

Legal Analysis of Marriage Annulment Due to Document Forgery (Study of Decision Number 200/Pdt.G/2024/PA.Bji)

Nurbela Br Purba, Hasdiana Juwita Bintang, Beby Sendy

Abstract

To carry out a marriage, the requirements set by religion must be met, as well as the requirements determined by marriage law. If the marriage has been carried out but does not meet the specified requirements, then an annulment of the marriage can be filed. Based on law number 16 of 2019 concerning amendments to law number 1 of 1974 concerning marriage article 22 and the compilation of islamic law (KHI) in article 70, the breaking of the marriage bond can also be possible because of marriage or with the meaning of annulment of marriage, where the annulment of marriage is caused by a violation or prohibition of marriage, while the prohibition is to show damage, or something that is prohibited such as not meeting the requirements and pillars of marriage in household harmony. This study uses a normative juridical legal research method, namely a problem approach by examining and reviewing applicable and competent laws and regulations to be used as a basis for solving problems. one of the cases of annulment of marriage at the binjai religious court with n number 200/Pdt.G/2024/PA.Bji .In this case, the husband as the applicant filed a request for annulment of marriage because the wife had previously been secretly married to another man and had 1 (one) child. Based on the legal analysis of the decision of the south jakarta religious court, the panel of judges in deciding case number: 200/Pdt.G/2024/PA.Bji .Regarding the annulment of marriage due to falsification of identity in the decision, the panel of judges accepted the applicant's request. This research is normative juridical, namely examining the process of proof and legal considerations used by the judge.

Keywords: Legal Analysis, Marriage, Marriage Annulment, Fraud/Misunderstanding, Identity

Nurbela Br Purba

Law Study Program, University of Pembangunan Panca Budi, Indonesia

e-mail: belapurba8@gmail.com

Hasdiana Juwita Bintang, Beby Sendy

Law Study Program, University of Pembangunan Panca Budi, Indonesia

e-mail: hasdiana.juwita@gmail.com , bebysendy@dosen.pancabudi.ac.id

1st International Conference on the Epicentrum of Economic Global Framework (ICEEGLOF)

Theme: Navigating The Future: Business and Social Paradigms in a Transformative Era.

<https://proceeding.pancabudi.ac.id/index.php/ICEEGLOF>

Introduction

Based on Article 1 of the Republic of Indonesia Law Number 16 of 2019 concerning Marriage, it states that marriage is a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the Almighty God. Marriage is a way chosen by Allah SWT as a way for humans to have children, reproduce and sustain their lives, after each partner is ready to play a positive role in realizing the purpose of marriage. Marriage Annulment Can Occur Due to a Decision from a District Court or Religious Court Due to a Marriage That Contain Lack Terms and Conditions. Prohibition Which Determined According to the law, it is a limitation so that the marriage does not violate existing ethics in society and respects the religious teachings of the prospective bride and groom concerned. The annulment of a marriage begins after a decision from the Religious Court that has permanent legal force and is not retroactive from the time the marriage took place. To obtain a decision from the court on the annulment of a marriage, a person must go to court in the jurisdiction where the marriage took place or where the husband and wife domicile. A husband or wife can file a request for annulment of a marriage if at the time the marriage took place there was fraud or misunderstanding regarding the husband or wife. Annulment of Marriage is a Court Decision that is Mandatory Through Trial That Marriage Which Has Held the Having Legal Defects. This is proven by the failure to fulfill the requirements for a valid marriage or due to violation of applicable legal provisions. Article 22 of Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, states that a marriage can be canceled if the parties do not fulfill the requirements for carrying out a marriage. Marriage cancellation can occur due to various reasons, one of which is identity falsification. Where 'Cancelled' According to Chapter 71 Compilation Law Islam (KHI) is as follows:

1. A Husband Do Polygamy Without Permission Court Religion;
2. It turns out that the woman he married was later discovered to still be the wife of another man who was *Mafqud*.
3. Woman Which Married It turns out Still in Iddah and Husband Other;
4. Marriage Which Violate Limit Age Marriage as Stipulated in Article 7 of the 1974 Law;
5. Marriage Held Without Guardian or Implemented by Guardian the Unauthorized
6. Marriage Which Implemented with Coercion.

