

# Between Minangkabau Customary and Islamic Law: Adoption of Children Born Out of Wedlock

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**Abstract:** This study aims to examine the adoption of children born out of wedlock within the interaction between Minangkabau customary and Islamic law, focusing on legal protection, social acceptance, and the child's best interests. It also evaluates the compatibility of adoption practices with the objectives of *Maqasid Shariah*. This research employs an empirical juridical approach using qualitative methods. Data were collected through interviews with customary leaders, religious scholars, adoptive families, and local officials in West Sumatra, supported by observations and document analysis of customary norms, legislation, and Islamic legal sources. The findings reveal that Minangkabau customary law generally accepts the adoption of children born out of wedlock as a means of providing care, family support, and social integration without changing biological lineage. Likewise, Islamic law permits adoption provided that *nasab*, inheritance rights, and legal identity remain unchanged. Although the legal consequences differ, both legal systems prioritize child welfare and social responsibility. Analysis based on *Maqasid Shariah* demonstrates that adoption promotes the protection of life, lineage, and property while strengthening family solidarity and social justice. The study concludes that adopting children born out of wedlock can serve as an effective child protection mechanism when implemented consistently with customary and Islamic legal principles. Academically, this research contributes an integrated socio-legal framework combining Minangkabau customary law and *Maqasid Shariah*, enriching discussions on legal pluralism, child adoption, and child protection while providing a valuable reference for future legal reform, judicial interpretation, and policymaking in Indonesia.

**Keywords:** Child Adoption, Customary Law, Islamic Law, Legal Pluralism, Maqasid Shariah

## 1. Introduction

The legal status of children born out of wedlock continues to generate significant legal,<sup>1</sup> social,<sup>2</sup> and ethical debate because it directly concerns lineage,<sup>3</sup> identity, inheritance,<sup>4</sup> guardianship,<sup>5</sup> and family recognition.<sup>6</sup> In Indonesia, this issue becomes increasingly complex due to the coexistence of state law, customary law, and Islamic law. The Minangkabau community offers a distinctive context because it applies a matrilineal customary system while simultaneously adhering to the Islamic philosophy *Adat Basandi Syarak, Syarak Basandi Kitabullah* (ABS-SBK). This dual legal orientation raises important questions regarding the adoption of children born outside lawful marriage, particularly concerning their legal affiliation within the customary clan and their position under Islamic law. Adoption is commonly regarded as a humanitarian measure to ensure children's welfare, education, and protection. However, its

<sup>1</sup> Pedro Alexandre Costa et al., "Kinship and Belonging in 'Open Adoption': How Do Children Make Sense of Their Family Connections Through Visual Representations?," *Adoption Quarterly*, 2025, <https://doi.org/10.1080/10926755.2025.2527060>.

<sup>2</sup> Isabelle Higgins, "Classified Children: A Critical Analysis of the Digital Interfaces and Representations That Mediate Adoption in the United States," *New Media and Society* 26, no. 11 (2024): 6597–6614, <https://doi.org/10.1177/14614448231156852>.

<sup>3</sup> Shira Rosenberg-Lavi, "From Closed Adoption to Post-Adoption Contact as Child Protection: A Judicial Typology Model," *Children and Youth Services Review* 187 (2026), <https://doi.org/10.1016/j.childyouth.2026.109085>.

<sup>4</sup> Winda Hardyanti and Pramana, "Communicative Resilience in Adoptive Families: Marital Communication Patterns in the Process of Child Adoption," *Asian Anthropology*, 2026, <https://doi.org/10.1080/1683478X.2026.2660455>.

<sup>5</sup> Ruben Hordijk, Lene Myong, and Sophie Withaecx, "The Colonial Logic of Severance: Adoption, Child Removal, and the Separation from the Past," *Women, Gender and Research* 38, no. 1 (2025): 94–107, <https://doi.org/10.7146/kkf.v38i1.152260>.

<sup>6</sup> Shukang Xiao and Pinghan Liang, "Decollectivization and Child Adoption in Rural China," *Economic Development and Cultural Change* 74, no. 1 (2025): 241–76, <https://doi.org/10.1086/735777>.

legal implications differ according to the normative principles governing lineage and family relations. Children born out of wedlock frequently encounter discrimination, uncertainty regarding legal identity, and unequal social acceptance despite growing awareness of child protection principles. These realities demonstrate that the interaction between Minangkabau customary law and Islamic law deserves careful academic examination. Understanding how both legal systems regulate the adoption of children born out of wedlock is essential for promoting legal certainty, protecting children's rights, and supporting the development of coherent family law within Indonesia's plural legal system.

Previous studies have discussed child adoption from various legal perspectives, yet several important gaps remain. Research on Islamic law generally emphasizes the prohibition against altering biological lineage, the distinction between *tabanni* and *kafalah*, inheritance limitations, guardianship, and the preservation of *nasab*. Studies focusing on customary law mainly examine kinship structures, clan membership, inheritance patterns, and the integration of adopted children into indigenous communities. Other scholars have analyzed the constitutional protection of children born out of wedlock, child welfare policies, and the implementation of statutory child protection legislation.<sup>7</sup> Although these studies contribute valuable theoretical and legal insights, they rarely examine the adoption of children born out of wedlock through an integrated analysis combining Minangkabau customary law and Islamic law.<sup>8</sup> Most publications treat these legal traditions independently rather than exploring their interaction within the same socio-legal environment.<sup>9</sup> Consequently, the literature provides limited explanation regarding how customary principles and Islamic legal doctrines may complement, reconcile, or challenge one another when addressing adoption involving children born outside lawful marriage.<sup>10</sup> This lack of comparative and integrative analysis creates an important research gap requiring further scholarly investigation.

The shortcomings of previous literature indicate the need for a different analytical approach capable of explaining the relationship between customary norms and Islamic legal principles. Earlier studies primarily describe doctrinal differences without evaluating their practical implications for adoptive families, customary leaders, religious authorities, and children themselves. Furthermore, many discussions remain limited to inheritance rights or lineage while giving insufficient attention to broader issues such as family integration,<sup>11</sup> legal identity,<sup>12</sup> social legitimacy,<sup>13</sup> and child welfare.<sup>14</sup> Existing research also rarely examines whether the Minangkabau philosophy of *Adat Basandi Syarak, Syarak Basandi Kitabullah* provides a normative mechanism for harmonizing customary practices with Islamic legal principles concerning adoption. Accordingly, this study positions itself by conducting a comprehensive normative analysis of the adoption of children born out of wedlock from both legal traditions. Rather than merely identifying similarities and differences, the research evaluates the compatibility of their underlying legal objectives and principles. This perspective is expected to provide a more balanced understanding of legal pluralism while contributing to contemporary discussions on family law, child protection, and the harmonization of customary and Islamic legal systems in Indonesia.

<sup>7</sup> Yiran Tian et al., "Prevalence and Influencing Factors of Micronutrient Powder Adoption Among Children Aged 6–24 Months by Parental and Grandparental Caregivers: An Analysis from Rural China," *BMC Public Health* 25, no. 1 (2025), <https://doi.org/10.1186/s12889-025-22006-w>.

<sup>8</sup> Erwati Aziz, Mohammad Dzofir, and Aris Widodo, "The Acculturation of Islam and Customary Law: An Experience of Minangkabau, Indonesia," *QIJIS (Qudus International Journal of Islamic Studies)* 8, no. 1 (June 30, 2020): 131, <https://doi.org/10.21043/qijis.v8i1.7197>.

