

ABSTRAK

Berdasarkan Kompilasi Hukum Islam (KHI) Pasal 70 menjelaskan bahwa putusnya perkawinan dapat dimungkinkan karena perkawinan batal demi hukum, Seperti dalam kasus pembatalan perkawinan yang terjadi di wilayah Pengadilan Agama Kota Purwokerto yaitu perkara Nomor 182/PDT.G/2024/PA.PWT karena Tergugat menikah dengan Penggugat, masih terikat perkawinan yang sah oleh karenanya tanpa ijin poligami dan Tergugat telah memalsukan identitas diri dengan mengaku sebagai jejak. Tujuan penelitian ini yakni mengetahui pertimbangan hukum hakim dan akibat hukum pembatalan perkawinan dalam putusan Nomor 182/PDT.G/2024/PA.PWT.

Penelitian ini menggunakan tipe penelitian yuridis normatif. Penelitian ini bersifat preskriptif dan data penelitian diambil melalui studi kepustakaan (*library research*). Hasil penelitian disajikan dalam bentuk deskriptif naratif dan dianalisis dengan metode normative kualitatif

Dari hasil penelitian disimpulkan bahwa pertimbangan hukum hakim dalam mengabulkan permohonan pembatalan perkawinan yang dilakukan istri terhadap suami dan kemudian membatalkan perkawinan penggugat dan tergugat adalah karena berdasarkan Undang-Undang Perkawinan Pasal 3 Ayat (2) Nomor 1 Tahun 1974 dan Pasal 55 KHI, Tergugat masih terikat perkawinan yang sah sebelumnya. Menurut penggugat tergugat berstatus jejak. Kedua, berdasarkan Pasal 27 Undang-Undang Nomor 1 Tahun 1974 jo Pasal 72 Akibat hukum dari Putusan Pengadilan Agama Purwokerto Nomor 182/PDT.G/2024/PA.PWT disimpulkan bahwa pembatalan perkawinan berakibat pada beberapa hal yakni terhadap anak dan istri. Terhadap anak, anak tetap menjadi anak yang sah dan diakui, dikarenakan perkawinan orang tuanya dianggap memenuhi syarat hukum sebelum dinyatakan batal, dan anak yang dilahirkan merupakan anak sah sehingga memperoleh hak waris. Kemudian, istri tidak memperoleh hak nafkah dikarenakan perkawinan telah batal dan dan Penggugat serta Tergugat tidak boleh lagi melakukan hubungan suami istri.

Kata kunci : Pembatalan Perkawinan, Keterikatan Perkawinan Sah Sebelumnya

ABSTRACT

Based on the Compilation of Islamic Law (KHI) Article 70 explains that the dissolution of a marriage can be possible because the marriage is null and void, such as in the case of the annulment of a marriage that occurred in the Purwokerto City Religious Court, namely case Number 182 / PDT.G / 2024 / PA.PWT because the Defendant was married to the Plaintiff, was still bound by a valid marriage therefore without permission for polygamy and the Defendant had falsified his identity by claiming to be a bachelor. The purpose of this study is to determine the judge's legal considerations and the legal consequences of the annulment of marriage in decision Number 182 / PDT.G / 2024 / PA.PWT.

This study uses a normative legal research type. This research is prescriptive and research data is taken through library research.

The results of the study are presented in descriptive narrative form and analyzed using qualitative normative methods. From the results of the study, it is concluded that the judge's legal considerations in granting the wife's application for annulment of marriage against her husband and then annulling the marriage of the plaintiff and defendant are because based on the Marriage Law Article 3 Paragraph (2) Number 1 of 1974 and Article 55 of the KHI, the defendant is still bound by a previous legal marriage. According to the plaintiff, the defendant is a bachelor. Second, based on Article 27 of Law Number 1 of 1974 in conjunction with Article 72 of the Legal Consequences of the Purwokerto Religious Court Decision Number 182/PDT.G/2024/PA.PWT, it is concluded that the annulment of marriage has several consequences, namely for the child and wife. For the child, the child remains a legitimate and recognized child, because the marriage of his parents is considered to meet the legal requirements before being declared null and void, and the child who is born is a legitimate child so that he obtains inheritance rights. Then, the wife does not receive the right to maintenance because the marriage has been annulled and the Plaintiff and Defendant are no longer allowed to have husband and wife relations.

Keywords: Annulment of Marriage, Previous Legal Marital Bonds