

Equality of Rights and Impact of Property in Mixed Marriage

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Abstract

The purpose of this study is to examine the rights equality and the impact of property in mixed marriages. The approach method used in this research is normative juridical, which is accomplished by conducting secondary data research on library materials, also known as library law research, using the Statute Approach, Conceptual Approach, and Historical Approach. According to the investigation's findings, the following are known: 1) Equal rights for mixed marriage partners are regulated in Articles 46 to 51 of Law No. 39 of 1999 concerning Human Rights, which regulates women's rights in the fields of politics, government, health, education and teaching, employment, citizenship, and the bond and dissolution of marriage, as well as the conduct of legal actions; and 2) Law No. 5 of 1969 concerning Agrarian Principles stipulates that A foreign national loses his or her Indonesian citizenship if, under the law of the husband's country of origin, the wife's citizenship automatically becomes the husband's as a result of the marriage

Keywords

Equality; wealth; mixed marriage.



I. Introduction

Development is a systematic and continuous effort made to realize something that is aspired. Development is a change towards improvement. Changes towards improvement require the mobilization of all human resources and reason to realize what is aspired. In addition, development is also very dependent on the availability of natural resource wealth. The availability of natural resources is one of the keys to economic growth in an area. (Shah, M. et al. 2020)

The development of digital communication through the internet has more or less expanded and accelerated the existence of 'mixed marriages' between Indonesian citizens (WNI) and foreign citizens (WNA), both of the same religion and different religions (Jacinda et al., 2018). The number of marriages between citizens of other countries has increased sharply in many countries in Asia. Korea during the period 2001 to 2004, mixed marriages increased by more than 50%. In Taiwan in 2003, marriages between citizens of different nationalities grew by 32%. In Japan, from 1980 to 2000, it rose 6.5 times. In Indonesia, mixed marriages are dominated by Indonesian women who marry foreign men. According to the results of the Indo-MC survey in 2002 of 574 respondents, 95.19% were Indonesian women who married foreign men, and according to KCS data, from 878 marriages between citizens from 2002-2004, Indonesian women married foreign men recorded 829 marriages or 94.4%.

Marriage between an Indonesian citizen and a foreign national is regarded a mixed marriage, as described in Article 57 of Law Number 1 of 1974 on marriage, namely marriage between two individuals in Indonesia, and is governed by separate regulations due to the difference in citizenship. One of the parties is an Indonesian national. In Indonesia, mixed weddings between two Indonesian nationals of different religions are not

considered mixed marriages (Suryadi & Arjuna, 2021; Conala et al., 2020). In addition to Article 57, mixed marriages are regulated in Indonesia by Article 58 of Law No. 1 of 1974, which states: Individuals of different nationalities who marry individuals of different nations may obtain citizenship from their husband/wife and may also lose citizenship, in accordance with the procedures specified in the Republic of Indonesia's applicable citizenship legislation. Article 59 Paragraph 1 provides that marriages in Indonesia between two Indonesian citizens or between an Indonesian citizen and a foreign national are valid if they are conducted in accordance with the applicable law in the country where the marriage occurs and do not violate the provisions of this law applicable to Indonesian citizens (Arliman, 2019; Indriani et al., 2018).

According to Article 59 Paragraph 2 of Law No. 1 of 1974, every marriage must be recorded in accordance with existing laws and regulations. Article 60 Paragraph 1 states that mixed marriages cannot take place until the conditions for marriage stipulated by the law applicable to each party are established, and Article 60 Paragraph 2 states that to establish that the conditions referred to in paragraph 1 have been established, and thus there are no impediments to entering into mixed marriages; thus, there are no impediments to entering into mixed marriages; therefore, those who are authorized to register under the law applicable to their respective parties are authorized to do so.

Additionally, it is critical to remember that Article 61 Paragraph 1 provides for the registration of mixed marriages by the authorized registrar. Meanwhile, paragraph 2 of the same article emphasizes that anyone who enters into a mixed marriage without first presenting the authorized registrar with the certificate or decision to substitute for the information required by Article 60 paragraph (4) of this law shall be punished with a maximum of one month in prison. Meanwhile, Article 61 Paragraph 3 mandates that marriages be recorded by a marriage registrar. At the same time, he knows that there is no information or decision to substitute for information is punished with imprisonment for a maximum of three months and sentenced to office. Finally, Article 62 stipulates that in mixed marriages, the child's position is regulated following Article 59 Paragraph 1.

