



Prevention of Early Child Marriage in Karanganyar

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Abstrak: Perkawinan anak usia dini pada zaman modern ini telah menjadi tren dalam kalangan masyarakat yang semakin tahun mengalami peningkatan. Sehingga dalam upaya mencegah perkawinan anak usia dini pemerintah mengeluarkan Undang-Undang Nomor 16 Tahun 2019 Tentang Perkawinan. penelitian ini menggunakan metode pendekatan yuridis-empiris dengan memadukan bahan-bahan hukum baik primer maupun sekunder dengan data primer yang diperoleh di lapangan. Implementasi Undang Nomor 16 Tahun 2019 Tentang Perkawinan dalam mencegah perkawinan anak usia dini di Kabupaten Karanganyar pelaksanaannya belum berjalan dengan baik, karena masih banyaknya kasus perkawinan anak usia dini dan adanya peningkatan permohonan dispesasi kawin yang terjadi di Kabupaten Karanganyar. Upaya DP3APPKB Kabupaten Karanganyar dalam mencegah perkawinan anak usia dini dilakukan melalui upaya preventif, kuratif, dan penguatan lembaga. Namun upaya ini belum berjalan secara maksimal, karena masih banyak hambatan serta belum didukung dengan adanya regulasi hukum yang mengatur pencegahan perkawinan anak usia dini di Kabupaten Karanganyar, saran rekomendasi yang dapat diberikan bahwa perlu adanya sinkronisasi peraturan-peraturan yang ada dan perlunya aturan pelaksana bagi setiap bidang, sehingga perkawinan usia dini dapat dicegah.

Kata kunci: Regulasi hukum, Preventif, Perkawinan, Anak Usia Dini, DP3APPKB

Abstract: *Early childhood marriage in modern times has become a trend in society which is increasing every year. So that in an effort to prevent early childhood marriage, the government issued Law Number 16 of 2019 concerning Marriage. This study uses a juridical-empirical approach by combining both primary and secondary legal materials with primary data obtained in the field. The implementation of Law Number 16 of 2019 concerning Marriage in preventing early childhood marriage in Karanganyar Regency has not been implemented properly, because there are still many cases of early childhood marriage and an increase in applications for marriage specifications that occur in Karanganyar Regency. The efforts of the Karanganyar Regency DP3APPKB in preventing early childhood marriages are carried out through preventive, curative, and institutional strengthening efforts. However, these efforts have not run optimally, because there are still many obstacles and are not yet supported by the existence of legal regulations governing the prevention of early childhood marriage in Karanganyar Regency, suggestions that can be given that it is necessary to synchronize existing regulations and the need for implementing regulations for each field, so that early marriage can be prevented.*

Keywords: *Legal Regulations, Prevention, Marriage, Early Childhood, DP3APPKB*



Introduction

Children are a portrait of the future of the nation in the future which will continue the ideals of the nation, so that every child has the right to survival, growth and development, participation and the right to receive legal protection¹. One of the legal protections is carried out by providing children's rights so that child marriage does not occur.

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 (household) based on Belief in One Almighty God². One of the efforts that can be made in realizing the goal of marriage is that both prospective bride and groom have matured physically and mentally so that Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage was issued in relation to a change in the minimum age limit for marriage, namely 19 years for man and woman. This is adjusted to Law Number 35 of 2014 concerning Child Protection which states that a child is someone who is not yet 18 years old who is included as a child in the womb.³

Data from *the United Nations Children's Fund* (UNICEF) Indonesia noted that in 2018 the child marriage rate in Indonesia was still above 11% with descriptions of cases of child marriage being carried out by 1 in 9 women and 1 in 100 men who were married before they were 18 years old, in 2018 there were 1220900 cases of child marriage in Indonesia.⁴ Child marriage is also known as forced *marriage*.⁵ The phenomenon of early child marriage often occurs in various regions in Indonesia, one of which is Karanganyar Regency. This is due to factors such as low levels of education, the economy, the culture of young marriage and wrong association which causes pregnancy outside marry.⁶

Women who have married at an early age, it is possible that pregnancy will occur at an early age which is at great risk during childbirth, namely complications from *obstructed labor*

¹ Mardi Candra, *Aspek Perlindungan Anak Indonesia* (Jakarta: Kencana, 2018).

² "Undang - Undang No 1 Tahun 1974," 1974.

