

## Muslim Society's Response to the New Rule of Marriage Age

**\*Rosdalina Bukido<sup>1</sup>, Nurlaila Harun<sup>2</sup>, Muhammad Alwi<sup>3</sup>,  
Fahri Fijrin Kamaru<sup>4</sup>**

Institut Agama Islam Negeri Manado, Indonesia<sup>1,2,3,4</sup>

Correspondent Author: \*[rosdalina.bukido@iain-manado.ac.id](mailto:rosdalina.bukido@iain-manado.ac.id)

DOI: <https://dx.doi.org/10.29240/jhi.v8i1.5521>

Received: 17-10-2022

Revised: 06-04-2023

Accepted: 06-05-2023

Cite this article:

Bukido, R., Harun, N., Alwi, M., & Kamaru, F. (2023). Muslim Society's Response to the New Rule of Marriage Age. *Al-Istinbath: Jurnal Hukum Islam*, 8(1), 135-154. doi:<http://dx.doi.org/10.29240/jhi.v8i1.5521>

### Abstract

This study aims to describe the response of the Muslim community to the new marriage age regulation. The existence of this new provision reaps pros and cons because the community and the government understand the age of marriage, especially Muslim people, who basically consider the age limit for marriage to be when they have reached puberty. This research was conducted in North Sulawesi with a qualitative-descriptive research type and a sociological approach. Data was collected through interviews with informants starting from the community level, religious leaders and community leaders and then analyzed in a descriptive way. The results obtained are that there is a strong religious doctrine and public ignorance of the issuance of Law no. 16 of 2019. With this rule in place, they hinder many couples who are ready to get married. Most people show an attitude of disapproval of the 19-year age limit for marriage. For society, the law does not look good, especially for those who are not yet 19 years old. The community's understanding is that both partners have reached puberty, as explained in Islamic teachings. Even so, for religious figures to show the opposite attitude, the 19-year marriage penalty rule is very necessary because it involves emotional and economic stability in living a household life. Actually, the implementation of Law No. 16 of 2019 could be more effective if Perma No. 15 of 2019 was also socialized because they related it to the purpose and reasons for the intended marriage age limit. There is a lack of public understanding of the 19-year age limit for marriage because Law No. 16 of 2019,

which is socialized, is only a prohibition which prohibits it. Perma No. 15 of 2019 is the answer to the regulatory age limit for marriage at 19 years, which is always questioned in society.

**Keywords:** Age Limit for Marriage; National Law; Islamic law

## Introduction

Law No. 16 of 2019 regarding changes to Law Number 1 of 1974 concerning Marriage in article 7 paragraph (1) stipulates that marriage can be carried out and only permitted when it reaches the age of 19 years. The existence of age restrictions and exceptions is the attitude of the state to burden couples who will get married.<sup>1</sup> In other findings, this is due to the reality of age maturity in marriage.<sup>2</sup> Moreover, if it has to be related to the various cultures of society in Indonesia, most people who have low education and economy tend to choose to marry at the average age of marriage 15-19 years and 14-17 years.<sup>3</sup> Compared to people with higher education who choose to marry over the age of 19.<sup>4</sup> For the Muslim community of North Sulawesi Province who cannot afford tertiary education due to their economic disadvantage, marriage is an option that is carried out even though they are under the age of 19 compared to having to wait until they are 19 because it becomes torture for them.

Looking at the social reality, the implementation of underage marriages occurs because of pregnancy, the economy and culture of the local community.<sup>5</sup> Marriage is seen as a good step in carrying out the responsibilities of the man or

---

<sup>1</sup> Rosdalina Bukido and Fence M Wantu, "Synchronize the Different Law Rules Study of Law Number 16 Year 2019 and Law Number 35 Year 2014," *Journal of Legal, Ethical and Regulatory Issues* 23, no. 2 (2020): 1–9.

<sup>2</sup> Nur Azizah, "The Analysis of Minimum Marriage Age Determination in Indonesia and Other Islamic Countries," *Jurnal Ilmiah Al-Syir'ah* 16, no. 2 (2018): 148–60; Dian Latifiani, "The Darkest Phase for Family: Child Marriage Prevention and Its Complexity in Indonesia," *Journal of Indonesian Legal Studies* 4, no. 2 (2019): 241; Rosdalina Bukido, Dedi Setiawan, and Misbahul Munir Makka, "Pertimbangan Hakim Terhadap Perceraian Akibat Nikah Dini Masyarakat Manado," *NUKHBATUL'ULUM: Jurnal Bidang Kajian Islam* 8, no. 1 (2022): 16–34.

<sup>3</sup> Siti Nurul Khaerani, "Faktor Ekonomi Dalam Pernikahan Dini Pada Masyarakat Sasak Lombok," *QAWWAM* 13, no. 1 (2019): 1–13; Maila D H Rahiem, "COVID-19 and the Surge of Child Marriages: A Phenomenon in Nusa Tenggara Barat, Indonesia," *Child Abuse & Neglect* 118 (2021): 105168, <https://doi.org/https://doi.org/10.1016/j.chiabu.2021.105168>.

<sup>4</sup> Fachria Octaviani and Nunung Nurwati, "Dampak Pernikahan Usia Dini Terhadap Perceraian Di Indonesia," *Jurnal Ilmu Kesejahteraan Sosial HUMANITAS* 2, no. 2 (2020): 33–52.

<sup>5</sup> Some traditions, such as in Java, recommend not rejecting the prohibition because it can result in disaster for them. Therefore, many parents marry their children even though they are still underage because of this. M. Grijns and H. Horii, "Child Marriage in a Village in West Java (Indonesia): Compromises between Legal Obligations and Religious Concerns," *Asian Journal of Law and Society* 5, no. 2 (2018): 453–56.

as a form of lightening the burden on the woman's family.<sup>6</sup> This value has been carried out until now even though the law made by the government has provided several restrictions on marriage to prospective partners with the aim of benefiting the prospective partner, especially regarding age.

