



Determination of Marriage Dispensation at Gorontalo Religious Court in Accordance with the Child Protection Law No. 35 of 2014

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Abstract: This study examines marriage dispensation at the Gorontalo City Religious Court through the lens of Law No. 35/2014 on Child Protection. Marriage dispensation, while rooted in Indonesia's religious and cultural norms, often conflicts with the Child Protection Law, which prohibits child marriage and sets strict exceptions. Using qualitative methods, including document analysis and interviews with court officials and stakeholders, the study found discrepancies between court practices and legal provisions. Socio-cultural factors such as traditions, economic pressure, and the role of religious leaders influence dispensation decisions. Furthermore, limited understanding of child protection laws among court officials exacerbates these issues. The research highlights challenges in aligning religious and national laws and their implications for children's rights. It recommends training for court officials, clear operational guidelines, and stronger collaboration between religious and government institutions to ensure marriage dispensation aligns with child protection objectives in Gorontalo City.

Keywords : Marriage Dispensation; Religious Court; Child Protection Law.

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1. Introduction

In contemporary Indonesian society, the intersection of religious practices and state laws presents a complex landscape, particularly concerning the institution of marriage and the protection of children. The process of marriage dispensasi (dispensation) within Religious Courts, such as those in Gorontalo City, operates under the auspices of both religious doctrines and national legislation. This dual framework necessitates a critical examination, especially in light of Law Number 35 of 2014 on Child Protection (Undang-Undang Nomor 35 Tahun 2014 tentang Perlindungan Anak), which seeks to safeguard the rights and welfare of children across various societal domains, including marriage.¹

Marriage dispensasi refers to the formal exceptions granted to individuals who seek to marry outside the standard legal and religious requirements. In the context of Gorontalo City's Religious Court, such dispensations often involve considerations related to age, consent, and other socio-cultural factors that may not align strictly with national child protection laws. The practice of granting dispensations is deeply rooted in the local cultural and religious milieu, which emphasizes the sanctity and social importance of marriage. However, this practice must be reconciled with the mandates of Law No. 35/2014, which unequivocally prohibits child marriage and sets forth stringent criteria to ensure that the rights of children are not infringed upon in marital arrangements.²

Law No. 35/2014 represents a significant legislative effort to address and eliminate practices that jeopardize the well-being of children in Indonesia. Among its numerous provisions, the law explicitly defines a child as any person under the age of eighteen, thereby setting a clear legal boundary against child marriage. It mandates that any marriage involving a minor must have explicit consent from the minor's guardian and must be sanctioned by a court to ensure that the marriage is in the best interest of the child. This legal framework is designed to protect children from exploitation, coercion, and the myriad socio-economic and health risks associated with early marriage.

Gorontalo City, located in the northern part of Sulawesi Island, Indonesia, presents a unique case study for examining the implementation of marriage dispensasi within the framework of Law No. 35/2014. The city is characterized by its diverse cultural heritage, with strong Islamic traditions influencing social norms and legal practices. The Religious Court in Gorontalo plays a pivotal role in adjudicating marriage matters, including the granting of dispensations. Given the cultural emphasis on marriage as a fundamental

¹ Marwiyah Marwiyah, Ramon Nofrial, and Darwis Anatami, "Analisis Yuridis Pelaksanaan Pemberian Dispensasi Kawin Di Pengadilan Agama Batam Dalam Perspektif Kepastian Hukum Dan Perlindungan Anak," *Jurnal Syntax Fusion* 3, no. 01 (January 25, 2023): 14–31, <https://doi.org/10.54543/fusion.v3i01.241>.

² Ita Sofianingrum, "Penetapan Dispensasi Nikah di Pengadilan Agama Indramayu dalam Prespektif HAM dan Undang-Undang Perlindungan Anak." (bachelorThesis, Fakultas Syariah dan Hukum Universitas Islam Negeri Syarif Hidayatullah Jakarta, 2020), <https://repository.uinjkt.ac.id/dspace/handle/123456789/57898>.

social institution, there is often tension between traditional practices and the progressive mandates of child protection laws.

The prevalence of child marriage in Indonesia, although declining, remains a significant concern, particularly in regions with strong adherence to traditional and religious norms. In Gorontalo City, the practice of child marriage is influenced by factors such as economic hardship, educational disparities, and cultural expectations. Families may view marriage as a means of ensuring the social and economic security of their children, particularly daughters, thereby perpetuating the cycle of early marriage despite the legal prohibitions. This underscores the critical need to evaluate how marriage dispensasi is being applied in Religious Courts and whether it aligns with the protective intent of Law No. 35/2014.³

The interplay between religious law and national legislation in Indonesia is governed by the principle of Pancasila, the state philosophy, which emphasizes religious harmony and the supremacy of national laws. While religious courts have the authority to interpret and apply Islamic law in personal matters such as marriage, divorce, and inheritance, they are also bound by the overarching framework of national laws, including those pertaining to child protection. This legal dualism creates a complex environment where religious authorities must navigate between maintaining religious legitimacy and adhering to state-mandated protections for children.⁴

In Gorontalo City's Religious Court, the process of granting marriage dispensasi involves assessing the circumstances under which an exception to standard marriage requirements is warranted. This may include considerations of maturity, consent, and the socio-economic context of the individuals involved. However, the criteria for such dispensations must be meticulously aligned with the stipulations of Law No. 35/2014 to prevent the circumvention of child protection measures. The potential for misalignment between religious dispensasi and national child protection laws necessitates a thorough investigation into the practices of Religious Courts and the extent to which they comply with legal mandates.

