

MUSLIM GENERATION Z AND GLOBALIZED KNOWLEDGE

Perceptions of Muslim Generation Z of Banjarmasin on Prenuptial Agreement

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Abstract

This article focuses on prenuptial agreement from the perspective of Muslims Generation Z in Banjarmasin City. The information abundance falling this generation, including legal norms and legal culture in the borderless world, rises a question: is the perception of Muslims Generation Z in Banjarmasin in common with Generation Z in other cities in other countries? To answer this question, a survey method was used to explore the perception of Muslims Generation Z in Banjarmasin on prenuptial agreement. This research finds that the perception of Muslims Generation Z in Banjarmasin tends to be the same as Generation Z in America and England. They know and understand the function and purpose of the prenuptial agreement. They also opine that this agreement is to be carried out for the benefit of their marriage (in the future). In addition, this research also finds that the perception of Muslim Generation Z in Banjarmasin towards prenuptial

agreements is substantively different from the perception of the previous generation in Indonesia, who consider a prenuptial agreement as a kind of taboo.

[Artikel ini berfokus pada perjanjian pranikah dari sudut pandang Generasi Z Muslim di Kota Banjarmasin. Berlimpah-ruahnya informasi yang menghujani generasi ini, termasuk norma hukum dan budaya hukum di dunia internasional, menimbulkan pertanyaan: apakah persepsi Generasi Z Muslim di Banjarmasin sama dengan Generasi Z di kota lain di negara lain? Untuk menjawab pertanyaan tersebut, digunakan metode survei untuk menggali persepsi Generasi Z Muslim di Banjarmasin terhadap perjanjian pranikah. Penelitian ini menemukan bahwa persepsi Generasi Z Muslim di Banjarmasin cenderung sama dengan Generasi Z di Amerika dan Inggris. Mereka mengetahui dan memahami fungsi dan tujuan dari perjanjian pranikah. Mereka juga berpendapat bahwa perjanjian ini dilakukan untuk kepentingan pernikahan mereka (kelak). Selain itu, penelitian ini juga menemukan bahwa persepsi Generasi Z Muslim di Banjarmasin terhadap perjanjian pranikah secara substantif berbeda dengan persepsi generasi sebelumnya di Indonesia yang menganggap perjanjian pranikah sebagai hal yang tabu.]

Keywords

Muslim Generation Z, marriage, prenuptial agreement

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Introduction

Generation Z is the youngest army in the history of the labor force and is closely associated with technology and the concept of innovation. According to Sakitri, Gen Z consists of individuals born between 1995 and 2010 and is commonly known as the post-millennial generation.¹ The relationship philosophy of Gen Z is more pragmatic than that of previous generations. According to Global Insight Vice Media Group's Arbit, Generation Z understands that having different partners at different times can accommodate a variety of needs. His study of 500 Gen Z and millennial respondents from the United Kingdom and the United States, as well as some Gen X respondents for comparison, revealed that only one in ten Gen Z individuals said they were "committed to committing to their partner."²

In her article titled "Settling Down Romance in the Era of Gen Z," published in the Yale Daily News in February 2020, Kyung Mi Lee explained that although both Gen Z and millennials delay marriage, they do so for distinct reasons. Generation Y delays starting a family due to their busy single lives. While Gen Z's procrastination is primarily due to introspection regarding the type of relationship they desire.³ Generation Z's pragmatism towards relationships exemplifies their realistic view of life.⁴ They realized that the domestic ark did not always operate smoothly. Numerous obstacles and difficulties will be encountered along the path to a successful marriage in the future. There is always a chance that a marriage intended to last forever will end in divorce in the future.⁵

As a form of preparation for the possibility of a failed marriage, the prospective husband and wife must prepare as thoroughly as possible for their union. As a form of preparation for marriage, entering into a marriage contract is one option. The marriage contract can be used as a legal mechanism to preserve and protect the rights and responsibilities of both husband and wife so that they run smoothly after the wedding.⁶ According to a YouGov survey of prenuptial agreements in the UK and America, Holmes

¹ Galih Sakitri, "Selamat Datang Gen Z, Sang Penggerak Inovasi!" in *Forum Manajemen*, vol. 35, 2021, 1–10.

² Vice Media Group, *Relationship: A Status Update* (New York, 2020), 1.

³ Kyung Mi Lee, "Settling Down: Romance in The Era of Gen Z", *Yale Daily News* (2020), 1.

⁴ Sakitri, "Selamat Datang Gen Z, Sang Penggerak Inovasi!"

⁵ Mohamad Syafri et al., "Generation Z's Perception of Marriage Age Restrictions and Arranged Marriage Phenomenon," *Jurnal Hawa: Studi Pengarus Utamaan Gender Dan Anak* 4, no. 1 (2022): 82–90, <https://doi.org/10.29300/hawapsga.v4i1.6671>.

