



Soaring Marriage Dispensation Due to Changes in the Marriage Age Limit

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Article Info	Abstract
Corresponding Author: kiayiyuni@gmail.com History: Submitted: 10-01-2023 Revised: 10-09-2025 Accepted: 05-08-2026 Keyword: Age Limit; Marriage; Marriage Dispensation.  Copyright ©2026 by Wahyuni Kiayi. All writings published in this journal are personal views of the authors and do not represent the views of the Estudiante Law Journal.	Law Number 16 of 2019 raised the minimum age of marriage for women from sixteen to nineteen years, and the number of applications for marriage dispensation rose sharply thereafter. This article examines the effect of that change on applications for marriage dispensation and identifies the factors supporting the increase. The study uses empirical legal research with a descriptive qualitative approach; the population comprises all marriage dispensation applications filed between 2019 and 2021 in Bone Bolango Regency, within the jurisdiction of the Suwawa Religious Court, and the sample consists of three judges, one registrar, three substitute registrars and ten applicants. The study finds that raising the minimum age has significantly increased the number of dispensation applications, driven by the rise in the statutory age threshold itself, by public ignorance of the amendment, and by inadequate socialisation of the new rule by the authorities. Three further factors support the increase: pre-marital pregnancy, the effects of the Covid-19 pandemic, and parental anxiety about promiscuity.

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1. Introduction

Marriage is a very important opportunity in the journey of everyone's life. As a *zoon politikon*, the human being cannot live without others. Human beings are born with the instinct to live together and establish relationships with others.¹ One of the steps or methods in building a relationship is through a marital relationship. Marriage is a social contract and a sacred covenant, the essence of which is the union of two people in a conjugal relationship that gives rights and obligations to a man and a woman in a family. The family is the forerunner of society, which will later build a larger social world.²

The definition of marriage according to the Marriage Law is an inner birth bond between a woman and a man as husband and wife with the aim of forming a lasting family (household) based on belief in the One True God.³ The age limit for marriage is important or very important. This is because mating requires psychological maturity. To achieve this goal, of course, family maturity is needed to achieve happiness, peace, and tranquility and the determination of the minimum age for marriage affects the quality of domestic life.⁴

With all needs met, both physical and mental needs, it can be said that the person lives a prosperous life.⁵ Wirjono said marriage is the rule to control marriage that led to the emergence of the meaning of marriage itself.⁶ The main essence of marriage is a contract, which is a handover between the guardian of the bride-to-be and the prospective groom. Shifting responsibility in a broad sense to achieve a goal.⁷ Another view says that early marriage is a minor marriage (early age) and should not be prepared to perform the marriage.⁸ The

Law is a political product, In the chapter, the content of any legal product will be largely determined or colored by the balance of power or political configuration that gave birth to it.⁹ In regulating the minimum age of marriage in Law Number 1 of 1974 article 7 paragraph (1) which has differences between men and women has caused discrimination not only in the application of the right to have a family as stated by article 28B paragraph (1) of the 1945 Constitution, but has also caused discrimination against the protection and

¹ Hidayat Hidayat et al, "Determination of Marriage Dispensation at Gorontalo Religious Court in Accordance with the Child Protection Law No. 35 of 2014," *Estudiante Law Journal* 6, no. 3 (2024): 663–80, <https://doi.org/10.33756/eslaj.v6i3.29567>.

² Kasmuddin, "Media Komunikasi Dan Informasi Hukum Dan Masyarakat," *JURNAL HUKUM KAIDAH* 18, no. 2 (2019): 58–70.

³ *Pasal 1 Undang-Undang Nomor 16 Tahun 2019 Perubahan Atas Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan*, n.d.

⁴ Kasmuddin, "Media Komunikasi Dan Informasi Hukum Dan Masyarakat."

⁵ Suwitno Y. Imran Julius T Mandjo, "Implementasi Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 Pasal 27 Ayat 2 Tentang Hak Untuk Mendapatkan Pekerjaan Dan Penghidupan Yang Layak Bagi Kemanusiaan," *Jurnal Majelis* 8, no. September (2020): 81–96.

⁶ Tinuk Dwi. Cahyani, *Hukum Perkawinan* (Universitas Muhammadiyah Malang, 2020).

⁷ J. M. Henny Wiludjeng, *Hukum Perkawinan Dalam Agama-Agama*. (Universitas Katolik Indonesia Atma Jaya, 2020).

⁸ E. K. A. Rini Setiawati, "Pengaruh Pernikahan Dini Terhadap Keharmonisan Pasangan Suami Dan Istri Di Desa Bagan Bhakti Kecamatan Balai Jaya Kabupaten Rokan Hilir," *Jurnal Jom FISIP* 4, no. 1 (2017): 1–13.

