

Legal Socialization Strategy in Expanding Understanding of Postnuptial Agreements for Indonesian Citizens in Taiwan

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Article Info

Received: Sep 14, 2025

Revised: Nov 25, 2025

Accepted: Dec 29, 2025

DOI: <https://doi.org/10.31599/krtha.v19i3.4527>

Abstract : This study discusses legal socialization strategies in expanding the understanding of postnuptial agreements for Indonesian Citizens (WNI) in Taiwan. A postnuptial agreement is an important legal instrument to regulate the rights and obligations of husband and wife, especially in terms of property management, both during the marriage period and in the event of divorce. However, understanding of the existence and benefits of this agreement is still low among the Indonesian diaspora. This study uses a sociological juridical method with a qualitative approach, which not only examines the normative aspects of marriage law, but also explores the social realities that affect the effectiveness of the dissemination of legal information abroad. The results of the study show that the lack of socialization, limited access to information, and differences in legal and cultural contexts are the main obstacles in the dissemination of legal understanding. Therefore, an integrated legal socialization strategy such as online seminars, integrated counseling, social media, and the provision of Indonesian legal materials in accordance with the local context is urgently needed. With this strategy, it is hoped that Indonesian citizens in Taiwan can better understand their rights under marriage law and be encouraged to make post-marriage agreements consciously and legally. This research emphasizes the importance of collaboration between governments, foreign representatives, legal practitioners, and diaspora communities in creating inclusive and sustainable legal literacy.

Keywords: Postnuptial Agreement, Legal Socialization, Indonesian Citizens in Taiwan, Legal Literacy

I. INTRODUCTION

Marriage is an effort to form a happy and harmonious life, based on faith in God Almighty. To realize this goal, it is necessary to have regulations that regulate the conditions that must be met in carrying out the marriage, as well as provisions regarding the continuity and possible termination of the bond. Without legal clarity, the main goal of a marriage will be difficult to achieve. In essence, marriage is a legal event that gives rise to rights and



obligations between husband and wife, which has an impact on personal relationships, management of joint property, and responsibility for children born from the marriage.¹

Marriage is not only an emotional relationship between two individuals, but also a legal event that carries social, economic, and moral consequences. Therefore, the existence of legal regulations is very important in ensuring order and justice in domestic life. The rules governing the legal conditions of marriage, the rights and obligations of husband and wife, as well as the mechanism of divorce and inheritance not only serve as a guideline, but also as a protection for all parties involved.

Legal socialization is an important strategy to increase public understanding of new legal provisions or products, including post-marriage agreements. In order for the results to be effective, socialization needs to be carried out in a structured, easy to understand, and in accordance with the reality of Indonesian citizens (WNI) in Taiwan. Currently, there are still many Indonesian citizens abroad, especially in Taiwan, who are not fully aware of the importance of postnuptial agreements. This low level of understanding is generally due to a lack of access to information and not a maximum of legal socialization efforts from the government and related institutions in the country where they live.

According to article 29 paragraph 1 of Law No. 1 of 1971 concerning Marriage, it is explained that, At the time or before the marriage takes place, both parties by mutual consent can enter into a written agreement ratified by the marriage registrar, after which the contents also apply to the third party as long as the third party is involved. The provisions in Article 29 paragraph 1 of Law No. 1 of 1974 concerning Marriage provide space for prospective spouses to make written agreements that regulate certain matters in their marriage, as long as they are mutually agreed upon and ratified by the Marriage Registrar. This shows that the law provides flexibility for couples to manage their legal relationship in a more personal way, including regarding the management of property, the responsibilities of each party. The enactment of this agreement also provides legal certainty not only for husband and wife, but also for third parties who may be related, so as to minimize conflicts in the future. Thus, this article reflects the importance of transparency, mutual agreement, and legal protection in building a healthy and just household.

A marriage agreement is a legal instrument prepared by prospective husband and wife to clearly regulate the division of rights and obligations, especially related to property, during the marriage period and in the event of divorce in the future. The existence of this agreement becomes very important when the marriage must end, because it can minimize conflicts, provide legal certainty, and protect the interests of each party. With a marriage agreement, couples can avoid joint property disputes that are often a source of debate during divorce, while showing maturity in planning the future of marriage in a more structured and wise manner.²

The marriage agreement, including the postnuptial agreement, has a very important role in maintaining clarity and order in the legal relationship between husband and wife. This

¹ Nadya Novany et al, Legal consequences of marriage agreements made after unannounced marriages, resulting in losses of third parties, *Journal of Recital Review*, vol.5, no.1, year 2023, p. 21.

