



Factors for Prospective Grooms Committing Identity Falsification in Marriage in Boliyohuto Sub-District

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Abstract The purpose of conducting this research is to find out what factors are the reasons for the prospective groom to falsify his identity in marriage in Boliyohuto District. The research method used in this article is to use empirical research methods by taking a qualitative approach. The results of this study show that in the case of a marriage annulment lawsuit at the Gorontalo Religious Court, there was one party who filed for annulment of her marriage on the grounds that her husband had falsified his identity so that she felt she had been lied to, claiming to be a virgin. After a week of having relations as husband and wife, the wife found out that her husband already had a wife and child so she sued for annulment of the marriage. As a result of the annulment of marriage that occurred in the case under study, the wife felt disadvantaged, which in law violates Article 27 paragraph (2) of Law Number 1 of 1974 concerning Marriage which reads: "A husband or wife may file a petition for annulment of marriage if at the time of marriage there is a misconception about the husband or wife".

Keywords: Identity Falsification; Marriage; Boliyohuto.

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1. Introduction

Marriage is a sacred relationship. In Article 1 of Law Number 1 of 1974 concerning Marriage, it has been explained that marriage is "a physical and mental bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family or household based on God Almighty." Marriage is also understood as an agreement between a man and a woman who are bound in a legal and holy relationship. Marriage for mankind is something very sacred and has a very sacred purpose as well, and is inseparable from the provisions stipulated by religious law. A marriage is also valid both according to religion and state law if it is carried out by fulfilling all the pillars and conditions and does not violate the prohibition of marriage.¹

The conditions of marriage are regulated in detail in the Compilation of Islamic Law, the conditions of marriage are also regulated in Law Number 1 of 1974 concerning Marriage and the Civil Code. Therefore, the provisions regarding marriage contained in the Marriage Law are based on religious teachings. So that whether or not a marriage is valid is determined according to the laws of each religion. If in carrying out a marriage does not fulfill the legal requirements of marriage, then the marriage can be canceled.

The annulment of a marriage, means considering a marriage that has been carried out as an invalid event or considered never to have existed. The annulment of marriage is an action to obtain a court decision stating that the marriage carried out is void.² The term *pambatalan nikah* is not known in Islam, but Islamic law only recognizes *fasakh nikah*. *Fasakh* means to damage or cancel. So *fasakh* as one of the causes of the breakdown of marriage is to damage or cancel the marriage relationship that has taken place.

In marriage, understanding by prospective spouses and married couples of the purpose and meaning of marriage is very important to know. The purpose of marriage has been regulated as stated in the definition of marriage in accordance with the 1974 Marriage Law, that "marriage is a physical and mental bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on God Almighty".

In marriage according to Islam, as well as the first foundation in forming a *sakinah, mawadah, warahmah* and eternal family based on God Almighty. A belief that may be difficult to accept by a husband and wife who have been legally married, namely after the marriage occurs or is carried out but by the Judge of the Religious Court is declared invalid or canceled for a certain reason. Therefore, the juridical basis used by the Religious Court Judge to impose a Marriage Annulment Decision is Article 27

¹ Muhammad Jazil Rifqi, "Penegakan Hukum Terhadap Pemalsuan Identitas Dalam Pembatalan Perkawinan.," *De Jure: Jurnal Hukum Dan Syar'iah* 11 (2019).

² Stai Aceh Tamiang, "Pemalsuan Identitas Dalam Perkawinan (Studi Penelitian Di Desa Pantai Balai, Kec. Seruway Kab. Aceh Tamiang," *Esensi* 2, No. 1 (2023): 1-37.

paragraph (2) of Law Number 1 of 1974, and Article 71 letter (a) of the Compilation of Islamic Law. Article 74 of the Compilation of Islamic Law also states that: An application for annulment of marriage can be submitted to the Religious Court which has the area where the husband or wife lives or the marriage is held. And it is also mentioned in this article that the annulment of a marriage begins after the decision of the Religious Court has permanent legal force and takes effect from the time the marriage takes place.

