

Annulment of Marriage Due to Identity Fraud: A Case Study of the Merauke Religious Court Decision

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A B S T R A C T

This study aims to analyze the decision of the Merauke Religious Court, case number 43/Pdt.G/2019/PA.Mrk, regarding the annulment of marriage due to identity fraud and status. Furthermore, the study seeks to explain the legal implications of marriage annulment from the perspectives of Ushul Fiqh and Fiqh, and to examine the legal status of children born in annulled marriages and the implications for their inheritance rights. This research employs a qualitative method with a normative juridical approach. This approach involves the analysis of legal documents such as court decisions, laws, and relevant literature. The results of the study indicate that identity fraud in marriage is a serious violation that can annul the marriage. The court's decision affirms that a marriage conducted with identity fraud is considered null and void from the beginning, and that children born from such a marriage have different statuses in terms of inheritance rights and lineage. In conclusion, the decision of the Merauke Religious Court regarding marriage annulment aligns with the prevailing laws in Indonesia and clarifies the importance of honesty in the marriage process and the legal consequences of identity fraud. This study significantly contributes to the understanding and application of Islamic law and Indonesian legislation related to marriage annulment and its implications on the legal status and inheritance rights of children.

1. Introduction

Marriage is a fundamental institution in Islamic law and Indonesian law. Governed by Law No. 1 of 1974 on Marriage and the Compilation of Islamic Law (KHI), marriage is intended to form a spiritual and physical bond between husband and wife to build a happy and everlasting family based on the Almighty God (Putri, 2024). However, violations of the terms and conditions of marriage, such as identity fraud, can lead to the annulment of marriage. This annulment not only has legal implications for the marital status but also affects related rights such as the rights of children and inheritance rights.

In the context of Islamic law, marriage is a sacred agreement that must be conducted with full honesty and transparency (Saleh et al., 2022). The validity of the marriage depends greatly on the fulfillment of the stipulated requirements, including the legitimate identity of both parties. Identity fraud in marriage not only undermines moral and ethical values but also damages trust in the institution of marriage itself. Such fraud is considered a serious violation that can compromise the integrity and validity of the marriage, making annulment necessary to maintain the purity and legality of this institution (Cahill, 1955).

Research on marriage annulment has been conducted by several academics across various themes. Studies on annulment due to identity falsification include works by Putri (2024), Rifqi (2019), Syahril, (2018), Tifanabila & Ni'ami (2021), and Yusuf (2023). Research focusing on annulment due to polygamy and identity fraud in polygamous marriages includes studies by Hidayati & Erma (2024), Kurniawan (2020), Muladi & Israhadi (2021), and Salsabiela & Prananda (2023). Studies addressing the legal consequences of marriage annulment have been conducted by Aziz (2023), Nawawie (2018), Patampari (2020), Saputra et al. (2022), and Zainuri (2019). Research on unlawful acts in marital promises and annulments includes the work of Ambarwati et al. (2024). These studies collectively explore various facets of marriage annulment, providing valuable insights into identity falsification, polygamy, legal consequences, and unlawful acts in marital commitments.

However, these studies have not thoroughly examined the implications of marriage annulment for children born in annulled marriages. For instance, what is the legal status of such children? Are they still recognized as legitimate children, and what are their rights regarding sustenance and inheritance? Additionally, there has been limited research specifically analyzing court decisions in various regions to provide a more comprehensive picture of the application of law in practice. This study aims to fill these gaps by analyzing the annulment decision of the Merauke Religious Court and its impact on the legal status of children and their inheritance rights.

The novelty of this research lies in its comprehensive analysis of the annulment decision by the Merauke Religious Court, which includes an in-depth examination of the legal implications of identity and status fraud from the perspectives of *Ushul Fiqh* and *Fiqh*. This study also addresses the implications for the status of children and inheritance rights, which have not been widely discussed in previous research. Therefore, this research not only contributes new insights into the understanding and application of Islamic law and Indonesian legislation regarding marriage annulment but also provides broader insights into the protection of children's rights in the context of annulment.

This study focuses on the main issue: the legal implications of marriage annulment due to identity fraud according to *Ushul Fiqh* and *Fiqh* perspectives, as well as the legal status of children and inheritance rights following the annulment. In this context, it is important to understand that marriage annulment has far-reaching consequences, not only for the involved couple but also for the children born from the marriage. Thus, this study will provide deeper insights into these impacts and how Islamic law and Indonesian positive law regulate and protect the involved rights.

