



Changes in Marriage Age Policy: Analysis of Implementation and Its Impact on Underage Marriage

Wedi Afri¹, Syukrawati², Yan Fajri¹, Erna Dewi³, Mirna Putri¹,

¹Universitas Islam Negeri Imam Bonjol Padang, Indonesia

²Institut Agama Islam Negeri Kerinci, Indonesia

³STAIN Mandailing Natal, Indonesia

 yanfajri26@gmail.com *

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Abstract

Changes to the marriage age limit in Indonesia have led to an increase in the number of underage marriages in West Sumatra. The government's goal in changing the marriage age limit is to reduce the number of underage marriages. Precisely that, this study aims to determine the effect of Law No. 16 of 2019 concerning Marriage on underage marriage from 2019-2023 and the efforts of the local religious affairs office in socializing it. This research uses a qualitative method with a case study approach. Data sources were obtained through observation, interviews and documentation. First, the results showed that after the law was enacted, the number of underage marriages actually increased from five couples (2016-2019) to nine couples who married underage (2019-2023). This shows that despite the new regulation, the practice of early marriage still occurs. Second, the religious affairs office has made efforts to prevent underage marriage such as providing direct guidance to prospective brides who are getting married. Then utilize the services of religious instructors within the West Sumatra religious affairs office. Another way is to use social media such as Facebook and Instagram by posting things related to the impact of underage marriage.

INTRODUCTION

Marriage is one of the most important events in human life. A marriage that takes place between a man and a woman has physical and spiritual consequences for their respective families, communities and the property acquired between them both before and during the marriage (Siregar et al., 2023). Marriage is generally recognized as a bond between a man and a woman to form a legal family based on their respective beliefs. Marriage is carried out to obtain offspring and physical and mental happiness in married life (Syamsulbahri & MH, 2020). Marriage can be said to be an important event in society, because marriage not only involves a bond between a man and a woman, but also a bond between both parties, namely family and society (Pharawangsa & Apriani, 2023).

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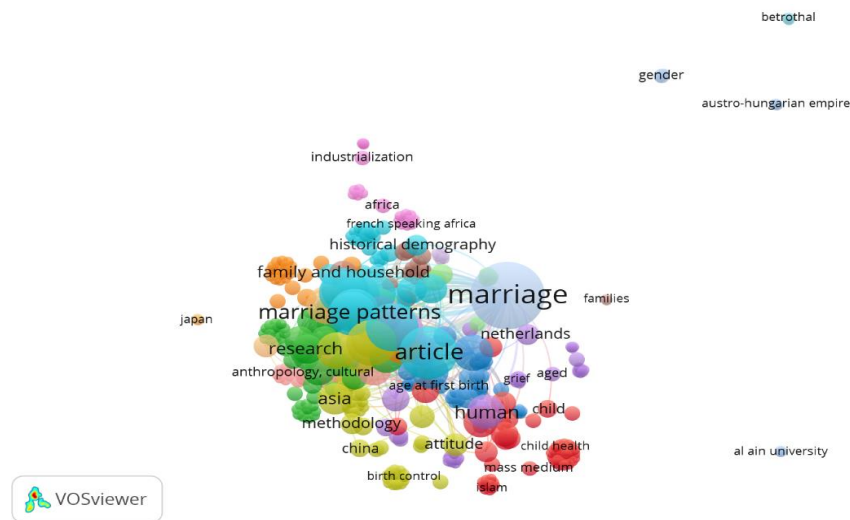


Fig 1. VOSviewer analysis with keywords marriage, psychological aspects

In this visualization, age at marriage is closely related to psychological aspects such as depression and health status, indicating that one's age at marriage can affect mental and physical health. In addition, the relationship with socio-economics shows that the age of marriage also has a relationship with the economic stability and well-being of the couple. By understanding how age at marriage affects these factors, research can provide deeper insights into the social, economic and health implications of marrying at a certain age, and provide policy recommendations that support the long-term well-being of couples.

In the Compilation of Islamic Law, marriage is a very strong contract (*mitsaqan ghalidzan*) and is an act of worship (Maimun, 2022). The meaning of this very strong contract can be understood that the purpose of marriage is to get love and affection and offspring as the next generation (Topan et al., 2022). Law No. 1 of 1974 Chapter 1 Article 1 defines marriage as a physical and mental bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family or household based on God Almighty (Al Salem et al., 2023; Kusmardani et al., 2022). Realizing the purpose of marriage well without thinking about divorce and giving birth to good and healthy offspring.

