father, mother and children, but not all families have these three elements, so that some families do not have children. Children are essentially a gift from God for married couples for their next regeneration. So the absence of a child figure in their midst was not his plan, but it was purely from God's will alone, as in the story of Prophet Zakaria who asked his God to give him a child, because he had not been blessed with a child for a very long time. The story is enshrined in the word of Allah Surah Ali Imran verse 38:

هَٰذَا لَكَ دَعَا زَكَرِيَّا رَبَّهُ قَالَ رَبِّ هَبْ لِي مِنْ لَدُنْكَ ذُرِّيَّةً
طَيِّبَةً إِنَّكَ سَمِيعُ الدُّعَاءِ

“Then Zacharia prayed unto his Lord and said: My Lord! Bestow upon me of Thy bounty goodly offspring. Lo! Thou art the Hearer of Prayer.”

When a family has not been able to have children and they really want a child in their midst, then one way that can be done is to adopt someone else's child. In

terms of fiqh, it is known as "tabanni" which means adopting a child who is not related by blood and lives in the family. While the word adoption comes from the Latin language, namely adoption, adoption which means the collection or adoption of someone else's child, then making him a biological child (Haedah Faradz, 2009). Meanwhile, according to the Big Indonesian Dictionary, adoption is the adoption of other people's children as their own children.

Mahmud Shaltut in his book Al-Fatawa explains that the law of adoption/tabanni in Islamic law is seen from two points of view. his biological child, both out of affection and living expenses, without changing the child's lineage status, then such action is one way to get closer to Allah, and this is permissible in Islamic law. Second, if a person adopts a child who knows that the child is someone else's child, then makes him a legitimate child, by changing the child's status to that of a biological child, even between the two of them can inherit, and bear the marriage (become guardian) when they are about to get married, then Actions like this are unlawful and not permissible, because they are the same as the actions of the ignorant people in the past (Sasmiar, 2011).

But the prohibition here is not absolute, there is the practice of adopting children which is justified in Islamic law, namely adopting children within the scope of nurturing, educating, caring for them with great affection, leading them to a better, proper, and right life without being tied to the lineage. (offspring), so that the relationship between them can be categorized as a relationship of affection, adopted children are still other people for their adoptive parents, all the provisions that apply to adult men and women also apply to adopted children when they reach adulthood, because they not a mahram, their relationship needs to be considered, both at home and in other gathering places, there are boundaries that must be maintained, such as not being alone together, not seeing private parts, touching, must always dress modestly according to Islamic law, always keep your eyes on, maintain the etiquette of association between men and women who a jnabi, keep seductive words, meet only when there is a need, and so on. Because there is no familiarity path with adopted children, as explained in the words of Allah.

When parents have certain limitations on their children, the role of parents cannot be realized optimally and the rights of children cannot be fully fulfilled, even though the presence of

parents is very important in educating children, as is the case for adopted children who are starting to grow up. , he already has certain restrictions towards his adoptive parents. Indeed, adoptive parents want to nurture, care for, educate and direct a better, proper, and true life with great affection without tying the lineage (heredity), even this is a very noble deed, but there are many other values that need to be considered and chances are it's very difficult to guard against. Moreover, they live in one place where they are always interacting, it is certain that they will touch each other, look unguarded, be alone and so on.

Conversely, when adoptive parents do not pay attention to Islamic values, they think that there is no limit between adoptive parents and adopted children, adopted children can receive inheritance from adoptive parents, adopted children can be borne by marriage (become guardian) by other people. adoptive parents as the position of biological children, even adopted children can attribute the names of adoptive parents to themselves, this is also strictly prohibited in religion, because it is included in the practice of tabanni during the Jahiliyah era. As stated by Wahbah Zuhaili, "Islam has forbidden the practice of tabanni that

occurs in the period of jahiliyah" (Wahbah Zuhaili, 2008).

So to avoid unwanted things, religion provides a solution so that there are no certain restrictions that prevent them from interacting by making mahrams, and the solution for adopted children who do not receive an inheritance can be replaced with a will, guardianship issues, and can also be married off (guardian) by the adoptive parents directly by means of being represented to the adoptive parents (Abu Hasan Ali al-Mawardi, 1999), considering that the role of the parents is very important and primary, so that the adopted child does not feel alienated in the midst of other people's families, and the child's rights are still fulfilled.

