

Legal Analysis of Inconsistencies in Child Marriage Regulations

Eko Budianto Tomayouw, Suwarti, Nam Rumkel

Universitas Khairun, Indonesia

Email: tomayou22@gmail.com, suwarti@unkhair.ac.id, namrumkel@gmail.com

Correspondence: suwarti@unkhair.ac.id*

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ABSTRACT

This study analyzes the inconsistencies in child marriage regulations in Indonesia, which result in legal uncertainty in efforts to protect children through the marriage dispensation process. By employing both normative and sociological approaches, the study examines the legal implications of these regulatory disparities and assesses the marriage dispensation process from a benefit-based perspective. The findings reveal that the inconsistency in regulations leads to unequal legal protection for children involved in marriage, highlighting the urgent need for harmonizing laws and strengthening child protection mechanisms. Improvements are necessary not only in the Child Protection Law but also in the revision of the Marriage Law, taking into account the broader responsibility of the state in safeguarding children. Although the Marriage Law sets a minimum age for marriage, it still allows for loopholes through marriage dispensation, reflecting an inconsistency in legislative efforts to protect children. The overlap between different legal provisions creates uncertainty in the legality of child marriages, as different interpretations of the laws can lead to varying legal outcomes. This study identifies two key issues: the legal consequences of regulatory inconsistencies in child marriages and how marriage dispensation is viewed from a benefit perspective. Using a normative legal research method, the study draws on primary, secondary, and tertiary legal sources, including legislation and court decisions, and analyzes the data qualitatively. The results indicate that the regulatory inconsistencies create legal uncertainty in the protection of children in marriages approved through dispensation. Therefore, protecting these marriages from a benefit perspective is essential, as the dispensation process serves as a form of legal protection for children, rather than defying the rule of law.

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Introduction

Marriage is a bond in which two parties are involved between husband and wife, and entering the gate of marriage requires a thorough and deep physical, inner, and social readiness before deciding to become a legally married couple. Thus, attention is needed in the form of guidance and advice from the family, then directed to the prospective husband and wife who will carry out the marriage.

Guidance and advice are given, especially for prospective couples whose age is close to the minimum age stipulated by law due to the psychological and sociological maturity level that must be passed so quickly. This means that adjusting to new conditions in daily life is the main thing married couples must do. Marriage/marriage according to Law No.1 of 1974 concerning Marriage or abbreviated (UUPerkajean) can be interpreted as follows: 'Marriage is an innate bond between a man and a woman as husband and wife to form a happy and eternal family based on the One Godhead. As an alliance that unites human beings from the inner aspect, of course, what is needed is that skill as a subject is the most important thing because the ability to be a subject of law that the lawmakers have regulated has considered the maturity of a person at an age where he has a mature principle in acting and building a harmonious life in a family. This means that a person must meet the standards set by the new law to be considered an adult.

Marriage dispensation can be understood in two essential words: dispensation and nikah; in the tremendous Indonesian dictionary, the meaning of dispensation is an exception from the general rule for a particular situation of the encumbrance of an obligation or prohibition, stating that a law and regulation does not apply to a particular thing (Rachmat et al., 2019). According to Roihan (2022), Dispensation is the granting of permission by the Religious Court to prospective brides who are not old enough to hold a marriage and have not reached the age of 19. In line with that, the marriage dispensation is submitted by the family, especially the parents, to the Religious Court in the form of an application. With the issuance of the revision of the Law, increasing the marriage age limit for women to 19 years will open up opportunities for a surge in marriage dispensation applications for prospective married couples who have not reached the age of 19. The reason for the application for marriage dispensation in the community is that the relationship between the prospective husband and the prospective wife is so close; this will make parents worried that their children will be trapped in acts that are contrary to Islamic law.

