



Research Article



The Controversy on the Minimum Age for Marriage in Indonesia: Factors and Implications

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Abstract: In 2019, Indonesia redefined the minimum age limit for marriage with the aim of achieving gender equality and reducing child marriage rates. Unfortunately, this legal reform did not entirely succeed and, instead, created a paradox within Indonesian society. This study aims to investigate the controversy surrounding the minimum age for marriage as stipulated in Indonesian Marriage Laws. The paper employs a socio-legal approach, collecting data through legal material investigation and interviews. The research indicates that the reformation attempt brings about at least three undesired implications: an increase in the number of marriage dispensations, child marriages, and pre-marital pregnancies. These paradoxes appear to be influenced by several factors: (1) the public's minimal awareness of the current marriage law, (2) the lack of socialization from government bodies, and (3) regulatory inconsistency itself. Theoretically, instead of resolving issues within society, it turns out that the legal changes initiated by the state do not significantly trigger changes within society.

Keywords: Minimum age for marriage; child marriage; marriage dispensation; pre-marital pregnancy



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INTRODUCTION

The controversy of minimum age for marriage in Indonesia emanates from reformation to the stipulated age limits delineated in Article 7, paragraph (1) of Law Number 1 of 1974. Initially, this legal provision mandated a minimum age of 16 for female and 19 for male to enter matrimony. Subsequently, amendments introduced by Law Number 16 of 2019 revised the stipulation to require a minimum age of 19 for both parties seeking marriage under the purview of the legislation. This is a government effort or as legal politics.¹ The government's imperative to mitigate the prevalent incidence of child marriage in Indonesia is undeniable, given the markedly elevated rates of such unions.² This assertion finds support in scholarly literature, with a journal article affirming the substantial prevalence of early marriages within the

¹ Azwad Rachmat Hambali, Rizki Ramadani, and Hardianto Djanggih, 'Politik Hukum PERMA Nomor 1 Tahun 2020 Dalam Mewujudkan Keadilan Dan Kepastian Hukum Terhadap Pemidanaan Pelaku Korupsi', *Wawasan Yuridika*, 5.36 (2021), 200–223 <https://doi.org/10.25072/jwy.v5i2.511>

² Heribertus Rinto Wibowo and others, 'One Household, Two Worlds: Differences of Perception towards Child Marriage among Adolescent Children and Adults in Indonesia', *The Lancet Regional Health-Western Pacific*, 8 (2021), 100103 <https://doi.org/10.1016/j.lanwpc.2021.100103>

Indonesian context.³ However, Article 7 paragraph (2) of Law No. 16 of 2019 states that if both parties are not old enough, they can apply for marriage dispensation to the court. The marriage dispensation is an exception granted by the law for parties who have not yet reached the minimum age.⁴ The process of adjudicating marriage dispensation is regulated by Supreme Court Regulation Number 5 of 2019. The controversy arises from the government's fervor to diminish the incidence of child marriages; however, the actual developments in the field appear to contradict this intention.

The controversy surrounding the minimum age for marriage in Indonesia did not arise spontaneously; instead, it was influenced by various factors. The reasons that contribute to the contentious nature of regulations on the minimum age for marriage can be categorized into three main factors. These include the public's perception and comprehension of the minimum age requirement for marriage, the insufficient dissemination of information about the regulations, and the inconsistencies in the rules governing the minimum age for marriage.⁵ The presence of these three factors makes the regulatory dispute regarding the minimum age for marriage in Indonesia intriguing for further research. Exploring these aspects can contribute valuable insights to the existing knowledge and shed light on the effectiveness of the regulations governing the minimum age for marriage in Indonesia.⁶

The regulatory framework pertaining to the minimum age requirement for marriage in Indonesia underwent significant reformation, initially outlined in Law Number 1 of 1974 on marriage, and subsequently amended by Law Number 16 of 2019. The latter revision, rooted in the Constitutional Court of the Republic of Indonesia's decision Number 22/PUU-XV/2017, stipulates in Article 7, paragraph (1) that individuals seeking marriage must attain a minimum age of 19. However, in instances where this condition is not met, paragraph (2) affords the option to seek a marriage dispensation through legal recourse. The practical implementation of these regulatory changes yielded remarkable consequences. The resultant impacts stemming from the controversy surrounding the minimum age limit for marriage in Indonesia can be distilled into three primary facets: a notable surge in marriage dispensation applications, an alarming uptick in occurrences of child marriages, and a discernible rise in instances of premarital pregnancies.

