

# The Urgency

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# The Urgency of Marriage Age Maturation (PUP) as an Effort to Prevent Underage Marriage after the Enactment of the NTB Provincial Regulation concerning Prevention of Marriage at the Age of Children in 2020

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**Abstract-** The focus of the research in this paper is the urgency of marriage age maturity (PUP) to prevent marriages at lower age after enacting the NTB Provincial Regulation in 2021 concerning the Prevention of Marriage at the Age of Children. However, this effort is almost threatened with futility and failure due to non-uniformity and overlapping minimum age limits for marriage stipulated by related legal regulations in the same legal area, namely Law No.1 of 1974 concerning Marriage, the Circular of the Governor of NTB 2015 concerning Maturity of Marriage Age, Regional Regulation of West Lombok Regency concerning Maturity of Marriage Age and Regional Regulation of NTB Province concerning Prevention of Marriage at the Age of Children. Maturity of marriage age has a positive correlation with efforts to increase the minimum age limit for marriage, not to reduce the minimum age for marriage as stipulated in the 1974 Marriage Law, limiting the minimum age for marriage for men aged 19 years women at least 16 years old. The Governor's Circular Letter of 2015 concerning Marriage Age Maturity' revised' the limit to age 21 for both men and women because it was considered too young for today's teenagers to marry. On the other hand, the 2021 regional regulation on the Prevention of Marriage at the Age of Children reduces the minimum age of marriage to 18 years. Far below the ideal marriage age limit stipulated in the Governor's Circular, namely 21 years for both men and women, even less than the age limit of 19 years for men and 16 years for women as regulated in the Marriage Law. The study results show that based on a legal approach, the passing of the NTB regional regulation on the Prevention of Child Marriage has provided a firmer legal umbrella for efforts to reduce the underage marriage crisis in NTB. In the legal hierarchy, regional regulations (perda) have a higher position and wider reach. They have illegal severe, severe cation so to only issuing a circular in the form of a limited appeal such a,s the NTB Governor Circular regarding the Maturity of Marriage Age 2015 ago. On the other hand, although the 2015 PUP Circular and the 2021 PUP Regional Regulation have the same intention, namely preventing underage marriages, it turns out that there are significant differences in the aspect of limiting the minimum age for marriage which of course

will great sign great significantly marriage maturity himself who became increasingly blurred.

**Index Terms-** Marriage Age Maturity, maturity, underage marriage/child age

## I. INTRODUCTION

Marriage or early marriage, marriage under age, and marriage at the age of children are different terms but have the same meaning. In the Draft Regional Regulation of the Province of NTB concerning the Prevention of Childhood Representation in Article 1 paragraph (5), it is stated that "a child is someone who has not reached the age of 18 (eighteen) years, including children who are still in the womb". Meanwhile, paragraph (6) reads "Marriage at the age of children is a marriage between a man and a woman, one or both<sup>1</sup> of whom are still children". This means that marriage or child marriage is a form of bond/marriage in which one or both partners are under 18 years of age, and it means that they are currently attending high school education marriage age is called early marriage if both or one of the partners is under 18 years of age (still a teenager). This is similar to the definition of child marriage according to West Lombok Regency Regulation Number 9 of 2019 concerning Maturity of Marriage Age Article 1 paragraph (6) states that "Marriage at the age of children is a marriage between then a man and a woman who is one of the more both are still children"<sup>2</sup>.

For the context of West Nusa Tenggara (NTB) Province, the age of early marriage is still relatively high, even the Head of the Women Empowerment Agency for Child Protection and Family Planning (BP3KB) West Nusa Tenggara (NTB), Wismaningsih Dradjadiah, said that the average age of early marriage is below 19 years old. According to him, based on BPS data in 2013, the number of early marriages in NTB reached 51.8 percent of the total number of marriages. More than half of the marriages in NTB were carried out by couples under 19 years of age. The majority of the majority is under the age of 15, reaching around 20 percent<sup>3</sup>. Even more worrying, according to Akhdiansyah, Chairman of the Special Committee for

<sup>1</sup>See draft Provincial Regulation of NTB on Prevention of Child Abuse Article 1 paragraphs (5) and (6), p.3.

<sup>2</sup>West Lombok District Regulation on The Maturity of Marriage Age No. 9 of 2019 Article 1 paragraph (6), p. 4.

<sup>3</sup><http://www.republika.co.id>. Retrieved June 2020.

the Raperda NTB on the Prevention of Child Marriage, the latest data shows that for 2020 alone, based on data from the NTB Education and Culture Office (Dikbud), child marriages under the SMA / SMK level reached 874 cases.<sup>4</sup>

M. Faudzil Adhim has reviewed the leading causes of early marriage, which are: a) The desire to immediately get additional family members, b) There is no understanding of the destructive consequences of marriage being too young, both for the bride herself and her descendants, c) The conservative nature community people who do not want to deviate from customary provisions. Most of the villagers said that they married their children so young just because they followed customs.<sup>5</sup> Holleran in Suryono Soekanto point edou to the allegations of the causes of early marriage due to: a) family economic problems, b) parents of girl Sasakness the community to male families if they want to marry their daughters, c) That with the existence of child marriage, There for, in the girl's family will be lessened member of her family who becomes the responsibility of both in terms of providing food, clothing, education, etc.<sup>6</sup>

Apart from the experts above, several factors that encourage young marriages often countered in society, namely: a) Economic factors. Marriage young age occurs because of the family living in the poverty line. To ease the parents' burden, the daughter is married to someone who is considered capable, b) Education. The low level of education and knowledge of parents, children, and society has led to a tendency to marry off their underage children, c) Parents, parents are worried that their daughter will be dating a very sticky boy, so they immediately marry their child, d) The mass media, the continuous exposure to sex in the mass media causes modern adolescents to become increasingly permissive free sex, e) The customary factor, marriage at a young age occurs because the parents are afraid that their child is said to be an old virgin so that they are immediately married.<sup>7</sup>

Some of the causes above have also contributed to the Role of early age marriage in West Nusa Tenggara (NTB) Province. Until now, the numbers are soaring and worrying. Many other factors also contributed significantly to the occurrence of such marriages, including social and cultural factors, which developed the view that women who were pubescent or aged 12 years could get married or be married off. People on the island of Lombok, in particular, also have a unique culture, namely "kawin lari" or known as "merarik". Another cause is economic factors, where girls are usually expected to help the family economy.<sup>8</sup> Meanwhile, according to the chairman of the NTB Indonesian Ulema Council, social media is one of the triggers for early marriage. This is because the community can easily access information and receive influences that are not following the local community's culture in particular.<sup>9</sup>

Early marriage violates women's human rights, but it is also feared that early marriage will impact the family's economy because it is considered not mentally sufficient to navigate the

household dark. Another impact so fan under-age marriage includes the vulnerability of domestic violence, divorce, the risk of death hand cut off access to education, after attending the meeting to ratify the NTB Raperda on the Prevention of Child Marriage at the NTB Provincial DPRD Office, the Vice Governor of NTB, Hj. Rohmi Djalilah, said that the high mortality rate for mothers and children under five could not be separated from early marriage. Besides, it will also lead to various family problems caused by unstable thinking, mental immaturity to deal with family problems, and inadequate understanding of how to build a happy and prosperous family. For this reason, prevention of child marriage and at the same time maturation of marriage age is needed. As a strategic step, the West Nusa Tenggara Provincial Government strongly ratifies the NTB Raperda on the Prevention of Child Marriage to suppress the problem of under-age marriage, which is already very urgent in NTB.

Still, According to the Vice Governor of NTB, Hj. Rohmi Djalilah, maturing marriage age is also correlated with efforts to control the population. In the future, the central and local governments will be more focused on making policies that improve human resources quality. Another important thing that is expected is the postponement of the age of marriage. The younger generation, especially young men and women, will be more ready to form a more harmonious family.<sup>10</sup>

Based on the reasons above, in the future, after the enactment of the NTB Regional Regulation on the Prevention of Child Marriage as an effort of the NTB Provincial Government to prevent underage marriages, its implementation in the field requires understanding, understanding, and commitment from various groups such as local governments, TP PKK ranks, universities, religious leaders or Tuan Guru, community leaders, students, non-governmental organizations, women and children activists, other stakeholders and partners of the NTB provincial government. The involvement of all elements or groups in implementing this Perda is a very strategic step to achieve the goal of passing the Perda. Therefore it is essential to conduct a comprehensive study regarding the strategy and future implementation of the NTB Regional Regulation on Prevention of Child Marriage during the current emergency issue of underage marriages, especially during the Covid-19 pandemic shaking various vital aspects of life. Society, including the economic problems which it is feared, will increasingly become the main trigger for the high number of underage marriages, which is already very disturbing.

