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## **JURIDICAL REVIEW OF MARRIAGE ANNULMENT DUE TO IDENTITY FORGERY ACCORDING TO ARTICLE 27 OF LAW NUMBER 1 OF 1974 CONCERNING MARRIAGE (STUDY JUDGMENT NO. : 1767/PDT. G/2017/PA. KRW)**

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**Abstrack:** Marriage is living together of a man and a woman who meet certain conditions, a marriage can be annulled due to a violation of the prohibition, this shows the damage or cancellation of something that is prohibited because it does not meet the requirements and harmony according to the law. The issues raised in this study are how marriages are annulled as a result of identity falsification according to law number 1 of 1974 which has been amended by law number 16 of 2019 about marriage and how are the judge's considerations regarding word number 1767/Pdt.G/2017 /PA. Krw. The purpose of this research is to find out the cancellation of marriage due to falsification of identity according to law number 1 of 1974 which has been amended by law number 16 of 2019 about marriage and to find out the judge's considerations regarding word number 1767/Pdt.G/2017/PA .Krw. In this study the authors used a type of qualitative research using the Normative Juridical approach, the purpose of which was to analyze the problem by examining legal materials. The result of the author's research are in the decision 1767/Pdt.G/2017/PA.Krw. The existence of an annulment of marriage related to carrying out a marriage with identity falsification carried out by the husband and the implementation of the marriage has violated Article 27 paragraph (2) of Law Number 1 1974 which has been amended by law number 16 of 2019 about Marriage. The cancellation of the marriage itself is when a marriage that has taken place can be canceled if one of the parties does not meet the conditions set for the marriage. as a result, the marriage that was carried out immediately broke up and was considered as if it had never existed.

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**Keyword :** *Annulment, Marriage, Forgery of Identity*

### 1. Introduction

Marriage is a form of joint life between a man and a woman that meets certain requirements. Marriage is essentially a covenant that binds physically, emotionally, and spiritually, based on the conviction of faith.<sup>1</sup> According to Law Number 1 of 1974 which has been amended by Law Number 16 of 2019 concerning marriage, marriage is an inner birth 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 belief in the existence of God Almighty. Legal marriage becomes a means to realize this goal in building a happy home. In addition, marriage also has interests that involve the family and society at large.<sup>2</sup>

Marriage is considered a sacred institution because it involves religious aspects. Therefore, it is important for marriage to be carried out in accordance with the laws and religious teachings adopted by each individual or couple who will marry.<sup>3</sup> In Article 2 paragraph (1) of Law Number 1 of 1974 which has been amended by Law Number 16 of 2019 concerning Marriage, it is stated that a marriage is considered valid if it is carried out in accordance with the religious law adopted by each individual or married couple. If a marriage is performed contrary to the provisions of the religion and beliefs professed, according to the law, the marriage is not considered valid and has no legal consequences as a marriage bond.<sup>4</sup>

<sup>1</sup> Wirjono Prodjodikoro, *Indonesian Marriage Law*, Sumur, Bandung, 1981, p.7.

<sup>2</sup> Law Number 1 of 1974 which has been amended by Law Number 16 of 2019 concerning Marriage.

<sup>3</sup> Khoirudin Nasution, *Indonesian Islamic Civil Law and Comparative Marriage Law in the Muslim World*, Academia, Yogyakarta, 2013, p.221.

<sup>4</sup> Hilman Hadikusuma, *Indonesian Marriage Law*, Mandar Maju, Bandung, 2007, p.1.

