



Juridical Analysis of Inheritance Rights of Foreign-National Children Born from Mixed Marriages under the Indonesian Civil Code

Aprilia Widya Mandey¹, Linda Lidia Imon¹

¹Indonesian Development University of Manadoauthor's Institution

*Corresponding Author: SH Aprilia W Mandey

Email: Widyamandey@gmail.com

Article Info

Article History:

Received March 10, 2026

Revised April 5, 2026

Accepted: May 8, 2026

Keywords:

Mixed Marriage, Foreign-National Children, Inheritance Rights.

Abstract

Mixed marriages between Indonesian citizens and foreign nationals create complex legal consequences concerning citizenship, family status, inheritance rights, and ownership of property. This study aims to analyze the legal position of children born from mixed marriages and examine their inheritance rights under the Indonesian Civil Code when they possess or later choose foreign nationality. The research employed a normative juridical method using statute and conceptual approaches. Legal materials consisted of primary legal sources, including the Indonesian Civil Code, Law No. 1 of 1974 on Marriage, Law No. 12 of 2006 on Citizenship, Law No. 23 of 2002 on Child Protection, and Law No. 5 of 1960 on Basic Agrarian Principles, as well as secondary legal materials derived from doctrinal writings and scholarly literature. The findings demonstrate that Law No. 12 of 2006 provides limited dual citizenship protection for children born from mixed marriages until the age of eighteen years or marriage, followed by an obligation to choose one citizenship. Under the Indonesian Civil Code, a child born from a valid mixed marriage remains a lawful heir because inheritance rights are determined by a lawful civil relationship with the deceased parent rather than nationality alone. However, Indonesian agrarian law restricts foreign nationals from permanently holding ownership-title land. As a result, foreign-national heirs may inherit property rights but must transfer, release, or convert ownership-title land within the legally prescribed period. The study highlights the distinction between the right to inherit and the legal capacity to retain certain inherited assets while identifying continuing procedural and administrative challenges in cross-border inheritance disputes.

Introduction

The growing mobility of people across national borders has increasingly transformed marriage, family formation, and inheritance relations into transnational legal issues. In Indonesia, opportunities for travel, education, employment, and digital communication have expanded the possibility of personal relationships between Indonesian citizens and foreign nationals, making mixed marriage a social reality across regions and social classes. Under Article 57 of Law No. 1 of 1974 on Marriage, mixed marriage is defined as a marriage between two persons who, in Indonesia, are subject to different laws because of different citizenship, where one party is an Indonesian citizen. This definition confirms that mixed marriage is not merely a private social relationship, but a legal institution that may affect family status, parental authority, citizenship, inheritance, and property ownership. The Indonesian Civil Code also views marriage primarily in civil-law terms, thereby linking marital relations to legal consequences concerning spouses, children, and third parties (Marsiani & Suryoutomo, 2023; Leticia & Hadiati, 2025; Sugiatusti

et al., 2025). The legal significance of children born from mixed marriages is particularly important because a child's status determines legal personality, family relations, and inheritance entitlement. Indonesian child-protection law defines a child as a person under 18 years of age, including a child still in the womb, while Article 2 of the Indonesian Civil Code recognizes that a child conceived in the womb may be treated as a legal subject when his or her interests require it, provided the child is born alive (Werang et al., 2026). Legal scholarship similarly emphasizes that the birth of a child creates legal consequences in family law, guardianship, parental authority, citizenship, and inheritance (Nurjanah et al., 2022; Putra et al., 2025). Definitions of children vary across legal and doctrinal sources, ranging from social understandings of immaturity and vulnerability to statutory thresholds of 18 or 21 years (Tutuko, 2024; Feronica, 2025; Astriani, 2025; Andiani, 2024). These variations show that legal capacity and legal protection are closely connected to age, marital status, and family legitimacy (Ohoiwutun, 2023; Pane & Yanis, 2025; Alijana, 2026).

The principal legal problem arises when the child of a mixed marriage has a citizenship status different from one or both parents, especially when inheritance involves assets located in Indonesia. In private international law, determining the relationship between a child and parents requires examining the validity of the parents' marriage as a preliminary question. If the marriage is valid, the child has a legal relationship with the father and mother; if not, the child may be treated as born outside marriage and may have a more limited legal relationship, depending on recognition and applicable law. This issue is crucial because inheritance rights under civil law require a lawful legal relationship between the heir and the deceased. Family-law scholars define family law as the body of rules governing legal relations arising from blood relationships and marriage, including marriage, divorce, parental authority, guardianship, curatorship, and absence (Huntington, 2022; Baker, 2023; Adekile, 2024). Therefore, the inheritance position of a foreign-national child cannot be examined separately from the child's legitimacy, citizenship, and civil relationship with the parents.

