

IDENTITY FRAUD IN MARITAL STATUS (PRETENDING TO BE SINGLE WHEN YOU'RE MARRIED)

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Abstract

Identity falsification related to marital status is an act in which a person with a marital history declares themselves as single or unmarried. This act is generally carried out to conceal their true condition or to obtain certain benefits. This practice can be found in personal relationships and in various administrative matters that require information regarding marital status. As a result, others who rely on this information can suffer losses, both socially, morally, and legally, because the data provided does not reflect the actual situation. This study aims to analyze the forms of identity falsification related to marital status and examine the legal consequences that can arise from this act. The method used is a normative juridical approach by examining various laws and relevant legal literature. The results of the study indicate that false statements regarding single status by individuals who have been married can be classified as providing false information, especially when used in official documents or certain legal procedures. Therefore, it is necessary to increase legal understanding among the public and strengthen population data verification mechanisms to minimize the occurrence of identity misuse and provide adequate protection for injured parties.

Keywords: *identity falsification, marital status, false information, legal consequences, population administration.*

INTRODUCTION

Marriage based on Article 1 of Law Number 1 of 1974 concerning Marriage as amended by Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, is a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the One Almighty God. The last sentence of the definition of marriage according to the Marriage Law includes the element of the One Almighty God, that as a State based on Pancasila and its first principle is the One Almighty God, marriage is not only seen as a civil relationship between a man and a woman, but a relationship that has religious values. (Nanada Amaia Jamaluddin, 2016).

The purpose of marriage according to the Marriage Law is to form a happy, prosperous, and eternal family based on the One Almighty God. However, cases of falsification of the identity of the prospective bride and groom can threaten the integrity and harmony of the marriage and can result in legal repercussions for the marriage. (B. Rini Heriyanti, 2021). As a legal institution as well as a social institution, marriage occupies a very important position in social life. The provisions of Article 1 of Law Number 1 of 1974 concerning Marriage, as amended by Law Number 16 of 2019, describe marriage as a physical and spiritual bond between a man and a woman that aims to build a happy and lasting household based on the One Almighty God (Agustina & Nelli, 2025). The validity of a marriage is not only a matter of fulfilling the pillars and religious requirements as stated in Article 2 paragraph (1), but also depends on the honesty of the identities of the parties which must be registered according to applicable regulations (Amar et al., 2024).

In social life, identity plays a crucial role because it serves as the basis for a person's recognition as a legal subject with rights and obligations. Through a valid identity, a person can obtain legal protection and carry out various activities related to social and administrative interests. One component of identity that has significant legal consequences is marital status. Information regarding marital status relates not only to the relationship between husband and wife but also affects the status of children, inheritance rights, and various population administration matters. Therefore, the validity and accuracy of data regarding marital status are aspects that cannot be ignored because they are closely related to ensuring legal certainty and protecting the rights of all stakeholders (Ali, 2018).

Amidst increasingly dynamic societal developments, the issue of identity theft related to marital status remains a common phenomenon. One common form of identity theft is when someone who has been married, whether that marriage has ended in divorce or is still legally married, declares themselves single to others. This act can occur in various situations, including personal relationships, work environments, and certain administrative processes that require information about marital status. The reasons behind this act are varied, ranging from the desire to gain certain benefits, to avoiding responsibilities that should be fulfilled, to attempts to conceal the true condition from others (Waluyo, 2020).

Providing information that does not reflect the actual situation regarding marital status not only raises moral and ethical issues but also has the potential for serious legal repercussions. Those who receive and trust such information can experience various forms of harm, including social, psychological, and legal consequences. In personal relationships, for example, someone may make important decisions based on information that turns out to be incorrect. Meanwhile, from a legal perspective, using an identity that does not reflect the facts can give rise to disputes regarding the validity of a legal relationship, civil rights, and even the responsibility that must be borne by the perpetrator of the identity falsification (Hadikusuma, 2019).

In the Indonesian legal system, marital status is part of population data that must be recorded correctly in accordance with applicable regulations. Regulations regarding this matter are reflected in Law Number 1 of 1974 concerning Marriage, as amended by Law Number 16 of 2019, and Law Number 24 of 2013 concerning Population Administration. Both regulations place the accuracy of population data as a crucial element in achieving orderly administration and legal certainty. Therefore, any form of information provided that does not align with the facts regarding marital status can be considered unlawful if it meets the elements specified in the legislation.

