

**CANCELLATION OF MARRIAGE DUE TO FRAUD RELATED TO  
DEVIANT SEXUAL ORIENTATION AS REFERRED TO IN THE  
COMPILATION OF ISLAMIC LAW AND MARRIAGE LAW  
(DECISION NUMBER 1521/PDT.G/2025/PA.TGRS)**

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**ABSTRACT**

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*Marriage is carried out with the aim of building a lasting and harmonious relationship in accordance with applicable laws and religious norms. However, in its development, many marriages have been annulled due to deception by one of the partners regarding their sexual orientation. In principle, Indonesian positive law has regulated the annulment of marriage in Article 27 of the Marriage Law and Article 72 of the Compilation of Islamic Law. An annulment request can be submitted if one of the parties feels confused or has experienced an error regarding the identity of the partner. This research is a normative juridical research with a statutory approach (statute approach), a case approach (case approach) and a conceptual approach (conceptual approach). The results of the study indicate that the judge's consideration of the arguments submitted by the applicant is in accordance with statutory regulations. In the Islamic perspective, an annulment of marriage caused by the inequalities of the partners in fulfilling the requirements and pillars of marriage will be considered invalid; however, a marriage annulled due to deviation remains valid under positive law, according to Article 2 Paragraphs (1) and (2). However, deviation can also be grounds for divorce.*

**Keywords : Cancellation , Marriage, Sexual Orientation, Compilation of Islamic Law, Marriage Law.**

**Journal History**

Received	: November 14, 2025;
Reviewed	: November 24, 2025;
Accepted	: November 30, 2025;
Published	: November 30, 2025.

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**INTRODUCTION**

Marriage is a sacred covenant made between a man and a woman with the aim of forming a happy and eternal family based on God Almighty. Therefore, marriage is closely related to religion, so a marriage is only valid if it fulfills the requirements set out in both the Marriage Law and the Compilation of Islamic Law for Indonesian Muslims.

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663

DOI: <https://doi.org/10.30596/nomoi.v6i2.27207>

Marriages that do not meet these requirements can be annulled. Statutory regulations can annul a marriage. Sexual orientation toward the same sex, or so-called homosexuality, is one reason for annulment of a marriage in Indonesia.

Over time, cultural pollution has begun to spread in Indonesian society, including LGBT culture. This culture originally grew and developed in Western society, and is widely found there. However, over time, a large number of people in the East, especially in Indonesia, have begun to learn about this homosexual culture. In the past, it was rare to say they were homosexual. However, many people now admit they are homosexual. Even certain Asian countries, such as Taiwan, have recognized and legalized same-sex marriage. Opinions and perspectives on homosexuality remain diverse within society and can cause considerable controversy. In various countries, there are differences of opinion regarding the legality and acceptance of same-sex marriage, especially regarding the religion and beliefs of the majority.<sup>1</sup>

Because it is considered a deviation from human nature as outlined by Allah SWT, sexual deviation, as is often the case today, is strictly prohibited in Islam. This is where men are paired with women, not men with men or women with women. This statement is reinforced by Allah SWT's words in Surah Al-Hujurat, verse 13, which reads:

*"O mankind, indeed We have created you from a man and a woman. Then, We made you into nations and tribes so that you may know each other. Indeed, the noblest among you in the sight of Allah is the one who is most pious. Indeed, Allah is All-Knowing, All-Compliant."*

It should be noted that discussing sexual orientation within the realm of marriage law in Indonesia still faces considerable social and cultural resistance. This is inseparable from the religious values and morality of Indonesian society, which generally reject the practice of same-sex relationships. However, this rejection does not necessarily erase the social fact that different sexual orientations exist and can have serious implications for the sustainability of a household. Many cases demonstrate that couples who marry without knowing their partner's sexual orientation ultimately experience marital failure, either through divorce or annulment.<sup>2</sup>

Therefore, the reasons frequently raised in cases of marriage annulment related to sexual orientation generally revolve around deception, emotional suffering, and the loss of the primary purpose of marriage. Married couples hope to live together in a physical and spiritual bond to form a harmonious and prosperous family. However, this goal is difficult to achieve if one party lacks a natural sexual attraction to their partner due to a different sexual orientation. As a result, the husband and wife cannot function normally, both biologically and psychologically. In some cases, this also has implications for

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<sup>1</sup> Roby Yansah, R Rahayu, Globalisasi Lesbain, Gay, Biseksual, dan Transgender (LGBT) Perspektif HAM dan Agama dalam Lingkup Hukum di Indonesia, Jurnal Law Reform, Vol 14 No 01 Tahun 2018, 132.

