

Legal Status of Joint Property in Mixed Marriages: Post-Constitutional Court Decision Marriage Agreements and the Principle of Agrarian Nationality

Desliyanti S. Ali¹, Nur Mohamad Kasim², Sri Nanang Meiske Kamba³

^{1,2,3} *Fakultas Hukum, Universitas Negeri Gorontalo, Gorontalo, Indonesia*

**Email:desliyantiali04@gmail.com*

ABSTRACT

Mixed marriages between Indonesian citizens and foreign nationals raise legal issues regarding the status of joint property, particularly when such property relates to land ownership. Constitutional Court Decision No. 69/PUU-XIII/2015 amended the regulation of marriage agreements by allowing them to be created during the marriage. This article aims to analyze the status of joint property in mixed marriages following this decision and its relationship to restrictions on land ownership under Indonesian agrarian law. This research uses normative legal methods with statutory, conceptual, and case-based approaches. The analysis shows that property acquired during the marriage is, in principle, joint property, unless otherwise stipulated by a valid regulation. The Constitutional Court Decision does not automatically convert all joint property into separate property, but provides space for couples to regulate their wealth relationships through a marriage agreement. This arrangement must still comply with the restrictions on land ownership in Law No. 5 of 1960 concerning Basic Agrarian Principles. Thus, legal certainty in mixed marriages requires an integrated reading of marriage law, marriage agreements, and the principle of agrarian nationality.

Keywords: Mixed Marriages, Joint Property, Marriage Agreements, Constitutional Court Decisions, Land Rights.

INTRODUCTION

Marriage not only creates a personal legal relationship between husband and wife, but also gives rise to legal consequences for assets acquired during the marriage. In Indonesian law, regulations regarding marital assets are primarily contained in Articles 35 to 37 of Law Number 1 of 1947 concerning Marriage. Article 35 paragraph (1) stipulates that assets acquired during the marriage become joint assets, while assets brought by each husband and wife as well as assets obtained as gifts or inheritances are under their respective control as long as the parties do not specify otherwise. This regulation serves as the basis for distinguishing joint assets from personal assets and also determines the legal relationship of husband and wife to assets formed during the marriage.¹

¹ Panal Herbet Limbong et al., "Legal Arrangements in the Division of Joint Marital Assets According to Civil Law Currently in Effect in Indonesia," *Jurnal Retentum* 3, no. 2 (2023): 177–91, <https://doi.org/10.46930/retentum.v5i2.1346>.

The issue becomes more complex when the marriage involves two people of different nationalities. Article 57 of the Marriage Law defines a mixed marriage as a marriage between two people who are subject to different laws in Indonesia due to their different nationalities, and one party is an Indonesian citizen.² These differences in citizenship not only affect the personal status of the parties but can also raise legal issues governing property relations, ownership of property, and the ability of each spouse to own certain assets. Therefore, the status of property in mixed marriages needs to be analyzed by considering the relationship between marriage law, international civil law, and specific provisions governing specific assets.

This issue becomes important when the property acquired during the marriage is land. Marriage law essentially recognizes property acquired during the marriage as joint property.³ Meanwhile, Indonesian agrarian law applies the principle of nationality which limits the legal subjects who can have certain rights to land. Article 9 paragraph (1) of Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA) emphasizes that only Indonesian citizens can have full relations with the earth, water, and airspace within the limits determined by law. This provision is emphasized by Article 21 paragraph (1) of the UUPA which stipulates that only Indonesian citizens can have ownership rights to land.

These restrictions have special consequences for couples in mixed marriages. Article 21 paragraph (3) of the UUPA regulates the circumstances when a foreign citizen acquires property rights due to inheritance without a will or the mixing of assets due to marriage, as well as the circumstances when an Indonesian citizen loses his or her citizenship.⁴ In the circumstances regulated by this article, the Ownership Rights must be released within a period of one year; if this obligation is not fulfilled, the rights are revoked by law and the land falls to the state, while still paying attention to the applicable provisions. In addition, Article 26 paragraph (2) of the UUPA regulates the legal consequences of the transfer of Ownership Rights which are directed directly or indirectly to foreigners and certain parties who do not meet the requirements as Ownership Rights holders.⁵ Therefore, the recognition of an asset as

² Maulida Putri Restuning Ati et al., "Legal Consequences and Property Status in Mixed Marriages," *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 3, no. 3 (2025): 2371–81, <https://doi.org/10.62976/ijjel.v3i3.1279>.