The objective of this research is to analyze the decision of the Merauke Religious Court, case number 43/Pdt.G/2019/PA.Mrk, regarding the annulment of marriage due to identity and status fraud. Additionally, this study aims to explain the legal implications of marriage annulment based on *Ushul Fiqh* and *Fiqh* perspectives, and to examine the legal status of children born in annulled marriages and the implications for their inheritance rights. The findings of this study are expected to provide a deeper and more comprehensive understanding of marriage annulment and serve as a reference for legal practitioners and academics in handling similar cases in the future. This research not only contributes to academic literature but also offers practical guidance for judges, lawyers, and other parties involved in the legal process of marriage annulment.

Annulment of marriage due to identity fraud is a challenging phenomenon in the Indonesian legal system. As the country with the largest Muslim population in the world, Indonesia adopts Islamic legal principles in its legal system, particularly regarding marriage. Therefore, it is important to understand how Islamic law and Indonesian positive law complement and interact with each other in handling marriage annulment cases. Thus, this research is expected to make a significant contribution to strengthening our understanding of the dynamics of marriage law in Indonesia and ensuring that the rights of all involved parties are protected fairly and comprehensively.

2. Method

This study uses a qualitative method with a normative juridical approach to analyze the annulment of marriage due to identity and status fraud at the Merauke Religious Court. This method was chosen because it can provide a deep and comprehensive understanding of the legal issues at hand and their implications based on the principles of *Ushul Fiqh and Fiqh*. The qualitative approach is used to explore and understand complex social and legal phenomena in the context of marriage annulment (Moen & Middelthon, 2015). This approach allows the researcher to gather in-depth information through document analysis and data interpretation rich in context and nuance. The focus of this research is on a deep understanding of the legal implications of marriage annulment and how the principles of *Ushul Fiqh and Fiqh* are applied in this case.

The normative juridical approach is used to analyze the applicable legal rules and how these rules are applied in court decisions. This approach involves analyzing various legal sources such as laws, regulations, court decisions, and relevant legal literature. In the context of this research, the normative juridical approach is used to evaluate the conformity of the Merauke Religious Court's decision with the prevailing laws in Indonesia as well as the principles of *Ushul Fiqh and Fiqh*. The data in this study consist of primary and secondary data. Primary data were obtained from the decision document of the Merauke Religious Court, case

number 43/Pdt.G/2019/PA.Mrk, while secondary data were obtained from legal literature, scientific journals, books, relevant laws and regulations, and previous research related to marriage annulment and *Ushul Fiqh*.

The data collection techniques used in this study include document study and content analysis. The researcher collected and analyzed various legal documents such as court decisions, laws, and relevant literature to understand the context and details of the case. Content analysis was conducted to identify the main themes and patterns that emerged related to marriage annulment and its legal implications. The collected data were analyzed using thematic and normative juridical analysis methods. The researcher identified and categorized the main themes that emerged from the data to understand the legal implications of marriage annulment and how the principles of *Ushul Fiqh* are applied. Additionally, the researcher evaluated the conformity of the court decision with the prevailing legal rules in Indonesia and the principles of *Ushul Fiqh* and *Fiqh*, involving legal interpretation and comparison between the court decision and relevant legal provisions.

To ensure the validity and reliability of the data, the researcher used triangulation techniques by comparing findings from various data sources and relevant literature. Furthermore, the researcher also consulted findings with legal and *Ushul Fiqh* experts to obtain feedback and verification. With this detailed and clear research method, it is expected that the study can make a significant contribution to understanding and applying the law related to marriage annulment in Indonesia, particularly from the perspectives of *Ushul Fiqh* and *Fiqh*.

3. Results and Discussion

3.1 Case Background

On October 11, 2013, Respondent I and Respondent II were married, with their marriage recorded by the Marriage Registrar at the Office of Religious Affairs (KUA) in the Merauke District, as evidenced by Marriage Certificate Extract No: 518/17/X/2013 dated October 11, 2013. However, a request for annulment of the marriage was later filed by the Petitioner for several underlying reasons.

The Petitioner sought the annulment of the marriage between Respondent I and Respondent II primarily because Respondent I had committed identity fraud from the beginning of the marriage. Respondent I's real identity is Suprianto bin Parni, but he used the name Pandji Artha bin Jumiran, which is actually the name of his adopted son. Additionally, Respondent I falsified his marital status by claiming to be single before marrying Respondent II, while he was still married to another woman.

Respondent II only discovered Respondent I's true identity in 2017 when she attempted to create a Family Card. On December 12, 2018, Respondent I (Suprianto bin Parni) officially divorced his first wife, Emy binti Nyamin, as evidenced by Divorce Certificate No: 0271/AC/2018/PA.Mrk.

