

THE EFFECTS OF MARRIAGE: BASED ON CANONS 1134-1136

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ABSTRAK

Perkawinan Katolik merupakan kesepakatan antara seorang pria dan seorang wanita untuk membangun persekutuan hidup yang terarah pada kebahagiaan, prokreasi, dan pendidikan anak. Tulisan ini tidak sekedar memberikan pendasaran yuridis atas status perkawinan dalam Gereja Katolik, akan tetapi secara tegas menekankan efek dari sebuah perkawinan Katolik, sebagaimana termaksud dalam Kitab Hukum Kanonik 1134-1136. Efek dari perkawinan Katolik tidak lain adalah tanggung jawab suami-istri dalam membangun hidup berkeluarga yang bahagia.

KATA-KATA KUNCI:

Effects, Chatolic Marriage, Canon Law

Introduction

In the 1983 Code of Canon Law, there are 7 canons speak about the effects of marriage (Canon 1134 – 1140). But in this research I am limited myself only to explain about the effects of marriage based on canons 1134-1136. The reason behind this is the first part of these canons speak about the spouse and the rest speaks more about the duties and rights of the spouses to take care of or to legitimate theirs children.¹ In other words, the last parts of these canons (can.1137-1140) provide some

¹Beal John P., et al (eds), *New Commentary on the Code of Canon Law* (Bangalore: Theological Publications, 2003), 1356.

guidelines for determining the legitimacy of the children at the time of their birth or for concerning it later if they were born illegitimate.

Therefore, the researcher focuses on the spouses themselves in building their relationship as the foundation of their marriage itself. The effects of marriage in the first part is described in these canons are the bond that arises from the valid exchange of promises/consent and the equal rights and duties that flow from the spouses' new status, especially concerning the education of the children.²

1. Historical Background of the Catholic Marriage

The history of marriage in the Catholic Church has been a continuation of the Judaic concept of marriage. Although at the time of Christ marriage was considered a necessary passage into adulthood, the Church introduced the notion into the ancient world that the celibate unmarried state was preferable and more holy.

The Catholic scriptures, most dating from before the middle of the second century, record the words of Jesus and of Saint Paul regarding the sacred and divine state of marriage. Saint Paul wrote the most beautiful and most often quoted descriptions of the proper behavior of spouses in the ideal sacramental marriage in the New Testament book of Ephesians, Chapter 5, referencing the words of Jesus speaking of marriage as a state in which "the two become one flesh". Augustine, the Bishop of Hippo, believed that marriage was a sacrament, and wrote: "the first natural bond of human society is man and wife."

²Cf. L. Orsy, *Marriage in Canon Law* (Dublin: Dominican Publications, 1986), 201.

2. What is Marriage in the Catholic Church?

Definition of marriage in the Catholic Church based on the teaching of the Church's fathers and its laws. The Second Vatican Council devoted paragraphs 48 to 52 of its Pastoral Constitution on the Church in the Modern World to marriage (*Gaudium et Spes*, no.48-52). Number 49 states that "This love is uniquely expressed and perfected through the marital act. The actions within marriage by which the couples are united intimately and chastely are noble and worthy ones. Expressed in a manner which is truly human, these actions signify and promote that mutual self-giving by which spouses enrich each other with a joyful and thankful will."³

As the Catechism of the Catholic Church states; The intimate community of life and love which constitutes the married state has been established by the Creator and endowed by him with its own proper laws...God himself is the author of marriage."⁴

The Code of Canon Law clearly mentions in number 1055: "The matrimonial covenant, by which a man and a woman establish between themselves a partnership of the whole of life and which is ordered by its nature to the good of the spouses and the procreation and education of spring, has been raised by Christ the Lord to the dignity of a sacrament between the baptized."⁵

From these two notes previous-mentioned, we come to realize that the spouses are called to be happy in building their marriage, and it is the

³GS 49.

⁴Catechism of the Catholic Church, no.1603.

