

MARRIAGE CANCELLATION BECAUSE OF HUSBAND'S MISUNDERSTANDING ABOUT HIS WIFE (Decision Number: 700/Pdt.G/2020/PN.Mdn)

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Abstract

This study aims to analyze the considerations of the State Court judges in annulling a marriage due to the husband's misunderstanding about his wife in Decision Number: 700/Pdt.G/2020/PN.Mdn and the legal implications of canceling a marriage due to the husband's misunderstanding about his wife. The research approach used is normative juridical law research or library research, with descriptive research type. The data analysis method used is qualitative. The results of this study indicate that the consideration of the District Court judge who granted the marriage annulment suit in the Medan District Court Decision Number: 700/ Pdt.G/2020/PN.Mdn was that the Petitioner wanted to marry the Respondent because among the Petitioners saw the quality of Education of the Respondent who claimed to be studying S1 and S2 at the University of Indonesia, and the profession of the Respondent who claims to work as a lawyer at the MAKES & Partners Law office. However, after the Petitioner married the Respondent, it turned out that the Respondent's confession did not match the truth, namely that the Respondent was proven to have studied S1 at Bung Karno University, and the Respondent had only worked at MNCTV for 1 (one) year. Because it has been proven that there has been a misunderstanding of the Petitioner against the Petitioner as described above, according to the Assembly, the Petitioner can prove the truth of the arguments of his application so that the Petitioner's application to annul his marriage is granted. The legal implication for the annulment of marriage due to a misunderstanding of the Petitioner (husband) against the Respondent (wife) is that the termination of the legal relationship between husband-and-wife results in the end of the household that has been formed, so that everything that was originally legal will become invalid after the court's decision. there is a court decision that grants the request for annulment of the marriage.

Keywords: Marriage Cancellation, Husband's Misunderstanding, Wife Self

INTRODUCTION

According to Article 1 of Law Number 1 of 1974 regarding Marriage (Marriage Law), marriage is an inner and outer bond between a man and a woman's goals as husband and wife to create a happy and eternal family (household) based on the Belief in the one and only God.

The marriage union establishes the legal rights and obligations of husband and wife. If a child is born during the marriage, it has the status of a legal child.¹ A man and woman's relationship becomes a legally binding one through marriage. After getting married, a man and a woman who were once separate, free people with no legal ties become physically and emotionally bound as husband and wife. They are connected by an external, spiritual, and human bond.²

The ideal goal of marriage is to create a joyful, peaceful, and peaceful family. Every married couple dreams and hopes to achieve this goal, but in reality, many married couples fail to do so.³ The commitment to creating a happy home is the foundation of the ideal marriage, but in real life, disputes do arise in the home. Before carrying out marriage, prospective husband and wife couples must prioritize openness, honesty, and trust to prevent potential conflicts that threaten the household's integrity.⁴

The annulment of marriage is one phenomenon that occurs in people's lives in connection with marriage-related events. What is meant by an annulment of marriage? It is one way to dissolve a legal marriage. The Marriage Law specifies that a court decision may dissolve a marriage. Marriage can end as a result of a court decision because it is a legal relationship with legal ramifications. Court rulings may result in parties contesting the validity of the union entered into by the husband and wife or even the husband and wife questioning the validity of the union.⁵

The Marriage Law, in this case, allows certain parties to request an annulment of marriage when the terms of the marriage are not followed or due to other circumstances that make it impossible to maintain the marriage. The continuation of the cancelled household is subject to legal repercussions when a marriage is annulled. A cancelled marriage has the legal repercussion of ending the husband and wife's legal relationship.⁶

With a court decision, the household that has been established and the husband-wife legal relationship is terminated, rendering everything previously legal invalid. This requirement is outlined in Article 28, Paragraph 1 of the Marriage Law, which states that an annulment of a marriage, beginning with a court order, has legal effect in perpetuity and is valid as of the date of the marriage.

According to the guidelines in the article, as mentioned above, the marriage cancellation makes everything that occurred during the marriage legally binding. In the sense that, following a court decision granting the request for annulment of the marriage, everything that was previously legal becomes invalid.

