

Declaration of nullity for the divorced and remarried couples: A Study Case in Manado Diocese

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Abstract: This research seeks a permanent juridical solution for the pastoral problem of catholic split marriages. Many such couples need the Catholic Church's intervention to give way out of their family problem. And there is indeed a solution provided by Pope Francis with the reform of Canon Law regarding the issue of divorce and remarried couples of Catholic families. The research method is identifying and documenting what has been done in the diocese of Manado by Fr. Jan van Paassen and studying his approach to dealing with families needing help. Bibliographical research indicates the method of Fr. Jan van Paassen in dealing with the problem. It has a solid foundation and a reasonable argumentation which may be accepted by the authority of the Church based on the Canon Law itself. May this research help solve the pastoral problem of the catholic split marriage on the one hand. On the other side, the indissolubility of marriage remains the permanent teaching of the Catholic Church.

Key Words: Indissolubility, Declaration of nullity, Diocesan Tribunal, Error qualificatus, divorced and remarried person, reform of Canon Law.

Abstrak: Tujuan penelitian ini adalah untuk mencari solusi yuridis secara permanen bagi masalah pastoral keluarga katolik yang telah berpisah. Ada cukup banyak pasangan semacam itu yang membutuhkan tindakan Gereja untuk mencari jalan keluar bagi masalah keluarga mereka. Dan ternyata ada solusi yang diberikan oleh Paus Fransiskus dengan pembaruan hukum kanonik bagi keluarga – keluarga katolik yang telah berpisah dan menikah lagi. Metode penelitian ini dilakukan dengan cara membuat identifikasi dan mendokumentasikan apa yang telah dilakukan di Keuskupan Manado oleh P. Jan van Paassen dan mempelajari cara pendekatan yang dilakukannya untuk membantu keluarga-keluarga katolik yang membutuhkan bantuan. Studi kepustakaan juga menunjukkan bahwa metode yang dilakukan oleh P. Jan van Paassen dalam menangani masalah itu mempunyai landasan yang kuat dan argumentasi yang sehat yang bisa diterima oleh otoritas Gereja berdasarkan Hukum Kanonik itu sendiri. Semoga penelitian ini berguna untuk memecahkan masalah pastoral keluarga katolik yang berpisah, dan di lain pihak nikah tak tercerai tetap merupakan ajaran tetap Gereja Katolik.

Kata Kunci: Ketakterceraian, Pernyataan nulitas, Tribunal Keuskupan, Error qualificatus, orang yang diceraikan dan kawin lagi, reformasi Hukum Kanonik.

Introduction

Manado Diocese has always faced the pastoral problem of catholic divorce and couples remarrying. According to Canon Law, such spouses cannot participate in the full communion of the Church. This problem causes suffering for the Catholic couple and pity for the Shepherd who cannot do much. In Manado Diocese this pastoral reality has existed since the founding of this diocese. There were four Dutch missionary bishops in Manado from 1920 to 1990 where the pastoral care of the missionaries was focused on evangelism and building local people in parishes throughout the island of Celebes (Steenbrink, 2003). There has been no specific attention to family pastoral care for divorced and remarried couples. In contrast, the Catholic Church tried to introduce catholic values of family life, namely monogamous unity – indissolubility – and sacramental marriage (Green, 1980). There was still

no pastoral treatment or judicial settlement for divorced and remarried Catholic couples. If several couples experienced difficulties in their married life and ended up in separation or divorce, there was no indication of pastoral treatment for the couple (Beal, 2009).

The only pastoral assistance was provided by Bishop Theodorus Moors (1969 – 1990). He touched upon the main longing of this couple who, due to constraints, could not receive the body of Christ in the Eucharistic celebration, especially on Easter or the Christmas season. The bishop provides the following pastoral guidelines, which enable them to receive communion.

