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IMPLICATIONS OF THE UNDERAGE MARRIAGE BILL FROM AN ISLAMIC CIVIL LAW PERSPECTIVE

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Abstract

The Ministry of Religion is prepare Design Law (RUU) on Religious Courts concerning Marriage with objective punish wedding below age, this bill will arrange clear sanctions for violation the . Proposed sanctions is IDR 6 million For perpetrator wedding below age and IDR 12 million as well as confinement three month for the headman who takes care of it wedding. As for research This use method qualitative involving descriptive Constitution Family specifically regarding marriage. Study This own objective For examine in a way comprehensive related regulation, influence regulations, also implications application existing regulations. Research result show that marriage at age young Already become matter common in rural areas, p This show that public ignore important aspects in wedding. According to Marriage Law No. 1 of 1974, men must reach 19 year old and 16 year old female For marrie, however Still There is opportunity wedding below age past dispensation from court or official. The amendment to Law No 1 of 1974, Law No 16 of 2019, requires the bride and groom to be 19 years old Wedding below age This has show impact negative like enhancement divorce and numbers death Mother moment giving birth, as well become door enter prostitution. There is a Plan Governing law related punishment criminal for organizers and parties related to legalization marriage below age become foundation main For prevent various implications and impacts negative on maintenance marriage below age.

Keywords: Minors Family Law; Marriage; Regulations

INTRODUCTION

Marriage is considered as something sacred and necessary consideration ripe before took place. One of important consideration is readiness second split the party that will Marry. Age also matters necessary factors noticed Because If wedding carried out by current partners too young, you can arise problem health and lack thereof readiness in undergo life home ladder. Thorough readiness required from facet physically and mentally so that you can operate duties and responsibilities answer in wedding. Marriage is not easy thing, but merger roles and responsibilities answer between husband and wife, as well as child for second the family concerned (Tahir & Husna, 2021, p. 120).

Marriage below age, or often categorized as as marriage child according to *The United Nations Children's Fund* (UNICEF) is violation heavy to right every child For reach potency complete self. Therefore Therefore, *the United Nations Children's Fund* (UNICEF) set the



Sustainable Development Goals or *Sustainable Development Goals* (SDGs) for remove practice this will be in 2030 (Susyanti & Halim, 2020, p. 115). According to WHO, marriage child or age early is marriage entered into by a couple or one of them couples who are still categorized as children or aged teenagers under 19 years old. According to UNICEF marriage child is the marriage was carried out in a way official or No officially done before 18 years old (Siwie et al., 2019, p. 141).

The 2017 BPS report shows that number wedding child (ie marriage Where partner bride boy and girl under 18 years of age) incl is at at a high rank with level its prevalence namely 25.71 percent and it happens equally almost all over provinces in Indonesia (Dewi et al., 2019). More astonishing again , no only tall but If seen from the sorted data (type gender) number child Woman the amount more tall that is One from four children women in Indonesia are victims of marriage age child or about 340,000 children Woman every year and in between there are 50,000 children women who experience it marriage at age not enough from 15 years .

Related marriage below age , Ministry of Religion medium prepare Design Law (RUU) (Ministry of Religion of the Republic of Indonesia, 2019) . Religious Courts regarding Marriage with objective punish wedding below age . this bill will arrange clear sanctions for violation the . Proposed sanctions is IDR 6 million For perpetrator wedding below age and IDR 12 million as well as confinement three month for the headman who takes care of it wedding the . Revisiting the proposed bill related giving penalty for organizers and parties involved in implementation wedding below age , research This will try dissect holistically and comprehensively related How Then implications if the bill applied look a number of case wedding below getting older increase each year .