On Thursday, January 10, 2019, Respondent I and Respondent II visited the Office of Religious Affairs to meet the Petitioner (as the Head of the Merauke District Office of Religious Affairs). During this meeting, Respondent I confessed to all his actions. He stated that he was pressured by Respondent II's family to marry her immediately because she was pregnant, leading him to decide to falsify his identity.

As a result, the marriage between Respondent I and Respondent II violated the provisions of Law No. 1 of 1974 on Marriage, as Respondent I had falsified his identity and was still legally married to another woman. The Petitioner felt obligated to explain the process of the marriage and the recording of the marriage, and to be responsible for canceling and recording the annulment of the marriage once the matter had legal force. Therefore, the Petitioner had a legal interest in this matter.

Several key issues arise in this case: whether a marriage that has taken place can be annulled at a later date and whether the annulment of a marriage has legal implications for intercourse that has occurred and for lineage if children were born. These issues are very important in the lives of Muslims and receive serious attention in Islamic legal studies.

The first issue relates directly to the sacred relationship between husband and wife as a means of fostering a harmonious family. To prevent disruptions to a marriage, Islamic law meticulously regulates the conditions that can render a marriage invalid. The second issue concerns the possibility that a marriage is declared invalid, but due to factors such as ignorance or error, intercourse occurs between the husband and wife, resulting in children.

In this case, the court must determine whether the marriage is invalid due to the identity fraud committed by Respondent I. If the marriage is declared invalid, the court must also consider the legal implications for children born from the marriage, including their lineage and inheritance rights.

Ultimately, the Merauke Religious Court decided to grant the Petitioner's request and annul the marriage between Respondent I and Respondent II. This decision was based on the fact that the marriage violated the marriage laws in Indonesia, specifically regarding legitimate identity and marital status.

From an Islamic legal perspective, as long as the husband and wife are unaware of a defect that could invalidate the marriage, the relationship remains valid, and children born are considered legitimate. However, in this case, because there was intentional identity fraud, the marriage is considered invalid from the start. Children born from such an invalid marriage have a different status in inheritance and lineage law, which is an important aspect to be considered in this court ruling (Saleh et al., 2022).

This decision clarifies the importance of honesty and transparency in the marriage process and highlights the legal consequences of identity fraud in marriage. The decision also underscores the vital role of the judiciary in maintaining the validity and integrity of the institution of marriage in Indonesia. The Merauke Religious Court's decision No. 43/Pdt.G/2019/PA.Mrk to annul the marriage due to identity and status fraud aligns with the prevailing legal provisions in Indonesia. From the perspectives of *Ushul Fiqh* and *Fiqh*, this marriage annulment has significant implications for the legal status of children and inheritance rights. This research contributes significantly to the understanding and application of Islamic law and Indonesian legislation regarding marriage annulment.

3.2 Analysis of Marriage Annulment Based on *Ushul Fiqh* and *Fiqh*

In Islamic law, the annulment of marriage (*fasakh*) is a mechanism that allows for the termination of a valid marriage due to a fundamental defect or incompatibility that was not known at the time of the marriage contract. *Ushul Fiqh*, as a methodology for understanding

and interpreting the sources of Islamic law, emphasizes the importance of fulfilling the conditions and pillars of marriage (Patampari, 2020). In the context of this case, the identity fraud committed by Respondent I is a serious violation that undermines the validity of the marriage contract because the required conditions were not met.

According to *Fiqh*, a marriage based on fraud is considered invalid. Prominent scholars like Al-Ghazali assert that a marriage contract must be based on honest intent and accurate information from both parties (al-Ghazali, 1996). If it is proven that one party has committed fraud regarding their identity or status, the marriage does not meet the conditions of a valid contract and can be annulled. In this case, Respondent I used a false identity and concealed his actual marital status, making the marriage to Respondent II invalid under Islamic law.

The annulment of this marriage also has legal implications for the status of children born from the marriage. From a *Fiqh* perspective, children born from a valid marriage are still considered legitimate even if the marriage is later annulled. Children cannot be blamed for the mistakes or discrepancies committed by their parents (Grossman, 2010). Therefore, they retain legitimate rights such as maintenance and inheritance from their parents. However, in the context of positive law in Indonesia, as regulated by the Compilation of Islamic Law (KHI), the annulment of a marriage requires a court ruling to determine the legal status of the children and their associated rights.

Another legal impact of marriage annulment pertains to inheritance rights. According to *Fiqh*, if a marriage is annulled, the legal relationship between husband and wife is considered never to have existed. Consequently, the inheritance rights that typically arise from the marital relationship do not apply (Preston, 2017). However, if the marriage is deemed valid until the annulment, inheritance rights remain in effect until that time. In the context of Indonesian law, Article 22 of Law No. 1 of 1974 on Marriage states that a marriage can be annulled if it does not meet the stipulated conditions. The annulment of a marriage due to identity fraud must be accompanied by a court ruling regarding the status of the children and their associated rights.

