



Legal Consequences of Mixed Marriage Document Falsification In Indonesia (Case Study of Jessica Iskandar and Ludwig Franz Willibald)

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Abstract

Forgery of letters/documents can be interpreted as an act that has the aim of imitating, creating an object that is no longer original or making an object lose its validity. Mixed marriages are regulated in Article 57 of Law Number 16 of 2019 concerning amendments to Law Number 1 of 1974 concerning Marriage. For the marriage to be registered, the conditions such as marriage documents must be met. If there is a forgery of mixed marriage documents, the marriage can be annulled. The cancellation of mixed marriages has an impact on the legal status of the marriage and the parties involved. Cases of falsification of mixed marriage documents that have occurred in Indonesia are those of the artist Jessica Iskandar who falsified her mixed marriage documents. The purpose of this study is to find out the legal consequences of falsifying mixed marriage documents in Indonesia (case studies of Jessica Iskandar and Ludwig Franz Willibald) and legal protection for children born. The research method used is normative juridical, namely through literature studies which examine mainly secondary data in the form of laws and regulations, agreements or contracts, other legal documents, research results, study results, and other references.

Keywords: Document Forgery, Mixed Marriage

Abstrak

Pemalsuan surat/dokumen dapat diartikan sebagai suatu perbuatan yang mempunyai tujuan untuk meniru, menciptakan suatu benda yang sifatnya tidak asli lagi atau membuat suatu benda kehilangan keabsahannya. Perkawinan Campuran diatur dalam Pasal 57 Undang-Undang Nomor 16 Tahun 2019 tentang perubahan atas Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan. Agar perkawinan tersebut dapat dilakukan pencatatan maka syarat-syaratnya seperti dokumen perkawinan harus dipenuhi. Jika terdapat pemalsuan dokumen perkawinan campuran maka perkawinan tersebut dapat dibatalkan. Pembatalan perkawinan campuran berdampak pada status hukum perkawinan tersebut dan pihak-pihak yang terkait. Kasus pemalsuan dokumen perkawinan campuran yang pernah terjadi di Indonesia adalah yang pernah dilakukan oleh artis Jessica Iskandar yang memalsukan dokumen perkawinan campurannya. Tujuan dari penelitian ini adalah mengetahui akibat hukum pemalsuan dokumen perkawinan campuran di Indonesia (Studi kasus Jessica Iskandar dan Ludwig Franz Willibald) dan perlindungan hukum terhadap anak yang dilahirkan. Metode penelitian yang digunakan adalah yuridis normatif yaitu melalui studi pustaka yang menelaah terutama data sekunder berupa Peraturan Perundang-undangan, perjanjian atau kontrak, dokumen hukum lainnya, hasil penelitian, hasil pengkajian, serta referensi lainnya.

Kata kunci: Pemalsuan Dokumen, Perkawinan Campuran

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I. Introduction

Every human being cannot live apart from his group, because it is human nature to be able to live side by side with each other and try to continue their offspring through marriage, which is a legal relationship between men and women for a long time. The development of human life today must be equipped with existing laws to be able to regulate all aspects of social life.¹ Living together between a man and a woman who has met certain conditions is

¹ Sasmiar, "Perkawinan Campuran dan Akibat Hukumnya," *Jurnal Ilmu Hukum Universitas Jambi* 2 (2011): 40

called marriage, to get the meaning of marriage, can be seen from the opinions of scholars and the provisions in the legislation. According to Wirjono Prodjodikoro, marriage is a life together of a man and a woman who meet certain conditions. The purpose of marriage is to form a happy and eternal family, therefore couples need to help each other to develop personalities and help them achieve spiritual and material happiness.² Marriage according to Article 1 of Law Number 16 of 2019 concerning amendments to Law Number 1 of 1974 is "an inner and outer bond between a man and a woman as husband and wife to form a happy and eternal family (household) based on a belief in the One and Only God". Meanwhile, according to Article 4 of the Compilation of Islamic Law, "Marriage is legal if it is carried out according to Islamic law under Article 2 paragraph (1) of the Marriage Law."