One of the essential efforts that have been and are being made by the NTB provincial government in suppressing the occurrence of underage marriages is by maturing the age of marriage as well as 'revising' the age limit of marriage as regulated in Law No.1 of 1974 concerning Marriage. The article in question is Article 7 Paragraph (1) which states that "Marriage is only permitted if the male has reached the age of 19 (nineteen) years and the female has reached the age of 16 (sixteen) years."The

<sup>4</sup>This review can be read further through the website <https://news.detik.com/berita/d-5354856/sah-ntb-punya-perda-cegah-perkawinan-anak-sanksinya-bisa-pidana>. quote on February 8 2021.

<sup>5</sup>M. Fauzil Adhim, *The Beauty of Early Marriage*, (Jakarta: Gema Insani. 2002), 5.

<sup>6</sup>Soeryono Soekanto, *Sociology An Introduction*, (Jakarta: PT Grafinda, 1992), 65.

<sup>7</sup>*Ibid.*, 66-67.

<sup>8</sup>Accessed through the website <https://news.detik.com/berita/d-5354856/sah-ntb-punya-perda-cegah-perkawinan-anak-sanksinya-bisa-pidana>. on February 08, 2021.

<sup>9</sup><http://www.republika.co.id>

<sup>10</sup>*Ibid.*

minimum age limit means the age limit of 19 years for men and 16 years for women to get married. It seems that the minimum age limit for marriage (19 years for men and 16 years for women) is what, according to the West Nusa Tenggara provincial government in 2015, needs to be revised and then increased to 21 years for a man or woman to be allowed to marry.<sup>11</sup> This demand was stated in the Governor of NTB Circular Letter Number 150/1138/Kum concerning Marriage Age's Maturity in West Nusa Tenggara. With the issuance of this Circular, NTB Province became the first region in Indonesia to regulate marriage age's maturity for its citizens<sup>12</sup>. Four (4) years ago, to be precise in 2019, following up on the NTB Governor's Circular concerning Marriage Maturity, West Lombok Regency in NTB became the first Regency to regulate the maturity of the age of marriage by issuing Regional Regulation No.9 of 2019 concerning Maturity of Marriage Age.

The problem then arises how the fate of the 'maturity of marriage age' itself has been regulated and echoed so far by the NTB Provincial Government itself through the NTB Governor Circular Number 150/1138/Kum concerning the Maturity of Marriage Age in West Nusa Tenggara in 2015. As is known since the beginning, the Circular was intended to 'revise' the minimum age limit for marriage as regulated in Law no. 1 of 1974 concerning Marriage Article 7 Paragraph (1), namely 19 years for men and 16 years for women,<sup>13</sup> become 21 years old, both men and women in NTB to marry.<sup>14</sup> Meanwhile, according to West Lombok Regency Regional Regulation Number 9 of 2019 concerning Maturity of Marriage Age Article 1 paragraph (11) limits the minimum age for marriage to be 19 years for men and 16 years for women. On the other hand, in the Raperda, which has been ratified as the NTB Provincial Regulation concerning the Prevention of Child Marriage, it is stated that what is meant by a child is someone who is not yet 18 (eighteen) years old.<sup>15</sup> The non-uniformity of age restrictions for the category of 'child' in statutory regulations, provincial and district level regulations for the same jurisdiction, of course, will have a severe impact on the technical implementation of these rules at the technical level in the field in terms of the minimum age for marriage. Therefore, it deserves to be questioned and needs to be investigated in more depth regarding the fate of efforts to mature the age of marriage after enacting the Regional Regulation on the Prevention of Marriage at the Age of Children

## II. DISCUSSION

### A. Maturity and Maturation Age Marriage in Indonesia

<sup>11</sup>Circular Letter of the Governor of NTB Number 150/1138/Kum concerning The Maturity of Marriage Age, p. 7.

<sup>12</sup><https://m.tempo.co/read/news/2015/06/22/058677284/ntb-provinsi-pertama-atur-pendewasaan-usia-perkawinan>, accessed June 20, 2019.

<sup>13</sup>Editorial Team, *Law of the Republic of Indonesia No. 1 of 1974 on Marriage and Compilation of Islamic Law*, (Yogyakarta: Pustaka Yustisia, 2008), 6.

<sup>14</sup>Article 1 paragraph (6) reads: "Marriage at the age of a child is a marriage performed between a man and a woman who is one or both are children". While Article 1 paragraph (10) reads: "The child is a person who is not yet 19 (Nineteen) years old, including a child who is still in the womb". Read more, West Lombok District Regulation on Marriage Age Maturity, p. 4.

### 1. Explanation of Maturity and Maturation

In this section, the maturity and description is extracted from various literature at random and general nature. The maturity and maturity description are always associated with mental maturity, personality, mindset, and social behavior. Still, in other respects, maturity is also closely related to physical growth and age. Maturity is also sometimes associated with a person's sexual condition, although age factors do not always determine human reproductive abilities. Maturity is a balanced blend of soul, body and intellectual. The measure of maturity is very relative, depending on the perspective of a person is looking at it. According to the sociological view, maturity is not necessarily the same as maturity according to the law's idea. According to the customary statement, maturity is not necessarily the same as maturity according to religious views.

Of several commonly used measures include mental balance and social stability as indicators of maturity. On the other hand, the law generally measures maturity by the benchmark of age and its actions. Meanwhile, Islamic law determines one's maturity from sure biological signs/traits to determine a person has entered the "puberty" phase, for example, in men characterized by wet dreams (*ejaculation*).

*In contrast*, women are indicated by the arrival of menstruation. In Sasakness's traditional perspective on the island of Lombok, for example, the term maturity is relevant to the term "self-reliance", which means being able to take care of its interests responsibly or known as "taekbajang" and "kuatpetakkepang". In general, indigenous people consider a person to be mature if they have maintained and fulfilled their interests. This is as stated by some early phase customary law experts such as Ter Haar as quoted by Ghufron, who stated that what is meant by adulthood is capable (*volwassen*), already married and living separately leaving his parents.

Meanwhile, experts in domestic customary law, Soepomo in the records of Ghufron, stated that what is meant by adulthood is "kuwatgawe", capable of taking care of his own property needs.<sup>16</sup> Completing two previous indigenous jurists' statements, Djojodigono mentioned that the adult's size is by birth, a person has "mentas", "kuwatgawe" "mencar", "volwassen".<sup>17</sup> For example, the size of adults according to Balinese customs is unique, as presented by a traditional law expert from Bali, Wayan P. Windia, stated that in Balinese customary law, if a person has been able to "negen (nyuun)" according to the burden tested, they are declared *loba* as adults. For example, some residents can be said as "nengencoconut" eight grains or coconut *nyuun* six grains. It is automatically declared to have entered the adult group.<sup>18</sup>

<sup>15</sup>Article 1 paragraph (5) reads: "The child is a person who is not yet 18 (eighteen) years old, including the child who is still in the womb". Article 1 paragraph (6) reads: "Marriage at the age of a child is a marriage performed between a man and a woman who is one or both are children". Read the Raperda that has been passed into NTB Provincial Regulation on The Prevention of Child Abuse, p. 3.

<sup>16</sup>*Ibid.*

<sup>17</sup>Dede Saban Sungkuwula, "People's Perception of Early Marriage (Research in Kontumere Village Kec. Kabawo Kab. Muna)", *Thesis* at the Faculty of Social Sciences, Sociology Study Program, Gorontalo State University, 2009, p. 13.

<sup>18</sup>Jusuf, *Sociological Point of View of Family Functions*, (Surabaya: PT. Sinar Sejahtera, 2004), 39.