In a marriage, if there is falsification of identity, it will result in the annulment of the marriage. This is due to the element of fraud or misunderstanding regarding the husband or wife as regulated in Article 27 Paragraph (2) Constitution Number 16 Year 2019 About Change On Law Number 1 of 1974 concerning Marriage and Article 72 Paragraph (2) of the Compilation of Islamic Law (K HI) which states that a husband or wife can submit a request for annulment of marriage if at the time the marriage takes place there is a misunderstanding regarding the husband or wife.

Wrong One Example Case About Forgery Identity About Self Husband Or the wife is in the decision number 200/Pdt.G/2024/PA.Bji where the incident began when At the end of December 2023, the applicant together with the applicant's family met the respondent and his family to carry out the proposal process (proposal), And at the meeting the family Applicant Asks To Respondent And Family Respondent About Status Respondent, Because The

Legal Analysis of the Cancellation of Marriage

Applicant's Family Does Not Want There to Be Any Legal Problems in the Future Related to the Respondent's Status, and at That Time the Respondent's Family and the Respondent Himself State If Respondent Still Status Girl And Not yet Once Married. Then on January 31, 2024, the Applicant and the Respondent held a Wedding in general Religion Islam and Recorded in Office Affairs Religion of East Binjai District, Binjai City.

Then after the applicant married the respondent, it turned out that the respondent's parents said that The Respondent Has Been Married for Approximately 4 years ago in general Sirri and Has Own 1 (One) Person Child. That On Incident That said, then Applicant Feel If Respondent Has Cover Truth His Identity or her status is still bound by a secret marriage relationship with another man and according to Sharia law she has the status of someone else's wife, so that the marriage between the applicant and the respondent should be in conflict with the provisions of the law. The Respondent's Actions Actually Make the Marriage That Has Been Conducted by the Applicant with the Respondent a Marriage That Is Obstructed in general Sharia, and in general Legal Has Violate Provision Chapter 71 Presidential Instruction No. 1 of 1991 concerning the Compilation of Islamic Law.

Formulation Problem

1. How Condition to Cancellation Marriage According to Law Number 16 Year 2019 About Change On Constitution Number 1 1974 About Marriage?
2. What are the Judge's Considerations in Granting Annulment of Marriage Due to Document Forgery in Decision Number 200/Pdt.G/2024/PA.Bji?
3. How is the Author's Analysis of Marriage Annulment Due to Document Forgery in Decision Number 200/Pdt.G/2024/PA.Bji?

Method Study

This study uses the normative legal research method which is part of the doctrinal research *typology*. The research approach used is the conceptual and legislative approach. Data sources obtained During Study This in Can from Data Secondary Which Obtained in general Indirect Which Is a Literature Study and Secondary Data

Results and Discussion

Conditions for Annulment of Marriage According to Law Number 16 Year 2019 About Amendments to Law Number 1 of 1974 Concerning Marriage in Article 1 of Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, it states that "Marriage is a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a family (household) which Happy and Eternal Based on Deity Which Maha One. From Definition of in On So Can Concluded That Marriage Is Bond Born Inner Between Men and Woman as Husband Wife.

Annulment of Marriage is a Court Decision Declaring that the Marriage Bond That Has Been Performed Is Invalid, The Result Is That the Marriage Is Considered Never to Have Existed. According to Soedaryo Soimin "Annulment of Marriage Is a Marriage That Occurs Without Fulfilling the Requirements According to the Law". According to Yahya Harahap, Annulment of Marriage Is a Court Action in the Form of a Decision Which State Marriage Which Done That It is stated No Legal (No *Legal Force or Declared Void*). Something that is

declared to *have no legal force* is a situation That Considered No Once There is (Never *Existed*) By Because That a Man and A Woman Which Canceled His Marriage Considered No Once Married as husband and wife.

According to Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, if someone is going to carry out a marriage, the requirements and pillars of marriage must be complete, but not all parties who carry out the marriage can fulfill all the pillars and requirements of marriage. And if that happens, there will be a legal consequence, namely the cancellation of the marriage.