Science and technology in the current era of globalization have developed rapidly without heeding the boundaries of countries and nations. The influence caused by these advances makes it easy to establish human relations between countries and nations in all aspects of human life. Relationships that exist between people from different countries and nationalities in various fields will give rise to international civil law relationships, for example, relationships that exist because of mixed marriages. Mixed marriages according to Article 57 of Law Number 16 of 2019 concerning amendments to Law Number 1 of 1974 concerning Marriage are "marriages between two people who in Indonesia are subject to different laws due to differences in citizenship, namely one party is an Indonesian citizen and the other is an Indonesian citizen. others are foreign nationals". The condition that the marriage is legal in the eyes of the law and can be recorded must be carried out under applicable laws and regulations such as the conditions that must be met such as the requirements for marriage documents because without ratification in marriage, it will result in the marriage itself and the offspring born.³

An example of a mixed marriage document falsification that has occurred in Indonesia is the marriage of a public figure in the country who was in an uproar in 2014 namely Jessica Iskandar who married a German national, namely Ludwig Franz Willibald where they finally had a child, but Ludwig's side considers never did a legal marriage with Jessica Iskandar but the marriage certificate number 05/A1/2014 was suddenly issued by the South Jakarta Civil Registry without his knowledge. Jessica Iskandar and Ludwig Franz Willibald also never had a legal marriage legally, but Jessica Iskandar came to the DKI Jakarta Disdukcapil with the requirements for marriage registration and also brought a blessing letter from the Central Jakarta Jesus True Church with letter number 013/GYS/jkt/VI/14 which contained information that Jessica and Ludwig had undergone a blessing on December 11, 2013, then a few months later the True Jesus Church denied that they had never performed a marriage blessing on Jessica and Ludwig. The requirements for fulfilling the marriage are incomplete because the blessing letter from the Church is fictitious.⁴

Law Number 12 of 2006 concerning Citizenship of the Republic of Indonesia contains various ideas that protect citizens with an emphasis on gender equality, but no less important is the provision of protection for children resulting from mixed marriages between Indonesian citizens and foreign nationals.⁵ The provisions of Law Number 16 of 2019 concerning amendments to Law Number 1 of 1974 concerning Marriage. The Civil Code explains that the legal status of a child outside of marriage only has a civil relationship with the mother. This statement means that the mother's family will be faced with all the needs of the child, of course, it will be a fairly heavy burden faced by the woman while the father's side does not get

² Wirjono Prodjodikoro, *Hukum Perkawinan di Indonesia*(Cetakan Ketujuh, Bandung : Sumur, 2011), 7.

³ Yuyun Yulianah, Hilman, Mumuh, 2019, "Dampak Kebijakan Isbat Nikah Terhadap Perkawinan Campuran di Kabupaten Cianjur," *Jurnal Masalah-Masalah Hukum* 494 (2019, Universitas Suryakencana).

⁴ Monica Putri, "Implementasi Putusan Mahkamah Konstitusi Nomor 46/PUU/VIII/2010," *Privat Law* 1 (2016, Universitas Sebelas Maret).

⁵ Rosa Kisworo, "Problematika Hukum Perkawinan Campuran", *Jurnal Privat Law* 7,1 (2019, Universitas Sebelas Maret Surakarta).

or is not burdened with any obligations or responsibilities for the child, even though biologically the child is his child.⁶

II. Research Problems

1. How are the legal consequences of falsifying mixed marriage documents in Indonesia (Case Study of Jessica Iskandar and Ludwig Franz Willibald)?
2. How is the legal protection for children from mixed marriages that are annulled?

III. Research Methods

The method used by the author in this research is to use the normative juridical method through a literature study which examines mainly secondary data in the form of legislation, court decisions, agreements, contracts, or other legal documents, as well as research results, study results, and other references.⁷ The research specification used is descriptive, namely a description of the research results or describing the state of the research object with complete data.