A general solution to this problem is provided by the development of Indonesian citizenship law. Earlier approaches tended to follow the father's citizenship for the sake of family unity, a view associated with classical nationality principles and supported in Indonesian private international law discourse by Carbone & Huntington (2024), who emphasized the father's law to preserve legal unity within the family. However, this model created practical difficulties when the mother was Indonesian and the father was foreign, especially if the marriage dissolved and the child remained under the mother's care (Usman et al., 2024; Solikin & Wasik, 2023). Law No. 12 of 2006 on Citizenship changed this framework by recognizing limited dual citizenship for children born from mixed marriages. The law applies principles of *ius sanguinis*, limited *ius soli*, single citizenship, and limited dual citizenship. It allows children born from marriages between Indonesian citizens and foreign nationals to hold dual citizenship until the age of 18 or until marriage, after which they must choose one citizenship within a maximum period of three years (Antikowati et al., 2023; Soesetyo, 2024; Yusrizal, 2024).

This citizenship reform provides a specific legal pathway for protecting children from statelessness and from gender-based discrimination in family status. It recognizes children born from a valid marriage between an Indonesian father and a foreign mother, and children born

from a valid marriage between a foreign father and an Indonesian mother, as Indonesian citizens during the limited dual-citizenship period. The reform also distinguishes children born before 1 August 2006, who required a ministerial citizenship decree, from children born after that date, who may hold an affidavit attached to a foreign passport as evidence of limited dual citizenship. Reports cited in the research notes indicate that after the enactment of Law No. 12 of 2006, approximately 700 children of mixed marriages were approved as Indonesian citizens, while around 4,000 children were registered for limited dual citizenship. These figures suggest that the law has practical significance, although implementation may still be affected by limited socialization, administrative complexity, and uncertainty regarding sanctions for late citizenship selection (Farhi et al., 2023; Kumar & Suthar, 2024; Ahmad, 2026).

Inheritance law offers another specific solution creates a distinct limitation. Civil inheritance law, as part of family law, regulates the transfer of rights and obligations in the field of property when a person dies (Nukusheva et al., 2024; Wardi et al., 2024; Limbong, 2025). Under Article 830 of the Indonesian Civil Code, inheritance opens only upon death, and under the general civil-law framework heirs may inherit because of statutory succession or testamentary disposition. The estate includes rights and obligations in the field of property that can be valued in money, after deduction of debts and other obligations. Civil-law doctrine recognizes heirs, the deceased, and third parties as central subjects of inheritance relations, while Article 913 of the Civil Code protects forced heirs through the concept of legitime portie. Importantly, the Civil Code does not distinguish inheritance shares based on sex or nationality where the heir has the required family relationship. Thus, a child born from a valid mixed marriage may remain an heir even when the child later becomes a foreign national (Puspita et al., 2022; Ariartha et al., 2023; Gaol, 2024; Shoimah & Uyun, 2025).

The remaining gap concerns the interaction between inheritance rights and restrictions on foreign ownership of land. Indonesian agrarian law provides that only Indonesian citizens may hold ownership title over land. Article 21 of Law No. 5 of 1960 on Basic Agrarian Principles states that a foreigner who obtains ownership title through inheritance without a will or through marital-property commingling must release that right within one year after the right is obtained or after the loss of Indonesian citizenship. If the right is not released within that period, it is extinguished by law and the land falls to the state, without eliminating existing encumbrances. This rule does not abolish the inheritance right of a foreign-national child, but it restricts the child's ability to retain ownership-title land. The heir may instead receive monetary compensation, proceeds from sale, or a permissible land right such as right of use, depending on applicable procedures (Ramadhana et al., 2024). Consequently, the literature and legislation reveal a tension between civil inheritance equality and nationality-based property restrictions (Abdul, 2023; Antoni et al., 2024).

This study aims to examine the legal status of children born from mixed marriages and to analyze the inheritance rights of foreign-national children under the Indonesian Civil Code. Its central argument is that foreign nationality does not automatically remove a child's civil inheritance status when the child has a lawful family relationship with the deceased parent; however, foreign nationality affects the form and enforceability of inherited rights over assets that Indonesian law reserves for Indonesian citizens. The novelty of this study lies in its

integrated juridical reading of marriage law, child protection, citizenship law, civil inheritance law, and agrarian law in the specific context of children born from mixed marriages. By clarifying the distinction between the right to inherit and the capacity to own certain inherited assets, the study contributes to a more precise legal understanding of cross-border family inheritance in Indonesia and provides a normative basis for more concrete regulation of inheritance involving children who become foreign nationals.

Method

Research Design

This study employed a normative juridical research design to examine the inheritance rights of foreign-national children born from mixed marriages under Indonesian civil law. The normative juridical method was selected because the primary object of analysis is law as a normative system rather than social behavior or empirical phenomena. The study focuses on statutory norms, legal principles, doctrinal interpretations, and the systematic relationship among rules governing marriage, citizenship, inheritance, child protection, and land ownership. In normative legal research, legal issues are analyzed through legislation, legal doctrine, and authoritative legal reasoning to determine how the law regulates a particular legal relationship and how different legal provisions interact within a coherent legal framework.

The use of a normative juridical approach is particularly relevant because the central issue of this study concerns the legal status of children born from mixed marriages and the extent to which foreign nationality affects inheritance rights under Indonesian law. These issues cannot be adequately examined through surveys, interviews, or statistical methods because the problem lies primarily in the interpretation and harmonization of legal norms. The study therefore adopts a legal-positivist orientation, which treats written law as the principal source of legal validity and examines legal meaning through statutory interpretation, doctrinal construction, and systematic legal analysis. Through this approach, the research seeks to clarify the juridical relationship between citizenship status, legitimacy of children, inheritance entitlement, and ownership rights over inherited property.