³ Anak Agung Alit Raka Ramayudha, "The Position of Joint Property in Mixed Marriages in Indonesia," *Journal of Legal Analysis* 6, no. 2 (2023): 278–90, <https://doi.org/10.38043/jah.v6i2.4799>.

⁴ Sabrina Adelia Febriyanti et al., "Jurisdiction Issues and Choice of Law in Mixed Marriage Property Disputes," *QOSIM: Journal of Social Education & Humanities* 3, no. 4 (2025): 1535–46, <https://doi.org/10.61104/jq.v3i4.2510>.

⁵ Ida Bagus Hindu Radita Karna and Gusti Ayu Arya Prima Dewi, "Land Ownership Rights for Indonesian Citizens Who Have Married Foreign Citizens," *Jurnal Media Akademik (JMA)* 4, no. 5 (2026), <https://doi.org/10.62281/e9cdr720>.

joint property cannot be immediately equated with the recognition that a foreign citizen can become the holder of ownership rights to the land.

The tension between marriage law and agrarian law has become increasingly relevant since the Constitutional Court issued Decision Number 69/PUU-XIII/2015. Prior to this decision, Article 29 paragraph (1) of the Marriage Law stated that a marriage agreement is made at the time or before the marriage takes place.⁶ This regulation limits the opportunity for married couples to enter into a prenuptial agreement after the marriage has taken place. In the context of civil law, Article 147 of the Civil Code has historically regulated the creation of prenuptial agreements before the marriage takes place. A change in interpretation through Constitutional Court Decision No. 69/PUU-XIII/2015 subsequently opened up the possibility of creating prenuptial agreements during the marriage, while still adhering to applicable legal requirements and limitations.⁷

The extension of the timeframe for the preparation of the marriage agreement does not mean that the Constitutional Court's decision automatically converts all joint assets into separate assets. A marriage agreement is an instrument for couples to regulate their property relations based on their agreement, while its legal consequences must be interpreted in accordance with the agreement's contents, its validity period, formal requirements, and protections for third parties. In mixed marriages, this issue becomes even more important because the regulation of the separation of assets does not automatically eliminate restrictions on land ownership rights under the Basic Agrarian Law. Therefore, analysis requires distinguishing between two related but not identical legal issues: the status of an asset as joint property under marriage law and the status of the rights that each spouse can have over the asset under agrarian law.

Several previous studies have addressed aspects of this issue. Badrut Tamam, in his article "Legal Implications of Constitutional Court Decision No. 69/PUU-XIII/2015 concerning Marriage Agreements on Joint Property in Mixed Marriages" (2021), examines the implications of the Constitutional Court's decision on marriage agreements and joint property

⁶ Winda Sari Lasmarinta Simanjuntak and Rosmidah Rosmidah, "Problems of Division of Joint Assets and Inheritance in Mixed Marriages of Migrants Without Prenuptial Agreements in the Indonesian Civil Law System," *Journal of Law and Public Policy Studies* | E-ISSN: 3031-8882 3, no. 1 (2025): 352–56, <https://doi.org/10.62379/jty5mr11>.

⁷ Ghea Nisya Salsabilla, "Legal Protection for Indonesian Citizens in the Division of Joint Assets in Mixed Marriages (STUDY OF MA DECISION NO. 2457 K/PDT/2020)" (other, University of Jambi, 2026), <https://repository.unja.ac.id/>.

in mixed marriages.⁸This study is important for explaining the changes in the realm of property management through marriage agreements. However, this focus needs to be expanded with a more focused analysis of the relationship between changes in marital property management and restrictions on land ownership.