Based on this, the author is interested in researching a scientific work in order to solve problems that occur between adoptive parents and adopted children so that there are no adoption practices that are not in accordance with Islamic teachings or Islamic values. The purpose of this research is to find out the status of adopted children in Islam, to find out the process of adopted children being made mahram status according to Syafi'i fiqh, to find out how the law applies to adopted children.

B. LITERATURE REVIEW

There are several studies which are almost similar to the research the writer did, so to avoid misunderstandings that will occur, the writer will include some of the previous research, so that the reader can see and find out where the difference lies between the author's research and several other studies, and you can also find out the authenticity of this research. . The following are some of the studies that have been investigated.

First, research conducted by Zakia Al Farhani (2011) entitled "Process of Adoption (Adoption) in an Islamic Perspective", which discusses how the process of adopting children according to the Siran Malik Foundation, the process of adopting children in various regions in Indonesia, legal views positive towards adoption at the Siran Malik foundation, and what are the legal consequences that occur if it is not in accordance with the rules of adoption in Indonesia.

Second, research conducted by Abd. Waris (2010), entitled "The Legal Consequences of the Concept of Tabanni and Istilhaq According to Islamic Law", in his research discussed the guardianship of adopted children whose parents are unknown according to fiqh and compilation of Islamic law.

Third, there is Evy Khristiana's research (2005), entitled "Status of Adopted Children According to Compilation of Islamic Law (Case Study of Legalization of Adopted Children and Distribution of Inheritance in the Kudus District Court)". This research explains the position of adopted children according to the Compilation of Islamic Law, the division of inheritance for adopted children according to the Compilation of Islamic Law, the resolution of cases of adoption and the distribution of inheritance by examining the case at the Kudus District Court.

Fourth, there is also research conducted by Happy Budyana Sari (2009) entitled "The Concept of Adoption in the Perspective of Islamic Law". This research explains the Islamic concept of adopting a child which cannot break the lineage between the child and his biological parents, and in his research he also states that the legal relationship between adoptive parents and adopted children is limited to the extended relationship between foster parents and foster children, and in no way creates a family relationship

The fifth or the last, in the book by Andi Syamsu Alam & M. Fauzan entitled "The Law of Adoption of Children from an Islamic Perspective". In his book, he

describes the laws explicitly and clearly regarding cases of child adoption and their legal consequences.

Meanwhile, the research that the author is doing, is different from some of the research that has been described previously, the author will focus more on the status of the adopted child itself, whether he is a mahram for his adoptive parents or not and the author will explain how the process for an adopted child can be made a mahram, then he will also discusses changes to the law for adopted children who already have mahram status.

1. Adopted Son

As indicated by Wahbah Zuhaili, tabanni is the taking of a child by someone with clear descent, then the child is assigned to him. On the one hand, tabanni is a man or woman deliberately imposing a child for himself, despite the fact that the child has hitherto had a clear lineage of his original guardian (Ahmad Fikri, 2018). The above definition is clearly contrary to Islamic law, so such appointments must be avoided. According to the fiqh scholar, Mahmud Syaltut, he distinguished two types of adopted children, *First*, someone's statement to a child who knows that he is someone else's child in his family. He is treated as a child in terms of love, provision of living, education and service in all his needs, not treated as his own

biological child. Second, the understanding understood from the words *tabanni* (absolute adoption) according to customary law and traditions that apply to humans, namely entering a child who he knows as someone else's child into his family who has no family ties to him as a legitimate child then he has the right and obligations as a child.

Adoption in Arabic is known as *tabanni*, which means taking an adopted child or making someone a child. Adoption in this sense has a legal effect on breaking the lineage between the adopted child and his biological parents, the status of the adopted child is the same as that of the biological child and the adopted child is called by the name of his adoptive father, and has the right to inherit. In essence, Islam supports efforts to protect children, one of which is adoption. As for the adoption of children which is permitted in Islam, of course that means adopting children solely because they only want to help in terms of the welfare of the child and also provide protection without making him a biological child (Sasmiar, 2011).

