



Underage Marriage Review Post Latest Marriage Law

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Abstract:

The purpose of this study is to find out about underage marriages after the enactment of the latest marriage law and see how effective the enforcement of the law is and what efforts have been made by the office of religious affairs against the latest law, which discusses the existence of underage marriages. The research method used is normative, with the statute and contextual approaches. The results of the study show that underage marriages after the entry into force of Law number 16 of 2019 are allowed on the condition that they request a letter of dispensation and are accompanied by urgent reasons and also include supporting evidence and the effectiveness of the latest marriage law in Pohuwato Regency it can be considered ineffective and requires in-depth evaluation because of the high number of underage marriages. Because of this, Office Of Religious Affairs of Marisa district continues to conduct outreach related to the enforcement of marriage under the law, as regulated in the latest marriage regulations. The government is expected to revise law no. Married even though he is underage, not only in Article 7 paragraph (2), which says the parties' parents can ask the court for dispensation with urgent reasons accompanied by evidence.

Keywords: Underage Marriage; Post; Marriage Law.

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Introduction

Underage marriages impact concerns about the bad consequences of underage marriages and future impacts, such as the potential for failure to continue education. Underage marriages will also have the potential to increase domestic violence and divorce due to the lack of maturity in thinking, which causes big fights, and so divorce occurs.



According to a research report by Puska Indonesia together with the United Nations Children's Fund (UNICEF), by calculating based on population, several provinces in Indonesia still practice child marriage or underage marriages. Underage marriages in Indonesia have experienced a significant increase after the enactment of Law Number 16 of 2019. Based on data from the Religious Courts (Badilag), child marriage has tripled.

Rules in Indonesia that stipulate deviations from the minimum age limit for marriage can only be applied for dispensation to the court. This regulation has not suppressed the practice of underage marriages in Indonesia, and dispensations to court are increasing. Data from the Religious Courts (Badilag) of the Supreme Court of Indonesia, throughout 2020, the number of applications for marriage dispensation submitted to religious courts in all regions of Indonesia reached 64,000 applications. This figure has increased compared to 2019, with 24,865 requests. With the increasing number of applications for marriage dispensation to religious courts throughout Indonesia, there is concern about the bad consequences of underage marriages. (Yuli Sri Handayani 2020)

Likewise, after the enactment of Law number 16 of 2019 in the range from 2020 to 2021 that occurred in Gorontalo Province, it did cause a phenomenon. It did not necessarily dampen the surge in the number of underage marriages that occurred. Even the phenomenon of underage marriage has also increased. Based on data from the Regional Office of the Ministry of Religion of Gorontalo Province, 2018, there were 217 underage marriages; in 2019, there were 281 underage marriages and a significant increase in 2020, totalling 313 cases. (*Ministry of Religion of Gorontalo Province*, 2018-2020).

The increase in underage marriages in Pohuwato Regency has also increased. This is presented by the researcher in the following table:

Table 1.1

Office of Underage Marriage Data Pohuwato Regency Religious Affairs

| No | Year | Man <19 yrs | Woman <19 yrs | Amount |
|----|------|----------------|------------------|--------|
| 1 | 2018 | 5 | 11 | 16 |



| | | | | |
|---|------|----|----|----|
| 2 | 2019 | 15 | 26 | 41 |
| 3 | 2020 | 27 | 60 | 87 |
| 4 | 2021 | 28 | 64 | 92 |

Source: Office of Religious Affairs in Pohuwato Regency. 2018-2021

Based on the description of the data above, it can be seen that there has been a very high increase in underage marriages in Pohuwato Regency during 2018-2021. The data also shows that most underage marriages are carried out by girls under 19. According to preliminary information that researchers obtained from the Office of Religious Affairs of the Pohuwato Regency, the increase in underage marriages in Pohuwato Regency was generally among school-age children who entered into underage marriages caused by sexual relations outside of marriage which was influenced by activities outside the home without parental supervision Association.

