

CONSTITUTIONAL COURT RULING ON PRENUPTIAL AGREEMENT

The Constitutional Court on 27 October 2016 ruled on a judicial review application of Articles 21 (1) and (3) and 36 (1) of Law No. 5 of 1960 on Basic Provisions on Agrarian Principles (“**Agrarian Law**”) and Articles 29 (1), (3) and (4) and 35 (1) of Law No. 1 of 1974 on Marriage (“**Marriage Law**”) through ruling No. 69/PUU-XIII/2015.

The court concluded that a prenuptial agreement may be entered into before, at the time of, or after the marriage takes place. The agreement may only be amended or revoked by agreement of both parties and as long as it does not prejudice any third party. A prenuptial agreement is effective as of the marriage having taken place unless determined otherwise under the prenuptial agreement.

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