

## THE GOVERNMENT'S ROLE IN OVERCOMING UNDERAGE MARRIAGE IN THE MUSLIM COMMUNITIES

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### **Abstract**

*This research aims to analyze the government's role in overcoming underage marriage in the Muslim communities in Manado City, North Sulawesi Province, Indonesia. The government's involvement is significant because of the yearly increase of child marriage cases in the city. Therefore, this qualitative research employed a descriptive approach to analyze the data, which were collected through observation, interviews, and documentation. The primary data sources were the heads of the Religious Affairs Offices in Manado City, consisting of the Tuminting, Tikala, Wenang, and Singkil Subdistricts, while journal articles, government regulations, literature, and other relevant documents constituted the secondary data. Subsequently, the results showed that the government's duties and functions concerning marriage in the city are implemented through the Religious Affairs Office and include providing services, monitoring, recording, reporting, and guidance. Its role in combating underage marriage in the city's Muslim community is performed through formal activities, namely the socialization of Act No. 16/2019 concerning the age of marriage, pre-marital guidance and education for school-age children and millennial youth, as well as marriage preparation guidance. Also, non-formal activities are performed through lectures, coaching, and rendering marriage advice at the majlis ta'lim and youth events in mosques.*

**Keyword:** *Government; Marriage; Muslim; Underage.*

## A. INTRODUCTION

The yearly cases of child marriage have increased<sup>1</sup> with Indonesia ranking 2nd in ASEAN and 8th in the world.<sup>2</sup> According to BPS data in 2017, 25.71% of women between 20 and 24 years married under the age of 18,<sup>3</sup> meaning that 1 in 4 women wedded as children. In 2019, the research "Girls Not Brides" conducted by the Indonesian Women's Coalition found that 1 in 8 young women married below 18.<sup>4</sup> The 2021 National Development Planning Agency data also affirmed that child marriage caused economic losses of around 1.7% to the Gross State Revenue (GSR).<sup>5</sup>

Therefore, the phenomenon of underage marriage should be tackled immediately by the government as a policymaker. The Indonesian government has issued regulations that consider matrimonies performed according to the legislation and religious provisions, laws, or beliefs as legal. The legal backing is Act No. 1/1974 concerning Marriage, which defines the age limit for marriage as 19 years for men and 16 years for women.<sup>6</sup> Although many consider individuals of these ages physically and mentally mature for marriage, others believe the stipulated age limit will hinder children's growth and development. They also consider it an obstruction to the exercise of their basic rights, such as the right to protection from violence and discrimination, alongside civil privileges, health, education, and social wellbeing.<sup>7</sup>

Based on the above considerations, the President of Indonesia ratified Act No. 16/2019 concerning Amendments to Act No. 1/1974 concerning Marriage on October 14, 2019. Article 7 of the newly ratified law states that marriage is only permitted for men and women who are at least 19 years of age. This age limit is considered to represent individuals who have matured mentally and physically and can sufficiently realize the purpose of marriage without divorcing. Also, these persons can produce

- 1 Mies Grijns and Hoko Horii, Child Marriage in a Village in West Java (Indonesia): Compromises between Legal Obligations and Religious Concerns, *Asian Journal of Law and Society*, Vol. 5, No. 2, November 5, 2018, page.453–66; Dian Latifiani, The Darkest Phase for Family: Child Marriage Prevention and Its Complexity in Indonesia, *JILS (Journal of Indonesian Legal Studies)*, Vol. 4, No. 2, 2019, page.242–58
- 2 Ellyvon Pranita, *Peringkat Ke-2 Di ASEAN, Begini Situasi Perkawinan Anak Di Indonesia*, 20 May, 2021, <https://www.kompas.com/sains/read/2021/05/20/190300123/peringkat-ke-2-di-asean-begini-situasi-perkawinan-anak-di-indonesia?page=all>.
- 3 Insan Khoirul Qolbi, *Mengurai Problematika Hukum Perkawinan Di Bawah Umur Di Indonesia*, 4 May, 2018, <https://kemenag.go.id/read/mengurai-problematika-hukum-perkawinan-di-bawah-umur-di-indonesia-n3gbn>.
- 4 Mike Verawati et al., *Perkawinan Bukan Untuk Anak: Potret Perkawinan Anak Di 7 Daerah Paska Perubahan UU Perkawinan*, Yayasan Plan International Indonesia (Plan Indonesia) Koalisi Perempuan Indonesia Untuk Keadilan dan Demokrasi (KPI), Jakarta Selatan, 2019, page.8
- 5 Pranita, *Peringkat Ke-2 Di ASEAN, Begini Situasi Perkawinan Anak Di Indonesia*.
- 6 Diana Tantri Cahyaningsih, Adi Sulistiyono, and Hari Purwadi, Application of Law Number 16 of 2019 to Law Number 1 of 1974 on Marriage, *NVEO - Natural Volatiles & Essential Oils*, Vol. 8, No. 5, December 18, 2021, page.10419–28
- 7 M. Alimashariyanto, Suprijati Sarib, and Sabil Mokodenseho, The Role of Parents in Parenting from Islamic Law Perspectives: A Study of Muslim Families in Ambang II Village, *AT-TURAS: Jurnal Studi Keislaman*, Vol. 9, No. 1, June 30, 2022, page.38–59

healthy and quality offspring, contribute to achieving a lower birth rate and reduce the risk of maternal and child mortality. This regulation supports the fulfillment of children's rights by optimizing their growth and development, including providing parental assistance and access to higher education, as mandated in Act No. 23/2002 jo. UU Number 35/2014 on Child Protection. However, Act No. 16/2019 contains a loophole that allows parents to apply for a dispensation at a religious court in cases of a deviation from the age limit for marriage.<sup>8</sup>