Method

The type of research used in this article is normative legal research which focuses on literature studies. So, the data used is secondary data consisting of primary legal material (in the form of relevant laws and regulations) and secondary (consisting of references in the form of scientific articles and books relevant to the focus of the study). To facilitate analysis, a conceptual approach and a statutory approach are used to help map the research object and the analysis is carried out with a qualitative juridical approach. The legal materials obtained and made available are then reviewed and analyzed systematically and logically.

Discussion

Underage Marriage After the Enactment of Law Number 16 of 2019 Concerning Marriage

a. Underage Marriage Dispensation

Marriage dispensation is a form of policy the government issues regarding something special. This policy concerns regulations or legislation issued by the authorities or the government. Marriage dispensation covers matters in which the legislators made a ban, but due to important matters, freedom can be given for several reasons.



The law prohibits the marriage of underage children where which is based on the consideration that minors are psychologically unstable, and in order to agree to the marriage, it is required that the person must have fulfilled legal competence based on a person's adult age. The existence of the provisions of Article 7 paragraph (2) of Law No. 16 of 2019 on amendments to Law No. 1 of 1974 concerning marriage which can provide dispensation, and the absence of a written law on who can get a marriage dispensation has caused many cases of forced child marriages, threatening reproduction girls, threatens children's rights to education, and discriminates against the fulfilment of the rights of boys and girls.(Fenty Puluhulawa, 2009)

Both the bride and groom submit requests for dispensation from marriage. Requests for dispensation are submitted to the Religious Court for those who are Muslim and the District Court for non-Muslims. According to the new Marriage Law, it is explained that sufficient supporting evidence is a statement proving that the age of the bride and groom is still under the provisions of the law and a statement from a health worker supporting the parents' statement that the marriage is very urgent to be carried out.

In the case of a marriage dispensation application, those who can request are:

Article 6 Paragraph 2 of Law Number 16 of 2019

"Both parents, both male and female."

Article 6 Paragraph 3 of Law Number 16 of 2019

"If one of the two parents has passed away or cannot express his will, it can be requested from the parent who can express his will."

Article 6 Paragraph 4 of Law Number 16 of 2019

"If both parents die or cannot express their will, then the requester can be a guardian, caregiver, or family who has blood relations in a straight line upwards as long as they are still alive and in a state of being able to express their will."

The article's points described above should be used in times of urgency so that once it is included in the scope of the trial, the judge asks for statements from



witnesses who corroborate the application and obtains facts about the reasons for urging the marriage to take place. For example, the bride is already six months pregnant. "Their relationship is so close that their parents are worried that if they do not get married soon, there will be prolonged violations of religious law and cause things that can be detrimental.

Article 6, paragraph (6) of the Marriage Law states that requests for dispensation can be requested from courts or other officials because the law of each religion and belief of the person concerned obtains it. Applicable in society, but due to certain things, a person based on the provisions may not comply with statutory provisions. However, this dispensation cannot be used for everyone and is given for reasons or reasons that specifically deviate from statutory provisions. (Juadiah 2018)

Article paragraph (2) of the new Marriage Law confirms that marriage dispensation can be granted for urgent reasons. The meaning of "urgent reason" is a situation where there is no other choice, and it is very forced that the marriage must take place. The reason for urgency cannot be just a claim; sufficient supporting evidence must exist.

The new Marriage Law also emphasizes that court decisions are based on spiritual, moral, religious, customary and cultural considerations, psychological aspects, health aspects and their impact on preventing child marriage. In this regard, the new Marriage Law requires the government to socialize and guide the public to prevent underage marriages, the dangers of free sex, and prevent unregistered marriages (unregistered marriages).

Article 7, paragraph (4)

"The provisions regarding the condition of one or both parents of the prospective bride and groom as referred to in Article 6 paragraph (3) and paragraph (4) also apply to the provisions regarding the request for dispensation as referred to in paragraph (2) without prejudice to the provisions referred to in Article 6 paragraph (6)."

