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Protection of Civil Rights of Children of Mixed Marriages in Cross-Border Business Asset Inheritance Disputes: A Review from the Perspective of Lex Rei *Sitae*

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Abstract. *Mixed marriages carry complex civil legal consequences, particularly regarding the protection of children's rights in the inheritance of cross-border business assets. This study aims to analyze the synchronization of limited dual citizenship regulations with sectoral laws in Indonesia and to evaluate the effectiveness of the Lex Rei Sitae principle in ensuring legal certainty and justice for children. Using a combined legal research method (normative-empirical), data was collected through a literature review of international and domestic legal instruments and in-depth interviews with legal practitioners to capture the challenges in the field. The results indicate a disharmony between the Citizenship Law and agrarian and investment laws, leading to the degradation of children's economic rights due to rigid restrictions on foreign asset ownership. The Lex Rei Sitae principle provides certainty of property status but tends to ignore children's absolute rights (legitieme portie) due to the weak mechanism for recognizing transnational inheritance documents. This study recommends the formulation of preventative legal protection through optimizing marriage agreements and local wills, as well as the need for bureaucratic policy reform that integrates the principle of the best interests of the child into cross-border business asset administration procedures.*

Keywords: *Business; Children's; Inheritance; Legal; Marriages.*

1. Introduction

Globalization and international economic integration have triggered a significant increase in the number of mixed-nationality marriages, which has a linear impact on the complexity of international civil law relations (Azkia & Bahri, 2025). Mixed marriages not only unite two individuals but also initiate the linkage of two or more different legal systems regarding personal status, joint property, and inheritance rights (Intania et al., 2023). In civil law discourse, children born of mixed marriages are often in a vulnerable position, particularly when faced with property rights over cross-border business assets (Harensyah et al., 2025).

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Fundamental problems arise when inheritance involves transnational business assets spread across various sovereign states. Children, as heirs, often face the constraints of dual citizenship status, which, on the one hand, grants personal rights but, on the other, limits property rights based on the domestic regulations of the country where the assets are located (Salsabila et al., 2025). In Indonesia, the very strict nationality principle in agrarian and corporate law creates obstacles for children of mixed marriages to fully control inherited business assets, which in turn can degrade the economic value and civil rights they should receive (Abdillah et al., 2024).

Theoretically, Private International Law (IPI) offers the principle of Lex Rei *Sitae*—the law of the place where the property is located—as a basis for legal certainty in determining the status of fixed assets in inheritance disputes (Handayani et al., 2025). However, the application of this principle often triggers acute jurisdictional conflicts (conflicts of laws). There is tension between the territorial principle of Lex Rei *Sitae* and the principle *of Lex Patriae* (the law of the testator's nationality), which typically regulates the absolute portion *(legitieme portie)* of the heir (Pratama, 2024). This conflict results in uncertainty regarding which law should prevail when a child claims inheritance rights to company shares or business property abroad (Ramadhan et al., 2025).

Legal gaps and inconsistent domestic regulations further exacerbate the protection of children's civil rights. Although Law No. 12 of 2006 concerning Citizenship accommodates limited dual citizenship, these regulations have not been harmonized with sectoral regulations such as land law and investment law (Jelantik & Purnawan, 2025). Consequently, there is a disconnect between a child's status as a legal heir under personal law and their legal capacity to act as the owner of business assets under the laws of the jurisdiction where the assets are located (Norayanti et al., 2025).

Furthermore, cross-border business inheritance disputes involve procedural complexities in the recognition and enforcement of foreign court decisions (Ramadhan et al., 2025). Children are often trapped in lengthy and costly litigation processes simply to prove their legal status as heirs before local authorities. In the context of business assets, delays in the execution of inheritance due to bureaucratic obstacles not only harm children financially but also threaten the operational continuity of the business that is the object of the inheritance (Ati et al., 2025).

Empirically, there is a tendency for existing legal protection instruments to be reactive and not provide adequate preventive protection (Makmur et al., 2025). Practices in notary and judicial institutions demonstrate continued uncertainty in implementing the HPI linkage that best serves the child's best interests. Without a clear legal framework on how to harmonize the principle of Lex Rei *Sitae* with

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children's personal rights, the principle of justice in international inheritance will be difficult to achieve (Makhsonah et al., 2023).

