

Responsibility of The Sidenreng Rappang Religious Court Class IB Based on Maqāṣid Al-Sharī'ah in Reducing The Rate of Marriage Dispensation

Tri Astuti, Rahmawati, Zainal Said, Rusdaya Basri, Mukhtar Yunus

Institut Agama Islam Negeri Parepare, Indonesia, Indonesia

Email: triastutibintiwakidi@gmail.com, rahmawati@iainpare.ac.id, zainalsaid@iainpare.ac.id,
rusdayabasri@iainpare.ac.id, hmukhtaryunus@iainpare.ac.id

Correspondence: triastutibintiwakidi@gmail.com*

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ABSTRACT

This research aims to evaluate the responsibility of Sidenreng Rappang Class IB Religious Court in reducing the number of marriage dispensations. The study employs a qualitative approach with a case study method, involving in-depth interviews with judges, court officials, as well as families and couples applying for marriage dispensation. The findings of the study are as follows: 1) From 2019 to 2023, there has been a significant shift in the number of marriage dispensation applications at Sidenreng Rappang Class IB Religious Court. This shift indicates a change in societal perspectives on marriage values and the challenges they face in meeting marriage requirements. 2) Factors such as changes in family structure, increased social mobility, and the evolution of religious and cultural norms may contribute to this trend. Additionally, difficulties in meeting marriage requirements can drive individuals to seek dispensation. 3) The responsibility of Sidenreng Rappang Class IB Religious Court is also critical in preventing child marriages. The court's role includes tightening the examination of administrative requirements, providing explanations, exploring the genuine intentions of the child, and considering the true benefits and harms of child marriage

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1. Introduction

Indonesia is a country with abundant cultural wealth. Indonesia has a diverse cultural heritage that involves various traditional elements, and it is committed to continuing to care for and develop wedding traditions as an integral part of its cultural heritage. An issue that often arises in Indonesian society, a common phenomenon, is marriage at a young age (Nur Izah Fitriah, 2023). Marriage has a very vital role in human life, especially because it is a form of social institution that legitimizes and regulates the legal relationship between a man and a woman. Marriage is considered part of human nature to look for a life partner to find love and form a life partner. From the

marriage process, it is hoped that a solid foundation can be built to create a quiet and peaceful family life (Eni Siami Rohmah, 2023).

Everyone needs to think carefully before taking a step or action, and any choices taken will have an impact on the future based on current decisions. Realize that marriage is no longer a sensitive topic among the younger generation. Therefore, a comprehensive understanding of marriage institutions is needed. In addition, a deep understanding of the ideal wedding preparation for each individual is also important. Suppose this thinking is not successfully passed on to the younger generation. In that case, there is the potential for uncontrolled behavior and even the possibility of unwanted pregnancy, including pregnancy out of wedlock. Marriage should be seen as a fully sanctified and planned relationship to form a happy and lasting family.

In accordance with the guidelines of the marriage rules, marriage is a deep and real relationship between a man and a woman as a couple who are determined to form a happy and lasting family based on their belief in God Almighty. In this context, the Islamic religion regulates human domestic life through marriage, and its rules are outlined in the form of norms known as marriage law (Siti Nur Amina, 2022).

In perspective, marriage is seen as a sacred relationship between a man and a woman. Marriage is defined by Islamic law as a very strong contract (*mitsaqan ghalidzan*) in which following Allah's commands and carrying it out is considered worship. Marriage is also governed by legal norms known as marriage law. If this idea is not effectively conveyed to the younger generation, there is a potential for promiscuity behavior and even the possibility of unwanted pregnancy, including pregnancy outside of marriage.

Law Number 1 of 1974 concerning marriage is an illustration of Islamic law in Indonesia. Muslims in Indonesia have wanted to have an official and written marriage law since the beginning. This desire has emerged since Dutch colonialism and Japanese colonization to the Indonesian independence period. The realization of marriage law in Indonesia was only implemented in 1974, marked by the enactment of Law Number 1 of 1974 (Muhammad Ilham, 2022).

The State of Indonesia in Marriage Law Number 1 of 1974 has stipulated the basis and conditions that must be met in marriage. One of them is the provision in Article 7 paragraph (1) which reads: Marriage is only allowed if the man has reached the age of 19 (nineteen) years. The woman has reached the age of 16 (sixteen) years but then in 2019 the government revised the Marriage Law, namely Law No. 16 of 2019 article 7 paragraph (1) which reads: Marriage is only allowed if the man and woman have reached the age of 19 (nineteen) years (Khalimi, 2021).