So, what is meant in Article 7 paragraph (4) is because Article 6 paragraph (2) states, "to get married a person who has not reached the age of 21 (twenty-one) years must obtain permission from both parents". Therefore the author can conclude



regarding Article 6, paragraph (3) and paragraph (4), if one of the two parents cannot express his will or has died, then permission is obtained from a guardian, a sibling who has blood relations, as long as he is still alive can express his will.

b. Implications of Legal Reform

According to Article 7, paragraph (1) of Law No. 16 of 2019 on amendments to Law No. 1 of 1974 concerning marriage, men and women 19 years old and under paragraph (2) must be married and ask the court for an exemption. After the court grants dispensation, minors can marry. It is undeniable that even if someone married is a minor, the rights and obligations will still be the same as that of an adult.

After a man and a woman get married, there will be a legal consequence regarding the property where the property during their marriage will become joint property as long as there is no other agreement regarding the property. In this case, a person who marries when he is underage or, to be precise, gets dispensation to marry; the minor after marriage will automatically have legal consequences for the assets of his partner, where everything that arises or they get in the marriage they must take care of. They are responsible for the assets that arise, including debts, when married.

The age of marriage that is too young for minors is one of the factors of divorce, which often occurs in every region; lack of experience and emotional maturity in marriage is a factor behind the divorce. Couples who are considered able to marry because they have complied with Article 7 of Law No. 16 of 2019 on amendments to Law No. 1 of 1974 concerning marriage are considered able to regulate assets and are mature in solving problems.

The regulation of Law No. 1 of 1974 concerning marriage was amended in Law No. 16 of 2019, namely changing the age for girls who can marry from 16 years to 19 years. Moreover, the risk of underage marriage results in legal consequences of the marriage. Law number 16 of 2019 regarding the age limit for marriage means that it is included in the category of Legal Reform. Factors influencing changes in the age limit for marriage. Indonesia, according to the contents of the Academic Paper on the Draft Law on the age limit for marriage, there are three foundations, namely;

1) Philosophical Foundation



The philosophical foundation is a consideration that illustrates that the regulations formed take into account the outlook on life, ideals, and legal awareness, which includes the mystical atmosphere and the philosophy of the Indonesian nation, which originates from Pancasila and the Preamble to the 1945 Constitution of the Republic of Indonesia.

Philosophically, the change in the marriage age limit for women from 16 years to 19 years so that it is equal to men is the state's commitment to realizing the life of the nation and state, which is far from discriminatory treatment of girls as citizens and safeguarding children's rights from being fulfilled. Health rights and education rights. The consequence is that the state must respect, protect and fulfil human rights because they are part of social life, and ensuring that the protection and upholding of human rights are highly dependent on the consistency of state institutions. (Luciana M. Tijow, 2003)

By guaranteeing these rights, they can grow and develop properly, maximize their potential, and become quality children. They will become successors of a better nation and be able to realize the ideals of the Indonesian nation.

2). Sociological Basis

The Sociological Foundation is a regulatory consideration formed to meet the community's needs in various aspects related to empirical facts regarding the development of problems and the needs of society and the state.

The practice of child marriage in Indonesia is a problem that has always arisen from time to time, from the colonial era until now. During the colonial period, there were cases where girls were married off at a relatively young age, such as 8 or 10 years. The practice of child marriage which causes violence and sexual exploitation, has been going on for a long time. The response of the new colonial state emerged around 1890, marked by the push to include sexual intercourse with children in marriage. So that an act of rape can be tried in court.

So sociologically, the stipulation of Law Number 16 of 2019 is an effort by the government to prevent underage marriages. Unfortunately, this



stipulation was not accompanied by changes to the rules regarding marriage dispensation, so the number of applications for marriage dispensation in the Religious Courts increased due to the absence of clear limits on when and under what circumstances the court and the competent authority grant the dispensation. The reality on the ground shows that the number of cases requesting a marriage dispensation after the enactment of the revision of the Marriage Law has increased in several cities/regencies.