2. Mahrams

Mahram comes from the word "haram" namely people who are forbidden to marry, the meaning of haram in marriage in this discussion is the

prohibition to marry (marriage) between a man and a woman, whether the prohibition is permanent or temporary.

Forever Mahrams are those who are forbidden to marry forever called Mahram Muabbad. That is, people who fall into this category cannot be married forever, no matter what. For example, a woman may not marry her biological father forever. Because his biological father is a *muabbad* mahram for him (Muhammad Az-Zuhaili, 2011).

Temporary mahrams are those who are forbidden to marry temporarily or temporarily, called Mahram Muaqqat. That is, people who fall into this category may not be married temporarily, because there is one reason that prohibits it. If the cause is gone, then the mahramanity will also disappear, which in turn allows the two of them to marry. An example of Mahram Muaqqat is for example between a woman and her brother-in-law. As long as his brother-in-law is still the husband of his older sister, he cannot marry his brother-in-law. Because, as long as his brother-in-law is married to his older sister, then his brother-in-law becomes a *muaqaat* mahram for him. Meanwhile, if the man is no longer his brother-in-law, then they may marry. For example, if the brother-in-law is divorced from his older sister, or if his older sister has passed away. Because,

when his brother-in-law is no longer married to his older sister, the (former) brother-in-law is no longer a *muaqqat* mahram for him (Muhammad Az-Zuhaili, 2011).

According to Aini Aryani, a mahram is: the prohibition of marriage between a man and a woman according to Syara. In the Qur'an it is explained about thirteen, or groups that cannot be married. Based on the cause, we can divide these thirteen people or groups into three groups. First, group due to blood relationship, wiladah (giving birth), lineage or descent; result of genealogical relationships, either vertically or horizontally. Second, the group because of breastfeeding, either those who are breastfeeding or siblings who are breastfed. Third, group due to marital ties (Aini Aryani, 2018).

C. RESEARCH METHODS

The method used in this research is a qualitative approach with the type of library research. The approach used is a normative approach, namely an approach that views religion in terms of its basic and original teachings from God in which there is no human thought. The data collection stage uses the documentation method by collecting document materials such as collecting books and records that have relevance to the research being carried out for further analysis.

Data analysis uses a descriptive analysis method, which is a method that is carried out by explaining the problems that have been collected through the documentation method. Then, these problems will be analyzed and further elaborated, so that a conclusion that is in accordance with the normative approach can be found.

D. RESULTS AND ANALYSIS

1. Status of Adopted Child in Islam

The status of an adopted child is an issue whose circumstances must be clear, caused by the need to fulfill rights and obligations that must be accepted and fulfilled in the family correctly and appropriately. When the basic status of the adopted child is clear, it is also clear what rights and obligations will become both the adoptive parents and the adopted child himself.

In the Jahiliyya era, if someone adopted a child, then automatically their position was equated with biological children. The adoption of a child at that time had changed the position of a child in a number of ways, including: severing the blood relationship between the adopted child and his biological parents and family, not having any boundaries between the adoptive parents and the adopted child who was already an adult, adopted children are the heirs of adoptive parents,

and vice versa adoptive parents become heirs of adopted children, adopted children are allowed to use the names of their adoptive parents (as adopted children call them) directly as identification/address, and parents Adoptives can act as guardians in marriage to their adopted children (Andi Syamsu Alam & M. Fauzan, 2008).

Yusuf Qardhawi said, as quoted by Mutasir, that there had been falsification of family status which made someone who was actually someone else for a family, become one of the family members. He is free to associate with his women, or with his adoptive mother, or conversely, he is free to associate with his adoptive brother or adoptive father, assuming they are his mahram. Although legally they are other people to him. His adoptive father's wife was not his mother, and neither were his daughters, sisters, aunts, and so on. They are all ajnabi (other people) for him (Feby Trihandoko, 2020).

From the provisions above, it can be seen that the principle of adoption during the Jahiliyya period was similar to biological children, which had legal consequences for lineage, inheritance, guardians, even mahrams, who thought that there were no boundaries between them, even though in essence they were one ajnabi for another.

