



Legal Review on Marriage Dispensation and Its Impact on Children's Right to Education

Muthiara Afdillah Kadir¹, Mutia Cherawaty Talib², Nurul Fazri Elfikri³.

¹²³Faculty of Law ,Universitas Negeri Gorontalo, Indonesia.

Email Correspondence: muthiaraafdillahkadir@gmail.com

Abstract: This research examines the impact of marriage dispensation on fulfilling children's right to education within the jurisdiction of the Suwawa Religious Court. Marriage dispensation grants permission for marriage for minors, which has significant implications for children's education, particularly the risk of early school dropout. Empirical data reveals a high number of marriage dispensation requests involving students, potentially hindering children's access to quality education and the optimal development of their potential. Furthermore, this study highlights broader social consequences, including reproductive health risks, psychological pressure, and vulnerability to domestic violence, all of which threaten the well-being of children. From a legal perspective, although the regulation of Law No. 16 of 2019 and PERMA No. 5 of 2019 provides strict guidelines in the dispensation process, practical implementation still faces challenges in ensuring children's rights are heard and their best interests are prioritized. This situation calls for serious attention from the judiciary and relevant stakeholders. The study concludes the need for strengthening judges' capacity through training, legal assistance, and community education to change the social norms still influencing child marriage practices. A comprehensive policy recommendation is aimed at strengthening regulations, improving inter-agency synergy, and ensuring effective supervision to maximize the protection of children's educational rights. This study is expected to contribute to the development of child protection policies and enhance Indonesia's human resources in the future.

Keywords : Marriage Dispensation; Children's Right to Education; Legal Protection

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1. Introduction

Human rights serve as the fundamental basis that guarantees the dignity and life of every individual in society. As stated in Article 1 of Law No. 39 of 1999 on Human Rights, human rights are defined as a set of inherent rights belonging to the nature and existence of human beings as creations of God Almighty, which must be respected, upheld, and protected by the state, law, government, and every individual for the honor and dignity of humanity. In this context, children's human rights occupy a very fundamental position, given that children are the next generation who will determine the future of the nation.¹

Indonesia's constitution has firmly guaranteed the protection of children's rights as an integral part of human rights. This is reflected in the 1945 Constitution and various legal provisions at both national and international levels that regulate the protection and fulfillment of children's rights. The urgency of protecting and guaranteeing children's rights cannot be separated from the crucial role that children play in the sustainability of human life and the overall life of the nation.

Among the various rights of children that need protection, the right to education holds a strategic position. Article 9, paragraph (1) of Law No. 23 of 2002 on Child Protection explicitly states that the right to education is a fundamental right that must be fulfilled for the development of the individual and the enhancement of children's intelligence according to their interests and talents. Education functions as a vital mechanism that allows individuals to survive, adapt, internalize societal values, and develop their potential through various recognized learning processes and methodologies. This educational journey extends from childhood to adulthood, shaping the character and abilities that will determine the future of every individual.²

The constitutional recognition of education as a fundamental right is further strengthened by the provisions in Article 31 of the 1945 Constitution, which states that education is the right of every citizen. Moreover, Article 28C, paragraph (1) of the 1945 Constitution affirms that every person has the right to develop themselves by fulfilling their basic needs, including the right to receive education and benefit from knowledge and technology, arts, and culture, with the aim of improving their quality of life and for the welfare of humanity. The fourth paragraph of the Preamble to the 1945 Constitution also emphasizes that the improvement of national education is the primary goal of the Indonesian state.

However, the realization of children's right to education faces various complex challenges in practice. One of the main challenges is the practice of granting marriage dispensation, which can obstruct the fulfillment of children's right to education.

¹ Sulastris Sulastris et al., "Perlindungan Hukum Terhadap Hak Pengembangan Diri Anak Akibat Dispensasi Perkawinan," *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 5, no. 2 (2023): 1285–96, <https://doi.org/10.37680/almanhaj.v5i2.2816>.

