

Implementation Chapter 7 Paragraph (1) Legal Legal No. 16 Year 2019 Related To Underage Marriage (Study Case Village Bebetin Regency Buleleng)

Kadek Ganggas Wibawa Suparta ¹, Ni Ketut Sari Anyani ², Ratna Artha Windari ³

Faculty of Law and Social Sciences, Ganesha University of Education, Email:

ganggas@undiksha.ac.id

Faculty of Law and Social Sciences, Ganesha University of Education, Email:

sari.adnyani@undiksha.ac.id

Faculty of Law and Social Sciences, Ganesha University of Education, Email:

ratnawindari@undiksha.ac.id

Article Info

Received: August 23, 2024
Accepted: October 23, 2024
Published: November 2, 2024

Keywords:

Marriage, Minor, Bebetin Village

Corresponding Author:

Kadek Ganggas Wibawa Suparta, email:

ganggas@undiksha.ac.id

Abstract

This research aims to find out (1) what factors cause underage marriages to occur in Bebetin Village, Buleleng Regency, and (2) what efforts the Bebetin Service Village government has made to minimize the occurrence of underage marriages in Bebetin Village. This type of research is Empirical Law. The nature of this research is descriptive. The data and data sources used are (1) premier data, namely data relating to research information obtained directly from sources from interviews, and (2) secondary data, namely data obtained through library studies. The data collection techniques are (1) observation, (2) interviews, (3) document study. The research results obtained were (1) underage marriage in Bebetin Village, Buleleng Regency, was caused by various factors. such as tradition, lack of access to education, economic pressure, lack of parental supervision, gender discrimination, and lack of understanding of laws and regulations. (2) that the efforts made by the government are by providing reproductive health services, a holistic approach, as well as counseling regarding marriage readiness and health checks to reduce the negative consequences of underage marriage.

1. Introduction

Marriage is closely linked to population issues. Research shows that the younger a woman marries, the greater the biological potential for higher birth rates, which contributes to rapid population growth. This explosive growth poses a range of

challenges that include health, housing, food and employment. Addressing the age factor in marriage is not just a legal regulation, but basically relies on the role of the family and society in preparing each individual mentally, physically, and economically for this commitment (Juniarta, IM (2013:3). Recently, a concerning pattern has emerged, namely the occurrence of marriages between individuals who have not reached adulthood. More precisely, for adolescents under the age of 19 as stated in Article 7 Paragraph (1) of Law No. 16 of 2019. This law stipulates that marriage is only permitted if both parties are 19 years of age or older. This emphasizes the concept that those under the age of 19 may not be ready enough to marry. Adolescence, often starting at around 12 or 13 years of age and ending in late adolescence or early twenties, marks a transitional phase that connects childhood and adulthood. According to Anna Freud, this phase involves substantial transformation, which includes psychosexual development, changes in parent-child relationships, and the instilling of future aspirations.

The early marriage referred to in the discussion is a marriage that occurs when one or both parties involved are still minors, meaning they are still underage as stipulated in Article 7 Paragraph (1) of Law No. 16 of 2019. This law stipulates that marriage is permitted if the male and female parties are 19 years old. According to Article 1 Paragraph (1) of Law No. In Law 35 of 2014, a child is defined as an individual who is not yet 18 years old, including those who are still in the womb. This legal definition implies that individuals over that age are considered adults who are eligible to marry. The purpose behind setting this age limit is to prevent early marriage and minimize the negative effects it causes. However, until someone is 21 years old, parental permission remains a mandatory requirement for marriage. In addition, if they are over 21 years old, they can marry without requiring parental consent, as stated in Article 6 Paragraph (2) of Law No. 1 of 1974.

Bebetin Village, Sawan District, Buleleng Regency. Included in the area height with flat - flat 550M from surface sea. In a particular village there are six administrative divisions called "banjar dinas", namely: Banjar Dinas Desa, Banjar Dinas Pendem, Banjar Dinas Kusia, Banjar Dinas Bengkel, Banjar Dinas Tabang, and Banjar Dinas Manuksesa. Where the location of one banjar dinas to another is not too far, but to find the center of Singaraja City is 18KM away. Therefore, it is undeniable that there is a lack of information, and slow socialization for teenagers and parents. With Already existence determination limitation age marriage does not deny For the occurrence No to effectiveness regulations from the superior age of marriage, due to the lack of such information.