Mixed marriages cannot be carried out until it is proven that the marriage conditions specified are fulfilled by each party (Sebastian & Adjie, 2018; Ramasari, 2018). However, marriage law makes no express provision for the legal repercussions of mixed marriages. According to the law of marriage, which is ambiguous on the topic of citizenship acquired via marriage, the termination of a marriage and the subsequent determination of the appropriate legislation, whether public law or civil law (Bidaya & Dewi, 2021; Humbertus, 2019). The Marriage Law does not regulate the 'legal consequences arising from mixed marriages, except as regulated in Article 62 of Law no. 1 of 1974 which governs the 'position of children from mixed marriages as regulated in Article 59 Paragraph 1, when citizenship is obtained will determine the law that applies later. This article raises two issues, namely: (1) how are the rights of the spouses related to equality due to mixed marriages?; and (2) what are the advantages and disadvantages of mixed marriages, particularly regarding ownership of immovable property (land) and dual citizenship?.

II. Research Method

This study uses qualitative research techniques. The analytical approach used in this research is normative juridical; the law is conceptualized as written in the legislation or can be understood as a law conceptualized as a rule and considered appropriate to be followed. This study refers to primary and secondary data research related to the norms in legal regulations (Sonya, 2018). The analysis of legal materials begins with analyzing the views

and practices of mixed marriages as a phenomenon in Indonesia, then analyzes the laws or regulations governing mixed marriages, then examines the procedures for mixed marriages in Indonesia, the consequences of committing legal acts of mixed marriages and ends with the results of mixed marriages. It is related to the status of the child born and the property left behind.

III. Result And Discussion

3.1 Views and Practices of Mixed Marriages in Indonesia: Equality and Consequences of Taking Legal Action

Marriage is positioned as an intense and robust bond' as a link between a man and a woman in forming a household. According to Indonesian law, mixed marriages are between foreigners and Indonesian citizens (Wea, 2020). While mixed marriages are widespread in Indonesia, the laws and regulations surrounding diverse marriages may be more complex than they seem. Especially when it comes to the legal status of the foreign spouse in Indonesia, residence, residence permit such as Limited Stay Permit Card or Permanent Residence Permit Card, and so on. Mixed marriages are divided into two legal events: weddings held in Indonesia and diverse marriages outside Indonesia. There are at least four essential equivalences about equality: equality in functions and roles, equality in enjoying sexual relations, equality in determining genetic engineering, and equality in parenting (Situmeang, 2019).

a. Equality: A Flashback to Population Classification

Marriage is a contract of two partners, namely a man and a woman, equal or equivalent. This means that women are on an equal footing with men. Women can determine the desired conditions and the existence of the man. The relationship between husband and wife is horizontal, not vertical (Sitinjak, 2019). Both are comparable. According to Islamic marriage law, the prospective bride and groom may enter into a 'marriage pact' in the form of a taklik talak or other agreement as long as it does not violate Islamic law. Men do not hold a superior position. Regarding equality, it is reaffirmed in Article 79 of the Compilation of Islamic Law (KHI), which highlights the importance of balancing the wife's rights and role in domestic life with the husband's rights and position. Even equality encompasses the act of cohabitation in society; each participant has the right to pursue legal action (Ruslani et al., 2021).

Women in their roles as spouses and mothers have relatively basic rights in home life. This relates to the function and significant role that women or their spouses play as reproductive agents, from conception to birth, breastfeeding, and child care that cannot be transferred to males or husbands (Bakara et al., 2020). There is also a heavy responsibility for women in household tasks. The division of this population group can be divided into three timelines: (a) the period of *Algemene Bepalingen van Wetgeving voor Indonesia* (Period 1848-1854); (b) *Regerings Reglement* Period (Period 1854-1926); and (c) the *Indische Staatregeling* Period (1926-1942 Period).

b. Era *Algemene Bepalingen van Wetgeving voor Indonesia* (AB)

The classification of the population is regulated based on Articles 6-10 of *Algemene bepalingen van Wetgeving Voor Indonesia* (AB), namely; the people in the Dutch East Indies are divided into two main groups, namely: the European group and the Bumiputera group. Those who are not European or Bumiputera are equated with Europeans or Bumiputera by using their religion's standard. So, the division of groups according to those

articles is only based on religious differences, namely those who are Christians other than Europeans are equated with Europeans, and all people who are not Christians are correlated with Bumiputeras. The European and Eastern foreign groups are subject to Dutch civil law, while the Bumiputera is customary law.

