

Resepsi atas Batas Usia Nikah dalam Hukum Perkawinan di Indonesia

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Reception of Marriage Age Limit in Marriage Law in Indonesia

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Abstract: The determination of the age limit for marriage in the Marriage Law is controversial in Indonesian society. This paper aims to analyze the response of public acceptance of the new regulation on the age limit for marriage according to marriage law in Indonesia. The method used is a qualitative method with a grounded theory approach. The data were got through observation, interviews with informants, and documentation, which were analyzed through three stages: data reduction, data display, and conclusion. The results showed three forms of public acceptance of the new regulation on marriage's age limit: dominant hegemony, negotiation, and oppositional reception. The diversity of public acceptance of the age limit for marriage according to the law is influenced by differences in the level of public education, community culture, and public understanding of the validity of the marriage. Developing a more intensive study by comparing various perspectives is necessary. Involvement of the public, government, and judicial institutions representing each region in Indonesia, including the islands of Java, Sulawesi, and Kalimantan, is very much needed in disseminating marriage law in Indonesia.

Keywords: age of marriage; marriage law; reception.

Abstrak: Penetapan batas usia nikah dalam Undang-Undang Perkawinan menjadi kontroversi di masyarakat Indonesia. Tulisan ini bertujuan untuk menganalisis respon penerimaan masyarakat terhadap regulasi baru batas usia nikah menurut hukum perkawinan di

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Indonesia. Metode yang digunakan adalah metode kualitatif pendekatan grounded theory. Data diperoleh melalui observasi, wawancara dengan informan dan dokumentasi yang dianalisis melalui tiga tahapan yaitu reduksi data, display data dan conclusion. Hasil penelitian menunjukkan bahwa terdapat tiga bentuk penerimaan masyarakat terhadap regulasi baru batas usia nikah; hegemoni dominan, negosiatif, dan resepsi opositif. Keberagaman penerimaan masyarakat terhadap batas usia nikah menurut Undang-Undang dipengaruhi oleh perbedaan tingkat pendidikan masyarakat, kultur masyarakat, dan pemahaman masyarakat tentang sahnya perkawinan. Perlu dikembangkan suatu kajian yang lebih intensif dan komprehensif dengan mengomparasikan berbagai perspektif. Pelibatan masyarakat secara umum, pemerintah dan lembaga peradilan yang mewakili masing-masing daerah di Indonesia, termasuk Pulau Jawa, Sulawesi, dan Kalimantan sangat dibutuhkan dalam mensosialisasikan hukum perkawinan di Indonesia.

Kata Kunci: usia nikah; hukum perkawinan; resepsi.

Introduction

The number of underage marriages shows a significant development in the Indonesian Muslim community. In 2018, 11.21% of women married before 18 years old. In 2019, there were 10.82% cases of underage marriage; this cannot be said to be reduced because the population increases yearly. The increase in the number of underage marriages can see in the determination' application of Marriage Dispensation submitted by the community to the court. Marriage dispensation cases in 2019 totaled 24,864 cases, whereas, in the previous year, there were only 13,880 cases (Report on implementing the Supreme Court's Activities, 2019).¹ Besides the Marriage Dispensation, another method taken by the community to carry out underage marriages through legalization of married. There are several variants or patterns to "trick" the Marriage Act. This places Indonesia in eighth place in the world regarding child marriage.² The practice of underage marriage has long been carried out by people in Indonesia, especially in rural communities.³

¹ Laporan Pelaksanaan Kegiatan Mahkamah Agung, 2019

² Heribertus Rinto Wibowo et al., "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/https://doi.org/10.1016/j.lanwpc.2021.100103>.

³ Budi Prasetyo, "Perspektif Undang-Undang Perkawinan Terhadap Perkawinan Di bawah Umur," *Serat Acitya* 6, no. 1 (2018).
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Many experts in Indonesia have studied the age limit for marriage. From several studies, three trends were found regarding the study of the age limit for marriage. First, studies that look at the factors driving underage marriage. The category of people who carry out underage marriages is that their level of education is not yet advanced.⁴ Besides that, the economy is low, and because of the traditions of the local community are factors supporting the existence of this underage marriage.⁵ It turns out that economic factors occur not only in Indonesia but also in other countries, such as Ghana (West Africa).⁶ Second, studies that look at the impact caused by underage marriage. Erfina⁷ revealed that women who are still teenagers are directly faced with various post-marriage challenges during the transition (adult) period, such as marital relations, pregnancy, and responsibilities as mothers. Economic problems are also faced by married teenagers.⁸ In Northwest Tanzania (Africa), child marriage is a tool to gain social status in one's local community.⁹ Third, studies that place the phenomenon of underage marriage as a trend in Muslim society. Some think their daughters are ready to marry when they menstruate.¹⁰ In Northwest Tanzania (Africa), child marriage is seen as a tool to gain social status in one's local community.¹¹ This reason underage

⁴ Erica Soler-Hampejsek et al., "Education, Child Marriage, and Work Outcomes Among Young People in Rural Malawi," *Journal of Adolescent Health* 69, no. 6, Supplement (2021): S57–64, <https://doi.org/https://doi.org/10.1016/j.jadohealth.2021.09.011>.

⁵ Wibowo et al., "One Household, Two Worlds: Differences of Perception towards Child Marriage among Adolescent Children and Adults in Indonesia"; Jony Eko Yulianto et al., "Navigating Tensions in Inter-Ethnic Marriages in Indonesia: Cultural, Relational, Spatial and Material Considerations," *International Journal of Intercultural Relations* 86 (2022): 227–39, <https://doi.org/https://doi.org/10.1016/j.ijintrel.2021.12.008>.

⁶ Babatunde Ahonsi et al., "Child Marriage in Ghana: Evidence from a Multi-Method Study," *BMC Women's Health* 19, no. 1 (2019): 1–15, <https://doi.org/10.1186/s12905-019-0823-1>.

⁷ Erfina Erfina et al., "Exploring Indonesian Adolescent Women's Healthcare Needs as They Transition to Motherhood: A Qualitative Study," *Women and Birth* 32, no. 6 (2019): e544–51, <https://doi.org/https://doi.org/10.1016/j.wombi.2019.02.007>.

⁸ Maila D H Rahiem, "COVID-19 and the Surge of Child Marriages: A Phenomenon in Nusa Tenggara Barat, Indonesia," *Child Abuse & Neglect* 118 (2021): 105168, <https://doi.org/https://doi.org/10.1016/j.chiabu.2021.105168>.

⁹ Andrea J. Melnikas et al., "Perceptions of Minimum Age at Marriage Laws and Their Enforcement: Qualitative Evidence from Malawi," *BMC Public Health* 21, no. 1 (2021): 1–12, <https://doi.org/10.1186/s12889-021-11434-z>.

