



LEGAL STATUS OF UNREGISTERED MARRIAGE AND MIXED MARRIAGE IN THE INDONESIAN LEGAL SYSTEM

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Abstract

This study analyzes the legal status of unrecorded marriages and mixed marriages within the Indonesian legal system, as well as the legal consequences of prenuptial agreements on marital property. A normative juridical approach is utilized through literature study of primary, secondary, and tertiary legal materials. The results of the study indicate that marriage registration is a formal requirement that provides legal certainty for husband and wife as well as the children born from the marriage. Mixed marriages between Indonesian citizens and foreign nationals have the potential to cause the loss of citizenship for the Indonesian citizen party if efforts are not made to retain citizenship in accordance with statutory provisions. Marriage agreements must be made in writing and ratified by authorized officials to have binding legal force for the parties involved and third parties. An increase in public awareness and the strengthening of administrative systems are necessary to guarantee optimal legal protection for all citizens entering into marriage.

Keywords: unrecorded marriage, mixed marriage, marriage agreement, legal certainty, legal protection.

Introduction

Marriage is a legal institution with spiritual and juridical dimensions that complement one another in social life. Marriage is an inner and outer bond between a man and a woman as husband and wife, aimed at forming a happy and lasting family or household based on belief in one God. This understanding affirms that marriage is not merely a civil relationship but also carries deep religious and humanitarian values. From a legal standpoint, marriage produces broad juridical consequences, covering the status, rights, and obligations of the parties bound within it (Hamid, 2024). Judicial interpretation also plays a part in determining how a marriage is formally recognized, particularly in religious court practice, where ratification rulings shape the extent of recognition granted to a union (Syafiq et al., 2026). Every marriage requires formal recognition from the state as a form of legal protection for all parties involved. Without such recognition, the various civil rights arising from marriage can become unclear and unprotected.

The legality of marriage within the Indonesian legal system depends on both the couple's intention and agreement and on compliance with the provisions set out in statutory regulations. Under positivist legal theory, law only takes effect once it has obtained its positive form from an authorized institution in this case, the Office of Religious Affairs for Muslims and the Civil Registry for non-Muslims (Djaja & Francis, 2023). How consistently this legal certainty is delivered to the public also depends on the effectiveness of the institutions that administer the registration process (Darmawan, 2024). Marriage registration serves as authentic evidence that provides legal certainty over a person's marital status and forms the basis for recognizing other civil rights. Without valid registration, husbands and wives, along with the children born of such marriages, may lose fundamental rights, such as the right to identity, inheritance rights, and the right to maintenance. This shows that marriage registration is not merely an administrative procedure but an essential instrument of legal protection for every citizen (Aziz & Mutakin, 2024).

Unregistered marriage remains a serious challenge within the Indonesian legal system, particularly for couples who marry validly according to religious law but do not register the marriage, due to various factors. Data show that many couples still marry through sirri or

unregistered unions, whether because of limited geographic access, social conflict, humanitarian crises, or a lack of awareness about the importance of marriage registration. As a result, such couples lack a marriage certificate that can be used as a basis for arranging population documents, such as a Family Card and a child's Birth Certificate (Natasya & Natasya, 2025). Protection principles that put children's welfare and best interests first are therefore essential where legal status remains unclear, since restorative and protective approaches help address the consequences children face in such situations (Al Haibah et al., 2024; Fajar et al., 2021). A child born from an unregistered marriage may end up with only a civil relationship with the mother, not the father, as regulated under positive law. This vulnerability is worsened by social stereotypes that shape unequal access to protection and opportunity for women and children placed in such circumstances (Sajjapong et al., 2022). This condition places women and children in a position that is legally and socially vulnerable.

Mixed marriage between an Indonesian citizen and a foreign citizen also presents legal complexities of its own that require serious attention (Afhami, 2024). Cross-national marriage can result in the loss of Indonesian citizenship for the Indonesian party if the law of the foreign spouse's country of origin stipulates that the citizenship of the wife or husband follows that of the spouse as a consequence of marriage. Under citizenship law provisions, an Indonesian woman or man who marries a foreign citizen may lose Indonesian citizenship if, under the law of the spouse's country of origin, citizenship follows the spouse as a result of marriage (Judiasih, 2015). Cultural and organizational norms shape how couples in such unions negotiate shared responsibilities across differing legal systems (Eddine & Darmawan, 2022), a dynamic that becomes more pronounced once children are involved and both parents must balance work and caregiving duties (Evendi et al., 2023). They nonetheless still have the opportunity to retain their citizenship status by submitting a declaration of intent to an official or representative of the Republic of Indonesia, unless doing so would result in dual citizenship. This step matters to keep citizenship status aligned with the individual's wishes and with national law.

