



Study of the Tafsir of the Ahkām Verse: Adoption of Children According to Ibn Katsir

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Abstract

According to customary law in several regions of Indonesia regarding child adoption, an adopted child has the same legal consequences as a biological child. This includes the right to inherit the wealth left by the adoptive parents. When an individual adopts another person's child, the relationship with the biological parents is severed, and the adopted child is ascribed to the adoptive parents. Based on this issue, the author aims to examine the perspective of Ibn Kathir in his exegesis of the Qur'an, Tafsir Al-Qur'an Al-'Azhim, since this interpretation is widely recognized in Indonesia and provides comprehensive explanations. From the aforementioned background, the research problem formulation was found, which discusses the genealogical relationship of adopted children in adoptive families according to Ibn Kathir in Tafsir Al-Qur'an Al-'Azhim and the inheritance rights of adopted children in adoptive families according to Ibn Kathir in Tafsir Al-Qur'an Al-'Azhim. This research is a library research, and the type of data used is qualitative data. The conclusions of this study are, firstly, that the relationship of adopted children in adoptive families according to Ibn Kathir is that adopted children are ascribed to their respective biological fathers and not to their adoptive fathers. Additionally, adopted children are not considered mahram within the adoptive family unless they have been breastfed by the adoptive mother, thus becoming mahram through breastfeeding. Secondly, regarding the inheritance rights of adopted children in adoptive families according to Ibn Kathir's interpretation, adopted children are not included as heirs in the adoptive family. However, they remain heirs within their biological family.

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Introduction

The desire of a married couple to have a child is the nature of humanity. They want children but sometimes the will to have children clashes with divine destiny, which all power is in the hands of Allah *subhānahu wa ta'ālā*. All hopes and efforts to have children will not be realized if Allah *subhānahu wa ta'ālā* does not want this desire, because Allah *subhānahu wa ta'ālā* makes His servants have offspring and some are barren. Finally, they want to adopt (adopt a child).

The political, social, economic, and cultural conditions that occur in a country are a person's motivation to adopt a child. Another factor the reason why someone adopts someone else's child is sometimes to ease the burden on others who have many children or because of someone's minimal life.

Adoption has been a tradition since the time of the prophet, namely in the time of the Prophet Yusuf *'alaihissalām* and this is not a new thing. Allah *subhānahu wa ta'ālā* said in the Qur'an surah Joseph verse 21:

The Egypt who bought it said to his wife, "Give her a good place (and service). Hopefully he will be useful to us or we will take him as a child." Thus, We gave Joseph a good position in the land (Egypt) and We taught him the takwil of dreams. God has power over His affairs, but most people don't understand.

At the beginning of the arrival of Islam, Islam confirmed the adoption of children. Even before being sent by Allah *subhānahu wa ta'ālā* as a prophet and messenger, the Prophet Muhammad (*peace and blessings of Allaah be upon him*) himself adopted Zaid bin Haritsah (*peace and blessings of Allaah be upon him*) as a child. In Indonesia itself, the issue of child adoption is addressed in Articles 39 to 41 of Law No. 23 of 2002 concerning Child Protection, Article 12 of Law No. 4 of 1979 concerning Child Welfare and in Government No. 54 of 2007 concerning the Implementation of Child Adoption. When adopting a child, the interests of the child take precedence over the parents and adopting a child is prohibited from using the child for the benefit of others.

Actually, the essence of adoption in the legal system intends to protect children so that they grow and develop properly. However, in the institution there are various differences in legal processes, resulting in different laws. According to the saga justified by society, if a person raises someone else's child, he will cut off the relationship with his original parents. In fact, his adoptive parents called and gave him a decree. Customary law on child adoption in some regions of Indonesia states that the law of adopted children is the same as that of biological children, including in inheriting the inheritance of adoptive parents.⁶

Research conducted by Nuraini in 2017 journal entitled "*Qur'ani Verification of the Status of Adopted Children.*" From the results of the research, verification of adopted children in the Qur'an and the hadith of the Prophet (*peace and blessings of Allaah be upon him*), it is known that the law of raising children is permissible with the following provisions: Sincerity alone seeks the pleasure of Allah; raising children from relatives who have a nasab relationship, if there is no relationship, it is recommended to radha'ah; His destiny is still returned to his biological father, even though there is a relationship with him; the adoptive father can marry his adopted son's ex-wife if he has been divorced by his adopted son. However, the study has not specifically discussed the relationship between the fate of adopted children and the inheritance rights of adopted children according to Ibn Katsir.

Therefore, this study aims to find out the relationship between the fate of adopted children in the adoptive family according to Ibn Katsir in *Tafsir Al-Qur'an Al-'Azhim*, as well as to find out the inheritance rights of adopted children in the adoptive family according to Ibn Katsir in *Tafsir Al-Qur'an Al-'Azhim*.

Research Methodology

This type of research is library research, looking for data through existing data. This research is descriptive analysis. Descriptive analysis includes the process of data collection, compilation, and explanation of data. The type of data used is qualitative data, which explains Ibn Katsir's interpretation of the relationship between the fate of adopted children and the inheritance rights of adopted children in adoptive families. The following are the stages in data collection using *the maudhu'i method* with literature research: Determine the problem to be researched; search for verses about the problem to be researched; prepare an appropriate, and systematic discussion; and complete the discussion with hadith, atsar of the companions and tabi'in if necessary so that the discussion is clear and perfect.

