

## Post-Nuptial Agreements in Cross-Border Marriages Under Indonesian Law: Analyzing Constitutional Court Decision 69/2015 and Its Implications for Matrimonial Property Rights

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### KEYWORDS

post-nuptial agreements; cross-border marriages; private international law; matrimonial property; Indonesia; Constitutional Court Decision 69/2015; comparative family law; party autonomy

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### ABSTRACT

The increasing prevalence of cross-border marriages necessitates robust legal frameworks governing matrimonial property rights, particularly regarding post-nuptial agreements. Indonesia's Constitutional Court Decision No. 69/PUU-XIII/2015 marked a significant departure from traditional restrictions by permitting post-nuptial agreements, a development with profound implications for mixed marriages involving Indonesian nationals and foreign spouses. This research examines the legal consequences of post-nuptial agreements in cross-border marriages under Indonesian law, analyzing how this constitutional development interacts with property ownership restrictions, citizenship regulations, and private international law principles. Employing normative legal research methodology with comparative, statutory, and case-law approaches, this study analyzes Indonesian marriage law (Law No. 1/1974 as amended by Law No. 16/2019), citizenship law (Law No. 12/2006), and agrarian restrictions, comparing these with the Netherlands, Singapore, and Australia. The research reveals that while Constitutional Court Decision 69/2015 expanded spousal autonomy by permitting agreements to be concluded at any time during the subsistence of marriage rather than exclusively before marriage, implementation challenges persist due to inadequate harmonization between marriage law, property law, and immigration regulations. The findings demonstrate critical gaps in legal certainty regarding the retroactive application of post-nuptial agreements, recognition across jurisdictions, and their effectiveness in navigating foreign ownership restrictions on Indonesian land. This study contributes to international family law scholarship by providing a comprehensive English-language analysis of Indonesia's post-nuptial agreement framework in cross-border contexts, offering recommendations for legislative reform aligned with private international law standards.

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### INTRODUCTION

Globalization has fundamentally transformed patterns of human mobility and intimate relationships, resulting in unprecedented increases in cross-border marriages worldwide (Florea & Galeş, 2024). Indonesia, as the world's fourth most populous nation with approximately 275 million inhabitants and a major economy in Southeast Asia, experiences significant numbers of mixed marriages between Indonesian nationals and foreign citizens (Indah et al., 2025). The phenomenon of perkawinan campuran, or mixed marriages, creates complex legal situations at the intersection of family law, property law, citizenship law, and private international law, requiring sophisticated regulatory frameworks capable of addressing the multifaceted

challenges arising from these transnational unions (Aziz & Mutakin, 2024; Ibnudin et al., 2025; Sidabutar et al., 2024).

The legal landscape governing cross-border marriages in Indonesia underwent a transformative shift with Constitutional Court Decision No. 69/PUU-XIII/2015, which effectively amended Article 29 of Marriage Law No. 1/1974 by permitting spouses to conclude marriage agreements not only before but also during the subsistence of marriage (Hidayatullah & Aidi, 2023). This landmark decision responded to a petition by Ike Farida, an Indonesian woman married to a Japanese national, who challenged the constitutional validity of provisions that previously limited marriage agreements exclusively to pre-nuptial arrangements (Mir, 2021). The petitioner argued that this restriction violated the constitutional principles of equality and non-discrimination guaranteed under Articles 27 and 28D of the 1945 Constitution of the Republic of Indonesia, as it effectively denied Indonesian spouses in mixed marriages the opportunity to preserve their property rights when circumstances changed after marriage (Mujiburohman et al., 2023).

The significance of this constitutional development extends far beyond procedural timing considerations (Jakab, 2023). In Indonesia's unique legal context, marriage agreements serve critical functions for mixed-marriage couples, particularly regarding property ownership. Under the Basic Agrarian Law (Undang-Undang Pokok Agraria or UUPA) No. 5/1960, foreigners face significant restrictions on land ownership, including absolute prohibition from holding hak milik (freehold title) and hak guna bangunan (building use rights) on Indonesian territory (Agustina et al., 2025; Mas Ratu & Santika, 2024). Indonesian nationals who marry foreigners without executing marriage agreements may lose their capacity to hold certain property rights due to the default community property regime (*harta bersama*) established under the Marriage Law, whereby all assets acquired during marriage become jointly owned by both spouses (Hartono et al., 2025). This legal mechanism effectively extends property restrictions applicable to foreign spouses to Indonesian nationals, creating what scholars have characterized as a discriminatory outcome that undermines the property rights of Indonesian citizens (Mirabel, 2024; Khairunnisa et al., 2024; Afhami, 2024).