Mixed marriage under statutory regulation reflects an interaction between legal systems that calls for a cross-jurisdictional approach. Under

provisions from the colonial administration period, mixed marriage was defined as marriage between persons who, in Indonesia, were subject to different laws. Under Law Number 1 of 1974 concerning Marriage, by contrast, mixed marriage is defined as marriage between two people who, in Indonesia, are subject to different laws because of differing citizenship, where one party holds Indonesian citizenship. There are two main views on mixed marriage: marriage between parties of different domicile, such that each party is subject to the private international law rules of two different systems, and marriage considered mixed once both parties hold different citizenships. Adjusting to differing legal systems in this way resembles how households more broadly rework their arrangements when circumstances shift, drawing on a socio-cultural capacity to cope that has also been documented in other settings of adaptation (Oluwatoyin & Mardikaningsih, 2022), much as family resilience and shared contribution help households manage the transitions that come with changing demands (Evendi et al., 2024). These two views reflect the complexity of regulating cross-national marital relationships, which calls for care in application.

In determining the material validity of an international marriage, several legal principles are commonly applied. The principle of *lex loci celebrationis* holds that the material validity of a marriage must be established according to the law of the place where the marriage was held or solemnized. There is also a principle holding that the material validity of a marriage is determined by the legal system of the place where each party held citizenship before the marriage, or by the legal system of the place where each party was domiciled before the marriage (Sugiasuti et al., 2024). Yet another principle holds that the material validity of a marriage must be determined by the legal system of the place where the marriage was held, without disregarding the marriage requirements applicable within that system. These four principles reflect different approaches to assessing the validity of cross-national marriage, depending on which jurisdictional emphasis a judge applies in deciding a case.

In the practice of international marriage, prenuptial agreements are often used to arrange the division of property under law and to provide certainty for each party. Common types of agreements include separating each spouse's premarital assets, separating gains and losses within the marriage, or a full separation of property (Handayani & Cahyaningsih,

2024). A prenuptial agreement must be made in writing and ratified by the marriage registrar before or at the time the marriage is held. With proper registration, the prenuptial agreement becomes a basis for legal protection for the couple and for third parties in civil relations. A prenuptial agreement providing for separation of joint property only takes effect against third parties from the time of marriage if it has been recorded in the couple's marriage certificate. A prenuptial agreement provides legal certainty for everyone involved in a legal relationship with the married couple.

Based on the description of the problems, this study aims to analyze the legal status of unrecorded marriages and mixed marriages within the Indonesian legal system and to examine the legal consequences of marriage agreements on marital property. This research also aims to identify the obstacles faced in the implementation of marriage registration and marriage agreements, as well as to formulate recommendations to enhance legal protection for husbands, wives, and children born from unrecorded marriages. This research is expected to contribute to the development of family law in Indonesia, particularly in efforts to realize certainty, justice, and legal protection for all citizens entering into marriage.

Method

This research is a normative legal study examining written legal norms regulating marriage, marriage registration, mixed marriage, and prenuptial agreements within the Indonesian legal system. The data source used is secondary data obtained through literature research, including laws and regulations, legal literature, and other legal documents relevant to the subject matter. The primary legal materials used as the main reference include Law Number 1 of 1974 concerning Marriage along with its amendments, Law Number 12 of 2006 concerning Citizenship of the Republic of Indonesia, the Civil Code, and other implementing regulations related to marriage registration and marriage agreements. Secondary legal materials in the form of scientific writings, scholars' opinions, and previous research results are utilized to enrich the analysis and provide an in-depth theoretical perspective. Tertiary legal materials such as legal dictionaries are used to help interpret technical terms in the fields of family law and international private law.

