

## RESEARCH REPORT

# STUDY ON THE DISPENSATION OF CHILD MARRIAGE IN INDRAMAYU, WEST JAVA, AND CENTRAL LAMPUNG, LAMPUNG



## RESEARCH REPORT

# STUDY ON THE DISPENSATION OF CHILD MARRIAGE IN INDRAMAYU, WEST JAVA, AND CENTRAL LAMPUNG, LAMPUNG

---

### Research Team:

Mufliha Wijayati  
Siti Rofiah  
Lutfiana Mayasari  
Elfa Murdiana

### Review Team:

AD Eridani  
Andi Nur Faizah  
Laurensius Susilo Yunior

### Design and Layout:

Muhamad Ikhsan

### Published By:

International NGO Forum for Indonesian Development (INFID)

2024

## **RESEARCH REPORT**

### **Study On The Dispensation Of Child Marriage In Indramayu, West Java, And Central Lampung, Lampung**

#### **Research Team:**

Mufliha Wijayati  
Siti Rofiah  
Lutfiana Mayasari  
Elfa Murdiana

#### **Review Team:**

AD Eridani  
Andi Nur Faizah  
Laurensius Susilo Yunior

#### **Design and Layout:**

Muhamad Ikhsan

#### **Published By:**

International NGO Forum for Indonesian Development (INFID)

#### **Address:**

Jl. Jati Padang Raya Kav.3 No. 105, Pasar Minggu, Jakarta Selatan 12540  
Indonesia  
Tlp: (62-21) 781 9734, 781 9735, 7884 0497  
Email: office@infid.org  
Website: www.infid.org

First Publication, July 2024

Copyright All Right Reserved



Embassy of the  
Federal Republic of Germany  
Jakarta

This document is published with the support of the German Embassy. The contents of this document are the sole responsibility of INFID.

# Table of Contents

<b>Table Of Contents</b>	<b>iv</b>
<b>Preface</b>	<b>vi</b>
<b>Executive Summary</b>	<b>viii</b>
<b>List Of Abbreviation</b>	<b>xii</b>
<b>Chapter I Introduction</b>	<b>1</b>
A Background Of The Issue	1
B Research Problems	6
C Objectives And Benefits Of The Research	6
D Expected Results	6
<b>Chapter II Theoretical Framework</b>	<b>9</b>
A Child Marriage	9
B Marriage Dispensation	10
C The Best Interests Of The Child And Urgent Reasons In Marriage Dispensation	13
D The Urgency Concept In Law No. 16 Year 2019	17
E Court Decisions, Legal Discovery, And Feminist Legal Realism (Flr)	17
<b>Chapter III Research Methods</b>	<b>21</b>
A Research Designs	21
B Data Collection Method	21
C Data Analysis Steps	27
D Dynamics And Limitations Of The Research	28
E Systematics Of The Research Report	29
<b>Chapter IV Marriage Dispensation Does Not Reflect The Actual Child Marriage Rate</b>	<b>31</b>
A Research Location Summary	31
B Portrait Of Child Marriage In Indramayu And Central Lampung	37
<b>Chapter V Court Decision Regarding Marriage Dispensation</b>	<b>67</b>
A The Long Road To Marriage Dispensation At The Religious Court	70
B Marriage Dispensation Request: For The Sake Of Preserving Morality And Concealing Shame	76
C The Basis For The Judge's Consideration To	79

Grant Or Reject	
D Ideal Recommendation	81
E Voicing The Best Interests Of The Child Through Marriage Dispensation Decisions	84
F Marriage Dispensation: A Difficult And Expensive Access To Marriage Dispensation	87
G “Broken Threads” In The Prevention And Handling Of Child Marriage	89
<b>Chapter VI The Role And Contribution Of Government Institutions And Social Institutions In The Issue Of Child Marriage</b>	<b>97</b>
A Hearing Voices From Indramayu	97
B Hearing Voices From Central Lampung	109
<b>Chapter VII Conclusion And Recommendation</b>	<b>123</b>
A Conclusion	123
B Recommendation	125
<b>References</b>	<b>128</b>

# Preface

---

The Indonesian government is targeting a reduction in the child marriage rate to 6.94% by 2030, based on the Sustainable Development Goals (SDGs). Data from the National Socioeconomic Survey (SUSENAS) in 2023 shows that the child marriage rate has decreased to 6.92%. This indicates that the SDGs target for 2030 has been surpassed. However, continuous efforts to prevent child marriage remain crucial through policies centered on the best interests of the child, alongside effective synergy between pertinent ministries and agencies.

The International NGO Forum on Indonesian Development (INFID) is one of the organizations focused on gender inequality in various developmental issues and is important in participating in the efforts to prevent child marriage in Indonesia. INFID, together with the Alliance of Gender-Responsive Universities (PTRG), has conducted a study on marriage dispensation decisions, which often serve as a last resort for conducting child marriages.

The Supreme Court, through Supreme Court Regulation (Perma) No. 5 of 2019, governs the proceedings of marriage dispensation, emphasizing the best interests of the child. This regulation undoubtedly presents challenges and questions that need comprehensive study to address.

The qualitative study titled “Study on Marriage Dispensation in Indramayu, West Java and Central Lampung, Lampung” conducted by INFID attempts to examine the complexity of child marriage dispensations occurring in Indonesia. This research has undergone two peer reviews attended by experts including academics, government representatives, and Civil Society Organizations (CSOs) to strengthen the research findings.

