



# Juridical Aspects of Divorce Disputes and Marriage Cancellations on the Legal Status of Children

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## ABSTRACT

This study aims to find out the process of enactment of the procedural law of the religious court to resolve the divorce conflict and marriage annulment and to find out the form of marital dispute resolution that is related to the status of children in divorce disputes and marriage annulments. The method used in this study is a qualitative method, with a normative juridical approach as the main approach and an empirical juridical approach as a supporting approach. Sources of data in this study obtained from secondary data as the main data and primary as supporting data. Furthermore, the data is then processed by means of qualitative methods. The results of this study are the law guarantees the status of children born from an annulled marriage will not have an impact on the child as a victim of a court decision due to the cancellation of his parents' marriage and 2. According to law, divorce can only occur if there is a legally valid marriage while the decision to cancel Marriage which has permanent legal force has legal consequences to return to its original position before the marriage or marriage is considered to have never existed.

## ABSTRAK

Penelitian ini bertujuan untuk mengetahui proses berlakunya hukum acara peradilan agama menyelesaikan konflik perceraian dan pembatalan perkawinan dan untuk mengetahui bentuk penyelesaian sengketa perkawinan yang memiliki kaitan dengan status anak dalam sengketa perceraian dan pembatalan perkawinan. Metode yang digunakan dalam penelitian ini adalah metode kualitatif, dengan pendekatan yuridis normatif sebagai pendekatan utama dan yuridis empiris sebagai pendekatan pendukung. Sumber data dalam penelitian ini diperoleh dari data sekunder sebagai data utama dan primer sebagai data pendukung. Selanjutnya, data-data tersebut kemudian diolah dengan cara metode kualitatif. Hasil penelitian ini adalah Hukum menjamin status anak yang lahir dari pernikahan yang dibatalkan tidak akan memberikan dampak bagi anak tersebut sebagai korban dari putusan pengadilan akibat pembatalan pernikahan orang tuanya dan 2. Menurut hukum, perceraian hanya dapat terjadi jika ada perkawinan yang sah secara hukum sedangkan keputusan pembatalan perkawinan yang telah berkekuatan hukum tetap memiliki akibat hukum kembali ke posisi semula sebelum terjadinya perkawinan atau perkawinan dianggap tak pernah ada.

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## I. INTRODUCTION

The annulment of a marriage must be based on reasons that must later be proven in court, Indonesian law has regulated the reasons for filing a marriage annulment, among others. Marriages that are held in front of an unauthorized marriage registrar, illegitimate guardians of marriages and those which are held without the presence of 2 (two) witnesses, and marriages without the consent of a legal wife, or marriages carried out using personal data that are contrary to the law may be

requested for cancellation. by families in a straight line of descent from husband or wife (Yunus & Arlina, 2017). In some cases, there are various reasons why a husband or wife can apply for an annulment of marriage if at the time of the marriage there is a misunderstanding about the husband or wife. The marriage dispute that will be studied by the author stems from the legal case of a husband who is legally married to polygamy without going through the applicable legal procedures including without permission and or knowledge of the legal first wife and there are allegations of using personal data that is against the law, on that basis the wife the first legal person to file a marriage annulment through the Religious Court against her legal husband with the second wife, so that the court decides the marriage is not legally valid, but simultaneously the second wife files a divorce suit against her husband with the aim that the legal consequences of divorce guarantee the status of the child born to be legally valid. law (Muhammad, 2010).

The principle of Islamic personality is regulated in Law Number 3 of 2006 concerning amendments to Law Number 7 of 1989 concerning religious courts. Article 2 General Elucidation in the third paragraph and article 49 is limited to cases which are the authority of the religious courts. Referring to the theoretical study above, the study of the results of the author's research at one of the religious courts related to marital disputes between marriage annulment and divorce on the other hand, which has implications for the legal status of children starting from the existence of a legal wife's marriage annulment lawsuit against her legal husband for marrying against the law with his second wife, and simultaneously followed by a divorce suit between the legal husband of the wife (the Petitioner for Marriage Cancellation) and the second wife who has been blessed with a child (Usman, 2006).

The law guarantees the status of the child, as the author of the analysis in Article 28 paragraph (2) of the Marriage Law and articles 75 and 76 of the Compilation of Islamic Law, states that these two sources of law provide legal certainty for the status of children due to annulment of marriage. With the annulment of the marriage of both parents, it will not break the legal relationship between the child and his parents. The child certainly gets his rights as a legitimate child born in a marriage. Both parents have obligations that must be carried out on the child. It also provides the rights of the child as other legitimate children should.