The marriage dispensation promotes underage marriages,<sup>9</sup> thereby necessitating the maximization of the government's role through the Religious Affairs Office<sup>10</sup> to ensure all the requirements are fulfilled by the potential bride and groom prior to the marriage. It also has a responsibility to socialize Act No. 16/2019 concerning Marriage by guiding marital matters to foster public understanding and awareness of the law.

Meanwhile, an increase in underage marriage has been reported to negatively impact various aspects of life, including education, by supporting dropouts. Most of these individuals are also not mentally and physically mature to marry, resulting in reproductive health problems for women, such as increased vulnerability to cervical cancer, domestic violence, divorce, economic instability, and poor knowledge of their rights and obligations as spouses.

According to the 2019 data from the Central Statistics Agency, 19.43% of early marriages occurred in the urban areas of North Sulawesi Province and 32.24% in rural areas. This indicates that children aged 18 years and under decide to quit school and get married, which is dangerous and detrimental to women. Therefore, this research discussed the role of

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- 8 Lilik Andar Yuni, Analysis of The Emergency Reasons in The Application of Marriage Dispensation at The Tenggara Religious Court, *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, Vol. 5, No. 2, December 26, 2021, page.976–1002; Cate Sumner, Ending Child Marriage in Indonesia: The Role of Courts, Centre for Indonesian Law, Islam and Society, University of Melbourne, 2020
  - 9 Josua Navirio Pardede, Wigati Taberi Asih, and Thogu Ahmad Siregar, Progressivism of Judges in Deciding Applications for Marriage Dispensation, *Lambung Mangkurat Law Journal*, Vol. 6, No. 1, February 25, 2021, page. 41–55.; Arina Hukmu Adila, Sociological Aspects of Judges in Granting Applications for Marriage Dispensation (Study of Determination Number: 0038/Pdt.P/2014/PA.Pt), *Walisongo Law Review (Walrev)*, Vol. 2, No. 2, 2020, page.159–67; Siska Wahyuni and Toni Toni, Overview of the Granting of Marriage Dispensation for Minors (Study on the Determination of the Rantauprapat Religious Court Number 62/Pdt.P/2017/Pa.Rap), *Budapest International Research and Critics Institute (BIRCI-Journal): Humanities and Social Sciences*, Vol. 5, No. 1, January 24, 2022, page. 2150–55.
  - 10 Sri Yulianty Mozin, Yacob Noho Nani, and Saiful Annam, Evaluation of Marriage Management Information System (SIMKAH) Policy in the Office of Religious Affairs (KUA) Sub-District Marisa, Pohuwato Regency, *Proceedings of International Interdisciplinary Conference on Sustainable Development Goals (IICSDGs)*, Vol. 5, No. 1, February 5, 2022, page.11–19; Arry Halbadika Fahlevi, Administrative Services for Making Marriage Certificates at the Office of Religious Affairs, Jejawi District, Ogan Komering Ilir Regency, *JURNAL ISO*, Vol. 1, No. 2, December 24, 2021, page.69–74; Ismail Ismail, Abidin Abidin, and Lukman Lukman, The Efforts of the Office of the Religious Affairs of South Palu in Resolving Marriage Conflicts, *International Journal of Contemporary Islamic Law and Society*, Vol. 1, No. 1, November 5, 2019, page. 52–72

the government in overcoming underage marriage among Muslim communities in Manado City, North Sulawesi Province, Indonesia.

This research aims to analyze the government's role in overcoming underage marriage in the Muslim communities in Manado City, North Sulawesi Province, Indonesia. The government's role in overcoming underage marriages will contribute to reducing the number of underage child marriages.

## **B. RESEARCH METHODS**

This research was conducted between March and September 2021 in Manado City. A qualitative descriptive approach was employed, where data was collected by observation, interviews, and documentation.<sup>11</sup> It involved describing the empirical reality of the government's role in overcoming underage marriage among Muslim communities in the evaluated city.

The objects were four representatives of the eleven Religious Affairs Offices namely Tikala, Singkil, Wenang, and Tuminting Subdistricts. These offices were selected due to their location in a Muslim-majority area, which meant more Muslim marriages compared to the other seven. The sources of primary data were field observations and interviews with informants, specifically the Heads of the four Religious Affairs Office selected. Conversely, journal articles, government regulations, and other relevant literature were used as secondary data.