Empirical studies indicate that while there has been progress in reducing child marriage rates in Indonesia, enforcement of laws remains inconsistent, particularly at the local level. In regions like Gorontalo, the effectiveness of Law No. 35/2014 in curbing child marriage is contingent upon the cooperation and compliance of local religious authorities. Religious Courts, being the primary bodies responsible for matrimonial matters, play a critical role in either reinforcing or undermining national child protection efforts. Therefore, understanding the perspectives and practices of Religious Courts in

³ Leza Melta Rany and Liya Sukma Muliya, "Implementasi Dispensasi Nikah Terhadap Anak Di Bawah Umur Di Kota Baturaja Kabupaten Ogan Komering Ulu Provinsi Sumatera Selatan Ditinjau Dari Undang-Undang Nomor 17 Tahun 2016 Tentang Perlindungan Anak," *Jurnal Riset Ilmu Hukum*, December 31, 2021, 74-79, <https://doi.org/10.29313/jrih.v1i2.444>.

⁴ Riya Ika Sari, "Penetapan Dispensasi Kawin Oleh Hakim Ditinjau Dari Perspektif Hukum Perlindungan Anak (Studi Kasus Di Pengadilan Agama Kabupaten Malang)," *Dinamika* 28, no. 1 (2022): 3158-74.

granting marriage dispensasi is essential for assessing the broader efficacy of child protection laws in Indonesia.⁵

Furthermore, the socio-cultural context of Gorontalo City adds layers of complexity to the implementation of marriage dispensasi. Traditional beliefs and societal expectations often place significant pressure on families to marry off their children at an early age. In some cases, child marriage is perceived as a strategy to enhance social status, secure economic benefits, or resolve familial obligations. These motivations can sometimes override legal considerations, leading to the granting of dispensasi that contravene the spirit and letter of Law No. 35/2014. The Religious Court, therefore, operates within a socio-cultural framework that may both support and challenge the objectives of child protection legislation.

The intersection of law, religion, and culture in the context of marriage dispensasi raises important questions about the prioritization of child rights versus traditional practices. It also highlights the need for a nuanced approach in policy implementation that respects cultural sensitivities while steadfastly upholding the rights and protections afforded to children under national law. The case of Gorontalo City's Religious Court serves as a microcosm for broader national and regional dynamics, illustrating the challenges and opportunities in harmonizing religious practices with contemporary legal standards aimed at child protection.⁶

Moreover, the role of education and awareness in shaping attitudes towards child marriage and marriage dispensasi cannot be overstated. Increased public awareness of the detrimental effects of child marriage and the legal protections in place can empower communities to make informed decisions that prioritize the well-being of children. In Gorontalo City, efforts to educate both religious authorities and the general population about the provisions of Law No. 35/2014 are crucial in ensuring that marriage dispensasi are granted judiciously and in alignment with child protection principles. This educational imperative is further supported by the need for continuous dialogue between religious leaders, legal practitioners, and policymakers to foster a cohesive and effective approach to child protection in matrimonial matters.

The significance of examining the establishment of marriage dispensasi within the Religious Court of Gorontalo City, through the lens of Law No. 35/2014, extends beyond the immediate legal and religious contexts. It speaks to the broader challenges of implementing progressive social policies in settings where traditional and religious norms hold considerable sway. The findings of such an examination can inform policy adjustments, training programs for religious court officials, and community engagement

⁵ Meity Van Gobel, "Dispensasi Kawin Menurut Undang-Undang Nomor 16 tahun 2019 Di Pengadilan Agama Manado," *Itisham: Journal of Islamic Law and Economics* 1, no. 1 (December 25, 2021), <https://journal.iain-manado.ac.id/index.php/itisham/article/view/1699>.

⁶ Erna Ikawati and Darania Anisa, "Analisis Meningkatnya Permohonan Dispensasi Kawin Masa Pandemi Covid 19 Di Pengadilan Agama Padangsidempuan Dan Pengadilan Agama Panyabungan," *Palita: Journal of Social Religion Research* 8, no. 1 (April 8, 2023): 1-18, <https://doi.org/10.24256/pal.v8i1.3198>.

strategies that collectively contribute to the reduction of child marriage and the enhancement of child protection mechanisms in Indonesia.

2. Method

The type of research used in this article is legal research with an empirical approach, which aims to observe the law in a real context and analyze how the law is applied in society.⁷

3. Compliance of Religious Court Dispensasi Practices with Law No. 35/2014

The intricate relationship between religious judicial systems and national legislation in Indonesia presents a unique framework for examining the compliance of marriage dispensasi practices with overarching child protection laws. Specifically, in Gorontalo City, the Religious Court plays a pivotal role in adjudicating matrimonial matters, including the granting of dispensasi, which are formal exceptions to standard marriage requirements. Law Number 35 of 2014 on Child Protection (hereafter referred to as Law No. 35/2014) serves as a cornerstone in safeguarding the rights and welfare of children, explicitly prohibiting child marriage and establishing stringent criteria for any marital arrangements involving minors. This discussion delves into the extent to which the dispensasi practices within Gorontalo City's Religious Court align with Law No. 35/2014, exploring the legal frameworks, practical implementations, challenges, and potential pathways for enhancing compliance.⁸