Family Law conveys the research results that there is an increasing demand for marriage agreements from Generation Z, who tend to take a pragmatic approach to protect their assets before marriage. A national company surveyed 2,064 people. Of the 136 respondents aged 18 and 24, 42% of women and 36% of men said they would likely sign a prenup.⁷

In Indonesia, marriage agreements are legally protected through the legal basis of marriage agreements as regulated in Articles 139 to 185 of the Civil Code, Article 29 of the Marriage Law Number 1 of 1974 concerning Marriage, and Articles 45 to 52 of the Compilation of Islamic Law Presidential Instruction Number 1 of 1991. Initially, based on the Civil Code and Article 29 paragraph (1) of the Marriage Law, a Marriage Agreement could only be made at or before the marriage took place. It could also be called a Prenuptial Agreement. The agreement is then valid since the wedding took place and cannot be changed during the marriage unless there is an agreement to change from both parties and the change does not harm a third party. Since the decision of Constitutional Court No.69/PUU-XIII/2015, at this time, a marriage agreement can be made before or after the marriage takes place.⁸

Even so, marriage agreements in Indonesia are still considered taboo, sensitive, and unethical because Indonesian people still adhere to Islam and Eastern Culture.⁹ People tend to think that, in essence, marriage is a process of uniting the lives of husband and wife. By consummating the wedding, the husband and wife become one with all their rights and obligations. So, it would be very odd if the rights, obligations, and property were regulated separately in a marriage agreement.¹⁰ So far, only a few Indonesians have agreed to the marriage. The assumption that after marriage, everything merges into one makes each couple feel reluctant to agree.

⁶ R Rosianah, "Persepsi Masyarakat Kelurahan Kaliawi Tentang Perjanjian Perkawinan" (UIN Raden Intan Lampung, 2018).

⁷ Helen Holmes, 'Generation "Z" Likely To Demand a Prenup - Survey', *Holmes Family Law* (2019).

⁸ Honggo Hartono, "Roles of Notary in Drawing Up Marriage Agreement After Constitutional Court Decision Number 69/PUU-XIII/2015," *Prophetic Law Review* 2, no. 2 (2020): 180–99, <https://doi.org/10.20885/PLR.vol2.iss2.art4>.

⁹ Gina Meilindan, Zainal Asikin, and Edwardo Bayo Sili, "Legal Status of Marriage Agreement Based on Civil Code and Marriage Law," *International Journal of Multicultural and Multireligious Understanding* 7, no. 6 (2020): 409–15, <https://doi.org/10.18415/ijmmu.v7i6.1659>.

¹⁰ Rosianah, "Persepsi Masyarakat Kelurahan Kaliawi Tentang Perjanjian Perkawinan."

Research on the prenuptial agreement has been conducted through multi perspectives. Hernoko et al., see that a new change in Indonesian law on prenuptial agreements was recently made.¹¹ Some scholars see the prenuptial agreement as a part of legal protection,¹² particularly in the case of mixed-marriage couples.¹³ Besides that, Heriyanti sees the unlawful side of prenuptial agreement implementation.¹⁴ At the same time, studies on Muslim generation Z and marriage have discussed the marriage role expectation,¹⁵ their marriage expectation,¹⁶ and their perception of arranged marriage.¹⁷ In line with this trend, this article concentrates on the perception of Muslim generation Z of Banjarmasin on a prenuptial agreement.

This paper is the result of empirical juridical research. Empirical research in law involves the study of legal institutions, rules, procedures, and personnel through direct methods rather than secondary sources to understand how they operate and their motives and effects.¹⁸ This study applies a survey method. Survey research was developed as a form of a positivist approach to the social sciences. As Robert Groves, a leading surveyor, said, surveys produce information that is statistical in nature. A survey is the primary form of quantitative. Survey research asks several respondents about their beliefs, opinions,