The purpose of this study is first to find out the process of enactment of the procedural law of the religious court to resolve divorce conflicts and marriage annulments. Second, to find out the form of settlement of marital disputes that are related to the status of children in divorce disputes and marriage annulments.

## II. METHOD

The method used in this study is a qualitative method, with a normative juridical approach as the main approach and an empirical juridical approach as a supporting approach. Sources of data in this study obtained from secondary data as the main data and primary as supporting data. Furthermore, the data is then processed by means of qualitative methods.

## III. RESULT AND DISCUSSION

1. The process of enactment of the procedural law of the religious court to resolve divorce conflicts and annulment of marriages

Experts practicing civil procedural law describe civil court procedural law as a "way or tool" to achieve the goals and desires of the parties in order to defend their interests and civil rights, as well as those referred to in the procedural law of religious courts. According to Murti Arto, Article 54 of Law Number 7 of 1989 concerning the Religious Courts, emphasizes the law that regulates how to comply with material civil law through judges or how to act before the Religious Courts, how judges act so that the law runs as it should (Mubarok, 2020 ).

Reflecting on the similarity of procedural law that applies to civil procedural law and procedural law of religious courts, according to the author, basically the principle of freedom of judges in General Courts and Religious Courts has been outlined in Law Number 3 of 2006 concerning amendments to Law Number 7 of 1989. Regarding the Religious Courts, it also refers to Article 24 of the 1945 Constitution and jo. Article 1 of Law Number 4 of 2004 concerning Judicial Power.

In the explanation of Article 1 of Law Number 4 of 2004 concerning Judicial Power states "This independent judicial power contains the meaning in it that judicial power is free from interference from other state powers, and freedom from coercion, directives (directions) or recommendations that come from extra-judicial parties except in cases permitted by law".

The constitution states that the administration of judicial power is carried out by a Supreme Court and judicial bodies under it in the general court environment, the religious court environment, the military court environment, the State Administrative Court environment, and by a Constitutional Court. All courts throughout the territory of the Republic of Indonesia are state courts and are stipulated by law. And the state judiciary applies law and justice based on Pancasila. Specifically, the religious courts in applying their laws are always guided by the sources of Islamic law, so that the decision or determination must begin with the sentence Basmalah which is followed by instructions "For the sake of Justice Based on the One Godhead".

One of the most important principles in religious courts is the principle of flexibility. This principle states that the examination of cases within the religious courts must be carried out in a simple, fast, and low-cost manner. This principle is regulated in Article 57 paragraph (3) of Law No. 7 of 1989 which is not amended in Law No. 3 of 2006 concerning the Religious Courts jo, Article 4 paragraph (2) and Article 5 paragraph (2) of Law No. 4 of 2006. 2004 concerning Judicial Power. This principle emphasizes that religious courts are obliged to assist both parties in litigation and try to explain and overcome all obstacles faced by the parties.

In principle, the Religious Courts adjudicate according to Islamic religious law without discriminating against people and the type of case, so that human rights related to the equality of rights and degrees of each person before the trial of the Religious Courts are not neglected. In relation to divorce disputes and marriage annulments other than the principles mentioned above, in this study the principle of legality or legal certainty is very important to study because this principle can be interpreted as a right of legal protection and at the same time as the right of legal equality for the parties to obtain justice from a court that balanced.

The legal consequences of this principle of legality are that all actions taken in order to carry out the functions and authorities of the judiciary must be based on law, starting from the summons, confiscation, examination in court, decisions that will and have been handed down and execution of decisions, all of which must be based on law (Endi Suhadi , 2020). So in the end the decision is not justified according to or on the basis of the judge's desire alone, but must be according to the will and the will of the law. One of the focuses in this study is judicial procedural law related to the principle of Islamic Personality which is subject to and can be submitted to the power of religious courts, this means that only those who claim to be Muslims.

