

## **ABSTRACT**

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### **JURIDICAL ANALYSIS ON THE AUTHORIZATION AND REGISTRATION OF MARRIAGE AGREEMENT AND ITS IMPLICATION IN PRACTICE**

(xii+132 pages; 1 table; 9 appendices)

This thesis is a juridical analysis on the provisions regarding the formation and registration of marriage agreements enshrined in three legal instruments acknowledged in Indonesia, namely: Law No. 1 Year 1974 concerning Marriage (Marriage Law), which is followed by Constitutional Court Decision No. 69/PUU-XIII/ 2015 and Circular Letter of the Directorate General of Population and Civil Registration No. 472.2/5876 concerning the Registration of Marriage Agreements Reports. If previously only the Civil Registry was given the authority to authorize marriage agreements, however since the issuance of Constitutional Court Decision No. 69/PUU-XIII/2015 the Notary is given the same authority after which the content of the said marriage agreement will apply to related third party. In practice, there are differences of opinion on whether the registration of a marriage agreement to the Civil Registry is still a requirement so that its contents are binding to third party. The problem that is being examined is regarding the regulation on marriage agreement registration according to the provisions applicable in Indonesia and whether the authorization of marriage agreement by a Notary is sufficient to bind a third party. The Author uses normative legal research method supported by interview data. The Author's discussion is about the position of the three legal instruments based on Indonesia's positive law to followed by a discussion on the authority of a Notary to authorize marriage agreements so that the content of the agreement applies to third parties. From the said study, it leads Author to the conclusion that the authorization of marriage agreements by Notary alone is not enough to bind third party. Therefore, the procedure that must be followed is as follow. First, the marriage agreement must be made in the form of a notarial deed. Next, the marriage agreement shall be reported to the Civil Registry for it to be registered in accordance with the technical procedure stipulated in Circular Letter of the Directorate General of Population and Civil Registration No. 472.2/5876 to have binding power to related third parties.

References: 62 (1945-2018)

Keywords: marriage agreement, registration of marriage agreement, Constitutional Court Decision No. 69/PUU-XIII/2015, Notary, Civil Registry