Furthermore, Muhammad Rendy Rifki Putra, Heru Susetyo, and Afdol Afdol through the article "The Position of Land Rights in Indonesia Due to Mixed Marriages (Study of Constitutional Court Decision No. 69/PUU/XIII/2015)" (2022) paid attention to the position of land rights in mixed marriages after the Constitutional Court decision.⁹Meanwhile, Annisa Pebrina Harahap and Hening Hapsari Setyorini, through the article "The Position of Joint Property in Mixed Marriages between Indonesian Citizens and Foreign Citizens" (2023), directly discuss the status of joint property in marital relationships involving differences in citizenship.¹⁰Both studies provide a basis for understanding the relationship between marital property and land rights, but there is still a need for an examination that explicitly separates the status of joint property from the status of rights to property objects that are subject to agrarian restrictions.

The study by Farras Nafisa and Susilowati Suparto (2024) regarding the separation of joint assets through a marriage agreement made after the marriage has taken place is also relevant because it places post-nuptial agreements as the main issue.¹¹In addition, the study by Anak Agung Alit Raka Ramayudha (2023) regarding the position of joint property in mixed marriages and the research by Maulida Putri Restuning Ati and colleagues (2025) regarding the legal consequences and status of property in mixed marriages show that this issue has received attention in the legal literature.¹²Thus, the novelty of this article is not placed on the claim that joint property or mixed marriages have never been studied, but rather on sharpening the relationship between three aspects: the position of joint property, changes in arrangements

⁸ Badrut Tamam, "Legal Implications of Constitutional Court Decision No. 69/PUUXIII/2015 Concerning Marriage Agreements Regarding Joint Property for Mixed Marriages," Indonesian Journal of Islamic Law 4, no. 2 (2021): 1–19, <https://doi.org/10.35719/ijil.v4i2.334>.

⁹ Muhammad Rendy Rifki Putra et al., "The Position of Land Rights in Indonesia Due to Mixed Marriages (STUDY OF MK DECISION No: 69 /PUU/XIII/2015)," Repertorium: Scientific Journal of Notary Law 11, no. 1 (2022): 34–46, <https://doi.org/10.28946/rpt.v11i1.1393>.

¹⁰ Annisa Pebrina Harahap and Hening Hapsari Setyorini, "The Position of Joint Property in Mixed Marriages Between Indonesian Citizens and Foreign Citizens," UNES Law Review 6, no. 2 (2023): 6027–38, <https://doi.org/10.31933/unesrev.v6i2.1440>.

¹¹ Farras Nafisa and Susilowati Suparto, "Separation of Joint Assets Through a Marriage Agreement Made by Mixed Marriage Couples After the Marriage Has Taken Place in Connection with the Marriage Law and Constitutional Court Decision Number 69/PUU-XIII/2015," Birokrasi: JOURNAL OF LAW AND STATE CONSTITUTIONAL SCIENCE 2, no. 1 (2024): 28–40, <https://doi.org/10.55606/birokrasi.v2i1.882>.

¹² Ati et al., "Legal Consequences and Property Status in Mixed Marriages."

through marriage agreements after the marriage has taken place, and restrictions on ownership of land rights based on the principle of agrarian nationality.

Based on this comparison, the issue that requires further analysis is how the change in the meaning of Article 29 of the Marriage Law following the Constitutional Court Decision Number 69/PUU-XIII/2015 affects the regulation of joint property in mixed marriages, and the extent to which a prenuptial agreement can be used without overriding the restrictions set by the UUPA. This analysis also needs to consider legal certainty for couples, protection for third parties, and the relationship between marital law norms and agrarian law. This analytical framework places the status of property and the status of rights to the object of property as two layers of issues that must be distinguished, but still analyzed in an integrated manner.

Based on this description, this study answers three questions. First, what is the legal status of joint property in mixed marriages under Indonesian laws? Second, how does Constitutional Court Decision Number 69/PUU-XIII/2015 affect the creation of prenuptial agreements during the marriage and the regulation of joint property? Third, how do restrictions based on the principle of nationality in the UUPA affect the status of land rights related to joint property in mixed marriages? In line with these questions, this study aims to analyze the legal status of joint property in mixed marriages, describe the legal consequences of the Constitutional Court Decision on prenuptial agreements made during the marriage, and explain the limitations of agrarian law on land rights related to such joint property.