The causes of marriage or early marriage have been revealed a lot, including early marriage due to health reasons and obtaining offspring in addition to those stated above, fear of children if they do not marry later, reducing the burden on parents, because of pregnancy out of wedlock, parents' worries if the child violates laws and religion. Thus, in adjudicating marriage dispensation applications, the Religious Court is often limited to only considering two sides of harm, namely the harm that occurs due to marriage at the age of children (early marriage) and the harm that will occur if the dispensation, in addition to being able to cause harm, is also in the provisions of the criminal law contained in the Criminal Code (KUHP) and Government Regulation instead of Law (PERPU) Number. 1 of 2016 concerning the Second Amendment to Law Number. 23 of 2002 concerning Child Protection (Child Protection Law). Competence as a legal subject is assessed if or the absence of criminal law responsibility in protecting children if the child is not yet 18 years old because the

provisions of the criminal law make children more of an object of protection in their growth and development and the achievement of ideals for the Indonesia nation. This means that, as long as the child is not 18 years old, the child is said to be immature. The child will always receive specific protection in terms of criminal law, in addition to Article 26 Paragraph (1) of the Child Protection Law, which states that parents are obliged and responsible to nurture, maintain, educate, and protect children, grow and develop children according to their interests and talents preventing children from marrying at an early age, providing character education and instilling children's ethical values. As the generation and successor of the ideals of the nation's struggle, children must be protected from all threats; this protection also concerns children's rights.

The right of children to obtain education is hampered because of early marriage; their rights are neglected and worsened even though a child must be protected under any condition and needs to be given special and humane treatment. Regarding child protection, Ratri Novita Erdianti (2020) explained that child protection is all efforts made to produce a situation where children can carry out their rights and obligations so that the process of growing and developing a child can be passed reasonably both physically, mentally, and socially.

Marriage at a child's age can cause various domestic problems, such as quarrels, quarrels, and prolonged conflicts, which can result in divorce because child marriage violates several human rights guaranteed by the Convention on the Rights of the Child (CRC), one of which is the right to education. Child marriage denies children the right to obtain education, play, and fulfill the potential to develop in achieving the ideals of the Indonesian nation. Therefore, in the ideal of fulfilling children's rights and at the same time in the context of child protection, which is often the object of social environmental discrimination. The state has developed a protection law and is improving it; we can see its efforts through two improvements (revisions). The process of improvement is contained in the Child Protection Law and the Revision of the Marriage Law, which, considering the adult size for legal subjects, is a state effort to protect children. Marriage Law, even though it has set the age limit for marriage, still provides a gap for prospective couples who want to get married to be able to apply for a marriage dispensation, which, according to the author, is part of the inconsistency of lawmakers in protecting children. The above phenomenon causes inconsistency between one regulation and another, where the Marriage Law permits the existence of a marriage dispensation. Still, in criminal law, as are human rights and child protection laws, children are not objects and must be protected. The existence of overlap or overlap between one regulation and another causes the certainty of the marriage law carried out by a child to sometimes cause legal problems because each party is sometimes subject to different legal rules in interpreting the problem. Based on this, this study aims To analyze whether the legal consequences are caused by the inconsistency of regulations on marriage carried out by children. To analyze how child marriage dispensation is reviewed from the perspective of benefits.

Materials and Methods

Type of Research

This research uses the normative type, a process to find legal rules, principles, and doctrines to answer legal issues. This process uses a scientific research approach to find the truth based on legal,

scientific logic. This research follows the normative approach explained by Peter Mahmud Marzuki, including the statute, case, and conceptual approaches.

Types and Data Sources

The research uses library research to collect data from literature related to child marriage, both from civil, criminal, and other related legal sources. Data sources are classified as:

1. Primary Materials: Authoritative sources such as the Criminal Code, the Civil Code, Law No. 1 of 1974 concerning Marriage, the revision of Law No. 16 of 2019 concerning Marriage, and others.
2. Secondary Materials: Legal materials that strengthen primary legal materials, including books, theses, dissertations, journals, and documents that discuss child protection, child marriage, and marriage dispensation.
3. Tertiary materials: Materials that explain primary and secondary materials, such as legal dictionaries, encyclopedias, magazines, and newspapers.

