

# Main Factors of Nullity of Marriage in the Catholic Church of Bogor Diocese

Komunitas: International Journal of Indonesian Society and Culture  
13(1) (2021): 1-12  
DOI:10.15294/komunitas.v13i1.29038  
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p-ISSN 2086 - 5465 | e-ISSN 2460-7320  
<http://journal.unnes.ac.id/nju/index.php/komunitas>

UNNES JOURNALS

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Received: November 30, 2020; Accepted: February 12, 2021; Published: March 30, 2021

## Abstract

In the teaching of the Catholic Church, there is no divorce. Marriages that do not meet the requirements in the Code of Canon Law can be a nullity. Three kinds of marriage can be declared null: a marriage that is entered into by a man or woman having diriment impediment, a marriage that its matrimonial consent is not free, true, or full, and a marriage that is lack form. The Tribunal or Ecclesiastical Court carries out the process of nullity. Therefore, this research emphasizes the main factors causing the nullity of marriage in the Catholic Church. The research was conducted in the Diocese of Bogor. The sampling method was purposive sampling, and the number of informants was 18. In-depth interviews carried out data collection, validity, and reliability tests were conducted on informants. The analysis data was descriptive. The research results show that the main factor rendering null the marriage is the spouse's infidelity in as many as 7 cases. Communication that did not work well between spouses was 6 cases, and domestic violence was 5 cases. The main factor of nullity is infidelity.

## Keywords

marriage; nullity; Canon Law; Catholic Church

## INTRODUCTION

The number of marriages in Indonesia has decreased from 2014 - 2016, especially in West Java. Many factors caused the decrease in number. One of the factors is the fact that the unmarried people feel they are enjoying life more than the married one. The fact makes the perception that it is preferable to be unmarried. The perception, in turn, affects the decrease in number of marriages. Apart from these, there is another factor, that is the increase of the number of divorces from 2014 - 2016. Something traumatic happens more and more to the people along with the number of the divorces. Data regarding marriages and divorces in West Java between 2014 - 2016 can be seen in Table 1.

**Table 1.** Marriage and divorce rates in West Java 2014 - 2016 Years

Years	Marriage	Divorce
2014	460.694	65.848
2015	441.813	70.267
2016	386.242	75.001

Source: BPS (2021)

Table 1 shows that the number of marriages in West Java decreases, and divorces are getting higher. Many factors contribute to higher divorce rates. According to Dariyo (2003), the problems accumulated in mari-

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tal relationships and not finding a solution make couples choose to divorce. Other causes of divorce, such as economic problems, domestic violence, infidelity, are only the final trigger for divorce. The most basic cause of divorce is the lack of commitment between each partner in achieving the goals of marriage (Prianto et al., 2013).

Rais (2014) states that the cause of the high divorce rate is due to many factors, including women's understanding of their rights as wives, more educated women, more accessible information, economic independence, and the concern of various institutions for women. Life needs, physical/psychological violence, moral crisis, third party interference, and polygamy are the main causes of disharmony in the family (Rais, 2014). Meanwhile, Matondang (2014) shows that the factors of young age, economy, not having children, and domestic violence are also the causes of divorce.

The further consequences of divorce are problems for the development of children and the lives of parents. Divorce has a devastating effect on children's mental development. Children of divorced parents experience trauma, show symptoms of mild depression and are anti-social, and experience difficulties in interacting with their surroundings (Ningrum, 2013).

In the Catholic Church, there is no term known as divorce. There is a word nullity to state that there is no bond between the couple. The full term is the declaration of nullity (*declaratio nullitatis*). Marriage is declared invalid or null as a Catholic marriage by the competent authority. Some people call it cancellation or annulment of marriage. Those words are not quite right because what was canceled was generally a plan or something that had not happened. In fact, in terms of nullity, the marriage has actually taken place civilly or customarily or according to the community's views in general. However, the actual marriage was declared invalid from the beginning by the Catholic Church. The marriage was void from the beginning.