## **C. RESULTS AND DISCUSSION**

### **1. Controversy on the Age Limit stipulated in the Marriage Law**

Marriages in Indonesia are controlled by several regulations, including Act No. 1/1974 concerning Marriage, Act No. 16/2019 concerning Amendments to Number 1/1974 concerning Marriage, Government Regulation Number 9/1975 concerning Implementation of Act No. 1/1974, (4) Minister of Religion Regulation Number 30/2005 concerning Guardian Judges, Minister of Religion Regulation Number 20/2019 concerning Marriage Registration, and Presidential Instruction Number 1/1991 concerning the Compilation of Islamic Law (KHI). The age limit for marriage is regulated by Act No. 16/2019, a revision of Act No. 1/1974 concerning Marriage, which provides uniform marriage arrangements for all groups of people. This law defines marriage as an inner and outer bond between a husband and wife that aims to create a happy and eternal family/household as well as a civil bond between a man and a woman.

However, there are still problems with the implementation of the Marriage Law, in terms of substance, alongside public awareness and understanding of its impact on people's lives and the state. One of the causes of marital problems is the practice of underage marriage, which causes unrest for the public, government, alongside health and human

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11 David R. Thomas, A General Inductive Approach for Analyzing Qualitative Evaluation Data, *American Journal of Evaluation*, Vol. 27, No. 2, June 30, 2006, page.237–46,

rights observers.<sup>12</sup> Besides social problems that lead to child marriage, the marriage age regulation referred to in Article 7 paragraph (1) of the Marriage Law is deemed inadequate and discriminatory against girls, with implications of withdrawal from school and the inability to work properly. The age discrimination is against women, allowing persons aged 16 years or below to marry, despite being very vulnerable to health problems and risks.

As stated in the 1945 Constitution, Act No. 35/2014 concerning Amendments to Act No. 23/2002 concerning Child Protection<sup>13</sup> and the Ratification of the Convention on the Rights of the Child,<sup>14</sup> underage marriage jeopardizes the state's guarantee of children's rights to survive, grow, and develop as well as the right to protection from violence and discrimination. In addition, child marriage can hamper the human growth index, the achievement of the 2045 demographic bonus,<sup>15</sup> and the Sustainable Development Goals (SDGs), which have become global commitments.<sup>16</sup> Hence, the government must immediately ensure the discontinuation of child marriage practices, particularly for girls, and formulate a policy to save future generations by altering Article 7 paragraph (1) of the Marriage Law.

Act No. 35/2014 was enacted as an amendment to Act No. 23/2002 concerning Child Protection. Article 1 recognizes individuals below the age of 18 as children and automatically modifies the marriage age limit in Article 7 paragraph (1) of the Marriage Act No. 1/1974. This article permits the union between a man of 19 years and a woman of 16 years, thereby contradicting the statement in the Law on Child Protection.

In the First Constitutional Court Decision Number 30-74/PUU-XII/2014 dated 18 June 2015, a judicial review of Article 7 paragraph (1) of Act No. 1/1974 was ruled upon. This decision rejected the judicial review application and described Article 7 paragraph (1) of the Marriage Law as an open legitimate arrangement in accordance with the 1945 Constitution. However, the National Commission for Women expressed

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- 12 Pintu Paul, Effects of Education and Poverty on the Prevalence of Girl Child Marriage in India: A District-Level Analysis, *Children and Youth Services Review*, Vol. 100, May 2019; Colleen Murray Gastón, Christina Misunas, and Claudia Cappa, Child Marriage among Boys: A Global Overview of Available Data, *Vulnerable Children and Youth Studies*, Vol. 14, No. 3, July 3, 2019, page.219–28; Alissa Koski and Jody Heymann, Child Marriage in the United States: How Common Is the Practice, And Which Children Are at Greatest Risk?, *Perspectives on Sexual and Reproductive Health*, Vol. 50, No. 2, June 2018, page.59–65
  - 13 Yanuar Farida Wismayanti et al., The Problematization of Child Sexual Abuse in Policy and Law: The Indonesian Example, *Child Abuse & Neglect*, Vol. 118, August 2021;
  - 14 Nico Brando, Universalism, Embeddedness and Domination: An Analysis of the Convention on the Rights of the Child, *Journal of Global Ethics*, Vol. 15, No. 3, September 2, 2019;
  - 15 A. A. Wisnumurti, I. Darma, and N. Suasih, Government Policy of Indonesia to Managing Demographic Bonus and Creating Indonesia Gold in 2045, *IOSR Journal of Humanities and Social Science (IOSR-JHSS)*, Vol. 23, No. 1, 2018, page. 23–33.
  - 16 Sonny D. Judiasih et al, Efforts to Eradicate Child Marriage Practices in Indonesia: Towards Sustainable Development Goals, *Journal of International Women's Studies*, Vol. 21, No. 6, 2020, page. 135–49.

dissatisfaction with the Constitutional Court's rejection of the application for the judicial review of Act No. 1/1974 concerning Marriage and the consideration of the legal marriage age of 16 years for women. This regulation signifies that the state allows child marriage when in fact, young girls have the right to grow, develop, and obtain protection from violence and discrimination. According to the National Commission for Women, these rights are guaranteed in Article 28 B paragraph (2) of the 1945 Constitution, meaning that marriage to a 16-year old is equivalent to marrying a child and violates the rights of children, specifically girls.