² Fitri Mindari, The Position of the Marriage Agreement Made After Marriage Against Third Parties, *Journal of Legal Evidence*, Vol 3, No. 1, Year 2024, p. 92

agreement is not only a preventive measure in avoiding conflict, but also a clear form of legal protection for both parties and the third parties involved. In domestic life, especially when it comes to matters of property and family responsibilities, the existence of such agreements reflects a mature, open, and responsible attitude in planning the future of marriage in a fair and wise manner.

However, the low level of legal understanding and awareness, especially among Indonesian citizens living abroad such as in Taiwan, is a challenge in itself. Therefore, an effective, directed, and contextual legal socialization strategy is needed so that information about postnuptial agreements can be well received by the public. The socialization carried out must not only touch on the legal aspect, but also must consider the cultural, language, and real needs aspects of Indonesian citizens in Taiwan. Through this research, it is hoped that the right strategy can be formulated to expand the legal understanding of the community, so that their rights in the institution of marriage can be optimally protected.

II. RESEARCH METHODS

This study uses a sociological juridical research method with a qualitative approach. The sociological juridical method is an approach that examines law not only as a set of norms written in laws and regulations, but also looks at how the law functions and is applied in society. In other words, this research not only focuses on legal documents, but also examines the social realities related to the application of the law in the field.³ In this study, the focus of the study is directed at legal socialization strategies in expanding understanding of post-marriage agreements among Indonesian Citizens (WNI) in Taiwan. The phenomenon studied was the level of public understanding, acceptance, and response to the concept of postnuptial agreements, as well as how legal communication strategies can affect their perception and legal awareness. This study also considers the social, cultural, and structural factors that affect the effectiveness of legal socialization in the Indonesian diaspora community.

III. DISCUSSION

In general, a marriage agreement contains provisions that regulate the ownership of assets and property between prospective married couples. The main purpose of making this agreement is to establish arrangements regarding the property that may arise as a consequence of a marriage. There are several reasons behind the preparation of a marriage agreement, including: First, there is a considerable difference in the amount of wealth between each party. Second, both parties make significant contributions to the relationship. Third, each couple has their own business or business, so that when bankruptcy occurs for one party, it will not have an impact on the other party. Fourth, debts incurred before marriage are the personal responsibility of each individual.⁴

³ Wiwik Sri Widiarty, *Textbook of Legal Research Methods* (Dipenogoro: Publika Global Media: 2024).

⁴ Mohammad Rafli et al, Postnuptial Agreement in Context Maqashid al-Sharia'ah : An Analysis of al-Syatibi's Views, *Journal of Islamic Family Law*, Vol 5, No.2, Year 2023, p. 367.

A marriage agreement is a written agreement legally made by the prospective husband and wife before a notary, which aims to regulate the provisions in marital life. Generally, this agreement includes arrangements regarding the ownership and management of property owned before and during the marriage. A marriage agreement can contain provisions regarding the separation of property between husband and wife, including property owned before marriage and acquired during the marriage period. Through this arrangement, each party retains full control of his or her property, without being mixed with the spouse's ownership. Thus, even though they are married, property is still considered private property and does not fall into the category of joint property. This provision plays an important role in preventing disputes when the marriage ends, either due to divorce or because one of the parties dies.⁵

A marriage agreement can also serve as a form of legal protection for both parties in the face of possible future disputes, especially those related to the division of property or financial responsibilities. This agreement provides clarity and legal certainty, so that it can minimize conflicts that may arise in the event of divorce or other legal problems. With an agreement made from the beginning, each party has the same understanding of their rights and obligations, and can keep the marital relationship healthy and respect each other in financial aspects.

Basically, a marriage agreement can contain various things agreed upon by husband and wife, not limited only to the issue of property, as long as the content of the agreement does not contradict the provisions of the law, religious values, or applicable moral norms. However, in practice, marriage agreements are generally more focused on regulating the ownership and management of property in a marriage bond.⁶

Article 35 of Law No. 1 of 1974 concerning Marriage states that, 1) Property acquired during marriage becomes joint property. (2) The inherited property of each husband and wife and the property obtained by each as a gift or inheritance, are under the control of each of them as long as the parties do not specify otherwise.

Not only does it protect individual rights, it also encourages open communication regarding finances from the start, which can strengthen trust and transparency in marriage. Therefore, the drafting of a marriage agreement does not merely reflect distrust, but rather as a preventive and rational measure aimed at protecting the common interest in the long term. A marriage agreement allows the prospective husband and wife to legally establish other different rules regarding the ownership and management of property. Thus, if the agreement is drafted and ratified before the marriage takes place, then the provisions regarding joint property do not automatically apply. This provides legal flexibility for couples to manage their household financial structure according to mutual needs and agreements. In addition, the existence of this agreement can also protect parties who have concerns about potential financial risks, such as spouse debts, lawsuits, or uncertainty in the sustainability of their respective businesses.