Data Collection Techniques

The technique used to collect legal materials is document study (literature study) through content analysis. This technique helps obtain theoretical foundations from literature, books, laws and regulations, and previous research results.

Data Analysis Techniques

The analysis of legal materials in this study will use a deductive logic analysis method with a qualitative normative analysis method. The deductive logic analysis method concludes a general problem to the concrete problem being studied. In contrast, the qualitative normative analysis method logically discusses and elaborates the research results on norms, rules, and legal theory foundations relevant to the subject matter.

The author refers to qualitative data analysis, which is used to objectively describe and improve the problem of challenges between norms.

Result and Discussion

Inconsistency of Child Marriage Arrangements According to Applicable Laws and Regulations in Indonesia.

A child is someone who is still immature in soul and way of life because his environment easily influences him; children, ironically, are often placed in the most disadvantaged position, without a voice, and even often become victims of violence and violations of their rights. Therefore, a legal understanding is needed so that it becomes a benchmark in providing protection.

The law provides an age limit that can be categorized as a child. Although from various rules, no uniformity in age is categorized as a child. We can find this from various rules that there is an age difference called a child. The various definitions of a child's age can be found in some of the laws below, for example:

1. Perspective on Marriage Law Number 16 of 2019 and Regulation of the Supreme Court of the Republic of Indonesia Number 5 of 2019 concerning Guidelines for Adjudicating Marriage Dispensation Applications.

Juridically, the marriage of minors is invalid. This is because it is contrary to the Marriage Law. Because the demand for a marriage's validity is about the bride's minimum limit. Regarding the age

limit for marriage itself, in Law Number 16 of 2019, Article 7 paragraph (1) states that a marriage should be held if both parties have reached the age of 19 years. However, in the Marriage Law itself, before the amendment to Article 7, paragraph (1) states that: "Marriage is only allowed if the man has reached the age of 19 (nineteen) years and the woman has reached the age of 16 (sixteen) years." However, it is stated in Article 7 paragraph (2) that if there is an anomaly in the age provisions, then the parents, both male or female, have the right to demand a dispensation (Ajo et al., 2022; Lasmadi et al., 2020).

The article certainly deviates from what has been previously determined. This needs to be tightened so that, in reality, the child and his partner get the rights and also compensation as they should. The state makes regulations regarding the minimum limit of child marriage, not necessarily without reason. This is so that the child not only gets his rights but also the child's mental development is enough to be said to be able to get married. This mental maturity also helps us to see how to overcome existing problems and prevent divorce in the future. However, there is a deviation in Article 7 paragraph (1) with paragraph (2) where in paragraph (2), it is said that there is a "dispensation," which straightens out that for the parties to give leeway to carry out a marriage while still complying with the conditions set. Therefore, marriages carried out in early childhood are not only said to be invalid, but the marriage is also based on religious rules or customs. It is not registered at the Office of Religious Affairs (KUA). So, it can be concluded that if a marriage is carried out by someone not old enough or underage, then the person is entitled to dispense.

The dispensation provides a minimum limit for marriage by going through several processes and considerations before submitting a dispensation packaged in the form of an application. Regarding this arrangement, we have the right to comply to achieve legal certainty, both from the perspective of the family, the government, and material rights later. The definition of the child itself can be seen in Law Number 23 of 2002 concerning Child Protection Article 1 number 1.

It is said that a child is a person or person who is not yet 18 years old, including children who are living in the mother's womb. It means that it is evident that a person who is still under 18 years old is a child who is still at an early age. If it is linked to the Marriage Law and then looking at the existing facts, it is clear that people who marry underage carry out unlawful acts. Regulation of the Supreme Court of the Republic of Indonesia Number 5 of 2019 concerning Guidelines for Adjudicating Marriage Dispensation Applications. Marriage Dispensation is an effort for those who want to get married but have not met the age limit for marriage that the government has set, so parents of children who are not yet old must apply for a marriage dispensation to the Religious Court through the trial process (Rissita, 2021).