² Hani Suriyani et al., "Perlindungan Hukum Bagi Anak Pasca Putusan Dispensasi Kawin Yang Ditolak Berdasarkan Peraturan Perundang-Undangan Terkait," *Hakim: Jurnal Ilmu Hukum Dan Sosial* 1, no. 4 (2023): 302–16, <https://doi.org/10.51903/hakim.v1i4.1476>.

Although the duties and responsibilities of parents to prevent child marriage have been clearly regulated in Article 26, paragraph (1), letter c of Law No. 23 of 2002 on Child Protection, the reality on the ground shows that many parents still seek marriage dispensations, thus weakening the prohibition on child marriage for those underage.³

In Islamic law and social context, marriage carries profound meaning. Marriage is not merely a formal contract between two individuals, but it encompasses spiritual dimensions that fulfill human needs in the context of family. The legal framework governing marriage has been comprehensively set out in Law No. 1 of 1974 on Marriage, later revised into Law No. 16 of 2019 on Marriage. This revision introduced significant changes, particularly in Article 7, paragraph (1), which sets the minimum age for marriage at 19 years for both men and women.⁴

The establishment of a minimum marriage age is intended to protect children from the negative effects of early marriage. However, the law also provides an exception mechanism through marriage dispensation as regulated in Article 7, paragraph (2) of Law No. 16 of 2019, which allows the parents of the male and/or female party to request dispensation from the Court for urgent reasons, supported by sufficient evidence. This provision creates a legal dilemma between child protection and legal flexibility in certain situations.⁵

The complexity of the issue becomes more apparent when marriage dispensation is linked to contemporary societal realities. Various factors contribute to the surge in marriage dispensation requests, including cultural influences, economic conditions, and inadequate education. In some communities, early marriage is still considered a tradition that must be upheld, while social pressure and cultural norms may force individuals to marry at a young age. This condition often leads to marriages that are not based on free choice and mature consent.

Social media and technological advancements also exert a significant influence on the behavior of today's youth. Exposure to age-inappropriate content can affect adolescents' psychological and social development, which in turn can drive risky behaviors, including relationships leading to out-of-wedlock pregnancies. This situation is often cited as the reason for marriage dispensation requests.⁶

³ Ahmad Muqaffi et al., "Menilik Problematika Dispensasi Nikah Dalam Upaya Pencegahan Pernikahan Anak Pasca Revisi UU Perkawinan," *JOURNAL OF ISLAMIC AND LAW STUDIES* 5, no. 2 (2021), <https://doi.org/10.18592/jils.v5i3.5914>.

⁴ Rizal Arif Fitria et al., "Dispensasi Kawin Dan Pemenuhan Hak Anak: Studi Pengaruh Terhadap Hak-Hak Anak Dalam Konteks Hukum Dan Sosial," *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 1, no. 4 (2023): 749-67, <https://doi.org/10.62976/ijjel.v1i4.201>.

⁵ Steven Sibarani et al., "Perjanjian Nikah Sebagai Dispensasi Perkawinan dalam Mewujudkan Peningkatan Wajib Belajar 12 Tahun Di Kabupaten Jember," *UNES Law Review* 6, no. 4 (2024): 12453-63, <https://doi.org/10.31933/unesrev.v6i4.2239>.

⁶ 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.

To anticipate the negative impacts of marriage dispensation, the Supreme Court issued PERMA No. 5 of 2019, which provides guidelines for adjudicating marriage dispensation requests. This regulation requires judges to advise the parties about the potential risks associated with early marriage, including disruption to education, adverse effects on reproductive health, the cycle of poverty, psychological instability of the child, and the potential for domestic violence. PERMA also emphasizes the importance of hearing the opinions of the child for whom the marriage dispensation is requested, as outlined in Articles 2, letter c, and 13 of PERMA No. 5 of 2019.

In judicial practice, the implementation of PERMA No. 5 of 2019 has yielded varied results. Data show that 45 percent of marriage dispensation rulings previously did not clearly indicate whether the child was present or whether their viewpoint was considered by the judge. This indicates a gap between normative provisions and practical implementation in the judicial system.⁷

The impact of marriage dispensation on fulfilling children's educational rights is a serious concern because it has the potential to sever children's access, especially girls, to education. Children who marry at an early age are often forced to stop attending school to fulfill their marital obligations. This condition contradicts Article 5, paragraph (1) of Law No. 20 of 2003 on the National Education System, which states that every citizen has the same right to receive quality education.