- ¹¹ Agus Hernoko et al., “Nuptial Agreement in Indonesia: A New Change in Indonesian Marriage Law,” in *International Conference on Law, Governance and Globalization 2017 (ICLGG 2017)* (Atlantis Press, 2017), 24–27, <https://doi.org/10.2991/iclgg-17.2018.4>.
- ¹² Sri Subekti, Liliana Tedjosaputro, and Mr Mashari, “Legal Protection Concept: Separate Maintenance for the Third Party in Prenuptial Agreement,” *International Journal of Civil Engineering and Technology* 11, no. 1 (2020).
- ¹³ Winda Fitri and Elviani Elviani, “Prenuptial Agreement Terhadap Perkawinan Campuran: Suatu Kajian Perspektif Hukum Di Indonesia,” *Jurnal Komunikasi Hukum (JKH)* 7, no. 2 (2021): 924–42, <https://doi.org/10.23887/jkh.v7i2.38916>.
- ¹⁴ Heriyanti Heriyanti, Elvira Fitriyani Pakpahan, and Diana Diana, “The Several Unlawful Act After Nuptial Agreement In Indonesia,” *International Journal of Law Reconstruction* 5, no. 2 (2021): 328–40, <https://doi.org/10.26532/ijlr.v5i2.16291>.
- ¹⁵ Rahma Yurliani, Indri Kemala, and Liza Marini, “Marriage Role Expectation on Muslim Z-Generation,” 2020.
- ¹⁶ Liza Marini, Rahma Yurliani, and Indri Kemala Nasution, “Ekspektasi Peran Pernikahan Pada Generasi Z Ditinjau Dari Jenis Kelamin, Usia, Agama Dan Suku,” *Analitika: Jurnal Magister Psikologi UMA* 14, no. 1 (2022): 89–98, <https://doi.org/10.31289/analitika.v14i1.5145>.
- ¹⁷ Ahmad Muflihul Wafa, “Pandangan Santri Generasi Z Terhadap Perjuduhan Kiai Perspektif Kafaah,” *Sakina: Journal of Family Studies* 6, no. 3 (2022), <https://doi.org/10.18860/jfs.v6i3.1807>.
- ¹⁸ Frans L Leeuw and Hans Schmeets, *Empirical Legal Research: A Guidance Book for Lawyers, Legislators and Regulators* (Edward Elgar Publishing, 2016).

characteristics, and behaviors that have occurred or are currently occurring.¹⁹ In this study, the survey method was used to explore the perception of Generation Z Muslims in Banjarmasin towards prenuptial agreements. The survey was carried out using an online questionnaire at the link <https://tinyurl.com/kuisionerprenup>. A total of 108 respondents have filled out the questionnaire. They are a sample of Muslim generation Z around Banjarmasin City.

Why Generation Z

Generation Z includes individuals born between 1995 through 2010. To date, Generation Z, in terms of race, gender, and sexual orientation, is the most diverse of all the previous generations.²⁰ Generation Z has had a front-row seat to many societal and cultural shifts, all of which have shaped their views of self and society. Members of this generation are children of the post-9/11 world, born and raised in a time of political polarization and multiple overseas wars. “The media they consumed was more focused on negativity,” exposing the failures and scandals of popular famous public figures in full public view. They, however, were also witnesses to significant advances in inequality, such as the first African American president and the legalization of gay marriage. Generation Z has experienced a time of global economic instability, climate change issues, cloud computing, and the rise of mobile devices. With natural disasters, school violence, bullying, and online hacking, this generation is accustomed to viewing the world as a “scary place.”²¹

According to a McKinsey study, Gen Z's behavior can be grouped into four major components based on a solid foundation that Gen Z is a generation that seeks the truth. First, Gen Z is referred to as "the undefined ID," where this generation respects the expression of each individual without giving a specific label. The search for identity gives Gen Z a great openness to understanding the uniqueness of each individual.²² Second, Gen

¹⁹ F C Susila Adiyanta, “Hukum Dan Studi Penelitian Empiris: Penggunaan Metode Survey Sebagai Instrumen Penelitian Hukum Empiris,” *Administrative Law and Governance Journal* 2, no. 4 (2019): 697–709, <https://doi.org/10.14710/alj.v2i4.697-709>.

²⁰ Corey Seemiller and Meghan Grace, “Generation Z: Educating and Engaging the next Generation of Students,” *About Campus* 22, no. 3 (2017): 21–26, <https://doi.org/10.1002/abc.21293>.

²¹ Robert Minarcin, “OK Boomer-The Approaching DiZruption of Legal Education by Generation Z,” *Quinnipiac L. Rev.* 39 (2020): 29.

²² Tracy Francis and Fernanda Hoefel, “True Gen?: Generation Z and Its Implications for Companies,” *McKinsey & Company* 12 (2018).