With regard to marriage laws, most Muslim communities in North Sulawesi, especially those living in villages, are not aware of the current marriage boundary regulations in Indonesia. People who know this rule also think that the change in the marriage law seems to hinder couples who are ready to marry because of puberty as explained in the teachings of Islamic Law. The age of marriage is 19 years for men and 16 years for women in Law no. 1 of 1974, changes in the age of marriage for men and women were issued in connection with Law no. The last 16 in 2019 is 19 years. In Article 7, paragraph 2, an exception is made, namely asking for a dispensation from the court for urgent reasons and with sufficient supporting evidence. However, regarding the management of this dispensary it has also been regulated in Perma No. 5 in 2019 and that makes the requirements even tougher. That is, changes to Law no. 16 of 2019 concerning marriage raises many marriage problems that occur in this community environment. Various problems in the people of North Sulawesi Province have made researchers interested in continuing this discourse.

There are several studies that discuss this age limit rule. According to Nurcholis<sup>7</sup> The new stipulation on the age of marriage which is an equal distribution of the age of marriage is a manifestation of *maqasid shariah*. This embodiment is described by Erikson<sup>8</sup> that the age of marriage is related to the soul and property in the family that can be controlled by both spouses. However, it is different from the research of Khairunisa and Winanti<sup>9</sup> that ideally the age limit for marriage is 21 years in the Civil Code. According to him, the age limit of 19 years can still be interpreted as a teenage phase, not an adult. Some even explain that the legal age limit for marriage is 21-25 years.<sup>10</sup> That is,

---

<sup>6</sup> Heidi Petry et al., "Responses and Experiences after Radical Prostatectomy:: Perceptions of Married Couples in Switzerland," *International Journal of Nursing Studies* 41, no. 5 (2004): 507–13; Linda Thompson and Alexis J Walker, "Gender in Families: Women and Men in Marriage, Work, and Parenthood," *Journal of Marriage and the Family*, 1989, 845–71.

<sup>7</sup> Moch Nurcholis, "Usia Nikah Perspektif Maqashid Perkawinan: Telaah Syarat Usia Minimum Perkawinan Pasca Putusan Mahkamah Konstitusi Nomor: 22/PUU-XV/2017," *Tafâqub: Jurnal Penelitian Dan Kajian Keislaman* 8, no. 1 (2020): 1–18.

<sup>8</sup> Amy Louise Erickson, "The Marital Economy in Comparative Perspective," in *The Marital Economy in Scandinavia and Britain 1400--1900* (Routledge, 2017), 17–34.

<sup>9</sup> Amelia Khairunisa and Atik Winanti, "Batasan Usia Dewasa Dalam Melaksanakan Perkawinan Studi Undang-Undang Nomor 16 Tahun 2019," *JUSTITIA: Jurnal Ilmu Hukum Dan Humaniora* 8, no. 4 (2021): 774–84.

<sup>10</sup> Reny Yunia Ningtias et al., "Conflict Resolution in Maintaining Early Marriage Relationships in Alassumur Village, Bondowoso," in *3rd International Media Conference 2021 (IMC 2021)*, 2022, 163–73; Taiwo G Amole et al., "Preferred Age of Marriage and Fertility Intention

basically the age limit for marriage cannot be used as a benchmark in maturity because several studies have their own views. However, legally speaking, the age limit for marriage needs to be held. The legal regulations issued are certainly felt by the community both directly and indirectly, of course this reaps a variety of public attitudes, especially in the Muslim community. This problem is not found in other studies, so it is very important to do. This research can be used as material for evaluating the government in implementing the regulations formed, namely Law no. 16 of 2019 concerning the limit of 19 years of marriage.

This study aims to describe people's attitudes and social problems since the issuance of Law no. 16 of 2019 concerning Marriage. The reasons of the researchers include; 1) underage marriages have increased since the issuance of a new regulation that limits the age of marriage to 19 years, 2) as long as the dispensation of marriage exists, early marriages will still exist, and 3) implementation of Law no. 16 of 2019 concerning marriage is not optimal. This research is a material critique of the law that is applied, seen from the social side of community law.

Research was conducted in 5 regions of North Sulawesi Province (Amurang, Bitung, Manado and Kotamobagu) in 2021 through Law No. 16 of 2019. The research method was carried out qualitatively-descriptively<sup>11</sup> and a sociological approach<sup>12</sup>. The main data was collected by interviewing informants with community backgrounds, religious leaders and community leaders whose data focused on Muslim communities, considering that the majority of people in North Sulawesi are Christians. Researchers conducted inductive data analysis.<sup>13</sup> The analysis process is carried out through 3 stages. The first is reduction, the researcher classifies the collected data according to the theme of this research. The second is the presentation of data, the data is presented in an organized narrative text and relates the relationship patterns of each of these texts. The third is drawing conclusions, the researcher provides conclusions from the data presented in a narrative manner into a new finding that is able to answer research problems.<sup>14</sup>

---

of University Students in Kano, Northern Nigeria,” *Nigerian Journal of Medicine* 29, no. 1 (2020): 104–10.

<sup>11</sup> Deny Nofriansyah, *Penelitian Kualitatif: Analisis Kinerja Lembaga Pemberdayaan Masyarakat Kelurahan* (Deepublish, 2018).

<sup>12</sup> Muhammad Irfan Helmy, *Pendekatan Sosiologis-Historis Dalam Fiqh Al-Hadits: Kontribusi Asbab Al-Wurud Dalam Pemahaman Hadis Secara Kontekstual* (Kreasi Total Media, 2020).