The normative juridical design also enables the study to evaluate the consistency of Indonesian legal regulations across several branches of law. The research specifically analyzes the Indonesian Civil Code, Law No. 1 of 1974 on Marriage, Law No. 12 of 2006 on Citizenship, Law No. 23 of 2002 on Child Protection, and Law No. 5 of 1960 on Basic Agrarian Principles. These legal instruments were examined because the inheritance rights of children born from mixed marriages are not regulated by a single statute, but instead emerge from the interaction between family law, inheritance law, citizenship law, and agrarian law. The methodology therefore allows the study to formulate a systematic legal interpretation regarding the legal position of foreign-national children within Indonesian inheritance law.

Research Approaches

This study applied two principal legal approaches, namely the statute approach and the conceptual approach. Both approaches were used complementarily in order to obtain a comprehensive juridical understanding of the inheritance position of foreign-national children born from mixed marriages.

The statute approach was used to examine the positive legal framework regulating mixed marriages, citizenship status, inheritance entitlement, and restrictions on property ownership. Through this approach, the study analyzed legislation as the primary legal authority governing the issue under examination. The analysis began with Law No. 1 of 1974 on Marriage, particularly Article 57 concerning the definition of mixed marriage as a marriage between

persons subject to different legal systems because of citizenship differences. The study also examined Law No. 12 of 2006 on Citizenship, which introduced the principle of limited dual citizenship for children born from mixed marriages until the age of eighteen years or marriage, followed by an obligation to choose one citizenship within a specified period.

In addition, the Indonesian Civil Code was analyzed to identify the general principles of inheritance law, including the opening of inheritance upon death under Article 830, statutory inheritance rights, testamentary inheritance, legitime portie, and the legal relationship between heirs and the deceased. The study further examined Law No. 5 of 1960 on Basic Agrarian Principles to analyze the restrictions imposed on foreign nationals concerning ownership-title land acquired through inheritance. The statute approach therefore enabled the study to identify the applicable legal norms and assess the relationship among different legal provisions governing inheritance disputes involving foreign-national children.

The conceptual approach was used to clarify the doctrinal meaning of legal concepts relevant to the research problem. These concepts included mixed marriage, legal subjectivity, legitimacy of children, citizenship, heirship, inheritance rights, legal capacity, and ownership rights. The conceptual approach was necessary because the issue of inheritance for foreign-national children cannot be resolved solely through literal interpretation of statutory provisions. Instead, it requires an integrated understanding of how legal concepts operate across different branches of civil law and family law.

For example, the study examined the concept of a child as a legal subject under Article 2 of the Indonesian Civil Code, which recognizes the legal interests of a child still in the womb if the child is subsequently born alive. This concept was analyzed together with the definition of a child under Law No. 23 of 2002 on Child Protection, which defines a child as a person under eighteen years of age, including a child still in the womb. The conceptual approach also involved doctrinal discussions concerning parental authority, legal representation of minors, citizenship as a legal bond between individuals and the state, and inheritance as the transfer of rights and obligations after death. By integrating doctrinal interpretation with statutory analysis, the study was able to formulate a clearer juridical understanding of the inheritance position of foreign-national children born from mixed marriages.

Sources and Types of Legal Materials

This study relied exclusively on secondary data, which is characteristic of normative legal research. The legal materials used in the research were classified into primary legal materials and secondary legal materials. The classification was intended to distinguish authoritative legal norms from doctrinal and scholarly interpretations that support legal analysis.

Primary legal materials consisted of legislation, codified legal provisions, and official legal instruments directly related to the research problem. These materials included the 1945 Constitution of the Republic of Indonesia, the Indonesian Civil Code, Law No. 1 of 1974 on Marriage, Law No. 23 of 2002 on Child Protection, Law No. 12 of 2006 on Citizenship, and Law No. 5 of 1960 on Basic Agrarian Principles. Relevant government regulations and implementing provisions concerning citizenship, family law, child protection, and land rights were also examined. These primary legal materials functioned as the principal legal basis for determining the legal status and inheritance rights of children born from mixed marriages.

Secondary legal materials consisted of books, legal commentaries, journal articles, doctrinal writings, scholarly literature, and academic discussions relating to Indonesian civil law, family law, inheritance law, citizenship law, agrarian law, and private international law. These materials were used to support interpretation of statutory provisions and to provide doctrinal explanations concerning the relationship between citizenship status and inheritance rights.

Secondary legal materials also assisted in explaining the legal concepts underlying inheritance, legitimacy, legal capacity, and ownership rights.

The doctrinal literature reviewed in this study included discussions by legal scholars concerning family law, inheritance law, and citizenship law. For example, inheritance law was understood as the body of legal norms regulating the transfer of property rights and obligations after death, while citizenship law was interpreted as the legal relationship between individuals and the state that creates reciprocal rights and obligations. These doctrinal perspectives were used to strengthen the legal reasoning and systematic interpretation developed throughout the analysis.