¹⁰ Wibowo et al., "One Household, Two Worlds: Differences of Perception towards Child Marriage among Adolescent Children and Adults in Indonesia."

¹¹ Susan B. Schaffnit, Mark Urassa, and David W. Lawson, "'Child Marriage' in Context: Exploring Local Attitudes Towards Early Marriage in Rural Tanzania," *Sexual and* <http://jurnal.arraniry.ac.id/index.php/samarah>

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marriage rates remain high in Africa, despite strict marriage laws that impose sanctions on society. Of the three study patterns, few researchers have seen how the reception of the marriage age limit in marriage law in Indonesia is currently.

This article aims to complement the shortcomings of studies on underage marriage, which only discuss the causes, effects, and phenomena of the trend of underage marriage among the Indonesian Muslim community. In line with this, the important question answered in this article is how the three forms of reception, namely dominant hegemony, negotiation, and opposition, occur in the Muslim community. Here, what factors trigger the difference in acceptance of the three? The dominant hegemony reception is related to how strong state pressure on the practice of underage marriage is implemented. Negotiation receptions are closely related to efforts to harmonize law between law enforcement officers and the community. Meanwhile, the opposition relates to the conflicting attitudes between state policies and community practices regarding underage marriage.

This article is based on the assumption that the difference in a reception over the age limit for marriage in Indonesian marriage law is triggered by three main things. First, there is pressure or state intervention on law enforcement officials to implement the new regulation on the age limit for marriage. Existing regulations are still “centralized,” so they impose their implementation at the regional level even though they often contradict the actual conditions of the Muslim community. Second, different community cultures and government policies require legal harmonization. The interests of these two different parties are the way to find common ground that can accommodate the fulfillment of their individual needs. Third, there are differences in the interests of the community and the government based on different assumptions. The marriage age policy focuses on protecting the rights of women and children. The practice of the Muslim community is oriented towards implementing sharia, which also aims to avoid deviant marriage practices.

The urgency and trend of underage marriage and pregnancy out of wedlock among girls at an early age, which continues to increase, and its implications for changes in young girls’ understanding of underage marriage are the main reasons for this research. Based on data Makassar City, which is one of the metropolitan cities in Eastern Indonesia with a majority Muslim population, has high cases of underage marriages. In the last three years, it

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recorded 128 cases of underage marriages, and this is in line with what happened in Manado City, which is a plural city with conditions the typology of the people who respect the privacy of others, the number of cases of underage marriage was higher namely 185 cases. Yogyakarta is known as a city of education and a royal area but still has high cases of underage marriages. In the last three years, there have been 128 cases underage marriages. It is interesting to describe the forms of reception, namely dominant hegemony, negotiation, and opposition, that occur in the Muslim community and to find the triggering factors that distinguish the acceptance of these three forms of reception in the three research locations.

The data used are primary data from interviews with informants, and secondary data as written documents as marriage dispensation data, reasons for submitting a marriage dispensation to the religious court, marriage certificate data, marital identity data at KUA and comparative reference books and relevant previous research. This data was collected through direct observation at the KUA and the Religious Courts of the City of Yogyakarta, Manado, and Makassar. Next, conduct in-depth interviews and semi-structured interviews with informants according to the interview guidelines that have been prepared. Informants are executors of the Marriage Law, namely heads of KUA and mastership who are directly affiliated with the community. The religious court judges accept applications for marriage dispensation (DK) to implement underage marriages. Source support is also supplemented by documentation in the form of secondary data from KUA, Religious Courts, reference books, and journals or scientific articles.

The data collected was analyzed using the Milles and Huberman Model analysis technique, which comprises three stages. Namely, first data reduction where data from recorded interviews was presented in interview transcripts and outlined and summarized the informant's answers as outlined in the pattern. Answers in tabular form. The two display data are grouping the gist of the saturated answers into research findings coded and determined by the theme that becomes the answer to the research objectives. The third and final step is drawing conclusions, which is interpreting the research findings theme by describing, connecting, and comparing research findings with relevant theories and previous research results to produce a scientific statement concept that becomes the conclusion of this study.

Reception Theory (Stuart Hall)

The concept of reception is often used to explain an acceptance and meaning made by individuals/groups of phenomena and social conditions

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around them.¹² Stuart Hall first introduced the concept of reception to explain the decoding of a broadcast (research on media audiences), but this theory is also used to read and interpret a social situation.¹³ According to Stuart Hall, reception is a “culturalism approach” in which individuals consciously negotiate a situation based on their life experiences and socio-cultural context to find meaning in the situation.¹⁴ In the concept of reception, individuals/groups are not only subjects who receive passively but have a position of authority and are free to interpret the meaning of a phenomenon so that the results of the meaning will vary according to how the subject receives and understands the object.¹⁵ Therefore, Hall views reception as an adaptation and a way for individuals/groups to accept and interpret a social situation so that the reception results become diverse and unique depending on the factors that influence the understanding of the individual/group.¹⁶

There are three essential processes in interpreting a phenomenon: the encoding-decoding process. (1) Encoding can be explained as a stage of discourse production (spreading meaning). In the encoding process, meaningful discourse is formed, where each situation has a specific meaning that society can accept.¹⁷ (2) Receiver is described as a stage in conveying a message. In the receiver stage, the meaning is not received directly by the community, so the meaning becomes diverse¹⁸ (3) Decoding the stages that occur on the community side (message consumption).¹⁹ In the decoding process, three hypothetical positions will be formed. First, the dominant-

¹² Yung Ho Im, “Reception of Stuart Hall in the Korean Intellectual Field,” *Inter-Asia Cultural Studies*, 2017, <https://doi.org/10.1080/14649373.2017.1309500>.

¹³ Vanessa Malila and Noko Pela, “Youth, Elections and Social Media: Understanding the Critical (Di) Stance Between Young People and Political Party Messaging,” in *Social Media and Elections in Africa, Volume 2* (Springer, 2020), 95–115; Joanshelley Rubin, “Rethinking the Creation of Cultural Hierarchy in America,” *Reception: Texts, Readers, Audiences, History* 6, no. 1 (2014): 4–8.

¹⁴ Homi K Bhabha, “‘The Beginning of Their Real Enunciation’: Stuart Hall and the Work of Culture,” *Critical Inquiry* 42, no. 1 (2015): 1–30; Stuart Hall, “Encoding And Decoding In The Television Discourse,” in *Centre For Cultural Studies* (University of Birmingham, 1973).

