

TINJAUAN YURIDIS TERHADAP PEMBATALAN PERKAWINAN KARENA POLIGAMI

**(Studi Perbandingan Putusan Nomor 1106/Pdt.G/2024/PA.Cbn
dan Putusan Nomor 2485/Pdt.G/2023/PA.Smdg)**

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ABSTRAK

Pembatalan perkawinan dapat diajukan apabila syarat sahnya suatu perkawinan tidak terpenuhi, termasuk dalam hal poligami. Penelitian ini bertujuan untuk menganalisis dasar pertimbangan hukum hakim dan akibat hukum dari pembatalan perkawinan karena poligami dalam Putusan PA Cibinong dan Putusan PA Sumedang. Metode yang digunakan adalah yuridis normatif dengan pendekatan perundang-undangan, perbandingan, kasus dan konseptual. Data yang digunakan merupakan data sekunder yang dikumpulkan melalui studi kepustakaan dan dianalisis secara normatif kualitatif.

Hasil penelitian menunjukkan bahwa permohonan pembatalan perkawinan karena poligami antara Putusan PA Cibinong dan Putusan PA Sumedang Majelis Hakim memutus berbeda. Dalam Putusan PA Cibinong, permohonan dikabulkan karena perkawinan kedua dianggap bertentangan sebab tidak adanya izin dari istri pertama. Sementara, dalam Putusan PA Sumedang, permohonan ditolak karena perkawinan pertama tidak tercatat secara resmi (perkawinan siri). Majelis Hakim menyimpulkan bahwa perkawinan harus sah menurut agama dan negara. Hal ini menimbulkan akibat hukum terhadap status perkawinan para pihak. Dalam Putusan PA Cibinong, perkawinan para Termohon dinyatakan batal demi hukum dan status para pihak kembali seperti semula yaitu Termohon I tetap sebagai suami dari pemohon, sedangkan Termohon II berstatus belum menikah. Sementara, dalam Putusan PA Sumedang, perkawinan antara Pemohon dan Termohon tetap dinyatakan sah karena tidak terbukti adanya poligami yang bertentangan dengan hukum.

Kata Kunci: Akibat Perkawinan, Pembatalan Perkawinan, Poligami.

LEGAL REVIEW OF MARRIAGE ANNOUNCEMENT DUE TO POLYGAMY

(Comparative Study of Decision Number 1106/Pdt.G/2024/PA.Cbn

and Decision Number 2485/Pdt.G/2023/PA.Smdg)

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ABSTRACT

Marriage annulment can be filed if the requirements for a valid marriage are not met, including in the case of polygamy. This study aims to analyze the legal basis for judges' considerations and the legal consequences of annulment due to polygamy in the Cibirong and Sumedang District Court Decisions. The method used is normative juridical, with a statutory, comparative, case-based, and conceptual approach. The data used is secondary data collected through literature review and analyzed using qualitative normative methods.

The results show that the Panel of Judges ruled differently in the Cibirong and Sumedang District Court Decisions regarding annulment requests due to polygamy. In the Cibirong District Court Decision, the petition was granted because the second marriage was deemed incompatible due to the lack of permission from the first wife. Meanwhile, in the Sumedang District Court Decision, the petition was rejected because the first marriage was not officially registered (a secret marriage). The Panel of Judges concluded that a marriage must be valid according to religion and the state. This has legal consequences for the marital status of the parties. In the Cibirong District Court Decision, the Respondents' marriage was declared null and void, and the parties' statuses were restored to their original status: Respondent I remained the applicant's husband, while Respondent II remained unmarried. Meanwhile, in the Sumedang District Court Decision, the marriage between the Petitioner and Respondent remained valid because there was no evidence of polygamy, which violates the law.

Keywords: Legal Consequences of Marriage, Marriage Annulment, Polygamy.