Legal materials to be analyzed consist of three types, namely primary, secondary and tertiary legal materials. The data collection procedure is carried out employing a literature study to obtain secondary data through a series of reading, recording, and quoting books and using data or information and information through a request for data from the relevant agency based on the research objective. The presentation of data in the preparation of this research is presented in the form of descriptions, methods that are arranged systematically, logically, and rationally. The data analysis method in this study uses a qualitative descriptive method, which is a way to describe or describe the current state of the subject or object of research based on the facts that appear. The location of the research was carried out at the University of Muhammadiyah Purwokerto Library, the Library of the Faculty of Law of the University of Muhammadiyah Purwokerto, and the Regional Library of Banyumas Regency.

IV. Research Results And Discussion

1. Legal Consequences of Mixed Marriage Document Falsification In Indonesia (Case Study of Jessica Iskandar and Ludwig Franz Willibald)

The Big Indonesian Dictionary defines the word marriage as an agreement between a man and a woman to have husband and wife or commonly interpreted as marriage. Initially, the word "marriage" comes from Arabic. At the same time, in the Qur'an, the two words "zawwaja" and "zauwj" are used to denote a partner because marriage makes a person have a partner. In general, the Qur'an only uses these two words to describe the legal relationship between husband and wife.⁸ Marriage based on Article 1 of Law Number 16 of 2019 concerning amendments to Law Number 1 of 1974 concerning Marriage is "an inner and outer bond between a man and a woman as husband and wife to form a happy and eternal family or household based on a belief in the One and Only God ". Meanwhile, the definition of mixed marriage as defined in Article 57 of the Marriage Law is a marriage between two people who in Indonesia are subject to different laws, due to differences in citizenship and one of the parties is an Indonesian citizen.

Marriage in addition to religious matters is also a legal act because when we get married we must comply with the marriage laws and regulations, namely Law Number 16 of 2019 concerning amendments to Law Number 1 of 1974 concerning Marriage. To regulate the rights, obligations, and responsibilities of each family member to form a happy and

⁶ Christine Mangiri, "Kedudukan Hukum Anak Luar Kawin Ditinjau Dari Undang-Undang Perkawinan," *Lex Crimen* 5,7 (2016).

⁷ Khaleed Badriyah, *Legislative Drafting Teori dan Praktik Penyusunan Peraturan Perundang-Undangan*, (Yogyakarta: Medpress Digital, 2014.) : 41

⁸ Kamus Besar Bahasa Indonesia (KBBI)

prosperous family, it is necessary to apply the law in the administration of marriage.⁹ The enactment of Law Number 16 of 2019 concerning amendments to Law Number 1 of 1974 concerning Marriage provides for the creation of legal certainty in the field of marriage for every Indonesian society consisting of various ethnicities, religions, and groups so that they are subject to the same marriage law, namely Law Number 16 of 2019 concerning amendments to Law Number 1 of 1974 concerning Marriage. But in reality, a marriage does not necessarily go according to the will in the Marriage Law, namely forming a happy and eternal family because there are problems that arise, such as the cancellation of a marriage.

The state strictly prohibits the existence of marriages that are not legalized by religion as well as by law. Even the state will give criminal sanctions to the perpetrators who carry out marriages that are not under the regulations in the Marriage Law because the marriage will harm the parties concerned such as children who are born it will be difficult to get birth certificates, identity cards, legal rights. such as inheritance rights, and the status of the wife becomes unclear, they are not legally protected, they cannot be called widows because they have never been married before but also cannot be called girls because they already have children.¹⁰

The act of falsifying marriage documents is a type of violation of truth and trust to obtain personal gain. The litigating parties are obliged to prove all events, events, or facts being litigated by submitting valid evidence according to the law because the burden of proof lies with the litigating parties. Regarding whether this is fake or not, it is the authority of the judge who judges.¹¹ Document falsification is regulated in Article 263 (1) of the Criminal Code which explains that whoever makes a fake letter or falsifies a letter, which can issue a right, engagement, or debt relief or which is used as a statement for an act to use or order other people to use documents. the letter is as if the letter was genuine and not falsified, then if using it can result in something loss, it is punished for falsification of the letter, with a maximum imprisonment of six years.