The annulment of marriage as regulated in law number 1 of 1974 concerning marriage and the compilation of Islamic law. Because of this regulation, a marriage can be null and void and can be annulled by the court. There are two reasons for the annulment of marriage. First, procedural violations of marriage, for example not fulfilling the requirements of marriage guardians, not attending witnesses and other procedural reasons.³ Second, violations of the marriage material, for example, the marriage was held under threat, there was a misunderstanding about the prospective husband and wife. The existence of this regulation regarding the annulment of marriage is only to perfect the regulation of marriage and to anticipate unwanted things happening in the future. In this case, these consequences are the impact of the judge's consideration in deciding the marriage annulment case.

In the case of annulment of marriage that occurs such as, there is an element of fraud committed by the woman where the woman claims to be a virgin before the marriage is carried out, in this case the marriage can be canceled not only misrepresentation about the husband or wife but also includes "fraud". The fraud mentioned here is carried out by women usually hiding the shortcomings that exist in themselves, for example, it is said that there are no physical defects, but in reality this is not the case.

The problem that the author examines in this marriage annulment lawsuit case occurred at the Gorontalo Religious Court, there was one party who filed for annulment of her marriage on the grounds that her husband had falsified his identity so that she felt she had been lied to, claiming to be a virgin. After a week of having a relationship as husband and wife, the wife found out that her husband already had a wife and child so she sued for annulment of the marriage.⁴

As a result of the annulment of marriage that occurred in the case under study, the wife felt disadvantaged, which in law violated Article 27 paragraph (2) of Law Number 1 of 1974 concerning Marriage which reads: "A husband or wife may file a petition for annulment of marriage if at the time of marriage there is a misconception about the husband or wife".

³ Muhamad Nur Fajar, "Faktor Penyebab Pembatalan Perkawinan Menurut Undang-Undang No. 1 Tahun 1974 Dan Inpres No. 1 Tahun 1991 (Studi Putusan Nomor 144/Pdt. G/2012/Pa. Sgt)," 2017.

⁴ Ade Siti Nurjanah, "Konfigurasi Pembatalan Perkawinan Dengan Alasan Pemalsuan Identitas Di Pengadilan Agama Sleman Perspektif Kompilasi Hukum Islam Dan Uu No 1 Tahun 1974," 2022.

2. Method

This research uses empris research methods. The author conducts this research directly to the location to obtain and collect data descriptively, verbally, and real behavior.⁵ this research takes a qualitative approach.⁶

3. Factors that are the reasons why prospective grooms commit identity forgery in marriage in Boliyohuto Sub-District

The act of forgery or making a false letter is to compose a letter or writing in its entirety. The existence of this letter is because it is made falsely. This letter has the purpose of showing that the letter is as if it came from someone other than the author (perpetrator). This is called material forgery, the origin of the letter is false.

The act of falsifying identity belongs to the crime of forgery, which is a crime in which there is an element of untruth or falsity of an object, which appears from the outside as if it is true when in fact it is contrary to the truth. The development of various kinds of counterfeiting, the crime of forgery has a complex development. When viewed from the object that is falsified is a letter, then of course this has a very broad dimension. A letter as an authentic deed can never be separated and is always related to the act of forgery.⁷ community activities. There are various kinds of criminal acts of forgery, one of which is the crime of forgery of letters, for example, the crime of identity forgery.

Looking from a criminological point of view, the perpetrator of this identity forgery cannot be separated from factors such as political factors, and factors of the same type, or the background that encourages someone to commit forgery, whether it is pressure from others or because it is to benefit the perpetrator himself. This eradication must reach the core and roots, which encourages all of us, especially academics, to further uncover what factors can make a person grow as they should and must be prevented so that crimes arising from this identity forgery do not occur.

Falsification of identity in marriage is illegal and can have a serious impact on married life, as well as legal consequences. Trust and openness are key in building a healthy and sustainable relationship. If in a marriage there is an element of falsification of identity of marital status, then in accordance with Article 22 of Law No.1 of 1974 Concerning Marriage, the marriage can be requested for annulment of marriage because it does not meet the requirements for marriage.⁸

Falsification of identity will not occur if the marriage is carried out by following the applicable procedures. A good marriage is one between a man and a woman who

⁵ Lexi J. Moleong And PRRB Edisi, "Metodelogi Penelitian," *Bandung: Penerbit Remaja Rosdakarya* 3, No. 01 (2004).

⁶ Zainuddin Ali, *Metode Penelitian Hukum* (Sinar Grafika, 2021).