c. The era of Regerings Regulation (RR) Enforcement

Regerings Reglement Period (RR) (Period 1854-1926). With the formation of the RR in 1854, the population classification based on Articles 6-10 AB was replaced by Article 109 of the RR. The article still divides the population in the Dutch East Indies into two Main groups, namely the European group and the Bumiputra group. Those not European or Bumiputera are equated with Europeans or Bumiputeras, not religious differences. Bumiputera Christians are still included in the Bumiputera group. The Chinese, Arabs, and Indians are correlated with the Bumiputera group. Non-Chinese, Arab, and Indian Christians such as Americans, South Africans, Australians, Persian Christians are equated with European groups. In 1920, Article 75 and Article 109 of the RR underwent changes known as the new RR and came into effect from January 1, 1920, until 1926. According to the new RR, those not from the European and Bumiputera groups were grouped as Foreign Easterners. Thus, there are three groups of the population, namely the European group, the Foreign Eastern group, and the Bumiputera group. For Europe and the East, foreigners are subject to Dutch civil law, while Bumiputera is subject to customary law.

d. Indische Staatregeling (IS) Enforcement Era

The Indische Staatregeling (IS) period for the period 1926-1942, which was promulgated on June 23, 1925, based on Stb. 1925:415 and 416, the RR was changed to Indische Staatsregeling and came into force on January 1, 1926, based on Stb. 1925:577. Based on Article 131 IS jo. Articles 161 and 163 IS the population of the Dutch East Indies, and the application of laws that apply to each group is divided into three groups, namely: (1) the European group, which is subject to Dutch law; (2) Foreign Easterners, who are subject to Dutch law. And for matters that have not been regulated for them, regulations relating to their religion and customs apply; and (3) the Bumiputera group, which is subject to customary law.

3.2 Elements of Mixed Marriages According to Indonesian Law

As previously stated, Article 57 of Law Number 1 of 1974 on Marriage defines mixed marriages as those between two people who are subject to various laws due to their respective nationalities. One of the parties is composed entirely of Indonesian citizens. If further defined, the components of mixed marriage include the following: (a) the union of a man to a woman. This element refers to the principle of monogamy; (b) the marriage is subject to different laws. This element relates to the differences in the laws that apply to each partner. The legal distinction is not due to religious differences but differences in citizenship. Another important aspect of this element is that the difference in citizenship is not due to the foreign citizenship of both, but one of them is an Indonesian citizen; (c) there are differences in the nationality of the spouses; (d) one of the spouses is an Indonesian citizen.

After enacting Law no. 1 of 1974, mixed marriages became a limitation in practice and theoretical perspective. If you look at its history, theoretically, mixed marriage is a marriage between people in Indonesia subject to different or different laws. The term 'different laws' means different nationality or mixed international marriage, which means a marriage carried out by two brides with different nationalities. However, it is also included in the term mixed marriage, including mixed marriages between regions, inter-place mixed marriage; inter-group mixed marriages; and interfaith mixed marriages.

3.3 Procedures for Registration of Mixed Marriages in Indonesia

The procedure for registering mixed marriages in Indonesia is as follows:

a. Weddings Held in Indonesia

Getting married in Indonesia needs to be considered in the procedures that must be followed. Religious differences between spouses also have different processes. A person who adheres to Islam marriage registration is done at the Office of Religious Affairs. Marriage registration for foreigners is a series of administrative checks required such as passport, limited stay permit or Limited Stay Permit Card, birth certificate, biodata, and medical test results from the Government Hospital. The officer will need your Identity Card, Family Card (*Kartu Keluarga*), Village Certificate, Certificate of Eligibility for Marriage from the nearest Puskesmas, birth certificate, and your biographical information for Indonesian citizens. After the marriage, the Office of Religious Affairs will publish the Marriage Book, and the wedding is now registered with the Office of Religious Affairs (Martiono, 2020).