Islam only allows adoption if it fulfills the following conditions:

- a. Sever the blood relationship between the adopted child and his biological parents and biological family.
- b. Adopted children do not have the status of being the heirs of their adoptive parents, but are still the heirs of their own biological parents, likewise adoptive parents do not have the status of being the heirs of their adopted children.
- c. Adopted children may not use their adoptive parents' names directly, except for identification.
- d. Adoptive parents cannot act as guardians in their adopted child's marriage (Andi Syamsu Alam & M. Fauzan, 2008).
- e. Between adopted children and adoptive parents there are boundaries (aurat) that must be maintained when the adopted child reaches adulthood.

So with the acknowledgment from the adoptive parents to the adopted child or from the adopted child to the adoptive parents who say it is "the adopted child" or it is "the adoptive parent", it will not be able to change the status of his lineage, inheritance, and change of name to the adoptive parents . When an adopted child

cannot have the status of a biological child which can affect the legal consequences of penaban, inheritance, and affixing names, then there will be mahraman problems. And it is very clear that we see that an adopted child is not a mahram for his adoptive parents, because there are three reasons that a person becomes a mahram for him, namely: blood relationship or lineage or kinship (*qarabah*), relationships that occur as a result of marriage (*mushahaharah*), and breastfeeding relations (*radha'ah*) (Aini Aryani, 2018).

There is no single line of mahraman which says that an adopted child is a mahram for his adoptive parents, so it is very necessary to pay attention to the boundaries between the child and his adoptive parents, so that they cannot mix freely with their women, or with their adoptive mother, or aunt or vice versa. could socialize freely with his adopted brother, or adoptive father, or uncle with the assumption that they were his mahram, even though legally they were other people to him.

Adopted children are treated as stipulated in Islamic law, it causes certain boundaries (*aurat*) between adoptive parents and adopted children that must be maintained (Mahmud Syaltut, 1991), so that problems arise that cause the role of adoptive parents to not be realized

optimally, adopted children will feel alienated in the midst of other people's families, as if adoptive parents differentiated the rights between adopted children and biological children, even though Islamic law stipulates that way. On the other hand, when adopted children are not treated according to the provisions of Islamic law, namely by equaling the position of biological children, there are no restrictions whatsoever between adoptive parents and adopted children who are adults, can get inheritance, can bear the marriage (become guardian) by the adoptive parents, it can even be attributed to his adoptive parents (Abu Suja', 2000), this is also strictly prohibited in religion, because it is included in the practice of *tabanni* during the *jahiliyah* period. There will be many other problems that arise if the practice of adoption is not in accordance with the provisions of Islamic law, so it goes awry.

So to avoid this problem, there are certain limitations that must be maintained so that the role of adoptive parents cannot be realized optimally, adopted children do not inherit, adoptive parents cannot be marriage guardians, and the lineage can not be changed.

The scholars, especially the Syafi'i fiqh scholars, have a solution, namely that the status of adopted children should be

changed to become mahrams (Muhammad Az-Zuhaili, 2011), so that there are no certain restrictions that must be maintained, so that the role of adoptive parents can be realized optimally, and the practice of adopting children is in accordance with Islamic values. Even the fiqh scholar Syafi'i also has a solution so that adopted children do not feel alienated in the midst of other people's families by continuing to give their rights like biological children, namely by way of a will for inheritance issues, represented by the adoptive father for matters of marriage guardian (Abu Hasan Ali al-Mawardi, 1999).

2. Status of Adopted Child as Mahram According to Syafi'i Fiqh

As for the process of changing the status of an adopted child to a mahram according to Syafi'i fiqh, there are several ways, namely:

a) Breastfeeding (*Ar-Radha'*)

An adopted child is not a mahram for the adoptive parents' family unless they can become a mahram by breastfeeding the child adopted by the adoptive mother or their relative, because breastfeeding can create mahram relations, just as heredity/lineage can lead to mahram relations. Based on the hadith of the Prophet sallallahu 'alaihi wa sallan, from 'Aisyah radhiyallahu' anha said:

"Breastfeeding causes a mahram relationship, just like a mahram because of lineage." (Bukhari and Muslim).

The meaning of *Ar-Radha'* or *ar-radha'* in language is the name for people who breastfeed and people who drink milk or are often called mothers who breastfeed and babies who are breastfed. Whereas in the meaning of *Syara'*, it is the arrival of the child's milk at a certain level into the stomach of a certain child in a certain way.