⁷ Moh Razali, "Fenomena Pernikahan Dini Akibat Pemalsuan Identitas Diri Bagi Calon Pengantin: Studi Di Desa Segaran Kecamatan Gedangan Kabupaten Malang" (Universitas Islam Negeri Maulana Malik Ibrahim, 2017).

⁸ NUR ALAM And ANDI RISKA REVISA, "Analisis Yuridis Pembatalan Perkawinan Karena Pemalsuan Identitas," 2022.

share the same faith, morals and goals, in addition to love and sincerity.⁹ Under the auspices of this integration, the life of husband and wife will be peaceful, full of love and affection, the family will be happy and the children will prosper. In the view of Islam, such a family life will not be fully realized unless the husband and wife adhere to the same religion, both are religious and firmly implement the teachings of Islam. If the religions of the two are different, various difficulties will arise in the family and the marriage license process will be complicated. In addition, there will also be difficulties in the implementation of worship, education of children, fostering religious traditions, etc.

Cases related to identity forgery in marriage such as the marriage of Ayu and Fadholi (not their real names) that was initially legalized by the Office of Religious Affairs (KUA) in Ajung, Jember in 2017, show that document forgery for the sake of marriage persists among same-sex couples in Indonesia. The most common way that these couples get their marriages approved by local authorities is through forging ID cards and other relevant documents.¹⁰

The factor that causes the crime of identity forgery in marriage is the legal discipline factor. In general, identity forgery in marriage is usually a person who has a certain purpose who will illegally use all kinds of means or create a fake identity or no sense of responsibility. Most people commit identity forgery in marriage because they want to get married without any obstacles. And also want to do polygamy without the approval of the religious court, as in the case that the researchers raised in this study where the groom chose to falsify his identity and of course the identity falsification carried out was based on his desire to marry a woman he liked by taking dishonest steps on the way to marriage.¹¹

The factors that the author encountered in this case which were the reasons for the groom to falsify his identity included:

1. Internal Factors

a. Desire to remarry

As the author's interview with the head of the KUA as well as the headman stated:

"From the beginning, I asked them questions before they were married, they both had the desire to get married, and according to the groom's statement at that time, the bride asked to be married immediately."¹²

⁹ Muhamad Nik'am Tamami, "Akibat Yuridis Dan Sosiologis Atas Pembatalan Perkawinan Karena Pemalsuan Identitas Diri (Studi Kasus Putusan Pengadilan Agama Pati Nomor: 2201/Pdt. G/2015/Pa. Pt.)" (Iain Kudus, 2020).

¹⁰ Huswatul Hasanah, "Konsekuensi Hukum Terhadap Istri Yang Dinikahi Dengan Cara Pemalsuan Buku Nikah= Legal Consequences Against Wives Married By Faking Marriage Books" (Universitas Hasanuddin, 2022).

¹¹ Fitri Diana And Suhartini Suhartini, "Penerapan Sanksi Pidana Terhadap Pelaku Pemalsuan Identitas Perkawinan Dalam Pembuatan Buku Nikah," *Resam Jurnal Hukum* 8, No. 2 (2022): 103–16.

¹² A. Hamid Sarong And Hasnul Arifin Melayu, *Hukum Perkawinan Islam Di Indonesia* (Pena, 2004).

Based on the results of the interview above, the author examines that the main reason that made the groom falsify his identity was because from the beginning the bride was eager to get married and on the other hand this groom still had a relationship with his wife and even had a child. It appears that there is potential for the groom to falsify his identity due to pressure from the bride who is eager to get married. Even though the groom stated that it was the bride who asked to be married immediately, there is still the potential that he decided to hide the facts about his relationship and child.¹³

There are two main reasons the authors identified from these interviews:

- 1) Pressure from the Bride: The bride seems very eager to get married, and perhaps the groom feels pressured or burdened by this desire. To meet expectations or avoid conflict, he decides to falsify his identity;
- 2) Relationship with Wife and Children: Finding out that the groom actually still has a relationship with his wife and even has a child. This suggests that there are other aspects of his personal life that he wants to hide, especially if he is involved in a dual relationship.¹⁴

b. Wanting to commit polygamy without first wife's consent

Article 3 paragraph (2) of Law No. 1 of 1974 states that the Court may grant permission to a husband to have more than one wife if desired by the parties concerned. This article provides an opportunity for the parties concerned to apply for polygamy based on mutual agreement, the implementation of this rule must still comply with applicable legal principles.¹⁵