The author's research, using data obtained in the province of North Maluku, especially the cities of Ternate and West Halmahera, found that the number of marriage dispensations submitted by children occurred more in the Ternate City area. According to the author, this is because the city of Ternate has a larger population than other regions. Also, the city of Ternate is the capital of North Maluku Province.

The data that the author obtained regarding the dispensation of child marriage is as follows:

**Marriage Compensation Data for 2023/2024
Ternate Religious Court Data for 2023/2024**

Ternate Region	Haibar Province	Information
11 Application for Marriage Compensation	0 Applications	West Halmahera There is no matter of dispensation

Based on the data from the above research, the author argues that many applications for marriage dispensation for children occur and are submitted; the receipt of this child marriage dispensation shows that according to religious law (Islam) and State law, the Constitutional Court Decision Number: 22/PUU-XV/2017 concerning Marriage Dispensation, Therefore, child marriage does not contradict any rule with the note that the marriage is carried out because there are underlying factors, so not all marriages carried out by children can be accepted or legalized.

2. Perspective of Law Number 35 of 2014 concerning Child Protection

It is explained in Article 1 Number 2 of the Child Protection Law Number 35 of 2014 (Meifita, 2023; Rissita, 2021)

"Child protection is all activities to guarantee and protect children and their rights so that they can live, grow, develop, and participate optimally by the dignity and dignity of humanity, and receive protection from violence and discrimination."

A minor is considered not to have a good mentality.

Being ready for what will be faced in the future is also influenced by brain development, which is not optimal. The main factor is the child himself (individual). The child thinks that he is ready to carry out a marriage. Usually, the internal factor of the child's desire to get married is based on the love between each other. The child reasoned that he was ready for the responsibilities and burdens he would face. In addition, the factor of individuals wanting to marry is usually the result of association or environmental factors. Environmental and social factors today are very influential, especially in a person's development, including mental. In addition, in an environment or association, if someone is considered to have power, then the person he considers to be the one he will follow. The second factor is economic problems. Economic factors are the main problems in society.

Many marriages have to end in divorce due to low economic constraints. The increasing economic needs put a person in debt, which is not a small amount; in order to pay the debt, parents are willing to exchange their children for marriage. The third factor is education. Education is essential because it can open a person's horizons, be it in their mindset, mental development, or socializing to respond to something that exists.

Education does not only refer to a person who has an above-average economy.⁸ Apart from some of the factors above, some tails come out of child marriage at an early age, such as the impact of education. Education is the main thing that can be a benchmark in a person's mindset. Higher education gives rise to more ways of thinking and is different in responding to a problem later. The state itself has regulated that every child has the right to obtain education as stated in Article 31 of the Law of the Republic of Indonesia of 1945, which stipulates that every citizen has the power to receive education, both including primary education and the state is obliged to pay for it.

Second, the legal impact. The legal impact here is a violation committed in Article 7 paragraph (1) of the Marriage Law, stating, "Article 7 paragraph (1) Marriage is only allowed if the prospective bride and groom have reached the age of 19 years—third, divorce. Divorce is one of the consequences experienced by many married people, including underage marriages. Divorce is usually caused by several factors, one of which is a lack of understanding of the coercion of marriage itself. Children who marry underage tend to be rash in making a decision. This is inseparable from the child's mentality in responding to his marriage, which is considered incapable of living it. In addition, the emotional level of minors is still considered high—fourth, social impact.

This impact has led to speculation that women are considered weaker than men. One of the impacts caused is bullying, whether it is carried out by the closest people or the community, which can cause mental pressure, especially for women; this inner pressure can cause worse effects in the future. The social impact occurs from changes in the scope of society. Therefore, it is necessary to be given a deeper understanding. Improving the quality of human beings themselves needs to be done to become better people in the future. Child marriage is based on two behaviors. The first is marriage with someone more mature. This marriage is felt as an illustration of child utilization, which will have an impact on the psychology and development of children in future marriages with underage peers.

