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International mixed marriage in Indonesia and ASEAN

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STELLINGEN / PROPOSITIONS

1. Marriage includes not only the marriage, but also the entire course of the marriage up to and including the dissolution of the marriage. It also covers local culture, tradition, religion and customs.
2. Marriage has more aspects than the legal aspect. This should be taken into account when interpreting marriage regulations.
3. ASEAN, as the inter-governmental cooperation amongst ASEAN Countries, has a vision to create an ASEAN Community, that has One Vision, One Identity, One Community. Such vision is absolutely necessary as a basis for common ASEAN conflict rules.
4. The current discrepancies of marriage regulations in ASEAN Member States prevents a unified conflict of laws rule on marriage. However, it does not reject the possibility of marriage recognition in other ASEAN Member States territory.
5. Marriages with foreign elements should be covered by Private International Law. Marriages between persons from different internal legal systems in one and the same State, which occur within several ASEAN Member States, are governed by rules of domestic interpersonal law.
6. ASEAN Member States need an agreed and accepted methodology of Private International Law, in particular regarding the international family in order to accelerate the agreement on unified conflict of rules in that area.
7. Within the area of freedom, justice sought by ASEAN, citizens carrying out cross-border activities may expect arrangements to be made containing the coordination of national family law systems in favour of legal certainty.
8. The “unity in diversity” and “ASEAN Way” remain useful in ASEAN Member States in such a way to achieve the unification of international family law.
9. Marriage is carried out based on good-faith and holy intention of the parties to build a household.
10. The English translation of the relevant regulations of ASEAN Member States on international family law reflects the purpose of the original provisions.