Data collection was carried out by searching, inventorying, and cataloging various relevant legal documents, sourced from both physical libraries and electronic legal databases (Kumar, 2020). Court decisions related to unrecorded marriages, mixed marriages, and marriage agreements were collected as material to analyze the practice of law application by judges. After all data was collected, qualitative analysis was conducted using legal interpretation methods, namely grammatical interpretation and systematic interpretation. Grammatical interpretation is used to understand the meaning of words or phrases in laws and regulations based on grammar, while systematic interpretation is carried out by connecting a regulation with other regulations within the overall legal system. Analysis of court decisions was also conducted to understand the practice of law application in cases related to marriage and marriage agreements. The results of the analysis are structured in the form of a narrative description that completely and comprehensively describes the legal status of unrecorded marriages, mixed marriages, and the legal consequences of marriage agreements within the Indonesian legal system.

Result and Discussion

Concept and Legal Basis of Marriage in the Indonesian Legal System

Marriage as a legal institution has spiritual and juridical dimensions that complement one another in social life. Article 1(1) of Law Number 1 of 1974 concerning Marriage defines marriage as an inner and outer bond between a man and a woman as husband and wife, aimed at forming a happy and lasting family based on belief in one God. This definition affirms that marriage is not merely a civil relationship but also carries deep religious and humanitarian values. For citizens who are Muslim, this spiritual and juridical dimension is reaffirmed in Articles 2 and 3 of the Compilation of Islamic Law (KHI) under Presidential Instruction Number 1 of 1991, which states that marriage is a very strong bond (*mithaqan ghalizhan*) to obey God's command, the fulfillment of which is an act of worship. Building this bond on genuine mutual will also carries a legal dimension, since a properly designed legal framework is what allows marriage to function as part of a broader direction toward social welfare (Marsal et al., 2021). The inner and outer bond is an informal relationship formed through genuine mutual willingness, binding both parties in a

union that is valid under both law and religion. Yet this willingness is not always free from outside pressure, given that a person's choice of life ideals, including the decision to marry, can be shaped by social pressure from the surrounding environment (Fajar et al., 2021). Marriage produces broad juridical consequences, covering the status, rights, and obligations of the parties bound within it.

The legality of marriage in the Indonesian legal system does not depend solely on the intention and agreement of the couple, but also on formal recognition by the state as a form of legal protection. Under positivist legal theory, a marriage is considered legally valid once it fulfills the legal provisions positively established by the state (Hasbiyalla, 2024). Law only takes effect once it obtains its positive form from an authorized institution in this case, the Office of Religious Affairs for Muslims and the Civil Registry for non-Muslims. Where disputes arise around the validity or continuation of a marriage, religious courts serve as the institution tasked with resolving such matters, whether through adjudication or mediation (Zahid et al., 2021). Marriage registration serves as authentic evidence providing legal certainty over a person's marital status and forms the basis for recognizing other civil rights. This registration obligation is expressly regulated in Article 34 of Law Number 23 of 2006 concerning Population Administration, in conjunction with Law Number 24 of 2013, which requires every valid marriage to be reported to the Implementing Agency no later than 60 (sixty) days from the date of marriage for recording in the Marriage Certificate Register. Without such recognition, civil rights connected to marriage including matters as concrete as the division of inheritance risk depending only on informal social pressure to be honored, rather than on binding legal certainty (Suhandoko et al., 2023). Without this recognition, the various civil rights arising from marriage can become unclear and unprotected. This risk is especially serious for parties in a socially vulnerable position, since the absence of legal protection tends to compound existing psychological and social burdens (Pakpahan et al., 2022).

The age limit for marriage reflects legal principles and the Pancasila values upheld by the state. Article 7(1) of Law Number 16 of 2019 stipulates that marriage is only permitted once both the man and woman have reached the age of 19. Where a deviation from this age requirement

occurs, the parents of the man and the parents of the woman may request a dispensation from the Court on urgent grounds, accompanied by sufficient supporting evidence. This dispensation mechanism exists because norms and pressures surrounding marriage continue to shift alongside social change, particularly in fast-developing urban settings (Irfan & Al Hakim, 2022). The procedure and standards for handling such applications must comply with Supreme Court Regulation (PERMA) Number 5 of 2019 concerning Guidelines for Adjudicating Marriage Dispensation Applications, which aims to identify the best interests of the child and prevent exploitation. In such urgent circumstances, a family's capacity to adapt and reorganize itself becomes central to how well the transition is handled once dispensation is granted (Oluwatosin et al., 2023). The Republic of Indonesia, as a state founded on Pancasila, whose first principle is belief in one God, gives marriage a close relationship with religion or spirituality. Marriage does not merely contain an outer or physical element; the inner or spiritual element also plays a highly important role in forming a family that is legitimate and dignified.