One of the things regulated in the law is the age limit for marriage. Article 7 Paragraph (2) of the law states that the minimum age for marriage for women is 16 years old and for men is 19 years old. However, the age limit for marriage has been updated based on Law No. 16 of 2019 concerning Amendments to Law No. 1 of 1974 concerning Marriage Article 7 Paragraph (1), that marriage is only permitted if the man and woman have reached the age of 19 years based on Law of the Republic of Indonesia Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage.

The change in age limit in Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage only changes or increases the age limit for women (Ilma, 2020). This is equalized with the age limit for men. The purpose of changing the minimum age limit is in the context of mental and physical maturity in carrying out underage marriage and realizing a good and happy marriage without having to think about divorce problems and having healthy and quality offspring.

This phenomenon can be seen from the data that the author found at the West Sumatra religious affairs office. Based on preliminary data conducted by the author, it was found that many people who entered into underage marriages after the enactment of Law No. 16 of 2019 concerning Amendments to Law No. 1 of 1974 concerning Marriage by applying for Marriage Dispensation to the Padang City Religious Court with a total 9 people, 1 person occurred to men and 8 people

occurred to women. Meanwhile, before the enactment of Law No. 16 of 2019 concerning Amendments to Law No. 1 of 1974 concerning Marriage, there were not many underage marriages, when viewed from the 2016-2019 period as a form of comparison of underage marriages, on average only one person got married each year based on the marriage registration book at the West Sumatra religious affairs office.

From the data above, the author understands that after the enactment of Law No. 16 of 2019 concerning Amendments to Law No. 1 of 1974 concerning Marriage is the cause of underage marriage in West Sumatra. Based on the description above, the authors are interested in discussing further in an article entitled "Changes in the Marriage Age Limit According to Law No. 16 of 2019 concerning Amendments to Law No. 1 of 1974 concerning Marriage and its Impact on Underage Marriages in West Sumatera.

METHODS

The method that the author uses in this research is a qualitative method with a case study approach (Mushthafa et al., 2023; Yandi et al., 2024). Sources of data were taken through in-depth interviews with the Head or *Penghulu* at the West Sumatra religious affairs office, observation and document analysis, interviews. The interview was conducted by asking questions directly to the source. Data were collected with the aim of knowing the effect of Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage on underage marriage from 2019-2021 and efforts made by the religious affairs office of West Sumatra in maximizing the socialization of Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage on the prevention of underage marriage in West Sumatra.

The data sources in this research are primary data sources and secondary data sources. Primary data sources are carried out by obtaining data directly from the source through interviews or observations from the community and the religious affairs office as corroborating evidence in this study. Secondary data sources are taken from existing research sources (Elizabeth, 2016). Books related to the issues raised by the author regarding changes in the age limit for marriage according to Law No. 16 of 2019 concerning Amendments to Law No. 1 of 1974 concerning Marriage and its impact on underage marriage (Norcahyono et al., 2024).

RESULT AND DISCUSSION

Wedding

The word marriage in Arabic fiqh references is referred to by two words, that is marry (نكاح) means to collect and marriage *ṣawajj* (زواج) means couple (Malisi, 2022). In short, in terms of language, marriage is defined as uniting two people into one. Through the union of two people who originally lived alone, through marriage, two people who are brought together by Allah SWT are destined to become one husband and wife who complement each other's shortcomings (Isla et al., 2023). In addition, marriage is also defined as *al-wath'i* and *al-dammu wa al-jam'u*, or *'ibabar 'an al-wath' wa al-'aqad* which means intercourse, gathering, and contract. Marriage is basically a contract regulated by religion to give a man the right to own and enjoy the genitals and the whole body of a woman and form a household (Ahmad Atabik, 2014). The Shafi'iyah scholars argue that the word *nikah* means a contract in the true sense, it can also mean sexual intercourse, but in the *majazī* (figurative) sense. The use of this word because it does not have an actual meaning requires an explanation beyond the word itself (Mahatta et al., 2024).

On the other hand, Hanafiyah scholars argue that the word *marriage* inherently refers to sexual relations. Even when it is used in reference to something else, such as a contract, its metaphorical (*majazī*) meaning requires clarification. Among Hanabilah

scholars, it is believed that the use of the word *nikah* in both senses retains its original, literal meaning (Nisa' & Darmawan, 2021).