Several previous studies have examined the legal issues of mixed marriages and inheritance from various perspectives, but have not specifically addressed cross-border business disputes from a *lex rei sitae* perspective. Research by Masruroh & Widiastuti (2022) focused on protecting the inheritance rights of children with limited dual citizenship, but only within the scope of Indonesian domestic land law. Meanwhile, Simaremare et al. (2025) analyzed normative conflicts in mixed marriages by emphasizing personal status without linking it to the complexity of transnational business assets. On the other hand, a study by Tsani & Taufiq (2024) evaluated the application of the principle of *mobilia sequuntur personam* to movable property in inheritance law, which theoretically contradicts the principle of lex rei *sitae* for fixed assets. Finally, research by Romli (2022) examined the execution of international civil dispute decisions in general, but did not provide a specific formulation for protecting children's civil rights in cross-border business ownership structures. Therefore, this research fills this legal gap by synergizing the principle of lex rei *sitae* with the protection of children's rights in cross-jurisdictional business asset disputes.

This research focuses on three main issues systematically structured to examine the problematic civil rights of children in mixed marriages. First, this research questions how regulations regarding limited dual citizenship status can be synchronized with sectoral laws, such as agrarian and investment law in Indonesia, in ensuring certainty of inheritance rights to cross-border business assets. Second, it analyzes the effectiveness of applying the principle of lex rei *sitae* in resolving transnational inheritance disputes to provide equitable legal protection for children. Finally, this research identifies practical obstacles encountered in the process of enforcing children's civil rights in cross-jurisdictional inheritance disputes and seeks an ideal formulation of preventative legal protection to minimize the risk of future loss of children's economic rights.

The primary objective of this research is to analyze in depth the consistency of legal norms and the practical implementation of the principle of lex rei *sitae* in protecting children's inheritance rights in international business disputes. Theoretically, the results of this study are expected to contribute to the development of discourse on Private International Law, particularly in enriching the literature on the harmonization of territorial law with the personal rights of heirs in mixed marriage families. Practically, this study is useful for legal practitioners such as judges, notaries, and lawyers in formulating strategies for protecting children's civil rights, as well as for policymakers as a consideration in revising regulations that are more adaptive to the dynamics of cross-border asset ownership, in order to ensure justice and legal certainty for affected legal subjects.

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2. Research Methods

This research employs a mixed methods legal research method, combining normative and empirical legal approaches. The normative legal approach examines various legal instruments, such as Law No. 12 of 2006 concerning Citizenship, Law No. 5 of 1960 concerning Basic Agrarian Principles, and the principles of Private International Law, particularly the principle of *Lex Rei Sitae*. Meanwhile, the empirical legal approach is used to observe the sociological implementation of the law in the field through case studies of real-life disputes and legal practices within relevant institutions. The research locations are Jakarta and Bali, with high levels of mixed-marriage cases (Efendi et al., 2016). The data sources in this study consist of primary and secondary data. Primary data were obtained directly from the field through in-depth interviews with competent expert sources: District Court Judges handling international civil cases, Notaries focusing on deed preparation for mixed-marriage legal subjects, and transnational legal practitioners. Secondary data includes primary legal materials (statutory regulations), secondary legal materials (books, scientific journals, and research results), and tertiary legal materials (legal dictionaries and encyclopedias). Data collection techniques were conducted through library research for secondary data and field interviews for primary data (Rizkia & Fardiansyah, 2023). All collected data was then analyzed descriptively and qualitatively, where researchers systematically processed the data to draw deductive conclusions that address the issue of synchronizing norms and the reality of protecting children's civil rights in cross-border business disputes

3. Results and Discussion

3.1 Analysis of the Synchronization of Limited Dual Citizenship Regulations with Sectoral Laws in Indonesia

The legal status and civil rights of children from mixed marriages in Indonesia are specifically regulated to provide protection, given the potential for limited dual citizenship. National legal perspectives (Law No. 1 of 1974 concerning Marriage and Law No. 12 of 2006 concerning Citizenship) grant children the right to own business assets, but with strict limitations regarding land/property assets.

Based on Law No. 1 of 1974, children born from a legally mixed marriage (Indonesian citizen and foreign national) (registered in the civil registry/KUA) have the status of legitimate children. Mixed children have limited dual citizenship until they reach the age of 18 or are married. After that, the child is required to choose one citizenship (Indonesian citizen or foreign national) until the age of 21. If they choose to be an Indonesian citizen, the child retains all the civil rights of an Indonesian citizen. If they choose to be a foreign national, their rights regarding property assets are limited (Pramana, 2020).