As for some study related wedding below age Good in glasses Indonesian law or law civil Islam in Indonesia includes: (1) Research by Jacobus et al , in 2021 (Rahajaan & Niapele, 2021) with title " *Judicial Studies Against Child Marriage* " provides exposure related Constitution Number 16 of 2019 concerning Marriage, marriage legitimate If candidate bride has reach 19 years old and got permission from both parents. However, the Compilation of Islamic Law (KHI) article 15 paragraph (1) has not revise limit minimum age of marriage, so there is nonconformity between second regulation This. Nonconformity This can give rise to ambiguity and misinterpretation in society, as well potential bring up practice marriage below age violation law. Therefore that 's necessary done revision to regulation this



, in particular article 15 paragraph (1) KHI and article 7 paragraphs (2) and (3) of the Law Number 16 of 2019, for give clarity about dispensation marriage below age .

(2) Research by Theresia Sekar in 2023 (Sekar, 2023) with title "Marriage Dispensation for Minors: Overview to Child Ham Perspective in Taking Policy (Case Study in District Jepara)" revealed that application marriage dispensation in the Regency Jepara experience enhancement before and after exists change Marriage Law. Dispensation marriage Still easy found in society Regency Jepara without urgent reasons, though submission dispensation should based on urgent reasons. Although marriage is right basic humans, but also exist mandatory obligations obeyed in accordance law. Allow wedding below age The same with violate right basic man.

Search related study previously This show when Not yet some are peeling in a way comprehensive related implications application Design Marriage Law below age related giving penalty for implementers and parties related. As for urgency study done remember level wedding below old enough tall each the year. Central Statistics Agency (BPS), and the National Development Planning Agency (Bappenas) in 2020 based on amount Indonesian population occupies ranked 10th in total marriage child highest in the world. Report study the mention around 1,220,900 Indonesian children experience it marriage early. Problem wedding early of course become something existing problems happened a long time ago however until now Not yet can solved (Oktarianita et al., 2022, p. 19)...

In Indonesia, marriage early or wedding child Still become worrying trend . More from One million Woman aged 20-24 years Marry first time before 18 year olds , with 1.2 million Marry before 15 years old . Data from the Central Statistics Agency 2020 also mentioned that in 2019 , the percentage wedding child reached 10.82%, with 15.24% occurring in rural areas and 6.82% in urban areas . Province with prevalence highest wedding child is Bengkulu (Oktarianita et al., 2022, p. 20) . Factors like lack of education and living in rural areas can influence reason somebody For married at a relatively young age young .





Source: BPS 2022 data (Indonesia Baik.id, 2023)

Enhancement wedding Early onset also has an impact on pregnancy early, and marriage below age often end with divorce that puts children are in a difficult position. Should they feel love affection and protection, however they rather must face divorce Because marriage that is not Ready (Oktarianita et al., 2022, p. 21). Need exists effort For overcome problem this and give adequate education to child Woman. There is research This later join in endeavor For open room research and discussion more carry on related factor What just what is necessary noticed if Design Constitution the confirmed or No. Also included How right child from from executor wedding below age as man.

RESEARCH METHODS

The method used in the research is normative juridical legal research using a statutory approach and an analytical approach. Secondary data as the main data in the form of legal materials is collected using documentation and recording techniques, then analyzed using qualitative techniques (Nikmah, 2021, pp. 13–14). This research also utilizes literature or document studies, because this research analyzes a lot through library studies or better known as studies on secondary data. The literature study carried out also used Pancasila references as the basis for the literature used in the research. The scientific logic in normative legal research is built on scientific discipline and the workings of normative legal science, namely

legal science whose object is law itself. (Ibrahim, 2012, p. 57). The analytical approach itself is intended to understand the meaning contained in the terms used in statutory regulations conceptually, as well as knowing their application in practice and legal decisions. This is done through two checks. First, the researcher tries to obtain new meanings contained in the legal regulations in question. Second, examine these legal terms in practice through analysis of legal decisions (Ibrahim, 2012, p. 310).

DISCUSSION

Underage Marriage According to Islamic Civil Law

Minor child marriage age , in Islamic law in general general considered as marriage is permitted Because No There is rules prohibit it . However , fukaha give right to child after reach age mature For formalize or cancel wedding the (Triyanto, 2013, p. 71) . As explained in Law NO. 1 of 1974 (Zulfiani, 2017) about marriage that explains that Marriage is something bond born nor inner between a man with Woman as husband legal wife in frame For form family (home ladder) which is happy and eternal based on Belief in the one and only God . Marriage is possible agreement a man own rights and benefits a Woman For satisfaction . Apart from that , marriage is also a desire from everyone because through wedding somebody can own legitimate descendants according to religion and the laws applicable in Indonesia.