<sup>13</sup> S E Yulianah, *Metodologi Penelitian Sosial* (CV Rey Media Grafika, 2022).

<sup>14</sup> Lexy J. Moleong, *Metodologi Penelitian Kualitatif* (Jakarta: Remaja Rosdakarya, 2017).

## Discussion

### Marriage Age Limits in National Law and Islamic Law

The age limit for marriage according to national law and Islamic law varies. Judging from national law, the age limit for marriage is explained in article 7 paragraph 1 of Law No. 16 of 2019, which is 19 years for both men and women. This limitation is a change made to the marriage law, namely the age limit for marriage. Law No. 1 of 1974, the age of a woman in marriage is permitted if she has reached the age of 16 (sixteen) years as this rule is contrary to Law no. 23 of 2002 concerning Child Protection, namely reaching 18 years.<sup>15</sup> However, the age limit for marriage is also stated if the child is able to stand alone, in the Compilation of Islamic Law (KHI) the limit is 21 years.<sup>16</sup>

The marriage age limit in terms of Islamic law also does not have a standard rule. The Hanabilah and Syafi'iyah groups limit the age of marriage to 15 years. Imam Abu Hanabilah limits the marriage age to be 19 years for men and 17 years for women. Whereas Imam Maliki limits the age of marriage to 18 years for men and women.<sup>17</sup> This non-standard is also due to the delineation of the age limit for marriage (*puberty*). The first opinion explains that puberty marked by dreams accompanied by discharge of semen for men and menstruation for women, while the second opinion also explains that the age limit for marriage is seen from the mind and soul.<sup>18</sup>

The researcher's conclusion is that the two laws are still not synchronized with each other. However, marriages carried out by Muslim communities tend to rely on the teachings of Islam. So that until now the community considers that women who have experienced menstruation and men who experience wet dreams (semen) are allowed to marry.<sup>19</sup>

---

<sup>15</sup> Akhmad Shodikin, "Pandangan Hukum Islam Dan Hukum Nasional Tentang Batas Usia Perkawinan," *Mahkamah: Jurnal Kajian Hukum Islam* 9, no. 1 (2016).

<sup>16</sup> Shodikin. Rini Heryanti, "Implementasi Perubahan Kebijakan Batas Usia Perkawinan," *Jurnal Ius Constituendum* 6, no. 1 (2021): 120–43; Bukido and Wantu, "Synchronize the Different Law Rules Study of Law Number 16 Year 2019 and Law Number 35 Year 2014."

<sup>17</sup> Mardi Candra, *Pembaruan Hukum Dispensasi Kawin Dalam Sistem Hukum Di Indonesia* (Prenada Media, 2021); Shodikin, "Pandangan Hukum Islam Dan Hukum Nasional Tentang Batas Usia Perkawinan"; Hasnil Basri Siregar, "Lessons Learned from the Implementation of Islamic Shari'ah Criminal Law in Aceh, Indonesia," *Journal of Law and Religion* 24, no. 1 (2008): 143–76; Muchlis Bahar, "Marriage Agreement Not to Have Children According to Islamic Law," *Baltic Journal of Law & Politics* 15, no. 3 (2022): 389–402.

<sup>18</sup> N. Fadhilah and K. Rahmah, "Rekonstruksi Batas Usia Perkawinan Anak Dalam Hukum Nasional Indonesia," *De Jure, Jurnal Syariah Dan Hukum* 4, no. 1 (2012): 49–61.

<sup>19</sup> Sri Rahmawati, "Batas Usia Minimal Pernikahan (Studi Komparatif Hukum Islam Dan Hukum Positif)," *Syakhsia: Jurnal Hukum Perdata Islam* 21, no. 1 (2020): 85–110.

## Social Attitudes of the Muslim Community of North Sulawesi Province towards Law no. 16 of 2019

The change in the provisions for the limit of the age of marriage caused polemics in the community. This study found that almost all respondents complained about the existence of rules from this law which seemed to make things difficult for the community. Most of the negative responses were given by the Muslim community of North Sulawesi to this new provision.

Table 1: Negative Responses of the Muslim Community in North Sulawesi Province

No	inform	Reason
1	PM	"Yes, of course I know about the latest law on marriage where there is an age limit when someone gets married. If someone is capable and independent, then he can enter into a marriage even under the provisions of the applicable law.
2	NA	"I do not agree with the law because there are two reasons why I refuse to agree with the law, the first is when two people who like each other and want to get married must be hastened to avoid adultery but again the law is restrictive. secondly, if someone is capable and also independent then he can get married in my opinion without having to look at the limitations in the law"
3	RM	"I actually do not agree with the law, because the problems of today's children are on average 16 years old, who must have understood these things, moving from experiences like this, the rules that limit a person from getting married should not be based on the age of 19. years, because if he is capable then he should already be able to build or manage his own household."
4	RS	"In my opinion, these regulations are not suitable for conditions in 2021 or at present because children nowadays or teenagers mostly have graduated from high school in the age range of 16 and 17 who no longer want to continue their studies at a higher level or college, most of them already working or earning a living independently, this is my reason why I do not agree with this rule."
5	RY	"In my opinion, the latest law places too many restrictions on young couples who want to marry,

