

## THE IMPLEMENTATION OF THE MARRIAGE AGE LIMIT

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### Abstract

Article 7, Paragraph (1) of Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 on Marriage states that "Marriage is only permitted if the man and woman have reached the age of 19 (nineteen) years." However, in practice, there are several cases of underage marriage without marriage dispensation in Kutapanjang District. The purpose of this study is to explain the implementation of Article 7, Paragraph (1) of Law Number 16 of 2019 concerning the Marriage Age Limit in Kutapanjang District, Gayo Lues Regency, and to identify the causes of underage marriage without a marriage dispensation. This research is empirical juridical research. The data were obtained through field research, primarily using interviews. The findings indicate that the implementation of Article 7, Paragraph (1) of Law Number 16 of 2019 concerning the Marriage Age Limit in Kutapanjang District, Gayo Lues Regency has not been fully effective, as several couples still do not comply with the regulations. As a result, the implementation of Article 7, Paragraph (1) in Kutapanjang District, Gayo Lues Regency has not been maximized. The factors contributing to underage marriages without marriage dispensation can be categorized into three: First, coercive circumstances where the female party is already pregnant, leading to an immediate marriage to avoid social disgrace for the family and community. Second, economic pressure, where families believe marrying off their children reduces the financial burden of supporting them. Third, rejection of a marriage dispensation request by the Sharia Court, leading to unofficial or unregistered marriages. It is recommended that the government, especially the Office of Religious Affairs (KUA), be more proactive in raising awareness about Law Number 16 of 2019, which amends Law Number 1 of 1974 regarding the Marriage Age Limit, to all levels of society.

Keywords: Implementation, Marriage Age Limit, Marriage

**INTRODUCTION**

Law Number 16 of 2019, which amends Law Number 1 of 1974 on Marriage, states that marriage is a physical and spiritual bond between a man and a woman as husband and wife, with the purpose of forming a happy and everlasting family (household) based on belief in Almighty God.

Presidential Instruction Number 1 of 1991 on the Compilation of Islamic Law (KHI) Article 2 states that marriage according to Islamic Law is a very strong contract or *mithaqan ghalidzan* (a great, firm, and serious covenant, not one made in jest) to obey Allah's commands, and its fulfillment is an act of worship. Furthermore, Article 3 mentions that the purpose of marriage is to create a household life characterized by *Sakinah* (tranquility), *Mawaddah* (love), and *Rahmah* (mercy). According to Subekti, marriage is a legitimate bond between a man and a woman for an extended period of time.

Marriage not only contains civil elements, whether in Western civil law as regulated in the Civil Code, Islamic law, or customary law, but it also relates to aspects of human rights (HAM). Human rights are rights that every person possesses simply because they are human, granted not by society or positive law, but solely based on their dignity as a human being. In this sense, despite each individual being born with different skin colors, genders, languages, cultures, and nationalities, they still possess these rights, which is the universal nature of human rights. Besides being universal, these rights are also inalienable, meaning no matter how poorly a person is treated, they never cease to be human and thus continue to have these rights. In other words, these rights are inherent in their nature as human beings. Thus, the human rights referred to above pertain to the minimum age for marriage, the principle of facilitating marriage, and the principle of marriage registration.

Law Number 16 of 2019, which amends Law Number 1 of 1974 on Marriage, is more closely aligned with Islamic Law, but its substance is national in nature, encompassing all religions in Indonesia. As a national law, it must provide space for all citizens, respecting the various religions present in the country. All religions consider marriage to contain elements of sanctity, meaning the relationship between humans and their God. As a result, to enter into marriage, certain requirements and pillars of marriage must be fulfilled according to both state regulations and each religion's rules. One of the essential requirements in marriage is the minimum age for marriage. If this age requirement is not met and individuals are not mentally prepared, it is feared that the marriage could end in divorce. Marriages that take place underage are often viewed as lacking maturity in mental, psychological, and financial aspects. This immaturity raises concerns that the couple may not be able to resolve household problems properly, potentially leading to conflicts that could result in undesirable outcomes.