Marriage is bond born inner between a man and woman as husband legal wife with objective form happy and eternal family based on supreme divinity esa. Therefore that 's marriage must considered serious and considered with ripe as well as must own mental and psychological readiness to be able to do it responsible answer and fulfill need House ladder (Khairillah, 2019, p. 133). Maturity soul before Marry very important, because marriage below age can give rise to problems later day. However, if wedding carried out by a mature and ready couple mentally, you can give impact positive for life House ladder in matter maturity and mental readiness.

The Compilation of Islamic Law also states that marriage only can carried out by the candidate bride and groom who have reach specified age in Constitution number 1 in 1974. However, Islamic law does not arrange limit age marriage in a way specific, but refers to aqil puberty (Khairillah, 2019, p. 134). Aqil is coming of age for Woman is after menstruation (menstruation), whereas for boy and girl is after experience dream wet.

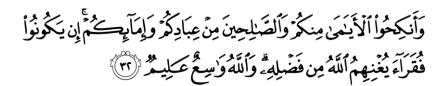


However, there are difference pattern think between generation moment this one has maturity sexual However Not yet own pattern think maturely.

Islamic law does not limit age in carry out wedding, because according to Islam, marriage legitimate No determined by age, but by fulfillment harmony and conditions marriage. Harmony and conditions marriage the covers exists guardian and two witnesses, as well exists dowry and marriage contract. Islam recommends wedding when has There is readiness and blessing from parents, with objective For avoid action sex free. In the example Rasulullah SAW, he married Siti Aisyah when Still 7 years old, however wedding the taking place after Siti Aisyah was 9 years old (Puspytasari, 2021, p. 32). Story This teach that in wedding below age, important For There is understanding between second couple who will Marry as well as wait readiness of the reproductive organs to function optimally.

In Islam, marriage is subordinate age before period considered legitimate If done with agreement as well as understanding between second party. View This has agreed that a father can get married child the woman is still downstairs age. However so, deep Islamic law, limits age marriage only determined by achieving age puberty, which is attached with terms and conditions marriage. One of condition legitimate marriage is reach age puberty, appropriate with regulation in Law no. 1 of 1974 concerning Marriage.

Verses in the related Qur'an with appropriateness somebody For do marriage are surah Al-Nur verse 32 and surah An-Nisa' verse 6.



QS: An-Nur verse 32 " Marry those who are still alive single in between you and also the worthy (married) of your servants, good man nor Woman. If they are poor, Allah will give ability to they with his gift. Allah is All-Encompassing (His gifts) and All-Knowing."



وَابِّنَالُواْ الْمَنْكَى حَتَى إِذَا بَلَغُواْ النِّكَاحَ فَإِنْ ءَانَسَتُم مِّنَهُمُ رُشَدًا فَا دُفَعُواْ إِلَيْهِمْ أَمُواَ لَكَنَهُمْ وَلَا تَأْكُلُوهَ آ إِسْرَافَا وَبِدَارًا أَن يَكْبُرُواْ وَمَن كَانَ غَنِيًّا فِلْيَمْ مَا مُولَهُمٌ وَلَا تَأْكُلُوهَ آ إِسْرَافَا وَبِدَارًا أَن يَكْبُرُواْ وَمَن كَانَ غَنِيًّا فَلْيَسَّتَعْفِفٌ وَمَن كَانَ فَقِيرًا فَلْيَأْكُلُ بِاللَّمَعُ وَفِي فَإِذَا دَفَعَتُم إِلَهُم مَا فَلْيَسَتَعْفِفٌ وَمَن كَانَ فَقِيرًا فَلْيَأْكُلُ بِاللَّمَعُ وَفِي فَإِذَا دَفَعَتُم إِلَهُم مَا فَلَيْ اللَّهُ وَلَا مَا كُلُ فَا اللَّهُمُ مَا فَاللَّهُ مُ فَا شَهِدُواْ عَلَيْهِم وَكَفَى بِأُللَّهِ حَسِيبًا اللَّ