This marriage usually occurs due to a person's mindset that the surrounding environment can influence. The principle of children handled in the Child Protection Law is as follows: the principle of non-discrimination means that a child has the right to receive protection regardless of ethnicity, religion, race, and customs. Then, the best principles for children are the right to life and respect for the child's views.

3. Perspective of Law Number 10 of 1999 concerning Human Rights (HAM)

Article 1 number 1 of the Law of the Republic of Indonesia Number 39 of 1999 states that "Human Rights are a set of rights inherent in the essence and existence of human beings as creatures of God Almighty and are His gifts that must be respected, upheld and protected by the state, law, Government, and everyone for the honor and protection of human dignity and dignity." Thus, it can be said that the rights of the child can be seen in regulations that focus on child protection, as explained earlier, as well as in other regulations.

Children who are still under the age that should be married are still mentally vulnerable. At that age, children are still not mentally prepared to receive supervision and protection. Underage marriage has a very detrimental impact, especially for women who bear a heavier burden. This is related to the lack of education, especially in sex, which leads to pregnancy.

The impact of this early pregnancy is such as the mother's mental deterioration, lack of balanced nutrition and pressure on her mind. Every human being certainly has obligations besides the rights they should have. This obligation is no exception to complying with the rules that have been made, whether it is rules made in the regions or rules located in laws and regulations. Likewise in the obligation to comply with the rights of children.¹² Apart from the above, human rights have also been mentioned in a proclamation, namely the Universal Declaration of Human Rights (DUHAM). Regarding children's rights, it is not clearly stated in which article. Rather, regarding the right to education, it leads to Article 26 paragraph (1): "Everyone has the right to education. Education must be free, at least for primary and basic education levels. Primary education should be compulsory.

Technical and vocational education should be open to all, and higher education should be accessible similarly to all, based on merit." Engaging in underage marriage as it happens is not entirely justified. In addition to taking away the rights of the child, it also takes away the future from the child himself. With this action, it is necessary to prevent and improve in the future. Everyone's rights have been regulated in one's own country and the international world.

Efforts to prevent and handle child marriage at an early age can be carried out in 3 ways as explained as follows: first, socialization. In order to prevent this, of course, socialization is one of the efforts where through socialization, we can inform the public and provide knowledge about what impacts will arise if we marry early, especially those who are minors. Socialization is not only carried out by collecting crowd halalak but can also be done through social media. Second, quality improvement. Improving self-quality can be done through education. The importance of education related to child marriage in Indonesia itself is felt to be lacking. Therefore, education is a step that can be an intermediary in conveying that information. Third, the role of parents and the community. The family, especially parents, is the smallest unit in understanding and seeing children's growth and development. Parent's position is so valuable, especially for a person who is still a minor, especially for a child under custody. The role of the community cannot be separated from this. The influence of associations, etiquette, and how to respond and inform minors is very important in providing clear guidance (Ayuningtyas, 2023; Bahroni et al., 2019).

About the above, based on the principle of customary law outside of the regulation of state law, the prohibition of a customary marriage cannot be carried out because it is within the scope of kinship, degree discrepancy, and religious discrepancy. Marriages carried out by a person under the minimum age category are not in the prohibition of customary law that was previously proposed. This informs that marriages categorized under the minimum age can be carried out in the customary law space that still recognizes it.

4. Perspective of Law Number 12 of 2022 concerning the Crime of Sexual Violence

Marriage carried out by a child is caused by special reasons so that it is carried out, causing many controversies, especially in laws and regulations, as explained and described above, namely the Marriage Law, the Child Protection Law, the Law on Sexual Harassment, and the Human Rights Law and social reasons that on the other hand, the child cannot get married based on age reasons, health, and an unattained future (Permana & Wijayanti, 2022).