After the revision of the Marriage Law, the Religious Courts in Pohuwato District experienced a significant increase. Where previously, in 2018, there were 60 cases, while in 2020, after the amendment to the law, it increased to 80 cases. The above facts show that the current revision of the Marriage Law differs from the community's legal awareness.

3) Juridical Foundation

The juridical basis is a consideration of regulations formed to resolve legal issues or fill legal voids by considering existing regulations, which will be amended or revoked to guarantee legal certainty and a sense of justice for the community. The juridical basis concerns legal issues relating to the regulated substance or material, so it is necessary to form new laws and regulations. Some of these legal issues include, among other things, outdated regulations, regulations that are not harmonious or overlapping, types of regulations that are lower than the law so that their effectiveness is weak, regulations that already exist but are inadequate, or regulations that do not exist. Certainty is a characteristic that cannot be separated from law, especially for written legal norms. (Wignjosoebroto 2008)

So from a juridical point of view, the change in the marriage age limit is a revision of the previous regulation, which was considered irrelevant to the current condition of society in terms of biological, psychological, economic, educational and cultural health. Article 7 Paragraph 1 of Law Number 1 of 1974 overlaps or is out of sync with the Child Protection Act and the 1945 Constitution of the Republic of Indonesia, so the rules regarding the age limit for marriage are now contained in Law Number 16 of 2019, i.e. marriage is only permitted if the man and woman have reached the age of 19 (nineteen)



years. Furthermore, this is a form of legal certainty. One law with another may not be contradictory (contrary to each other) so that it does not become a source of doubt. (Fence Wantu 2011)

Thus, the marriage must be recorded, and the marriage book proves the marriage has occurred. So that when one day the marriage becomes unhealthy and leads to divorce, the wife gets an allotment of assets during the marriage. Nevertheless, the marriage of underage children is not registered. In that case, it will be very detrimental to the woman not considered by the state to have been married and does not receive a penny of wealth as long as she is married to her partner. Because under the principle of marriage, namely making it difficult for divorce, the Marriage Law adheres to the principle of making it difficult for divorce to occur, for which there must be certain reasons and must be carried out before a court hearing. Therefore the registration of marriage is very important. Apart from being recognized by the state, the protection of women as living beings weaker than men can protect their rights. If the marriage is not registered, then the marriage is not recognized by the state; in other words, the marriage never existed, and the underage child is still considered a child and has not been able to take any legal action because the marriage he did is deemed not to have existed then in terms of property, then considered that there will be no legal consequences for the property.

Because a wife is not considered a legal wife, she is not entitled to maintenance and inheritance from her husband if she dies; she is not entitled to joint assets if there is a separation because legally, the wife's marriage is deemed to have never happened. If the marriage is not registered, then the marriage is not recognized by the state; in other words, the marriage never existed, and the underage child is still considered a child and has not been able to take any legal action because the marriage he did is deemed not to have existed then in terms of property, then considered that there will be no legal consequences for the property.

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According to the researchers, underage marriages are indeed quite concerning because how can a household be happy if in the household a husband and wife are still in the process of learning how to settle down without the provision of knowledge and proper education, considering life in today's world education is prioritized to get a decent job and livelihood. This underage marriage has sacrificed youth, education and the future, so it worries about causing disharmony in the family.

Concern about the practice of child marriages in Pohuwato Regency is also due to the age that is considered inappropriate, very young children who have assumed duties and responsibilities as housewives and as heads of



households, as well as the lives of their children later. It could be that his education was not carried out optimally and directed. Thus the harmony of the household from underage marriages will not be maintained properly.

The Effectiveness of Law Number 16 of 2019 in Preventing the Practice of Underage Marriage in Pohuwato District

The Effectiveness of Law Number 16 of 2019 in Preventing the Practice of Underage Marriage in Pohuwato District where the marriage concerns the minimum age of marriage requires various fulfillments, including the government should first provide equal educational services for all people in remote villages such as the 9-year compulsory education which can be fully implemented. Then it must also be accompanied by a significant and comprehensive increase in the community's economy and socialization that touches.