⁹ Ahmad dan Nasran, "Comparison Of Judicial Review: A Critical Approach To The Model In Several Countries," *Jurnal Legalitas* 14, no. 2 (2021): 85–105.

fulfillment of children's rights as guaranteed in article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia. In this case, if the minimum age of marriage for women is lower than that of men, then legally women will be faster to form a family.¹⁰ The formation of legal norms is essentially legislation.¹¹ On this basis, Law No. 1 of 1974 was submitted by *judicial review* to the Constitutional Court of the Republic of Indonesia by the public.¹² In this case, the Constitutional Court issued Decision Number 22/PUU-XV/2017 which stated "However, when the differentiation of treatment between men and women has an impact on the fulfillment of the constitutional rights of citizens". The Constitutional Court approved the change in the age limit for marriage, especially for women, based on the values, principles, and principles of child protection.¹³ Therefore, to form a family one must be physically and mentally mature to protect women's rights, guarantee and children's rights to survival such as children's civil rights, health rights, educational rights, and children's social rights as well as the right to the protection of violence and discrimination.

The right to independence and freedom becomes the foundation for a state in upholding the rule of law on the sovereignty of its jurisdiction.¹⁴ On this basis, Article 7 paragraph (1) of Law Number 1 of 1974 on Marriage was amended. The Government issued a new rule on the marriageable age in Law Number 16 of 2019 amending Article 7 of Law Number 1 of 1974 on Marriage, promulgated by President Joko Widodo in the State Gazette of the Republic of Indonesia of 2019 on 14 October 2019.¹⁵ The passage of the Law is a separate record of the development and updating of the marriage law in Indonesia. In rural and urban communities, underage marriages are usually due to an urgent matter so that a marriage must be carried out immediately even though underage marriage is very risky in any aspect, one of which is from a medical point of view. Early marriage has many impacts on the negative side rather than the positive side.¹⁶

Changes in the age limit for marriage are also one of the factors in the increase in marriage dispensation,¹⁷ The ignorance of society or brides-to-be to the existence of changes in the

¹⁰ Iwan Romadhan Sitorus, "Usia Perkawinan Dalam UU No 16 Tahun 2019 Perspektif Masalah Mursalah," *Jurnal Nuansa* 13, no. 2 (2020): 190–99.

¹¹ Fence M. Wantu Kadek Wijayanto, Lusiana Margareth Tijow, "KEDUDUKAN PERATURAN DESA DALAM SISTEM PEMBENTUKAN PERATURAN PERUNDANG UNDANGAN NASIONAL," *Jurnal Ius Civile* 4, no. 2 (2020): 198–219.

¹² Jordy Herry dan Kirana Edenela Christian, "Terampasnya Hak – Hak Perempuan Akibat Diskriminasi Batas Usia Perkawinan," *Lex Scientia Law Review* 3, no. 1 (2019): 1–14.

¹³ Alif dan Yulia Rizki Amanda Aradia, "EFEKTIVITAS BATAS USIA NIKAH MENURUT UNDANG-UNDANG NOMOR 16 TAHUN 2019 DI LAMPUNG TIMUR," *Jurnal Hukum Keluarga Islam* 1, no. 1 (2021): 38–47.

¹⁴ dan Usman Rasyid. Wantu, Fence M, "Redefinisi Kewenangan Komisi Yudisial Dalam Konstitusi: Upaya Mengharmonisasikan Putusan Pelaku Kekuasaan Kehakiman Indonesia," *Jurnal Majelis* 8, no. September (2020): 33–60.

¹⁵ Aradia, "EFEKTIVITAS BATAS USIA NIKAH MENURUT UNDANG-UNDANG NOMOR 16 TAHUN 2019 DI LAMPUNG TIMUR."

¹⁶ Tirmidzi, "Kajian Analisis Undang-Undang No. 16 Tahun 2019 Sebagai Perubahan Atas UU No. 1 Tahun 1974," *Jurnal Usrah* 1, no. 1 (2020).

¹⁷ Mubasyaroh, "Analisis Faktor Penyebab Pernikahan Dini Dan Dampaknya Bagi Pelakunya," *Jurnal Pemikiran Dan Penelitian Sosial Keagamaan* 7, no. 1 (2016): 385–411.

age limit for marriage, especially for women, makes those who have not reached the specified age do the prohibited things so that they can get married immediately. From the explanation above, it can be seen that the application for marriage dispensation because of pregnancy before marriage is high enough that religious courts are forced to grant marriage dispensation,¹⁸ Although a minimum age has been prescribed, the change in the marriage age limit appears to have had little deterrent effect on applicants. Likewise, an economic situation is often the main reason, this condition is very concerning.¹⁹ Article 7 paragraph (2) of Law Number 16 of 2019 concerning marriage for "very urgent reasons" is a situation in which there is no other option and the parties are compelled to marry then what is meant by "sufficient supporting evidence" is in the form of a certificate proving that the bride and groom's age is under the provisions of the law and a certificate from a health worker who supports the parents' statement that the marriage is very urgent to be carried out.²⁰

There are three types of legal systems in force in Indonesia, namely the customary law system, civil law, and Islam.²¹ According to the customs and beliefs of the people in Indonesia, marriage must be carried out according to their religious beliefs and customs, but after the implementation of this, it becomes an obligation for citizens who carry out their marriages to register them with the state.²² Islamic law does not specify a minimum threshold for a person to be allowed to marry. Although Islamic law does not limit the minimum age a person can marry, Islamic law states that a person is only obliged to work or take legal action once he reaches the age of legal capacity.²³