Post-nuptial agreements thus emerge as essential instruments for Indonesian spouses in mixed marriages to preserve their property rights and maintain their capacity to acquire and hold land under Indonesian law. The Constitutional Court's intervention recognizing the validity of such agreements represents a significant expansion of party autonomy in Indonesian family law, aligning the jurisdiction more closely with international trends toward enhanced spousal freedom in determining matrimonial property relations (Gray, 2021; Boele-Woelki et al., 2023; Moskvitin, 2024). However, this development has simultaneously generated substantial legal uncertainty regarding the practical implementation of post-nuptial agreements, their temporal scope, their effects on third parties, and their recognition across international boundaries.

Despite the Constitutional Court's intervention, several critical legal questions remain inadequately addressed in existing scholarship and jurisprudence. The first concerns retroactive application, specifically whether couples married before 2015 can execute valid post-nuptial agreements with retroactive effect on property accumulated during their marriage. The second relates to third-party effects, examining how post-nuptial agreements affect the rights of creditors and children, and what notification or registration requirements ensure opposability to

third parties. The third involves cross-border recognition, analyzing under what conditions Indonesian post-nuptial agreements will be recognized and enforced in foreign jurisdictions, and, conversely, how Indonesia treats post-nuptial agreements concluded abroad. The fourth addresses interaction with property restrictions, questioning whether post-nuptial agreements can effectively circumvent foreign ownership restrictions or whether the underlying policy of UUPA renders such arrangements contrary to public order. The fifth examines harmonization gaps, investigating how inconsistencies between marriage law, citizenship law, and property law create legal uncertainty for mixed-marriage couples navigating Indonesia's complex regulatory landscape.

This study pursues both primary and secondary research objectives. The primary objectives are to analyze the regulatory framework governing post-nuptial agreements in cross-border marriages under Indonesian law following Constitutional Court Decision 69/2015, and to examine the legal consequences of post-nuptial agreements for matrimonial property rights, citizenship status, and children's legal standing in mixed marriages. The secondary objectives include comparing Indonesian approaches with selected foreign jurisdictions, specifically the Netherlands, Singapore, and Australia, to identify best practices and harmonization opportunities; evaluating the effectiveness of post-nuptial agreements as instruments for property protection in mixed marriages; and formulating recommendations for legislative reform and judicial interpretation that address identified gaps in the current framework.

This research makes several novel contributions to legal scholarship. While previous work has examined Indonesian post-nuptial agreements in domestic contexts through Indonesian-language scholarship, no comprehensive English-language analysis has examined Indonesia's post-Constitutional Court framework for post-nuptial agreements in cross-border contexts. This study provides the first such analysis, developing an analytical framework for understanding the interaction between constitutional adjudication, marriage law reform, and private international law. The research contributes to comparative family law scholarship by examining an underexplored civil law jurisdiction and offers practical guidance for legal practitioners advising mixed-marriage couples, notaries executing post-nuptial agreements, and policymakers developing legislative harmonization initiatives.

