

ABSTRAK
PENERAPAN HUKUM TERHADAP TINDAK PIDANA PERKAWINAN
TANPA IZIN ISTRI YANG SAH

Oleh

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Pokokmasalahpadapenelitianiniyaitu, tentangbagaimana proses penerapanhukumterhadaptindakpidanaperkawinantanpaizinistri yang sahsertafaktor yang menyebabkanterjadinyaperkawinansiritanpaizinistrisah. PerkarainiberdasarpadaUndang-UndangNomor 1 Tahun 1974 danPasal 279 ayat (1) ke-1 KitabUndang-UndangHukumPidana.

Dalampenelitianinimenggunakanmetodepenelitianhukumyuridisempiris, yaitudenganmenelitisuatupermasalahandanmemadukanbahan-bahanhukumberupa data sekunderdan data primer. Dengan teknik pengumpulan data melakukanwawancaralangsungdengannarasumberdanmelakukanstudikepustakaan. Hasildari penelitianinimenunjukkanbahwaapabilaseorangsuami yang sudahtaumasi terikatdenganperkawinansecara sah sebelumnya hendaklah memintai zinterebihdahulu kepadastrisahnyaapabilainginmelukansuatuperkawinan lagi, sehingga tidakterjadi pelanggaranhukum.

Sebabapabilaterjaditindakpidanaataupelanggaranhukum, makahukumitu harusditegakkandenganmenerapkanhukumsesuaiundang-undang yang telah diatur. Dan pelakutindakpidanadapatdikenakanhukumanpidanapenjara.

Kata kunci :PerkawinanTanpaIzinIstri, PenerapanHukum, TindakPidana.

ABSTRACT

IMPLEMENTATION OF THE LAW AGAINST THE CRIMINAL ACTION OF UNMEDIATE MARRIAGE LEGAL WIFE PERMIT (CASE STUDY NO. DECISION 365 / PID.B / 2018 / PN.GNS)

By

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The main problem in this research is how is the process of applying the law to the crime of marriage without the legal wife's permission and the factors that cause unauthorized marriage without the legal wife's permission. This case is based on Law Number 1 Year 1974 and Article 279 paragraph (1) 1st of the Criminal Code.

In this study, using empirical juridical legal research methods, namely by examining a problem and combining legal materials in the form of secondary data and primary data. With data collection techniques, conducting direct interviews with sources and conducting literature studies.

The results of this study indicate that if a husband who is or is still legally bound by a previous marriage, he should first ask his legal wife for permission if he wants to marry again, so that there is no legal violation. Because if there is a criminal act or violation of the law, the law must be enforced by applying the law in accordance with the regulated law. And perpetrators of criminal acts can be subject to imprisonment.

Keywords: Marriage Without Wife's Permit, Law Application, Crime.