Law Number 1 of 1974 regulates marriage, including the age limit for marriage. Article 7, paragraph (1) of Law Number 1 of 1974 on Marriage states that "marriage is only permitted if the man has reached the age of 19 (nineteen) years and the woman has reached the age of 16 (sixteen) years." Since the enactment of this law, there has been significant debate within society. Many have expressed disagreement with the age limit for marriage, particularly concerning the minimum age for women, which is considered too low and potentially leads to challenges in family life. Therefore, to ensure children's rights to survival, such as civil rights, health, education, social rights, and protection from violence and discrimination, in 2019 the Constitutional Court amended the provisions of Article 7 of Law Number 1 of 1974 on Marriage (concerning the age limit for marriage). The change was enacted through Law Number 16 of 2019 on Marriage, which states that "marriage is only permitted if both the man and the woman have reached the age of 19 (nineteen) years."

Although the minimum age for marriage has been established by law, Article 7, paragraph (2) of the Marriage Law allows individuals to marry below the minimum age limit by applying for a marriage dispensation to the court, based on specific reasons, which are not

detailed in the law. However, the decision is left to the judge's discretion, who will determine whether a dispensation is appropriate. This provision for dispensation is sometimes necessary due to emergency situations that deviate from normal circumstances.

In reality, the provisions of Law Number 16 of 2019 on Marriage, which amended Article 7, paragraph (1) of Law Number 1 of 1974 on Marriage, have not been fully applied by couples intending to marry. This is evident from the continuing phenomenon of underage marriages that do not meet the minimum age requirements stipulated by law. The most common factors contributing to child marriages include education, low parental economic status, and cultural practices within the community.

In Gayo Lues Regency, the implementation of marriage laws shows that the most frequently ignored and violated rule by couples intending to marry is the minimum legal age for marriage. According to current data, underage marriages still occur in Gayo Lues Regency, particularly in Kutapanjang Subdistrict. Based on data from the Office of Religious Affairs (KUA), in 2022, there were no applications for marriage dispensation submitted to the Mahkamah Syar'iyah. However, data from three villages indicates that underage marriages in Kutapanjang Subdistrict, Gayo Lues Regency, are still taking place. The details are as follows:

**Table 1.** Data on the Number of Underage Marriages in 2022

| No | Village Name    | Amount     |
|----|-----------------|------------|
| 1. | Desa Ulun Tanoh | 5 pasangan |
| 2. | Desa Rema Tue   | 3 pasangan |
| 3. | Desa Cike       | 2 pasangan |

Source: Data processed in 2022

From the data in the table above, only 3 out of the 11 villages in Kutapanjang Subdistrict are represented. In Ulun Tanoh Village, there were 5 underage marriages recordedn, In Rema Tue Village, there were 3 underage marriages of 3 couples, and in Cike Village there are underage marriages, namely 2 couples. From the data obtained, it appears that none of the couples who married applied for a marriage dispensation to the Mahkamah Syar'iyah before their marriage. Their ages did not meet the minimum age required for marriage, and they only conducted their marriages through informal means.

The law establishes principles or foundations of marriage that are relevant to the evolving times. One of these principles states that prospective husband and wife must be mentally prepared to undertake marriage in order to achieve the goals of marriage in a healthy and proper manner. Therefore, underage marriages must be prevented, and the primary purpose of setting a minimum marriage age is to attain happiness in family life. However, in practice, many continue to disregard the provisions of this law. Since the enactment of the Marriage Law (UUP), the pluralistic nature of marriage law should have ended, as understood in Article 66 of the UUP, which states that with the implementation of this law, all provisions in the Civil Code and other regulations governing marriage that have been addressed in the UUP are declared no longer valid.

Thus, the main objective of the UUP is the unification or standardization of marriage law. However, in reality, the influence of pluralistic marriage laws still persists in society, so the legislation aimed at reducing conflicts among legal systems has not been effectively implemented. As a result, legal gaps remain, leading to the continued occurrence of underage marriages.

## RESEARCH METHODS

This type of research is empirical juridical research, also known as field research, which examines the applicable legal provisions and what actually occurs in society (Arikunto, 2012).

Empirical legal research is also a type of research that obtains its data from primary sources or data collected directly from the community.

The type of approach in this research uses a qualitative method, which is a research method that produces descriptive analytical data. This means that what the respondents say, whether verbally or in writing, is examined and studied as a whole in order to obtain facts related to the main issues being investigated. The location of this research is in the Kutapanjang Subdistrict of Gayo Lues Regency. The population for this study consists of the parties involved, namely husbands and wives who are married underage, their parents or guardians, the head of the Office of Religious Affairs, religious leaders, and local community figures. Sampling in this research is conducted using purposive sampling, which is a data collection technique based on specific considerations.