Children born from mixed marriages have the same civil rights as children born from marriages between fellow Indonesian citizens (WNI). These rights include the right to a name, inheritance rights, custody rights, and guardianship rights, as stipulated in Indonesian civil law. Regarding business asset ownership in the form of a Limited Liability Company (PT), children born from mixed marriages, especially those who still hold Indonesian citizenship or hold limited dual citizenship, may own shares in a PT in Indonesia.

However, if the child subsequently chooses foreign citizenship (WNA), the company they own will be categorized as a Foreign Investment Limited Liability Company (PT PMA) and subject to applicable foreign investment regulations in Indonesia. Furthermore, regarding ownership of immovable assets such as land or property, children born from mixed marriages who still hold Indonesian citizenship have the right to own, inherit, or receive gifts of land and property in Indonesia. However, after choosing to become a foreign citizen, the child is no longer permitted to own land with Ownership Rights or Building Use Rights status, as these ownership rights are reserved for Indonesian citizens under Indonesian agrarian law.

Fundamental problems arise when the personal rights granted by the Citizenship Law conflict with the principle of nationality rigidly upheld by Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA) (Hidayati & Pasaribu, 2021). Article 21 paragraph (1) of the UUPA explicitly states that only single Indonesian citizens can own land ownership rights. This becomes the starting point for legal discrimination against children with limited dual citizenship, because even though they possess an Indonesian passport, this "dual" status is often misinterpreted as an obstacle to fully owning property rights.

Normatively, children with limited dual citizenship should have the same rights as other Indonesian citizens until they make their choice at the age of 18 or 21. However, in practice, land authorities often adopt a restrictive approach. This lack of synchronicity creates legal uncertainty when a child inherits fixed assets (land and buildings) that are part of the family business assets (Rampay, 2017). Authorities often use the "pure Indonesian citizen" parameter to limit ownership, which actually has no strong legal basis under the new Citizenship Law.

This rigidity is further evident in Article 21 paragraph (3) of the UUPA, which requires foreigners who acquire property rights through inheritance to relinquish those rights within one year. The problem is, this regulation does not explicitly provide an exception for children with limited dual citizenship. As a result, a legal vacuum *(rechtvacuüm)* exists regarding the legal status of these children during the transition period before they choose permanent citizenship, which often results in the loss of inherited land rights if they are not promptly transferred.

From a business law perspective, this problem extends to share ownership within domestic companies. If the business' assets are in the form of a Limited Liability Company (PT) that owns land with a Right of Ownership status, the presence of heirs with dual citizenship can trigger legal disputes regarding share ownership. Under the Limited Liability Company Law, a change in the status of a shareholder with a foreign element can change the company's status from a regular PT to a Foreign Investment PT (PMA), which is legally prohibited from owning land with a Right of Ownership status (Febriani et al., 2023).

This disharmony demonstrates a sectoral ego between administrative citizenship law and material and commercial agrarian and corporate law (Arifin & Satria, 2020). Citizenship law is moving toward protecting human rights, while sectoral law remains trapped in a protectionist paradigm of economic sovereignty. This leaves children of mixed marriages in a legal "gray area," where they are recognized as citizens but their civil and economic rights are systematically restricted.

Furthermore, investment regulations in Indonesia do not provide any relaxation for heirs with limited dual citizenship. If a child inherits significant shares in a family company operating in a business sector included in the Positive Investment List (DPI) with foreign capital restrictions, the child risks being considered a foreign investor. This lack of synchronization forces the child to prematurely divest shares, often under duress and at the expense of the economic value they would otherwise have acquired.

From a civil law perspective, this situation violates the principle of universality in inheritance, which requires the heir to fully succeed the heir *(le mort saisit le vif)*. However, due to sectoral regulatory constraints in Indonesia, this transfer of rights cannot occur automatically. Children are forced to navigate complex administrative processes, often contrary to principles of business efficiency, simply to retain what is naturally their right through inheritance.

Furthermore, there are interpretation issues at the policy implementation level. The Land Office and the Investment Coordinating Board (BKPM) often have standard operating procedures (SOPs) that do not address child protection in the Citizenship Law. The lack of public awareness regarding the civil rights of children with dual citizenship has caused many notaries and land deed officials to hesitate in processing the transfer of ownership of business assets, resulting in inheritance disputes in mixed-race families often remaining unresolved.