METHODS

This research uses a normative legal research method with a focus on the analysis of legal norms governing joint property in mixed marriages, marriage agreements made during the marriage, and restrictions on land ownership rights based on Indonesian agrarian law.¹³ The research aims to examine the relationship between Law Number 1 of 1947 concerning Marriage as amended by Law Number 16 of 2019, Constitutional Court Decision Number 69/PUU-XIII/2015, and Law Number 5 of 1960 concerning Basic Agrarian Regulations. The analysis also considers other legal provisions relevant to mixed marriages and legal relations regarding property containing elements of foreign citizenship.

This research uses a statute approach, a conceptual approach, and a case approach. The statutory approach is used to examine the norms governing joint property, marriage

¹³ Irwansyah, *Legal Research (Choice of Methods & Article Writing Practice)*, Revised 4th Edition (Mirra Buana Media, 2021), 93–99.

agreements, mixed marriages, and land rights, specifically Articles 29 and 35 of the Marriage Law and Articles 9, 21, and 26 of the UUPA. The conceptual approach is used to analyze the differences between the status of an asset as joint property and the status of rights to the object of that property, including its relationship to the principle of nationality in agrarian law. The case approach is used to examine the legal considerations in the Constitutional Court Decision Number 69/PUU-XIII/2015 and other relevant court decisions, as long as copies of the decisions and the substance of the considerations can be verified.¹⁴

The legal materials used consist of primary, secondary, and tertiary legal materials. Primary legal materials include laws and court decisions directly related to the research object. Secondary legal materials include law books, scientific journal articles, previous research results, and expert opinions relevant to marriage law, agrarian law, and international civil law. Tertiary legal materials are used as supporting materials to clarify the legal terms and concepts used.¹⁵

The legal materials were collected through a literature review, which involved tracing and inventorying relevant laws and regulations, court decisions, books, and scientific publications. The collected legal materials were then classified based on the research issues, namely the regulation of joint property in mixed marriages, changes to the regulation of marriage agreements following Constitutional Court Decision Number 69/PUU-XIII/2015, and restrictions on land ownership rights under the UUPA.¹⁶

The legal materials were analyzed qualitatively through legal interpretation and prescriptive reasoning. The analysis was conducted by comparing provisions governing marital property relations with provisions limiting land ownership based on citizenship. Constitutional Court Decision No. 69/PUU-XIII/2015 was analyzed to determine the scope of changes to the marital agreement regulations, while the provisions of the Basic Agrarian Law were used to assess the limits of the applicability of these property regulations to land objects. The results of the analysis were systematically compiled to address issues regarding the status of joint property, the legal consequences of marital agreements made during the marriage, and the relationship between the two with the principle of agrarian nationality.¹⁷

RESULTS

¹⁴ Peter Mahmud Marzuki, *Legal Research Revised Edition* (Kencana, Prenadamedia Group, 2025), 133–37.

¹⁵ *Ibid.*, 181.

¹⁶ Mukti Fajar and Yulianto Achmad, *Dualism in legal research*, 5th ed. (Pustaka Pelajar, 2019), 43.

¹⁷ *Ibid.*, 184.

Position of Joint Property in Mixed Marriages

The results of the analysis of the laws and regulations show that the position of joint assets in mixed marriages basically still refers to the marital assets regime as regulated in Law Number 1 of 1974 concerning Marriage, which has been amended by Law Number 16 of 2019. Article 35 paragraph (1) determines that assets acquired during the marriage become joint assets, while assets brought by each husband and wife and assets obtained as gifts or inheritances are under the control of each as long as the parties do not determine otherwise. This provision places the time of acquisition and the basis for control of assets as important elements in determining the legal status of an asset.

In mixed marriages between Indonesian citizens (WNI) and foreign citizens (WNA), differences in citizenship do not automatically eliminate the validity of provisions regarding joint property. However, determining the status of an asset as joint property must be distinguished from determining who can legally own or hold rights to the object. This distinction becomes important when the property acquired during the marriage is land, because ownership of land rights is subject to separate restrictions under Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA).