2. Method

This article uses empirical legal research, that is, a method that relies on empirical evidence in the form of field data as the principal source of data and information, obtained through observation, interviews and documentation. The approach applied is descriptive qualitative, which uses qualitative data described descriptively and produces descriptive analytical findings, namely data stated by respondents both in writing and orally and also

¹⁸ Safrin Salam, "Dispensasi Perkawinan Anak Di Bawah Umur : Perspektif Hukum Adat, Hukum Negara & Hukum Islam," *Jurnal Pagaruyuang Law* 1, no. 1 (2017): 110–24.

¹⁹ Nur Muhamad Kasim, "Ancaman Keutuhan Perkawinan Dalam Kehidupan Rumah Tangga," *Jurnal Legalitas* 8, no. 1 (2015): 1–14.

²⁰ Bambang Daru Judiasih, Sonny Dewi, Susilowati S Padjadjaran, Nugroho, "KONTRADIKSI ANTARA DISPENSASI KAWIN DENGAN UPAYA MEMINIMALISIR PERKAWINAN BAWAH UMUR DI INDONESIA," *Jurnal Ilmu Hukum Kenotariatan Fakultas Hukum Unpad* 3, no. 2 (2020): 203–22.

²¹ Dolot Alhasni, "Determinasi Perlindungan Hukum Pemegang Hak Atas Neighboring Right" Determination of The Legal Protection of Right-Holders To," *Jambura Law Review* 2, no. 01 (2020): 65–82.

²² Julius F. Maloringan Ratnawati, Elfrida, Sri Nanang M Kamba, Januardo SP Sihombing, "CATAT PERKAWINAN UNTUK KEPASTIAN DAN PERLINDUNGAN HUKUM (STUDI KASUS: KABUPATEN MINAHASA UTARA) Elfrida," *Jurnal LEGISLASI INDONESIA* 18, no. 2 (2021): 233–48.

²³ SULFAHMI, "PENGARUH PERKAWINAN DI BAWAH UMUR TERHADAP TINGKAT PERCERAIAN DALAM PERSPEKTIF HUKUM ISLAM (STUDI KASUS) DI KECAMATAN KINDANG KABUPATEN BULUKUMBA" (UNIVERSITAS ISLAM NEGERI ALAUDDIN MAKASSAR, 2017).

real behavior, researched and studied as something intact.²⁴ The population of the study is the entire case of the marriage dispensation application from 2019-2021 in Bone Bolango District as the jurisdiction or Jurisdiction of the Suwawa Religious Court against the filing of the marriage dispensation application. The sample comprises, at the Religious Court, 3 judges and 1 clerk, 3 substitute clerks, and 10 people/applicants who apply for marriage dispensation. After the required data is collected, the data analysis process is then carried out, in which case the researcher uses qualitative analysis methods. By carrying out data collection steps, then the data that has been collected in this study are identified, and processing data by categorizing and analyzing qualitatively to reveal the truth and understand the truth. From the results of the analysis and data processing, conclusions will then be drawn as an answer to the existing problems.

3. The Effect of the Change in the Marriage Age Limit under Law Number 16 of 2019 on Applications for Marriage Dispensation

A marriage dispensation is an absolute authority granted by law to religious courts to examine, decide, and resolve cases of marriage license applications for persons who have obstructions from marriage.²⁵ The application for dispensation has nothing to do with the lawsuit but is handled by the court, in other words, the prevailing position of civil procedural law is to determine how to guarantee the implementation of material civil law, in this case, it is the marriage law.²⁶ The cases that are the authority of the PA are the Application for Marriage Certificate, Application for Marriage Permit, Application for Marriage Decree, Application for Appointment of Guardian for immature children, Application for Determination of Heirs, and Determination of Guardian Adha.²⁷

The following researchers explained data on the Application for Marriage Dispensation that was entered at the Suwawa Religious Court, where the researcher took data from 2019 after the enactment of Law No. 16 of 2019 to 2021.

Data on Marriage Dispensation Application at the Suwawa Religious Court in 2019-2021

No	Year	Number of Cases
1	2019	83 Petitions
2	2020	159 Petitions
3	2021	239 Petitions
Sum		481 Petitions

(Data Source: Suwawa Religious Court, 2022)

²⁴ Yulianto Fajar, Mukti & Achmad, *Dualisme Penelitian Hukum (Normatif Dan Empiris)*. (Pustaka Pelajar, 2010).

²⁵ Mardi Candra, *Aspek Perlindungan Anak Indonesia, Analisis Tentang Perkawinan Di Bawah Umur*. (Kencana, 2018).

²⁶ et. al Sonny Dewi Judiasih, *Perkawinan Bawah Umur Di Indonesia*. (PT Refika Aditama, 2018).

²⁷ H. M. Anshary MK, *No Title Hukum Acara Perdata Pengadilan Agama Dan Mahkamah Syar'iyah*. (Mandar maju, 2017).