Results and Discussion

Ibn Katsir spoke of adoption when interpreting QS. An-Nisa: 24 as follows:

(It is also forbidden for you to marry) married women, except for the female slaves (prisoners of war) that you have as Allah's decree upon you. It is permissible for you other than such (women), that is, you seek (a wife) with your property (dowry) to marry her, not to commit adultery. Because of the pleasure you have received from them, give them their reward (the dowry) as an obligation. There is no sin for you regarding something that you are willing to give up after determining the obligation. Indeed, Allah is the All-Knowing, the All-Wise.

According to Ibn Kathir, this noble verse is a verse that prohibits mahram according to heredity and those who follow mahram are milk and mahram caused by marriage. Ibn Kathir said that just as it is forbidden for your mother who has given birth to you, it is also forbidden for you mothers who have breastfed you. Ibn Katsir said that breastfeeding occurs when the child is less than two years old, this is based on the agreement of the scholars of the commentators, and this has been mentioned in the discussion in Surah Al-Baqarah verse 233:

Mothers should breastfeed their children for two full years, for those who want to complete breastfeeding. It was the duty of the father to bear their food and clothing in a proper manner. A person is not burdened, unless it is according to his ability. Let not a mother be made to suffer because of her child, nor should her father be made to suffer because of her child. The heirs are like that. If both of them wish to wean (before two years) based on consent and deliberation between them, there is no sin on both. If you want to breastfeed your child (to someone else), there is no sin for you if you pay in the right way. Fear Allah and know that Allah is Seeing what you are doing.

The topic of adoption was also raised when Ibn Katsir interpreted QS. Al-Ahzab: 4:

Allah did not make for a man two hearts in his cavity, He did not make your wives whom you worshipped as your mothers, nor did He make your adopted children your own children. Those are just words in your mouth. Allah says something that is right and He shows the way.

Ibn Kathir mentioned about this denial verse. Disclaimer about the fate of Zaid bin Muhammad. When he was adopted by the Prophet (*peace and blessings of Allaah be upon him*) as a child and was given to him.

As for the right of inheritance, the relation to adoption is discussed by Ibn Katsir when interpreting the verse:

Allah has commanded you to (oblige) to divide (inheritance for) your children, (i.e., the share of one boy is equal to the share of two daughters). If the children are all women who are more than two, their share is two-thirds of the wealth left behind. If she (the daughter) is alone, she gets half (the treasure left behind). For both parents, each share of one-sixth of the property left behind, if he (the deceased) has children. If he (the deceased) has no children and he is inherited by his parents (only), his mother gets a third. If he (the deceased) had several siblings, his mother got a sixth. (The inheritance is divided) after (fulfilled) the will he makes or (and repays) his debt. (About) your parents and your

children, you do not know which of them is of the greatest benefit to you. This is God's decree. Indeed, Allah is the All-Knowing, the All-Wise.

Ibn Kathir said that this noble verse, the verse after it and the verse that ends this surah are all verses that discuss the science of faraidh. The details of the knowledge of faraidh are in these three verses and the hadiths that explain this matter become the interpretation of this verse. Ibn Kathir said that in the past, ignorant people gave all their inheritance only to boys without giving anything to girls, then Allah *subhānahu wa ta'ālā* sent down this verse and commanded that there should be justice between them. However, Allah *subhānahu wa ta'ālā* distinguishes between the two, which is to give the boy twice the share of the daughter. This is because boys bear all the heavy things including providing maintenance and other expenses.

The mother and father have a share of the inheritance in various circumstances: a sixth each if they are together with the deceased children. If the deceased leaves only one daughter, then the mother gets a sixth and the father gets a sixth in *ta'sib*. The state of *ta'sib* is that the father gets a sixth and *ashobah*. A third of it is for the mother and the rest for the father if the deceased does not leave any heirs except for the two of them. In other words, the father gets twice the share of the mother.

Based on the explanation of Ibn Katsir's interpretation in the previous sub-chapter regarding the inheritance rights of adopted children in the adoptive family in Surah An-Nisa' verses 11, 12, and 176. Ibn Katsir said that adopted children do not get an inheritance in the adoptive family unless the corpse bequeaths to the adopted son. However, the adopted child will get an inheritance from his biological family. Even so, the will is at most one-third of the inheritance left by the corpse.

Conclusion

The relationship of the fate of the adopted child in the adoptive family according to Ibn Kathir contained in the Qur'an, surah Al-Ahzab verses 4, 5 and Surah An-Nisa' verse 23 that the adopted child is given to his respective father, not to his adoptive father, and the adopted child is not a mahram in the adoptive family unless the adopted child has been breastfed by the adoptive mother, or in other words, this adopted child becomes a mahram because of breastfeeding.

The right of inheritance of an adopted child in an adoptive family according to Ibn Katsir contained in the Qur'an surah An-Nisa' verses 11, 12, and 176. In these verses, it is not mentioned that adopted children are heirs in the adoptive family. However, the adopted son remains the heir in his biological family. Even so, an adopted child can get an inheritance if the corpse gives a will to him, and the will is at most one-third

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