Various parties consider the Marriage Law inconsistent in establishing the age limit of adulthood between men and women. According to these groups, the law legalizes underage marriages, which places girls at the risk of violence, exploitation, and damage to reproductive organs, and emphasizes the construction of discriminatory sexual orientations. Child marriages are believed to entail overt and hidden coercion, as the child's consent is given in an unequal relationship with the decision requester rather than in a state of free thought.

Also, the Indonesian Family Planning Association (PKBI) was disappointed by the Constitutional Court's refusal of the judicial review request to increase the marriage age limit from 16 to 18 years. This contradicts with the conscience of the Constitutional Court, which ignored the health and development of children as well as the future of Indonesian girls. The Court's decision eroded the dreams of children to further their education, and according to PKBI, the rejection was like a sharp knife to the hopes of Indonesian children, as it suggested that "the State does not accommodate the protection of children's rights to grow, develop, and work".<sup>17</sup>

In the Second Constitutional Court Decision Number 22/PUU-XI/2017 read on 18 December 2018, the Constitutional Court granted the review of Article 7 paragraph (1) of the Marriage Law through decision Number 22/PUU-XV/2017. The acceptance was granted because of the discriminatory nature of the article, as it contradicted article 27 paragraph (1) of the 1945 Constitution relating to equality of rights and the Child Protection Law, which supports the same basic rights for boys and girls. There were at least two main considerations of the Constitutional Court. First, the limitation of marriage for a 16-year old girl is unconstitutional, violates human rights, and is a form of child exploitation. Second, lawmakers were ordered to change the Marriage Law within a maximum period of 3 years, particularly the unethical age for marriage.<sup>18</sup> PMK Number 22/PUU-XV/2017 decided that Article 7 paragraph (1) and the phrase "16 years" in the Marriage Law conflicted with the 1945 Constitution and had no binding legal force.

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17 PKBI, *MK Tolak Kenaikan Usia Perkawinan, Indonesia Berduka*, 2015, <http://pkbi.or.id/berita-persmk-tolak-kenaikan-usia-perkawinan-indonesia-berduka/>.

18 Zandy Wulan Ayu Widhi Prameswari and Erni Agustin, Indonesian Marriage Law Reform: The Way to Strengthen the Protection of Children's Rights against Child Marriage, *Journal of Southeast Asian Human Rights*, Vol. 2, No. 1, 2018, page. 286–301.

Act No. 16/2019 concerning Amendments to Act No. 1/1974 concerning Marriage was ratified by President Joko Widodo on October 14, 2019. After an extensive debate, the Limited Revision of the Marriage Act No. 1/1974 at the Plenary Session of the Indonesian House of Representatives on September 16 2019, increased the minimum marriageable age of women from 16 to 19 years. The parliament followed up on a letter sent by the president concerning the Limited Revision and executed this historic step of determining the marriage age amid the heated controversy. Hence, the resulting regulation can serve as a stepping stone for children in Indonesia to break through barriers in obtaining their rights to education, health, employment, etc. The revision of the law was a strategic step towards realizing the "Golden Indonesia 2045" and is expected to be remembered.

Meanwhile, the reform of the norms in Act No. 1/1974 concerning Marriage involved increasing the minimum age for the marriage of women to the same level as men, which is 19 years. At this age, both parties are considered mentally and physically mature to marry, appropriately realize the purpose of matrimony without divorcing, and produce healthy and quality offspring.

Increasing the minimum marriageable age of women above 16 years is expected to reduce the birth rate and decrease the risk of maternal and child mortality. It will also ensure children's rights are fulfilled by optimizing their growth and development, including mentoring parents and providing access to the highest possible education.

On October 14, 2019, President Joko Widodo ratified Act No. 16/2019 concerning Amendments to Act No. 1/1974 concerning Marriage in Jakarta. The law came into force after Act No. 16/2019 concerning Amendments to Act No. 1/1974 concerning Marriage was promulgated and published in the State Gazette Number 186/2019. Its explanation was also included in the Supplement to the State Gazette Number 6401.

## **2. The Role of the Government in Implementing Act No. 16/2019 concerning the Age of Marriage for the Muslim Community of Manado City**

Increasing according to Jihad consciousness, marriage requires maturity in all aspects, including age, from the husband and wife in order to create a happy, prosperous, and eternal family. The age restriction in Act No. 16/2019 and KHI is important to prevent underage marriage practices and achieve the purpose of matrimony as stated in the Indonesian marriage law. In addition, marriage is related to population and the low minimum marriage age for women results in high birth rates. This means that the determination of age in the Marriage Law and KHI is an effort to renew past *fiqh* thinking. In Islam, a person's maturity is more highlighted in the physical aspect. An example is the imposition of law (*taklif*) on a person, technically called *mukallaf*, who is considered capable of carrying legal burdens and actions. Physical and mental marriage preparations are regulated in Act No. 16/2019, which requires

the physical and spiritual maturity of prospective spouses. The preparation consists of health coaching, appropriate age, the ability to reproduce, as well as the sociology and psychology of marriage.