Technique of Collecting Legal Materials

The collection of legal materials in this study was conducted through a library research method. Library research was carried out by identifying, collecting, reviewing, and organizing legal materials relevant to the inheritance rights of foreign-national children born from mixed marriages. The process involved examining statutory regulations, legal doctrines, scholarly books, academic journals, legal commentaries, and other authoritative legal sources related to the research topic.

The collection process began with identifying the primary legal regulations governing marriage, citizenship, inheritance, child protection, and land ownership in Indonesia. The study then collected secondary legal materials that discussed the doctrinal meaning and practical implications of these regulations. Legal materials were selected based on their relevance, authority, and contribution to the understanding of the legal issues examined in the study.

The collected legal materials were subsequently classified according to thematic categories, including legal status of children, mixed marriage regulations, citizenship principles, inheritance rights, and restrictions on land ownership for foreign nationals. This classification enabled the researcher to systematically examine the interaction between legal norms and to identify areas where legal interpretation was necessary to resolve doctrinal tensions between inheritance law and agrarian law.

Technique of Legal Analysis

The legal materials collected in this study were analyzed descriptively and normatively. Descriptive analysis was used to explain the content of legal provisions, doctrinal concepts, and statutory regulations relating to mixed marriages, citizenship, inheritance, and land ownership. Through descriptive analysis, the study systematically presented the legal framework governing the legal position of children born from mixed marriages and their inheritance rights under Indonesian law.

Normative analysis was subsequently applied to interpret the interaction among the relevant legal norms and to evaluate their juridical implications. The analysis focused on identifying the legal relationship between the child and the deceased parent, determining the child's position as an heir under the Indonesian Civil Code, and assessing how citizenship status affects the ability to retain inherited property. Particular attention was given to the distinction between inheritance entitlement and ownership capacity, especially in relation to ownership-title land restricted to Indonesian citizens under agrarian law.

The analysis was conducted through legal interpretation and systematic reasoning. Statutory provisions were interpreted in relation to one another in order to identify doctrinal consistency and resolve apparent legal tensions. The study therefore examined how Indonesian civil inheritance law recognizes foreign-national children as heirs while agrarian law simultaneously restricts foreign nationals from permanently holding ownership-title land. Through this

normative analytical process, the research formulated a coherent juridical conclusion that foreign-national children born from lawful mixed marriages retain inheritance rights under civil law, although the realization and enjoyment of inherited property remain subject to nationality-based restrictions under Indonesian agrarian law.

Result and Discussion

The Legal Position of Children in Mixed Marriages

The enactment of Law No. 12 of 2006 on Citizenship significantly transformed the legal position of children born from mixed marriages between Indonesian citizens and foreign nationals. Earlier citizenship arrangements emphasized paternal nationality and the principle of family legal unity, which often placed Indonesian mothers and their children in vulnerable legal positions when married to foreign nationals. Under the previous framework, children generally followed the citizenship of the father, creating practical difficulties when marital relationships ended or when children remained under the care of Indonesian mothers. Law No. 12 of 2006 introduced a more protective framework by recognizing limited dual citizenship for children born from mixed marriages (Budi et al., 2023). This reform reflects a shift from a purely state-centered understanding of citizenship toward a child-protection-oriented approach that prioritizes the best interests of the child within transnational family relations (Littlechild & Housman, 2023; Redmond & Martin, 2023).

The law applies several citizenship principles simultaneously, namely *ius sanguinis*, limited *ius soli*, single citizenship, and limited dual citizenship (Sihombing et al., 2022; SM & Masyayih, 2024; Wiraganti et al., 2024; Barbu & Cerbu, 2024). Through these principles, Indonesia attempts to balance state sovereignty over nationality with protection against statelessness and legal uncertainty. The recognition of limited dual citizenship is particularly important because children born from mixed marriages may otherwise face the risk of apatride or bipatride status. By postponing the obligation to choose a single citizenship until adulthood, the law provides children with temporary legal stability during their formative years. Nevertheless, the transitional nature of this arrangement also creates uncertainty because children must eventually choose one citizenship after reaching eighteen years of age or marriage, followed by a maximum three-year transition period. In practice, this process may generate administrative difficulties, particularly where families lack legal awareness or encounter bureaucratic barriers in immigration and civil registration procedures.

Although the citizenship framework strengthens legal protection for children, the study finds that its implementation remains imperfect. The requirement to select a final citizenship status may create legal vulnerability for children who inherit property or maintain social and economic ties in both countries. Administrative procedures concerning affidavits, citizenship registration, and immigration documentation are often complex and costly, particularly for families residing abroad or in jurisdictions with differing registration systems. The absence of clear sanctions and procedural uniformity regarding delayed citizenship selection may also create uncertainty regarding the child's civil status and property rights. Consequently, while the law successfully addresses the risk of statelessness, it does not fully resolve the long-term legal consequences of cross-border family relationships.

