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The Effectiveness of the Implementation of Law No. 16 of 2019 in the Prevention of Early Marriage: A Field Study at KUA Cibeureum

Yanti Haryanti¹

Abstract

Marriage is an innate bond that is expected to last a lifetime until death separates. The problem of marriage that until now is still widely violated and has become a problem in society is underage marriage. After the amendment of the Marriage Law, the age limit for marriage is equalized between women and men, which is a minimum of 19 years. This change aims to increase public awareness about the impact of underage marriage. Ensuring public understanding of marriage procedures and requirements in accordance with Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage. The method uses an empirical or sociological juridical approach, namely analyzing law in practice in society, including data collection by interviewing, observation, and study of legal documents, analyzing data by comparing legal theory with practice in the field, and compiling research results that can be used for more effective legal development. The results of the first field study due to underage marriage include, Health: Female Reproductive Disorders of Pregnancy and even feared to cause death in mothers and children. Children's education: Children under 19 years old are of school age so they are not yet suitable for marriage, Economics: One of them is Labor productivity has decreased because many individuals do not have adequate skills or education. Psychological Field: Lack of emotional readiness in dealing with home life can increase the risk of depression, they also tend to lose adolescence and freedom, which can make them feel isolated. High divorce rates. Protection of children: Because they are not yet fit to get married, to avoid domestic problems in the future. Second, the community better understands the change in the age limit for marriage, namely for men and women equal to 19 years.

Keywords: Marriage; Age Restrictions; Marriage Law.

¹ Institut Nahdlatul Ulama Tasikmalaya, Tasikmalaya, Jawa Barat, Email: yantiharyanti@inutas.ac.id

Introduction

Law Number 1 of 1974 on Marriage explains that Marriage is an innate 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 God [1]. The government has set the age limit for marriage in Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, which is an important institution in social and legal life [2]. In Indonesia, the age limit for marriage has changed with Law Number 16 of 2019 which amends the provisions in Marriage Law Number 1 of 1974 [3]. Currently, the minimum age for marriage in Indonesia for both men and women is 19 years old [4]. This change aims to increase public awareness about the impact of early marriage.

Ensuring public understanding of marriage procedures and requirements in accordance with the latest regulations of the Nmor Law 16 of 2019 [5]. Examples of the impact of Early Marriage in the Health Sector: Risk of pregnancy and birth complications for young mothers. Education: High dropout rates due to early marriage [6]. Economics: Limited employment opportunities due to lack of education. Psychological Field: Mental unpreparedness in building a household [7]. Especially in the government institution of the Office of Religious Affairs where divorce is increasing at a young age, there are still many people who do not understand the implications of this rule, so it is necessary to conduct field studies through field study activities to the community and convey information related to changes in the age limit for early marriage to the public.

Currently, one form of marriage that is felt to have many problems in it is underage marriage, therefore underage marriage is indeed doubtful in its existence in society for various reasons, such as; The purpose of marriage is not because of religion but solely because it is urgent as a result of sexual relations outside of marriage, then they are not able to carry out the rights and obligations imposed on both husband and wife, they cannot stand independently economically in the family because they do not have sufficient skills and education, they are prone to physical and mental violence in the household and are prone to divorce.

The public's doubts about the existence of underage marriage can currently be resolved by the provision for the implementation of marriage dispensation in the Religious Court which is enforced to overcome the problem of underage marriage [8]. However, even though the rules on marriage dispensation have been regulated in such a way, there are still those who consider that underage marriage is still an unresolved problem [9]. For this reason, in the field study , the author proposes to conduct a Socialization Field Study with KUA Implementers, Students and the Community, so the author

takes the title: *Field Study: The Effectiveness of the Implementation of Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage in Preventing Underage Marriage.*



Figure 1: Socialization at KUA Cibeureum Supervisors, and Executors of KUA and INU Tasikmalaya Students

Method

This method uses an empirical or sociological juridical approach, namely analyzing the law in practice in society, regarding the age limit for marriage in accordance with law No. 16 of 2019, concerning amendments to law No. 1 of 1974 concerning marriage [10]. by examining the implementation and problems of the adult age limit to carry out marriage in KUA Cibeureum and the community environment.

