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URGENCY OF MARRIAGE AGE MATURITY: REVIEWING THE GOVERNMENT'S RESPONSE TO THE PHENOMENON OF UNDERAGE MARRIAGE

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ABSTRACT

This article discusses how the development of efforts to marriage age maturity in Indonesia. This effort is not only as a manifestation of the government in responding to marital problems such as the prevalence of underage marriages, also as another means to curb the behavior of some people who still often deviate marital age regulations through requests for marriage dispensation in court. The research findings conclude that there are important arguments that need to be considered for the government's efforts to reduce the rate of underage marriage in Indonesia, such as through the marriage age maturity program. This can be started by building integration or cooperation between institutions in order to maximize the function of the rule of law and their respective social roles, so that underage marriage can be minimized as well as possible.

Key Words: *Underage Marriage, Marriage Age, Marriage Dispensation*

1. INTRODUCTION

The issue of marriage is not only related to the nature and livelihood of individuals, it also becomes the foundation of collective hope to form a happy family forever. Marriage is defined as an inner and outer bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on a Godhead. Marriage that was originally only a combination of two people, can also be a means of uniting a family that is whole and united. Marriage with all its consequences and also closely related to religious, legal and social problems (Khoiruddin, 2004: 19).

The law Number 1 at 1974 concerning Marriage (called UUP) states that one of the principles of marriage is the maturity of the bride and groom. Maturity of the bride and groom is implemented with age restrictions on marriage. Previously, Article 7 section (1) of the UUP stated that marriage was only permitted if the man had reached 19 years old and the woman had reached 16 years old, now being raised to 19 years old both for the bridegroom, or the woman (Article 7 UUP No. 16 of 2019). At that age, both men and women, are assumed to have reached the minimum age to get married with all its problems.

Setting the age limit of marriage is basically aimed at the shared prosperity, and the goodness of the bride and groom as stated in the general explanation of UUP Number 4 letter (d), namely the principle of the bride and groom must be mature the body and soul

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(Directorate General of Islamic Community Guidance, 2010: 37). This juridical effort is also related to population problems, namely to realize the purpose of marriage properly without ending in divorce and get good children, so marriage with all its consequences must also be arranged in accordance with population insights such as preventing underage marriage and blasting population. The same mechanism is also contained in Article 6 section (2) of the UUP which states that someone who has not reached 21 years old to get married must get permission from both parents. Whereas in Article 15 section (1) Compilation of Islamic Law (called as KHI) it is mentioned that for the benefit of family and household, marriage can only be done by prospective brides who have reached the age in the UUP (Compilation of Islamic Law, 1991)

Beside the rules above, Minister of Domestic Affairs Instruction No. 33 also appeared. 27 of 1983 concerning about the age of marriage. This instruction aims to support the population and family planning program by emphasizing that young marriages are marriages that are conducted under the age of 20 for women and under 25 years old for men. This part of the period reflects the close relationship between legislation and population issues. The existence of age restrictions on marriage is solely based so that the bride and groom can fulfill the lofty goals of the marriage they direct (Abdul Manan, 2006: 11). In addition to avoid the practice of underage marriage, the birthrate can be reduced to a minimum, so that the national family planning program can go hand in hand with the implementation of existing marriage regulations.

Several case findings, in Blitar District there is an indication of increasing the phenomenon of marriage dispensation every year. In the Religious Court data for the period 2008-2010, there were 147 cases of marriage dispensation were recorded. Whereas in 2017-2018 there were 327 cases which generally occurred as a result of promiscuity in extra-marital pregnancy events, minimal sex education to excessive parental concerns. Meanwhile, the increase in requests for marriage dispensation in 2019 until the middle of 2020, also increased sharply compared to previous years. This was allegedly the result of the enactment of new regulations whereby the minimum age of marriage for both men and women must be 19 years old; previously only men were 19 years old, while women were 16 years old (mayangkaranews.com).

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Based on the description above, the aims of this paper not only to describe how the government's response in suppressing underage marriages which are still often found in the community, but also revisits the significance of the marriage age maturity in Indonesia.