		even though these couples are also ready and capable."
6	IK	"Actually, I don't agree, because the law already limits those who want to get married, but this law also has to be obeyed."
7	S	"I don't agree, I also just heard that there is this law. It's a shame for those who want to get married if they are limited like this, because if they are ready, they can get married but now it is limited although there are exceptions for some."
8	A	"Actually, this law makes me slightly agree and disagree. In Islam, a person who is ready to marry, I think the law is obligatory, I fear that if he is not married, he will commit adultery with his partner. So, it's best if the limitations in the law can be revised again."
9	R	"I don't agree, if a woman is not yet 19 years old and wants to get married, then she can marry, especially with her partner, because if they don't get married, they can commit adultery, so if adultery becomes a sin, it's also a pity, even though they are ready to get married, why should it be limited? and in the end how about adultery."
10	IdA	"I have read and seen the contents, I do not agree. Back to religion. If a couple is ready to get married and is not yet old according to the law, there is a danger that they will not get married, they can commit adultery. Actually, the law regulates marriage well so that divorce does not occur at a young age, but again, if they are ready to get married, there should be no need to limit it."
11	AR	"Actually, I don't agree, because it seems like these forces us to be ready to get married but not yet 19 years old so we don't get married. I think that if I am ready to get married even though I am not yet 19 years old, I can actually do it, especially in our religion, if you are ready in all respects, you can do it, because marriage is recommended rather than not being married even though you are ready to be afraid of committing adultery."
12	AA	"I actually don't agree with this law, those who have graduated and are immediately working are ready to build a household but when they or their partner is

---

		not yet 19 years old, they cannot marry. Later they are afraid that something will happen, it is better if they want to get married at a young age, they decide to build a household rather than still dating because they are afraid that they will make the wrong association. So, it's better not to be limited by law for those who are ready to start a household."
13	Sy	"I just heard that there is this law, if you don't interview me, I don't know. Actually, I don't agree, because if a young couple is ready to get married and they're not yet 19 years old, they should be able to get married, there's no need to wait until they're 19 or 20 years old. So, I actually don't agree, especially nowadays there are so many couples who date to the point of having the wrong association, so it's a pity if those who are ready to get married but are restricted like that later are the same as those who have the wrong association."
14	IL	"I don't agree, I also just found out that there is a law regarding marriage, but what if we or those who are ready to get married but why are we limited by law. Deciding to get married means they are ready. If they are still dating, it will lead to slander and adultery."
15	L	"Actually, I don't agree with the government, if a couple who wants to marry young is physically and mentally able and wants to get married but the bride is not yet 19 years old, in fact it is permissible, the government should revise the law again by looking at some of these problems. It is better for those who are ready to get married that this is not a limitation for those who are not yet 19 years old. However, because this has also become a regulation that applies in Indonesia, people really have to obey it."
16	Ptr	"Actually, my response is that I don't agree with the government. What if there are couples who are ready to get married at an early age, but are limited by the latest regulations. Indeed, if you look at many couples who divorce at a young age, what about those who are restricted from being married before they are 19 years old and then they continue to date. This refers to the act of adultery as well. So, it is better if this law is paid attention to my suggestion again."
17	J	"In my opinion, it's best if you're ready to get

---



married, you have to hurry, because if you're not and you're still dating, you're afraid the woman will get pregnant out of wedlock, so if there's a couple who's ready to get married, they shouldn't be restricted."

Source: interviews conducted in North Sulawesi Province (Amurang, Bitung, Manado, Kotamobagu) in 2022

Table 2: Positive Community Response

No	No	Reason
1	IA	"Yes, I agree because by reaching the age specified by law, the marriage is recorded in the administration of the State and the marriage is recognized by the State and religion. the law"
2	IP	"I totally agree with the government, children should be able to think about their future by continuing to study or taking care of their careers, don't immediately decide to get married, especially at a young age. Because they are also afraid that later they do not have enough knowledge about marriage and then get divorced in the middle of the road. So actually, they really have to have a very mature readiness in building a marriage bond.

Source: interviews conducted in North Sulawesi Province (Amurang, Bitung, Manado, Kotamobagu) in 2022

Table 3: Comparison of Negative and Positive Responses of the Muslim Community in North Sulawesi Province

No	Muslim Community Name	Response	
		Negative	Positive
1	PM	V	
2	NA	V	
3	IA		V
4	RS	V	
5	RY	V	
6	IK	V	
7	S	V	
8	A	V	
9	R	V	
10	IdA	V	
11	AR	V	
12	AA	V	

13	Sy	V
14	IL	V
15	IP	V
16	Ptr	V
17	J	V
18	RM	V
19	L	V

The data illustrates that 17 out of 19 informants from the North Sulawesi Muslim community showed a negative response to the latest law regarding the age limit for marriage. Some of them were aware of the latest law on marriage but did not know exactly what the law contained. The other 2 agreements were accompanied by reasons that they had to follow government regulations and have a better future for their children. The provisions contained in the law must be obeyed, but some people are not aware of the existence of this law. Thus, it is very clear that Law no. 16 of 2019 is a provision that must be implemented, even though this law seems to be imposing and makes it difficult for the community.

### **Social Attitudes of Religious Leaders & Community Leaders towards Law No. 16 of 2019**

Since the issuance of Law No. 16 of 2019 efforts have been made to prevent early marriage. The KUA emphasized that the application of the age limit for marriage was carried out starting from conducting socialization in the community. It is believed that this step is so that people can think about or re-plan their marriage when they are 19 years old.

"Actually, we have done our best to communicate this rule to the public. Because in our office there are areas that are planned or determined that are directly related to the community. Such as marriage issues. Throughout the year, we always invite people, especially those who are still productive to marry and plan to enter a new family level. At the meeting, we invite a minimum of 50 men and women, and explain the rules for marriage as stipulated in the law or based on religion, especially Islam, whether it's about the age of marriage, the age at risk of getting married at a young age and other things which we think can provide guidance to the community.<sup>20</sup>

It can be seen that as an executor of the law, it certainly seeks to provide legal understanding to the public regarding the imposition of a marriage age limit. One of the NP religious leaders responded to the application of this law, namely regarding the administration of making marriage books/cards.

<sup>20</sup> BP, Head of the South Minahasa Office of Religious Affairs (KUA), 17 May 2021.