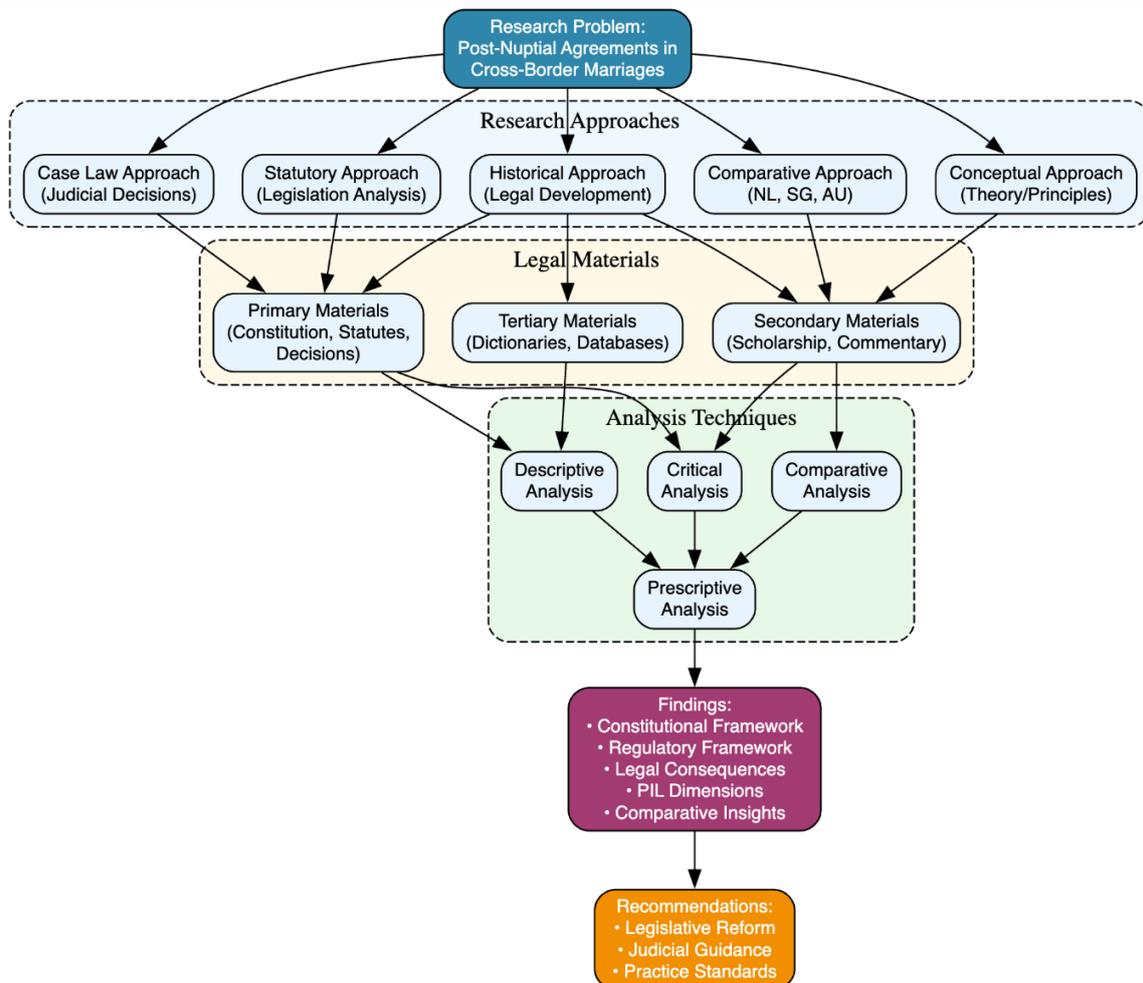
## **METHOD**

This study employed a normative legal research (doctrinal legal research) design, focusing on analysis of legal norms, principles, statutory provisions, judicial decisions, and scholarly commentary rather than empirical field investigation. This approach is appropriate because the study aims to examine the legal framework, doctrinal developments, and comparative perspectives on post-nuptial agreements in cross-border marriages under Indonesian law.

The population of this study consists of all legal materials relevant to the regulation of post-nuptial agreements in Indonesia and selected comparator jurisdictions. The sample comprises selected primary legal materials (constitutional provisions, legislation, government regulations, judicial decisions, and foreign laws), secondary legal materials (academic books, journal articles, theses, and expert commentaries), and tertiary materials (legal dictionaries, encyclopedias, and databases) that are directly relevant to the research objectives and accessible through credible legal sources.

Data were collected through library-based research and online legal database searches. Sources include national legal databases such as JDIH and Hukumonline, international databases including Westlaw, HeinOnline, and SSRN, official government portals for legislation and court decisions, university law libraries, publisher databases for scholarly works, and citation tracking from key legal texts to identify additional relevant materials.

Data were analyzed using multiple methods of legal interpretation and doctrinal analysis, including grammatical, systematic, historical, teleological, and comparative interpretation. Analytical techniques include descriptive analysis to outline existing legal frameworks, critical analysis to evaluate consistency and effectiveness, comparative analysis to assess similarities and differences with other jurisdictions, and prescriptive analysis to formulate normative recommendations for legal reform and practice development.



**Figure 1. Research Methodology Framework**

Source: Processed from the normative legal research methodology framework (2024)

This figure illustrates the integrated methodological framework showing how statutory, case law, comparative, conceptual, and historical approaches interact with primary, secondary, and tertiary legal materials to produce descriptive, critical, comparative, and prescriptive legal analysis.