Law Number 1 of 1974, Article 4 paragraph (2) The court referred to in paragraph (1) of this article shall only grant permission to a husband who will have more than one wife if:¹⁶

- a. The wife is unable to fulfill her duties as a wife;
- b. The wife suffers from an incurable disability or disease;
- c. The wife is unable to bear children;

However, with the provisions of this article, the groom did an instant thing by falsifying his identity without having to ask permission from his wife and get official approval from the religious court to remarry. It is unfortunate that the KUA also cannot track the data of the groom who is

¹³ Calon Pengantin, "Analisis Terhadap Pemalsuan Identitas," N.D.

¹⁴ Lutfi Anshori Syah and Mulyadi Mulyadi, "Motivasi Menikah Lagi: Studi Kasus Pasangan Suami Istri Dari Seorang Janda Dan Duda Yang Menikah Lagi Di Usia Lanjut," *Psikoislamika: Jurnal Psikologi Dan Psikologi Islam* 13, no. 2 (2016): 47-52.

¹⁵ Dolot Alhasni Bakung, "Analisis Uu No. 1 Tahun 1974 Tentang Perkawinan Dan Uu No. 23 Tahun 2002 Tentang Perlindungan Anak Terkait Perkawinan Dibawah Umur (Studi Pada Masyarakat Batu Layar Provinsi Gorontalo)," *Alhurriyah: Jurnal Hukum Islam* 15, No. 1 (2018): 15-27.

¹⁶ Kurniati Kurniati, Baso Madiung, and Zulkifli Makkawaru, "Analisis Penyelesaian Sengketa Tanah Melalui Jalur Mediasi Di Desa Bontomanai Kecamatan Manngarabombang Kabupaten Takalar," 2021.

already married so that this marriage should not occur and can prevent the annulment of marriage at the Religious Affairs Office.¹⁷

c. A bride who has conceived

Before the marriage, the bride was already pregnant, which was initially hidden from the staff of the religious affairs office, but was discovered when the bride and groom were married at that time. As the interview with the head of the religious affairs office supports this idea, stating that:¹⁸

"At the time of the marriage contract, the KUA knew that the bride was pregnant, and even though the bride and groom were married at the time of the marriage contract, we still decided to continue the marriage process."¹⁹

The head of the KUA gave his view by expressing, "Although there was a situation that the bride was already pregnant at the time of the marriage contract, we as the KUA still decided to continue the marriage process with the consideration that the pregnancy was not an obstacle or cancellation stipulated in the marriage law."²⁰

Based on the statement from the Head of the KUA, the author examines that in the view of the Head of the KUA, it seems that the decision to continue the marriage was taken by considering that pregnancy is not included in the conditions or restrictions that can stop the marriage process.

2. External Factors

a. KUA is less thorough in checking documents

Inaccuracies in the verification of marriage registration documents which fail to detect that the groom is married, which should be detected in the system, can open the door to identity abuse, resulting in marriages based on fake documents. The success of this identity forgery can harm legitimate parties and create legal uncertainty regarding marital status.²¹ The KUA lacks thoroughness in document examination, so this situation creates the

¹⁷ Barzah Latupono, "Akibat Hukum Dalam Perkawinan Yang Dilakukan Oleh Suami Tanpa Ijin Istri Sahnya," *Batulis Civil Law Review* 1, no. 1 (2020): 60–67.

¹⁸ Safrin Salam, "Dispensasi Perkawinan Anak Di Bawah Umur: Perspektif Hukum Adat, Hukum Negara & Hukum Islam," *Pagaruyuang Law Journal* 1, no. 1 (2017): 110–24.

¹⁹ Merdi Aditya Putra, "Perlindungan Hukum Akibat Pembatalan Perkawinan Terhadap Suami Yang Berpoligami Dengan Pemalsuan Identitas," *Indonesian Notary* 3, No. 2 (1974): 16.

²⁰ Abd Rahmad Monica Oktavia, "Hamil Diluar Nikah Sebagai Alasan Dispensasi Kawin Di Pengadilan Agama Koto Baru Solok (Studi Penetapan Perkara Nomor 119/Pdt. P/2020/Pa. Kbr)," *Normative Jurnal Ilmiah Hukum* 11, No. 2 November (2023): 110–18.