In principle, the Catholic Church clearly and unequivocally states that mar-

riage is unity and indissolubility, cannot be separated or divorced (cfr. can. 1056). No human power and by any reason is able to dissolve or break the marriage bond except death (can. 1141). This principle is held firmly together with the possibility of nullity. Marriage cannot be divorced, but there is a possibility that it is declared invalid. Based on this fact, it is true when someone says there is a series of norms that allow the cancellation of a marriage (Lumme, 2007). The norms referred to are procedural norms that apply to marriage nullities listed in the Code of Canon Law can. 1671 - 1696.

Nullity generally occurs due to the couple's personal incapacity from the beginning or before the marriage, a flawed marriage consent, or the unfulfilled form of the celebration. Of the three common causes of nullity, it can be broken down into specific or specific factors, such as coercion, fraud, mental disorder, immaturity, etc. Regardless of general or specific, all of these can be reasons for the nullity of marriage. Therefore, only when the common and particular causes of marriage nullity are simultaneously eliminated or minimized, will the divorce rate decrease. The following (table 2) is the nullity data in the Bogor Diocese between 2014 - 2019.

**Table 2.** Nullity 2014 - 2019 in Bogor Diocese

No.	Years	Nullity
1.	2014	25
2.	2015	34
3.	2016	54
4.	2017	20
5.	2018	13
6.	2019	9

Source: Diocese (2020)

Table 2 shows an increase in the number of nullities between 2014 and 2016. The data shows that the level of nullity is quite high. It became a serious concern of the Church in general and married couples in particular. There was a considerable gap between what should be or aspire to and what was real. The essential characteristics (*proprietas*) of Catholic marriage that are unity and indissolubility (can. 1056; 1141),

are left undefended, untenable, runs aground, and gets its end with nullity.

In years 2017 to 2019 the table shows a decrease in the number of nullities. The Church's concern is truly manifested and carried out by taking the new forms of formation, especially for young people, and providing assistance to couples. This coaching and accompaniment take the form of teaching, personal preparation of partners, liturgical celebrations, and other assistances (cf. can. 1063).

A marriage annulment in the Catholic Church is not easy because it must comply with the rules outlined in the Code of Canon Law. The principle of marriage is one unity and cannot be divorced. It is necessary to have a clear understanding of the prospective bride or partner in a Catholic marriage. This understanding is expected to reduce the rate of marriage annulment. This study aimed to determine the main factors causing the nullity of marriage in the Catholic Church of the Diocese of Bogor. In this article, we argue that knowledge before marriage is fundamental so that nullity does not occur.

### Literature Review

Lon (2020) said that marriage is something that every human being dreams of. In the depths of the human heart, there is generally a desire or inclination to establish a close and boundless unity. There is a desire to enter into a relationship that two people can give of themselves totally, exclusively, and perpetually. In total, that self-giving leaves nothing for itself. Exclusively, because in the relationship, there is no other party but the two of them. Perpetual means that the relationship lasts non-stop, without pauses, until death stops it.

Such is the Catholic Church's view regarding heterosexual marriage, whether natural, catholic, or sacramental. Marriage is a combination of a man and a woman united in the sacrament (Halawa, 2017). Affirming and simultaneously adding another element, Kancak (2014) said that marriage is an acknowledgment of an alliance between a man and a woman with full awareness and

freedom to give him- and herself up forever. In fact, the deepest longing for a truly loving human is to unite himself completely to someone for good.

There is the spontaneous impression that such a marriage is beyond human reach. It seems that human ability cannot possibly live it. Couples will only be able to dream it. Catholics claim that it is true only by relying on one's own abilities. God's intervention will make all of this possible. When God calls someone to married life, He will also provide what is necessary to carry it out. This belief in faith makes Catholics believe that marriage or family life is a vocation, just like any other calling, namely to become a cleric or embrace a consecrated life (Driyanto, 2018).

Through the Code of Canon Law, the Catholic Church also teaches that marriage is a matrimonial covenant (*foedus*) of a man and a woman to establish between them a *consortium* of the whole life, which according to its characteristic nature is directed at the good of the spouses (*bonum coniugum*), the procreation, and education of offspring, among those who are baptized, by Christ the Lord is elevated to the sacrament's dignity (can. 1055).