According to him, couples taking care of registration administration before the issuance of the 19 year old male/female stipulation can experience problems if they have not reached 19 years of age for both. Because if the implementation of their marriage is after the issuance of the 19 year old male/female stipulation, of course the couple must postpone their marriage until they are beyond the age specified by law.

"Considering that it is closely related to the administrative data of husband and wife, it is true that the rules contained in the law must be obeyed. For example, every husband and wife must make a new family card, and if the couple already has children, a birth certificate must be issued for the child which concerns the convenience of the couple in the future. But other than that, with the promulgation of this new law, couples who were married before the enactment of this law also faced obstacles, for example there were couples who were married before this regulation came into effect, but when the spouses were carrying out administrative arrangements (after this regulation came into force), there were problem with waiting until their age limit is met by the legal ones. That was the case, whether it was the government's lack of sensitivity or something else the couple had to comply with, and when they married under the old laws, their management was negligent. But do they have to wait until their age meets the new rules to get the rights of both partners? At least the government has other policies related to this. So I think this law is good for preventing early marriage, but this law also seems forced."<sup>21</sup>

The explanation from KUA is: the marriage age rule in this law does seem to be coercive, but it is very good to prevent early marriage, even now, at the age of 19, potential partners seem to have no maturity in living a household life. But the family sees this as a normal thing because household problems must exist in every household. However, the rules that apply must be obeyed.

"Law No. 16 of 2019, especially in article 7 paragraph 1 regarding the age limit for marriage, has become a provision. So as part of the office of Islamic religious affairs and also as Indonesian people, they must obey the rules that have been set. Indeed, in this rule many people, especially in North Sulawesi, do not understand, it is due to the ignorance of the people themselves. But I really understand the current state of society but that is also not an excuse for people not wanting to know about the existing rules, because these are the rules of the law, so there is no reason for us or the public in general not to obey them."<sup>22</sup>

---

<sup>21</sup> N, Islamic Religious Leader, Amurang, 17 May 2021.

<sup>22</sup> BP, Head of the South Minahasa Office of Religious Affairs (KUA), 17 May 2021.

The informant's response to this law is one of the forms that he must socialize to the public. According to him the rules must be implemented, because it has become a provision from the government. Moreover, this is about the rules of the law, so it cannot be implemented if it is not implemented.

“This law that has been enacted must be obeyed and implemented. Because in the Marriage Law, married couples must be registered, considering that it will be very closely related to the administrative data of married couples. However, with the enactment of this new law, there are also obstacles for couples who were married before the issuance of this law. For couples who have been married before this rule was enforced while the female partner is not yet 19 years old, it will be very troublesome, because they still have to wait until they are old enough based on Law no. 16 of 2019 to get the couple's administrative completeness.”<sup>23</sup>

Respondents from the Office of Religious Affairs (KUA) revealed that as implementers of laws as well as Indonesian people who still have to obey the rules that have been set. However, not all parties support this, there are also respondents who do not agree. According to him, the new marriage age regulation does not guarantee happiness in the household. In addition, most of these underage couples are always involved in promiscuity which affects their marriage because the woman is pregnant.

Table 4: Negative Responses of Religious Figures in North Sulawesi Province

No	No	Reason
1	NP	"In carrying out marriages the age limit for marriage has indeed been changed from previously 19 year old men and 16 year old women to both have to be 19 years old if based on Law Number 16 of 2019, but the problem is if there is a partner who wants to married and in accordance with the rules of religion, especially Islam, it must still be implemented. Because if not, the fear of adultery will occur. Therefore, even though the couple is not yet of legal age as stipulated in the law, based on religious regulations it can be carried out, which is as important as complying with the regulations in force in religious law. Because no one can guarantee that if they are still waiting for the age limit determined by law, the couple will not do things that are even forbidden in religion.

Source: interviews conducted in North Sulawesi Province (Amurang, Bitung, Manado, Kotamobagu) in 2022

<sup>23</sup> IM, Muslim community leaders, Amurang, 16 May 2021.

Table 5: Positive Responses of Religious Leaders in North Sulawesi Province

No	No	Reason
1	IM	"Yes, I agree with government regulations that increase the age limit for marriage, especially for women, in order to reduce easy maternal mortality and allow them to find their identity before they decide to marry. factors that cannot be overcome at their age. Domestic violence also often occurs because the mind is not stable, meaning it is still young.
2	AH	"I do not agree because when the age is under the provisions of the law, wanting to marry does not meet the administrative requirements, this can make it difficult for him in the future in managing something related to administration"
3	IsA	"I agree with the government in raising the age limit for marriage, because I see many young couples, especially in North Sulawesi, who divorce under the age of 19 because they are immature in thought, so that marriage at this time must be mature physically and mentally so that in the future this will not happen."
4	Az	"In my opinion, I agree with this latest law so that the children who are going to get married are more mature in thought so that when there is a dispute in the household it can be resolved with a cool head. This law also prevents easy couples from deciding on divorce and the mortality rate in young mothers."

Source: interviews conducted in North Sulawesi Province (Amurang, Bitung, Manado, Kotamobagu) in 2022

Table 6: Comparison of Responses of North Sulawesi Province Religious Figures

No	Islamic religious figures	Response	
		Negative	Positive
1	NP	V	
2	IM		V
3	AH		V
4	IsA		V
5	Az		V

The existence of the latest legislation is a provision that must be implemented by all Indonesian people. However, that is the reason for the religious leaders. If a Muslim is able to get married, then he should carry out the

marriage even though he is not yet 19 years old, the thing to fear is when he can commit adultery, therefore the marriage must be hastened and based on his religion and beliefs.

Law No. 16 of 2019 has become a provision that must be implemented, but this law also seems to be very imposing on society and slightly contrary to the existence of religious rules, especially Islam. Apart from that, there is a common understanding, namely that these provisions are regulations that have been set by the government and become provisions that must be obeyed so that people can become law-abiding citizens. In contrast to the attitude of Muslim community leaders in North Sulawesi who indicated that there was no agreement regarding the issuance of this latest law.