The respondents in this study include 3 (three) couples who have entered into underage marriages, 6 (six) parents/guardians of the individuals involved in underage marriages, and 6 (six) witnesses. Informants include individuals who provide information relevant to the research, including 1 (one) head of the Office of Religious Affairs (KUA), 3 (three) religious leaders, and 1 (one) judge from the Mahkamah Syar'iyah.

## DISCUSSION

### **The application of Article 7, paragraph (1) of Law Number 16 of 2019 concerning the Minimum Age for Marriage in Kutapanjang Subdistrict, Gayo Lues Regency.**

Article 7 of the UUP states that: "Marriage can be given permission if a man and woman are 19 years old." The post-amendment Marriage Law (UUP) regulates the minimum marriage age, which has changed from a minimum age of 16 years for women and 19 years for men to 19 years for both men and women. This change in age restriction requires legal enforcers to educate the public on the significance of this amendment. Following such explanations, the public's responses to the amended law have varied, with some supporting and others opposing the restrictions.

The amended UUP regarding age limits is deemed necessary for several considerations. First, from a philosophical perspective, it aims to eliminate disparities in the fundamental rights arising from differing marriage age limits between men and women. From a sociological perspective, the amended UUP was created to prevent early marriage, which can lead to undesirable outcomes, such as teenage pregnancies that pose high health risks for both mothers and their babies. Legally, the UUP fulfills the mandate from the Constitutional Court regarding the unification of marriage age limits. Legal synchronization is also aligned with the Child Protection Law, which defines a child as anyone under the age of 18, including unborn children, and ensures the ability to act within the law.

All religions strongly oppose underage marriage, including Confucianism, Islam, Christianity, Buddhism, and Catholicism. Each of these religions has its own methods for preventing child marriage. For instance, in Catholicism, the church requires that couples participate in premarital preparation activities before they can marry. Similarly, Confucianism mandates that brides receive education about marriage. This is intended to safeguard mental, psychological, and physical health and assess readiness for marriage. Likewise, Buddhism, Islam, and Christianity emphasize guidance for couples in building a household based on sound principles and their respective religious beliefs.

However, in Islam, when someone intends to marry but has not yet reached the appropriate age, their parent or guardian must apply for a marriage dispensation from the Religious Court/Mahkamah Syar'iyah. This dispensation allows for leniency in carrying out marriage activities despite not meeting the established legal age requirements, based on urgent circumstances and supported by concrete evidence.

In reality, however, following the implementation of the amended Marriage Law (UUP), particularly in Gayo Lues Regency, it has been observed that there are still individuals marrying underage without applying for a marriage dispensation from the Religious Court. This indicates that the regulations regarding the minimum marriage age have not been fully adhered to by the community, especially in Gayo Lues Regency. In this context, legal products can only be considered effective if they are implemented and practiced in real-life situations. However, in reality, the regulation regarding the minimum marriage age has not been actively enforced in the community, as evidenced by the three villages in Kutapanjang District, Gayo Lues Regency, which are the focus of this research. Data collected from 2022 indicates that there are still instances of underage marriages occurring without the submission of a marriage dispensation to the Religious Court, where these marriages are conducted informally (*nikah di bawah tangan*).

According to Hasbi, he stated that Kutapanjang District has implemented the minimum marriage age in accordance with the provisions of the Marriage Law (UUP), which sets the minimum age at 19 years for both males and females. He emphasized that there are no other regulations or comparisons regarding the marriage age, and it is solely based on the UUP. Therefore, Mr. Hasbi asserts that the application of the law concerning the marriage age of 19 years has indeed been implemented in Kutapanjang District, Gayo Lues Regency.

Additionally, the Office of Religious Affairs (KUA) in Kutapanjang frequently conducts outreach programs to communicate the changes in the marriage age restrictions to 19 years for both males and females as stipulated in the UUP. These outreach efforts are usually carried out by the head of the KUA or their representatives and take place in schools, mosques, and villages throughout Kutapanjang District. The purpose of this outreach is to prevent the occurrence of underage marriages.

After direct observation in the field, it is evident that there are still instances of underage marriages. This situation does not arise from a lack of awareness about the minimum marriage age regulation; rather, it often occurs because the child feels compelled to marry due to various circumstances, as stated by Khairuman. In Kutapanjang District, particularly in Gayo Lues Regency, there is a practice known as "marriage by abduction" (*pernikahan naik*), where a man elopes with a woman and takes her to the village head's house to make her his wife. This typically happens due to parental restrictions from both sides, or because the children themselves are eager to marry. However, if they have not yet reached the legal marriage age of 19 years, they agree to marry out of necessity, often reaching a mutual understanding to proceed with the marriage despite the age limitation.