The Lex Rei *Sitae* perspective, which demands compliance with the law of the country where the property is located, in this case Indonesia, should not be used as a tool to curtail children's civil rights. Instead, Indonesian domestic law needs to reinterpret the meaning of "nationality" in the modern global context. Protection of the country's land sovereignty should not sacrifice the civil rights of

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its own citizens, even if those citizens have legal ties to another country through their parents.

This lack of synchronicity also impacts the investment psychology of mixed-race families. Fear of future loss of business assets leads many mixed-race couples to engage in legal fraud, such as using someone else's name (nominee) to secure assets. This creates new, far more complex legal problems later on and jeopardizes the children's position as legal heirs, who should be protected by law.

In the context of transnational inheritance disputes, this lack of regulatory synchronization creates a loophole for irresponsible parties to claim business assets illegally. If a child cannot prove their legal capacity due to citizenship administrative constraints, the family business assets are vulnerable to being taken over by another party or confiscated by the state. This demonstrates that protecting children's civil rights is not merely a matter of status on paper, but rather a matter of comprehensive legal system integration.

Resolving this lack of synchronization requires cross-sectoral implementing regulations. The government needs to issue government regulations specifically governing the procedures for controlling business assets and land for children with limited dual citizenship. These regulations must ensure that children's property rights are maintained until they make a final decision regarding their citizenship, without being restricted by the rigid one-year waiver rule.

The importance of this synchronization also relates to Indonesia's commitment to the international convention on the rights of the child. The state is obligated to ensure that children do not lose their civil rights due to their parents' marital status or citizenship. Failure to synchronize the Citizenship Law with sectoral laws can be seen as a form of state neglect of protecting the best interests of the child.

Table: Analysis Disharmony Regulation of Civil Rights of Children of Mixed Marriages

No	Instruments / Regime	Provision Child -Related	Contradiction / Problem in Business Inheritance Dispute
1	Law No. 12/2006 (Citizenship)	Granting Limited Dual Indonesian Citizenship status until age 18-21 years.	In a way administrative recognized as subject law domestic, but his rights No recognized in a way full by law sectoral.
2	Law No. 5/1960 (UUPA)	Principle of Nationality: Only single Indonesian citizens are allowed have ownership rights.	Child forced do release right on land business within 1 year (Article 21 paragraph 3), which is detrimental mark investment business family.
3	Law No. 40/2007 (PT)	Arrange ownership shares and legal entity status company.	Heir with element foreign can changing the status of a PT to a PT PMA, which has an impact on the prohibition ownership asset land certain.
4	UU no. 25/2007 (Capital Investment)	Limit foreign capital ownership in sectors certain (DPI).	Children at risk considered as a Foreign Investor, so that must divest share his legacy If exceed foreign capital quota.
5	Lex Rei *Sitae*'s Perspective	Applicable law is law place objects/assets located (Indonesia).	Used as reason justifier for apply limitations rigid law domestic above personal rights (inheritance) of children.

6	Principle Convention on the Rights of the Child	Prioritizing "The Best Interests of the Child".	Neglected Because authority more prioritize sovereignty administrative land than protection right economy child.

3.2 The Effectiveness of the *Lex Rei Sitae* Principle as an Instrument of Legal Certainty in Cross-Border Business Asset Inheritance Disputes

The application of the *Lex Rei Sitae* principle in inheritance disputes over transnational business assets is a key pillar in determining the direction of legal conflict resolution. Classically, Private International Law (IPL) stipulates that the applicable law for immovable property is the law of the place where the property is located. In the context of business assets involving commercial property, factories, or plantations in Indonesia, this principle provides absolute legitimacy for national law to regulate all forms of transfer of rights, including through inheritance (Anisa et al., 2024).

The primary advantage of *Lex Rei Sitae* is the creation of legal certainty for third parties and the state. By complying with the law of the place where the property is located, the land administration process and business asset registration become more predictable. However, this effectiveness is often one-sided, with the state benefiting from maintaining its territorial sovereignty, while the rights of individual heirs, particularly children from mixed marriages, are often marginalized by the rigidity of domestic procedures (Handayani et al., 2025).