## RESULTS AND DISCUSSIONS

### Comparative Analysis

#### 1. Netherlands

Dutch matrimonial property law provides instructive comparison given historical legal connections with Indonesia and recent comprehensive reform. The 2018 reform introduced a limited community of acquisitions (*beperkte gemeenschap van goederen*) as the default regime for marriages concluded after January 1, 2018, replacing the previous universal community (*algehele gemeenschap van goederen*) that included all assets regardless of origin. Under the new default, premarital assets, inheritances, and gifts remain separate property of the receiving spouse, while only assets acquired during marriage through either spouse's efforts become community property.

Marriage agreements (*huwelijkse voorwaarden*) may be concluded before or during marriage under Dutch law, with notarial deed required for validity. Agreements can establish complete separation of property, modify the default limited community, or create bespoke arrangements tailored to spousal circumstances. The flexibility to conclude agreements during marriage has long been recognized in Dutch law, providing a model that Indonesian law has now adopted through constitutional adjudication.

Third-party protection in the Dutch system operates through registration in the matrimonial property register (*huwelijksgoederenregister*). Agreements and modifications become opposable to third parties only from registration, with unregistered terms binding only between spouses. This clear registration system provides certainty that Indonesia's current framework lacks, suggesting potential model for Indonesian regulatory development.

#### 2. Singapore

Singapore represents a common law alternative to civil law approaches predominant in Indonesia, the Netherlands, and much of continental Europe. No default community property regime applies in Singapore, meaning spouses remain separate owners of property acquired in their individual names throughout marriage (Chan, 2021). Property division occurs only upon divorce, when courts exercise broad discretion under section 112 of the Women's Charter to divide "matrimonial assets" between spouses based on direct contributions, indirect contributions, and various other factors.

The absence of community property eliminates the primary motivation driving post-nuptial agreements in Indonesian mixed marriages, as foreign spouses do not automatically acquire interests in property acquired by local spouses. However, the judicial discretion exercised at divorce creates uncertainty that some couples may wish to address through agreement. Singapore courts have considered prenuptial and postnuptial agreements as one factor in discretionary division but have not treated such agreements as binding or conclusive (Chan, 2021).

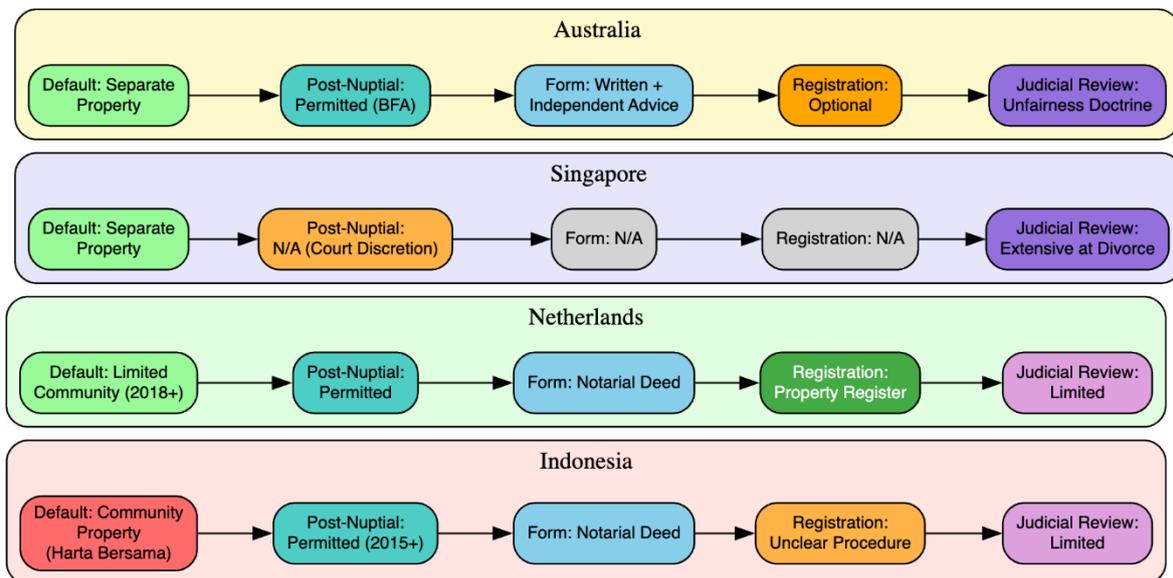
For comparative purposes, Singapore illustrates that protecting local spouse property rights from community property consequences affecting foreign spouses is not inevitable, as jurisdictions may simply not have community property defaults that create the problem. However, adopting Singapore's separate property approach would require fundamental restructuring of Indonesian matrimonial property law that goes far beyond recognizing post-nuptial agreements within the existing framework.