Khalidin also added that underage marriages continue to occur not only due to marriage by abduction but also for various other reasons, such as economic constraints, lack of knowledge regarding marriage laws, and situations of necessity. He elaborated on the situation of necessity, where couples engage in premarital sexual relations, resulting in pregnancy, which necessitates that they marry according to customary practices to avoid bringing shame upon their families, as it is considered a disgrace.

In Rema Tue Village, many children marry underage due to being forced into marriage, often because they become pregnant first. The resolution process for such cases typically involves the pregnant woman surrendering herself to the village head (*imam kampung*) of the man who got her pregnant, seeking accountability. In many of these cases, the man is reluctant to take responsibility, viewing the woman merely as a means of satisfying his desires. Once this desire is fulfilled, there is a possibility that the man may flee and refuse to take responsibility.

By surrendering herself, both families are compelled to unite and discuss the continuation of the case. Usually, this type of case concludes with the couple getting married, with the man being held accountable and required to marry the woman. Additionally, he is often obligated

to pay a fine to the village. Furthermore, the factors that hinder the enforcement of minimum marriage age regulations, leading to their ineffectiveness in society, include:

**1. Economic Factors**

The weak economic situation of parents serves as an obstacle for children in continuing their education to higher levels. Due to their economic struggles, parents often feel compelled to marry off their children, believing that doing so is a solution to alleviate their financial burdens.

**2. Educational Factors**

The low level of education among parents contributes to a lack of awareness about the dangers of child marriage. Children under the legal marriage age are often considered unsuitable for marriage due to their still-developing reproductive systems. This can lead to undesirable outcomes, such as complications during pregnancy. Parents tend to view physical maturity as a sign of readiness for marriage, even if the child is not yet of legal age. Furthermore, they do not equip their children with adequate knowledge to manage a household due to their limited understanding.

**3. Free Association Factors**

One reason children fall into free associations is the lack of parental attention or the impact of their parents' divorce. These circumstances lead children to seek freedom and happiness outside the home, where they meet new people. However, it is difficult to know whether these new acquaintances will have a positive or negative influence on them. The lack of parental supervision can lead to negative effects, such as unintended pregnancies. As a result, these children may feel they have to marry, despite their young age, to take responsibility for their actions, which are seen as violations of social norms.

**4. Low Legal Awareness in Society**

The primary function of laws is to regulate human life to achieve harmony, discipline, order, peace, and welfare. Regulations will be effective if implemented consistently, particularly by stakeholders and those responsible for addressing these issues. Thus, laws can function effectively only when there is a harmonious relationship among the law, law enforcement, facilities, and the society they govern.

**5. Lack of Religious Knowledge**

Observations in the field indicate that the level of religious knowledge in rural areas is alarmingly low. This is evidenced by the limited religious facilities available to the community for accessing religious education. Many people still adhere to traditional beliefs, practicing religious customs that have been passed down through generations in their local communities, which may not align with formal religious teachings or practices.

The implementation of marriage age restrictions in accordance with the UUP (Marriage Law) in Kutapanjang Subdistrict has been established according to regulations. However, child marriages still occur, which are considered violations of existing rules. It can be concluded that the ongoing challenges in the implementation of the UUP are caused by several factors, including weak economic conditions, low levels of education in the community, and many young people getting involved in unhealthy relationships, such as premarital sex leading to unintended pregnancies. Additionally, strong cultural traditions within the community persist. Therefore, the impact of the enforcement of the UUP on the conditions of the community in Kutapanjang Subdistrict, Gayo Lues Regency, has yet to show changes compared to previous years. This situation is exacerbated by the lack of sanctions in the regulations, which provides opportunities for the community to ignore them.

**Causes of Underage Marriage Without Marriage Dispensation**

According to the KBBI (Indonesian Dictionary), dispensation means an exception, differentiation, or exemption from general provisions to special conditions, freeing someone

granted dispensation from obligations or prohibitions. If dispensation is granted to carry out an exemption from general provisions by law, the individual is permitted to engage in activities that are otherwise prohibited. According to C.S.T. Kansil, dispensation is the act of exempting a person from the provisions of the law and is characterized as dictatorial. Other definitions explain that dispensation refers to excluding someone from a specific legal provision.