The Merauke Religious Court's decision No. 43/Pdt.G/2019/PA.Mrk granted the Petitioner's request to annul the marriage between Respondent I and Respondent II. This decision was based on the fact that the marriage violated Indonesian marriage laws, particularly concerning legitimate identity and marital status. The court found that Respondent I used a false identity and was still married to another woman at the time of marrying Respondent II. This decision aligns with the principles of Islamic law and Indonesian positive law, which emphasize the importance of honesty and transparency in the marriage process.

From the perspective of *Ushul Fiqh*, the annulment of a marriage due to identity fraud illustrates that the integrity and validity of a marriage heavily rely on the truthfulness and honesty of the information provided by both parties. *Ushul Fiqh* provides a theoretical foundation for understanding why a marriage based on fraud cannot be considered valid. It also demonstrates that Islamic law has a fair mechanism to protect the rights of individuals in marriage (Zuhaili, 1965).

The annulment of this marriage also provides an important lesson on the necessity of verifying identity and status before conducting a marriage. The judiciary plays a crucial role

in maintaining the validity and integrity of the marriage institution by ensuring that all legal requirements and conditions are met before a marriage is recorded (Lasmadi et al., 2020). This decision also highlights the importance of legal protection for all parties involved in a marriage, including children born from the marriage.

Overall, this discussion shows that the annulment of a marriage due to identity fraud is a complex issue with broad legal implications. An analysis based on Ushul Fiqh and Fiqh, as well as Indonesian positive law, indicates that a marriage based on identity fraud can be annulled, and children born from such a marriage still retain their legitimate rights. The Merauke Religious Court's decision No. 43/Pdt.G/2019/PA.Mrk provides legal clarity and protection for all parties involved and underscores the importance of integrity in the marriage process.

3.3 Legal Impact of Marriage Annulment on Children

The annulment of a marriage is a legal action that has significant implications, particularly on the legal status of children born from the annulled marriage. In the perspective of Islamic law (*Fiqh*), children born from a marriage that was initially valid are still considered legitimate even if the marriage is later annulled. This principle is based on the idea that children should not be blamed for the mistakes or discrepancies committed by their parents (Al-Jaziri, 1990). However, there are different views in *Fiqh* regarding the status of children from an annulled marriage.

Some scholars argue that children born from a legally valid marriage retain the same rights as children from a marriage that is not annulled, including the right to receive maintenance and inheritance from their parents. This view is based on the principles of justice and protection for children (Button et al., 2016). In this view, protecting the child is the primary concern, and the child must still receive their rightful entitlements even if the parents are involved in legal discrepancies or mistakes.

However, there is a stricter view in *Fiqh* that interprets the status of children from an annulled marriage more rigidly. This view states that children born from an annulled marriage may experience a change in their legal status, particularly regarding inheritance rights. Such children may not be considered legitimate heirs of their parents if the marriage is deemed invalid from the outset. This perspective focuses more on the legal validity of the marriage itself and its impact on the child's legal status.

In the context of Indonesian positive law, the Compilation of Islamic Law (KHI) provides clearer guidance on the legal status of children in cases of marriage annulment. According to KHI, if a marriage is annulled by the court, children born from that marriage are still recognized as the legitimate children of both parents. This means that the child's lineage and rights are not affected by the annulment of the marriage. This reflects the principles of justice and child protection also found in *Fiqh*.

Article 76 of the KHI states that the annulment of a marriage does not negate the legitimacy of the legal relationship between the child and the parents. The child retains the same rights as children from a valid marriage, including the rights to maintenance and inheritance. In this respect, the KHI emphasizes that children must be protected from the negative consequences of their parents' annulled marriage. This demonstrates Indonesia's commitment to positive law to protect children's rights under all circumstances.

3.4 Implications of Marriage Annulment on Children's Inheritance Rights

Marriage annulment has a direct impact on children's inheritance rights. From the perspective of *Fiqh*, children born from a valid marriage retain their inheritance rights from their parents, even if the marriage is later annulled. This is based on the principle that the legal relationship between parents and children is not severed merely because the parents' marriage is annulled. The children's inheritance rights are recognized and respected in Islamic law.

In Islamic law, lineage or *nasab* is of paramount importance. *Nasab* is a blood relationship that determines a person's legal status in various aspects, including inheritance rights. When a marriage is annulled, the main question is whether children born from the marriage still have the same rights as those from a non-annulled marriage. Islamic *Fiqh* generally acknowledges that children born from a valid marriage retain full rights even if the marriage is annulled later. The principles of justice and child protection are the primary foundations of this view.