Law Number 12 of 2020 regulates the Prevention of all forms of Sexual Violence; Handling, Protection, and Restoration of Victims' Rights; coordination between the Central Government and Regional Governments; and international cooperation so that the Prevention and Handling of Victims of Sexual Violence can be carried out effectively. In addition, community involvement in the Prevention and Recovery of Victims is also regulated in order to realize environmental conditions that are free from sexual violence.

Marriage carried out by a child, from the perspective of this law, states that the marriage should never be carried out for any reason because the child is not an object. Children are still not able to take responsibility or carry out responsibilities, and so on, marriages carried out by children should be prevented and not carried out to protect the interests of children and their future. So, according to the author, some laws and regulations strictly prohibit marriage against children. However, marriage

law number 16 of 2019 provides an opportunity to get married if some special things or factors cause marriage for a child to be unavoidable. Marriage dispensation is regulated in the Supreme Court of the Republic of Indonesia, stipulating the Regulation of the Supreme Court of the Republic of Indonesia Number 5 of 2019 concerning Guidelines for Adjudicating Marriage Dispensation Applications.

The existence of inconsistencies between one regulation and another regarding marriage carried out by children, causing legal certainty in providing protection, will be difficult. The possibility of children getting justice will be difficult to achieve. However, according to the author himself, marriage by children has received legal protection with the Supreme Court's decision on marriage dispensation, including marriage dispensation carried out by children due to underlying factors allowed by law for the sake of continuity and a more certain future of the child, rather than having to focus on things or rules that will cause marriage or a child who performs marriage does not get justice. At the same time, they do not intend to break the law or violate the law.

Legal Protection Efforts for Children Due to Inconsistencies in Regulations

1. Legal Certainty of Marriage Dispensation

Various laws regulate the age limit of children differently. The difference in the limits given is closely related to the subject matter of the regulation. The age restriction of children is a way for the state to protect its citizens, who are not able to express their opinions correctly and are not aware of the consequences of their actions (Ayu & Putri, 2018). The following is a comparison of the age limit of children in several laws and regulations. Comparison of Child Age Limits

- 1) Civil Code Fetal in the womb until the age of 21 years or ever married (Article 330 of the Civil Code)
- 2) Law Number 4 of 1979 concerning the Welfare of Children Aged 21 years or married (Article 1 point 2)
- 3) Presidential Decree No. 36 of 1990 concerning the Ratification of the Convention on the Rights of the 18-Year-Old Child (Article 1)
- 4) Law Number 39 of 1999 concerning Human Rights Age 18 years or married (Article 1 point 5)
- 5) Law Number 13 of 2003 concerning 18 Years of Employment (Article 1 point 26)
- 6) Law Number 40 of 2004 concerning the National Social Security System for 23 years, already employed, or married (Article 41)
- 7) Law Number 30 of 2004 concerning the Position of Notary aged 18 years or married (Article 39)
- 8) Law Number 7 of 1983 Jo Law Number Age 18 years or married (explanation of Article 8 paragraph (2)).

Based on the data on the age limit categorized as children above, the author can conclude that the child or the age limit of a person to get married is limited by the rules above about the minimum limit for a person to get married. However, the author still argues that, indeed, a child must be protected, especially in terms of getting married if, the marriage that is carried out does not have the right and acceptable reason; this is in line with the Supreme Court rules that still protect the form of

marriage dispensation that can be submitted, this indirectly signals that the child still receives protection in the form of legal certainty because this marriage occurs because factors that are indeed impossible for children and their families to avoid, such as pregnant children and delinquent children, so that their parents take steps by marrying the child for the benefit and self-esteem of the child and his family regardless of the rules that prohibit this. As previously explained, the theory of legal certainty is one of the goals of law, and it can be said that legal certainty is part of the effort to realize justice. Legal certainty itself has a tangible form, namely the implementation and enforcement of law against an action that does not look at who the individual commits. Through legal certainty, everyone can estimate what will be experienced if they carry out a specific legal action. Legal certainty is also needed to realize equality before the law without discrimination. From the word certainty, it has a meaning that is closely related to the principle of truth. That is, the word certainty in legal certainty can be strictly dissonantly explained by formal legal means. Legal certainty will ensure that a person can carry out a behavior by the provisions of the applicable law and vice versa. Without legal certainty, an individual cannot have a standard provision to carry out a behavior. In line with this goal, Gustav Radbruch also explained that legal certainty is one of the law's goals.