2. RESEARCH METHOD

This research is a library research. The Primary data is obtained directly through literature studies such as research reports, books, journals and other written sources that focus on how the government attempts to reduce the rate of underage marriage in Indonesia, one of which is through the Marriage Age Maturing Program (PUP) within the National Population and Family Planning Agency (BKKBN). In addition, secondary data is related to various views and criticisms in the development of thinking about the age rules of marriage.

This research is descriptive-analytical with the method of data collection through document study and literature observation. The author describes how the government's efforts to reduce the rate of underage marriage in Indonesia, then analyze it with several existing theories. The aim is to examine the extent of the urgency of the issue of marriage age idealization in the Marriage Age Maturity Program (PUP) within the National Population and Family Planning Agency (BKKBN) on the regulation of marital age limits in Indonesia and its contribution to the renewal of national marriage law.

Normative approaches become the reference in this research. The writer bases himself on legal norms, along with the rules regarding the age of marriage that prevails in Indonesia, then provides the results of an analysis how the urgency of marriage age maturity in relation to the government's response in suppressing the pace of underage marriage practices in Indonesia. While the data analysis method in this study based on existing qualitative data with an inductive thinking framework. This used to parse the literature data found, both descriptive and narrative, then specifically classified to select and determine the relationship between the data and the problem under study, thereby facilitating the steps in subsequent analysis in accordance with the theories used.

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3. RESULT

A. Criticism of Marital Age

Critics of marital age can be said very diverse views. Andi Sjamsu Alam, with a philosophical approach, found that the marriage age stipulation as contained in the UUP had problems that were not easily solved. The most prominent indication of marital age problem arises when faced with article 7 section (2) concerning "marriage dispensation" in which juridical authority for that purpose is given to the court is considered to reduce the sacredness of marriage. Differences in marital age in the UUP are also considered to standardize roles and status between husband and wife in an unbalanced pattern of relations which ultimately discriminates against women. Therefore, equality in terms of ideal age is 21 years old, with psychological, sociological, and health considerations. The idealization of marriage at 21 years old is a very significant part in reconstructing the thinking of marriage law in Indonesia.

As a form of conceptual contribution, legal philosophy views the ideal marriage age as a genuine aspect of building a household, for example psychological maturity factors can eliminate the tendency of conflict (broken home). Marriage legal arrangements with the age of 21 years will guarantee the preservation of human resources. Strictly speaking, getting married at 21 years old will build a healthy family that will give birth to a quality generation, not only in terms of the outward but also in terms of the inner (Andi Sjamsu Alam, 2011).

Underage marriages often have negative implications on women's reproductive rights and health, although casually, underage marriages can also have a positive impact on the perpetrators, such as avoiding adultery status. Reproductive rights include women's health both physically, mentally, and socially. The negative impact on reproductive functions such as mental unpreparedness to have and care for children, have many children, and experiencing failure in the household which can result in a relatively young age of divorce (Fatimatuz Zahro ', 2009).

Based on the age of marriage, Sarlito Wirawan said that someone who is young who will go through domestic life can only interpret love as a mere beauty and romance. At this

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time they only have emotional love, because it has not been bound by a sense of perfect responsibility. (Sarlito Wirawan Sarwono, 1981: 12). Mental readiness of the bride and groom is very important to consider in order to enter the gate of the household, because a marriage that is done without considering mental readiness, it often causes problems in the back of the day and even a little messy in the middle of the road (Andi Mappiare, 1983: 16). Furthermore, maturity and stable personal integrity are also very influential in solving any problems that arise in dealing with the intricacies in the household. Many cases show that the number of divorces tends to be dominated because of marriages at a young age (Ahmad Rofiq, 2003: 77).

B. Maturity of Marriage as the Government's Response

The idea of the National Population and Family Planning Agency (BKKBN) through the Marriage Age Maturing program (PUP) needs to be seen as a sub-system of applicable marriage age rules. In 2010, the BKKBN published a book titled "Maturing Age of Marriage and Reproductive Rights for Indonesian Youth" aimed at increasing the knowledge of coaches, managers and adolescents about Adolescent Reproductive Rights and Marriage Age Maturity (PUP).