Z is identified as “the communaholic,” a very inclusive generation interested in being involved in various communities by utilizing advanced technology to expand the benefits they want to provide. Third, Gen Z is known as “the dialoguer,” a generation that believes in the importance of communication in conflict resolution and that change comes through dialogue. In addition, Gen Z is open to the thoughts of each individual who is different and likes to interact with various individuals and groups.²³ Fourth, Gen Z is called “the realistic,” a generation that tends to be more realistic and analytical in making decisions than the previous generation. Gen Z is a generation that enjoys independence in learning and seeking information, thus making them happy to be in control of the decisions they choose. Gen Z recognizes the importance of having financial stability in the future. This is in line with the survey findings, which revealed that Gen Y²⁴ and Baby Boomers²⁵ are a generation that tends to be more idealistic.²⁶

Generation Z is typically less interested in marriage. In large part, this is due to the high divorce rate of the previous generation, which has made Generation Z more cautious about marriage. Generation Z, who are now in their 20s, will be asked more frequently when they plan to get married. Occasionally, this issue makes many individuals feel even more depressed. Because not everyone understands their apprehension about marriage. In this age of social media, it is simple for individuals to compare their lives to those of others. It is easy to envy the good fortune of others. This consists of marriage. Occasionally, individuals have extremely high standards or expectations for their future partners. In reality, however, they are afraid that their future spouse will not live up to their expectations or standards. This also makes the majority of Generation Z hesitant to marry. Fear that married life will not be as beautiful as what people “show off” on the Internet.²⁷

A study by the Gottman Institute stated that 69% of conflicts in romantic relationships could not be resolved. Worrying that they will experience severe conflicts after marriage makes some Z generation feel better on their own first than rushing to get married without good mental preparation. Growing up in an era that demands always being

²³ Francis and Hoefel.

²⁴ Generation Y, also known as Millennials, were born between 1980 and 1995.

²⁵ Baby boomers are a term for those born between 1946-1964 or around the age of 57-75 in 2021.

²⁶ Francis and Hoefel, “True Gen?: Generation Z and Its Implications for Companies.”

²⁷ Paul Lim and Andrew Parker, “Next in Line: Generation Z,” in *Mentoring Millennials in an Asian Context* (Emerald Publishing Limited, 2020), 127–34, <https://doi.org/10.1108/978-1-78973-483-620201012>.

able to solve all existing problems more independently, sometimes even makes Generation Z afraid to start a relationship because they don't want to burden their loved ones with their problems.²⁸

Prenuptial Agreements

Not all marriages are expected to realize a peaceful, happy, harmonious, and eternal family life (married). Sometimes the factors of incompatibility often affect married life in a marriage; there is a sense of concern for husband and wife over things that might happen in the household that lead to divorce. So that at this time, not a few married couples bind their marriage with an agreement as an anticipatory step on things that are not desirable in a marriage.²⁹ The marriage agreement is a term from Chapter V of Law No.1 of 1974, containing one article, namely article 29. While regarding the meaning of this marriage agreement, no explanation is obtained; it only regulates when the marriage agreement is made, holds its validity, when it comes into force, and whether the agreement can be changed. So, it doesn't regulate the agreement material in the Civil Code.³⁰

The marriage Agreement (*huwelijksvoorwaarden*) is known based on Indonesian Civil Law.³¹ A marriage agreement can be interpreted as a mutual agreement of both parties made in writing, which the marriage registrar then ratifies.³² Its contents also apply to third parties as long as the third party is involved.³³ Marriage agreements are usually aimed at both parties who want to get married and have valuable property or expect wealth (e.g., inheritance) and want to separate their assets. However, it is not limited to the separation of assets; both parties can make other forms and contents of the Marriage Agreement

²⁸ Afifah Cinthia Pasha, '4 Alasan Anak Muda Takut Menikah, Bukan Hanya Masalah Komitmen', *Liputan 6* (2019).

²⁹ Dyah Ochtorina Susanti, "Perjanjian Kawin Sebagai Bentuk Perlindungan Hukum Bagi Pasangan Suami Istri (Perspektif Maqashid Syari'ah)," *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam* 1, no. 2 (2018): 1–30, <https://doi.org/10.30659/jua.v1i2.2456>.

³⁰ Rahmida Erliyani, "Aspek Hukum Perjanjian Perkawinan" (Penerbit K-Media, 2016).

³¹ Nurul Miqat et al., "Marriage Agreements Post Decision of Constitutional Court No 69 Puu/Xiii/2015 Human Rights Perspective," *JL Pol'y & Globalization* 94 (2020): 75, <https://doi.org/10.7176/JLPG/94-08>.

³² Asman Asman, Marilang Marilang, and Kurniati Kurniati, "Existence of Marriage Agreements in Islam Development Studies in the Community of Malay Border Indonesia-Malaysia," *Jurnal Ilmiah Al-Syir'ab* 19, no. 1 (2021): 16–29, <https://doi.org/10.30984/jis.v19i1.1256>.