The research report presents data and facts related to child marriage dispensations, including profiles of parties applying for marriage dispensations, analysis of decisions in the Religious Courts, and identification of judges' knowledge regarding the best interests of the child and the meaning of compulsion. Other topics include revealing the perspectives of children, the government, and CSOs on the marriage dispensation situation. Ultimately, the research report offers recommendations for strengthening marriage dispensation policies in Indonesia.

INFID hopes that the findings of this study can provide valuable insights for policymakers, practitioners, academics, and all stakeholders involved in promoting policies based on the protection of children's rights, especially regarding girls.

Finally, we extend our gratitude to all parties who have dedicated themselves to compiling this report to create a better future for the coming generations.

**Jakarta, 10 September 2024**

# Executive Summary

---

The field research based on the legal decisions regarding marriage dispensation was conducted in Indramayu and Central Lampung. This research aims to understand the profile of marriage dispensation applicants, analyze judicial decisions, identify judges' knowledge regarding the principle of the best interests of the child, and explore the challenges in implementing Perma No. 5 of 2019.

The aforementioned data were processed and used as a foundation to investigate phenomena in society that are not captured in document reports. Additionally, the researchers conducted a program mapping analysis of initiatives that have been and are being implemented by the government and civil society in preventing child marriage, resulting in policy and program recommendations.

This research was carried out from May to July 2024 using a sociological approach to examine the social conditions affecting marriage dispensation applications. The samples of dispensation decisions from the Religious Courts were analyzed using IBM SPSS version 29, involving stages of data input, data cleaning, data transformation, descriptive statistics, data visualization in graphs, and presenting results from 92 decisions across two Religious Courts in the period from 2021 to 2023.

Field data collection was conducted through interviews and Focus Group Discussions (FGD). Interviews were held with judges, lawyers, village heads, social workers, and officials from the Women's Empowerment and Protection Agency. FGDs were conducted separately with four community groups to explore their perceptions, opinions, and realities. These four groups included: children, government and agency representatives, religious and community leaders, and Civil Society Organizations (CSOs).

The research revealed several important findings:

First, Perma No. 5 of 2019, as a guide for handling marriage dispensation, has not been adequately socialized to related stakeholders. While this regulation is internal to the Supreme Court, its implementation calls upon various parties and agencies to contribute to the prevention and handling of child marriage. The lack of socialization regarding Perma No. 5 of 2019 has led many stakeholders to not fully understand, let alone implement it. This has resulted in inconsistencies in judicial decisions.

Additionally, the regulations and policies related to child marriage are not known or understood by the public, particularly by the agencies involved in child marriage issues. Their existence is crucial as a legal umbrella and a national

strategy for preventing child marriage, along with local regulations concerning the prevention and handling of child marriage.

Second, there are misconceptions regarding several concepts and procedures for providing recommendations as outlined in the regulation. The concept of recommendations is often misunderstood as support for marriage. Recommendations are generally perceived as optional due to the clause of 'may' mentioned in the regulation. For instance, in the Indramayu Religious Court, the decisions on marriage dispensations did not include recommendations as mandated by the regulation. Meanwhile, the Gunung Sugih court, in collaboration with the Child Protection Agency (LPA), has provided recommendations following assessments. The parties providing recommendations are also seen as optional and alternative, not cumulative. Consequently, in some decisions, only recommendations from the LPA are present, while in other decisions, letters from midwives and social services are included.

Third, the independence of judges in making decisions has become a problem in implementing considerations of the best interests of the child. The varying structures and characteristics of child marriage cases serve as legitimization that the best interests of the child are casuistic and differential. At one point, a judge may perceive the interests of the child as a respondent in the dispensation, while at another opportunity, a different judge may interpret the best interests of the child as the baby to be born or a fetus in the womb.

Another consideration is that the element of urgency is also quite fluid. Unwanted pregnancies typically serve as a common factor for the urgency to marry off individuals quickly. Feelings of love and concerns about engaging in illicit relations, as well as engagements, are even seen as pressing reasons for hastily marrying off children.

Fourth, consent in child marriage is accompanied by a power imbalance and a tendency for parents to consider themselves as having authority over their children. This phenomenon means that children's voices, although formally appearing to meet procedural handling and examination requirements, are not genuinely taken into consideration. Consequently, the assessment process is often obstructed by social norms and local traditions.

Fifth, programs, activities, and movements aimed at preventing and handling child marriage have been conducted in a partial and intra-sectoral manner. Each institution claims to have made efforts to contribute to reducing child marriage rates. However, the contributions and impacts are difficult to measure and evaluate. In several cases, there tends to be a blame game among agencies, with each shifting responsibility.

This research highlights the need for better orchestration among parties in addressing and preventing child marriage, the presence of competent judges capable of analyzing from a more gender-just perspective, and the importance of a data-driven approach and local context to effectively address child marriage cases.

This research is expected to serve as a robust foundation for advocacy, resource mobilization, and the implementation of more holistic and sustainable policies. From the five findings outlined above, several recommendations proposed by the researchers are as follows:

The Supreme Court needs to translate the Regulation into a more operational Circular Letter of the Supreme Court (Sema) that regulates the position of recommendations, the meaning of the best interests of the child, standardization of urgency indicators, and the presence of a single judge in handling marriage dispensation applications. The government should enhance its commitment to implementing gender mainstreaming for both regional and central officials, with particular attention to improving gender analysis capabilities and ensuring gender-responsive budgeting to guarantee the allocation of program resources that support gender equality.

