

## ABSTRACT

This research aims to determine the basic consideration of Constitutional Court judge to make marriage agreement after marriage post the Constitutional Court Decision No. 69/PUU-XIII/2015. This research is normative juridical research and studied by the approach of legislation which means that a problem will be seen from its legal aspect and by reviewing the legislation and then relating it to the problem discussed. Normative legal research method is a method used in legal research conducted by examining library materials. The result of the research shows that the Basis consideration of Constitutional Court judge to make marriage agreement after marriage post the Constitutional Court Decision No. 69/PUU-XIII/2015 namely: The existence of freedom of contract contained in 1338 Civil Code based on the agreement and good faith of both parties husband and wife; this is reinforced by Article 28E Paragraph (2) of the 1945 Constitution, everyone is entitled to freedom of belief, expressing thoughts and attitudes, according to his conscience; The purpose of marriage under Article 1 of Law No. 1 of 1974 on 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 and the property in marriage according to Article 35 Paragraph (1) Law No. 1 of 1974 mentioned that the property acquired during the marriage became a joint property.

**Keywords:** Basic Consideration of Judge, Marriage Agreement, Constitutional Court.