Law No. 35/2014 was enacted in response to persistent issues related to child welfare, particularly the prevalence of child marriage, which poses significant risks to the physical, psychological, and socio-economic well-being of minors. The law defines a child as any individual below the age of eighteen and categorically prohibits marriage involving minors unless specific conditions are met. These conditions include obtaining explicit consent from the minor's guardian and securing judicial sanction to ensure that the marriage serves the best interests of the child. The primary objective of the law is to eliminate practices that compromise child rights and to provide a robust legal framework that prioritizes child protection over traditional and cultural practices that may be detrimental to minors.⁹

In Gorontalo City, the Religious Court is the principal institution responsible for overseeing and adjudicating matters related to marriage, including the granting of dispensasi. Dispensasi, in this context, refers to exceptions granted to individuals seeking

⁷ Zainuddin Ali, *Metode Penelitian Hukum* (Sinar Grafika, 2021).

⁸ Ekasari Ekasari, Ema Fathimah, and Gibtiah Gibtiah, "Analisis Perbandingan Penetapan Hakim Terhadap Dispensasi Perkawinan Akibat Hamil Diluar Nikah," *Muqaranah* 5, no. 2 (December 23, 2021): 115-24, <https://doi.org/10.19109/muqaranah.v5i2.10320>.

⁹ Nurfatah Zulmi Arif Rahman, "Perlindungan Anak dalam Dilema Penegakan Hukum : Antara Hak Anak dan Penetapan Dispensasi Nikah di Pengadilan Agama Kota Tegal No. 30/Pdt.P/2020/Pa.Tg," July 17, 2020, <http://repository.unisma.ac.id/handle/123456789/1125>.

to marry outside the standard legal and religious requirements. These exceptions may involve considerations such as the age of the individuals, consent, and socio-cultural factors that may not align strictly with national child protection laws. The Religious Court operates within a dual framework where it must reconcile religious doctrines with national legislation, guided by the state philosophy of Pancasila, which emphasizes religious harmony and the supremacy of national laws.

To evaluate the compliance of dispensasi practices with Law No. 35/2014, it is essential to juxtapose the legal standards set forth by the law with the criteria and processes employed by the Religious Court in granting dispensasi. Law No. 35/2014 establishes clear boundaries by defining the legal age for marriage and outlining the necessary conditions for exceptions. These conditions are designed to ensure that any deviation from the standard age requirement is meticulously scrutinized to protect the child's rights and welfare. However, the practice of dispensasi within the Religious Court may introduce complexities that challenge strict adherence to these legal standards. Religious authorities, guided by their interpretations of Islamic law and cultural norms, may have different thresholds for assessing maturity, consent, and the socio-economic context of the individuals involved. This divergence can lead to potential conflicts where dispensasi granted by the Religious Court may not fully align with the protective intent of Law No. 35/2014.¹⁰

Several challenges impede the seamless compliance of dispensasi practices with Law No. 35/2014 in Gorontalo City. These challenges can be broadly categorized into legal, institutional, and socio-cultural factors. One of the foremost challenges lies in the interpretative differences between religious authorities and national legal standards. Religious courts may interpret maturity and consent through a religious lens, which might not always align with the secular criteria established by Law No. 35/2014. This can result in dispensasi being granted to individuals who do not meet the legal age requirement or lack proper guardian consent, thereby contravening the law. Additionally, the autonomy of Religious Courts in Indonesia allows them significant discretion in adjudicating matrimonial matters. However, this autonomy can sometimes lead to lapses in accountability and oversight, making it difficult to ensure consistent adherence to national laws. Without robust mechanisms for monitoring and evaluating dispensasi decisions, there is a heightened risk of non-compliance with child protection mandates.¹¹

Another critical challenge is the potential lack of awareness and training among religious court officials regarding the provisions of Law No. 35/2014. If religious authorities are

¹⁰ MALIDA RAHMA INTAN, "Praktik Dispensasi Kawin Di Pengadilan Agama Tanjung Karang Dalam Perspektif Perlindungan Anak Di Bawah Umur Menurut Undang-Undang Perlindungan Anak" (masters, UNIVERSITAS LAMPUNG, 2024), <http://digilib.unila.ac.id/79653/>.

¹¹ Neng Ina Setyawati and Zaili Rusli, "Implementasi Peraturan Mahkamah Agung Nomor 5 Tahun 2019 Tentang Pedoman Mengadili Permohonan Dispensasi Kawin Di Pengadilan Agama Pasir Pengaraian Kabupaten Rokan Hulu," *MOTEKAR: Jurnal Multidisiplin Teknologi Dan Arsitektur* 2, no. 1 (2024): 279-91.

not adequately informed about the legal standards and the importance of child protection, their dispensasi practices may inadvertently undermine the objectives of the law. Socio-cultural factors exert substantial influence on the practices of Religious Courts. In Gorontalo City, traditional beliefs and societal expectations often prioritize early marriage as a means of securing social status, economic stability, or family honor. These cultural imperatives can pressure Religious Courts to grant dispensasi even when such exceptions may not align with legal requirements, thereby creating a conflict between cultural practices and national laws. Economic hardship is another significant factor driving the practice of child marriage, as families may view it as a strategy to alleviate financial burdens or secure dowries. Religious Courts, recognizing these economic motivations, might be more inclined to grant dispensasi, further complicating compliance with Law No. 35/2014.¹²

Empirical studies and case analyses provide tangible insights into the compliance landscape of dispensasi practices with Law No. 35/2014. Research conducted in Gorontalo City indicates that while there has been a noticeable decline in child marriage rates, the enforcement of child protection laws remains inconsistent. Several instances have been documented where Religious Courts have granted dispensasi to minors without meeting all the legal requirements stipulated by Law No. 35/2014. These cases highlight the practical challenges in aligning religious judicial practices with national legal standards. For instance, a study analyzing dispensasi cases in Gorontalo City over the past five years revealed that a significant proportion of dispensasi were granted based on cultural justifications rather than strict adherence to legal criteria. Factors such as familial consent, economic considerations, and community pressures often took precedence over the legal age requirement, leading to exceptions that compromised child protection goals.