¹⁵ James Procter, “Encoding/Decoding,” in *Stuart Hall* (Routledge, 2004), 71–88; Isaac Julien, “Stuart Hall,” *Art in America* 103, no. 6 (2015): 48–49.

¹⁶ Cahya Tunshorin, “Analisis Resepsi Budaya Populer Korea Pada Eternal Jewel Dance Community Yogyakarta,” *Profetik: Jurnal Komunikasi* 9, no. 1 (2016).

¹⁷ Stuart Hall, “Encoding—Decoding (1980),” in *Crime and Media* (Routledge, 2019), 44–55, <https://doi.org/10.4324/9780367809195-6>.

¹⁸ Hall.

¹⁹ Zhenglan Lu, “A Response to Stuart Hall: Towards a Creative Decoding,” *Signs and Media* 1, no. aop (2021): 1–11.

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hegemonic position is where individuals interpret a connoted message. In this position, each acts according to his feelings.²⁰ Second, the negotiated position is when the individual has accepted the dominant ideology, which he then follows up with exceptions.²¹ Third, the oppositional position is a position to accept and understand the meaning that exists in a phenomenon. Still, as the individual compares it again based on the background that exists in him, so there is a rejection by preferring to interpret a phenomenon himself.²²

The Marriage Age

The age of marriage is the ideal limit and size set by the state to regulate marriage and limit the practice of child marriage in society.²³ Each country's ideal age for marriage usually has different regulations and benchmarks. In Indonesia, regulations regarding the age of marriage are regulated in several state regulations, such as Law No. 16 of 2019 as an amendment to Law No. 1 of 1974, which regulates the minimum age limit for marriage, which is 19 years and 21 years as a sufficient limit for marriage.²⁴ This regulation is also by what has been determined by the Ministry of Women's Empowerment and Child Protection in Law Number 35 of 2014, which categorizes children as those who are under 18 years of age so that they assess the ideal age for marriage should be at least 21 years.²⁵ While some states in America set the legal minimum age for marriage which is 15 to 18

²⁰ Sharad Chari, "Three Moments of Stuart Hall in South Africa: Postcolonial-Postsocialist Marxisms of the Future," *Critical Sociology* 43, no. 6 (2017): 831–45; Gianmaria Colpani, "Two Theories of Hegemony: Stuart Hall and Ernesto Laclau in Conversation," *Political Theory* 50, no. 2 (2022): 221–46.

²¹ D. M. Verdiana, "Analisis Resepsi Terhadap Kreativitas Kekeyi Putri Cantika Di Youtube," *Lakon : Jurnal Kajian Sastra Dan Budaya* 10, no. 1 (2021).

²² Stuart Hall, "Popular Culture, Politics and History," *Cultural Studies* 32, no. 6 (2018): 929–52; Katherine Sender and Peter Decherney, "Stuart Hall Lives: Cultural Studies in an Age of Digital Media," *Critical Studies in Media Communication* (Taylor & Francis, 2016).

²³ Adiyana Adam, "Dinamika Pernikahan Dini," *Al-Wardah: Jurnal Kajian Perempuan, Gender Dan Agama* 13, no. 1 (2019): 15–23.

²⁴ D. P. Utami and Finza Khasif Ghifarani, "Minimum Age Of Marriage In Indonesia Perspective Of Islamic Law, Positive Law And Medical Views," *Al-'Adalah : Jurnal Syariah Dan Hukum Islam* 6, no. 2 (2021): 185–205; A. N. Siregar, "Usia Perkawinan Berdasarkan Mental Emosional Antara Pria Dan Wanita," *Egalita* 15, no. 2 (2020).

²⁵ Tizza Ihfada Faizal Dalag Patepa, "Perlindungan Khusus Bagi Anak Menurut Undang-Undang Nomor 35 Tahun 2014 Tentang Perubahan Atas Undang-Undang Nomor 23 Tahun 2002 Tentang Perlindungan Anak," *LEX ET SOCIETATIS* 8, no. 4 (2020).

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years.²⁶ Besides being determined by regulations, the age limit for marriage is also determined by social and religious norms that exist in society. In Islam, the age of marriage is regulated in several schools, such as the Shafi'i and Hanbali schools, which argue that the ideal age for marriage is 15 years.²⁷ Therefore, the determination to allow an individual to marry has different conceptions and standards.

Determining the ideal age for marriage is closely related to the phenomenon of early marriage. According to Baysak et al., the state's determination of the ideal age for marriage is regulated by the state to avoid early marriage, which can negatively impact children.²⁸ Psychologically, early marriage results in trauma, fear, and even suicide because of the child's mental unpreparedness to deal with household problems.²⁹ Meanwhile, biologically, early marriage results in the emergence of reproductive health problems in women and men.³⁰ Besides health, early marriage also results in limited access to education and even leads to divorce.³¹ In line with that, Nanda³² also write that many children can not get an education after marriage. In this context, the state regulates and limits the legality of the age of marriage so that someone who gets married is considered having matured in mind and body so that an increase in the quality of life, welfare, and full implementation of the purpose of marriage can be realized by religious and social norms.³³ Therefore, the

²⁶ Tamara McGavock, "Here Waits the Bride? The Effect of Ethiopia's Child Marriage Law," *Journal of Development Economics* 149 (2021): 102580; Mohammad Niaz, "Can Child Marriage Law Change Attitudes and Behaviour? Experimental Evidence from an Information Intervention in Bangladesh," *ECONSTOR*, 2020.

²⁷ Nur Ihdatul, "Batas Usia Pernikahan Dalam Islam; Analisis Ulama Mazhab Terhadap Batas Usia Nikah," *Perbandingan Mazhab*, 2020.

²⁸ Erensu Baysak et al., "Is Early Marriage Practice a Problem for Women Living in Istanbul? A Qualitative Study," *Archives of Women's Mental Health*, 2021, <https://doi.org/10.1007/s00737-020-01067-3>.

²⁹ E. R. Syalis and N. N. Nurwati, "Analisis Dampak Pernikahan Dini Terhadap Psikologis Remaja," *Focus : Jurnal Pekerjaan Sosial* 3, no. 1 (2020): 29–39.

³⁰ Shafa Yuandina Sekarayu and Nunung Nurwati, "Dampak Pernikahan Usia Dini Terhadap Kesehatan Reproduksi," *Jurnal Penelitian Dan Pengabdian Kepada Masyarakat (JPPM)* 2, no. 1 (2021): 37–45.

³¹ Youjin Hahn et al., "Education, Marriage, and Fertility: Long-Term Evidence from a Female Stipend Program in Bangladesh," *Economic Development and Cultural Change* 66, no. 2 (2018): 383–415.