Crimes against the origin of marriage are regulated in Article 279 of the Criminal Code, namely: Threatened with imprisonment for a maximum of 5 years:

1. Whoever enters into a marriage knowing that the marriage or existing marriages are a legal barrier to that;
2. Whoever enters into a marriage knowing that the marriage or the marriages of another party are an obstacle to that.

In addition, it is also regulated in Article 280 of the Criminal Code:

“Whoever enters into a marriage, even though he intentionally does not inform the other party that there is a legal barrier, is threatened with a maximum imprisonment of five years, if based on this barrier, the marriage is then declared invalid.”

In the implementation of mixed marriages, it must also be under the principles in International Civil Law concerning the law used to regulate marriage.¹² Then, concerning the enactment of Law No. 12 of 2006 concerning Citizenship of the Republic of Indonesia, a series of rules and implementation instructions have not yet made the mixed marriage affairs complete, especially if the mixed marriage has not been registered but there are children, this adds to the problem related to mixed marriage. The new Citizenship Law provides positive changes to the legal status of children born from mixed marriages, especially in the relationship between children and mothers, because this new Law allows children born from mixed marriages to have limited dual citizenship. The legal consequence is that if the

⁹ Herni Widanarti, “Tinjauan Yuridis Akibat Perkawinan Campuran Terhadap Anak,” *Diponegoro Private Law* 4,1 (2019).

¹⁰ Monica Putri, “Implementasi Putusan Mahkamah Konstitusi Nomor 46/PUU/VIII/2010”, *Privat Law* IV,1 (2016, Universitas Sebelas Maret).

¹¹ Vika Mega Hardhani, “Akibat Hukum Pembatalan Perkawinan Karena Pemalsuan Identitas,” *Diponegoro Law Journal* 5,3 (2016).

¹² Sudargo Gautama, *Hukum Perdata Internasional Indonesia*, (Bandung: Penerbit Alumni, 1995) : 189.

marriage is not registered, the status of the child born from the marriage will be uncertain because the marriage of both parents is not legalized.¹³

Ordinary marriages or mixed marriages if do not meet the requirements in the Marriage Law, then the marriage can be annulled. Regarding the annulment of marriage which is regulated in the Marriage Law which is stated expressly in Article 22, namely, "A marriage can be annulled if the parties do not meet the requirements to enter into a marriage." Regarding the legal consequences of annulment of marriage according to Article 28 paragraph (1) of Law no. 16 of 2019 concerning amendments to Law Number 1 of 1974 concerning Marriage states that the annulment of marriage begins after the Court's decision has permanent legal force and is valid from the time the marriage takes place.¹⁴ Furthermore, Article 28 paragraph (2) of Law no. 16 of 2019 concerning amendments to Law Number 1 of 1974 concerning Marriage, states that the decision to cancel a marriage does not apply retroactively to:

1. The children born of the marriage;
2. A husband or wife who acts in good faith, except for joint property, if the annulment of the marriage is based on the existence of another marriage earlier;
3. Other third persons are not included in 1 and 2 as long as they obtained the rights in good faith before the decision on cancellation has permanent legal force.