The government, in setting the minimum age limit for marriage, is of course, through various considerations. This intends to provide clear regulations to both parties of the married couple so that they are ready to undergo marriage in terms of physical, mental, and psychological. However, even though the age limit in Indonesia is relatively low, in its implementation it is often not fully complied with (Aviyati, 2022). This regulation was formed to encourage people to get married above the age limit set by the state (Shah, 2023).

The amendment to Law No. 16 of 2019 concerning the marriage age limit for women who were originally 16 years old to 19 years old aims to suppress and prevent early marriage. However, after the amendment to Article 7 Paragraph (1) of Law No. 16 of 2019 concerning changes regarding

the minimum age limit for marriage, the number of cases of marriage dispensation applications has increased throughout Indonesia (Assagaf, 2023). In Sidenreng Rappang Regency, since the enactment of the amendment to Law No. 16 of 2019 concerning the age limit of marriage, there has been an increase in the number of applications for determination for marriage dispensation; this can be shown in the table, as follows;

Table 1 Data on Marriage Dispensation Application

Year	Total of Dispensation Applications
2019	224
2020	631
2021	692
2022	543
2023	448

(Source: Status of the dispensation application at the Sidenreng Rappang Religious Court Class IB)

The main purpose of the amendment to Law Number 16 of 2019, which is a factor in considering changes to the law restricting the age of marriage, is more about protecting women because the age of 16 years is considered incapable for a woman in physical and mental abilities to face social problems. After all, it is considered to be puberty (Efendy, 2023; Sultan et al., 2018).

Marriage at a young age often causes shocks in married life, this is due to a lack of mental readiness and still not ready physical and mentally to build a household, so it is not uncommon for quarrels, misunderstandings, or differences of opinion between two to cause divorce and also other diseases such as excessive jealousy, lack of good communication, as well as economic problems (during the marriage is still unemployed) because the husband does not have enough financial resources to meet economic needs, it is one of the very important factors in married life because all this is because at the time of marriage he is still relatively young (Wagianto, 2017; Willoughby et al., 2015).

This research can account for its validity from an academic perspective. This study will examine matters relevant to involving themselves in the future research process, a study conducted by Rebihan Abd. M. Aso, Hilal Malarangan, and Sahran Raden with the title "*Reasons for Early Marriage Dispensation (Case Study at the Palu Religious Court)*" (Ribhan et al., 2020). The problem that is the focus of the discussion is about the reasons why people get married in an age range that has not reached the set standards. Some of these reasons include concerns about slander, pregnancy outside of marriage, economic considerations, social aspects, and moral considerations

Departing from the above problem, the researcher is encouraged to conduct *research* in the form of a thesis about the application for marriage dispensation case, of course, involving the judge's view and the basis for the judge's consideration in handling the submission of the case, which is in the form of a more in-depth discussion related to the protection of children's rights, especially in the case of marriage dispensation with the title *The Responsibility of the Sidenreng Rappang Religious Court Class IB Based on Maqāsid Al-Sharī'ah in Reducing the Rate of Marriage Dispensation*.

2. Materials and Methods

The type of research used is qualitative research with a normative juridical and sociological juridical approach; this research is descriptive-analytical. This research collects primary data through direct observation and interviews with informants and uses a Shari'i approach that involves understanding Islamic sharia based on the Qur'an and Hadith. In addition, this study also analyzes the applicable laws and regulations and uses literature research methods for critical evaluation of various relevant library materials. This research aims to understand social phenomena from the perspective of the people involved. It focuses on understanding social conflicts in legal changes, especially related to marriage dispensation at the Sidenreng Rappang Religious Court Class IB.

Primary data was obtained directly from the main source, which in this context refers to the respondents, namely judges and clerks from the Class IB Religious Court Sidenreng Rappang, and Sidenreng Rappang Regency. The respondents are responsible for handling marriage dispensation cases, as well as involving other related parties. In the study on students' learning habits in elementary schools, survey data from teachers and parents was used as secondary data. Although this data is not obtained directly from students, information from teachers and parents is considered in-depth. Secondary data is drawn from large sources such as books, journals, academic articles, and other reading sources. Although it comes from other research, this information can be applied in the context of marriage dispensation research.

The instruments and techniques for data collection in this study include:

- a. Interview: This method involves direct interaction between the interviewer and the interviewee. This study uses in-depth interviews with judges and clerks of the Religious Court as well as several related informants to gain a direct understanding of the judge's decision in the dispensation application.
- b. Observation: Observation is carried out by direct observation of the research object to systematically record the symptoms being studied, such as space, actors, activities, objects, deeds, events, or events and times..
- c. Documentation: In the context of research at the Sidenreng Rappang Religious Court Class IB, documentation includes various written documents related to the subject or object of research, such as court records, judges' decisions, and divorce files. Documentation helps provide a complete overview of the process of handling divorce cases for State Civil Apparatus at the Sidenreng Rappang Religious Court Class IB, as well as enrich understanding of the context being researched.