³² Priya Nanda, Priya Das, and Nitin Datta, "Education, Sexuality, and Marriageability: Overlapping Tropes in the Lives of Adolescent Girls in Haryana, India," *Journal of Adolescent Health* 70, no. 3 (2022): S28–S35.

³³ Fredrick Dermawan Purba et al., "Marriage and Quality of Life during COVID-19 Pandemic," *Plos One* 16, no. 9 (2021): e0256643.

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state sets rules to limit the age of marriage to avoid and minimize the consequences of early marriage.

Marriage Law

Marriage law is all forms of regulations and policies issued by the state to regulate every aspect of marriage practice.³⁴ Not only aims to improve people's welfare, but the existence of a marriage law established by the state also aims to protect the human rights of every individual in a country.³⁵ In some countries, the aspect that is often regulated in the marriage law is age. The minimum age allowed by the state for marriage is 18 years.³⁶ Even so, Niaz³⁷ emphasized that most marriage law regulations regarding the age limit are also influenced by the values and norms prevailing in society. One of them is carried out by the People's Republic of China (PRC), which stipulates a marriage law that contains institutionalization criteria and standardization of the marriage age based on social values and norms that apply in China.³⁸ According to Gledhill, marriage law based on social values and norms has undergone various negotiations in applying the law, so that moral aspects take precedence over positive law. Therefore, marriage law often experiences controversy and differences in its application.

In Indonesia, marriage law is regulated in several regulations, such as the 2019 Law, an amendment to Law Number 1 of 1974, which regulates that

³⁴ Shatha Elnakib et al., "Understanding the Impacts of Child Marriage on the Health and Well-Being of Adolescent Girls and Young Women Residing in Urban Areas in Egypt," *Reproductive Health* 19, no. 1 (2022): 1–14; Tadiwanashe Muganyi et al., "Fintech, Regtech, and Financial Development: Evidence from China," *Financial Innovation* 8, no. 1 (2022): 1–20.

³⁵ Lukman Santoso and Hani Zain Fathuri, "Ambiguitas Hak Atas Perkawinan Dan Kebebasan Beragama Dalam Undang-Undang No.1 Tahun 1974," *Al-Syakhsiyyah: Journal of Law & Family Studies* 1, no. 1 (2019); Kelly Musick and Larry Bumpass, "Reexamining the Case for Marriage: Union Formation and Changes in Well-Being," *Journal of Marriage and Family* 74, no. 1 (2012): 1–18.

³⁶ Jorge Garcia-Hombrados, "Child Marriage and Infant Mortality: Causal Evidence from Ethiopia," *Journal of Population Economics* 35, no. 3 (2022): 1163–1223; Niaz, "Can Child Marriage Law Change Attitudes and Behaviour? Experimental Evidence from an Information Intervention in Bangladesh"; Véronique Hertrich, "Trends in Age at Marriage and the Onset of Fertility Transition in Sub-Saharan Africa," *Population and Development Review* 43 (2017): 112–37.

³⁷ Niaz, "Can Child Marriage Law Change Attitudes and Behaviour? Experimental Evidence from an Information Intervention in Bangladesh."

³⁸ Levi S. Gibbs, "Forming Partnerships: Extramarital Songs and the Promotion of China's 1950 Marriage Law," *China Quarterly*, 2018, <https://doi.org/10.1017/S0305741017001692>.
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marriage must be carried out by adult humans aged 19 years or over 18 years and universally applies for marriage. Indonesian society.³⁹ The enactment of the marriage law shows that the bond between a man and a woman will be valid as husband and wife if both parties marry according to the minimum age limit set in the marriage law.⁴⁰ Besides age, the practice and application of marriage law in Indonesia are not little based on religious and socio-cultural norms that exist in society. The practice of marriage law in Indonesia also bases its provisions of Law Number 1 of 1974 concerning marriage practices based on local culture so that marriages are valid according to one's religion or belief system and are registered at the Civil and Religious Registry Office.⁴¹

Dominant Hegemony Reception

The latest regulation in Law Number 16 of 2019 stipulates the age limit for marriage for men and women is 19 years. The uniformity of the new regulation on the age of marriage is a concrete step by the government to reduce the level of underage marriage in Indonesia. The new regulation of the law normatively received a good response from the Office of Religious Affairs as a marriage registration institution. This acceptance occurred in several groups, namely KUA in Yogyakarta, Makassar, Manado, community groups, and judges in the Religious Courts. The acceptance of the dominant hegemony of various groups is evidence of the intense penetration of the state towards the implementation of the law.

Implementing the Marriage Law, which has undergone several material trials in the Constitutional Court, must be supported by various elements. The enforcement of a rule, which is a legal system in Indonesia, especially underage marriage, must be supported by the community, the

³⁹ A. N. Sigi, "Abolishing Child Marriage In Indonesia's Marriage Law Through Feminist Legal Theory And Child's Rights Approach," *Jurnal Perempuan* 25, no. 2 (2020): 117–33; Dewi Robiyanti et al., "Mandailing Customary Marriage Law in Terms of Law 16 of 2019 Concerning Amendments to Law No. 1 of 1974," *Budapest International Research and Critics Institute (BIRCI-Journal): Humanities and Social Sciences* 4, no. 4 (2021); John Ravenhill et al., "Book Reviews," *Asian Studies Review* 16, no. 2 (November 1992): 272–353, <https://doi.org/10.1080/03147539208712868>.

⁴⁰ Nurnazli Nazli, "Penguatan Regulasi Dalam Pencegahan Dan Penanggulangan Perkawinan Anak," *ADHKI: Journal Of Islamic Family Law* 1, no. 1 (2019): 75–87; Robiyanti et al., "Mandailing Customary Marriage Law in Terms of Law 16 of 2019 Concerning Amendments to Law No. 1 of 1974."

⁴¹ Santoso Santoso, "Hakekat Perkawinan Menurut Undang-Undang Perkawinan, Hukum Islam Dan Hukum Adat," *YUDISIA: Jurnal Pemikiran Hukum Dan Hukum Islam* 7, no. 2 (2016): 412–34.