1. The couple at least has been in such condition for a considerable time, for example, more than five years.
2. The couple has natural duties to their children being born into an irregular family, so they cannot be separated.
3. The couple lives in harmony, full of love and responsibility for their family.
4. The couple actively involves in the community of the local church.
5. The couple always goes to the Sunday Mass even though they cannot receive the holy communion.
6. Access to the holy communion during the pascal season and Christmas can be given after the catholic couples go to confession and receive absolution from the priest (van Paassen, 2009 p. 64-66).

The above pastoral solution has been applied since Bishop Theodorus Moors, MSC (1969 – 1990) and continued by Mgr. Josef Suwatan, MSC (1990 – 2017). The reason for the pastoral solution, which may be said as a temporary solution to the marital problem, was the absence of the Diocese Tribunal. It was expressed in Bishop Moors' letter to his priests dated February 15, 1974. The divorced and remarried people may receive Holy Communion if the conditions mentioned are fulfilled. It was also the statement of the Indonesian Bishop Conference in 1971 (van Paassen, 2009). By this information, we have little glimpse of the pastoral care for the divorced and remarried in the Indonesian Church in general at that time. It seems that in most dioceses of Indonesia there was not yet any tribunal for processes of annulment.

But the pastoral solution above is not a permanent solution because access to acceptance of the body of Christ is only under certain conditions and without changing its status in the life of the Church. This is where things get tricky. Changing state is a long and expensive process. An active tribunal is needed with stages that demand precision: starting from the stages of introduction, instruction, discussion, to execution (Araque, 2017). Doctrinal and juridical approaches must be considered, for example as explained by Mendonça, A., *A Doctrinal and Jurisprudence Approach to the Ground of Determining Error* (Mendonça, 2007).

It was the late Dutch missionary and moral theologian, Fr. Jan van Paassen, MSC, who took the initiative to pay attention to special family pastoral care. Since 1996 when he moved from Pineleng Major Seminary where he taught moral theology and canon law on marriage since his arrival in North Sulawesi in 1964 to the Catechetical Center in the same diocese. He began providing pastoral counselling and canon law advice to divorced and remarried Catholics (Bonnet, 1985). He is a doctor of moral theology in Alfonsiana, Rome, and took several courses in Canon Law at Angelicum University around 1960, considering that the parts of moral theology at that time were Canon Law. He noted that during the period 1996 – 2003, there were around 64 cases where he provided a solution with “*declaratio nullitatis*” (declaration of nullity). Until then there was no diocesan court for marriage cases. It seems that the same thing is happening in other dioceses in most parts of Indonesia. Fr. Jan van Paassen, MSC

is very compassionate to divorced – remarried Catholics who have not been able to receive Holy Communion for years because of cases that weigh on them (Farley, 1996). Without the structure of a diocesan court, he took the initiative as head of the Catechism Center in charge of any pastoral care, to become a kind of "private court" and dared to help some couples in need. He wasn't appointed by the Bishop, but the Bishop knew what he was doing. The bishop did not comment or express his opinion because Fr. Jan van Paassen is the Bishop's teacher at the Major Seminary. It is a pastoral act for divorced and remarried persons to reach an annulment. The question is how all of this can be accounted for ecclesiastically.

It seems that this difficulty does not only occur in Manado Diocese but is also experienced by the entire Church. At the 2014 Extraordinary Synod of Bishops and the 2015 Ordinary Synod, the Church took this situation seriously. The difficulty of maintaining the indissolubility of marriage and the desire of people who have civilly remarried to live according to the teachings of the Church are of concern to the Church. The Church acts as a mother to her children: From the vantage point of divine pedagogy, the Church turns with love to those who participate in her life in an imperfect manner: she seeks the grace of conversion for them, she encourages them to do good, to lovingly take care of each other and to serve the community in which they live and work (Synod of Bishops, 2015). And the diocese is also expected to act gently in inviting these couples to make discernment and help them get involved in the community. Strictly in the final formulation of the results of the 2015 Synod: "Couples need to be told about the possibility of having recourse to a process of a declaration of nullity regarding their marriage" (Synod of Bishops, 2015). This concern was followed up by Pope Francis by issuing the *motu proprio Mitis Iudex Dominus Iesus* which reformed the annulment process. This process speeds up and simplifies the path which has been very long and costly (Araque, 2017), not to obscure the Church's teaching on the indissolubility of marriage, but to safeguard it and at the same time to show compassion as the core of revelation as mandated by the Synod.