⁵Canon 1055.

foundation for them to educate their children as the wonderful gift of God to make their marriage as co-creation of a new generation.⁶

3. Provision of Canon on the Effects of Marriage

Under this topic, we are guided to know more about the effects of marriage, especially in the three canons as mentioned in the introduction of this research. The main question arises from this topic is “*what are the effects of marriage?*” And the answer is the effects of the Sacrament of Matrimony are: *first, to sanctify the love of husband and wife; second, to give them grace to bear with each other's weaknesses; third, to enable them to bring up their children in the fear and love of God.*

a. The Bond of Marriage

Canon 1134 mentioned: “From a valid marriage there arises between the spouses a bond which by its nature is perpetual and exclusive. Moreover, a special sacrament strengthens and, as it were, consecrated the spouses in a Christian marriage for the duties and dignity of their state.”

The following notes can be mentioned here to make clear about our understanding of this canon. First of all, a bond arises from a valid marriage. The canon speaks of the “bond” that arises from a valid marriage. Here the marriage is understood as the act of the initial commitment, the exchange of promises. By this bond, the partners become husband and wife in the relationship that is marriage. In other words, the bond means in each partner a set of new obligations arises. In simple way, it can be said that the spouses are bound to each other.

⁶Cf. M.S. Foster, *Annulment. The Wedding that Was* (New York: Paulist Press, 1999), 11.

Secondly, the spouses are strengthened and to be consecrated. This strength ultimately comes from God Himself, who called men and women to be consecrated their lives as a new state of life. In this marriage, the spouses are called to be sanctified and become the sign of love of God, or in the New Testament, it tells us about the relationship between Jesus as the head and the Church as His body.

Thirdly, by its very nature perpetual and exclusive. The bond is “by nature perpetual and exclusive,” which recalls the properties of marriage described in canon 1056 that the properties of marriage are “unity and indissolubility.” It is perpetual because it is total within the context of human relationship. While it is exclusive because one person cannot be bound to several persons, either simultaneously (polygamy or polyandry) or successively (a new marriage is contracted while the bond of the previous one is still in existence).

Fourth, Christian marriage. The canon cannot distinguish between the two types of marriage; natural and sacramental marriage. The canon only says that these two kinds of marriages are good and valid, but in the sacramental marriage, the spouses are called to fulfill their rights and duties.

b. The Equal Rights and Duties of the Spouses

Canon 1135: “Each spouse has an equal duty and right to those things which belong to the partnership of conjugal life.”

The equality of rights and duties is defended,⁷ or what is mentioned in the New Commentary on the Code of Canon Law as “the mutual obligations of the spouses.” It is so clear mentioned in canon 1055

⁷Cf. L. Orzy, *Ibid.*, 206.

and 1056. These rights and obligations include family duties as well as the rights and obligations inherent in the interpersonal relationship of the spouses and their relationship with their children.⁸ In other words, marriage is an interpersonal relationship, a partnership of the whole of life.

c. Parental Rights and Duties

Canon 1136: “Parents have the most grave duty and the primary right to take care as best they can for the physical, social, cultural, moral and religious education of their offspring.”

This canon specifically speaks on the rights and duty of the spouses to take care of their children, not only simply fulfilled in the act of procreation, but is completed in the education of offspring. It is clear mentioned in canon 914; “*when the appropriate time comes for it, the parents should see that their child is introduced into the participation in the Eucharist.*” Or in canon 867; “*... parents are obliged to take care that infants are baptized in the first few weeks...*” The parents also are oblige to educate their children, including physical, social, cultural, moral and religious because the children are not only become the member of the Church but also they are living in the society where they are the member of it.

Conclusion

The term of “effects of marriage” is used in the code of canon law to point out the important elements of the marriage itself, especially to remind the spouses about their rights and duties, not only toward their new status as a husband and a wife, but as parents who are entrusted by God to open to the procreation and education of offspring. God uses many people

⁸Cf. J.P. Beal, *Ibid.*, 1356.

to perform miracles around the world, but only for the spouses God is using them to create a new generation.

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