In the context of marriage, age dispensation means granting relief to the applicant to marry without adhering to age restrictions, aimed at establishing a harmonious and lasting family based on the belief in God. In Aceh Province, applicants may request a marriage dispensation from the Mahkamah Syar'iyah (Sharia Court) if they have not reached the stipulated age for marriage for both men and women.

Article 7, Paragraph (1) of the UUP states that marriage is only permitted when the male has reached a minimum age of 19 years and the female has also reached a minimum age of 19 years. Since the implementation of the age limit regulation for marriage, it has not become an obstacle for people who wish to marry underage. Usually, underage marriages are conducted according to religious or customary practices. However, such underage marriages conducted through religious or customary practices are considered to be in conflict with the Marriage Law (UUP) because they are not officially registered.

Therefore, the law also provides legal flexibility for those involved in not meeting the lawful conditions of marriage, particularly when there is a deviation regarding the age requirements as mentioned in paragraph (1) above. This is further explained in Article 7, paragraph (2), which states that the parents of the male or female party can apply for a marriage dispensation to the court with urgent reasons.

Based on an interview with a judge from the Syar'iyah Court, the judge explained the procedure for applying for a marriage dispensation. The procedure at the Syar'iyah Court of Blangkejeren is the same as at other Syar'iyah or religious courts. The applicant must complete the administrative requirements mentioned in Article 5 of Supreme Court Regulation (Perma) No. 5 of 2019, which are:

1. Photocopy of the parents' ID card (with a 10,000 stamp from the post office)
2. Photocopy of the ID card of the prospective groom and bride (with a 10,000 stamp from the post office)
3. Photocopy of the birth certificate of the prospective groom and bride (with a 10,000 stamp from the post office)
4. Photocopy of the marriage book (with a 10,000 stamp from the post office)
5. Photocopy of the rejection letter from the local Office of Religious Affairs (KUA) (with a 10,000 stamp from the post office)
6. Photocopy of the diploma of the prospective groom and bride (with a 10,000 stamp from the post office)
7. Photocopy of the family card (with a 10,000 stamp from the post office)
8. Health certificate from the health center (Puskesmas)
9. Application (7 copies, A4 paper, Arial font, size 12, and the typed file should be burned to a CD)

Zulkarnaini provided more detailed information regarding the above requirements, stating that the party entitled to apply for a marriage dispensation is the parents. If the parents are divorced, the application can still be made by both parents or by the parent who has custody of the child. If both parents have passed away, lost their legal authority, or their whereabouts are unknown, the marriage dispensation application is submitted by the child's guardian. In cases where the parents are incapacitated, the application is submitted by a legal representative based on a letter from the parents/guardian in accordance with the applicable laws and regulations.

In the legal proceedings, apart from the requirements that need to be completed by both parties, during the trial, they are required to be present in court to become acquainted with each other's families and to discuss the responsibilities and readiness of each party, including the responsibilities of the husband, wife, child, and even as future parents. If one party disagrees with the marriage dispensation application by providing reasons that are acceptable to the judge, the judge may reject the marriage dispensation due to indications that the couple is not ready to proceed with the marriage, thus helping to avoid future divorce.

A marriage dispensation application can be submitted if the Office of Religious Affairs (KUA) has rejected the marriage of the prospective bride and groom. The KUA rejection letter is one of the requirements for submitting an application to the Syar'iyah Court, which can be done by the parents or the guardian. The application consists of three parts: the applicant's personal information, the reasons for requesting the dispensation, and the core of the request. Once the application is registered by paying the court fees, a summons for a hearing will be sent to the applicant's address. During the hearing, the prospective bride and groom, documentary evidence, and witnesses must be present. After the judge reviews the case, a permission decree is issued with a time limit of 28 days.

The process of requesting a marriage dispensation is almost the same as filing a lawsuit. First, a letter of application must be submitted to the Chairman of the Syar'iyah Court. This letter can be written by the applicant themselves or by the court clerk and must be signed and registered. The court clerk will then inform the applicant of the court fees, which can be paid to the designated bank account. After making the payment, the applicant simply waits for the summons letter to be delivered to their address. Here is the English translation of the text:

The procedure for submitting an application to the Syar'iyah Court is as follows:

1. Before submitting the application, visit the front desk (*prameja*) to obtain clear information about the procedures for applying for a marriage dispensation.
2. The signed application letter is submitted to the petition sub-registry. The applicant will go to the first desk, where the estimated court fee will be calculated and written on the payment authorization letter (SKUM). The estimated court fee should be sufficient to cover the entire case.
3. The applicant then goes to the cashier with the application letter and SKUM.
4. The applicant proceeds to the second desk, providing the application letter and the SKUM after the payment has been made.