Juridical maturity always contains an understanding of a person's authority to do his legal actions without other parties' help, such as the child's parents or the child's guardian. Thus, a person is an adult when he has been recognized by law for doing his legal deeds, with his responsibility for what he or she does. That is, there are the authority and initiative of a person to self-perform a legal action.

Meanwhile, the term "handlichtingitself" is a statement about a person who has not reached full adulthood or only for a few things is likened to an adult. The term "maturity" refers to the state of adulthood, which qualifies by law. Meanwhile, the term "maturity" refers to immature circumstances that are legally declared mature. Legally the process of maturity can be done in two ways, among others:<sup>19</sup>First, Full Maturity for example, according to Article 421 of the Civil Code, to obtain full maturity of the child must be 20 (twenty) years old, which grants the status of maturity of the child is the President through the Minister of Justice after negotiations with the Supreme Court. Article 420 of the Civil Code stipulates that the application for maturity is submitted accompanied by a Birth Certificate and will be heard from both parents who live the longest, guardians of heritage bodies (BHP) as guardians of supervisors and blood families (Article 422 of the Civil Code). Second, Maturity for specific legal actions (limited). To apply for little maturity, a person must be even 18 (eighteen) years old. The institution that provides maturity is the local District Court (the applicant's residence), but if the parent exercising parental power or guardianship disagrees, limited maturity will not be granted. (Article 426 of the Civil Code).

However, in the country, in the view of SudiknoMertokusumo, the debate on maturity re-emerged after enacting Law No. 1 of 1974 on Marriage. This law turns out to regulate the field of Marriage and more closely resembles the necessary arrangements of family law in the country, especially for Muslims. Law No. 1 of 1974 provides a limit on the age of adulthood of 18 (eighteen) years, as stated in Article 47 paragraphs (1) and (2) and Article 50.<sup>20</sup>This 18-year age limit then became a debate and provoked criticism from various circles. Many people object to the age limit of 18 (eighteen) years because it considers that at this age, a child is too young to be given and held legally accountable for their legal actions.

According to SudiknoMertokusumo, those related to the age limit are generally urban communities, which are relatively smaller than the villagers. On the other hand, in the villagers' view, a child who has reached the age of 14 or 16 years, for example, has been considered an adult. Therefore, based on differences in views, the issue around the age of maturity restrictions, we need to examine further, especially the study in a juridical manner. According to the villagers' view, if the adult age limit is used as a measure, then the age limit of 18 (eighteen) years can be considered very mature. In this case, Subekti, as noted by SudiknoMertokusumo, provides an alternative middle way by mentioning that the age limit of 18 years can be seen as a middle ground between the age limit mind in the village and the city. According to him, the difference of opinion among legal experts

<sup>19</sup>Subekti, *Principles of Civil Law*, (Jakarta: PT. Intermajasa, 2003), p. 98.

<sup>20</sup>Sudikno Mertokusumo, *Legal Discovery: An Introduction Legal Discovery: An Introduction*, (Yogyakarta: Liberty, 1988), p. 136-159.

<sup>21</sup>*Ibid.*

about the adult age limit due to various regulations mentions an age limit for a sure thing as is also sharpened by different views and interpretations. Therefore, it is necessary to study precisely which rules can or are more appropriate to be used as a juridical handle in determining that maturity. It is also essential to examine what benchmarks are used in determining that a rule concerns a legal basis for the implementation of a particular legal action.<sup>21</sup>

Thus, one thing must be fully understood that juridically, maturity always contains an understanding of a person's authority to do his legal actions without the other party's help, whether he, the child's parents, or their trustee. That is, a person will by itself be considered a legal adult if the person is recognized by the law to do his legal actions, with his responsibility for what he does is here is the authority of a person to self-do a legal act.<sup>22</sup>

Therefore, from some explanations about adult size above, Establish of the Act No. 1 of 1974 on Marriage itself has participated in enlivening the "competition" of adult age restrictions, especially concerning the minimum age limit of a man or woman to be allowed to hold marriage according to contemporary Indonesian Family Law (Islam). Moreover, the Marriage Act regulates marriage alone and other areas that include Islamic Family Law, such as child status, maturity, and parental responsibility to children and children to parents, child guardianship, and so on. Although the arrangement of Family Law in the Marriage Act is only outlined and still requires an implementing regulation that will govern it further, it can be said that the law has set the legal basis of the National Family Law (Islam).

## 2. Overlapping Boundaries of Maturity in various Rule of Law in Indonesia

Previously, it must be recognized that the determination of maturity age limit in some legal rules, even the law in Indonesia, does seem "unclear" because each other does not contain correlations and even tends to contradict each other. Suppose the common thread is drawn from any purpose of determining the age limit of maturity. In that case, it will ultimately point to the understanding of responsibility, as explained earlier, to ensure that the actions committed by a person can really be accounted for legally and therefore can be prosecuted before the law if the action is detrimental to the other party.

Some provisions of the law that applies in the country about the age limit of religious maturity, among others: First, the Civil Code Article 330 Paragraph (1) states "immature are those who have not reached the age of even twenty-one years and have not married first". And suppose the marriage is dissolved before the age of twenty-one. In that case, they will not return to an immature position".<sup>23</sup>Second, Law No. 1 of 1974 on Marriage Article 50 Paragraph (1) states,"Children who have not reached the age of 18 (eighteen) years or have never held a marriage, which is not under

<sup>22</sup>Waite, L.J. & Gallagher, M., *Happy new life: The Benefits of Marriage in Terms of Health, Psychology, Sexual, and Finance*, Terj. Eva Yulia Nukman, (Bandung: Mizan Media Utama, 2003), p. 64.

<sup>23</sup>Civil Code (Burgerlijk Wetboek, Staatsblad 1874 No.23)

the control of parents, are under the authority of the trustee".<sup>24</sup>As for the limit of maturity to carry out marriage is determined in Article 6 Paragraph (2) states "To carry out the marriage of a person who has not reached the age of 21 (twenty-one) years must obtain the permission of both parents".<sup>25</sup>Article 7 Paragraph (1) "Marriage is only permitted if the male has reached the age of 19 (nineteen) years and the woman has reached the age of 16 (sixteen) years".<sup>26</sup>

*Third*, The Penal Code Article 45 states: "In the case of criminal prosecution of an immature person for committing an act before the age of sixteen, the judge may determine: order that the guilty be returned to his parents, guardians or guardians, without any criminality; or order that the guilty be handed over to the government without any criminality if the act constitutes a crime or one of the offenses under article 489, 490, 492, 496, 497, 503 - 505, 514, 517 - 519, 526, 531, 532, 536, and 540 and have not passed two years since being found guilty of a crime or one of the offenses above, and the verdict has become permanent; or criminally punish the guilty".<sup>27</sup>

*Furthermore*, *fourth*, the Criminal Procedure Law (KUHP) Article 171 states, "What can be examined to give information without oath is a. children who are not fifteen years old and have never married. b. people are memory impaired or mentally ill, although sometimes the memory is good again. Article 153 Paragraph (5) states, "The presiding judge of the council may determine that a child who has not reached the age of seventeen is not allowed to attend the hearing".<sup>28</sup>*Fifth*, Law No. 3 of 1997 concerning Children's Court Article 1 number 1 states, "A child is a person who in the case of Naughty Children has reached the age of 8 (eight) years but has not reached the age of 18 (eighteen) years and has never married". Article 4 Paragraph (2) "If the child commits a criminal offense at the age limit as referred to in paragraph (1) and is submitted to a court hearing after the child exceeds the age limit, but has not reached the age of 21 (twenty-one) years, it is still submitted to the Children's Council".<sup>29</sup>

*Sixth*, Law No. 23 of 2002 on Child Protection Article 1 number 1 states that "a child is a person who is not yet 18 (eighteen) years old including a child who is still in the womb".<sup>30</sup>*Seventh*, Law No. 23 of 2006 concerning Population Article 63 Paragraph (1) states, "Indonesian Citizens and Foreigners who have a Permanent Residence Permit who have been 17 (seventeen) years old or have married or have married must have an ID card".<sup>31</sup>*Eighth*, Law No. 22 of 2009 concerning Traffic and Road Transport Article 81 Paragraph (2) mentions the age requirement as referred to in paragraph (1) shall be determined

at the lowest as follows: a. age 17 (seventeen) years for Driver's License A, Driver's License C, and Driver's License D; b. age 20 (twenty) years for Driver's License B I; and c. age 21 (twenty-one) years for Driver's License B II.<sup>32</sup>