Empirical data from the Suwawa Religious Court shows a high number of marriage dispensation requests in recent years. From 2021 to 2024, a total of 704 marriage dispensation requests were recorded, with details as follows: 239 requests in 2021, 172 requests in 2022, 168 requests in 2023, and 125 requests in 2024. More concerning is the data showing that of these cases, 388 involved children still attending school, with details as follows: 138 cases in 2021, 126 cases in 2022, 72 cases in 2023, and 52 cases in 2024.⁸

This data indicates a significant potential violation of children's educational rights. Despite a decline in the number of cases from 2021 to 2024, the still-high absolute numbers show that this issue requires serious attention from all parties. This situation becomes even more complex when linked to the long-term impact on human resources quality and national development.

The gap between legal provisions protecting children's right to education and the practice of granting marriage dispensation creates a legal dilemma that requires thorough study. On one hand, the law provides strong protection for children's right to education, but on the other hand, the marriage dispensation mechanism may

⁷ Mudawamah Mudawamah, "Perlindungan Hak Anak Dalam Pemeriksaan Perkara Permohonan Dispensasi Kawin," *Negara Dan Keadilan* 10, no. 2 (2021): 111–23, <https://doi.org/10.33474/hukum.v10i2.11278>.

⁸ Adella Yuana and Hafizhah Risnafitri, "Peningkatan Pemahaman Hukum Masyarakat Tentang Dispensasi Kawin Guna Menjamin Perlindungan Hukum Bagi Anak," *Pintoe: Pengabdian Teuku Umar* 2, no. 2 (2025): 91–95.

reduce the effectiveness of that protection. This calls for a comprehensive analysis to find a balance between legal flexibility and optimal protection of children's rights.⁹

The urgency of studying this issue is increasing, as the impact of marriage dispensation is not only individual but also has wide social implications. Children who are forced to leave education due to early marriage will face limitations in developing their potential, which in turn can affect their ability to contribute optimally to the development of society and the nation.¹⁰

This research is expected to provide a comprehensive understanding of the legal dynamics surrounding marriage dispensation, particularly in relation to fulfilling children's right to education. Through an in-depth analysis of judicial practices and their impact on educational rights, this study aims to offer policy recommendations that can optimize the protection of children's rights without eliminating the legal flexibility needed in certain situations.

Furthermore, this research is expected to raise awareness among the public, especially youth, parents, and legal practitioners, about the long-term impact of marriage dispensation on children's futures. With a better understanding of the legal and social consequences of marriage dispensation, it is hoped that a change in mindset will occur, prioritizing the best interests of children, as mandated in various national and international legal instruments.

2. Method

The research methodology in this paper employs a qualitative approach with both normative and empirical legal research methods.¹¹ Normative legal research is used to examine legislation, regulations, policies, and legal theories related to marriage dispensation and children's right to education. Meanwhile, empirical research is conducted by collecting secondary data from official documents of the Suwawa Religious Court and interviews with relevant parties to provide a real-life overview of the implementation of marriage dispensation and its impact on fulfilling children's educational rights. This method allows the study to understand not only the formal legal aspects but also the social factors influencing the phenomenon of marriage dispensation in society. Data analysis is performed descriptively-qualitatively by linking the normative and empirical findings, thereby providing a comprehensive overview of the legal and social implications of marriage dispensation on the fulfillment of children's educational rights. This approach is expected to provide fact-based recommendations for improving children's legal protection.

⁹ Fahadil Amin Al Hasan and Deni Kamaluddin Yusup, "DISPENSASI KAWIN DALAM SISTEM HUKUM INDONESIA: Menjamin Kepentingan Terbaik Anak Melalui Putusan Hakim," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 14, no. 1 (2021): 86-98, <https://doi.org/10.14421/ahwal.2021.14107>.

