



(RESEARCH ARTICLE)



Implementation of marriage dispensation towards early marriage: A case study in Selo District, Boyolali Regency

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Abstract

Marriage dispensation is a granting of the right to a person to marry even though they have not reached the minimum age limit for marriage. Marriage dispensation is regulated in Article 7 paragraph (2) of Law No. 16 of 2019 amending Law No. 1 of 1974 concerning marriage. Underage marriage or so-called early marriage is a marriage carried out by a person who is still under the age specified in the statutory regulations. In Law No. 16 of 2019 it is stated that permission to marry is given if the man and woman are 19 years old. If it will be done under that age, it can be done through a marriage dispensation at the Religious Court. This shows that the application for a marriage dispensation case is a major concern of the Government as an effort to minimize the practice of underage marriage in Indonesia.

This type of research is field research. Field research is research conducted by collecting data and information obtained directly from the research location, which aims to study intensively about the background of the current situation and environmental interactions of a social group, individual, institution or community.

The results of the study showed that there are several factors that cause early marriage, namely economic factors, educational factors, customary and habit factors. From this it can be said that the factors that cause early marriage are due to poor economic factors in society, low educational factors in society, and customary and habit factors in society to marry off their children at an early age

Keywords: Dispensation; Early Marriage; Case Study; Selo District

1. Introduction

Marriage is a physical and spiritual 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 Almighty God. From marriage, a person will be able to obtain a balance in life both biologically, psychologically and socially. The good age limit for marriage has been set for women at 19 years and for men at 19 years. At that age, the female reproductive organs are physiologically well developed and strong and ready to give birth to offspring and are physically mature so that they are able to support family life both psychologically and emotionally, economically and socially. In running a household to realize peace and tranquility can be carried out based on applicable legal regulations. Not only that, according to applicable legal regulations, a marriage will be considered valid if it is registered at the Office of Religious Affairs (KUA) or the Civil Registry Office. Restrictions on the age of marriage are very necessary to realize the purpose of marriage itself. The provision regarding the existence of an age limit that is allowed to marry is very important due to several reasons, such as the rights of women and children themselves. So that the considerations are not solely biological but more with their psychological and social.

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The problem of underage marriage still often occurs, which causes a high divorce rate at a young age which causes many problems. Therefore, the Government has taken a policy to increase the age limit permitted for marriage, especially for women. Law No. 16 of 2019 concerning Amendments to Law No. 1 of 1974 concerning Marriage, in Article 7 paragraph (1) it is stated that "Marriage is only permitted if the man and woman have reached the age of 19 (nineteen) years".

According to Law No. 1 of 1974 concerning marriage, article 1 is to form a happy and eternal family (household) based on the Almighty God. To realize this goal, one of the principles outlined by Law No. 1 of 1974 concerning marriage is that prospective husband and wife must be physically and mentally mature to be able to carry out marriage, in order to realize the purpose of marriage properly without ending in divorce and having good and healthy offspring. Article 7 paragraph 1 of Law No. 1 of 1974 concerning marriage states that marriage will only be permitted if the man has reached the age of 19 years and the woman has reached the age of 16 years. Law No. 16 of 2019 concerning amendments to Law No. 1 of 1974 concerning the minimum age limit for marriage, namely that marriage can only be permitted if the man and woman have reached the age of 19 (nineteen) years.

The factors underlying the occurrence of underage marriage include poverty, children's willingness, education, family and also cultural factors (Joar Svanemyr, 2012). Indonesia is the country with the 37th largest number of underage marriages in the world out of 158 countries and Indonesia also ranks as the second highest country in Southeast Asia. The high number of underage marriage cases in Indonesia tends to occur in various rural areas because of the low level of knowledge of the villagers. This is because people who live in rural areas still have low knowledge about the dangers of underage marriage. The National Family Planning Coordinating Agency (BKKBN) concluded that the number of underage marriages in rural areas is indeed greater than in urban areas. The comparison obtained for the group who married at a young age (aged 15-19 years) marriages at this age are mostly carried out by women with low education status.

The factors that cause early marriage that are often found in society are because early marriage also occurs so that to ease the burden on parents, their children are married to people who are considered capable of meeting their children's needs, education factors, low levels of education and also knowledge of parents, children, and also society cause a tendency to marry off their children who are still underage, parent factors, parents are worried about being disgraced because their daughter is dating a man who is very close so they want to marry off their child immediately, mass media and internet factors, the intense exposure of sex in the mass media causes modern teenagers to be increasingly permissive towards sex, customs factors, early marriage occurs because parents are afraid that their child will be called an old maid so they are immediately married off or married off.