Looking at the table above, the number of applications for marriage dispensation in the Suwawa Religious Court in each year has increased. Based on data obtained from preliminary observations and interviews of one of the employees of the suwawa religious court that there are several reasons why a person applies for a marriage dispensation, namely out of a total of 481 applications there are as many as 70% of the number of applications that come in, namely on the grounds of being pregnant before marriage, then as many as 20% because they have already been related and as many as 10% because nothing has happened, namely the reason for arranged marriages and because of economic factors.

3.1. The Rise in the Statutory Minimum Age of Marriage

The age limit in marriage is very important, age maturity influences building a household that requires emotional maturity. The change in the increase in the marriage age limit has been regulated in the provisions of state law, namely contained in article 7 paragraph (1) of Law Number 16 of 2019 concerning amendments to Law Number 1 of 1974 concerning Marriage that "Marriage is only permitted if the man and woman have reached the age of 19 (nineteen) years". When there is an age restriction in marriage, there is also leeway that can be taken, namely by requesting an application for marriage dispensation at the authorized institution in this case the Religious Court.

The application for marriage dispensation at the Suwawa Religious Court from the data above can be seen that there are differences in the increase in marriage dispensation before and after the enactment of Law Number 16 of 2019. It can be seen in the chart above that the increase is quite high after the change in the Marriage Law. In 2019 before the enactment of the Act, the number of marriage dispensations from January to October 2019 was 49 cases. After the changes to the Law were enacted from November 2019 to May 2020, it increased to 126 cases, even though it was only enacted within a period of 6 months.²⁸

The increase in the age limit for marriage from 16 years old to 19 years old certainly affected the application for marriage dispensation in the Suwawa Religious Court which resulted in a surge in marriage dispensation cases. This is according to the data obtained based on the results of the author's interview with the judge, namely Mr. Sunyoto, he argued that:²⁹

"The change in the marriage age limit has an effect, the increase in the number of marriages at the minimum age of marriage, it also automatically adds an increase in the number of requests for marriage dispensation in each year after the enactment of Law No.16 of 2019 which indicates the influence of these changes. After the age of marriage is raised, a person who has been in contact and is already pregnant at the age of 17 is required to go to court and it is because of the situation and condition of the child that the court grants his application and it automatically increases the number of marriage dispensation cases in the Suwawa Religious Court".

²⁸ Laporan Data Tahunan Yang Diterima Di Pengadilan Agama Suwawa, n.d.

²⁹ Wawancara Dengan Hakim Pengadilan Agama Suwawa Bapak Sunyoto, S.H.I, S.H, M.H Pada Hari Kamis, 28 Juli 2022 Pukul 09.30 WITA, n.d.

A large number of applications for marriage dispensation from the community to the Religious Court was responded to by the Suwawa Religious Court through the determinant of the decision, namely the judge by granting the application. Examining the statement from Mr. Sunyoto that the author argues that the increase in the minimum age of marriage which is currently at 19 years is a fairly clear remedy but what happened in the field was not as expected, the prosecution of the case continued to occur but reviewed his opinion that there was something more important than the request for marriage dispensation filed by the petitioner so that it could be granted, namely motivated to save the status of the conceived child and bride-to-be even though it has been clearly stated in Law Number 16 of 2019 but for certain reasons this Law is ignored.

According to the author, the influence of Law Number 16 of 2019 related to changes in the marriage age limit which was originally a legal effort to reduce the rate of underage marriage based on facts in the field of influence had an impact on increasing applications for marriage dispensation. We can see that the basis for consideration for making Law Number 16 of 2019 is to refer to article 1 of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection. According to the Act, a child is someone who is not yet 18 years old. If we understand the content of the Act, a person aged 18 years and over is considered an adult. So if the marriage age limit rule is still at the age of 16 years, it is included in the category of child marriage. So the author suffices at the age of 19 years only according to the marriage law in force today.

Unfortunately, Law Number 16 of 2019 until now does not provide firmness about perpetrators who violate the provisions. Article 7 paragraph (2) of Law Number 16 of 2019 states that in the event of a deviation in the age limit of marriage, you can request a marriage dispensation with very urgent reasons and sufficient supporting evidence. This verse requires a deeper interpretation of the law because it opens a loophole for underage marriages without being accompanied by a verse or article that regulates sanctions. The increase in the age rate to 19 years according to the author is good to do, but in terms of the effectiveness of the purpose for which the regulation was created has not been effective because there are still many marriages of minors with permission given from the existence of a dispensation, this is due to the absence of clear restrictions on when and in what situations the granting of dispensation by the courts and authorities is granted. Therefore, the solution that can be done should be that the judge in the Religious Court gives more limitation to the urgent matters of granting the marriage dispensation process unless in the circumstances of the applicant being pregnant.

