

Pembatalan perkawinan poligami terhadap hak-hak istri kedua akibat pemalsuan identitas: Studi Putusan Pengadilan Agama Tanjung Karang Nomor 498/Pdt.G/2022/PA.Tnk = Cancellation of polygamous marriage regarding the rights of the second wife due to identity forgery: Study of Tanjung Karang Religious Court Verdict Number 498/Pdt.G/2022/PA.Tnk

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Abstrak

Poligami diatur dalam Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan sebagaimana ditentukan dalam Pasal 3 ayat (2), Pasal 4, dan Pasal 5, namun pada pelaksanaannya masih menimbulkan masalah apabila tidak memenuhi persyaratan yang telah ditentukan sehingga mengakibatkan pembatalan perkawinan. Salah satu penyebab pembatalan perkawinan adalah pemalsuan identitas yang dilakukan oleh pihak suami dalam poligami. Kasus tersebut ditemukan dalam Putusan Pengadilan Agama Tanjung Karang Nomor 498/Pdt.G/2022/PA.Tnk. Penelitian ini menganalisis akibat hukum pembatalan perkawinan terhadap hak-hak istri kedua karena suami poligami memalsukan identitas diri dan kewenangan majelis hakim dalam memberikan nasihat kepada istri pertama mengenai isi gugatan apabila dikaitkan dengan pertimbangan hakim di dalam putusan. Penelitian doktrinal ini menggunakan studi kepustakaan yang dianalisis secara kualitatif. Dari hasil analisis dapat dijelaskan bahwa akibat hukum pembatalan perkawinan poligami yang terjadi karena pemalsuan identitas oleh suami terhadap hak-hak istri kedua terdiri dari tiga hal yaitu akibat hukum terhadap hubungan suami istri, akibat hukum terhadap kedudukan anak dan akibat hukum terhadap harta benda perkawinan. Adapun kewenangan Majelis Hakim dalam pertimbangannya memberikan nasihat terkait isi gugatan merupakan pelaksanaan prinsip hakim bersifat aktif dalam persidangan perkara perdata dengan pertimbangan bahwa perkawinan poligami tersebut masih dapat dilanjutkan sepanjang istri pertama bersedia menerima. Istri pertama dalam hal ini tidak menerima nasihat Majelis Hakim sehingga proses persidangan dilanjutkan dengan pembuktian terhadap alat bukti berupa surat dan saksi, hakim menemukan fakta bahwa perkawinan tidak memenuhi persyaratan sebagaimana diatur dalam peraturan perundang-undangan sehingga Majelis Hakim memutuskan membatalkan perkawinan poligami tersebut.

.....Polygamy is regulated in Law Number 1 of 1974 concerning Marriage as stipulated in Article 3 paragraph (2), Article 4, and Article 5, but in its implementation it still causes problems if it does not meet the predetermined requirements, resulting in the annulment of marriage. One of the causes of marriage annulment is falsification of identity committed by the husband in polygamy. The case was found in the Tanjung Karang Religious Court Decision Number 498/Pdt.G/2022/PA.Tnk. This study analyzes the legal consequences of marriage annulment on the rights of the second wife because polygamous husbands falsify their identity and the authority of the panel of judges in advising the first wife regarding the contents of the lawsuit when related to the judge's consideration in the decision. This doctrinal research uses qualitatively analyzed literature studies. From the results of the analysis, it can be explained that the legal consequences of the annulment of polygamous marriages that occur due to falsification of identity by the husband on the rights of the second wife consist of three things, namely the legal consequences on the relationship between husband and wife, the legal consequences on the position of children and the legal consequences on marital

property. The authority of the Panel of Judges in its consideration to provide advice regarding the content of the lawsuit is the implementation of the principle of the judge being active in the trial of civil cases with the consideration that the polygamous marriage can still continue as long as the first wife is willing to accept. The first wife in this case did not accept the advice of the Panel of Judges so that the trial process continued with evidence in the form of letters and witnesses, the judge found the fact that the marriage did not meet the requirements as stipulated in the laws and regulations so that the Panel of Judges decided to cancel the polygamous marriage.