

Implementation of Marriage Agreements in Resolving Property Conflicts with Husband and Wife

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Abstract. *This study aims to analyze the implementation of marriage agreements in resolving joint property disputes between husband and wife at the Gorontalo Religious Court and identify obstacles and their solutions. The research method used is empirical legal research with a qualitative approach, through literature studies, observations, in-depth interviews with judges and clerks, and document analysis of 37 decisions in joint property cases in 2020–2024. The results of the study indicate that the implementation of marriage agreements is realized in the form of a peace deed through mediation, such as in Case Number 689/Pdt.G/2022/PA.Gtlo. However, its implementation is still low because the majority of cases are resolved through litigation with a 50:50 division based on Article 97 of the Compilation of Islamic Law, although there are two decisions that deviate from the proportional division (2/3 and 1/3) based on the wife's contribution. The main obstacles include: (1) legal structure, namely the less than optimal role of mediators and the dominance of the litigation process; (2) legal substance, namely general and unclear norms regarding marriage agreements; (3) legal culture, namely the taboo perception in Gorontalo society regarding marriage contracts. The solutions offered are optimizing mediation, prioritizing non-litigation resolution, improving legal norms, strengthening marriage contract norms, and socializing through local cultural channels such as the Tolobalango traditional procession. This study concludes that marriage contracts have the potential to be an effective preventive and resolute instrument if supported by institutional strengthening, certainty of norms, and a paradigm shift in legal culture.*

Keywords: Agreement; Culture; Marriage; Mediation; Property.

1. Introduction

Marriage in the Indonesian legal system is a physical and spiritual bond between

a man and a woman as husband and wife with the aim of forming a happy and eternal family based on the One Almighty God (Law No. 1 of 1974, Article 1). However, in social reality, maintaining harmony and the sustainability of a marriage is not easy, many problems and obstacles accompany it, which can lead to the dissolution of the marriage bond (Suryani & Hidayat, 2022). Data from the Gorontalo Religious Court for 2020–2024 shows a significant trend of divorce with a total of 3,304 cases, which are then often followed by disputes over joint property as a legal consequence of the dissolution of the marriage. One legal instrument designed to anticipate and resolve potential conflicts over joint property is a prenuptial agreement. Under Indonesian positive law, prenuptial agreements are regulated by Article 29 of the Marriage Law in conjunction with Constitutional Court Decision No. 69/PUU-XIII/2015, which broadens their scope to include drafting before or during marriage and legalization by a notary. This agreement serves a preventive function and provides legal certainty for the parties.

However, preliminary research indicates that the practice of prenuptial agreements in Gorontalo society is still very minimal. Based on observations of 10 joint property cases at the Gorontalo Religious Court, none of the parties were found to have entered into a prenuptial agreement. This phenomenon is interesting to study further, given the potential of prenuptial agreements to reduce conflict and simplify the dispute resolution process.

This research aims to: (1) Analyze how the implementation of marriage agreements regarding joint property between husband and wife in the Gorontalo Religious Court; and (2) Identify the obstacles that affect its implementation and formulate appropriate solutions. By analyzing practices in the courts and public perceptions, this research is expected to provide contributions both theoretically to the development of family law and notary science, as well as practically for prospective brides and grooms, legal practitioners, and law enforcement.

In the context of Indonesian marriage law, a prenuptial agreement is regulated by Article 29 of Law No. 1 of 1974, which was later expanded through Constitutional Court Decision No. 69/PUU-XIII/2015. This agreement serves as a preventive instrument to regulate aspects of marital assets, including the distribution mechanism in the event of divorce (Rahardjo, 2020). However, previous research has shown that the implementation of prenuptial agreements in Indonesia remains very low, with only around 2-3% of all registered marriages (Wijayanti & Prasetyo, 2021).

The gap between the ideals of law and the reality of the implementation of marriage contracts is clearly visible in the socio-cultural context of Gorontalo society. Although marriage contracts have been recognized and strengthened normatively through Constitutional Court decisions, in practice, this institution

has not yet become part of the community's legal culture (Nento, 2025). Sari and Abdullah's (2023) research on Muslim communities in Sulawesi found that 85% of respondents considered marriage contracts taboo and contrary to traditional family values.

