



Dynamic of Husband-and-wife Relationship in Maintaining Privacy Information Through Postnuptial Agreement

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ABSTRACT

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This study aims to analyse the boundaries of husband and wife's privacy in addressing the dynamics of relationships in households through an agreement contained in a postnuptial agreement. This research uses a descriptive-qualitative approach with a constructivist paradigm. The author uses the foundation of Sandra Petronio's Communication Privacy Management (CPM) Theory. The informant subjects were taken using the snowball sampling technique as many as two people who are married couples with a marriage age above five years and have made a postnuptial agreement. The research was conducted in the Jakarta area. Data collection was carried out through in-depth interviews and direct observation of informants. The results showed that information disclosure between husband and wife can maintain relationship stability through five basic principles of privacy management theory. The first principle related to private information, both informants disclosed their private information to each other. In the second principle related to privacy boundaries, both informants have no restrictions because they have informed everything to each other. Third, the informants believed that they should be able to control each other's access to this information as a preventive measure in anticipation of unexpected risks. Fourth, the rules made in the agreement were more derived from the wife's experience than the husband. Fifth, there is no significant turbulence found in the two informants because the two informants have a thin boundary permeability so that access to information is open between each other. This research is in line with the CPM theory where the postnuptial agreement is used as a form of written communication (non-verbal) in controlling personal information between each husband and wife and providing more specific and straightforward boundaries by the agreement they made.

KEYWORDS:

Management Privacy, Interpersonal Communication, Postnuptial

1. INTRODUCTION

A postnuptial agreement is currently a new phenomenon legalized in Indonesia. A postnuptial agreement is a marriage agreement made by a married couple during the marriage period as an additional agreement made by husband and wife based on mutual agreement which regulates in more detail the rights and obligations of each in living a married life. A marital agreement is generally made before a couple enters a marriage or also called a prenuptial agreement. The postnuptial trend itself began to be carried out since the enactment of the Constitutional Court Decision No.69 / PUU-XIII / 2015 on the lawsuit against rights discrimination in

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mixed marriage couples of Indonesian citizens with foreign citizens (Ilvira, 2021).

Until now, both prenuptial and postnuptial agreements still have many pros and cons in Indonesian society. Some people still consider marriage agreements to be a negative thing as something unusual, unethical, and materialistic. This agreement is considered unsuitable for use in Indonesia, which has an Eastern culture because it is considered a form of distrust of the spouse and is ready to divorce or release the spouse's responsibility in the event of separation. However, for some people, postnuptial agreements are considered something that has positive value and makes the relationship more harmonious. (Pandini & Fendri, 2018).

A husband-and-wife relationship will be more harmonious when self-disclosure to their partner goes well, and nothing is hidden. The application of a postnuptial agreement can be utilized as a binder of both rights and obligations. The rights and obligations of husband and wife have rules based on Law

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No. 1 of 1974 concerning Marriage, but the shortcomings do not regulate specifically and personally regarding daily activities in households. There are still many prospective married couples who are not equipped with knowledge related to rights and obligations in the household, so during their journey, many have encountered obstacles in communicating what are the limits of what can and cannot be done.

The public ignorance factor is a sensitive issue when couples intend to file a postnuptial agreement. (Suwardiyati, 2020). In a study, it was stated that marital agreements are generally the most common in marriages of people with upper-middle economic levels (Astri et al., 2021). This is done as a preventive measure in maintaining the boundaries of rights and obligations in managing each other's assets. In addition, this agreement is also intended to protect spouses from loss factors if in the future there are business disputes, debts, and receivables with third parties, or even divorce. In addition to matters relating to property, a marriage agreement can regulate other rights and obligations that the spouse or prospective spouse wants to add, for example, relating to child custody, an agreement for the wife to work or continue her education, an agreement to have or not have children, an agreement for polygamy and so on which can ultimately lead to disputes. Marriage agreements can generally be made by anyone, but this is rarely done. Most prospective couples who are getting married cannot predict the potential disputes that can arise at any time during the marriage period. Generally, prospective married couples only rely on speculation and optimistic thinking that the marriage will last happily ever after.