Data Processing and Analysis Techniques:

1. Data Checking (editing): The collected data is checked to ensure its accuracy and reliability, identifying and correcting errors or inconsistencies.
2. Classifying: Data is categorized according to the problem formulation to facilitate analysis and ensure that all relevant information is well organized.
3. Verifying: Data is carefully re-examined to ensure accuracy, correctness, and validity.
4. Data analysis: Data is analyzed using qualitative descriptive methods concerning relevant legal theories.

5. Concluding: The data is compared to the relevant theory, reverified, and conclusions are formulated based on the main findings from the data analysis.

Data Validity Testing Techniques: This study uses triangulation techniques to ensure the authenticity and validity of the data. Triangulation combines various data sources and data collection methods (observation, interviews, documentation).

3. Result and Discussion

Development of Marriage Dispensation Applications from 2019-2023 at the Sidenreng Rappang Religious Court Class IB

The researcher's analysis of Law Number 16 of 2019 on the amendment of Law Number 1 of 1974 concerning underage marriage is that based on the explanation above, marriage dispensation is a relationship between a man and a woman who makes a personal and legal commitment to live as husband and wife by accepting responsibility and playing the role of husband and wife. By looking at the current phenomenon that occurs in society, it is better to be given provisions or rules for understanding the science of marriage, so that it can be considered for couples who will hold a wedding contained in Law Number 16 of 2019.

1. Development of Marriage Dispensation in Sidenreng Rappang Regency,

This paper will comprehensively examine the reasons for applying for a dispensation of minor marriage according to State law, a compilation of Islamic law and customary law to get a solution from the practice of child marriage, which is now a trend in society (H. Hidayatullah & Jannah, 2020).

Child protection efforts should be carried out as early as possible, from the fetus in the womb until the child reaches the age of 18 years. This law is based on the concept of child protection in its entirety. It comprehensively establishes the obligation to protect children based on the principles of non-discrimination, child welfare, right to life, survival, development, and respect for children's opinions. However, this change in law increases the number of marriage certificate applications in Indonesia. This is evidenced by the number of marriage dispensation application letters in Indonesia which are increasing every year.

Progressive law is a response to concerns about the lack of effective legal means to address national and national problems. Law enforcement has made much progress, but it has not been able to address social problems fully. The Constitutional Court has tested Article 7 paragraph (1) of the UUP on the phrase "16 (sixteen) years," which is not uniform with several articles applicable in Indonesian legislation (Herviani et al., 2022). This test can be seen in the world of law known as the doctrine (*het recht think achter de feiten*); the law runs limping, following reality. Therefore, Lawrence M. Friedman, in his book "*Law and Society: An Introduction*, is.

- a. Supervision or social control);
- b. Dispute settlement;
- c. Social Engineering.

In this case, social engineering can be an effective instrument in efforts to reduce the number of marriage dispensations in Indonesia. One approach that can be taken is to conduct an extensive educational campaign to raise awareness of the importance of maintaining marital

stability and commitment in relationships. This step can be done through various media, including mass and social media, as well as through the organization of public events. Additionally, marriage education can be strengthened by incorporating it into the school curriculum so that prospective couples gain the knowledge and skills necessary to build healthy relationships. Marriage counseling programs can also be intensified, assisting couples in resolving conflicts before reaching the point where marriage dispensation is considered the only solution. In addition, women can be empowered through greater access to education and training, increasing their economic independence, and giving them the ability to make informed choices in choosing a life partner. Close collaboration between the government and the community is also important to provide comprehensive support for couples who want to get married and those who are married. With this integrated approach, it is hoped that an environment that supports healthy marriage will be created and reduce the need for marriage dispensation in Indonesia.

In the event of deviations as stipulated in the law, the parents of the prospective bride and groom, both men and women, can apply for marriage dispensation to the local religious court accompanied by the requirements that must be met and also the reasons behind the submission of the application.

The process of applying for and considering a marriage dispensation may vary depending on the jurisdiction and the authorized institution in a particular country or region. Below is the process of applying for and considering marriage dispensation in Sidenreng Rappang district: Applying: Prospective brides who are eligible to apply for a marriage dispensation must submit an official application to the court or authorized institution. Usually, this application must be submitted in writing and contain relevant information such as the identity of the bride-to-be, the reason for the application, and the necessary supporting documents.