The present article's literature review functions as a foundational and differentiating element in the realm of preceding research endeavors, particularly those conducted by Fahadil Amin Al Hasan (2021), who posits that the implementation of Supreme Court Regulation Number 5 of 2019 serves as a proactive measure, standardizing judicial

³ Lisman Lubis, 'Dispensasi Kawin Jelang Dua Tahun Pasca Perubahan Undang - Undang Perkawinan', *Law Jurnal*, 2.1 (2021), 1–9 <https://doi.org/10.46576/lj.v2i1.1447>

⁴ Muhammad Iqbal and Rabiah Rabiah, 'Penafsiran Dispensasi Perkawinan Bagi Anak Di Bawah Umur (Analisis Beberapa Putusan Mahkamah Syar'iyah Aceh)', *EI-USRAH: Jurnal Hukum Keluarga*, 3.1 (2020), 101 <https://doi.org/10.22373/ujhk.v3i1.7708>

⁵ Jewel Gausman and others, 'Prevalence of Girl and Boy Child Marriage across States and Union Territories in India, 1993–2021: A Repeated Cross-Sectional Study', *The Lancet Global Health*, 23, 2023, 1–11 [https://doi.org/10.1016/S2214-109X\(23\)00470-9](https://doi.org/10.1016/S2214-109X(23)00470-9)

⁶ Lucia Corno and Alessandra Voena, 'Child Marriage as Informal Insurance: Empirical Evidence and Policy Simulations', *Journal of Development Economics*, 162, January (2023), 103047 <https://doi.org/10.1016/j.jdeveco.2023.103047>



decisions to prioritize the best interests of the child when evaluating applications for marriage dispensation.⁷ Subsequently, the research conducted by Lia Amaliya and Sartika Dewi (2021) explicates that the elevation of the marriage age limit for women to 19, aligned with men, as per Law Number 16 of 2019, has led to a discernible escalation in applications for marriage dispensation over successive years. It is noteworthy that the issuance of Supreme Court Regulation Number 5 of 2019 by the Chief Justice of the Republic of Indonesia aimed to furnish a legal framework for the adjudication of marriage dispensation applications.⁸ Conversely, the study by Lisman Lubis (2021) underscores the paramount importance of stringent administrative requisites in the application process for marriage dispensation, emphasizing the need for such requirements as substantiation that the marriage is necessitated by urgent circumstances with no viable alternatives. Despite their contributions, these three studies did not delve into a detailed examination of the regulatory controversy surrounding the minimum age limit for marriage in Indonesia. Consequently, the current research endeavours to scrutinize the emerged controversy pertaining to regulations on minimum marriage age limits in Indonesia, commencing with an exploration of relevant legislations, namely Law Number 1 of 1974, Law Number 16 of 2019, and Supreme Court Regulation Number 5 of 2019. The primary objectives are to discern the driving factors behind this regulatory controversy and elucidate the implications stemming from such disputes.

METHOD

This article is under socio legal research. Data was gathered from diverse outlets, including library literature, various government agencies, and existing legal frameworks such as Law Number 1 of 1974 concerning Marriage, and its amendment, Law Number 16 of 2019. Additionally, Supreme Court Regulation Number 5 of 2019, which outlines guidelines for adjudicating marriage dispensation applications, was consulted. Data also came from interviews with families and parents of underage children, as well as field interviews with relevant stakeholders capable of providing insights to enrich the study. Subsequently, the collected data underwent a process of reduction and articulation, culminating in the creation of a narrative article. This article serves to elucidate the complexities surrounding the regulatory discourse on the minimum age limit for marriage in Indonesia. The research took a setting in Grobogan Regency, Indonesia, for its elevated rates of marriage dispensations and child marriages, stemming from the ongoing regulatory controversies surrounding the minimum age limit for marriage in the country.