Table 7: Negative Response of North Sulawesi Community Leaders

No	No	Reason
1	RI	"Regarding the age of 19, the government permits marriage, I don't agree. Because there are many under the age of 19 who are able to get married in this case without having to wait 19 years, if they follow this law, it will automatically burden those who want to get married under these provisions."
2	RB	"In my opinion, the age limit set by the government requires that I be 19 years old. I don't agree, because there are many under 19 years old who are financially mature enough to want to get married and are restricted by this rule. It is feared that those who want to get married but are restricted by law which requires 19 years of age will instead choose to commit adultery."
3	AT	"I do not agree with this law which regulates the age limit for marriage which must be 19 years to be able to get married because many young couples who have not reached the age of 19 have married because there are several factors including the wishes of the child's parents, and there are also those who marry because they are afraid of falling into adultery so they decide to marry young."
4	Amd	"I don't agree that marriage has to be 19 years, which means it's too long to wait for people who are established and ready to marry because if we see that now there are too many teenagers who haven't reached 19 years of age who are pregnant out of wedlock, so in my opinion, when you're ready, hurry up so that doesn't happen. cold things."

5	AI	"I don't agree that if you are only 19 years old you can get married, the government should consider this carefully because a person's maturity is not measured in terms of age, but because this is a government decree, we have to just go along with it."
---	----	--

Source: interviews conducted in North Sulawesi Province (Amurang, Bitung, Manado, Kotamobagu) in 2022

Table 8: Comparison of Responses from Community Leaders in North Sulawesi Province

No	Islamic religious figures	Response	
		Negative	Positive
1	RI	V	
2	RB	V	
3	AT	V	
4	Amd	V	
5	AI	V	

The response given by community leaders is evidence of phenomena that occur in community groups. The age limit for marriage is a problem in society. Many people as parents consider that their children are ready financially even though they have not yet reached 19 years of age. Apart from that child-their children often go out alone. Afraid of something untoward happening, their parents decided to marry them off. This understanding is inversely proportional to the purpose of Law no. 16 of 2019 namely protecting children's rights and their survival.

Law No. 16 of 2019 has indeed become a provision that must be implemented. However, this law also seems to be very imposing on society. According to them, it is contrary to religious rules, especially Islam, which says that the condition for marriage is *baligh*, which does not require waiting 19 years. Seeing that there are still so many cases that occur due to the latest law, the authors assume that revisions to Law no. 16 of 2019, concerning increasing the minimum age for marriage for girls can be considered ineffective and requires an in-depth evaluation.

The age limit for marriage in Indonesia is different from other countries even though the age limit is still standard with other countries. The legal age for marriage in Pakistan is 16 for girls and 18 for boys<sup>24</sup> the same with Malaysia.<sup>25</sup>

<sup>24</sup> Muhammad Muzaffar, Zahid Yaseen, and Aisha Ahmad, "Child Marriages in Pakistan: Causes and Consequences," *Journal of Indian Studies* 4, no. 2 (2018): 195–207.

<sup>25</sup> Agata Górnay and Ewa Kłepińska, "Mixed Marriages in Migration from the Ukraine to Poland," *Journal of Ethnic and Migration Studies* 30, no. 2 (2004): 353–72.

However, it is slightly different from Brunei Darussalam which stipulates a minimum age of marriage is 18 for men and 17 years for women.<sup>26</sup> Ukraine limits the age of marriage for men and women to at least 18 years.<sup>27</sup> In contrast to the age limit for marriage in Indonesia, where on one side it stipulates normal limits, while on the other hand there is an age limit that exceeds the age limit that has been set by law. The standard age limit is 19 years for both boys and girls.<sup>28</sup> This difference occurs because of the different demands of each country and the social and legal developments in these countries.

The issue of the age limit for marriage is of concern to the Muslim community in Indonesia and other countries. It is very important to prepare for maturity both physically and mentally so that a happy family can be built.<sup>29</sup> This is inseparable from the age of a person who wants to carry out a marriage relationship. This kind of awareness should exist for every Muslim society.

The results of the interview data which the researcher concluded were that the whole community did not know about Law Number 16 of 2019 having been implemented, in addition to the religious doctrine regarding the age limit for marriage, namely puberty inherent in the Muslim community. However, henceforth they will still try to comply with the regulations that have been set, but it would be a shame if there were the latest regulations but the government's lack of attention to the community, especially in providing outreach to the community. According to the religious leader, marriage must be carried out based on the provisions of the current law without any reason and expressly admit that this arrangement has been endeavored to be socialized to the public.

Public awareness of the law is needed. Many people are not aware of the provisions in this law. Respondents from Islamic religious leaders in North Sulawesi stated that the implementation of the provisions in the law must indeed be carried out, but there are urgent matters in religious provisions that must take precedence. The enactment of this new law has obstacles for couples who have been married before the law was issued.<sup>30</sup> For couples who have

---

<sup>26</sup> Ann Black, "Marching to the Beat of a Different Drum: Royalty, Women, and Ideology in the Sultanate of Brunei Darussalam," *Royal Studies Journal* 7, no. 2 (2020): 94–116.

<sup>27</sup> Ibnu Radwan Siddik Turnip, Zainul Fuad, and Nurhayati Nurhayati, "The Current Development of Marriage Age Provisions in Indonesia and Malaysia: A Socio-Historical Approach," *Al-Syir'ah Scientific Journal* 20, no. 1 (2022).

<sup>28</sup> Iwan Romadhan Sitorus, "The Age of Marriage in Law No. 16 of 2019 Perspective of Maslahah Mursalah," *Nuansa: Journal of Islamic and Social Studies* 13, no. 2 (2020): 190–99.