Seeing the increasing rate of marriage dispensation cases in the District Religious Court Pohuwato and the Religious Courts throughout Indonesia, it can be concluded that de facto the revision of the Marriage Law Number 1 of 1974 to Law Number 16 of 2019 regarding increasing the minimum age for marriage for girls can be considered ineffective and requires in-depth evaluation.

Law Number 16 of 2019 concerning the marriage age limit influences marriage law, namely: Philosophically, changing the marriage age limit for women from 16 years to 19 years so that it is equal to men is the state's commitment to realizing national and state life which is far from discriminatory treatment of girls as citizens and safeguards children's rights from fulfilling the right to health and the right to education. Sociologically, the stipulation of Law Number 16 of 2019 is an effort by the government to prevent underage marriages. Unfortunately, this stipulation was not accompanied by changes to the rules regarding marriage dispensation, so the number of applications for marriage dispensation in the Religious Courts increased. Juridically,

This means there has been an increase in the number of people applying for a marriage dispensation since the minimum marriage limit was changed based on Law No. 16 of 2019 concerning Amendments to Law No. 1 of 1974. This is because many children have had relationships with the opposite sex, and many children do not go



to school due to the pandemic that has hit Indonesia. So the parents are worried that their children will do things that are not desirable, so the parents apply for a marriage dispensation so that their children can get married.

The efforts of the Office of Religious Affairs in handling cases of underage marriages after the enactment of Law Number 16 of 2019

Marriage is a common thing, even a very important thing to do to form a happy family (household), and it is a legal way to have children. However, when it comes to marriage, many things need to be considered because, in essence, marriage is not planned to be carried out in the short term but for life. Because marriage is long-term, marriage should be carried out with sufficient mental and physical readiness. The government's efforts to prevent underage child marriages are by providing outreach about Law No. 16 of 2019 concerning Marriage and educating about the importance of reproductive health, not only when children reach their teenage years but starting when they are toddlers. This can be achieved to prepare a superior generation if health services are provided optimally from when the child is still in the womb until they reach reproductive age. It is important to ensure that children grow up healthy and competitive by being equipped with reproductive health knowledge as early as possible, according to the age and condition of the child, both formally in education and informally in society.

Based on the results of interviews and observations made, the efforts of the Office of Religious Affairs in handling cases of underage marriages after the enactment of Law number 16 of 2019 was carried out by:

a. Legal Counseling

UU no. 16 of 2019 concerning Marriage One of the efforts made to prevent underage child marriage in Pohuwato Regency is by providing socialization or counselling about the importance of understanding the community, especially regarding the rules of Law No. 16 of 2019 concerning marriage in Article 7 paragraph 1 which explains that marriage can be carried out if a man and a woman have reached the age of 19 (nineteen) years. Law No. 16 of 2019 regulates the age limit for marriage for men and women to 19 years.



According to the researchers, one of the efforts made in preventing underage child marriages was carried out by socializing Law No. 16 of 2019 concerning marriage in Pohuwato Regency by conducting socialization or counselling to the community, such as providing understanding and education related to the law. 16 of 2019 concerning marriage in Article 7, paragraph 1, which explains that men and women must be 19 years old to be married, including the impact of underage marriage, both physical and psychological.

The results of observations were also made that the office of religious affairs or religious counsellors in Pohuwato District carried out socialization by providing public understanding regarding rules or laws no. 16 of 2019 concerning marriage in Article 7 paragraph 1, which emphasizes the age limit for marriage, namely that men and women must be 19 years old. They provide socialization regarding the rules and limitations of marriage so that underage marriages do not occur again. The various socialization activities such as recitations, taklim assemblies and various health seminars were carried out by extension workers in Pohuwato Regency to reduce the number of early marriages and change the habit of marrying off their children at an early age is not as easy as turning the palm.

Conduct outreach to the public about rules or laws, especially law no. 16 of 2019 concerning marriage in Article 7, paragraph 1 is very important to do, especially in increasing awareness and the role of parents in educating children, including in giving children's right to achieve their goals and not get married quickly at a young age.