*Ninth*, Law No. 12 of 2003 concerning General Elections Article 13 states, "Citizens of the Republic of Indonesia who on the day of voting are 17 (seventeen) years old or have/have been married have the right to vote".<sup>33</sup>*Tenth*, Law No. 30 of 2004 concerning Notarial Position Article 39 Paragraph (1) states that: "the face must meet the following conditions: a) at least 18 (eighteen) years old or married, and b) capable in performing legal acts".<sup>34</sup>*eleventh*, Presidential Instruction No. 1 the year 1991 on Compilation of Islamic Law Article 98 Paragraph (1) states that "the age limit of a child who can stand alone is 21 years as long as the child is not physically or mentally disabled or has never held a marriage".<sup>35</sup>

From the exposure of some of the laws and regulations that apply above, it is visible that there is a safe difference between the age limit of maturity. That is, to determine the age of maturity that will be used as a standard benchmark of a person's minimum age limit, some applicable laws seem to overlap and even conflict with each other. However, because in this case, the theme of the study speaks about the maturity of the marriage age in NTB, the minimum age of marriage that is used as a benchmark focuses on the limitation of marriage age for men and women as stipulated in Law No. 1 of 1974 on Marriage. The article referred to in Article 7 Paragraph (1), states that "Marriage is only permitted if the male party has reached the age of 19 (nineteen) years and the woman has reached the age of 16 (sixteen) years". The age limit of 19 years for men and 16 years for women is what is meant by the minimum limit for a person to perform the marriage. According to West Nusa Tenggara's provincial government, the minimum age limit of marriageability (19 years for men and 16 years for women) needs to be revised to be raised to 21 years for a man woman to be allowed to perform the marriage. This demand is stated in the Circular letter of the Governor of NTB Number 150/1138/Kum concerning the Maturity of Marriage Age in 2015 in West Nusa Tenggara.

Moreover, with the Circular release at that time, Provinsi NTB was the first region in Indonesia to regulate the marriage age's maturity for its citizens.<sup>36</sup>In contrast to the age limit set in the Circular Letter of the Governor of NTB 2015 ago, currently NTB province in 2021 has passed the Draft regional regulation into NTB provincial regulation on the prevention of child marriage age where it is mentioned that the age limit of a person to marry if he is 18 (eighteen) years old.<sup>37</sup>This is stated in

<sup>24</sup>Hazairin, *Review of Marriage Law No. 1 of 1974*, cet. III, (Jakarta: Tintamas, 2003), 12. Read also, Yayasan Peduli Anak Negeri, Law No. 1 year 1974 on Marriage, (Jakarta: YPAN, 1975), p 3

<sup>25</sup>Zahri Hamid, *Principles of Islamic Marriage Law and Marriage Law in Indonesia*, (Yogyakarta: Bina Cipta, 1978), p.6.

<sup>26</sup>*Ibid.*

<sup>27</sup>Andi Hamzah, *KUHP and KUHP*, (Jakarta: PT Asdi Mahasatya, 2004), 187.

<sup>28</sup>*Ibid.*

<sup>29</sup>Law No. 3 of 1997 concerning Children's Courts (Statute Book of the Republic of Indonesia No. 109 of 2002, Supplement to Statute Book No. 4235). Read more about Arif Gosita, *Child Protection Problem*, (Bandung: Mandar Maju, 1989), p. 8.

<sup>30</sup>*Ibid.*

<sup>31</sup>Law No. 23/2006 on Population Administration (Statute Book no. 124 of 2006, Supplement to Statute Book No. 4672)

<sup>32</sup>Law No. 22/2009 on Traffic and Road Transport (Statute Book no. 96 of 2009, Supplement to Statute Book No. 5025)

<sup>33</sup>Law No. 12 of 2003 on General Elections of Members DPR, DPD dan DPRD.

<sup>34</sup>Law No. 30 of 2004 concerning Notary Positions

<sup>35</sup>Abdurrahman, *Compilation of Islamic Law in Indonesia*, (Jakarta: Academia, 1992), 66.

<sup>36</sup><https://m.tempo.co/read/news/2015/06/22/058677284/ntb-provinsi-pertama-atur-pendewasaan-usia-perkawinan>, accessed June 20, 2016.

<sup>37</sup>Article 1 paragraph (5) reads: "The child is a person who is not yet 18 (eighteen) years old, including the child who is still in the womb". Article 1 paragraph (6) reads: "Marriage at the age of a child is a marriage performed

Article 1 paragraph (5) reads: "A child is a person who is not yet 18 ( eighteen) years old, including the child who is still in the womb". Article 1 paragraph (6) reads: "Marriage at the age of a child is a marriage performed between a man and a woman whose one or both are still children". In 2019, in the West Nusa Tenggara region, it had come out. First West Lombok District Regulation No. 9 of 2019 concerning The Maturity of Marriage Age Article 1 paragraph (11) limiting the minimum age of marriage is 19 years for men and 16 years for women.<sup>38</sup>

Thus, it is clear from the description of some legal regulations in Indonesia. In the West Nusa Tenggara region, in particular, there are various age restrictions of the adult category that are not the same, especially related to mating's maturity. This is, of course, very interesting to discuss further because how one issue that is the same category of minimum age limit can marry has different rules even conflicting for the same time and jurisdiction.

### 3. Matrimonial Age Maturity in West Nusa Tenggara

Based on the explanation of the Directorate of Adolescents and The Protection of Reproductive Rights, mostly related to the Maturity of Marriage Age and Reproductive Rights for Adolescent Women, Indonesia explained that The Maturity of Marriage Age (PUP) is an effort to increase the age at the first marriage so that at the time of marriage reaches the age of at least 20 years for women and 25 years for men. This age limit is considered ready both in terms of health and emotional development to face family life.<sup>39</sup> Thus, Matrimonial Age Maturity (PUP) not only delays marriage to a certain age but also strives for the first pregnancy to occur at a sufficiently mature age. If a person fails to mature his or her marital age, then there is a delay in the first child's birth. Delays in gestational age and pregnancy of this first child in KIE are referred to as recommendations to change the honeymoon to a honeymoon year.

Therefore, the beginning of the Marriage Age Maturity program is part of the National Family Planning program. The PUP program will increase the first mating age, lowering the Total Fertility Rate (TFR). The purpose of the Marriage Age Maturity program (nationally) is to provide understanding and awareness to the youth so that in planning the family, they can consider various aspects related to family life, physical readiness, emotional, mental, educational, social, economic, and determine the number and distance of birth. The general purpose of matrimonial age maturity directly implies the need for an increase in the age of marriage that is more mature. PUP program in kb program aims to increase the mating age of females aged 21 years and reduce the

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between a man and a woman who is one or both are children". While. Read the Raperda that has been passed into NTB Provincial Regulation on The Prevention of Child Abuse, p. 3.

<sup>38</sup>Article 1 paragraph (6) reads: "Marriage at the age of a child is a marriage performed between a man and a woman who is one or both are children". While Article 1 paragraph (10) reads: "The child is a person who is not yet 19 (Nineteen) years old, including the child who is still in the womb". Read, West Lombok District Regulation on Marriage Age Maturity, p. 4.

<sup>39</sup>Directorate of Youth and Protection of Reproductive Rights, *Matrimonial Age Maturity and Reproductive Rights for Indonesian Adolescent Women*, (Jakarta: BKKBN, 2010), 19.

<sup>40</sup>*Ibid.*, 20.