According to Pelu & Dakhoir (2021), marriage is a contract regulated by Sharia that grants men the lawful right to enjoy women, and vice versa, grants women the lawful right to enjoy men. Law No. 1 of 1974, as stated in Article 1 Paragraph 2, defines marriage as a physical and spiritual bond between a man and a woman as husband and wife, with the purpose of forming a happy and eternal family (household) based on belief in God Almighty. Meanwhile, according to the Compilation of Islamic Law as stated in Article 2, marriage is described as a solemn covenant (*mitsaqan ghaliz'an*) to fulfill Allah's commands and perform worship.

Legal Basis for Marriage

The foundation of this marriage law is found in the Qur'an and the Hadith of the Prophet SAW. Evidence from the Qur'an is found in Surah an-Nur (24): 32:

وَأَنْكِحُوا الْأَيَامَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ إِنْ يَكُونُوا فُقَرَاءَ يُعْطِهِمُ اللَّهُ مِنْ فَضْلِهِ ۗ وَاللَّهُ وَاسِعٌ عَلِيمٌ

Meaning: *Marry those who are still single among you and also those who are worthy (of marriage) from among your servants, both men and women. If they are poor, God will give them the ability with His grace. God is All-Wide (His provision) and All-Knowing."*

In another verse, Allah SWT, also said that there is in the Al-Quran surah An-Nisa' (4) : 1:

يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً ۚ وَاتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ وَالْأَرْحَامَ ۚ إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا

Meaning: *Oh man, fear your God who created you from one self (Adam) and He created from him his mate (Eve). From both of them, God raised many men and women. Fear God in whose name you ask each other and (maintain) family ties. Indeed, God always cares and watches over you".*

The hadith that explains the legal basis for marriage is the hadith from Abdullah bin Mas'ud muttafaqun 'alaih, which reads:

يَا عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ رَضِيَ اللَّهُ عَنْهُ قَالَ لَنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ (يَا مَعْشَرَ الشَّبَابِ ! مَنْ اسْتَطَاعَ مِنْكُمْ الْبَاءَةَ فَلْيَتَزَوَّجْ , فَإِنَّهُ أَغْضُ لِلْبَصْرِ , وَأَخْصَنُ لِلْفَرْجِ , وَمَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ بِالصَّوْمِ ; فَإِنَّهُ لَهُ وِجَاءٌ) مُتَّفَقٌ عَلَيْهِ

Meaning: *Abdullah Ibn Mas'ud Radiyallahu 'anhu said: Prophet SAW. said to us: "O young men, whoever among you has the ability in the matter of "al-baab" should marry, because marriage is more blind to bad vision and more protective of honor. If he is unable to marry, he should fast, because fasting for him is the restraint of his lust." May Allah be pleased with you."*

As for the other hadith that orders to marry is the hadith narrated by Anas bin Malik according to the narration of Ahmad and confirmed by Ibnu Hibban, which reads:

كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَأْمُرُ بِالْبَاءَةِ , وَيَنْهَى عَنِ التَّبَتُّلِ حَتَّى شَدِيدًا , وَيَقُولُ : تَزَوَّجُوا الْوُدُودَ الْوُلُودَ إِيَّيْ مُكَاتِّرٍ بِكُمْ الْأَنْبِيَاءُ يَوْمَ الْقِيَامَةِ (رَوَاهُ أَحْمَدُ , وَصَحَّحَهُ إِبْنُ حِبَّانَ)

Meaning: *The Messenger of God, peace and blessings be upon him, commanded marriage and forbade celibacy with strict prohibitions, and he said: "Marry women who are loving and fertile, because indeed I will be proud because of the number of you who will be in front of the Prophets on the Day of Judgment". Narrated." HR. Ahmad dan Shabih Ibnu Hibban."*

The Wisdom of Marriage

Allah has ordained marriage and has made it a strong foundation for human life because of the existence of several high values and several main goals that are good for humans and the wisdom contained in it. Among the wisdoms of marriage

are, can calm the soul, make the heart calm, and strengthen worship (Musolin, 2020). Love loving and having fun with wife will eliminate sadness and create comfort. The existence of marriage can maintain humanity and keep away from actions that are prohibited by religion. Because marriage allows each partner to have a biological relationship legally (Rahmah, 2024). In addition, as a way to fight lust, by getting married, human lust can be protected from adultery, doing good for other people and the rights of the wife and having children and then educating them well (Malisi, 2022). Marriage can train patience towards the morals of the wife with optimal efforts to improve and provide religious guidance (Jamaluddin et al., 2018).