Local governments must allocate village funds and establish child communities as a preventive measure and rigorously address the presence of intermediaries for marriage dispensations. NGOs need to monitor the implementation of child marriage prevention policies and ensure that these regulations are consistently enforced. Parents and teachers should enhance the quality of parenting and start listening to children's voices when making future decisions.



# List Of Abbreviation

---

ASN	: Aparatur Sipil Negara / State Civil Apparatus
BIMAS	: Bimbingan Masyarakat / Guidance on Community Affairs
BMI	: Buruh Migran Indonesia / Indonesian Migrant Workers
BPS	: Badan Pusat Statistik / Central Statistics Agency
CSO	: Civil Society Organisation
DISDIKBUD	: Dinas Pendidikan dan Kebudayaan / Department of Education and Culture
DISDUK P3A	: Dinas Pengendalian Penduduk, Keluarga Berencana, Pemberdayaan Perempuan dan Perlindungan Anak / Department of Population Control, Family Planning, Women's Empowerment, and Child Protection
DISKA	: Dispensasi Kawin / Marriage Dispensation
FGD	: Focus Group Discussion
FORKOPIMDA	: Forum Komunikasi Pimpinan Daerah / Regional Leadership Communication Forum
GENRE	: GENerasi beREncana / Planned Generation
JMQL	: Jam'iyah Mudarastail Qur'an LilHafizhat
IPARI	: Ikatan Penyuluh Agama Republik Indonesia / Religious Instructors Association of Indonesia
KUA	: Kantor Urusan Agama / Office of Religious Affairs
KAMI	: Keluarga Migran Indonesia / Indonesian Migrant Family
Lakpesdam	: Lembaga Kajian Pengembangan Sumberdaya Manusia / Human Resource Development Study Institution

LPA	: Lembaga Perlindungan Anak / Child Protection Agency
MoU	: Memorandum of Understanding
MA	: Mahkamah Agung / Supreme Court
MPLS	: Masa Pengenalan Lingkungan Sekolah / School Orientation Period
KPAI/KPAD	: Komisi Perlindungan Anak Indonesia/Daerah / Indonesian Child Protection Commission
KPI	: Koalisi Perempuan Indonesia / Indonesian Women's Coalition
KDRT	: Kekerasan Dalam Rumah Tangga / Domestic Violence
KTD	: Kehamilan Tidak Diinginkan / Unintended Pregnancy
OMS	: Organisasi Masyarakat Sipil / Civil Society Organization
PUSKAPA	: Pusat Kajian dan Advokasi Perlindungan dan Kualitas Hidup Anak / Center for Study and Advocacy on Child Protection and Quality of Life
PERMA	: Peraturan Mahkamah Agung / Supreme Court Regulation
PIK R	: Pusat Informasi dan Konseling Remaja / Youth Information and Counseling Center
PLK	: Pusat Layanan Komunitas / Community Service Center
PAIF	: Penyuluh Agama Islam Fungsional / Functional Islamic Religious Counselor
P2TP2A	: Pusat Pelayanan Terpadu Perlindungan Perempuan dan Anak / Integrated Service Center for Women and Children Protection
PPM KPI	: Pelajar Pemuda dan Mahasiswa Koalisi Perempuan Indonesia / Students, Youth, and Academics of the Indonesian Women's

	Coalition
RPJMN	: Rencana Pembangunan Jangka Menengah Nasional / National Medium-Term Development Plan
RPA	: Rumah Perempuan dan Anak / Women's and Children's Shelter
SAYU	: SMAN 1 INDRAMAYU / Indramayu State Senior High School 1
SDGs	: Sustainable Development Goals
SUSENAS	: Survei Sosial Ekonomi Nasional / National Socio-Economic Survey
SPSS	: Statistical Package for The Social Sciences
TOGA	: Tokoh Agama / Religious Leaders
TOMAS	: Tokoh Masyarakat / Community Leaders
UNICEF	: United Nations International Children's Emergency Fund
UNCROC	: UN Convention on The Rights of The Child
UPTD	: Unit Pelaksana Teknis Dinas / Regional Technical Implementation Unit
WKRI	: Wanita Katolik Republik Indonesia / Catholic Women of the Republic of Indonesia
YKP	: Yayasan Kesehatan Perempuan / Women's Health Foundation
YPHA	: Yayasan Pemantauan Hak Anak / Child Rights Monitoring Foundation





# CHAPTER I

## INTRODUCING

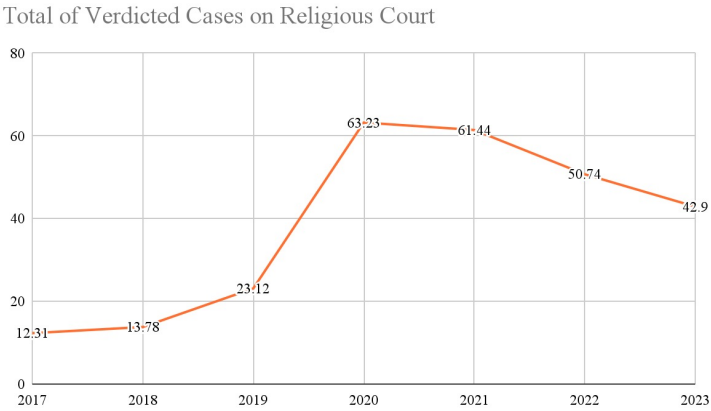
### A. Background of the Issue

The enactment of Marriage Law No. 16 of 2019, which sets the minimum age for marriage at 19 years for both women and men, represents the state's commitment to protecting children from the dangers of early marriage practices. In the Medium-Term National Development Plan (RPJMN), the central government has targeted a reduction in the child marriage rate from 11.2% in 2018 to 8.74% by 2024.

