

Marriage Law for Non Muslims in Indonesia

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Map of Indonesia



INDONESIA IN FIGURES

- ◆ 17.508 Islands, 5 Major big Islands
- ◆ 6.000 islands inhabited
- ◆ 250 million population
- ◆ 250 Ethnic Group (different cultures, dialects or languages)
- ◆ Size: - Land Area : 1.9 million sq Km
 - Sea Area : 7.9 million sq Km
 - Total area : 9.8 million sq Km

Indonesian Legal System

- Roman Dutch Law
 - Islamic Law
 - Customary Law

Marriage for Non Muslim

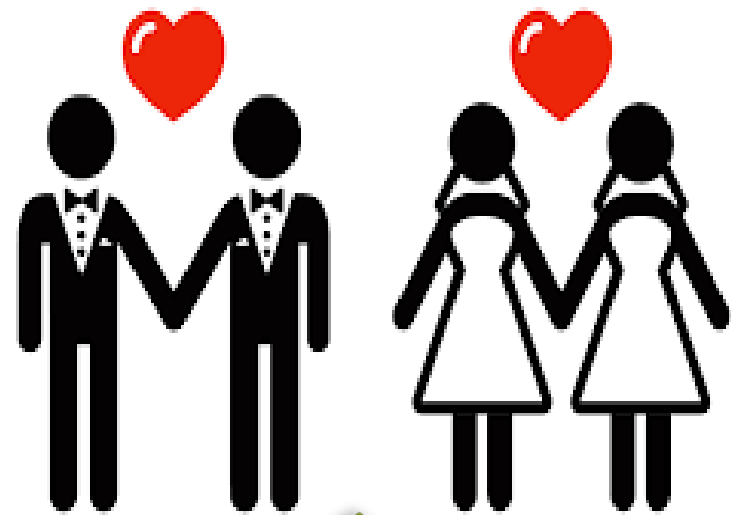
Legal Source: Law No.1 of 1974 on Marriage

Dispute Resolution:

- ❖ General State Court (First Instance Court) for non Muslims.
- ❖ Appeal Court.
- ❖ Supreme Court (Cassation).

Definition of Marriage

YES



NO

Definition of Marriage

- ◆ Marriage is a physical and spiritual bond between a man and a woman as husband and wife, having the purpose of establishing a happy and lasting family founded on the Belief in God Almighty
- ◆ In principle, a man may be married to one woman only. A woman shall be married to only one man.

Age of Marriage

**19
years
old**

**16
years
old**

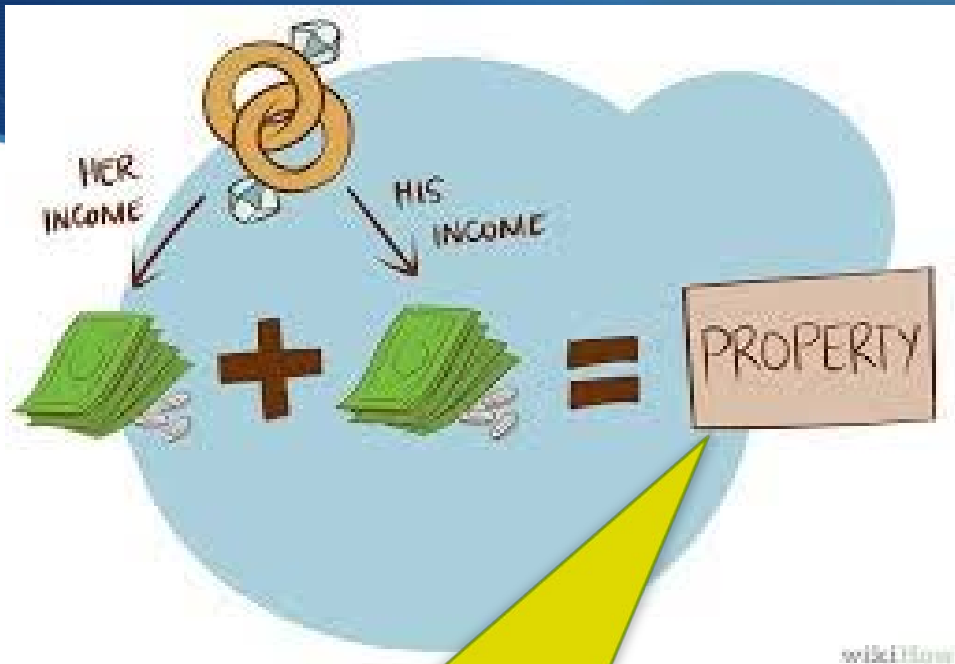
**Under the age of 21
(twenty-one) years
shall require the
consent of both
parents**