The phenomenon of post-divorce joint property disputes in the Gorontalo Religious Court demonstrates the complexity of the problem, extending beyond mere formal legal aspects. Data shows that of the 37 joint property cases decided between 2020 and 2024, only 6 (16.21%) resulted in a settlement agreement, while the remainder were resolved through litigation (Nento, 2025). This indicates the ineffectiveness of existing dispute resolution mechanisms and the low awareness of the parties regarding preventive property management.

This problem becomes even more complex when linked to the characteristics of Gorontalo customary law, which adheres to a bilateral parental system, where inherited and joint property are regulated separately within the community (Muhammad, 2022). Previous research by Latif and Rahman (2023) showed that Gorontalo people tend to resolve property disputes through customary deliberation rather than formal legal mechanisms, which often creates dualism in dispute resolution.

Identifying the problems in this research is crucial given several fundamental considerations. First, the high divorce rate followed by disputes over joint property demonstrates the urgent need for more effective resolution mechanisms. Second, the low utility of prenuptial agreements as a preventive instrument indicates socio-cultural issues that need to be addressed. Third, the disparity in decisions regarding the division of joint property demonstrates the need for clearer standardization in the application of the law.

Based on this background, this study aims to: (1) analyze the implementation of marriage agreements in resolving joint property conflicts in the Gorontalo Religious Court; and (2) identify obstacles and solutions in implementing marriage agreements as an instrument for resolving joint property disputes.

This research was conducted with the urgency of examining the legal status of affirmation deeds within the Indonesian notarial legal landscape. This is motivated by normative circumstances that often do not conform to the *das sein* (law of the law). The purpose of this research is to provide an explanation of the problem formulation, namely: 1) What is the legal status of affirmation deeds within the notarial legal landscape?

2. Research Methods

This study uses an empirical legal research approach with qualitative methods to examine the implementation of marriage agreements in resolving joint property disputes at the Gorontalo Religious Court. According to Soerjono Soekanto and

Sri Mamudji (2014), empirical legal research is a research method that emphasizes collecting primary data directly from the field to understand how the law operates in the social reality of society. This approach was chosen because this study not only examines the normative aspects of laws and regulations but also analyzes the implementation and effectiveness of marriage agreements in judicial practice and public perceptions of these legal institutions.

The types of data used in this study include primary and secondary data. Primary data were obtained through data collection techniques that included direct observation at the Gorontalo Religious Court, in-depth interviews with key informants consisting of judges, clerks, mediators, and former judges of the Gorontalo Religious Court, and document studies of decisions on joint property cases for the 2020-2024 period. Meanwhile, secondary data were obtained through library research on primary legal sources such as Law No. 1 of 1974 concerning Marriage, the Compilation of Islamic Law, Constitutional Court Decision No. 69/PUU-XIII/2015, as well as secondary legal sources in the form of books, scientific journals, and other legal papers relevant to the research focus (Mertokusumo, 2019).

3. Results and Discussion

3.1. To Analysis of the Implementation of Marriage Agreements in the Gorontalo Religious Court

Based on data obtained from the Gorontalo Religious Court for the 2020-2024 period, it was found that of the 37 cases of joint property disputes filed, not a single case was preceded by a prenuptial agreement made before or during the marriage. This finding is consistent with previous research by Wijayanti and Prasetyo (2021), which demonstrated the low utilization rate of prenuptial agreements in Indonesia, particularly outside metropolitan areas. This phenomenon indicates a significant gap between the normative recognition of prenuptial agreements as a preventive legal instrument and the reality of practice in Gorontalo society.

In the context of dispute resolution, this study identified three main patterns of community property settlement. First, settlement through a peace deed occurred in 6 cases (16.21%). Second, settlement through a judge's decision with a 50:50 division based on Article 97 of the Compilation of Islamic Law occurred in 8 cases (21.62%). Third, settlement through a judge's decision with an unequal division based on considerations of contribution and substantive justice occurred in 2 cases (5.40%). Meanwhile, the remaining cases were withdrawn, dropped, or inadmissible (Nento, 2025).

An interesting finding in this study is the existence of two court decisions that deviate from the provisions of Article 97 of the Compilation of Islamic Law which regulates the equal distribution of joint assets (50:50). In case Number

397/Pdt.G/2024/PA.Gtlo, the panel of judges decided on a 2/3 division for the wife and 1/3 for the husband on the grounds that the wife had a greater economic and domestic contribution during the marriage. This decision reflects the application of Aristotle's theory of distributive justice which emphasizes proportionality based on the contributions of each party (Aristotle, trans. 2000) and also indicates a paradigm shift in law enforcement that is beginning to accommodate the principle of substantive justice above formal legal certainty.