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Based on Article 22 of Law Number 1 of 1974 which has been amended by Law Number 16 of 2019 concerning marriage, it is stated that "marriage can be annulled if the parties do not meet the conditions stipulated in Law Number 1 of 1974 which has been amended by Law Number 16 of 2019 concerning Marriage", especially the conditions listed in Article 6 to Article 12 regarding the conditions of marriage. Therefore, a person can apply for annulment of marriage if the marriage took place without fulfilling the conditions stipulated by law.<sup>5</sup> Article 27 paragraph (2) of Chapter IV of Law Number 1 of 1974 which has been amended by Law Number 16 of 2019 concerning Marriage contains that:

*"A husband or wife may apply for annulment of marriage if at the time of the marriage there is a misconception about the husband or wife".<sup>6</sup>*

In addition to Law Number 1 of 1974 which has been amended by Law Number 16 of 2019 concerning Marriage, article 72 paragraph (2) of Chapter XI of the Compilation of Islamic Law also contains that:

*"A husband or wife may apply for annulment of marriage if at the time of the marriage there is fraud or misconception about the husband or wife".<sup>7</sup>*

Based on the foregoing, a marriage can be annulled in case of violation of the prohibition or provision stipulated in the Law. This can happen if a third party interferes in someone else's family affairs or disturbs the harmony of the married couple, or if there is an action taken by one of the married couples that causes the marriage to be damaged or unqualified. With the annulment of marriage, there is a

<sup>5</sup> C. S. T. Kansil, *Introduction to Indonesian Law and Legal Procedure*, Balai Pustaka, Jakarta, 1989, p.227.

<sup>6</sup> Article 27 paragraph (2) of Law Number 1 of 1974 which has been amended by Law Number 16 of 2019 concerning Marriage.

<sup>7</sup> Article 72 paragraph (2) of the Compilation of Islamic Law (KHI)



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termination of the marriage bond and legal consequences arise from the termination.<sup>8</sup>

The annulment of a marriage begins after a decision from the Religious Court which has permanent legal force and is valid without retrograde effect since the marriage took place. The process is carried out so that problematic marriages can be declared invalid or legally void. However, in today's context, there are situations where a man who is married or has a wife wants to have another wife by faking his identity, in the hope of avoiding society's bad judgment without resorting to polygamy.<sup>9</sup>

In the case described in the decision of the Karawang Religious Court Number 1767 / Pdt.G / 2017 / PA. Krw, there is the fact that the husband commits identity forgery by claiming to have never been married or is single to marry another woman, even though he is still bound by marriage to another woman. This action is considered unlawful and does not meet applicable regulations, so the marriage is invalid. In this regard, Article 72 paragraph (2) of the Compilation of Islamic Law adds the phrase "fraud or misconception regarding the husband or wife", so that falsification of identity by the husband becomes the reason for the annulment of the marriage.

The author hopes that the annulment of marriage caused by violation or non-fulfillment of conditions, especially falsification of identity, does not happen again. The author hopes that husbands and wives in carrying out their marriage comply with the obligation to comply with the terms and conditions that have been set in

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<sup>8</sup> May Rahayu, *Religious Court Decision on marriage annulment caused by known incestuous relationship after marriage*, Thesis, IAIN Cirebon, 2020

<sup>9</sup> Supreme Court of the Republic of Indonesia, *Guidelines for Acting and Administration of Religious Justice*, Academia, 2010, p.147.

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accordance with Law Number 1 of 1974 which has been amended by Law Number 16 of 2019 concerning Marriage. In this case study, the main basis for consideration is contained in Article 27 paragraph (2) of Law Number 1 of 1974 which has been amended by Law Number 16 of 2019 concerning Marriage.

Based on the background mentioned above, the author is interested in conducting research entitled **JURIDICAL REVIEW OF MARRIAGE ANNULMENT DUE TO IDENTITY FORGERY ACCORDING TO ARTICLE 27 OF LAW NUMBER 1 OF 1974 CONCERNING MARRIAGE (Study of Decision Number: 1767 / Pdt.G / 2017 / PA. Krw)**

## 2. Method

In the researcher the author uses the method of Normative Juridical approach. The reason the author uses this method is because the main data uses secondary data, which is in the form of data obtained in literature studies and supporting data is primary data, which uses field data where it is done by searching in the field.