Marriages can end for three main reasons, including death, divorce, and court rulings, as stated in Article 38 of the Marriage Law, which is based on principles that align with modern society. However, there is no justification for the distinction between divorce and court judgments, leading to various interpretations based on the requirements and interests of the community. Until a court ruling is reached, it is possible to determine that marriage cancellation falls under formal or procedural law. The court's ruling means that a marriage can end due to a legal event brought about by legal actions taken against a couple's marriage rather than a divorce.

The legal action mentioned is filing a marriage cancellation application by a party with the rights stated in Article 23 of the Marriage Law that the parties who can apply for an annulment of marriage are: a. Families descended directly from the husband or wife; b. Husband or wife; c. The authorized official only as long as the marriage has not been decided; d. the appointed official in paragraph (2) of Article 16 of this law and any peremptory petitioner.⁷

Article 27 paragraph (2) of the Marriage Law specifies one of the grounds for annulment of a marriage that can be presented, which is that a husband or wife may request an annulment of

¹ Amir Syarifuddin, *Hukum perkawinan Islam di Indonesia, Antara Fiqh Munakahat dan Undang-Undang Perkawinan* (Jakarta: Kencana, 2006), pg. 53.

² Mochammad Djais, *Hukum Harta Kekayaan dalam Perkawinan* (Semarang: FH Universitas Diponegoro, 2006), pg. 4.

³ Soemiyati, *Hukum Perkawinan Islam dan Undang-Undang Perkawinan* (Yogyakarta: Liberty, 1986), pg.47.

⁴ Ahmad Azhar Basyir, *Hukum Perkawinan Islam* (Yogyakarta: FH UII., 2002), pg. 11.

⁵ Martiman Prodjohamidjojo, *Hukum Perkawinan Indonesia* (Jakarta: Indonesia Legal Center Publishing, 2007), pg.15

⁶ H.A. Damanhuri HR, *Segi-Segi Hukum Perjanjian Perkawinan Harta Bersama* (Bandung: Mandar Maju 2007), pg. 23

⁷ Hilman Hadikusuma, *Hukum Perkawinan Indonesia, Menurut Perundangan Hukum Adat dan Agama*. (Bandung: Mandar Maju, 2003), pg. 37-38.

marriage if there was a miscommunication regarding them before the marriage. The Medan District Court approved the lawsuit for annulment of the marriage brought about by the husband's misperception of the wife and is found in Decision Number: 700/Pdt.G/2020/PN.Mdn. Fred Armando Nainggolan, a husband, is the Petitioner in this case, while Arga Advenia, a wife, is the Respondent. The main issues, in this case, were tried by the Medan District Court Panel of Judges, who granted the Petitioner's request in full, pronounced the Petitioner and Respondent's marriage to be null and void, and ruled that the Marriage Deed No. 3172-KW-18082020-0014, dated August 18, 2020, issued by the Head of the Office of the Population and Civil Registration Office of the North Jakarta City Administration has no legal standing.

RESEARCH METHOD

This study employs a descriptive research design and normative juridical legal research, or *library research*, methodology. Data from numerous legal works of literature, as well as relevant legislation and regulations, were gathered through a literature review. Qualitative analysis is the technique utilized for data analysis.

RESULTS AND DISCUSSION

The Medan District Court's ruling, number 700/ Pdt.G/2020/PN.Mdn declares the marriage null and void for misidentification of the husband or wife. A husband or wife may file for an annulment of marriage if at the time of the marriage, according to Article 27 paragraph (2) of the Marriage Law, which provides legal support for this reason.

Fred Armando Nainggolan, a husband, is the Petitioner in this case, while Arga Advenia, a wife, is the Respondent. The argument for this ruling is that both parties were married on August 15, 2020, in North Jakarta, in front of Protestant Christian ecclesiastical leaders. The marriage has been registered at the Office of Population and Civil Registration of the North Jakarta City Administration as stated in the Marriage Deed No. 3172-KW-18082020-0014 dated August 18, 2020, issued by the Head of the Office of Population and Civil Registration of the North Jakarta Administrative City, so that the marriage was following the legal rules of Law no. 1 of 1974 concerning Marriage Jo Government Regulation no. 9 of 1975 concerning the Implementation of Law no. 1 of 1974 concerning marriage.