### 3. Australia

Australian family law’s framework for binding financial agreements (BFAs) under Part VIIIA of the Family Law Act 1975 provides detailed statutory treatment of issues that remain underdeveloped in Indonesian law. BFAs may be concluded before, during, or after marriage (or de facto relationship), covering matters including how property will be dealt with upon relationship breakdown and spousal maintenance (Leshinsky et al., 2024; Kaye et al., 2021). The framework permits substantial party autonomy while imposing procedural safeguards to protect against unfairness.

The procedural requirements for valid BFAs emphasize independent legal advice rather than notarial formality. Each party must receive independent legal advice from a qualified legal practitioner who signs a certificate stating that advice regarding the effect of the agreement on that party’s rights and regarding the advantages and disadvantages of making the agreement was provided (Boele-Woelki, 2021). This advice requirement aims to ensure informed consent, compensating for the absence of judicial scrutiny at the time of agreement.

The High Court’s decision in *Thorne v Kennedy* (2017) addressed circumstances under which BFAs may be set aside despite technical compliance with statutory requirements. The Court held that agreements could be vitiated by duress, undue influence, or unconscionable conduct, emphasizing circumstances where one party was in a position of special disadvantage and the other knowingly took advantage of that vulnerability (Barnett, 2018). This doctrinal development provides substantive fairness review that complements procedural requirements, offering protection unavailable under Indonesia’s formality-focused approach.



**Figure 2: Comparative Framework for Post-Nuptial Agreement Regulation**

Source: Comparative analysis of family law from different jurisdictions (2024)

Figure 2 Caption: This comparative framework illustrates the different approaches to post-nuptial agreement regulation across Indonesia, the Netherlands, Singapore, and Australia. Color coding highlights key differences, with green indicating features favorable to party autonomy and clarity, orange indicating areas of uncertainty or limitation, and purple indicating

judicial oversight mechanisms. Indonesia and the Netherlands share civil law characteristics including notarial formality requirements, while Australia emphasizes independent legal advice. Singapore's court-centered approach differs fundamentally from the other jurisdictions by relying on judicial discretion at divorce rather than binding agreements.

### **Private International Law Dimensions**

#### **1. Choice of Law**

Indonesian private international law applicable to matrimonial property matters draws on colonial-era provisions, scholarly commentary, and limited jurisprudence rather than comprehensive modern codification. The *Algemene Bepalingen van Wetgeving* (AB) colonial legislation provides general private international law principles, with nationality (*lex patriae*) as the traditional connecting factor for personal status matters including marriage effects (Generalities, 2021). Under this approach, matrimonial property relations would be governed by each spouse's national law, creating potential for *depeçage* (splitting) where spouses have different nationalities.

The application of traditional choice of law principles to modern cross-border marriages generates substantial uncertainty. For mixed marriages where spouses have different nationalities, determining which law governs matrimonial property requires resolution of the conflict between spousal national laws. Indonesian jurisprudence has not definitively established whether the husband's or wife's law applies, whether the law of common domicile or habitual residence supersedes nationality, or whether party autonomy permits spouses to select applicable law through agreement (Sidabutar et al., 2024).

Post-nuptial agreements add complexity to choice of law analysis. The validity of such agreements may be assessed under the law governing the marriage generally (*lex causae*), the law of the place where the agreement was concluded (*lex loci actus*), or potentially a law chosen by the parties if such autonomy is recognized. For agreements concluded in Indonesia by parties with connections to Indonesia, Indonesian law would presumptively apply, but recognition of such agreements in other jurisdictions depends on those jurisdictions' private international law rules.

#### **2. Recognition of Foreign Agreements**

Recognition of foreign post-nuptial agreements in Indonesia encounters the absence of specific regulatory framework and reliance on general private international law principles. The starting point is that foreign acts valid under their governing law are generally recognized in Indonesia absent public policy violation, but the application of this principle to matrimonial agreements requires determining the governing law and assessing potential public policy concerns (Franzina, 2022).

Public policy (*ketertiban umum*) represents the primary basis for refusing recognition of foreign arrangements, encompassing both procedural public policy (refusing recognition where foreign proceedings violated fundamental fairness) and substantive public policy (refusing recognition where foreign law or arrangements contravene fundamental Indonesian values). The scope of public policy exceptions in Indonesian law remains broadly defined and inconsistently applied, creating uncertainty about which foreign arrangements will be recognized.