<sup>41</sup>The explanation of Abdul Hakim, Assistant of Praja and Aparatur Setda NTB, was presented at the Workshop on Matrimonial Age Maturity organized by

first birth at the age of mothers brought 21 years to about 14%, and this is included in 2010-2014.<sup>40</sup>

According to Abdul Hakim, intending to strengthen coordination and cooperation between stakeholders at the central and regional levels, as well as in advocacy efforts to the community to prevent marriage at an early age, the maturity of marriage age (PUP) is one of the priority issues in NTB Province which has also been listed as one of the indicators of achievement in the RPJMD NTB in 2013-2018. Therefore, as a concrete manifestation of the program of Matrimonial Age Maturity and Reproductive Rights for Indonesian Adolescents echoed by the Central BKKBN, the Government of West Nusa Tenggara Province, through the Governor of NTB, M. ZainulMajdi issued Circular Letter No. 150/1138/Kum on The Maturity of Marital Age.<sup>41</sup>

Meanwhile, if traced socio-historically, the Marriage Age Maturity program conducted by the Provincial Government of NTB is an urgent thing to do. Because West Nusa Tenggara is an emergency area for early marriage cases. This information is, for example, obtained from a series of workshops on Matrimonial Age Maturity organized by BP3AKB NTB Province, in collaboration with *Deutsche Gesellschaft Fur Internationale Zusammenarbeit* (GIZ) and ministry of women empowerment and child protection (KPP&PA) from March 2015 until now. One of the ongoing workshop objectives was to encourage marriage age maturity programs following the NTB Family Welfare Development Mobilization Team seminar's recommendations in 2014, which is a minimum age of 21 years for men and women to marry. In her speech, T. Wismaningsih, Head of The Women's Empowerment Agency for Child Protection and Family Planning (BP3AKB) of NTB Province, half of the marriages in NTB are conducted by early or immature couples. According to him, based on the results of research obtained by the Provincial Government of NTB until 2014 alone, 50 percent of marriages are conducted by couples aged 15-18. Therefore, the Governor of NTB, M. ZainulMajdi issued Circular Letter No. 150/1138/Kum on The Maturity of Marriage Age which is set at least 21 years old for men and women to marry.<sup>42</sup> Thus, as a preventive measure to prevent the increase in underage marriage cases in NTB, the Circular Letter No. 150/1138/Kum on The Maturity of Marriage Age was immediately ratified by the Governor of NTB, M. Zainul Majdi, in 2015.

Furthermore, to follow up the Circular of the Governor of NTB on Marriage Age Maturity (PUP) above, in 2019, West Lombok Regency became the first district in the scope of NTB that has officially passed Local Regulation No. 9 of 2019 on Marriage Age Maturity. In article 1 paragraph (5) mentioned the

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BP3AKB of NTB Province, in collaboration with *Deutsche Gesellschaft Fur Internationale Zusammenarbeit* (GIZ) and the Ministry of Women Empowerment and Child Protection (KPP&PA), Mataram, NTB, March 26th, 2015.

<sup>42</sup>T. Wismaningsih, Head of The Women's Empowerment Agency for Child Protection and Family Planning (BP3AKB) of NTB Province, was presented at a Workshop on Matrimonial Age Maturity organized by BP3AKB of NTB Province, in collaboration with *Deutsche Gesellschaft Fur Internationale Zusammenarbeit* (GIZ) and the Ministry of Women Empowerment and Child Protection T. Wismaningsih, Head of The Women's Empowerment Agency for Child Protection and Family Planning (BP3AKB) of NTB Province, was presented at a Workshop on Matrimonial Age Maturity organized by BP3AKB of NTB Province, in collaboration with *Deutsche Gesellschaft Fur Internationale Zusammenarbeit* (GIZ) and the Ministry of Women Empowerment and Child Protection (KPP&PA), Mataram, NTB, March 26th, 2015.

understanding: "The maturity of the Age of Marriage is efforts in the form of policies, programs, activities, social actions, and other efforts made by the local government, parents, children, communities and all stakeholders to prevent the occurrence of marriage at the age of children and lower the marriage rate at the age of children in West Lombok Regency".<sup>43</sup> However, unlike the age limit stated in the Circular letter of the Governor of NTB No. 150/1138/Kum concerning The Maturity of Marriage Age, i.e. age 21 years for both men and women who want to hold a marriage, the age limit in Regulation No. 9 of 2019 concerning The Maturity of Marriage Age in West Lombok sets a minimum age limit for marriage age is 19 years.<sup>44</sup>

Matrimonial age maturity is indeed a critical effort that must still be done, considering that in many cases, early marriage in Indonesia in general and in NTB in particular, underage marriages are more common because of unwanted pregnancies. The latest issue that is horrendous and viral on social media related to the case of early marriage due to pregnancy first, for example, occurred in West Lombok Regency on October 12, 2020, where az teenagers (18 years old) Cendimanik villagers who are still sitting in vocational high school (SMK) class XII, while his two wives are R (17 years) and F (17 years) respectively.<sup>45</sup> On the other hand, this unwanted pregnancy is triggered by a permissive culture of adolescents who increasingly know no boundaries in associating (*free sex*) due to the inability to filter-free culture from other countries to negatively impact contemporary technological development and advancement. As a result of such free association, productive age teenagers (school), for example, have even dared to practice sex before marriage and unwanted pregnancies occur. To cover the embarrassment of unwanted pregnancy, most are then forced to marry even though they are still underage according to the standard age of marriage regulated by law.

As a result of early marriage performed by underage teenagers, the institution of a marriage built can be certainly not perfect, such as married couples with full consideration, both physically, mentally, economically, etc. Early marriage will tend to be problematic in economic aspects, not harmonious, domestic violence", and vulnerable to divorce. In economics, early married couples tend not to (to say no) prepare all the material burdens borne during the household ark. In the case of early marriage that seems hasty mainly because of unwanted pregnancy, economic factors are ignored. Furthermore, because of the burden of financial strain that was not prepared initially, it would potentially bequeath poverty to his descendants. In terms of education, in fatal cases, early marriage couples' educational factors will be directly cut off because they are more busy taking care of the household. This would also be more likely to be the act of endowing academic poverty to their lineage.

On the other hand, socio-cultural environmental factors play a role in perpetuating the fact of early marriage in NTB. In some comers of the village in the Sasakness community at Lombok, many couples do early marriage for socio-cultural reasons. The *culture of groping* in the Sasak People of Lombok is

understood as a culture of eloping in traditional rituals to start a marriage. In the practice of "Merari" culture, couples getting married can get married immediately without asking their parents' permission. As long as you want to get married, then a teenager/single can be directly married by first escaping his female partner. This culture has lived for a long time in the Sasak people and is still practiced until now in most places on Lombok, NTB. As a result, every youth can immediately hold a marriage regardless of the ideal age of marriage. In other languages, social and cultural environmental factors are one of the main factors that cause early marriage practice in the Lombok NTB community.

Based on the above explanation, in general, early marriage in NTB is caused by several factors, such as education, economy, environment, and socio-culture, that are interrelated with each other. On that basis, the Provincial Government of NTB considers that the province of NTB emergency cases of early marriage so that prevention efforts need to be made by issuing Circular Letter No. 150/1138/Kum on The Maturity of Marital Age and the latest NTB Regional Regulation on The Prevention of Marriage at the Age of Children which was passed on January 29, 2021.

Because of the many cases of early marriage in West Nusa Tenggara Province caused by various factors related to each other above, they are pushing the population to grow faster. The Central BKKBN recorded an increase every year of about 3.2 million people. As a result, population growth is very high, while the quality is low. Related to that, Law No. 52 of 2009 on Population Development and Family Development mandates the need for quantity control, quality improvement, and mobilization of population mobility to be a resilient resource for national development and resilience. One of the factors affecting the birth rate of the population is the age of first marriage.

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A strategic plan, commonly called "RENSTRA KKB" Development in 2010-2014, set the median of the first mating age of ifor21 years. However, based on the results of the 2010 Population Census, the median age of the first marriage in Indonesia is 18.6 years. SDKI 2007 data also showed the early mating age was 19.8 years and decreased to 19 years in SDKI 2012.<sup>46</sup> The mandate of the Governor of NTB Circular Letter No. 150/1138/Kum concerning the Maturity of Marriage Age is determined the median of the first marriage age is 21 years for men and women who want to perform the marriage. However, in the Draft Regional Regulation of NTB Province on The Prevention of Child Abuse Article 1 paragraph (5) is affirmed that "A child is a

<sup>43</sup>West Lombok District Regulation Number 9 Of 2019 concerning The Maturity of Marriage Age West Lombok District Regulation Number 9 Of 2019 concerning The Maturity of Marriage Age, h. 4.