Following their marriage, the Petitioner and Respondent spent three days in South Jakarta at the home of the Petitioner's parents and two days in North Jakarta at the home of the Respondent's parents. The Petitioner and Respondent relocated to Medan on August 23, 2020, and began residing in a rented home at Halton Place Housing Block H 23, Panglima Denai Menteng VII Street, Medan Tenggara Village, Medan Denai District, and Medan City. While the Petitioner remained in Medan, on Sei Alas Street No. 45, Babura Sunggal Village, Medan Sunggal District, Medan City, the Respondent departed the rented home on September 17, 2020, and did not return.

The relationship between the Petitioner and the Respondent initially went smoothly during the friendship period. However, it came out that the Petitioner saw and realized the Respondent's negative character after their marriage was officially registered, which was not how the Respondent had characterized him during their acquaintance up to that point. Regarding the Respondent's negative character, he is a liar, irritable, and without any sense of obligation to the Petitioner as the husband. As a result, the Petitioner believes there was a miscommunication regarding the Respondent during the marriage between the Petitioner and the Respondent.

Some of the essential considerations of the judge in assessing the Petitioner's (husband) misunderstanding regarding the Respondent (wife) are as follows:

1. Misconceptions brought on by false information about educational background. Prior to being married, the Respondent informed the Petitioner and the Petitioner's family verbally and in writing that the Respondent had earned S1 and S2 degrees in law from the University of Indonesia, but it appears that the Petitioner only learned of this after the marriage;
2. False assumptions brought on by Jobs-related misinformation. Prior to being married, the Respondent claimed to have earned Rp. 9,300,000.00 per month as a Lawyer in the Drafting Division at the MAKES & Partners Law Firm (nine million three hundred thousand rupiahs). The Petitioner transferred funds from an independent bank account in the Applicant's name to Bank BCA on behalf of Agra Advenia on October 30, 2019, to pay the Respondent Rp. 17,600,000.00 (seventeen million six hundred thousand rupiahs) as the penalty fee for the Respondent's resignation. If the Respondent resigns, she will be subject to a penalty of two months' salary. The Petitioner felt duped and misunderstood the Respondent after learning that the Respondent did not work at the MAKES & Partners Law Firm Law Office after the marriage;

3. Misunderstandings brought on by fake residence addresses. Before getting married, the Respondent acknowledged living with his parents in the Grand Orchard Housing Kelapa Gading, North Jakarta, DKI Jakarta, to the Petitioner and the Petitioner's family. On Perjuangan Street No. 16 RT/RW 001/007 South Tugu Village, Koja District, North Jakarta, it seems that the Respondent lives with the Respondent's parents;
4. Misconceptions brought on by irrational and enraged behaviour. About nine days after the marriage between the Petitioner and the Respondent, on August 24, 2020, there was a difference of understanding between the Petitioner and the Respondent regarding household financial management arrangements. By moving it to the Respondent's BCA account, the Respondent forces the Applicant to give all his or her monthly earnings to the Respondent. The Petitioners objected to this request in light of their interactions with the Respondent, who never provided a full accounting of the usage of any funds they transferred to his account and who, when questioned, was never open and honest about the purpose for which the funds were used. The disagreement made the Respondent very angry by shouting harsh words and cursing the Petitioner and the Petitioner's family while leaving the house so that neighbours could see and hear it, which made several housing security people come to calm the Respondent. The Petitioner and the Petitioner's family were embarrassed by the situation, which was genuinely upsetting. Because it does not fit the description of the Respondent's prior information, which the Petitioners saw and heard from the Respondent himself, the Petitioners have misinterpreted the Respondent in this regard.