Thus, the analysis reveals two layers of regulation that must be considered. Marriage law determines the property relationship between husband and wife, while agrarian law determines the types of land rights that legal entities can own based on their citizenship status. The status of property as joint property cannot be directly equated with the authority of each spouse to hold land rights. Therefore, resolving property issues in mixed marriages requires a reading that connects these two legal regimes.

Changes to Marriage Agreement Regulations Following the Constitutional Court Decision

The analysis of Constitutional Court Decision No. 69/PUU-XIII/2015 indicates a change in the interpretation of Article 29 of the Marriage Law, particularly regarding the timing of a marriage contract. Following this decision, a marriage contract can be made not only before or during the marriage but also during the marriage, based on the agreement of the parties. This change expands the opportunity for married couples who previously did not have a marriage contract to regulate their property relations after marriage.

In mixed marriages, this expansion is crucial because it gives Indonesian and foreign spouses legal space to agree on marital property arrangements, including the separation of assets, while

taking into account applicable laws and regulations. However, the Constitutional Court's decision cannot be interpreted as an automatic change to all assets acquired during the marriage. The status of the assets and the legal consequences of the agreement must still be determined based on the content of the agreement, applicable legal provisions, and the relevant legal circumstances regarding the assets in question.

The next finding is that the parties' freedom to regulate property relations is not unlimited. A prenuptial agreement is an instrument for regulating property relations between husband and wife, but its existence does not automatically override specific legal provisions regarding certain objects. Therefore, the legal consequences of prenuptial agreements made during a marriage must be analyzed by distinguishing the internal regulation of property relations from fulfilling the legal requirements for owning or controlling certain property objects.

Restrictions on Land Rights and the Principle of Agrarian Nationality

The results of the analysis of the UUPA show that the principle of nationality is an important element in determining the status of land related to mixed marriages. Article 9 paragraph (1) of the UUPA emphasizes that only Indonesian citizens can have a full relationship with the earth, water, and airspace within the limits of applicable provisions. More specifically, Article 21 paragraph (1) stipulates that only Indonesian citizens can have Ownership Rights to land. This provision shows that ownership of Ownership Rights to land is subject to citizenship requirements, even if the object is related to a wealth relationship in a marriage.

Article 21 paragraph (3) of the UUPA also regulates the situation when a person who is not an Indonesian citizen obtains Property Rights due to inheritance without a will or a mixture of assets due to marriage, as well as the situation when an Indonesian citizen loses his citizenship. In the circumstances regulated by this article, the rights holder is required to relinquish his rights within one year of the right being obtained or his citizenship being lost. If this obligation is not fulfilled, the Property Rights are revoked by law and the land falls to the state, while still paying attention to the applicable provisions. Meanwhile, Article 26 paragraph (2) of the UUPA regulates the legal consequences of the act of transferring Property Rights which is directed, either directly or indirectly, to foreigners or other subjects who are included in the prohibitions of this article.

Overall, the research findings show that the status of joint property in mixed marriages is determined by the interrelationship of three legal elements. First, the provisions of marriage law serve as the basis for determining whether an asset is considered joint property. Second,

Constitutional Court Decision Number 69/PUU-XIII/2015 expands the opportunity for couples to regulate property relations through agreements made during the marriage. Third, if the asset is land, the arrangement of the property must still be subject to the restrictions on land ownership rights under the Basic Agrarian Law. These three elements need to be interpreted in an integrated manner so that the status of joint property is not equated with the right to own any type of property object without regard to the applicable specific legal provisions.

DISCUSSION

The Position of Joint Property in Mixed Marriages and the Principle of Agrarian Nationality

Joint property is a legal consequence of a marriage formed based on statutory provisions. Article 35 paragraph (1) of Law Number 1 of 1947 concerning Marriage stipulates that property acquired during a marriage becomes joint property. This provision essentially applies without considering differences in citizenship as a factor that automatically changes the status of the property. Thus, in a marriage between an Indonesian citizen (WNI) and a foreign citizen (WNA), the determination of the status of the property must still be based on the provisions of marriage law. The existence of a marriage agreement, as well as legal facts regarding the acquisition and control of the assets.