In Chapter 22 Constitution Number 16 Year 2019 About Changes to Constitution Number 1 Year 1974 About Marriage Mentioning That: *"Marriage Can Canceled If the Party No Fulfilling the Requirements for Carrying Out a Marriage"*. *One of the Requirements That Must Be Fulfilled for Can Carrying out Marriage Is Second Split Parties who are not married.* And if at the time the marriage takes place Violation To Condition Which Has Determined Marriage Law The, So Can Submitted Application Cancellation Marriage .⁷ The explanation is in accordance with Article 27 Paragraph (2) of Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage Mention: "A Husband Or Wife Can Submitting a Request for Annulment of Marriage If During the Marriage There Was Misunderstanding Regarding the Husband or Wife" Meanwhile, Article 72 Paragraph (2) of the Compilation of Islamic Law States That: "A Marriage Can Canceled If A Husband Or Wife Can Submitting an application for annulment of marriage if during the marriage there is fraud or misunderstanding regarding the husband and wife."

According to the Explanation of the Last Two Articles, It Explains That Fraud or Misconception Regarding the Husband or Wife Includes Identity Forgery. So Identity Forgery Can Be Used as a Reason to File a Request for Annulment of Marriage.

Based on the provisions of Article 71 of the Compilation of Islamic Law, it is explained that Reason Cancellation Marriage, As Following: A Marriage Can Be Canceled If:

1. A Husband Do Polygamy Without Permission Court Religion
2. Woman Which Married Turns Out Later It is known Still Becoming the Wife of Another Mafqud Man.
3. Woman Which Married It turns out Still in Iddah and Husband Other
4. Marriage Which Violate Limit Age Marriage as Stipulated in Article 7 of Law No.1. 1974
5. Marriage Held Without Guardian or Implemented by Guardian the Unauthorized
6. Marriage Which Implemented with Coercion.

That of the 6 (six) reasons for annulment of marriage as mentioned in Article 71 of the Compilation of Islamic Law, no reason was found at all for annulment of marriage due to falsification of identity, while the provisions of Article 22 of Law Number 1 of 1974 concerning Marriage confirm that a marriage can be annulled if the parties do not fulfill the requirements for carrying out a marriage. That the party who has Authority to File Annulment of Marriage Has Set out in the Terms and Conditions Chapter 23 Constitution Number 1 Year 1974 About Marriage Jo. Article 73 Compilation Law Islam. On Chapter 23 Constitution Number 1 1974 on Marriage, Marriage Annulment Can Be Filed by Several Parties, Namely:

1. The Family in Line of descent Straight to the top from Husband or Wife
2. Official Which Authorized Only During Marriage Not yet It was decided

Legal Analysis of the Cancellation of Marriage

3. Official Which Designated the Paragraph (2) Chapter 16 Constitution This and every person who has a direct legal interest in the marriage, but only after the marriage has been dissolved.

According to the Author, If There is Misunderstanding of the Identity of a Husband or Wife After the Incident Marriage Has Become a Personal Matter Between Both Parties Whether They Can Accept It or Not. Because It Is Possible That One of the Husbands or Wife Can Forgive Each Other in This Matter. Application for Annulment of Marriage Can Be Filed to the Court (Religious Court for Muslims and District Court for Non-Muslims) In in Area Law in Where Marriage Has Held or at the residence of the couple (husband and wife) or it can also be at the residence of one of the couple. And in the provisions of the marriage legislation Give Term Time 6 Month, if in Time the If a husband or wife does not submit a request for annulment of marriage, their right to do so will be lost

Marriage annulment in Islamic law is called *Fasakh*, which means to destroy or annul. So *Fasakh* is one of the causes of marriage breakdown Is to destroy or Cancel Connection Marriage Is Damaging or canceling an ongoing marital relationship. *Fasakh* is caused by two things:

1. Caused by marriages that do not meet the pillars and requirements or there are obstacles to marriage.
2. Due to something happening in the household life that makes it impossible for the household to continue.

That Apart from What Has Been Stated Above, Marriage Annulment Also Has a Very Important Meaning, This Is Because a Marriage That Is Annulled Will Have an Impact Not Only On the Marriage Couple but Also On the Parties Related to The Marriage, such as Property in The Marriage as Regulated in Article 35 Of Law Number 16 Of 2019 Concerning Amendments to Law Number 1 Of 1974 Concerning Marriage. And The Consequences from Forgery His Marriage the No Valid Receding to Parties referred to in Article 28 Paragraph (2) of Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage and Article 75 of the Compilation of Islamic Law.