Furthermore, a comparative analysis of the decisions reviewed shows that the determining factors influencing the pattern of division of joint property include: (1) the length of the marriage, where marriages lasting more than 10 years tend to result in a more complex division; (2) the economic contribution of each party, especially in cases where the wife has a significant income; (3) childcare, where the party who obtains child custody tends to receive a larger share; and (4) the socio-economic conditions of the parties after the divorce. These findings confirm the research of Suryani and Hidayat (2022) which states that the resolution of joint property disputes in religious courts is no longer mechanistic but has developed into a more contextual process that takes into account various non-legal factors.

The practical implication of these findings is the importance of developing technical guidelines for judges in deciding joint property cases, particularly regarding the parameters for assessing each party's contribution and the method for valuing joint property. Furthermore, intensive public awareness campaigns are needed regarding the importance of prenuptial agreements as a preventive instrument, given the low level of public legal awareness regarding this mechanism. Data show that 97.3% of interview respondents were unaware that prenuptial agreements can be made during a marriage based on Constitutional Court Decision No. 69/PUU-XIII/2015, indicating a significant information gap between legal developments and public knowledge.

A more in-depth analysis of case resolution patterns reveals three main mechanisms. First, settlement through a peace deed, which occurred in six cases (16.21%), demonstrates the effectiveness of mediation as an alternative dispute resolution. Second, settlement through a judge's decision with equal distribution based on Article 97 of the Compilation of Islamic Law, occurred in eight cases (21.62%), reflecting the dominance of a legal-formalistic approach. Third, settlement with unequal distribution based on substantive justice considerations occurred in two cases (5.40%), demonstrating the potential for equity considerations in religious courts.

From the perspective of Friedman's (1975) legal system theory, this phenomenon demonstrates a complex interaction between legal substance (Article 97 of the Compilation of Islamic Law), legal structure (judicial institutions), and legal culture (values of justice prevalent in society). Judges, in

certain cases, act as "spokespeople for justice," creatively interpreting legal provisions to achieve substantive justice. However, it should be noted that the majority of judges still tend to apply legal provisions textually, indicating the dominance of a positivistic legal culture within the religious courts.

The most significant finding in this study is the decision of the Gorontalo Religious Court Number 397/Pdt.G/2024/PA.Gtlo which provides a 2/3 division for the wife and 1/3 for the husband. This decision not only deviates from the provisions of Article 97 of the Compilation of Islamic Law, but also represents the application of Gustav Radbruch's theory of substantive justice which emphasizes that when positive law conflicts with justice, then justice must take precedence (Radbruch, 2006). The judge in this decision explicitly stated that although normatively Article 97 of the Compilation of Islamic Law regulates a 50:50 division, its textual application will give rise to injustice when there are specific legal facts regarding unequal contributions between husband and wife.

3.2. Implementation of Constitutional Court Decision No. 69/PUU-XIII/2015 in Religious Court Practice

An analysis of the decisions of the Gorontalo Religious Court shows that although Constitutional Court Decision No. 69/PUU-XIII/2015 has expanded the scope of prenuptial agreements to include those made before, during, or during a marriage, its implementation in judicial practice remains very limited. Not a single decision was found that explicitly cited or referred to the Constitutional Court decision in its legal reasoning.

Constitutional Court Decision No. 69/PUU-XIII/2015 has actually provided a strong legal basis for strengthening the role of notaries in drafting marriage contracts. The decision explicitly states that marriage contracts can be notarized, thus recognizing notarial deeds as authentic documents in the context of marriage contracts. However, this research findings indicate that this potential has not been optimally utilized. None of the 37 joint property cases contained a reference to marriage contracts drawn up before a notary.

Interviews with judges at the Gorontalo Religious Court revealed several reasons why the Constitutional Court's ruling has not been optimally implemented. First, there is a lack of public awareness of the ruling's implications among legal practitioners and the public. Second, there is cultural resistance that still considers marriage contracts taboo. Third, there is the parties' lack of awareness of their right to enter into a marriage contract during the marriage. Fourth, the cost of notarial deeds, which some consider burdensome.

This study identified several factors contributing to the poor implementation of the Constitutional Court's decision. First, structural factors include the lack of socialization and dissemination of the Constitutional Court's decision to judges in the regions. Second, cultural factors include resistance to the paradigm shift in

marriage law from a limited-preventive to a broad-preventive approach. Third, instrumental factors include the lack of adequate technical guidelines or implementation instructions to implement the decision in daily judicial practice.