<sup>9</sup> Mireia Solerdelcoll, Gisela Sugranyes, and Inmaculada Baeza, "Developmental Outcomes Across Foster Care, Adoption, and Child Welfare Services: A Mini Review," *Frontiers in Psychiatry* 17 (2026), <https://doi.org/10.3389/fpsy.2026.1691850>.

<sup>10</sup> Fatemeh Ghodrati, "Embryo Donation and the Conditions of Children's Inheritance: A Shiite Perspective," *Journal of Iranian Medical Council* 6, no. 4 (2023): 598–604, <https://doi.org/10.18502/jimc.v6i4.13438>.

<sup>11</sup> Luísa Pereira et al., "Pre-Adoption Experiences and Attachment Disorders in Portuguese Adopted Children," *Child and Youth Care Forum*, 2025, <https://doi.org/10.1007/s10566-025-09904-1>.

<sup>12</sup> Shian Yin, "From Global Families to Domestic Solutions: China's Child Welfare After International Adoption," *Journal of Public Child Welfare*, 2025, <https://doi.org/10.1080/15548732.2025.2553142>.

<sup>13</sup> Roland Spickermann, *Child, Family, State: Adoption in Germany, 1900-2021*, *Child, Family, State: Adoption in Germany, 1900-2021* (Bloomsbury Publishing Plc., 2025), <https://www.scopus.com/pages/publications/105019158600?origin=resultslist>.

<sup>14</sup> P Wittels, T Kay, and L Mansfield, "Enabling Mothers of Young Children in a Low SES Area to Co-Design the Support They Are Seeking for the Adoption of Healthy Behaviours," *Perspectives in Public Health* 146, no. 1 (2026): 38–43, <https://doi.org/10.1177/17579139231205488>.

This study aims to examine the regulation of the adoption of children born out of wedlock under Minangkabau customary law and Islamic law, as well as the extent to which both legal systems can be harmonized in determining the legal status of adopted children. The study argues that although the two legal systems differ concerning lineage, inheritance, and legal affiliation, they share common objectives in protecting children's welfare, preserving family stability, and maintaining social harmony. It further hypothesizes that the philosophy of *Adat Basandi Syarak, Syarak Basandi Kitabullah* provides a normative foundation for interpreting customary adoption practices consistently with Islamic legal principles without altering the child's biological lineage. By applying a comparative normative approach, this research seeks to demonstrate that legal pluralism does not necessarily produce normative contradiction but may instead facilitate complementary legal solutions. The findings are expected to contribute to the advancement of family law scholarship by offering an integrated analytical framework for understanding the adoption of children born out of wedlock, strengthening legal certainty, promoting child protection, and supporting the harmonization of customary and Islamic law within Indonesia's pluralistic legal system.

## 2. Method

This study employed an empirical juridical approach using qualitative methods to examine the adoption of children born out of wedlock within the interaction between Minangkabau customary and Islamic law. The research was conducted from February to July 2025 in Agam Regency and Bukittinggi City, West Sumatra, where Minangkabau customary institutions remain actively integrated with Islamic values in regulating family and kinship relations. These two research sites were purposively selected because they represent communities with strong adherence to matrilineal customary traditions while simultaneously implementing Islamic legal norms in resolving family-related issues, including child adoption. The participants consisted of 20 informants selected through purposive sampling, including five customary leaders (*ninik mamak*), four Islamic scholars, three village government officials, six adoptive parents, and two biological parents. Primary data were collected through semi-structured interviews, participant observation, and field documentation. Secondary data comprised legislation, judicial decisions, customary regulations, village records, and academic literature concerning child adoption, customary law, Islamic law, and *Maqasid Shariah*. Interview questions were developed according to the research objectives and refined through expert review before fieldwork. Observations focused on customary deliberations, adoption procedures, and community attitudes toward children born out of wedlock. Documentary analysis was undertaken to compare statutory regulations, customary norms, and Islamic legal principles. All interviews were conducted directly by the researcher, recorded with participants' consent, transcribed verbatim, and organized systematically. Ethical principles were implemented through informed consent, confidentiality, voluntary participation, and anonymity to ensure that participants' rights were protected and that the collected information accurately reflected their experiences and legal understanding.

The collected data were analyzed using an interactive qualitative analysis model consisting of data reduction, data display, and conclusion drawing. The analysis began by organizing interview transcripts, observation records, and documentary materials according to the research objectives. Subsequently, information obtained from different sources was compared to identify similarities, differences, and relationships between customary practices and Islamic legal principles governing the adoption of children born out of wedlock. The interpretation was guided by the framework of *Maqasid Shariah*, particularly the objectives of protecting religion, life, intellect, lineage, and property, to evaluate whether customary adoption practices promoted public welfare while preserving essential legal principles. Methodological rigor was ensured through source triangulation, method triangulation, and member checking with selected participants to verify the accuracy of interview findings. Dependability was strengthened by maintaining comprehensive documentation of every stage of data collection and analysis, while confirmability was enhanced through discussions with experts in customary law and Islamic law. Transferability was supported by providing detailed descriptions of participants and adoption practices,

enabling future researchers to assess the applicability of the findings in comparable socio-legal contexts. These procedures ensured the credibility, reliability, validity, and transparency of the research findings.

### 3. Result and Discussion

#### 3.1. Adoption Practices for Children Born Out of Wedlock

Adoption practices in Minangkabau communities are shaped by the interaction between customary traditions, Islamic principles, and practical family considerations rather than by formal legal procedures alone. Across the research sites, adoption rarely represents a complete transfer of lineage or parental identity, as commonly found in Western legal systems. Instead, it functions as a social mechanism to ensure child welfare, preserve family continuity, strengthen kinship solidarity, and provide care for children experiencing economic hardship, parental separation, or family disruption. Informants consistently emphasized that adopted children remain connected to their biological lineage while simultaneously receiving protection, affection, education, and daily care from their adoptive families. This dual relationship reflects the distinctive character of Minangkabau customary law, which prioritizes collective responsibility over exclusive parental authority and places children's welfare within the broader framework of communal obligations. Adoption is therefore understood as an expansion of family responsibilities rather than the creation of a new genealogical identity. The findings further reveal that adoption frequently occurs among close relatives, enabling children to remain within their extended kinship network while benefiting from improved care and social support. Such arrangements reduce the risk of social exclusion and strengthen solidarity among family members. Consequently, adoption in Minangkabau communities represents a culturally embedded institution integrating customary obligations, Islamic ethical values,<sup>15</sup> and practical family needs,<sup>16</sup> ensuring that children receive emotional security, social recognition, and long-term protection without disrupting their inherited kinship identity.

The findings indicate that recognition of adopted children is closely associated with the matrilineal kinship system that characterizes Minangkabau society.<sup>17</sup> Family identity is inherited through the maternal lineage, making the role of women, maternal relatives, and the *kaum* central in determining an individual's social position. Consequently, the acceptance of an adopted child depends not only on the willingness of adoptive parents but also on the acknowledgment of the wider maternal family. Evidence from the research sites shows that children adopted within the same matrilineal group generally experience stronger social acceptance because their presence does not disturb existing kinship structures or customary obligations. In contrast, adoption involving children from outside the lineage usually requires broader consultation among customary leaders and relatives before social recognition is fully established. Despite these differences, respondents consistently distinguished social acceptance from genealogical identity. Adopted children are treated with affection, receive equal care, participate in customary ceremonies, and are regarded as members of the household, yet they do not automatically acquire hereditary lineage equivalent to biological descendants. This distinction demonstrates the flexibility of the Minangkabau kinship system in accommodating vulnerable children while preserving ancestral continuity.<sup>18</sup> The findings further reveal that community recognition is expressed through participation in family rituals, communal gatherings, and shared responsibilities, illustrating that belonging is constructed through both social interaction and customary acknowledgment without eliminating the child's biological identity.