A *radha'ah* will be valid if it fulfills the pillars and conditions of *radha'ah*. The pillars of *radha'ah* are divided into three, namely: mothers who breastfeed (*murdhi'ah*), milk (*laban*), and babies who suckle (*radhi'*). There are three conditions for mothers who breastfeed (*murdhi'ah*), namely: first, women who breastfeed must be women, women who breastfeed are declared alive, the woman is at least nine years old. There are three requirements for milk (*laban*), namely: first, the milk enters through the oral cavity to the child's stomach. Second, it requires five separate suctions. Third, you must be sure that the child you are breastfeeding is not yet 2 years old. There are two conditions for babies who suckle (*radhi'*), namely: first, the baby is alive normally. Second, the baby is not yet two years old or twenty-

four months old. When all the pillars and conditions are fulfilled by the adoptive parents, the adopted child has become a mahram for the adoptive parents, all the boundaries that used to be maintained when they were adults, do not need to be considered anymore because they are included in the mahram who is mu'abbat (forever) the same like biological children, they can be alone together, they can't even break down the wudu if they touch (Muhammad Az-Zuhaili, 2011).

As has been explained in the Qur'an who is a breastfeeding mahram, but only two are mentioned, so the rest can be analogous to other lineage mahrams.

- b) Adopting children from parties who are still related to the wife or husband.

The next process of adopting children, so that the adopted child has mahram status by taking the adopted child from a party who still has a family relationship with the adoptive parents. For example, if you want to take an adopted daughter, then you can look for the daughter of the adoptive father's relative (adopted father's niece). Because the nephew is still a mahram. Meanwhile, if you want to take a son, then you can take a son from the adoptive mother's siblings. So the status of the adoptive mother is

mahram for the boy because the adoptive mother is his aunt.

Even though the adopted child is not directly his biological child, the adopted child can still have a mahram relationship with the adoptive parents, for example, a man who takes his niece (daughter from his brother or sister) as an adopted child, between the man and his niece it is clear that there is a family relationship which makes the niece the man's mahram. In this case, the nephew of the mahram's daughter towards the man who is the adoptive parent. And conversely, a woman takes her nephew as a foster child, between the woman and her nephew it is clear that there is a family relationship that makes the nephew the woman's mahram. And the mahraman here is not because of being made into the status of an adopted child but because of lineage (Muhammad Az-Zuhaili, 2011).

At this point, I think it's quite clear who are the people who have been determined by the Shari'a as people who are forbidden to marry (mahram), including uncles and aunts who make their nephews as adopted children. So it can be understood that an adopted child who is not from the person mentioned above means that he is not a mahram.

c) Get married

The process of adopting a child that can change the status of an adopted child to become a mahram is by marrying an adopted child, whether the adoptive parents marry themselves, or the biological children of the adoptive parents, or also the adoptive parents' siblings. The point is that adopted children are married off to someone who has a family relationship with the adoptive parents in order to become a mahram for the reason of *musaharah* (Muhammad Az-Zuhaili, 2011).

If the adopted child is married by the adoptive parents, then if the adopted child is a girl, the adoptive father will marry her, if the adopted child is a boy, then the adoptive mother will marry the condition if the adoptive mother is single (widow). So their marriage can create a muabbat mahram relationship because of *musarah*.

If the person who marries the adopted child is the biological child of the adoptive parents, this will also create a mutually beneficial mahram relationship, because the parents-in-law or son-in-law are included in the mahram because of *musaharah*, but *ba'da dukhul* (causing the mahram to be muabbat), as Sheikh Ibn Qasim al-' Izzi who is quoted from Bajuri's

hasysiah (Ibrahim Bin Muhammad Al-Bajuri, n.d.).

