



## The Consequences of The Mixed Marriage Law Reviewed From Law No. 16 Of 2019

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**Abstract:** Marriages between Indonesian citizens and foreign nationals have become more prevalent in the context of globalization. This research examines the legal framework governing mixed marriages under Law Number 1 of 1974 on Marriage and its amendment through Law Number 16 of 2019, alongside its connection to Law Number 12 of 2006 on Citizenship. Employing a normative juridical approach, the study analyzes the requirements for entering into mixed marriages, the procedures for their official registration, and the resulting legal implications for the spouses and their children. The study finds that a notable amendment in Law Number 16 of 2019 is the unification of the minimum marriage age to 19 years for both men and women, which has implications for the validity of mixed marriages when the foreign spouse's national regulations differ. Additionally, proper marriage registration, whether within Indonesia or abroad, is essential to secure legal recognition and protect the rights of all parties involved. Children from mixed marriages are entitled to limited dual citizenship under Law Number 12 of 2006, valid until they turn 18 or marry, at which point they must choose one nationality. The study underscores the significance of legal certainty through marriage registration and the alignment of national, religious, and international laws to safeguard the rights of couples and their offspring.

**Keywords:** Mixed Marriage, Citizenship, Marriage Law.

### INTRODUCTION

Mixed marriages, namely marriages between Indonesian citizens (WNI) and foreign citizens (WNA), are now increasingly encountered in society. In accordance with Article 56 paragraph 1 of Law Number 1 of 1974 concerning Marriage, both between fellow Indonesian citizens and between Indonesian citizens and foreigners is considered valid as long as it is carried out in accordance with the laws of the country where the marriage takes place and remains in line with positive laws in Indonesia. (karso, 2021)

Article 61 of the Marriage Law emphasizes that couples who carry out mixed marriages without prior accompaniment show that the information documents submitted to the marriage

registration officer can be subject to criminal sanctions in the form of imprisonment for a maximum of one month. In addition, the same provision also provides a threat of punishment if the marriage registrar continues to register the marriage even though he understands that the provisions regarding the certificate or the decision on its successor are considered not to be met.

In 1973, regulations were drafted regarding marriage and mixed marriage. During this period, many cases of mixed marriages motivated by religious differences appeared. The regulation emphasizes that: "Differences in nationality, ethnicity, country or region of origin, religion/belief, and lineage are not obstacles to marriage".

Many couples in mixed marriages decide to live in Indonesia, while other groups exist in many countries. The author had a conversation with Melva Nababan, Chairman of the Board of Trustees of the Mixed Marriage Society Association (PERCA). In a telephone interview, he said that currently there are at least 2,000 people who are officially members of PERCA. However, according to him, the unrecorded number is likely to touch millions of people. Until now, the government itself does not have official data on the number of Indonesian citizens married to foreigners. (karso, 2021)

Mixed marriage is not a taboh event in Indonesia. When referring to the past, the practice of mixed marriages has been going on since colonial times. Reggie Baay in his work *Nyai & Concubinage in the Dutch East Indies* explains that the marriage of an indigenous woman with a European man is something that is naturally found, especially during the Dutch East Indies period. (reggie & baay, 2019)

In mixed marriages, married couples have origins from different cultures, so the pattern of relationships established between them can be categorized as an intercultural exchange of information. This intercultural exchange of information using various information codes, both verbal and nonverbal, naturally arises in each interrelationship. However, in practice, the exchange of information between cultures has the potential to cause obstacles, because each individual may have obstacles in understanding verbal and nonverbal messages correctly due to differences in terms of insights, for example in terms of insight.(rinjani, 2017)

Communication between cities and even between continents is no longer an obstacle. The presence of the internet, which was then followed by the emergence of various social media such as Facebook, Instagram, and online dating applications, has expanded the scope of human interaction so that everyone can interact and relate to other individuals even if they are in a distant place.