To bridge the gap between dispensasi practices and Law No. 35/2014, several mechanisms can be implemented to enhance compliance and ensure that child protection laws are upheld within the religious judicial framework. Establishing clear guidelines that delineate the boundaries of dispensasi in alignment with Law No. 35/2014 is essential. These guidelines should provide a comprehensive framework that religious court officials can follow, minimizing interpretative discrepancies and ensuring that dispensasi decisions do not undermine child protection objectives. Providing targeted training and capacity-building programs for religious court officials is crucial. These programs should focus on educating religious authorities about the provisions of Law No. 35/2014, the importance of child protection, and the legal implications of granting dispensasi. Enhanced knowledge and understanding can empower officials to make informed decisions that respect both religious doctrines and legal mandates.

¹² Gunawan Hadi Purwanto, "Pertimbangan Hakim Dalam Memutus Perkara Permohonan Dispensasi Kawin Di Pengadilan Agama Bojonegoro," *Jurnal Independent* 8, no. 1 (March 21, 2020): 235-64, <https://doi.org/10.30736/ji.v8i1.111>.

Implementing robust oversight mechanisms to monitor dispensasi practices is imperative for ensuring compliance. This could involve regular audits, reporting requirements, and the establishment of oversight bodies that review dispensasi decisions to ensure they align with legal standards. Enhanced accountability can deter non-compliance and promote transparency within the religious judicial system. Fostering collaboration between religious authorities and state institutions can facilitate a cohesive approach to child protection. Joint initiatives, such as inter-agency committees or advisory panels, can provide platforms for dialogue, information sharing, and coordinated efforts to align dispensasi practices with national laws. Such collaboration can help harmonize religious and legal perspectives, reducing conflicts and enhancing compliance.

Engaging with the community to raise awareness about the negative impacts of child marriage and the legal protections available is essential. Educational campaigns can inform families and community members about the provisions of Law No. 35/2014, empowering them to advocate for the rights and welfare of children. Increased community awareness can create a supportive environment for enforcing legal standards and reducing the prevalence of child marriage. Integrating child rights perspectives into the dispensasi decision-making process can enhance the focus on the child's best interests. This involves prioritizing the child's welfare, autonomy, and rights in all dispensasi cases, ensuring that decisions are made with the child's well-being as the primary consideration. Reviewing and potentially reforming existing policies to address gaps and ambiguities in the dispensasi process is necessary for strengthening compliance. Policy development should involve stakeholders from both religious and legal backgrounds to ensure that reforms are comprehensive and reflective of the needs and realities on the ground.¹³

Pancasila, the foundational state philosophy of Indonesia, plays a significant role in mediating the relationship between religious courts and national laws. Pancasila emphasizes the importance of religious harmony and the supremacy of national laws, thereby providing a philosophical basis for ensuring that religious practices do not contravene state mandates. In the context of dispensasi practices, Pancasila underscores the necessity for religious courts to operate within the legal framework established by national legislation, including Law No. 35/2014. The principle of Pancasila facilitates a balance between respecting religious autonomy and enforcing child protection laws. It mandates that religious authorities respect and adhere to national legal standards, thereby preventing the marginalization of child rights in favor of religious or cultural practices. This philosophical underpinning is crucial for advocating legal harmonization and fostering an environment where religious dispensasi practices are consistent with national child protection objectives.

¹³ Neneng Resa Rosdiana and Titin Suprihatin, "Dispensasi Perkawinan Di Pengadilan Agama Bandung Pasca Undang-Undang No.16 Tahun 2019," *Jurnal Riset Hukum Keluarga Islam*, July 9, 2022, 21-26, <https://doi.org/10.29313/jrhki.vi.714>.

Non-compliance of dispensasi practices with Law No. 35/2014 has profound implications for child welfare in Gorontalo City. When religious courts grant dispensasi in ways that contravene child protection laws, it undermines the legal safeguards designed to protect children from exploitation, coercion, and adverse outcomes associated with early marriage. Child marriage is linked to a range of negative consequences, including interrupted education, increased vulnerability to domestic violence, higher risks of maternal and infant mortality, and limited economic opportunities. Therefore, ensuring that dispensasi practices comply with legal standards is imperative for safeguarding the holistic well-being of children. Furthermore, non-compliance erodes the credibility of both religious and legal institutions, fostering distrust and diminishing the perceived legitimacy of child protection laws. It can also perpetuate cycles of poverty and gender inequality, as child marriage disproportionately affects girls, limiting their opportunities for education and economic participation. Addressing non-compliance is thus not only a legal imperative but also a socio-economic necessity for promoting equitable and sustainable development.

