

## ABSTRAK

Ningsih, Susilawati. NIM. 06210094. Fenomena Pembatalan Perkawinan Dengan Alasan Pemalsuan Identitas Di Pengadilan Agama Kota Malang (Studi Kasus Tahun 2005-2010). Jurusan Al-Ahwal Al-Syakhshiyah, Fakultas Syari'ah, Universitas Islam Negeri (UIN) Maulana Malik Ibrahim Malang Dosen Pembimbing: Musleh Herry, SH., M.Hum.

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Keywords : cancellation of marriage , identity fraud

Marriage is a physical and spiritual bond between a man and a woman as husband and wife to form a family (household) a happy and everlasting based on Belief in God Almighty. Marriage in principle contain the principle of monogamy, but the implementation is not absolute because according to article 3 and 4 of Law No. 1 of 1974 that a man may take more than one as long as the conditions are met. (1) the consent of his wife. (2) the certainty that the husband be able to guarantee necessities of life wives and their children. (3) the assurance that her husband would do justice to the wives and their children. But the reality on the terms contained in the legislation are considered difficult so there is a tendency for a husband who wants to have more wives melakukannya with dishonest like the way falsifying his identity. The purpose of this study was to determine and analyze what factors are causing the falsification identitas and want to know and analyze the implications of the phenomenon of cancellation of marriage.

Methods This study used a form of field research. research conducted descriptive analysis is that described the legislation that applies the theories associated with the legal and practical implementation issues relating to positive law. The approach used in this study is a descriptive approach which aims to describe the state of the systematics, and accurate facts about a particular case, concerning the nature, character and certain factors. Data taken from the documentation and interviews with judges and concerned officials at the Religious Malang environment and with people who have forged the identitas. Based on research conducted, it reveals that identity fraud in the hold of marriage can be used as an excuse to propose the cancellation of marriage.

The results obtained from this study can be seen that the falsification of identity is one violation that caused the cancellation of formal marriage, legal consequences arising from the cancellation of the marriage is in addition to the marriage ends, there are also some other legal effect which is not mentioned in the letter ruling related with the problem of ex-husband-wife relationship as a problem waiting period and then dealing with a living child, and dealing with community property. As for identity fraud in the marriage than the marriage can be undone are also people who falsify identity may be subject to criminal penalties.