Based on the Population Administration Law No. 23 of 2006, according to this regulation, it is mandatory to record in the authorized agency in the country of residence and report to the Representative of the Republic of Indonesia if a marriage between Indonesian citizens is carried out abroad. If in the country where the marriage takes place there is no registration mechanism for foreign citizens, then the registration of marriage is the authority of the Representative of the Republic of Indonesia. Furthermore, the marriage will be registered in the Marriage Certificate Register and a deed citation will be issued as official proof. If the couple returns to Indonesia, they are obliged to report their marriage to the implementing agency at their place of domicile, with a maximum time limit of 30 days after arrival in the country. This provision reflects the state's respect for religious and religious diversity in Indonesia. In addition, the Marriage Law affirms the obligation to record every marriage in accordance with positive law.

This recording has an important role to determine the legal status of marriage, as well as protect the rights and obligations of husband and wife in the eyes of the law. Officially registered marriages acquire binding legal force and recognition from the state. This data collection process also aims to bring order to population administration and provide legal certainty for the families formed.

Melalui pencatatan perkawinan, negara dapat memantau dan mencatat data demografis yang accurate and guarantee more comprehensive legal protection for every citizen. In Indonesia, it is detailed in Law Number 1 of 1974 concerning Marriage, this regulation serves as the basis for regulations that determine the validity of the marriage bond established between a man and a woman as a married couple.

The Marriage Law stipulates the conditions and pillars of marriage, marriage data collection procedures, rights and responsibilities of husbands and wives when carrying out married life. In addition, this regulation also includes provisions regarding marriage of different nationalities, marriage between Indonesian citizens and foreigners. Aspects regulated in mixed marriage include administrative requirements, differences in nationality, potential legal conflicts, and protection of the rights of both parties and the offspring who are born. The Marriage Law also contains provisions related to prenuptial agreements, the division of property in marriage, and the divorce process and its consequences. (reggie & baay , 2017)

It is important to note that each case of mixed marriage is unique and requires an in-depth understanding of the Citizenship Law of the Republic of Indonesia to ensure decision-making that is in line with the provisions of applicable law. The provisions of this law are designed to protect the rights and obligations of citizens, while accommodating the dynamics of cross-border marriages. Thus, couples who are in mixed marriages are highly recommended to consult with legal experts or related agencies, so that they can comprehensively understand the legal and administrative implications related to citizenship status. This action is necessary to prevent the possibility of future legal problems while ensuring the protection of citizens' rights. (reggie & baay , 2017)

Article 58 of Law Number 1 of 1974 regulates the legal consequences of mixed marriage. Couples who are married with different citizenship status will get citizenship from their husband or wife, but on the other hand it is also possible to lose their citizenship according to the rules that apply in Indonesian positive law.

In this provision, one of the legal consequences of internationality marriage in Indonesia is related to the determination of citizenship status. Thus, a person can obtain or otherwise no longer become Indonesian citizenship as a consequence of the marriage he or she performs.

Article 57 of the Marriage Law states that regulations that regulate marriage include religious law, customary law, and other laws applied in society, as long as they violate the provisions and are not regulated differently by law. The provisions in the Citizenship Law provide a number of benefits for Indonesian citizens who carry out marriages with foreigners. (Undang-Undang nomor 12 Tahun 2006 tentang kewarganegaraan, 2006)

Law Number 12 of 2006 stipulates that children of different nationalities can have dual citizenship within certain limits. This is different from the provisions of Law Number 62 of 1958, which adheres to the principle of citizenship, so that the citizenship of the child fully obeys the status of one citizenship of the father. As a result, during the validity period of the old rule, the legal position of the mother was not clearly regulated, especially related to child custody in the event of divorce. (Undang-Undang Nomor 62 Tahun 1958 tentang Kewarganegaraan Republik Indonesia, 1958)

One of the problems that often arise in inter-citizenship marriages is related to citizenship status. Initially, the provisions in the Citizenship Law only adhered to the principle of one citizenship. Thus, children born from a marriage of different nationalities only obtain one nationality, namely following the nationality of their father. This raises obstacles, especially when the parents' marriage ends, because the mother will have difficulty in obtaining custody of the child who has the status of a foreigner.

Referring to Article 34 paragraphs 1 & 2 of the Population Administration Law No. 3 of 2006, in order to realize legal certainty and administrative order, the Petitioners will report the

court decision related to this matter submitted to the KUA of Parongpong District, West Bandung Regency, then recorded in the list that has been determined.