2. Methods

The approach method used in this study is the juridical-empirical approach method, namely research conducted directly by looking at existing laws and regulations connected to the reality in the field, and based on a study of the workings of law in society. The type of research used in this study is qualitative descriptive research using a juridical-empirical approach. Empirical legal research is a type of legal research that functions to see the law by examining the workings of law in society and the effectiveness of the law in force. Mudtija Rahardjo the term empirical means real with another meaning is an effort to approach the problem being studied with the nature of real law or in accordance with the reality that lives in society.

Data sources are about where the research data is obtained from. This data collection can be done using primary data sources (direct sources) and secondary data sources (indirect data sources). Data collection techniques are carried out through interviews, Literature Study, Documentation. The data analysis that the author will use is qualitative normative data analysis, which is carried out by discussing legal norms, doctrines with data obtained from research objects that have been inventoried. Then conclusions will be drawn deductively.

3. Results and discussion

From the table of results below, it can be concluded that the number of early marriages in Selo District has increased. Seen from 2018 to 2020, the number of early marriage data has increased significantly. However, in 2021 to 2023 there was a slight decrease compared to 2020 which was very large. After the implementation of Law No. 16 of 2019, where the minimum age for marriage is 19 years for men and women compared to the implementation of the previous Law No. 1 of 1974, namely where the minimum age for marriage is 16 years for women and 19 years for men. So the implementation of the latest Marriage Law No. 16 of 2019 is still not successful enough to minimize the occurrence of early marriage in Selo District, Boyolali Regency.

Table 1 Early Marriage Data in Selo District in 2018

No.	Name (groom)	Age	Name (the bride)	Age	Information
1.	S	32	J	15	
2.	G	22	W	15	
3.	SL	25	W	15	
4.	M	23	S	15	

Table 2 Early Marriage Data in Selo District in 2019

No.	Name (Groom)	Age	Name (The bride)	Age	Description
1.	FAK	16	WR	17	
2.	N	30	S	22	
3.	N	22	A	18	
4.	S	21	N	16	
5.	W	16	K	15	
6.	B	21	TO	18	
7.	Y	20	U	16	
8.	S	41	R	19	
9.	A	16	N	17	
10.	A	24	H	18	
11.	E	19	I	16	
12.	J	21	T	18	
13.	J	36	N	18	

Table 3 Early Marriage Data in Selo District in 2020

No.	Name (Groom)	Age	Name (The bride)	Age	Information
1.	GFS	21	IP	18	
2.	S	23	IDL	18	
3.	S	18	G	17	
4.	S	23	SH	17	
5.	J	24	TL	16	
6.	S	16	S	16	
7.	S	21	S	18	
8.	S	26	RSL	17	
9.	T	28	P	16	
10.	RFA	19	NR	18	
11.	S	19	M	16	
12.	P	27	P	16	

13.	JM	22	M	17	
14.	P	27	SR	17	
15.	H	19	S	17	
16.	R	26	SS	16	
17.	GP	20	H	13	
18.	DA	17	RR	17	
19.	T	18	S	18	
20.	RS	32	TL	18	
21.	K	21	LN	15	
22.	B	25	TY	18	
23.	M	22	S	16	
24.	S	26	P	17	
25.	W	32	P	17	
26.	EN	19	NAP	18	
27.	PR	27	S	17	
28.	TP	21	M	16	
29.	N	24	RK	17	
30.	W	22	R	18	
31.	T	24	Y	17	
32.	S	27	LF	18	
33.	SR	36	R	17	
34.	BBS	21	NK	16	
35.	R	20	PH	16	
36.	SW	25	SY	18	
37.	R	18	W	15	
38.	ZW	20	S	15	
39.	T	31	S	17	
40.	S	18	W	17	
41.	J	24	W	18	
42.	EAS	22	TL	17	
43.	TY	23	The	17	
44.	S	30	LAL	16	
45.	AS	26	AS	18	
46.	T	18	R	16	
47.	S	19	SH	18	
48.	P	21	P	17	
49.	S	22	N	16	
50.	J	25	TW	16	

51.	T	31	SM	18	
52.	S	17	SW	17	
53.	M	22	DT	16	
54.	T	27	S	18	
55.	AW	18	S	17	

Table 4 Early Marriage Data in Selo District in 2021

No.	Name (Groom)	Age	Name (The bride)	Age	Information
1.	ESP	21	S	18	
2.	S	26	S	18	
3.	P	26	L	18	
4.	A	18	S	17	
5.	S	24	S	18	
6.	SS	30	NJ	17	
7.	BA	22	NI	18	
8.	AS	29	SQ	18	
9.	S	21	M	18	
10.	W	24	K	18	
11.	K	26	S	18	