Das Sollen, namely the legal parameters that determine the minimum age limit for marriage are regulated in Article 7 paragraph (1) of Law No. 16 of 2019. This article stipulates that marriage is permitted if the man and woman have reached the age of nineteen (19) years. *Das Signal* that is there are regulations in the law, there is still a prevalence of underage marriage in society, which shows a gap between the legal mandate and actual social practices. This shows a lack of understanding in society regarding the importance of the Article regulating the age requirements for marriage. Although there is a minimum age limit for marriage as regulated in Law No. 16 of 2019, underage marriages still occur, especially in Bebetin Village, Sawan District, Buleleng. From 2020 to 2023, almost 10% to 30% of underage children were married, from a total population of 3819 males and 3751 females in six Banjar Dinas in Bebetin Village: Banjar

Dinas Desa, Banjar Dinas Pendem, Banjar Dinas Kusia, Banjar Dinas Bengkel, Banjar Dinas Tabang, and Banjar Dinas Manuksesa. Most couples from these areas who marry early are usually between 17 and 19 years old, most have completed junior high school, while some are still attending high school or vocational school (Source: Bebetin Village Community).

The high number of underage marriages took place in Bebetin Village, Sawan District, Buleleng Regency. It has become a habit among the village community, which where this is considered very normal by the local community. No know How from impact in the future do marriage in age young the. Based on description the, The author was motivated to implement the findings entitled " **IMPLEMENTATION " CHAPTER 7 LEGAL LEGAL NO. 16 YEAR 2019 RELATED TO UNDERAGE MARRIAGE (CASE STUDY OF BEBETIN VILLAGE, BULELENG REGENCY) "**

2. Research Methods

This research is about the Implementation of Article 7 Paragraph (1) of Law No. 16 of 2019 Concerning Underage Marriage (Case Study of Bebetin Village, Buleleng Regency) This research is a type of empirical research, because this research is related to empirical facts that occur in society. Empirical legal research is the law adopted by society. In this case, the law that is actually carried out and used as a basis by society. In research using the empirical legal method, legal research is carried out to see the law in a real sense or researchers can see how the law works in society. Empirical legal studies are studies that view law as a reality that encompasses social reality, cultural reality and others, not only studying law in books but also studying law in action (Ali & Heryani, 2012)

3. Results and Discussion

3.1 Factors cause marriage to occur underage in Bebetin Village, Buleleng Regency

Underage marriage or often referred to as early marriage, is a marriage that is formed before a person who has entered into the marriage reaches an age that is considered physically and spiritually mature to start a household. Physical and spiritual maturity is related to health, biological, mental and spiritual aspects, and is also not in accordance with existing laws and regulations, which have been regulated in Article 7 Paragraph 1 of Law Number 16 of 2019.

Underage marriage often occurs in villages, especially Bebetin Village due to social, cultural, and economic factors. Some factors include traditions that allow underage marriage, lack of access to education, and economic pressures that encourage families to allow their children to marry before they are of age and even very young have been given permission. Sometimes, *gender inequality* also plays a role in forcing girls to marry at an age that is too young or not yet of age.

Underage marriage is a marriage that does not meet the requirements stated in Article 7 Paragraph 1 of Law No. 16 of 2019, which regulates the age limit for marriage. Where underage marriage is one of the very serious problems in the Republic of Indonesia, even a very serious problem especially in Bebetin Village, Sawan District, Buleleng Regency, Bali, As for underage marriage, it is supported or caused by several factors.

In addition to the main factors such as social, economic, and cultural factors, there are several other factors that support underage marriage in Bebetin Village, such as lack of

access to proper education, low awareness of children's rights, and norms or traditions that encourage underage marriage. Sometimes there is also pressure from the surrounding environment, such as family, friends, and neighbors, which also influences the decision to marry children at a very young age. Of course, in Indonesian law, the rules regarding underage marriage are regulated by several regulations that serve as the legal basis. One of them is Article 7 Paragraph 1 of Law No. 16 of 2019 which explicitly states that a marriage is permitted if the man and woman are 19 years old. However, there are exceptions where underage marriage can be permitted with special approval from the Religious Court or the judiciary, and the District Court. This permit must consider the physical and psychological maturity of the two prospective brides and grooms who will be married, as well as the interests involved in the existing regulations. Even though there are regulations prohibiting it, their implementation is sometimes complex due to the interference of social, cultural and other factors that influence decision-making in society regarding underage marriage.

With the advantages and disadvantages of this underage marriage practice, there are many disadvantages associated with underage marriage. In terms of health, the risk of pregnancy is higher at a young age which can threaten women's health. In addition, underage marriage often hinders access to personal and economic development of the women involved, there are significant social and emotional risks which lead to an increased risk of divorce, and limited opportunities for children to grow and develop optimally.