The implications of these findings are significant in the context of legal systems theory. According to Friedman's (1975) legal systems theory, the effectiveness of legal change depends heavily on the harmonization of legal structure, legal substance, and legal culture. In the context of this research, changes in legal substance (through Constitutional Court decisions) have not been accompanied by adequate changes in legal structure (implementation mechanisms in court) and legal culture (acceptance by the public and law enforcement officials).

In the context of religious courts, mediation has a strong philosophical basis in Islamic teachings. The concept of *ishlah* (peace) in Islamic law emphasizes the importance of resolving disputes through peaceful means. Article 39 of Law No. 1 of 1974 concerning Marriage explicitly mandates peacemaking efforts in divorce proceedings. Therefore, strengthening mediation in resolving joint property disputes aligns not only with positive legal principles but also with Islamic legal values.

3.3. Effectiveness and Constraints of Mediation in Resolving Joint Property Disputes

The research findings indicate that the mediation process plays a critical role in resolving joint property disputes in the Gorontalo Religious Court. Of the six cases that ended in settlement agreements, all resulted from mediation facilitated by a judge-mediated settlement. This finding aligns with research by Mardiana (2021), which suggests that mediation in religious courts tends to be more effective than conventional litigation, particularly in the context of family disputes involving complex emotional relationships.

In case No. 689/Pdt.G/2022/PA.Gtlo, the mediation process successfully produced a settlement agreement, which was then confirmed in a court decision. This settlement agreement has the same legal force as a final and binding decision, as stipulated in Article 1858 of the Civil Code in conjunction with Article 130 of the HIR. The success of mediation in this case demonstrates that non-litigation dispute resolution can produce more satisfactory solutions for the parties while reducing the burden of court cases.

In the context of religious courts, mediation has a strong philosophical basis in Islamic teachings. The concept of *ishlah* (peace) in Islamic law emphasizes the importance of resolving disputes through peaceful means. Article 39 of Law No. 1 of 1974 concerning Marriage explicitly mandates peacemaking efforts in divorce proceedings. Therefore, strengthening mediation in resolving joint property disputes aligns not only with positive legal principles but also with Islamic legal values.

However, the effectiveness of mediation in this study still faces several substantive obstacles. An interview with Dra. Mukasipa, MH, revealed that the limited time available to judge-mediators due to their heavy caseloads was a major inhibiting factor. Furthermore, the lack of familiarity with local culture among some mediators from outside Gorontalo also impacted the effectiveness of communication during the mediation process. Cultural resistance from the parties, who tend to view mediation as a form of compromise that weakens their bargaining position, is another obstacle that needs to be addressed.

This study reveals that the mediation process plays a strategic role in resolving joint property disputes in the Gorontalo Religious Court. Of the six cases that ended in settlement agreements, all resulted from mediation facilitated by a judge. This finding is consistent with research by Setyawan and Nurhayati (2022), which showed that the success rate of mediation in family disputes in religious courts reaches 20-30%, higher than that of other civil disputes.

However, a thorough analysis of the mediation process reveals the complexity of the challenges faced. First, there are technical constraints, such as the limited time of the mediator-judge, who must handle an average of 15-20 cases per month. Second, there are cultural constraints, such as differences in cultural background between the mediator and the parties, especially when the mediator comes from outside Gorontalo. Third, there are psychological constraints, such as the parties' resistance to compromise in emotionally charged disputes.

One interesting finding in this study is that the effectiveness of mediation is strongly influenced by local cultural factors. Interviews with judge-mediators revealed that mediation approaches that incorporate Gorontalo local wisdom, such as the principles of "mohuyula" (togetherness) and "mopotuwato" (deliberation), tend to be more successful than conventional mediation approaches. This finding aligns with research by Rahim and Asmara (2023), which suggests that the effectiveness of mediation in traditional societies depends heavily on alignment with local values.

The three basic legal values are essentially interconnected and interconnected. Initially, Gustav Radbruch, the originator of this idea, placed legal certainty as the primary value. However, after Radbruch experienced the bitter experience of the Nazi regime, which prioritized legal certainty without considering justice, his views changed significantly.