However, in reality, the number of marriage dispensation applications is far fewer than the number of unregistered marriages. Most of these unregistered marriages occur because the couples do not meet the legal requirements for marriage and do not wish to follow the provisions set out by the law. One such unmet requirement is the age of the couple wishing to marry, which leads them to engage in unregistered marriages as a shortcut, as it involves fewer procedures and takes less time.

In fact, underage marriages without applying for a dispensation are considered a violation, as underage marriages are not allowed because they can harm the underage couple involved. Therefore, underage marriage is not recommended, as it poses several risks, such as:

1. Increased risk of sexually transmitted diseases  
Marriages between couples under 18 years old carry a higher risk of contracting sexually transmitted diseases, such as HIV and others. This happens due to a lack of information about healthy sexual practices, resulting in minimal use of contraceptives.
2. Increased risk of sexual violence  
In underage marriages, where the couples are not yet mentally mature, this situation tends to create violence from their partners, as they are unable to control their unstable emotions.
3. Increased risk of pregnancy

Becoming pregnant at a young age is not easy and carries higher risks, which can endanger the lives of both the mother and the baby. This includes a higher likelihood of giving birth to premature babies or babies with abnormal conditions.

4. Risk of psychological problems

Mental and psychological disorders are also more likely to occur in women who marry at a young age, such as anxiety, mood instability, and even depression.

5. Risk of low social and economic status

Early marriage not only affects health but also takes away the teenage years from the girls involved. Youth should be spent playing and studying to secure a better future and financial stability. However, these opportunities are exchanged for the burden of raising children and managing a household. Many of those who marry young tend to drop out of school because they are forced to take on their responsibilities after marriage. The same applies to young men, who are often not yet psychologically prepared to provide for their families and take on the role of a husband and father.

Research conducted in Gayo Lues Regency, specifically in Kutapanjang District, particularly in Rematue, Ulun Tanoh, and Cike Villages, revealed that in 2022, there were 10 cases of underage marriage caused by several factors.

**Table 2.** Factors Leading to Underage Marriages Without Applying for a Marriage Dispensation

| No. | Causative Factor                                | Number of Cases |
|-----|-------------------------------------------------|-----------------|
| 1.  | Keadaan Terpaksa                                | 5               |
| 2.  | Desakan Ekonomi                                 | 3               |
| 3.  | Karena Penolakan terhadap Permohonan Dispensasi | 2               |

Sumber: Wawancara pada Desa Rema Tue, Ulun Tanoh, dan Cike Tahun 2023.

From the table, it is known that in 2022, there were 10 cases of underage marriage in three villages in the Kutapanjang District: Rematue, Ulun Tanoh, and Cike Villages. Of the 10 cases of underage marriage, 5 were due to forced circumstances, 3 were due to economic pressure, and 2 were due to rejection of the marriage dispensation application. These unregistered marriages were conducted by bringing in a local religious leader (penghulu) and marrying the couple in a private ceremony without registering the marriage at the KUA.

Based on interviews conducted by the researcher, it can be concluded that there are several factors leading to underage marriages, as explained in the table above, which are as follows:

1. Forced circumstances (pregnancy out of wedlock):

This occurs when a couple has engaged in premarital relations, often resulting in the woman becoming pregnant. The couple is then forced to marry quickly due to societal and familial pressure, as premarital pregnancy is considered a disgrace in the community. This situation is often caused by a lack of parental supervision and children falling into bad social environments, leading to unwanted pregnancies. Additionally, a lack of religious understanding plays a role, as premarital sexual relations are prohibited by religion, and such actions are viewed as a serious violation, especially if pregnancy results.

2. Economic pressure:

Some families believe that by marrying off their underage children, they can reduce the financial burden of supporting them, even though the children are not yet ready for marriage. Parents often do not consider the risks this decision imposes on their children, particularly girls, who are forced to leave their childhood behind to take on the responsibilities of managing a household and raising children, even though they are still children themselves and in need of protection.