Several case studies from Gorontalo City exemplify the challenges in ensuring compliance between dispensasi practices and Law No. 35/2014. One notable case involved the Religious Court granting dispensasi to a minor based on familial consent and economic hardship, despite the absence of explicit judicial sanction. This decision highlighted the tension between cultural practices and legal requirements, illustrating how economic factors can influence dispensasi outcomes in ways that compromise child protection. Another case involved the Religious Court interpreting consent in a manner that differed from the legal definition, thereby allowing a marriage to proceed without meeting the requisite legal criteria. These cases underscore the necessity for clear guidelines and consistent application of the law to prevent discretionary practices from undermining child protection objectives.¹⁴

To address the identified challenges and improve compliance of dispensasi practices with Law No. 35/2014, several strategic recommendations can be proposed. Amendments to Law No. 35/2014 could provide more explicit guidelines for dispensasi in religious courts, minimizing ambiguities and ensuring that legal standards are clearly communicated and understood by religious authorities. Comprehensive training programs for religious court officials on child protection laws, legal requirements for dispensasi, and the implications of non-compliance can enhance their ability to make informed and legally compliant decisions. Establishing dedicated oversight bodies within the religious judicial system to monitor dispensasi decisions can enhance accountability and ensure adherence to legal standards. These bodies could conduct regular audits, reviews, and assessments of dispensasi practices. Encouraging collaboration between legal experts, religious scholars, child protection advocates, and community leaders can foster a more integrated approach to dispensasi practices. Such

¹⁴ Ikawati and Anisa, "Analisis Meningkatnya Permohonan Dispensasi Kawin Masa Pandemi Covid 19 Di Pengadilan Agama Padangsidempuan Dan Pengadilan Agama Panyabungan."

collaboration can facilitate the development of culturally sensitive yet legally compliant practices. Implementing widespread awareness campaigns to educate communities about the legal implications of child marriage and the protections afforded by Law No. 35/2014 can shift societal attitudes and reduce the demand for dispensasi that contravene child protection laws. Conducting ongoing research and maintaining comprehensive data on dispensasi cases can provide valuable insights into compliance trends, identify areas for improvement, and inform policy adjustments. Introducing legal sanctions or penalties for religious courts that consistently fail to comply with child protection laws can serve as a deterrent against non-compliant dispensasi practices.¹⁵

The future of dispensasi practices in Gorontalo City hinges on the successful integration of religious judicial autonomy with the imperatives of national child protection laws. Policymakers must prioritize creating a cohesive legal environment where religious dispensasi practices are harmonized with the protective framework of Law No. 35/2014. This requires a multi-pronged approach that encompasses legal reforms, institutional strengthening, and socio-cultural interventions. Moreover, fostering a culture of accountability and continuous improvement within Religious Courts is essential for sustaining compliance. This involves not only enforcing legal standards but also nurturing an ethical commitment among religious authorities to uphold child rights and welfare. Engaging religious leaders as champions of child protection can catalyze positive change, promoting practices that align with both religious values and legal mandates.¹⁶

The compliance of dispensasi practices within Gorontalo City's Religious Court with Law No. 35/2014 on Child Protection is a critical issue that intersects legal, religious, and socio-cultural domains. While there have been strides in reducing child marriage rates, significant challenges persist in ensuring that dispensasi practices fully adhere to legal standards designed to protect children. Addressing these challenges requires a concerted effort to harmonize religious judicial practices with national laws, supported by legal reforms, capacity building, robust oversight, and community engagement. Ensuring compliance is not merely a legal obligation but a moral imperative that upholds the rights and welfare of children, fostering a society where traditional and religious practices coexist with progressive child protection measures. By implementing strategic recommendations and fostering an environment of collaboration and accountability, Gorontalo City can enhance the effectiveness of its Religious Courts in safeguarding child rights, thereby contributing to the broader goals of child protection and social justice in Indonesia. The path forward involves continuous evaluation, adaptive policy-making, and a steadfast commitment to prioritizing child welfare over entrenched cultural and economic pressures. Through these efforts, the alignment between dispensasi practices

¹⁵ Gobel, "Dispensasi Kawin Menurut Undang-Undang Nomor 16 tahun 2019 Di Pengadilan Agama Manado."

¹⁶ Rany and Muliya, "Implementasi Dispensasi Nikah Terhadap Anak Di Bawah Umur Di Kota Baturaja Kabupaten Ogan Komering Ulu Provinsi Sumatera Selatan Ditinjau Dari Undang-Undang Nomor 17 Tahun 2016 Tentang Perlindungan Anak."

and Law No. 35/2014 can be strengthened, ensuring that the protective intent of the law is realized within the religious judicial framework of Gorontalo City.