However, the application of provisions regarding joint property in mixed marriages cannot be done without ignoring the existence of foreign elements. Foreign elements create the possibility of the application of more than one legal system, especially when the marriage takes place outside Indonesia, the spouses have different citizenships, or the assets are located in another country. In the context of international civil law, the principle of *lex patriae* links certain legal issues to the law of a person's citizenship, while the principle of *lex loci celebrationis* relates to the law of the place where the marriage took place, particularly regarding marital formalities. However, these two principles cannot be applied mechanically to resolve all property issues in mixed marriages. Determining the applicable law must take into account the nature of the problem at hand, relevant Indonesian legal provisions, and the nature of the assets in question.

This distinction becomes even more important when the joint property consists of land registered with Ownership Rights status. In this case, marriage law determines the wealth relationship between husband and wife, while agrarian law stipulates the requirements regarding the subjects who can have land rights. Article 21 paragraph (1) of Law Number 5 of 1960 concerning Basic Agrarian Principles (UUPA) stipulates that only Indonesian citizens

can have Ownership Rights. This provision shows that the recognition of wealth relationships in marriage does not automatically remove the citizenship requirements stipulated by agrarian law.

This issue needs to be further examined through Article 21 paragraph (3) of the UUPA. This provision specifically regulates the circumstances when a foreigner acquires Property Rights through inheritance without a will or a mixture of assets due to marriage. In the circumstances regulated by this article, there is an obligation to relinquish the rights within a period of one year. This regulation shows that the legislators have considered the possibility that a mixture of assets due to marriage could raise issues regarding the limitation of Ownership Rights. Therefore, this issue cannot be answered simply by stating that land acquired during marriage is joint property. The analysis must also examine the type of land rights attached to the assets and the legal consequences arising from the citizenship status of the parties.

Furthermore, Article 26 paragraph (2) of the UUPA limits the transfer of Property Rights intended, either directly or indirectly, to foreigners and other subjects included in the prohibitions of the article. This provision is important because the regulation of the relationship of wealth between husband and wife may not be used to avoid the restrictions of agrarian law. Agreements regulating the separation of property, for example, need to be assessed based on their content and legal consequences, not solely on the basis of the name or form of the agreement. If the arrangement relates to the ownership or transfer of Property Rights to land, its validity must be examined based on the provisions of the applicable UUPA.

This analysis points to a fundamental distinction: the status of an asset as joint property and the status of the rights to that asset. The two are interrelated, but not identical. An asset may be part of the marital property relationship between a husband and wife under marital law, while specific rights to that asset remain subject to specific legal restrictions. This distinction also clarifies that resolving joint property issues in mixed marriages cannot simply rely on a single law. A systematic reading of the Marriage Law and the Basic Agrarian Law is necessary to ensure that the regulation of marital property relationships is not interpreted as contradictory to restrictions on land ownership.

This finding relates to the studies of Muhammad Rendy Rifki Putra, Heru Susetyo, and Afdol, which highlight the status of land rights resulting from mixed marriages, as well as the studies of Annisa Pebrina Harahap and Hening Hapsari Setyorini regarding the status of joint property in marriages between Indonesian citizens and foreign nationals. These studies provide a

foundation for understanding the relationship between mixed marriages and agrarian law. The discussion in this article further emphasizes that the status of joint property needs to be analyzed separately from the legal subject's eligibility to hold rights to certain objects. With this distinction, legal issues do not stop at determining who has an interest in marital property, but also encompass the legal boundaries applicable to such assets.

Implications of Constitutional Court Decision Number 69/PUU-XIII/2015 on Marriage Agreements and Land Ownership

Constitutional Court Decision No. 69/PUU-XIII/2015 introduced a significant change to the interpretation of Article 29 of the Marriage Law by expanding the timeframe for drafting a marriage contract. A marriage contract is no longer limited to the time before or during the marriage, but can be made during the marriage based on the agreement of the husband and wife. This change provides opportunities for couples who have not yet entered into an agreement to regulate their property relations when new legal needs arise.

In mixed marriages, this extension is significant because Indonesian and foreign spouses may face issues regarding the status of their property after marriage, including when acquiring or managing assets subject to specific legal requirements. Badrut Tamam's study on the implications of the Constitutional Court's ruling on marriage agreements and joint property, as well as Farras Nafisa and Susilowati Suparto's research on the separation of property through agreements made after marriage, demonstrate the relevance of this issue in marital law discourse. However, the extension of the timeframe for making agreements should not be interpreted as an automatic change to all assets acquired during the marriage.