QS: An-Nisa verse 6 " Test it children orphan until they they reach age ready to get married (baligh); Then when you see they has capable (in affairs management wealth and religious affairs), then hand it over treasure they to they; do n't eat treasure they in a way excessive and rushed worry they move on big; Who just guardian rich orphan then let avoid (from eat treasure child orphans) and who just guardian poor orphan, then eat (from treasure child orphan) with good way; Then when you submit it treasure they to them, do it testimony on they; and Allah is sufficient as The Most Protective Substance."

In al-Misbah's interpretation, the word rushdan own meaning accuracy and straightness road. From here, the word rushd was born, which means perfection mind and soul so that somebody can behave and act with appropriate. According to al-Maraghi's interpretation, maturity (rushdan) occurs moment somebody understand with Good How use wealth and spend it, whereas balighu al-nikdh refers to age someone who has Enough For Marry (Puspytasari, 2021, p. 33). With thus, al-Maraghi interpret that people who haven't puberty can burdened with a number of obligation certain.

In Islam, though No There is limitation age certain, marriage must held with fulfil harmony, conditions, and based on readiness as well as understanding between second couple who will Marry. Wedding below age is a must too Approved with approval and blessing from parents. So, it's important for public For understand principles so that the marriage takes place in accordance with religious teachings and protect interest as well as well-being second married couple.

Awareness Muslim women about rights those who are restrained by domination jurisprudence classic or conventional has bring up desire For protect right Woman in marriage through Constitution (Hardani, 2016, p. 131). Since the Indonesian Women's Congress in 1928, a forum has been held For discuss problems intermarriage Muslims, like coercion in marriage, marriage child below age, polygamy, and divorce arbitrary. Women

urge it was formed protective laws Woman in marriage, because rights and obligations Woman in marriage No arranged in law written. Fiqh books only become guidelines, however No seen as law written as possible enforced (Hardani, 2016, p. 132). The Indonesian government has emit a number of regulation For repair situation this, however demands For governing law law material marriage Not yet fulfilled. Various organization Keep going push Government and the House of Representatives for quick promulgated a bill on law Islamic marriage.

More carry on related The event of the Prophet Muhammad's marriage to Aisyah was carried out when Aisyah was old six years , but the Prophet remained with Aisyah after He aged nine year . This matter based on hadith narrated by Muslim. Although Thus , marriage This No considered as action despicable , rather in accordance with development physical and psychological child women at that time (Azmi, 2023, p. 98) . The same thing happened in Umar's marriage to Hafsah, daughter of Abu Bakr. Hadith that tells the story The Prophet's marriage to Aisyah reaped pros and cons . In jurisprudence classic , approach textual used For formulate law wedding child below age . However , hadith This considered as text transcendent , containing meaning transcendent and able emulated . According to reason jurisprudence classic , the Prophet's marriage to Aisyah was not based on desire personal or weather lust , because all actions taken by the Prophet based on God's revelation .

Consensus in Islamic Law is that maturity a child characterized by change and cycles body . Imam Malik argued that semen discharge and growth hair on the body is sign beginning maturity (baligh). Imam Shafi'i opinion that discharge of semen and growth a number of sheet hair is sign beginning maturity (baligh) (Azmi, 2023, p. 99). Imam Mad bin Anbal opinion that child man become puberty when they experience dream wet or discharge of semen or when they 15 years old. Whereas child Woman become puberty when they experience period. There are also other opinions that allow it wedding child Woman before puberty, but This considered as distorted opinion Because Rasulullah free from sin.

The Prophet Muhammad married Aisha at a young age youth and marriage child below age is still topic be pros and cons. In jurisprudence classic, approach textual used For formulate law wedding child below age. However, the hadith tells the story wedding Rasulullah with Aisyah considered as text transcendent who can emulated (Azmi, 2023, p. 100). Consensus in Islamic Law marking maturity somebody based on change physical and

cyclical body. There are also opinions that allow it wedding child Woman before puberty, but This considered as distorted opinion because the Prophet Muhammad was free from sin.

