

## CHAPTER V

### CONCLUSION AND SUGGESTION

#### A. Conclusion

The basis of Constitutional Court Judge's consideration to make a marriage agreement after the Constitutional Court Decision No. 69/PUU-XIII/2015 are:

1. There is freedom of husband and wife in making marriage agreements after marriage in managing a joint property in accordance with Article 1338 of the Civil Law;
2. To achieve marital goals, a husband and a wife must help and complement each other, develop their personality and help to achieve prosperity. This is in accordance with Article 1 of the Marriage Law that the purpose of marriage is to form a happy and eternal family or household based on the God Almighty; and
3. In the managing of joint property, the property obtained by the husband and wife during marriage become joint property. Included in it is that one party manages his/her own property, so that the property of each party is protected. It is because property is one of the factors that can cause a variety of disputes or tensions in a marriage, and even can eliminate harmony between husband and wife in the life of a family.

**B. Suggestion**

The Constitutional Court Decision No. 69/PUU-XIII/2015 still requires a clearer arrangement regarding the making of marriage agreements after marriage to avoid confusion and controversy from various circles regarding the making of marriage agreements after marriage. There should be an amendment regarding Article 29 of the Marriage Law.

The need for socialization for husband and wife who make marriage agreements after marriage by submitting a separate property application or filing a lawsuit. In the case between husband and wife, there is no conflict related to his desire to separate property after marriage then one party applies to the Religious Court for those who are Muslim and the District Court for those who are non-Muslims. In the event of a conflict, one of the parties submits a Muslim suit to the Religious Court and the non-Muslim to the District Court.