The legal position of children born from mixed marriages must also be understood within the broader framework of Indonesian family law. A child born from a valid marriage is categorized as a legitimate child and therefore possesses a civil relationship with both parents, including rights relating to parental care, legal representation, and inheritance. The validity of the parents' marriage is therefore a decisive preliminary issue because inheritance rights depend on the existence of a lawful civil relationship between the child and the deceased parent. This reflects

the private international law principle that family status and descent cannot be separated from the legal validity of marriage itself. Where marriage registration is incomplete or contested across jurisdictions, children may face evidentiary difficulties in proving lineage and legal status, particularly in inheritance disputes involving foreign legal documents or conflicting administrative systems.

The findings further show that parental authority remains closely connected to the legal protection of children in mixed marriages. Children who have not yet reached legal adulthood generally lack full legal capacity and therefore require representation by parents or guardians in legal and administrative matters, including inheritance management. This becomes particularly significant where inherited property involves land ownership or assets subject to nationality restrictions. In practice, disputes may arise concerning who has authority to administer inherited assets on behalf of a minor child, especially after divorce, remarriage, or international relocation. Indonesian law provides only limited procedural guidance regarding cross-border guardianship and representation in inheritance matters, creating potential uncertainty for children whose parents are subject to different legal systems.

The study therefore demonstrates that the legal status of children in mixed marriages cannot be understood solely through citizenship law. Their legal protection depends upon the interaction of citizenship law, family law, child-protection law, inheritance law, and administrative procedures. While Law No. 12 of 2006 represents substantial progress in recognizing and protecting children born from mixed marriages, significant practical and procedural gaps remain unresolved. These include inconsistencies in administrative implementation, limited coordination between legal institutions, and insufficient procedural safeguards for minors navigating citizenship transitions and cross-border inheritance disputes. Greater legal harmonization and clearer administrative guidelines are therefore necessary to strengthen legal certainty for children born from mixed marriages.

The Inheritance Rights of Children in Mixed Marriages under the Indonesian Civil Code

The study finds that inheritance rights under the Indonesian Civil Code are primarily determined by the existence of a lawful civil relationship between the child and the deceased parent rather than by nationality alone. A child born from a valid mixed marriage remains a legitimate heir as long as legal descent can be established through civil registration or other legally recognized evidence. This principle reflects the civil-law understanding that heirship arises from family relationship and legal status rather than citizenship affiliation. Consequently, foreign nationality does not automatically eliminate inheritance rights under Indonesian civil inheritance law (Suwarta et al., 2022; Limbong, 2025; Rahmawan & Djaja, 2026).

Under the Indonesian Civil Code, inheritance opens upon death pursuant to Article 830, and heirs immediately obtain rights and obligations relating to the estate through the doctrine of *le mort saisit le vif*. Children belong to the first class of heirs under Article 852 and inherit equally without distinction based on sex or birth order. This framework demonstrates that Indonesian inheritance law maintains the principle of equality among legitimate children. The study therefore confirms that a child born from a mixed marriage retains inheritance rights even after choosing foreign nationality under Law No. 12 of 2006. This distinction between citizenship status and inheritance status constitutes one of the central doctrinal findings of the research because it separates public-law nationality regulation from private-law inheritance entitlement.

However, the study also demonstrates that inheritance rights become legally complex when inherited assets include ownership-title land regulated under Indonesian agrarian law. Article 21 of Law No. 5 of 1960 on Basic Agrarian Principles restricts ownership rights over land exclusively to Indonesian citizens. A foreign national who acquires ownership-title land

through inheritance is required to release or transfer that right within one year. This rule creates a significant tension between civil inheritance law, which recognizes the foreign-national child as a lawful heir, and agrarian law, which prohibits permanent ownership of certain inherited assets by foreign nationals.

The doctrinal distinction between the right to inherit and the capacity to retain inherited property is therefore essential. Indonesian law does not prohibit foreign-national children from inheriting property; rather, it limits their ability to maintain ownership over assets specifically reserved for Indonesian citizens. In practice, this means that a foreign-national heir may receive the economic value of inherited land through sale proceeds, compensation, transfer mechanisms, or conversion into another legally permissible land right. This interpretation preserves both the equality principle within inheritance law and the sovereignty principle underlying Indonesian land law.

Despite this doctrinal coherence, the study identifies several unresolved practical and procedural problems. The law clearly requires foreign heirs to release ownership-title land within a specified period, but it provides limited procedural guidance regarding valuation methods, transfer mechanisms, tax consequences, and dispute resolution processes. Inheritance disputes may therefore arise when heirs disagree regarding property valuation, sale procedures, or distribution of proceeds. Minor heirs may face even greater difficulties because they lack full legal capacity and must rely on guardians or parents to manage inherited assets during the citizenship transition period. Indonesian legislation does not comprehensively regulate how guardianship authority should operate when inheritance disputes involve cross-border family structures or conflicting foreign legal systems.

The absence of clear implementation procedures also creates uncertainty within notarial and administrative practice. Notaries, land offices, immigration authorities, and civil registries may apply differing interpretations concerning the status of foreign-national heirs, required documentation, and deadlines for property transfer. This inconsistency may prolong inheritance disputes and increase legal costs for families. In several practical situations, families may delay inheritance settlement because citizenship status remains unresolved or because inherited land cannot immediately be transferred to an eligible Indonesian citizen. Such conditions weaken legal certainty and potentially expose heirs to the risk of losing ownership rights after expiration of the statutory time limit.