¹⁰ Theresia Rosari Sekar Cakraningtyas et al., "Dispensasi Kawin Pada Anak Di Bawah Umur: Tinjauan Terhadap Perspektif Ham Anak Dalam Pengambilan Kebijakan (studi Kasus Di Kabupaten Jepara)," *Journal of Politic and Government Studies* 12, no. 2 (2023): 480-94.

¹¹ Zainudin Ali, *Metode Penelitian Hukum* (Sinar Grafika, 2017).

3. Legal Framework of Marriage Dispensation and Children's Right to Education

The discussion of the social and legal impact of marriage dispensation on fulfilling children's right to education is an important study, considering the widespread and high number of marriage dispensation requests involving children who are still attending school. Marriage dispensation, as a legal mechanism allowing children to marry under the minimum age of 19, is regulated in Law No. 16 of 2019 on Marriage and reinforced by PERMA No. 5 of 2019. This mechanism was created to provide flexibility in urgent situations, such as pregnancy outside of wedlock or social pressure. However, this practice often sparks debates as it significantly impacts children's rights, particularly their right to education.¹²

Data from the Suwawa Religious Court shows that over the last four years, thousands of marriage dispensation cases have been filed, with more than half involving children who are still students. This phenomenon indicates that marriage dispensation is not merely a legal issue but also a social one that requires multisectoral attention. Early school dropout is the most frequent real-world impact, as children are forced to leave their education to get married. Many children, particularly girls, are forced to end their education prematurely in order to assume new roles as wives and housewives. This situation is certainly very detrimental to them individually, as education is a primary tool for developing potential and improving children's quality of life. The opportunity to continue education greatly affects the future economic, social, and well-being prospects of these children.

On the other hand, early marriage also has detrimental effects on children's reproductive and psychological health. The insufficient physical maturity of children increases the risk of pregnancy and childbirth complications, endangering the lives and health of both the child and the unborn child. The psychological impacts are equally serious, as children who marry early often experience mental and emotional stress, anxiety, and other psychological disorders that hinder their personal development. These negative effects can also lead to a higher vulnerability to domestic violence, including physical, verbal, and psychological abuse. Given children's vulnerability at such a young age, the risks of early marriage pose a serious threat that must be anticipated by the legal and social systems.¹³

The Religious Court, as the judicial institution authorized to grant marriage dispensation, carries a significant responsibility in balancing legal, social, and the best interests of the child. PERMA No. 5 of 2019 stipulates that judges must listen to the opinions of children requesting marriage dispensation and carefully consider the physical, psychological, and economic readiness of the prospective spouses. Although this provision is clear, in practice, challenges such as imbalanced information

¹² Mughniatul Ilma, "Regulasi Dispensasi Dalam Penguatan Aturan Batas Usia Kawin Bagi Anak Pasca Lahirnya UU No. 16 Tahun 2019," *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 2, no. 2 (2020): 133–66, <https://doi.org/10.37680/almanhaj.v2i2.478>.

¹³ Syeh Sarip Hadaiyatullah and Nurul Huda, "Praktek Hukum Acara Dispensasi Kawin," *ASAS* 12, no. 01 (2020): 150–66, <https://doi.org/10.24042/asas.v12i01.7133>.

provided to judges, local cultural influences, and social pressure from families or communities are still found. This often leads to rulings that do not fully reflect the best interests of the child.

Alongside this, strengthening legal protection, particularly in granting marriage dispensation, must be placed in a broader context involving education and public understanding. Awareness of the negative impacts of early marriage, particularly on children's education, should be raised through effective communication between the government, educational institutions, civil society organizations, and religious leaders. Involving various stakeholders is crucial to building a culture that values education and child protection, so harmful child marriage practices can be minimized.¹⁴

From a policy perspective, the government needs to strengthen regulations that not only strictly regulate the requirements for granting marriage dispensation but also enhance the evaluation and monitoring mechanisms of court decisions. Specialized training for judges regarding the social and psychological impacts of early marriage can help improve the quality of rulings. Additionally, providing legal assistance for children seeking dispensation in court is essential to ensure maximum protection and that their rights are considered proportionally.