According to the head of the office of religious affairs, Marisa Abdullah Hasanudin, the sub-district said that socialization regarding public understanding regarding rules or laws, Law No. 16 of 2019 concerning marriage continues to be carried out continuously (continuously) for the community, especially also for ordinary people who do not understand government regulations regarding the age limit for marriage so that they can reduce the number of underage marriages little by little.



Marriage is aimed at forming a happy and eternal family. Marriage is valid if it is carried out according to the laws of each religion and belief, and every marriage must be recorded according to the applicable laws and regulations. Thus, there are socializations regarding public understanding regarding rules or law no. 16 of 2019 concerning marriage. The hope is to change the mindset of the people little by little so that they always obey the law, especially the legal rules set by the government, to achieve an orderly society with the rule of law in everyday life.

Outreach to the community at this time is very important and much needed because it can enlighten the community and parents both in terms of marriage and those who experience spiritual difficulties.

Socialization is needed in the community to reduce the number of early child marriages. Socialization emphasized the legal aspect regarding the legality of the minimum age of marriage for brides and grooms. To be more effective, socialization can be carried out on targets in the form of members of an organization that concentrates on empowering women and children. There are two advantages: the target in the form of organization members automatically gets socialization individually. Also, the target in the capacity of a member of the organization can disseminate the socialization results to the wider community. (Nur Putri Hidayah 2021)

To increase public understanding regarding the minimum effort for marriage based on law no. 16 of 2019, the socialization method is used concerning marriage and the negative impacts of child marriage. Socialization, according to Vander, is a process of social interaction that causes an individual to know how to think, feel, and behave to participate in the life of his community. The target of socialization is the general public, so understanding continues beyond the target.

In socializing, various materials regarding marriage can be carried out and given to the public, such as material on the importance of the age of marriage; the legal basis for marriage is Law No. 16 of 2019 concerning marriage, where the background to the judicial review request to the MK is



against Article 7 (2) Law No.1/1974. The Constitutional Court judge's determination of the request for changes in the minimum age of marriage and the legal impact of child marriage. Thus, socialization is carried out to increase public understanding and awareness of the minimum age for marriage as stipulated in Law No. 16 of 2019 concerning marriage and the negative effects of child marriage. The target of socialization is the community so that dissemination can be carried out to the community, family and social environment.

b. Counselling activities by Providing Health Education

Efforts to prevent underage child marriage in Pohuwato Regency are also carried out by providing health education to the community in collaboration with the local government, as explained in the Regulation of the Minister of Religion of the Republic of Indonesia Number 34 of 2016 Article 17 that "Subdistrict OFFICE OF RELIGIOUS AFFAIRS is obliged to develop relationships and build cooperation with all vertical agencies of the Ministry of Religion and Regional Government". This is because underage marriage is no longer rare, but we have often seen, heard and witnessed marriage cases. Marriage of minors not only has a psychological impact but can also have a physical impact, especially for the woman. Things like this sometimes happen without considering the risks that can threaten health, especially teenagers deciding to marry young, even though some adverse effects on health can occur when someone marries at an early and very young age.

According to the Head of the Pohuwato District Ministry of Religion, Abdullah Hasanudin, apart from conducting religious counselling, we also socialize health related to the impact of underage child marriage in collaboration with the local government. Socialization is usually carried out through discussion forums so that people know the impact that will result from underage child marriage. Health education is given to the community and parents.

It is explained that health counselling is an educational activity carried out by disseminating message information and instilling confidence so that people are aware, know and understand, but are also willing and able to carry



out health related recommendations, and there is increased knowledge, skills, and attitudes. The aim of health counselling is to achieve changes in individual, family and community behaviour in fostering and maintaining health, playing an active role in realizing optimal health in accordance with a healthy life both physically, mentally and socially.

Counselling about health is an activity to increase knowledge intended for wider community members through disseminating messages or information. Health education activities aim to achieve the goal of healthy living by influencing people's behaviour individually and in groups by conveying messages. Health education is a combination of various activities and opportunities based on learning principles, so health education can make people more aware of the importance of a healthy lifestyle. Health education aims to cover individuals, families, groups and communities.

