



## Mixed Marriages Under Indonesian Law and Its Legal Implications on Citizenship, Property, and Inheritance

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**Abstract**

**Background:** Mixed marriages have become an increasingly significant legal phenomenon in line with the growing cross-border mobility of individuals. Such marriages give rise to complex legal consequences, particularly in relation to the citizenship status of children, the classification of marital property, and inheritance rights.

**Objective:** This study aims to examine the legal framework governing mixed marriages in Indonesia and to analyze the legal implications arising from such unions.

**Methods:** The research employs a normative juridical research method with a statutory approach, focusing on relevant laws and regulations.

**Results:** The findings indicate that mixed marriages are recognized under Indonesian law, provided that they fulfill the legal requirements for a valid marriage. However, these marriages generate specific legal consequences that require special regulatory attention, especially in the areas of citizenship, land ownership, and inheritance.

**Conclusion:** Accordingly, a thorough understanding of applicable legal provisions, combined with proactive legal instruments such as marital agreements and dual-jurisdiction wills, is essential to ensure legal certainty and protection for all parties. This study contributes a cross-regime analysis integrating citizenship, property, and inheritance law—an integrated normative framework that has not previously been synthesized in Indonesian legal scholarship.

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### INTRODUCTION

The word “*perkawinan*” or “marriage” refers to the union of a man and a woman to form a family (KBB Online, n.d.). Under Article 1 of Law No. 1 of 1974 on Marriage, as amended by (Haikal & Ali, 2026; Undang-undang Republik Indonesia No 16, 2019) (the Marriage Law), marriage is defined as a union between a man and a woman aimed at building a happy and enduring family grounded in belief in the One Supreme God. A marriage is legally valid if conducted in accordance with the religious laws of the parties and duly registered under applicable regulations (Article 2 of the Marriage Law). The minimum marriage age is 19 years for both parties (Article 7 of the Marriage Law).

Accelerating globalization and digital connectivity have eroded traditional barriers to cross-border relationships, resulting in a marked increase in marriages between Indonesian citizens (WNI) and foreign nationals (WNA), collectively termed mixed marriages. Under Article 57 of the Marriage Law, a mixed marriage is defined as a marriage between two individuals of different nationalities conducted in Indonesia, where one party holds Indonesian citizenship. Data

from the Directorate General of Population and Civil Registration (*Dukcapil*) indicate that the number of mixed marriage registrations in Indonesia reached approximately 5,000 to 6,000 cases annually in recent years, with the majority involving Indonesian women and foreign men from countries including Australia, the United States, the Netherlands, Japan, and South Korea (Indonesia, 2023). This trend reflects the increasing integration of Indonesian society into global social networks, driven in part by digital communication platforms that facilitate cross-cultural relationships. Accordingly, mixed marriages now represent a legally and socially significant phenomenon that demands rigorous scholarly attention, particularly given the complex multi-jurisdictional legal consequences they generate (Utami et al., 2022).

Mixed marriages can occur between an Indonesian woman and a foreign man, or between an Indonesian man and a foreign woman. Such marriages give rise to complex legal consequences because they involve more than one legal system. The difference in nationality distinguishes them from ordinary marriages, not only in terms of citizenship but also in legal systems, customs, culture, and traditions. As a result, mixed marriages often create complexities across various legal aspects, including children's citizenship status, property ownership, and inheritance distribution.

Within the framework of private international law, there are two main concepts regarding personal status: first, the principle of personality, which holds that an individual's personal status is governed by their national law; and second, the principle of territoriality, which holds that the applicable law is the law of the place where the individual is present or domiciled. However, each country applies different rules. Nationality creates legal consequences for individuals, binding them to and subjecting them to their country's laws. As citizens, individuals have legal ties to their country regarding status, rights, and obligations. Therefore, mixed marriages have legal implications for the parties as citizens of their respective countries of origin.

Indonesia has enacted a comprehensive legal framework governing mixed marriages, principally through the Marriage Law, (Undang-undang (UU) NO. 12, 2006) on Citizenship (Citizenship Law), and (Undang-Undang No.5 Tahun 1960, 2004) on Agrarian Principles (*UUPA*). Nonetheless, significant implementation gaps persist, particularly at the intersection of multiple legal regimes. This paper therefore addresses the following research questions: (1) How are mixed marriages regulated under Indonesian law? (2) What is the citizenship status of children in mixed marriages? (3) What property regime applies to mixed marriages? (4) What are the inheritance and other civil rights implications of mixed marriages?