The principle of Islamic personality is regulated in Law Number 3 of 2006 concerning amendments to Law Number 7 of 1989 concerning religious courts. Article 2 General Elucidation in the third paragraph and article 49 is limited to cases which are the authority of the religious courts. Referring to the theoretical study above, the study of the results of the author's research at one of the religious courts related to marital disputes between marriage annulment and divorce on the other hand, which has implications for the legal status of children starting from the existence of a legal wife's marriage annulment lawsuit against her legal husband for marrying against the law with his second wife, and simultaneously followed by a divorce suit between the legal husband of the wife (the Petitioner for Marriage Cancellation) and the second wife who has been blessed with a child.

At the religious court level, legal facts are revealed, the main issue of this study is that the legal wife requests the judge that her husband's marriage with the second wife registered at the local

Religious Affairs Office be annulled on the grounds that the marriage was carried out by her husband in a state that there is still a marriage bond with his wife. legal, while the marriage was carried out by the husband without the knowledge of the wife, the legal wife by falsifying her identity. In his decision, the judge at the religious court level stated that the lawsuit for annulment of marriage filed by the legal wife could not be accepted (*Niet ontvan kelijke Verklaard*), because in one of the legal considerations the judge stated that the object of the lawsuit in the main case was no longer there because of the issuance of the Divorce decision between legal husbands. The applicant for cancellation (legal wife) with a second wife who is legally binding and whose divorce certificate has been issued, which is based on article 1917 of the Civil Code so that according to the judge of the Religious Court the lawsuit for cancellation contains elements of *Ne bis in Idem*; Disapproving of the decision of the Religious Court, the legal wife filed an appeal against the rejection of the lawsuit for the annulment of marriage, in fact the judge in the decision at the appeal level stated a different conclusion from the decision at the first level (the Religious Court).

Judges at the appeals level have different legal considerations from judges at the religious court level which essentially states that the marriage of her husband (the applicant for annulment) with the second wife is contrary to the provisions of article 3 jo (*Nurhayati & Siregar, 2020*). Article 4 paragraph (1) and paragraph (2) jo. Article 9 of Law Number 1 of 1974 concerning Marriage jo. Article 56 and Article 58 of the Compilation of Islamic Law. The legal facts that were revealed at the appeals level were that the marriage of her husband with the second wife was not with the knowledge and permission of the legal wife, so it was contrary to Article 5 paragraph (1) of Law Number 1 of 1974 jo. Article 58 paragraph (1) Compilation of Islamic Law. The marriage of her husband with the second wife is not with the prior permission of the official. So it is contrary to Article 4 paragraph (1) of Government Regulation Number 10 of 1983 concerning Divorce Marriage Permits for Civil Servants. Apart from not getting permission beforehand from the relevant officials.

The marriage of her husband with the second wife also does not meet the alternative and cumulative requirements as referred to in Article 10 of Government Regulation Number 10 of 1983. On the same occasion regarding the lawsuit for marriage annulment, it was revealed that the legal facts of the consideration of the panel of judges of the religious high court, including based on the husband's confession. The appellant was declared proven proven. Petitioner for Appeal The legal wife and husband are legal husband and wife on the basis of a marriage carried out according to Islam and registered at the local religious affairs office. Meanwhile, the husband of the legal wife and the second wife have acknowledged the existence of a marriage between them and the marriage is registered at the local religious affairs office explaining that they are married and have been registered and at the time of marriage the status of her husband with the second wife with the status of a boy and a virgin respectively.

The marriage of a husband from a legal wife with a second wife that has taken place with the status of both a male and a virgin suggests that the marriage is the first marriage, even though it has been proven that her husband is still bound by a legal marriage with his legal wife which according to Article 9 of Law No. 1 of 1974 is prohibited. marry, except for the things mentioned in article 3 paragraph (2) and article 4 of the law. Thus, her husband has practiced polygamy with his second wife without first obtaining permission from the competent court in accordance with the provisions of the applicable legislation as regulated in Article 4 paragraphs (1) and (2), Article 5 paragraph (1) of Law Number 1 1974. Marriage of more than one person (polygamy) according to the law, besides having to meet the requirements specified in Articles (6), (7), and (8) of Law Number 1 of 1974, must also obtain permission from the court as stipulated in Article (9 ) jo. Article 3 paragraph (2) and article (4) of the law. Because it has been proven that the marriage of her husband with the second wife is the second marriage without permission from the court, then the marriage does not meet the requirements stipulated by law so that it is not legal and must be declared null and void.