2. Marriage Dispensation from a Maslahah Perspective

Marriage is valid if it is carried out according to the laws of each religion and belief; besides that, the marriage must be recorded by the applicable laws and regulations (Lon, 2019; Manan, 2017). The use of marriage/divorce SPTJM has not been recorded as an alternative for married couples who do not have a marriage certificate as a complementary condition for making a new Family Card is not the right solution. Marriage is *ijab and qabul (aqad)*, which legalizes intercourse between a man and a woman. It is pronounced by words that indicate marriage, according to the rules determined by Islam. Marriage, according to the Islamic Law Complex, is a very strong contract or *Mitsaaqon gholiidhan* to obey Allah's commands and carry them out in worship (Anam, 2019; Meirina, 2023). The legal basis for marriage registration can be seen as follows:

- 1) Law No. 22 of 1946, dated November 21, 1954, which came into effect on November 2, 1954, through Law No. 32 of 1954, dated October 26, 1954 (LN, 1954 No. 98), namely the Law on Registration of Marriage, Talak and Reference regulate the registration of marriage, talaq and reference in Indonesia for Muslims. Article 1 of Law NO.22 of 1946 determines that marriage carried out according to Islam is supervised by a marriage registrar appointed by the Minister of Religion or an employee appointed by him.
- 2) In Law No. 1 of 1974, Article 2, paragraph 2 states that: "The applicable laws and regulations record each marriage".
- 3) Government Regulation Number 9 of 1974 concerning the implementation of Law Number 1 of 1974 concerning marriage. In Chapter 11 of Marriage Registration, Article 2 is said: Marriage registration in its implementation is regulated by Government Regulation No. 9 of 1975, article 3 is stated:
 - a. Every person who offends the marriage shall notify the Registrar of his or her will at the place of marriage.
 - b. The notification in paragraph (1) is made 10 working days before marriage.

- c. The exception to the period in paragraph 2 is due to an important reason given by the Sub-district Head (on behalf of) the Regional Head Regent. Marital disability is, in principle, a basic right in the family. In addition, it is an effort to protect wives and children in obtaining family rights such as inheritance.

Conclusion

Based on the results of the research and discussion, it can be concluded as follows: Child protection regulations related to child marriage in Indonesia show inconsistencies, especially between various laws, such as the Marriage Law, Child Protection Law, and Sexual Violence Law. Although the Child Protection Law prohibits child marriage, other regulations, such as Supreme Court Regulation No. 5/2019, still allow for marriage dispensation, which creates legal uncertainty. Therefore, children should be protected in accordance with regulations that ensure legal certainty and protection. From a benefits perspective, marriage dispensation for children issued by the Religious Courts can provide legal certainty for their marriages, especially in unavoidable situations such as pregnancy outside marriage. However, the prevention of child marriage should remain a priority to realize Child Friendly Indonesia 2030, except in truly urgent and unavoidable circumstances, in accordance with Supreme Court Regulation No. 5 of 2019. Benefits are the main purpose of marriage dispensation for children who must be married to achieve legal certainty. A child must be protected, especially in terms of marriage, if the marriage carried out does not have the right and acceptable reason; this is in line with the Supreme Court regulation Number 5 of 2019 concerning Guidelines for Adjudicating Marriage Dispensation., who still protect the form of marriage dispensation can be submitted, this indirectly signals that the child still receives protection in the form of legal certainty to achieve benefits because marriage occurs due to factors that are indeed impossible to avoid by the child and his family, so that the parents take steps by marrying the child for the benefit and self-esteem of the child and his family regardless of the rules that prohibit aforementioned.

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