The novelty of this study lies in its integrated cross-regime analysis, which simultaneously examines the intersection of family law, citizenship law, agrarian law, and inheritance law as applied to mixed marriages. Unlike prior studies that have addressed these domains separately, this article provides a unified normative framework that maps the cumulative legal risks facing parties in mixed marriages and proposes targeted reform priorities, thereby filling a significant gap in Indonesian legal scholarship. A review of existing scholarship reveals that while individual domains have been examined (citizenship implications (Muj'taba & Hasana, 2025; Salsabila et al., 2026), property regimes (Ati et al., 2025; Warsito et al., 2025), and inheritance rights (Associates, 2025; Matondang, 2026; Rampay, 2015) no single study has synthesized the cumulative legal risks across all four domains within an integrated analytical framework. This gap is particularly significant because these domains interact: loss of citizenship may trigger loss of land rights; inadequate marital agreements may lead to exposure to community property regimes; and the absence of bilateral enforcement mechanisms renders custody and inheritance arrangements legally uncertain. This study addresses that gap by offering a cross-domain normative synthesis that can serve as a reference for legal practitioners and policymakers.

## METHOD

This study employed a normative juridical method, which examined legal norms through systematic analysis of library materials and secondary legal sources. The primary approach was the statutory approach (*pendekatan perundang-undangan*), involving the identification, inventory, and critical examination of all relevant legislative instruments. This was supplemented by the conceptual approach (*pendekatan konseptual*), which drew on legal doctrines, scholarly opinion, and jurisprudential principles to interpret and fill gaps in positive law.

The analytical procedure proceeded in three stages. First, legal inventory: all applicable

statutes, government regulations, Constitutional Court decisions, and Supreme Court circular letters were identified and systematically catalogued. Second, doctrinal analysis: the identified legal norms were subjected to grammatical, systematic, and teleological interpretation to establish their meaning, scope, and interrelationships. Third, legal synthesis: the results of the doctrinal analysis were synthesized across the four thematic domains of the research (marriage regulation, citizenship, property, and inheritance) to identify normative convergences, conflicts, and gaps requiring reform attention.

The legal materials used were classified into three categories. Primary legal materials encompassed binding legislative instruments, including Law No. 1 of 1974 on Marriage (as amended by (Haikal & Ali, 2026; Undang-undang Republik Indonesia No 16, 2019), (Undang-undang (UU) NO. 12, 2006) on Citizenship, (Undang-Undang No.5 Tahun 1960, 2004) on UUPA (Ferroh et al., 2026), Government Regulation No. 2 of 2007 on Citizenship implementation, and Constitutional Court Decision No. 69/PUU-XIII/2015. Secondary legal materials consisted of peer-reviewed articles, legal monographs, and expert commentary that informed the interpretive analysis. For instance, secondary sources included journals such as the Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory (Ati et al., 2025) and Al-Zayn: Jurnal Ilmu Sosial & Hukum (Emalia et al., 2025). Tertiary legal materials, including legal dictionaries and encyclopedias, were used solely for definitional and terminological clarification.

## RESULTS AND DISCUSSION

### Results

Based on the normative juridical analysis of applicable laws and regulations, as well as secondary legal materials, this study identifies four principal legal findings regarding mixed marriages under Indonesian law.

**Table 1.** Summary of Key Legal Instruments Governing Mixed Marriages in Indonesia

Legal Domain	Primary Legal Instrument	Key Provision
<b>Marriage Recognition</b>	Law No. 1 of 1974 (Articles 57–62), as amended by Law No. 16 of 2019	Definition, conditions of validity, registration obligations, and criminal sanctions for non-compliance
<b>Citizenship</b>	Undang-undang No. 12, 2006	Limited dual citizenship for children until age 18; declaration obligation with strict deadline
<b>Property Ownership</b>	Law No. 5 of 1960 (UUPA); Constitutional Court Decision No. 69/PUU-XIII/2015	Land ownership ( <i>hak milik</i> ) restricted to Indonesian citizens; marital agreements (pre- and postnuptial) as protective mechanism
<b>Inheritance</b>	Civil Code (BW); Islamic Law (KHI); Customary Law (Hukum Adat); UUPA Article 21(3)	Applicable law determined by personal law of decedent; foreign spouse must relinquish inherited land within one year

Source: Compiled by author from Indonesian legislation (2026)

### Legal Framework Governing Mixed Marriages in Indonesia

The primary finding is that Indonesian law recognizes and regulates mixed marriages through a specific legal framework, principally contained in Articles 57–62 of Law No. 1 of 1974 on Marriage as amended by (Rahmanda, 2025; Undang-undang Republik Indonesia No 16, 2019). A mixed marriage is legally defined as a marriage between two individuals of different nationalities in which one party holds Indonesian citizenship. The research finds that this definition has narrowed considerably from the colonial-era *Regeling op de Gemengde Huwelijken* (GHR, State Gazette 1898 No. 158), which originally encompassed differences in religion and belief as grounds for classifying a marriage as “mixed.” Following the enactment of the Marriage Law and, subsequently, SEMA No. 2 of 2023, interfaith marriages are no longer legally permissible in Indonesia.