In response to the phenomenon of underage marriage in Manado, the Religious Affairs Offices conducted various educational programs, outreaches, and counseling for parents, religious and community leaders, youth, and *majlis ta'lim* about the changes to the Marriage Law.<sup>19</sup> Socialization is often delivered at various moments, such as marriage ceremonies, alongside religious and government activities.<sup>20</sup> Also, it often involves marriage-related organizations, including the Indonesian Marriage Leader Association. Another effort is the distribution of brochures to mosques and the placement of billboards in every Religious Affairs Office with information on preventing underage marriages.<sup>21</sup>

Act No. 16/2019 concerning Marriage and Act No. 1/1974 contain conflicting age requirements for prospective husbands. Act No. 1/1974 article 7 paragraph 1 states that marriage is only allowed between a man and woman who are 19 and 16-years old, respectively, while Act No. 16/2019 Article 7 paragraph 1 demands a minimum age of 19 years for both parties. Increasing the age limit for women in Act No. 16/2019 highlights the importance of reproduction.<sup>22</sup> According to Muarif<sup>23</sup> and Mantau<sup>24</sup>, this law enables a decrease in the number of child marriages. Gani had a contrary view and considered the increase as fairly insignificant in reducing underage marriages due to the provision of marriage dispensation.<sup>25</sup>

Meanwhile, Muarif mentioned several factors as the cause of underage marriage.<sup>26</sup> The first was the lack of environmental supervision and social activities organized by parents or families for the children, which may also be due to the omission of parents' involvements in their offsprings' association. Second, the ineffectiveness of parents' supervision of the environment and children's activities was a potential cause of promiscuity and underage marriages. The third was the relative lack of public understanding of religious values. Conversely, the factors identified by Hassan included (1) the promiscuity or pregnancy of the girl

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19 Interview with Suryanto Muarif (Head of Religious Affairs Office of Singkil Subdistrict, Manado City), September 29, 2021.

20 Interview with Salim Hassan (Head of Religious Affairs Office of Tuminting Subdistrict, Manado City), September 29, 2021.

21 Interview with Imran Mantau (Head of Religious Affairs Office of Tikala Subdistrict, Manado City), September 17, 2021.

22 Interview with Efendi Gani (Head of Religious Affairs Office of Wenang Subdistrict, Manado City), March 8, 2021.

23 Interview with Suryanto Muarif (Head of Religious Affairs Office of Singkil Subdistrict, Manado City), September 29, 2021.

24 Interview with Imran Mantau (Head of Religious Affairs Office of Tikala Subdistrict, Manado City), September 17, 2021.

25 Interview with Efendi Gani (Head of Religious Affairs Office of Wenang Subdistrict, Manado City), March 8, 2021.

26 Interview with Suryanto Muarif (Head of Religious Affairs Office of Singkil Subdistrict, Manado City), September 29, 2021.



who is about to be married, (2) starting a family, which is desired by parents, and (3) the intense relationship between the prospective spouses, causing parents to pursue their marriage to avoid adultery.<sup>27</sup> Another factor that promotes the occurrence of underage marriages is the unawareness of the local Religious Affairs Office. Mantau added that this last factor was caused by the lack of government guidance of the religious figures or priests who conducted the union.<sup>28</sup>

Since Act No. 16/2019 is the basis for performing marriages, the Religious Affairs Office began on January 1st to conduct marriages using the 19-year minimum age for men and women. In circumstances where the prospective bride is below the limit, a rejection letter (N9) is issued to the involved party. Therefore, parents of the prospective couple may apply for a marriage dispensation to the Religious Courts according to the provisions of Indonesian PMA Number 5/2019. Underage marriage permits can be detected through a website-based Marriage Management Information System (SIMKA).<sup>29</sup>

The duties of the Religious Affairs Offices begin by inquiring about the conditions and pillars to be met after a marriage registration. Any problem with the bride or groom is detected through the marriage leader. The offices also provide guidance and advice to prospective couples through directions to build a good household, love one other, and prioritize family deliberation in solving problems.<sup>30</sup> However, there is still a lack of uniformity in the implementation of the Marriage Law by each Religious Affairs Office, as an application rejected by "A" may be accepted at "B."

This necessitates the government's supervision of the performance of the Religious Affairs Office heads through Wasyyrik, who is authorized to oversee the issued policies and conduct investigations in case of irregularities or violations. The results of these investigations may cause legal consequences for unscrupulous officials or the violating offices. Errors related to marriage administration often occur due to the inability of the officials to understand and apply the correct rules, which involve marriage registration before legalization by the Religious Affairs Office. These rules must be followed regardless of certain circumstances, such as pregnancy before marriage. Although the perspective of religious law does not stipulate the age limit for marriage and defines the institution as the right of the bride, groom, and their families, the state requires that all aspects of community life be regulated by law, including marriage.

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27 Interview with Salim Hassan (Head of Religious Affairs Office of Tuminting Subdistrict, Manado City), September 29, 2021.

28 Interview with Imran Mantau (Head of Religious Affairs Office of Tikala Subdistrict, Manado City), September 17, 2021.