The role of the family is equally important. Parents must understand their responsibility to safeguard children's educational rights. Preventive actions such as accompanying and supervising children play a crucial role in preventing early marriage. A healthy family and social environment will provide space for children to grow and develop optimally without the pressure of early marriage.¹⁵

In the educational context, schools can play an active role in raising awareness among students and parents about the negative impacts of early marriage. Inclusive education that not only transfers knowledge but also equips students with the ability to make wise decisions is crucial in reducing the practice of child marriage. Anti-early marriage campaigns and promoting children's right to education can be continuously conducted to build a positive public opinion.

Given the broad and complex impact of marriage dispensation on children's education, a multisectoral approach is needed that includes improvements in law, education, health, and socio-cultural aspects. Policy recommendations should not only focus on legal protection through regulations but also on developing educational

¹⁴ Nahda Alia Rahmawati, "Implementasi Undang-Undang Nomor 35 Tahun 2014 Tentang Perlindungan Anak Terhadap Anak Yang Memperoleh Dispensasi Kawin (Studi Kasus Di KUA Kecamatan Bangsalsari)," *Journal of Law and Islamic Law* 3, no. 1 (2025): 1–22.

¹⁵ Dito Adhitia Maulana and Yunita Reykasari, "Perlindungan Hukum Terhadap Anak Yang Melakukan Perkawinan Di Bawah Umur," *Indonesian Journal of Law and Justice* 1, no. 4 (2024): 9–9, <https://doi.org/10.47134/ijlj.v1i4.2810>.

programs and community empowerment to create an environment that supports the fulfillment of children's rights.¹⁶

In the long run, preventing child marriage by prioritizing the right to education will help build a high-quality generation capable of contributing positively to national development. An educated generation tends to have greater opportunities to escape poverty, maintain better health, and build harmonious families. Conversely, failure to protect children's right to education through reduced early marriage practices will lead to a cycle of poverty and recurrent social problems that are difficult to break.¹⁷

Therefore, protecting children's right to education as part of fulfilling human rights must be prioritized in the policy-making process related to marriage dispensation. The government, judicial institutions, and society must work together to create a system that ensures that marriage dispensation is only granted in very urgent situations and does not sacrifice children's educational future. Strengthening support systems and strict supervision is the key to achieving this goal.¹⁸

Overall, this study emphasizes that marriage dispensation is a multidimensional issue that requires attention from various sectors. From legal, social, psychological, and educational aspects, all of these dimensions must be addressed holistically to ensure that children's rights, especially the right to education, are protected, which is an essential prerequisite for creating a brighter future for children and the nation. With the right approach, alongside strong commitment and collaboration, the negative impacts of marriage dispensation on children's education can be minimized, leading to a better quality of life for future generations.

4. Social and Legal Impacts of Marriage Dispensation on Children's Education

Marriage dispensation, as a legal mechanism allowing minors to marry below the minimum age of 19, has a complex impact on fulfilling children's right to education. This phenomenon is not just an administrative issue for the court but a multidimensional problem that touches on social, legal, economic, and humanitarian aspects. Empirical data from the Suwawa Religious Court reveals a concerning reality, where hundreds of children still in school are involved in marriage dispensation cases, potentially leading to early school dropout with long-term detrimental consequences.¹⁹

¹⁶ Octavina Putri Rodhi et al., "Problematika Dispensasi Kawin Dalam Aspek Perlindungan Anak Dibawah Umur," *Jurnal Reformasi Hukum: Cogito Ergo Sum* 6, no. 2 (2023): 68–74, <https://doi.org/10.51804/jrhces.v6i2.14299>.

¹⁷ Kurniawan Dedy Permono et al., "Tinjauan Hukum Pengaruh Dispensasi Perkawinan Di Bawah Umur Terhadap Efektivitas Peraturan Batas Minimum Usia Menikah," *Notarius* 14, no. 1 (2021): 178–93, <https://doi.org/10.14710/nts.v14i1.39130>.

¹⁸ Jelita Novitasari Jelita, "Perlindungan Hak Anak dalam Proses Dispensasi Perkawinan Studi Kasus Putusan Nomor 98/Pdt.P/2024/PA.Kwd," *Jurnal Pelita Keadilan* 1, no. 1 (2025): 37–45.