The covenant is something that makes or creates a relationship. It is the translation of the word *foedus*. The word is used to state that the relationship it creates will not ever break up even if the man and the woman involved do want or expressly state it. Because of hatred, a brother may throw his younger brother away and say, "Now you go away and from today you are not my brother anymore." The expulsion and the statement does not change the fact that the two of them are brothers.

The covenant is between a man and a woman. Here is closed, or there is no possibility for polygamy or polyandry either simultaneously or alternately. The communion they form is translated from the word *consortium* (*con* means together and *sors* means fate or destiny). Its real meaning is being together in the same fate. They enter into the same life, both fortunate and unfortunate, both healthy and sick as long as they

live.

The words “its characteristic nature” denote the purpose of marriage. It is very clear that marriage’s goal is not happiness (Driyanto, 2018) but the good of the spouses, birth, and education of the children. The order or placement of the goals does not indicate the level of importance or sense of priority. The sequence only shows the general stages in which they occur. It should also be emphasized that this goal is not added from outside but has become one with the marriage itself. Therefore, it is impossible to accept a marriage without its purpose at once or reject its goal without rejecting the marriage.

Research that has produced such a description of marriage refers to marriage’s nature as the union of two persons who become one flesh in Gen. 2:24. Two persons who become one flesh represent two heterosexual persons whose level of unity is special and distinctive. As stated otherwise above, the relationship is said to be total because it involves the entire self of the partner (Driyanto, 2018). It is declared exclusive because there is no other person except the two of them in the unity or relationship (Driyanto, 2018). The word close means that there is no distance between the two (Driyanto, 2018). The unity or relationship includes physical (body), character, psychic, psychological, heart, intellectual, feelings, and ideals (Paul II, 1981).

It is very obvious from the above description that Catholic marriage is main, noble, and sacred. Therefore, the Catholic Church does not want to allow anyone who wants it to “enter” and “embrace” it as a form of life. For the sake of the dignity of this marriage, while still paying attention to the human right to choose a form of life (can. 219), the Church sets out various conditions for the validity of a Catholic marriage. These requirements are stipulated in the Code of Canon Law can. 1083 – 1123 (Jawa, 2006).

The first requirement is the absence of diriment impediment (*impedimentum dirimens*), that is, something or a condition that makes a person unable to enter into a valid marriage (can. 1073). The diriment impedi-

ments in particular (can. 1083 - 1094) are:

1. The age that is not yet 16 for a man and 14 for a woman.
2. Antecedent and perpetual impotence to have intercourse.
3. Prior bond of the previous marriage.
4. A person who is baptized or received in Catholic Church with one who is not baptized.
5. Sacred orders (episcopate, presbyterate, or diaconate).
6. Public perpetual vow of chastity in religious institute.
7. A woman who is abducted or destined with a view of contracting marriage with her.
8. With a view to entering marriage has brought about the death of his own spouse or the spouse of the one he or she would get married with.
9. Direct line of consanguinity, both legitimate and natural.
10. Collateral line of consanguinity up to fourth degree.
11. People who have a direct line of affinity.
12. Direct line between the man and the blood relatives of the woman having invalid marriage after the establishment or from notorious or public concubinage, and vice versa.
13. Direct line of the legal relationship arising from adoption.
14. Collateral line of legal relationship arising from adoption up to the second degree.

The second requirement is the consent that is free, true, and full (*consensus liber, verus, et plenus*). If the consent is flawed (*defectus consensus*), the covenant is invalid. An illegitimate covenant makes a marriage invalid. The following are things that could invalidate the consent (can.1095 - 1107):

1. Insufficient use of reason.
2. Grave defect of discretion of judgment regarding the essential rights and obligations of marriage.
3. Psychic nature (*natura psychica*) making people unable to assume the es-



sential obligations of marriage.

4. Minimal knowledge that marriage is a permanent partnership between a man and a woman ordered to procreation by means of sexual cooperation.
5. Error concerning the person.
6. Error concerning a quality of person directly and principally intended.
7. Being deceived by malice perpetrated to obtain consent, which by its nature can gravely disturb the partnership of conjugal life.
8. Errors concerning the unity or indissolubility or sacramental dignity that determines the will.
9. By a positive act of the will excludes (*simulatio contra*) marriage itself, his or her partner, the good of the spouses, birth, loyalty, or indissolubility.
10. Marriage that is subject to a condition about the future or about the past and the present that does not exist.
11. Marriage that is entered into by force or grave fear.
12. Absence of simultaneous presence of the spouses during the celebration.
13. By proxy without a valid mandate.