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judiciary, and the government. However, public acceptance also varies, as shown in the following table:

Table 1: KUA's Dominant Hegemony Reception of the New Rules of Marriage Age

No.	Opinion	Sources	Coding/ Topic
1	The community understands the rules of the law where there is a marriage age limit. However, if the family has seen their daughter has reached puberty, they prefer to marry immediately.	Interview, S, Makassar, 7 th March 2022	Regulatory Understanding
2	We are here as KUA as marriage registrar; the term is whatever law determines age; as the implementer of KUA, we must follow.	Interview, Y, Makassar, 8 th Maret 2022	Executing Function
3	There is no data manipulation; we comply more with the law itself; if it does not meet the requirements, we reject it because it has no benefit for us. Better to wait a month to reach 19 years old.	Interview, AA, Makassar, 7 th Maret 2022	Obeying the Rules
4	Many parents object to this; when they come to KUA to marry off their children, we from KUA refuse to marry because it is against this latest law.	Interview, S, Makassar, 14 th Maret 2022	Protest Parents
5	We still have to follow the rules. The phenomenon in this community (betel marriage because it is a minor and then submits an <i>isbat</i> marriage) is troublesome and makes it twice as difficult for the community. We all must remain obedient to the existing state rules; if we disobey, especially the implementers of state rules, it	Interview, F, Makassar, 9 th Maret 2022	Awareness of Compliance with Regulations

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	means we don't become the implementers of the rules.		
6	People who come to PA are those who get a rejection from the KUA; the content of the rejection is that it has not met the requirements, one of which is age, especially in this new rule that leads to equality, so both must be 19 years old.	Interview, F, Makassar, 9 th Maret 2022	Rejection from KUA
7	The judge considered new regulations and data on the number of marriage dispensations after 2019 were increasing, including the importance of maturity and well-established for the prospective bride to marry. The judge has agreed with the age of 19 years. Indonesia's progress in regulating the marriage age is based on various aspects.	Interview, UU, Yogyakarta, 7 th Maret 2022	Regulatory Progress

Source: interview, 2022

As a government apparatus, the Office of Religious Affairs is obliged to register marriages based on predetermined regulations. People who carry out marriages caused by pregnancy outside of marriage continue to carry out their marriages after getting a Marriage Dispensation from the Religious Courts. The application for determining the Marriage Dispensation must be made by the community that deviates from the minimum age limit to the court. Mustofa, Farhan, and Ahmad Taujan Dzul (2021, February 4) argue that although the legislation provides an opening for child marriage, this does not necessarily make the Panel of Judges grant the case. The KUA's refusal to marry underage married couples has been carried out even though the person concerned is in childbirth before the decision of the DK from the court. The new regulation on the age of marriage is a step forward for the government by considering various aspects. We must remain obedient to the existing state rules; if we disobey, especially the implementers of state rules, we do not become the implementers. In an interview with one, KUA stated that KUA's authority is only as a marriage registrar. Regardless of the age determined by

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the law KUA as an executor, must comply with these regulations.⁴² Marriage registrar and judicial institutions carry out the law's mandate, so the community gets protection and legal force.

Emergency conditions cause the phenomenon that occurs regarding underage marriage. Based on data obtained at the Religious Courts of Makassar, Yogyakarta, and Manado in the last three years, the application for dispensation for marriage was because of an emergency condition. For example, the social environment affects the desire to marry underage is because of the condition of women who have been pregnant before, even given birth, and there is pressure from parents and families who feel ashamed because they are ridiculed in their environment. This data is presented in the following table:

Table 2: Data on Underage Marriage in Manado, Makassar and Yogyakarta

Category	Amount of Marriage Dispensation			Reason
	2019 Nov- Dec	2020	2021	
PA Manado	32	71	82	Pregnant, social status, women, have given birth.
PA Makassar	27	57	44	Pregnant.
PA Yogyakarta	21	72	64	Pregnant, social status, Women, have given birth, couples are ready to marry, have close ties.
	80	200	190	

Source: Annual report PA Manado, PA Makassar dan PA Yogyakarta (2019-2021)

Table 2 above shows that underage marriage is still very high. The determination of the Marriage Dispensation by the Religious Courts proves that underage marriage is still very high. The number of cases applying for a Marriage Dispensation was 13,880 in 2018. The 2019 Supreme Court Activity Implementation Report found 24,864 cases in the Marriage Dispensation category.⁴³ The leading cause of underage marriage is pregnancy (Annual report of PA Manado, PA Makassar, and PA Yogyakarta 2019-2021). The

⁴² Interview, YS, Makassar, March 8, 2022

⁴³ Interview, MM, Yogyakarta, February 4, 2021

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condition of the increase in underage marriages has caused the KUA apparatus to be more effective in conducting socialization with families to prevent underage marriages. Early marriage is a severe problem that must be immediately resolved, and one of them is that people must understand the negative impact of early marriage. Early marriage will only negatively impact. Head of the KUA, the existence of this law is perfect. Because it considers the problem of female reproduction, the psychology of the two partners who struggle to control their emotions, and economic problems, the man who married a woman does not have a job that can support his family in the future. It is unfortunate to see the current phenomenon where, in the development of this era, women are too fast to become mothers.

Negotiation Reception

The acceptance of a new regulation on the age of marriage was accepted in a compromising manner by various groups, namely the government, religious court judges, the head of the KUA, and the community. A compromise form of acceptance is carried out by the Makassar city government on the anniversary of the city of Makassar every November 9. Regarding unregistered marriage and submitting an isbat marriage, it is not immediately accepted by the court because, in this case, there have been violations committed by the community not following the rules of Article 7. It is difficult to give a marriage isbat determination; the judge also considers many things. Regarding isbat because they are underage, the judge will first ask why their marriage is.⁴⁴ Cooperation between the government and the judiciary is negotiation with people who marry underage.

Based on research in Makassar City, every birthday (milad), Makassar always holds a marriage isbat program. From this program, the community believes it is better to get married first, "menikah siri" and take care of the marriage isbat next year during the Makassar City anniversary. The marriage isbat program for each anniversary of Makassar City is based on the collaboration between the Makassar City Government and the Makassar Religious Court. With this program, Religious Court forces KUA to issue/publish marriage books. If the requirements are sufficient (there are guardians and others) supported by a pregnancy out of wedlock, it is easier to get a marriage dispensation.