Although Islam does not explicitly state that for polygamy there must be prior permission from the court, but Islam can accept these requirements as law for the sake of order and legal certainty in

accordance with *fiqhiyah* rules. The rules of *fiqhiyah* can be seen in Article 56 paragraph (1) of the Compilation of Islamic Law which states that a husband who wants to have more than one wife must obtain permission from the religious court. It has become a law that is guided in the case of marriage of more than one person, because it is stated in paragraph (3) of the article that marriages carried out with a second, third, or fourth wife without permission from the religious court have no legal force (Soemiyati, 1982).

Based on the above legal reasons, the judge of the Religious High Court granted the marriage cancellation of the legal wife against her husband and the second wife. The marriage between the two parties was declared null and void and the Marriage Certificate given by the local Religious Affairs Office was declared to have no legal force. In connection with the evidence that the legal husband and second wife have divorced, it is proven that there is a Divorce Certificate and a copy of the Religious Court Decision according to the law. Divorce can only occur if there is a marriage. Because the marriage between her husband and the second wife was declared null and void so that it was considered never to have existed, therefore the Religious Court Decision and Divorce Deed issued by the Religious Court were declared to have no legal force and were not binding.

The author invites the reader to return to the series of divorce processes between the legal husband of the applicant for cancellation and the second wife, it turns out that when the legal wife filed for the annulment of marriage, the second wife at the same time filed a divorce suit against her husband who was none other than the husband of the legal wife who was filing for divorce. marriage annulment. The reason the second wife filed for divorce was that there was a continuous dispute as intended by the provisions of article 19 letter (l) of Government Regulation Number 9 of 1975 in conjunction with article 116 letter (f) of the Compilation of Islamic Law.

Based on the letter evidence and the statements of witnesses before the trial, it was stated that it was proven that the parties were bound in a legal marriage, and from the marriage the parties were blessed with 1 (one) daughter. Regarding what was the dispute between the two parties in the case, based on the statements of witnesses and close people from both parties, it was revealed that the parties often quarreled and the cause was that the husband had a wife and both wives did not want to be combined, while in the trial the husband admitted that he had more than one wife. from one person so that this event will continue to trigger quarrels between the parties.

One of the legal consequences of this divorce as a result of divorce in accordance with the provisions of Article 156 letter (d) Compilation of Islamic Law all *hadhanah* costs and child costs are borne by the father according to his ability at least until the child is an adult and or can take care of himself (21 years). Ending this study, the author analyzes the legal perfection of the position of the child as a result of the annulment of the marriage proposed by the legal wife against the marriage of her legal husband, with the second wife with the aim that the child resulting from her husband's marriage with the second wife becomes invalid with all the legal consequences, as well as the divorce proposed by the wife. The second case against her husband is that the child from the marriage becomes legally valid with all the legal consequences.

The position of the child as a result of the annulment of marriage and divorce is not retroactive, that is, children born from the marriage of the second wife with her husband are still legal children. A legitimate child means that the child has acknowledgment from both parents, even though the marriage of both parents is null and void or considered to have never existed before, the child still has legal status as a child born from the marriage of his two parents. The law guarantees the status of a child born from an annulled marriage will not have an impact on the child as a victim of a court decision due to the annulment of his parents' marriage.

The law guarantees the status of the child, as the author of the analysis in Article 28 paragraph (2) of the Marriage Law and articles 75 and 76 of the Compilation of Islamic Law, states that these two sources of law provide legal certainty for the status of children due to annulment of marriage. With the annulment of the marriage of both parents, it will not break the legal relationship between the child and his parents. The child certainly gets his rights as a legitimate child born in a marriage.

Both parents have obligations that must be carried out on the child. It also provides the rights of the child as other legitimate children should.

In closing this study, according to the author, to ensure legal certainty for the child in relation to the cancellation of the marriage, the law should provide a provision regarding the legitimacy of the child as a legal child in the eyes of the law. And this according to the author's opinion is very well done so as not to become a legal confusion for the status of children born from marriages that are annulled by the religious court.

## 2. Forms of settlement of marital disputes that are related to the status of children in divorce disputes and marriage annulments

Legal experts, religious experts, sociologists and psychologists certainly agree that the institution of marriage is a family-forming institution that has a very strong bond between husband and wife based on a very deep feeling of love from each party to live together in an intent way. maintaining human continuity and unity is created by the love and support given by and his wife, and the woman to her husband.