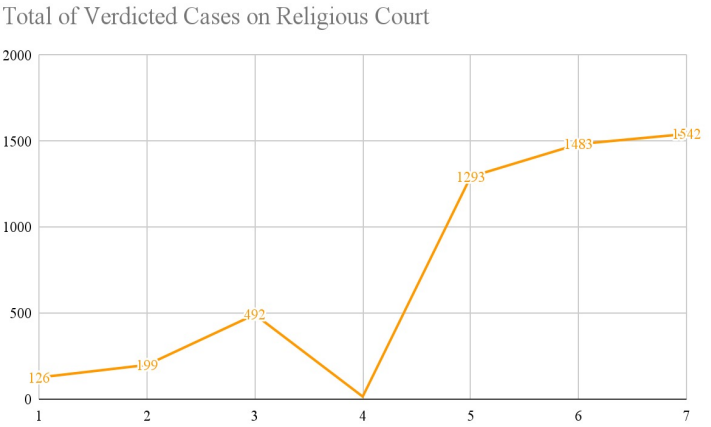
Data from the National Socioeconomic Survey (SUSENAS) by BPS as of March 6, 2024, shows that the number of marriages under the age of 18 appears to be declining. In 2020, 10.35% of women married before the age of 18; this figure dropped to 9.23% in 2021, and by 2023, it successfully surpassed the RPJMN target at 6.92%. The survey was conducted among women aged 20-24 who had married before the age of 18 (BPS RI). This figure represents the incidence of child marriage and serves as an indicator of efforts to eliminate child marriage by 2030. This indicator forms one of the bases for policy-making aimed at protecting children from child marriage.

Marriage Law No. 16 of 2019 acts as a barrier and a means of reducing child marriage rates. However, there are exceptions for specific cases through the marriage dispensation mechanism provided by the courts. A comparison of SUSENAS data and marriage dispensation data from religious courts reveals a surprising contradiction. In contrast to the decreasing child marriage rates reported by SUSENAS BPS 2024 from 2017 to 2023, the number of marriage dispensations at the Religious Courts significantly increased during the period from 2019 to 2021, before declining again in 2022-2023. This significant increase is attributed to the change in the minimum marriage age stipulated in Marriage Law No. 16 of 2019 and the COVID-19 pandemic. The number of marriage dispensations at the

District Court has shown a consistent increase. In 2020, the District Court adjudicated only 15 cases out of 411 filings due to policy factors related to the pandemic.



Graph 1. Data on the Number of Marriage Dispensation Cases in Religious Court



Graph 2. Data on the Number of Marriage Dispensation Cases in District Court

(Source: Data processed from the Supreme Court's annual reports for 2017–2023)

The Supreme Court has established Supreme Court Regulation (Perma) No. 5 of 2019 concerning Guidelines for Judging Marriage Dispensation Applications as a response to changes in the minimum marriage age. Legally, this regulation aims to standardize the process of marriage dispensation court proceedings. It includes administrative requirements, the procedure for submitting applications, and case handling that must specifically consider the best interests, the right to life, and the growth and development of children.

Several research centers, communities, and academics have conducted studies on the changes in the minimum marriage age. Government institutions such as BPS and the Supreme Court also have recorded reports related to marriage

dispensation and child marriage. These studies cover various aspects related to child marriage, particularly concerning the causal factors, impacts, and prevention efforts (Rustiana et al., 2020; Sugiarti & Tridewiyanti, 2021; Zulvayana, 2018).

The Coalition 18+'s analysis of religious court decisions related to marriage dispensation found five reasons for applying for dispensation: (1) the child is already in a relationship or engaged; (2) the application has been rejected by the Office of Religious Affairs (KUA); (3) the prospective husband is already employed; (4) parental concerns (to avoid illicit relations); and (5) the prospective wife is considered ready for marriage. From the studies conducted by Coalition 18+, there was one case of marriage dispensation that was rejected because the reasons presented in the judges' considerations were not deemed urgent (Coalition 18+, 2023). Although the number of rejected marriage dispensations is still small, the judges' consideration that the reasons were not urgent represents good practice. There is still an effort by judges to weigh the urgency aspects in marriage dispensation cases, shining a light on the prevention of child marriage from government institutions, in this case, the Religious Courts.

Furthermore, PLAN Indonesia's findings show that some judges granted marriage dispensation based on (1) urgent reasons (unwanted pregnancy, prior marriage); (2) cultural factors and community pressure; and (3) the belief that the girl is already of age and suitable for marriage. Other considerations included that the child has been in a relationship or engaged, and delaying the marriage would bring more harm than benefit. PLAN's findings align with those of PUSKAPA UI, which indicated that unwanted pregnancy is the primary reason for submitting marriage dispensation applications at the Religious Courts (Kusumaningrum et al., 2023).