¹⁹ Nurfatah Zulmi Arif Rahman et al., "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," *Jurnal Hikmatina* 2, no. 3 (2020): 182–91.

The social impact of marriage dispensation on children's education is evident in the phenomenon of school dropout experienced by children who marry early. According to data from BPS, every year, 10.5% of child marriages occur in Indonesia, with West Nusa Tenggara recording the highest rate at 17.32%, followed by South Sumatra at 11.41% and West Kalimantan at 11.29%. This figure reflects the loss of human potential that could contribute optimally to the nation's development through sustainable education.

Education, as the primary means for developing potential and improving quality of life, faces significant disruption when children are forced into early marriage. When a child, especially a girl, marries before completing her education, she loses the opportunity to develop the skills, knowledge, and abilities necessary for a more productive life. This situation creates a cycle of poverty that is difficult to break, where children who drop out of school due to early marriage tend to have limited access to decent employment and adequate income.²⁰

The broader social impact is seen in the context of community development. Children who do not complete formal education have limitations in actively participating in community development, public decision-making, and social innovation. This affects the overall quality of human development, where society loses contributions from individuals who could have been agents of change and progress.

From a legal perspective, marriage dispensation creates a dilemma between legal flexibility and optimal protection of children's rights. Law No. 16 of 2019 on Marriage has set the minimum marriage age at 19, yet still provides room for dispensation in urgent situations. This provision is reinforced by PERMA No. 5 of 2019, which regulates the court procedures for handling marriage dispensation requests.²¹

PERMA No. 5 of 2019 requires judges to consider various aspects before granting a dispensation, including listening to the child's opinion, assessing physical and psychological readiness, and considering the best interests of the child. However, the implementation of this provision faces practical challenges, particularly in terms of the objectivity of the assessment and the influence of strong socio-cultural factors in society.²²

Data shows that 45% of marriage dispensation rulings do not clearly indicate whether the child was present or whether their opinion was considered by the judge. This condition indicates a gap between normative provisions and judicial practices, which may harm the child's interests, particularly their right to continue education.

²⁰ Akma Qamariah Lubis et al., "Dispensasi Kawin Pascarevisi Undang-Undang Perkawinan Di Era Pandemi Perspektif Pendidikan Islam," *Edukasi Islami: Jurnal Pendidikan Islam* 12, no. 001 (2023), <https://doi.org/10.30868/ei.v12i001.6260>.

²¹ Rino Cahya Pratama, "Fenomena Dispensasi Nikah Dan Pernikahan Dini Perspektif Maqashid Syari'ah Dan Hak Asasi Manusia," *Familia: Jurnal Hukum Keluarga* 5, no. 1 (2024): 54-75, <https://doi.org/10.24239/familia.v5i1.199>.

²² Faisal Hardiansyah et al., "Tinjauan Sosiologi Hukum Terhadap Permohonan Dispensasi Kawin Sebagai Sarana Kepastian Hukum Dan Kepentingan Terbaik Bagi Pelaku Pernikahan Usia Dini," *Advances In Social Humanities Research* 2, no. 3 (2024): 387-97, <https://doi.org/10.46799/adv.v2i3.177>.

Early marriage through marriage dispensation brings serious reproductive health risks for girls. Underdeveloped reproductive organs increase the risk of pregnancy complications, difficult childbirth, and even maternal and infant mortality. Studies show that children born to young mothers are at high risk of stunting due to the mother's physical immaturity. This condition not only affects individual health but also impacts the quality of future generations.²³

The psychological aspects are equally important to consider. Children who marry early face heavy mental and emotional pressures in dealing with household responsibilities that are not aligned with their developmental stage. Stress, depression, and anxiety disorders are often experienced by children who marry early, which can affect their ability to function optimally in various aspects of life, including education, if they are still able to continue it.