For post-nuptial agreements concluded abroad between spouses with Indonesian connections, recognition questions may arise when spouses seek to enforce agreement terms in

Indonesia, when Indonesian courts must characterize property in divorce or inheritance proceedings, or when land registration authorities must determine whether Indonesian spouses in mixed marriages can hold restricted titles based on foreign separation agreements. The absence of clear guidance on these recognition questions represents a significant gap in Indonesian legal infrastructure for cross-border families.

### 3. Indonesian Agreements Abroad

Recognition of Indonesian post-nuptial agreements in foreign jurisdictions depends on those jurisdictions’ private international law rules rather than Indonesian law. However, the form and content of Indonesian agreements may affect their recognizability abroad, making consideration of foreign requirements relevant for agreement drafting.

Formal validity of Indonesian notarial deeds is generally strong for recognition purposes, as notarial execution satisfies formal requirements of most civil law jurisdictions and demonstrates authenticity for common law purposes. Authentication through apostille under the Hague Apostille Convention (to which Indonesia acceded in 2021) facilitates use of Indonesian notarial documents abroad (Djaja & Kristantie, 2023). However, substantive validity under the applicable law determined by foreign courts’ choice of law rules may differ from validity under Indonesian law.

For Indonesian mixed-marriage couples who may relocate abroad or whose property may be subject to foreign proceedings, drafting post-nuptial agreements with attention to foreign recognition requirements may enhance enforceability across borders. This consideration supports inclusion of clear choice of law provisions, compliance with formalities likely to be recognized internationally, and substantive terms that do not contravene likely forum public policy.

**Table 1.** Private International Law Framework Comparison

Element	Indonesia	Netherlands	Singapore	Australia
PIL codification	Limited (colonial AB)	Comprehensive	Comprehensive	Comprehensive
Traditional connecting factor	Nationality	Nationality/Habitual residence	Domicile	Domicile
Party choice of law	Uncertain	Permitted (limited)	N/A	Limited
Treaty participation	Limited	EU Regulations, Hague Conventions	Hague Conventions	Hague Conventions
Recognition framework	General principles	EU mutual recognition	Statutory	Statutory
Public policy scope	Broadly defined	Narrowly defined	Moderate	Narrowly defined

Source: Comparative analysis of international civil law from different jurisdictions (2024)

Table 1 Caption: This table compares private international law frameworks affecting recognition of post-nuptial agreements across the four study jurisdictions. Indonesia’s limited PIL codification and broad public policy exception contrast with more developed frameworks in the other jurisdictions. The Netherlands benefits from EU harmonization providing predictable mutual recognition among member states. Singapore and Australia have

comprehensive domestic PIL statutes governing recognition and enforcement of foreign arrangements.

### **Synthesis of Findings**

The analysis reveals that Constitutional Court Decision 69/2015 fundamentally expanded spousal autonomy under Indonesian law by recognizing post-nuptial agreements, addressing a concrete discrimination faced by Indonesian citizens in mixed marriages unable to preserve property rights without pre-marital planning. This constitutional development aligns Indonesian law more closely with international trends toward enhanced party autonomy in family law, providing couples flexibility to structure property relations according to their circumstances rather than being bound by a single default regime.

However, the Constitutional Court's intervention, while resolving the constitutional question, created implementation uncertainties that persist nearly a decade later. The decision's focus on establishing constitutional permission left substantial gaps regarding retroactive application, third-party notification, registration procedures, and interaction with property law restrictions. These gaps have been only partially addressed through subsequent administrative guidance and notarial practice, with significant variation across different registrar offices and regions of Indonesia (Izza, 2024).

The interaction between marriage law, property law, and citizenship law creates unique challenges for mixed-marriage couples that single-framework analysis cannot fully capture. Post-nuptial agreements exist at the intersection of these bodies of law, requiring coordinated regulatory treatment that Indonesian law currently lacks. The primary motivation for post-nuptial agreements in mixed marriages, namely restoring Indonesian spouse property rights under UUPA, depends on agreement effectiveness for property law purposes, not merely validity under marriage law. Whether Indonesian authorities will consistently accept post-nuptial separation as sufficient to permit Indonesian spouses to acquire restricted land titles remains uncertain in practice.