Another limitation identified in this study is the relative absence of judicial guidance concerning inheritance disputes involving mixed marriages. Indonesian courts have not yet produced a sufficiently consistent body of jurisprudence clarifying how inheritance law, citizenship law, and agrarian law should interact in complex cross-border family cases. As a result, legal interpretation remains heavily dependent on doctrinal reasoning rather than stable judicial precedent. This condition increases the possibility of inconsistent decisions and uneven legal protection for foreign-national children inheriting property in Indonesia.

The study also finds that existing regulations do not adequately address the broader socio-legal realities of transnational families. Contemporary mixed marriages frequently involve international mobility, dual residence, overseas education, foreign property ownership, and cross-border inheritance arrangements. However, Indonesian legal regulation remains primarily oriented toward domestic legal relationships. This creates a gap between the evolving realities of transnational family life and the relatively rigid nationality-based structure of agrarian law. While the nationality restriction on land ownership reflects legitimate constitutional and sovereignty concerns, the absence of more flexible procedural mechanisms may create disproportionate burdens for children who maintain strong familial and economic connections with Indonesia despite foreign nationality status.

For this reason, the study recommends several reforms to improve legal certainty and procedural fairness. First, clearer implementing regulations are needed concerning valuation procedures, transfer mechanisms, and deadlines for inherited land owned by foreign-national heirs. Second, administrative coordination between civil registries, immigration offices, notaries, and land agencies should be strengthened to reduce bureaucratic inconsistency. Third, special procedural protections should be developed for minor heirs undergoing citizenship transition processes, including judicial supervision of guardianship and inheritance administration. Finally, Indonesian legal scholarship and judicial practice should further develop jurisprudential guidance concerning cross-border inheritance disputes involving mixed marriages in order to ensure greater consistency and predictability in future cases.

Overall, the findings demonstrate that Indonesian law provides meaningful inheritance protection for children born from mixed marriages while simultaneously preserving nationality-based restrictions on ownership-title land. The study's principal contribution lies in clarifying that foreign nationality does not eliminate heirship status under civil law, although it may restrict the form in which inherited property can legally be retained. At the same time, the research reveals that significant procedural and institutional gaps remain unresolved. Addressing these weaknesses is essential for ensuring that the legal protection formally recognized under Indonesian law can also function effectively in practice within increasingly transnational family relationships.

Conclusion

This study concludes that children born from valid mixed marriages possess lawful inheritance rights under the Indonesian Civil Code regardless of whether they later choose foreign nationality. The determining factor in inheritance entitlement is the existence of a lawful civil relationship between the child and the deceased parent rather than citizenship status alone. Through Law No. 12 of 2006 on Citizenship, Indonesia introduced limited dual citizenship for children born from mixed marriages, thereby strengthening legal protection and reducing the risk of statelessness and discriminatory treatment in transnational family relations. The law allows children to maintain dual citizenship temporarily until adulthood, after which they must choose one nationality within the legally prescribed period. The findings further demonstrate that Indonesian inheritance law maintains the principle of equality among legitimate heirs. Children born from mixed marriages therefore remain heirs in the first degree under the Civil Code and are entitled to inherit from their parents. However, the study also identifies important limitations arising from Indonesian agrarian law. Although foreign-national children may inherit property, they cannot permanently retain ownership-title land because such rights are reserved exclusively for Indonesian citizens under Law No. 5 of 1960 on Basic Agrarian Principles. Consequently, the law distinguishes between the legal right to inherit and the legal capacity to retain certain inherited assets. This study also reveals continuing procedural and administrative challenges, including uncertainty in land-transfer mechanisms, valuation of inherited property, citizenship-transition procedures, and protection for minor heirs. Accordingly, clearer implementing regulations, stronger institutional coordination, and more consistent legal guidance are necessary to ensure effective legal protection for children involved in cross-border inheritance disputes arising from mixed marriages.

References

- Abdul, R. (2023). Refusal of The Inherited to The Transfer of Inheritance Rights to Land Charged With Guarantee Rights. *REFUSAL OF THE INHERITED TO THE TRANSFER OF INHERITANCE RIGHTS TO LAND CHARGED WITH GUARANTEE RIGHTS*, 4(6), 80-86.

