




## The Legal Assistance of Eligible Age for Marriage in Law Number 16 of 2019 as an Effort to Prevent Child Marriage

Ahmad Mukhlisin<sup>1\*</sup>, Iwannudin<sup>2</sup>

<sup>1,2</sup>Institut Agama Islam Ma'arif NU (IAIMNU) Metro Lampung, Indonesia

 [ahmadlisin1988@gmail.com](mailto:ahmadlisin1988@gmail.com)\*

### Abstract

Marriage must be in accordance with the provisions in force in the marriage law, In order to obtain legal protection. As the regulations regarding the limit marriageable age either men or women with a minimum of 19 years old, as stated in Law No. 16 of 2016. This rule was substituted for the rules that contained in Law Number 1 of 1974, which states that age minimum marry was 16 years. This article provided understanding to the community about the Eligible Age to prevent child marriage through Legal Assistance. The researchers used Community Based Research (CBR). The sample was 50 participants, especially for under 18 years old. for This assistance was carried out in the form of training with resource persons from legal experts. The result showed that the participants was more comprehensive about the latest regulation of Law Number 16 Number 2019 that stated the minimum for married women was 19 years old. The participants was quite successful, cause increased understanding of community about the importance of prevention of early marriage.

**Keywords:** Legal Assistance Marriage, Legal Children Marriage, Prevent Child Marriage

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## INTRODUCTION

Discussing about children in the context of legislation in Indonesia, in Law no. 3 of 1997 concerning Juvenile Justice provides an explanation that "Children are people in cases of naughty children who have reached the age of 8 (eight) years but have not reached the age of 18 (eighteen) years and have never been married." (Dharma, 2015). Departing from the narrative of the legislation, the event of a marriage carried out by someone who is under 18 years of age can be called child marriage (Adam, 2019). Regarding the marriageable age, Law no. 16 of 2019 as a result of the renewal in Article 7 paragraph (1) provides a stipulation that Marriage is only permitted if a man and a woman have reached the age of 19 (nineteen) years" (Siregar, 2020; Dorondos, 2014; Mai, 2019). In accordance with the mandate of the 1945 Constitution of the Republic of Indonesia; namely marriage at the age of a child has a negative impact on the growth and development of children and will cause the basic rights of children to not be fulfilled (Delprato, et al., 2019; Muhith, Fardiansyah, & Saputra, 2018; Berliana, et al., 2021) such as: the right to protection from violence and discrimination, the civil

rights of the child, the right to health, the right to education, and the social rights of the child (Sudrajat, 2011; Bennett 2013, Latifiani, 2019).

The early age marriage is a concern for policy makers and program planners because it is high risk against marital failure (Velatti et al., 2016; Delprato et al., 2017), risk pregnancy at a young age maternal mortality (Kyari, & Ayodele, 2014; Ahmed, et al., 2013), as well as the risk of mentally are not ready to build marriage and parenthood responsible (Walker, 2013; Handa, et al., 2015). The average age low first marriage of the population of an area reflects low socioeconomic status on the area. Then many men and women have not alternative activitie. Hence, they married young and leave school Marriage that are held by children who have not reached the age of being allowed to marry are still rife in the midst of society. As an illustration, in 2020, it can be seen in the recording of marriage dispensation cases in the Religious Courts, there are still many marriage dispensation cases for prospective brides who are not yet of marriageable age 2020 (Sirger, Togu, & Petru, 2020).

Table 1 Data on Marriage Dispensation Cases at Lampung Province

No	Religious Courts	Data the Number of Cases							Total
		Jan	Feb	March	April	May	June	July	
1	Kota Metro	4	4		1	1		3	13
2	Tanjung Karang	5	6	2		1	1	9	24
3	Kalianda	9	11	5	1	1	2	7	36
4	Gunung Sugih	15	21	18	7	6	12	12	91
5	Sukadana	2	2	1	2		3	4	14
6	Kota Bumi	9	20	7	3		9	7	55
7	Gedung tataan	3					4		7
8	Pringsewu	4				1	2	3	10
9	Tulangbawang	9	2	7	1	2	6	3	30
10	Tb Tengah	4	4	2			4	6	20
11	Krui	3	6	7			6	5	27
12	Mesuji						1		1
13	Blambgan Umpu	12	7	6			3	5	33
Total		79	83	55	15	12	53	64	361

Source : (Siregar, Thogu & Petrus, 2020).