3.2. Public Ignorance of the Amendment to the Marriage Law

Changes in the age limit in marriage carried out by the government, by revising the Marriage Law to Law Number 16 of 2019 concerning changes to Law Number 1 of 1974 concerning marriage is a good thing to overcome the impact of child marriage, but in its implementation, a good understanding is needed in society. In fact, until now, what was originally hoped that the marriage of minors could be minimized was not the case with the facts and data on the ground, especially at the Suwawa Religious Court.

Philosophically, the change in the marriage age limit in Law Number 16 of 2019 is the state's commitment to realizing the life of the nation and state that is far from discriminatory treatment. Sociologically, it is an attempt by the state to protect marriage from abuse of marriage that can damage the family. It is a pity that the implementation of this rule faces serious obstacles in the field. Marriage at an age below the minimum threshold in the Marriage Law still occurs for various reasons, both related to the substance of the law, and related to the influence of cultural, economic, and social factors of society, as well as religious understanding. Juridically, the change in the marriage age limit is a revision of the previous regulation which is considered irrelevant to the current condition of society both in terms of biological, psychological, economic, educational, and cultural health. The various problems that exist in the petitioner which were then presented in the proceedings for the request for marriage dispensation to be granted are the main reasons, such conditions are very concerning.³⁰

Mrs. Arini Indika Arifin, a judge of the Suwawa Religious Court in the interview, conducted also added:³¹

"The changes that have occurred must have had an effect as well as changes in the age limit of marriage certainly have implications for the soaring cases of marriage dispensation in the suwawa religious courts arising from factors that exist in the society itself, one of which is due to the ignorance of the public about changes in the Law related to changes in the marriage age limit so it can be said that this change has not been effective".

Any change in regulation about a matter will also change the pattern of thinking in society. The renewal of the marriage law will inevitably elicit a different response from the public. The change in the Marriage Law from a minimum of 16 years for women to the same as a man, namely 19 years old, was not necessarily done for personal interests but for the sake of equality and avoiding discrimination against women, and to prevent the occurrence of the marriage of minors but it turned out that the change was beyond the planned request for marriage dispensation, especially in the Suwawa Religious Court, which experienced a significant spike. Based on the opinion of the judge above, he said that one of the factors was the ignorance of the public towards the amendment of the Act.

Furthermore, the author also conducts research and takes opinions from the point of view of society. Based on the statements of respondents found in the field after conducting research, the authors found that the lack of knowledge from the public about changes in the minimum age limit for marriage was one of the reasons that led to the soaring cases of marriage dispensation applications. Few people are aware of the change in the minimum age of marriage so because of this the community has already registered and of course, the Office of Religious Affairs (KUA) refused the registration because they did not meet the requirements. Because many marriages were rejected, people applied for marriage dispensations in religious courts. This is also under the statement submitted by the applicant, namely the parents of underage children where many have registered with the

³⁰ Nur Muhamad Kasim, "Ancaman Keutuhan Perkawinan Dalam Kehidupan Rumah Tangga."

³¹ Wawancara Dengan Hakim Pengadilan Agama Suwawa Ibu Arini Indika Arifin, S.H,M.H Pada Hari Kamis, 28 Juli 2022 Pukul 11.30 WITA, n.d.

Office of Religious Affairs, but the Office of Religious Affairs refused to apply because the minimum age requirement of the applicant's child has not met the restrictions that have been determined. This was conveyed by RM as the mother of an 18-year-old daughter, AL.³²

"I accompanied my son to register a marriage for my child to KUA but was rejected because my son did not meet the marriage age limit which has now been changed to 19 years old which is as long as I am for the limit it is still 16 years for women. I was not aware of the change but because my son had been pregnant (pregnant out of wedlock) a rejection letter was made by KUA to be taken to the Suwawa Religious Court".

The applicant planned to hold a marriage for his child but the Kabila District Religious Affairs Office refused to marry because he was not old enough according to Law Number 16 of 2019 concerning Marriage, which is not yet 19 years old. In this case, the daughter of the petitioner is known to have been 3 months pregnant, they have been dating and have known each other, and have long loved each other. The man already had a permanent job so with this situation the woman's parents wanted to marry them immediately, but after arriving at the Office of Religious Affairs was refused. The woman's parents were not aware of any change in the age of marriage so the petitioner filed a request for marriage dispensation at the Suwawa Religious Court so that her child could immediately enter into marriage.³³

This is also the case with ST and OM as parents of a 17-year-old girl, where the daughter has dropped out of school since junior high school and has had a lover. ST says:³⁴

"My son hasn't been to school for a long time because he has been independent for 17 years so I allowed him to date and I already know this guy. Now and then I allow sleep in my house. Because I was afraid that it would cause slander so I immediately planned this marriage of my son but after we went to KUA it turned out that we were rejected because my daughter's age was not sufficient and it was also conveyed that there had been a change in the age limit for marriage and regarding that, we did not know of any such change. Finally, I was told to go to the Religious Court to ask for a marriage dispensation for my daughter".