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2. Judge's consideration: After examining the documents, the court or the competent judge will consider the application for marriage dispensation. These considerations include an assessment of the reasons put forward in the application, the public interest, the welfare of the bride-to-be, and compliance with applicable laws.
3. Marriage dispensation decision: After considering all relevant factors, the court or judge will decide on the marriage dispensation application. This decision can be either approved or rejected. If the application is approved, the bride-to-be will be granted special permission to perform the wedding even if they do not meet the legal requirements that usually apply.

The Sidenreng Rappang Religious Court Office Class IB stores data on marriage dispensation applications made by the community in the Sidenreng Rappang Regency. Information about the number of dispensation applications and the results of dispensation decisions is as follows: (Pengadilan Agama Sidenreng Rappang, 2024).

2. Data on the Status of Dispensation Application Decisions from 2019-2023 at the Sidenreng Rappang Religious Court Class IB

Table 2 Recapitulation of Accepted and Terminated Marriage Dispensation Cases at the Sidenreng Rappang Religious Court Class IB in 2019,

No	Month	Lots of Things			Decided	Not Yet Decided
		Last Month	Accepted	Total		
1	January	-	15	-	12	3
2	February	3	9	12	11	1
3	March	1	13	14	13	1
4	April	1	13	14	12	2
5	May	2	11	13	13	-
6	June	-	12	12	7	5
7	July	5	4	9	8	1
8	August	1	16	17	11	6
9	September	6	19	25	20	5
10	October	5	16	21	18	3
11	November	3	45	48	41	7
12	December	57	51	58	58	-
	Total	224			224	-

In Table 2 after the enactment of Law Number 16 of 2019 in October 2019, the data in Table 1 recorded an increase in the number of marriage dispensation applications at the Sidenreng Rappang Class IB Religious Court. This increase was seen in November 2019, which shows that this new policy has a direct impact on the number of applications submitted. From the available data, it is clear that the new regulation encourages more couples to apply for marriage dispensation. This may be due to changes in the legal requirements regulated by Law Number 16 of 2019, thus affecting the number of applications received by the court. Overall, this change in regulation has a significant influence on the dynamics of marriage dispensation applications in the Sidenreng Rappang Regency area.

Table 3 Recapitulation of Marriage Dispensation Cases Received at the Sidenreng Rappang Religious Court Class IB in 2020,

No	Month	Lots of Things			Decided	Not Yet Decided
		Last Month	Accepted	Total		
1	January	-	52	-	48	4
2	February	4	38	42	36	6
3	March	6	29	35	22	13
4	April	13	3	16	16	-
5	May	-	8	8	3	5
6	June	5	58	63	49	14
7	July	14	70	84	76	8
8	August	8	66	74	62	12
9	September	12	99	111	103	8
10	October	8	75	83	78	5

11	November	5	77	82	71	11
12	December	11	56	67	67	-
	Total		631		631	-

In Table 3 after the enactment of Law Number 16 of 2019, in 2020 the Covid 19 pandemic occurred. The COVID-19 pandemic has had an impact on marriage dispensation applications at the Sidenreng Rappang Class IB Religious Court. During the pandemic, the government implemented social restrictions on all lines of community activity, which is expected to reduce the number of marriage dispensation applications in the courts. However, the reality is quite the opposite. Despite the restrictions on activities, the number of marriage dispensation applications at the Sidenreng Rappang Class IB Religious Court still increased as in previous years. Data shows that although the pandemic has limited many aspects of people's lives, the need to apply for a marriage dispensation has not diminished. This reflects that the factors driving the application for marriage dispensation are still very strong, even in situations full of social restrictions.

Table 4 Recapitulation of Marriage Dispensation Cases Received at the Sidenreng Rappang Religious Court Class IB in 2021

No	Month	Lots of Things			Decided	Not Yet Decided
		Last Month	Accepted	Total		
1	January	-	36	36	34	2
2	February	2	57	59	51	8
3	March	8	58	66	66	-
4	April	-	41	41	41	-
5	May	-	73	73	66	7
6	June	7	63	70	69	1
7	July	1	85	86	78	8
8	August	8	52	60	35	25
9	September	25	55	80	72	8
10	October	8	70	78	71	7
11	November	7	65	72	61	11
12	December	11	37	48	48	-
	Total		692		692	

In Table 4, after the enactment of Law Number 16 of 2019, in 2021, there was still a COVID-19 pandemic, and even the number of dispensations was increasing. During the pandemic, many parents experienced economic difficulties due to social restrictions and a decline in economic activity. This condition forced some parents to agree to early marriage for their children as a solution to ease the family's economic burden.