<sup>29</sup> Rahiem, "COVID-19 and the Surge of Child Marriages: A Phenomenon in West Nusa Tenggara, Indonesia."

<sup>30</sup> Himawan Tatura Wijaya and Erwin Jusuf Thaib, "Effectiveness of Implementation of Law of the Republic of Indonesia Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage in Pohuwato Regency," *AS-SYAMS* 1, no. 1 (2020): 30–46.



previously married before this rule was enforced, while the female partner is not yet 19 years old, it will be very troublesome. Because they still have to wait until they are old enough based on Law Number 16 of 2019 to get the couple's administrative completeness.<sup>31</sup> Meanwhile, underage marriages can be carried out if they get permission from the Religious Court as stated in Article 7 paragraph 2 of Law Number 16 of 2019. In the findings of Rahmawati and Nuraeni that this article was originally a last resort for benefit, it slowly turned into an opportunity to provide legality in underage marriages.<sup>32</sup>

The community's view on marriage matters is to prioritize religious provisions but not override existing laws, because this will be closely related to administrative completeness, namely in the form of data for married couples. The application of the latest law at the KUA has been implemented, but there are still many people in North Sulawesi who do not know about the implementation of the law. Thus the implementation related to Law Number 16 of 2019 which was carried out in the District of North Sulawesi has not been effective.

Provisions for the age limit for marriage according to Law no. 16 of 2019 concerning Marriage, it is explained in article 7 paragraph (1) that the legal age limit for marriage has been explained.<sup>33</sup> Socialization related to the law must be increased and the community should also be aware of the latest law regarding the limitations of marriage. That is, if in one way or another the marriage of those under the age of 19 is for both a man and a woman, then the law still provides a way out. This is regulated in Article 7 paragraph (2), namely that you can ask for a dispensation from the court or other officials appointed by the parents of both spouses. The philosophy of this discussion is solely to reach a household that is *sakinah, mawaddah* and *warahmah*.<sup>34</sup> Thus, limiting the age of marriage is very important as an initial capital in the process of forming a household.

---

<sup>31</sup> Ani Yumarni and Endeh Suhartini, "Underage Marriage and Divorce Potential (Study of KUA Authorities in Bogor City)," *Jurnal Hukum Right Because Right* 26, no. 1 (2019): 193–211.

<sup>32</sup> Melinda Rahmawati and Heni Ani Nuraeni, "The Role of Marriage Dispensation in Increasing Early Marriage Rates in the Municipality of West Jakarta," *Al-Istinbath: Journal of Islamic Law* 6, no. 1 May (2021): 1–14.

<sup>33</sup> Muhammad Nur Falah, Aufi Imaduddin, and Kholisatul Ilmiyah, "Increasing the Age Limit for Marriage According to Law Number 16 of 2019 and Its Implications for Increasing the Number of Dispensation of Marriage Cases in the Religious Courts of Pematang," *The Indonesian Journal of Islamic Law and Civil Law* 1, no. 2 (2020): 167–82.

<sup>34</sup> Misbahul Munir Makka, Rosdalina Bukido, and Faradila Hasan, "Questioning about Law Number 16 of 2019 Concerning Marriage Dispensation in PA Kotamobagu," *Kawanua International Journal of Multicultural Studies* 1, no. 2 (2020): 80–84.

It should be realized that Article 7 paragraph (1) of Law No. 16 of 2019 is accompanied by other regulations that must be disseminated by law implementers. The reason for changing the age of marriage lies in Perma No. 5 in 2019, namely for the sake of the continuity of the couple. The researchers did not find this in the understanding of religious leaders, community leaders and the community itself. This means that even though socialization is taking place, it is limited to conveying the age limit for marriage according to the laws that make people have their own interpretation of the age limit for marriage. The issuance of Perma No. 5 of 2019 as a form of explanation of Law no. 16 of 2019. This regulation explains the requirements for underage couples and guidelines for judges in determining marriage dispensation. This rule was prepared with the aim of implementing the principle of child survival. This regulation should also be explained to the public, even religious leaders and community leaders who are not aware of this regulation.

### **Conclusion**

Most of the North Sulawesi Muslim community does not know the purpose of the age limit for marriage as evidenced by their disagreement with the issuance of this law. A small part of the Muslim community considers that the age limit of 19 years is difficult for couples who are ready to marry. This statement was supported by the responses of a number of community leaders who revealed that the Muslim community felt ready because the provisions of religion had reached puberty. Contrary to religious leaders, they responded that Law no. 16 of 2019 is very much needed in society. The community, especially parents who marry their children before they reach 19 years of age, have an impact on the emotional and economic side that is unstable so that it is easy for both partners to choose a divorce. Even though socialization has been carried out, the implementation of Law no. 16 of 2019 in North Sulawesi is not effective. The community and even community leaders in general do not understand the law, so that the community is not aware that they have engaged in underage marriages. The saving for researchers is that this is because the regulations that support these provisions are not conveyed to the public. The regulation relates to Perma No. 5 of 2019. Even though this regulation contains a dispensation for marriage which provides a way for people, especially parents to marry off their children, there is a purpose and reason why there is an age limit for getting married. The existence of Law no. 16 of 2019 is intended to protect children's rights and their survival.

### **References**

Amole, Taiwo G, Ibrahim A Musa, Mustapha A Yusuf, Adewale O Ashimi, and Zubairu Iliyasu. "Preferred Age of Marriage and Fertility Intention of University Students in Kano, Northern Nigeria." *Nigerian Journal of Medicine* 29, no. 1 (2020): 104–10.