From a civil law perspective, claiming to be single by someone who has been married can cause harm to others who act on that information. This harm can ultimately become the basis for legal action against the party providing false information. Meanwhile, from a criminal law perspective, using false data or providing information that does not correspond to the actual situation in official documents can result in legal consequences in the form of criminal sanctions if it meets the elements of a crime stipulated in the law. Therefore, the issue of identity falsification related to marital status cannot be viewed solely as a personal matter, but rather as a legal issue that impacts the interests of society more broadly (Marzuki, 2017).

Although various legal provisions have regulated the importance of accurate population data and marital status, the practice of identity falsification continues to be prevalent in society. This situation indicates that various obstacles remain, both in terms of oversight, data verification systems, and the level of public legal awareness regarding the importance of providing accurate information. Therefore, a more in-depth study is needed regarding the forms of identity falsification related to marital status and their legal implications, so that a more comprehensive understanding of legal protection mechanisms for injured parties can be achieved.

Based on the above description, this research focuses on analyzing the practice of identity falsification carried out by individuals who have been married but claim to be single, and examines the legal consequences arising from such actions according to applicable laws in Indonesia. The results of this research are expected to contribute to the development of legal studies, particularly in the fields of family law, civil law, and population administration, as well as serve as a reference in efforts to prevent and handle cases of identity falsification in society.

Research on identity falsification in marital status is important because marital status is one of the pieces of information that has legal consequences in determining a person's eligibility for marriage. The act of someone claiming to be single, while in fact still married, can lead others to make decisions based on inaccurate information and potentially cause legal, material, and psychological harm. Furthermore, such actions can indicate problems with the verification and recording mechanisms for marital status. Therefore, research is needed that specifically analyzes the forms of legal liability for marital status falsification, applicable legal provisions, and legal protection for the injured party.

METHOD

The term “methodology” comes from the word “method” which means “path to”; however, according to custom, the method is formulated with possibilities, as follows:

1. A type of thinking used in research and assessment;
2. A technique common to science,
3. A particular way to carry out a procedure.

Research methods are an absolute element that must be present in research that functions to develop scientific knowledge. (Soerjono Soekanto, 2014).

This research uses a normative juridical method, an approach in legal science that emphasizes the study of applicable legal norms, both those sourced from laws and regulations as well as from literature and the opinions of legal experts related to the issue of identity falsification in marital status. This approach is used to examine the provisions of positive law in Indonesia that regulate the validity of identity data, particularly regarding the marital status of someone who has been married but declares himself as single. In normative legal research, the data used comes from secondary data that includes primary, secondary, and tertiary legal materials (Marzuki, 2017).

Normative research of secondary data as a source/information material can be in the form of primary legal materials, secondary legal materials and tertiary legal materials.

The implementation of normative legal research is broadly aimed at:

- a. Research on legal principles
 - b. Research on legal systematics
 - c. Research on legal synchronization
 - d. Research on legal history
- Research on comparative law. (Ediwarman, 2016).

The primary legal materials used as references include Law Number 1 of 1974 concerning Marriage as amended by Law Number 16 of 2019, Law Number 24 of 2013 concerning Population Administration, and the Criminal Code (KUHP). Meanwhile, secondary legal materials were obtained from various literature such as scientific books, legal journals, and the opinions of scholars discussing identity falsification and marital status. Data analysis was conducted qualitatively by describing and interpreting the obtained legal materials and then systematically organizing them to explain the forms of identity falsification and their resulting legal consequences (Ali, 2018; Waluyo, 2020).

RESULTS AND DISCUSSION

Forms of Identity Falsification in Marital Status (Pretending to be Single When Already Married)

Identity falsification in the context of marital status occurs when someone fails to disclose their true marital status, particularly by claiming to be single or unmarried. This practice constitutes a form of personal information manipulation that can have legal and social implications. Marital status itself is part of population data that has legal value, so any discrepancies in the information can impact the validity of that data in various administrative matters and legal relationships (Ali, 2018).

This form of identity theft can be found in several practices. First, someone verbally declares they are unmarried in social interactions or personal relationships. Second, they fill out inaccurate data in official documents such as employment forms, marriage registration forms, or legal agreements that require marital status information. Third, they use information that does not reflect the actual situation in legal or administrative processes for specific purposes, such as gaining an advantage or avoiding obligations. These patterns indicate a deliberate attempt to conceal the true legal facts regarding a person's marital status (Waluyo, 2020).

