

Corruption and Marriage Agreements Legal Analysis of Property Ownership

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Article Info

Received: 2024-09-10

Revised: 2024-12-21

Accepted: 2025-03-15

Keywords:

Corruption, Marriage,
Property Ownership

Abstract

Major corruption cases such as the Bank Century, e-KTP, Tambang and BLBI scandals are examples of how corruption can involve high-ranking officials and cost the state trillions of rupiah long marriage Agreement made by a husband and wife before or during marriage which regulates the Purpose of the Marriage Agreement Regulates separation or division of assets acquired during and before marriage. Prevent disputes related to assets in the event of divorce, corruption or death of one of the partners. The research method used is Normative Juridical. Separation of Assets Based on the Marriage Agreement. Assets are based on Article 29 of Law Number 1 of 1974 concerning Marriage and Articles 119-131 of the Civil Code. Relationship with Assets Assets obtained from corruption can be confiscated by the state if they are proven to be related to a criminal act. Legal Responsibility If one spouse is involved in a corruption case, the assets obtained from the corruption act can be separated from the assets of the other spouse who is not involved.

I. Introduction

Corruption in Indonesia is a problem that has long existed and continues to be a serious concern in various sectors, including government, business and society. The following is a general overview of corruption in Indonesia, its causes, impacts, and efforts to eradicate it. Overview of Corruption in Indonesia. Corruption in Indonesia includes various types, such as budget corruption, misuse of government funds for personal or group gain(Waluyo, B. (2022). Project Corruption Tender manipulation or inflated government project costs. Bribery Giving or receiving money to influence an official's decision. Gratification Receiving gifts or facilities by officials related to their position. Money Laundering Efforts to hide the origin of money resulting from corruption(Kumorotomo, W.

(2007, June). Major corruption cases such as the Century Bank, e-KTP, and BLBI scandals are examples of how corruption can involve high-ranking officials and cost the state trillions of rupiah (Istiyanto, R., Idham, I., & Fadlan, F. (2021).

Corruption is a criminal act that is detrimental to the state and society, while a marriage agreement is a legal instrument used to regulate assets in a marriage (Rahadini, E. (2021). This discussion aims to analyze how marriage agreements play a role in protecting the property ownership of couples who are not involved in corruption and the legal consequences that arise. Analyze the legal consequences of corruption committed by one of the spouses on the assets they own, as well as how marriage agreements can affect the legal status of these assets. Analyze several relevant cases, both in Indonesia and abroad, regarding the relationship between marriage agreements and the confiscation of related assets criminal acts of corruption (Akbar, M. (2023). For example, whether a marriage agreement can protect the assets of a partner who is not involved in corruption(Akbar, M. (2023).

The high divorce rate in Indonesia is a social phenomenon. Data from the Central Statistics Agency (BPS) recorded 447,743 cases of divorce throughout 2021. The figure jumped 53.5 compared to 2020. With this social phenomenon, marriage agreements have become a topic that frequently appears in public spaces. Because when a divorce occurs, the potential for conflict that arises between husband and wife is usually high. Whether the distribution of assets is shared or the inheritance of children. But what if the husband commits corruption, what will be the impact on the assets obtained during the marriage?

An agreement made by a husband and wife before or during marriage that regulates the purpose of the Marriage Agreement. Regulates the separation or distribution of assets acquired during and before the marriage. Prevent disputes regarding assets in the event of divorce, corruption or death of one of the partners (Awaludin, A., & Waluyo, B. (2023). Corruption is the abuse of position or authority for personal gain, as regulated in Law Number 31 of 1999 which has been amended by Law Number 20 of 2001 concerning the Eradication of Corruption Crimes.