The first step is an in-depth preliminary study, which includes data collection with interviews, observations, and legal document studies, data analysis by comparing legal theory with practice in the field, and compiling research results that can be used for more effective legal development [10]. Interviews with stakeholders to understand the conditions at KUA Cibeureum [11]. The active involvement of the community and students in planning through participation and consultation is key to formulating appropriate objectives and

programs, in order to collect relevant data, which is the basis for identifying and developing effective solutions or programs [12]. The socialization of the program at KUA Cibeureum is carried out using various communication media to increase understanding and participation. During implementation, continuous monitoring and evaluation are carried out to assess progress and adjust activities if necessary [13],[14]. Partnerships with relevant external agencies help strengthen the program, while community empowerment is at the core so that they are able to continue positive change. Documentation of activities, results, and learning is carried out thoroughly for future reference and submitted in the form of a report as evidence of the results of field study activities at KUA Cibeureum.

Results and Discussion

Marital Age Restrictions

The age limit for marriage is regulated in Indonesia through positive laws in Indonesia. In order to regulate and give signs about marriage for the achievement of the sacred purpose of the marriage bond, the government stipulates several regulations contained in Law Number 1 of 1974 concerning Marriage, which has now been changed to Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage [15]. One of the contents of the law amendment is to regulate the age limit for marriage.

a. According with Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage

According to Law Number 16 of 2019 concerning Amendments to Law No. 1 of 1974 is in Article 6. (Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage)

1. Marriage is based on the agreement of the two prospective brides.
2. To carry out a marriage, a person who has not reached the age of 21 (twenty-one) years must have the permission of both parents.

In the event that both parents have died or are unable to express their will, then the permission referred to in paragraph (2) of this article is sufficient to obtain from the surviving parents or from the parents who are able to express their will.

In addition, there is also in article 7 paragraph (1) that marriage is only allowed if the man and woman have reached the age of 19 (nineteen) years. Then in paragraph (2) it is stated that deviations from the provisions of paragraph (1) regarding the minimum age limit for marriage, can request a dispensation from the Religious Court or other officials appointed by both the parents of the male

and female parties [16]. (Law No. 16 of 2019 concerning Amendments to Law No. 1 of 1974 concerning Marriage)

b. According to the Compilation of Islamic Law (KHI) Article 15 paragraph (1)

Based on the Compilation of Islamic Law (KHI), it is stated that for the benefit of the family and household, marriage should only be carried out by the prospective bride and groom who have reached the age that has been set in article 7 of Law No. 1 of 1974, namely the male side is at least 19 years old and the female is at least 16 years old, which has currently been changed to 19 years for both men and women. (Presidential Instruction No. 1 of 1991 concerning the Compilation of Islamic Law (KHI) in Indonesia).

Marriage Dispensation

Dispensation is a deviation or exception from a regulation [1]. The dispensation of the age of marriage means the waiver of an age limit in making the 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 Godhead.

The age of marriage dispensation is a dispensation or relief given by the Religious Court to prospective brides who are not old enough to carry out marriage, for men who have not reached the age of 19 (nineteen) years and women who have not reached the age of 16 (sixteen) years [17]. The dispensation of marriage age is regulated in article 7 paragraph 1 and paragraph 2 of Law No. 1 of 1974. Dispensation as referred to in Law No. 1 of 1974 means deviation from the minimum age of marriage set by law, which is a minimum of 19 years for men and 16 years for women [18]. Therefore, if a man or woman who has not reached the age of marriage but wants to get married, then the court or other officials appointed by both parties can provide a determination of the age of marriage dispensation if the application has met the specified conditions and has gone through several stages in examination, but on the other hand, if the litigant does not meet the conditions that have been determined, the official in this case the Religious Court does not granting dispensation for marriage of both parties [19].