The question now is whether the views and practices of Jan van Paassen in the past could contribute to what is happening today. Do the thoughts and actions of a priest who emerged from his compassionate heart provide a valuable lesson for pastoral workers dealing with suffering couples? This is where the novelty of this research lies, namely by showing the importance of maintaining a balance between Catholic marriage teachings and the motherly love of the Church.

Method

The method used in this research is the case study method (Djamba & Neuman, 2002; Johansson, 2007; Suwartono, 2014). In general, this research is defined as in-depth research that examines a large amount of information about very few units or cases for one or more periods. Case study research intensively investigates a single case or a small group of cases, focusing on the many details in each case and context. In short, it examines the detailed internal features of each case and the surrounding situation (Newman, 2014). Therefore, this research demands carefully collected descriptions of phenomena (events, concepts, programs, processes, etc.) (VanWynsberghe & Khan, 2007). This method was chosen because it has the advantage of clarifying our thinking and allows us to relate abstract ideas in a certain way to specific cases that we observe in detail. It also allows us to calibrate or adapt our abstract conceptual measures to real experience and widely accepted standards of evidence (Djamba & Neuman, 2002). For the sake of data validation, one of the data collection methods is to involve researchers in the cases they will investigate (Suwartono, 2014). Thus the researcher can explore the phenomenon

naturally, and even though the cases are selected based on interest (Johansson, 2007) the findings can be objectively justified. The data that has been collected is then analyzed to find answers to questions.

It is an advantage for the validity of this research data, which the author also worked as an assistant to Jan van Paassen who very carefully recorded and archived his service activities for divorced and remarried couples in the Manado Diocese. At that time a large number of divorced and remarried catholic couples were hoping for a solution to their status in life in the Church so that they could participate fully in the Eucharistic Liturgy. “Families with problems” who have been in this state of life for years and are getting old do need the Church's help to legitimize their families. Before starting to help them, Fr. Jan van Paassen, MSC wrote a book and explained to bishops that the Church can help them. I attended and followed all of his explanations of the cancellation process, asked questions and discussed the issues. When Fr. Jan van Paassen, MSC passed away in 2016, the bishop gave me the task to continue his pastoral care, and so I was able to join the eastern group of Indonesian Jurists who are in charge of that task. From all these experiences I gained the ability to see the importance of family pastoral care in the local Church.

The presentation in this article will begin by displaying data on the declaration of an annulled marriage in the Manado Diocese left by Fr. Jan van Paassen, MSC during his pastoral ministry from 1996 – 2013. The boundaries for this period were chosen according to available archival data. In the second step, the data will be analyzed according to the percentage of cases. As will be seen, most of the cancellations were based on the “*error qualificatus*” provided for in canon 1099. The rest were declared void according to various canons, namely canons 1095, 1097 §2, 1098, 1103, and 1108 §1 (Bianchi, 2007). Finally, a conclusion will be presented to emphasize the contribution of Fr. Jan van Paassen to pastoral care for divorced and remarried couples in general.

Findings and Discussion

In 1996 Jan van Paassen started a pastoral consultation for the divorced and remarried and intensively studied Roman documents and Canon Law guidelines in consultation with Experts. Over the first seven years (1996-2003), he made only 62 cancellations. But after that, since 2004, more and more divorced and remarried couples came and he gave more annulment statements. Here is the data I took from his computer, which is then categorized based on the canon on which the decision was based.