³³ Erliyani, "Aspek Hukum Perjanjian Perkawinan."

stipulate that the agreement must be within legal, religious, and moral boundaries. If you violate these things, the Marriage Agreement cannot be ratified.³⁴

Initially, based on the Civil Code and Article 29 paragraph (1) of the Indonesian Marriage Law, a Marriage Agreement could only be made at or before the marriage took place. It could also be called a Prenuptial Agreement. The agreement is then valid since the wedding took place and cannot be changed during the marriage unless there is an agreement to change from both parties and the change does not harm a third party. However, since Constitutional Court Decision No.69/PUU-XIII/2015 (from now on referred to as Constitutional Court Decision 69/2015), this time, a Marriage Agreement can be made before or after the marriage takes place.³⁵ The decision was issued following the submission of an application to the Constitutional Court by Mrs. Ike Farida to conduct a constitutional review of Article 21 paragraph (1), paragraph (3), and Article 36 paragraph (1) of the Basic Agrarian Law, as well as Article 29 paragraph (1), paragraph (3), paragraph (4), and Article 35 paragraph (1) of the Marriage Law. The Constitutional Court then granted the Petitioner's request in part, namely regarding the material review of Article 29 paragraph (1), paragraph (2), and paragraph (4) of the Marriage Law, that before or during the marriage bond both parties with mutual consent may submit an agreement written documents legalized by the marriage registrar or notary after the contents also apply to third parties as long as the third party is involved.³⁶

About Article 29 paragraph (3) of the Marriage Law, there are differences before and after the Constitutional Court Decision. Based on the Constitutional Court 69/2015, the Marriage Agreement is valid since the marriage took place and can also be valid if it is determined otherwise in the Marriage Agreement by both parties.³⁷ Another difference is that by Article 29 paragraph (4) of the Marriage Law, the article after the Constitutional

³⁴ Haedah Faradz, "Tujuan Dan Manfaat Perjanjian Perkawinan," *Jurnal Dinamika Hukum* 8, no. 3 (2008): 249–52, <https://doi.org/10.20884/1.jdh.2008.8.3.82>.

³⁵ Priesty Yustika Putri, Prija Djatmika, and Dhiana Puspitawati, "Implikasi Yuridis Perjanjian Perkawinan Yang Dibuat Selama Dalam Ikatan Perkawinan Terhadap Utang Bersama Pasca Putusan Mahkamah Konstitusi Nomor 69/Puu-Xiii/2015," *Legality: Jurnal Ilmiah Hukum* 26, no. 1 (2018): 95–117, <https://doi.org/10.22219/jihl.v26i1.6621>.

³⁶ Misaela and Partners, *Perjanjian Perkawinan di Indonesia*.

³⁷ Riyanto Riyanto, Wachid Aryanto, and Arief Cholil, "Implementation Agreement By Mixed Marriage Based On Act No. 1 of 1974 Concerning Marriage After Constitutional Court Ruling No. 69/PUU-

Court Decision 69/2015 is that as long as the marriage lasts, the Marriage Agreement can be regarding marital property or other agreements; it cannot be changed or revoked, except if from both parties. Both parties have a contract to change or cancel, and the change or revocation does not harm the third party.³⁸

Thus, since the Constitutional Court Decision 69/2015, a Marriage Agreement can be made by the two candidates who will enter into a marriage (Prenuptial Agreement) and by married couples who are still bound in a marital relationship (Postnuptial Agreement). In general, a marriage agreement is made:³⁹ (1) if several assets are more outstanding in one party than in the other party; (2) the two sides each brought considerable input; (3) each of them has their own business so that if one goes bankrupt, the others are not involved; and (4) each will be responsible for the debts they made before marriage individually.

Both an underhanded deal and a marriage agreement deed executed in front of a notary office should be clearly documented on paper. The terms of the marriage contract must not violate Islamic law and standards of decency.⁴⁰ The existence of a marriage contract gives rise to legal consequences due to the parties desire for the contract, resulting in the creation of several products, including:

1. Legally, the parties are interrelated by holding a marriage agreement, and each must carry out his obligations and rights. The parties must also be prepared for the legal consequences of violating the marriage agreement.
2. Psychologically, the marriage agreement will cause feelings of distrust toward their life partner. Feelings of fear will overshadow him if his partner violates the deal. This anxiety will lead to unhappiness in living in the household.
3. Sociologically and culturally, the marriage agreement creates a culture shock. An eastern society whose kinship does not recognize individualism certainly indeed rejects the existence of a marriage agreement. The marriage agreement is considered something that does not exist because it is only concerned with

XIII/2015 (Study of Notary Role),” *Jurnal Akta* 5, no. 4 (2018): 829–36, <https://doi.org/10.30659/akta.v5i4.3712>.

³⁸ Misacla and Partners, *Perjanjian Perkawinan di Indonesia*.

³⁹ Faradz, “Tujuan Dan Manfaat Perjanjian Perkawinan.”