The research further finds that mixed marriages may be validly conducted either inside or

outside Indonesia. Marriages conducted abroad are governed by the *lex loci celebrationis* principle (Article 56 of the Marriage Law), requiring registration in Indonesia within one year of the couple's return. Marriages conducted within Indonesia must comply with Articles 60 and 61 of the Marriage Law, including the submission of a Certificate of No Impediment to Marriage, which must be accompanied by a complete set of translated and legalized documents from the foreign spouse's country of origin (M et al., 2024). Failure to present these documents may result in administrative or criminal sanctions under Article 61 paragraphs (2) and (3) of the Marriage Law.

This study also finds that the principle of *lex personalis* or *lex patriae* governs questions of personal legal capacity and status arising from a mixed marriage, while the *lex loci celebrationis* determines the validity of the marriage act itself (Emalia et al., 2025). The interaction of these legal principles creates the primary source of legal complexity in mixed marriages, particularly where the two legal systems involved produce inconsistent or conflicting outcomes regarding marital status, property rights, and parental authority.

### ***Citizenship Status of Children Born of Mixed Marriages***

The second key finding concerns the citizenship regime applicable to children of mixed marriages. Prior to the enactment of (Undang-undang (UU) NO. 12, 2006) on Citizenship (Citizenship Law), Indonesian law applied a strict *ius sanguinis* principle derived from the father's bloodline, meaning that children of Indonesian mothers and foreign fathers were not automatically recognized as Indonesian citizens. The Citizenship Law of 2006 fundamentally reformed this framework by introducing the principle of limited dual citizenship (*kewarganegaraan ganda terbatas*) for children born of mixed marriages.

Under Articles 4 and 5 of the Citizenship Law, children born of a valid mixed marriage are entitled to hold both Indonesian citizenship and the citizenship of the foreign parent until they reach the age of 18, or until they marry, whichever occurs first. The research finds that this limited dual citizenship is not automatic in all circumstances and is contingent upon proper registration with the Indonesian Immigration Office and compliance with the documentary requirements under PP No. 2 of 2007. Upon reaching the age of 18 (or no later than 21), the child must formally declare their chosen citizenship. Failure to declare results in the automatic loss of Indonesian citizenship under Article 65 of PP 2/2007 (Salsabila et al., 2026).

The research further finds that loss of Indonesian citizenship carries direct property law consequences, as Article 21(1) of UUPA restricts land ownership rights exclusively to Indonesian citizens. Children who fail to timely declare Indonesian citizenship therefore lose eligibility to hold (freehold title) over land in Indonesia. The study identifies this intersection of citizenship law and agrarian law as a significant area of legal risk that is not adequately addressed by existing public legal education programs.

### ***Property Regime in Mixed Marriages***

The third finding pertains to the property regime applicable to mixed marriages. Article 35(1) of the Marriage Law establishes the default rule that property acquired during marriage constitutes joint marital property (*harta bersama*). However, this default regime conflicts with the agrarian law principle that only Indonesian citizens may hold over land. The research finds that, absent a prenuptial or postnuptial agreement separating marital assets, a foreign spouse who is party to community property that includes land rights registered under the Indonesian spouse's name creates an indirect co-ownership situation. This condition is legally problematic and may result in the invalidation of land title transfers under the UUPA (Ati et al., 2025).

The study finds that Constitutional Court Decision No. 69/PUU-XIII/2015 has materially expanded the available legal instruments for mixed-marriage couples by affirming the validity of marital agreements (*perjanjian perkawinan*) executed not only before but also during the marriage. This postnuptial agreement mechanism provides a corrective pathway for couples who failed to establish asset separation prior to marriage (Warsito et al., 2025). The research further identifies that the right of use (*hak pakai*) under Article 41 of the UUPA constitutes the primary land-related right available to foreign nationals, allowing the use and enjoyment of property without conferring ownership rights (Asriansyah, 2023).