Table 1. The annulment data of Fr. Jan van Paassen MSC in 1996 – 2013

Year	Based on Canon 1099	Based on Canon 1095	Based on Canon 1097 § 2	Based on Canon 1098	Based on Canon 1103	Based on Canon 1108	Total annulment each year	Percent of using other canons	Percent of using canon 1099	Total
1996 - 2003	21	5	6	11	14	5	62	65.58	34.42	100
2004 - 2005	51	5	4	5	5	8	78	34.62	65.38	100
2006	36	4	3	5	5	2	55	34.55	65.45	100
2007	31	5	4	4	3	5	52	40.39	59.61	100
2008	53	5	2	2	4	3	69	23.19	76.81	100
2009	33	2	2	2	2	1	42	21.43	78.57	100
2010	38	1	1	2	3	1	46	17.40	82.60	100
2011	34	4	4	3	4	4	53	35.85	64.15	100
2012	24	3	2	2	3	3	37	35.14	64.86	100
2013	3	0	0	0	0	0	3	0	100	100
Summary	324	34	28	36	43	32	497	34.81	65.19	100

As the table shows, there were more annulments under canon 1099, and some other cases were given annulment under other canons, for example, canon 1103 (*vis et metus*), according to which a lack of freedom or a lack of free will may invalidate a marriage (Mauro, 1986). In addition, canon 1098 was used which talks about simulation (Robitaille, 1995). Stankiewicz refers to simulation as the error of consent to marriage in Latin (Stankiewicz, 1997). And finally, the reason for annulment was the fault of the couple's lack of personal knowledge, i.e. canon 1097 § 2 (error in qualifying personae). About this error one can consult Ricciardi, G., *Errore sulla persona ed errore sulla qualita della persona* (Ricciardi, 1986).

There are some conditions mentioned in the canon law that is used as the foundation for the declaration of nullity. Fr. Moses Komela Avan Pr wrote a book in the Indonesian language (Avan, 2014), and mentions 9 defects that may cause the invalidity of catholic marriage. One may also consult Bianchi (Bianchi, 2007). One of the defects is the error about the indissolubility of marriage (Avan, 2014, p. 78-160). According to Can. 1099: Error concerning the unity, the indissolubility or sacramental dignity of matrimony does not vitiate matrimonial consent so long as it does not determine the will.

As indicated in the table above, during 1996 – 2013, there are 497 annulments and 324 of them were declared nullity based on canon 1099, and the rest are 173 based on various canons. If we see in detail during 18 years there were 34 annulments based on canon 1095; 28 annulments based on canon 1097 §2; 36 annulments based on canon 1098; 43 annulments based on canon 1103; and 32 annulments based on canon 1108. All of the annulments based on these various canons combined altogether just only 34.81 %. So, there are 65.19% of the declarations of nullity were based on canon 1099 compared with the rest of the annulments which consist of only 34.81%. Two-thirds of the number of annulments were based on canon 1099 which is founded on the reason of the *error qualificatus* of the character of the catholic marriage, namely, monogamous – indissolubility – sacramentality. It means that two-thirds of the matrimony started with a catholic married to a non-catholic, who might be a Muslim, a Buddhist, a protestant, and others. The fact indicates that catholic persons who live in a pluralistic society in which Catholics are minority have a great possibility to marry someone from another religion. If their marriage is broken and ended with divorce, and each of them then enters into a new relationship with another person and builds an irregular family, and some years later came to Fr. Jan van Paassen, MSC, telling him the story of his or her suffering of the past marriage, he started to investigate if canon 1099 might be applied to help them. Each case will be investigated if the non – catholic partner might have an error concerning the indissolubility of marriage due to his/her older religion's mindset. In any case, it is not necessarily that every non-catholic background has such an error. If however there is a solid reason to conclude that according to the non – catholic partner the marriage is dissoluble, so the canon 1099 may be applied to a declaration of nullity.

The data also indicates that every year from 2004 to 2013, the number of annulments was more or less equal. It may not indicate the real number of the facts but was related to the capacity of Fr. Jan van Paassen, MSC in dealing with the process of nullity. The number of families in need may be more than those who are can be helped.