The third requirement is the fulfillment of the form of celebration (*forma canonica*). It is said that *forma* is not fulfilled, and as a result, the marriage is invalid if (can. 1108 - 1123):

1. An official witness (*testis qualificatus*) does not have the faculty.
2. The common witnesses (*testes communes*) do not consist of two persons.

Of all the requirements stipulated, no one should be forgotten, neglected, or overlooked. That is, only when all the conditions are met will the marriage be valid. On the other hand, if any of the conditions are not fulfilled, the marriage is not valid. In such an invalid marriage, there is no bond (*vinculum*) between the two of them (cf. can. 1134). It is the same as civil divorce; that is, there is no bond.

The act that states that the marriage is invalid so that there is no bond between the two is called a declaration of nullity (*declaratio nullitatis*). In the Catholic Church, the

statement of nullity cannot be carried out by anyone by all means because marriage has a favor of law (can. 1060). This means that, in case of doubt, the validity of the marriage must be upheld or preserved until it is really proven to be the contrary.

To prove the invalidity of a marriage, it must be carried out by the competent authority applying the legitimate procedures. To come to the moral certainty about the existence of diriment impediments (except impotence), it is sufficient if it is done by the ordinary minister of marriage. Meanwhile, to have the moral certainty of the defect of consent, it must be carried out by the Ecclesiastical Court or Tribunal. The legitimate procedure must be applied step-by-step to arrive at moral certainty regarding the existence of diriment impediment, defect of consent, or lack of the canonical form.

Based on such Church teachings, Duba & Ponton (2012) stated that the expected marriage is a lifelong commitment so that the dissolution of a marriage is only possible if one partner passes away. For a marriage, nullity can indeed be carried out by taking the legitimate process, collecting evidence, and proving that the marriage is not valid. However, Duba & Ponton (2012) stated that a marriage that will be declared its nullity - if the cause is not domestic violence -, must be treated first with counseling to maintain its union. A kind of help must be offered to the couple to defend its indissolubility. The reason for his statement is the fact that legitimate marriage *in fieri* automatically creates marriage *in facto esse* (Galed, 2020).

Apart from being simply equated with the word cancellation, the declaration of nullity is often called by the word annulment. Similar to the term of nullity, the meaning of annulment is very different from divorce (Galed, 2020). Divorce is the result of a decision by the Civil Court that breaks the bond of marriage. Catholic annulment is the Church's juridical process, which declares at last that the marriage is invalid, null, or void from the beginning. There is no bond from the beginning because there are conditions for its validity that are not fulfilled (Galed, 2020). Long before the celebra-

tion of marriage or at least until its wedding ceremony, there are diriment impediments (*impedimentum dirimens*), defect of consent (*defectus consensus*), or the absence of an adequate form of celebration (*forma canonica*). Nullity is done by proving that there is a violation of these three requirements.

It can be mentioned here some concrete forms of violations that may be referred to one or more of the three requirements above in collecting the proof as examples: low commitment for family life, infidelity, economic problems, and domestic violence (Prianto et al., 2013; Rais, 2014). Sari et al. (2015) emphasize this by repeating and mentioning others: internal factors such as selfishness, angry behavior, economics, infidelity, and a partner's psychological burden, and external factors such as unhealthy relationships, interference from third parties, and bad habits and gossip. Also emphasizing and adding, Dewi & Hendriani (2014) show that economic problems, infidelity, and difference of opinion left unresolved by communication between partners lead to prolonged conflicts, resulting in divorce.

Lon (2020), Halawa (2017), and Kancak (2014) discuss marriage. Duba & Ponton (2012) research the need for counseling on domestic violence to prevent marriage cancellation. Galed (2020) looks at the annulment of marriage from the perspective of Canon Law. The difference between this study and the previous one is to look at the factors that cause marriage annulment from married couples who are Catholic. The novelty of this study looks at the application of marriage annulment from the spouse's side and Catholic Church law so that the factors causing marriage annulment are known.