2. Research Method

This research method uses a statutory and regulatory approach. The type of research in this research is Normative Juridical Law Number 31 of 1999 concerning the Eradication of Corruption Crimes Law Number 20 of 2001 concerning Amendments to Law 31-1999 concerning the Eradication of Corruption Crimes Law Number 30 of 2002 concerning the Eradication Commission Corruption Crimes and origin 139 to Article 185 of the Civil Code (Personal Code)

Article 29 Law Number 1 of 1974 concerning Marriage Constitutional Court Decision Number 69/P UU-XIII/2015. Results and Discussion

A. The Impact of Corruption on Spouse's

Assets Efforts to Eradicate Corruption Indonesia has made various efforts to eradicate corruption. Anti-Corruption Institution Corruption Eradication Commission (KPK) is an independent institution tasked with handling major corruption cases. Prosecutor's Office and Police Law enforcement by state institutions. Policies and Regulations Law Number 31 of 1999 concerning Eradication of Corruption Crimes, which was updated with Law Number 20 of 2001. Increasing transparency through e-government and e-procurement systems. Anti-Corruption Education Education on the value of integrity in schools and campuses. Public awareness campaign about the dangers of corruption. Public Participation The public can report suspected corruption through platforms such as the State Officials' Wealth Report (LHKPN) and the KPK online reporting system (Wardojo, M. F. (2018). Challenges in Eradicating Corruption Political Pressure Efforts to eradicate corruption often face resistance from interest groups. Revision of the Corruption Eradication Commission Law. Several revisions are considered to weaken the Corruption Eradication Commission, such as the formation of a Supervisory Board. Low Law Enforcement. There is still the practice of "selective cutting" or light punishment for corruptors.

Corruption is a big challenge for Indonesia, but with collaboration between the government, society and international institutions, the eradication of corruption can continue to be strengthened. Corruption and marriage agreements are two different legal topics, but may intersect in certain situations, for example regarding the division of property or legal responsibilities. Here are some important points regarding both (HASIBUAN, N. H)

A marriage agreement is a written agreement between a husband and wife that is made before or after marriage and ratified by a notary, and registered in court in accordance with applicable regulations. In the context of Indonesian law, this agreement is regulated in Article 29 of the Marriage Law Number 1 of 1974 (which has been amended by Law Number 16 of 2019) and the Civil Code. Main Function Regulates the separation or unification of a couple's assets. The impact: With a marriage agreement, the assets owned by each party before or after marriage remain separate, so they are not mixed into joint assets (Ndraha, S., Daya, T. T., Silaban, R., & Nurita, C. (2025).

B. The Relationship Between Corruption and Marriage Agreements

Corruption is a criminal act that involves the abuse of authority for personal gain, violating Law Number 31 of 1999 which has been amended by Law Number 20 of

2001 concerning the Eradication of Corruption Crimes Juhaeni, J. (2021). Relationship with Assets Assets obtained from corruption can be confiscated by the state if they are proven to be related to a criminal act. Legal Responsibility If one spouse is involved in a corruption case, the assets obtained from the corruption act can be separated from the assets of the other spouse who is not involved. Separation of Assets Marital agreements can help spouses who are not involved in corruption to protect their assets from confiscation, as long as the assets are proven to be truly unrelated to the proceeds of crime. Proving the Origin of Assets In the corruption legal process, it is important to prove the origin of the assets. If there is a marriage agreement, this can clarify the property ownership of each party. Conflict Prevention This agreement can also minimize conflict if one of the partners faces legal problems. Assets Obtained from Corruption Assets obtained through corruption will be confiscated by the state based on applicable law. Confiscation of Joint Property If the marriage agreement does not regulate the separation of property, then joint property obtained during the marriage can be confiscated, even if it comes from the proceeds of a criminal act of one of the partners. Separation of Assets In marriage agreements that regulate the separation of assets, personal assets obtained by spouses who are not involved in corruption remain protected (PUTRA, G. G. G. M. (2017).