In order to ensure legal clarity and order in population administration as stipulated in Article 34 paragraphs 1 & 2 of the Population Administration Law, the Petitioners are obliged to submit a copy of the court decision related to this case submitted to the KUA of Parongpong District, West Bandung Regency, so that it can be recorded in the official register that has been provided for this purpose.

Considering that according to the provisions of Article 36 of the Population Administration Law, in essence, this marriage certificate cannot be used as valid evidence of the marriage itself, but only the collection of marriage data that has been decided by the court will have evidentiary force. Considering from Law No. 1 of 1974, article 61 of mixed marriages must be recorded by a registrar who has authority. The goal is to prevent losses and maintain administrative order for their husbands, applicants, and children. This provision is important because if there is negligence on the part of the applicant and her husband so that the marriage has not been officially registered or recorded according to the state administration, it can give rise to legal and administrative consequences.

From the background description that has been explained, the author discusses related to: First, the discussion of the legal regulation of mixed marriage according to Law Number 1 of 1974 and the changes listed in Law Number 16 of 2019. Second, an analysis of the procedure for implementing mixed marriage and its impact on the citizenship status of children born from the marriage.

## METHOD

The method used in this study is a normative juridical method, combining a law-based approach, a conceptual approach, and case study analysis. The data obtained are sourced from literature and secondary documents, then analyzed in depth through a review of laws and regulations and literature that is in line with the research focus. (soerjono soekanto & sri mamudja, 2001)

## RESULTS AND DISCUSSION

### Arrangement of Mixed Marriage According to Law No. 1 of 1974 and No. 16 of 2019

Before discussing the rules regarding mixed marriage, it is important to first understand what marriage is as Article 1 of Law No. 1 of 1974, which is essentially an innate bond of husband and wife with the intention of creating a harmonious and lasting family on the basis of determination to God Almighty.

Based on Law No. 16 of 2019, marriage in Indonesia has a close interaction with religious and spiritual values. So, marriage is not only viewed from the external or physical aspect, but has an inner and spiritual aspect that plays a crucial role. The definition of marriage in this provision is in line with the Civil Code (BW) and the Marriage Law No. 1 of 1974. Article 1 explains that marriage is an external and inner relationship between a man and a woman who are united into husband and wife, with the intention of creating a lasting family and adhering to the principle of the One Godhead. (simanjuntak, 2015) An innate relationship refers to a non-formal bond formed on the basis of seriousness and mutual agreement, and is solely binding on the two parties who live it. (iriani, 2015)

Law No. 16 of 2019 emphasizes that marriage is regulated based on the principle of monogamy, although it is not completely in nature. The basic principle of marriage affirms that men are only allowed to marry one woman, and women can only have one husband. The provisions regarding internationality marriage are specifically regulated in Articles 57 to 62 of the Marriage Law Number 1 of 1974, which defines internationality marriage as a bond

between 2 people with different nationalities. (Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan, 1974)

This regulation serves as a legal basis that provides certainty for marriage between a man and a woman with different nationalities. Article 57 of the Marriage Law explains several elements that distinguish mixed marriages. First, the marriage is performed by a man & a woman. Second, in Indonesia, this type of marriage is under the same rule of law. Third, the difference in rules arises due to differences in the nationality of the parties. Fourth, one of the couples in marriage must have the status of an Indonesian citizen. (Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan, 1974)

The first element emphasizes the principle of monogamy as the basis for legal marriage in Indonesia. The principle means that a person is only allowed to marry one partner at a time. Polygamy, the practice of having more than one partner, is not legally recognized in the context of a legal marriage under Indonesian law. The second element highlights the differences in the laws that apply to men and women who will officiate marriages, especially when the marriage involves couples of different nationalities. These legal differences cover various aspects, ranging from administrative requirements, marriage procedures, to the rights and obligations of each couple after the marriage takes place. (subekti, 2009)

In Indonesia, marriage law applies to all citizens regardless of religion, ethnicity, or class. Therefore, marriage between Indonesian citizens and foreigners requires special arrangements in order to adjust and accommodate existing differences.

This regulation is intended to protect the rights and obligations of both parties while ensuring the validity of the marriage both in Indonesia and in the foreigner's country of origin. Marriage processes involving foreign nationals also often require additional paperwork and more complex procedures compared to marriages between two Indonesian citizens. The difference in legal treatment is solely based on the third element, namely the difference in nationality between the prospective husband and wife. This situation is due to differences in the rules and legal system of marriage that apply to each country. These differences in nationality cause differences in the law applied to each party.