<sup>44</sup>*Ibid.*

<sup>45</sup>Accessed from the website Accessed from the website <https://regional.inews.id/berita/geger-pelajar-smk-di-lombok-barat-nikahi-2-gadis-sekaligus>. Retrieved 30 Jan 2021

<sup>46</sup>[www.bkkbn.go.id/arsip/.../RENSTRA%20BKKBN%202010-2014.pdf](http://www.bkkbn.go.id/arsip/.../RENSTRA%20BKKBN%202010-2014.pdf) (Januari 2014 12)



person who is not yet 18 (eighteen) years old, including children who are still in the womb". The minimum age limit for mating, according to the legalized Raperda, is down to 18 years. This is then a separate issue until it needs to be further examined related to the background of the decrease in the minimum age limit number can marry as mandated by the Governor of NTB Circular letter on the previous marriage age's maturity.

In many cases, the age limit is caused by social, economic, and cultural factors, including limited reproductive health information access. In various parts of Indonesia, parents feel ashamed that their daughter is not married at 20 years. They do not yet understand that to get married and have children, a woman should already have physical and mental readiness. In connection with this, although Law No. 1 of 1974 on Marriage allows a woman to marry at the age of 16 years and a man at the age of 19 years, NTB provincial government developed a marriage age maturity program (PUP) that advocates the ideal mating age to marry and have the first child, namely over 21 years based on Circular Letter No. 150/1138/Kum on Matrimonial Age Maturity and most recently 18 years according to NTB Regional Regulation on The Prevention of Marriage at Child Age. For Indonesia, which ranks as the 5th most populous population globally, delay or maturity of marital age is an urgent issue that needs to get significant attention from the government to avoid uncontrollable birth rates.

From the broad exposure above, socio-historically, the background of the emergence of discourses and various policies related to the Maturity of Marriage Age in NTB is caused by factors associated with each other, namely: 1) As an effort to follow up the program of Matrimonial Age Maturity and Reproductive Rights for Indonesian Adolescents echoed by the Central BKKBN. 2) As a precautionary measure or reduce the practice of early marriage (underage marriage) where West Nusa Tenggara including emergency areas of early marriage caused by several factors such as education, economy, environment, and socio-cultural interrelated with each other.

## B. Implementation of Marriage Age Maturity Program in NTB

Program Matrimonial Age Maturity itself in Provinsi West Nusa Tenggara is included in the Agency for The Empowerment of Women For Child Protection and Family Planning (BP3AKB) NTB Province. Among the strategies undertaken by BP3AKB of NTB Province in implementing the marriage age maturity program are:

### 1. Workshop and Counseling Activities<sup>47</sup>

The Women's Empowerment Agency for Child Protection and Family Planning (BP3AKB) of NTB Province held a Workshop on Marriage Age Maturity (PUP) in the Ballroom of Hotel Santika Mataram, Thursday (3/26/2015) morning. The PUP workshop was held in cooperation with BP3AKB, Deutsche Gesellschaft Fur Internationale Zusammenarbeit (GIZ), and the

Ministry of Women Empowerment and Child Protection (KPP&PA).

PUP workshop was opened by Assistant of Praja And Apparatus Setda NTB, Abdul Hakim. The workshop was held to encourage a marriage age maturity program following PUP TP PKK NTB Seminar's recommendations in 2014, namely the minimum married age of 21 years for men and women. Assistant of Praja And Apparatus Setda NTB Dr. Ir. Abdul Hakim, MM said through the pup workshop is expected to strengthen coordination and cooperation between stakeholders at the central and regional levels to advocate the community to prevent marriage at an early age. He said that the maturity of marriage age (PUP) is one of the priority issues in NTB Province, which has also been listed as one indicator of achievement in the RPJMD NTB in 2013-2018.

In general, continued by Abdul Hakim, early marriage is caused by several factors, such as education, economy, environment, and socio-culture. According to Abdul Hakim, the maturity of marriage age is also correlated with efforts to control the population and improve the community's quality of life. Matrimonial age maturity is also a strategic effort to reduce maternal mortality, especially in mothers who are too young. One of the local government's efforts is to issue a Governor Circular Letter No. 150/1138/Kum on PUP, where it is recommended that the marriage age for men and women is at least 21 years. The Governor's Circular letter on PUP encourages all SKPD and regents/mayors in NTB to carry out PUP efforts following their respective duties and responsibilities.

At the same time, Head of BP3AKB NTB Province Dra. T Wismaningsih said that most underage marriage cases occur in rural areas with high poverty rates and low education. Related to this marriage age maturity program, Dra. T Wismaningsih BP3AKB said it has embraced youth and declared ntb Youth Forum as an extension of BP3AKB, which is tasked with approaching the younger generation/youth related to mature efforts marriage age. "This is one of the efforts to reduce the number of early marriages in NTB," she said.

Wismaningsih hopes that the marriage age limit listed in Law No. 1 of 1974 can be recommended to be revised to a minimum of 21 years for men and women, according to the results of recommendations proposed by NTB to the center. Also, he expects local regulations or regulations that can encourage marriage age maturity efforts, such as requiring a 12-year primary education and a ban on teenagers getting married at school age.

Related to implementing this PUP, Wismaningsih claimed to cooperate with universities, NGOs, Citizen Dialogue Groups, and community leaders. BP3AKB has also formed a Community Dialogue group in Ubung Village, Jonggat Subdistrict, Central Lombok Regency, to help socialize the marriage age maturity program to the surrounding community.

### 2. Obstacles to Matrimonial Age Maturity

- 1) In the efforts to counsel and socialize the marriage age's maturity, there are certainly obstacles at the implementation stage. Although counseling has been carried out but does not close the possibility of early

<sup>47</sup>[www.teraskreasi.com](http://www.teraskreasi.com). Also accessible on the site <http://www.ntbprov.go.id/berita-bp3akb-gelar-lokakarya-pendewasaan-usia-perkawinan.html#ixzz4lhzy5z7b>. Retrieved July 24, 2019.

marriage still occurs in some sub-districts. Several factors, including the following influence early marriage or the implementation of marriage age under the age of 20 years Role of customs or culture

In some sub-districts in the island of Lombok, West Nusa Tenggara Province, the environment is mostly inhabited by residents who come from Sasak and some who come from the Samawa tribe and Mbojo Bima Dompu. For the Sasak tribe itself, the culture of eloping or *groping* at a relatively young age can be said that school children are still influential in their culture. So when they live anywhere around the island of Lombok, the culture is still attached, and they carry out as their family used to do since long ago.

## 2) The Role of religion

For most of the people of West Nusa Tenggara the influence of religion is powerful, also influenced early marriage. Early marriage or marriage under age specified by law is a separate issue in Provinsi NTB. This is because they consider early marriage to be religiously valid. There is also a presumption that by carrying out marriage faster, it will avoid sin. This is the challenge for the scholars, especially NTB scholars, to find solutions and enliven da'wah related to the maturity of the marriage age to prevent and reduce marriage at the age of children in NTB.

## 3) The Role of parents

The Role of parents in early marriage also affects when knowledge or education is still low. Lack of knowledge and weak economic factors make parents think sincerely to see their children marrying their children to escape the burden of support. This kind of thing also affects the occurrence of early marriage a lot.

### 3. The Urgency of Matrimonial Age Maturity (PUP) after the Enactment of the Regulation on the Prevention of Marriage at the Age of Children

The discourse on the maturity of marriage age in Indonesia is generally a response to the rise of early marriage (underage) as stipulated in the Marriage Act. Ironically, the increase in early marriage became a taboo phenomenon precisely after Law No. 1 of 1974 on Marriage regulates the minimum age of men and women who want to carry out marriage. As a result, with the occurrence of events and underage marriage cases following the standardized marriage law, the Marriage Act's authority seems to be harmed. The pros and cons become as inevitable. From the beginning, experts in the country differed on the law of early marriage, which boils down to the marriage age limit stipulated in Law No. 1 of 1974, which is no longer following the present day. For the current size, the age of 19 years for men means just graduated high school (SMA), and 16 years for girls just graduated junior high school (SMP). Also, the legislation is still too low to regulate the age at which a person can marry. It also means that

the law seems to have given consent to sexual intercourse and denies that children still need to be encouraged to continue their education and enjoy their adolescence.