<sup>2</sup> Sanjaya, David, And Yusdi Haq. "Pembatalan Perkawinan Disebabkan Homoseksual: Studi Analisis Maqashid Asy-Syariah Atas Putusan Pa Jember Nomor 44/Pdt. G/2023/Pa. Jr." Prosiding Hukum Keluarga Islam (2025): Hlm. 288-305

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663

DOI: <https://doi.org/10.30596/nomoi.v6i2.27207>

offspring, where the couple is unable to carry out the reproductive function, which is one of the purposes of marriage from a legal and religious perspective.<sup>3</sup>

The phenomenon of marriage annulments due to fraud is nothing new in Indonesian religious court practice. Cases involving lies about marital status, health, identity, or psychological condition have long been grounds for aggrieved parties to file for annulment. However, more complex issues arise when the deception concerns one of the partners' sexual orientation.<sup>4</sup>

Scholars agree that deception that results in loss or unclear marital status can be grounds for annulling a marriage contract. In Islamic jurisprudence, there is the concept of *fasakh*, which is the annulment of a marriage contract due to defects or deception that harms one of the parties. Concealing sexual orientation can be viewed as both a moral flaw and a flaw in the purpose of the marriage contract, as it is inconsistent with the natural law of husband and wife relations as stipulated in the Quran and Hadith. Therefore, in the context of the Compilation of Islamic Law (KHI), this can be used as both a legal and normative basis for annulling a marriage.<sup>5</sup>

A husband who was found to be homosexual was the subject of a case where the marriage was annulled due to homosexual sexual orientation. After the marriage, the wife learned of the annulment. Therefore, the wife filed a petition for annulment with the Tangerang Religious Court. The judge who examined the case accepted the petition for annulment of the wife's marriage as the Petitioner and the husband as the Respondent. Because the grounds for annulment are not explicitly regulated by law, the judge must consider the case carefully. Therefore, it is interesting to conduct further discussion regarding the cancellation of marriages due to sexual orientation.

## METHOD

The type of research used is normative juridical legal research.<sup>6</sup> It only utilizes secondary data for processing and analysis. Secondary data consists of primary legal materials, secondary legal materials, and tertiary legal materials.<sup>7</sup> This research is also descriptive and analytical, meaning it aims to describe the characteristics of an individual, situation, or phenomenon, or to determine whether there is a relationship between one phenomenon and another.

And in this research, also used the statute approach, Case approach and conceptual

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<sup>3</sup> Anjani, Ikmal. (2023). *Pembatalan Perkawinan Akibat Orientasi Seksual Yang Berbeda Perspektif Hukum Islam (Studi Kasus Perkara Nomor 176/Pdt. G/2019/Pa. Yk)* (Doctoral Dissertation, Universitas Islam Indonesia).

<sup>4</sup> Iqbal, M. (2020). *Psikologi Pernikahan: Menyelami Rahasia Pernikahan*. Gema Insani. Hlm. 10-18.

<sup>5</sup> Dara Maisun, Inayah Rohmaniyah, And Hablun Ilhami. *"Persepsi Masyarakat Tentang Kekerasan Terhadap Perempuan Dalam Rumah Tangga Di Sigli Aceh: Analisis Wacana Kritis Kekerasan Terhadap Perempuan Dalam Rumah Tangga Di Sigli Aceh."* Mukaddimah: Jurnal Studi Islam 6, No. 1 (2022): Hlm. 131-160.

<sup>6</sup> Eka NAM Sihombing, Cynthia Hadita, *Penelitian Hukum* (Malang: Setara Press, 2022).