The most crucial legal issues arise when there is a conflict between the principle of *Lex Rei Sitae* and the principle of *Lex Patriae*, or the law of the testator's nationality. In many Continentals European legal systems, the law governing inheritance is the testator's personal law. If a foreign father dies leaving business assets in Indonesia, a conflict arises: foreign law demands the inheritance be distributed according to the national portion, while Indonesian law, through Lex Rei *Sitae*, demands compliance with domestic rules that limit foreign ownership rights.

In cross-border business disputes, assets often do not exist independently but are tied up in a corporate structure. Shares in a company are often considered movable property, traditionally subject to the principle of *Mobilia Sequuntur* Personam (the thing follows the person). However, when the company's primary asset is land in Indonesia, the principle of Lex Rei *Sitae* tends to drag the dispute into local jurisdiction, creating complications in determining which law has the most authority to govern the distribution of the shares.

Children of mixed marriages are the most affected by this dualism. As heirs, children are entitled to an absolute share *(legitieme portie),* but the *Lex Rei Sitae* in Indonesia often ignores the concept of absolute share if it conflicts with public policy or agrarian regulations. The effectiveness of Lex Rei *Sitae* here actually

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becomes an obstacle because it does not provide a harmonization mechanism for inheritance rights originating from different foreign legal systems.

Furthermore, this study found that the application of Lex Rei *Sitae* in Indonesia is often half-hearted in accommodating civil rights arising from foreign origins. Foreign court decisions regarding the distribution of business assets are often not automatically enforceable in Indonesia because the Lex Rei *Sitae* principle requires a decision or ruling from a local court. This creates a tedious, repetitive legal process that drains the economic resources of children's heirs.

From a legal economic perspective, the rigid application of *Lex Rei Sitae* can reduce the investment attractiveness of business actors involved in mixed marriages. The uncertainty about whether their children can continue the family business in Indonesia without jurisdictional obstacles becomes a serious concern. The effectiveness of law should be measured by the extent to which it is able to provide economic protection without violating sovereignty, not simply by imposing rigid administrative rules.

The interaction between *Lex Rei Sitae* and the best interests of the child should be the focus of the reorientation of Indonesian IP law. The law of the place where the property is located should not be understood as a barrier, but rather as a forum that should facilitate legitimate civil rights. If a child is recognized as a legal heir in their parents' country of origin, *Lex Rei Sitae* should provide a transition mechanism so that the economic value of the business assets can still be enjoyed by the child.

Another obstacle arises in proving foreign legal rights before judges or notaries in Indonesia. When the *Lex Rei Sitae* principle is applied, legal practitioners often fail to see the connection between the assets and foreign legal documents such as Grants of Probate or Letters of Administration. As a result, the *Lex Rei Sitae* principle is used as a pretext to reject these foreign documents, ultimately severing the child's chain of inheritance over cross-border business assets.

The application of the Lex Rei *Sitae* principle also often clashes with the principle of distributive justice for heirs. In Indonesia, inheritance disputes are often resolved based on the Indonesian Islamic Law (for Muslims) or the Civil Code (for non-Muslims), which may differ significantly from the law of one parent's country of origin. Without a clear choice of law, *Lex Rei Sitae* forces children to submit to a system the heirs may never have envisioned when establishing their businesses.

The effectiveness of this principle also depends heavily on the transparency of land and company registration systems. In the case of cross-border business assets, overlapping ownership involving offshore entities often occurs. The application of *Lex Rei Sitae* becomes particularly complicated when the physical assets are located in Indonesia but their ownership is under a foreign legal structure. Here,

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the Lex Rei *Sitae* principle loses its relevance due to the veil of transnational corporations.

Therefore, a more modern and inclusive concept of *Lex Rei Sitae* is needed. This concept must recognize the personal status of heirs born of mixed marriages as legal subjects entitled to privileged exemptions from certain foreign restrictions for a more humane transition period. Legal effectiveness will be achieved if there is harmonization between the need for domestic asset registration and the recognition of international civil rights.

Empirically, this research demonstrates that legal practitioners in Indonesia are beginning to recognize the need for flexibility in applying *Lex Rei Sitae*. Several court decisions have begun to consider the elements of humanity and justice for children, although they remain normatively bound by the Basic Agrarian Law (UUPA). However, without a strong legal umbrella in the form of the Indonesian Human Rights Law, these good practices are sporadic and do not provide systemic legal certainty.