³ Ade Wahyu Setyawan, "Perlindungan Hukum Terhadap Anak Yang Berkonflik Dengan Hukum," *Mizan: Jurnal Ilmu Hukum* 10, no. 1 (June 2021): 81–89, <https://doi.org/https://doi.org/10.32503/mizan.v10i1.1660>.

⁴ Badan Pusat Statistik, "Pencegahan Perkawinan Anak: Percepatan Yang Tidak Bisa Ditunda" (Jakarta, 2020).

⁵ Center for Reproductive Rights, "Child Marriage In South Asia International And Constitutional Legal Standards And Jurisprudence For Promoting Accountability And Change" (New York, 2020).

⁶ Rr Dwi Sogi Sri Redjeki, Nita Hestiyana, and Riska Herusanti, "Faktor-Faktor Penyebab Pernikahan Dini Di Kecamatan Hampang Kabupaten Kotabaru," *Dinamika Kesehatan: Jurnal Kebidanan Dan Keperawatan* 7, no. 2 (2016): 30–42.



and *obstretic fistula* , babies born will be disabled, even leading to death of mother and child⁷ and if child marriage occurs at an early age it will result in child labor to meet their daily needs.

Law Number 52 of 2009 concerning population development and family development in article 21 paragraph (1) explains that family planning policy in assisting prospective husbands and wives is related to the ideal age of marriage . With the existence of this law, the government, in this case the Regional Government of Karanganyar Regency, namely the Regent who is assisted by the DP3APPKB of Karanganyar Regency, is trying to prevent early child marriage.

The problem is focused on how to implement Law Number 16 of 2019 in preventing early child marriage in Karanganyar Regency and the efforts of the Karanganyar Regency DP3APPKB in preventing early child marriage. This writing aims to find out how the implementation of Law Number 16 of 2019 in preventing early child marriage in Karanganyar Regency and the efforts of DP3APPKB Karanganyar Regency in preventing early child marriage.

Research Methods

This research used the field research method, or what was commonly called empirical research or socio-legal research. The study adopted a sociological-juridical methodology to investigate the impact of culture on the legal system. Moving away from the standard paradigm of empirical research, it examined the extent to which social symptoms can affect legal norms ⁸. Which is the primary data obtained from the results of interviews with DP3APPKB Karanganyar Regency and secondary data which includes primary legal materials and secondary legal materials collected through interviews and literature and then analyzed qualitatively.

Researchers employed the source triangulation technique to verify the reliability of information gathered through interviews and observations with respondents ⁹.

⁷ Eddy Fadlyana and Shinta Larasaty, "Pernikahan Usia Dini Dan Permasalahannya," *Sari Pediatri* 11, no. 2 (2016): 136–41.

⁸ Johnny Ibrahim, *Teori Dan Metodologi Penelitian Hukum Normatif (Theory and Methodology of the Normative Legal Research)* (Malang: Bayumedia Publishing, 2013).

⁹ Absori Absori and Sigit Sapto Nugroho, "The Transcendental Paradigm Of The Development Of Legal Law," *Journal of Transcendental Law* 1, no. 1 (September 20, 2019): 1–16, <https://doi.org/10.23917/jtl.v1i1.8786>.



Discussion

Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage is an attempt by the Indonesian government to reduce the increasingly extreme number of child marriages in Indonesia. Determining the age limit of 19 years, a person is considered an adult and has matured physically and mentally. Therefore "maturity" in carrying out the marriage process according to Indonesian society is as follows:¹⁰

1. A person's maturity is measured materially, that is, if the person already has a job and is able to make his own money.
2. Maturity of a person, especially women can be seen from the physical changes and reproductive organs, for example, has experienced menstruation
3. Forced adulthood due to pregnancy out of wedlock.
4. The views of the Indonesian people, especially rural communities regarding women will only be wives and take care of their husbands and children without regard to women's rights which are protected by law.
5. Weak legal regulations governing marriage in the absence of sanctions for violators.

Regency is a district that has received the Child Friendly City award, one of the indicators in getting the Child Friendly City award is the low level of child marriage. The following is data on early childhood marriages in Karanganyar Regency:

No	Year	Total Age of Marriage 0-19 Years		
		P	W	Total
1.	2018	167	605	772
2.	2019	156	549	705
3.	2020	143	450	593

Table 3.1

Early Childhood Marriage Data for 2018-2020 Karanganyar Regency ¹¹

According to KASI BKR DP3APPKB Karanganyar Regency, the decline in early child marriages that occurred in Karanganyar Regency was due to the efforts of the local

¹⁰ tirmidzi Tirmidzi, "Kajian Analisis Undang-Undang No. 16 Tahun 2019 Sebagai Perubahan Atas Undang-Undang No. 1 Tahun 1974," *USRAH: Jurnal Hukum Keluarga Islam* 1, no. 1 (2020).