- Azizah, Nur. "The Analysis of Minimum Marriage Age Determination in Indonesia and Other Islamic Countries." *Jurnal Ilmiah Al-Syir'ah* 16, no. 2 (2018): 148–60.
- Bahar, Muchlis. "Marriage Agreement Not to Have Children According to Islamic Law." *Baltic Journal of Law & Politics* 15, no. 3 (2022): 389–402.
- Bukido, Rosdalina, Dedi Setiawan, and Misbahul Munir Makka. "Pertimbangan Hakim Terhadap Perceraian Akibat Nikah Dini Masyarakat Manado." *NUKHBATUL'ULUM: Jurnal Bidang Kajian Islam* 8, no. 1 (2022): 16–34.
- Bukido, Rosdalina, and Fence M Wantu. "Synchronize the Different Law Rules Study of Law Number 16 Year 2019 and Law Number 35 Year 2014." *Journal of Legal, Ethical and Regulatory Issues* 23, no. 2 (2020): 1–9.
- Candra, Mardi. *Pembaruan Hukum Dispensasi Kawin Dalam Sistem Hukum Di Indonesia*. Prenada Media, 2021.
- Erickson, Amy Louise. "The Marital Economy in Comparative Perspective." In *The Marital Economy in Scandinavia and Britain 1400–1900*, 17–34. Routledge, 2017.
- Fadhilah, N., and K. Rahmah. "Rekonstruksi Batas Usia Perkawinan Anak Dalam Hukum Nasional Indonesia." *De Jure, Jurnal Syariah Dan Hukum* 4, no. 1 (2012): 49–61.
- Grijns, M., and H. Horii. "Child Marriage in a Village in West Java (Indonesia): Compromises between Legal Obligations and Religious Concerns." *Asian Journal of Law and Society* 5, no. 2 (2018): 453–56.
- Helmy, Muhammad Irfan. *Pendekatan Sosiologis-Historis Dalam Fiqh Al-Hadits: Kontribusi Asbab Al-Wurud Dalam Pemahaman Hadis Secara Kontekstual*. Kreasi Total Media, 2020.
- Heryanti, Rini. "Implementasi Perubahan Kebijakan Batas Usia Perkawinan." *Jurnal Ius Constituendum* 6, no. 1 (2021): 120–43.
- Khaerani, Siti Nurul. "Faktor Ekonomi Dalam Pernikahan Dini Pada Masyarakat Sasak Lombok." *QAWWAM* 13, no. 1 (2019): 1–13.
- Khairunisa, Amelia, and Atik Winanti. "Batasan Usia Dewasa Dalam Melaksanakan Perkawinan Studi Undang-Undang Nomor 16 Tahun 2019." *JUSTITIA: Jurnal Ilmu Hukum Dan Humaniora* 8, no. 4 (2021): 774–84.
- Latifiani, Dian. "The Darkest Phase for Family: Child Marriage Prevention and Its Complexity in Indonesia." *Journal of Indonesian Legal Studies* 4, no. 2 (2019): 241.
- Moleong, Lexy J. *Metodologi Penelitian Kualitatif*. Jakarta: Remaja Rosdakarya,

2017.

- Ningtias, Reny Yunia, Windri Saifudin, Nada Oktaviani Wibowo, and Yunita Safitri. "Conflict Resolution in Maintaining Early Marriage Relationships in Alassumur Village, Bondowoso." In *3rd International Media Conference 2021 (IMC 2021)*, 163–73, 2022.
- Nofriansyah, Deny. *Penelitian Kualitatif: Analisis Kinerja Lembaga Pemberdayaan Masyarakat Kelurahan*. Deepublish, 2018.
- Nurcholis, Moch. "Usia Nikah Perspektif Maqashid Perkawinan: Telaah Syarat Usia Minimum Perkawinan Pasca Putusan Mahkamah Konstitusi Nomor: 22/PUU-XV/2017." *Tafáqqub: Jurnal Penelitian Dan Kajian Keislaman* 8, no. 1 (2020): 1–18.
- Octaviani, Fachria, and Nunung Nurwati. "Dampak Pernikahan Usia Dini Terhadap Perceraian Di Indonesia." *Jurnal Ilmu Kesejahteraan Sosial HUMANITAS* 2, no. 2 (2020): 33–52.
- Petry, Heidi, Donna L Berry, Elisabeth Spichiger, Annemarie Kesselring, Thomas C Gasser, Tullio Sulser, and Alexander Kiss. "Responses and Experiences after Radical Prostatectomy:: Perceptions of Married Couples in Switzerland." *International Journal of Nursing Studies* 41, no. 5 (2004): 507–13.
- Rahiem, Maila D H. "COVID-19 and the Surge of Child Marriages: A Phenomenon in Nusa Tenggara Barat, Indonesia." *Child Abuse & Neglect* 118 (2021): 105168. <https://doi.org/https://doi.org/10.1016/j.chiabu.2021.105168>.
- Rahmawati, Sri. "Batas Usia Minimal Pernikahan (Studi Komparatif Hukum Islam Dan Hukum Positif)." *Syakhsia: Jurnal Hukum Perdata Islam* 21, no. 1 (2020): 85–110.
- Shodikin, Akhmad. "Pandangan Hukum Islam Dan Hukum Nasional Tentang Batas Usia Perkawinan." *Mahkamah: Jurnal Kajian Hukum Islam* 9, no. 1 (2016).
- Siregar, Hasnil Basri. "Lessons Learned from the Implementation of Islamic Shari'ah Criminal Law in Aceh, Indonesia." *Journal of Law and Religion* 24, no. 1 (2008): 143–76.
- Thompson, Linda, and Alexis J Walker. "Gender in Families: Women and Men in Marriage, Work, and Parenthood." *Journal of Marriage and the Family*, 1989, 845–71.
- Yulianah, S E. *Metodologi Penelitian Sosial*. CV Rey Media Grafika, 2022.