The Indonesian Women's Coalition (KPI), in its study of marriage dispensation applications, offers several recommendations. First, there is a need for psychological support for children during marriage dispensation hearings to provide considerations based on the best interests of the child. Second, there should be a checklist guideline that can serve as a common reference for all judges. Third, judges handling marriage dispensation applications are advised to have a decree from the Chief Justice of the Supreme Court designating them as child judges, as well as certificates for marriage dispensation training, training and technical guidance concerning women in conflict with the law, and certification in the juvenile justice system or related to handling marriage dispensation applications. Fourth, it is essential to strengthen the supporting evidence provided in marriage dispensations. Such evidence should include (1) certificates of physical and mental health, including reproductive health; (2) a statement agreeing to postpone the first pregnancy until the female who is under 19 years old is deemed ready in terms of reproductive health; (3) a statement from the parents and the child to be married indicating a commitment to continue the child's education after marriage; (4) a

statement from the school or other educational institutions agreeing to accept married children back into school; (5) a statement written directly by the child or those under 19 years old asserting that they are deciding to marry without coercion or threats; and (6) a declaration of financial capability to ensure the child's needs are met.

The policy brief published by the Ministry of Women's Empowerment and Child Protection (KemenPPPA) together with the Centre for Child Protection and Quality of Life Studies (PUSKAPA) at the University of Indonesia recommends the importance of a continuum-based policy, starting from prevention and handling, providing protection services during pregnancy, and extending to post-pregnancy support for children who become parents (Kusumaningrum et al., 2023).

This research adds to the studies on child marriage, focusing on court decisions as an entry point to understand how Perma No. 5 of 2019 operates effectively as a legal instrument for preventing child marriage, particularly in the regions of Gunung Sugih and Indramayu. The study will complement micro-level analysis by presenting field data based on court decisions in Indramayu Regency, West Java, and Central Lampung, Lampung, with an emphasis on analyzing judicial decisions from the perspective of the best interests of the child. The selection of these two regions, Indramayu and Central Lampung, is based on field data indicating a relatively high prevalence of child marriage in these areas.

Throughout 2022, the Indramayu Religious Court received 572 marriage dispensation applications. Of these, judges approved 564 requests. The factors underlying the marriage dispensation applications in the Indramayu community included pregnancy, parental concerns about children's behavior, and the desire to avoid illicit relationships (Sofianingrum, 2020).

Year	Total Cases	Total Marriage	Cancelled Cases	Marriage	Decisions Rejected
2021	9,370	654	10	638	4
2022	9,747	574	10	564	0
2023	9,686	514	13	489	2

Table 1. Marriage Dispensation Cases at the Indramayu Religious Court in 2021 – 2023

Similarly, Central Lampung has the highest number of marriage dispensations, with an increasing trend over the past three years. Factors such as school dropouts, poverty, and social norms that still consider child marriage as acceptable contribute to the high rates of child marriage in Central Lampung. Below is the data on marriage dispensations at the Gunung Sugih Religious Court in Central Lampung for the period from 2021 to 2023.

Year	Total Cases	Total Marriage	Cancelled Cases	Marriage	Decisions Rejected
2021	2,920	148	3	145	0
2022	3,189	174	4	170	3
2023	2,961	233	4	231	4

Table 2. Marriage Dispensation Cases at the Gunung Sugih Religious Court in 2021 – 2023

(Source: Processed from the Annual Report of the Gunung Sugih Court 2021-2023)

This research does not stop at examining the normative aspects of the contents of judicial decisions, but also analyzes the intertwining social phenomena surrounding marriage dispensation applications. Another key focus of the research is the implementation of the Perma and the judges' considerations. All of these interconnections highlight the importance of the involvement of all parties in efforts to prevent child marriage.

## **B. Research Problems**

Based on the background of the problem outlined, this study formulates the following research questions:

1. How is child marriage portrayed in 92 court decisions regarding marriage dispensation?
2. How do judges decide marriage dispensation cases?
3. How well do judges understand and apply the principle of the best interests of the child?
4. What is the contribution of government institutions and community organizations in the efforts to prevent child marriage?
5. How is a synergistic strategy developed for child marriage prevention?

## **C. Objectives and Benefits of the Research**

1. To explore the profile of the petitioners (reasons for the application, parents' profiles, children's last education, and economic status) of marriage dispensation in Indramayu and Central Lampung.
2. To examine the procedural legal aspects (types of evidence, judges' considerations, and annulled marriage dispensations) in marriage dispensations in Indramayu and Central Lampung.
3. To assess judges' knowledge of children's rights and the principle of the best interests of the child, including the obstacles in implementing Perma No. 5 of 2019.
4. To gain insight into the child marriage prevention programs that have been or are currently being carried out by the government and civil society in Indramayu and Central Lampung.
5. To provide recommendations and programs for the government and civil society in preventing child marriage.

## **D. Expected Result**

1. Profiling of the parties applying for marriage dispensation in Central Lampung and Indramayu.
2. Analysis results of marriage dispensation decisions in the Religious Courts and District Courts of Indramayu and Central Lampung.
3. Identification of judges' knowledge about the principle of the best interests of the child, including obstacles in implementing Perma No. 5 Year 2019.
4. Mapping of the programs already and currently being implemented by the

government and civil society in preventing child marriage in Indramayu and Central Lampung.