The regulation on the legal consequences of mixed marriage is in Article 62 of the Marriage Law, which reveals that the status of children from a marriage of different nationalities follows the provisions of paragraph 1 of article 59. In this case, the citizenship obtained by the child determines the implementation of the law for him. On August 1, 2006, the Government of Indonesia enacted the Citizenship Law of the Republic of Indonesia Number 12 of 2006, regulating the principles of citizenship, both general and special. The principles of general citizenship that are regulated include:

“(1) *The principle of ius sanguinis* (based on heredity), which is the principle that determines a person's nationality through bloodline, not his place of birth; and (2) *The principle of ius soli* (based on place of birth), which applies to a limited extent, i.e. citizenship is determined based on the place of birth, especially for children as stipulated in the law.”

Article 1 of Law No. 1 of 1974, every man and woman who wants to get married must comply with the legal provisions regarding the conditions of marriage. Furthermore, Articles 57-62 stipulate special rules related to mixed marriage. In this provision, mixed marriage can only be carried out if it accommodates two categories of conditions, namely formal and material. The formal requirements require that the implementation of mixed marriage in Indonesia follow the rules of the Marriage Law as mentioned in Article 59 paragraph 2. However, the material requirements affirm that mixed marriage cannot take place until each party meets the requirements for marriage according to positive law, as Article 60 paragraph (1). (napoleon, 1982)

In Indonesia, marriage law is applied to all citizens without religious discrimination. Therefore, marriage between Indonesian citizens and foreigners requires special arrangements in order to adjust and accommodate existing differences.

Marriage requires each party to have a clear identity, including name, gender, existence, and other information related to the individual. This was explained by Amir Syarifuddin in the book *Islamic Marriage Law in Indonesia*. In addition, there is no element that prevents the two from getting married, because both are Muslims. In addition to agreeing to get married, each party also accepts and approves the person who becomes their partner. Both parties have met the legal age limit for marriage. (syarifuddin, 2006)

Authority and responsibility between husband and wife arise as a consequence of the marriage taking place. This provision is stated in Articles 30-36 of the Marriage Law Number 1 of 1974. In Article 30 it is emphasized that husband and wife bear the main responsibility in fostering a household, which then becomes the foundation for community life. (mamahit, 2017)

Article 34 of the Marriage Law No. 1 of 1974 stipulates the obligations of husband and wife, namely:

"1) The husband is obliged to protect his wife and meet all household needs according to his ability; 2) The wife is obliged to manage the household as well as possible; 3) A lawsuit can be filed if the husband or wife does not carry out his obligations." (mamahit, 2017)

According to Article 58, for parties of different nationalities and who are in a mixed marriage, it is possible to obtain the citizenship of the spouse, but potentially lose their citizenship, in accordance with positive laws in Indonesia. Furthermore, Article 59 stipulates that citizenship arising from the existence of a marriage or due to the breakdown of marriage is the basis for determining positive law, both in the public and civil spheres. If a mixed marriage is held in Indonesia, then its implementation must follow the provisions of the Marriage Law Number 1 of 1974 and its derivative regulations. These provisions cover various aspects, including the authority and responsibilities of husband and wife, the management of joint property, the legal relationship between parents and children, and inheritance issues. In addition, Article 60 emphasizes that a mixed marriage can only be valid if both prospective brides have fulfilled the provisions of the legality of marriage according to the law applicable to both parties.

### **The mechanism of mixed marriage and its impact on the citizenship of children**

Law No. 16 of 2019 concerning Amendments to Law No. 1 of 1974 is an important point in the development of marriage law in Indonesia. Part of the fundamental change is the uniformity of the minimum age of marriage for men and women, which is 19 years old in Article 7 paragraph 1 of the Marriage Law after the amendment. (Undang-Undang Nomor 16 Tahun 2019 tentang Perkawinan, 2019) This change has significant implications for mixed marriages of different nationalities because it concerns the formal requirements for marriage to be legal in Indonesia.