In this era, a marriage agreement is one of the solution options that can be considered by married couples in protecting the rights and obligations of husbands and wives. In Indonesia, the phenomenon of marriage agreements has begun to be carried out by several homeland artists such as the couple Nagita Slavina and Raffi Ahmad, Chelsea Olivia, and Glenn Alinskie, Paramitha Rusady and Nenad Bego, and many other artists. (Khanna Syarifah & Roy Purwanto, 2019).

A marriage agreement is seen as having a positive side as an effort by couples who have difficulty communicating their respective wishes or expectations in a household. With a marriage agreement, it is hoped that both parties can exchange personal information in writing (non-verbal) and have legal force to anticipate conflicts that may occur in the future (Masri et al., 2021). This is in line with the Communication Privacy Management (CPM) Theory first introduced by Sandra Petronio in 2002. CPM is evidence-based and therefore provides a reliable understanding of how decisions are made to disclose and protect personal information. The theory uses simple language to understand privacy management in everyday life. CPM focuses on the relationships that people have with each other in communicative contexts, such as face-to-face interactions, on

social media, and within couples or groups. CPM theory is based on a social-communicative behavior perspective and not necessarily a legal point of view. (Petronio, 2002).

CPM theory illustrates that privacy is not paradoxical but continuous through the processes of privacy management systems used in everyday life. CPM theory has been used in several contexts highlighting the antecedents, mechanisms, and outcomes of personal information management. In addition, several researchers in different countries, such as the Netherlands, the United Kingdom, Japan, Kenya, South Korea, and the United States, have used CPM theory in their research investigations. Learning more about personal information management systems allows for a better understanding of how people manage their personal information when others are involved. The literature illustrates patterns of privacy management and shows the challenges and positive outcomes of the way individuals organize their personal information (Petronio et al., 2021). From the description above, the author is interested in analyzing more deeply the boundaries of husband and wife's privacy in addressing the dynamics of marital relations through an agreement contained in a postnuptial agreement.

II. METHODS

This research is descriptive qualitative research with a case study method approach that explains a phenomenon and describes it specifically and in-depth based on data. This research does not prioritize the amount (quantity) of sampling but rather emphasizes the depth (quality) of the data. This research was conducted on two participant, male (with initial RD) and female (with initial AJ) who are married couples with the criteria of marital age above five years and have made a postnuptial agreement above 2015 after the enactment of Constitutional Court Decision No.69/PUU-XIII/2015. The subjects were selected based on the participants' capability in articulating their experiences and views related to the phenomenon of postnuptial agreement experienced by them which became the point to be researched. The researcher experienced obstacles in finding participants who were willing to be interviewed because considering the discussion about the postnuptial agreement is confidential, the contents of which are only to be known between them. It takes a high level of trust between the author and the participants, so in this study, the author used the snowball sampling technique which was considered the most appropriate to get participants with criteria by the research objectives.

This research was conducted in the Jakarta area from March to May 2023. The data collection process includes primary data and secondary data. Primary data was obtained from direct observation and semi structured in-depth interviews where the author had prepared a written list of questions but was still allowed to ask questions freely related to the problem being studied which made it possible to develop questions and get more complete data. Interviews were recorded using

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electronic devices and then transcribed and contextually evaluated to draw out data that fit the main themes, focus, and objectives of the research. The logical information was validated by the author to form primary data suitable for use in the overall research results and discussion. Secondary data was obtained from recent and relevant publications, books, and journal articles.

After data collection is carried out, followed by the data analysis stage. In this research, data analysis uses the Miles Huberman model which includes three stages, namely data condensation, and data presentation to reach the stage of drawing conclusions or verification (Pahleviannur et al., 2022). Data validity in this study uses data source triangulation, which is a data validity technique by comparing or rechecking the level of trust in information obtained by the author from different sources. Source triangulation in this study was carried out by comparing information obtained from other participants, in this case, the participants in question were their spouses. (Budiastuti, 2018).