Design Constitution Enforcement Penalty To Parties Involved in The implementation of underage marriages

According to Abraham H. Maslow, humans motivated For fulfil his needs , who has level or hierarchy . Need physiological is need base like eat and drink . Need for security covers protection and security . Need have and love involve look for connection social and love (Rahajaan & Niapele, 2021, p. 90) . Need award related with status and achievements . And needs actualization self related with development self and use potency . Marriage is also a need man Because covers need will have and love darling , related with reproduction and offspring .

Marriage is institution important in society and validate it connection law between man and woman . There are some definition wedding , incl fellowship recognized life in a way law and relationships law between man and woman For long time . Current existing conflict between limit age marriage regulated by the Marriage Law and Child Protection Law in Indonesia (Rahajaan & Niapele, 2021, p. 91) . Minimum age for Marry has become material consideration in effort realize values sublime wedding , but exists case marriage below age give rise to controversy . Conflict This Finally submitted to Court Constitution in 2017 and request change limit age wedding in Indonesia. Court Constitution moment This currently consider application the .

In Indonesia, Marriage Law no. 1 of 1974 regulates that marriage must based on consent second candidate bride and groom bride woman must own permission both parents If Not yet reach 21 years old . The Marriage Law also determines this limitation age for candidate bride and groom , with party man must be at least 19 years old and party female at least 16 years old . Impact from marriage below age covers exploitation , discrimination and oppression to children (Triyanto, 2013, p. 72) . Study This use method study law normative with analyze material References from discipline Legal studies .

UU no. 1 of 1974 concerning Marriage is one of them many laws get criticized spotlight Because No fulfil element justice especially for Woman . National Commission Against Violence Against Women (Komnas Perempuan) and organizations movement Woman has propose revision of the Marriage Law (Hardani, 2016, p. 130) . A number of

proposed issue For revised including maturation age marriage, the principle of non-discrimination in recording marriage, rights and obligations for women, and the rights and status of children born outside marriage. Although there are pros and cons to revision this, Law no. 1 of 1974 indeed contain the rules are not in accordance with objective Constitution. This.

In Law No. 16 of 2019 (Ministry of State Secretariat of the Republic of Indonesia, 2019) as change Marriage Law no. 1 of 1974 related dispensation marriage, 'deviation 'in marriage only can done through submission application dispensation by parents candidate bride to Religious Court (for Muslims) or District Court (for religious people other than Islam) if second partner Not yet reach 19 years old. The very reason urge must There is as base application, where not There is another option and very forced For carry out marriage.

Sufficient supporting evidence must included , like letter evidence that proves it that age candidate bride still below age determined by law , as well letter information from power supportive health parent 's statement that marriage the urge held . The government does too socialization and coaching to public about importance prevent marriage age early , dangerous sex freedom , and its importance take notes marriage For create superior generation .

Implications Enforcement Design Underage Marriage Law Accommodation Child protection

There is a Marriage Bill below age, basically is one of effort For accommodate right from child. Children is subject the law has qualification accountability based on age they. Children is aged individuals young, medium find teak self they, and have trend For easy influenced by the environment (Rahajaan & Niapele, 2021, p. 93). In Indonesia, children often become victims of violence, which causes fate tragic for they. However, children are also generation successor and source Power man in development national.

Article 91 paragraph 4 of the Criminal Code (Government of Indonesia, nd) explain that children is under the same power with parents they . Constitution Number 23 of 2002 concerning Child Protection confirms that children is individuals who have not reach 18 years of age , incl still children in content . This matter show that according to Constitution this , someone considered Not yet mature before 18 years old and not own proficiency law , incl For do marriage .

Constitution Child Protection formed For give appropriate protection for children . Article 1 paragraph 2 of the law This state that protection child is purposeful activities For guarantee and protect children as well as rights them so they can live , grow , develop , and participate optimally appropriate with dignity humanity . Apart from that , the law this also delivers protection to violence and discrimination to children .