It should be remembered that the diocese of Manado which is located on the island of Celebes covers more than half of the island and the neighboring small islands close to the Philippines and has more than 50 parishes. It means that the availability to access the pastoral care of those in need is very little. So, the data above may not reflect all of the reality, but only indicate the fact that there are such families who need specific pastoral care.

How Jan van Paassen interpreted Canon 1099

Fr. Jan van Paassen gave comments and interpretations on Canon 1099 during his lecture on Major Seminary of the Sacred Heart, Manado, and Major Seminary of Fajar Timur in Abepura. He thought that canon 1099 is very important and very useful for the pastoral care of divorced and remarried catholic couples in the local Churches of the area. Van Paassen said, we have to give thanks so much to those who formulate this specific canon which is so important and so relevant for the Church's pastoral to help divorced and remarried persons. How can it be? It seems to him that in Indonesia – and maybe around the world in catholic religion is a minority – very often happened like this in the case of matrimony. A married with B. After some time, the family got into trouble or problems and they divorced. B started a new relationship with C. If B and C are Catholics, then one day they dare to approach a parish priest to ask for a blessing and convalidation of their relationship as valid matrimony in the Catholic Church. Many priests have no courage to help them by saying that there is no way out of such marital problems. Once you marry in the Catholics Church, it is indissoluble forever until you die! The good and pious priest said, "I am very sorry but I cannot help you".

However, said van Paassen, we may ask whether the priest is a pious priest or one who is lazy and unqualified. Because the right statement is: "Once you marry validly in the Catholic Church, your marriage lasts forever" (Donahue, 1981). There are, however, two possibilities in every marriage, namely, valid and putative marriage. It depends on the fulfilment of the conditions for the validity of the marriage itself. The putative marriage might be dissoluble if there is a moral certainty of its invalidity. It is the task of the diocesan tribunal to prove it. And if there is no tribunal, as has happened in the diocese of Manado during Jan van Paassen, MSC's lifetime, any priest who is capable to do so can do it – according to Fr. Jan van Paassen, MSC - based on the authority given by the Canon Law itself.

In reading canon 1099, van Paassen focused on the phrase "as long as it does not determine the will". Jan van Paassen changed the structure of the sentence of canon 1099 for being easily understood: *Error concerning the unity, indissolubility or sacramental dignity of matrimony does vitiate matrimonial consent if it does determine the will.*

There are two different errors, namely, an error that does not determine the will, and an error that determines the will. The first error is called *error simplex*, which means remaining theoretical knowledge only. The second one is named *error qualificators*, which is an error that has an impact on practical will, in making a decision and doing an action. This *error qualificatus* can be the cause of the invalidity of a marriage because it affects the *actus humanus* which is a requirement for validity, namely that a person knows and understands his decision to marry.

Van Paassen was not alone in this position to use *error qualificatus* as the main reason. Thomas P. Doyle OP explains the *error qualificatus* as follows: "An error about the nature or obligations of marriage does not affect the validity unless it determines the will. Otherwise, it remains a disposition and does not result in a new model of marriage (Coriden, Green, & Heintschel, 1985). The probability that erroneous notions will determine the will is recognized by the Church to be much higher today than ever before (Kelly, 1996). The Rota has studied the changing social conditions and attitudes toward marriage and rendered a series of recent decisions which indicates that the presumption that all marry as Christ intends is increasingly questionable. One decision stated that it is impossible to distinguish between erroneous notions of marriage and a positive rejection of an essential property by the will" (Coriden et al., 1985).

The relevance of can. 1099 to help divorced and remarried couples in Indonesia is very huge (Doyle, 1985). Given the fact that many married couples in Indonesia who end up in divorce start with two persons from different religions. For example, a Catholic married to ex- protestant or ex-Muslim who enters Catholicism just before being married and for the reason of just being able to marry. So, if Fr. Jan van Paassen, MSC meets with the divorced and remarried persons asking declaration of nullity with that kind of background, canon 1099 is very helpful to solve the problem. It may be presumed that there might be an error concerning the conditions for marriage mentioned in the can. 1099.