The legal consequences of a prenuptial agreement must still be determined based on the agreement's content and the legal provisions governing it. Article 29 of the Marriage Law, as interpreted by the Constitutional Court's ruling, provides space for couples to agree on property arrangements during the marriage. However, this space does not eliminate the need to consider the interests of third parties. Therefore, an assessment of an agreement must consider the time of its creation, the content and scope of the property arrangements, and its impact on existing rights and interests. This is important to ensure that a prenuptial agreement is not understood as an instrument that can unilaterally change legal relationships or eliminate the legally protected rights of other parties.

The implications of the Constitutional Court's ruling also need to be considered in relation to agrarian law. A marriage agreement may regulate the property relationship between husband

and wife, but it does not automatically change the requirements regarding who can own land. In other words, an agreement to separate assets may affect the property regime within a marriage, but it does not automatically qualify a foreign spouse to own land. The restrictions stipulated in the Basic Agrarian Law must still be considered, particularly the provisions of Article 21 paragraphs (1) and (3), and Article 26 paragraph (2).

At this point, it is necessary to distinguish between the function of a marriage agreement and the function of agrarian law provisions. A marriage agreement provides the basis for couples to regulate their property relations, while the UUPA establishes restrictions on ownership and transfer of land rights. These two legal instruments operate in interconnected areas, but they are not substitutes for each other. Therefore, resolving land issues in mixed marriages requires property arrangements in accordance with marriage law while also complying with agrarian law requirements. Relying solely on a marriage agreement without examining the status of land rights risks resulting in arrangements that do not resolve the legal issues surrounding the object in question.

Thus, the analytical contribution of Constitutional Court Decision No. 69/PUU-XIII/2015 lies in expanding opportunities for couples to regulate their property relations during marriage, not in eliminating legal restrictions applicable to certain assets. In mixed marriages, the status of joint property needs to be determined by an integrated reading of the provisions of marriage law, the contents of the marriage agreement, and the provisions of agrarian law. This integrated reading clarifies that the flexibility of asset regulation through agreements remains within the framework of legal certainty and cannot be used as a basis for overriding restrictions on land ownership based on citizenship.

CONCLUSION

The status of joint property in mixed marriages remains based on the provisions of Law Number 1 of 1974 concerning Marriage as amended by Law Number 16 of 2019, which in principle places property acquired during marriage as joint property unless otherwise stipulated through legal arrangements. Constitutional Court Decision Number 69/PUU-XIII/2015 expands the opportunity for husbands and wives to enter into prenuptial agreements during the marriage, but does not automatically convert all joint property into separate property. In mixed marriages, these property regulations must still be read in conjunction with Law Number 5 of 1960 concerning Basic Agrarian Principles, particularly the provisions regarding restrictions on land ownership based on citizenship. Therefore, the status of an asset as joint property must

be distinguished from the legal standing of the parties to own or hold rights to the object. An integrated reading of marriage law and agrarian law is necessary so that the prenuptial agreement can provide certainty in the relationship between the couple's assets without overriding the legal restrictions applicable to certain objects of property.

LIMITATION

This study has limitations because it uses a normative legal research method that focuses on the analysis of laws and regulations, legal concepts, and court decisions related to the status of joint property in mixed marriages following Constitutional Court Decision Number 69/PUU-XIII/2015. This study does not use empirical data to assess the application of prenuptial agreements in land administration practices, the experiences of Indonesian and foreign couples, or the development of joint property disputes in mixed marriages. The discussion is also limited to the relationship between the marital property regime, the possibility of making prenuptial agreements during the marriage, and restrictions on land ownership rights under the Basic Agrarian Law. Therefore, this study does not comprehensively describe the administrative practices in the implementation of prenuptial agreements and the application of choice of law in each variation of the legal relationship of mixed marriages. Future research can expand the study through empirical research and analysis of verified copies of court decisions to assess how these provisions are applied in practice and how legal certainty for the parties can be achieved.

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