Terms about rights children are also confirmed in Article 26 paragraph 1 Law no. 23 years 2002 about Child protection . Chapter This mention that parents own obligation For prevent marriage children below 18 years old . In law here , kids defined as individuals who have not reach 18 years of age , incl still children in content . Constitution This guarantee and protect rights child to order them can live , grow , develop , and participate optimally appropriate with dignity humanity , as well protect they from violence and discrimination . With exists Constitution protection child This is expected children can get appropriate protection with rights they . Parents have too role important in prevent marriage children who violate Constitution This . All This aim For ensure that children can grow and thrive with OK , without must experience violence or discrimination .

Consideration Medical in Implementation of Underage Marriages

Behavior sexual pre-wedding teenager often resulting in marriage age young people in Indonesia, which is caused by views society still positioning child Woman as class citizen two and want speed up wedding, with reason economic, social, and opinion that education tall No important for child Woman. There are some causal factors matter this is like view about the 'maturity' that is seen from facet economy, change physical and reproductive organs, occurrence pregnancy out of wedlock, and capacity women are considered No important for family (Hardani, 2016, p. 133). Apart from that, no exists penalty criminal to There are also violations of the Marriage Law reason Why marriage at age early No can prosecuted in a way criminal. For prevent marriage below age and avoid impact the negative, it's important for everyone, especially parents, to realize and learn from consequences arising from marriage age child.

Based on data released by the Central Statistics Agency (BPS), from the countries that are members Within ASEAN, Indonesia occupies order to two with number wedding age early highest after the country of Cambodia. Report data the mention that there is about 23% of children or teenager 18 years old down has carry out marriage and percentage the assessed



including category tall (Yelvianti & Handayani, 2021, p. 238) . Early-age marriage own impact significant negatives , esp for teenager daughter . One of impact is problem health reproduction .

Girl's reproductive and psychological organs below age Not yet ripe completely, so wedding early can cause various problem health like risk tall violence in House stairs, malnutrition, and disorders health sexual and reproductive. Apart from that, relationships sexual at age young can cause damage to female organs and increase risk of obstetric fistula, which can result urine leakage or feces to in the vagina (Yelvianti & Handayani, 2021, p. 139). Cancer the cervix also becomes threat Serious for girls who marry at age early because of the reproductive organs they Not yet Ready For do connection sexual.

Problems aside health , there are also risks for Mother pregnant and giving birth . Mothers who are under 18 years old own more risk tall For give birth to baby with birth weight low birth weight (LBW) and birth premature . Baby It's also risky experience abnormality or disabled default that has been happen since the pregnancy process (Yelvianti & Handayani, 2021, p. 140) . His height number wedding age Early childhood also contributes to stunting rates in Indonesia, with around 43.5% of stunting cases occur in children under age three year with Mother 14-15 years old . Problem wedding early No only impact period short , but also long term long . Girls who get married and get pregnant at age young , especially before 20 years old , yes experience decline growth bone . This can causes osteoporosis due to peak density bone No achieved optimally .

At the age of 16-19 years , bones teenager Still in the period of growth and density bone Still Keep going increase . Impact wedding early to health physical and psychological women , as well risk for mother and baby , show necessity effort For prevent wedding early and improve education comprehensive sexual (Yelvianti & Handayani, 2021, p. 141) . Government , institutions society , and family need Work The same For provide access to service health reproduction , involving teenager in taking decision about health they yourself , and improve awareness about risk wedding early in society in a way wide .

Preventive Efforts Reducing Levels of Domestic Violence (KDRT) and Divorce

Human Rights Declaration of the Year 1954 actually Already forbid happen wedding child, however until moment This problem wedding age early the more increase the amount and not care existing rules made by the government. Frequent child marriages happens in

society own significant impact. Impact This can form impact physical, psychological, and health in children who undergo wedding the . By physical, marriage age child can result violence in House stairs, which can hinder growth and development child (Maknun & Rufaida, 2023, p. 40). Still children unstable his emotions easy trigger quarrels that lead to violence physique. Apart from that, violence in House stairs too often happen verbally, economically, and sexually that can be ended in divorce.