The specifications in this study are descriptive analytical, namely describing the applicable laws and regulations associated with legal theories and positive law implementation practices concerning the object of research to be studied, namely Juridical Review of Marriage Annulment Due to Identity Forgery According to Law Number 1 of 1974 which has been amended by Law Number 16 of 2019 concerning Marriage (Study of Decision Number: 1767/PDT. G/2017/PA. KRW)

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### 3. Analysis or Discussion

#### 3.1. Annulment of Marriage Related to Identity Forgery According to Law Number 1 of 1974 which has been amended by Law Number 16 of 2019 concerning Marriage

Annulment of marriage is when a marriage that has occurred can be annulled if one of the parties does not meet the conditions that have been set to consummate the marriage. This can be filed as a claim by the husband or wife that can be considered by the Religious Court,<sup>10</sup> or if the marriage is found to violate the marriage law such as not meeting the requirements or predetermined marriage harmony.<sup>11</sup> The annulment of marriage can only be decided by the court and there is a provision in article 22 of Law Number 1 of 1974 which has been amended by Law Number 16 of 2019 concerning Marriage which states "*marriage can be annulled if the parties do not meet the conditions to hold the marriage*". The use of the word "may" in the article can mean that the decision of cancellation can be null or void, depending on the applicable religious provisions, if the religion does not specify otherwise.<sup>12</sup>

*In the institution of marriage, there is a mechanism regulated by law to deal with situations where a marriage must be annulled due to a legal defect or certain violations. Article 23 of Law Number 1 of 1974 which has been amended by Law Number 16 of 2019 concerning Marriage outlines who has the right to apply for marriage annulment. There are four categories of parties who have an interest and right to apply for annulment, including families, husbands or wives, authorities, and persons who have a direct legal interest in marriage. Through this application process, the law aims to*

<sup>10</sup> Bakri A.Rahman and Ahmad Sukardja, *Law according to Islam, UUP and Civil Law/BW*, PT. Hidakarya Agung, Jakarta, 1981, p. 36

<sup>11</sup> Amir Syarifuddin, *Islamic Marriage Law in Indonesia*, Kencana, Jakarta 2011, p.242

<sup>12</sup> Ahmad Ajhar Basyir, *Islamic Marriage Law*, UII Press, Yogyakarta, 2000, p. 85.



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*maintain validity and fairness in the marriage bond, provide access to justice for all parties involved, and address situations where a marriage must be annulled to maintain legal integrity.*

### *"Article 23*

*Those who can apply for marriage annulment are: a. Families in a straight lineage up from husband or wife; b. Husband or wife; c. The official is authorized only as long as the marriage has not been decided; d. The officer appointed under subsection (2) of Article 16 of this Act and any person who has a direct legal interest in the marriage, but only after the marriage has been broken."*

*In Article 23 of Law Number 1 of 1974 which has been amended by Law Number 16 of 2019 concerning Marriage, there are four categories of parties entitled to apply for marriage annulment:*

- 1. Families in the straight up line of a husband or wife, such as parents or grandparents of a husband or wife who have the right to apply for annulment of marriage if there is a legal defect or violation in the marriage.*
- 2. A husband or wife who wants to apply for annulment of marriage. They have the right to apply for cancellation if there are valid reasons in accordance with applicable regulations.*
- 3. Officials are authorized only during the marriage has not been decided. This means that certain officials, who have the authority to establish marital status, can apply for annulment of marriage before the marriage is officially terminated.*
- 4. The officer appointed under subsection (2) of Article 16 of this Act and any person who has a direct legal interest in the marriage, but only after the marriage has been consummated. This means that certain officials and people with a direct legal interest in the marriage can apply for annulment after the marriage has been formally consummated.*

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Thus, the Law provides an opportunity for various parties who have a connection and interest in marriage to apply for annulment if a legal defect or violation is found in the marriage. It aims to maintain validity and justice in the institution of marriage and provide access to justice for all parties involved.