Another important finding concerns the continuing relationship between biological parents and adoptive families after adoption has taken place. Unlike legal systems that terminate parental rights through full adoption, Minangkabau customary practice generally preserves communication and mutual

<sup>15</sup> Chioma Patricia Onuorah et al., "The 'Not-Our-Gene Syndrome': Perceptions of Child Adoption in Igbo Culture of Southeastern Nigeria," *African Journal of Religion, Philosophy and Culture* 6, no. 1 (2025): 233–53, <https://doi.org/10.31920/2634-7644/2025/v6n1a13>.

<sup>16</sup> Shira Rosenberg-Lavi and Anat Herbst-Debby, "The Compulsory Adoption of Children of Parents with Disabilities in Israel: An Analysis," *Women's Studies International Forum* 110 (2025), <https://doi.org/10.1016/j.wsif.2025.103077>.

<sup>17</sup> Personal Interview with DH, Agam, July 29, 2025.

<sup>18</sup> Personal Interview with A, Bukittinggi, February 19, 2025.

responsibilities between both families. Biological parents remain recognized as the child's original lineage, while adoptive parents assume primary responsibility for daily care, education, financial support, and emotional development. Respondents explained that this arrangement minimizes potential conflict because neither family is considered to lose its connection with the child. Instead, parental responsibilities are redistributed according to the child's welfare while respecting established customary values and family relationships. In many cases, adoption occurs among close relatives, allowing frequent interaction through family gatherings, religious activities, customary ceremonies, and collective decision-making. Such practices reinforce the principle that parenting is a shared social responsibility rather than an exclusive legal relationship.<sup>19</sup> The findings also reveal that biological parents often continue participating in important life events, including educational decisions,<sup>20</sup> customary celebrations, and discussions concerning the child's future.<sup>21</sup> At the same time, adoptive parents provide the stable environment necessary for the child's physical, emotional, and social development. This cooperative arrangement reflects the broader Minangkabau philosophy of collective family responsibility, where caregiving responsibilities are distributed across the extended kinship network. Consequently, adoption strengthens family cohesion by maintaining biological ties while ensuring that children receive continuous protection, affection, and opportunities for healthy development within a supportive communal environment.

The findings reveal that customary institutions continue to play a central role in regulating adoption practices within Minangkabau communities despite the availability of formal legal mechanisms under national law. Community members generally seek recognition from *ninik mamak*, clan elders, and customary councils before an adoption is considered socially legitimate. Respondents explained that these institutions do not merely perform ceremonial functions but actively facilitate consultations between biological and adoptive families to ensure that adoption serves the child's welfare while preserving kinship harmony. Discussions commonly involve maternal relatives, reflecting the collective decision-making process that characterizes Minangkabau society. Through these deliberations, customary leaders evaluate family relationships, clarify future responsibilities, and reduce the possibility of disputes concerning lineage, inheritance, and social obligations. The findings also indicate that customary institutions frequently collaborate with religious leaders and village authorities when addressing sensitive adoption cases, particularly those involving children born out of wedlock. This cooperation enables decisions to reflect customary expectations, religious guidance, and administrative requirements simultaneously.<sup>22</sup> Respondents considered customary recognition essential because it strengthens public acceptance and provides moral legitimacy beyond formal legal documentation.<sup>23</sup> As a result, adoption is viewed as a communal commitment rather than a private agreement between two households.<sup>24</sup> These findings demonstrate that customary institutions continue to function as adaptive governance mechanisms capable of maintaining social cohesion while responding to contemporary child welfare needs.<sup>25</sup> Their involvement reinforces collective responsibility and preserves the continuity of Minangkabau customary values within an evolving legal environment.

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<sup>19</sup> Shira Rosenberg-Lavi, "From Childhood Deprivation to Losing Their Own Children to Adoption: Poverty, Trauma, and Adoption Among Marginalized Mothers in Israel," *Children and Youth Services Review* 172 (2025), <https://doi.org/10.1016/j.chilyouth.2025.108274>.

<sup>20</sup> Zhaoxue Ci, "Children as Insurance Revisited: Impact of Children on Private Insurance Adoption Among Older Parents," *Journal of Risk and Insurance* 92, no. 1 (2025): 116–38, <https://doi.org/10.1111/jori.12492>.

<sup>21</sup> Teresa Galán-Luque, Lucía Quiñero-Fernández, and Mireia Orgilés, "Pre-Adoption and Post-Adoption Factors Associated with Internalizing Problems in Adopted Children and Adolescents: A Systematic Review," *Children and Youth Services Review* 184 (2026), <https://doi.org/10.1016/j.chilyouth.2026.108857>.

<sup>22</sup> Personal Interview with N, Bukittinggi, July 29, 2025.

<sup>23</sup> Laura Carpaneto and Ester Di Napoli, *International Adoption and Cross-Border Placement of Children, Children's Right to Identity, Selfhood and International Family Law* (Edward Elgar Publishing Ltd., 2025), <https://doi.org/10.4337/9781035313938.00018>.

<sup>24</sup> Sarah Louart et al., "Understanding Health Innovation Adoption: A Realist Evaluation of Pulse Oximeter Implementation in Primary Care for Children Under 5 in Four West African Countries," *BMJ Global Health* 10, no. Suppl 8 (2025), <https://doi.org/10.1136/bmjgh-2024-017303>.

<sup>25</sup> Habtamu Alemayehu, Ashenafi Hagos Baynesagn, and Emebet Mulugeta, "Perspective of Ethiopian Birth Parents on Placing Their Children in Inter-Country Adoption," *Families in Society*, 2025, <https://doi.org/10.1177/10443894251348558>.

Religious considerations emerged as one of the principal factors influencing adoption decisions across all research sites. Respondents consistently emphasized that adoption should conform to Islamic teachings regarding the preservation of lineage (*hifz al-nasab*), inheritance, guardianship, and the rights of biological parents. Adoption was therefore understood primarily as an act of compassion, caregiving, and social responsibility rather than a legal process that replaces biological identity. Families generally avoided changing the child's lineage or concealing parental origins because transparency was regarded as essential for fulfilling religious obligations and maintaining personal dignity. Religious leaders explained that caring for vulnerable children represents a highly encouraged charitable act, provided that Islamic legal boundaries concerning lineage and inheritance remain respected. The findings further indicate that the integration of Islamic values into Minangkabau customary life encourages families to balance humanitarian concerns with religious compliance. Consequently, adoption decisions are often preceded by consultation with religious scholars to ensure that customary practices remain consistent with Islamic principles. Respondents viewed this process as strengthening confidence in adoption while preventing future legal and moral uncertainty. Rather than restricting adoption, religious values redefine its objectives by emphasizing moral responsibility, family solidarity, and child protection without altering genealogical identity. These findings demonstrate that Islamic principles function as ethical guidelines shaping adoption practices, enabling families to protect vulnerable children while preserving legal certainty concerning lineage, inheritance, and guardianship within the broader framework of Minangkabau customary life.