If the adopted child is the biological sibling of the adoptive parents (aunt or uncle), if the adopted child is a boy then he is married to the adoptive mother's sister so that the adoptive mother becomes his mahram, even if the mahram is *muaqqat*. Conversely, if the adopted daughter is married to the adoptive father's brother. So that the adopted child becomes the husband or wife of the adoptive parents' siblings, but one day they are separated (divorced), their mahram relationship no longer exists because the younger brother or sister-in-law is included in the *muaqqat mahram*, as quoted in the book of Fiqh al-Manhaji 'ala Madzhab al-Imam Asy-Syafi'I, there are seven *muaqqat mahrams*, namely: sister/sister-in-law, wife's aunt, fifth wife, polytheistic idol-worshipping women, married women, women who are still undergoing the *iddah* period, women who have been divorced three times, a woman who is in *ihram* until her *ihram* is finished, and an adulterous woman unless she repents of her adultery (Mustafa al-Khin, 1992).

However, it is necessary to distinguish between a muabbat mahram and a *muaqqat mahram*, because a *muaqqat mahram* is only forbidden to

marry, as for the limitation of genitalia, they are allowed to be together, touch skin so that their ablution collapses are the same provisions as an ordinary *ajnabi* woman. In contrast to *muabbat* mahrams, apart from being forbidden to marry, they are also allowed to be together, without breaking their ablutions and so on (Aini Aryani, 2018).

That's why this third process is actually less than optimal compared to the previous process, this process only changes the status to become a mahram, but the limit so that the role of parents can be realized optimally cannot be applied because it is almost the same status as the *ajnabi*, and in this case even though legally both of them are allowed and legal to marry, this could become a topic of discussion in society because it is considered something that is not commonplace, if an adopted child marries an adoptive parent, or with a sibling of the adoptive parent, it is different if the marriage of an adopted child with biological children of adoptive parents, it is still normal and can still realize the role of adoptive parents to the fullest, because there are no boundaries whatsoever between them *ba'da dukhul* (becoming mahram *muabbat*), besides the parents of the husband or wife are still adoptive parents, is also his mother-in-law, because

mother-in-law is included in the *muabbat* mahram where it is forbidden to marry forever, regardless of the situation and circumstances.

3. Legal Consequences Occurred Against Adopted Children Turned Into Mahrams

Adopted children who already have mahram status with adoptive parents, will they have legal consequences that are different from before or not?

Based on the analysis of the data described above, it can be understood that adopted children who are already mahram status only have legal consequences in changing boundaries with adoptive parents, meaning that between them there are no restrictions like those that apply to *ajnabi* men and women again, because adopted children are included in one of the reasons for being mahram. Previously, when adopted children were adults, between them there were certain boundaries that had to be maintained, they were not allowed to be together, were not allowed to touch, were not allowed to look at each other, and everything that was forbidden between men and women was *ajnabi*, although sometimes the adoptive parents who had taught everything from a long time ago, even from childhood in his lap. However, when the adopted child reaches the age of adulthood, all these

things must be limited, because the adopted child is still an ajnabi for the family of the adoptive parents. However, because the status of the adopted child has been changed to that of a mahram, the adopted child is like the biological child or mahrah of another adoptive parent. They are free like other mahrams, whatever applies to a mahram, also applies to adopted children. They may see what is between the navel and the knees, only with the condition that the opening of the private parts is safe from slander. As for what is between the navel and the knees, it is still not permissible.

Regarding inheritance, adopted children still do not receive inheritance from their adoptive parents, even though the status of the adopted child has become a mahram. Adopted children who are not included in the causes can receive inheritance, but are still not entitled to receive inheritance from adoptive parents (An-Nawawi, 1991).

Regarding marriage guardians, adopted children still cannot be supported by their marriage (being guardians) by adoptive parents. In essence, only people who are related by blood (father, ashabah in inheritance) become guardians. The guardians of an adopted daughter are her biological parents, not her adoptive parents. As Imam Abu Suja' in Matan al-

Ghayah wa Taqrib explains that the most important guardian is father, grandfather (father's father), mother and father's (biological) brother, father's brother, son, mother's mother's brother (biological), son paternal brother, paternal uncle, and paternal uncle's son. Such is the order. If there is no inheritance of 'asabah, then the judge (Abu Suja', 2000).

Regarding nasab, the adopted child still cannot attribute the names of the adoptive parents to him, even though the adopted child has become a mahram for the adoptive parents. Because penasaban can only be attributed to biological parents, not to adoptive parents.