From the table it is known that on 2020 there were a total of 361 cases of marriage dispensation. It's mean that there were 361 underage marriages in Lampung. Such thi conditions are many girls who get married at an immature age and ripe. It is necessary get serious attention from government and from many parties especially college. The age young for a woman to getting married also drives the pace population growth, because fertile women who married at the age of young is long, and it is possible to have more children. Then condition physical and psychological women who are still young ( $\leq 19$  years) has not yet reached perfect development so it is high risk for failed at delivery. In addition, by marrying

young, psychological and economic readiness of the husband and wife have not relatively strong and well-established so vulnerable with domestic violence and divorce

Why is this issue so crucial? The issue of early marriage is one of the topics that is an important concern in the framework of the Sustainable Development Goals cooperation. Governments around the world have agreed to abolish child marriage by 2030. Research from the United Nations Children's Fund (UNICEF) notes that one in six girls in Indonesia is married before the age of 18 (Rumble, et al., 2018; Sammon, et al., 2017). The figure is 340,000 children per year. As for those under the age of 15 years, there are 50,000 children per year. So it's not surprising that the United National Development Economic and Social Affair (UNDESA), places Indonesia at 37th in the world and 2nd in ASEAN as one of the countries with a high number of early marriages. According to Cipto Susilo and Awatiful Azza in *The Indonesian Journal of Health Science*, Vol. 4, No. 2, June 2014, the high number of child marriages shows that the empowerment of law enforcement in marriage law was still exist (Susilo, & Azza, 2014).

This assistance is needed because this activity is important for the local community coupled with the limited information about marriage among the community. Hence, the researchers got an assistance to provide an understanding to the community of Eligible Age for Marriage through Legal Assistance Regarding the Eligible Age for Marriage in Law Number 16 of 2019, concerning Amendments to Law Number 1 of 1974 as an Effort to Prevent Child Marriage.

## **METHODS**

In the assistance used Community Based Participatory Research (CBR). CBR is a the form of research conducted or done with a commitment from useful society as strength support, resources linkage to the process research to obtain a research products that have value benefits for the surrounding community empowered and also useful for researchers who are directly involved (Hecker, 2013). In CBR researchers are seen as a tool to empower community members as partners to produce knowledge (along with academics, civil society organizations, and other stakeholders) to collect information and seek change for important community issues. This approach emphasizes the active role of the community in planning, implementing, and evaluating research result (Hanafi, 2015).

This assistance conducted on March to May 2022, that consist of 50 participants especially for community at purwosari village, east metro lampung province. In this case, the researcher plays the main role as a facilitator or companion or resource person, who together with the community plan, implement, and evaluate research programs. *Community-Based Research* (CBR) does not have a specific method used, because the main measure is the usefulness of the data obtained for the community. This means that *Community-Based Research* (CBR) can use qualitative, quantitative data collection methods, and other methods relevant to the research context. The researchers used three principles: (1) there is collaboration between researchers and the community; (2) validation of community knowledge and the existence of various ways to collect and disseminate information; and (3) the existence of social change as the main means to achieve social justice.

## RESULT AND DISCUSSION

Islam is a religion that is in line with human nature suggestion of marriage and the prohibition of celibacy are proof that Islam understands human nature (Malik, 2016), which essentially requires a life partner. Marriage is seen as an ideal way of life, because it is the only lawful and recognized way to establish a loving relationship between a man and a woman. The great purpose of marriage, which is revealed in the Qur'an and applied in the household example of the Prophet Muhammad, is the realization of a *sakinah, mawaddah, warahmah* family, a family that is peaceful, harmonious, loves each other, understands each other, and is full of love between them. household is very dependent on the husband and wife (Huda, Mahmud, and Thoif, 2016).

This is where the quality of their piety and knowledge of marriage determine, among other things: understanding what are the rights and obligations as husband and wife; being respectful, loving each other, tolerant, willing to work together, not selfish, and willing to sacrifice in goodness; educate, guide, and direct their children by setting an example of obedience to religious teachings.

According to Law Number 1 of 1974 concerning Marriage, marriage is "an inner and outer bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family or household based on the One Godhead". As a religious event related to religious orders, marriage has a purpose: fostering a happy and prosperous family life, living in love and affection, continuing and nurturing offspring, fortifying oneself from immoral acts and channeling sexual instincts in a lawful manner, fostering family relationships and strengthening friendship. between families.