Although the fundamental principles governing adoption were broadly consistent across the research sites, the findings reveal important variations in implementation reflecting differences in local customary traditions, socio-economic conditions, family structures, and institutional involvement. Communities with stronger customary organizations generally required broader consultation involving *ninik mamak*, maternal relatives, and customary councils before adoption decisions were finalized. In other locations, adoption relied more heavily on agreements between biological and adoptive families with comparatively limited participation from customary institutions.<sup>26</sup> Economic circumstances also influenced adoption patterns. Some families assumed responsibility for children because of financial hardship, parental migration, illness, or marital dissolution, whereas others adopted children primarily due to childlessness while maintaining close relationships with the biological family.<sup>27</sup> Despite these procedural differences, respondents across all locations consistently rejected adoption practices that would erase biological identity or permanently sever relationships with the child's family of origin.<sup>28</sup> This consistency reflects the enduring influence of Minangkabau customary values together with Islamic legal principles in shaping adoption practices. The findings further demonstrate that local adaptations are accepted provided they do not contradict the core values of lineage preservation, communal responsibility, and child welfare. Rather than indicating inconsistency, these variations illustrate the flexibility of customary law in responding to diverse social realities while maintaining normative continuity. The ability of local communities to adapt adoption practices without abandoning fundamental customary and religious principles contributes significantly to the resilience of Minangkabau legal traditions within Indonesia's plural legal system.

### 3.2. Dynamics Influencing Adoption Practices under Legal Pluralism

Informants consistently explained that adoption decisions rarely originate from individual parents alone because they require consultation with clan elders, maternal relatives, and religious leaders. Such consultation ensures that caregiving arrangements comply with both customary obligations and Islamic

<sup>26</sup> Mohamed Ahmed Al-Awad, Mohamed Kharbeche, and Faris Tarlochan, "Evaluating Child Restraint System (CRS) Adoption and Policy Interventions Worldwide: A Review," *IATSS Research* 49, no. 3 (2025): 362–73, <https://doi.org/10.1016/j.iatssr.2025.09.003>.

<sup>27</sup> Anna-Riitta Heikkilä et al., "One-Third of Children Had Clinical Signs of Developmental Coordination Disorder 6 Months After Their International Adoption," *Acta Paediatrica, International Journal of Paediatrics* 114, no. 2 (2025): 310–18, <https://doi.org/10.1111/apa.17428>.

<sup>28</sup> Rachel Elizabeth Pimm-Smith, "From the Poor Law to the Adoption of Children Act 1926: Another Punishment for Being Poor," *Law and History Review* 43, no. 1 (2025): 97–117, <https://doi.org/10.1017/S0738248024000403>.

legal principles while preserving harmony within the extended family. This collaborative mechanism reflects the Minangkabau philosophy *adat basandi syarak, syarak basandi Kitabullah*, through which customary norms derive legitimacy from Islamic teachings. Participants emphasized that customary authorities focus primarily on lineage responsibilities, clan solidarity, and social cohesion, whereas religious scholars provide guidance concerning guardianship, inheritance, moral responsibility, and the preservation of biological identity.<sup>29</sup> The interaction between these institutions creates mutual checks and balances that strengthen public confidence in adoption arrangements. Informants further noted that consultation before adoption minimizes disputes because expectations regarding children's care and family responsibilities are clarified from the outset. These findings correspond with studies on legal pluralism indicating that cooperation between customary and religious institutions enhances legal effectiveness and social legitimacy. Consequently, adoption is understood as a collective responsibility rather than an individual decision, reinforcing communal trust while ensuring that cultural continuity, religious compliance, and children's welfare remain interconnected objectives within Minangkabau society across successive generations.

Although kinship-based adoption remains widely accepted, the findings reveal several challenges affecting its implementation in contemporary Minangkabau communities. Informants identified economic hardship, urban migration, changing family structures, and increasing legal complexity as significant factors influencing traditional caregiving arrangements. Younger generations living outside their ancestral villages often possess limited knowledge of customary responsibilities, reducing the active involvement of extended families in adoption decisions. Respondents also reported uncertainty arising from differences between customary norms, Islamic legal provisions, and national regulations governing guardianship, inheritance, and administrative recognition. While families generally prioritize children's welfare, confusion regarding formal legal procedures frequently discourages official registration of adoption arrangements. Participants emphasized that inadequate public understanding of adoption law contributes to misconceptions concerning the distinction between caregiving responsibilities and biological lineage. Some informants further observed that adopted children occasionally experience emotional uncertainty when information regarding their biological origins is withheld or communicated inconsistently.<sup>30</sup> These findings support contemporary scholarship arguing that legal pluralism creates practical challenges when multiple normative systems coexist within the same community. Nevertheless, respondents agreed that most disputes arise from insufficient legal knowledge rather than deliberate violations of customary or religious principles.<sup>31</sup> They therefore highlighted the importance of legal education, institutional coordination, and continuous dialogue among families, customary leaders, religious scholars, and government agencies to improve transparency, strengthen legal certainty, and ensure long-term protection for adopted children.

Minangkabau communities respond to legal uncertainty through collective deliberation, customary mediation, and religious consultation rather than relying immediately on formal legal mechanisms. Informants consistently explained that consensus-based decision making remains the preferred approach because preserving harmonious family relationships is considered more valuable than adversarial dispute resolution. Clan elders commonly facilitate discussions involving biological parents, adoptive caregivers, maternal relatives, and religious leaders to clarify responsibilities concerning child care, education, inheritance expectations, and future family relationships. Respondents emphasized that these deliberative processes strengthen accountability while reducing misunderstanding among all parties involved.<sup>32</sup> Participants also acknowledged growing awareness of national legal procedures, particularly regarding civil registration, education, and healthcare documentation. Rather than viewing state law as incompatible with customary traditions, many informants described ongoing efforts to

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<sup>29</sup> Personal Interview with I, Agam, July 29, 2025.

<sup>30</sup> Isabel Fidalgo et al., "Effectively Preparing Children for Adoption: Effects of the PPCA on Children's Readiness and Professionals' Practice," *Residential Treatment for Children and Youth* 43, no. 1 (2026): 110–29, <https://doi.org/10.1080/0886571X.2024.2420993>.

<sup>31</sup> Personal Interview with S, Agam, February 19, 2025.

<sup>32</sup> Personal Interview with J, Bukittinggi, February 19, 2025.

harmonize statutory requirements with local cultural practices through consultation and mutual agreement. These findings reinforce broader scholarship on legal pluralism demonstrating that communities frequently negotiate between multiple legal frameworks instead of relying exclusively on a single normative system. Informants further highlighted that transparency regarding children's biological identity plays an essential role in preventing future disputes while maintaining trust between biological and adoptive families. Consequently, legal uncertainty is addressed through cooperative mechanisms emphasizing dialogue, mediation, and consensus. Such adaptive responses strengthen community resilience while preserving cultural identity, reinforcing social solidarity, and ensuring that children's best interests remain central within customary and Islamic family institutions.

Adoption practices in Minangkabau communities are gradually evolving in response to demographic change, educational development, and increasing interaction with national legal institutions while preserving their fundamental cultural and religious values. Informants observed that younger families demonstrate greater awareness of children's rights, legal documentation, and administrative procedures than previous generations, reflecting broader social transformation across Indonesian society. Participants explained that although traditional kinship networks continue to provide the principal foundation for adoption, families increasingly recognize the importance of formal legal recognition to secure children's access to education, healthcare, inheritance protection, and civil administration. Religious leaders and customary authorities similarly acknowledged that collaboration with government institutions has become increasingly necessary to ensure compliance with customary norms, Islamic legal principles, and national legislation simultaneously. Respondents emphasized that future adoption practices should prioritize public education concerning guardianship, lineage preservation, and legal procedures without weakening communal traditions of mutual assistance and extended family responsibility. These findings support contemporary scholarship suggesting that sustainable legal development depends upon integrating customary institutions with modern regulatory systems rather than replacing traditional mechanisms altogether. Informants further expressed optimism that continuous dialogue among customary leaders, religious scholars, legal practitioners, and policymakers would strengthen legal certainty while preserving cultural identity. Consequently, the future of adoption in Minangkabau society appears to depend upon constructive legal harmonization that protects children's welfare, reinforces matrilineal kinship traditions, and maintains the close relationship between customary law, Islamic values, and national legal frameworks.