<sup>7</sup> Amiruddin, Zainal Asikin, *Pengantar Metode Penelitian Hukum*, Cet 8, (Jakarta: PT Raja Grafindo, 2014), Hlm. 19.

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663

DOI: <https://doi.org/10.30596/nomoi.v6i2.27207>

approach. The statute approach is also called the statute approach is done by "examining and analyzing all laws and regulations related to the legal issue being handled."<sup>8</sup> The case approach in normative research aims to study the application of legal norms or rules carried out in legal practice. Therefore, in a normative research, these cases can be studied to obtain an overview of the impact of the normative dimension in a legal rule in legal practice, and use the results of the analysis as input in legal explanations.<sup>9</sup> The conceptual approach in legal research is a theoretical foundation used to form a framework for thinking about the main problem being studied.

## DISCUSSION

Marriage is a lasting bond between a man and a woman through the process of *ijab* and *qabul* (consent). However, over time, marriage not only has many benefits but also negative effects that can render it legally invalid. There are several reasons to annul a marriage to avoid causing greater problems in the future.<sup>10</sup>

Annulment is a term used to describe the termination of a married couple's relationship. It can also be caused by a court ruling that the marriage is invalid and therefore never took place.<sup>11</sup> The word "annulment" comes from the word "cancel," which means something that is considered invalid or never took place. This term means that the marriage is considered invalid or never took place. Therefore, an annulment is a court ruling that the marriage is invalid. This can occur because the marriage violates laws prohibiting it or because the terms and conditions of marriage were not met.<sup>12</sup>

In Islamic law, marriage annulment is often referred to as "*fasakh nikah*." *Fasakh* means something that is broken or void. According to Imam Shafi'i, *fasakh* can mean the annulment of a marriage that has already been performed, either due to an apparent disgrace or due to the possibility of non-fulfillment of conditions that are only discovered after the marriage. Therefore, based on the explanation explained, it can be concluded that *fasakh* is the termination of a marriage bond due to factors that disrupt or invalidate the marriage, occurring during or after the marriage.<sup>13</sup>

The Indonesian Compilation of Islamic Law (KHI) divides marriage annulment into two categories: marriages deemed void by law and marriages that can be annulled. The first category consists of marriages deemed void due to violations of law. Conversely, when one party feels aggrieved and has the right to request permission for the marriage, the marriage can be annulled.

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<sup>8</sup> Muhaimin, *Metode Penelitian Hukum*, (Mataram : University Press, 2020), Hlm. 56

<sup>9</sup> Mukti Fajar Dan Yulianto Achmad, (2010), *Dualisme Penelitian Hukum Normatif Dan Empiris*, Yogyakarta: Pustaka Pelajar, Hlm. 157.

<sup>10</sup> Hidayat, Mam, Rohmani, Mfd, Zahra, Ma, & Rosadi, A. (2024). Perbedaan Orientasi Seksual Sebagai Alasan Pembatalan Perkawinan Dari Perspektif Hukum Positif. *Jurnal Hukum Keluarga Al-Ihkam Ahwal AlSyakhshiyah Fakultas Syariah Iain Mataram*, 16 (2), 126-141. Doi: <https://doi.org/10.20414/alihkam.v16i2.10535>

<sup>11</sup> Zainudin Ali, *Hukum Perdata Islam di Indonesia*, (Sinar Grafika: Jakarta, 2012), hlm, 37.

<sup>12</sup> Rahmat Hakim, *Hukum Perkawinan Islam*, (Bandung: Pustaka Setia, 2000), hlm, 187

<sup>13</sup> Wahbah Zuhaili, *Al-Fiqhu asy-Syafi'i Al-Muyassar*, (Beirut: Darul Fikr, 2008), 31.

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663

DOI: <https://doi.org/10.30596/nomoi.v6i2.27207>

Defined in Article 1 of Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, marriage is a physical and spiritual bond between a man and a woman with the aim of forming a happy and eternal family (household) based on the One Almighty God. Marriage is an inner bond between one another in addition to physical ties. In other words, marriage must be based on a strong desire to live together for a long time until death.<sup>14</sup> Therefore, Presidential Instruction Number 1 of 1991 concerning the Compilation of Islamic Law states that to form a family that is *sakinah*, *mawaddah*, and *warahmah*, marriage must be built by love, affection, harmony, and honesty.