Additionally, the research finds that in the event of divorce, the division of joint marital

property in mixed marriages is governed by applicable Indonesian law or the terms of a marital agreement. Where the couple's assets are in multiple jurisdictions, conflicts of law may arise regarding which country's legal system governs the division, an issue that is particularly acute for high-value assets such as real estate (Febriyanti et al., 2025).

### ***Inheritance Rights and Other Civil Rights in Mixed Marriages***

The fourth finding addresses the inheritance and broader civil rights implications of mixed marriages. Indonesian inheritance law does not provide a unified statutory code; instead, it is governed by the personal law of the individual: the Civil Code (for non-Muslims and those not subject to customary backgrounds), Islamic inheritance law (for Muslim parties), or customary law. The research finds that determining the applicable inheritance law in mixed marriages is inherently complex, as it must account for the decedent's nationality, religion, domicile, and the location of the assets.

A significant finding concerns the position of a surviving foreign spouse with respect to inherited immovable property. Under Article 21(3) of the *UUPA*, a foreign national who acquires land rights through inheritance must relinquish those rights within one year. Failure to do so results in the rights being declared null and void, with the property reverting to state control. This provision creates a structurally disadvantaged position for the surviving foreign spouse, who may be forced to sell or transfer inherited property under significant time pressure (Associates, 2025).

The research also finds that child custody arrangements arising from divorce in mixed marriages are governed by Article 41 of the Marriage Law and the "best interest of the child" principle enshrined in the Child Protection Law. However, enforcement of Indonesian custody decisions against a foreign parent residing abroad remains practically difficult due to the absence of bilateral enforcement treaties between Indonesia and most countries. With respect to wills, the research identifies that dual-jurisdiction will execution in both Indonesia and the foreign spouse's country is the most legally robust protective measure available to couples in mixed marriages, minimizing the risk of conflicting claims across legal systems (Firm, 2024).

## **Discussion**

### ***Regulation of Mixed Marriage under Indonesian Law***

Before the enactment of the Marriage Law, Article 1 of the *Regeling op de Gemengde Huwelijken* (GHR, State Gazette 1898 No. 158) defined a mixed marriage as a marriage between individuals subject to different legal systems, whether due to differences in nationality, religion, or belief. The provision in Article 7 paragraph (2) of the GHR, which stated that differences in religion were not an obstacle to marriage, ceased to apply upon the enactment of the Marriage Law. The validity of a marriage is assessed not only on administrative compliance but also on the parties' adherence to the religious norms they follow. Article 2 paragraph (1) of the Marriage Law implies that interfaith marriages are not expressly accommodated under Indonesian law. Supreme Court Circular Letter No. 2 of 2023 (SEMA 2/2023) definitively closed the pathway for interfaith marriage registration that had previously been available through district court petitions, as illustrated by Supreme Court Decision No. 916/Pdt.P/2022/PN.Sby (Hakim & Soderi, 2022). Scholarly commentary on SEMA 2/2023 confirms that this instrument resolves longstanding doctrinal inconsistency between the Marriage Law and prior judicial practice, reinforcing the position that the scope of "mixed marriage" under Indonesian law is now confined exclusively to differences in nationality.

With the enactment of the Marriage Law, mixed marriages under Indonesian law refer exclusively to marriages between two individuals of different nationalities. The scope of mixed marriages is regulated in Articles 57 through 62 of the Marriage Law. Article 57 defines four elements: (1) a marriage between a man and a woman; (2) subject to different legal systems due to (3) a difference in nationality; and (4) where one party holds Indonesian citizenship. The first element reflects the principle of monogamy in marriage, and together these elements draw a clear boundary between mixed marriages and interfaith or inter-adat marriages (Dewi & Syafitri, 2022).

In principle, Indonesian law does not prohibit mixed marriages as long as they meet the legal requirements for marriage under Articles 6 and 7 of the Marriage Law, namely: mutual

consent of both parties, parental permission for those under 21, and a minimum marriage age of 19 years. The revision establishing a uniform minimum age of 19 under Law No. 16 of 2019 was intended to reduce child marriage and maternal mortality risks, although it continues to attract debate (Muhari, 2025). In practice, parties to a mixed marriage must navigate a substantial administrative process, including the submission of translated and legalized foreign documents to the civil registry. Non-compliance with these procedures may result in administrative sanctions under Article 61 of the Marriage Law.

