

# Analysis of Dual Nasionality Marriage in the Perspective of the Citizenship Law

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## Abstract

**Background** - This study aims to analyze the mixed marriage of Indonesian citizens with foreign citizens according to Law Number 12 of 2006 concerning Citizenship of the Republic of Indonesia from the perspective of Indonesian positive law. This research uses normative juridical research that utilizes primary, secondary and tertiary legal materials in its study. Material collection using literature studies. Based on the research, a marriage bond that takes place between a man and a woman who are each subject to a different national legal system will raise issues of international civil law in the field of family law. The provision that regulates the legal consequences is Article 62 which regulates that the position of children from mixed marriages is regulated in accordance with Article 59 paragraph (1) where the citizenship obtained determines the applicable law. Law No. 12/2006 provides protection for women married to foreign nationals and children from mixed marriages.

**Purpose** - In more detail, this research aims to explain the phenomenon of mixed marriages conducted by Indonesian citizens both domestically and abroad, researchers intend to provide an understanding of mixed marriages. The researcher through this article seeks to analyze the juridical aspects of mixed marriages in its discussion will involve an analysis of the Marriage Law and the Citizenship Law, the legal consequences that arise from mixed marriages. The researcher hopes that by presenting this information, this article can provide a comprehensive understanding of mixed marriages in Indonesia from various perspectives, including legal, cultural and human rights aspects.

**methodology** - This research is normative juridical based on the theoretical basis of Indonesian private law. Specifically related to mixed marriages. With a focus on the Marriage Law and the Citizenship Law. The analysis is conducted by considering the comparative aspects of mixed marriages. The research also refers to international civil law. The purpose of this research seeks to analyze and find the validity of mixed marriages in Indonesian private law regulations. In more detail, this research aims to explain the phenomenon of mixed marriages conducted by Indonesian citizens both domestically and abroad, researchers intend to provide an understanding of mixed marriages. The researcher through this article seeks to analyze the juridical aspects of mixed marriages in its discussion will involve an analysis of the Marriage Law and the Citizenship Law, the legal consequences that arise from mixed marriages. The researcher hopes that by presenting this information, this article can provide a comprehensive understanding of mixed marriages in Indonesia from various perspectives, including legal, cultural and human rights aspects.

**Findings** - Mixed marriages can take place outside Indonesia (abroad) and can also take place in Indonesia. If it takes place abroad, the marriage is valid if the marriage is according to the law of the country in which the marriage is held and for Indonesian citizens does not violate the provisions of the Marriage Law, if it takes place in Indonesia, a mixed marriage is carried out according to the Marriage Law. Regarding the conditions for entering into a marriage, the material conditions of marriage that apply according to the respective laws of the two parties must be fulfilled. The Law on Citizenship provides protection for the interests of women married to foreigners and children from mixed marriages, children born from mixed marriages, children who have dual citizenship are entitled to obtain birth certificates in Indonesia and also birth certificates from other countries where the child is recognized as a citizen. Then for people who are in a mixed marriage who get citizenship from either their husband or wife as well as the provisions of the wife or husband's country can maintain their citizenship as Indonesian citizens by submitting a statement letter regarding their wishes to an official or representative of the Republic of Indonesia in the area where the wife or husband lives.

**Originality** - This research is a written work whose authenticity can be confirmed. This paper is a literature study, namely by studying using materials from books, journals, laws and regulations and

Keywords: Mixed Marriage, Citizenship

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