Based on Provision Chapter 71 Presidential Instruction No. 1 Year 1991 About The Compilation of Islamic Law states: A marriage can be annulled if:

1. A Husband Do Polygamy Without Permission Court Religion;
2. The Woman Who Was Married Turns Out to Be Still the Wife of Another Man Who Is Mafqud. The Woman Who Was Married Turns Out to Be Still in Iddah and Another Husband;
3. Marriage Which Violate Limit Age Marriage as Determined in Chapter 7 Laws and regulations No. 1 Year 1974;
4. Marriage Conducted Without a Guardian or Carried Out by an Unauthorized Guardian;
5. Marriage Which Implemented with Coercion.

However, if the marriage is annulled due to identity forgery, where identity forgery is a form of material violation, not formal, then the consequences are also material. And the material consequences are only a statement letter in the form of a Religious Court Decision that the marriage is annulled. However, if the violation occurs due to a formal prohibition, the existing marriage can be annulled automatically or considered never to have existed, so that there are consequences that arise, namely not receiving legal protection. So as part of the purpose of

identity clarity, there is legal clarity for people or individuals in order to maintain their rights and obligations under the law. To strengthen identity clarity, population administration is needed, in Law No. 23 of 2006 Article 1 Paragraph (1) explains: *"Population administration is a series of activities for arranging and organizing the issuance of population documents and data through population registration, civil registration, management of population administration information and utilization of the results for public services and development of other sectors "*.

The events that must be proven in court must meet the following requirements:

1. The Event or Incident Must Be an Event or Incident That is Being Disputed, Because Proof is a Way to Resolve a Case. The existence of Case Cancellation Marriage At the Binjai Religious Court with Case Number 200/Pdt.G/2024/Pa.Bji, where the Respondent had previously been married Sirri With Man Other And Has Own 1 (One) Person Child, That Due to the Incident, the Applicant Feels that the Respondent Has Covered Up the Truth About His Identity or Status of Still Being Bound by a Secret Marital Relationship with Another Man and Sharia Has Status As Wife Person Other, So that Regarding Marriage Applicant With Respondent As it should be Has Contrary to the provisions of the law.
2. The Event or Incident Must Be Measurable, Related to Space Time (Logical). Lawsuit Cancellation Marriage the Submitted within a period of 1 (one) month from the time it was discovered that there was fraud or misrepresentation, namely in mid-2024, while one of the Suspect or The existence of Fraud That It is known A number of Month After the marriage contract.
3. The Event or Incident Must Be Related to the Disputed Rights. In This Case, the Applicant Has Obtained His Rights, Namely, the Applicant's Application Has Been Granted.
4. The Event or Incident is Effective to be Proven. There is Evidence Which Submitted by Plaintiff That is in the form of Tool Proof Letters and Witnesses to Strengthen the Arguments of the Petitioner's Petition.

According to Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, Article 22 states that a marriage can be canceled if the parties do not meet the requirements to carry out the marriage. Marriage cancellation is Decision Court Which State That Bond Marriage Which It Has Been Done It Is Invalid, The Result Is That the Marriage Was Never Considered. Marriage Annulment Is Regulated in Articles 22 To Article 28 Of The Law Number 16 Year 2019 About Change On Constitution Number 1 of 1974 Concerning Marriage. Annulment of Marriage According to the Compilation of Laws Islam (KHI) As A Book in Law Which Made into The Judge's Handbook in Religious Courts Also Covers the Issue of Marriage Annulment. This is Seen in Chapter Xi Regarding the Annulment of Marriage Articles 70 to 76 of the Compilation of Islamic Law (KHI) Which is Formulated in a Legal Manner Complete and Detailed. Canceled A Marriage Started After Court Ruling Religion the Territorial Place Stay Husband or Wife or Place where the wedding took place.