Comparative analysis reveals that Indonesia's developing approach shares characteristics with Dutch law regarding notarial formality requirements while lacking the clear registration system that provides third-party protection certainty in the Netherlands. The Australian emphasis on independent legal advice as a procedural protection is absent in Indonesia, where notarial execution provides documentation but not necessarily informed consent regarding complex legal implications. Singapore's court-centered approach represents a fundamentally different model that Indonesia has not adopted, maintaining instead a civil law emphasis on agreement validity at execution rather than judicial review at divorce.

Private international law dimensions remain substantially underdeveloped in Indonesian law, creating uncertainty for cross-border mixed marriages that will only increase as international mobility continues. The absence of comprehensive PIL codification, continued reliance on colonial-era provisions, and broad public policy exception provide inadequate framework for determining applicable law to matrimonial property, recognizing foreign agreements, and ensuring Indonesian agreements will be effective abroad.

### **Theoretical Implications**

The Indonesian experience with post-nuptial agreements contributes to understanding of constitutional adjudication as a family law reform mechanism in civil law systems. Constitutional Court Decision 69/2015 exemplifies how constitutional courts can fill legislative

gaps and update outdated provisions, providing responsive reform when legislative processes are slow or unresponsive to changing circumstances. However, the implementation challenges following the decision illustrate limitations of judicial reform without accompanying legislative and administrative development to provide necessary implementing detail.

The expansion of party autonomy in Indonesian family law through constitutional adjudication rather than legislative choice has distinctive characteristics. Legislative reform typically includes detailed provisions addressing implementation, transition, and coordination with other bodies of law developed through comprehensive deliberation. Constitutional adjudication establishing broad principles without such detail requires subsequent development through practice, administrative guidance, and eventual legislation to achieve effective implementation. The Indonesian experience suggests that judicial expansion of party autonomy, while valuable for addressing constitutional violations, may require follow-on legislative action to realize practical benefits.

The interaction between property restrictions and matrimonial regimes in Indonesian law illustrates how family law operates within broader legal frameworks that may constrain or shape its effects. Post-nuptial agreements under the Marriage Law take on heightened significance because of UUPA restrictions that otherwise deprive Indonesian citizens of property rights based on their marital status. This interaction is distinctive to jurisdictions with similar foreign ownership restrictions and community property defaults, making Indonesian law valuable for comparative understanding of how different legal domains interact to affect family outcomes.

### **Practical Implications**

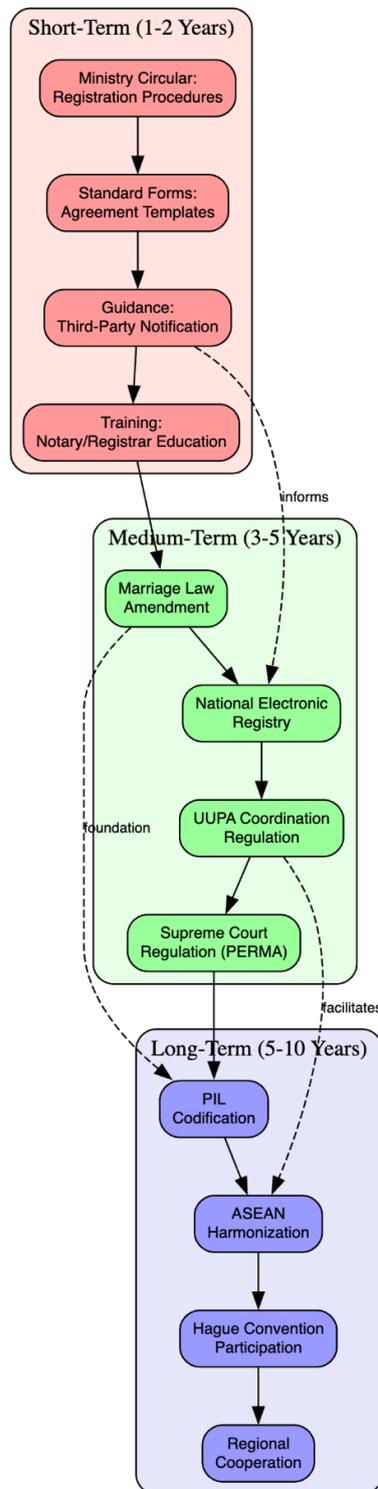
For legal practitioners advising mixed-marriage couples, this analysis provides guidance on the current regulatory framework, implementation challenges, and strategic considerations for post-nuptial agreement execution. Practitioners should advise clients regarding the availability of post-nuptial agreements following Constitutional Court Decision 69/2015, the uncertain retroactive effect that may limit agreement utility for couples seeking to address previously accumulated property, formal requirements including notarial execution and registration, third-party protection mechanisms and their limitations, and interaction with property law that determines whether agreements will achieve property rights objectives.