Many applicants have already registered with the Office of Religious Affairs (KUA). However, the KUA rejected the applicant's submission because the minimum age requirement of the applicant's child had not met the predetermined limits. Since the petitioner had prepared a series of pre-marriage processions then if it was canceled to marry his child many considerations were thought of such as bearing shame making the reason for the petitioner deciding to proceed with the refusal of the KUA to apply for a marriage dispensation. The other reason is that the child of the petitioner is considered to be of sufficient age, and is ready financially or psychically.

The author argues that by taking into account the statements of respondents that the author has successfully obtained while conducting this study, and based on the data available in the Suwawa Religious Court that the ignorance of parents regarding changes

³² Wawancara Pemohon RM Selaku Ibu Dari Anak Yang Melakukan Dispensasi Nikah, n.d.

³³ Hasil Wawancara Pemohon RM Selaku Ibu Dari Anak Yang Melakukan Dispensasi Nikah, n.d.

³⁴ Ibid.

in the marriage age limit is what prompted them to request a marriage dispensation in the Religious Court, especially in the Suwawa Religious Court where it can also increase the number of requests for marriage dispensation, due to the lack of socialization from the authorities regarding the recently revised Law.

3.3. Inadequate Socialisation of the Amendment within the Community

After the decision of the Constitutional Court and the enactment of Law Number 16 of 2019 based on data on the number of cases obtained in the field, there was a surge in cases in the application for marriage dispensation in the Suwawa Religious Court, seeing the explanation above with the lack of public knowledge regarding the existing changes so that even more extra efforts are needed to socialize changes in the Law on districts and cities to provide guidance and service to the community, which in this case is the role of the Office of Religious Affairs based on article 1 paragraph (3) of the Decree of the Minister of Religious Affairs Number 34 of 2016 concerning the Organization of Work Procedures of the District Religious Affairs Office states that the District Religious Affairs Office is led by the head of the sub-district KUA has the task of carrying out community services and guidance. The community services and guidance in question are efforts to prevent marriages that are carried out not based on the provisions of laws and regulations.

One of the concrete steps taken by the Office of Religious Affairs to prevent marriage at a young age is the rejection of marriage registration files for couples who have not met the marriage age limit as stipulated by the state through Law Number 16 of 2019 concerning changes to Law Number 1 of 1974 concerning Marriage one of these concrete steps gives room for applicants to continue requests the application for marriage dispensation in the Religious Courts thus increases the number of applications that come in. it can be proved that the factor of this increase is the lack of dissemination of this Act to the wider community so that the public does not understand the Act, the increase in the number of applications for marriage dispensation continues to increase and underage marriages are still rampant.

He further added that what was the opinion of the previous judge, Mr. Rezza Haryo Nugroho, also a judge in the Suwawa Religious Court explained that:³⁵

"The increase in the number of applications for marriage dispensation in suwawa religious courts occurs due to changes in the increase in the age limit for marriage. At the time of minimum marriage age of 16 years, requests for marriage dispensation have often occurred, especially if it is increased to 19 years old so that it has a very influential effect, but it depends on the individual of each parent in controlling their children and the role of the authorities must be increased even more there must be socialization to provide an understanding of the new Marriage Law."

About the increasing marriage of minors after changes to the age limit of marriage, the role of parents is also very important in controlling and preventing child marriage and preventing promiscuity when the child is a teenager. In article 6 of Law Number 16 of 2019 paragraph (2) it is regulated that to carry out a marriage an immature person according to

³⁵ Wawancara Dengan Hakim Pengadilan Agama Suwawa Bapak Rezza Haryo Nugroho, S.H Pada Hari Kamis, 28 Juli 2022 Pukul 10.30 WITA, n.d.

the Civil Code, namely 21 years old, must get permission from both parents. Marriages are supposed to be performed by adults but in reality, especially in the Suwawa Religious Court, child marriages still occur.

The author examines the statement made by Mr. Rezza Nugroho above, he confirmed that the change in the marriage age limit has an impact on the increase in the number of marriage dispensation cases in the Suwawa Religious Court, but even if there is no change in the minimum age in marriage and the expected role of parents also turns out to be non-existent, the marriage dispensation case in the Suwawa Religious Court will continue to increase, it was based on what he said that when the age limit was 16 years old, there were still those who asked for an application for marriage dispensation at the Suwawa Religious Court.

The changes to the Marriage Act are inherently good, but not in line with practice in the field. So that the birth of changes to the law on the age limit for marriage does not have much impact on reducing the number of early marriages in Indonesia. Likewise, the Court as the last bastion to reduce the number of young marriages and the role of parents has also not been able to exert a great influence, the request for an application for marriage dispensation is still granted by the Court.

Actually, according to the authors, there is one key that must be optimized to prevent an increase in marriage dispensation. Social change in the form of increasing marriage of minors, it seems that it must be prevented by socialization agents who can start from the family first and the holders of authority in community services and guidance. Because based on article 6 paragraph (2) of Law Number 16 of 2019 which has been explained above, according to the author, the filter is in parents. Parents must have the firmness to say no to the marriage of minors so that the demand for marriage dispensation can be reduced.