Harmonization between customary law, Islamic law, and national legislation represents an essential factor in strengthening adoption practices within Minangkabau communities. Informants consistently emphasized that these three legal frameworks should be viewed as complementary rather than contradictory because each contributes distinct principles for protecting children's welfare. Customary law provides mechanisms for preserving kinship solidarity and collective responsibility, Islamic law establishes ethical boundaries concerning lineage,<sup>33</sup> guardianship, and inheritance, while national legislation offers administrative certainty and formal legal protection. Participants explained that difficulties generally arise not because the legal systems conflict fundamentally but because families possess limited knowledge regarding their practical application. Respondents therefore encouraged greater collaboration between government agencies,<sup>34</sup> customary councils, and religious institutions to provide accessible legal guidance for communities considering adoption. These findings correspond with contemporary research indicating that effective legal pluralism requires institutional cooperation and continuous communication instead of hierarchical competition between normative systems. Informants also suggested that legal harmonization should include community education programs capable of

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<sup>33</sup> Anna Clara de Amorim Galdino and Paulo José Pereira, "From the National Adoption Registry to the National Adoption and Foster Care System: The Paths of Child and Adolescent Adoption in Contemporary Brazil," *Opinion Juridica* 24, no. 52 (2025), <https://doi.org/10.22395/ojum.a4805>.

<sup>34</sup> Taruvinga Muzingili et al., "Child Adoption as an Oppressive Child Protection Practice: The Voices of Adopted Adolescents in Zimbabwe," *Social Work/Maatskaplike Werk* 61, no. 4 (2025): 810–36, <https://doi.org/10.15270/61-4-1391>.

improving public understanding of children's rights and parental responsibilities.<sup>35</sup> Such initiatives would reduce legal uncertainty while strengthening confidence in adoption procedures. Overall, the findings indicate that harmonization among customary,<sup>36</sup> religious,<sup>37</sup> and state legal institutions creates a more comprehensive framework capable of protecting adopted children without undermining Minangkabau cultural identity or Islamic legal principles in contemporary society.

The findings have important implications for strengthening child protection policies and improving adoption governance in culturally diverse societies. Informants agreed that future policy should recognize the continuing importance of customary institutions while ensuring consistency with Islamic legal principles and national legislation. Rather than replacing traditional caregiving mechanisms, government policies should support community-based adoption practices through clearer legal procedures, accessible administrative services, and educational programs concerning guardianship, inheritance, and children's rights. Respondents also emphasized that policymakers should involve customary leaders, religious scholars, and local communities when formulating adoption regulations because these actors possess practical knowledge regarding local social realities. The findings further suggest that protecting children's welfare requires a holistic approach integrating legal certainty, cultural sensitivity, and religious legitimacy. Such integration enables adopted children to maintain connections with their biological identity while receiving stable care and equal opportunities for education, healthcare, and social participation.<sup>38</sup> These findings contribute to broader discussions on legal pluralism by demonstrating that effective child protection does not require abandoning customary traditions but instead depends upon constructive cooperation between multiple legal systems. Consequently, this study recommends strengthening institutional collaboration, expanding public legal literacy, and encouraging participatory policymaking to ensure that adoption practices remain responsive to changing social conditions. Such measures would reinforce the best interests of children while preserving the distinctive cultural and religious foundations that continue to shape adoption practices within Minangkabau communities.

### 3.3. Rethinking Child Adoption through Child-Centred Family Governance

The protection of children born out of wedlock cannot be understood solely through the formal recognition of adoption under state law.<sup>39</sup> Instead, effective child protection emerges from a broader network of family relationships,<sup>40</sup> community responsibility,<sup>41</sup> and social acceptance that collectively supports children's physical,<sup>42</sup> emotional,<sup>43</sup> and psychological development.<sup>44</sup> This perspective reflects a growing international shift from viewing adoption merely as a legal transfer of parental authority toward

<sup>35</sup> C J Allison et al., "Enduring Conviction in the Reservation Towards Child Adoption Among Igbo Christians of Anambra State, Nigeria," *Pharos Journal of Theology* 106, no. SpecialIssue-2 (2025): 1–16, <https://doi.org/10.46222/pharosjot.106.2017>.

<sup>36</sup> Xi-Yu Zhang et al., "Driving Parental Adoption of Subscription-Based Customized Children's Assistive Devices in Taiwan: Critical Role of Perceived Value and Usability," *Disability and Rehabilitation: Assistive Technology*, 2026, <https://doi.org/10.1080/17483107.2025.2611344>.

<sup>37</sup> Md Saiful Islam et al., "COVID-19-Related Infodemic and Its Impact on Public Health: A Global Social Media Analysis," *The American Journal of Tropical Medicine and Hygiene* 103, no. 4 (October 2020): 1621–29, <https://doi.org/10.4269/ajtmh.20-0812>.

<sup>38</sup> Lilia G Geel et al., "Evaluation of Alternative Models Explaining Parent–Child Similarity in Negative Emotionality: A Longitudinal Adoption Study," *Child Development* 96, no. 6 (2025): 1978–88, <https://doi.org/10.1111/cdev.70023>.

<sup>39</sup> O M Faleke, O S Iwelumor, and J A Oye, "Exploring the Influence of Sociocultural Factors on Child Adoption Among Fertile and Infertile Couples in Southwestern Nigeria: A Qualitative Study," *Journal of Community Medicine and Primary Health Care* 37, no. 3 (2025): 21–31, <https://doi.org/10.4314/jcmphc.v37i3.3>.

<sup>40</sup> Talal E Alhuzimi, "Facilitators and Barriers to Augmentative and Alternative Communication (AAC) Adoption for Children With Autism Spectrum Disorder (ASD): Teachers' Perspectives," *Research in Developmental Disabilities* 169 (2026), <https://doi.org/10.1016/j.ridd.2026.105227>.

<sup>41</sup> Ndidiamaka V Ugwu and Kanayochukwu M Okoye, "We Do Not Father Another Man's Child': Child Adoption Among Christians in Enugu-Ezike Community," *HTS Teologiese Studies / Theological Studies* 81, no. 1 (2025), <https://doi.org/10.4102/hts.v81i1.10820>.

<sup>42</sup> Hannu Lehti and Antti O Tanskanen, "The Structure of Child Adoption Based on the Relationship Between Adoptive Parents and Adoptive Children in Finland," *Evolutionary Psychological Science* 10, no. 4 (2024): 378–82, <https://doi.org/10.1007/s40806-024-00420-4>.

<sup>43</sup> Mihai Bogdan Iovu, Anca Bejenaru, and Sergiu-Lucian Raiu, "Preparing to Be a Parent for a Child With 'Hard-to-Place Characteristics': A Qualitative Exploration of Romanian Adopters' Experience During the Pre-Adoption Phase," *Journal of Public Child Welfare* 20, no. 2 (2026): 330–49, <https://doi.org/10.1080/15548732.2025.2454391>.