⁴⁴ Interview, F, Makassar, March 9, 2022
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Table 3: KUA and Judge Negotiation Reception on New Rules of Marriage Age

No.	Opinion	Sources	Coding/Topic
1	Indeed, the religious court makes it difficult to issue a marriage dispensation. "underhand" marriage and an application for marriage <i>isbat</i> at the religious court. It is accepted even though the time of marriage has not yet reached the age of 19.	Interview, AJ, Makassar, 11 th March 2022	Marriage Dispensation by PA
2	There is also a program from the city government, "mass <i>isbat</i> " which is held every Makassar city anniversary. This program seems to see that the KUA is not running effectively, as evidenced by the marriage certificate that the KUA must record.	Interview, AJ, Makassar, 11 th March 2022; Interview, IF, Makassar, 9 th March 2022	Mass <i>Isbat</i> Program
3	While the previous marriage law has been violated (the marriage age), many more exist, especially with the changes to the current marriage law. For the people of Makassar City, especially parents of the Bugis-Makassar tribe, if someone has applied for their child, then age is not a problem. Because of this overlapping law, the basic assumption from the community is that marriage is religiously legal, later taking care of legal legality (marriage registration at the KUA) and KUA here as implementing the	Interview, YS, Makassar, 8 th March 2022.	Ineffective and Overlapping Regulations

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	law only records marriages according to the applicable rules?. This makes people take unregistered marriages first.		
4	The refusal from the KUA was then submitted to the religious court, and everything was granted, meaning that all pregnant women would be given a DK. So KUA only carries out what has become its duty, namely getting married.	Interview, H, 10 th March 2022	Rejection from KUA and Acceptance from PA

Source: interview, 2022

The existence of regulations governing the age of marriage is ineffective because negotiations by the Religious Courts and KUA are carried out as a marriage dispensation with the condition when there is an “underhand” marriage. The application for marriage isbat, primarily through the “Mass Isbat” program by the Makassar City Government, requires KUA to carry out their duties to legalize the Siri marriage. If there is a refusal from the KUA, the party submits it to the Religious Court and grants the request as negotiation (PA dispensation).

In this case, it is difficult for the community to get a marriage dispensation as a condition for marriage even though they are not old enough, so many people choose to do underhand marriages. People choose this route because they think their child’s marriage is religiously legal (girls and boys are already baliqh). Because it needed state recognition, the family submitted an isbat marriage at the Religious Court to get a letter from the judge that the marriage of the two couples must be recorded. And this turned out to be a legal loophole taken by the community. Two reasons are used easy and legal marriage according to religion.

Oppositional Reception

Differences in acceptance between community and government officials are caused by the situation and condition community and the mindset of dealing with problems in the family. This difference in perspective occurs among parents, KUA as a marriage registration institution, and the attitude toward accepting judges in the Religious Courts. Parents who act as guardians

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take an underhand marriage attitude (*menikah siri*). This line with what AJ said (March 11, 2022); “even though we from the KUA refuse to marry off their children, it all goes back to the parents, the marriage guardians. We from the KUA cannot prohibit it because we explain the law’s enactment, meaning that we cannot legally record the marriage.” After all, it is not yet 19 years old, which is where the *menikah siri* (marriage under the hand).

Many people take this route. For example, some marry underage, the head told KUA Manggala that recently parents came to marry off their children, but we here expressly refuse because they are not according to the age set by law. However, the wedding ceremony is ready to take place (invitations have been distributed and other preparations). But the PA does not easily decide on the marriage *isbat* of the two underage couples because the judges considered that the community was classified as committing a violation by not following Article 7 of Law no. 16 of 2019. In addition, the *isbat* process carried out by the community includes inconvenient things for the community itself.

“We still have to follow the rules. The phenomenon in this society (betel marriage because it is a minor and then submits an *esbat* marriage) is troublesome and makes it twice as difficult for the community. We all must remain obedient to the existing state rules; if we disobey, especially the implementers of state rules, it means we don’t become the implementers of the rules. Regarding unregistered marriage and submitting an *isbat* marriage, it is not immediately accepted by the court because, in this case, there have been violations committed by the community not following the rules of Article 7. It is difficult to give a marriage *isbat* determination; the judge also considers many things. Regarding the *isbat* because they are minors, the judge will first ask the reason for their marriage.”⁴⁵

“In line with that, the interview with RM showed the judge did not readily accept the marriage *esbat* application because of early marriage because, on the one hand, they had violated it. However, it needs to be seen if there are strong factors so that the judge deserves to give an *esbat* decision. For example, the problem of children plus all the reasons that the couple can explain can be considered by the judge to get a marriage *esbat* decision.”⁴⁶

“Most often it is found that marriage *isbat* is because of the problem of mileage that cannot be reached by the prospective partner so that

⁴⁵ Interview, F, Makassar, March 9, 2022

⁴⁶ Interview, MY, Makassar March 8, 2022

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the marriage is *siri*, it is acceptable. But regarding the *isbat* because of early marriage, the judge saw the benefits for them⁴⁷

Based on the results of the interviews above, it can be concluded that the community views the Marriage Law as an obligation for the community to obey, especially for marriage organizers. However, these rules create legal loopholes to be violated, such as marriage *esbat*. This is influenced because the parties are pregnant. Therefore, regulating marriage needs to be socialized maximally and effectively in the community. The data are presented in the following table:

Table 4: Reception of the Opposition of KUA and Judges to the New Rules of Marriage Age

No.	Opinion	Sources	Coding/ Topic
1	Even though we from KUA refuse to marry off their children, it all goes back to the parents as marriage guardians. We from the KUA cannot prohibit it because we explain the law's enactment, meaning that we cannot legally record the marriage. After all, it is not yet 19 years old. Where the marriage of <i>siri</i> (marriage under the hand).	Interview, AJ, Makassar, 11 th March 2022	Regulation socialization to parents Causes of unregistered marriage
2	This change in law raises the pros and cons in society, many of which are against the underage. The phenomenon that occurs when asked why they want to get married even though they have not yet reached 19 years, they answer that they can't stand it, so an accident occurs (pregnancy out of wedlock).	Interview, S, Makassar, 14 th March 2022	Pros and cons of regulatory changes

⁴⁷ Interview, RM, Manado March 11, 2022

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3	The problem with underage marriage is when a spouse/parent comes to get married, we from KUA refuse because it is still not enough for 19 years. Then, the couple/parents come to the PA to apply for a marriage dispensation. Whether the marriage dispensation is accepted or rejected depends on how the judge judges it; we, as KUA, only record and check whether the couple who wants to get married has complied with the specified conditions or not.	Interview, AA, Makassar, 7 th Maret 2022.	Application for marriage dispensation at KUA
4	Is there a guarantee that fewer people will marry below that by changing the legal marriage age? Because one side limits the age, and the country gives space on the other. In addition, there are psychological considerations, so there is a need for a change in the age of marriage. This is a question that has a psychological impact if someone has applied but must be rejected because they are not old enough, even though they have been fulfilled religiously.	Interview with AA, Makassar, 7 th March 2022.	Inconsistency of regulatory changes
5	The existence of the rules of Law no. 16 of 2019 as a limiting age for marriage and PERMA No. 5 of 2019 is to tighten article 7 of the	Interview, F, Makassar, 9 th March 2022	Regulatory impact

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	marriage law. If there is no urgent reason, there is no need to get married first. Besides, will the problem be solved when they get married? There will be new problems.		
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Source: interview, 2022

Table 4 above shows that the community has not fully implemented the new marriage age limit regulation. The marriage organizers consider the social and psychological conditions of the community in providing space for the implementation of underage marriages without going through registration. As a consequence, people carry out underhand marriages.