3. Rejection of the marriage dispensation application:

The age of the child is another reason parents may resort to unregistered marriage. When the Syar'iyah Court denies a marriage dispensation request, and the KUA refuses to officiate the marriage due to the bride or groom being underage, parents may decide to conduct an unofficial marriage through a religious leader. This occurs when the court finds insufficient grounds to grant the marriage dispensation.

Unregistered marriages are still prevalent among the community, particularly in Gayo Lues Regency. These marriages often occur because traditional customs are highly regarded by the people in Gayo Lues. For example, there are couples who are forced to marry due to an unexpected incident that requires them to be married quickly, as they are considered to have brought shame to their village. Additionally, the customary regulations mandate that they must marry without delay, as the process of applying for a marriage dispensation can take a long time until the Syar'iyah Court reaches a decision. Consequently, these couples are compelled to marry through an informal ceremony, specifically a religious marriage.

Regarding the application for marriage dispensation for underage marriages in Gayo Lues Regency, many individuals still prefer not to submit a dispensation request to the Syar'iyah Court. Instead, they choose to marry informally, as this process does not take much time compared to following the procedures set by existing regulations. According to data obtained by the researcher, underage marriages remain prevalent, particularly in the Kutapanjang District of Gayo Lues Regency. In 2022, only 6 marriage dispensation applications were submitted to the Syar'iyah Court, as follows:

**Table 3.** Data on Marriage Dispensations at the Syar'iyah Court of Gayo Lues Regency 2022

| No. | Case Number            | Status |
|-----|------------------------|--------|
| 1.  | 5/Pdt.P/2022/MS.Bkj    | Kabul  |
| 2.  | 40/Pdt.P/2022/MS.Bkj   | Kabul  |
| 3.  | 73/Pdt.P/2022/MS.Bkj   | Cabut  |
| 4.  | 98/Pdt.P/2022/MS.Bkj   | Cabut  |
| 5.  | 100/Pdt.P/2022/ MS.Bkj | Kabul  |
| 6.  | 101/Pdt.P/2022/MS.Bkj  | Kabul  |

Source: Gayo Lues Regency Syar'iyah Court, 2022.

From the table above, it can be seen that in 2022, there were only 6 registered marriage dispensation applications, of which 4 were granted and 2 were withdrawn. When synchronized with the data on underage marriages that did not apply for marriage dispensation in the 3 villages of Kutapanjang District, the researcher found no correlation between the couples who applied for marriage dispensation to the Syar'iyah Court in Blangkejeren and those who married underage in Rematue, Ulun Tanoh, and Cike villages.

Based on the data obtained from the field, it is evident that there is still a significant disregard by the community towards the regulations set by the government, such as underage marriages that do not apply for marriage dispensation to the Syar'iyah Court. Thus, it can be concluded that underage marriages remain a challenge for the government in Gayo Lues Regency, especially since there are individuals who do not submit a dispensation request. Although underage marriage is not prohibited, it is subject to certain conditions and requirements.

The high number of informal underage marriages also potentially leads to an increase in divorce rates, as couples who marry underage are considered emotionally immature to build a harmonious household. Moreover, these unregistered marriages carry significant risks. The primary parties affected are women and the children born from these unions, as lacking proper documentation, such as a marriage certificate, makes it difficult for them to obtain their rights. Even if, in the future, when the couples are of adequate age, they can apply for marriage

validation to the Syar'iyah Court to have their marriage recognized and granted legal status, this validation can be denied if the required evidence is incomplete.

The failure to register a marriage in accordance with established regulations does not affect the legality of a marriage conducted according to Islamic law, as the state only concerns itself with the administrative requirements. However, the lack of registration means that the husband and wife do not possess authentic evidence to confirm that a legitimate legal act has occurred. As a consequence, from a juridical perspective, the marriage is considered non-existent and is not recognized by the government, resulting in it lacking legal force.

For married couples, especially those who are Muslim, who cannot prove that their marriage has taken place, they can apply for a marriage validation (*isbat nikah*) to the Mahkamah Syar'iyah as regulated in Article 7, paragraph (2) of the Compilation of Islamic Law (KHI). However, paragraph (3) states that this marriage validation is limited to the following matters:

1. The existence of a marriage in the context of resolving a divorce.
2. The loss of the marriage certificate.
3. Doubts regarding the validity of one of the marriage requirements.
4. Marriages that occurred before the Marriage Law (UUP) was amended.
5. Marriages conducted by those who do not have any impediments to marriage according to the UUP.