<sup>44</sup> Alessandra Santona and Laura Gorla, "Tell Me a Story... Mine!": *Children and Parents Talk About Adoption, International Family Systems Therapy: Global Perspectives on the Healing Power of Families* (Taylor and Francis, 2025), <https://doi.org/10.4324/9781003536765-8>.

understanding it as part of a comprehensive child welfare system.<sup>45</sup> Across many jurisdictions,<sup>46</sup> scholars and policymakers increasingly emphasize that children's best interests are achieved not only through legal certainty but also through stable caregiving environments, continuity of family relationships, and sustained emotional support.<sup>47</sup> The Minangkabau experience illustrates that family-based care may successfully protect vulnerable children without necessarily severing biological relationships or replacing existing family identities.<sup>48</sup> Such findings broaden contemporary debates on alternative care by demonstrating that effective child protection may be achieved through culturally embedded caregiving arrangements rather than exclusively through formal adoption mechanisms.<sup>49</sup> This perspective is particularly relevant for multicultural societies where family responsibilities extend beyond the nuclear household.<sup>50</sup> Consequently, the study suggests that child welfare should be evaluated through a holistic framework integrating legal protection,<sup>51</sup> family continuity,<sup>52</sup> emotional wellbeing,<sup>53</sup> and community participation.<sup>54</sup> By prioritizing the child's long-term development instead of legal formalities alone, the findings contribute to international discussions on child-centred care and reinforce the principle that successful adoption policies should strengthen both children's rights and their social environments.

Community participation represents a fundamental component of sustainable child protection. Rather than placing exclusive responsibility on state institutions or adoptive parents, the adoption process within Minangkabau communities demonstrates how extended families,<sup>55</sup> community leaders, and local institutions collectively contribute to safeguarding children's welfare.<sup>56</sup> This collaborative approach reflects an alternative model of family governance that has become increasingly relevant in international debates on child protection,<sup>57</sup> particularly in societies where kinship networks continue to play an important social role.<sup>58</sup> Contemporary child welfare policies increasingly recognize that institutional care should be considered only after family-based alternatives have been explored, as stable community relationships frequently provide stronger emotional security and social integration for vulnerable children.<sup>59</sup> The Minangkabau experience supports this perspective by illustrating that caregiving responsibilities can be distributed across extended family members while preserving children's sense of

<sup>45</sup> Juan Pablo Quiroga, "Post Mortem Adoption Rulings, the Best Interests of the Child, and Property Rights: A Critical Analysis of Recent Argentine Case Law," *Revista Jurídica Austral* 6, no. 2 (2025): 1087–1108, <https://doi.org/10.26422/RJA.2025.0602.qui>.

<sup>46</sup> Carly Hillburn et al., "Multiple Roles and Children With Mixed-Age Groups Are Primary Challenges for Adoption of Responsive Feeding for Rural Family Child Care Home Providers," *Journal of Nutrition Education and Behavior* 57, no. 7 (2025): 664–79, <https://doi.org/10.1016/j.jneb.2025.02.010>.

<sup>47</sup> Winda Hardyanti et al., "Suggesting a Family Adoption Communication Model for Spouses Planning Child Adoption," *Ianna Journal of Interdisciplinary Studies* 7, no. 1 (2025): 123–32, <https://doi.org/10.5281/zenodo.14061960>.

<sup>48</sup> Sjaan Koppel, Jalaj Maheshwari, and Emma Sartin, "Unattended Children in Vehicles: Exploring Risks, Attitudes, and Technology Adoption Among Australian Parents/Caregivers," *Journal of Transport and Health* 40 (2025), <https://doi.org/10.1016/j.jth.2024.101955>.

<sup>49</sup> Susan C Mapp and Karen Smith Rotabi-Casares, "State-Sponsored Child Separation as Cultural Genocide: Implications for Children's Rights and Child Adoption," *Families in Society* 106, no. 3 (2025): 601–12, <https://doi.org/10.1177/10443894231200659>.

<sup>50</sup> Koppel, Maheshwari, and Sartin, "Unattended Children in Vehicles: Exploring Risks, Attitudes, and Technology Adoption Among Australian Parents/Caregivers."

<sup>51</sup> Isabel Fidalgo, Margarida R Henriques, and Franco A Carnevale, "What Matters to Me: A Focused Ethnography of Children's Agency in Adoption Preparation," *Children and Youth Services Review* 183 (2026), <https://doi.org/10.1016/j.childyouth.2026.108798>.

<sup>52</sup> Lynn Roche Zubov, "Long-Term Mental Health Effects of Mother–Child Separation Due to Adoption," *Social Sciences* 15, no. 3 (2026), <https://doi.org/10.3390/socsci15030167>.

<sup>53</sup> Alanna C Peterson et al., "Barriers to Adoption of a Child-Abuse Clinical Decision Support System in Emergency Departments," *Western Journal of Emergency Medicine* 25, no. 6 (2024): 1011–19, <https://doi.org/10.5811/westjem.18501>.

<sup>54</sup> Yanjun Li, Yu Bai, and Masaki Nakabayashi, "Land Reform and Illegal Adoption of Children," *Journal of Comparative Economics* 53, no. 1 (2025): 182–208, <https://doi.org/10.1016/j.jce.2025.01.002>.

<sup>55</sup> Erick V Perez et al., "Post-Adoption Perinatal Grief and Parenting Future Children in the Home: The Moderating Roles of Social Support and Parental Substance Use," *Parenting* 26, no. 2 (2026): 259–77, <https://doi.org/10.1080/15295192.2024.2412266>.

<sup>56</sup> Rikke Fuglsang Olsen and Morten Holm Enemark, "Predictors of Domestic Infant Adoption: What Characterizes the Family Circumstances of Parents and Children Prior to Adoption?," *Developmental Child Welfare* 7, no. 1 (2025): 45–59, <https://doi.org/10.1177/25161032251324853>.

<sup>57</sup> Lyudmila Aliyeva et al., "Implementation Issues of International Legal Norms on Adoption of Children into the National Legislation of the Republic of Kazakhstan," *Public Organization Review*, 2026, <https://doi.org/10.1007/s11115-025-00957-3>.

<sup>58</sup> Shira Rosenberg-Lavi, "The Adoption of Alternatives: Alternative Justice in Cases of Compulsory Adoption of Children," *Family Court Review* 63, no. 1 (2025): 169–87, <https://doi.org/10.1111/fcre.12839>.

<sup>59</sup> Raquel Tebaldi, Franziska Gassmann, and Bruno Martorano, "Re-Election Incentives and the Adoption of Early Childhood Development Programmes: The Case of the 'Happy Child' Programme in Brazil," *European Journal of Political Economy* 92 (2026), <https://doi.org/10.1016/j.ejpoleco.2024.102616>.

belonging and cultural identity. Such arrangements reduce social isolation, strengthen intergenerational solidarity, and encourage shared responsibility for children's development. Beyond its local context, this finding offers valuable insights for countries facing demographic change, migration, family fragmentation,<sup>60</sup> or limited access to formal child welfare services.<sup>61</sup> Community-based care should therefore not be regarded as a substitute for state protection but as a complementary mechanism capable of strengthening child welfare systems. Integrating family networks,<sup>62</sup> local leadership,<sup>63</sup> and public institutions may produce more responsive and culturally appropriate child protection strategies while ensuring that children's developmental needs remain at the centre of policy implementation.