¹¹ DP3APPKB Kabupaten Karanganyar, "Jumlah Perkawinan Anak Usia Dini Di Kabupaten Karanganyar 2019" (Karanganyar, 2019).



government of Karanganyar Regency to receive the Child Friendly City award,¹² the understanding of the people of Karanganyar Regency regarding the dangers of early child¹³, and due to changes in the marriage law. when compared before and after the enactment of Law Number 16 of 2019, it can be presented in the following figure:

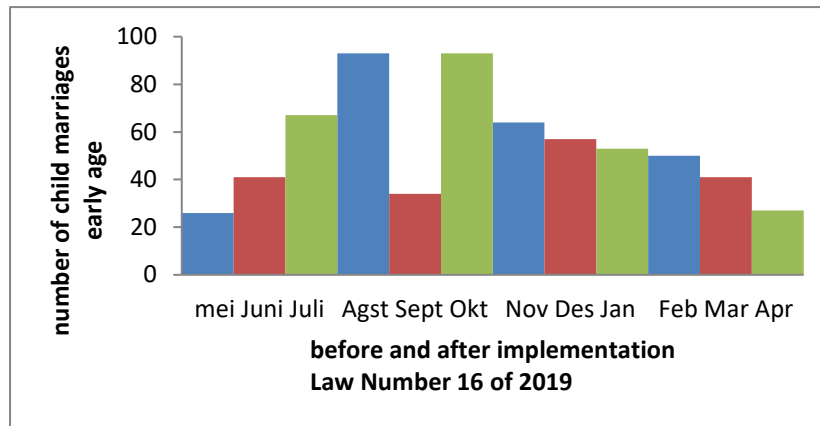


Figure 3.1
Number of Early Childhood Marriages in Karanganyar Regency 2019¹⁴

From these data it can be seen that before the enactment of Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage the number of child marriages in Karanganyar Regency reached 93 child marriages that occurred in August and October, while after the enactment of the Law -Law No. 19 of 2019 the number of child marriages from October to November fell by 31%, namely to 64 cases.

There are still cases of early child marriage that occurred in Karanganyar Regency, which is a separate task for the Regional Government of Karanganyar Regency. Therefore, as a form of implementation of Law Number 16 of 2019 concerning Marriage and also an effort to prevent early child marriage in Karanganyar Regency, a policy of Maturity Age for Marriage (PUP) was created which is an implementation of the policy from DP3APPKB Karanganyar Regency regarding determining the minimum age limit for marriage, namely efforts to increase the age at first marriage, so as to reach the ideal age at the time of marriage, namely the age of 21 years for women and 25 years for men. This policy has been regulated in Karanganyar Regency Regional Regulation Number 6 of 2019 Concerning Population Control and Family Development in article 11 paragraph (3) letter a which explains that the Family Planning program includes Marriage Age Maturity (PUP).

¹² Suyoto, "Wawancara Pribadi, Karanganyar, 16 Desember 2020, Pukul 08.30 WIB." (2020).

¹³ marriage

¹⁴ DP3APPKB Kabupaten Karanganyar, "Jumlah Perkawinan Anak Usia Dini Di Kabupaten Karanganyar 2019."



In measuring the extent to which Law Number 16 of 2019 concerning Marriage has been implemented in preventing early child marriage in Karanganyar Regency, according to Merilee S. Grindle, as quoted by Subarsono, who argued that the success of implementation is influenced by the content of the policy and the context of its implementation, with indicators of interest being affected, Desired degree of change, location of decision making, program implementation, resources deployed, power and interests, institutional characteristics, compliance and responsiveness.¹⁵

The stipulated minimum age limit for marriage experiences discretion from statutory rules,¹⁶ because Law Number 16 of 2019 Concerning Marriage provides opportunities for early marriage by providing opportunities for prospective brides to fulfill administrative requirements to seek dispensation from marriage¹⁷, examination of marriage files carried out by the Karanganyar Religious Affairs Office plays an important role in determining whether or not a marriage can be continued. KUA employees must be very careful in examining the files of the prospective bride and groom. The following is the data on the application for dispensation in Karanganyar Regency as follows:

No	Year	Marriage Dispensation Amount
1.	2018	72
2.	2019	124
3.	2020	303

Table 3.2
Marriage Dispensation Data for 2018-2020 Karanganyar Regency¹⁸

From these data it can be seen that the application for marriage dispensation has increased significantly. This is because in 2019 there was an increase of 72% and in 2020 applications for marriage dispensation increased by 144%. 19 years old.