3.4. Dissonance between Positive Law, Islamic Law, and Gorontalo Customary Law

This research reveals a significant dissonance between the positive legal system governing marriage contracts, Islamic law in the Compilation of Islamic Law, and the Gorontalo customary law system. In the Gorontalo customary law tradition,

the regulation of marital property is more communal and relational, with decisions regarding property often involving the extended family and traditional leaders. Meanwhile, marriage contracts in the positive legal system are individualistic and contractual, placing greater emphasis on the autonomy of the parties' will.

This dissonance manifests itself in several behavioral patterns among Gorontalo people in resolving property disputes. Interviews with traditional leader Eki Nasaru revealed that Gorontalo people tend to avoid written agreements, as they are considered contrary to family values. Furthermore, there is a preference for resolving disputes through customary deliberation (*motolobalango*) rather than through formal legal mechanisms. The perception that marriage agreements constitute a form of distrust in the marital relationship also poses a significant psychological barrier.

In the Gorontalo customary law system, the philosophy "*Adati hula-hula'a to Sara'a, Sara'a hula-hula'a to Kuru'ani*" is known, which means "Adat is based on Sharia, and Sharia is based on the Book of Allah." This philosophy reflects the integration of customary law, Islamic law, and spiritual values in the lives of the Gorontalo people. However, in the context of marriage contracts, this integration has not been fully realized. Customary law tends to regulate marital property through unwritten and collective mechanisms, while positive law regulates through written and individual instruments.

The Compilation of Islamic Law actually provides space for the regulation of marital property through agreements, as stipulated in Articles 47-49. However, this regulation is not fully aligned with the Gorontalo customary legal system, which places greater emphasis on deliberation and kinship. This research found that Gorontalo people are more comfortable with a mechanism for dividing property based on the agreement of the extended family rather than through a formal written agreement.

From the perspective of legal pluralism theory (Griffiths, 1986), this condition indicates that Gorontalo society lives in a "semi-autonomous social field" where various legal systems (state law, Islamic law, customary law) interact in a complex manner. Marriage agreements as a state legal instrument have not been fully adopted because they conflict with the logic of customary law, which emphasizes personal and collective relationships.

The implication of this legal dissonance is the low effectiveness of marriage agreements as a dispute resolution instrument. Communities tend to revert to traditional mechanisms for conflict resolution, while formal legal institutions are used only as a "last resort" when traditional mechanisms fail. This situation requires a legal approach that is more responsive to local contexts, such as developing model marriage agreements that integrate customary values with

positive legal provisions.

3.5. Comparative Analysis of Gorontalo Religious Court Decisions: Patterns and Disparities

This study reveals significant disparities in court rulings regarding the division of joint assets at the Gorontalo Religious Court. Of the 10 decisions granted, 8 (80%) applied a 50:50 distribution based on Article 97 of the Compilation of Islamic Law, while 2 (20%) applied an unequal distribution with special considerations. A comparative analysis of these two ruling patterns reveals fundamental differences in legal paradigms.

First, decisions with a 50:50 pattern reflect a strict application of the principle of formal legality. Judges in these decisions tend to adopt a textual approach to Article 97 of the Compilation of Islamic Law without much substantive interpretation. For example, in Decisions Number 47/Pdt.G/2024/PA.Gtlo and Number 618/Pdt.G/2023/PA.Gtlo, the judges explicitly stated that the division of joint assets must be carried out equally "because the provisions of Article 97 of the Compilation of Islamic Law stipulate so." This approach aligns with Hans Kelsen's theory of legal positivism, which emphasizes adherence to positive legal norms without considering substantive justice (Kelsen, 1967).

Second, the unequal distribution decision represents the application of a progressive legal paradigm that prioritizes substantive justice. In Decision Number 397/Pdt.G/2024/PA.Gtlo, the judge explicitly stated that "the provisions of Article 97 of the Compilation of Islamic Law cannot be applied textually when the legal facts show unequal contributions between husband and wife." This approach reflects the application of John Rawls's theory of justice, specifically the difference principle, which justifies inequality as long as it benefits the least advantaged party (Rawls, 1971).

A more in-depth analysis reveals that these paradigm differences are correlated with certain factors. First, the composition of the panel of judges. Unequally distributed decisions tend to be rendered by more senior judges with more than 10 years of experience.

Second, the complexity of the legal facts. Unequal distribution decisions generally involve more complex legal facts, such as the wife's significant economic contribution or unfair treatment during the marriage. Third, the quality of the evidence. Unequal distribution decisions are usually supported by more comprehensive and credible evidence.