If observed more closely, then marriage held at the age of junior high school (SMP), then the period is still between 14-16 years. The ages are psychically considered, still very unprepared to do marriage with all the consequences. According to experience, if there is only a little problem, then the built marriage can lead the Religious Court to settle the divorce. According to Ratna Mulhimah, as quoted by Tuti, according to marriage law, marriage is allowed for men if it reaches the age of 19 years and for women has reached the age of 16 years, while according to the Civil Code, children are considered adults when they are 21 years old, therefore the *mindset* of people marrying their children before that age needs to be changed.<sup>48</sup> However, according to him, before that, of course, the thing that needs to be criticized again is that the age limit should be allowed to marry for males and females and just flattened. If the male must be at least 21 years old, then the woman must be 21 years old to be allowed to marry. This is done based on the principle of balance. Therefore, the maturity of the marriage age (PUP) should begin by first revising the rules of marriage age restriction as stipulated in Law No. 1 of 1974 on Marriage Article 7 Article Paragraph (1) "Marriage is only permitted if the male party has reached the age of 19 (nineteen) years and the woman has reached the age of 16 (sixteen) years".<sup>49</sup>

Thus, an important point that can be taken related to the emergence of the NTB Governor's Circular letter on the maturity of the previous Marriage Age is the proposed revision of the addition of minimum age restrictions on marital ability stipulated in the Marriage Act that was to 21 years both for men and women who want to perform a marriage. About the proposed revision of the minimum age limit for mating, this is what is then very interesting to be observed in the NTB Provincial Regulation on the Prevention of Marriage at the Age of Children that has just been ratified. Article 1 paragraph (5) is affirmed that: "A child is a person who is not yet 18 (eighteen) years old, including a child who is still in the womb". Article 1 paragraph (6) reads: "Marriage at the age of a child is a marriage performed between a man and a woman who is one or both are children". In the Provincial Regulation of NTB on the prevention of Child Marriage, age referred to as a child is not yet 18 (eighteen) years. In other words, the age of 18 (eighteen) years is the minimum age of a person to be said not children anymore, in the adult sense and may perform a marriage. This confirms that the determination of the age of 18 years as the minimum age limit for marriage according to the Regulation is even lower than the minimum age limit for mating according to Law No. 1 of 1974 on Marriage which is considered too low until it is proposed to be revised through the NTB Governor's Circular letter on Marriage Age Maturity (PUP). In the positive author, the proposed 'revision' of the minimum age limit can be mated from males 19 years and 16 for women to 21 years for both men and women as mandated in the Circular letter of the Governor of NTB on the Maturity of Marriage Age is more precise and positively correlated in interpreting and affirming the meaning

<sup>48</sup>Tuti Harwati, "Implementation Strategy of NTB Governor's Circular On Marriage Age Maturity (Construction of Thought of NTB Women Activists), *Research Report* on IAIN Mataram Research and Community Service Institute (LP2M) in 2016 Implementation Strategy of NTB Governor's Circular On Marriage Age Maturity (Construction of Thought of NTB Women Activists), *Research*

*Report* on IAIN Mataram Research and Community Service Institute (LP2M) in 2016, p. 55.

<sup>49</sup>*Ibid.*, 56. Pasal 7 Ayat (1) "Marriage is only permitted if the male party has reached the age of 19 (nineteen) years and the woman has reached the age of 16 (sixteen) years"

of marital age maturity. In contrast, the reduction of the minimum age limit for marriage to 18 years in the NTB Regulation on the Prevention of Child Marriage has an inverse meaning. It correlates to the maturity of the marriage age itself.

Support for the efforts of 'revision' to the rules of marriage age restriction as stipulated in Law No. 1 of 1974 on Marriage, not only submitted by experts and observers of women and children. The same proposal has also long been echoed by the Central BKKBN nationally. To that extent, the Central BKKBN also proposes revisions to the Marriage Law, especially the article on the minimum age of people who can marry, namely at least 20 for women and men 25 years. This is based on findings in the field that mention many obstacles in families who start their household ark without careful planning and are too young. Early marriage does not always have a positive impact, but it has a detrimental effect on society. Therefore, BKKBN provides solutions through its Genre Program, namely the Marriage Age Maturity Program (PUP). PUP is part of the KB Program for the younger generation called Genre (Generation Planning). In the planning generation (Genre), generations/teenagers in transition plan when to marry by delaying the marriage age to a minimum of 20 years for women and 25 years for men. With the planning and preparation of married life, when to get pregnant, the distance of birth, and the realization of a happy and prosperous small family, one day becomes a quality family. It can prevent the explosion of the population in the future.<sup>50</sup>

Delaying the age of marriage also directly impacts accelerating the decline in the birth rate. Also, the delay in marital age decreases maternal, child, and infant mortality because, at the time of childbirth, the mother is more mature and mature. BKKBN signaled several reasons why it is necessary to postpone the first mating age. Early pregnancy, especially related to physical readiness and some risks that you can experience when viewed from a medical point of view, such as the uterus and pelvis's condition, has not developed optimally to result in the risk of pain and death during childbirth, *nifas* or babies born. Other consequences, possible medical risks such as miscarriage, preeclampsia (high blood pressure, edema, proteinuria), eclampsia (pregnancy poisoning), the onset of childbirth difficulties, premature birth, Low Birth Weight (BBLR), Vesicovaginal fistula (seeping urine into the vagina), Retrovaginal fistula (discharge of gas and feces to the vagina). Therefore, it is necessary to consider increasing the mating age to become more mature so that the marriage built is more planned and better.<sup>51</sup>

Meanwhile, TutiHarwati proposes several strategies for implementing efforts to mature the Age of Marriage (PUP) in NTB. It is more optimal to be done in various ways: *First*, Compulsory Learning 9-12 years. According to him, because there are currently cases in junior high school children in Lombok, in particular, have dared to groan to cause mutual unrest recklessly. This first step should begin and become a priority program of the Department of Beginner education and Sports (Dikpora) in the NTB province by promoting compulsory learning for 9 and 12 years. *Second*, the revitalization of *groaning culture*, where government figures, religious leaders, community leaders, and indigenous leaders need to arrange "*awig-awig*" (custom rule)

together that discuss seriously the minimum age limit of a person's ability to perform a marriage. *Third*, multiply the peer community to motivate each other among youth on the importance of marriage age. *Fourth*, there needs to be a movement for people to care about their social environment.

Because nowadays, the community is in the "social orphan" phase. Neighbors don't care about each other anymore. One of the agendas of this social care movement can be done by socializing care with premarital situations, where before marriage, one must have emotional maturity, reason, education, economy, etc. To realize that, there must be pre-marital counseling services starting from the smallest level, such as village so on. So far, in general, people only encourage to get married so that a person does not commit adultery. Still, the thing that is not noticed is how to understand the situation of marriage yang will be faced and what devices are needed so that someone is ready to marry at all risks.

Furthermore, all *stakeholders* and society in general, parents and children, must be given an early understanding of premarital and *targeted sex* education. Also, no meaningful social sanctions agreed jointly between the government, religious leaders, community leaders, and indigenous leaders. The implementation of Maturity can run optimally during the community, especially the NTB society.

On the other hand, one of the female activists conveyed a somewhat different approach: the professor of Islamic Civil Law Mataramn Islamic State University, Moh. Abdun Nasir when alluding to the strategy in the field where the approach to be used is highly dependent on the legal subject intended by the Circular itself. According to him, if a society is the subject of the purpose of the rules related to the maturity of the marriage age, such as the governor's circular and the NTB Regulation on the establishment of early childhood, then it is essential to involve public figures at large by providing participation and promoting religious lectures that are insightful on the importance of premarital education and a correct understanding of how to marry after adulthood. It would be a different story if making it only for a limited environment, such as civil servants in the NTB provincial government, just by issuing a circular then a specific policy or rule can be directly applied and imposed will be very useful.<sup>52</sup> Without criticizing the minimum age limit, an important point presented by Moh. Abdun Nasir has closely related to the essence and urgency of the strategy the rules of maturation of marriage age or prevention of early marriage that requires a complete and comprehensive approach in terms of social, cultural, religious, educational, and economic NTB society. According to him, the multidimensional approach is an absolute requirement that requires awareness and hard work with all society levels so that circulars and regulations related to PUP can be implemented optimally.