Marriage as a legal and social institution has a spiritual foundation as well as complex juridical consequences. Article 1 of the 1974 Marriage Law formulates the meaning of marriage, which contains within it the purpose and foundation of marriage, namely forming a happy and lasting family based on belief in one God. The inner and outer bond is a relationship formed through genuine mutual willingness, binding both parties in a valid marital union (Erwinsyahbana, 2013). From a legal perspective, marriage gives rise to reciprocal rights and obligations between husband and wife, and governs the status of property and legal relations with third parties. Legal protection within the family becomes especially relevant here, since private law is also expected to reach vulnerable family members whose circumstances are not always visible in ordinary marital arrangements (Zahid et al., 2022). Regarding ownership of such property, the parties are also granted legal freedom to depart from the principle of merged property through a marriage agreement, which, based on Constitutional Court Decision Number 69/PUU-XIII/2015, can now be made before, at the time of, or during the marriage through a notarial deed that is registered. Marriage also forms the basis for recognizing a child's status and other civil rights arising from the marital relationship.

The state pays serious attention to marriage regulation through various laws and regulations aimed at providing legal protection for all involved parties. Marriages that are valid according to religion but unrecorded administratively cause various serious legal problems for couples and the children born from them. Couples in unrecorded marriages do not possess a marriage certificate that can be used as a basis to process population documents and other civil rights. A child born from an unrecorded marriage potentially has a civil relationship only with their mother, not with their father, thereby losing the right to obtain maintenance, inheritance, and other legal protections. However, the legal status of a child from an unrecorded marriage has received significant reinforcement in legal protection through Constitutional Court Decision Number 46/PUU-VIII/2010, which amended the provision of Article 43 paragraph (1) of the Marriage Law, so that a child born out of wedlock or from an unrecorded marriage still maintains a civil relationship with their father as long as it can be proven based on science and technology and/or other evidence according to law that they have a blood relationship. This demonstrates that marriage registration is not merely an administrative procedure, but an essential legal protection instrument for all citizens.

Regulation and Legal Consequences of Marriage Agreements in Civil Law

A marriage agreement is an important legal instrument for regulating property relations between husband and wife and for providing protection to third parties. A marriage agreement, in principle, cannot be separated from the concept of joint marital property regulated under Law Number 1 of 1974 concerning Marriage. Article 29 of the Law stipulates that, at the time of or before the marriage takes place, both parties may, by mutual consent, draw up a written agreement that is then ratified by the Marriage Registrar, the contents of which also apply to third parties insofar as they are involved. Such an agreement cannot be ratified if it violates the boundaries of law, religion, and morality, and it takes effect from the time the marriage is carried out. Where a divorce later follows, the same principles of clarity and third-party protection remain relevant, since access to justice also shapes whether a wife is able to claim her share of joint property afterward (Suwito, 2025). During the marriage, the agreement

cannot be changed unless both parties consent and the change does not harm any third party.

Within the Indonesian legal system, a marriage agreement is understood as an agreement concerning the property of husband and wife during their marriage that departs from the principle or pattern otherwise set by law. A marriage agreement is an agreement made by a prospective husband and wife to regulate the state of their property or assets as a consequence of their marriage (Nisa et al., 2024). A marriage agreement is also defined as an agreement made by a prospective husband and wife before or at the time the marriage takes place, to regulate the effects of the marriage on property. Regulating property matters this clearly also has a protective function for the family as a whole, since legal certainty in the marital structure is closely tied to safeguarding the position of wives and children (Aliyah & Mardikaningsih, 2023). Unlike the Civil Code, which contains no clear definition of a marriage agreement, the Marriage Law provides a firmer basis for the existence and function of such agreements. With valid registration, a marriage agreement provides legal certainty for the couple and for third parties involved in a legal relationship with them.