Table 5 Early Marriage Data in Selo District in 2022

No.	Name (Groom)	Age	Name (The bride)	Age	Information
1.	S	29	DSH	15	
2.	BA	22	PA	18	
3.	MY	22	S	17	
4.	Y	24	ES	18	
5.	W	21	ANW	15	
6.	M	32	SR	18	
7.	DS	25	AA	18	
8.	AIS	20	RK	17	
9.	R	23	H	15	
10.	S	27	SR	18	

Table 6 Early Marriage Data in Selo District in 2023

No.	Name (Groom)	Age	Name (The bride)	Age	Information
1.	SR	25	ISL	18	
2.	B	18	SWM	23	
3.	SP	22	W	17	
4.	JS	18	HE	16	
5.	S	22	LA	18	
6.	HSN	24	T	17	
7.	S	33	W	18	
8.	W	22	S	17	
9.	ES	19	R	17	
10.	EAC	26	LN	18	
11.	AP	27	SM	18	

3.1. Factors influencing early marriage in Selo District, Boyolali Regency

3.1.1. The Consequences of Early Marriage

Early marriage is a marriage that is carried out at a young age that can be detrimental. Early marriage is a marriage under age whose preparation target has not been said to be optimal in terms of physical preparation, mental preparation, and material preparation. Because of this, early marriage can be said to be a hasty marriage, because everything has not been prepared properly. Early marriage in women not only causes legal problems, violates the Law on Marriage, Child Protection and Human Rights, but also causes problems that can be traumatic events that will haunt them for life and the emergence of problems with the risk of disease in women and high risks of danger during childbirth, both for the mother and the child born. One of the risks resulting from marrying at an early age is conflict that ends in divorce.

In early marriage, it is difficult to distinguish whether it is a male or female teenager who usually easily controls emotions. Their emotional situation is clearly unstable, it is difficult to return to a normal situation. It is better to give prevention before there is a problem than to give them direction after finding a problem. Usually people start to find problems when they have children. Once they have children, it changes 100%. If they are together without children, they can still enjoy it, especially if both come from a well-off family, both can still enjoy their teenage years by having fun even though they are tied in marriage. The age is still too young, many decisions are taken based on emotions or maybe in the name of love which makes them act wrongly.

Emotional stability generally occurs at the age of 24, because that is when people begin to enter adulthood. Adolescence, arguably only stops at the age of 19. And at the age of 20-24 in psychology, it is said to be young adulthood or lead edolesen. At this time, the tradition of adolescent turmoil to a more stable adulthood usually begins to emerge. So, if marriage is carried out under the age of 20 as happened in Selo District, the teenager's emotions still want to adventure to find their identity. people like that get married, have children, the wife has to serve her husband and the husband can't go anywhere because he has to work to learn to be responsible for the future of the family. This is what causes turmoil in the household so that divorce and separation occur.

3.1.2. Factors Causing Early Marriage

Some people in Selo District claim that early marriage is common and has even become a culture because of the habits passed down from generation to generation. Other factors that influence early marriage include economic factors, education, customs or habits. In Selo society, there are several factors that cause early marriage, including:

Economic Factors

The economic burden on the family often encourages parents to quickly marry off their children in the hope that the family's economic burden will be reduced, because married daughters become a responsibility.

This often happens in Selo District, regardless of the age of the child is still young, especially if the applicant is from a rich party, with the hope of increasing their status. Early marriage occurs because there are families living on the poverty line, to ease the burden of their parents, their daughters are married to people who are considered capable. In Selo District, they assume that by marrying off their children, the economic burden will be slightly reduced. Because children who are married will be the responsibility of their husbands. Even parents hope that after their children are married they can help their parents' lives. Most families have many children, so that income that is not stable is unable to finance their children's education. Parents have a role and basis for the success of children's development, while the tasks and responsibilities for this are joint tasks between parents, society and government and the children themselves.

Education Factor

The low level of education and knowledge of parents, children and society, causes a tendency to marry off their children who are still underage and is not accompanied by long thinking about the consequences and impacts of the problems faced. The low level of education between parents and their children, namely only educated up to elementary school (SD), even many who do not go to school at all, so parents will be happy if their daughters already have someone who likes them, and parents do not know the consequences of early marriage.

Customary and Habitual Factors

According to many perceptions in society, marriage often occurs because since childhood children have been matched by their parents. That child marriage is to immediately realize the family ties between the groom's relatives and the bride's relatives that they have long wanted together, all so that their family relationship is not broken. In addition, there is parental concern about their teenage daughters, so parents immediately look for a match for their children. Parents think they want to quickly marry off their daughters because they are afraid of becoming spinsters. The habits and mindsets of people in Selo District that cause them to marry off their children. They are afraid that their children will become spinsters if they are single for too long and the habit of matchmaking to match children is still widespread. Their mindset of parents who are still traditional causes them to marry off their children under age, they are afraid, anxious if their children are not married for too long. The subject of gossip from neighbors and feeling embarrassed are the reasons why marriage done early.