A valid marriage is defined as one conducted based on the respective religions and beliefs as stipulated in the Marriage Law. This means the marriage must be conducted according to the provisions or conditions that align with the respective religions and laws. Failure to comply with or violate these provisions can invalidate the marriage.<sup>15</sup>

The court can annul a marriage for invalidity.<sup>16</sup> This occurs because the requirements for marriage are not met according to the regulations. Annulment of a marriage generally occurs for two reasons: the marriage is legally invalid or annulable.<sup>17</sup> Articles 22 to 28 of the Marriage Law and Articles 70 to 76 of the Compilation of Islamic Law regulate annulment of marriage in a limited manner; however, an annulled marriage has the meaning of being void or not void. This means that each party has the freedom to choose to maintain the marriage or annul it by filing for an annulment. In Islamic parlance, annulment of marriage is called *fasakh*, which means brokenness or dissolution. Therefore, *fasakh* is the dissolution of a marriage by a court decision, which is essentially the right of both husband and wife, due to circumstances discovered after the marriage.<sup>18</sup>

Article 37 of Government Regulation Number 9 of 1975 concerning the Implementation of the Marriage Law states that “a marriage can only be annulled by the Court,” meaning that without court permission, a marriage cannot be legally annulled. Therefore, a court that has obtained permanent legal force allows for the annulment of a marriage.<sup>19</sup> A wife in Tigaraksa asked the Tangerang Religious Court

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<sup>14</sup> Panjaitan, PRCB, Supriyatni, R., & Artaji, A. (2023). Pembatalan Perkawinan Akibat Orientasi Seksual Terhadap Sesama Jenis Ditinjau dari Hukum Perkawinan dan Kompilasi Hukum Islam (Studi Kasus Putusan Pengadilan Agama Bantul Nomor 72/Pdt. G/2021/Pa. Btl). *Eksekusi: Jurnal Hukum dan Tata Usaha Negara*, 1 (3), 197-206. DOI: <https://doi.org/10.55606/eksekusi.v1i3.478>

<sup>15</sup> Soedarsono, *Hukum Perkawinan Nasional*, (Jakarta: Rineka Cipta, 2005).

<sup>16</sup> M. Nasichin, 2018, “Akibat Hukum Pembatalan Perkawinan Berdasarkan Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan”. *Jurnal Pro Hukum: Jurnal Penelitian Bidang Hukum Universitas Gresik*. Vol 7(1). 1

<sup>17</sup> Abdul Manan dan M. Fauzan, 2002, *Pokok-pokok Hukum Perdata Wewenang Peradilan Agama*, Jakarta: Raja Gerindo Persada

<sup>18</sup> Hakim, Rahmat. *Hukum Perkawinan Islam*, Bandung: Pustaka Setia, 2022.

<sup>19</sup> Deni Rahmatillah dan A.N. Khofify, 2017, “Konsep Pembatalan Perkawinan Dalam Undang-Undang Nomor 1 Tahun 1974 dan Kompilasi Hukum Islam”. *Jurnal Hukum Islam*. Vol XVII (2) pp 152-171.

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663

DOI: <https://doi.org/10.30596/nomoi.v6i2.27207>

to annul her marriage because her husband had homosexual interests. To make a fair decision for both parties in this case, the judge's consideration is very important.

### **Consideration Law in Judge's Decision**

Humans inherently possess biological desires. This desire results in people seeking sexual intercourse with their partners, who are legally and legally married. Therefore, expressing sexual desires cannot be done carelessly. However, sexual desires have evolved in a more negative direction with the rapid globalization of cultures and societies worldwide. This is due to the proliferation of inappropriate sexual activities that are inconsistent with human nature.

Etymologically, deviant behavior can be considered a response to an activity, action, or expression originating from a person's body movements or words. This response can occur consciously or unconsciously to an object, be it a human or an object. It can occur explicitly or implicitly. The term "deviant," on the other hand, is defined in the Big Indonesian Dictionary (KBBI) as a process, method, or action that demonstrates behavior or inconsistency beyond established limits. Deviant sexual behavior is defined as a deviation related to normal sexual orientation, as seen from the terms used in society.