5. Policy recommendations and programs for the government and civil society in preventing child marriage.



# CHAPTER II

## THEORETICAL FRAMEWORK

---

This study uses several basic concepts that serve as a framework for analysis. The following are the key concepts referred to in this research.

### A. Child Marriage

There are various terms used to describe marriage performed by individuals under the minimum age of marriage. Some scientific literature and media reports use terms such as early marriage (Bastomi, 2016; Noviana, 2023; Rustiana et al., 2020), underage marriage (Nirmalasari et al., 2022; Siswandi & Supriadi, 2023), and child marriage (Andina, 2021; Zulvayana, 2018). Other literature also uses the term "child marriage" to refer to the same phenomenon. This research uses the term "child marriage" as defined in Article 26, paragraph (1) letter c of the Child Protection Law.

This research interprets child marriage as the practice of marrying off children. In this study, the definition of a child refers to Supreme Court Regulation (Perma) No. 5 of 2019 concerning Guidelines for Judging Marriage Dispensation Applications. A child is defined as someone who is under the age of 19 or has never been married according to statutory provisions (Article 1, number 1). The determination of this definition draws on the primary legal sources examined in this research, namely Law No. 16 of 2019 concerning Amendments to Law No. 1 of 1974 on Marriage, as well as Perma No. 5 of 2019 about Guidelines for Judging Marriage Dispensation Applications. In both regulations, every person intending to marry must meet the minimum age requirement of 19 years. Marriages involving parties under the age of 19 are categorized as child marriage.

The definition of a child in this study differs from existing regulations, such as the Convention on the Rights



of the Child, which defines a child as every human being below the age of 18. Similarly, Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 on Child Protection also defines a child as someone who is not yet 18 years old.

The definition of child marriage in this context also differs from the definition provided by UNICEF. According to UNICEF, child marriage is defined as a marriage that occurs before both parties reach the age of 18 (UNICEF, 2005). If using UNICEF's definition, there would be a legal gap regarding the status of someone who marries at the age of 18. According to Law No. 35 of 2014 on Amendments to Law No. 23 of 2002 on Child Protection, individuals at the age of 18 are no longer categorized as children. However, according to Law No. 16 of 2019 on Amendments to Law No. 1 of 1974 on Marriage, an individual who is 18 years old has not yet met the minimum age requirement established by law.

This research posits that the definition of a child in Perma No. 5 of 2019 is a *lex specialis* in relation to the definitions of a child provided in the aforementioned general regulations.

by SUSENAS BPS 2024 from 2017 to 2023, the number of marriage dispensations at the Religious Courts significantly increased during the period from 2019 to 2021, before declining again in 2022-2023. This significant increase is attributed to the change in the minimum marriage age stipulated in Marriage Law No. 16 of 2019 and the COVID-19 pandemic. The number of marriage dispensations at the age of 18. According to Law No. 35 of 2014 on Amendments to Law No. 23 of 2002 on Child Protection, individuals at the age of 18 are no longer categorized as children. However, according to Law No. 16 of 2019 on Amendments to Law No. 1 of 1974 on Marriage, an individual who is 18 years old has not yet met the minimum age requirement established by law.

This research posits that the definition of a child in Perma No. 5 of 2019 is a *lex specialis* in relation to the definitions of a child provided in the aforementioned general regulations.

## **B. Marriage Dispens**

Marriage dispensation is the permission granted by the court to prospective spouses who are under the age of 19. This definition refers to the provisions of Article 1, number 5 of Perma No. 5 of 2019 concerning Guidelines for Judging Marriage Dispensation Applications. This regulation serves as a legal umbrella for the process of adjudicating marriage dispensation applications as stipulated in Article 7, paragraph (2) of Law No. 16 of 2019 concerning Amendments to Law No. 1 of 1974 on Marriage.

The regulation on marriage dispensation cannot be separated from the context

of changes in the minimum marriage age. The 1974 Marriage Law stipulated a minimum marriage age of 16 years for women and 19 years for men. This changed to 19 years for both men and women in Law No. 16 of 2019. From a legal perspective, the minimum marriage age provision in Law No. 1 of 1974 is considered inconsistent with other laws, such as the Child Protection Law. Sociologically, this provision has also been seen to have many negative impacts, particularly on women's lives (Hamid, 2020; Thoyib & Bukhori, 2022).

The historical issues surrounding marriage law in Indonesia are quite dynamic. Problems related to the diversity of legal subjects, the legal materials debated due to religious norms, customs, and global issues such as human rights or gender equality exist. The diversity of marriage regulations resulting from the categorization of legal subjects inherited from the Dutch (Prodjodikoro, 1974; Sosroatmodjo, Arso, 1975) has led to legal uncertainty, resulting in various problems such as the misuse of divorce rights, polygamy, forced marriages, and child marriage (Supriadi, 2002). The variety of sources of marriage law material has also produced differing legal decisions, even in the same cases (Hikmatullah, 2018; Purkon, 2018). Marriage and family law in Indonesia are undoubtedly influenced by social changes in society, including the minimum marriage age.