Table 5 Recapitulation of Marriage Dispensation Cases Received at the Sidenreng Rappang Religious Court Class IB in 2022

No	Lots of Things		
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	Month	Last Month	Accepted	Total	Decided	Not Yet Decided
1	January	-	41	41	36	5
2	Februar	5	36	41	39	2
3	March	2	53	55	43	12
4	April	12	34	46	34	12
5	May	12	55	67	58	9
6	June	9	41	50	45	5
7	July	5	60	65	54	11
8	August	11	32	43	30	13
9	September	13	47	60	48	12
10	October	12	43	55	43	12
11	November	12	65	77	60	17
12	December	17	36	53	50	3
	Total	543			542	

In Table 5, after Law Number 16 of 2019 was enacted, the number of marriage dispensation applications at the Sidenreng Rappang Class IB Religious Court decreased in 2022. This decrease was caused by the socialization of judges who explained the rules and implications of the law based on Perma No. 5 of 2019. This socialization makes the community better understand and comply with the regulations, thereby reducing the number of marriage dispensation applications. This effort shows that legal education can significantly influence people's decisions.

Table 6 Recapitulation of Marriage Dispensation Cases Received at the Sidenreng Rappang Religious Court Class IB in 2023

No	Lots of Things					
	Month	Last Month	Accepted	Total	Decided	Not Yet Decided
1	January	3	24	27	21	6
2	February	6	38	44	37	7
3	March	7	22	29	23	6
4	April	6	14	20	20	-
5	May	-	68	68	62	6
6	June	6	51	57	38	19
7	July	19	36	55	47	8
8	August	8	47	55	45	10
9	September	10	30	40	33	7
10	October	7	46	53	49	4
11	November	4	46	50	40	10
12	December	10	26	36	36	-
	Total	448			448	

In Table 6, after the enactment of Law Number 16 of 2019, there was a decrease in the number of marriage dispensation applications in 2023 at the Sidenreng Rappang Class IB Religious Court. This is due to the judge's selective approach in assessing applications, which only accept applications if they meet the requirements of Perma No. 5 of 2019 and are at least 19 years old. This

strict policy ensures that marriage dispensation is only given in urgent situations so that the public is more careful and the number of applications decreases.

Factors Causing the High Rate of Marriage Dispensation at the Sidenreng Rappang Religious Court Class IB

In the Sidenreng Rappang Class IB Religious Court, the cause of the marriage dispensation is at least due to the following factors; namely local cultural customs, fear of adultery, pregnancy out of wedlock, and sex outside of marriage. The following is the number of applications based on the reasons for submission.

- a) Educational Factor. One of the factors that greatly affects the low level of education in the family is the inadequate economic condition of the family, which is the main factor that causes the low level of education. This can be seen from the data at the Sidenreng Rappang Religious Court, where the majority of applicants for Marriage Dispensation only graduated from junior high school, showing that the low level of education is the dominant factor behind the application. This low level of education is caused by the inability of families to meet economic needs, creating a cycle in which difficult economies hinder children's education.
- b) Economic Factors, The weak economic condition of the community causes parents to not be able to send their children to a higher level, to ease the burden on the family, parents prefer to marry their children to people who are considered capable so that the burden of their lives is reduced. By marrying their daughters, parents hope that the burden of their lives will be reduced. Unfortunately, sometimes these girls also marry men with economic status that is not much different, thus causing new poverty.
- c) Customary Factors, Cultural factors that also encourage the increase in early marriage, include: parents who hold arranged marriages, the desire of their children's parents to get married quickly in order to maintain the lineage, or even the number of members of society who manipulate age.
- d) Promiscuity and ease of access to information, One of the main factors that cause the high number of marriage dispensation applications is promiscuity which causes pregnancy outside of marriage, which reaches the same number. This is due to the lack of supervision carried out by parents and the phenomenon of promiscuity that is increasingly spreading among children in the current era.

The various factors behind the application for marriage dispensation at the Sidenreng Rappang Class IB Religious Court, the dominant factors that cause the high number of applications are educational factors and economic factors.

The education factor plays a significant role in the high number of marriage dispensation applications. The low level of education in the community leads to a lack of understanding of the risks and negative impacts of early marriage. Many teenagers do not get adequate information about the importance of postponing marriage until a more mature age. This encourages them to marry at a young age, which then requires a marriage dispensation.