Taking into account what is mandated by the Law on Marriage where the Law requires everyone who wants to bind themselves in a marriage bond requires men and women to be at least 19 years old, in addition to the role of parents as parties who are expected to supervise children properly, the role of society and the government cannot be separated from efforts to realize these changes. This is needed because, in reality, the role of parents alone is still not enough to reduce the occurrence of underage marriages. This is evident from the results of the research conducted, where the role of the parent is very important in supervising the association of children but the cause of the marriage of minors in almost every case decided by the court, the parties always present various reasons in the trial. So it is on very urgent grounds that the judge is forced to grant marriage dispensation to minors to carry out marriages automatically this is what causes the increase in applications for marriage dispensation in the Suwawa Religious Court, it can be concluded that the change in the age limit of marriage has an effect in the increase in cases of marriage dispensation in the Suwawa Religious Court.

From the explanation of the three influences above, the author concludes that the influence of Law Number 16 of 2019 Amendments to Law Number 1 of 1974 concerning Marriage has a very influential effect on the application for marriage dispensation, with data showing that every year the application for marriage dispensation has increased

significantly. This indicates that the effect of changes in the Marriage Law has not been effective in reducing the rate of underage marriage, due to the lack of public legal awareness, lack of education in the regions, and lack of socialization of changes to the Law so that those who think that the age of women married above 16 years do not need to apply for a marriage dispensation but now if the age has not reached 19 years, So the women's party must apply for a marriage dispensation first and the automation of this increases the number of cases of marriage dispensation applications.

4. Factors Supporting Applications for Marriage Dispensation at the Suwawa Religious Court

Based on the data and research results that have been presented above, since the enactment of the latest Marriage Law related to changes to the minimum age limit for marriage where the case of applying for marriage dispensation at the Suwawa Religious Court has turned out to have an effect, namely there has been a significant increase in the case of marriage dispensation applications. The Suwawa Religious Court 2019 to 2021 accepted 481 marriage dispensation cases. The reason why the people of Bone Bolango Regency applied for a marriage dispensation was that they were pregnant before marriage 169 applicants, then problems or other factors such as the covid 19 pandemic so that the number of children who had dropped out of school and so on amounted to 80 applicants and the last 95 applicants had parental concerns about promiscuity. From the determination data and interviews with judges at the Suwawa Religious Court, the supporting factors that encourage the increase in marriage dispensation in addition to the public's ignorance of changes in the age limit for marriage are as follows:

4.1. Pre-marital Pregnancy of the Prospective Bride

After conducting research, the author found that one of the reasons for the applicant was that he had become pregnant before the marriage. Lovers in relationships sometimes have exceeded the limit, even if they have been in contact with husband and wife even though they are not yet in a legal marriage bond, and result in the woman getting pregnant outside of marriage. For underage women, it is strongly discouraged to marry at an early age. Because the degree of reproductive maturity is rudimentary. The judge cannot reject the application on the grounds of this factor because it will adversely affect the bride-to-be who is already pregnant and also the position of the child if it is later born. This is as explained by the judge of the Suwawa Religious Court, Mr. Sunyoto, added:³⁶

"We as judges thought about her kindness/maslahah first, when this couple asked for a marriage dispensation at the Suwawa Religious Court on very urgent grounds such as in such a pregnant condition then we immediately decided for the good of the mother and child later with sufficient supporting evidence as well. But not a few also for example a year ago asked for a marriage dispensation here then after a year came again to the Court with a divorce suit, this is because of the impact of the early marriage."

³⁶ Wawancara Dengan Hakim Pengadilan Agama Suwawa Bapak Sunyoto, S.H.I, S.H, M.H Pada Hari Kamis, 28 Juli 2022 Pukul 09.30 WITA.

An untimely marriage that forces both partners to build a household is not as easy as thought. Based on the judge's explanation above, divorce cases also come from underage marriages themselves. Because there is still a lack of knowledge in forming a family, emotions that cannot be controlled, these times are still present in children at an easy age who are still in the process of maturing who should still have to get more education, both inside the school and outside the school that can be obtained from the family.

From this the author concludes that the application for a marriage dispensation based on consideration because the prospective wife is already in a state of pregnancy must be granted because there is an Act which is the legality of the deviation of the marriage age limit, then in the Islamic view the incident is an act of adultery and haram for him a person who commits adultery is married to a believer or a person who does not commit adultery. This will make a great sin and disgrace to his family if it is not stopped immediately, then using carrying out a marriage between the two parties or repenting will have an impact on the family of the petitioners and secure the position of the prospective baby when it is born later, provided that the future husband will be fully responsible for the rights of his wife and child so that the factor of being pregnant outside of marriage can also encourage an increase in marriage dispensation in the Suwawa Religious Court.

4.2. The Effects of the Covid-19 Pandemic

Since the enactment of Law Number 16 of 2019 to be precise in October where not long ago in early 2020 Indonesia and even all parts of the world were faced with the outbreak of the Covid-19 pandemic which was so large. The high number of applications for marriage dispensation after the change in the Marriage Act adjacent to the covid-19 pandemic shows that the prevalence of marriage at the age of children has increased compared to the year before the change in the Marriage Act.