III. RESULTS AND DISCUSSION

In this section, the author presents the results of interviews related to the five basic assumptions of the CPM theory developed by Sandra Petronio in terms of regulating the process of disclosure and closure of information (Petronio et al., 2021).

A. Private Information

Privacy Rule Characteristics describe the basic properties of privacy rules. This characteristic has two main features: rule development and attributes. Informants RD and AJ used postnuptial agreement as an attribute in controlling information about themselves. This principle states that every individual has the right to own and store information about themselves and they can manage it as they wish even for couples who are bound in marriage.

"We are all open about our finances so I know the account numbers are, even though each account can be accessed". (Interview with AJ, May 26th, 2023)

The personal information conveyed includes the agreement contained in the postnuptial agreement and other information conveyed orally. The information conveyed in the content of the postnuptial agreement emphasizes more information related to each other's personal property and child custody. Oral information outside the content of the agreement in the postnuptial agreement includes banking administration information such as account numbers, ATM pins for savings, and investments, insurance policy numbers, and locations where other important documents are stored. In addition to information related to asset administration, informants exchange information with their spouses regarding their respective family problems, especially those related to financial matters. This is done to minimize suspicion of each other which can cause tension that may occur in the future.

B. Private Boundaries

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"I am quite careful by declaring what percentage of assets are for children, what percentage of assets can be brought by the husband if I'm not mistaken, all assets are for children, in terms of income, how many percent of the husband's income is already for children's education". (Interview with AJ, May 26th, 2023)

The second process in a rule-based management system is boundary coordination, which refers to how we manage the information that is shared. Boundary linkage refers to the relationships that form boundary alliances between individuals. Boundary ownership refers to the rights and privileges granted to co-owners of private information. (West & Turner, 2017).

"I've gone so far as to say that my best friend is only you, meaning that there are many close friends, but the only friend I want to talk to is him". (Interview with AJ, May 26th, 2023)

Boundary coordination is achieved through boundary permeability, which refers to how much information can pass through the boundary. When access to private information is closed, the boundary is referred to as a thick boundary (a closed boundary that allows little or no information to pass, whereas when access is open, the boundary is referred to as a thin boundary (an open boundary that allows all information to pass). (West & Turner, 2017).

"Because we are very open to each other, all the email passwords we all know, my husband is typical if he gets income, he will capture and send it to me. he's more open than me". (Interview with AJ, May 26th, 2023)

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When information is shared, the surrounding boundaries are called collective boundaries, but when information is retained by individuals, these boundaries are called personal boundaries. Petronio developed that Shared ownership is organized through contiguity, boundary property rights, and boundary permeability. (West & Turner, 2017).

“Our insecurities are already contained in the relationship, so it's like we've calmed down”. (Interview with AJ, May 26th, 2023)

C. Control and Ownership

The third assumption relates to control and ownership. This assumption relies on the idea that people feel they own private information about themselves. As the owner of this information, they believe that they should be able to control who (if anyone) has access to this information. This is a form of minimizing risk management.

“Of course, what we think is about how to secure if there's a risk (business) or risk from whatever we have produced so far, so it can be safe for our children”. (Interview with AJ, May 26th, 2023)

Petronio reveals that shared ownership is governed by linkage boundaries, property rights boundaries, and permeability boundaries, the extent to which information can pass through permeability walls. Thick permeability or closed boundaries allow little or no information to pass through. In this study, based on observations, informant RD tends to place thick boundaries to the author, so that the data that can be drawn during the interview still needs to be dug deeper. In contrast to AJ, who tends to place himself in thin permeability, placing open boundaries to the author so that the author can collect all information related to the research theme. (West & Turner, 2017).

D. Rule-based Management System

The results of the analysis related to this point, the author sees that the management system is made based on the rules that RD and AJ have agreed upon, both those contained in the postnuptial agreement and those agreed upon verbally. AJ explained that not all things can be included in the postnuptial agreement because the writing of the agreement has a legal basis in the marriage law.