In addition, economic factors are also the main cause of the high number of marriage dispensation applications. Many families facing economic difficulties see early marriage as a solution to reduce the financial burden. In difficult economic situations, marrying girls is often seen

as a way to reduce family dependents and overcome economic problems. This condition encourages parents to apply for marriage dispensation for their children.

Overall, the low level of education and economic pressure are the main factors that drive the high number of marriage dispensation applications at the Sidenreng Rappang Religious Court Class IB. To overcome this problem, efforts are needed to improve education and economic empowerment of the community so that they can understand and avoid the risks of early marriage.

Responsibility of the Sidenreng Rappang Religious Court Class IB in Minimizing Marriage Compensation Cases

Responsibility is the obligation to be responsible which is a concept related to professional standards and technical competence that administrators (public bureaucrats) have in carrying out their duties (Robbins, 2016). In this case, the Religious Court has a role and obligation to be significantly responsible in the prevention of child marriage in Indonesia.

In adjudicating marriage dispensation cases, the Religious Court has not always granted the application. Among the considerations raised by the Religious Court in granting the marriage dispensation application is because the application is shari'a, juridical, and sociological grounds, among others:

- a) Children who apply for marriage dispensation, if the man already has a job with sufficient income and if the woman has become accustomed to doing household duties.
- b) The families of both parties have agreed to the marriage.
- c) Based on the legal facts at the trial, the relationship between the two prospective brides is already so close, that there are indications that if they are not married immediately, they will commit actions that are contrary to Islamic law so that they can damage the good social order of life.
- d) The bride and groom have no obstacle according to shari'i to getting married.

The consideration of the Religious Court when rejecting the dispensation application is when the Religious Court does not find the legal facts on which the application is based on shari'i, juridical, and sociological reasons to be granted.

Granting the marriage dispensation application or rejecting the application will be faced with a dialectic of consideration between two possible harms. The Panel of Judges must carefully consider various aspects of consideration, as mentioned above, case *to case* that cannot be generalized (Efendy, 2023). The Panel of Judges must consider the application for marriage dispensation from various aspects of consideration, both shari'i, juridical, sociological, psychological, and also health.

In order to show that the marriage dispensation application is the last alternative taken by the parties, the author argues that there need to be several special provisions in the examination of marriage dispensation application cases (Umam & Widyasari S, 2023), which are as follows:

- a. The application for marriage dispensation must be submitted by both parents of the child to whom the marriage dispensation is applied, as the applicants, unless one of them has passed away, and if both parents have passed away, the application for marriage dispensation can only be submitted by the guardian who has been appointed based on the determination of the court.
- b. An application for marriage dispensation is submitted voluntarily to the Religious Court whose jurisdiction covers the residence of the child for whom the marriage dispensation is applied.
- c. The Panel of Judges can only impose a determination on the case of the marriage dispensation application after hearing the testimony of the two parents from both parties and the two prospective brides.

- d. A statement letter from the child who is applying for a marriage dispensation that he can fulfill all obligations arising from the marriage bond.
- e. Income statement letter from the child who applied for marriage dispensation and known to the relevant official.
- f. For children who apply for marriage dispensation, they must complete 9 (nine) years of compulsory education, as evidenced by a diploma or written statement from the person concerned and a certificate from the educational institution where they undergo the educational process.
- g. The application for marriage dispensation must be proven by the provisions of the applicable civil procedure law, among the evidence of the letter that must be submitted by the applicants is a letter of recommendation/medical consideration (*fahsu al-tib*), such as the results of the examination from obstetricians and psychologists, as well as two witnesses from the family or close people.

From the various technical requirements for submitting a marriage dispensation application above, the author argues that it needs to be classified into two criteria, namely formal and material requirements (Abriansyah et al., 2024). Formal requirements result in applications being inadmissible when the requirements are not met, such as applications must be submitted by both parents. The material requirements result in the application being rejected if they are not met, such as a statement of the ability to carry out the marriage obligation of the child who is applying for a marriage dispensation and a statement that he will complete the obligation to study for 9 (nine) years.

Marriage dispensation can only be given, if based on legal facts proven in the trial after considering from various aspects, both shari'i, juridical, sociological, psychological, and also health, the marriage is very urgent to be held in order to realize the purpose of Islamic sharia (*maqasidu al-shari'ah*) in order to maintain the safety of offspring (*hifzhu al-nasl*), without endangering the safety of the lives of children who are given marriage dispensation (*hifzhu al-nafs*) and the sustainability of its education (*hifzhu al-aql*) (M. S. Hidayatullah et al., 2023; Khalimi, 2021). The purpose must be at the level of *al-daruriyyah* or at least *al-hajiyah*. If the marriage is not carried out immediately, based on the legal facts proven in the trial, there will be damage due to the relationship that is forbidden by Allah SWT, namely adultery. In the trial, it was found that the legal facts such as the person concerned had been arrested by the community when they were alone in a quiet place (*khalwat*) or at least the person concerned often was alone, met, or showed other close relationships that were contrary to the applicable laws and regulations and the law that lived in the community (living law), even though both had been reminded by the family and various other authorities.