If the couple is non-Muslim, they must first hold a circumcision or religious ceremony based on their religion. The religious official concerned will issue a letter or certificate regarding the registration of the couple's marriage. After publishing the letter/certificate from the religious official concerned, the couple must register their marriage at the Civil Registry Office at their place of residence. Documents required for Indonesian citizens are: Village Certificate, photo, marriage certificate or contract, family card, ID card, birth certificate, and for foreigners are: passport, Limited Stay Permit Card, marriage certificate or contract, non-obstruction letter, photo, and birth certificate, the Civil Registry Office will issue a Marriage Certificate Quotation.

b. Implementation of Mixed Marriages outside Indonesia

For mixed marriages performed outside Indonesia, the registration must first be registered with the Indonesian Embassy abroad/the designated Indonesian representative office as stated in Article 37 Number 1 of Law Number 24 of 2013 concerning Amendments to Law Number 23 of 2006 concerning Population Administration. But still, pay attention to the religion he adheres to. If the mixed marriage partner is Muslim, they must register their marriage at the Office of Religious Affairs within one year after arriving in Indonesia. Registration is carried out at the Office of Religious Affairs with complete documents in the form of a marriage certificate translated into Indonesian, a report letter from the Representative Office of the Republic of Indonesia (KJRI/KBRI) stating that the couple has married, Identity Card, Family Card, Passport and Limited Stay Permit Card, birth certificate, and former divorce certificate. The Office of Religious Affairs (KUA) will register the marriage in a marriage registry abroad.

c. Equal Rights of Mixed Married Couples

Law Number 39 of 1999 concerning Human Rights related to women's rights is contained in Article 46 to Article 51. Article 46 determines the general election system, parties, the election of members of the legislature, and the appointment system in the executive, and the judiciary must ensure the representation of women according to the specified requirements. The Elucidation establishes that 'expression of women' refers to the provision of equal opportunities and positions for women to participate in executive, judicial, legislative, party, and general elections in the sake of justice and gender equality.

According to Article 47 of Law No. 39 of 1999, a woman who marries a man of foreign nationality does not automatically inherit her husband's citizenship status, but has

the ability to retain, amend, or reclaim her own. When analyzed in detail in the Elucidation of Article 47, it becomes clear that the legislators believe it is rather basic. According to Article 48 of 1999's Law No. 39, women have the right to education and teaching in all forms, levels, and educational paths that meet established standards. As is the case with Article 47, this article is self-explanatory.

Article 50 states that adults and married women have the right to carry out their legal actions unless stipulated otherwise by their religious law. In the Elucidation of this Article, what is meant by 'performing one's legal actions' is being legally competent to carry out legal actions. Adult Muslim women are required to use a guardian to marry. Article 51 contains three paragraphs: paragraph 1, which states that a wife has the same rights and responsibilities as her husband in all aspects of her marital life, relationships with her children, and the right to ownership and management of joint assets; paragraph 2, which states that after the marriage is terminated, a woman has the same rights and responsibilities as her ex-husband in all aspects of her children, taking the bereavement into account; and paragraph. Equal responsibility refers to an obligation put on both parents in terms of education, expense of living, affection, and promoting the bright future of their child. The term 'best interests of the child' refers to abiding by the child's rights as stated in the Convention on the Rights of the Child, which was ratified by Presidential Decree Number 36 of 1990 concerning Ratification of the Convention on the Rights of the Child or the Convention on the Rights of the Child; Article 51, paragraph (3), states that following the termination of a marriage, a woman has the same rights as her ex-husband in all matters pertaining to the matrimonial relationship (Astria & Zahrani, 2020).

d. Protection of Women's Rights

The Universal Declaration of Human Rights recognizes human rights. This statement provided a legally binding foundation for the acknowledgement of human rights fundamentals. Fundamental human rights are extolled as the core of world liberty, justice, and peace. Additionally, it is stressed that human rights must be protected by law to ensure that individuals enjoy the freedom of expression, religion, fear, and want. The Universal Declaration of Human Rights was adopted by the United Nations General Assembly as a "common standard" for all peoples and nations. While the Universal Declaration of Human Rights was not intended to have legal consequences, it has had a sizable direct and indirect impact on human rights legislation in general.

Article 15 Paragraph 1 highlights that everyone has the right to citizenship in terms of women's rights. No one can be unilaterally refused citizenship or the freedom to change nationality, according to Article 15 paragraph 2. The United Nations General Assembly adopted the Convention on the Elimination of All Forms of Discrimination against Women in 1979. The International Charter of Women's Rights is the name given to this accord. According to Article 9 paragraph 1 of the Convention, Parties shall offer women the same rights as men in terms of acquiring, changing, or retaining nationality. They must ensure, in particular, that neither marriage to a foreigner nor a husband's race change during the marriage automatically alters the wife's nationality, renders her stateless, or forces her to adopt her husband's nationality. According to paragraph 2, states Parties must accord women the same rights as males in terms of their offspring's race.