Underage Marriage

Underage marriage or early marriage, consists of two words, namely "marriage" and "early". Marriage in UU No. 1 of 1974 contained in article 1 paragraph 2 is defined as a physical and spiritual bond between a man and a woman (Ahyani et al., 2021). On the other hand, "early" in the Big Indonesian Dictionary means "very early in the morning or before time" (Fauziah et al., 2020). concerning Amendments to UU No. 1 of 1974 concerning Marriage, Article 7 paragraph (1) explains that marriage is only permitted if a man and a woman have reached the age of 19 years (Urahmah & Isma, 2023). Therefore, marriages that occur before that age are categorized as underage marriages (Takim, 2022).

Reasons for Underage Marriage

According to the facts, underage marriages often occur for several reasons, including; first, pregnant outside of marriage, one of the reasons why underage marriages still exist is because the partner is pregnant outside of marriage, due to excessive free association (Muqaffi et al., 2022). Second, economy, poor economic conditions mean that children cannot continue their education and choose to marry (Prasetyo, 2017). Third, parents' concerns about their children engaging in promiscuity, so that it encourages children to get married soon (Desiyanto et al., 2022). Fourth, community tradition, Underage marriage occurs because their parents are worried that their children will be called spinsters and also trigger early marriage (Syalis & Nurwati, 2020). Fifth, biological and mass media, one of the causes is mass media and the internet (Bukido, 2018). The impact is extramarital relationships that can result in extramarital pregnancies. Like it or not, parents have to marry off their daughters (Meilinda et al., 2020). Due to these factors, parents often ignore the legal age limit for marriage and instead follow religious or community leaders' views.

Consequences of Underage Marriage

Marriage under age will result in between underage marriage can result in births that have a high risk of death and abnormal conditions because the woman's body is not yet fully mature for childbirth (Devriansyah, 2022). Children aged 10-14 years have a five times greater risk of death compared to those aged 20-24 years and globally from deaths caused by pregnancy (Tarigan et al., 2023).

As for psychology, a woman in particular will be weak because she is still unstable. In addition, couples who marry at a young age are still not ready to take normal responsibility for all their obligations (Sari et al., 2024). Domestic violence occurs due to the lack of maturity of these young couples (Kurniawansyah et al., 2021). Other psychological impacts of underage marriage can include mental disorders, social pressure and addiction as well as health impacts, namely miscarriage, premature birth, low birth weight and congenital abnormalities, susceptibility to infection, anaemia in pregnant women and maternal death (Khairunnisa & Nurwati, 2021; Lestari et al., 2023).

The Impact of Amendments to Law No. 1 of 1974 on Underage Marriage

After the enactment of UU No. 16 of 2019, it has greatly influenced the increase in teenagers who are engaged in underage marriage (Falah et al., 2020). The impacts that affect couples who are engaged in underage marriages from 2019-2021

in religious affairs offices in West Sumatra include educational factors and economic factors. Researchers conducted research and interviews on underage marriage data from 2016 to 2023, and from the archives of marriage registration book data at the religious affairs offices in West Sumatra, there were 9 couples who had underage marriages after the enactment of Law No. 16 of 2019 concerning Marriage. Of the nine couples who married, the majority of the brides were still underage. Whereas before the enactment of the Law, there were only 5 couples who had underage marriages.

Based on this data, the background of adolescents who entered into underage marriage in West Sumatra, before the enactment of Law No. 16 of 2019 concerning Marriage from 2016 to 2019 was influenced by educational factors. Teenagers who enter into underage marriages generally have a low level of education. The average male has an elementary school education while the average female has a secondary school education. In addition, another factor influencing the occurrence of underage marriage in one of the districts in West Sumatra from 2016 to 2019 is economic factors. The lack of educational factors above, so women who enter into underage marriages come from families with low economies.

Based on this case, the background of the occurrence of adolescents who entered into underage marriage in one of the sub-districts in West Sumatra after the enactment of Law No. 16 of 2019 concerning Marriage from 2019 to 2023 was influenced by educational factors. Teenagers who marry underage, especially male teenagers, have an average education of Junior High School. Meanwhile, only 2 people with a Senior High School education and only 1 person with a Bachelor's degree. In addition, another factor influencing the occurrence of underage marriage in West Sumatra from 2019 to 2023 is economic factors. The lack of educational factors above, so women who enter into underage marriages come from families whose economy is low. And seen from the beginning of 2020 until now, the community's economy continues to decline, due to the Covid-19 Pandemic (Amran, 2021).