⁴⁰ Yulies Tiena Masriani, “Perjanjian Perkawinan Dalam Pandangan Hukum Islam,” *Serat Acitya* 2, no. 3 (2014): 128, <https://doi.org/10.56444/sa.v2i3.115>.

property. Although the marriage agreement is not always oriented to property in marriage.⁴¹

In making a marriage agreement, several aspects need to be considered. In disclosing all details of financial condition both before and after marriage. For instance, the amount of property each party has before marriage and the potential increase in line with increasing income or other reasons, such as receiving an inheritance. Then how much is the debt each party has before marriage, what is the potential debt after marriage and who is responsible for the settlement of the debt? The goal is that you know exactly what will be received and what will be sacrificed if the marriage ends so that neither party will feel aggrieved later.

The marriage agreement must be agreed upon and signed by both parties voluntarily without coercion. If one of the parties feels compelled because they are threatened or under pressure so that they are forced to sign it, then the marriage agreement can be threatened to be canceled because of it. Choose an authorized official with a good reputation and maintain objectivity so that in making the contents of the marriage agreement, justice can be achieved for both parties. A marriage agreement should not be made under the hand but must be approved by a notary. Then it must also be registered in the marriage registration institution. This means that at the time of the marriage agreement must also be ratified by the marriage registrar (KUA and the Civil Registry Office).⁴²

Perceptions of Muslim Generation Z in Banjarmasin City on Prenuptial Agreements

The age and gender of the respondents in this study were used to organize their demographic data. A descriptive statistical test was conducted to facilitate the identification of the respondents' demographic characteristics. In this study, 108 respondents completed the questionnaire, including 83 women (76.9%) and 25 men (23.1%). Before the data were analyzed, the validity test determined that 23 people lived outside of Banjarmasin. Thus, the total number of respondents with valid information was 85. As many as 67.6% of generation Z Muslims in Banjarmasin City responded that they knew and understood the

⁴¹ Masriani.

⁴² Kajagi Kalman, "Kedudukan Perjanjian Perkawinan Dalam Hukum Positif Di Indonesia," *Jurnal Hukum Ius Publicum* 1, no. I (2020): 1–13.

concept of a marriage contract. 25.9% of respondents knew but did not comprehend, 4.6% knew but did not comprehend, and 1.9% were unaware of the existence of a marriage contract. Overall, 93.5 percent of Muslims from Generation Z in Banjarmasin are aware of and comprehend marriage contracts, albeit not completely. In addition to knowing and comprehending the meaning of a marriage contract, 44.4% of respondents claimed to know well the function and usefulness of a marriage contract, while 45.4% knew the function and usefulness of a marriage contract but did not well enough, and 7.4% did not know enough. The remaining 2.8% do not comprehend the utility and purpose of a marriage contract.

Banjarmasin's Generation Z is aware that marriage contracts are neither required nor prohibited by law. This indicates that the marriage contract is valid. In general, the marriage contract regulates the prospective husband and wife's assets and aims to govern the consequences of a marriage involving assets. The marriage contract becomes effective at the time of the wedding. As long as it does not violate the rules of law or religion and contains provisions regarding property issues in marriage, this agreement also contains matters relating to marriage, such as child care, education, and a commitment to non-violence in the marital relationship. To form a marriage, both the husband and the wife must consent.⁴³

The profile of legal knowledge possessed by Muslims of generation Z in Banjarmasin is not surprising. They are the individuals who constantly carry the "connected world" in their palms. According to multiple studies, Generation Z is a technologically savvy generation (digital native) because they were born in the era of smartphones, grew up with the sophistication of computer technology, and are more receptive to easier internet access than the previous generation.⁴⁴ They learn to seek knowledge about the law through the internet even though they are not students in law school.⁴⁵ This is consistent with the results of Universum Global research, which states that Generation Z has learned through digital technology rather than traditional learning such as classroom teaching over the past

⁴³ Marsidah Marsidah, "Perjanjian Perkawinan Antara Suami Istri Berdasarkan Undang-Undang Perkawinan," *Solusi* 18, no. 2 (2020): 218–28, <https://doi.org/10.36546/solusi.v18i2.283>.

⁴⁴ The Harris Poll, *Gen Z 100* (Chicago, 2022).

