

CHAPTER V

CLOSING

A. Conclusion

Based on data obtained from the results of research and discussion in the Jember Court Decision Number 44/Pdt.G/2023/PA. Jr, it can be summed up in two things:

1. The judge granted the annulment of the marriage in the decision because there was a misperception about the Respondent. The basis for the judge's legal consideration in granting the application for annulment of marriage in this case is based on Article 1 of Law Number 1 of 1974 concerning the definition of marriage, Article 27 paragraph (2) of Law Number 1 of 1974 jo. Article 72 paragraph (2) of the Compilation of Islamic Law concerning the annulment of marriage in the event of a misunderstanding about the husband or wife and Article 27 paragraph (3) of Law Number 1 of 1974 jo. Article 72 Paragraph (3) of the Compilation of Islamic Law regarding a period of 6 (six) months after which they are still alive as husband and wife, and do not exercise their right to apply for annulment, then their rights are lost. According to the researcher, the Panel of Judges can add Article 22 of Law Number 1 of 1974 concerning marriage can be canceled if the parties do not meet the conditions to carry out the marriage, Article 23 letter b of Law Number 1 of 1974 jo. Article 73 letter b of the Compilation of Islamic Law regarding those who can apply for annulment of marriage are husband or wife and Article 33 of Law Number 1 of

1974 concerning husband and wife are obliged to love and love each other, respect, be loyal and give birth assistance to the other.

2. The legal effect of annulment of marriage in the decision is only for the marital relationship, namely the breakup of the marital relationship between the Applicant and the Respondent. So that the two are considered to have never been married and the status of both parties returns to the way they were, the identity of the two on the ID card will be written again as "not married". In theory, the annulment of marriage does not apply retroactively to children, but in this case there are no legal consequences arising against children because the Applicant and the Respondent have never had a relationship like husband and wife (*qabladukhul*). In addition, the legal consequences of joint property and third parties in this case were not decided by the judge.

B. Suggestion

The Panel of Judges in deciding the case should be based on articles that are related, namely considering Article 22 of Law Number 1 of 1974, Article 23 letter b of Law Number 1 of 1974 jo. Article 73 letter b of the Compilation of Islamic Law, and Article 33 of Law Number 1 of 1974.