The minimum marriage age stipulated in the 1974 Marriage Law is now viewed as no longer relevant. This regulation has the potential to legitimize child marriage, which impacts social life, including perpetuating cycles of poverty, increasing illiteracy rates, deteriorating health for future generations, and undermining the overall productivity of society both in the short and long term (Hamid, 2020; Rofiah, 2018).

In 2014 and 2017, discussions arose regarding the revision of the Marriage Law. In 2014, the Women's Health Foundation (YKP), the Child Rights Monitoring Foundation (YPHA), and the Indonesian Women's Coalition (KPI) submitted a petition for a judicial review to the Constitutional Court concerning the minimum marriage age stipulated in Law No. 1 of 1974. The sociological arguments presented focused on the risks of child marriage to children's development and the risks of divorce stemming from child marriage. Legally, this provision creates legal uncertainty regarding the minimum age of adulthood, which varies across several regulations.

The petitioners requested that the Constitutional Court declare this provision unconstitutional. This judicial review was denied. The judges of the Constitutional Court stated that there is no guarantee that raising the minimum marriage age would reduce divorce rates. The Constitutional Court also remarked that there are no rules in Islamic law that specify a minimum marriage age (Hamid, 2020; Constitutional Court Decision No. 30-74/PUU-XII/2014, n.d.).

Subsequently, in 2017, another judicial review was submitted by survivors of child marriage, consisting of Endang Wasrinah, Maryanti, and Rasminah, with assistance from several Civil Society Organizations (CSOs). The petitioners argued that the provisions of Article 7, paragraph (1) violated the principle of equality before the law and the government for all citizens. This article creates legal discrimination and disadvantages for girls regarding their rights to health and education, as well as increasing the risk of child exploitation. For this reason, Article 1 of Law No. 1 of 1974, which differentiates the minimum age between men and women, effectively treats women as unequal to men. Statistically, women are positioned lower than men, which limits access to education and future opportunities for children, especially girls.

Another argument presented was the inconsistency concerning the age of "adulthood" stipulated in the Marriage Law. Article 7, paragraph (1) of the Marriage Law defines the age of 16 for women and 19 for men, whereas Article 47, paragraph (1) sets the age of 18 as the boundary for a child's status under parental supervision. Inconsistencies also arise not only between articles in Law No. 1 of 1974 but also between laws, such as Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 on Child Protection. Article 1, number (26) of this law stipulates that a child is defined as someone who is under the age of 18 (eighteen) years.

Additionally, Article 26, paragraph 1(a) states that it is the parents' obligation to prevent marriage from occurring at the age of a child. This obligation becomes impossible to fulfill if the Marriage Law still allows the practice of child marriage for those under 16 years old, who remain subjects of the Child Protection Law.

In 2018, this lawsuit was granted. The Constitutional Court, in its considerations, referred to the fulfillment of constitutional rights and equality before the law, as well as the right to receive basic education. Moreover, the minimum marriage age of 16 years is also inconsistent with the 12-year basic education program and does not align with other policies related to Child Protection. In a global context, this provision also contradicts the Sustainable Development Goals (SDGs) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), both of which have been adopted by the Government of Indonesia, which has committed to implementing them (Constitutional Court Decision No. 22/PUU-XV/2017, n.d.).

The Constitutional Court did not change the minimum marriage age as requested by the petitioners but mandated lawmakers to amend this provision within a maximum period of 3 years. In 2019, after undergoing the legislative process at the House of Representatives (DPR), Law No. 16 of 2019 concerning Amendments to Law No. 1 of 1974 on Marriage was finally enacted by the DPR. Following the reading of the decision, the Legislative Body of the DPR formed a Working Committee for the Marriage Bill. The DPR RI agreed to raise the minimum marriage age for women from 16 to 19 years.

In response to Law No. 16 of 2019, the Supreme Court established Perma No. 5 of 2019 as a guideline for judges in examining and deciding on marriage dispensation applications (Supreme Court et al., 2020). In general, this regulation outlines how the examination process for marriage dispensation cases should be conducted, starting from administrative requirements, examining applications, and the matters that judges must consider, as well as the criteria for judges adjudicating marriage dispensation cases (Article 20).

Key points in Perma No. 5 of 2019 are as follows:

#### 1. Requirements for Marriage Dispensation Application

- a. The application can be submitted by the parents or guardians of the prospective bride or groom who is under 19 years old. (ini jadi a,b,c)
- b. The application must be accompanied by urgent reasons that can be proven.
- c. The judge is required to consider statements from the parents/guardians, the prospective bride and groom, and experts if necessary.

#### 2. Judicial Consideration

Perma No. 5 of 2019 mandates that the judge must consider various aspects in deciding the marriage dispensation case to ensure that the rights of the child are not violated. The factors that the judge must consider include:

- a. Physical and mental health of the prospective bride and groom.
- b. Maturity of the prospective bride and groom.
- c. Ability of the prospective bride and groom to establish a household.
- d. Impact on education and the future of the prospective bride and groom.

To ensure that no rights are violated, the judge must examine both the formal and material requirements by taking the following actions:

- a. Hearing directly from the child (Article 15, letters a and b).
- b. Hearing statements from the parents of both prospective spouses.
- c. Providing counseling to the parties (Article 12, paragraphs 1 & 2).
- d. Ensuring that the child consents to the planned marriage (Article 13).
- e. if necessary, hearing testimony from a psychologist or health service institutions (Article 15, letters c, d, e).