⁷ Maila D.H. Rahiem, 'COVID-19 and the Surge of Child Marriages: A Phenomenon in Nusa Tenggara Barat, Indonesia', *Child Abuse and Neglect*, 118.95 (2021), 1–13 <https://doi.org/10.1016/j.chiabu.2021.105168>

⁸ Mughniatul Ilma, 'Regulasi Dispensasi Dalam Penguatan Aturan Batas Usia Kawin Bagi Anak Pasca Lahirnya UU No. 16 Tahun 2019', *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam*, 2.2 (2020), 133–66 <https://doi.org/10.37680/almanhaj.v2i2.478>

RESULT AND DISCUSSION

Controversy over Regulations Regarding the Minimum Age Limit for Marriage in Indonesia

Initially enacted on January 2, 1974, Law Number 1 of 1974 concerning Marriage has endured for approximately 45 years. This legislation holds provisions pertaining to the minimum age for marriage.⁹ Article 7, paragraph (1) specifically dictates that marriage is permissible only if the man is 19 years old and the woman is 16 years old. Should both parties fall short of the stipulated minimum age, as elucidated in paragraph (2), the parents of the individuals involved possess the authority to petition the court for dispensation. However, it is crucial to acknowledge that the age of 16, as designated in Law Number 1 of 1974, still categorizes an individual as a child. This definition aligns with Article 1, point 1 of Law Number 23 of 2002 concerning Child Protection, which designates a child as someone below the age of 18, encompassing even those who are still in utero. This confluence of legal frameworks implies that the age at which marriage is permitted overlaps with the definition of childhood, as outlined in child protection legislation. Consequently, such unions may potentially yield more adverse consequences than favorable outcomes, given the recognized vulnerability of individuals under the age of 18, as acknowledged in the context of child protection laws.¹⁰

Law Number 16 of 2019, which introduces amendments to Law Number 1 of 1974 concerning Marriage, constitutes a consequential response to the implementation of the Constitutional Court of the Republic of Indonesia's decision, numbered 22/PUU-XV/2017. This decision prompted revisions in Article 7 of Law Number 1 of 1974, specifically targeting provisions related to marriage. One notable modification involved elevating the minimum marriage age for women from 16 to 19 years, aligning it with the existing requirements for men. The impetus behind these changes was the desire to curtail child marriages, thereby affording children the opportunity for proper growth and development while ensuring the fulfillment of their fundamental rights, including education, social welfare, health, and protection against violence and discrimination.¹¹ Crucially, beyond the adjustment of age provisions in Article 7, paragraph (1) to mandate a minimum age of 19 years for both genders, Law No. 16 of 2019 preserves the option for parties falling short of the stipulated age to seek marriage dispensation. As articulated in paragraph (2), this provision echoes the government's commitment to mitigating child marriages by maintaining a mechanism for case-by-case evaluations through court dispensation requests. This dual approach, encompassing age elevation and the provision for dispensation requests, underscores

⁹ Fahadil Amin Al Hasan and Deni Kamaluddin Yusup, 'DISPENSASI KAWIN DALAM SISTEM HUKUM INDONESIA: Menjamin Kepentingan Terbaik Anak Melalui Putusan Hakim' *Al-Ahwal: Jurnal Hukum Keluarga Islam*, 14.1 (2021), 86–98. <https://doi.org/10.14421/ahwal.2021.14107>

¹⁰ Ewa Batyra and Luca Maria Pesando, 'Trends in Child Marriage and New Evidence on the Selective Impact of Changes in Age-at-Marriage Laws on Early Marriage', *SSM - Population Health*, 14 (2021), 100811 <https://doi.org/10.1016/j.ssmph.2021.100811>

¹¹ Kathryn M. Yount and others, 'Impact of the CARE Tipping Point Program in Nepal on Adolescent Girls' Agency and Risk of Child, Early, or Forced Marriage: Results from a Cluster-Randomized Controlled Trial', *SSM - Population Health*, 22.September 2022 (2023), 101407 <https://doi.org/10.1016/j.ssmph.2023.101407>

the government's proactive stance in aligning legal frameworks with the objective of reducing instances of child marriages in Indonesia.

