

ABSTRACT

Bianca Prithresia (00000018757)

LEGAL CONSEQUENCES ANALYSIS ABOUT BLURRING SEX IDENTITY IN MARRIAGE (CASE STUDY OF JUDGMENT NUMBER 481/Pdt.G/2012/PN.Jkt.Sel

(xiv + 106 pages)

The main requirement in a marriage in Indonesia is to be carried out by a man and a woman, as listed in Article 1 of Marriage Law number 1 of 1974, therefore, same-sex marriage in any form will be considered null and void because it violates the marriage law in Indonesia and also violate immoral norms in Indonesian society. As in the case decision number 481/Pdt.G/2012/PN.Jkt.Sel where same-sex marriage is caused by the defendant blurring out his sex obscurity by covering up his original sex identity, from woman to being a man, causes the marriage between the defendant and the plaintiff null and void by the Marriage Law and considered as an act of torts. Sex blurring cannot be equated with identity falsification or identity fraud because sex blurring is not a criminal act but an act of covering up his gender identity to manipulate others which is considered as torts. Therefore, the immaterial compensation in the court provision stating that the defendant had defamed the plaintiff's name could not be accepted because the Panel of Judges had to see a sense of justice for both parties in accordance with Article 1372 of the Civil Code.

Reference: 45 (1975 – 2018)

Keywords: *Blurring Sex Identity, Indonesian Same-sex Marriage Law, Compensation in Torts Law.*