Regarding the legal consequences on the position of the child due to the annulment of the marriage in Article 28 of the Marriage Law, it is stated that the decision to cancel the marriage does not apply retroactively to the child born from the marriage. The cancellation of the marriage will not break the legal relationship with both parents even though the marriage of the parents is broken, the child has the right to inherit from both parents and the parents should maintain and educate the child. Thus, the child is still considered valid by both parents even though the marriage of his parents is annulled by the Court. It is different with the legal consequences for children who are born without a valid marriage and then the marriage is canceled by the Court, the child's legal status only has a civil relationship with his mother and his mother's family. If the marriage is based on the good faith of the husband and wife, the marriage still has legal consequences for the husband and wife and their children, therefore the judge's decision to cancel the marriage only has legal consequences after the cancellation. After the cancellation of the marriage is decided, the wife does not get the right to support the iddah as in the case of divorce. Meanwhile, the joint property as a result of the law of annulment of marriage is considered non-existent. The marriage has been void since it was canceled and the joint property automatically becomes void and is considered to have never had joint property. The property will be returned to each party.¹⁵

The Panel of Judges in their legal considerations believes that the documents to enter into an illegal mixed marriage is an act that is against the law and therefore those carried out using such invalid documents should be canceled. This is under Article 60 paragraph (1) of Law no. 16 of 2019 concerning amendments to Law Number 1 of 1974 concerning Marriage which states that mixed marriages cannot be held until it is proven that the conditions of marriage determined by the law applicable to each party have been fulfilled. In the case of a mixed marriage between Jessica Iskandar and Ludwig Franz Willibald whose marriage was annulled because Ludwig thought he had never married, but the marriage certificate number 05/A1/2014 was suddenly issued by the South Jakarta Civil Registry without his knowledge because he had never done a blessing. marriage with Jessika Iskandar at the True Jesus Church, Central Jakarta, but Jessika Iskandar came to the DKI Jakarta Disdukcapil with the requirements for marriage registration and also brought a blessing letter from the Central Jakarta True Jesus Church with letter number 013/GYS/jkt/VI/14 containing information

¹³ Dewi Nasitah, "Perlindungan Hukum Bagi Anak Hasil Perkawinan Campuran", Artikel, Fakultas Hukum Universitas Brawijaya.

¹⁴ Muhammad Haitami, "Pembatalan Perkawinan Akibat Pemalsuan Identitas (Studi Putusan Nomor: 99/Pdt.G/2010/PA.BrB)". *Skripsi* (2011, Syariah Dan Ekonomi Islam).

¹⁵ Vika Mega Hardhani, "Akibat Hukum Pembatalan Perkawinan Karena Pemalsuan Identitas," *Diponegoro Law Journal* 5,3 (2016).

that Jessica and Ludwig had been blessed on December 11, 2013, then a few months later the True Jesus Church denied that they had never done a marriage blessing to Jessica and Ludwig.¹⁶

South Jakarta District Court Decision No. 586.Pdt.G/2014 granted Ludwig's claim, because after examining witnesses, documents, and other supporting evidence, that there was never an official marriage between Jessica and Ludwig, there was an extramarital affair that done by Ludwig and Jessica so that they have a child born out of a legal marriage. In 2013, Jessica Iskandar left Indonesia and went to America to hide her pregnancy from her relationship with Ludwig Franz Willibald. In this case, Jessica's child can be called an adulterous child so that she only has a civil relationship with her mother and her mother's family.¹⁷

The falsification of documents by Jessica Iskandar can be charged with criminal law for falsifying a blessing letter from the Church. Jessica could have been charged with Article 263 (1) of the Criminal Code with a maximum penalty of 6 years imprisonment for having falsified a blessing letter from the True Jesus Church and causing harm to Ludwig. Their marriage is not religiously valid nor is it legally valid so that the legal basis of their marriage to regulate the distribution of assets is unclear. Because their marriage was annulled, from the beginning of their marriage no marriage agreement discussed joint assets because they never lived together even though they were blessed with a child. So that according to Article 36 of Law Number 16 of 2019 concerning amendments to Law Number 1 of 1974 concerning Marriage, only the innate property, and property of each husband and wife apply.