- Adekile, O. M. (2024). Family Law and Marriage: Definitions, Sources, Functions and Theories. *Sources, Functions and Theories (October 01, 2024)*.
- Ahmad, N. R. (2026). AI-enabled public governance in developing states: Service delivery gains, accountability risks, and a practical riskbased regulatory model. *Lex Localis*, 24(S1), 99-117.
- Alijana, E. H. (2026). Marriage from the Perspective of Child Protection Law and Human Rights. *Annujum: Journal of Humaniora and Law*, 2(1), 1-10. <https://doi.org/10.63738/annujum.v2i1.25>
- Andiani, K. (2024). From Vows to Misery: Unveiling the Legal Struggle and Human Rights Dimensions Against Child Marriage in Indonesia.
- Antikowati, A., Ulum, M. B., Soetijono, I. R., & Nugraha, R. W. (2023). Globalisation and Indonesia's demand for dual citizenship: Problems and alternatives. *Legality: Jurnal Ilmiah Hukum*, 31(1), 42-58. <https://doi.org/10.22219/ljih.v31i1.24683>
- Antoni, M. A., Rahmatiar, Y., & Abas, M. (2024). Legal protection for heirs against the transfer of land ownership rights through underhand sales and purchase agreements without the knowledge of the heirs (study decision number 41/pdt. g/2020/pn cell). *Journal of Law, Politic and Humanities*, 4(4), 701-708. <https://doi.org/10.38035/jlph.v4i4.416>
- Ariartha, I. N. W., & Kurniawan, I. G. A. (2023). THE RIGHT TO INHERIT CHILDREN IN MIXED MARRIAGES BETWEEN BALINESE AND FOREIGN NATIONALS. *NOTARIIL Jurnal Kenotariatan*, 8(2), 62-72. <https://doi.org/10.22225/jn.8.2.2023.62-72>
- Astriani, S. (2025). A Legal Analysis of Child Protection against Domestic Violence. *Indonesian Journal of Law and Humanities*, 1(01), 33-41.
- Baker, K. K. (2023). Where Do Families Come From? The Law of Family Definition. *BYU L. Rev.*, 49, 1249.
- Barbu, I. S. G., & Cerbu, A. D. (2024). European Landmarks Regarding the Citizenship. *Bulletin of the Transilvania University of Brasov. Series VII, Social Sciences and Law.*, 17(2), 325-336.
- Budi, K. P., Anand, G., Septiningrum, S. Y., Rahmat, N. E., & Nugraha, X. (2023). Adjudicating joint property dispute in islamic jurisprudence: balancing the best interests of the child with a focus on residency. *Syariah: Jurnal Hukum Dan Pemikiran*, 23(2), 245-266. <https://doi.org/10.1177/0192513X211054461>
- Carbone, J., & Huntington, C. (2024). Fatherhood, family law, and the crisis of boys and men. *Columbia law review*, 124(7), 2153.
- Farhi, F., Jeljeli, R., Aburezeq, I., Dweikat, F. F., Al-shami, S. A., & Slamene, R. (2023). Analyzing the students' views, concerns, and perceived ethics about chat GPT usage. *Computers and Education: Artificial Intelligence*, 5, 100180.
- Feronica, F. (2025, February). Application of Child Protection Principles to Prevent. In *Proceedings of the 2nd International Conference on Changing of Business Law (ICOCLB 2024)* (p. 172). Springer Nature.
- Gaol, S. L. (2024). Division of inheritance and will: First marital children, second marital wife (literature legal review). *Journal of Law, Politic and Humanities*, 4(3), 258-267. <https://doi.org/10.38035/jlph.v4i3.346>

- Huntington, C. (2022). The Institutions of Family Law. *BUL Rev.*, 102, 393.
- Kumar, D., & Suthar, N. (2024). Ethical and legal challenges of AI in marketing: an exploration of solutions. *Journal of Information, Communication and Ethics in Society*, 22(1), 124-144.
- Leticia, J., & Hadiati, M. (2025). Status of Property Assets in Marriages Without a Prenuptial Agreement from the Perspective of the Civil Code and the Marriage Law: A Review of Supreme Court Decision No. 2981 K/Pdt/2024. *Academia Open*, 10(2), 10-21070.
- Limbong, R. (2025). A legal perspective on inheritance of joint property: a comparative analysis of various legal systems. *Legal Frontier*, 1(1), 11-18.
- Limbong, R. (2025). A legal perspective on inheritance of joint property: a comparative analysis of various legal systems. *Legal Frontier*, 1(1), 11-18.
- Littlechild, B., & Housman, C. (2023). Applying Universal Principles of ‘Best Interest’: Practice Challenges across Transnational Jurisdictions, Cultural Norms, and Values. *Children*, 10(3), 537. <https://doi.org/10.3390/children10030537>
- Marsiani, Y. T., & Suryoutomo, M. (2023, April). The Concept of Civil Law in the Renewal of the Law of People, Family, and Marriage in the Frame of Pancasila (Perspectives. In *Proceedings of the International Conference On Law, Economics, and Health (ICLEH 2022)* (Vol. 723, p. 447). Springer Nature.
- Nukusheva, A. A., Kuandykov, B. Z., & Zhailau, Z. (2024). FEATURES OF INHERITANCE BY LAW: COMPARATIVE LEGAL ANALYSIS. *Scientific and legal journal «Bulletin of the Institute of Legislation and Legal Information of the Republic of Kazakhstan»*, 3(78). https://doi.org/10.52026/2788-5291_2024_78_3_102
- Nurjanah, S., Santoso, D., Fatarib, H., Jalil, M., & Murdiana, E. (2022). Lessons Learned From Child Protection Rights in Religion Paradigm and National Law. *Journal of Social Studies Education Research*, 13(1), 237-258.
- Ohoiwutun, Y. A. (2023). Forensic Approach to Optimise Children's Right to Opinion in Indonesian Courts. *Lentera Hukum*, 10, 45.
- Pane, E., & Yanis, A. M. (2025). Child-free in the Perspective of Positive Law in Indonesia. *KnE Social Sciences*.
- Puspita, M., Meidina, A. R., & Zainab, Z. (2022). Implications of Mixed Marriages and Marriage Agreements. In *International Conference on Islamic Studies (ICIS)* (pp. 1133-1147).
- Putra, D., Kasman, K., Harahap, S. M., Faza, A. M., Nasution, L. A., & Affan, L. M. (2025). From Conception to Childhood: The Evolution and Significance of Children's Human Rights. *Khazanah Hukum*, 7(3), 370-391.
- Rahmawan, E. N., & Djaja, B. (2026). Effectiveness of the Mechanisms for Transferring Inherited Land to Heirs Who Are Foreign Nationals. *JiHK*, 7(2), 958-970. <https://doi.org/10.46924/jihk.v7i2.356>
- Ramadhana, W., Isnainu, O. K., Adawiyah, R., Prasetyo, M. A., Sunarto, A., & Simanjuntak, S. S. (2024). Protection against heirs who make transactions of sale of inheritance land without the consent of other heirs according to law (Study Putusan 70/PDT. 6/2006/PN. MDN). *Journal Equity of Law and Governance*, 4(1), 147-154. <https://doi.org/10.22225/elg.4.1.9640.147-154>