⁵ Annisa Cahya, Legal Protection of Matrimonial Property with the Making of Deeds of Agreement, *Legal Journal*, Vol. 2, No.4, Year 2022, p. 4.

⁶ Benny Djaja, *Marriage Agreements Before, During, and Throughout Marriage*, (Depok: PT Raja Grafindo Persada: 2020), p. 11.

With the ratification of the marriage agreement, the agreement has binding legal force for both parties, namely husband and wife. If in the future one of the parties does not implement the provisions of the agreement or violates its contents, the aggrieved party has the legal right to file a lawsuit as a form of protection for its rights.⁷

The making of a marriage agreement as stipulated in Article 29 of Law Number 1 of 1974 concerning Marriage states that, At the time or before the marriage takes place, both parties by mutual consent can enter into a written agreement ratified by the marriage registrar, after which the contents also apply to the third party as long as the third party is involved.

A marriage agreement should ideally be carried out before the marriage takes place and is stated in the form of an authentic deed before a notary. This authentic deed has important legal force because it can be used as valid evidence in court if a dispute arises related to the ownership of each party's property. If the agreement is not made before marriage, then legally all property owned by the husband and wife is considered to be joint property. However, after the issuance of the Constitutional Court Decision Number 69/PUU-XIII/2015, this provision has undergone significant changes. However, the Constitutional Court stated that the marriage agreement does not have to be made before the marriage, but can also be made during the marriage period, without first having to be determined by the District Court. This expands the meaning of the marriage agreement, which was originally known only as a prenuptial agreement, now also includes the postnuptial agreement.⁸

With the Constitutional Court Decision Number 69/PUU-XIII/2015, the legal position of the marriage agreement has expanded its meaning and reach. If previously the agreement could only be made before marriage and required to be ratified by the marriage registrar, now married couples are given the right to draft and make a marriage agreement at any time during the period of the marriage bond, without having to go through a submission procedure to the District Court. These changes reflect the development of a law that is more adaptive to the needs of modern society, which is dynamic and complex in the management of wealth and financial responsibility. Thus, the law no longer restricts couples to pre-marital time to regulate financial structures, but also leaves room for adjustments that may be necessary later on.

The freedom to make a marriage agreement during the marriage period also emphasizes the principles of justice and autonomy in the household. Each individual still has the right to his or her personal property, as well as legal protection for the assets he or she acquires both before and after marriage. This is especially relevant in the context of a healthy marital relationship, where each party is still respected for its rights and economic identity without having to lose the legal status of its ownership. This agreement is also able to reduce the risk of prolonged conflict in the event of divorce, division of inheritance, or other legal issues, since all provisions have been expressly and legally

⁷ John Kenedi, *Analysis of the Function and Benefits of Marriage Agreements*, (Yogyakarta: Samudera Biru Publishers: 2018), p. 11.

⁸ Andika Prayoga, Legal consequences of marriage agreements made during marriage after the Constitutional Court Decision No.69/PUU-XIII/2015, *Jurnal Indonesia Notaris*, Vol.3, No.31, Year 2021, p. 640.

regulated from the beginning or during the course of the marriage. Therefore, the marriage agreement does not only function as legal protection, but also as a form of anticipation against future uncertainty.

The understanding of legal rights and obligations in marriage is still limited to be understood by Indonesian citizens in Taiwan, especially regarding the existence and benefits of postnuptial agreements (postnuptial agreements). The lack of access to Indonesian legal information and the differences in the legal system in the country of residence, are challenges in socializing the provisions of national law to the diaspora. Therefore, a targeted and easily accessible legal socialization strategy is needed, such as through cooperation between the Indonesian Trade and Economic Office (KDEI) in Taipei with community organizations, legal service providers, and the Indonesian citizen community.

This socialization can be carried out in the form of online seminars on legal counseling conducted online through digital platforms such as Zoom, Google Meet, or Microsoft Teams, which allows the participation of Indonesian Citizens (WNI) in Taiwan without having to be physically present. In this seminar, resource persons from legal practitioners, notaries, or representatives of official agencies such as KDEI Taipei can provide explanations about postnuptial agreements, their legal basis, their benefits, and procedures for making them both in Indonesia and in the context of international law. The online seminar can also be complemented by interactive question and answer sessions, the provision of presentation materials, and digital documentation that can be re-accessed by participants. With this method, legal information can be conveyed effectively and reach more Indonesian citizens, especially those who have limited time or mobility due to work and living conditions.