The Law of Marriage

The law of marriage is originally *mubah* (permissible), in the sense that it is not required but also not prohibited. As for the basis of the words of Allah in the Qur'an surah An-Nur verse 32 [2]:

وَأَنْكِحُوا الْأَيَّامَ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ إِنْ يَكُونُوا فُقَرَاءَ يُغْنِهِمُ اللَّهُ مِنْ فَضْلِهِ
وَاللَّهُ وَاسِعٌ عَلِيمٌ

" And marry those who are still single among you, and also those who are worthy (to marry) from your male and female servants. If they are poor, God will give them the ability with His grace. And Allah is Vast and All-Knowing."

There are several things that need to be considered in the implementation of marriage. It is a condition and harmony that must be met. The terms and harmony are very dominant legal acts regarding the legality or not of certain acts from a legal point of view [20]. Both words contain the same in that they are something to be held [3].

Among them is the agreement of the parties. According to Islamic law, an agreement is based on the voluntariness of both parties to the marriage of the prospective husband and wife. Since the woman does not directly exercise the right of *ijab* (offer of responsibility), requires permission or asks for consent before the marriage takes place, the existence of this condition means that no third party (who performs *ijab*) should force her will without the consent of herself (the prospective bride) [21]. In the past, many girls were forced to marry underage.

Marriage contains many benefits and virtues [4]. Among the benefits are:

1. Carrying out the commands of Allah SWT.
2. Following the *sunnah* of the Prophet PBUH and emulating the Prophets
3. Channeling sexual desire and maintaining views.
4. Prevent adultery and preserve the honor of women.
5. Prevent the spread of heinous acts among Muslims.
6. Multiplying descendants with which the Prophet PBUH could boast of his people in front of the previous Prophets.
7. Obtaining rewards from *halal* sexual intercourse.
8. Loving what the Prophet PBUH loved as stated in his words which means "I am endowed with love for two things from your world: fragrance and women". (HR. Ahmad and Nasa'i)
9. Fostering a generation of believers who can maintain and protect the homes of Muslims and always ask for forgiveness for their sins.
10. Giving birth to offspring who can intercede to enter heaven.
11. Marriage will give birth to peace and affection between a husband and wife [22].

Consequences of Marital Age Restrictions

In terms of the age limit for marriage, indeed in the revised marriage law has changed, namely marriage is only allowed for men and women who have not reached the age of 19 (nineteen) years. According to Law Number 1 of 1974 concerning Marriage (hereinafter referred to as UUP) which has been amended by Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage (hereinafter referred to as the Revision of the UUP) is related to the age of marriage, the prospective bride, both men and women have reached the age of 19 (nineteen) years [23]. The consequences of changes in the age limit after the revision of the Marriage Law include the considerations are [5]:

a. Reproductive Health of Girls

In child marriage, which occurs on average under the age of 18 years in terms of reproductive health, it does not meet health standards, especially for women who will undergo the pregnancy process. In terms of health, the age of 20-25 years for women is the ideal age to get married [24]. Because reproductive health is in a fertile and fairly mature state. And it is recommended for couples who are going to get married to maintain physical and spiritual health. Physical health is a person's freedom from (contagious) diseases and also free from hereditary diseases [6].

If the marriage is carried out under the age of 21, it is feared that it will harm the physical and reproductive health of a mother. Because at a young age it will be at risk of infectious diseases and will result in death in the mother.

According to Hendrawan, a woman is considered ready to get married if her reproductive organs are biologically mature. The maturity age of the female reproductive organs is considered mature when it has reached 24 years [25]. From a medical perspective, reproductive organs that are not mature enough will have the potential to cause problems later.