3.1.3. Impact of Early Marriage

The perception of the Selo District community has various opinions about getting married young. They think that married life is more enjoyable. Concerns about their children in the future becoming "unsellable bachelors" certainly cause some young people to want to get married soon. While there are a number of negative effects of early marriage, namely:

Impact on physical health

Teenage girl pregnancy is very dangerous for the mother and the unborn child. Insufficient nutritional intake to meet her own needs because basically linear growth will end at the age of 18 years in addition, there is a possibility of growth disorders because nutritional intake is not met for the growth of the baby which results in the baby experiencing suboptimal growth disorders including low birth weight to premature birth. [Husnil fatimah et al., 2021].

Impact on psychology

Adolescence is a time marked by unstable emotions. Unstable mental health disorders can have a negative impact on the relationship between husband and wife. They can cause many problems and, if one of the partners cannot resolve the problem, the risk of divorce can occur.

Impact on child development

Children need a calm, harmonious, and stable home environment to feel safe and develop optimally. Unstable parental emotions will have a negative impact on how they raise their children. Early marriage has more disadvantages than advantages, including a higher likelihood of stunting in children, so we must prevent it.

Impact on Society

The decision to marry requires careful preparation about the social changes that certainly have burdens and responsibilities that are not easy. There is no doubt that there are heavy duties and burdens attached to this in society. The social behavior shown by early marriage perpetrators in Selo District is a lack of self-confidence in their ability to interact with other people who are more mature. This lack of self-confidence is usually caused by the conversations they have that are based on the experiences they have gained.

3.1.4. Early Marriage Prevention Efforts

The challenges faced by the Office of Religious Affairs (KUA) in carrying out its duties as an educator who raises awareness of the risks associated with early marriage. There is no doubt that with the efforts made to minimize early marriage through various means. The Office of Religious Affairs (KUA) has initiatives taken to reduce early marriage, including:

- Law No. 16 of 2019 concerning Amendments to Law No. 1 of 1974 is the task of the Religious Affairs Office (KUA) Counseling to carry out the task of disseminating the Law by holding socialization at the Village/Lurah Office and inviting local community members to attend. The purpose of this activity is to provide legal understanding regarding the consequences of violating these rules, as well as to increase public insight regarding Law of the Republic of Indonesia No. 16 of 2019, as a result the community is considered aware of the existing laws in regulating this nation, so that the law can be a guideline and prevent early marriage.
- The goal of this initiative is to prevent promiscuity and raise awareness of the impacts associated with early marriage among teenagers. Educational and health institutions work together to carry out socialization of concern for teenagers related to early marriage. When this effort is carried out regularly and integrated into the educational curriculum about the dangers and risks of early sexual intercourse, it may be very effective in preventing promiscuity and early marriage.

This individual approach is carried out by approaching the head of the family to provide guidance on understanding the law with an understanding of religion with the aim of being able to understand the impacts caused by early marriage so that parents as heads of the family provide guidance to family members so that they can avoid early marriage

4. Conclusion

The implementation of Marriage Dispensation at the Boyolali Religious Court is carried out in accordance with applicable laws and regulations, and without parental permission, marriage cannot be carried out. Especially for prospective women, parental guardians must be present as a requirement that has been determined by the legal regulations regarding marriage requirements. On the other hand, marriage is also related to population issues. Regulations on marriage include the age of marriage changing to 19 years for both men and women as regulated in Law No. 16 of 2019 concerning amendments to Law No. 1 of 1974 concerning marriage. It is proven that the lower age limit for a woman to marry results in a higher birth rate when compared to the age limit for someone who marries at a more mature age or a higher age. The application for dispensation must be submitted to the Court according to the applicant's area of residence. So, in this case, both parents of the man or both parents of the woman must apply for a marriage dispensation to the Court. Those who are Muslim must submit to the Religious Court and those who are non-Muslim must submit to the District Court to carry out underage marriage.

In relation to the issue of early marriage among teenagers, education needs to be improved in order to reduce the number of early marriages. Through protective parenting patterns, families can reduce the number of early marriages and the negative impacts of early marriage itself. Early marriage among teenagers has an impact on the physical and biological aspects of teenagers. Therefore, the function and role of the family must be improved and considered. Teenagers must avoid social norms that may be dangerous for them. To prevent the increasing number of early marriages in society, parents must support the growth and development of their children according to their age. Government representatives must have the ability to develop initiatives to prevent juvenile delinquency and initiatives that can help reduce the frequency of early marriages. Therefore, law enforcement officers and community members should be more concerned with protecting the environment and enforcing the law .

Compliance with ethical standards

Disclosure of conflict of interest

No conflict of interest to be disclosed.

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