2. Legal Protection Against Children From Mixed Marriages Canceled

Legal protection is a legal effort to protect human rights as well as rights and obligations arising from legal relations between humans as legal subjects. Rights and obligations are powers given to a person by law. If the law is universal because it applies to everyone, then the rights and obligations belong to the individual because it depends on everyone.¹⁸ Fitzgerald explains Salmond's theory of legal protection, namely that the law aims to coordinate various interests in society in traffic of interests. The legal interest is to protect human rights and interests, therefore the law has the highest power to determine human interests that need to be monitored and protected. Legal protection starts from legal provisions and all legal regulations provided by the community. This regulation is a community agreement that aims to regulate behavioral relations between community members and between individuals and the government. The behavioral relationship is considered as a representation of the public interest.¹⁹

In an ordinary or mixed marriage, it does not necessarily go according to the will of the Marriage Law, namely forming a happy and eternal family because there are problems that arise such for example the cancellation of a marriage which can affect the parties concerned, such as a child who is born will be difficult to get. birth certificates, identity cards, legal rights such as inheritance rights, and the status of the wife become unclear. If there is an annulment of a marriage that affects the legal status of the resulting child, the State is obliged to provide proper protection for the rights of the child so that the child can live and develop properly.

Child protection is an effort to establish situations and conditions to realize the rights and obligations of children in a positive human manner which is the embodiment of justice in a society. Thus, child protection must be sought in various fields of life and state life, society, and family-based on law, for the sake of right, fair treatment, and child welfare which is the main orientation of legal protection. Children are a precious gift that is priceless to carry on better offspring. Child Protection Law no. 35 of 2014 on the amendment to the Law on Child

¹⁶ Monica Putri, "Implementasi Putusan Mahkamah Konstitusi Nomor 46/PUU/VIII/2010," *Privat Law* 4,1 (2016), Universitas Sebelas Maret).

¹⁷ Monica Putri, "Implementasi Putusan Mahkamah Konstitusi Nomor 46/PUU/VIII/2010", *Privat Law* 4,1 (2016, Universitas Sebelas Maret).

¹⁸ Sudikno Mertokusumo, *Mengenal Hukum (Suatu Pengantar)*, (Yogyakarta: Universitas Atma Jaya, 2019) : 52.

¹⁹ Satjipto Raharjo, *Ilmu Hukum*, (Bandung: Citra Aditya Bakti, 2014) :53.

Protection No. 23 of 2002 defines child protection, namely all activities to guarantee and protect children and their rights based on the principles of:²⁰

1. Non-discrimination
2. Best interests of children
3. Right to life
4. Survive and thrive
5. Children's right to participate.

Law Number 16 of 2019 concerning Marriage distinguishes the legal status of legal children and children born out of wedlock. In the provisions of Chapter IX of the Marriage Law, it regulates the position of the child, in Article 42 explains that "A legitimate child is a child born in or as a result of a legal marriage". Based on this explanation, a child can be said to be legal or religious if it is obtained through a legal marriage. For legitimate children, civil relations will automatically be established between children and their parents and between their parents' families. As for children born out of wedlock, he only has a civil relationship with his mother and his mother's family. Likewise in the provisions of Law Number 16 of 2019 concerning Marriage Article 43 paragraph (1) explains "Children born outside of marriage only have a civil relationship with their mother and their mother's family".

The statement that a child out of wedlock only has a civil relationship with his mother and his mother's family, not with his father or his father's family, clearly greatly influences the protection obtained by children born out of wedlock so that legal protection regarding the welfare of the child and the needs of the child is limited. This also affects the survival of the mother and the family of the mother who has full obligations in meeting all the needs of the child, both materially, legal protection, the status of the child as heir, as well as the welfare of the child, while the father is not burdened with obligations or responsibilities for his child even though biologically he is the father of the child.²¹