Early marriage also increases the risk of domestic violence. The emotional and psychological immaturity of both spouses, combined with economic and social pressures, can trigger various forms of physical, verbal, and psychological abuse. Children who are victims of domestic violence not only experience trauma that can affect their development, but they also lose the opportunity to focus on education and self-development.²⁴

Domestic violence in child marriages is also often not reported due to limited knowledge about their rights and access to the protection system. This creates a cycle of violence that can continue and impact future generations.

Judges play a strategic role in balancing legal interests and child protection. PERMA No. 5 of 2019 provides clear guidelines, but its implementation heavily depends on the ability and commitment of judges to prioritize the best interests of the child. Judges must be able to assess objectively the readiness of the prospective spouses from various aspects, including the impact on the child's education.²⁵

In practice, judges are often faced with a dilemma between social pressure, local cultural norms, and the obligation to protect the child's rights. Judicial decisions must be based on careful and comprehensive consideration, not just fulfilling legal formalities. Ongoing training for judges on child development psychology, the impact

²³ Hilmawati Usman Tenri Beta and Muhammad Habibi Miftakhul Marwa, "Konsep Tanggung Jawab Hukum Orang Tua Terhadap Perkawinan Anak," *JURNAL USM LAW REVIEW* 6, no. 3 (2023): 1090–108, <https://doi.org/10.26623/julr.v6i3.6823>.

²⁴ Achmad Ubaidillah Baihaqi et al., "Dampak Dispensasi Nikah Sebab Kehamilan Diluar Nikah Terhadap Hak Perempuan Dan Anak Perspektif Ham Dan Hukum Islam Studi Kasus Putusan Hakim Nomor 49/Pdt.P/2024/PA.Prob.," *JURISY: Jurnal Ilmiah Syariah* 5, no. 1 (2025): 106–19.

²⁵ Abdurrahim et al., "Harmonisasi Nilai-Nilai Syariah Dan Hukum Positif Dalam Dispensasi Kawin: Studi Pendekatan Normatif-Positif: Analisis Normatif-Positif Terhadap Praktik Dan Penetapan Dispensasi Kawin Dalam Perspektif Perlindungan Anak Di Indonesia," *Prosiding Hukum Keluarga Islam*, August 6, 2025, 27–37.

of early marriage, and objective assessment techniques is crucial to improving the quality of rulings.²⁶

The long-term economic impact of marriage dispensation resulting in school dropout is significant. Children who do not complete their education have lower economic productivity, contribute to higher poverty levels, and reduce national economic competitiveness. Studies show that each additional year of education can substantially increase an individual's income, which in turn contributes to macroeconomic growth.

From a national development perspective, the high dropout rates due to early marriage reduce the quality of human resources, which are a vital asset in the knowledge-based economy era. As a developing country, Indonesia needs high-quality human resources to compete in the global economy, and harmful marriage dispensation practices that impede children's education can hinder achieving those development goals.²⁷

Preventing child marriage through marriage dispensation requires a multisectoral approach involving various stakeholders. The government needs to strengthen public education programs on the negative impacts of early marriage, particularly on children's education and health. Cooperation between the Ministry of Religious Affairs, the Ministry of Education, the Ministry of Health, and civil society organizations is key to these efforts.

Strengthening the judicial system through training judges, providing legal assistance for children, and developing more objective assessment instruments must be carried out continuously. Monitoring and evaluating the implementation of PERMA No. 5 of 2019 is also important to ensure that these provisions are effectively protecting children's rights.

The family, as the smallest social unit, plays a fundamental role in preventing child marriage. Parents must understand their duty to protect their children's educational rights as mandated in Article 45 of Law No. 16 of 2019, which states that parents are obliged to nurture and educate their children properly until the children are self-sufficient.²⁸

The community also plays a role in creating an environment that supports children's education and rejects the practice of child marriage. Social and cultural norm changes

²⁶ Elsa Safitri Wulandri et al., "Asas Kepentingan Terbaik Bagi Anak Terkait Pengajuan Permohonan Dispensasi Kawin," *Yurijaya: Jurnal Ilmiah Hukum* 4, no. 2 (2022), <https://doi.org/10.51213/yurijaya.v4i2.75>.