¹⁵ A G Subarsono, *Analisis Kebijakan Publik: Konsep, Teori Dan Aplikasi* (Yogyakarta: Pustaka Pelajar, 2012).

¹⁶ Sri Nosita and Syaifuddin Zuhdi, "Determination of Adult Status in Positive Law in Indonesia After Enacted Law Number 16 of 2019," *SIGN Jurnal Hukum* 4, no. 1 (May 15, 2022): 15–29, <https://doi.org/10.37276/sjh.v4i1.132>.

¹⁷ Mesraini Mesraini, Indra Rahmatullah, and Abdul Alim Mahmud, "Teori Hukum Feminisme Dan Kaidah Fikih Sebagai Pertimbangan Hakim Dalam Perkara Dispensasi Kawin (Studi Penetapan Hakim Nomor.10/PDT.P/2017 Di Pengadilan Agama Bojonegoro)," *PALASTREN Jurnal Studi Gender* 13, no. 1 (June 2020): 139, <https://doi.org/10.21043/palastren.v13i1.6807>.

¹⁸ Mahkamah Agung Republik Indonesia, "Sistem Informasi Penelusuran Perkara PA Karanganyar," 2022.



The increase in the increase in dispensation for marriage before and after the enactment of Law Number 16 of 2019 concerning Marriage can be presented in the following figure:

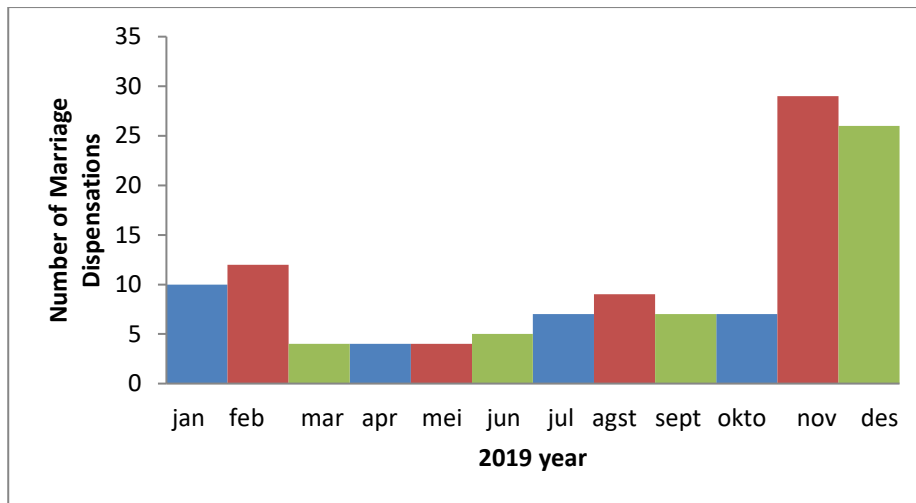


Figure 3.2
Number of Marriage Dispensations Before and After Law No. 16 of 2019
Source: DP3APPKB Karanganyar Regency data

Applications for marital dispensation after the enactment of Law Number 16 of 2019 increased in November to 29 cases. Requests for marital dispensation that were submitted to the court were not all accepted, while the panel of judges had to examine the submitted application and consider the various negative impacts. Therefore, when viewed from the increasing number of requests for dispensation of marriage, which were almost all granted by the Court Judges in Karanganyar Regency, the implementation of Law Number 16 of 2019 has not been maximized because the desired changes from this implementation cannot be achieved optimally.

The magnitude of the application for dispensation from marriage that occurred in Karanganyar Regency was not only influenced by the lack of public awareness of the risks of early child marriage. However, it is influenced by *legal reasoning* (legal considerations) carried out by judges and also existing rules.¹⁹ In line with the theory of legal effectiveness put forward by Soerjono Soekanto²⁰ which states that the effectiveness of a law is influenced by several indicators including the law or the regulations themselves, the legality of law

¹⁹ Mughniatul Ilma, “Regulasi Dispensasi Dalam Penguatan Aturan Batas Usia Kawin Bagi Anak Pasca Lahirnya UU No. 16 Tahun 2019,” *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 2, no. 2 (2020): 133–66.