3.3 Practical Constraints and Formulation of Preventive Legal Protection for Children in Cross-Border Inheritance Disputes

The implementation of children's civil rights protection in cross-border business inheritance disputes faces realities on the ground that are far more complex than mere normative clashes. The first practical obstacle that arises is the legality of transnational documents. In Indonesian practice, proving a child's status as a legal heir is often hampered by the very strict administrative requirements for documents issued abroad, such as birth certificates or foreign inheritance certificates, which must undergo a multi-stage legalization process and an Apostille procedure.

This bureaucratic hurdle is exacerbated by a lack of understanding among law enforcement officials and public officials regarding the characteristics of limited dual citizenship. Land offices or related agencies often refuse to process the transfer of business asset rights due to doubts about the legal status of children holding two passports. The unpreparedness of the bureaucratic infrastructure to respond to these dynamics of international civil law results in children's economic rights being left in limbo with no certainty of resolution.

Another practical obstacle is the issue of executing foreign court decisions or distributing inheritances through international arbitration institutions. In Indonesia, foreign court decisions cannot be immediately executed (non-executable) due to the principle of the rule of law. This forces the child's heirs to re-litigate in domestic courts, which is not only extremely costly but also carries the risk of a different verdict, leaving their inheritance rights to the business assets uncertain.

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In the context of business operations, protracted inheritance disputes often lead to stagnation in family businesses. As long as the ownership status of the company's shares or fixed assets remains unclear due to inheritance administrative obstacles, the company often struggles to obtain bank financing or expand its business. For the child's heirs, this situation means a significant depreciation in the value of the inheritance due to the law's inability to provide a quick solution for cross-border asset ownership transitions.

Given these various obstacles, preventive legal protection is needed to ensure that children's rights are not solely dependent on post-death litigation. One of the most effective instruments is optimizing prenuptial or postnuptial agreements. These agreements must not only regulate the separation of assets between husband and wife but also specifically include clauses protecting children regarding the succession mechanism for business assets in the event of a transnational inheritance dispute.

Inheritance protection clauses in prenuptial agreements can include a choice of law and a choice of forum in the event of a dispute. By establishing the applicable law early on, uncertainty caused by the rigid principle of Lex Rei *Sitae* can be minimized. In this regard, a notary plays a crucial role as legal advisor to ensure that the clause does not conflict with public policy in the country where the assets are located.

In addition to prenuptial agreements, the use of a Testament or Will that complies with the domestic law where the assets are located (local law compliance) is an essential preventative measure. Heirs (parents) are strongly advised to create separate wills for each country where their business assets are located. By creating a will that meets Indonesian legal formalities for assets located in Indonesia, the process of proving heirship for children becomes much simpler and no longer relies entirely on the interpretation of complex foreign laws.

Another formulation that is gaining ground is the use of a Family Trust structure or family foundation in jurisdictions that recognize it, although in Indonesia this concept has not yet been fully accommodated in the civil law system. However, through share ownership by a legal entity, inheritance rights can be transferred at the corporate level without directly affecting physical assets (land), as restricted by the UUPA. This provides protection for children, ensuring they continue to receive economic value from the family business without being subject to foreign ownership regulations.

This research also examines the importance of the government's role in providing administrative relief for children with limited dual citizenship. A "temporary registration" scheme is needed in the land registration system (SIPP) and the company registration system (SABH) that accommodates children's rights up to the age limit for citizenship selection. This ensures that children's rights remain systematically protected without being forced to relinquish their rights within a very short period (one year).

The international digitization of legal documents through the e-Apostille system is also a practical solution to expedite verification of the validity of inheritance documents for children in mixed marriages. If document verification can be carried out in real time across countries, bureaucratic obstacles, which have been a major obstacle, can be significantly reduced. Timeliness in the legal process is a tangible form of protection for children's economic interests.

Empirically, strengthening legal education for those in mixed marriages is an equally important step. Many mixed-marriage couples only realize the complexity of inheritance disputes after death. Raising awareness about the importance of legal planning from the beginning of the marriage will help minimize the risk of disputes that could harm children's civil rights in the future. International judicial cooperation also needs to be strengthened through bilateral or multilateral agreements on the recognition of inheritance. If countries where business assets are located agree on the recognition of children from mixed marriages, legal conflicts can be resolved through cross-border mediation rather than damaging litigation. This aligns with universal child protection principles.

In conclusion, practical obstacles to protecting children's civil rights stem from rigid administrative procedures and weak parental legal planning. Effective protection cannot rely solely on slow regulatory changes but must be achieved through early risk mitigation strategies. Private legal instruments such as marriage agreements and local wills are key bulwarks in securing children's economic rights.