According to Law No.1 of 1974 Article (1) confirms that marriage is an inner and outer bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the One Godhead. 1) The marriage law above concludes that marriage is an inner and outer bond between a man and a woman as husband and wife who have legal force and are recognized socially with reference to forming a family as a unit that promises the preservation and fulfillment of interpersonal needs as well as to form a prosperous family. According to the author, the institution of marriage is the door for the meeting of two hearts in the shade of social life that lasts for a long time, in which there are various rights and obligations that must be carried out by each party to get a decent, happy, harmonious life, and get offspring. (Subekti, 2021).

The position of marriage in Islamic law has an important position so that it is regulated and explained clearly and in detail and of course 1 Law Number 1 of 1974 concerning Marriage and Law Number 23 of 2004 concerning the Elimination of Domestic Violence, Visimedia, Jakarta, 2009. imbued and interpreted as referred to in Article (1) of the 1974 Marriage Law, it is clearly stated that the purpose of marriage is to form a happy and eternal family (household) based on the One Supreme Godhead. Ahmad Azhar Basyir argues that marriage which in Islamic terms is called "marriage" is: entering into a contract or an agreement to bind themselves between a man and a woman to justify sexual relations between the two parties, on a voluntary basis and the pleasure of both parties to realizing a happy family life filled with love and peace in ways that are blessed by Allah.

Soemiyati (1982) argues that marriage law in Islam has an important position, therefore the regulations regarding this marriage are regulated and explained clearly and in detail. Islamic marriage law basically not only regulates the procedures for implementing marriage but also regulates issues that are closely related to marriage. For example, the rights and obligations of husband and wife, arrangement of assets in marriage, ways to decide marriage, living expenses that must be carried out after the termination of marriage and others. Agree with the two experts above, according to the author, marriage in Islam certainly has the aim of fulfilling the demands of human nature, the relationship between men and women in order to create a happy family on the basis of love and affection, and to obtain legitimate offspring in society with comply with the provisions stipulated in Islamic law.

Until at the end of the journey a marriage in Islam is a journey to live effectively and usefully in the face of daily demands, changes, responsibilities, relationships and expectations by using peace of mind and everything that is part of marriage. According to K. Wantjik Saleh, in marriage, inner and outer ties must exist. The outer bond reveals the existence of a formal relationship, while the inner bond is an informal relationship that cannot be seen. Outward ties without inner ties will become fragile. The inner and outer bond is the main basis for the formation and development of a happy and lasting family. Eternal means that marriage is only done once in a lifetime, unless there are things that cannot be predicted beforehand.

The marriage bond in the view of Islamic law is a sacred relationship. Marriage according to Islam is marriage, which is a very strong contract or *mitsaqan ghalizhan* to obey Allah's commands and carry it out is worship. Not a marriage that requires a divorce or separation, divorce often ends up being painful for the parties involved, including the children. Divorce can also cause stress and trauma to start a new relationship with the opposite sex.

Divorce is the termination of a marital relationship because of the will of the parties or one of the parties involved in the marital relationship (Endi Suhadi, 2020). Divorce results in the status of a man for the husband, as well as the status of a woman as a wife will end. Normatively, divorce does not stop their respective status as fathers and mothers of their children. This is because the relationship between a father and mother and their children is a non-contractual blood relationship, which therefore cannot be simply terminated through a statement of the will of the conflicting parties. In the opinion of the author, divorce is a turning point for a bad marriage settlement, and occurs when husband and wife are no longer able to find ways to solve problems that can satisfy both parties and it should be realized that many marriages do not produce happiness but do not end in divorce. , the parties understand to maintain the marriage for the benefit of the child's legal status later (Harumiati, 2009).

According to the Law of the Republic of Indonesia Number 1 of 1974 concerning Marriage in article (16) it is stated that divorce occurs when it is no longer possible to reconcile between the husband and wife concerned to live in harmony in a household, so that the parties can file a lawsuit in the local court. A lawsuit for divorce can be filed by the husband or wife or their attorney at the court for reasons that can be accepted by the court concerned.

Marriage Law Number 1 of 1974. Article 39 paragraph (2) has limitedly regulated the issue of divorce so that in order to divorce there must be sufficient reason between husband and wife not to live in harmony as husband and wife. Juridical divorce practically describes the state of breaking a marital bond and there are two kinds of divorce in accordance with the marriage law, namely: Divorce is the separation of husband and wife where in this case it is the wife who files a divorce suit against the husband. Divorce *Talak* is to describe the breaking up of husband and wife bonds in which in this case the husband gives divorce to the wife, resulting in the status of husband or wife ending. This divorce is caused by failure to achieve the goal of a happy, eternal, and prosperous marriage (Soemiyati, 1982).

