

Matrimonial property regimes in Switzerland

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The matrimonial property regime determines how assets are divided when a marriage ends through divorce or death. Swiss law provides one default regime and two alternatives that spouses can choose by marriage contract. For couples who married abroad or hold assets in several countries, the question of which regime applies is often less obvious than it seems.

1 Participation in acquired property

Unless the spouses have agreed otherwise, they are subject to participation in acquired property (Art. 181 CC). Each spouse keeps his or her own property, which consists of assets owned before the marriage, inheritances, gifts and personal items, alongside the acquired property, which includes in particular income from work earned during the marriage. When the regime is dissolved, each spouse is in principle entitled to half of the net acquired property of the other.

During the marriage each spouse administers his or her own assets. The sharing occurs only on dissolution.

2 Separation of property

Under separation of property, each spouse remains the sole owner of his or her assets, and there is no sharing of acquired property at the end of the marriage. This regime is often chosen by entrepreneurs or by spouses who each have substantial assets of their own. It should be noted that separation of property does not affect maintenance or pension splitting in the event of divorce, nor does it change the spouse's position under succession law.

3 Community of property

Community of property creates joint assets that belong to both spouses together, alongside any personal assets. Variants of the regime allow the

community to be limited, for example to acquired property. In practice, community of property is chosen less frequently and is used mainly for specific estate planning purposes, since it can allow a larger share to pass to the surviving spouse.

4 Form of the marriage contract

A marriage contract must be executed as a public deed and signed by the spouses (Art. 184 CC). It can be concluded before or during the marriage. Within the framework of the law, spouses may also modify the default regime, for instance by agreeing a different division of acquired property or by allocating business assets to one spouse's own property.

5 Regimes chosen or applicable abroad

The PILA allows spouses to choose in writing either the law of the state in which they are both domiciled or will be domiciled after the marriage, or the law of a state of which one of them is a national. Without a choice, the law of the common domicile generally applies. A move of domicile can, in certain cases, lead to a change of the applicable law, possibly with effect from the date of marriage unless the spouses have excluded this in writing. Couples moving to Switzerland should therefore check which regime currently applies to them.

6 What pays off in practice

- **Clarify the current regime on arrival.** A short written analysis avoids surprises years later.
- **Document own property.** Records of assets brought into the marriage simplify any later division.
- **Coordinate with the will.** Matrimonial and succession planning interact closely under Swiss law.

7 How Ressos Legal helps

I advise couples on the regime that applies to them in Switzerland and draft marriage contracts that work with their wider estate plan. [Contact me](#) for a first conversation.

For general information only. This article does not constitute legal or tax advice, does not replace advice on an individual case and creates no lawyer-client relationship. It reflects the legal position as of September 2026.

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