Basically, mixed marriage remains subject to Articles 57-62 of the Marriage Law, the substance of which has not changed in Law No. 16 of 2019. However, changing the age of marriage has implications for the juridical aspect, especially when one of the parties is a foreigner whose country's legal system sets a different age of marriage. For example, if the national law of the foreigner allows marriage at a young age, not yet reaching 19 years old, while Indonesian law does not, then the marriage cannot be executed or registered in Indonesia.

Therefore, the principle *of lex loci celebrationis* must be combined with the stricter principles of Indonesian national law. Furthermore, the problem that still emerges is related to the registration of mixed marriages. Law No. 16 of 2019 does not provide new regulations on registration procedures, so the provisions of Article 2 paragraph 2 of the Marriage Law, jo. PP No. 9 of 1975 and Law No. 23 of 2006 jo. Law No. 24 of 2013 concerning Population

Administration are still applicable. This always causes disharmony, especially if the marriage is held abroad and is not reported within 1 year after returning to Indonesia. (Peraturan Pemerintah Nomor 9 Tahun 1975 tentang Perkawinan, 1975)

The requirements for mixed marriage can be divided into two categories, namely material and administrative requirements.

1. Material conditions are that this provision is related to the substance of the validity of marriage according to religious law and positive law.  
"Each bride-to-be is obliged to fulfill the provisions of their respective religion or beliefs as the basis for the validity of marriage. In addition, the prospective bride and groom of Indonesian citizens (WNI) must be subject to the provisions of the Marriage Law, for example regarding the minimum age limit, the prohibition of inbreeding and the consent of both parties. Meanwhile, prospective brides who are foreign nationals (WNA) are required to attach a *Certificate of No Impediment/Certificate of Legal Capacity to Contract Marriage* issued by their country's embassy or consulate in Indonesia as proof that there is no legal obstacle to marriage".
2. Administrative requirements are requirements related to official documents that must be met. These documents include birth certificates or official identities of the bride and groom (KTP/KK for Indonesian citizens and passports for foreigners), marital status certificates (either single, widower, widowed, or divorced), and written permission from authorized officials if one of the parties is a member of the TNI or Polri. In addition, a photo pass according to the provisions and a health certificate from a doctor is also required if requested. To protect the legal interests of the parties, especially related to the arrangement of marital property, a marriage agreement (both prenuptial and postnuptial agreement) can be made before a notary, as affirmed in the Constitutional Court Decision Number 69/PUU-XIII/2015.

Procedures for Registering Marriages of Different Nationalities The implementation of marriage registration of different nationalities in Indonesia differs based on the religion of the bride-to-be. For those who follow Islam, marriage is held with a marriage contract at the District Religious Affairs Office. After all the requirements are met, the Head of KUA is authorized to record the marriage in the Marriage Certificate, so that the marriage acquires legal force. Meanwhile, for couples with religions other than Islam, marriage is first carried out based on their respective religious procedures.

After the marriage takes place, the couple is required to register their marriage with (Disdukcapil) for a maximum of 60 days starting from the date of marriage. The recording is then stated in the Marriage Certificate, which is used as authentic evidence of the existence of the legal bond of marriage. In mixed marriages carried out abroad, the validity of the marriage is subject to the laws of the local country as long as it does not conflict with the legal principles in Indonesia.

However, in order for the marriage to have legal consequences in Indonesia, the couple is required to report and register the foreign marriage certificate to the local Representative Office of the Republic of Indonesia no later than 30 days after the marriage. Furthermore, when the couple returns to Indonesia, the marriage certificate must be registered with the Disdukcapil no later than 30 days from arrival. Thus, it is clear that Indonesian marriage law emphasizes two important aspects of mixed marriage, namely the fulfillment of material and administrative requirements as the basis for the legality of marriage, and the obligation to register as a form of state legalization. This registration is more than an administrative nature, but also a legal instrument to protect the rights of the parties concerned, the descendants of the mixed marriage.

In practice, delays in recording often have an impact on the legal status of couples and children resulting from mixed marriages becoming unclear, causing legal uncertainty. An issue that is no less important is regarding the marriage agreement, the Constitutional Court Decision

No. 69/PUU-XIII/2015 has indeed opened the opportunity for a marriage agreement to be made after the contract takes place, but Law 16/2019 does not further regulate the mechanism of execution. As a result, practice in the field still faces obstacles, for example in terms of registering marriage agreements at the Civil Registry Office or KUA. The regulation on the citizenship status of children resulting from mixed marriages in Law 16/2019 has not changed because it remains subject to the Indonesian Citizenship Law No. 12 of 2006.