To convey messages or health education materials, the language used is usually a language that is easy to understand so that it is easy for the target or object of health education to understand. Thus, the counselling carried out by the office of religious affairs or religious instructors, besides guiding Islamic counselling, also provides health socialization to mothers studying Islamic study groups regarding the impact of early marriage. Health counselling is an educational activity carried out by spreading messages and instilling beliefs so that people are not only aware, know and understand but are also willing and able to carry out recommendations related to health.

The office of religious affairs institution's characteristics include implementing services, overseeing and managing as stated in the Regulation of the Minister of Religion of the Republic of Indonesia No. 34 of 2016. If viewed from the community's perspective, some people already know about the policy, but many still violate it. Because there are several factors. If seen from the response and responsiveness of the OFFICE OF RELIGIOUS AFFAIRS institution, it is still ineffective because there is still a high rate of early marriage. One of the reasons for the end of a marriage is underage marriage. However, many are still violating due to several factors. If seen from the



response and responsiveness of the OFFICE OF RELIGIOUS AFFAIRS institution, it is still ineffective because there is still a high rate of early marriage. One of the reasons for the end of a marriage is underage marriage. However, many are still violating due to several factors. If seen from the response and responsiveness of the office of religious affairs institution, it is still ineffective because there is still a high rate of early marriage. One of the reasons for the end of a marriage is underage marriage. (Sri Nanang Meiske Kamba and Nur Moh. Kasim 2022)

Based on the Regulation of the Minister of Religion Number 19 of 2018 concerning Registration of Marriages Article 1 paragraph (1), the Sub-district Office of Religious Affairs, in the future referred to as the Sub-District office of religious affairs, is a technical implementing unit at the directorate general of Islamic community guidance. By the results of the interview by paying attention to the contents of the policy and looking at the variables, the Head of the Sub-District office of religious affairs office, Marisa Abdullah Hasanudin, said that when the office of religious affairs received a circular letter from the Regency, the counselling section at the village/kelurahan level would convey the contents of the letter to village officials to conduct outreach. The Marriage Law adheres to the principle that the prospective husband and wife must be mentally and physically mature to be able to enter into a marriage to realise the marriage's goals properly without ending in divorce and to produce good and healthy offspring. (Nasrudin, Nur Mohamad Kasim 2021)

If you look at the variable content of the policy, it is said that the implementation of Law No. 16 of 2019 has not been successful because there are still people who do not know the contents of the policy. Based on the interests affected by a policy in which the office of religious affairs does not accept underage marriages and the offenders submit a dispensation to the court by bringing sufficient evidence and completing the files per the applicable provisions. Not all of the benefits generated agree with the types of benefits set out in the policy. The degree of change following the objective of Law No. 16 of 2019 is to reduce the rate of young marriages, but in reality, according to the



available data, the goals and reality are not the same. Office of religious affairs has carried out its duties to reject underage marriages.

Conclusion

Underage marriages after the entry into force of Law number 16 of 2019 are allowed on condition that a letter of dispensation is requested and accompanied by urgent reasons, and supporting evidence is also included. So by looking at the effectiveness of Law number 16 of 2019 in Preventing Underage Marriage Practices in Pohuwato Regency can be considered ineffective and requires in-depth evaluation due to the high rate of underage marriages. Because of this, office of religious affairs of Marisa district continues to conduct outreach related to enforcing underage marriages, as stipulated in the latest marriage regulations.

Recommendation

The government is expected to revise Law No. 16 of 2019 on changes to Law No. 1 of 1974 concerning marriage which should not revise only in terms of age but can revise or make regulations for the reasons that a person can ask for a dispensation from the court so that he can marry even though he is underage, not just as in Article 7 paragraph (2) which says parents of the parties can ask the court for dispensation with very urgent reasons accompanied by evidence. Here the urgent sentence is still too ambiguous about what is said to be urgent in child marriage.

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