Home life will become a garden of paradise if it relies on the teachings of Islam and a life based on the teachings of the Prophet Muhammad. However, the reality shows that in the Muslim community, habits that contradict the behavior of the Prophet Muhammad have emerged. regarding marriage. Married couples are so easy to take the path of divorce when there are family problems that can actually be resolved by deliberation.

Marriage must be in accordance with the provisions in force in the marriage law, in order to obtain legal protection and certainty, as the regulations regarding the marriageable age limit for both men and women with a minimum age of 19 years, as stated in Law No. 16 of 2016. The latest regulations In Law Number 16 Number 2019, that the age minimum married is 19 years. This rule is a substitute for the rules contained in Law Number 1 of 1974 concerning Marriage which states that age minimum marry is 16 years.

The consideration of the age limit of 19 years is determined because the child is considered to have matured in mind and body to carry out a good marriage, without ending in divorce and obtaining healthy and quality offspring. We hope that the increase in the age limit can reduce the risk of maternal and child mortality, as well as fulfill the rights of children in order to optimize their growth and development. Considerations for increasing the age limit have also been explained in an academic text compiled by the Ministry of PPPA together with 18 ministries or agencies and more than 65 community institutions in June 2019, considerations were made through various theoretical studies, empirical practice,

as well as studies on the implications of implementing the new system (<https://kemenpppa.go.id/index.php/page/read/29/2314/dpr-ri-setujui-batas-usia-perkawinan-menjadi-19-years>)

### Implementing Legal Assistance

This community service is carried out to the communities of young people, both male and female. It is located in the North Metro sub-district of Metro City. The target group aged 14 to 22 years, that participate in obtaining legal information about the Mentoring material. This community service activity is carried out that able to provide solutions to related problems, by involving lecturers of the Faculty of Islamic Economics at Institut Agama Islam Ma'arif NU (IAIMNU) Metro. It provides an understanding of the rules of marriage, along with how to manage them if this is the case.. After being given exposure, mentoring and other forms of socialization, participants will be actively involved where the opportunity is given to participants to ask questions related to the material for socialization or mentoring.

Figure 1 The Implementation of Legal Assistance



In particular, the target for this service is to massively socialize the marriage law to the community, especially under 18 years old to teenagers who are moving to the age of marriage. While in general the target of this service is to be able to reduce the number of child marriages. So that it can solve social problems in society that arise due to child marriage.

In addition, the activity is equipped with the provision of related documents, so that it can provide suitable solutions to solve the problems and obstacles it faces, this community service activity by providing assistance related to the marriage law and the fatal consequences that will occur if marriage at the age of a child occurs in society.

The realization of service activities is divided into two stages. The first, Discussion with the service team regarding the material and implementation of

activities, Mapping of problems with Religious Affairs office at Metro City, regarding marriage, secondly Implementation of legal assistance with the topic of Legal Assistance Related to the Eligible Age for Marriage in Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage as an Effort to Prevent Child Marriage.

To find out the success rate of this activity, it can be seen from the response to questions from the activity participants. During the Mentoring activity, there were many questions from participants related to marriage in Islam, especially regarding problems and how to overcome household problems, such as leaving one's wife in a few years to get married. working without providing for them, dealing with household checks and the need for further identification of the bride and groom.

During the activity, the participants became more aware of their understanding of the family. They understand that at first having a household is easy, it turns out that it requires knowledge and understanding, as well as patience in carrying it out. This training event was carried out for one day, namely the day the event was opened and closed by the Chairperson of the Deputy Majlis of the North Metro of Nahdatul Ulama. In addition, a group photo was taken with the participants and the organizing committee of this activity.

The contribution of this assistance was the participants understanding the latest regulation in Law Number 16 Number 2019 states that the minimum age limit for married women is 19 years old. This assistance activity was quite successful, cause increased understanding of community about the importance of prevention of early marriage. The participation have a good response in conducting disscussion.

## **CONCLUSION**

The result showed that the participants understand the latest regulation of Law Number 16 Number 2019 that stated the minimum age limit for married women is 19 years old. The participants was quite successful, cause increased understanding of community about the importance of prevention of early marriage. Through the lecture and discussion model, it is expected to be able to directly provide answers to household problems. Furthermore, we would like to thank IAIMNU Metro Lampung for providing financial assistance in carrying out research and community service activities.

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