## METHOD

The research was conducted qualitatively. According to Bachri (2010), qualitative research attempts to describe and analyze phenomena, events, social activities, attitudes, beliefs, perceptions, and thoughts of people individually or in groups. Qualitative research aims to understand empirical phenomena, in particular, to find as many as possible pictures without detailing the re-

lationship between the related variables to produce a theory (Zaluchu, 2020).

The object of the research is the couple who asked for the nullity of their marriage. Data collection was carried out in 2020 using in-depth interviews. The in-depth interview was conducted in Bogor Diocese. The number of informants taken was 18 people. The selection of informants was carried out by purposive sampling. The results of the interview in the form of notes become data in the study.

In this study, the validity and reliability were tested. The measurement of validity in qualitative research that is usually used is credibility (Afiyanti, 2008; Noble & Smith, 2015; Rose & Johnson, 2020). Credibility is measured by participants who provide information knowing well what they are telling about (Afiyanti, 2008; Noble & Smith, 2015; Rose & Johnson, 2020). Reliability in qualitative research is known as dependability (Afiyanti, 2008; Noble & Smith, 2015; Rose & Johnson, 2020). Reliability is used to see that participants will provide consistent answers to the same question at different times.

The collection of data was analyzed in a descriptive way, grouping the same answers of the informants. The grouping results were mapped so that they became tabulated data and analytics to answer the problems studied.

## RESULTS AND DISCUSSION

The number of informants was 18 persons, with the respondents' characteristics shown in Table 3. Table 3 shows that the male respondents were more than the female. This shows that men are easier to tell the events experienced than women. It is easier for men to express their feelings and articulate or put them in words. Most informants are in the range of 30-45 years old. The age of marriage, which is still young and has not yet reached 25 years of age, has more problems and is riskier to have nullity. We mean the age of marriage here is the length of time they live together from the wedding celebration until they no longer live together. They

**Table 3.** Respondents Characteristics

No.	Characteristics	Amount	%
1.	Gender:		
	Man	10	0.55
	Woman	8	0.45
2.	Age:		
	30 - 45 old	10	0.55
	45 - 60 old	8	0.45
3.	Age of marriage:		
	9 months	1	0.06
	1 year	2	0.11
	1.5 years	1	0.06
	2 years	5	0.27
	3 years	3	0.16
	4 years	3	0.16
	5 years	1	0.06
	7 years	1	0.06
	9 years	1	0.06
4.	Occupation:		
	Entrepreneurs	6	0.33
	Private employes	10	0.55
	Teacher	1	0.06
	Other	1	0.06

lived separately for about two years before arranging to have the civil divorce and then filing their case to the Ecclesiastical Court for nullity. The marriages that had lasted up to 7 or 9 years old, do not mean that they had less problems and lived together in harmony. They defended the unity of their marriage based on their ignorance. To the best of their knowledge, the catholic belief tells them that there is no divorce of any kind. They did not know about nullity or annulment either. They defended the marriage at any cost then. Together with the fact that most of them work as private employees, it is tabulated below the grouping of the reasons they got married and the causes they asked for nullities.

Table 4 shows that 55% of the informants got married for love. In other words, they married because they wanted to. In that way, it is almost certain that both of them are ready to live their domestic life. They have prepared themselves well at least minimally so as not to let their marriage run aground with nullity.

Before their wedding ceremony they usually had their own imaginations or perceptions about marriage. It was, however, very much different from what happened in real marital life. They thought that they knew very well about their partner. They were very sure of their partner's good. Shortly after living together, they were shocked and gravely astonished by their partner's way of thinking, speaking, having attitudes, and doing. They suddenly became strangers to each other. They felt disappointed.

In general, both partners did not prepare themselves adequately to enter into the reality of marital life. They did not think that the more they feel that they understand their partner's personality, the more they do not understand it. Actually, more and more they do not understand each other. When they failed to accept that reality, they were either unable to conform to one another. Problems that arose between them were not resolved immediately but got worse and worse.