⁴⁵ Poll, *Gen Z 100*

few decades. Generation Z believes that they can learn from non-traditional sources and succeed.⁴⁶

Generation Z consists of individuals who are typically cautious before acting. Before deciding on a course of action, they will be able to find out everything from A to Z on their devices, thanks to the readily available laws and jurisprudence. Even more cautious and anxious is Generation Z if they are aware of the potential risks in a given situation and continue to seek information about it via the internet and social media.⁴⁷ This is according to the results of the survey we conducted, which revealed that generation Z in the United States and the United Kingdom, as well as generation Z in the Indonesian city of Banjarmasin, believed that a marriage contract was essential. Specifically, 59.3% of respondents rated it as "very important," 34.3% as "important," 6.5% as "quite significant," and no one as "not important." 54.6 percent of Muslim Generation Z in Banjarmasin City want a marriage contract if they ever get married, 28.7 percent said they want one, 13.9 percent were unsure, and 2.8 percent said they don't want one at all. 62% of those who desire a marriage contract believe that their rights as a couple will be safer and more secure if they create one later. Of the positive and negative effects of the marriage agreement, 51.9% are adamant that there are more positive results, while 41.7% are completely in agreement. Only 5.6% believe that the positive and negative effects are balanced. Comparatively, 0.9% of respondents believe that the marriage agreement has more negative than positive effects. Obviously, the marriage contract is a delicate subject. However, marriage is a lifelong commitment, and it is crucial to have meaningful conversations about the future.

The most important point to remember is that the marriage contract is a decision with substantial and long-lasting consequences. Generation Z is aware that, when contemplating marriage and negotiating a marriage contract, one must always consider the options with a Pros and Cons list. Obviously, the benefits protect both parties from "losing" their premarital assets. Business assets are better protected, financial rights are clarified, disputes and confusion in divorce cases are avoided, and property divisions

⁴⁶ Pursue Anna Powers, "Why Gen-Z Talent Is More Likely To Pursue Entrepreneurship", *Forbes* (2018).

⁴⁷ Poll, *Gen Z 100*.

governed by state law or parties with strong interests are avoided.⁴⁸ The most important thing to remember is that the marriage contract is a choice with substantial and long-lasting repercussions. Generation Z is aware that, when contemplating marriage and negotiating a marriage contract, a Pros and Cons list is always necessary. Clearly, the benefits safeguard both parties against "losing" their premarital assets. The protection of business assets is improved, financial rights are clarified, disputes and confusion in divorce cases are avoided, and property divisions governed by state law or parties with strong interests are eliminated.⁴⁹ Only 16.7% of Generation Z Muslims in the city of Banjarmasin believe that marriage contracts are acceptable in Asia with a strong eastern culture. Consequently, it is not surprising that 97.2% of generation Z Muslims in Banjarmasin City believe it is essential to provide legal counseling to the broader community regarding marriage agreements so that every class understands the purpose and benefits of having one. Morally and psychologically, the marriage contract will engender feelings of mistrust toward their future spouse. If his partner breaches the agreement, he will experience apprehension. This worry will result in domestic unhappiness. The marriage contract produces a sociological and cultural culture shock. A society in the East whose kinship does not recognize individualism and materialism would naturally reject the existence of a marriage contract. Marriage contracts are considered unethical due to their exclusive focus on property, despite the fact that marriage contracts are not always focused on property.

Only 4.6% of Generation Z Muslims in Banjarmasin City are bothered or offended when their prospective partner requests a marriage contract. According to the majority of Generation Z Muslims in Banjarmasin City (up to 70.4%), the marriage contract had nothing to do with mistrust of the spouse and was solely for the common good during the household ark. A prenuptial agreement is a legally binding contract between the couple. Therefore, the parties must engage in candid conversations with their legal and financial advisors. This matches the gene Z characteristic known as "the dialoguer",⁵⁰ a generation that believes in the importance of communication in conflict resolution and that change comes through dialogue. In addition, Generation Z is open to the unique perspectives of

⁴⁸ Drucker & Scaccetti, "Gen Z Series: Prenuptial Agreements: Are They Necessary?", *Drucker & Scaccetti* (2022).

⁴⁹ Drucker & Scaccetti, "Gen Z Series: Prenuptial Agreements: Are They Necessary?."

⁵⁰ Francis and Hoefel, "True Gen?: Generation Z and Its Implications for Companies."

each individual and enjoys interacting with diverse individuals and groups without being offended by a difference in opinion or viewpoint. In contrast to Generation Z in the United States, which has a significant decline in religion or religiosity, Generation Z in Banjarmasin City understands the marriage agreement under Islamic Law; only 1.9% do not understand the agreement. According to Islamic law, 40.7% comprehend very well and 47.2% comprehend. The understanding of Muslims of Generation Z in Banjarmasin City regarding the principle of mutual consent and the absence of any basis for coercion in the marriage contract is also excellent; only ten percent do not comprehend that coercion in the contract is not grounds for annulment.