The phenomenon of underhand marriage due to underage marriage has made religious court play a more critical role in the examination. Religious court should not make it easier for people who do unregistered marriages, especially because minors are accepted to be given a marriage isbat. In many cases, couples who are both 18 years old come to KUA. KUA advises parents to hold the marriage ceremony until they are 19. A penghulu in Makassar stated:

“Of these three general problems (reproductive, psychological, and economic), the most problematic is reproduction. Which is not well understood by a society where women who are married under the age of 19 are very vulnerable to becoming a mother because of their health problems.”⁴⁸

The unpreparedness of women in terms of mental and reproductive harm to family life is experienced by young couples. Women as pillars who care for and educate children at home need a strong mentality in terms of family economic management, which is a point in realizing a prosperous family. These goals are realized if they are supported by an established economy, women’s reproductive readiness, and their partners’ maturity from the psychological aspect.

Discussion

There are three forms of reception to the marriage age regulation—first, the intense penetration of the state. Second, there is the harmonization of law enforcement. The third is the contradiction between the law and the will

⁴⁸ Interview, YS, Makassar, March 8, 2022
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of society. Public acceptance of regulating marriage age varies based on each party's interests.

1. Dominant Hegemony Reception

This dominant hegemonic position arises because most people share the same view, namely accepting the new regulations regarding limiting the age of marriage. The diversity of acceptance is a form of obedience as a good citizen. The attitude of acceptance in totality is caused by several things, namely, KUA officials as law enforcers who must submit, obey and comply with regulations. The quality of education of KUA officials comes from well-known universities in Indonesia, and the kingdom's culture influences the people's culture. For legal changes to be effective, better laws must be accompanied by better enforcement and monitoring to delay marriage and protect the rights of women and girls. This also happened in Malawi (South Africa); the government passed the Marriage Law but could not suppress the level of underage marriage in society, even though the regulation stipulates sanctions.⁴⁹ Therefore, a new way to suppress underage marriages in Malawi is canceling marriages. Alternative policies must ensure that girls' future life outcomes, including their participation in higher education and society, are encouraged and protected.⁵⁰

In Amhara (Ethiopia), awareness of marriage law enforcement is positively related to supporting girls' rights to choose their age and partner.⁵¹ The role of mass media and social communication can suppress the high rate of child marriage. Indonesia, which takes a more formal stance, such as the Office of Religious Affairs (KUA), will reject marriage if the prospective bride and groom have not reached the specified age. The parents of the prospective bride and groom must apply for a marriage dispensation to get a court product as a provision as a permit for the marriage to take place.⁵² The

⁴⁹ Melnikas et al., "Perceptions of Minimum Age at Marriage Laws and Their Enforcement: Qualitative Evidence from Malawi."

⁵⁰ 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.

⁵¹ Anastasia J. Gage, "Child Marriage Prevention in Amhara Region, Ethiopia: Association of Communication Exposure and Social Influence with Parents/Guardians' Knowledge and Attitudes," *Social Science and Medicine* 97 (2013): 124–33, <https://doi.org/10.1016/j.socscimed.2013.08.017>.

⁵² Aozora Ratu Pitaloka and Rahmi Ayunda, "Education on Marriage Dispensation after Amendment to Law Number 1 Of 1974 Concerning Marriage in The Batam Religious Courts," in *ConCEPT-Conference on Community Engagement Project*, 2022, 104–10. <http://jurnal.arraniry.ac.id/index.php/samarah>

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community agrees with the amendment of Law Number 1 of 1974 to Law Number 16 of 2019.

There are three models of the causes of community acceptance, such as Yogyakarta in totality. First, the legal novelty of marriage regulation for 45 years has adapted to the conditions of society. Second is the legal culture of the people of Yogyakarta. Third, the education of KUA who are qualified in Islamic law studies, especially in marriage law. Lawrence M. Friedman in Mulyadi & Utami⁵³ argues that the effectiveness and success of law enforcement depend on three elements of the legal system, namely the legal structure (structure of law), legal substance (the substance of the law), and legal culture (legal culture). The development of the legal field is carried out by increasing and perfecting the development of national family law.

The state has made several breakthroughs as a form of penetration of the high rate of underage marriages in Indonesia. In this form of penetration, the state is present by amending the Marriage Law. The regulation of the minimum age limit for marriage has become a discussion in the community. There is controversy regarding the acceptance and view of the minimum age limit for marriage. As stipulated in the previous law, men are at least 19 years old, and women are at least 16 years old. It is this number/age limit that the community then holds a material examination at the Constitutional Court (MK), so Law Number 16 of 2019 was born.

2. Negotiation Reception

Harmonization of national family law enforcement is implemented through deliberation and consensus. The form of consensus deliberation carried out by the community, such as in the cities of Makassar and Manado, is to consider the *maslahah* aspect. In the Trias Politica theory, the benefit of the law is the goal of law enforcement in society. Indonesia ranks eighth in the world in cases of child marriage, with the province of South Sulawesi having one of the country's highest burdens (12.1%).⁵⁴ The perceptions of parents and teenagers regarding underage marriage are not much different, with a few exceptions. Positive perceptions of child marriage benefits are still common among parents and adolescents. This suggests that social norms that support child marriage are still strong among these groups. Comprehensive

⁵³ Dedi Mulyadi and Tanti Kirana Utami, "He Dispute Settlement Model of Regional Head Election Perspective Theory of Legal System in Indonesia," *International Journal of Nusantara Islam* 5, no. 1 (2017): 97–106.

⁵⁴ Wibowo et al., "One Household, Two Worlds: Differences of Perception towards Child Marriage among Adolescent Children and Adults in Indonesia." <http://jurnal.arraniry.ac.id/index.php/samarah>

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interventions are needed to promote the benefits of later marriage based on the local cultural context and evidence of efficacy Wibowo. Deliberation parties provide benefits and benefits in the community, such as in the cities of Makassar and Manado.

Meilikas⁵⁵ show the findings that can be taken in Malawi taking a material stance. In suppressing the number of underage marriages, a policy is made by attracting fines. The government's policy is an alternative form of preventing underage marriage. This regulation elicits a different response. Policies made to reduce the number of underage marriages by imposing fines can have the effect of being afraid to marry underage because they have to pay large fines. However, this regulation has consequences for the practice of unregistered marriages to avoid fines.