Considering the close relationship between adopted children and their adoptive parents, especially if the adopted child is taken from his own close family, even when he was small with him, he feels that something is missing if the adopted child is distinguished from his biological children, even though so far, adopted children If you have been treated like your own biological child, then the solution that can be done to this problem is by giving a testament to inheritance issues, and represented by adoptive parents for issues of marriage guardians. As for the issue of lineage, it cannot be contested, because lineage is purely from the gift of biological parents which cannot be eliminated even

with the *tabanni* method. Even the Messenger of Allah once conveyed through his words, someone who assigns to someone who is not true (his biological parents), heaven is forbidden for him.

From the explanation above, it can be deduced that there are differences in the legal principles of adoption during the Jahiliyyah period, the Islamic period, and Imam school era, as following table:

No.	Element	The Age of Jahiliyah	The Age of Imams of the School (Shafi'i)
1.	Mahram relations	Adopted child is the same as biological child (mahram)	Adopted children are not the same as biological children (not Mahram), but can be made mahram by breastfeeding, adopting a child from a close family, or being married off to one of the adoptive parents' mahram.
2.	Inheritance rights	The adopted child gets the inheritance of the adoptive parents	Adopted children cannot inherit from their adoptive parents, but can be obtained by means of a will.
3.	Trusteeship	Adoptive parents can be guardians of adopted children.	Adopted children cannot be held under guardianship (become guardian) by the adoptive parents, but can be under guardianship by way of <i>taukil</i> (representative) guardian.
4.	Lineage relationship	Adoptive children can be assigned to adoptive parents.	Adopted children cannot be attributed to adoptive parents, there is not even one way, because the pure lineage was given by biological parents which cannot be contested.

E. CLOSING

Adopted children are not mahram for adoptive parents, there is not a single line of mahram which says adopted children are mahram for adoptive parents, so it is very necessary to pay attention to the boundaries (aurat) between children and adoptive parents, so that they cannot mix freely with who are not mahrams. so that if the adopted child is a boy, it is obligatory for the adoptive mother, his biological daughters, and his aunt to maintain certain restrictions on the adopted

child such as covering their private parts, protecting their views, maintaining the etiquette of fellow ajnabis and so on, and so on. On the other hand, if the adopted child is a girl then it is obligatory for the adopted child to maintain boundaries with the adoptive father, the biological children of the adoptive father who are male, or their uncles, as they should be when they are in front of other people who are not mahrams, different from the custom in the past. Jahiliyah.

There are several ways to change the status of an adopted child into a mahram according to Syafi'i fiqh, namely: breastfeeding (Ar-Radha'), taking an adopted child from someone who is still related to the wife or husband, and marrying an adopted child.

Adopted children who already have mahram status, only have legal consequences on the issue of genital boundaries among adoptive parents. They are free like other mahrams, whatever applies to a mahram, also applies to adopted children. So because there are no more boundaries between them, the role of adoptive parents can be realized to the fullest. Meanwhile, nothing has changed regarding inheritance, the adopted child still does not receive the inheritance from his adoptive parents, even though the status of the adopted child has become a mahram. Likewise marriage guardians, adopted children still cannot be supported by their marriage (being guardians) by adoptive parents. And regarding lineage, you still cannot attribute the names of the adoptive parents to him, even though the adopted child has become a mahram for the adoptive parents. This is all that causes adopted children to feel alienated in the midst of other people's families, but given the close relationship between adopted children and adoptive parents, so that

adopted children can still receive an inheritance and be supported by foster parents, the solution that can be done is giving wills to adopted children on inheritance matters, and being taukil to adoptive parents to marry adopted children on issues of marriage guardians. As for the issue of lineage, it still cannot be contested, because lineage is purely from the gift of biological parents which cannot be removed even with the tabanni method.

The author has several suggestions for this research, among other things, that when the adopted child is of an adult age, the adoptive parents want to maintain boundaries (aurat), because the adopted child is still not a mahram for the adoptive parents. Adoptive parents can carry out the process of changing the status of adopted children to become mahrams, so that the role of adoptive parents can still be realized optimally. In order the adopted child does not feel alienated in the midst of other people's families, the solution that can be done is by bequeathing the inheritance to the adopted child, and having the marriage guardian's taukil to the adoptive parents.

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