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HUKUM PERKAWINAN DI INDONESIA (MARRIAGE LAW IN INDONESIA)

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Hukum Perkawinan di Indonesia (Marriage Law in Indonesia)



Human is social being who during his or her life will always be in interaction with the other human. Marriage is one form of interactions that could happen between human being. Every state in this world has its own regulation to determine the requirements and procedure for a legal marriage. As reflected in its title, this book, specifically discusses specifically the marriage law in Indonesia.

This book was published in Indonesian language and consists of 7 chapters. The first chapter explains the definition, concept, and regulation of marriage in Indonesia. In addition, it also explains the requirements needed for a legal marriage in Indonesia. Based on the prevailing regulations in Indonesia, a legal marriage between a man and a woman brings

further consequences on various aspects for both of husband and wife, such as the rights and obligations of husband and wife and the amalgamation of their wealth during the marriage. Further consequences appear in legal marriage are discussed in the second and third chapter of this book.

In addition to the discussion of formal requirements of a legal marriage in Indonesia, this book also comprehensively analyse the growing usage of pre-nuptial agreement in a marriage in Indonesia. This issue has been quite a discussion in relation to the consequences on the amalgamation of the wealth of husband and wife during the marriage. In Chapter four of this book, it discusses the definition, concept and legal basis of pre-nuptial agreement in Indonesia.

Human relations are likely to not always in stable and positive condition, as well as in a marriage relationship. Therefore, it is possible that a marriage is not working out as it is expected. It may be resulted in a marriage break-up. According to the prevailing regulations in Indonesia, there are three things that can be the cause of the break-up of a marriage relationship. They are: (1) death, (2) divorce and (3) decision of the court. Marriage break-up caused by divorce is the subject of the fifth chapter of this book. Furthermore, this chapter also discusses about one of the legal consequences resulted by divorce in a marriage, it is the duty of parent to child.

A swift current of globalization has been decreasing inter-state boundaries. It effects on the growing relationship among the citizens of countries in the world, including in a marriage relationship. Marriage between a man and a woman from two different countries is known as mixed marriage and becomes

the subject of the sixth chapter of the book. Discussion of mixed marriages in this chapter, broadly divided into two major parts: the mixed marriage due to religion differences and the mixed marriage due to nationality differences. This division is conducted because the prevailing marriage law in Indonesia, Law No. 1 of 1974 on Marriage defined mixed marriage as a marriage between two people in Indonesia who are subject to different laws because of differences in nationality and one of both is Indonesian nationals. Thus, it is no longer possible for the mixed marriages due to different religions to be conducted in Indonesia, not as stipulated in the regulation of marriage existed before the enactment of Law No. 1 of 1974 on Marriage. However, the lack of regulation on mixed marriage due to different religions does not prevent this kind of mixed marriage to happen. With reference to various Supreme Court's decision, the author of this book explains the current position of the mixed marriage due to of different religions in Indonesia.

In addition, another sub-section in the chapter 6 of this book describes the further consequences of mixed marriage due to different nationalities, especially on the spousal citizenship and citizenship of the child born in the marriage. Discussion about the result of the mixed marriage due to different nationalities was conducted by referring to the previous law on citizenship and the prevailing law on citizenship in Indonesia.

In the concluding chapter, the book also provides information on the requirements, procedures and the effects of marriage and divorce conducted by Indonesian nationals abroad.

The additional value of this book is the discussion of each chapter refers to the relevant regulations of marriage ever valid and which is currently in force in Indonesia. Therefore, this book invites the readers to look at the history of marriage regulations in Indonesia and this book also shows the legal pluralism in Indonesia to the readers, particularly in the scope of marriage law in Indonesia.

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