The United Nations Convention on the Elimination of All Forms of Discrimination against Women, often known to as the Women's Convention, was ratified in 1984 by Law No. 7 on the Elimination of All Forms of Discrimination against Women. With the ratification of the Women's Convention, all types of discrimination based on gender differences (male and female) must be eliminated. For instance, the practice of paying

female workers less than male workers must be repealed. Because politics is not a man's domain, women must be allowed the same opportunity to join political parties and hold government posts as males. Men and women are valued differently, not because of their gender, but because of their accomplishments. We must recognize that a country's progress, the world's prosperity, and the pursuit of peace all demand the full participation of women on an equal footing with men. We cannot ignore the significant contribution women make to family welfare and child rearing. This demonstrates the importance of men and women sharing responsibilities in society, rather than being utilized as a foundation for discrimination.

Before the signing of the Convention on the Citizenship of Married Women, married women were not afforded the same legal protections as males when it came to retaining or renouncing their citizenship. Legally protecting the citizenship rights of women who are married to foreign nationals is a priority for women's rights groups. An Indonesian woman does not immediately inherit her husband's nationality whether she marries a foreigner or has a mixed marriage. To keep, replace, or reclaim his citizenship, he has the right. According to Article 47 of Law Number 39 of 1999 on Human Rights, the right of a woman to preserve, replace, or regain her citizenship status does not automatically follow her husband's nationality.

e. Consequences of Doing Mixed Marriage Legal Actions

It is possible for people of different countries who have mixed marriages to acquire or lose Indonesian citizenship, according to the applicable law number 12 of 2006, which is specified in the first paragraph of Law No. 1 of 1974 on Indonesian Citizenship. Article 60 Paragraph 1 of Law No. 1 of 1974 states that mixed marriages cannot take place unless proof is provided that the marital conditions relevant to each party have been met. Article 59 of Law No. 1 of 1974 and Article 62 of the Marriage Law govern the status of children in mixed marriages. The Compilation of Islamic Law does not contain any provisions for mixed marriages, according to the author (HKI).

A woman who marries a foreign man loses her Indonesian citizenship if her husband's home country's law of origin dictates that the wife's citizenship follows her husband's as a result of their marriage. As stated in Article 26 Paragraph (3) of Law No. 12 of 2006, women as defined in paragraph (1) or men as defined in paragraph (2) who wish to retain their Indonesian citizenship are permitted by the Republic of Indonesia's officials or representatives whose territory includes the residence of the woman or man, unless acknowledgment results in dual citizenship.

Thus, Indonesian women who wish to retain their citizenship may submit a declaration of intent to do so to the authorized official or representative of the Republic of Indonesia at their foreign husband's place of residence. According to Article 26 Paragraph 4 of Law No. 12 of 2006 on Citizenship, a female Indonesian citizen must submit a statement letter three years after the date of marriage. It is worth noting that the application does not guarantee that Indonesian citizens will become dual citizens (bipatride). After relinquishing the citizenship acquired through the mixed marriage, the Indonesian citizen may file a letter of intent to remain an Indonesian citizen.

3.4 Legal Acts of Mixed Marriage against Ownership of Immovable Assets

Article 17 of *Algemeene Bepalingen van Wet Geving voor Indonesia (AB)* reads: *Ten opzichte van onroerende goederen geldt de wet van het land of plaats, alwaar die goederen gelegen zijn* (Against movable and immovable objects, state laws and regulations apply or where they are located). They currently use the old legal rules based on Article 17,

Article 16, and Article 18 AB regarding mixed marriages. This is felt to be unable to provide guarantees of legal certainty. Mixed marriages die a crucial issue, primarily regulating combined marriage assets and the prevailing inheritance system. Article 17 AB holds *lex rei sitae*, or the law that applies to movable and immovable objects.

The discussion will continue on assets obtained in marriage, especially immovable assets (land and buildings); where do you want to take your wealth??? For your child? for your partner? What if one of the partners dies. What can be inherited if the inheritance that occurs due to the law of inheritance without a will causes the foreigner or Indonesian citizen with dual citizenship to obtain land with ownership rights, the provisions of Article 21 paragraph 3 of the Basic Agrarian Law No. 5/1960, are obliged to relinquish the property rights within 1 year. If more than one year does not relinquish his rights, his rights are nullified by law; the land falls to the state, the rights of other parties are burdensome and continue.

a. Legal Acts of Mixed Marriage Related to Dual Citizenship and Citizenship Status of Indonesian Women

Mixed marriages have an effect on the citizenship status of Indonesian nationals and their offspring born subsequently. Because of this, Indonesian women who marry foreign males lose their citizenship, according to Article 26 paragraph (1) of Law No. 12 of 2006 on Citizenship. But Indonesian women who want to keep their nationality can send a letter to the official or representative of the Republic of Indonesia whose territory contains the woman's or man's place of residence, unless the acknowledgement results in dual nationality.