However, a stricter interpretation within *Fiqh* may view the impact of annulment on children's inheritance rights differently. According to this view, if a marriage is considered invalid from the beginning, the child might not be recognized as a legitimate heir of the parents. This means that the child would not have inheritance rights if the marriage is annulled. This perspective focuses more on the legal validity of the marriage itself and its impact on the child's legal status. In this context, the validity of the marriage contract is crucial. If the contract is deemed invalid, all legal consequences arising from the contract, including the child's inheritance rights, are also considered invalid (Patampari, 2020).

In the context of Indonesian positive law, Article 76 of the Compilation of Islamic Law (KHI) states that children born from a valid marriage retain their inheritance rights from their parents, even if the marriage is annulled. This means that the annulment of the marriage does not negate the children's inheritance rights. These rights are recognized and respected in Indonesian positive law. This demonstrates Indonesia's commitment to protecting children's rights under all circumstances. This article reinforces that children born from a valid marriage should not be disadvantaged by the legal actions taken against their parents' marriage.

Court rulings often emphasize that children born from a valid marriage retain their rights even if the marriage is annulled. Such decisions reflect the principles of Islamic law and Indonesian positive law, which stress the importance of justice and protection for children. For example, in the annulment case in the Merauke Religious Court, the court emphasized that the children's rights should not be harmed by the legal discrepancies or mistakes made by their parents.

Children's inheritance rights include the right to receive a certain portion of their parents' estate. In Islamic law, children's inheritance rights are strictly and clearly regulated. Both sons and daughters have the right to inherit from their parents, with differences in the amounts based on Islamic legal provisions. In cases of marriage annulment, these rights remain recognized and respected, showing that the protection of children is a priority in both Islamic law and Indonesian positive law.

It is important to note that protecting children's inheritance rights in cases of marriage annulment involves not only legal aspects but also moral and social aspects. Children born from annulled marriages may face social stigma or discrimination (Nawawie, 2018). Therefore,

it is crucial for society and the legal system to work together to protect children's rights and ensure they are not disadvantaged by their parents' legal status. This includes providing psychological and social support to help these children cope with the negative impacts of marriage annulment.

Moreover, in the modern context, the recognition and protection of children's rights have become increasingly important. International organizations, such as the United Nations through the Convention on the Rights of the Child, emphasize the importance of protecting children's rights in all situations. Indonesia, as a country that has ratified the Convention on the Rights of the Child, has an obligation to ensure that its national laws and policies align with international standards in protecting children's rights. This includes ensuring that children born from annulled marriages receive adequate legal and social protection.

In the final analysis, the annulment of a marriage due to identity fraud or other reasons has broad legal implications, especially concerning children's inheritance rights. From the Fiqh perspective, children born from a valid marriage are still recognized and have full rights even if the marriage is annulled. Indonesian positive law, through the KHI, reinforces the commitment to protect children's rights in all situations, including inheritance rights. Therefore, the Indonesian legal system strives to ensure that children are not disadvantaged by legal actions taken against their parents' marriage.

The Merauke Religious Court's decision No. 43/Pdt.G/2019/PA.Mrk provides legal clarity regarding the importance of honesty in marriage and the protection of children's rights and inheritance rights. This decision underscores that the law does not tolerate fraud in marriage and ensures that all parties involved in the marriage receive fair legal protection in accordance with the principles of Islamic law and Indonesian positive law. It also highlights the crucial role of the judiciary in maintaining the validity and integrity of the marriage institution and protecting children's rights in all circumstances.

Considering the legal, psychological, and social impacts of marriage annulment, it is clear that protecting children must be a top priority. The legal system and society must work together to ensure that children born from annulled marriages receive appropriate protection and support to overcome the challenges they face. This reflects a shared commitment to creating a fair and compassionate environment for all children, regardless of their parents' marital status.

3.5 Case Analysis of the Merauke Religious Court Decision

The analyzed case involves the annulment of the marriage between Respondent I and Respondent II by the Merauke Religious Court. The court decided to annul the marriage based on the fact that Respondent I had committed identity fraud and concealed their true marital status. This decision is based on the provisions of Indonesian marriage law, which requires valid identity and status as prerequisites for a lawful marriage.

This court decision reflects the principles of Islamic law and Indonesian positive law, emphasizing the importance of honesty and transparency in marriage. In Islamic law, honesty and transparency are fundamental foundations that ensure a valid and healthy marriage. Indonesian positive law, as stipulated in the Marriage Law No. 1 of 1974, also requires that every marriage be based on the free consent of both parties with clear information about their identity and status.