In addition to the above legal facts, as a guarantee for the safety of the lives of the parties who are bound by the marriage bond (*hifzhu al-nafs*) and the continuity of the education of the children who are given the marriage dispensation (*hifzhu al-aql*), it is also necessary to find legal facts that the person concerned can carry out obligations in the household, there is a medical recommendation (*fahsu al-tib*), and the person concerned commits to complete 9 (nine) years of compulsory education. If only legal facts are found that show that the marriage is urgent to be carried out solely because of the behavior of the two prospective brides who have led to committing or approaching adultery, but on the other hand there are no legal facts that can guarantee the preservation of soul and intellect, as mentioned above, then the request is not grounds for granted. The relevant parties, the two prospective brides and their families are obliged to prevent the occurrence of actions that are prohibited in Islamic law.

The role of the Sidenreng Rappang Religious Court Class IB has a huge impact on efforts to prevent child marriage. As the last institution in the process of implementing child marriage, the Sidenreng Rappang Class IB Religious Court has the legal authority to determine whether a child is allowed to marry or not. From the available data, it can be seen that most of the marriage dispensation applications submitted to the Sidenreng Rappang Class IB Religious Court were finally approved. The main reason that is often mentioned is to protect the welfare of children and prevent violations of Islamic law such as promiscuity and adultery.

The role of the Sidenreng Rappang Religious Court Class IB, in this case, is to increase the strictness of the examination of administrative requirements, provide sufficient explanations to the relevant parties, explore the true wishes of the child concerned, and carefully consider the benefits and disadvantages that may arise from the child marriage. With a careful and responsible approach, the Sidenreng Rappang Religious Court Class IB strives to ensure that decisions made regarding child marriage are by legal principles, religious values, and the best interests of the child (Habibah, 2022).

In the process, the Sidenreng Rappang Religious Court Class IB not only considers the administrative aspect alone, but also seeks to deeply understand the social, cultural, and religious context that influences the decision. This reflects the commitment of the Sidenreng Rappang Religious Court Class IB in carrying out a broader preventive function, namely protecting the rights and welfare of children and preventing the occurrence of practices that can harm them.

Thus, the responsibility of the Sidenreng Rappang Religious Court Class IB is not only to give approval or rejection of child marriage, but also involve continuous efforts in analyzing, understanding, and responding to each case individually by paying attention to various relevant factors. This shows that the Sidenreng Rappang Religious Court Class IB is not only part of the formal legal system but also at the forefront of protecting children's rights and promoting their welfare in the context of marriage (Hasyim, 2023).

4. Conclusion

Based on the results of the analysis and discussion, the following conclusions can be drawn: In the period from 2019 to 2023, there was a significant change in the application for marriage dispensation at the Sidenreng Rappang Class IB Religious Court. The data showed a consistent increase in the number of such applications during the period. This shows that there is a shift in people's views on marriage values and the obstacles they face in meeting the requirements of marriage. Factors such as social, economic, and cultural changes may play an important role in this trend. Therefore, a deeper understanding of the social dynamics and individual needs in the context of marriage will be key in responding to these changes effectively. The high number of applications for the determination of marriage dispensation at the Sidenreng Rappang Class IB Religious Court is caused by a number of factors. This reflects a change in people's perceptions and values towards the institution of marriage. The causes can include social, economic, educational, and customary changes that affect the individual's views and needs towards marriage. Factors such as changes in family structure, increased social mobility, and the evolution of religious and cultural norms can play a role in this trend. In addition, the existence of obstacles in meeting the requirements of marriage can also encourage individuals to seek dispensation. In conclusion, a deep understanding of these factors will help authorities to respond more effectively to dispensation applications and meet the needs of society holistically. The responsibility of the Sidenreng Rappang Religious Court Class IB is also very significant in the prevention of child marriage. The Sidenreng Rappang Class IB Religious Court is the last link in the process of implementing child marriage because this institution is legally authorized to allow or not allow a child to marry. From the data, it was revealed that the

majority of marriage dispensation applications submitted to the Sidenreng Rappang Class IB Religious Court were granted. The reasons put forward are for the benefit of children and to avoid acts that violate Islamic law such as promiscuity and adultery. The role of the Sidenreng Rappang Religious Court Class IB here is to tighten the examination of administrative requirements, make explanations, explore the true will of the child and see the actual benefits and mafsadat of child marriage..