Considerations of the Panel of Judges in Granting Annulment of Marriage Due to Document Forgery in Decision Number 200/Pdt.G/2024/PA.Bji Judges in making decisions must base their decisions on clear and consistent considerations. Enough. Decision Which No Fulfil Provision the Categorized Insufficient Consideration or *Insufficient Reasoning* Decision. Reasons Given

Legal Analysis of the Cancellation of Marriage

Consideration Can in the form of Articles Certain Regulation Legislation, Customary Law, Jurisprudence or Legal Doctrine. Annulment of Marriage in Islamic Law is called Fasakh which means to destroy or cancel. Cancellation Marriage Is Business for No The continuation of a marital relationship after the previous marriage has taken place. In deciding on a request for annulment of marriage, the court must always pay attention to the provisions of the religion of the bride and groom. If according to their religion the marriage is valid, then the court No Can Cancel Marriage. In Chapter 22 CONSTITUTION Marriage Mentioned That Marriage Can Canceled If the Party No Fulfilling the requirements to carry out a marriage. However, if the pillars are not fulfilled, it means the marriage is invalid. A marriage can be annulled based on Constitution No. 1 Year 1974 Chapter 22, 24, 26 And 27 As well as Based on KHI Chapter 70 And 71.

Based on the Decision of the Religious Court Judge on the Annulment of Marriage with Case Number: 200/Pdt.G/2024/PA.Bji There was Forgery Identity in Marriage Between Respondent I with Respondent II. Status from This Marriage at Least It Is Void for the sake of Law Due to the absence of permission from the authorized party. Considering that the main reason for the Applicant to file for the annulment of the Respondent's marriage was because the Respondent lied by saying that before the marriage the Respondent was a virgin and had never had a child. Marry However After Explored It turns out Respondent Has Once Married Secretly with Another Man and Has Had 1 (One) Child. That Even Though No Can Heard Rebuttal Respondent to Arguments the Applicant's Lawsuit, However, Because This Case Is a Marriage Annulment Case, The Applicant Has the Burden of Proof to Avoid the Occurrence Lawsuit Which Not Reasonable Law, Furthermore Applicant Submitting Evidence of Letter P.1, And 2 persons Witness.

Wedding Applicant With Respondent Which In Carry out On Date January 31 2024 Has Happen The existence of Lie About Status Respondent, Thus , the Marriage is Not in Accordance with the Law and Regulations and Legislation in Force; Considering, That the Provisions of Article 22 of the Law Number 1 Year 1974 It is stated "Marriage Can Canceled, if the Parties Do Not Fulfill the Requirements to Conduct a Marriage" In Article 27 Paragraph (2) of Law Number 1 of 1974, it is stated "A Husband Or Wife Can Submit Cancellation Marriage If During the Marriage Misunderstanding Occurs About Husband Or Wife" Article 71 Letter B Compilation of Laws Islam Declared That "A Marriage Can Canceled If Woman Which Married It turns out Then It Was Known Still Become Wife Man Other Which *Mafqud* ”.

Based on the legal considerations above, the panel of judges concludes that the marriage of the applicant with the respondent which was carried out on Date 31 January 2024 Which Recorded in Office Affairs Religion Binjai East Has Contrary with Regulation and Legislation Which Valid Therefore Lawsuit Applicant Said Worthy for Granted with Canceling the Marriage of the Applicant with the Respondent. Author's Analysis of Marriage Annulment Due to Document Forgery in Decision Number 200/Pdt.G/2024/PA.Bji . According to the Author's Opinion, if in a Marriage It Turns Out that One of the Parties Still Bound Marriage with Person Other or in A Marriage Happens Wrong Suspect to Self-Husband or Wife So as as stated in Article 24 and Article 27 of Law Number 16 of 2019 concerning Amendments On Constitution Number 1 Year 1974 About Marriage Then One Party Can File a Request for Annulment of Marriage. The Article Emphasized in the article 72 Paragraph (2) Compilation Law Islam (KHI) Which States That a Husband or Wife Can File a Petition for Annulment Marriage When On Time Ongoing

Marriage Fraud Occurs or Wrong Suspect About Self Husband or Wife.

Reasons and Parties Who Cancel a Marriage. In the Annulment of Marriage, Reasons Which Can Submitted Applicant for Can Canceling a Marriage That is Marriage Which Held There is Element Fraud Which Has Done by Party Women or Respondent Namely with Faking Identity by Claiming Virgin to the Petitioner and His Family. Whereas Which Submit Application Cancellation Marriage Is Husband. The Applicant as Husband Has Something in Filing for Annulment of Marriage Matter This Listed in Chapter 23 Letter B Constitution Number 1 of 1974 concerning Marriage. Judge's Considerations in Assessing the Evidence and Giving a Decision, Namely, Has Happen Wedding Between Applicant with Respondent, Where The Marriage Contains Elements of Fraud Because the Respondent Has Falsified His Identity by Claiming to be a Virgin to the Applicant, which is Very Detrimental to the Applicant. The Judge in Assessing the Evidence Also Looks at Based on Evidence Which Submitted by Applicant, Good in Letter Form or Information Witness, And Based on Fact Law What's Revealed at the trial, the decision rendered by the panel of judges was based on Article 27 paragraph (2) of Law Number 1 of 1974 concerning Marriage.