The conflict got intensified when at the same time or afterwards, new problems arose due to poor economic conditions and increasing needs, the birth of children who clearly demanded more attention, parents unfair interference, or other such things. Weak ability to yield and understand each other made things get worse. Finally, lack of the will to communicate or inadequate com-

**Table 4.** Reasons of having marriage

No.	Information	Amount	%
1.	The marriage was forced for the woman was already pregnant	4	0.22
2.	Marriage based on love	10	0.55
3.	The marriage was forced for they were suspected to have had sexual intercourse	1	0.06
4.	The Marriage was forced due to pressure from parents/family	2	0.11
5.	The marriage was forced due to his or her advanced age	1	0.06

munication put their marital life in jeopardy. As if it were inevitable, they took civil divorce as the only way to solve the problems.

After obtaining a civil divorce certificate, they generally contacted the Church. Exactly they consulted the pastor or priest in the parish, diocese, or wherever they could be found. Apart from finding out, they usually asked them for help to solve their marital problems. They were directly assisted by the pastor or priest or being asked to come personally to the Tribunal or Ecclesiastical Court personnel.

In the parish or tribunal the problematic couple (usually one of the partner) was asked to tell about the conditions of the marriage. There had to be assurance that the marriage had actually been broken and impossible to be reconciled or reunited. If there is still that kind of possibility, the couple will be invited and assisted to improve their relationship, making efforts for the unity of the marriage. What is here done or taken is of the pastoral ways.

When it is found that there is no hope for the marriage to be repaired, the couple is invited to initiate the process of nullity. The couple is asked (or assisted) to make a *libellus*: a formal letter or request to the Church that his or her marriage be examined in Tribunal or Ecclesiastical Court (cf. can. 1502). Apart from the formality of the letter in general, the *libellus* must contain a detailed account of the facts of what happened from the time they knew each other to the wedding ceremony.

Much more than being detailed, the *libellus* must be complete. It must include: the time and reason of their introduction, the circumstances and status of them during their engagement, the reasons of them taking initiative to become boy or girlfriend, what happened and were done in dating, who took the initiative to get married and what were the reasons, which party did more preparations, what occurred during the wedding celebrations and feasts. After finishing that part, it may be continued with something more general about living together as husband and wife, the problems that soon arise, the efforts made to resolve them,

separation, and finally, civil divorce.

In the *libellus*, the address of the respondent or his or her spouse must also be written, together with the attachments of documents and the list of witnesses. All of them are presented to the Tribunal or Ecclesiastical Court. After receiving the *libellus*, the Ecclesiastical Court carefully examined it. Once it became clear that the case was within its competence and the applicant had a clear legal standing, the Court focused its attention on canons that might be reference for the reasons of nullity (*caput nullitatis*). In the language of civil law, the latter is an article to be imposed. About diriment impediment, the reference is to can. 1083 - 1094. Regarding the defect of consent, the reference is can. 1095 - 1107. Meanwhile, concerning the non-fulfillment of the form, the reference is can. 1108 - 1123.

Subsequently, the petitioner, respondent, and witnesses were summoned to have the instruction of the case. The petitioner and respondent were asked to appear at the Tribunal to give their declaration one by one at different times. The citation was then sent to the witnesses. They also came one by one and separately to give their testimonies. All of them gave their information under oath. This section was ended with the conclusion of the case.

The next phase is the task of the defender of the bond. It is a kind of notes (*animadversiones defensor vinculi*) concerning the observances of the procedural norms, the quality of the declarations and testimonies, and the validity of the documents. He handed it over to the judge. It comes then to the turn of the judge to make a decision. We call it a sentence. If there is no appeal, the sentence comes to execution. The following is a list of the causes of the nullity and the canon referred to.