The panel of judges concluded that the Petitioner's desire to marry the Respondent is supported by the Petitioner's arguments regarding the Respondent's education, which the Petitioner claims to have received in S1 and S2 at the University of Indonesia, and the Respondent's profession as an attorney at the MAKES & Partners Law office. However, after the Petitioner wed the Respondent, it became clear that the Respondent's admission did not correspond to the reality; specifically, it was established that the Respondent had only completed one (one) year of work at MNCTV and had studied S1 at Bung Karno University. The Assembly has determined that the Petitioner misunderstood the Respondent in the manner previously mentioned; therefore, the Petitioner can now demonstrate the veracity of his claims to have his request to have his marriage annulled approved. So, petition number 2 of the Petitioner may be approved.

The judges further believed that because the marriage between the Petitioner and Respondent had been dissolved, the Quotation of the Marriage Deed between the Petitioner and Respondent, with the registration number 3172-KW-18082020-0014 and dated August 18, 2020, needed to be ruled invalid. Therefore, the Petitioner's third request can be approved. Since the Plaintiff's application has been granted, it is ordered to the Registrar of the Medan District Court to send a copy of a quo decision if it has a permanent legal force to the Medan City Population and Civil Registry Office to be recorded in the register book designated for that purpose or issue a deed for it. As a result, the divorce of the Petitioner and Respondent was handled in a court of law outside of the jurisdiction of the Registrar where the marriage took place. The Registrar of the Medan District Court has been instructed to provide a copy of a quo ruling to the North Jakarta City Population and Civil Registry Office if it has permanent legal effect so that it can be noted in the margins of the relevant Marriage Registry. Petitions 4 and 5 of the petitioners may be approved for the reasons listed above. The defendant was ordered to pay court costs, which would be determined by the verdict, as a result of the Plaintiff's claim being granted, and the defendant is on the losing side of the case.

Based on these factors, the Medan District Court Panel of Judges handling the case rendered a decision in the main case, granting the Petitioner's request in its entirety, declaring the Petitioner and Respondent's marriage to be null and void, and stating that the Marriage Certificate No. 3172-KW-18082020-0014, issued by the Head of the Office of the Population and Civil Registration Office of the North Jakarta City Administration on August 18, 2020, has no legal standing.

The Marriage Law allows certain parties to file for the marriage cancellation when there is a violation of the provisions of the marriage during implementation or for other reasons that prevent the marriage from being maintained. The continuation of the cancelled home is subject to legal repercussions when a marriage is annulled. An annulled marriage has the legal repercussion of ending the husband and wife's legal relationship. The judge's decision is the verdict rendered following a court case's trial.⁸

The legal implication for the marriage cancellation due to a misunderstanding of the Petitioner (husband) against the Respondent (wife) is that the termination of the legal relationship between husband and wife results at the end of the household that has been formed so that everything that

⁸ Sarwono, *Hukum Acara Perdata, Teori dan Praktik* (Jakarta: Sinar Grafika, 2011), hal.27.

was initially legal will become invalid with the court's decision. This outcome is under Article 28 paragraph (1) of the Marriage Law, which states that a marriage is dissolved once the court's ruling takes effect and is valid as of the time the marriage occurs. This need demonstrates the existence of legal ramifications, specifically that everything that occurs during the marriage becomes legally binding if the marriage is dissolved when everything previously lawful is now illegal after a court grants the request to have the marriage cancelled.

CONCLUSION

Based on the information provided above, it can be concluded that the District Court judge in Medan who granted the marriage cancellation suit in Decision Number: 700/ Pdt.G/2020/PN.Mdn considered that the Petitioner wanted to marry the Respondent because the Petitioners saw the quality of Education of the Respondent, who claimed to have completed undergraduate and postgraduate studies at the University of Indonesia, and the Respondent's profession, who claimed to be a lawyer. The Respondent's confession, however, turned out to be false after the Petitioner wed the Respondent. It has been established that the Respondent studied S1 at Bung Karno University and that she has only spent one (one) year working for MNCTV. The Assembly has determined that the Petitioner misunderstood the Petitioner in the manner previously described, so the Petitioner can now demonstrate the integrity of his claims to have his request to have his marriage cancelled granted.

The legal implication for the annulment of marriage as a result of the Petitioner's (husband) misinterpretation of the Respondent (wife) is the severance of the legal relationship between husband and wife, which results in the dissolution of the household that has been established. As a result, everything that was initially legal before the court's decision to grant the annulment request becomes invalid.

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