From Consideration Judge and Base Law the Can It is said that Marriage Between Applicant with Respondent Can in Cancel. That Because the Marriage Has Canceled Book Quote Marriage Certificate Number 1275041012024043 Dated 31 January 2024 Which Published by the Religious Affairs Office of East Banja District Issued by the Religious Affairs Office of East Binjai District Must Be Declared to Have No Legal Force. According to Opinion Writer, In Case This, No There is Consequence Law to Child Because in Connection Husband Wife Between Respondent and Applicant Not Yet Gifted Child. However, if in Marriage the Already in if You Have a Child, the Permanent Decision Does Not Apply Retroactively to Children Born from the Marriage, Meaning the Child is Considered Legitimate, Even Though the Marriage Has Been Annulled

In the Author's Opinion That in Decision Number 200/Pdt.G/2024/Pa.Bji Already in accordance with Provision Chapter 27 Law Number 1 Year 1974 About Marriage Joe. Chapter 72 Paragraph (2) Compilation Islamic Law Because Based on Case and Discussion Which Has Described by Author, If Happen Fraud Identity or Wrong Suspect Self to Husband or Wife After Marriage Takes Place, Husband or Wife Can Take Legal Action Cancellation Marriage in accordance Which Arranged in Chapter 27 Law Number 1 Year 1974 About Marriage Joe. Chapter 72 Paragraph (2) Compilation Islamic Law, Application for Annulment of Marriage Due to Identity Forgery Can Only Be Filed by Husband or Wife.

Based on Article 74 Letter B of the Compilation of Islamic Law which states that the annulment of a marriage begins after the decision of the Religious Court has permanent legal force and is valid from the time the marriage takes place. This means that Decision Court Not Applicable Receding Where a Court Decision Annulling a Marriage Is Valid When the Court Decision Has Strength Law Still. Constitution Number 1 Year 1974 Does not regulate in detail whether or not it is permissible to remarry after a court decision has been made to annul the marriage, of course the marriage That Must Comply Terms and Conditions Marriage Which There is in Constitution Number 1 year 1974 And Law Indonesia.

Legal Analysis of the Cancellation of Marriage

Conclusion

According to Constitution Number 16 Year 2019 About Change On Law Number 1 of 1974 concerning Marriage in Article 22 states that a marriage can be canceled if the parties do not meet the requirements to carry out the marriage. Annulment of Marriage is a court decision stating that the marriage bond that has been carried out is invalid, the result of which is that the marriage was never considered. Annulment of Marriage is regulated in Articles 22 to 28 of Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage. Annulment of Marriage According to the Compilation of Islamic Law (KHI) as a Book in Law Used as a Reference by Judges in Court Religion, Also Covering The problem cancellation Marriage This. Hasdiana Juwita Bintang, *Analysis of Immigration Detention Center Budget Policy Based on Regulation of the Minister of Law and Human Rights of the Republic of Indonesia No. M.05.II.02.01 of 2006 Concerning Immigration Detention Centers*, Journal of Mandalika Literature, Vol. 6, No. 1, 2025. This can be seen in Chapter Xi concerning the Annulment of Marriage Articles 70 to Chapter 76 Compilation Law Islam (KHI) Which Formulated in general Complete and Detailed. The Cancellation of a Marriage Begins After the Religious Court Decision Which Territorial Place Stay Husband or Wife or Place The wedding took place.

That if in a marriage it turns out that one of the parties is still bound by marriage to another person or in a marriage there is misunderstanding towards the husband or wife, then as stated in Article 24 and Article 27 of Law Number 16 of 2019 concerning Amendments to the Law Number 1 Year 1974 About Marriage So Wrong One Parties Can Submit Application Cancellation Marriage. Chapter The This is emphasized in Article 72 Paragraph (2) of the Compilation of Islamic Law (KHI), which states that a husband or wife can submit a request for annulment of marriage if during the marriage there is fraud or misunderstanding regarding the husband or wife.

