

Abstract

The aim of the study is to contribute the conceptual scheme about the status of wife citizenships in mixed marriage, the study analyses the status of wife citizenships in mixed marriage according to positive law in Indonesia, as well as analyses the organizing wife citizenships of mixed marriage with women rights.

The study is normative one in nature, which is examined from primary and secondary laws.

The results as follow:

1. Act no. 3 tahun 1946 uses unity principle of absolute law (section 2, article 1). The regulation of mixed marriage being used is stb 1898 No. 158. Act no. 62 tahun 1958 employs unity principles of law in which adopt patriarchal 158; latter in 1975 is Act no. 1 tahun 1974. The rough concept of RUU citizenships employs the principles of law unity in which parity between the husband and wife occurs, the regulation for mixed marriage being used is Act no. 1 tahun 1974 (provided that no revision or replacement occurs). The weakness of this law unity arises smuggled laws as quasi marriage as in Patricia-Jamiludin marriage.
2. The rights of wife citizenships as women rights, not as particularly ordered in second amendment of UUD 1945, the human rights are only set as general. The Act no. 7 tahun 1984 organizes citizenships right of wife in section 9 article (1), while Act no. 39 tahun 1999 sets up the citizenship right of wife in section 47 which is an justification from section 9 article (1) of Women Convention. The status of wife citizenships in mixed marriage. section 2 and section 14 of Act no. 3 tahun 1946 are in contradiction with section 9 article (1) of Women Convention and section 47 of Act no. 39 tahun 1999. Section 9 article (1) and (2) are in contradiction with section 9 article (1) of Women Convention, and section 47 of Act no. 39 tahun 1999. The rough cocept of RUU citizenships – the section which are related to wife citizenships in mixed marriage – are no in contradiction with section 9 article (1) of Women Convention and section 47 of Act no. 39 tahun 1999.

Keywords of The Status Wife Citizenships: wife's status toward husband citizenships, dependent or independent.