Regarding this marriage registration as mentioned in Article 2 paragraph (2) of Law Number 1 of 1974 which has been amended by Law Number 16 of 2019 concerning Marriage which states that each marriage is recorded according to applicable laws and regulations. The record here is related to the identity of the parties, which is in the form of an identification mark, from which the identity will be known about the real status of a person. Identity forgery means making unauthorized changes to the actual ID as if the ID is real but is actually fake because it is not done according to procedure and is not done by the authorities and not according to the circumstances.<sup>13</sup>

In Law Number 1 of 1974 which has been amended by Law Number 16 of 2019 concerning Marriage, marriage annulment is indeed more focused on situations where misconceptions against the husband or wife are the basis for applying for annulment. However, although it does not specifically explain the annulment of marriage due to identity forgery, in practice, identity forgery can also be one of the reasons for the parties involved in the marriage to apply for annulment. In the process of applying for marriage annulment, the party applying must prove the validity of his claim with strong evidence. If falsification of identity is proven and has a significant impact on false preconceptions about the husband or wife, then it can be a strong basis for requesting the annulment of the marriage. Although the Marriage Law does

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<sup>13</sup> Neng Djubaedah, *Marriage Registration and Marriage Not Recorded According to Indonesian Written Law and Islamic Law*, Sinar Grafika, Jakarta, 2010, p.57

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not explicitly mention falsification of identity as a reason for annulment, courts and related parties may refer to legal principles governing the annulment of marriage due to lies or acts of manipulation that violate the provisions of marriage law. This allows the legal process to remain responsive and can address situations where falsification of identity becomes a significant problem in a marriage.

*"A husband or wife may apply for annulment of marriage if at the time of the marriage there is a misconception about the husband or wife"*

Prejudice in marriage refers to feelings of being deceived or the existence of elements of deception committed by one of the parties. In such a situation, the party who feels cheated has the right to apply for annulment of marriage to the Court.<sup>14</sup>

### **3.2. The judge's consideration in the marriage annulment case is based on Decision Number 1767/Pdt.G/2017/PA. Krw**

Based on the sitting of the case or lawsuit that has been filed by the Plaintiff to the Court and the information submitted by the Plaintiff during the trial, the Judge decides the claim for annulment of marriage with the following considerations:

The judge considered that Plaintiff and Defendant I had either entered into marriage or were in a position of husband and wife. Therefore, the Plaintiff has a persona standi in judiciary or legal standing that allows him to file this case. This is in accordance with the provisions in article 23 letter (b) of Law Number 1 of 1974 jo article 73 of the Compilation of Islamic Law. Thus, because the Plaintiff has legal standing to file a lawsuit for marriage annulment, the judge can consider the lawsuit fairly and in accordance with applicable law. The judge's decision is important to

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<sup>14</sup> Wantijk Saleh, *Islamic Marriage Law*, Ghalia Indonesia, Jakarta, 2000, p. 26

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ensure justice for all parties involved in the case and establish truth in the legal process.

### "Article 23

*Those who can apply for marriage annulment are: a. Families in a straight line up from husband or wife; **b. Husband or wife**; c. The official is authorized only as long as the marriage has not been decided; d. The officer appointed under subsection (2) of Article 16 of this Act and any person who has a direct legal interest in the marriage, but only after the marriage has been broken"*

### "Article 73

*Those who can apply for annulment of marriage are: a. families in a straight line up and down from the husband or wife; b. Husband or wife; c. The official authorized to supervise the performance of marriage according to the law. d. interested parties who become aware of any defects in the pillars and conditions of marriage according to Islamic law and the laws and regulations referred to in article 67."*

In this case, the panel of judges held that the defendants were not present at the hearing based on the summons that had been made legally and appropriately in accordance with applicable regulations. The summons to the Defendants have been executed following the schedule and grace period prescribed by law. Because the Defendants were not present at the trial, based on article 125 paragraph (1) HIR (Herziene Indonesisch Reglement), this case can be processed and decided by the court verstek or without the presence of the Defendants. In this case, the decision and decision of the Court can be taken based on the facts and evidence that have been submitted by the Plaintiff and based on applicable legal considerations.