The legal consequences of a marriage agreement are highly significant, particularly in protecting third parties who enter into a legal relationship with the husband or wife. Once the marriage takes place, a registered marriage agreement deed applies to the husband and wife, as well as to any third party who enters into a legal relationship with them. A third party in this context refers to another party who forms a legal relationship with the husband or wife, such as a business partnership that could result in loss to the third party, or a creditor. A marriage agreement providing for separation of joint property only takes effect against third parties from the time of the marriage if the agreement has been registered in the couple's marriage certificate. This kind of legal certainty also matters beyond the marriage itself, since clear legal standing is part of what allows a person to be accepted back into social and economic life after facing setbacks (Suwito et al., 2022). With valid registration, a marriage agreement provides legal certainty for all parties involved in a legal relationship with the married couple.

The form of a marriage agreement carries significant legal consequences within the Indonesian civil law system. To convert

premarital property into joint property, husband and wife must draw up a marriage agreement in writing, ratified by the marriage registrar before or at the time the marriage takes place. Article 147 of the Civil Code clearly stipulates that a marriage agreement must be made through a notarial deed, with the threat of annulment if this requirement is not met (Handayani & Cahyaningsih, 2024). This requirement is intended so that the marriage agreement can be set out in the form of an authentic deed with strong evidentiary force, providing legal certainty regarding all rights and obligations of husband and wife over their property. The stakes of getting this agreement right are especially high in cases of underage marriage, where the household's welfare is already shown to be more vulnerable and therefore needs firmer legal safeguards (Aliyah et al., 2023). Given that a marriage agreement carries broad legal consequences, drafting one requires someone who genuinely masters marital property law and can formulate every provision with precision. Precision of this kind is not only a matter of legal knowledge, since individual work performance, including thoroughness and care in professional tasks, has also been linked to personal character traits (Darmawan, 2017).

Article 147 of the Civil Code also stipulates that a marriage contract must be drawn up before the marriage takes place, although the law does not specify the time period between the drawing up of the marriage contract and the date of the marriage. This relates to the provision that the form of matrimonial property must remain unchanged throughout the marriage, so that any error in formulating the terms of the marriage contract cannot be rectified whilst the marriage is in force. A notarial deed, as the formal form of a marriage contract, provides legal certainty and protection for the civil rights of the spouses. A marriage contract must be drawn up in writing and authenticated by a marriage registrar before or at the time the marriage takes place in order to be legally binding on the parties and third parties. Through valid registration, the marriage contract forms the basis for legal protection for the couple and third parties in civil legal relationships.

Legal Status and Consequences of Mixed Marriage under National Law

Mixed marriage between an Indonesian citizen and a foreign citizen carries legal consequences that the parties entering into it need to consider

carefully. Under Law Number 12 of 2006 concerning the Citizenship of the Republic of Indonesia, the citizenship status arising from marriage between an Indonesian citizen and a foreign citizen is regulated in Article 26 of the Law. An Indonesian woman who marries a foreign man loses her Indonesian citizenship if, under the law of her husband's country of origin, the wife's citizenship follows that of the husband as a result of the marriage. Likewise, an Indonesian man who marries a foreign woman loses his Indonesian citizenship if, under the law of his wife's country of origin, the husband's citizenship follows that of the wife as a result of the marriage. This consequence deserves close attention because it can extend to the children born from such marriages, whose rights to education and health remain guaranteed regardless of their parents' citizenship status (Hariani et al., 2021). This provision shows that cross-national marriage carries the potential to result in the loss of citizenship for the Indonesian party. The party who ends up losing citizenship status is also often the one in a weaker bargaining position within the household, a vulnerability comparable to how social perceptions of domestic conflict can affect a victim's mental health and recovery process (Issalillah & Khayru, 2021).

Efforts to retain citizenship status for Indonesian citizens who enter into mixed marriage are expressly regulated by law to protect the civil rights of citizens. An Indonesian woman or man who loses citizenship as a result of mixed marriage may submit a declaration of intent to remain an Indonesian citizen to the official or representative of the Republic of Indonesia whose jurisdiction covers their place of residence, unless doing so would result in dual citizenship. This declaration may be submitted within a specific period from the date the marriage takes place, or after 3 years from that date. This step matters to ensure that citizenship status remains consistent with the individual's wishes and with applicable national law (Lukmanulhakim et al., 2025). Making proper use of this mechanism requires the individuals involved to understand and adjust to the legal procedure available to them, much as adaptive learning shapes how well a person absorbs and applies new information individually or collectively (Kurniawan & Darmawan, 2021). Indonesian citizens who enter into mixed marriage have the opportunity to retain their citizenship status through the mechanism established by law.