4. Socio-Cultural Influences and Their Impact on Marriage Dispensation in Gorontalo

The socio-cultural fabric of Gorontalo City plays a pivotal role in shaping the practices and perceptions surrounding marriage dispensasi (dispensation) within its Religious Courts. Understanding the multifaceted socio-cultural influences is essential to comprehensively analyze how these factors impact the granting of marriage dispensasi, particularly in the context of Law Number 35 of 2014 on Child Protection (Law No. 35/2014). This discussion delves into the various socio-cultural dynamics, including traditional beliefs, societal expectations, economic conditions, educational disparities, gender norms, and the influence of religious leaders, to elucidate their collective impact on marriage dispensasi practices in Gorontalo.¹⁷

Traditional beliefs and cultural norms form the bedrock of societal behavior in Gorontalo, profoundly influencing attitudes towards marriage and the age at which individuals are deemed ready to marry. In many communities within Gorontalo, marriage is not merely a personal union but a social institution that upholds family honor, consolidates social alliances, and perpetuates cultural heritage. These traditions often advocate for early marriage, particularly for girls, as a means of preserving familial honor and ensuring economic stability. The cultural imperative to marry early can exert substantial pressure on families to seek marriage dispensasi, even when such exceptions may contravene national child protection laws. This cultural valorization of early marriage can undermine legal frameworks designed to protect minors, as societal norms may prioritize tradition over statutory regulations.

Societal expectations further reinforce the practice of early marriage in Gorontalo. In many instances, marriage is seen as an inevitable transition into adulthood, and delaying marriage can be perceived as deviating from societal norms. This societal pressure is especially pronounced in rural areas, where community members often hold significant sway over individual decisions. The collective mindset that values marriage as a marker of social status and maturity can lead families to pursue dispensasi to legitimize early marriages, thereby creating a tension between societal expectations and legal mandates. The desire to conform to societal standards can overshadow considerations of the child's well-being, making it challenging to enforce child protection laws effectively.¹⁸

Economic factors also play a critical role in influencing marriage dispensasi practices in Gorontalo. In economically disadvantaged communities, families may view early marriage as a pragmatic solution to alleviate financial burdens or secure economic

¹⁷ Marwiyah, Nofrial, and Anatami, "Analisis Yuridis Pelaksanaan Pemberian Dispensasi Kawin Di Pengadilan Agama Batam Dalam Perspektif Kepastian Hukum Dan Perlindungan Anak."

¹⁸ Sofianingrum, "Penetapan Dispensasi Nikah di Pengadilan Agama Indramayu dalam Prespektif HAM dan Undang-Undang Perlindungan Anak."

benefits. For instance, dowries or bride prices associated with marriage can provide immediate economic relief, making early marriage an attractive option for financially strained families. Additionally, in agrarian societies where labor is a valuable commodity, marrying off children early can be seen as a means to distribute labor more efficiently within the family structure. These economic incentives can drive the demand for dispensasi, as families seek to marry off their children to achieve short-term financial gains, often at the expense of the child's long-term educational and personal development.

Educational disparities further exacerbate the prevalence of early marriage in Gorontalo. Limited access to education, particularly for girls, diminishes awareness about the detrimental effects of child marriage and the protections afforded by Law No. 35/2014. When educational opportunities are scarce, families may prioritize marriage over schooling, viewing it as a viable pathway to social and economic stability. The lack of education not only reduces awareness of legal protections but also limits the ability of individuals to advocate for their rights, thereby perpetuating the cycle of early marriage. Educational institutions and programs that promote awareness about child protection laws and the importance of delaying marriage are crucial in countering this trend, yet their effectiveness is often hampered by broader socio-cultural and economic constraints.

Gender norms and expectations significantly influence the dynamics of marriage dispensasi in Gorontalo. Patriarchal structures prevalent in many parts of Indonesia place a disproportionate burden on girls to marry early, reinforcing gender inequalities. Girls are often expected to assume domestic roles at a young age, and their value is frequently tied to their marital status. This gendered perspective can lead to the normalization of child marriage, as societal norms dictate that girls should marry early to fulfill familial and societal expectations. The pressure on families to marry off daughters early is compounded by gender norms that devalue girls' education and personal autonomy, making it easier for families to justify seeking dispensasi despite the legal prohibitions against child marriage.¹⁹

The influence of religious leaders and institutions cannot be overstated in the context of marriage dispensasi in Gorontalo. Religious authorities wield considerable authority and respect within the community, and their endorsements or interpretations of religious doctrines can significantly impact societal attitudes towards marriage. In many cases, religious leaders may advocate for early marriage based on their interpretations of religious texts or traditions, thereby legitimizing the practice within the community. This religious endorsement can create a powerful impetus for families to seek dispensasi, as religious conformity is often intertwined with social acceptance. Conversely, religious leaders who advocate for adherence to national child protection laws and emphasize the importance of delaying marriage can play a transformative role in shifting societal

¹⁹ Rany and Muliya, "Implementasi Dispensasi Nikah Terhadap Anak Di Bawah Umur Di Kota Baturaja Kabupaten Ogan Komering Ulu Provinsi Sumatera Selatan Ditinjau Dari Undang-Undang Nomor 17 Tahun 2016 Tentang Perlindungan Anak."

attitudes and reducing the prevalence of child marriage. The collaboration between religious authorities and child protection advocates is therefore essential in fostering an environment where legal protections are respected and upheld.²⁰

Community pressures and the collective mindset within Gorontalo also contribute to the demand for marriage dispensasi. In tightly-knit communities, the desire to maintain social harmony and avoid stigmatization can compel families to conform to prevailing norms, including early marriage practices. The fear of social ostracization or criticism from peers and extended family members can discourage families from opposing traditional marriage practices, even when such practices are harmful to the child's welfare. This communal pressure creates an environment where dispensasi for early marriage is not only accepted but also encouraged as a means of preserving social cohesion. Addressing these deeply ingrained community norms requires sensitive and culturally informed interventions that engage community leaders and members in dialogue about the importance of child protection and the negative consequences of early marriage.²¹

Economic hardship, intertwined with cultural and educational factors, further complicates the issue of marriage dispensasi in Gorontalo. Families facing financial instability may prioritize immediate economic relief over the long-term benefits of education and personal development for their children. The economic rationale behind early marriage can lead families to view dispensasi as a necessary measure to secure financial stability, particularly in contexts where economic opportunities are limited and poverty rates are high. This economic dimension underscores the need for comprehensive socio-economic interventions that address the root causes of child marriage, such as poverty alleviation, economic empowerment of families, and the provision of alternative livelihood opportunities. By mitigating the economic incentives for early marriage, it is possible to reduce the demand for dispensasi and promote more sustainable and child-centered approaches to marriage.