From a legal perspective, such actions can be categorized as providing false information if included in official documents or population data. This is because marital status is information that is regulated and formally recorded in the state administration system. A discrepancy between the facts and the data submitted not only creates administrative disorder but also has the potential to harm other interested parties (Marzuki, 2017).

Furthermore, from a social perspective, claiming to be single when actually married can have various negative impacts, such as a breakdown in trust in interpersonal relationships, emotional harm for those who feel deceived, and potential conflict in social and family relationships. Meanwhile, from a legal perspective, such actions can result in civil or criminal prosecution if proven to constitute fraud or falsification of official documents. Therefore, the practice of falsifying identity related to marital status not only violates social norms but also has quite serious legal implications (Hadikusuma, 2019).

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Causes and Consequences of Identity Falsification in Marital Status (Pretending to be Single When Already Married)

Identity falsification related to marital status, particularly when a married person claims to be single, is primarily influenced by a number of factors, both internal and external. Internally, the urge to conceal marital status often arises from personal interests, such as the desire to establish a new relationship or gain certain advantages in one's social or professional life. Furthermore, psychological factors such as fear of missing out on opportunities, the need for social acceptance, and poor self-control also contribute to these actions (Waluyo, 2020).

On the other hand, external factors also play a significant role. Social environments that tend to require individuals to appear unmarried in certain situations can encourage identity manipulation. A lack of social oversight and suboptimal data verification systems in administrative services also increase the likelihood of individuals providing information that is inconsistent with their actual situation (Ali, 2018).

In terms of impact, falsifying marital identity can have quite serious consequences. Socially, this act has the potential to damage trust between individuals, trigger emotional conflict, and cause psychological harm to those who feel aggrieved after learning the truth. This can lead to the breakdown of relationships or the emergence of disputes within social and family relationships (Hadikusuma, 2019).

Meanwhile, from a legal perspective, claiming to be single when actually married can lead to legal liability. Under civil law, such an act can be classified as unlawful if it causes harm to another party. Under certain circumstances, particularly when used in official documents, this act can also be considered a criminal offense if it constitutes fraud or false information. Furthermore, in the population administration system, data discrepancies have the potential to disrupt administrative order and may result in sanctions in accordance with applicable regulations (Marzuki, 2017).

Thus, the practice of identity falsification regarding marital status is not only influenced by personal and environmental factors, but also has broad social, psychological, and legal implications. Therefore, increasing public legal awareness and strengthening data verification systems are crucial to preventing this practice.

CONCLUSION

From the discussion regarding identity falsification regarding marital status, particularly in the case of someone who is married but claims to be single, it can be understood that this act constitutes a form of identity misrepresentation that has quite broad implications. This behavior is generally carried out intentionally to fulfill certain interests, such as establishing new relationships, gaining personal gain, or concealing one's true marital status. In practice, this misrepresentation can occur through verbal statements or through incorrect data entry in official documents and administrative processes.

Furthermore, factors driving identity fraud stem not only from the individual themselves, but also from social conditions and suboptimal oversight systems. Internally, personal motivation, psychological pressure, and the need for social acceptance are the primary triggers. Externally, weak social controls and an ineffective population data verification system also open up opportunities for identity manipulation. This demonstrates the complex nature of the problem, encompassing multiple aspects.

In terms of impact, claiming to be single when in fact married can cause various harm, both to the individual and to other parties involved. In social life, this can damage trust, create emotional conflict, and

potentially sever relationships between individuals. Meanwhile, from a legal perspective, such actions can be classified as unlawful if they harm other parties in the civil realm, and can potentially be subject to criminal sanctions if proven to meet the elements of fraud or providing false information in official documents. Furthermore, in population administration, data discrepancies can disrupt the order of the recording system and lead to administrative consequences in accordance with applicable regulations.

Thus, it can be concluded that identity falsification related to marital status is not only a violation of ethical norms but also a legal issue with serious implications. Therefore, increased legal awareness in the community and strengthening of the population data verification system are needed to minimize this practice. These efforts are expected to create legal certainty, protect the injured party, and support more effective orderly population administration.

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