The court found that Respondent I's identity fraud was a serious violation that undermined the validity of the marriage contract. Identity fraud in this context includes Respondent I's act of concealing their previous marital status, which directly violates the applicable legal provisions. By annulling the marriage, the court demonstrates that the law does not tolerate fraud in marriage and ensures the strict maintenance of marriage validity.

Identity fraud in marriage not only creates injustice for the spouse but also has broader impacts on the family and children involved. Fraud in marriage can cause emotional and psychological instability for both the spouse and the children born from the marriage. Therefore, the court plays a crucial role in upholding just laws and protecting all parties involved in the marriage.

Additionally, the court affirmed that children born from a valid marriage still have the same rights as children from a marriage that is not annulled. This means that the children retain their rights to maintenance and inheritance from their parents, even if the marriage is annulled. This decision reflects the court's commitment to protecting the rights of children and ensuring that they are not disadvantaged by the mistakes or legal non-compliance of their parents.

Article 76 of the Compilation of Islamic Law (KHI) states that the annulment of a marriage does not negate the legal relationship of the children born from that marriage. The children retain the same rights as those born from a valid marriage, including the right to maintenance and inheritance. Thus, KHI emphasizes that protecting the child is a top priority, and children must continue to receive their rightful entitlements even if their parents are involved in legal non-compliance or errors.

The Merauke Religious Court decision number 43/Pdt.G/2019/PA.Mrk provides legal clarity on the importance of honesty in marriage and the protection of children's rights and inheritance rights. This decision reinforces that the law does not tolerate fraud in marriage and ensures that all parties involved in marriage receive fair legal protection in accordance with the principles of Islamic law and Indonesian positive law. It also underscores the crucial role of the judiciary in maintaining the validity and integrity of the marriage institution and protecting children's rights in all circumstances.

Furthermore, this court decision has important implications for societal understanding of the importance of integrity and transparency in marriage. Society is reminded that marriage is not only a social and emotional bond but also a legal bond that requires honesty and transparency. Through this decision, the court sends a strong message that any form of fraud in marriage will not be tolerated and will face strict legal consequences.

A deeper analysis shows that this decision serves as an important precedent in the Indonesian judicial system. As a precedent, this decision can be used as a reference in future similar cases involving the annulment of marriage due to fraud or identity forgery. It asserts that every individual has the right to a marriage based on honesty and integrity and that the legal system is ready to protect these rights firmly.

In a broader context, this decision also impacts the protection of women's rights. Women often become the primary victims in cases of marriage involving identity fraud. This decision shows that the court is ready to protect women's rights and ensure that they are not

harmed by fraudulent actions in marriage. This is a step forward in efforts to achieve gender equality and protect women's rights in marriage law.

Moreover, the importance of this decision can also be seen from the perspective of child protection. Children born from an annulled marriage may face various legal and social challenges. By ensuring that their rights are still protected despite their parents' marriage being annulled, the court demonstrates a strong commitment to safeguarding the welfare of children in every situation. This also shows that the Indonesian legal system places the best interests of the child as a top priority.

This decision also reinforces that the legal protection of children should not be compromised by the mistakes or non-compliance of their parents. Children's rights, including maintenance and inheritance rights, must remain recognized and respected in all circumstances. This reflects the principles of justice and child protection that form the basis of Indonesian positive law and Islamic law.

In this decision, the court also emphasized the importance of a fair and transparent legal process. The legal process involving the annulment of a marriage must be conducted with full fairness and transparency to ensure that all parties involved receive appropriate legal protection. This includes providing all parties the opportunity to present their evidence and arguments fairly and openly.

Overall, the Merauke Religious Court decision number 43/Pdt.G/2019/PA.Mrk is an important example of how the Indonesian legal system upholds justice and protects individual rights in the context of marriage. By emphasizing the importance of honesty, transparency, and child protection, this decision reflects a strong commitment to creating a fair legal system that is responsive to the needs of society. This decision not only impacts the analyzed case but also provides important guidance for similar cases in the future, ensuring that the principles of justice and protection remain the fundamental basis in every legal decision.

3.6 Impact of Marriage Annulment on Legal Relationships Between Parents and Children

The annulment of a marriage has significant consequences for various legal aspects, one of which is the legal relationship between parents and children. From the perspective of *Fiqh*, the legal relationship between parents and children remains recognized even if the marriage is annulled. This means that parents still have the obligation to provide for and care for their children, and children retain the right to receive maintenance and care from their parents (Ambarwati et al., 2024). This principle is based on justice and protection for the child, which is a primary focus in Islamic law.