3.6 Effectiveness of Peace Deeds as an Alternative Dispute Resolution

This study revealed that of 37 joint property cases, only 6 (16.21%) were successfully resolved through a settlement deed. Although this is a relatively low

percentage, the analysis of the effectiveness of settlement deed reveals several important findings. First, all resulting settlement deed (100%) were executed voluntarily by the parties without the need for court execution. Second, none of the settlement deed was annulled or re-challenged by the parties. Third, the average time for settlement through a settlement deed was only 45 days, significantly faster than the average 120 days for settlement through a court decision.

This finding is in line with the theory of economic efficiency in dispute resolution developed by Posner (2014), which states that the most efficient dispute resolution mechanism is one that produces outcomes that are acceptable to both parties with the lowest transaction costs. In the context of this research, a peace deed is proven to be more efficient because it: (1) reduces litigation costs, (2) shortens the settlement time, and (3) maintains social relations between former husband and wife.

However, this study also uncovered obstacles to optimizing settlement agreements. First, limited mediator capacity. Interviews with mediator judges revealed that 70% of mediators felt they lacked sufficient time to conduct intensive mediation due to their high caseloads. Second, cultural resistance. As many as 65% of parties in joint property cases demonstrated initial resistance to the mediation process, arguing that mediation was a form of compromise that weakened their bargaining position. Third, limited system support. The court system has not fully supported the optimization of mediation, for example by not providing adequate mediation rooms or other supporting facilities.

3.7. Implications of the Supreme Court Decision on the Development of Jurisprudence

An analysis of the decisions of the Gorontalo Religious Court reveals the influence of Supreme Court jurisprudence on legal formation. Specifically, Supreme Court Decision No. 78 K/AG/2021 concerning the rights of wives fulfilling dual roles has influenced two decisions of the Gorontalo Religious Court that provide unequal distribution. In Decision No. 397/Pdt.G/2024/PA.Gtlo, the judge explicitly cited this jurisprudence as the basis for legal considerations.

The theoretical implications of these findings are significant. According to the *stare decisis* theory in the civil law system developed by Merryman (2007), although Indonesia adheres to a civil law system that does not rely on precedent, in practice, Supreme Court jurisprudence has a strong persuasive influence. This research finding confirms that judges at the first instance tend to follow Supreme Court jurisprudence, especially when it provides clear guidance on legal interpretation.

Furthermore, this study reveals that the influence of jurisprudence is highly dependent on certain factors. First, clarity of the *ratio decidendi*. Jurisprudence

with a clear and operational ratio decidendi tends to be more frequently followed. Second, suitability to the local context. Jurisprudence that is sensitive to the local socio-cultural context tends to be more easily adopted. Third, accessibility of information. Jurisprudence that is easily accessible through online databases tends to be more frequently referenced.

4. Conclusion

Based on the results of the research and analysis that has been conducted, it can be concluded that the implementation of marriage agreements in resolving joint property conflicts in the Gorontalo Religious Court is still not optimal and faces various multidimensional obstacles. Empirically, this study revealed that of the 37 joint property cases for the 2020-2024 period, none were preceded by a marriage agreement as a preventive instrument, while dispute resolution was dominated by litigation decisions with a 50:50 split (80% of cases) based on Article 97 of the Compilation of Islamic Law. The main obstacles include structural aspects (the less than optimal role of mediators, the dominance of the litigation approach), legal substance (norms that are still general and multi-interpretable), and legal culture (resistance from the Gorontalo community who consider marriage agreements as taboo and contrary to the customary values of "Adati hula-hula'a to Sara'a"). The findings of this study strengthen Friedman's legal system theory which emphasizes the need for harmonization between structure, substance, and legal culture for effective legal implementation, while also confirming the dissonance between state law and customary law in regulating marital property in Gorontalo. Integrating local wisdom values into the mediation process. Second, from an institutional perspective, it is important to strengthen the capacity of judges and mediators through ongoing training and the development of a marriage contract model that accommodates the bilateral parental system of the Gorontalo community. Third, from a socio-cultural perspective, an integrated outreach program involving multiple stakeholders (courts, notaries, traditional and religious leaders) is needed to shift public perception of marriage contracts from being considered taboo to being an instrument of legal protection. Fourth, from a further research perspective, it is recommended to develop longitudinal studies on the effectiveness of implementing these recommendations, as well as comparative research with other regions in Indonesia, to develop a contextual national model.

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