Supreme Court Regulation Number 5 of 2019, delineating the Guidelines for Adjudicating Marriage Dispensation Applications, represents a legal directive issued by the Supreme Court to systematically govern the process of adjudicating marriage dispensation applications within the judicial system. This regulatory framework addresses a lacuna in explicit and detailed regulations governing the adjudication of marriage dispensation applications, a matter not previously stipulated. Supreme Court Regulation Number 5 of 2019 is intricately intertwined with Law No. 16 of 2019, particularly in its relation to Article 7, paragraph (2), which stipulates that if both parties fail to meet the criteria outlined in Article 7, paragraph (1), then the parents of the individuals involved may seek marriage dispensation through the judicial system. Subsequently, the procedural aspects of marriage dispensation in court are delineated in Supreme Court Regulation No. 5 of 2019, specifically addressing the Guidelines for Adjudicating Marriage Dispensation Applications. Issued by the Supreme Court within a month of the promulgation of Law No. 16 of 2019, this regulation becomes instrumental in standardizing the adjudication process. It is noteworthy that while Law No. 16 of 2019 serves as the legislative foundation for determining the minimum age limit for marriage, Supreme Court Regulation No. 5 of 2019 does not explicitly outline criteria or reasons for the court's acceptance or rejection of dispensation applications. Consequently, dispensation requests submitted to the court tend to be granted, contingent upon compliance with the established processes and provisions articulated in the regulatory guidelines.

Factors Driving the Regulatory Controversy Regarding the Minimum Age for Marriage in Indonesia

Initially, there exists a significant aspect of community understanding. Indonesia, with its diverse societal characteristics, cultures, and customs, harbors a range of perspectives on marriage. Particularly in rural areas, a prevailing belief persists that marriage is a matter left to the discretion of their children, with little consideration given to the child's age.¹² Notably, in these regions, a substantial number of school-age children opt out of formal education, choosing instead to engage in work.¹³ This sentiment is exemplified by Supiyem, a parent residing in one of the remote villages, who articulated, "I can only obey my children. I have been offered to go to school, and I don't want to, and I prefer to work because, after that, someone will definitely offer to marry me." The intersection of insufficient human resource capacity and a limited understanding of the significance of marriage contributes to the escalating prevalence of child marriages. It is crucial to recognize that marriage holds profound meaning in human life, giving rise to legal consequences not only for the involved spouses but also impacting their future descendants, parents, family, and even society

¹² Marcos Delprato and others, 'On the Impact of Early Marriage on Schooling Outcomes in Sub-Saharan Africa and South West Asia', *International Journal of Educational Development*, 44 (2015), 42–55 <https://doi.org/10.1016/j.ijedudev.2015.06.001>

¹³ Gita Naik and others, 'Adolescent Marriage a Violation of Sexual and Reproductive Health Rights: Trend, Spatial Variation and Covariate Analysis from National Family Health Survey', *Clinical Epidemiology and Global Health*, 25.September 2023 (2024), 101493 <https://doi.org/10.1016/j.cegh.2023.101493>



at large. The manifestation of low public awareness regarding the implications of marriage, particularly in rural areas, exacerbates the challenges associated with child marriages in Indonesia.¹⁴

Secondly, there is a notable absence of socialization. The enactment of government regulations should ideally be accompanied by an extensive outreach process to educate and inform community members, particularly regarding regulations pertaining to the minimum age limit for marriage. The deficiency in disseminating information about the regulations, both at the central and regional levels, poses a significant challenge to the effective implementation of these legal frameworks. A study revealed that the inadequate socialization of Law No. 16 of 2019 by the religious affairs office, attributed to a shortage of field instructors, emerged as a contributing factor hindering the successful implementation of the law. Addressing this issue, the Chair of Indonesian Women Congress (KOWANI) emphasized the critical need for widespread dissemination of information regarding Law Number 16 of 2019, particularly focusing on the minimum age limit for marriage. The chairperson underscored that public outreach on this legislation is pivotal, enabling individuals to educate their communities, as preventing child marriage is a collective responsibility. Consequently, the substantial three-fold increase in marriage dispensation cases in religious courts in 2019, rising from 23.1 thousand, was attributed to the public's lack of awareness regarding alterations in regulations pertaining to the minimum age limit for marriage.