29 Interview with Imran Mantau (Head of Religious Affairs Office of Tikala Subdistrict, Manado City), September 17, 2021.

30 Interview with Salim Hassan (Head of Religious Affairs Office of Tuminting Subdistrict, Manado City), September 29, 2021.

Various steps have been implemented by the government to prevent underage marriages, specifically the Religious Affairs Offices. First, the office is mandated with accepting or rejecting applications of the Marriage Law. This is because of the authority conferred by the state to perform some of the government's religious duties, including marriage as well as handling hajj, zakat, waqf, etc. In applying every marriage rule, the office must be observant and thorough in understanding the intent of the amendment to the Marriage Law in order to avoid errors in implementing the new legislation. Second, limiting the age of marriage, as contained in the Marriage Law, provides expectations about maintaining the quality of the next generation and harmonizes religious and state law. This means that although there is no specific numerical age limit in the religious law, Prophet SAW's teachings have provided qualitative indicators for the category of people who are old enough to marry. Third, the marriage leader's involvement as a government partner in suppressing the high number of underage marriages is intensified. Fourth, socialization about the impact of underage marriage is conveyed more regularly to promote the community's understanding. Fifth, the government is responsible for enforcing firm legal consequences, particularly criminal sanctions against couples who enter into marriage or marry off partners in manners that contradict the applicable laws and regulations.

The role of the Religious Affairs Office concerns conveying knowledge of the risks, vulnerabilities associated with underage marriages and the possible inability to perform their ideal family functions. Marriage leads to the formation of a family that can function optimally, including biologically,<sup>31</sup> educationally,<sup>32</sup> religiously,<sup>33</sup> protectively, socially, recreationally, and economically. Ideally, it is aimed at creating a *sakinah, mawaddah, and rahmah* family.<sup>34</sup>

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31 Juhrah M. Arib et al., The Inheritance of Human Traits in the Qur'an Based on the Scientific Interpretation of Zaghilūl Rāghib Muḥammad an-Najjār, *AL QUDS: Jurnal Studi Alquran Dan Hadis*, Vol. 6, No. 2, September 17, 2022, page.863–86;

32 Ismail Suardi Wekke and Sabil Mokodenseho, Religious Teaching and Learning in Minority Muslim of Manado Indonesia Authors, in *Proceedings of the 2nd International Conference on Education, Science, and Technology (ICEST 2017)*, Paris, France: Atlantis Press, 2017, page. 187–89;

33 Ismail Suardi Wekke, Sabil Mokodenseho, and Firdaus Firdaus, Religious Education and Tolerance: Learning Process in High School of Minority Muslim Indonesia, *INA-Rxiv Papers*, 2017, Ismail Suardi Wekke, Sabil Mokodenseho, and A. Fadzlur Rahman, Values of Religious Tolerance in Islamic Learning Material of Muslim Minority State High School, *INA-Rxiv Papers*, 2018;

34 Imam Tabroni and Jajang Dodi, Family Education in The Book 'Uqūd Al-Lujjain Fī Bayani Huqūqi Al-Zaujain, *Muttaqien; Indonesian Journal of Multidisciplinary Islamic Studies*, Vol. 3, No. 1, January 30, 2022, page.55–66; Muh. Rizal Masdul et al., The Role of Islamic Education in Forming a Sakinah Family in Sambalagi Village, Bungku Pesisir District, *International Journal of Health, Economics, and Social Sciences (IJHESS)*, Vol. 4, No. 1, January 13, 2022, page.35–40; Samsul Samsul and Mohd. Fauzi Abu Husen, The Empowerment of The Council of Advising and Preservation of Marriage (BP4) in Building Sakinah Families, *Justicia Islamica*, Vol. 17, No. 2, November 12, 2020, page.281–98

Although several formal and informal preventive measures have been performed by the government or Religious Affairs Offices to overcome underage marriages, the results are still unnoticeable. This is because of the increased applications for marriage dispensation at the Manado Religious Court from 2020 to July 2021. The SIPP data from the court recorded 70 decisions on marriage dispensation applications within this period, signifying a continuous rise in the number of underage marriages.

The government's failure at deterring underage marriages, particularly the Religious Affairs Offices, is due to several factors. First, Act No. 16/2019, which raised the minimum marriage for women from 16 to 19 years, still promotes underage marriages through an article that regulates marriage dispensation. Second, many parents are unaware of the negative factors that arise from underage marriage. Third, the government is unserious about dealing with this problem. Fourth, controlling promiscuity between boys and girls is difficult due to poor parental supervision, freely accessible internet sites that display explicit content, and an unsupportive environment.

#### **D. CONCLUSION**

Underage marriage in the Muslim community of Manado City is prevented through the implementation of formal activities, as stated in the DIPA of the Religious Affairs Office, and non-formal activities by the government. The formal activities include the socialization of Act No. 16/2019 concerning the age of marriage, the guidance and education of school-age children, millennial youth, preparation of prospective, as well as supervision and action. These activities are performed following the discovery that the child's age contradicts the applicable regulations. In such context, the Religious Affairs Office issues a rejection letter (N9) and recommends the submission of a marriage dispensation to the religious court. The informal activities involve community lectures and guidance, *majlis ta'lim*, the education of mosque youth, and the provision of marriage advice. However, the formal and informal activities performed by the government are still ineffective, as indicated by the number of applications for marriage dispensation filed at the Manado Religious Court since 2020-2021, comprising 39 cases in 2020 and 31 in 2021.