3.2 Government efforts to minimize underage marriage in Bebetin Village

The Bebetin Village Government is aware that underage marriage is a serious problem that often occurs every year, therefore the Bebetin Village Government has created several programs to be able to overcome or minimize underage marriage, these programs are:

1. Education and Awareness: Raise awareness about the negative impacts of child marriage through education and outreach programs in schools, community groups, and public places. This may include education on children's human rights, health consequences, and the importance of education and opportunities for children.
2. Regulation and Law Enforcement: Implement and enforce regulations prohibiting underage marriage in accordance with applicable laws. Village governments can work with law enforcement agencies to ensure that laws are complied with and enforced.
3. Empowering Women and Children: Empowering women and children by providing greater access to education, skills training, and economic opportunities. This can help them become more financially independent and raise awareness of their rights.
4. Partnership with the Community: Involving the community in efforts to prevent underage marriage by involving community leaders, religious leaders, and local organizations in campaigns to prevent underage marriage.
5. Reproductive Health Services: Provide better access to reproductive health services, including information about contraception and protection from sexually transmitted diseases.
6. Holistic Approach: Adopt a holistic approach that combines the above strategies together to create a supportive environment for children and adolescents to avoid engaging in child marriage.

Each of these steps should be implemented by considering the local context, cultural values, and needs of the community in Bebetin village. Cooperation between the village government, non-governmental organizations, and local residents is essential to achieve effective results in minimizing underage marriage.

Not only that, the Bebetin Village Government, along with the Bebetin Village Health staff, also collaborate with the Family Planning staff, hereinafter referred to as Family Planning, which aims to provide counseling related to the negative impacts of underage marriage.

The family planning agencies, hereinafter referred to as Family Planning, provide counseling regarding 10 dimensions of household readiness, including:

1. **Age Readiness:** Age Readiness is the age readiness to carry out a marriage, ideally with a minimum age of 21 years for women, while the minimum age for men is 25 years. The importance of this age readiness is related to preparing a mature mindset in perceiving a marriage. This readiness is also needed so that the prospective bride already knows and has knowledge about giving birth and caring for children and family life.
2. **Mental Readiness:** Mental Readiness is an individual's ability to prepare for possibilities that may occur, be ready to anticipate existing risks and balance between expectations and reality. It is important to do this readiness to prepare and anticipate all possibilities that occur in family life.
3. **Physical Readiness:** Physical readiness is biological readiness such as the readiness of biological organs to have sexual intercourse and the ability to care for and do household chores. Physical readiness is considered important so that individuals can prepare biological organs and maintain and care for their health to achieve a healthy body.
4. **Readiness : *Financial* readiness** is part of financial independence so this criterion is very important for readiness to get married. In this case, financial readiness can be seen from the adequacy of money owned, financial independence (not bothering parents), having a fixed career path in the long term, including how to manage family finances and resources and having family savings. This readiness is important because it is to manage resources and achieve family welfare.
5. **Moral Readiness:** Moral Readiness is the ability to know and understand good life values such as commitment, obedience, patience and forgiveness. The importance of this readiness as a guideline and principle in carrying out daily life and can be used to shape personality in relationships with partners and extended family.
6. **Social Readiness:** Social Readiness is the ability to develop various capacities to maintain a marriage. In addition, there is interaction between individuals and the wider community such as relationships to be accepted by the surrounding environment (neighbors) and can provide a career for the future of their family. Social readiness is needed by individuals to be able to adjust to the surrounding environment.
7. **Life Skills Readiness:** Life skills are the abilities possessed by individuals in developing various capacities to fulfill roles within the family such as maintaining household cleanliness, caring for and nurturing children, serving husbands and so on. If individuals can prepare their life skills well, they can work together in completing household chores . This can realize satisfaction and well-being family .
8. **Intellectual Readiness:** Intellectual readiness is a readiness related to an individual's

ability to think, capture information and related to the ability to remember. Used to support and support in seeking information and knowledge about the role and ways of caring for children or managing finances.

9. Emotional Readiness: Emotional readiness is an individual's ability to control emotions well to avoid bad behavior and violence and to express their feelings to those around them. Individuals who have good emotional readiness can regulate and manage their feelings well so that when facing problems they can position themselves well.
10. Interpersonal Readiness: Interpersonal Readiness is the ability of individuals to perform competencies in relationships such as husband and wife must listen to each other, discuss personal problems with their partners and respect differences. Individuals need this readiness to understand other individuals, be able to appreciate and tolerate others and be able to care about the surrounding environment.