Finally, integration of international civil law with national economic policy must be realized immediately. Child rights protection should not be considered merely a family issue, but rather part of the legal certainty of investment in Indonesia. With clear inheritance rights, international business actors will feel more secure in placing their assets in Indonesia, ultimately providing sustainable benefits to the national economy.

Table: Practical Constraint Matrix and Formulation Preventive Legal Protection

No	Dimension of Constraints	Phenomenon Practical in the Field (Empirical)	Preventive & Progressive Solution Formulation
1	Administrative & Legality	The complexity procedure *Apostille* and legalization document inheritance foreigners who eat time and cost big.	Optimization e-Apostille digitalization and standardization document inheritance cross-border through bilateral agreement.
2	Legal Capacity	Doubt officials (BPN/ Notary) in processing change of asset name business due to citizenship status double child.	Compilation Specific Local Will subject to law place asset is at for simplify proof.
3	Jurisdiction & Execution	Decision court foreign related distribution asset business No	Use clause Choice *of* Law and Choice of Forum in Agreement Marriage (*Prenuptial/Postnuptial*).

		can direct executed in Indonesia (*Non-executable*).	
4	Continuity Business	Stagnation operational company family consequence dispute protracted inheritance disputes in various countries.	Structuring ownership through Legal Entity (*Holding Company*) or *Trust* For separate ownership asset from personal status.
5	Duration Waiver of Rights	Term 1 year time or let go rights (Article 21 UUPA) too short for the liquidation process asset business cross- border.	Recommendation Relaxation Administrative in form " Ownership " scheme Transition " to child reach age choose citizenship.
6	Legal Education	The low parental awareness in do *Legal Planning* for child since beginning marriage.	Obligation Legal Counseling by Notary moment manufacturing deed marriage mixture related mitigation risk inheritance transnational.

4. Conclusion

This study concludes that the protection of civil rights of children of mixed marriages in cross-border business asset inheritance disputes is trapped in a dichotomy between recognition of personal status and restrictions on property rights. The regulatory disharmony between the Citizenship Law and sectoral laws (UUPA and the Investment Law) creates a condition where children's national identity is not linear with their legal capacity to control business assets, which is exacerbated by the application of the protectionist principle of Lex Rei *Sitae*. The principle of the law of the place where the property is located, which should function as an instrument of legal certainty, in practice actually becomes an obstacle to the fulfillment of children's absolute rights *(legitieme portie)* due to the failure of the domestic legal system to adopt a harmonization mechanism for inheritance decisions or foreign legal documents that form the basis of children's rights. Furthermore, the research findings emphasize that the effectiveness of child protection is highly dependent on a paradigm shift from curative protection to preventive legal protection. Practical obstacles, such as the bureaucratic legality of transnational documents and the rigid deadlines for relinquishing rights, require participants in mixed marriages to mitigate risks through private legal instruments, such as prenuptial agreements containing business succession clauses and the creation of local wills that comply with Indonesian law. Ultimately, guaranteeing children's civil rights requires policy reforms that integrate children's best interests into land administration and investment procedures, so that state territorial sovereignty does not eliminate the legitimate economic rights of heirs in transnational families. This study has several limitations that could provide opportunities for further research. The focus of this study is limited to the analysis of business assets in the form of immovable property (land/buildings) and shares of domestic companies in Indonesia, thus not fully examining the types of digital or crypto assets that are now becoming objects of cross-border inheritance. Furthermore, the empirical approach in this study is limited to Jakarta and Bali, which may have different legal practice dynamics than other regions in Indonesia. The researchers also recognize the limitations in accessing confidential drafts of private marriage agreements therefore, the analysis of inheritance protection clauses is based on general information from practitioners. Recommendations for further research should focus on protecting digital assets and modern investment instruments that lack physical form, thus challenging the relevance of the traditional Lex Rei *Sitae* principle in cross-border inheritance disputes. Furthermore, a comparative legal study is needed regarding the implementation of the Family Trust system in other countries as an alternative, more flexible business succession solution for children of mixed marriages compared to the conventional inheritance system in Indonesia. Future researchers are also expected to empirically evaluate the effectiveness of the Apostille Convention's implementation in reducing bureaucratic obstacles for transnational heirs in the future.

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