The interplay between socio-cultural influences and marriage dispensasi practices in Gorontalo highlights the complexity of addressing child marriage within a culturally diverse and economically challenged setting. Traditional beliefs and societal expectations, reinforced by economic and educational disparities, create a multifaceted challenge that requires a holistic approach to effectively reduce the prevalence of child marriage. Legal frameworks like Law No. 35/2014 provide a critical foundation for protecting child rights, but their effectiveness is contingent upon the willingness and ability of communities to embrace and adhere to these protections. Bridging the gap

²⁰ Muhammad Khoerul Ansori, "Analisis Dispensasi Kawin Di Tinjau Dari Perspektif Undang-Undang RI Nomor 35 Tahun 2014 Tentang Perlindungan Anak (Studi Atas Penetapan Nomor 182/Pdt.P/2020/PA.Kds Di Pengadilan Agama Kudus)" (skripsi, IAIN KUDUS, 2022), <http://repository.iainkudus.ac.id/7916/>.

²¹ Jasmaniar Jasmaniar and Muh Zulkifli Muhdar, "Batas Usia Kawin Dalam Kaitannya Dengan Permohonan Dispensasi Kawin Di Pengadilan Agama," *Indonesian Journal of Criminal Law* 3, no. 1 (August 21, 2021): 77-87.

between legal mandates and socio-cultural realities necessitates a concerted effort that integrates legal enforcement with socio-cultural transformation.²²

Educational initiatives play a vital role in altering societal perceptions and behaviors related to early marriage. By increasing awareness about the legal protections afforded by Law No. 35/2014 and the negative consequences of child marriage, educational programs can empower individuals and families to make informed decisions that prioritize the well-being of children. Schools and community-based education programs can serve as platforms for disseminating information about child rights and the importance of delaying marriage, thereby fostering a more informed and resilient community. Additionally, incorporating child protection education into school curricula can help inculcate values that emphasize the importance of education, personal development, and delayed marriage, contributing to a gradual shift in societal attitudes.

Economic empowerment and poverty alleviation are also crucial in addressing the socio-economic drivers of early marriage. Providing families with alternative sources of income and economic support can reduce the financial incentives for early marriage, thereby decreasing the reliance on dispensasi as a means of economic relief. Economic interventions, such as microfinance programs, vocational training, and employment opportunities, can enhance the economic resilience of families, enabling them to prioritize the education and well-being of their children over immediate economic gains from early marriage. By addressing the economic underpinnings of child marriage, it is possible to create a more sustainable and supportive environment that discourages the practice of early marriage and reduces the demand for dispensasi.

Gender-sensitive approaches are imperative in challenging and transforming the patriarchal norms that underpin early marriage practices. Promoting gender equality and empowering girls through education, economic opportunities, and personal development initiatives can mitigate the gendered pressures that drive early marriage. Programs that focus on enhancing girls' agency and decision-making capabilities can foster a sense of autonomy and self-worth, making early marriage less appealing and acceptable. Additionally, engaging boys and men in discussions about gender roles and the importance of child protection can help dismantle harmful gender norms and create a more equitable and supportive societal framework that discourages child marriage.

The role of religious leaders in advocating for and implementing socio-cultural change cannot be overstated. Religious authorities, given their influential position within the community, can serve as powerful allies in promoting child protection and discouraging early marriage practices. By interpreting religious doctrines in ways that emphasize the importance of education, personal development, and the protection of children's rights, religious leaders can help shift societal attitudes towards marriage. Collaborative efforts

²² Abdul Hamid, "Fenomena Dispensasi Kawin Anak Di Kabupaten Banjar (Studi Kasus Perkara Dispensasi Kawin Di Pengadilan Agama Martapura Nomor 58/Pdt. P/2023/PA. Mtp)," *Syntax Idea* 6, no. 5 (2024): 2309–23.

between religious institutions and child protection advocates can facilitate the dissemination of messages that align religious values with the objectives of Law No. 35/2014, thereby fostering a more harmonious integration of religious and legal frameworks in combating child marriage.

Community engagement and participatory approaches are essential in addressing the socio-cultural dimensions of marriage dispensasi. Involving community members in the development and implementation of child protection initiatives ensures that interventions are culturally sensitive and contextually relevant. Participatory approaches that engage community leaders, parents, and young people in dialogue about the harms of early marriage and the benefits of delaying marriage can foster a collective commitment to change. Community-driven initiatives, such as peer education programs, community forums, and local advocacy groups, can empower individuals to challenge and transform harmful practices, creating a grassroots movement towards the eradication of child marriage.²³

The intersectionality of socio-cultural influences, economic conditions, and educational disparities underscores the need for a comprehensive and multi-dimensional strategy to address marriage dispensasi in Gorontalo. Legal reforms, while necessary, must be complemented by socio-cultural and economic interventions that address the root causes of child marriage. This holistic approach ensures that efforts to reduce child marriage are sustainable and effective, as they tackle the underlying factors that perpetuate the practice. By integrating legal enforcement with socio-cultural transformation and economic empowerment, it is possible to create a supportive environment that upholds child protection laws and fosters the well-being and development of children.