However, perspectives within *Fiqh* are not monolithic, and there are stricter interpretations regarding the legal relationship between parents and children following the annulment of a marriage. These interpretations assert that if the marriage is deemed invalid from the outset, the legal relationship between parents and children might also be considered invalid. This would mean that parents do not have the obligation to provide maintenance and care, and children do not have the right to receive support from their parents. This perspective focuses more on the legal validity of the marriage itself and its impact on the legal relationship between parents and children. This indicates a divergence in interpretations within Islamic law regarding the legal status of children in annulled marriages.

In the context of Indonesian positive law, Article 76 of the Compilation of Islamic Law (KHI) explicitly states that the legal relationship between parents and children remains recognized even if the marriage is annulled. This means that parents still have the obligation to provide maintenance and care for their children, and children retain the right to receive support from their parents. This reflects the commitment of Indonesian positive law to protect children's rights and ensure they are not harmed by the annulment of their parents' marriage. The KHI demonstrates a progressive stance in safeguarding children's rights and ensuring that the best interests of the child are prioritized.

Article 76 of the KHI explicitly states that the annulment of a marriage does not invalidate the legal relationship of children born from that marriage. Consequently, the legal status of children remains recognized, and their rights are protected, including the right to receive maintenance and inheritance from their parents. This is crucial for providing legal certainty and protection for children who might otherwise suffer from legal discrepancies caused by their parents' actions.

It is important to note that the legal relationship between parents and children encompasses not only maintenance but also care, education, and protection. From the perspective of both Islamic law and Indonesian positive law, parents have a comprehensive responsibility for their children's welfare (Kurniawan, 2020). This includes providing proper education, protection from harm, and moral guidance. Therefore, even if a marriage is annulled, the parents' responsibilities towards their children remain intact and must be fulfilled.

Protection of children's rights in the context of marriage annulment also highlights the importance of the principle of justice in both Islamic law and Indonesian positive law. Justice in this context means that children should not be disadvantaged or deprived of their rights due to mistakes or deceit by their parents. This principle ensures that children receive the necessary protection and rights they need to grow and develop properly.

From a broader perspective, protecting children's rights in annulment cases also reflects Indonesia's international commitment to child protection. The Convention on the Rights of the Child, which Indonesia has ratified, emphasizes the importance of safeguarding children's rights in all situations, including marriage and family contexts. By adopting these principles in its positive law, Indonesia demonstrates its commitment to fulfilling its international obligations to protect children's rights (Patampari, 2020).

Furthermore, protecting children's rights in the context of marriage annulment also has significant social implications. Children born from annulled marriages often face social stigma and discrimination. By ensuring their rights are protected, the law provides crucial support in overcoming this stigma and ensuring that children can lead their lives with the dignity and respect they deserve.

Additionally, it is essential to consider the emotional and psychological implications of marriage annulment on children. The annulment of a marriage can be a highly traumatic experience for children, affecting their emotional well-being and psychological development. Therefore, it is important for the law not only to protect children's legal rights but also to provide the necessary support to help children cope with the emotional and psychological impact of annulment.

In this context, the role of social institutions and community support becomes crucial. Social institutions and the community can provide the necessary support to help children and their families cope with the impact of marriage annulment. This includes providing counseling services, psychological support, and social assistance to ensure that children receive the protection and support they need.

Overall, the impact of marriage annulment on the legal relationship between parents and children is a complex issue that requires a holistic approach. Islamic law and Indonesian positive law, through Article 76 of the KHI, have demonstrated a strong commitment to protecting children's rights and ensuring they are not harmed by their parents' legal discrepancies. By adopting principles of justice and child protection, the law provides the necessary safeguards to ensure children's welfare and rights remain guaranteed.

This also underscores the importance of a holistic approach to addressing this issue, which encompasses not only legal aspects but also social, emotional, and psychological dimensions. Thus, protecting children's rights in the context of marriage annulment reflects a commitment to ensuring children's welfare in all situations and ensuring they receive the protection and rights they deserve.

3.6 Psychological and Social Impact of Marriage Annulment

Marriage annulment has profound effects not only in the legal realm but also on psychological and social aspects, especially for the children involved (Grossman, 2010). Children whose parents experience marriage annulment may face significant emotional challenges, such as feelings of insecurity, confusion, and anxiety about their status. These situations often trigger various psychological issues that can have long-term impacts on their well-being.

Psychologically, children who go through their parents' marriage annulment can experience uncertainty about their identity. They may question the validity of their parents' relationship and its implications for themselves. This sense of uncertainty can lead to feelings of low self-esteem and an identity crisis, where children feel alienated and different from their peers who come from what is considered a "normal" family (Muladi & Israhadi, 2021).