The relationship between children's identity,<sup>64</sup> social belonging,<sup>65</sup> and the protection of their fundamental rights. International discussions on child welfare increasingly acknowledge that every child has the right to preserve personal identity, family connections, and cultural heritage while enjoying equal opportunities for growth and development.<sup>66</sup> The findings demonstrate that children's wellbeing is strengthened when adoption promotes inclusion without erasing their origins or disrupting existing family relationships. Maintaining connections with biological relatives while providing stable care through adoptive families enables children to develop a secure sense of identity and emotional continuity.<sup>67</sup> Such an approach aligns with contemporary child-rights perspectives that recognize identity as an essential component of long-term wellbeing rather than merely a legal status.<sup>68</sup> Furthermore, the findings indicate that social acceptance within the wider community contributes significantly to children's confidence, participation, and future life opportunities. This broader understanding shifts attention from legal definitions of parenthood toward the quality of relationships surrounding the child.<sup>69</sup> As family structures continue to diversify across different regions of the world,<sup>70</sup> balancing identity preservation with effective caregiving has become an increasingly important challenge for policymakers and practitioners.<sup>71</sup> The Minangkabau experience demonstrates that child-centred adoption can protect vulnerable children while respecting

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<sup>60</sup> Liuyu Huang, Dion Hoe-Lian Goh, and Stella Xin Yin, "Drivers and Barriers of Metaverse Adoption Among Children and Youth," *International Journal of Human-Computer Interaction* 42, no. 1 (2026): 101–13, <https://doi.org/10.1080/10447318.2025.2504199>.

<sup>61</sup> Judith Lind, Cecilia Lindgren, and Johanna Annerbäck, "Adoption from Care, the Reunification Principle, and Consensual Placements: The Political Promotion of a Controversial Child Protection Measure in Sweden," *European Journal of Social Work* 28, no. 3 (2025): 470–82, <https://doi.org/10.1080/13691457.2024.2407865>.

<sup>62</sup> Kevin R White et al., "Clinical Child Behavior Challenges and Post Adoption Instability: A Multivariable Analysis Using Propensity Score Weighting," *Journal of Child and Family Studies* 34, no. 11 (2025): 2946–61, <https://doi.org/10.1007/s10826-025-03189-7>.

<sup>63</sup> Lottie Park-Morton, "Could the Welfare of the Child Demand an Upper Age Limit of Intended Parents in Surrogacy Arrangements? Considerations from Re Z (Unlawful Foreign Surrogacy: Adoption) and Mr K & Anor v Mr Z & Anor," *Medical Law International*, 2025, <https://doi.org/10.1177/09685332251362403>.

<sup>64</sup> Sri Ismawati et al., "The Role of Adoption in Facilitating the Social Reintegration of Child Survivors of Sexual Abuse," *Samarah* 10, no. 1 (2026): 596–625, <https://doi.org/10.22373/sjhk.v10.i1.31669>.

<sup>65</sup> Ruth P Saunders et al., "Statewide Dissemination, Adoption, and Implementation of the SHAPES Intervention Via Online Professional Development to Promote Children's Physical Activity in Early Care and Education Programs," *Childhood Obesity* 21, no. 3 (2025): 213–26, <https://doi.org/10.1089/chi.2024.0330>.

<sup>66</sup> Reka Vasicsek et al., "Adoption of Nutrition and Physical Activity Best Practices in the Early Care and Education Setting: Examination of Differences Between Centers and Family Child Care Homes," *Childhood Obesity* 21, no. 3 (2025): 309–18, <https://doi.org/10.1089/chi.2024.0369>.

<sup>67</sup> Vera V Galindabaeva and Nikolay I Karbainov, "How Russians Become Buryats: Adoption Practices and Ethnic Identification of Adopted Children," *Sotsiologicheskie Issledovaniya* 2025, no. 12 (2025): 122–32, <https://doi.org/10.7868/S3034577X25120094>.

<sup>68</sup> Jodi A Quas and Allison D Redlich, *Infancy and Childhood to Adolescence: Intersections, Interactions, and Influences*, *The Oxford Handbook of Developmental Psychology and the Law* (Oxford University Press, 2023), <https://www.scopus.com/pages/publications/85195157950?origin=resultlist>.

<sup>69</sup> Andy Bilson and Marion Macleod, "Social Work Interventions with Children under 5 in Scotland: Over a Quarter Referred and One in Seventeen Investigated with Wide Variations between Local Authorities," *British Journal of Social Work* 53, no. 4 (2023): 2217–36, <https://doi.org/10.1093/bjsw/bcad079>.

<sup>70</sup> Jamie Lin Fleishman and Dahai Yue, "Health Insurance Coverage Varied By Children's Adoption Status In The US, 2018–22," *Health Affairs* 44, no. 8 (2025): 1011–17, <https://doi.org/10.1377/hlthaff.2024.01224>.

<sup>71</sup> Michael J Broyde, *Adoption, Personal Status, and Jewish Law*, *The Oxford Handbook of Religious Perspectives on Reproductive Ethics* (Oxford University Press, 2024), <https://doi.org/10.1093/oxfordhb/9780190633202.013.22>.

family continuity and cultural identity,<sup>72</sup> offering meaningful insights for global discussions on children's rights,<sup>73</sup> inclusive family governance, and sustainable approaches to alternative care.

Adoption governance in culturally diverse societies.<sup>74</sup> International experiences demonstrate that adoption policies have evolved differently according to historical traditions,<sup>75</sup> legal systems, and social values. In many Western jurisdictions,<sup>76</sup> adoption generally involves the transfer of parental rights and the establishment of a new legal family relationship intended to provide certainty for the child.<sup>77</sup> By contrast, many societies in Asia, Africa, and the Middle East continue to emphasize kinship-based care, extended family responsibility, and the preservation of children's social and cultural identities.<sup>78</sup> The Minangkabau experience contributes to this broader discourse by illustrating that child protection does not depend exclusively on a single legal model but can be achieved through governance arrangements that respect local cultural values while ensuring children's wellbeing. This perspective reinforces contemporary international debates that encourage greater flexibility in family law to accommodate diverse caregiving practices without compromising children's fundamental rights.<sup>79</sup> Rather than viewing different adoption models as competing approaches,<sup>80</sup> the findings suggest that they represent alternative pathways towards the same objective of securing children's welfare,<sup>81</sup> stability,<sup>82</sup> and long-term development.<sup>83</sup> Consequently, the study broadens comparative family law scholarship by demonstrating that culturally responsive governance may complement formal legal institutions in addressing the needs of vulnerable children.<sup>84</sup> These findings encourage future comparative research examining how different societies balance legal certainty, family continuity, cultural identity, and child protection within increasingly diverse and multicultural social environments.

This study contributes to contemporary debates on child protection and family governance by demonstrating that culturally embedded caregiving arrangements can complement formal legal frameworks in protecting vulnerable children without compromising fundamental children's rights. The findings suggest that effective adoption policies should move beyond a narrow legalistic perspective and embrace broader governance approaches integrating family participation, community responsibility, institutional coordination, and child-centred decision-making.<sup>85</sup> Such an integrated perspective provides

<sup>72</sup> Yuliia Hartman, "Adoption During the War in Ukraine: How Not to Lose a Child," *Access to Justice in Eastern Europe* 5, no. Special Issue (2022): 156–72, <https://doi.org/10.33327/AJEE-18-5.4-n000440>.

<sup>73</sup> Geneviève Pagé, Isabel Côté, and Cameron Coutu, "Progressive but Partial: Examining Professionals' Attitudes on Adoption by LGBT Individuals and Couples," *LGBTQ+ Family: An Interdisciplinary Journal*, 2026, <https://doi.org/10.1080/27703371.2026.2641469>.