The definition of mixed marriage under Indonesian statutory regulation has developed alongside legal dynamics and society's needs. This kind of legal adjustment reflects a broader need to accommodate social change so that policy remains just and relevant to those it affects (Halizah & Mardikaningsih, 2022). Under *Staatsblad* 1896 Number 158 from the colonial administration period, mixed marriage was defined as marriage between persons who, in Indonesia, were subject to different laws. Under Law Number 1 of 1974 concerning Marriage, by contrast, mixed marriage is defined as marriage between two people who, in Indonesia, are subject to different laws because of differing citizenship, where one party holds Indonesian citizenship. Understanding this definition matters as the basis for a legal arrangement that is relevant and fair to the parties involved in cross-national marriage. This fairness extends to the children of such marriages as well, whose development benefits from approaches that address more than just their legal status, including a spiritual dimension to nurturing their potential (Masfufah & Darmawan, 2023). There are two main views on mixed marriage or international marriage: marriage between parties of different domicile, such that each party is subject to the private international law rules of two different systems, and marriage considered mixed once both parties hold different citizenships.

In determining the material validity of an international marriage, several legal principles are commonly applied in the practice of private international law. The principle of *lex loci celebrationis* holds that the material validity of a marriage must be established according to the law of the place where the marriage was held or solemnized. There is also a principle holding that the material validity of a marriage is determined by the legal system of the place where each party held citizenship before the marriage, or by the legal system of the place where each party was domiciled before the marriage (Inayatuzzahra et al., 2025). Applying these principles consistently also means keeping them relevant to the values of the community concerned, in the same way that policy is expected to stay grounded in local cultural values (Mardikaningsih & Darmawan, 2023). In addition, there is a principle holding that the material validity of a marriage must be determined by the legal system of the place where the marriage was held, without disregarding the marriage requirements applicable within that system. These four principles reflect

different approaches to assessing the validity of cross-national marriage, depending on which jurisdictional emphasis a judge applies in deciding a case related to mixed marriage.

In the context of international marriage, it is important to distinguish between the law governing the parties and the law governing the formalities of the marriage. The law applicable to the parties prior to the marriage forms the basis for determining the status and civil rights of each party, whilst the validity or formal requirements of a marriage are determined in accordance with the *lex loci celebrationis*, which is based on the principle of *locus regit actum* in various legal systems. The existence of private international law stems from the presence of a foreign element in the legal relationship, which forms the basis for the application of private international law in resolving issues of status, rights and obligations in mixed marriages. This cross-jurisdictional approach is necessary because a mixed marriage is a form of legal relationship between two individuals from different countries who are subject to their respective legal systems. Both perspectives on mixed marriages reflect the legal complexity involved in regulating cross-border marital relationships, which requires caution in their application.

The Practice of Prenuptial Agreements and Legal Protection in Mixed Marriage

In the practice of international marriage, prenuptial agreements are often used to arrange the division of property under law and to provide certainty for each party. Common types of prenuptial agreements made by the parties include separating each spouse's premarital assets, separating gains and losses within the marriage, or a full separation of property. These types of agreements aim to provide legal certainty and protection for each party throughout married life, particularly regarding the management and division of property acquired during the marriage (Nisa et al., 2024). This need for formal certainty becomes even more pressing when the marriage itself is concluded through non-conventional means, as seen in disputes over the legal validity of marriage contracts conducted via video call under both marriage law and Islamic law in Indonesia (Aliyah et al., 2023). A prenuptial agreement becomes increasingly important in mixed marriage because of the differing legal

systems governing marital property in each country. With a prenuptial agreement in place, the parties can determine for themselves the rules that will govern their property throughout the marriage.