²⁰ Soerjono Soekanto, *Pokok-Pokok Sosiologi Hukum* (Jakarta: Raja Grafindo Persada, 2007).



enforcement officials, law enforcement support facilities, awareness law and legal compliance, societal behavior.²¹

From the description above, it can be seen that Karanganyar Regency has implemented Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage. and the existence of this law can minimize the existence of early child marriage in Karanganyar Regency, but it will affect the increase in the number of requests for dispensation from marriage filed at the Karanganyar Regency Court.

Law Number 52 of 2009 concerning population development and family development in article 48 paragraph (1) letters a and b explains that family development policies are carried out by providing access to information, education, counseling, and services regarding care, upbringing and development of children in in order to improve the quality of children and provide access to information, education, counseling, and services regarding family life to adolescents in order to improve quality.

The policy of preventing early child marriage carried out by the Office of Women's Empowerment, Child Protection, Population Control and Family Planning in Karanganyar Regency as an effort to minimize the existence of early child marriages in Karanganyar Regency was realized in several programs namely Youth Family Development (BKR), Information Center Youth/Student Counseling (PIK-RM), the formation of the Generation Planning Unit Forum (GENRE), the empowerment of the Karanganyar Regency Children's Forum (FORAKRA), and if the marriage has occurred, the KB TEAM that has been deployed in each sub-district provides an understanding to children who have marry at an early age to delay pregnancy until it reaches the ideal age for giving birth, and if the marriage is caused by an unwanted pregnancy, the family planning extension team provides assistance for the health of mothers and children.

This is the same as what was expressed by Mujiburrahman that education and counseling are very important in breaking up and overcoming early marriages, on the other hand the family approach is also very important for this business.²²

²¹ Ilma, "Regulasi Dispensasi Dalam Penguatan Aturan Batas Usia Kawin Bagi Anak Pasca Lahirnya UU No. 16 Tahun 2019."

²² Mujiburrahman Mujiburrahman Et Al, "Pentingnya Pendidikan Bagi Remaja Sebagai Upaya Pencegahan Pernikahan Dini," *Community : Jurnal Pengabdian Kepada Masyarakat* 1, No. 1 (August 2021): 36–41, <https://doi.org/10.51878/Community.V1i1.422>.



From the efforts to minimize early child marriage that have been mentioned above, it can be concluded that these efforts can be categorized into preventive efforts, curative efforts, and efforts for institutional strengthening. preventive efforts in the form of outreach and training, curative efforts in the form of assistance to children who experience early child marriage, efforts to strengthen institutions are carried out through collaboration with various internal and external parties.

But in making these efforts impossible if there are no obstacles. There are many obstacles faced by the Karanganyar Regency Office of Women's Empowerment, Child Protection, Population Control and Family Planning, not being able to provide socialization and training to all the people of Karanganyar Regency, lack of reports or complaints from the public, lack of coordination between stakeholder agencies, lack of budget from the government Karanganyar Regency area and lack of Human Resources.

Conclusion

The implementation of Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage in preventing early child marriage in Karanganyar Regency is aimed at all the people of Karanganyar Regency which is carried out with several things, namely the first is the Marriage Age Maturity Policy (PUP) with socializing the ideal age of marriage, namely 25 years for men and 21 years for women, *secondly* examining the files of the prospective bride and groom as an administrative effort before the marriage takes place, *thirdly* considering the determination of the dispensation of marriage by the court by listening to the opinions of the prospective bride and the parents of the prospective bride. However, the degree of change expected from the implementation of Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage has not run optimally as can be seen from the increasing number of applications for dispensation of marriage to the Karanganyar District Court and community habits that cannot be eliminated simply by statutory approach.

The role of DP3APPKBK Karanganyar Regency in preventing early child marriage in Karanganyar Regency is carried out through 3 efforts, namely *first* preventive efforts carried out through socialization, counseling and training, *secondly* curative efforts carried out through assisting children who are forced to marry at an early age and providing socialization to children those who are already married to delay pregnancy until they reach the ideal age of giving birth and provide assistance to children who are already pregnant when they are



married at an early age, the *three* efforts to strengthen institutions are to collaborate with various internal and external parties. However, the efforts made by the Karanganyar Regency DP3APPKB in preventing early child marriage in Karanganyar Regency have not been effective because there are no clear regulations regarding the prevention of child marriage in Karanganyar Regency issued by the Regional Government of Karanganyar Regency. The implication of this research is that this research can be used by stakeholders in formulating policies that are more relevant to be executed, so that the prevention of early marriage can be carried out optimally.

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