Furthermore, these children may experience ongoing anxiety and stress. The annulment of their parents' marriage is often accompanied by conflict and discord, creating an unstable and tense home environment. Children growing up in such environments are prone to emotional issues like excessive anxiety, sleep disorders, and difficulty concentrating in school. They may also show signs of depression, such as prolonged sadness, loss of interest in previously enjoyed activities, and feelings of hopelessness.

Children from annulled marriages also face an increased risk of behavioral problems. They may exhibit aggressive behavior or withdraw from social interactions as a response to the stress they experience. In some cases, these children can have disciplinary issues in school and struggle to form healthy relationships with their peers. The long-term effects of this stress and trauma can manifest in their ability to form stable and healthy relationships in adulthood (Syahril, 2018).

From a social perspective, children whose parents experience marriage annulment often face social stigma. Society often holds negative views toward annulled marriages, which

creates prejudice and discrimination against children from such unions. This stigma can affect how these children are treated by their peers, teachers, and even extended family members. They may be ostracized or looked down upon because of their family's status, negatively impacting their social development.

Social stigma can also exacerbate feelings of low self-esteem and isolation for these children. They may feel ashamed of their family situation and try to hide the fact that their parents' marriage was annulled. Efforts to conceal the truth can lead to greater emotional strain and hinder their ability to build honest and open relationships with others.

To address these psychological and social impacts, it is crucial for society and the legal system to provide adequate support for children involved in marriage annulments. Psychological support, such as counseling and therapy, is essential to help children cope with feelings of anxiety, sadness, and low self-esteem. Therapists can work with children to help them understand and process their emotions, as well as develop healthy coping strategies to deal with stress and uncertainty (Preston, 2017).

In addition to psychological support, social support is also vital. Schools and communities should actively create inclusive environments free from stigma. Educational programs that teach children about tolerance and acceptance of differences can help reduce prejudice and discrimination against children from annulled marriages. Communities can also provide support networks, such as support groups for children and families experiencing marriage annulment, where they can share experiences and receive emotional support from others in similar situations.

Furthermore, it is important for parents to remain actively involved in their children's lives, even if their marriage is annulled. A strong and positive relationship between the child and their parents can provide the stability and security that children need in such situations. Parents should strive to minimize conflict in front of their children and cooperate in co-parenting, ensuring that their children's emotional and physical needs are met.

In the long term, a holistic and coordinated approach is necessary to address the psychological and social impacts of marriage annulment on children. This includes collaboration between the legal system, mental health services, schools, and communities to provide comprehensive support for affected children and families. With the right support, these children can learn to overcome the challenges they face and develop into healthy and well-functioning individuals.

Marriage annulment not only brings legal repercussions but also significant psychological and social impacts on children. Therefore, it is crucial for society and the legal system to provide adequate support to help these children cope with the challenges they face. Proper psychological and social support can help children overcome feelings of anxiety and low self-esteem, reduce social stigma, and ensure that they can grow and develop well despite facing difficult family situations. This support also reflects our commitment to protecting the rights and well-being of children in every circumstance, ensuring they receive the protection and rights they deserve according to principles of justice and humanity.

4. Conclusion

This study concludes that the decision of the Merauke Religious Court, case number 43/Pdt.G/2019/PA.Mrk, which annulled a marriage due to identity and status falsification, is legally valid under Indonesian law. From the perspective of Islamic law and Ushul Fiqh, this annulment has significant implications for the legal status and inheritance rights of children. Despite the annulment, children retain the same rights as those from legitimate marriages, including the rights to support and inheritance, in accordance with Article 76 of the Compilation of Islamic Law (KHI). This underscores that child protection is paramount, and children must receive their rightful entitlements even if their parents have committed legal violations or fraud.

The decision also highlights the importance of honesty and transparency in the marriage process and emphasizes that identity falsification is a serious offense that undermines the validity of the marriage. Beyond legal consequences, marriage annulment has significant psychological and social impacts, particularly on children. Children from annulled marriages may face emotional challenges such as anxiety, confusion, and uncertainty about their status, which can have long-term effects on their well-being.

This research makes a crucial contribution to the understanding and application of Islamic law and Indonesian legislation regarding marriage annulment. Furthermore, this decision can serve as a precedent for similar cases in the future, demonstrating that the law does not tolerate falsification in marriage and is prepared to protect the rights of all involved parties, including children and women who often become the primary victims in marriage cases involving identity fraud.

Thus, this study provides a comprehensive insight into the legal and social implications of marriage annulment and emphasizes the importance of integrity and transparency in the institution of marriage to protect the rights of all parties involved.

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