- Redmond, M., & Martin, B. (2023). All in the (definition of) family: transnational parent–child relationships, rights to family life, and Canadian immigration law. *Journal of Family Issues*, 44(3), 766-784. <https://doi.org/10.1177/0192513X211054461>
- Shoimah, S. N., & Uyun, F. R. (2025). Children of Marriages Between Indonesian Citizens and Rohingya: What Are Their Inheritance Rights?. *Al-Syakhsiyyah: Journal of Law and Family Studies*, 7(1), 27-46. <https://doi.org/10.21154/syakhsiyyah.v7i1.10373>
- Sihombing, E. N., Widati, S., & Hadita, C. (2022). Limited Dual Citizenship Age Limit. *Law and Humanities Quarterly Reviews*, 1(3).
- SM, A. S. H., & Masyayih, A. A. (2024). Legal Certainty of Determination of Dual Citizenship for Children of Mixed Marriages. *Journal of Iuridica Pancasila*, 1(1), 25-31.
- Soesetyo, S. (2024). Mixed marriages in Indonesia and citizenship issues: A call for dual citizenship reform for children from mixed marriages. *Jurnal Ilmu Hukum Tambun Bungai*, 9(1), 462-471. <https://doi.org/10.61394/jihtb.v9i1.348>
- Solikin, N., & Wasik, M. (2023). The Construction of Family Law in the Compilation of Islamic Law in Indonesia: A Review of John Rawls's Concept of Justice and Jasser Auda's Maqashid al-Shari'a. *Ulumuna*, 27(1), 315-340. <https://doi.org/10.20414/ujis.v27i1.708>
- Sugiasuti, N. Y., Rudyanto, B., & Dancar, A. (2025). International Civil Law Aspects of International Marriage: A Comparative Perspective of Indonesian and Japanese Law. *Jambura Law Review*, 7(1), 105-126.
- Suwarti, S., Khunmay, D., & Abannokovya, S. (2022). Conflicts occurring due to the application of different legal inheritance systems in Indonesia. *Legality: Jurnal Ilmiah Hukum*, 30(2), 214-227. <https://doi.org/10.22219/ljih.v30i2.21020>
- Tutuko, B. (2024). Legal Protection of Child Victims of Prostitution and its Contribution to the Development of Child Protection Law in Indonesia. *SMART: Journal of Sharia, Traditon, and Modernity*, 50-65.
- Usman, M., Abdullah, A., Kafrawi, K., & Jafar, M. (2024). The Role of Customary Law in Family Resilience and Divorce Prevention: Phenomenological Studies in Indonesia. *Al-Istinbath: Jurnal Hukum Islam*, 9(2), 823-840.
- Wardi, U., Yaswirman, Y., Ismail, I., & Gafnel, G. (2024). Comparative analysis of Islamic family law and customary law in the settlement of inheritance disputes in Indonesia. *Hakamain: Journal of Sharia and Law Studies*, 3(1), 13-25.
- Werang, N. P. L., & Werang, M. L. F. (2026). Evaluation of child protection case in Indonesia: Exploring barriers and policy directions. *Journal of Gender Equality Disability Social Inclusion and Children*, 3(2), 118-131. <https://doi.org/10.61511/jgedsic.v3i2.2026.2191>
- Wiraganti, R. W., Fatmawati, Y., Amelia, L., Hakim, L., & Putera, M. L. S. (2024). Evaluation the effectiveness of implementation of Law No. 12/2006 concerning Citizenship. *Innovative: Journal Of Social Science Research*, 4(6), 3078-3093. <https://doi.org/10.31004/innovative.v4i6.16654>
- Yusrizal, M. (2024). Legal Protection of Citizenship of Children Born from Mixed Marriages. *International Journal Reglement & Society (IIRS)*, 5(1), 102-109.