Therefore, the amendment of the Marriage Law, especially regarding the age limit for marriage, is the right step, in order to protect and guarantee the rights of women and children [26]. This is also done for the benefit of women and children who will later be born [27]. Although the age limit on marriage has been carried out by considering various social aspects, in Indonesia it is still relaxed with efforts to carry out marriage dispensation.

b. Children's education

The previous marriage age limit that required women to marry at the age of 16 years, it can be seen that at that age, especially in Indonesia, it is still

included in school age, in this case the school age is equivalent to high school (SMA), so with the age limit for women at the age of 16 years, it is feared that many girls will drop out of school and choose to marry because it is allowed.

Since the amendment of the marriage law which requires the same age limit between men and women to be the same, namely 19 years, this shows that at that age the married couple can be sure to have completed education even though it is only at the high school (SMA) level [28]. Even so, the government has made changes to the law with the aim of being considered for the benefit of children, but there are still many who actually violate the age limit of marriage [29],[30]. So that with these violations committed, there are still many marriages of minors with court permission, namely through the marriage dispensation process.

In addition, based on the Constitutional Court's considerations, it is also stated that the setting of the minimum age of marriage between men and women does not only cause discrimination in the context of the implementation of the right to form a family as guaranteed in Article 28B paragraph (1) of the 1945 Constitution [31]. In this case, when the minimum age of marriage for women is lower than for men, legally women can form families faster. Therefore, in its ruling, the Constitutional Court ordered the lawmakers to amend Law Number 1 of 1974 concerning Marriage within a period of 3 (three) years.

On the basis of the decision of the Constitutional Court Number 22/PUU-XV/2017, on October 14, 2019 the President of the Republic of Indonesia ratified Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, which came into force from the date set [32]. In this new law, changes only occur in one article, namely Article 7, one of which in article 7 paragraph 1 states "Marriage is only allowed when a man and a woman have reached the age of 19 (nineteen) years"[33]. In addition, between article 65 and article 66 there is an additional article, namely article 65A.

c. Economic Sector (results of interviews at the Cibeureum KUA and the community)

1. Limited Access to Education
 - a. Children who marry young or underage tend to drop out of school, so their skills and knowledge are limited.
 - b. Low education causes limitations in getting a job with a decent salary.
2. Difficulty in Getting Decent Work

- a. Lack of skills and work experience means they can only work in the informal sector with low wages. [34].
 - b. Lack of career opportunities causes economic dependence on partners or family. [35].
- 3. Heavy Financial Burden
 - a. Children who marry at a young age/underage are often not financially ready, so they have difficulty meeting their living needs. [36].
 - b. Economic instability can lead to debt, difficulty meeting children's needs, and poverty.
- 4. Impact on Economic Growth
 - a. The increasing number of underage marriages contributes to the intergenerational cycle of poverty.
 - b. Labor productivity declines because many individuals do not have adequate skills or education.
- 5. Increasing State Burden
 - a. The state should provide more social assistance and poverty alleviation programs.
 - b. The health and welfare costs of children from early/underage marriage increase. Overall, underage marriage hinders economic growth both on an individual and national scale.

d. Psychological Field

Underage marriage can cause various negative psychological impacts for the individuals who undergo it. Here are some of the consequences:

- 1. Stress and Mental Pressure
 - a. Children who marry young/underage are often not ready to face the responsibilities of marriage, such as taking care of the household and children. [37].
 - b. Pressure from partners, family, or social environment can cause excessive anxiety and stress.
- 2. Depression and Loneliness
 - a. Lack of emotional readiness in facing domestic life can increase the risk of depression.

- b. They also tend to miss out on adolescence and freedom, which can leave them feeling isolated.

3. Emotional Instability

- a. Children who marry young often experience drastic emotional changes because they are not yet psychologically mature.
- b. Domestic conflicts occur more often due to the inability to manage emotions and communicate well.