Thus, Indonesian women who seek to retain their citizenship may file a declaration of intent to do so to the authorized official or representative of the Republic of Indonesia at their foreign husband's place of residency. After three years from the date of the marriage, a female Indonesian citizen submitted the statement letter (article 26 paragraph 4 of the Citizenship Law). It is worth noting that the application does not guarantee that Indonesian citizens would become dual nationals (*bipatriide*). After relinquishing the citizenship acquired through the mixed marriage, the Indonesian citizen may file a letter of intent to remain an Indonesian citizen.

Article 16 of the *Algemeene Bepalingen van de Wet Geving voor Indonesia* (AB) controls personal status or the citizenship principle. According to Article 16 AB, the provisions of the law governing a person's status and power continue to apply to Dutch subjects who are abroad. However, if he resides in the Netherlands or one of the Dutch colonies, he is subject to the part and civil law applicable there as long as he has a place to dwell.

b. Result of Mixed Marriages about the Status of Children Born Later

With the increasing mobility of people globally, the era of digitalization is the main joint of life, so mixed marriages will often occur to lead to dual citizenship for children resulting from mixed marriages. The author uses the interview method to obtain data regarding the demands of mixed marriages with dual citizenship. Itta Saleem stated as follows: mixed marriage families feel that the rights of blended marriage families are different from Indonesian families in general. This results in the loss of the perpetrators' human rights, namely: (1) citizenship rights; (2) right to support family/find a job; and (3) the right of residence for us to bequeath to our spouses and descendants. The Srikandi community does not want to 'lose their right of residence to be passed on to their spouse and descendants.

In this regard, the Srikandi community stated that revising the Manpower Act Number 12 of 2006. According to them, there are two laws: Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles and Law Number 1 of 1974 about marriage. Ownership rights to residence/land should also apply to foreign spouses legally married to Indonesian citizens because their existence has been recognized based on immigration rules. Their foreign spouses have been identified as mixed marriage families in the large Republic of Indonesia. Therefore, they also have the same ownership rights over their residence/land, and consequently, they can inherit each other to their husband/wife and their foreign descendants. However, for now, according to Law no. 5 of 1960 is not allowed. The Srikandi community proposes to grant 'dual citizenship' to their foreign spouses if the marriage age exceeds 10 years. The above case can be referred to Article 6 of Law Number 13 of 2003 concerning Manpower, which states that Every worker/labor has the right to receive equal treatment without discrimination from employers.

Law Number 12 of 2006 states that, in terms of the citizenship status of the Republic of Indonesia, for children born in mixed marriages resulting in the child obtaining dual citizenship, after 18 years of age or already married, the child must choose one citizenship. His statement to choose to become a citizen is given a period of no later than three years after the child turns 18 years old so that he is 21 years old. Against this, that is the problem that arises. The child has to choose the nationality following the father or mother.

Even more unfair, they do not have a place to live to be passed on to their spouses and offspring. So that mixed marriages feel that their welfare is limited. There is still no definite protection due to overlapping and conflicting regulations. According to state and Islamic law, they become restless and afraid to legalize and legalize marriage. If this is not considered, they choose that the child only has a civil relationship with his mother. This is very far from the principles of Islamic law.

IV. Conclusion

Based on the results of the research, it is known that: 1) The equal rights of mixed marriage partners have been regulated in Articles 46 to 51 of Law Number 39 of 1999 concerning Human Rights, regulating women's rights in the fields of politics, government, health, education and teaching, employment, citizenship in the bond and dissolution of marriage as well as in carrying out legal actions; and 2) Within one year, a mixed-married couple must give up their property rights under Law Number 5 of 1969 concerning Agrarian Principles, and Law Number 12 of 2006 concerning Citizenship governs Indonesian women who are married to a male Foreign citizen and lose Indonesian citizenship if the husband's citizenship follows the husband's citizenship as a result of the marriage.

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