#### **BIBLIOGRAPHY**

##### **Books:**

Verawati, Mike, Dian Kartikasari, Nazla Mariza, Bambang Wicaksono, Novita Anggraini, and Ria Yulianti., 2019, *Perkawinan Bukan Untuk Anak: Potret Perkawinan Anak Di 7 Daerah Paska Perubahan UU Perkawinan*, Yayasan Plan International Indonesia (Plan Indonesia) Koalisi Perempuan Indonesia Untuk Keadilan dan Demokrasi (KPI), Jakarta Selatan;

## Journals:

- Adila, Arina Hukmu., Sociological Aspects of Judges in Granting Applications for Marriage Dispensation (Study of Determination Number: 0038/Pdt.P/2014/PA.Pt), *Walisongo Law Review (Walrev)*, Vol. 2, No. 2, 2020;
- Alimashariyanto, M., Suprijati Sarib, and Sabil Mokodenseho., The Role of Parents in Parenting from Islamic Law Perspectives: A Study of Muslim Families in Ambang II Village, *AT-TURAS: Jurnal Studi Keislaman*, Vol. 9, No. 1, June 30, 2022;
- Arib, Juhrah M., Nikmatul Khairiyah, M. Suryadinata, and Sabil Mokodenseho., The Inheritance of Human Traits in the Qur'an Based on the Scientific Interpretation of Zagh'lūl Rāghib Muḥammad an-Najjār, *AL QUDS: Jurnal Studi Alquran Dan Hadis*, Vol. 6, No. 2, September 17, 2022;
- Brando, Nico., Universalism, Embeddedness and Domination: An Analysis of the Convention on the Rights of the Child, *Journal of Global Ethics*, Vol. 15, No. 3, September 2, 2019;
- Cahyaningsih, Diana Tantri, Adi Sulistiyono, and Hari Purwadi., Application of Act No. 16 of 2019 to Act No. 1 of 1974 on Marriage, *NVEO - Natural Volatiles & Essential Oils Journal*, Vol. 8, No. 5, December 18, 2021;
- Fahlevi, Arry Halbadika., Administrative Services for Making Marriage Certificates at the Office of Religious Affairs, Jejawi District, Ogan Komering Ilir Regency, *JURNAL ISO*, Vol. 1, No. 2, December 24, 2021;
- Gastón, Colleen Murray, Christina Misunas, and Claudia Cappa., Child Marriage among Boys: A Global Overview of Available Data, *Vulnerable Children and Youth Studies*, Vol. 14, No. 3, July 3, 2019;
- Grijns, Mies, and Hoko Horii., Child Marriage in a Village in West Java (Indonesia): Compromises between Legal Obligations and Religious Concerns, *Asian Journal of Law and Society*, Vol. 5, No. 2, November 5, 2018;
- Ismail, Ismail, Abidin Abidin, and Lukman Lukman., The Efforts of the Office of the Religious Affairs of South Palu in Resolving Marriage Conflicts, *International Journal of Contemporary Islamic Law and Society*, Vol. 1, No. 1, November 5, 2019;
- Judiasih, Sonny D., Betty Rubiati, Deviana Yuanitasari, Elycia F. Salim, and Levana Safira., Efforts to Eradicate Child Marriage Practices in Indonesia: Towards Sustainable Development Goals, *Journal of International Women's Studies*, Vol. 21, No. 6, 2020;
- Koski, Alissa, and Jody Heymann., Child Marriage in the United States: How Common Is the Practice, And Which Children Are at Greatest Risk?, *Perspectives on Sexual and Reproductive Health*, Vol. 50,

No. 2, June 2018;