Age Marriage

- ◆ A marriage is only allowed when the male marriage candidate has reached the age of 19 (nineteen) years and the female marriage candidate the age of 16 (sixteen) years.
- ◆ Marriage of a person under the age of 21 (twenty-one) years shall require the consent of both parents.

Marriage Property



Property acquired during marriage shall become joint property.



Property brought into the marriage by the husband and the wife shall remain under their respective control, unless otherwise decided between the parties

Marriage Property

- ◆ Property acquired during marriage shall become joint property.
- ◆ Property brought into the marriage by the husband and the wife respectively and property acquired by either of them as a gift or inheritance shall remain under their respective control, unless otherwise decided between the parties.
- ◆ Husband or wife may dispose of the joint property with mutual consent.
- ◆ Husband and wife shall have full right of disposal of the property brought by them into the marriage respectively.

Dissolution of Marriage



Dissolution of Marriage

- ◆ A marriage is dissolved by: death, divorce and judgment of the Court.
- ◆ A divorce may be decreed only before the Court, after that Court has unsuccessfully endeavored to conciliate the parties.

The Consequences of Divorces



children
matter!

The Consequences of Divorces

- ◆ Both the father and the mother remain responsible for the sustenance and education of their children, exclusively to serve the children's interest. In case of a dispute concerning custody of the children, the Court shall decide the matter.
- ◆ The father is responsible for all expenses of the children's sustenance and education; if it is an ascertained fact that the father is unable to fulfill his obligations, the Court may determine that the mother shall share in such responsibility.
- ◆ The Court may obligate the ex-husband to pay alimony and/or impose one or other obligation upon the ex-wife.

Position of the children

- ◆ A legitimate child is a child born out of or resulting from a legal marriage.
- ◆ A child born out of wedlock has only civil relations with its mother and the mother's relatives.
- ◆ A husband may contest the legitimacy of a child born out of his wife when he can furnish evidence of his wife's adultery and of the child being born as the result of such adultery.
- ◆ The Court passes judgment on the legitimacy of a child at the petition of the interested party.

Custody of A Child



**Under 18
years old and
unmarried??**

Custody of A Child

- ◆ A child below the age of 18 (eighteen) years and unmarried remains in the custody of its parents in so far as they have not been divested of parental power.
- ◆ Parents are prohibited from transferring title in or pledging to immovable property of their children below the age of 18 (eighteen) years and still unmarried, except when the interests of the children so require.
- ◆ Children under the age of 18 (eighteen) years, unmarried and not being under the authority of their parents, shall be placed under guardianship. Guardianship applies both to the children personally and to their properties.

Marriage Outside Indonesia



Marriage Outside Indonesia

- ◆ A marriage performed outside Indonesia between two Indonesian citizens or between an Indonesian and a foreign citizen is legal when performed according to the law applicable in the country where the marriage is performed and as regards the Indonesian citizen(s) provided such marriage is not in contravention of the provisions in this Law.
- ◆ Within 1 (one) year as from the married couple's return in Indonesia the marriage certificate shall be registered at the registry of marriage at their place of domicile.

Mixed Marriages



Mixed Marriages

- ◆ A mixed marriage is a marriage between two persons who in Indonesia are subject to different laws due to difference of citizenship, whilst one of them is an Indonesian citizen.
- ◆ Mixed marriages contracted in Indonesia shall be performed according to this Marriage Law.
- ◆ Mixed marriages shall be recorded by an authorized registrar of marriages.

THANK YOU



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