When asked about the contents of the marriage contract, generation Z Muslims in Banjarmasin City ranked child custody rights in case of separation, agreement on separation/merger of property, agreement on debts, and receivables, and rights and obligations regarding who works and cares for the household as the most important. And the allocation of duties. This demonstrates that, in addition to knowing, they comprehend the contents of the marriage contract, the legal ramifications of marriage, and the possibilities that may arise during or after the marriage, or even if the marriage ends. The other additions they believe are equally important to the marriage contract are the consequences and compensation if there is ever an affair. The concerns and realistic perspectives of Generation Z Muslims in Banjarmasin are the results of McKinsey research regarding Generation Z in the Asia Pacific, who tend to spend time on their electronic devices, which influences their perception of social relations issues.⁵¹

According to Galih, this concern stems from the fact that Generation Z was born during a period of a severe economic crisis in Indonesia, which makes it difficult for parents to raise this post-millennial generation in difficult times. Unknowingly, parental anxiety also contributes to the development of Generation Z's personality. As a result of growing up in a recessionary era, Generation Z often experiences anxiety when their desires are not met. Moreover, according to the Holmes Family Law,⁵² Generation Z has grown up being influenced by celebrity culture and taking a realistic approach to marriage or civil partnerships. Gen Z 'follows' and sees 'influencers' through videos on various

⁵¹ Aimee Kim et al., "What Makes Asia-Pacific's Generation Z Different," *McKinsey & Company*, 2020, 1–10.

⁵² Holmes, 'Generation "Z" Likely To Demand a Prenup - Survey'.

media platforms such as YouTube or TikTok⁵³. This lively culture of celebrities and 'influencers' encourages young people, especially women, to feel comfortable talking about money and want to protect their assets.

Generation Z Muslims in Banjarmasin are also thinking about planning if they marry a foreign citizen. Interestingly, the author did not ask about this at all, but those who explained that the possibility of marrying a foreign citizen could happen considering that they could meet people from all over the world through the internet that was in their hands. They know the differences in legal consequences if they marry foreign nationals, especially in inheritance, children's rights and citizenship, property rights, usufructuary rights, and business rights. So, they want a comprehensive marriage agreement if their partner is a foreign citizen.

Generation Z, who knows and obeys the law, must also have things encouraging them to do this. These matters are compliance, identification, and internalization. These three things are an encouragement for them to obey the law. Compliance means that legal compliance will exist if there is strict supervision in implementing these legal rules; with strict control, they will try to avoid sanctions or penalties if they violate the law. The next factor is identification, meaning that people obey the law to maintain relationships with those authorized to apply the rules of the law; in this case, the good or bad connection between them will affect whether or not the person obeys the law. The last factor is internalization, which is by a person's values, so they will abide by the law because they believe in the goals and rules of the applicable law.⁵⁴

Even though the marriage agreement on the marital property must be implemented to preserve the rights of each husband and wife to the marital property itself, the majority of Indonesians continue to believe it is inappropriate and will undermine the purpose and sanctity of marriage. In accordance with the Indonesian National Marriage Law, it is, therefore, necessary to publicize the marriage contract to the broader community.⁵⁵ Although most people think the marriage agreement is not by eastern values. But the marriage agreement also has its benefits. Suppose from the beginning of the marriage, there

⁵³ Kim et al., "What Makes Asia–Pacific's Generation Z Different."

⁵⁴ Dina Desvita Pramesti Putri, "Pentingnya Ketaatan Hukum Para Gen Z Dalam Kemajuan Teknologi Di Era Globalisasi," *HUKUM*, n.d., 335.

⁵⁵ Marsidah, "Perjanjian Perkawinan Antara Suami Istri Berdasarkan Undang-Undang Perkawinan."

is an indication that one of the prospective brides and groom has the motivation to get his partner's property. In that case, the marriage agreement is the proper means of protection. That way, the parcel will be safe and not harmful. Because if from the start the person is after their partner's property, they will likely run away from the property and file for divorce. Gen Z understood that marriage agreements could also be used to minimize divorce. From the beginning, it was agreed that if there was a divorce, one of the parties was burdened with obligations. He would reconsider filing for divorce because divorce is unwanted in the household. The marriage agreement can minimize divorce in the home. People who are only after wealth will think long if they are offered a marriage agreement. Of course, they will reject the clause because their goal will not be achieved.

Conclusion

The generation Z Muslims of Banjarmasin have a vastly different view of the marriage contract than their elders in Indonesia, who consider it to be taboo. Generation Z Muslims in Banjarmasin resemble their counterparts in the United States and the United Kingdom. They not only comprehend the function and purpose of the marriage contract but also desire that it be implemented for the benefit of their marriage. The method includes sensing after the reasons receive the information and the data is processed and interpreted into a perception. As a generation with a wealth of legal knowledge and legal culture from both inside and outside the country, it makes sense that Generation Z Muslims in Banjarmasin City share a perception with Generation Z in other countries. Despite their differences, the Z generation of the city of Banjarmasin is religious and comprehends the spiritual laws they profess.

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