²⁷ Rose Benedict Angel and Mia Hadiati, "Pertimbangan Hakim Terhadap Kepentingan Anak Dalam Mengabulkan Dispensasi Perkawinan Pasca Berlakunya Undang-Undang No. 16 Tahun 2019," *UNES Law Review* 6, no. 1 (2023): 3680–94, <https://doi.org/10.31933/unesrev.v6i1.1143>.

²⁸ Marselinus Yulian Christianto and Potler Gultom, "TINJAUAN HUKUM PELAKSANAAN HAK ANAK AKIBAT TERJADINYA PERKAWINAN DI BAWAH UMUR (STUDI KASUS PUTUSAN PENGADILAN AGAMA AMBARAWA Nomor 147/Pdt.P/2023/PA.Amb)," *LEX LAGUENS: Jurnal Kajian Hukum Dan Keadilan* 2, no. 1 (2024): 61–69.

that still tolerate or even encourage child marriage need to be made through community dialogue, public campaigns, and the involvement of religious and traditional leaders.²⁹

To address the impact of marriage dispensation on children's education, comprehensive policy recommendations are needed, including: first, strengthening regulations by clarifying the criteria for granting marriage dispensation and tightening court procedures; second, improving judges' capacity through ongoing training on child protection and the impact of early marriage; third, developing inclusive education programs that accommodate children in special situations; and fourth, strengthening monitoring and evaluation systems to ensure effective policy implementation.³⁰

Additionally, developing economic empowerment programs for families can reduce economic factors as a main cause of child marriage. Scholarship programs and educational assistance for children from low-income families are also crucial to ensure equal access to education for all children.

The social and legal impacts of marriage dispensation on children's education are a complex issue that requires a holistic and sustainable approach. Protecting children's educational rights must be a priority in every decision related to marriage dispensation, ensuring that the best interests of the child are always the primary consideration. Through strong collaboration between the government, judicial institutions, society, and families, the negative impacts of marriage dispensation on children's education can be minimized, thus creating a quality future generation capable of contributing optimally to the nation's development.

5. Conclusion

Marriage dispensation, as a legal mechanism allowing minors to marry below the minimum age of 19, has profound implications for fulfilling children's right to education. This study reveals that the practice of marriage dispensation contributes to high early school dropout rates, particularly in the Suwawa Religious Court jurisdiction. This situation harms children individually by hindering their opportunity to develop their potential and improve their quality of life through education. The social impacts that arise are not only personal but extend to the broader community, as failing to protect children's educational rights undermines the quality of human resources and national development. Additionally, early marriage creates reproductive health and psychological risks, as well as increasing vulnerability to domestic violence, which has a destructive impact on children's development and

²⁹ Jaqualine Tambuwun et al., "Perlindungan Hukum Terhadap Anak Kawin Dibawah Umur Menurut Uu Nomor 35 Tahun 2014 Di Indonesia Dalam Perspektif United Nations International Children Emergency Fund (Unicef)," *LEX ADMINISTRATUM* 12, no. 1 (2023), <https://ejournal.unsrat.ac.id/v3/index.php/administratum/article/view/51378>.

³⁰ Salha Marasaoly et al., "Perlindungan Hak-Hak Anak Melalui Pencegahan Perkawinan Usia Dini Pada Kalangan Pelajar Di Kota Ternate," *Journal Of Human And Education (JAHE)* 4, no. 4 (2024): 13–18, <https://doi.org/10.31004/jh.v4i4.1157>.

family stability. Legally, although regulations like Law No. 16 of 2019 and PERMA No. 5 of 2019 govern the dispensation process, implementation in practice still faces various challenges, especially in ensuring children's rights are heard and their best interests upheld. The role of judges is crucial in balancing legal interests and child protection. Therefore, enhancing the capacity of judicial officials, strengthening legal support systems, and educating the public to change social norms that still support child marriage are essential. Comprehensive policy recommendations involving strengthening regulations, training judges, developing inclusive education programs, and tightly monitoring marriage dispensation decisions should be prioritized. Collaboration among the government, judicial institutions, families, and society is key to ensuring that children's educational rights are fully protected, and positively impact the development of human resources in Indonesia in the future.

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