

Perbandingan hukum pembatalan perkawinan di Indonesia dan Malaysia = Comparison of marriage annulment in Indonesia and Malaysia

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Abstrak

Indonesia and Malaysia are known as neighbour countries that have many similarities. Even so, the two countries have significant differences in terms of the legal system adopted. The existence of these differences certainly affects the regulation in each country, including the marriage regulations, which in Indonesia are regulated in Law No. 1 of 1974 on Marriage and Compilation of Islamic Law, while in Malaysia it is regulated in the Law Reform (Marriage and Divorce) Act 1976 (Act 164) which applies to Non-Muslim populations throughout Malaysia, and the Islamic Family Law (Federal Territories) Act 1984 (Act 303) which applies to Muslim residents in the Wilayah Persekutuan. Therefore, it is interesting to compare the regulations of marriage annulment in Indonesia and Malaysia, since the annulment of marriage is still not well known by people in general, because divorce is still the main choice for dissolving marriages. In this study, the regulation of marital cancellation in Indonesia and Malaysia will be reviewed, which will then be analyzed for comparison of each regulation to see the differences and similarities. The method used in this study is normative juridical by using a statute approach, comparative approach,

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historical approach, and conceptual approach. From the results of the discussion, the main similarity obtained is that both Indonesia and Malaysia regulate that the marriage annulment can be submitted if the marriage does not meet the legal requirements of a marriage. While there are many differences that exist in the regulation of the cancellation of marriage in Indonesia and Malaysia, especially in terms of regulation, causes, procedures, and the consequences of the law of marriage annulment. The results of the study suggest to both the Indonesian government and the Malaysian government to review the regulation of marriage annulment to make it clearer and more complete.