On 17 February 2012, the Constitutional Court issued a decision no. 46/PUU-VIII/2010 relating to the rights of children born outside of legal marriage which states that "Children born out of wedlock have a civil relationship with their mother and mother's family as well as with men as their fathers which can be proven based on science. and technology and/or other evidence according to the law have blood relations, including civil relations with his father's family." Based on this statement, the fulfillment of the child's rights is also borne by the father and his father's family, not only to the mother and the mother's family if the child's status can be proven. However, this decision does not apply to adultery children. Children born out of wedlock are children born from marriages carried out according to their respective religions and beliefs but are not registered by the Marriage Registrar. This understanding shows the existence of marriage, while the adulterous child is a child born without any marriage ties so that the child is not materially and formally valid. The Constitutional Court classifies children into two groups, the first is children born from legal marriages according to their respective religions. While the second is a child born without marriage or adultery. For the first group of children, the Constitutional Court grants civil rights in the form of kinship rights such as the right to earn a living, guardianship rights, custody rights, and inheritance rights. As for children who are included in the second group, the civil rights granted by the Constitutional Court are other than kinship rights so that the child does not receive the right to a living, guardianship rights, custody rights, and inheritance rights from his biological father.

Legitimate children can only be recognized with a valid marriage contract, therefore children born in or as a result of a legal marriage remain as legal children even though one day there is an annulment of the marriage, thus the relationship between both parents and their child will not be cut off. Until whenever father and mother are obliged to give love and fulfillment of their child's life until he grows up. It is different with the status of a child who is

²⁰ Anugerah Gilang, "Perlindungan Hukum Bagi Anak yang Lahir dari Perkawinan Campuran," *Jurisprudence* 4, 1 (2011).

²¹ Kadek Wulan, "Kedudukan Hukum Anak Luar Kawin Ditinjau Dari Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan," *Journal Ilmu Hukum* 4, 3 (2018).

fertilized and born outside a legal marriage, then he only gets the fulfillment of the rights of the mother and his mother's family because the nasab relationship has been severed and assigned to the mother and her mother's family.

In the mixed marriage case between Jessica Iskandar and Ludwig Franz Willibald, Ludwig filed a marriage annulment suit because according to him the marriage blessing letter from the Church submitted by Jessica to the South Jakarta Civil Registry was fictitious, so their marriage was never carried out, even though at that time they already had a husband. child. However, in this case, there is no marriage between Jessica Iskandar and Ludwig Franz Willibald, and her child is also a child born without marriage or can be called an adulterous child. children out of wedlock, which is regulated in Law Number 16 of 2019 concerning amendments to Law Number 1 of 1974 concerning Marriage are only children born out of wedlock. Article 43 paragraph (1) of Law Number 16 of 2019 concerning amendments to Law Number 1 of 1974 on Marriage regulates the legal status of a child out of wedlock, namely that he only has a civil relationship with his mother and his mother's family. Likewise in the provisions of the Marriage Law Article 43 paragraph (1) explains "Children born outside of marriage only have a civil relationship with their mother and their mother's family". So in the case of Jessica's child, she only has a civil relationship with her mother and her mother's family because Jessica and Ludwig's marriage is not legally and legally valid, which means Jessica's child is a child born without a legal mixed marriage.²²

Efforts to provide legal protection to children resulting from mixed marriages that are canceled can be done by applying determination of the origin of the child to the Court under Article 55 of the Marriage Law, and can also carry out a legal marriage because the party whose marriage is annulled can apply for remarriage with the will of both and by fulfilling the legal requirements of marriage in the Marriage Law, except if the marriage is canceled because of the prohibition on marriage, they cannot marry forever.²³ This is an effort to provide legal protection to children resulting from marriages that can be carried out by mixed marriage actors. This effort is made so that the child gets clarity on the status and legal protection related to the child's rights. The main principle regulated in the Convention on the Rights of the Child is that every child has the right to a name as personal identity and citizenship status. The child is registered immediately after birth and from birth has the right to a name, has the right to acquire citizenship and as far as possible is cared for by his parents. Children's rights, including obtaining residence documents as citizens such as birth certificates.²⁴

In principle, the implementation of child protection must be able to guarantee the realization of the implementation of children's rights to religion, health, education, social and special protection. This child protection law applies in general because no article focuses on the status of children who must get these rights so that these rights are given to all children, both legitimate children, and children born out of wedlock. Child Protection Law no. 35 of 2014 on the amendment to Law no. 23 of 2002 concerning Child Protection formulates the rights of children as follows:

1. Right to life, growth and development, protection and fair participation (Article 4);
2. The right to name as self-identity and citizenship status (Article 5);
3. The right to worship according to one's religion, think and express (Article 6);
4. The right to know their parents, to be raised, and to be cared for by their parents (Article 7 paragraph 1),
5. The right to be cared for or adopted by foster parents or adoptive parents (Article 7 paragraph).
6. The right to obtain health services (Article 8).
7. The right to obtain social security (Article 8)

²² Monica Putri, "Implementasi Putusan Mahkamah Konstitusi Nomor 46/PUU/VIII/2010", *Privat Law* 4,1 (2016, Universitas Sebelas Maret).

²³ Tami Rusli, "Pembatalan Perkawinan Berdasarkan Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan", *Pranata Hukum* 8,2 (2013, Universitas Bandar Lampung).

²⁴ Dewi Nasitah, "Perlindungan Hukum Bagi Anak Hasil Perkawinan Campuran," *Artikel*, Fakultas Hukum Universitas Brawijaya.

8. The right to obtain education and teaching (Article 9 paragraph 1).
9. The right to express and be heard (Article 10).
10. The right to receive, seek and provide information (Article 10).
11. The right to rest and take advantage of free time, socialize with peers, play, recreation, and be creative (Article 11).

V. Conclusions

The legal consequence of document falsification in mixed marriages is that the marriage is null and void and everything is considered to have never happened. If the marriage is based on the good faith of the husband and wife, the marriage still has legal consequences for the husband and wife and their children, so the judge's decision regarding the annulment of the marriage only has legal consequences after the cancellation occurs. The legal consequence of the falsification of mixed marriage documents by Jessica Iskandar was that her marriage to Ludwig Franz Willibald was annulled by the South Jakarta District Court with a decision no. 586.Pdt.G/2014 after examining witnesses, documents, and other supporting evidence, that there has never been an official marriage between the two, there is an extramarital relationship between Jessica and Ludwig so that they have a child born out of a legal marriage. In this case, Jessica's child can be referred to as a child born without marriage or referred to as an adulterous child so that he only has a civil relationship with his mother and his mother's family.

Legal protection for children resulting from mixed marriages that are canceled can be done by applying determination of the origin of the child to the Court under Article 55 of Law Number 16 of 2019 concerning amendments to Law Number 1 of 1974 concerning Marriage, and can also carry out marriages which is valid because the party whose marriage is annulled can apply for remarriage with the will of both and by fulfilling the legal requirements of marriage in the Marriage Law, except if the marriage is canceled because of the prohibition on marriage so that they cannot marry forever. This is an effort to provide legal protection to children resulting from marriages that can be carried out by ordinary or mixed marriage actors. This effort is made so that the child gets clarity on the status and legal protection related to the child's rights.

VI. Suggestions

The government regulates the sanction of falsification of marriage documents in the Marriage Law Number 16 of 2019 because the regulation of document falsification is only regulated in general in Article 263 (1) of the Criminal Code which explains that "anyone who makes a fake letter or falsifies a letter, who can issue a right, engagement or release of debt or which is used as an explanation for an act to use or order other people to use the documents as if the documents were genuine and not falsified, then if using them can result in a loss, the sentence for falsification of the letter is punishable by imprisonment of up to six years long." So that if there is a special regulation regarding the criminal act of falsifying marriage documents in the Marriage Law Number 16 of 2019, the legal apparatus and related parties can take firm action against the perpetrators of the crime of falsifying marriage documents.

The state is obliged to provide proper protection for the rights of the child regardless of the legal status of the child so that the child can live and develop properly. Child protection must be sought in various fields of life and state life, society, and family based on the law, for the sake of right, fair treatment, and child welfare which is the main orientation of legal protection as stated in Law Number 35 of 2014 concerning amendments to Law Number 23 of 2002 concerning Child Protection.

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