C. The Role of Marriage Agreements in Protecting Asset

Separation of Assets Based on the Marriage Agreement. Assets are based on Article 29 of Law Number 1 of 1974 concerning Marriage and Articles 119-131 of the Civil Code. Types of Marriage Agreements Separation of Assets Regulates that each spouse's personal assets remain separate. Joint Property Regulates assets acquired during marriage as joint property. Personal Property If the marriage agreement stipulates the separation of assets, then the assets acquired by each spouse (either before or after the marriage) will remain personal property and cannot be contested, even if the spouse is involved in a criminal act of corruption. Joint Property Property acquired during marriage and considered joint property can become a problem if one of the spouses is involved in corruption, because the property can be confiscated. The Importance of Proving the Origin of Assets In dealing with corruption cases, it is important to prove that the assets obtained during the marriage did not come from the proceeds of a criminal act. Couples who are not involved in corruption need to show documents that prove the origin of the assets and the division of assets through a marriage agreement.

Legal Consequences and Proof of Confiscation of Assets from Corruption Crimes Based on Article 18 of Law Number 31 of 1999, assets obtained from criminal acts of corruption will be confiscated by the state, including assets suspected of originating from these criminal acts. The Role of Marriage Agreements in

Avoiding Confiscation of Assets. Spouses who are not involved in corruption can avoid confiscation of assets by proving that the assets belong to them based on a valid marriage agreement. **Proof of Personal Assets** The evidence needed to separate personal assets can include legal documents (notarial deeds, proof of transactions, tax reports, etc.), as well as witnesses who can confirm the origin of the assets (Pranoto, A., Darmo, A. B., & Hidayat, I. (2019).

Marriage Agreement as an Instrument for Protection of Assets A valid marriage agreement has an important role in protecting a couple's personal assets from the legal consequences of criminal acts of corruption. **The Importance of Proof** Proving the origin of assets is key in avoiding confiscation of assets that are not related to criminal acts. **The need for legal education.** Couples involved in a marriage agreement must clearly understand the legal implications of criminal acts that may be committed by one of the partners (Nurnazli, N. (2019).

Causes of Corruption Corruption in Indonesia is caused by various factors, including the Culture of Patronage. Strong patron-client relationships in the political and bureaucratic systems. **Lack of Transparency.** Procurement and budget management processes are often not transparent. **Weak Supervision.** Ineffective internal and external monitoring systems. **Low Integrity.** Lack of Integrity. ethical and moral awareness among officials. **Weak Legal System** Inconsistent or selective law enforcement.

Impact of Corruption Corruption has various negative impacts, including, **State Losses,** Draining the state budget which should be for development. **Poverty and Inequality** Reducing people's access to public services, such as education, health and infrastructure. **Decreased Public Trust** Makes people lose trust in the government and state institutions. **Inhibition of Corruption Investment** creates legal uncertainty which makes investors doubtful. **Moral Degradation** Corruption erodes the values of integrity in society (Sukowati, P. (2011))

Marriage Agreement and Separation of Assets A valid marriage agreement generally regulates the separation of assets between husband and wife. Each individual's personal assets. Assets owned before the marriage and assets acquired after the marriage remain the property of each. There are no joint assets. There are no joint assets because all assets are separated. If the husband is involved in corruption, the husband's assets are proven to originate from corruption and can be confiscated by the state as part of law enforcement. **Wife's Assets:** Wife's assets that are not related to the proceeds of the husband's corruption generally cannot be confiscated, because ownership is clear according to the marriage agreement (Edlynafitri, R. S. (2015).

Legal Impact on Wife If the wife is not involved in the crime of corruption Not

Legally Responsible The wife will not be held accountable for her husband's actions. **Protecting the Wife's Property** With a marriage agreement, the wife's property that is not related to the proceeds of corruption is legally protected. However, if there is no marriage agreement **Joint Property Can Be Confiscated** Property that is considered joint property can be confiscated by the state if it is proven to originate from a crime. **Burden of Proof** The wife may have to prove that certain property is hers alone, not part of the joint property.

The Role of Marriage Agreements in Corruption Cases Marriage agreements are a powerful legal tool to protect the rights of wives or husbands who are not involved in corruption, provided that the agreement is legally valid (made before or during the marriage, notarized, and registered in court). The assets managed are completely separate in accordance with the marriage agreement (Pratama, Y. (2021).