Not only that, the KB staff, hereinafter referred to as *Keluarga Berencana*, also conducted socialization to the prospective bride and groom, where the socialization discussed the requirements for marriage by checking the arm circumference of the prospective bride, where the minimum arm circumference of a woman during her fertile period and while pregnant is 23 cm, and if it is less than that, there is a risk that the child born will be unhealthy, have an abnormal weight, and even cause stunting in children.

KB or Family Planning staff also check HB, hereinafter referred to as *Hemoglobin*, which is a protein rich in iron in red blood cells. If a woman or pregnant mother lacks *Hemoglobin*, it causes the baby to be born prematurely, the baby's weight does not meet health requirements (low weight), and even has an impact on the fetus and the pregnant mother. In addition, pregnant women really need to know their body's *Hemoglobin levels*, so that later it will not have an impact on blood cell deficiency, which causes *anemia*, and even an irregular heartbeat.

Therefore, the Bebetin Village Government is trying very hard to minimize the occurrence of underage marriages with its programs, so that in the future it will not have an impact on increasing divorce rates, increasing poverty rates, and stunting in children. And also there is no underage marriage in Bebetin Village.

4. Conclusion

Underage marriage is a marriage that does not meet the requirements stated in Article 7 Paragraph 1 of Law No. 16 of 2019, which regulates the age limit for marriage. Where underage marriage is one of the very serious problems in the Republic of Indonesia, even a very serious problem especially in Bebetin Village, Sawan District, Buleleng Regency, Bali, As for underage marriage, it is supported or caused by several factors. In addition to the main factors such as social, economic, and cultural factors, there are several other factors that support underage marriage in Bebetin Village, such as lack of access to proper education, low awareness of children's rights, and norms or traditions that encourage underage marriage.

Cooperation between the village government, non-governmental organizations, and local residents is essential to achieve effective results in minimizing underage marriage. Not only that, the Bebetin Village Government, along with the Bebetin Village Health staff, also collaborate with the Family Planning staff, hereinafter referred to as Family Planning, which aims to provide counseling related to the negative impacts of underage marriage.

References

- Abdullah, H. Boedi and Beni Ahmad Seabani , (2013). Marriage and Divorce in Muslim Families. Bandung; Pustaka Setia.
- Agus Hermant, 2016, Prohibition of Marriage from Jurisprudence, Islamic Law, to its Implementation in Indonesian Marriage Legislation, Krapyak Wetan No. 45 RT 02/54 Pangguhharjo, Sewon, Bantul Yogyakarta, Lintang Rasi Aksara Books.
- H. Abdul Raham Ghazaly, MA (2019) Jurisprudence Hypocrisy. Jl. Tamba Raya No. 23 Rawamangun – Jakarta 13220
- H. Ahyuni Yunus, SH, MH, 2020, Marriage Law and Marriage Validation Between Protection and Legal Certainty, Jln. Muh. Jufri No. 1, Makasar 90215, Humanities Genius.
- H. Kumedi Ja'far, (2021), Islamic Marriage Law in Indonesia, Jl, P Tirtayasa gang Andalas, Sukabumi, Bandar Lampung, Arjasa Pratama.
- Holilur Rohman, MHI, (2021), Islamic Marriage Law According to Four Schools of Thought Accompanied by the Rules Applicable in Indonesia, Kencana, Jl. Tamba Raya No. 23 Rawamangun – Jakarta 13220.
- Fadlyana, E., & Larasaty, S. (2016). Early marriage and its problems. *Sari Pediatri* , 11 (2), 136-41.
- Harlina, Y. (2020). Review of the Age of Marriage According to Islamic Law (Study Act No. 16 Year 2019 Change On Act No. 1 Year 1974
- Heryanti, R. (2021). Implementation of Changes in the Marriage Age Limit Policy. *Ius Constituendum Journal* , 6 (1), 120-143.
- Juniarta, IM (2013). The Impact of Underage Marriage Reviewed from Balinese Customary Law in Kamasan Village, Klungkung District, Klungkung Regency. *Undiksha Journal of Citizenship Education*, 1(2).

Legislation

- Presidential Instruction Number 1 of 1991 Concerning Compilation of Islamic Law
- Law of the Republic of Indonesia Number 16 of 2019 concerning Amendment to Law Number 1 of 1974 concerning Marriage.
- Republic of Indonesia Law Number 1 of 1974 Concerning Marriage