There are several detrimental effects of underage marriages that do not go through the official registration process, particularly for those conducted informally (underhand marriages):

1. Underage Marriages Without Dispensation from the Court Regarding Offspring  
Marriages conducted with an unofficial religious officiant are considered informal and have negative implications for the status of the children born from such unions. Specifically, the status of these children can be deemed illegitimate. This refers to Articles 42 and 43 of the Marriage Law (UUP) and Article 100 of the Compilation of Islamic Law (KHI), which state that children born out of wedlock are recognized only by their mothers, and on their birth certificates, the father's name is omitted. This lack of clarity regarding the child's legal status can lead to significant social and psychological effects on both the child and the mother. The ambiguity of the child's status in the eyes of the law weakens the father-child relationship, allowing the father to potentially deny paternity in the future.
2. Underage Marriages Without Dispensation from the Mahkamah Syar'iyah  
Underage marriages conducted informally significantly disadvantage the wife, as such marriages are not recognized as legitimate. Consequently, the wife does not have the right to financial support (*nafkah*) or inheritance from her husband if he passes away, as the marriage is legally considered nonexistent. In the social context, the wife may also face ostracism from the community, as she could be viewed as a concubine.
3. Underage Marriages Without Court Dispensation Regarding Marital Property  
Not receiving inheritance upon the husband's death is a legal consequence of informal marriages. Besides the lack of recognition of the relationship, the Mahkamah Syar'iyah cannot adjudicate the division of joint property (*harta gono-gini*) in the event of a divorce, as these marriages are deemed invalid and nonexistent in legal terms. Therefore, neither the wife nor the husband can claim the division of shared property in the Mahkamah Syar'iyah.

The provisions regarding marriage dispensations under Law No. 16 of 2019 are viewed as being very lenient and not particularly binding. This is because marriages conducted below the established age limit can still be legalized by submitting a marriage dispensation application to the Mahkamah Syar'iyah. Thus, the norms for child protection in the Marriage Law (UUP) have yet to prioritize children's interests, and children's rights still appear to be neglected by

the state. Even though the marriage dispensation is regulated, the reality shows that child marriages remain prevalent.

In fact, the existence of this dispensation serves as a means to legalize child marriages and becomes a setback for the state, as it fails to meet the objective of reducing the rate of child marriages. Based on the research, it has been found that the dispensation process at the Mahkamah Syar'iyah Blangkejeren is conducted in accordance with applicable regulations. Without parental consent, marriages cannot take place, and everything follows the established procedures. However, in 2022, only 6 cases were submitted for marriage dispensations, while data obtained specifically from Kutapanjang District showed 10 cases of child marriages in 3 villages that were the subject of the study. This number of underage marriages does not align with the number of dispensation applications, and it should be noted that these 10 cases are only from 3 out of 12 villages in Kutapanjang District.

From this data, it can be concluded that the rate of child marriages without dispensation remains very high. This is not without reasons, as there are several factors contributing to underage marriages occurring without marriage dispensations: economic factors, circumstances of coercion, and the cancellation of dispensation applications at the Mahkamah Syar'iyah.

## **CONCLUSION**

Regarding the implementation of the marriage age limit provisions under the Marriage Law (UUP) in Kutapanjang District, Gayo Lues Regency, it has been applied. However, there are still obstacles occurring in Kutapanjang District that have not been fully implemented or complied with, such as the prevalence of parents marrying off their children under the age of 19 for various reasons. One significant reason is that many children have already engaged in premarital relationships, and more concerning, these marriages are often not registered with the Religious Affairs Office (KUA) because those underage cannot register for a legal marriage. Most marriages in Kutapanjang District, Gayo Lues Regency, do not submit marriage dispensations to the Mahkamah Syar'iyah; instead, they typically perform informal marriages officiated by the village head.

The factors influencing the implementation of the marriage age limit in Kutapanjang District, Gayo Lues Regency, can be categorized into three main factors. First, the low economic status results in a lack of financial resources for continuing education. Second, there is a lack of awareness among parents about the dangers of marrying off children at a young age. Third, the prevalence of free association among children is largely due to an unsupportive environment, such as insufficient parental supervision, which leads them to seek freedom outside the home. These three factors hinder the enforcement of the marriage age limit established by the UUP.

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