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*"If the defendant does not appear on the day the case is to be examined, nor does he have another person appear on his behalf, even though he is duly summoned, then the suit is admittedly admitted, unless it is manifest to the district court, that the prosecution is against right or without merit."*

Based on the evidence of the letter and testimony that has been submitted, it is evident that at the time of the marriage between the Plaintiff and Defendant I, there was fraud or falsification of identity by Defendant I who claimed to be a traila, when in fact he was married to Imas bint Ibo and had not divorced his wife. This consideration is based on the fact that there was a marriage between Plaintiff and Defendant I which contained elements of fraud or falsification of identity regarding Defendant I's status as a trail. Thus, based on the provisions in article 24 of Law Number 1 of 1974 jo article 72 paragraph (2) of the Compilation of Islamic Law, the marriage of the Plaintiff with Defendant I can be annulled. The panel of judges considered that the Plaintiff's claim had legal grounds, so based on the provisions in article 37 of Government Regulation Number 9 of 1975 jo article 71 letter (a) of the Compilation of Islamic Law, the Plaintiff's claim to annul the marriage with Defendant I could be granted.

*"Article 24 of Law Number 1 of 1974*

*Whoever by virtue of marriage is still bound by himself to one of the two parties and on the basis of the persistence of marriage may apply for a new annulment of marriage, without prejudice to the provisions of Article 3 paragraph (2) and Article 4 of this Law."*

*"Article 72 of the Compilation of Islamic Law*

*(1) A husband or wife can apply for annulment of a marriage if the marriage took place under unlawful threat.*



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*(2) A husband or wife can apply for annulment of marriage if at the time of the marriage there is fraud or misconception about the husband or wife*

*(3) If the threat has ceased, or the guilty person is aware of his situation and within 6 (six) months thereafter still lives as husband and wife, and cannot exercise his right to apply for cancellation, then his right is void."*

*"Article 37 of Government Regulation Number 9 of 1975*

*The annulment of a marriage can only be decided by the Court."*

*"Article 71 of the Compilation of Islamic Law*

*A marriage may be annulled if: a. a husband commits polygamy without the permission of the Religious Court; b. The married woman was later found to still be the wife of another man who was mafqud. c. the married woman is still in iddah and another husband; d. marriage that violates the age limit for marriage as stipulated in article 7 of Law No.1. in 1974; e. the marriage took place without a guardian or was performed by an unauthorized guardian; f. marriage performed by force."*

Furthermore, the Marriage Certificate Quotation book sourced from the Marriage Certificate issued by the Head of the Religious Affairs Office (KUA) of Purwasari District, Karawang Regency, and signed by the Plaintiff with Number 065/20/III/2010 dated March 19, 2010 must be declared unenforceable because it is issued for marital status that has been annulled, based on these considerations, the Panel of Judges decided that the Plaintiff's claim to annul the marriage with Defendant I can granted and the book of Marriage Certificate Quotation must be declared unenforceable;

Filing an application for marriage annulment related to identity forgery is a legal action taken when there is a violation of the terms and conditions in carrying out the

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marriage contract, or there is an error in recognizing the identity of the husband or wife. The provisions for the annulment of marriage in the Compilation of Islamic Law apply to every person of the Islamic faith, so the basis for the judges' deliberations generally refers to Islamic religious law. However, in marriage in Indonesia in general, for the enactment of marriage annulment related to identity forgery, this is based on Article 27 paragraph (2) of Law Number 1 of 1974 which has been amended by Law Number 16 of 2019 concerning Marriage. This article states that a husband or wife can apply for annulment of marriage if at the time of marriage there is a misconception about the identity of the husband or wife.

In this case, there is a violation of marriage conditions in the form of fraud or falsification of identity committed by the husband. This is in accordance with the provisions of Article 27 paragraph (2) of Law Number 1 of 1974 which has been amended by Law Number 16 of 2019 concerning Marriage which states that a husband or wife can apply for marriage annulment if at the time of marriage there is a misconception about the identity of the husband or wife. Therefore, the marriage can be annulled based on applicable legal provisions.