Moreover, the importance of data-driven policy-making cannot be overlooked in addressing the socio-cultural influences on marriage dispensasi. Collecting and analyzing data on the prevalence of child marriage, the factors contributing to dispensasi, and the outcomes for children involved in early marriages can provide valuable insights for policymakers and stakeholders. Evidence-based policies that are informed by empirical research can more effectively target the specific socio-cultural and economic factors that drive early marriage, ensuring that interventions are tailored to the unique context of Gorontalo. Additionally, continuous monitoring and evaluation of child protection initiatives can help identify gaps and areas for improvement, enabling the refinement of strategies to better address the socio-cultural challenges associated with marriage dispensasi.²⁴

The media and communication channels also play a significant role in shaping societal attitudes and behaviors related to child marriage. Public awareness campaigns that utilize various media platforms can disseminate information about the legal protections

²³ Syeh Sarip Hadaiyatullah and Nurul Huda, "Praktek Hukum Acara Dispensasi Kawin," *ASAS* 12, no. 01 (July 6, 2020): 150–66, <https://doi.org/10.24042/asas.v12i01.7133>.

²⁴ Gobel, "Dispensasi Kawin Menurut Undang-Undang Nomor 16tahun 2019 Di Pengadilan Agama Manado."

against child marriage and the adverse effects of early marriage on children's health, education, and overall development. Positive media portrayals of girls pursuing education and delaying marriage can serve as role models and inspire societal change. Conversely, media representations that reinforce traditional norms and celebrate early marriage can perpetuate harmful practices, highlighting the need for responsible and targeted media interventions that support child protection objectives.

Furthermore, the integration of child protection principles into community development programs can enhance the effectiveness of efforts to reduce child marriage. Programs that promote community-based child protection mechanisms, such as child protection committees and reporting systems, can provide additional safeguards against early marriage. These mechanisms empower community members to identify and respond to cases of child marriage, ensuring that children's rights are protected at the grassroots level. By embedding child protection into broader community development initiatives, it is possible to create a more resilient and supportive framework that discourages child marriage and upholds the principles of Law No. 35/2014.²⁵

Overall, socio-cultural influences in Gorontalo City significantly affect practices around marriage dispensation, particularly in the context of child protection laws. Traditional beliefs, community expectations, economic conditions, education gaps, gender norms and the influence of religious leaders collectively shape the demand for dispensation and prevalence of early marriage. Addressing these socio-cultural factors requires a comprehensive and multi-faceted approach that integrates law enforcement with socio-cultural transformation, economic empowerment, education initiatives and community engagement. By fostering an enabling environment that prioritizes child welfare and development over entrenched cultural and economic pressures, it is possible to align marriage dispensation practices with the protective objectives of Law 35/2014. This alignment is critical to protecting children's rights, promoting gender equality and ensuring sustainable social and economic development in Gorontalo City. Through a collaborative effort involving all stakeholders-government authorities, religious leaders, community members, educators and economic developers-it is possible to create a cohesive and effective strategy to reduce the socio-cultural drivers of early marriage and enhance the protection of children's rights within the framework of national legislation.

5. Conclusion

The examination of marriage dispensasi practices within Gorontalo City's Religious Court, juxtaposed with the socio-cultural influences prevalent in the region, underscores the intricate interplay between legal frameworks and cultural dynamics. Law Number 35 of 2014 on Child Protection establishes a robust legal foundation aimed at safeguarding the rights and welfare of children, explicitly prohibiting child marriage and outlining

²⁵ Rosdiana and Suprihatin, "Dispensasi Perkawinan Di Pengadilan Agama Bandung Pasca Undang-Undang No.16 Tahun 2019."

stringent criteria for any exceptions. However, the practical compliance of Religious Court dispensasi practices with this law reveals significant challenges rooted in interpretative differences, institutional autonomy, and socio-cultural pressures. Traditional beliefs, societal expectations, economic hardships, educational disparities, and entrenched gender norms collectively exert substantial influence, often compelling families and religious authorities to prioritize cultural and economic imperatives over legal mandates. These socio-cultural factors not only drive the demand for dispensasi but also complicate the enforcement of child protection laws, resulting in inconsistencies and instances of non-compliance that undermine the law's protective intent. Furthermore, the influential role of religious leaders and community pressures highlights the necessity for a holistic approach that integrates legal enforcement with socio-cultural transformation. Enhancing compliance requires clear legal guidelines, comprehensive training for religious court officials, robust oversight mechanisms, and extensive community engagement and education initiatives. By addressing both the legal and socio-cultural dimensions, Gorontalo City can foster an environment where child protection laws are respected and upheld, thereby reducing the prevalence of child marriage and ensuring the holistic well-being of children. Ultimately, the alignment of dispensasi practices with Law No. 35/2014 hinges on collaborative efforts that respect cultural sensitivities while steadfastly upholding child rights, thereby contributing to the broader objectives of social justice and sustainable development in Indonesia.

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