The deficiency in socializing regulations related to the minimum age limit for marriage in Indonesia has further fueled the existing controversy. Indonesia, as a nation founded on legal principles, upholds the rule of law in its governance. Consequently, the government issues rules and regulations to systematically manage society, encompassing directives regarding the minimum age limit for marriage, officially promulgated on October 15, 2019. The lack of widespread dissemination and awareness of these regulations has contributed to the ongoing debate and uncertainty surrounding the implementation of the stipulated minimum age requirements for marriage in the country.

In accordance with the principle of legal fiction, individuals are presumed to be aware (*presumption iures de iure*) of the binding provisions, rendering ignorance of existing regulations insufficient grounds to evade legal consequences (*ignorant jurist non excusat*).¹⁵ The assumption is that all citizens, without exception, should be cognizant of the enactment of Law No. 16 of 2019. However, the reality is not in alignment with this presumption, as not all individuals, with varying abilities, have the means to access information, leading to a lack of awareness about the amendment raising the minimum marriage age from 16 to 19.¹⁶ Rukasih, a beneficiary

¹⁴ Kaya Van Roost, Miranda Horn, and Alissa Koski, 'Child Marriage or Statutory Rape? A Comparison of Law and Practice Across the United States', *Journal of Adolescent Health*, 70.3 (2022), 572–77 <https://doi.org/10.1016/j.jadohealth.2021.10.023>

¹⁵ Sreerekha Sathi, 'Marriage Murders and Anti-Caste Feminist Politics in India', *Women's Studies International Forum*, 100.January (2023), 102816 <<https://doi.org/10.1016/j.wsif.2023.102816>>.

¹⁶ Lotus McDougal and others, 'Mapping the Patchwork: Exploring the Subnational Heterogeneity of Child Marriage in India', *SSM - Population Health*, 12.May (2020), 100688 <https://doi.org/10.1016/j.ssmph.2020.100688>



of the government's social assistance program residing in Grobogan Regency, exemplifies this gap in knowledge. She notes that, despite having a child in junior high school, her understanding of marriage regulations is limited to an age of 16 years. Rukasih attributes this lack of awareness to the absence of legal counseling or information dissemination regarding the changes to the minimum age limit for marriage. This underscores the disparity in access to information, highlighting the need for more comprehensive educational and outreach efforts to ensure widespread understanding and compliance with legal amendments.

Thirdly, regulatory inconsistencies arise in the legal framework governing the minimum age limit for marriage. Article 7, paragraph (1) of Law No. 1 of 1974, which underwent subsequent modification through Law No. 16 of 2019, serves as the key legislation in this domain. According to Article 7, paragraph (1) of Law No. 16 of 2019, an individual is eligible for marriage at the age of 19, marking a significant departure from the previous figures of 16 years for women and 19 years for men. This alteration was implemented to curtail the prevalent issue of child marriages, addressing the need to raise the minimum age requirement from 16 to 19. However, an apparent inconsistency emerges in Article 7, paragraph (2) of the same law, which allows for the application of marriage dispensation by parties who do not meet the age requirements outlined in Article 7. This provision introduces a degree of flexibility that seems at odds with the overarching objective of reducing marriages at a young age. Consequently, the regulatory modification, while aiming to mitigate child marriages, introduces a nuanced element of inconsistency by providing an avenue for dispensations, potentially undermining the intended impact of raising the minimum age limit.