*"A husband or wife may apply for annulment of marriage if at the time of the marriage there is a misconception about the husband or wife."*

In addition, Islamic law also explains that fraud or misconception about the identity of a husband or wife, including falsification of identity, can be a reason for the cancellation of a marriage. Therefore, in determining the legal considerations in this case, the Panel of Judges must include Article 27 paragraph (2) of Law Number 1 of 1974 which has been amended by Law Number 16 of 2019 concerning Marriage as the legal basis relevant to this case. Thus, the decision taken by the Panel of Judges

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will be supported by the right legal basis and in accordance with applicable regulations.

The author argues that the basis for the judge's consideration is more appropriate if you use the two provisions together. The judge must mention and refer to Article 27 paragraph (2) of Law Number 1 of 1974 which has been amended by Law Number 16 of 2019 concerning Marriage, as well as Article 72 paragraph (2) of the Compilation of Islamic Law as the legal basis in deciding this case. Although basically the judge's consideration does not contradict the applicable laws and regulations, using the two provisions together, will provide a stronger and clearer legal basis in supporting the judge's decision to grant the marriage annulment lawsuit filed by the Plaintiff. Thus, the decision taken will be more in accordance with applicable laws and regulations, especially regarding marriage.

Regarding the legal consequences related to the decision on the Annulment of Marriage of the Religious Court, especially case Number: 1767 / Pdt.G / 2017 / PA.Krw. includes several things, including:

### 1) Legal Effects on Children's Position

Legal consequences on the position of children born as a result of an annulled marriage are still considered legitimate children. Then the child is entitled to maintenance, financing and inheritance from both parents.

This is in accordance with the provisions of article 28 paragraph (2) letter a of Law Number 1 of 1974 which has been amended by Law Number 16 of 2019 concerning Marriage which confirms that "The decision shall not apply retroactively to: Children born of such marriage".

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That is, he still has a father and mother even though the father and mother are annulled the marriage, the child is still the responsibility of both parties, husband and wife. Both parents are still obliged to educate and nurture the child. The annulment of a marriage does not affect the legal consequences that have occurred before the decision of annulment of the marriage was issued by the Court. The decision to annul the marriage has no retrograde effect.

### 2) Legal Effects on Property Acquired During Marriage

In the provisions of Article 28 paragraph (2) point b of Law Number 1 of 1974 which has been amended by Law Number 16 of 2019 concerning Marriage, it is affirmed that "The decision shall not apply retroactively to: A husband or wife acting in good faith except for joint property, if the annulment of marriage is based on the existence of another marriage that preceded.

It can be interpreted that against a husband and wife who act in good faith in the sense that between husband and wife there is no element of prior intention to carry out marriage in violation of applicable law. Even if the marriage is invalid, an exception is given, in the case of joint property acquired during the marriage, there is still a division of joint property between the husband and wife whose marriage is annulled.

However, in this case, considering that Defendant I has violated the provisions of the law applicable in his marriage with the Plaintiff, which means that in that marriage one of the parties did not have good faith before, there was no division of joint property against parties who did not have good faith. Against the personal property of each husband and wife does not change and remains his. With respect to joint property, the joint property is divided according to the law applicable to the

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Religious Court so that no party is harmed, but because the Defendant is not present at the trial, there is no division of the joint property.

In the context of marriage, identity forgery is an act of misappropriation or deviation committed by someone to falsify data about someone's special circumstances or certain identities. This action is a criminal act in the form of lying with the aim of being able to carry out marriage illegally or violate legal provisions. Thus, falsification of identity in marriage is an unlawful act and can be punished in accordance with applicable regulations.