Several other credible sources regarding the relevance of canon 1099 for cancellation statements are also referred to by Fr. Jan van Paassen, MSC. Some members of Rota Romana have opinions that matrimony in many countries in our time are not the same as willed by God, but are often determined by factors of mindset and cultures that contain errors that may cause the invalidity of the matrimony (Örsy, 1996). Coriden writes: “The probability that erroneous notions will determine the will is recognized by the Church to be much higher today than ever before. The Rota has studied changing social conditions and attitudes toward marriage and rendered a series of recent decisions which indicate the presumption that all marry as Christ intends is increasingly questionable” (Coriden et al., 1985).

In line with Coriden's thoughts, Piet Huizing S.J. in his writings: *De validitate matrimoniorum in quibusdam regionibus Islamicis* (Huizing, 1956) says that all Muslims marry with a qualificatus error that determines their will. All Muslims know and are aware that their marriage can be divorced. This mistake made their marriage invalid according to Canon 1099.

Different from Huizing, Fr. Jan van Paassen never said that all Muslims, Buddhists or Protestants have such mistakes when it comes to marriage. He only dared to give his opinion case by case if he encountered a marriage problem that needs help. For him, Huizing's statement is too general and might not be true in reality. While for Huizing canon 1099 can be applied to all Muslim marriages, van Paassen was not sure that theoretically all non-Catholic marriages can be regarded as invalid based on Canon 1099 as Piet Huizing does, but practically Jan van Paassen does agree that canon 1099 is very useful and helpful for the pastoral care of the divorced and remarried. See also an extensive elaboration on these issues in the book by Mackin, T., *Marriage in the Catholic Church, Divorce and Remarriage* (1984). For that reason, Fr. Jan van Paassen is so grateful for the Roman Canonic Lawyer who proposes that idea and formulates it into canon 1099 (Doyle, 1985).

For van Paassen there is still one more step in using the Canon 1099 as a guide. First of all, it is clear that annulment of marriage under canon 1099 is very applicable to Catholic marriages with non-Catholic religious backgrounds of one or both spouses. A Protestant or Muslim who converts to Catholicism before marriage – sometimes not out of a sincere conversion, but simply because they are able to marry – and then divorces, usually thinks that the marriage is dissolvable. This error can be used as a basis for cancellation. But what if the couple are all Catholic? They should know very well that catholic marriage cannot be separated. In the approach of Fr. Jan van Paassen, based on individual cases, it is also possible to have a similar solution by using the same canon 1099, based on the fact that in Indonesian society where a minority of Catholics live in the midst of a majority of Muslims, Catholics can also be influenced in some ways by the way of thinking of the majority. This depends on the quality of the person, educational background, and social environment. Of course, Catholics are thought to be well-versed in the indissolubility of their marriage. But in some cases, when a catholic marriage is violated and they ask for an annulment, the possibility of using canon 1099 is not closed.

In line with the actual reforms of Pope Francis

The services carried out by Jan van Paassen were driven by a concern to provide a permanent solution to the problems faced by remarried and divorced couples in Manado Diocese. As described in the table above, during the period of 1996-2013 Jan van Paassen helped 497 couples. The number is certainly much more when added to the period afterwards. For van Paassen, his actions are legal because there is no special tribunal in Manado Diocese yet, while the need for such services is urgent. In addition, the Bishop himself knew and approved of his actions. Now the Diocese already has an official tribunal so that more attention can be given to services for families with problems like that.