Everyone has various rules, so to accommodate everyone's wishes and expectations, the postnuptial agreement is here to fill the gap. The management system based on these rules allows management at the individual and collective levels. (Bahfiarti, 2020). The CPM theory states that there are five decision criteria used to develop privacy rules (West & Turner, 2017).

Cultural criteria depend on the norms for privacy and openness in a particular culture. It is thus understandable that AJ wishes to be transparent with RD and vice versa. Although in Eastern societal culture, which tends to be closed, RD and AJ are considered contrarians in society's perspective for

entering into a postnuptial agreement following Western culture. Both informants RD and AJ view postnuptial agreements as a way for them to value the openness of expression between husband and wife.

“Maybe, if he feels suspected or something, he will be scared. But so far, he feels well it will be fine if you need it, it's okay too”. (Interview with AJ, May 26th, 2023)

The gender criterion refers to the differences between men and women in determining the boundaries of their privacy. In this study, women were more open in sharing their experiences with the author than men. This may be due to the nature of women using their emotional side more than men who tend to be closed. consider private things uncomfortable to talk about with others.

Motivation criteria, generally a person makes decisions about disclosure based on motivation. Some are motivated to disclose or even hide personal information from their partners for other reasons. A person is very likely to be driven by self-clarification or relational closeness. In disclosing information, of course, it must be supported by the ability of husband and wife to communicate. Like the statement conveyed by AJ to the following RD:

“So, when I conveyed the concern about insecurity etc., just to secure if something happened to the kid, he accepted it, and he felt doing nothing, so it was easy”. (Interview with AJ, May 26th, 2023)

Contextual criteria influence a person's decision about privacy. According to Petronio, two elements make up the context: the social environment and the physical setting. The social environment involves specific circumstances that may encourage disclosure or the decision not to disclose.

In this study, AJ was the first to disclose the postnuptial initiation to RD. It is revealed that AJ has expressed his anxiety regarding what is his concern and sees the experience of his parents in the past who were less capable of managing their household finances. This is certainly an experience that makes AJ uncomfortable.

“If it's because traumatic of two parents, yes, it is”. (Interview with AJ, May 26th, 2023)

Benefit-risk criteria, the second reason was explained as a hormonal factor that occurred when AJ was pregnant with her second child in a single-income family. Seeing the experiences and the news that families with one source of income have a considerable potential risk for the survival of the spouse left behind and their children.

“Because I was pregnant, I felt kind of blue after that, I thought about it because I didn't work yet, my husband worked and there was insecurity”. (Interview with AJ, May 26th, 2023)

E. The Dialectic of Management

The management of privacy focuses on the dialectic tensions between the desire to disclose private information and the desire to cover it up because of opposition and contradictions.

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The management dialectic is also defined as an idea that focuses on how individuals experience hesitation or tension when deciding whether to cover or disclose private information. CPM asserts that when individuals experience boundary turbulence, they try to adjust until they can reduce turbulence and achieve coordination. In any case, turbulence will occur when expectations for privacy management are not met, so this can trigger boundary turbulence.

“There are no constraints because he’s let me make all the decisions”. (Interview with AJ, May 26th, 2023)

In this study, there is no boundary turbulence because both RD and AJ are very open regarding personal information. Between RD and AJ there are no privacy boundaries between each other. Communication between AJ to RD regarding the initiation of a postnuptial agreement is well conveyed along with logical reasons, so that a mutual agreement is formed without causing tension and debate.

“So, he’s typical of obeying what I say and listening to my excuse”. (Interview with AJ, May 26th, 2023)

On the other hand, RD does not fully understand the concept of postnuptial itself. RD captured the message conveyed by AJ well and entered RD's logic, as RD said during the interview.

“I don’t know, for me I just believe it anyway as long as the goal is good”. (Interview with RD, Jun 5th, 2023)

In general, the informants in this article, before they decided to make a postnuptial agreement, the informants had expressed their concerns and expectations about living together. Thus, the negotiation process that results in an agreement in the postnuptial agreement can be reached.