The inconsistency within the regulations concerning the minimum age limit for marriage in Indonesia serves as a contributing factor to the prevailing controversy. Despite the government's commitment to reducing the incidence of child marriages, as evidenced by the elevation of the minimum age limit for marriage from the provisions outlined in Article 7, paragraph 1 of Law No. 1 of 1974 concerning Marriage to at least 19 years through the amendment introduced by Law No. 16 of 2019, the actual outcomes present a contrasting picture. Paradoxically, the amendment, intended to deter child marriages, has led to an increase in such unions.¹⁷ This paradox can be attributed to the existence of Article 7, paragraph (2) of Law No. 16 of 2019, which allows parties below the age of 19 to submit requests for marriage dispensation to the court. Despite the overarching objective of raising the minimum age limit, the provision for dispensations creates a contradictory scenario. On one hand, there is a higher minimum age requirement; on the other hand, there remains a mechanism to seek dispensations when parties do not meet the stipulated age criteria. This regulatory incongruity contributes to the ongoing controversy surrounding child marriages in Indonesia.

¹⁷ Pintu Paul, Kalysha Closson, and Anita Raj, 'Is Parental Engagement Associated with Subsequent Delayed Marriage and Marital Choices of Adolescent Girls? Evidence from the Understanding the Lives of Adolescents and Young Adults (UDAYA) Survey in Uttar Pradesh and Bihar, India', *SSM - Population Health*, 24.June (2023), 101523 <https://doi.org/10.1016/j.ssmph.2023.101523>

Implications Resulting from the Controversy over the Regulation of the Minimum Age for Marriage in Indonesia

The controversy surrounding the regulation of minimum marriage age limits in Indonesia carries extensive implications, notably manifested in the increased rates of marriage dispensations, heightened occurrences of child marriages, and a surge in pre-marital pregnancies. The escalation in the number of marriage dispensations has become an inevitable consequence of the amendments introduced in Article 7, paragraph (1) of Law No. 16 of 2019. This legal provision mandates that individuals seeking marriage must be at least 19 years old, signifying that the parties involved are considered adults. In essence, the substantial increase in the minimum age for marriage, from 16 to 19 years, is designed to curb the prevalence of early marriages. While the intention behind this regulatory adjustment is to mitigate the incidence of early marriages, the impact on marriage dispensations indicates a potential shift in societal behavior. The broader implications of this controversy extend beyond dispensations to include an undesirable rise in child marriages and pre-marital pregnancies, emphasizing the complex and multifaceted nature of the challenges associated with regulating minimum marriage age limits in Indonesia.¹⁸

In reality, the existence of regulations governing the minimum age limit for marriage in Indonesia has indirectly led to a rise in early marriages among children due to the availability of a pathway for applying for marriage dispensation.¹⁹ The Head of the Central Java DP3AP2KB noted in jatengprov.go.id that the surge in early child marriages could be attributed to two distinct phenomena—the COVID-19 pandemic and the modification in the minimum age limit for marriage outlined in Article 7, Paragraph 1 of Law Number 16 of 2019.²⁰ These factors collectively contributed to a significant increase in child marriages, soaring from 672 cases in 2019 to 11,301 cases in 2021. The analysis of the increased cases reveals a concerning trend, with many girls marrying between the ages of 16 to 19 years old. Consequently, it can be concluded that the regulatory controversy surrounding the minimum age limit for marriage has inadvertently led to a spike in child marriages, presenting an unintended consequence of the legal amendments introduced in 2019.

The first implication of the controversy surrounding regulations on the minimum age limit for marriage in Indonesia is a notable increase in the number of marriage dispensation cases.²¹ While Article 7, paragraph (1) of Law No. 16 of 2019 establishes noble ideals concerning the minimum age for marriage, the presence of a loophole in paragraph (2) allows parties who do not meet the age requirements to enter into marriage. This paragraph permits parents, under certain conditions and with

¹⁸ Alfian Alghifari, Nuzha Nuzha, and Dwi Utami Hidayat Nur, 'Efektivitas Undang-Undang Nomor 16 Tahun 2019 Tentang Perkawinan Dalam Menurunkan Angka Pernikahan Usia Dini Di Kabupaten Polewali Mandar', *QISTHOSIA: Jurnal Syariah Dan Hukum*, 2.2 (2021), 121–40 <https://doi.org/10.46870/jhki.v2i2.129>

¹⁹ Amelia Khairunisa and Atiek Winanti, 'Batasan Usia Dewasa Dalam Melaksanakan Perkawinan Studi Undang-Undang Nomor 16 Tahun 2019', *Justitia: Jurnal Ilmu Hukum Dan Humaniora*, 8.4 (2021), 774–84 <https://doi.org/10.31604/justitia.v8i4.774-784>

²⁰ Rahiem.