5. References

- Abriansyah, A., Ativa, A., & Maloko, M. T. (2024). Analisis Masalah Mursalah Terhadap Dispensasi Nikah Karena Kehamilan di Luar Nikah. *Madani: Jurnal Ilmiah Multidisiplin*, 2(1), 188–199.
- Efendy, N. (2023). Fenomena Dispensasi Nikah Untuk Melegalkan Nikah Usia Dini. *An-Nahdhah: Jurnal Ilmiah Keagamaan Dan Kemasyarakatan*, 16(1), 94–105. <https://jurnal.staidarululumkandangan.ac.id/index.php/annahdhah/article/view/162>
- Habibah, U. (2022). Tinjauan Kompilasi Hukum Islam Terhadap Permohonan Dispensasi Nikah di Bawah Umur. *El-Mal: Jurnal Kajian Ekonomi & Bisnis Islam*, 4(3), 646–661. <https://doi.org/10.47467/elmal.v4i3.1990>
- Hasyim, P. (2023). Pertimbangan Hakim Terhadap Dispensasi Nikah Terhadap Anak Dibawah Umur Akibat Hamil Diluar Nikah. *Hukamaa: Jurnal Hukum Keluarga Islam*, 1(2).
- Herviani, F., Zuhriah, E., & Yasin, R. C. L. (2022). Pertimbangan Hakim Dalam Pemberian Dispensasi Nikah Perspektif Teori Sistem Hukum Lawrence M. Friedman Di Pengadilan Agama Malang. *Jurnal Intelektualita: Keislaman, Sosial Dan Sains*, 11(1), 117–127.
- Hidayatullah, H., & Jannah, M. (2020). Dispensasi Nikah Di Bawah Umur Dalam Hukum Islam. *Jurnal Hukum Keluarga Islam, Jombang*, 5(1), 34–61.
- Hidayatullah, M. S., Wahyudi, F., & Saipullah, S. (2023). Eksistensi dan Standarisasi Pemeriksaan Perkara Dispensasi Kawin Berbasis Kepastian Hukum. *Syakhshiyah Jurnal Hukum Keluarga Islam*, 3(1), 81–102.
- Khalimi, A. (2021). Dispensasi Nikah dalam Perspektif Masalah. *Al-Hukkam: Journal of Islamic Family Law*, 1(2), 145–162.
- Pengadilan Agama Sidenreng Rappang. (2024). *Sistem Informasi Penelusuran Perkara*. Official Website Pengadilan Agama Sidenreng Rappang. <https://www.pa-sidenrengappang.go.id/index.php/102-layanan-publik/layanan-informasi-perkara/98-jadwal-persidangan>
- Ribhan, A. M. A., Malarangan, H., & Raden, S. (2020). Alasan Dispensasi Nikah Usia Dini (Studi Kasus di Pengadilan Agama Palu). *Familia: Jurnal Hukum Keluarga*, 1(2), 140–162. <https://doi.org/10.24239/familia.v1i2.14>
- Robbins, S. P. (2016). *Organizational Behaviour*. Prentice Hall.
- Sultan, C., Gaspari, L., Maimoun, L., Kalfa, N., & Paris, F. (2018). Disorders of puberty. *Best Practice & Research Clinical Obstetrics & Gynaecology*, 48, 62–89. <https://doi.org/10.1016/j.bpobgyn.2017.11.004>
- Umam, A. K., & Widyasari S, C. (2023). Dispensasi Nikah di Indonesia Perspektif Sadd Adz-Dzari'ah Marriage Dispensation in Indonesia: Sadd Adz-Dzaria'ah Perspective. *Al-'Adalah: Jurnal Syariah Dan Hukum Islam*, 8(2), 187–211.

- Wagianto, R. (2017). Reformasi Batas Minimal Usia Perkawinan dan Relevansinya dengan Hak-Hak Anak di Indonesia Perspektif Maqashid Asy-Syari'ah. *Asy-Syir'ah: Jurnal Ilmu Syari'ah Dan Hukum*, 51(2), 287–306.
- Willoughby, B. J., Hall, S. S., & Goff, S. (2015). Marriage Matters But How Much? Marital Centrality Among Young Adults. *The Journal of Psychology*, 149(8), 796–817. <https://doi.org/10.1080/00223980.2014.979128>