Explanation of implementing efforts to mature the Age of Marriage (PUP) to prevent marriage at the child's age itself since the beginning is intended for the ntb community. It is essential to strive for intense socialization at all levels of society. That way, every organization will know there is a circular from the Governor of NTB about the maturity of the ideal marriage age for the entire NTB community. Nevertheless, now the community must be given good knowledge related to the Regulation on the prevention

<sup>50</sup>*Ibid.*

<sup>51</sup>*Ibid.*

<sup>52</sup>*Ibid.*, 62.

of child marriage. If not, then the policies of other local governments Provinsi NTB will be barren because of the lack of socialization at the community level when the rules are intended for them. Therefore, given the importance of mapping the purpose of a law, then do not let a policy rule only known by the elite government officials in the region. Also, suppose a policy or rule has been socialized in advance in a massif. In that case, there is no obstacle for the government NTB to crackdown firmly by giving harsh sanctions if the enforcement of the policy rules is violated.

Barrel with the above opinion that states that all elements of society should be involved to succeed the marriage age maturity program as one of the efforts to prevent early marriage as mandated by the existing regulation so that it should not happen that community leaders or religious leaders and indigenous leaders become a "stumbling block" of the implementation of the Regulation in the field. Therefore, the important thing is the need for awareness through base groups, such as community-based groups, indigenous leaders, and religious, because, in the field of community leaders and religious leaders who perpetuate underage marriage in all kinds of ways such as facilitating marriage by raising the age of the bride-to-be, allowing polygamy is not based on what I *want*, changing the status of marriage (virgin, widower or widow), eloping and others.

In many cases, underage marriage or early marriage in Lombok society is practically seen in the form of manipulation of the age of the bride and groom, there is also no form of court dispensation. According to him, age forgers' first practice should be acted upon by being given strict sanctions both legally and socially. In contrast, dispensation should only be given to brides-to-be who happen to be pregnant first. In addition to the reason for getting pregnant early, the complainant should not permit dispensation. In this case, it has been stipulated in the Ntb Regulation on the Prevention of Child Age Marriage Article 1 paragraph (12), which reads: "The dispensation of marriage is the determination given by the Judge of the Court to permit men and women who are not yet 19 years old to perform the marriage".<sup>53</sup> There is no problem with the dispensation of groaning culture in the people of Lombok as long as it is done appropriately and with careful consideration. However, the practice of rude in manipulating the age and status of brides-to-be is an integral part of the culture of groaning that has become a shared secret in Lombok society at large. But the act of manipulation is often done precisely for the benefit of the one-sided men. Therefore, the necessary socialization about the ideal age limit for marriage is also important to be socialized about marrying properly without *the frills* of unilateral interests only. If necessary, strict sanctions need to be enforced either by annulling a person's marriage if it is proven to be the age of an underage bride or the fleeing man is shown to have a wife.

Thus, based on the exposure of the urgency of implementing the Maturity of Marriage Age as an effort to prevent the occurrence of child marriage, the construction of thinking on it can be disarmed in several approaches, namely this, based on the exposure of the urgency of implementing the Maturity of Marriage Age as an effort to prevent the occurrence of

child marriage, the construction of thinking on it can be disarmed in several approaches, namely:

- 1) The traditional approach by revising the minimum age of marriage stipulated in Article 7 paragraph (1) of Law No. 1 of 1974 on Marriage which reads, "Marriage is only permitted if the male party has reached the age of 19 (nineteen) years and the woman has reached the age of 16 (sixteen) years". The revision is to raise the minimum age of marriage if the male and female parties reach 21 years as mandated by the Governor of NTB Circular Letter No. 150/1138/Kum/2015 concerning The Maturity of Marriage Age. Also, legally it is necessary to pursue strict sanctions (*punishment*) for violations of the circular mandate. This traditional approach should be used in interpreting and reorganizing one's maturity and, at the same time, becoming a minimum age limit for mating. From the point of view of this law, efforts to mature the age of marriage must always be aligned and positively correlated by increasing the minimum age limit can be married as stipulated in Law No. 1 of 1974 on Marriage, not even reduced to 18 (eighteen) years as specified in the latest Regulation on the Prevention of Child Age Marriage.
- 2) The religious approach is socialization by involving religious leaders (master teachers) to participate in disseminating the mandate of NTB Governor Circular Letter No. 150/1138/Kum on The Maturity of Marriage Age and the latest Regulation on the Prevention of Child Marriage through religious lectures containing the importance of understanding of premarital education and maturity as the main requirements. This is important because the position of master teachers directly face to face and become role models of the wider community.
- 3) The cultural approach involves indigenous leaders and community leaders in efforts to revitalize and even reconstruct the culture of *merari* in NTB by forming *awig-awig* insightful maturity of the age of marriage.
- 4) The social approach is to promote the social care movement. One of the agendas of this social care movement can be done by socializing care with premarital situations, where before marriage, one must have emotional maturity, reason, education, economy, etc. To realize that, there must be premarital counseling services starting from the smallest level, such as RT, RW, sub-village, village.
- 5) Education approach through the understanding of *sex education* with the insight of matrimonial age maturity and prevention of good underage marriage early (primary school age).

### III. CONCLUSION

Taking into account some of the above detractors, it can be observed that based on the traditional approach, the ratification of NTB regulation on the prevention of marriage at the age of children has given a more assertive umbrella on efforts to reduce the crisis of underage marriage that occurred in NTB in particular. Because, of course, in the hierarchy of law, local regulations (*perda*) have broader reach and the implications are more serious when compared to just issuing a circular in the form of a limited appeal such as I Circular Letter of the Governor of

<sup>53</sup>See *perda* that has been passed into NTB Provincial Regulation on The Prevention of Marriage at the Age of Children, P. 4.

NTB on the Maturity of Marriage Age 2015 ago. On the other hand, although the Circular Letter PUP 2015 and Perda PUP 2021 intend to prevent underage marriage. Still, it turns out that there are significant differences in minimum age restriction aspects, which will significantly affect the fate of the maturity of the marriage age itself, which becomes increasingly blurred.

Maturity of marriage age is positively correlated to the effort to increase the minimum age limit for mating, rather than reducing the minimum age of marriage as stipulated in the Marriage Law of 1974. The Marriage Act of 1974 limits the minimum mating age of 19-year-old males and females to at least 16 years of age. The Governor's Circular letter in 2015 on The Maturity of Marriage Age has attempted to 'revise' the restriction because it is considered too young for the size of today's youth to hold a marriage until it is offered to be 21 years old for both men and women. At this point, the 2021 regulation reduces the minimum age of mating to 18 years, far below the ideal marriage age limit determined by the Governor's Circular letter, which is 21 years for both men and women, even less than the age limit of 19 years for men and 16 years for women as stipulated in the law.

In the search for the author, at least until this paper is made, there has been no clarification or explanation from the relevant parties, why this can happen, both according to the provincial government of NTB and the DPRD that ratified the Regulation. Whereas, as previously described, efforts to mature the age of marriage mean adding a minimum age limit can mate, not reduce the minimum limit marriage age. When this remains allowed to protract, then based on the description of the explanation at length and analysis in various perspectives in this paper, then efforts to mature the age of marriage in NTB that has been conducted since 2015 will be futile and failed because it violates the correlation of the meaning of maturity itself. It should be expected. If not for the out-polling of attention and lack of comprehensive correlation studies, especially with the Circular Letter of the Governor of NTB that has been in force before, then this could be due to the lack of future projection reviews on the theory of sustainability of the rule of law intended to regulate human life that is continually changing and advancing, not backwards.

The above should be the primary concern if all parties still want and intend to make efforts to mature the age of marriage as one of the serious efforts to prevent the occurrence of marriage at the age of children as the terminology chosen to name the New Regulation NTB year 2021 against the prevention of marriage at child age which has been caused by several factors such as education, economy, environment, and socio-cultural that are interrelated with each other.

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