²¹ Mayank Singh, Chander Shekhar, and Neha Shri, 'Patterns in Age at First Marriage and Its Determinants in India: A Historical Perspective of Last 30 Years (1992–2021)', *SSM - Population Health*, 22.November 2022 (2023), 101363 <https://doi.org/10.1016/j.ssmph.2023.101363>

supporting data or evidence, to request a dispensation from the court for very urgent reasons. The judge possesses the discretionary authority to either grant or reject these requests. Furthermore, the Chairman of the Supreme Court of the Republic of Indonesia issued regulation Number 5 of 2019, providing a legal basis for parties seeking marriage dispensation when not meeting the age criteria.²² As a consequence of these provisions, data recorded at the Religious Court Body (Badilag) reveals a significant surge in child marriage dispensation cases. In 2020 alone, there were 64.2 thousand such cases, marking an increase of approximately three times, or 177.7%, compared to the 23.1 thousand dispensation cases recorded in 2019. This surge underscores the tangible impact of the regulatory controversy on the increased pursuit of marriage dispensations in Indonesia.²³

Table 1. Marriage Dispensation Cases Record

No.	Year	Number of Marriage Dispensation Cases
1.	2019	23.145
2.	2020	64.216

The second implication is the escalating rate of child marriages.²⁴ The provision in Article 7, paragraph (2) of Law No. 16 of 2019, which allows parties to apply for marriage dispensation, serves as a loophole for individuals aspiring to marry but falling short of the required age. This unintended consequence has posed challenges for law enforcement authorities, including judges and lawyers. The availability of an avenue to seek marriage dispensation from the court indirectly facilitates the marriage of individuals who are not yet old enough. Granting a marriage dispensation provides an opportunity for young parties to proceed with the marriage, even if they are at an early age or considered children. Consequently, the data from the Central Java DP3AP2KB reveals a significant increase in cases of early childhood marriage, with 11,301 cases for girls and 1,671 cases for boys. Additional data from the West Nusa Tenggara Regional Office of the Ministry of Religious Affair (Kanwil Kemenag NTB) indicates that child marriages experienced a substantial increase of over 100% from 2019 to 2020. The Head of the Regional Office of the Ministry of Religion for Central Java further highlighted that, in 2021, out of 290,000 marriages in Central Java, 8,700 cases received marriage dispensation, contributing to the rise in child marriages. Based on the following table 2, taken from the website dp3ap2kb.ntbprov.go.id, it can be concluded that child marriages from 2019 to 2020 experienced a very high increase.

²² Jumriati Jumriati and Hafiz Ahmad Rumlatur, 'DISPENSASI PERKAWINAN DI BAWAH UMUR', *Jurnal Hukum*, 2.2 (2022), 124–35 <https://doi.org/10.47945/muadalah.v2i2.758>

²³ Rizqi Tri Lestari and Jejen Hendar, 'Dispensasi Perkawinan Anak Dibawah Umur Menurut UU Perkawinan Dengan Al Maqasyid Syariah', *Jurnal Riset Ilmu Hukum*, 2022, 19–22 <https://doi.org/10.29313/jrih.v2i1.655>

²⁴ Shatha Elnakib and others, 'Investigating Incidence, Correlates, and Consequences of Child Marriage Among Syrian Refugees Residing in the South of Lebanon: A Cross-Sectional Study', *Journal of Adolescent Health*, 70.3 (2022), S64–71 <https://doi.org/10.1016/j.jadohealth.2021.08.022>