For notaries executing post-nuptial agreements, this analysis highlights the importance of clear agreement drafting addressing temporal scope, third-party notification, and property law consequences. Best practices include explicit statement of agreement effective date and scope regarding pre-existing property, provisions for notification of relevant third parties including creditors, clear specification of applicable property regime and its consequences, and consideration of foreign recognition requirements where couples have cross-border connections.

For policymakers, this analysis identifies specific gaps requiring regulatory attention. Short-term priorities include clarifying registration procedures for post-nuptial agreements through ministry circular letters or regulations, establishing standard notification requirements for third-party protection, and providing guidance on interaction between post-nuptial agreements and UUPA restrictions. Medium-term priorities include comprehensive Marriage Law amendment incorporating Constitutional Court interpretation into statutory text and establishing national marriage agreement registry with electronic access. Long-term priorities

include developing comprehensive private international law legislation and considering ASEAN family law harmonization initiatives.

**Implementation Framework  
Post-Nuptial Agreement Reform**



**Figure 3. Recommended Implementation Framework**  
Source: Policy recommendations based on research analysis (2024)

Figure 4 Caption: This diagram presents a recommended implementation framework for addressing gaps in Indonesia's post-nuptial agreement regulatory structure. Short-term measures (1-2 years) focus on administrative guidance and standardization achievable without legislative change. Medium-term measures (3-5 years) require legislative action to incorporate Constitutional Court interpretation into statute and establish national registry infrastructure. Long-term measures (5-10 years) address private international law development and regional harmonization. Dashed lines indicate how earlier measures inform and facilitate later developments.

### **Limitations of Findings**

Several limitations should be considered when interpreting this study's findings. First, the normative legal research methodology focuses on law as written and interpreted rather than law as practiced, meaning actual implementation may diverge from the formal framework analyzed. Empirical research examining how registrar offices, notaries, and courts actually handle post-nuptial agreements would complement this doctrinal analysis. Second, the rapid pace of legal development in this area means that subsequent regulatory guidance, judicial decisions, or legislative changes may have occurred after the research period. Third, the comparative analysis, while examining three carefully selected jurisdictions, cannot capture the full range of approaches across legal systems worldwide. Fourth, assessment of private international law dimensions is necessarily speculative given limited Indonesian jurisprudence and treaty practice in this area.

### **Future Research Directions**

This study opens several avenues for future research. Empirical investigation of implementation practices would reveal how the formal framework analyzed here operates in actual registrar offices, notarial practices, and court proceedings. Such research could employ surveys of practitioners, case file analysis, or ethnographic observation to document variation and identify best practices. Extended comparative analysis examining additional jurisdictions, particularly other ASEAN member states with significant mixed-marriage populations, would provide broader regional perspective. Investigation of specific issues including retroactivity doctrines, fraudulent transfer analysis, and inheritance implications would develop areas that receive only overview treatment here. Finally, as Indonesian law continues to develop in this area, ongoing monitoring and analysis of regulatory changes, judicial decisions, and reform initiatives will be valuable for maintaining current understanding.

## **CONCLUSION**

This study offers the first comprehensive English-language analysis of post-nuptial agreements in cross-border marriages under Indonesian law, demonstrating that while Constitutional Court Decision 69/2015 marked a significant step toward spousal autonomy and addressed discrimination facing Indonesian citizens in mixed marriages, critical implementation challenges remain unresolved nearly a decade on — including uncertainties over retroactive effect, registration procedures, third-party protection, property law recognition of land titles held by Indonesian spouses, and an underdeveloped private international law framework for cross-border recognition and enforcement. By integrating constitutional, family, property, and private international law perspectives, the study maps reform pathways across three horizons: short-term administrative measures, medium-term legislative codification, and

long-term private international law development, all growing urgency as Indonesia's foreign presence expands through digital nomad initiatives and ASEAN regional integration deepens. Future research should empirically examine how notaries, land registrars, and courts have applied Decision 69/2015 in practice since 2015, given that doctrinal analysis alone cannot capture the implementation gaps between formal legal change and on-the-ground outcomes for mixed-marriage couples navigating Indonesia's regulatory landscape.

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