The principles of *lex loci celebrationis* and *lex personalis* govern the choice of law in cross-border mixed marriages. These principles do not always produce compatible outcomes, particularly where a foreign legal system does not recognize a marriage that is valid under Indonesian law, or vice versa (Emalia et al., 2025). This regulatory gap results in couples holding valid marriages in one jurisdiction but being unable to enforce their marital rights in another, creating a protection deficit that disproportionately affects the Indonesian spouse and any children of the union. From a conflict-of-laws perspective, three areas generate the most acute jurisdictional tensions in mixed marriages. First, regarding marital status recognition, some foreign legal systems impose substantive requirements (such as mandatory civil ceremonies or parental consent) that may not align with Indonesian requirements, potentially rendering an Indonesian-valid marriage unrecognized abroad. Second, in relation to parental authority, the *lex domicilii* of the child may govern custody arrangements in certain foreign jurisdictions, conflicting directly with Indonesian custody determinations. Third, concerning movable property, the *lex situs* may produce different proprietary entitlements than Indonesia's default community property regime, creating irreconcilable conflicts for internationally mobile couples. The absence of a comprehensive bilateral treaty network renders these conflicts practically unresolved, underscoring the need for Indonesia to prioritize engagement in private international law treaties. Nurwulandari (2020) argues that the state bears an affirmative obligation to simplify registration procedures and provide accessible legal guidance to reduce this legal gap (Nadirah et al., 2025).

### ***The Legal Status of Children's Citizenship in Mixed Marriages***

The Citizenship Law of 2006 represents a fundamental paradigm shift from the prior *ius sanguinis* (paternal) model to a more protective framework incorporating limited dual citizenship. Under Articles 4 and 5, children of mixed marriages are entitled to hold both Indonesian citizenship and the citizenship of their foreign parent until the age of 18. This reform was driven by recognition that the prior system left children of Indonesian mothers and foreign fathers legally stateless in Indonesia, an injustice that was corrected by the 2006 law. The limited dual citizenship framework reflects Indonesia's effort to balance the constitutional principle of single nationality with the practical needs of globally mobile families.

However, the study's findings reveal that the protective intent of the Citizenship Law is significantly undermined in practice by low levels of legal literacy among parents, particularly regarding registration obligations under Law No. 2 of 2007. Many families are unaware that the deadline for formally declaring citizenship is strictly enforced and that failure to comply results in the automatic loss of Indonesian citizenship (Salsabila et al., 2026). This is not merely an administrative inconvenience; it carries substantive consequences, including the loss of eligibility to inherit land under the *UUPA*. Muj'taba and Hasana (2025) identify that children who lose Indonesian citizenship are also disadvantaged in accessing state welfare services, creating a compounding vulnerability for this demographic.

From a civil law perspective, children's full legal recognition under Indonesian law, including inheritance and custody rights, is contingent upon proper marriage and birth registration. Where these administrative steps are not completed, children's civil status becomes uncertain, exposing them to future legal disputes regarding property and parental authority. The interaction between citizenship selection and property rights therefore demands that legal practitioners advise mixed-marriage clients proactively about the downstream legal consequences of administrative non-compliance well before children approach the age of citizenship selection.

### ***Property Regime in Mixed Marriages***

The property regime in mixed marriages is shaped by the tension between the Marriage Law's default community property rule and the *UUPA*'s nationality-based restriction on land ownership. In the absence of a marital agreement, property acquired during the marriage, including land, constitutes *harta bersama* (joint marital property). This creates a legally ambiguous situation in which land nominally held in the Indonesian spouse's name is effectively co-owned by the foreign spouse, violating the spirit, if not the letter, of Article 21 of the *UUPA* (Ati et al., 2025). Courts have, in certain cases, invalidated transactions involving land acquired by couples in mixed marriages without a marital agreement, precisely on these grounds.

The Constitutional Court Decision No. 69/PUU-XIII/2015 has been widely welcomed as a pragmatic solution, as it enables postnuptial agreements to be executed during the marriage, providing a corrective mechanism for couples who failed to separate their assets before the wedding (Warsito et al., 2025). Nevertheless, this remedy is available only to couples who are aware of it and who have access to legal counsel, again highlighting the centrality of legal literacy. The study also finds that the right of use (*hak pakai*) under Article 41 of the *UUPA* provides a practical, if limited, avenue for foreign spouses to legally occupy and benefit from property without triggering the nationality-based ownership restriction (Asriansyah, 2023; Associates, 2025).

Where assets are located in multiple jurisdictions, a common feature of internationally mobile couples, the property regime becomes further complicated by conflicts of law. Febriyanti et al. (2025) document cases in which Indonesian court decisions regarding the division of joint marital property could not be enforced against foreign-sited assets due to the absence of bilateral recognition treaties, leaving Indonesian spouses without an effective remedy against foreign-resident ex-partners. This systemic gap calls for legislative attention, including the development of bilateral or multilateral agreements on the mutual recognition of civil judgments in mixed-marriage property disputes.