Then it can then hold an integrated legal consultation on educational activities involving various related parties, such as government representatives (for example, KDEI or the Indonesian Embassy), legal practitioners, community organizations, and Indonesian community leaders, who jointly provide information and legal understanding to the public in one integrated forum. This activity aims to deliver legal material in a comprehensive and coordinated manner, covering various aspects relevant to the lives of Indonesian citizens abroad, such as family law, employment, immigration, and marriage agreements. In the context of postnuptial agreements, integrated legal counseling can be a forum to explain the latest regulations, procedures for their creation, and legal consequences comprehensively and practically. This activity is usually carried out in person (face-to-face) or online, and is designed to be easily understood by participants with various educational and professional backgrounds.

Social media publications can also be one of the socialization strategies for the dissemination of legal information that utilizes digital platforms such as Facebook, Instagram, WhatsApp, and YouTube, which are widely used by Indonesian citizens abroad, including in Taiwan. Through social media, information about postnuptial agreements can be presented in the form of interesting and easy-to-understand content, such as infographics, short videos, testimonials, and live streaming with legal sources. This strategy is very effective because it is fast, cost-effective, and able to reach a large number

of audiences in real time. In addition, social media allows direct interaction between organizers and Indonesian citizens, so that questions or legal confusion can be immediately responded to clearly and openly.

Furthermore, the provision of legal materials in Indonesian that are tailored to the context of the needs of Indonesian citizens abroad is also an effort to ensure that the legal information provided is really relevant, easy to understand, and applicable to the daily lives of Indonesian citizens in their country of residence. This material can be in the form of digital pocket books, e-books, leaflets, or short modules that discuss topics such as the procedure for making postnuptial agreements, protection of property in marriage, to legal steps that can be taken in the event of a dispute. Contextual adjustments were made taking into account the social, cultural, and legal conditions of local countries, such as Taiwan, as well as procedural differences compared to Indonesia. With targeted and easy-to-understand Indonesian materials, Indonesian citizens will be more confident and informed in making legal decisions in accordance with their rights and obligations

This strategy not only aims to improve legal literacy related to postnuptial agreements, but also provides an understanding that legal rights in marriage remain valid and can be protected, even if the couple lives abroad. Knowing that a marriage agreement can now be made after the marriage takes place without having to go through a court process, Indonesian citizens in Taiwan who are married but do not have a legal arrangement can feel more open to taking the right legal steps. Socialization carried out in a sustainable and inclusive manner will encourage the emergence of higher legal awareness among the diaspora, as well as help prevent legal disputes in the future, both in the country and in their country of residence.

The understanding of Indonesian citizens (WNI) in Taiwan towards postnuptial agreements is still relatively low, due to limited access to legal information and the lack of optimal socialization strategies from related parties. In fact, a postnuptial agreement is an important legal instrument in providing protection for the rights and obligations of husband and wife, especially in terms of wealth management. With the change in legal provisions through the Constitutional Court Decision No. 69/PUU-XIII/2015, there is room to make this agreement more flexible and adaptive to the needs of couples, including for those who are abroad. Therefore, a directed, contextual, and sustainable socialization approach is needed to expand legal understanding among the Indonesian diaspora.

The success of the legal socialization strategy depends heavily on synergy between the government, foreign representatives (such as KDEI Taipei), legal practitioners, and the Indonesian citizen community in Taiwan. Various methods such as online seminars, integrated counseling, social media publications, and the provision of legal materials in Indonesian that are appropriate to the context need to be effectively integrated. This research emphasizes the importance of a communicative, participatory, and sensitive approach to the socio-cultural conditions of the diaspora in conveying legal messages. With the increase in legal literacy regarding postnuptial agreements, Indonesian citizens in Taiwan are expected to be able to make wiser and more informed decisions in their

marital life, as well as have adequate legal protection both during the marriage period and in the event of separation in the future.

IV. CONCLUSION

Based on the results of the research, it can be concluded that the understanding of Indonesian citizens (WNI) in Taiwan towards postnuptial agreements is still relatively low, even though this legal instrument has an important role in providing protection for the rights and obligations of husband and wife, especially in the management of assets during and after the marriage period. This low level of understanding is due to the lack of access to legal information, limited socialization from the government, and differences in the social and cultural context between Indonesia and Taiwan. Therefore, an effective, adaptive, and contextual legal socialization strategy is needed through various media such as online seminars, integrated counseling, and educational content on social media. This strategy is expected to increase the legal literacy of the diaspora community and encourage awareness of the importance of post-marriage agreements as a form of legal protection and anticipation in building a just, transparent, and sustainable household.

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