In fact, the existence of diriment impediment (*impedimentum dirimens*) - apart from impotence - and the failure to fulfill the form of celebration (*forma*) is easy to prove. Therefore, it is not necessary for the judge to declare the nullity of the marriage through the process of the Ecclesiastical Court. It can be done by the ordinary mi-



**Table 5.** Causes of Nullity

No.	Informations	Amount	%	Canon Law
1.	Domestic violence	5	0.16	Can. 1101 § 2
2.	Sexual deviation of husband and wife	1	0.03	Can. 1095 n. 3
3.	The wife is unstable and often quarrels.	1	0.03	Can. 1095 n. 2
4.	Naivety and escapism	1	0.03	Can. 1095 n. 2
5.	Poor communication between partners	6	0.20	Can. 1095 n. 2
6.	Disappointed with his partner	1	0.03	Can. 1097 § 2
7.	The wife is stubborn and does not care about her family (children and parents)	1	0.03	Can. 1095 n. 2 and Can. 1101 § 2
8.	Immaturity	1	0.03	Can. 1095 n. 2
9.	The relationship between partners is not harmonious.	1	0.03	Can. 1095 n. 2
10.	Interference of both parents	1	0.03	Can. 1095 n. 2
11.	Infidelity to their partner	7	0.22	Can. 1101 § 2
12.	Materialistic	1	0.03	Can. 1095 n. 2
13.	Poor economic conditions	3	0.09	Can. 1095 n. 2
14.	Selfishness	1	0.03	Can. 1095 n. 2
15.	Temperamental (unable to control emotions)	1	0.03	Can. 1095 n. 2

nister of marriage. What the judge must determine through the Ecclesiastical Court is the existence of a defect of consent (*defectus consensus*). It goes the principle, when the consent is invalid, the marriage is invalid either.

Table 5 shows the results of interviews with informants at the instruction of the case, session of interrogation. Together with the collection of documents not yet handed over before, the sessions tend to prove that there is a defect of consent before the marriage takes place. It appears from the table that the reasons for nullity mostly refer to can. 1095 n. 2. It reads: "The following are incapable of contracting marriage: those who suffer from a grave defect (*gravis defectus*) of discretion of judgment (*discretionis iudicium*) concerning the essential matrimonial rights and duties mutually to be handed over and accepted."

A person is considered severely affected in discretionary judgments when generally and almost constantly puts things out of their right or proper place. What is important is considered unimportant, and what is not important is considered important. He or she has no right sense of objectivity and proper sense of priority. For the sake of something he deems important, all

others are easily neglected, defeated, or even victimized.

The following are some of the fundamental rights and obligations which should occupy the main place of the marital life:

1. the good of the spouses;
2. faithful to one another;
3. acceptance of the partner as he or she is;
4. mutual support;
5. intensive communication between the two;
6. mutual concern and understanding;
7. cooperation in an effort to develop family life;
8. special assistance and protection;
9. and many others.

As a right, these various things ought to be freely enjoyed by the partner. As an obligation, they must be voluntarily carried out by the couple, even though much sacrifice may be inevitably required.

Just for comparison making the issue clear, here are some things that are actually less or even insignificant but are considered important or even very important. They should be defeated or kept away but take precedence instead:

1. spontaneous and momentary self-in-

- terest;
2. the desire to always win, gain, taste, and be right (egoism);
  3. excessive attachment to the material (materialistic);
  4. revenge;
  5. Emotional outlet that is not fair.

In everyday life, these things can manifest simply as they are and also take other forms or expressions. For example, they can be a person who is unstable, stubborn, indifferent or indifferent, naive, dreamer, and easily influenced by others. The resulting further consequences are acts of violence, quarrels without reason, disharmony in relationships, and communication breakdowns.

Other reasons for nullity are still related to the same canon n. 3. Can. 1095 n.3: "The following are incapable of contracting marriage: those who are not able to assume the essential obligations of marriage for causes of a psychic nature (*natura psychica*)."

In contrast to n.2, which talks about inability of discretion of judgment, this n. 3 emphasis is on psychological reasons. It does not mean the reasons that are physical such as disability, incomplete, or stunted. Psychological reasons include mental disorders, mental disturbance, trauma, psychological anomaly, psychological disorders, deviation, and the others alike. A person who experiences one or more of them is deemed unable to make a valid consent, and therefore the marriage he or she contracts is invalid either.

Another reason for nullity refers to can. 1097 § 2: "Error concerning a quality of the person does not render a marriage invalid even if it is the cause for the contract, unless this quality is directly and principally intended." The quality in question is the background, character, attitude, goods, or anything else a person may have as his or her property or possession. It becomes a direct intention when it is not just a path or a means for achieving something else. It is called principally intended when it becomes the main and the only reason for him or her to give and receive the consent of marriage.