- Latifiani, Dian., The Darkest Phase for Family: Child Marriage Prevention and Its Complexity in Indonesia, *JILS (Journal of Indonesian Legal Studies)*, Vol. 4, No. 2, 2019;
- Masdul, Muh. Rizal, Rahmawati, Maryati, Adriansyah Lasawali, and Abdul Mufarik A. Marhum., The Role of Islamic Education in Forming a Sakinah Family in Sambalagi Village, Bungku Pesisir District, *International Journal of Health, Economics, and Social Sciences (IJHESS)*, Vol. 4, No. 1, January 13, 2022;
- Mozin, Sri Yulianty, Yacob Noho Nani, and Saiful Annam., Evaluation of Marriage Management Information System (SIMKAH) Policy in the Office of Religious Affairs (KUA) Sub-District Marisa, Pohuwato Regency, *Proceedings of International Interdisciplinary Conference on Sustainable Development Goals (IICSDGs)*, Vol. 5, No. 1, February 5, 2022;
- Pardede, Josua Navirio, Wigati Taberi Asih, and Thogu Ahmad Siregar., Progressivism of Judges in Deciding Applications for Marriage Dispensation, *Lambung Mangkurat Law Journal*, Vol. 6, No. 1, February 25, 2021;
- Paul, Pintu., Effects of Education and Poverty on the Prevalence of Girl Child Marriage in India: A District-Level Analysis, *Children and Youth Services Review*, Vol. 100, May 2019;
- Prameswari, Zendy Wulan Ayu Widhi, and Erni Agustin., Indonesian Marriage Law Reform: The Way to Strengthen the Protection of Children's Rights against Child Marriage, *Journal of Southeast Asian Human Rights*, Vol. 2, No. 1, 2018;
- Samsul, Samsul, and Mohd. Fauzi Abu Husen., The Empowerment of The Council of Advising and Preservation of Marriage (BP4) in Building Sakinah Families., *Justicia Islamica*, Vol. 17, No. 2, November 12, 2020;
- Sumner, Cate., Ending Child Marriage in Indonesia: The Role of Courts, *Centre for Indonesian Law, Islam and Society, University of Melbourne*, Vol. 19, 2020;
- Tabroni, Imam, and Jajang Dodi., Family Education in The Book 'Uqūd Al-Lujjain Fī Bayani Huqūqi Al-Zaujain, *Muttaqien; Indonesian Journal of Multidisciplinary Islamic Studies*, Vol. 3, No. 1, January 30, 2022;
- Thomas, David R., A General Inductive Approach for Analyzing Qualitative Evaluation Data, *American Journal of Evaluation*, Vol. 27, No. 2, June 30, 2006;
- Wahyuni, Siska, and Toni Toni., Overview of the Granting of Marriage Dispensation for Minors (Study on the Determination of the Rantauprapat Religious Court Number 62/Pdt.P/2017/Pa.Rap)."

*Budapest International Research and Critics Institute (BIRCI-Journal): Humanities and Social Sciences*, Vol. 5, No. 1, January 24, 2022;

- Wekke, Ismail Suardi, and Sabil Mokodenseho., Religious Teaching and Learning in Minority Muslim of Manado Indonesia Authors, In *Proceedings of the 2nd International Conference on Education, Science, and Technology (ICEST 2017)*, Paris, France: Atlantis Press, Vol. 149, 2017;
- Wekke, Ismail Suardi, Sabil Mokodenseho, and Firdaus Firdaus., Religious Education and Tolerance: Learning Process in High School of Minority Muslim Indonesia, *INA-Rxiv Papers*, 2017;
- Wekke, Ismail Suardi, Sabil Mokodenseho, and A. Fadzlur Rahman., Values of Religious Tolerance in Islamic Learning Material of Muslim Minority State High School, *INA-Rxiv Papers*, 2018;
- Wismayanti, Yanuar Farida, Patrick O'Leary, Clare Tilbury, and Yenny Tjoe., The Problematization of Child Sexual Abuse in Policy and Law: The Indonesian Example., *Child Abuse & Neglect*, Vol. 118, August 2021;
- Wisnumurti, A. A., I. Darma, and N. Suasih., Government Policy of Indonesia to Managing Demographic Bonus and Creating Indonesia Gold in 2045, *IOSR Journal of Humanities and Social Science (IOSR-JHSS)*, Vol. 23, No. 1, 2018;
- Yuni, Lilik Andar., Analysis of The Emergency Reasons in The Application of Marriage Dispensation at The Tenggara Religious Court, *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, Vol. 5, No. 2, December 26, 2021;

#### **Internet:**

- IPKBI., *MK Tolak Kenaikan Usia Perkawinan, Indonesia Berduka*, 2015. <http://pkbi.or.id/berita-persmk-tolak-kenaikan-usia-perkawinan-indonesia-berduka/>;
- Pranita, Ellyvon., *Peringkat Ke-2 Di ASEAN, Begini Situasi Perkawinan Anak Di Indonesia*, May 20, 2021, [https://www.kompas.com/sains/read/2021/05/20/190300123/peringkat-ke-2-di-asean-begini-situasi-perkawinan-anak-di-indonesia?page=all](https://www.kompas.com/sains/read/2021/05/20/190300123/peringkat-ke-2-di-asean-begini-situasi-perkawinan-anak-di-indonesia?page=all;);
- Qolbi, Insan Khoirul., *Mengurai Problematika Hukum Perkawinan Di Bawah Umur Di Indonesia*, May 4, 2018. [https://kemenag.go.id/read/mengurai-problematika-hukum-perkawinan-di-bawah-umur-di-indonesia-n3gbn](https://kemenag.go.id/read/mengurai-problematika-hukum-perkawinan-di-bawah-umur-di-indonesia-n3gbn;);

#### **Interview:**

- Interview with Suryanto Muarif (Head of Religious Affairs Office of Singkil Subdistrict, Manado City), September 29, 2021;

Interview with Salim Hassan (Head of Religious Affairs Office of Tuminting Subdistrict, Manado City), September 29, 2021;

Interview with Imran Mantau (Head of Religious Affairs Office of Tikala Subdistrict, Manado City), September 17, 2021;

Interview with Efendi Gani (Head of Religious Affairs Office of Wenang Subdistrict, Manado City), March 8, 2021.