Descriptively, this book provides the understanding that PUP is an effort to increase age at the first time marriage, namely a minimum age at 20 years old for women and 25 years for men. The philosophical basis is the reproductive rights of adolescents, including the rights to freedom and security relating to reproductive life and others, are part of human rights inherent in humans from birth and are protected, so that restraints on reproductive rights mean restraints on human rights. The second concrete starting point of this understanding comes from the understanding that PUP is not just delaying marriage to a certain age, it also tries to make the first pregnancy (reproductive rights) occur at a fairly mature age (BKKBN, 2010: 47).

One of the reasons of PUP program is the reproductive period under 20 years old is the recommended age for delaying marriage and pregnancy. In this age a teenager is considered the process of physical, psychological development and a period of growth that ends at the age of 20 years. For this reason, in order not to threaten a woman's reproductive rights, it is recommended that women get married at 20 years old, if marriage under 20 years old it can

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lead to risks of illness and death that arise during the process of pregnancy and childbirth (Directorate for Youth Resilience Development, 20120: 20). Same with this case, the possibility of a mother dying or her child dying or suffering from an illness increases if the mother gives birth too early or too late. Women who are physically immature will face greater danger when giving birth and are more likely to give birth to children who are weak compared to women who are 20 years old, or relatively mature (Erick Eckholm and Kathleen Newland, 1984: 15).

4. DISCUSSION

In Article 1 section (3) of the 1945 Constitution it is stated that Indonesia is a state of law. That is, all the activities of a person related to legal actions, must comply with applicable regulations. Exceptions can only be made if there are emergencies that can be proven legally before a court. Whereas in Article 20 of Law No. 52 of 2009 concerning Population Development and Family Development, it is stated that in order to create a balanced and quality growing family the government determines family planning policies through the implementation of family planning programs.

The existence of law is to meet the needs of people who instinctively want to live in a calm and orderly atmosphere. Therefore, a law was drafted in the form of regulations in the context of realizing order in society. But unfortunately these regulations often cannot realize the order desired by the community because of the faster development of society than these regulations, so that these regulations cannot answer the problems that arise (Qodri Azizy, 2006: X).

Satjipto Raharjo also said that in a country a statutory regulation is the basis for realizing its policies. It is a formal juridical activity that is tasked with formulating orderly according to a predetermined procedure that is about what the community wants (Satjipto Raharjo, 1979: 113). While the law in the opinion of Hans Kelsen, as quoted by Jimly Asshiddiqie, is a system of order as a system of rules about human behavior. Thus the law does not refer to a single rule, but a set of rules that have a unity so that it can be understood as a system. As a consequence, it is impossible to understand the law if it only considers one rule (Jimly Asshiddiqie et al, 2006: 13).

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Some of the above theories can be related to the government's response in suppressing cases of underage marriage through the BKKBN PUP program, as explained earlier. For example, the issue of marriage age, as written in legal products such as the UUP or KHI that specifically regulates the age of marriage, it must be seen as a set that is not partial. This means that the BKKBN PUP program must also be taken into consideration, especially for judges in dealing with requests for marriage dispensation. This idea is an implementation of family development in Indonesia. In addition to minimizing the number of early marriages, and preparing the quality of the family as the nation's generation, it also controls the rate of population. PUP aims to provide understanding and awareness to adolescents so that in planning a family, they can consider various aspects related to family life, physical, mental, emotional, educational, social, economic, and determining the number and distance of births.

Then, by looking at existing regulations, the existence of a PUP program that has a strategic role in controlling adolescent behavior in matters of marriage needs to be maximized by realizing integration between agencies such as work cooperation between the court and BKKBN in an organized manner. These efforts can also be done through coaching families who have teenagers to care for and nurture adolescents as the next generation who are responsible, moral, and behave healthy, because all parties have a role and responsibility in creating a quality family according to the demands of the Act.

5. CONCLUSION

Based on the description above, it can be concluded that the issue of marital age is not only an issue for the judiciary as the tip of the marriage dispensation request, but also a special concern for the government in the realm of institutions that focus on controlling population problems. The two institutions, in addition to being able to work together to realize the marriage age rules to fit the ideal ideals, also have a common ground, namely the principle of age maturity for the bride and groom in order to realize the quality and endurance of the family nationally, so that maturing the marriage age is needed to realize these ideals. Thus, the issue of marital age should not be seen only partially from the

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perspective of the court, but must also be seen how the performance of other government agencies in jointly providing solutions to the practice of underage marriage that is still rife in some parts of Indonesian society,

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