The author interviewed the couple AP and SZ, where one of these couples was originally still in high school in grade 2 but had dropped out of school after the covid 19 pandemic, AP explained:³⁷

"I am no longer in school after 1 year of covid 19 because I am tired of having to study at home. I often go to my girlfriend's house so my mother often gets angry and immediately plans our wedding even though I am still 18 years old because mom is worried that nothing will happen later so we asked for a marriage dispensation at Pegadilan Agama Suwawa because my age has not met the specified age limit."

The intense meeting of pairs of lovers plus the absence of a supervising role when carrying out school, as usual, makes a couple do an act that is prohibited by religion and also the norms that exist in the community. Because it is still a student, making lovers if they have a marriage, it is included in the marriage category at an early age.

According to the author, the increase in applications for marriage dispensation is due to the enactment of the latest Law and the impact of the covid-19 pandemic also plays a big role in the increase in applications for marriage dispensation, besides that it is not only

³⁷ Wawancara Pasangan AP Dan SZ Selaku Anak Dibawah Umur Yang Melakukan Dispensasi Nikah, n.d.

fixated on the age of the bride-to-be, both male and female but more emphasized on one's maturity. Maturity depends not only on a person's age but on the maturity of intelligence and maturity of thinking. Based on what was conveyed by the respondents above, the Covid-19 pandemic has made the community, especially children who are still in school, a little passive. Coupled with the lack of advice from parents to children to make children freer to wander, the absence of activities that have a good effect makes children free to meet their lovers.

4.3. Parental Anxiety about Promiscuity

Sometimes parents' concern for their children is not without cause and this worry is a natural situation. The role of parents in educating children is very influential in the process of child development, although it needs to be supported by social institutions such as schools and also the environment. Likewise, the husband's attitude towards the wife and vice versa, is very influential in family education, because this will be able to affect the behavioral characteristics of the child. The success of a child is largely determined by the family because that is where the first child gets an education.³⁸

This kind of thing was conveyed by the parents of underage married children, namely MK's mother, she said:³⁹

"My son had already graduated from high school and was only 18 years old at the time. Since graduating he has not had any activity so he often wanders, leaving from the afternoon home later in the evening. Because she is a woman I am afraid that she will fall into the trap and follow her friends to do a no-no because nowadays the association is getting freer and freer as technology advances and my son also said that he wants to marry his lover soon. But because there were not enough conditions for marriage, we took the step to request a marriage dispensation at the Suwawa Religious Court for my son to get married immediately".

Choosing to permit a child to marry even though the age the child has not reached 19 (nineteen years old) avoids the child from an act that violates religion, violates norms in the middle of society, and marrying can be justified for both. A solution can be done if the two are completely unsupervised and the two are often together constantly. Making parents obey the child's desire to have a family (married) is an effort to avoid children from desired acts such as adultery and it is a great disgrace for parents or extended families.

The author concludes that the effect of Law Number 16 of 2019 Amendment to Law Number 1 of 1974 examines from all the data in the field that since the Marriage Law was revised, various factors arising from the community itself that appeared in the trial that had a major influence in encouraging the number of requests for marriage dispensation every year to increase. After the researcher saw between the facts in the field and the objectives of the government are very different, according to the author the purpose of the

³⁸ Dolot Alhasni Bakung Sri Nanang Meiske Kamba, Moh. Taufiq Zulfikar Sarson, "Peran Orang Tua Yang Menikah Di Bawah Umur Terhadap Pembentukan Karakter Anak," *Jurnal Halu Oleo Law Review* 5, no. 2 (2021): 234-44.

³⁹ Wawancara Dengan Ibu MK Selaku Orang Tua Dari Anak Pemohon Dispensasi Nikah, n.d.

revision of the Law has not been achieved. In addition, the change in marriage to the age limit of marriage has positive aspects and negative aspects both for the community itself and for the authorized agencies, here are the aspects:

- a. The positive aspect is that the change in the law on the age limit for marriage makes the bride and groom more mature in terms of age in building a household and facing the problems of domestic life.
- b. The negative aspect is the increasing number of marriage dispensation cases that enter the Religious Courts because the changes did not have a major impact which resulted in a surge in marriage dispensation application cases.

5. Conclusion

Jumlah the case of the application for marriage dispensation in the Suwawa Religious Court after the revision of the Marriage Act has increased significantly. Before the revision of the Marriage Law, in January-October 2019, there were 49 cases, while in 2020-2021 after Law Number 16 of 2019, it experienced a drastic increase until the total reached 481 application cases. The influence arising from the increase in the age rate from 16 years to 19 years, then the ignorance/lack of public knowledge of changes to the Marriage Law and the lack of socialization of changes to the Law, increasing applications for marriage dispensation in the Suwawa Religious Court. Supporting factors for the application for marriage dispensation at the Suwawa Religious Court are the accident factor (*Married By Accident*) where the woman has become pregnant first, the factor of the *Covid-19* pandemic, and the factor of parents who feel concerned for children about promiscuity so that they apply for a marriage dispensation to the Suwawa Religious Court.

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