### ***Inheritance and Other Civil Rights***

Inheritance in mixed marriages is governed by the personal law of the decedent, making the applicable legal regime dependent on nationality, religion, and domicile. The plurality of inheritance systems operative in Indonesia (the Civil Code, Islamic law, and customary law) means that even within Indonesia, the applicable rules may differ dramatically depending on the parties' backgrounds. In mixed marriages, this domestic plurality is compounded by the potential application of foreign inheritance law, particularly where the deceased held foreign nationality (Matondang, 2026; Rampay, 2015).

The finding that a surviving foreign spouse must relinquish inherited immovable property within one year under Article 21(3) of the *UUPA* represents perhaps the most acute legal hardship in this field. In practice, the one-year window is often insufficient for grieving families to identify, value, and transfer real estate assets, particularly where the estate is contested or involves multiple heirs. This provision, while consistent with Indonesia's agrarian law philosophy, can produce outcomes that appear inequitable in the context of long-standing family homes and marital property. Legal commentary has increasingly called for a review of this provision to allow a longer transitional period or a compassionate-use arrangement for surviving foreign spouses (Associates, 2025).

With respect to child custody, the "best interest of the child" principle under the Child Protection Law governs judicial decisions in Indonesia. However, cross-border enforcement remains the primary practical obstacle, as Indonesia has not concluded bilateral enforcement treaties with most countries from which foreign spouses originate. The practical result is that Indonesian custodial orders may be unenforceable if a foreign parent relocates abroad with the child (Rahmatul'ula, 2025). The study identifies this as a legislative and diplomatic priority requiring both domestic law reform and international treaty engagement.

Finally, the discussion underscores that proactive legal instruments, particularly prenuptial agreements and dual-jurisdiction wills, remain the most effective means by which mixed-marriage couples can insulate their families from the legal uncertainties identified in this study. Legal practitioners have a crucial role in ensuring that such instruments are routinely

recommended and properly executed, so that the protective intent of Indonesian family law is realized in practice rather than remaining theoretical (Firm, 2024; Pratitis & Rehulina, 2023).

### CONCLUSION

Based on the discussion of mixed marriages under Indonesian law, it can be concluded that such marriages are legally valid if they meet the applicable requirements and provisions, including religious requirements and administrative registration. However, mixed marriages have unique characteristics because they involve differences in nationality, which implies the application of more than one legal system. A thorough understanding of national law and the principles of private international law, particularly *lex loci celebrationis* and *lex personalis*, is therefore crucial to ensuring the validity and legal recognition of such marriages. Additionally, mixed marriages give rise to various legal consequences, particularly regarding children's citizenship status, property regimes, and inheritance distribution. The state has provided a comprehensive legal framework to protect the rights of the parties, including the recognition of limited dual citizenship for children and the regulation of property ownership through prenuptial agreements. However, significant implementation gaps remain, driven primarily by low levels of legal literacy among parties to mixed marriages and the absence of accessible guidance on administrative compliance. If legal procedures such as marriage registration, citizenship declaration, and prenuptial agreements are not duly fulfilled, the protective rights afforded by law may be hindered or fail to receive legal recognition. It is therefore recommended that public awareness of the legal implications of mixed marriages be systematically increased through government-sponsored legal literacy programs, and that regulators revisit specific provisions that generate disproportionate hardship, most notably the one-year immovable property relinquishment period under Article 21(3) of the *UUPA* and the strict citizenship declaration deadline under Government Regulation No. 2 of 2007.

This study carries certain limitations that should be acknowledged. As a normative doctrinal study, it does not incorporate empirical data on the lived experiences of parties in mixed marriages, nor does it systematically analyze actual court decisions at the case level. The analysis is furthermore limited to Indonesian domestic law and does not extend to a detailed examination of foreign legal systems applicable to the foreign spouse. Future research should therefore pursue three directions: (1) empirical studies examining the practical legal experiences of parties in mixed marriages across different regions of Indonesia; (2) comparative analysis of mixed marriage law in other ASEAN jurisdictions, particularly Malaysia, Thailand, and the Philippines, to identify transferable best practices; and (3) case-level analysis of Indonesian court decisions addressing disputes arising from mixed marriages to assess the coherence and predictability of judicial application of the relevant legal framework. Such research will be essential to translating the normative framework identified in this study into effective policy reform.