However, the reality is that there are still implementation problems, especially when the child has turned 18 years old and is obliged to decide on citizenship. Often, children born to mixed-nationality couples experience the loss of administrative rights due to delays in the processing of limited dual citizenship status. Provisions regarding the legal consequences of internationality marriage to children are regulated by Article 62 of Law Number 1 of 1974 which refers to Article 59 paragraph (1). In the regulation, it is explained that children resulting from mixed marriages still have public or civil legal status, in accordance with the legal status of their father. The determination of the status of children from intercultural marriages also refers to the Citizenship Law No. 62 of 1958, which adheres to the principle *of ius sanguinis*. It is emphasized in Article 1 letter b, that a child is considered an Indonesian citizen if he or she has a legal relationship with his or her father who is an Indonesian citizen since birth, as long as the relationship is established before the child reaches the age of 18 or before marriage at the age of under 18 years.

The basis for determining a child's citizenship from marriage is determined through descent as well as blood relations with the father. A child is recognized as the paternal citizen status if there is a legitimate family relationship. Thus, if a child is born from a valid marriage as stipulated in Article 42 of Law No. 1 of 1974, so that the father's citizenship automatically determines the child's citizenship. (widanarti, 2019)

The Netherlands adheres to the principle *of ius sanguinis* in determining citizenship. This principle affirms that a person's citizenship status is determined according to the lineage of his parents, not solely because of his place of birth. Thus, a child born in the Netherlands to a Dutch father and mother automatically acquires Dutch citizenship, will become a Dutch citizen, and vice versa

1. Article 1 letter c of Law No. 62 of 1958 states:

*"A child born within a period of 300 days after his father dies still obtains the citizenship of the Republic of Indonesia, as long as at the time of death the father has the status of a Citizen of the Republic of Indonesia."* (Undang-Undang Nomor 62 Tahun 1958 tentang Kewarganegaraan, 1958)

2. Article 14 paragraph 1 of Law No. 62 of 1958 stipulates that:

*"a child who is not yet 18 years of age at the time of his father's acquisition or renunciation of the citizenship of the Republic of Indonesia, as long as there is a family legal relationship between the two, following the citizenship status of his father.* If a father obtains the citizenship of the Republic of Indonesia through the naturalization process, then the child under the age of 18 will also obtain the same citizenship, provided that the child lives or is domiciled in Indonesia."

3. Children born out of wedlock are regulated under Article 43 of the Marriage Law, so their legal status is not associated with their biological father. In this situation, a legitimate family relationship is only established between the child and his mother.

4. Article 43 of the Marriage Law states:

*"If a child is born out of wedlock, then the family's legal relationship with his father is not recognized. In such conditions, the child only has a civil relationship with his mother, so his status follows the mother."*

Article 4 letters c and d of the Citizenship Law of the Republic of Indonesia Number 12 of 2006 stipulates that children born to mixed citizenship couples can have dual citizenship

status until they reach the age of 18 or until they marry. After reaching the age of 18, the child has a maximum of three years to decide on his or her choice of citizenship, whether to remain as an Indonesian citizen or follow the citizenship of his or her father or mother. Furthermore, the provisions in Article 6 affirm that children with dual citizenship status are required to determine one of their citizenship status after they turn 18 years old or after marriage. This provision arises as a result of the application of the principle of limited dual citizenship for children as regulated by Law Number 12 of 2006.

Government Regulation Number 2 of 2007 regulates the descendants of mixed marriages who have dual citizenship. These children can maintain dual citizenship status until the age of 18 or until marriage, with ease in immigration matters. The procedures for registration, registration, and provision of citizenship-related services for Indonesian citizens holding dual citizenship are explained in more detail in the Regulation of the Minister of Law and Human Rights Number M.80-HI.04.01 of 2007. In addition, Article 29 of the Child Protection Law No. 23 of 2002 emphasizes that children of different nationalities have the right to obtain citizenship from one of their parents in accordance with the provisions of applicable law.