²¹ Maulyka Resti, "Pelaksanaan Pemeriksaan Dokumen Pra-Nikah Dalam Upaya Meminimalisir Pemalsuan Identitas Berdasarkan Peraturan Menteri Agama Nomor 20 Tahun 2019 Tentang Pencatatan Nikah (Studi Kasus Di Kua Kecamatan Purwokerto Timur)" (Uin Prof. Kh Saifuddin Zuhri Purwokerto, 2022).

potential for great harm both to the individuals involved in the marriage and to the integrity of the KUA institution itself.²²

Improvement measures are needed in the KUA's document examination system, including increased training of administrative officers to be more thorough and careful. In addition, additional security measures need to be implemented, such as increased cooperation with relevant agencies, in this case those issuing marriage applications from the kelurahan, to ensure that every document submitted is valid and in accordance with applicable legal provisions. This effort is important to maintain public trust in the KUA institution and avoid the risk of marriages based on identity forgery.

a. Weaknesses of the Marriage Registration System in Boliyohuto Village

The marriage registration process in Boliyohuto Village has weaknesses in the integration of the marriage registration system with the national population database. This lack of integration can lead to inaccurate information and difficulties in detecting document forgery.²³ There will be many problems that arise if the system from this kelurahan can still be conceded where the groom makes a new Identity Card undetected the groom already has an Identity Card with a Family Card in which there is only the name of the groom. That can still pass at the registration stage in the urban village.

With the kelurahan still relying on manual processes or using outdated systems, technological improvements should be considered to facilitate and speed up the marriage registration process. A thorough evaluation of the system, improved staff training, implementation of more advanced technology, and increased public awareness are also needed. With these steps, it is hoped that the marriage registration system can run more efficiently, accurately and reliably.

c. The bride's ignorance of the groom's identity

The bride does not fully know the identity of the groom, only that the groom is still a virgin because the two of them only know each other from social media and have only known each other for 3 months and immediately want to get married because they are both in love with each other even though one party does not have an adequate understanding of their partner, the risk of incompatibility or misunderstanding in married life is higher, which can have a negative impact on the stability of the relationship.²⁴

²² Abdurrahman Abubakar Bahmid, Ajub Ishak, And Titin Samsudin, "Budaya Memilih Hari Baik Dalam Pernikahan Terhadap Kelanggengan Rumah Tangga," *AS-SYAMS* 3, No. 2 (2022): 1-17.

²³ Tinuk Dwi Cahyani, *Hukum Perkawinan*, Vol. 1 (Ummppress, 2020).

²⁴ Bagus Ramadi, "Pemalsuan Identitas Sebagai Alasan Pembatalan Perkawinan," *Jurnal Syariah Dan Hukum*, 2020.

Authorities, such as the Kelurahan or Kantor Urusan Agama (KUA), can also play an important role in ensuring that the bride and groom have adequate knowledge before entering into a marriage. Transparency and good communication upfront can help prevent problems later on.

4. Conclusion

Factors that cause the groom to falsify his identity:

Internal factors, 1) The main factor that became the reason for the groom to falsify his identity was because from the beginning the bride was eager to get married and on the other hand the groom still had a relationship with his wife and even had a child. It appears that there is potential for the groom to falsify his identity due to pressure from the bride who is eager to get married. The desire to commit polygamy without the approval of the religious court, Article 3 paragraph (2) of Law No. 1 of 1974 states that the Court may grant permission to a husband to have more than one wife if desired by the parties concerned. 2) The second factor that became the reason for the groom to falsify his identity because with the provisions of the article it would be more difficult to remarry; 3) The bride who was pregnant, became a factor in the falsification of identity by the groom. This is supported by the statement of the informant as the head of the religious affairs office who stated that it was known that the bride was pregnant at the time of the marriage contract.

External factors, 1) The KUA's inaccuracy in verifying marriage registration documents which cannot detect that the groom is married, which should be detected in the system, this can open a gap for identity abuse; 2) The marriage registration processed in Boliyohuto Village has weaknesses in the integration of the marriage registration system with the national population database.

This lack of integration can result in inaccurate information and difficulties in detecting document forgery; 3) The bride does not fully know the identity of the groom, only that the groom is still a virgin because the two only know each other from social media and have only known each other for 3 months and immediately want to get married because they are both in love with each other even though one party does not have an adequate understanding of his partner

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