In our view, Jan van Paassen's action can be said to be a prophetic act, which in the end it has proved to be a need of the Church. This need was seen critically by Bernard Harring in the 1981 Synod of Bishops (Häring, 1981) but was also expressed explicitly in the 2014 Extraordinary Synod of Bishops and the 2015 Synod of Bishops, both of which spoke about the family. More explicitly, but also concretely, this need was answered by Pope Francis with the *motu proprio Mitis Iudex Dominus Iesus* (= The Lord Jesus, Clement Judge) for the Latin Catholic Church and *Mitis et misericors Iesus* (= Clement and merciful Jesus) for the Eastern Catholic Churches.

It can be said that Jan van Paassen's spirit of service is in line with the spirit of the Church which is expressed both in the 2015 bishops' synod on the family and which later became explicit in the *motu proprio Mitis Iudex Dominus Iesus*. In the *motu proprio* of pope Francis, the contents of canon 1099 are also explicitly mentioned in Article 14, together with the contents of other canons, what situations allow an annulment of a marriage:

“Among the circumstances of things and persons that can allow a case for nullity of marriage to be handled by means of the briefer process according to cann. 1683-1687, are included, for example: the defect of faith which can generate simulation of consent or error that determines the will; a brief conjugal cohabitation; an abortion procured to avoid procreation; an obstinate persistence in an extraconjugal relationship at the time of the wedding or immediately following it; the deceitful concealment of sterility, or grave contagious illness, or children from a previous relationship, or incarcerations; a cause of marriage completely extraneous to married life, or consisting of the unexpected pregnancy of the woman, physical violence inflicted to extort consent, the defect of the use of reason which is proved by medical documents, etc.” (Francis, 2015)

By taking these circumstances into account, it is hoped that the marriage annulment process, which is the responsibility of the local bishop, will run more quickly and effectively.

The *motu proprio* also pays attention to situations where there is an absence of diocesan tribunals, namely in title 1 of article 8, where it is stated that the bishop must as soon as possible find people who are enthusiastic to accompany him to form the tribunal. In this case, the Manado Diocese is lucky because the diocesan tribunal has been formed.

Finally, the harmony between van Paassen and the good intentions of the Church can be seen from the spirit of his service, which is a concern both for the contents of the Church's faith regarding marriage and for the life status of pious believers, who want to get out of their problems and want to spiritually and sincerely continue marriage life. As Vatican Radio mentioned, Holy Father has made clear from the start, that “the most important principle guiding the Holy Father's action and the work of reform undertaken, is that of *salus animarum suprema lex esto* (= May the salvation of souls be the supreme law of the Church)” (Dugan, Navarro, & Caparros, 2016). It is also the supreme law of the Church in all of her pastoral activities. In this principle, Jan van Paassen's concern with the annulment of divorced and remarried couples meets very well with the goodwill of the Holy Father.

Conclusion

The pastoral care of the Manado Diocese can be an example of how the Church has concern for her children who have problems in their marriage life. Due to various circumstances, the marriage cannot be continued, while these people want to continue living their faith piously and faithfully. They want to continue fully united in the Church by receiving the Eucharist. What is expected is not just a mere dispensation without changing their status in life in the Church. From the efforts of Fr. Jan van Paassen we learn several things that can serve as a guide for compassionate service to families in such trouble. First, there must be a compassionate heart of pastoral ministers. The heart listens to the suffering and longing of the families who simultaneously want to find a way out. What was done by Jan van Paassen criticized the pastoral ministers who gave up too quickly without the willingness to carefully and responsibly find the right solution. A compassionate heart is a willingness to refer to the mercy of the Church, jurists and bishops as judges of the Church. Second, the way out was made possible by the Code of Canon Law itself. Father Jan van Paassen has extensively explored Canon 1099 to assist many couples and other canons. This is in line with the actual call from the Church through Pope Francis. Finally, thirdly, this solution does not imply weakening the teaching on the indivisibility of marriage but rather strengthening it without being blindly rigid. That is why we propose an in-depth study of various situations that allow an annulment of marriage. In this way, the Church can honestly act as a compassionate mother for her children who participate in the work of salvation through family life.

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