According to Opinion Writer That in Decision Number 200/Pdt.G/2024/Pa.Bji is in accordance with the provisions of Article 27 of Law Number 1 of 1974 concerning Marriage in conjunction with. Article 72 Paragraph (2) Compilation Law Islam Because Based on Case And Discussion Which Has Described By Writer, If Happen Identity Fraud or Misrepresentation of Husband or Wife After Marriage Has Taken Place, Husband or Wife Can Take Legal Action to Annul the Marriage According to Article 27 of Law Number 1 of 1974 Concerning Marriage in conjunction with Article 72 Paragraph (2) of the Compilation of Islamic Law, Application for Annulment of Marriage Due to Identity Fraud Can Only Be Submitted by Husband or Wife Wife.

References

- Abd., 2019, *Hukum Islam (Penormaan Prinsip Syariah Dalam Hukum Indonesia)*, Kencana Shomad Prenada Media Group, Jakarta
- Andiza Dina, 2023, *The Intellectual Property Rights of the Batak Toba Ethnicity*, The International Conference On Education, Social Sciences And Technology (Icesst), Vol. 2
- Aulia Redaksi Nuansa, 2015 *Kompilasi Hukum Islam (Khi)*, Cv.Nuansa Aulia, Bandung
- Amiur Nuruddin Dan Azhari Akmal Tarigan, 2014, *Hukum Perdata Islam Di Indonesia, Studi Kritis Perkembangan Hukum Islam Dan Fikih, Uu No. 1/1974 Sampai Khi*, Prenada Media, Jakarta
- Bunyomin H. Mahmudin, 2017, *Hukum Perkawinan Islam*, Cv Pustaka Setia, Bandung Ghozih

- Abdul Rahman, 2018, *Fiqh Munakahat. Cetakan Ketiga*, Kencana Prenada. Media Group. Jakarta,
- Harahap Yahya, 2016, *Hukum Perkawinan Indonesia.*, Cv Zahir Trading, Medan Hadikusuma
- Hilman, 2017, *Hukum Perkawinan Indonesia*, Penerbit Mandar Maju, Bandung
- Hasdiana Juwita Bintang, *Analisis Kebijakan Anggaran Rumah Detensi Imigrasi Berdasarkan Peraturan Menteri Hukum Dan Hak Asasi Manusia Ri No.M.05.II.02.01 Tahun 2006 Tentang Rumah Detensi Imigrasi*, Journal of Mandalika Literature, Vol. 6, No. 1, 2025
- Radityo Moehammad Erwin, *Legal Protection of Notaries in Issuing Skmht (Charge Letter of Power of Attorney Monitoring Rights) On The Bank*, The International Conference On Education, Social Sciences and Technology (Icesst), Vol. 3, 2024, Hal. 174-181
- Satria Beni, *Delegation of Authority from Doctors to Nurses from A Criminal Aspect*, Jurnal Scientia, Volume 12 No 4, 2023.
- Sendy Beby, *Hak Yang Tidak Diperoleh Anak Dari Perkawinan Tidak Dicatat*, Issn: 2443- 146, Vol. 7 No 7. Maret 2019
- Siregar Abdul Rahman Maulana, Saidin, Runtung, Edy Ikhsan, *Alternative Dispute Outside of Court Through the Role of Penguluin Nagorisilao Paribuan Simalungun Regency*, Italienisch Issn: 0171-4996, Vol. 12, No. 2, 2022, Hal.1101-1107
- Syafrida, 2021, *Metode Penelitian Hukum*, Reptsytory Universitas Medan Area,
- Undang-Undang Nomor 16 Tahun 2019
- Verlyta Swislyn, 2020, *Pembagian Harta Bersama Dalam Perspektif Hukum Nasional Dan Hukum Adat*, Pt Gramedia Jakarta
- Wasman Dan Wardah Nuroniyah, 2019, *Hukum Perkawinan Islam Di Indonesia Perbandingan Fiqh Dan Hukum Positif*, Cv. Citra Utama, Yogyakarta
- <https://proceeding.pancabudi.ac.id/index.php/ICEEGLOF/article/view/287>