In addition to divorce in marriage law, there is also a marriage annulment institution, marriage annulment can be interpreted as an act of a court decision stating that the marriage bond that has been carried out is invalid because the marriage occurred without fulfilling the requirements according to the law, the result is that the marriage considered never existed. For marriages held in Islam, the annulment of marriage is further contained in Article (27) of the Regulation of the Minister of Religion of the Republic of Indonesia No. 3 of 1975 concerning the Compilation of Islamic Law which essentially states that if the marriage has taken place then it turns out that there is a prohibition according to the law of *munakahat* or statutory regulations regarding marriage. The Religious Courts can cancel the marriage at the request of the parties concerned, so that the author can conclude that a marriage can be null and void and can be canceled by the court.

Regarding legal marriage annulment is regulated in Law No. 1 of 1974 concerning marriage, the arrangement of which is contained in Chapter VI, Article (22) to Article (28) which is further regulated in the implementing regulations of Government Regulation No. 9 of 1974 in Chapter VI Article (37). ) and (38). The court which has relative and absolute authority to annul a marriage is a court whose jurisdiction includes the place where the marriage takes place or the place of residence of both husband and wife, husband or wife. For those who are Muslims, it is done in the Religious Courts while for those who are non-Muslims in the District Courts. When the marriage annulment takes effect, it is regulated in Article 28 paragraph (1) of Law No. 1 of 1974 which essentially states that the annulment of a marriage begins after the Court's decision has permanent legal force and is valid from the time the marriage takes place.

The decision to cancel a marriage which has permanent legal force has legal consequences to return to its original position before the marriage or marriage is considered to have never existed. Marriage that is broken by law means that the marriage broke up by itself but not by itself, such as because of natural death. Juridically normative marriage annulment is a mechanism that is guaranteed by law. Article 22 of Law No. 1 of 1974 concerning Marriage states firmly that "a marriage can be annulled if the parties do not meet the requirements to enter into a marriage". One of the conditions referred to in the Act above is identity falsification or providing false information in legal documents that is done intentionally by the parties. According to H.Abdul Manan, usually the fraud is carried out in the form of falsification of identity fraud, for example admitting a virgin even though he is already married. Fraud can be done by the husband, it can also be done by the wife. With regard to the procedural law of annulment of marriages, Mukti Arto in his book *Practice of Civil Cases in Religious Courts*,<sup>5</sup> tries to summarize from Article 38 paragraph (2) of Government Regulation No. 9 of 1975 concerning the Implementation of Law No. 1 of 1974 concerning Marriage states that: The procedure for submitting an application for annulment of marriage is carried out in accordance with the procedure for filing a divorce suit" (Subekti, 2021).

Underlines Mukti Arto's opinion above and is related to Article 22 of Law Number 1 of 1974 which states that a marriage can be annulled, if the parties do not meet the requirements for a marriage, according to the author, a marriage that does not meet the requirements does not automatically become null and void. but must be decided by the court. Article 37 of Government Regulation Number 9 of 1975 concerning the Implementation of Law Number 1 of 1974 concerning Marriage confirms that the annulment of a marriage can only be decided by the court. The annulment of a marriage can have far-reaching consequences for both husband and wife and for the family, especially for the children who are born and the assets owned during the marriage. So this chairman is to avoid the occurrence of annulment of a marriage by an agency outside the state legal court.

#### IV. CONCLUSION

Based on the discussion of the research described above, it can be concluded that the law guarantees the status of a child born from an annulled marriage will not have an impact on the child as a victim of a court decision due to the annulment of his parents' marriage. As for suggestions from the author regarding the discussion above, first, in the author's opinion, to ensure legal certainty for children in relation to the cancellation of marriages, the law should provide a stipulation regarding the legitimacy of the child as a legal child in the eyes of the law. And this is very well done so as not to become a legal confusion for the status of children born to marriages that are annulled by the religious court. Second, there is a need for a more in-depth study, both normatively juridical, regarding marital disputes (annulment of marriage and divorce) related to the principles of personality and the power of religious courts.

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