## CONCLUSION

The regulation of mixed marriage in Indonesia is regulated in the Marriage Law Number 1 of 1974 and updated through Law Number 16 of 2019. Marriage is understood as a bond of birth and mind between a man and a woman to create a harmonious, prosperous, and lasting family based on belief in God Almighty, with the principle of monogamy that is not absolute. Internationality marriage, as stipulated in Articles 57–62 of the Marriage Law, occurs between Indonesian citizens and foreigners who are subject to different regulations due to differences in nationality. In order to be valid and have legal consequences, this marriage is fulfilled by two main conditions: material requirements, which include conformity with religious laws and regulations that apply to each party; as well as administrative requirements, including the completeness of official documents and registration at the authorized institution. The fulfillment of these two conditions is the basis for the validity of the law and the protection of rights for the spouse and their descendants.

One of the new provisions in Law Number 16 of 2019 is the determination of a uniform minimum age of marriage, which is 19 years for men or women. This provision has direct implications for mixed marriages, because the difference in age standards in foreign couples cannot override Indonesian national law. In addition, marriage registration remains a fundamental aspect, both in Indonesia and abroad, as a guarantee of legal validity and protection of the authority of children and spouses. Children of internationality marriages, the provisions of Indonesian law still refer to the Citizenship Law of the Republic of Indonesia No. 12 of 2006 concerning those who believe in the principle of limited dual citizenship. Children can have dual citizenship up to the age of 18, but then they are obliged to choose one of them. This provision is to obtain legal protection for children as a result of representation, although there are still obstacles to implementation in the field. Thus, the arrangement of mixed marriage in Indonesia emphasizes the importance of harmony between national law, religious law, and international law. Fulfilling material, administrative, and marriage registration requirements is the key to the validity of the mixed marriage bond, as well as an instrument of legal protection for the couple and their descendants.

## REFERENCE

Dewi Iriani. (2015). “*Analisis Terhadap Batas Usia Pernikahan Dalam UU No. 1 Tahun 1974*”. *Justitia Islamica*. Vol. 12, No. 12.

Herni Widanarti. (2019). *Tinjauan Yuridis Akibat Perkawinan Campuran Terhadap Anak*. private law review. Vol. 4, No. 1.

Hill Napoleon. (1982). *Pedoman Dalam Perkawinan*. Bandung: Indah Jaya.

Junaedi Karso. ( 2021). *Perkawinan Campuran & Kesejahteraan*. Bantul: Samudra Biru.

Laurensius Mamahit. (2017). *Hak Dan Kewajiban Suami Isteri Akibat Perkawinan Campuran Ditinjau Dari Hukum Positif Indonesia*. Lex Privatum. Vol.I/No.1.

Peraturan Pemerintah Nomor 9 Tahun 1975 tentang perkawinan

Reggie, Baay. (2019). *Perkawinan pribumi dan Eropa dimasa colonial*. Depok: Komunitas Bambu.

Reggie, Baay. (2017). *Akar Sosial Dari Perkawinan Campuran Di Masa Lalu, Yang Tidak Selalu Berdasarkan Relasi Setara*. Depok: Komunitas Bambu.

Rinjani Bahri. (2017). *Komunikasi Lintas Budaya*, Kota Lhokseumawe: UNIMAL PRESS.

Simanjuntak. (2015). *Hukum Perdata Indonesia*. Jakarta: Prenadamedia Group.

Soerjono Soekanto & Sri Mamudja. (2001). *Penelitian Hukum Normatif (Suatu Tinjauan Singkat)*. Jakarta: Rajawali Pers.

Subekti, R. (2009). *Hukum Perkawinan*. Jakarta: Intermasa,

Syarifuddin, A. (2006). *Hukum Perkawinan Islam di Indonesia: Antara Fiqh Munakahat dan Undang- Undang Perkawinan*. Jakarta: Kencana Prenada Media Group.

Undang-Undang Nomor 62 Tahun 1958 tentang Kewarganegaraan Republik Indonesia

Undang-Undang Nomor 1 tahun 1974 tentang perkawinan

Undang - Undang Nomor 12 Tahun 2006 tentang Kewarganegaraan

Undang-Undang Nomor 24 Tahun 2013 tentang administrasi kependudukan

Undang-Undang Nomor 16 tahun 2019 tentang perkawinan