Everyone knows that a husband and wife can annul a marriage if there are things that are unknown to the other party during the marriage, which could cause problems later. Because marriage is essentially a sacred activity regulated by religious and state law. With regard to deviation, it is something that goes against societal norms and is not customary. Sexual deviation impacts the social and legal environment, especially in Religious Courts. This is demonstrated by the numerous lawsuits filed with religious courts regarding marriage annulment due to sexual orientation that differs from the norm. If this occurs, both husband and wife will feel disadvantaged and deceived. The next problem is the legal standing of the issue. Because sexual deviation is a new issue not regulated by positive Indonesian law, either the UU or KHI, the harm caused to the injured party is very clear. This can cause trauma, embarrassment, or even a feeling of being deceived by the person with a sexual disorder.<sup>20</sup>

The decision made by the judge is not free from all considerations. Before making a decision, the Panel of Judges heard the testimony of witnesses, which serve as evidence in the trial, and received written evidence . In decision number 1521/PDT.G/2025/PA.TGRS, this case was discussed. With the existence of a Marriage Certificate and proven at the KUA, the marriage between the Petitioner and the Respondent was valid according to religion and legislation. The Petitioner's in-laws admitted that she experienced sexual disorientation before marriage, but they did not reveal it. Because the Respondent stated that she was ready to marry and was healthy before marriage, the Petitioner could not accept this fact and felt deceived by her husband

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<sup>20</sup> Brenda Manuel, Hanafi Tanawijaya, Pembatalan Perkawinan karena Homoseksuak Ditinjau dari Undang-Undang Nomor 1 Tahun 1974 (Studi Putusan Pengadilan Agama Jakarta Selatan Nomor 2723/Pdt.G/2019/PA.JS), Jurnal Hukum Adigama

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663

DOI: <https://doi.org/10.30596/nomoi.v6i2.27207>

that she experienced sexual orientation, namely liking men of the same sex.

The judge ruled that the applicant had the legal right to annul the marriage. Legal standing, also known as legal standing, is the state in which a person has the right and is eligible to file a petition with the court. The parties who can file for annulment of marriage according to Article 23 of the Marriage Law are:

- a. The families in a straight line up from the husband or wife.
- b. Husband or wife.
- c. The official is only authorized as long as the marriage has not been decided.
- d. The appointed official and any person who has a direct legal interest in the marriage, but only after the marriage has dissolved.

In addition, Article 73 of the Compilation of Islamic Law regulates the parties who can file for annulment of marriage, including:

- a. The families in a straight line up and down from the husband or wife.
- b. Husband or wife.
- c. The official who is authorized to supervise the implementation of marriage according to the law.
- d. The interested parties are aware of the defects in the harmony and conditions of marriage according to Islamic law.

According to the Panel of Judges, because the Petitioner is the Respondent's wife, the Petitioner has the legal right to grant a marriage license. The Petitioner requested permission to annul the marriage on the grounds that her husband has a sexual orientation towards the same sex or is a homosexual . Under the Marriage Law, a marriage can be annulled for the following reasons:

- a. One or both parties are still bound in another marriage (Article 24).
- b. The marriage was conducted in the presence of an unauthorized marriage guardian, an unauthorized marriage registrar, or without the presence of 2 (two) witnesses (Article 26 paragraph 1).
- c. Marriage is carried out due to the threat of breaking the law (Article 27 paragraph 1).
- d. Husband or wife has wrong beliefs about each other during marriage (Article 27 paragraph 2).

In addition, Articles 71 and 72 of the Islamic Law Constitution regulate the grounds for annulment of marriage:

- a. The husband practiced polygamy without permission from the Religious Court.
- b. The woman he marries is still someone else's mafqud wife.
- c. The woman he marries is still in the iddah period.
- d. The marriage violates the age limit stipulated in the Marriage Law.
- e. Marriage is done by force.
- f. Marriage is performed without a guardian or with an unauthorized guardian.