Challenges in the Practice of Proving the Origin of Assets If there is a legal dispute, the court can ask for proof of the origin of the assets, whether they are the result of corruption or not. **Court Assessment** If the marriage agreement is considered only to protect assets from corruption after a crime has occurred, the court can annul it on the grounds of abuse of law (Melati, D. P. (2022).

Steps to Take If You Face a Situation Like This **Legal Consultation** Ask for legal assistance to ensure legal protection for the uninvolved wife or husband. **Asset Documentation** Keep supporting documents to prove the origin of separate assets. **Comply with Legal Procedures** Follow the applicable legal process, including reporting assets through the LHKPN (State Officials' Wealth Report) if it relates to officials.

Legal Basis Governing Marriage Agreements and Their Implications for the Wife's Property. Marriage Agreement Legal Basis Article 29 of Law Number 1 of 1974 concerning Marriage (which has been amended by Law Number 16 of 2019). Articles 119-131 of the Civil Code (KUH Perdata). Contents of Article 29 of the Marriage Law A marriage agreement must be agreed to by both parties. This agreement regulates the assets brought and assets obtained by each party during the marriage. The agreement must be made before or during the marriage before a notary and registered with the court. Law on the Eradication of Criminal Acts of Corruption Legal Basis Law Number 31 of 1999 as amended by Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption. Article 18 of Law Number 31 of 1999 allows for the confiscation or seizure of assets resulting from criminal acts of corruption (Ahyani, S. (2018).

Principle of Separation of Property If the marriage agreement is valid, the wife's independently acquired property will not be mixed with the husband's property,

so that the wife's property cannot be confiscated if it is not proven to be related to corruption. This protection depends on proof that the property comes from the wife's income or sources. Legal Implications for Wife's Property Protected Wife's Property Brought Property Property owned by the wife before marriage and stated in the marriage agreement remains her right. Property Acquired After Marriage If the wife obtains property through her own work or business, the property will not be confiscated, as long as the marriage agreement regulates the separation of property.

Assets That Can Be Confiscated If the assets owned by the wife are proven to originate from the husband's criminal acts of corruption, even though they are formally separate, the assets can still be confiscated by the state. **How to Prove Wife's Assets Ownership Documents** Land certificates, vehicle documents, bank accounts, and other evidence of transactions that show that the assets are owned or obtained by the wife independently (Antara, D. P. (2024).

Source of Income Proof of income or business that is the source of the assets, such as pay slips, business financial statements, or employment contracts. **Separation of Financial Administration** Bank accounts or financial documents that show that the wife's finances are managed independently, not mixed with the husband's finances. **Witness testimony** that can support the claim that the assets were obtained without any connection to the husband's corrupt actions (Manafe, J. D., Nino, I. J., & Setyorini, T. (2018).

Legal Consequences for Wife's Assets If Assets Are Proven to be Separate The state cannot confiscate assets originating from the wife, because the marriage agreement protects the separation of assets. If there is an Allegation that the Assets are Related to Corruption, the state can carry out temporary confiscation. The wife must prove that the assets are not related to acts of corruption.

Steps a Wife Can Take Check the Validity of the Marriage Agreement Make sure the marriage agreement is legally made before a notary and registered in court. **Prepare Proof Documents** Collect documents related to the origin of the wife's assets to avoid potential disputes. **Consult a Lawyer** If there is an alleged seizure of assets, immediately consult a lawyer for legal assistance. **Cooperate with Law Enforcement** Cooperate in the investigation to prove that the wife is not involved in corruption or hiding the proceeds of corruption (Andhika, N. A. (2022).

4. Conclusion

A marriage agreement is made to separate and protect the assets of one of the partners in the event of corruption, Assets That Can Be Confiscated If the assets owned by the wife are proven to originate from the husband's criminal acts of corruption, even though they are formally separate, these assets can still be

confiscated by the state.

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