<sup>74</sup> Jean Luyt and Leslie Swartz, "Documentary Analysis of the Legal and Policy Framework of Transracial Adoption in South Africa," *Child and Family Social Work* 28, no. 3 (2023): 788–98, <https://doi.org/10.1111/cfs.13004>.

<sup>75</sup> Hermano Victor Faustino Câmara, Ana Carla Harmatiuk Matos, and Fernando Moreira Freitas da Silva, "Adoption Intuitu Personae: Open Typicality and Trends Towards the Recognition of Direct Delivery," *Civilistica.Com* 13, no. 1 (2024), <https://www.scopus.com/pages/publications/85198337368?origin=resultslist>.

<sup>76</sup> Alessandra Brixner and Thiago Pelegrinelli Engelage, "Civil Liability in the Re-Abandonment of Children and Adolescents Who Have Been Adopted or Are in the Process of Adoption," *Civilistica.Com* 13, no. 3 (2024), <https://www.scopus.com/pages/publications/85210384425?origin=resultslist>.

<sup>77</sup> Hadley Stevens Smith et al., "Clinically Indicated Genomic Sequencing of Children in Foster Care: Legal and Ethical Issues," *Journal of Pediatrics* 262 (2023), <https://doi.org/10.1016/j.jpeds.2023.113612>.

<sup>78</sup> Barbara A Dennison, Butho Ncube, and Trang Nguyen, "First-Year Enrollment and Utilization of New York State Paid Family Leave: 2018," *Journal of Public Health Management and Practice* 28, no. 5 (2022): 525–35, <https://doi.org/10.1097/PHH.0000000000001540>.

<sup>79</sup> Alexandre Dolgui et al., "Blockchain-Oriented Dynamic Modelling of Smart Contract Design and Execution in the Supply Chain," *International Journal of Production Research* 58, no. 7 (April 2, 2020): 2184–99, <https://doi.org/10.1080/00207543.2019.1627439>.

<sup>80</sup> Elise D Berlan and Seema Menon, "Options Counseling for the Pregnant Adolescent Patient," *Pediatrics* 150, no. 3 (2022), <https://doi.org/10.1542/peds.2022-058781>.

<sup>81</sup> Rong Tao Kohtz, "Cold War Maternalism: The Ideological Legacy of Operation Babylift and Intercountry Adoption Law," *Family Court Review* 64, no. 2 (2026): 385–409, <https://doi.org/10.1111/fcre.70060>.

<sup>82</sup> Carlos Eduardo Romeiro Pinho and Ludmylla Silva de Oliveira, "Homoaffective Adoption: The Construction of a Family Through Affection," *Revista Direito e Sexualidade* 4, no. 1 (2023): 101–24, <https://doi.org/10.9771/rds.v4i1.52923>.

<sup>83</sup> Jonathan Talbot et al., "Adoption in England: Past and Present Challenges," *Archives of Disease in Childhood* 109, no. 7 (2024): 528–32, <https://doi.org/10.1136/archdischild-2023-325655>.

<sup>84</sup> Dalila Tripi et al., "Single-Parent Adoptions in Italy: New Horizons of Collaboration Between Law, Legal Medicine, Ethics, and Psychology," *Forensic Sciences* 5, no. 4 (2025), <https://doi.org/10.3390/forensicsci5040047>.

<sup>85</sup> Elizabeth Lyttle, Paul McCafferty, and Brian J Taylor, "Experiences of Adoption Disruption: Parents' Perspectives," *Child Care in Practice* 30, no. 3 (2024): 333–52, <https://doi.org/10.1080/13575279.2021.1941767>.

an important conceptual contribution to comparative family law by illustrating that sustainable child protection can be achieved through multiple governance models adapted to local social realities while remaining consistent with internationally recognised principles concerning children's welfare,<sup>86</sup> identity, dignity, and non-discrimination. From a policy perspective, governments should strengthen collaboration among social welfare agencies, civil registration authorities, community organisations, and religious and customary institutions to ensure that adoption procedures remain transparent, accountable, and responsive to children's developmental needs. Future comparative research should further examine how culturally diverse societies balance children's identity, family continuity, and legal certainty within rapidly changing social environments influenced by migration, demographic transformation, and evolving family structures. These findings therefore extend beyond the Indonesian context by offering practical and theoretical insights for policymakers, practitioners, and scholars seeking to develop more inclusive, culturally responsive, and child-centred adoption systems capable of strengthening family resilience and advancing global commitments to children's rights and sustainable social development.

#### 4. Conclusion

The findings reveal that the adoption of children born out of wedlock is recognized within Minangkabau customary practice primarily as a mechanism for ensuring child welfare rather than establishing a new biological lineage. Community leaders emphasized that adoption provides social protection, emotional security, and family support for children who might otherwise experience discrimination or exclusion. Although customary practices vary among communities, adoption generally requires the approval of the maternal family and respected customary leaders to ensure social legitimacy. The adopted child is accepted into the adoptive household for care, education, and daily upbringing without eliminating the child's biological identity. Interviews further indicate that customary norms prioritize collective responsibility for protecting vulnerable children, reflecting the matrilineal character of Minangkabau society. From the perspective of Islamic law, informants consistently agreed that adoption is permissible provided it does not alter *nasab*, inheritance rights, or legal identity. Consequently, adoption is understood as an act of caregiving rather than a transfer of lineage. Documentary analysis demonstrates that customary practices are largely compatible with Indonesian legal provisions governing child protection because they emphasize the child's best interests while respecting religious principles. These findings indicate that the interaction between customary and Islamic law does not necessarily produce legal conflict but instead creates complementary mechanisms that protect children born out of wedlock through social recognition, family responsibility, and respect for biological lineage while promoting legal certainty and community harmony.

The study contributes conceptually by demonstrating that the relationship between Minangkabau customary and Islamic law should be understood as a complementary legal framework rather than competing normative systems in regulating the adoption of children born out of wedlock. The analysis based on *Maqasid Shariah* shows that customary adoption practices support the protection of life, lineage, property, and human dignity while maintaining social cohesion and family responsibility. This finding expands contemporary discussions on legal pluralism by illustrating that customary norms and Islamic legal principles may operate harmoniously when interpreted through shared objectives of child welfare and public benefit. Methodologically, the empirical juridical approach provides contextual evidence that complements doctrinal studies, offering a deeper understanding of how legal norms function within community practice. The study also enriches socio-legal scholarship by integrating field evidence with Islamic legal reasoning, thereby providing a comprehensive analytical framework for examining adoption in plural legal systems. These findings offer practical implications for policymakers, judges, customary authorities, and child protection institutions by encouraging legal policies that recognize customary values without compromising Islamic principles or statutory regulations. Consequently, the study provides an important academic reference for future legal reform concerning

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<sup>86</sup> Lauren D Feld et al., "Parental Leave and Return-to-Work Policies: A Practical Model for Implementation in Gastroenterology," *Gastroenterology* 165, no. 4 (2023): 813–18, <https://doi.org/10.1053/j.gastro.2023.08.014>.

child adoption while strengthening interdisciplinary research on customary law, Islamic law, child protection, and legal pluralism in Indonesia.

## Declarations

### Author Contribution Statement

Esiesti Ega Wahyuni and Beni Firdaus contributed equally to the conception, design, writing, and final approval of the manuscript.

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The authors declare that they have no known competing financial interests or personal relationships that could have influenced the work reported in this paper.

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