IV. CONCLUSION

Begin text here. There are differences in controlling privacy between husband and wife in disclosing information, where it is mentioned in the study that wives are more able to express the contents of their feelings related to concern and hopes to their husband due the nature of women being more emotional using their feelings than men. This also reinforce by the small amount of data that can be taken from informant RD who previously refused to be interviewed. So, the information data collection, the author was assisted by informant AJ to help ask question to the research topic (Norvitasari et al., 2017). With opened communication, it is expected that there will be no close matters so that what belongs to the husband is also known by the wife, and vice versa. Along with mutual trust and supportive attitudes, the openness will encourage mutual understanding, mutual respect, and most importantly: development of relationship quality. In this stud, it can be concluded that the postnuptial agreement is used as a form of written communication (non-verbal) in controlling personal information between husband and wife and providing more specific and straightforward boundaries by the agreement the made legally and recognized by the state.

REFERENCES

1. Astri, Y., Tuti, D., & Mustafida, L. (2021). *Perlindungan Hukum Terhadap Harta Dalam Perkawinan Dengan Pembuatan Akta Perjanjian Kawin Sebelum Perkawinan*.
2. Bahfiarti, T. (2020). *Batasan Privasi Komunikasi Interpersonal Perempuan Muslim Bercadar Di Kota Makassar*. *Jurnalisa*, 6, 66.
3. Budiastuti, D. (2018). *VALIDITAS DAN RELIABILITAS PENELITIAN*. In 2018. Mitra Wacana Media.
4. Ilvira, M. L. (2021). *Urgensi Perjanjian Perkawinan Bagi Warga Negara Indonesia Yang Akan Melakukan Perkawinan Campuran*. *Jurnal Lex Justitia*, 3(2).
5. Khanna Syarifah, N., & Roy Purwanto, M. (2019). *Perjanjian Pra Nikah Di Indonesia Perspektif Maqasid Syariah* Jasser Auda. <http://www.bphn.go.id/data/documents/74uu001.pdf>
6. Masri, E., Wahyuni, S., Raya, J., Raya Perjuangan, J., Mulya, M., Utara, B., & Barat, J. (2021). *Implementasi Perjanjian Perkawinan Sebelum, Saat Dan Sesudah Perkawinan*. In *Jurnal Kajian Ilmiah* (Vol. 21, Issue 1). <http://ejurnal.ubharajaya.ac.id/index.php/JKI>
7. Norvitasari, Y., Antoni, & Kriyantono, R. (2017). *Wife’s Strategy In Maintaining The Stability Of Relationship With Husband Through Communication Privacy Management Theory*. *Russian Journal of Agricultural and Socio-Economic Sciences*, 71(11), 307–311. <https://doi.org/10.18551/rjoas.2017-11.39>
8. Pahleviannur, M. R., Grave, A. De, Saputra, D. N., Mardianto, D., Sinthania, D., Hafrida, L., Bano, V. O., Susanto, E. E., Mahardhani, ardhana J., Amruddin, Syahirul A, M. D., Lisyia, M., & Ahyar, D. B. (2022). *Metodologi Penelitian Kualitatif*. Pradina Pustaka.
9. Pandini, I., & Fendri, A. (2018). *Akibat Hukum Perjanjian Perkawinan Yang Dibuat Dihadapan Notaris Terhadap Kreditur Sebagai Pihak Ketiga*.
10. Petronio, S. (2002). *Boundaries of Privacy: Dialectics of Disclosure*. State University of New York Press.
11. Petronio, S., Child, J. T., & Hall, R. D. (2021). *Communication Privacy Management Theory* (3rd Edition). Routledge.
12. Suwardiyati, R. (2020). *Penerapan Asas Kepatutan Dalam Perjanjian Kawin*. <http://publishing-widyagama.ac.id/ejournal-v2/index.php/yuridika/>
13. West, R., & Turner, L. H. (2017). *Introducing Communication Theory Analysis snd Application* (Edisi 5). Salemba Humanika.