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663

DOI: <https://doi.org/10.30596/nomoi.v6i2.27207>

- g. Marriage is carried out under unlawful threats (Article 72 paragraph 2)  
Amir Syarifuddin stated that there are two types of fasakh:
- a. Marriage does not meet the requirements or there are obstacles.
  - b. Something happened in the household that caused the household to be unable to continue.

A husband who likes the same sex in a marriage bond can be considered a reason for fasakh because it prevents marriage due to illness or deviation that is not in accordance with Islamic teachings. In addition, the Applicant cannot continue the marriage because he cannot accept this reality. Although the Respondent tried to visit a psychologist, he was unable to continue the marriage. As a result, both agreed not to continue the marriage. The judge considered the reason for submitting a request for annulment of marriage because the husband experienced sexual disorientation, which is stated in Article 27 paragraph (2) of the Marriage Law in conjunction with Article 72 paragraph (2) of the Compilation of Islamic Law, namely there was fraud or misunderstanding regarding the husband or wife.

According to Article 27 paragraph (3) of the Marriage Law in conjunction with Article 72 paragraph (3) of the Compilation of Islamic Law, "if the threat or the person suspected of being guilty is aware of his/her situation, and within a period of 6 (six) months after that, they still live together as husband and wife and do not exercise their right to apply for a permit, then their right is forfeited." In this case, the Applicant and Respondent were married on March 17, 2024, but the Applicant found out only 7 days after the wedding, so he/she could apply for a marriage permit on March 17, 2025. Thus, the Applicant still has the right to allow a marriage permit. Based on the information above, the decision taken by the Panel of Judges in the Tangerang Religious Court Decision Number 1521/PDT.G/2025/PA.TGRS is correct.

### **Legal Consequences of Recognizing a Request for Annulment of Marriage**

No one wants to feel disadvantaged in their life. Furthermore, in certain matters they consider sacred, such as marriage, marriage is an important ceremonial event for most people, as it is based on a sacred promise made to God. Therefore, it would be a great loss for an individual if their sacred act were ultimately tainted by deception perpetrated by someone who is unaware of their sexual orientation.

If a marriage is annulled, both parties feel as if the marriage never occurred and their status is restored to that of being unmarried. This differs from divorce, which changes the status of a couple to widows or widows. If the Religious Court issues a decision, the marriage is legally annulled and deemed never to have existed. The marital relationship, the status of children, joint property, and third parties are all affected by the annulment law. Under Indonesian marriage law, annulment has different legal consequences than divorce; in the case of divorce, the marriage is considered valid until the divorce proceedings; conversely, if a marriage is annulled, the marriage is considered

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663

DOI: <https://doi.org/10.30596/nomoi.v6i2.27207>invalid from the beginning.<sup>21</sup>

The court's decision that the marriage is legally null and void means that the Petitioner and Respondent are no longer legally married. All marriage documents, including the marriage certificate, are declared invalid in this case. Furthermore, because the marriage is deemed never to have legally occurred, the Respondent is not obligated to provide maintenance to the Petitioner.

Legally, the decision to annul the marriage also protects the Petitioner from financial and emotional harm caused by the Respondent's claims. The court acknowledged that the Petitioner was entitled to justice because the marriage was based on false information, thus violating the sacred purpose of marriage, which is protected by Indonesian law.

Every decision made by a judge will have legal consequences, especially for the parties who contributed to the decision. The decision regarding the annulment of a marriage has permanent legal force and is valid from the date the marriage takes place. Article 28 paragraph (1) of the Marriage Law in conjunction with Article 74 paragraph (2) of the Compilation of Islamic Law regulates this. The decision to annul a marriage has legal consequences for the parties concerned and all parties related to it.