A prenuptial agreement must meet formal requirements to be valid and legally binding on the parties who make it. The content of the prenuptial agreement must be set out in a notarial deed and ratified by an authorized official, namely the Marriage Registrar or a Notary, in accordance with applicable provisions. If ratification is not carried out as required, the prenuptial agreement becomes void by law or may be annulled under applicable legal provisions. Once set out in a notarial deed, a prenuptial agreement carries full evidentiary value and can provide legal certainty and legal benefit for the parties. Awareness of these formal requirements matters beyond the parties directly involved, since how legal information circulates and shapes public understanding also affects how well such procedures are followed in practice (Arifin & Rojak, 2022). Proper ratification makes the agreement not only legally valid but also protective and certain for the parties throughout married life, particularly regarding the arrangement of property and the protection of third-party interests.

A marriage agreement in Indonesian legal practice serves a dual function: as an instrument for regulating the property of husband and wife, and as a means of legal protection for third parties. With a valid and registered marriage agreement, a third party entering into a legal relationship with the husband or wife can know with certainty the status of the property serving as security in the transaction concerned. This provides legal certainty for all parties involved in a legal relationship with the married couple and prevents future disputes. The reach of this protection should also extend to children born outside a formally recognized union, whose right to education under family law does not disappear simply because their parents' marital status is unclear (Fajar et al., 2022). A marriage agreement providing for the separation of joint property only takes effect against third parties from the time the marriage takes place, if the agreement has been registered in the couple's marriage certificate. Ensuring this kind of legal clarity also supports wives seeking their fair share of joint property after divorce, since real access to justice is what ultimately determines whether such claims can be pursued (Suwito,

2025). Registration of the marriage agreement is an essential requirement for the agreement to take effect against third parties.

Legal protection for Indonesian citizens entering into mixed marriages is not only related to citizenship status, but also to the arrangement of property through prenuptial agreements. A mixed marriage between an Indonesian citizen and a foreign national has the potential to cause the loss of citizenship for the Indonesian citizen party if the law of the foreign spouse's home country stipulates that citizenship follows the spouse, making it important for the Indonesian citizen to immediately declare the desire to retain their citizenship status through predetermined mechanisms (Hartanto & Susilo, 2025). How well a family manages this kind of legal uncertainty also carries consequences down the line, since the structure a family takes after divorce and the quality of parenting within it have a bearing on child development (Fajar et al., 2025). In addition, concluding a prenuptial agreement before the marriage takes place is an important step to regulate property status and protect the civil rights of each party. Clear legal standing of this kind also matters beyond the household itself, in the same way that legal certainty more broadly supports a person's ability to be accepted back into social and economic life after facing setbacks (Suwito et al., 2022). A prenuptial agreement drawn up by a notary deed and ratified by an authorized official provides legal certainty regarding property status and protects the interests of third parties involved in legal relationships with the married couple.

The application of mixed marriage law in Indonesia requires a comprehensive approach by paying attention to aspects of citizenship, property status, and protection of the civil rights of the parties (Lakeisha, 2025). The existence of foreign elements in the legal relationship of mixed marriages serves as the basis for applying Private International Law to resolve issues of status, rights, and obligations within the marriage. An understanding of legal principles in international marriage, such as the principles of *lex loci celebrationis* and *locus regit actum*, becomes important for the parties and judges in determining the material and formal validity of a cross-border marriage. The regulation of mixed marriages in the Indonesian legal system reflects the state's effort to provide optimal legal protection for all citizens entering into marriage, whether with fellow Indonesian citizens or with foreign nationals.

Conclusion

Marriage in the Indonesian legal system possesses complementary spiritual and juridical dimensions, where marriage registration is a formal requirement that provides legal certainty for the parties involved. Mixed marriages between Indonesian citizens and foreign nationals carry complex legal consequences, particularly concerning citizenship status, which can be lost if efforts are not made to retain citizenship through the mechanisms regulated by law. A marriage agreement is an important legal instrument for regulating the separation of property within a marriage and must be made in writing and ratified by an authorized official so that it has binding legal force for the parties and third parties.

The implications of this research are the need for increased public awareness regarding the importance of marriage registration and the creation of marriage agreements to protect the civil rights of all family members. The government needs to conduct more intensive socialization regarding the legal consequences of unrecorded marriages and mixed marriages, as well as provide easier access for the public to perform marriage registration and create marriage agreements. The strengthening of the population administration system and inter-agency coordination is also necessary to guarantee optimal legal protection for all citizens entering into marriage.

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