People are said to be wrong about a person's qualities when they believe that there is something in their partner - in fact there is not - and make it the only and main reason for contracting marriage with his or her spouse. Such a person is said to have made an invalid consent. His or her marriage that had been celebrated, therefore, was invalid.

The following are the reasons for the nullity that refers to can. 1101 §2: "If, however, either or both of the parties by a positive act of the will exclude marriage itself, some essential element of marriage, or some essential property of marriage, the party contracts invalidly."

The common word used in the Church to refer to a person who visibly engages in marriage but in his heart rejects the marriage itself or his or her spouse, or an important part of it is a simulation (*simulatio*). There are two kinds of simulations, namely totally and partially. It is said to do a total simulation if one or both parties reject the marriage itself (*matrimonium ipsum*) or their partner. It is said partial simulation when one or both parties reject the good of the partners (*contra bonum coniugum*), children and their education (*contra bonum prolis*), faithfulness to one partner (*contra bonum fidei*), or unity and indissolubility (*contra bonum sacramenti*).

People who simulate usually make marriage not the main goal or replace the true goal of marriage with something that is not or stange to marriage. Here is an example in everyday life: people get married only to get individual status or citizenship. Another example: people get married but do not want to have children or in a constant way do not want to work for their partner's good or their family. Concerning simulations against faithfulness or loyalty, people are willing to marry one person (their partner) but still have or will have intimate relationships with one or more men or women that are not his or her spouse.

The causes of nullity in the Catholic Church shown in table 5 are actually expressions, manifestations, or concrete forms in daily life from several reasons for nullity

(*caput nullitatis*) stipulated in the Code of Canon Law. Various forms of them are in interweaving relations because of causality or logical sequence among them. We take infidelity as an example. It can take place because of selfishness, having no care about the partner's feelings, experiencing serious economic burden, being aggravated by poor communication, and so on. It ends in civil divorce and then leads to nullity in the Tribunal.

Based on this fact, it can be seen that many things of the interrelationships make the nullity of marriage. It can also, however, be found many things of the interrelationships that can be used to maintain the marriage. If a person has a mature personality, he or she must have a kind of sound self-confidence, being able to build harmonious relationships between partners, giving mutual help, taking care of each other, remaining faithful, and resolving the problem one by one, and at the end they will be successful in building a family where the children easily grow up and develop themselves well.

Regardless of the negative or positive aspects it may be captured and found out further, there are some important points coming up to the surface. Personal immaturity is the main reason for the nullity of marriage. This personal immaturity, in its turn, makes communication between partners not work. The result then is a conflict or relationship that is far from being harmonious. Then there is an affair with another man or woman triggering domestic violence take place. Finally, divorce is inevitable, and nullity is the only hope.

The results of this study support the research conducted by Prianto et al. (2013), Rais (2014), Sari et al. (2015), and Dewi & Hendriani (2014). A marriage cannot be maintained because of infidelity, lack of communication between partners, and the occurrence of domestic violence. Their research uses the word divorce to denote a break up of the relationship between married couples. In the Catholic Church, the word nullity is used, which means there is no bond between partners from the beginning because it is proven that they do not fulfill

the requirements stipulated in the Code of Canon Law.

## CONCLUSION

In the Catholic Church, there is no divorce. However, a marriage that does not fulfill the requirements stipulated in the Code of Canon Law may be declared null by the competent authority. Nullity may be done to that kind of marriage. The main factors of the nullity are infidelity, poor communication between partners, and domestic violence. To reduce the number of nullity, general learning and personal preparation taking form as ecclesiastical catechism on marriage can be given to the couple before the celebration. Such general and specific help should include personal formation, communication techniques, and the essential rights and obligations the couple have to mutually hand over and accept. In short, its contents should be knowledge, skills, and attitudes necessary for marital life. With all that kind of formation, the couple will be ready to face any conflict and at the same time patiently and steadfastly try to overcome any problem in living together as a family. Their success in maintaining marriage will undoubtedly reduce the number of nullities in the Catholic Church.

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