

**PEMBATALAN PERKAWINAN KARENA PEMALSUAN IDENTITAS
DAN POLIGAMI TANPA IZIN SERTA AKIBAT TERHADAP
KEDUDUKAN ANAK
(Tinjauan Yuridis Putusan No. 6635/Pdt.G/2024/PA.Kab.Mlg)**

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ABSTRAK

Perkawinan merupakan suatu institusi sosial dan hukum yang bertujuan untuk membentuk keluarga yang bahagia dan kekal berdasarkan Ketuhanan Yang Maha Esa. Namun dalam praktiknya sering terjadi pelanggaran terhadap asas monogami dan kejujuran dalam perkawinan, seperti pemalsuan identitas dan poligami tanpa izin. Putusan Pengadilan Agama Kabupaten Malang No. 6635/Pdt.G/2024/PA.Kab.Mlg menjadi contoh nyata kompleksitas hukum akibat pelanggaran ganda tersebut, sekaligus menimbulkan persoalan mengenai kedudukan anak yang lahir dari perkawinan yang kemudian dibatalkan. Penelitian ini bertujuan untuk menganalisis pertimbangan hukum hakim dalam memutus perkara tersebut serta menganalisis akibat hukum pembatalan perkawinan terhadap kedudukan anak.

Metode penelitian yang digunakan adalah yuridis normatif dengan pendekatan kasus, konseptual, dan perundang-undangan. Data yang digunakan adalah data sekunder dengan bahan hukum primer, sekunder, dan tersier dengan spesifikasi penelitian preskriptif. Metode pengumpulan data dilakukan melalui studi kepustakaan. Penyajian data dilakukan dalam bentuk teks naratif dan analisis data dilakukan secara normatif kualitatif.

Hasil penelitian menunjukkan bahwa pembatalan perkawinan terjadi karena Termohon I (suami) terbukti melanggar Pasal 22 dan Pasal 9 UU Perkawinan melalui tindakan poligami tanpa izin. Namun, hakim dalam putusannya hanya mendasarkan pada pelanggaran poligami tanpa izin sesuai Pasal 71 KHI dan tidak memberikan dasar hukum terkait pemalsuan identitas. Meskipun demikian, pembatalan tersebut tidak memutus hubungan hukum anak dan orang tuanya. Status anak tetap sah dan dilindungi berdasarkan Pasal 28 Ayat (2) UU Perkawinan *jo.* Pasal 75 huruf b KHI dan Pasal 76 KHI, serta prinsip perlindungan anak dalam UU Nomor 35 Tahun 2014, dimana perlindungan hak anak tetap berlaku mutlak terlepas dari tindakan pemalsuan yang dilakukan orang tuanya.

Kata Kunci: pembatalan perkawinan, pemalsuan identitas, poligami.

**ANNULMENT OF MARRIAGE DUE TO IDENTITY FRAUD AND
POLYGAMY WITHOUT PERMISSION AND ITS EFFECTS ON THE
STATUS OF CHILDREN**

(Legal Review of Decision No. 6635/Pdt.G/2024/PA.Kab.Mlg)

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ABSTRACT

Marriage is a social and legal institution that aims to form a happy and lasting family based on the One Almighty God. However, in practice, violations of the principles of monogamy and honesty in marriage often occur, such as identity fraud and polygamy without permission. The decision of the Malang District Religious Court No. 6635/Pdt.G/2024/PA.Kab.Mlg is a valid example of the legal complexity resulting from these dual violations, while also raising questions about the status of children born from a marriage that was later annulled. This study aims to analyze the judges legal considerations in adjudicating the case and to analyze the legal consequences of marriage annulment on the children's legal status.

The research method used is normative juridical with a case, conceptual, and legislative approach. The data used is secondary data with primary, secondary, and tertiary legal materials with prescriptive research specifications. The data collection method was conducted through a literature study. Data presentation was carried out in the form of narrative text and data analysis was conducted normatively and qualitatively.

The research results indicate that the annulment of the marriage occurred because Respondent I (the husband) was proven to have violated Articles 22 and 9 of the Marriage Law through the act of polygamy without permission. However, in his decision, the judge based the ruling solely on the violation of polygamy without permission under Article 71 of the Islamic Family Law (KHI) and did not provide a legal basis regarding identity fraud. Nevertheless, this annulment does not sever the legal relationship between the child and the parents. The child's status remains valid and protected under Article 28(2) of the Marriage Law in conjunction with Article 75(b) and Article 76 of the Islamic Family Law (KHI), as well as the principle of child protection in Law No. 35 of 2014, wherein the child's legal protection remains absolutely applicable regardless of the forgery committed by the parents.

Keywords: *annulment of marriage, identity fraud, polygamy.*