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### Author Contribution Statement

All authors contributed equally to the development of this manuscript. The first author was responsible for conceptualization, data collection, legal analysis, and drafting the initial manuscript. The second author contributed to methodological design, doctrinal interpretation, and critical analysis of legal frameworks. The third author assisted in literature review, validation of legal sources, and revision of the manuscript for intellectual content and coherence. All authors jointly approved the final version of the manuscript and agree to be accountable for all aspects of

the work, ensuring accuracy, integrity, and completeness of the study.

## REFERENCES

- Asriansyah, M. F. (2023). Kepemilikan Tanah Bagi Warga Negara Asing Atas Tanah Di Indonesia. In *Kemenkeu.Go.Id*.  
<https://www.djkn.kemenkeu.go.id/artikel/baca/15842/kepemilikan-tanah-bagi-warga-negara-asing-atas-tanah-di-indonesia.html>
- Associates, R. I. &. (2025). Bolehkah Warga Negara Asing Memiliki Tanah Di Indonesia? In *Indrawan Law*. <https://indrawanlaw.com/bolehkah-warga-negara-asing-memiliki-tanah-di-indonesia/>
- Ati, M. P. R., Ismail, Y., & Ariesta, W. (2025). Akibat Hukum Dan Status Harta Dalam Perkawinan Campuran. *Indonesian Journal Of Islamic Jurisprudence, Economic And Legal Theory*, 3(3), 2371–2381. <https://doi.org/10.62976/ijjel.V3i3.1279>
- Dewi, A. S., & Syafitri, I. (2022). Analisis Perkawinan Campuran Dan Akibat Hukumnya. *Juripol (Jurnal Institusi Politeknik Ganesha Medan)*, 5(1), 179–191. <https://doi.org/10.33395/juripol.V5i1.11323>
- Emalia, Amnurdiant, F. A., & Nugroho, L. D. (2025). Perkembangan Prinsip Lex Loci Celebrationis Dalam Perkawinan Campuran Antarneegara. *Al-Zayn: Jurnal Ilmu Sosial & Hukum*, 3(3), 1398–1405. <https://doi.org/10.61104/alz.V3i3.1320>
- Febriyanti, S. A., Rahma, Z. S., Moenek, E. A., Mulyana, Z. M., Titu, F. F., & Febrianty, Y. (2025). Isu Yurisdiksi Dan Pilihan Hukum Dalam Sengketa Harta Gono-Gini Perkawinan Campuran. *Qosim: Jurnal Pendidikan, Sosial & Humaniora*, 3(4), 1535–1546. <https://doi.org/10.61104/jq.V3i4.2510>
- Ferroh, F., Dinata, H. K., & Bire, C. M. D. (2026). Implementasi Undang-Undang Nomor 5 Tahun 1960 Tentang Peraturan Dasar Pokok-Pokok Agraria Kaitan Dengan Perlindungan Hak Atas Tanah Masyarakat Adat Pubabu, Desa Linamnutu, Kecamatan Amanuban Selatan, Kabupaten Timor Tengah Selatan. *Petitum Law Journal*, 3(2), 544–565.
- Firm, S. I. P. L. (2024). Kekuatan Hukum Surat Wasiat. In *SIP Law Firm*. <https://siplawfirm.id/kekuatan-hukum-surat-wasiat?lang=id>
- Haikal, M., & Ali, B. (2026). Implementasi Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan Dalam Perlindungan Hak-Hak Anak Pada Kasus Pernikahan Dini Di Kabupaten Aceh Timur. *As-Siyadah*, 6(1), 112–128.
- Hakim, A., & Soderi, R. (2022). Analisis Putusan Ma Perkara No 916/Pdt.P/2022/Pn.Sby Dalam Mengabulkan Permohonan Pencatatan Nikah Beda Agama Dalam Perspektif Undang-Undang Perkawinan No. 1 Tahun 1974. *Berasan: Journal Of Islamic Civil Law*, 1(1). <https://doi.org/10.29240/Berasan.V1i1>
- Indonesia, K. D. N. R. (2023). Data Registrasi Perkawinan Campuran Di Indonesia. In *Direktorat Jenderal Kependudukan Dan Pencatatan Sipil*. <https://dukcapil.kemendagri.go.id/>
- Matondang, M. V. T. (2026). *Kedudukan Hukum Pengungsi Stateless Dalam Perkawinan Campuran Menurut Undang-Undang Nomor 12 Tahun 2006 Tentang Kewarganegaraan Republik Indonesia*. Universitas Atma Jaya Yogyakarta.
- Muhari, M. (2025). Penerapan Undang-Undang Nomor 16 Tahun 2019 Tentang Perubahan Atas Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan Terhadap Dispensasi Kawin Di Pengadilan Agama Tuban. *Presidensial: Jurnal Hukum, Administrasi Negara, Dan Kebijakan Publik*, 2(1), 40–47. <https://doi.org/10.62383/Presidensial.V2i1.444>
- Muj'taba, S., & Hasana, D. (2025). Perlindungan Hukum Bagi Anak Yang Lahir Dari Perkawinan Campuran Antara WNI Dan WNA Yang Tinggal Di Indonesia. *Jurnal Ilmiah Sultan Agung*, 4(3), 108–121. <https://jurnal.unissula.ac.id/index.php/jimu/article/view/48440>
- Nadirah, A. A., Salmawati, S., & Tjolleng, A. (2025). Perlindungan Hukum Anak Dari Perkawinan Campuran Yang Tinggal Di Indonesia. *Legal Dialogica*, 1(1), 309–323.
- Nurwulandari, A. (2020). Perlindungan Hukum Perempuan Dalam Perkawinan Campuran Di Indonesia: Tinjauan Hak Sipil Dan Hak Kependudukan. *Jurnal Hukum Dan Keadilan*, 8(2), 112–128.
- Pratitis, S. A., & Rehulina. (2023). Keabsahan Perjanjian Pra Nikah Dan Akibat Hukumnya Ditinjau Dari Perspektif Hukum. *Jurnal Hukum, Politik Dan Ilmu Sosial (JHPIS)*, 2(2).