Impact psychological too occurs in children who marry at a young age early, like anxiety and depression. Shame and regret are also common appeared, esp for married child Because pregnant moreover formerly. Apart from that, health women are also disturbed consequence wedding child. Risk health reproduction child Woman very tall Because they must do connection sexual in age yet ripe in a way physical and emotional. As a result, the mother's mental health can disturbed, there is risk disease contagious, trouble in childbirth, and health baby being born (Maknun & Rufaida, 2023, p. 41).

Apart from the impacts that , violation right education and exploitation children often too happen . Married child lost his rights For get education . This matter in accordance with Article 28C paragraph (1) of the 1945 Constitution (Salamat, 2016) . In addition , children who marry at that age early also have difficulty For get work and risk become victims of trafficking child . Child marriage happens often Because exists coercion marriage by parents . Lack of parents able and alive in poverty often get married child they in a way forced as solution For overcome poverty and letting go not quite enough answer as parents .

CONCLUSION

Wedding below age in Indonesia has serious implications for health, education and welfare children. Efforts preventive and protective strong law required For overcome problem this and for ensure that children own chance For grow and thrive optimally. There is a Plan The Marriage Law makes an effort give penalty to executor or parties involved in maintenance wedding below age can accommodate protection right child, consider risk medical will experienced in the future, as well prevent appearance divorce early or Domestic Violence (KDRT). Law Number 23 of 2002 concerning Child Protection guarantees that every child, including those still in the womb, has the right to live, grow and develop optimally, and be free from violence and discrimination. However, the practice of underage marriage still occurs and has serious negative impacts, especially for young women. Marriage

at age early Can cause various problem health reproduction, like violence in House stairs, malnutrition, disorders health sexual and reproductive, and even increase risk cancer cervix. Moms young people who become pregnant and give birth at age early also face to face with risk birth baby with birth weight low and birth premature. Additionally, impact period long like decline growth bones and the risk of osteoporosis also becomes threat for they. Violence in House stairs and problems psychological like anxiety, depression, shame, and regret often experienced by children who marry at a young age early. Violation right education, exploitation, and hardship get work is also a consequence from wedding below age. Coercion marriage by parents, esp in condition poverty, often become factor pusher wedding children.

BIBLIOGRAPHY

- Azmi, M. (2023). Prevention of Early Divorce in Indramayu Regency from the Perspective of Islamic Law and Positive Law. *Iqtisad: Reconstruction of Justice and Welfare for Indonesia*, 10 (1), 93. https://doi.org/10.31942/iq.v10i1.7811
- Dewi, SM, Rahayu, R., Kismartini, K., & Yuniningsih, T. (2019). Prevention of Early Marriage and Sirri through Gender-Based Collaborative Governance in Pati Regency Gender-Based in Pati Regency. *PALASTREN Journal of Gender Studies*, *12* (2), 519. https://doi.org/10.21043/palastren.v12i2.6357
- Hardani, S. (2016). Analysis of the age limit for entering into marriage according to Indonesian law. *An-Nida'*, 40 (2), 126–139. https://ejournal.uinsuska.ac.id/index.php/Anida/article/view/1503
- Ibrahim, J. (2012). Normative Legal Research Theory and Methodology . Bayumedia Publishing.
- Indonesia Baik.id. (2023). *The majority of young people in Indonesia marry young* . https://indonesiabaik.id/infografis/majoritas-pemuda-di-indonesia-menikah-muda
- Ministry of Religion of the Republic of Indonesia. (2019). *Underage Marriage is Subject to Criminal Sanctions*. https://www.kemenag.go.id/nasional/perkawinan-di- Bawah-umur-diberi-sanksi-pidana-axcdop
- Ministry of State Secretariat of the Republic of Indonesia. (2019). UU N0.16/2019. In *Law of the Republic of Indonesia No. 16 of 2019 concerning Amendments to Law No. 1 of 1974 concerning Marriage* . https://peraturan.bpk.go.id/Home/Details/122740/uu-no-16-tahun-2019
- Khairillah. (2019). MINOR MARRIAGE FROM THE PERSPECTIVE OF ISLAMIC AND CIVIL LAW (CASE STUDY OF THE SASAK COMMUNITY OF LABUAN