4. Low Self-Confidence

- a. Unpreparedness in carrying out the role of wife/husband or parent can make them feel incapable.
- b. They also often experience social pressure, especially if they have to drop out of school or cannot pursue their dreams.

5. Risk of Domestic Violence

- a. Lack of life experience makes them more vulnerable to domestic violence.
- b. Many of them do not have the courage or knowledge to get out of a toxic relationship.

e. High Divorce Rate

Marriage carried out by two people who are minors, causes a lot of concern from various parties. The concern occurs because the marriage of minors is still very unstable, so it causes many problems in the future, including domestic violence, maintenance problems because they do not have a fixed income, and marriage still depends a lot on parents so that marriage like this actually causes many problems in the household that leads to divorce.

f. Protection of Children

The age limit for marriage is based on Law Number 1 of 1974 concerning Marriage (hereinafter referred to as the UUP) which has been amended by Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, before the revision of the marriage law there was a difference in the age limit of marriage, namely 19 years old male and 16 year old female, but after the revision of the law both have been equalized to 19 years.

One of the benefits of changing the marriage age limit is to protect children's rights. According to Arif Gosita, what is meant by child protection is "efforts to support the implementation of children's rights and obligations [8]." A child who obtains and maintains the right to grow and develop in a balanced and

positive life, means that he receives fair treatment and avoids harmful threats [38]. Child protection efforts are in the form of legal actions that have legal consequences, so as to prevent children from arbitrary parental actions.

Thus, child protection must be sought in various fields of livelihood and life in the state, society, and family based on the law for the right, fair, and welfare of children, including protecting and preventing the occurrence of child marriage and sexual abuse of children. Protecting children means protecting human beings, and building a whole human being. The essence of national development is the development of the whole Indonesian human being who is virtuous, ignoring the protection of children, resulting in various social problems that interfere with law enforcement, order, security and national development.



Figure 2: A photo with the Supervisor, the implementer of KUA Cibeureum and INU Tasikmalaya students of a field study on legal socialization

Conclusion

The age limit for marriage in Indonesia is regulated in positive law in Indonesia, namely in Law Number 1 of 1974 concerning Marriage in article 7 paragraph (1) it is stated that "marriage is only allowed if the man has reached the age of 19 years and the woman has reached the age of 16", and in paragraph (2) it is stated that "In the event of a deviation in paragraph (1) it can request a dispensation in the court or other officials requested by the parents of the man or woman". However, currently this article has changed its provisions based on Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, which states the equality of the age limit of marriage between men and women, which is at least 19 years old for both men and women.

The consequences of restricting the age of marriage include considering several social aspects, the first of which is 1) Girls' Reproductive Health, in this aspect the most considered is that married women are still under the age of 19 years old are still very vulnerable to health problems, pregnancy disorders and are even feared to cause death to mothers and children. 2) Children's education, changes in the marriage law regarding the age limit on marriage also consider aspects of education that can be stated that previously the requirement for the age limit for women, namely 16 years in Indonesia, is still included in school age so that it is also not suitable for marriage, 3) Economics, one of which is Labor productivity has decreased because many individuals do not have adequate skills or education. 4) Psychological Field, lack of emotional readiness in dealing with home life can increase the risk of depression, they also tend to lose adolescence and freedom, which can make them feel isolated. 5) High divorce rate, although age limits do not determine a person's maturity level, age can determine a person's behavior in a household, therefore it is important to consider age limits. Marriage like this actually causes many problems in the household that leads to divorce. 6) Protection of children, because what is meant by a child in the legal system in Indonesia is everyone who has not reached the age of 18 years, so at that age most agree that the age is not suitable for marriage, marriage in order to avoid domestic problems in the future. Second, the community better understands the change in the age limit for marriage, namely for men and women equal to 19 years.

Author Contributions

Yanti Haryanti: Conceptualization, Methodology, writing-review & editing, Supervision, Project administration.

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Conflict of Interest

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