Table 2. Child Marriage Data from 2019 to 2020 in Central Java Province

No.	2019	Amount	2020	Amount
1.	January	31	January	91
2.	February	12	February	76
3.	March	13	March	50
4.	April	6	April	18
5.	May	4	May	14
6.	June	15	June	109
7.	July	20	July	107
8.	August	16	August	88
9.	September	13	September	69
10.	October	28	October	96
11.	November	110	November	87
12.	December	64	December	25
	Total	332	Total	805

The third implication is the occurrence of pre-marital pregnancy.²⁵ Marriage, considered an external act between two individuals seeking to form a bond based on love and affection, requires adherence to certain provisions, including the minimum age limit for marriage.²⁶ The minimum age requirement of 19 years is established by the state to deter child marriages and minimize the potential negative impacts associated with such unions. However, this age restriction has unintentionally led to a phenomenon where underage individuals, eager to marry, opt to become pregnant before meeting the minimum age requirement.²⁷ The minimum age of 19 years implies that both parties intending to marry and establish a *sakinah, mawaddah, wa rohmah* household must meet this age criterion. The state regulation aims to mitigate the prevalence of child marriages, recognizing their potential for adverse consequences outweighing the positive aspects. The pervasive influence of technology and media, especially on the younger generation, plays a role in this trend. The National Commission on Women records indicate that exposure to gadgets and rapid responses to incomprehensible information contribute to unwanted pregnancies among

²⁵ Chloe M. Harvey and others, 'Premarital Conception as a Driver of Child Marriage and Early Union in Selected Countries in Southeast Asia and the Pacific', *Journal of Adolescent Health*, 70.3 (2022), S43–46 <https://doi.org/10.1016/j.jadohealth.2021.11.003>

²⁶ Eunice Muthengi, Laura Muthoni, and Karen Austrian, 'Comparing Cohabiting Unions and Formal Marriages Among Adolescent Girls in Zambia: The Role of Premarital Fertility and Parental Support', *Journal of Adolescent Health*, 70.3 (2022), S47–53 <https://doi.org/10.1016/j.jadohealth.2021.11.024>

²⁷ Melanie Straiton and others, 'Population Health Mental Disorder and First-Time Marriage Formation among Non-Western Migrant Women: A National Register Study', *SSM - Population Health*, 17.December 2021 (2022), 101022 <https://doi.org/10.1016/j.ssmph.2022.101022>



adolescents. Reports from March 21, 2021, based on a survey conducted by the Children's Forum and U-Report, revealed that 52.9% of early marriages were attributed to pregnancies before marriage, while 25% were driven purely by the desire to marry early. Public Relations of PA Surabaya further emphasized that monthly requests for child marriages are often linked to situations where girls become pregnant first. This underscores the complex interplay between societal factors, regulations, and unintended consequences in the context of pre-marital pregnancies associated with the regulatory controversy over the minimum age limit for marriage in Indonesia.

CONCLUSION

The regulatory controversy surrounding the minimum age limit for marriage in Indonesia presents a compelling subject for in-depth research and study. The legal framework governing the minimum age for marriage is outlined in Law Number 1 of 1974, subsequently amended by Law Number 16 of 2019. However, this regulatory change has introduced inconsistencies, undermining the intended spirit of reducing child marriage rates and sparking significant controversy. The impacts stemming from this regulatory controversy in Indonesia are profound, manifesting in (1) a notable increase in the number of marriage dispensations, (2) an upward trend in child marriage rates, and (3) a rise in premarital pregnancies. These consequences highlight the intricate dynamics and unintended outcomes associated with regulatory adjustments in this context. Furthermore, the regulatory controversy is influenced by supporting factors such as (1) public understanding, (2) insufficient socialization efforts, and (3) regulatory inconsistencies. The lack of effectiveness in the current regulations necessitates a critical re-examination for potential improvements. Addressing these complexities and discrepancies in the legal framework becomes imperative to align regulatory measures with the intended objectives and mitigate the adverse impacts observed in the realm of marriage age limitations in Indonesia.

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