- TERENG VILLAGE, WEST LOMBOK). HIKMATINA: Scientific Journal of Islamic Family Law, 1 (2), 132–137.
- Maknun, AL, & Rufaida, A. (2023). Efforts to prevent child marriage in accordance with Law Number 16 of 2019 concerning Marriage. *AL-ASHLAH: Journal of Family Law and Islamic Law*, 2 (1), 36–48. http://www.ejournal.iaiibrahimy.ac.id/index.php/al_ashlah/article/view/1353%0Ahttp://www.ejournal.iaiibrahimy.ac.id/index.php/al_ashlah/article/download/ 1353/956
- Nikmah, J. (2021). Early Marriage Due to Out-of-Wedding Pregnancy During the Pandemic: Case Study in Ngunut Village. *Sakina: Journal of Family Studies*, 5 (3), 1–19. http://urj.uin-malang.ac.id/index.php/jibl
- Oktarianita, O., Pratiwi, BA, Febriawati, H., Padila, P., & Sartika, A. (2022). Level of Knowledge and Adolescents' Attitudes towards the Age of Marriage. *Asclepius Public Health Journal*, 4 (1), 19–25. https://doi.org/10.31539/jka.v4i1.3706
- Indonesian government. (nd). Criminal Code (KUHP).
- Puspytasari, HH (2021). Underage Marriage According to Islamic Law and Positive Law in Indonesia. *Legal Window Journal*, 8 (1), 29–38. https://doi.org/10.24929/fh.v8i1.1332
- Rahajaan, J. A., & Niapele, S. (2021). Juridical Study of Underage Marriage. *PUBLIC POLICY (Journal of Public Policy & Business Applications)*, 2 (1), 88–101. https://doi.org/10.51135/publicpolicy.v2.i1.p88-101
- Salamat, Y. (2016). Regulations Regarding the Land Rights of Customary Law Communities (Case Study of Recognition of the Land Rights of the Dayak Customary Law Community in Central Kalimantan) (Case Study of Recognition of the Dayak Customary Law Community Land in. *Journal of Indonesian Legislation*, 13 (04), 411–420.
- Sekar, TRC (2023). Marriage Dispensation for Minors: A Review of Child Rights Perspectives in Policy Making (Case Study in Jepara Regency). *Journal of Politics and Government Studies*, 12 (2), 2.
- Siwie, AK, Irianto, H., & Azizah, AK (2019). MARRIAGE (Case Study of Child Marriage in Bojonegoro Regency). *Intellectual Journal of Public Administration and Communication Sciences*, 8 (2), 139–150.
- Susyanti, AM, & Halim, H. (2020). Strategy to Prevent Early Marriage Through the Implementation of a Youth Information and Counseling Center (Pik-R) at SMK Negeri 1 Bulukumba. *Journal of Public Administration*, 26 (2), 114–137. https://doi.org/10.33509/jan.v26i2.1249
- Thahir, AH, & Husna, N. (2021). Efforts to Prevent the Increase in Early Marriage During the Covid-19 Pandemic: Study of Community Service Assistance in Ngetos Village, Nganjuk Regency. *Abdimas Indonesian Journal*, 1 (2), 113–131.

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- Triyanto, W. (2013). THE IMPACT OF MINOR MARRIAGE FROM THE PERSPECTIVE OF ISLAMIC LAW AND LAW NUMBER 1 OF 1974. *Lex Privatum*, 55, 71–80.
- Yelvianti, T., & Handayani, S. (2021). Determinants of Early Marriage. *Journal of Medicine* (*Health Information Media*), 8 (2), 237–250. https://doi.org/10.36743/medikes.v8i2.308
- Zulfiani. (2017). Marriage of Underage Children According to Law Number 1 of 1974. Ocean Justice Law Journal, 12, 211–222.