From the data obtained by the researchers above, related to the effect of Law No. 16 of 2019 concerning Marriage on underage marriage in West Sumatra, it can be concluded that one of the effects of Law No. 16 of 2019 concerning Marriage is the increasing number of underage marriages in West Sumatra. Before the enactment of Law No. 16 of 2019 concerning Marriage, there were only five couples who entered into underage marriages from 2016-2019. However, after the enactment of Law No. 16 of 2019 concerning Marriage, it became the cause of the increase in adolescents who entered into underage marriages, where there were 9 couples who entered into underage marriages.

Efforts Made by the religious affairs office in Maximizing the Socialization of Law Number 16 of 2019 Regarding the Prevention of Underage Marriage in West Sumatra

Regarding the efforts made by the religious affairs office in West Sumatra to maximize the socialization of Law No. 16 of 2019 concerning Amendments to Law No. 1 of 1974 concerning Marriage on the prevention of underage marriage in West Sumatra, as described by the head of the religious affairs office as:

First, providing direct guidance to prospective brides and grooms who are going to get married. In this case, the registrar provides direct guidance to prospective brides and grooms who are going to get married. The Office of Religious Affairs including the head of the religious affairs office, when holding a wedding reception, directly provides counseling to prospective brides and grooms at the religious affairs office in West Sumatera about the negative impacts of underage marriage.

Second, using the services of religious instructors at the West Sumatra Religious Affairs Office. Religious instructors at the Religious Affairs Office in one of the sub-districts in West Sumatra amounted to 12 people and each had their own fostered objects. Among the 12 religious instructors are divided into two types of religious instructors, namely civil servant religious instructors and non-civil servant religious instructors. There are 4 civil servant religious instructors and 8 non-civil servant religious instructors. The object of this counselor's guidance can be in the form of providing enlightenment in the form of religious lectures, through discussions or through ta'lim assemblies and at youth gatherings in places of worship such as mosques and mushollas in every village in West Sumatra.

Third, provide counseling by using social media as a means to convey information about preventing underage marriage. In addition, for the West Sumatra region, the most effective way is to use social media such as Facebook and Instagram. By posting things related to the impact of underage marriage as a prevention of underage marriage in the community (Kurniawansyah et al., 2021). Based on the explanation above, it can be understood that after the enactment of Law No. 16 of 2019 concerning Marriage has affected the number of brides who have underage marriages in West Sumatra from 2019 to 2023. Before the enactment of Law Number 16 of 2019 concerning Marriage there were 5 pairs of brides who entered into underage marriages, while after the enactment of Law Number 16 of 2019 concerning Marriage there were 9 pairs of brides who entered into underage marriages.

The religious affairs office in West Sumatra has made efforts to prevent underage marriage, such as providing direct guidance to prospective brides who will marry. Then use or utilize the services of religious instructors at the religious affairs office in West Sumatra. Another effective way to socialize Law No. 16 of 2019 concerning Marriage is to use social media such as Facebook and Instagram by posting things related to the impact of underage marriage as a prevention of underage marriage in the community.

CONCLUSION

The age limit for marriage according to Law No. 16 of 2019 concerning Amendments to Law No. 1 of 1974 concerning Marriage and its impact on underage marriage at religious affairs offices in West Sumatra, namely: First, changes in the age limit for marriage based on Law No. 16 of 2019 have an impact on underage marriages at religious affairs offices in West Sumatra. After this law was enacted, there was an increase in the number of underage marriages, from five couples before the law was enacted to nine couples afterwards (2019-2023). Second, religious affairs offices in West Sumatra have made efforts to prevent underage marriage, such as providing direct guidance to prospective brides who are getting married. Then use or utilize the services of religious instructors in the religious affairs office in West Sumatra. In addition to providing direct counseling to prospective brides who are getting married and using or utilizing the services of religious instructors at the religious affairs office in West Sumatra, another effective way to socialize Law No. 16 of 2019 concerning Marriage is to use social media such as Facebook and Instagram by posting things related to the impact of underage marriage as a prevention of underage marriage in the community.

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