- Rahmanda, F. S. (2025). *Efektivitas Penerapan Undang-Undang Nomor 16 Tahun 2019 Tentang Perubahan Atas Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan Di Kecamatan Kumpeh Kabupaten Muaro Jambi*. Hukum Perdata.
- Rahmatul'ula, S. (2025). Hak Asuh Anak Akibat Perceraian Dalam Perkawinan Campuran. In *Legal Keluarga*. <https://www.Legalkeluarga.Id/Hak-Asuh-Anak-Akibat-Perceraian-Dalam-Perkawinan-Campuran/>
- Rampay, D. L. (2015). Hak Waris Anak Dalam Perkawinan Campuran Berdasarkan Undang-Undang Nomor 12 Tahun 2006 Tentang Kewarganegaraan. *Jurnal Morality*, 2(2).
- Salsabila, R. A., Kamila, N. D. S., Hariyono, A. S., Pertiwi, I., & Janah, M. K. (2026). Implementasi Asas Lex Patriae Terhadap Kewarganegaraan Ganda Terbatas Anak Hasil Perkawinan Campuran Di Indonesia: Hambatan Dan Implikasi Hukumnya. *Jurnal Multidisiplin Ilmu Akademik*, 3(2), 386–402. <https://doi.org/10.61722/Jmia.V3i2.9298>
- Undang-Undang (UU) No. 12, L. 2006/No. 6. (2006). *Undang-Undang (Uu) No. 12, Ln.2006/No.63 Kewarganegaraan-Republik-Indonesia* (Vol. 4, Issue 4).
- Undang-Undang No.5 Tahun 1960. (2004). Undang-Undang Republik Indonesia Nomor 5 Tahun 1960 Tentang Peraturan Dasar Pokok-Pokok Agraria. In *Undang-Undang No.5 Tahun 1960* (Issue 1).
- Undang-Undang Republik Indonesia No 16. (2019). Undang-Undang Republik Indonesia No 16 Tahun 2019 Tentang Perubahan Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan. *Undang-Undang Republik Indonesia*, 006265, 2–6. <https://Peraturan.BPK.Go.Id/Home/Details/122740/Uu-No-16-Tahun-2019>
- Utami, P. D. Y., Sudiarawan, K. A., Mangku, D. G. S., & Pratama, A. C. P. N. (2022). Sistem Hukum Dalam Penyelesaian Perkara Perceraian Pada Perkawinan Campuran Di Indonesia. *Jurnal Ilmiah Pendidikan Pancasila Dan Kewarganegaraan*, 7(1), 189. <https://doi.org/10.17977/Um019v7i1p189-197>
- Warsito, L., Sulistyowati, H., & Dewi, P. M. (2025). Transformasi Perjanjian Perkawinan Sebagai Instrumen Pengaturan Harta Kekayaan Pasca-Putusan Mahkamah Konstitusi. *Jurnal Penelitian Hukum Indonesia*, 6(2). <https://Ejournal.Undaris.Ac.Id/Index.Php/Jpehi/Article/View/763>