1. Husband and wife relationship : A court decision regarding a request for annulment of marriage has legal consequences for the relationship of the parties concerned, namely the termination of their husband and wife relationship and the marriage is considered never to have occurred. Basically, there is no clear rule regarding whether a person whose marriage has been annulled can remarry or not. However, as long as the marriage is not a prohibited marriage, both parties can remarry if they wish. In this case, after the judge granted the Petitioner's request for annulment of marriage, the marriage between the Petitioner and the Respondent was considered legally null and void or considered never to have existed.
2. Children: Based on Article 28 of the Marriage Law and Article 75 of the Compilation of Islamic Law, a decision to annul a marriage does not apply retroactively to any children born thereof. In this case, because the Respondent has a homosexual sexual orientation, he never had marital relations with the Petitioner. Consequently, no children were born to the Petitioner and the Respondent.<sup>22</sup>
3. Joint Property: Based on Article 28 of the Marriage Law and Article 75 of the Compilation of Islamic Law, a husband or wife who acts in good faith does not

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<sup>21</sup> Rustam, My, Kumaini, R., & Ramadhan, Ar (2025). Pembatalan Perkawinan Karena Homoseksualitas: Kajian Analisis Putusan Pengadilan Agama Jember No. 44/Rev. G/2023/Pa. Jr Al-Majaalis: Jurnal Dirasat Islamiyah , 12 (2), 298-318. Doi: <https://doi.org/10.37397/Al-Majaalis.V12i2.806>

<sup>22</sup> Ahmad Suspandi Patampari, 2020, "Konsekuensi Hukum Pembatalan Perkawinan Menurut Hukum Islam". Al-Syakhshiyah: Jurnal Hukum Keluarga Islam dan Kemanusiaan. Vol 2(2) pp 86-98.

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663

DOI: <https://doi.org/10.30596/nomoi.v6i2.27207>

have retroactive effect on the decision to annul the marriage granted by the judge; Except in cases where the annulment of the marriage is based on the existence of another prior marriage, the decision will impact the joint property. The judge decides based on the petition because the applicant did not mention the joint property.

4. Third Party: According to Article 28 of the Marriage Law and Article 75 of the Compilation of Islamic Law, the decision to annul a marriage does not have retroactive effect on third parties as long as they obtained their rights in good faith before the decision became final law. This means that all bonds or agreements in the field of civil law made by the couple before the annulment of the marriage between them are considered valid bonds or agreements and must be carried out responsibly.

When one of the objectives of sharia cannot be achieved, such as when homosexuality prevents a legitimate physical relationship and the production of offspring, the marriage is considered to have failed to fulfill the objectives of sharia. Therefore, Islamic law allows for annulment of marriage in such cases. Overall, the Religious Court's decision, number 1521/PDT.G/2025/PA.TGRS, is in line with the principles of Islamic law that prioritize openness, honesty, and the achievement of the objectives of a legitimate marriage. In Islamic law, annulment of marriage due to homosexuality is justified because it prevents the couple from fulfilling the biological and emotional obligations that are the main requirements for a valid marriage. The author agrees with the decision of the panel of judges in case number 1521/PDT.G/2025/PA.TGRS, which granted the Plaintiff's wife's request to annul her marriage to the Plaintiff's husband due to the fact that the husband is homosexual. Annulment of marriage is considered a final solution to the impasse. If this problem is not resolved immediately, the wife may fall into actions that violate sharia, such as having an illegal sexual relationship with another person, which can be detrimental to herself and violate God's law.

## CONCLUSION

According to the judge's decision in the Tangerang Religious Court Decision Number 1521/PDT.G/2025/PA.TGRS, the Respondent's same-sex sexual orientation can be used as a reason to file a request for annulment of marriage. This is in accordance with Article 27 paragraph (2) of the Marriage Law and Article 72 paragraph (2) of the Compilation of Islamic Law. The decision terminates the husband and wife relationship between the Petitioner and the Respondent, which means their marriage is null and void or considered never to have existed. The decision regarding the annulment of marriage is valid from that time on and is valid for the duration of the marriage. Children, joint property, and good third parties cannot be affected by the court's decision regarding the annulment of marriage. The husband's homosexuality is considered fraud and violates the conditions of Islamic marriage, so the marriage is annulled. The principle of maqasid

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663

DOI: <https://doi.org/10.30596/nomoi.v6i2.27207>

sharia, which prioritizes honesty and openness and achieves the goals of marriage to protect religion, descendants, and dignity, supports this decision.

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ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663

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