Falsification of personal identity includes criminal acts regulated in the Criminal Code (KUHP). This is explained in article 263 and further affirmed in article 264 on forgery of letters which reads:

### "Article 263

*(1) Whoever makes a forged letter or forges a letter which gives rise to a right, bond or discharge of debt, or which is intended as evidence of a thing with the intention of using or inducing another person to use the letter as if its contents were true and not forged, shall be punished if such use may cause harm, by forgery of the letter, with imprisonment for not more than six years.*

*(2) Threatened with the same penalty, whoever knowingly uses a forged or forged letter as if it were true, if the use of the letter may cause harm."*

### "Article 264

*(1) Forgery of letters is punishable by imprisonment for not more than eight years, if committed against: 1. authentic deeds; 2. debentures or certificates of indebtedness of any State or part thereof or of a public institution; 3. sero-letter or debt or sero-certificate or debt of an association, foundation,*



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*company or airline: 4. talon, proof of dividend or interest from any of the letters described in 2 and 3, or proof issued in lieu of such letters; 5. Letters of credit or trade papers intended for circulation.*

*(2) Shall be punished with the same penalty whosoever knowingly uses the letter in the first paragraph, whose contents are not true or which are forged as if true and unforged, if the forgery of the letter may cause harm."*

Identity Card (KTP) is one of the authentic deeds that shows a person's identity. According to the Population Administration Law, it is also forbidden to falsify. This is stated in Article 93 of the 2006 Law which has been amended by Law Number 24 of 2013 concerning Population Administration states that any resident who intentionally falsifies letters and/or documents to the implementing agency in reporting population events and important events shall be punished with a maximum prison sentence of 6 years and/or a maximum fine of Rp.50,000,000 (fifty million rupiah). In addition, in Law Number 27 of 2022 concerning Personal Data Protection, it is stipulated that everyone is prohibited from making false personal data or falsifying personal data with the intention to benefit themselves or others which may result in harm to others. The criminal charge is a maximum of 6 years imprisonment and/or a maximum fine of Rp.6,000,000,000 (six billion rupiah).

## 4. Conclusion

1. Under Article 22 of the Marriage Law, a marriage can be annulled if the parties do not meet the conditions for consummating the marriage. Judgment 1767/Pdt.G/2017/PA. KRW shows a violation of the conditions of marriage described in Article 27 paragraph (2) of Law Number 1 of 1974 which has been amended by Law Number 16 of 2019 concerning Marriage. Article 27

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paragraph (2) states that "a husband or wife may apply for annulment of marriage if at the time of marriage there is an error or fraud regarding the identity of the husband or wife". In addition, Article 72 paragraph (2) of the Compilation of Islamic Law also regulates the same. Thus, marriages that undergo data manipulation or identity forgery in accordance with Article 27 paragraph (2) of Law Number 1 of 1974 which has been amended by Law Number 16 of 2019 concerning Marriage and Article 72 paragraph (2) of the Compilation of Islamic Law can be annulled. With reference to the appropriate legal basis, the decision in case 1767/Pdt.G/2017/PA. KRW can grant a marriage annulment application filed by the Plaintiff based on identity forgery or data manipulation that occurred at the time of the marriage.

2. The basis for the judges' consideration in deciding the case as described in the decision of case Number: 1767 / Pdt.G / 2017 / PA. KRW does not include provisions in which in this case it is found that there are conditions that have been violated, namely fraud or data manipulation carried out by the husband in his marriage. This is in accordance with Article 27 paragraph (2) of Law Number 1 of 1974 which has been amended by Law Number 16 of 2019 concerning Marriage which states that "A husband or wife can apply for marriage annulment if at the time of marriage there is a misconception about the husband or wife". Therefore, the basis for the Judge's consideration in deciding the case is more appropriate if it uses Article 27 paragraph (2) of Law Number 1 of 1974 which has been amended by Law Number 16 of 2019 concerning Marriage jo Article 72 paragraph (2) of the Compilation of Islamic Law which states that "a husband or wife can apply for marriage annulment if at the time of marriage there is fraud or misconception about the husband or wife" then The marriage can be annulled.

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