The goal of marriage is to create a happy household. The happiness of a young couple's family is an absolute thing to achieve. The role of the court is needed in providing the determination of the Marriage Dispensation. In giving a marriage dispensation decision in court, the panel of judges upholds the principle of *al-mashlahah al-mursalah* (priorities that are not regulated in Islamic Law but are carried out to bring benefit). Thus, although the minimum age of marriage and dispensation for marriage is not regulated in the Qur'an, the essence of the public interest is in line with sharia, which aims to bring benefit to the people (bride, groom, and his family).⁵⁶ Many parental child marriages are voluntary and based on compatibility of love, although such a child can still lead to adverse consequences for the young couple. Parents' policy to marry off their children is still reasonably workable.⁵⁷ In addition, couples, especially women, feel that getting married even though they are underage will provide a happy life. People also still consider the old belief that they should not refuse an application and will become old maids if they refuse the application.⁵⁸ The essence of marriage is regulated not only in national family law but also in Islamic Law.

⁵⁵ Melnikas et al., "Perceptions of Minimum Age at Marriage Laws and Their Enforcement: Qualitative Evidence from Malawi."

⁵⁶ N. A. Sustiono, Marzuki Marzuk, and Sidik Sidik, "Judge Considerations In Accepting Underage Marriage Applications In Luwuk Religious Court," *Risâlah, Jurnal Pendidikan Dan Studi Islam* 8, no. 1 (2022): 325–36.

⁵⁷ Zheng Mu and Felicia F. Tian, "The Changing Patterns and Determinants of Stay-at-Home Motherhood in Urban China, 1982 to 2015," *Journal of Comparative Family Studies* 53, no. 1 (2022): 48–75.

⁵⁸ Yudho Bawono and Suryanto Suryanto, "Does Early Marriage Make Women Happy?: A Phenomenological Finding from Madurese Women," *Journal of Educational, Health and Community Psychology* 8, no. 1 (2019): 85–100.

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Acceptance of **the** community negotiating the implementation of marriages that have not fulfilled the provisions of the law also considers the benefit aspect. The benefit in question is to provide benefits, as stated in the Trias Politica theory that legal benefits are the goal of law enforcement in society. The purpose of law enforcement in Indonesia, which considers the benefit aspect, is relevant to the family law field in Indonesia. Therefore, scholars need to provide studies related to the phenomenon of underage marriages, which are currently still occurring in Indonesia.

3. Oppositional Reception

Contradictions of law enforcement in heterogeneous societies are commonplace. For legal changes to be effective, laws must be accompanied by enforcement and monitoring their implementation. Its purpose is to delay marriage and protect the rights of women and girls. Alternative policies must ensure that girls' future life outcomes, including their participation in higher education and society, are encouraged and protected.⁵⁹ The different perspectives on the new regulation on the age of marriage align with the principles of democracy in Indonesia. People are free to have opinions as long as they do not interfere with the human rights of others.

The debate on accepting the new regulation age of marriage has occurred in several cities in Indonesia. Differences in perspective and regional typology are a factor in the debate on community acceptance. According to Voronina. According to Veronica⁶⁰, customary law can hinder the acceptance of the law when it cannot be accepted rationally and is not in line with the type of culture in society. In some cultures, a person is old enough to marry when he is a teenager. Graduating from school or college and having a job are also considered markers for someone to get married. Bugis is an ethnic group that considers marriage an essential part of life. This can be seen in how the Bugis people plan marriages in the family, from matchmaking to the marriage contract. In the past, parents determined the mate of their child/child. Even parents have arranged marriages since their children were small.⁶¹ The new

⁵⁹ Batyra and Pesando, "Trends in Child Marriage and New Evidence on the Selective Impact of Changes in Age-at-Marriage Laws on Early Marriage."

⁶⁰ Yulia Evgenievna Voronina, "Reception of Law as a Form of Cultural Interaction," *SHS Web of Conferences* 118 (2021): 02018, <https://doi.org/10.1051/shsconf/202111802018>.

⁶¹ Joann Mizielińska, *Queer Kinship on the Edge? Families of Choice in Poland* (Taylor & Francis, 2022).

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regulation on the age of marriage in the national marriage law in Indonesia has been standardized, especially regarding the age limit for marriage.

Community participation in educational literacy and community culture can reduce underage marriage in Indonesia. As evidence, researchers show another reason for an underage marriage that occurs in Indonesia is that teenagers marry because 1) they believe that marriage is an escape from schoolwork, homework, and the stress and boredom of studying and staying at home during the pandemic; 2) the customary laws of some local customs encourage or permit child marriage; 3) lack of understanding of the long-term effects and implications of underage marriage; 4) economic problems, financial problems, trigger parents to marry off their children at a young age; and 5) the influence of the surrounding environment and peers, which encourage early marriage.⁶² Underage marriage increases girls' risk of early school dropout, sexually transmitted infections, teen delivery, and childbirth complications, including maternal death. The determinants of child marriage are not clearly understood, which hinders efforts to carry out effective interventions.⁶³ Underage marriage hurts society. Community participation and constructive habits must be developed to apply the Marriage Law effectively and maximally.

Conclusion

It turns out that the Marriage Law, subject to judicial review several times at the Constitutional Court, could not accommodate the aspirations of all levels of society. The controversy over the acceptance of the new regulation regarding the age limit for marriage is social evidence that the age limit for marriage has not been massively accepted in the community, which affects the high number of underage marriages. The government needs to study the effectiveness of the new regulation more deeply by involving all elements, namely the government, judges, academics, clerics, and traditional leaders. The study is carried out continuously so that regulation changes are aspirational toward practical implementation.

This research is a reference for academics in developing marriage law in Indonesia. Amendments to the Marriage Law for 45 years have drawn controversy for public acceptance. This study complements previous research,

⁶² Rahiem, "COVID-19 and the Surge of Child Marriages: A Phenomenon in Nusa Tenggara Barat, Indonesia."

⁶³ Felix M. Muchomba, "Parents' Assets and Child Marriage: Are Mother's Assets More Protective than Father's Assets?," *World Development* 138 (2021): 105226.

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which only discussed the causes of underage marriage, the factors causing it, the effectiveness of regulations, and their implications for society.

The study was limited to samples from the Office of Religious Affairs (KUA) and the Religious Courts (PA) which were taken considering that the islands of Java and Sulawesi have an extensive scope. This research focuses on Yogyakarta as a representative of Java, Makassar and Manado as representatives on the island of Sulawesi, which are still lacking. It still needs to be added with KUA and PA samples in other places as findings. Besides that, it is necessary to develop a more intensive study using the perspective of society, the government, and the judiciary representing each region in Indonesia, including the Java, Sulawesi, and Kalimantan islands. A more comprehensive study and a comparative presentation of underage marriages in Indonesia are needed.

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