## **C. The Best Interests of the Child and Urgent Reasons in Marriage Dispensation**

The increase in the minimum marriage age in Law No. 16 of 2019 and Perma No. 5 of 2019 emphasizes that the protection of children is a top priority in marriage dispensation cases. Judges must prioritize the best interests of the child above all other considerations in their decisions. Explanations regarding the best interests of the child can be found in this regulation in Articles 1, 2, 16, and 17.

To gain a more comprehensive understanding of the principle of the best interests of the child, at least two steps can be taken. First, understanding the origins of the regulation. Second, understanding the meaning of its legal norms.

First, Perma No. 5 of 2019 concerning Guidelines for Judging Marriage Dispensation Applications serves as a technical guideline for the provisions of Article 7 of Law No. 16 of 2019 concerning Amendments to the Marriage Law. This law states that marriage dispensation may be requested from the court based on urgent reasons. The benchmarks for urgency refer to the best interests of the child, namely minimizing negative impacts on various aspects such as psychological, health, education, and social factors for the child both in the short and long term. In court, judges must ensure that their decisions do not harm the child's future in any aspect.

The regulation also aims to enhance parental responsibility in preventing child marriage (Article 3). Judges' considerations and the evidence presented in court must be explored and brought forward to achieve justice for the child, even when decided by a single judge. Judges must also understand that the primary spirit of the regulation is not to facilitate applications for child marriage but to prevent child marriage based on the best interests of the child.

Second, Article 1, number 6 of the regulation outlines various considerations for the child's interests, including protection, upbringing, welfare, survival, and development. Therefore, judges must consider not only statutory regulations but also unwritten laws in the form of legal values, local wisdom, and the sense of justice prevalent in society, as well as conventions and/or international agreements related to child protection (Article 7).

In practice, judges need to engage in a process of in-depth examination to assess the urgency and potential future scenarios based on the dynamics of the application's background, testimonies throughout the trial process, and all related procedures. Common cases that occur in court, for example, involve marriage dispensation applications made by parents when they find that their child is already sexually active with their partner. Citing reasons to avoid shame in the community, prevent illicit relations, and the assertion that the children are in love, parents request a marriage dispensation. In such cases, judges must evaluate whether these reasons constitute urgent grounds or not.

During the identification process, judges may pose several questions to the child—as stipulated in Article 16—to explore the reasons for marriage and the child's readiness to undertake household life. For example, questions may include the reasons for wanting to marry; whether the child knows their prospective partner well; whether they are prepared for potential pregnancy and caring for a child; whether they understand the risks of giving birth at a young age; and other relevant questions.

Judges may also ask questions to assess the risks the child may face, such as whether the child is still in school or has already started working; if not in school, what the reasons are; if they marry in the future, whether they intend to continue their education or stop and start working; if they are already working, whether their income is sufficient to support a household, and whether they have ever experienced violence, such as being hit, kicked, or verbally abused by their partner.

Judges need to identify and ensure that the child fully understands the consequences of marriage. For instance, questions may include how responsibilities will be divided between husband and wife after marriage; what will happen in the event of conflicts; and how the child will be cared for, along with other relevant questions.

If the answers indicate a lack of urgent reasons and the child's unpreparedness, the judge may consider rejecting the marriage dispensation application and provide legal reasoning that engaging in sexual relations outside of a legitimate marriage violates social and religious norms, which may result in social sanctions and moral wrongdoing—particularly if the reason for applying for marriage dispensation is that sexual relations have already occurred between the two children. Other considerations may be adjusted based on the reasons for the application.

Several actions can be taken to prioritize and highlight considerations for the child's interests, including:

1. Hearing the child/prospective spouse's testimony to identify any coercion behind the dispensation request (Article 3, letter d in conjunction with Article 10, letters a and b)
2. Involving the parents of the prospective spouses to assess their responsibility in preventing child marriage (Article 3, letter c in conjunction with Article 10 letter c)
3. Providing counseling to the child and prospective spouses about what will happen after the marriage (Article 3, letters b and e in conjunction with Article 12, paragraphs 2 and 3).
4. Procedurally, ensuring the safety and comfort of the child by conducting the trial without formal attire, using age-appropriate language, and hearing

the child's testimony separately from the adults (Article 11).

The judge's considerations, as stated in the marriage dispensation decision, form the basis for justifying child marriage in Indonesia (Fajriyah et al., 2023), as the court is the only institution authorized to approve child marriage (Safira et al., 2021). This situation becomes even more complicated if the understanding of the best interests of the child has not yet become a fundamental approach in addressing child marriage issues and marriage dispensation.

Marriage dispensation can be understood as a legal protection mechanism for children, ensuring the fulfillment of the rights of children who are about to marry (Safira et al., 2021). As stated in Article 2 of the Perma, judges must consider 10 principles when adjudicating marriage dispensation cases, one of which is the principle of the best interests of the child. The best interests of the child, as clarified in the general provisions number 6 of the regulation, encompass all forms of actions that must be considered to ensure the protection, upbringing, welfare, survival, and development of the child. To realize the best interests of the child, judges must identify the psychological and physical conditions of the child and may seek recommendations from experts as mentioned in Articles 14 and 15 of the regulation.

#### **D. The Urgency Concept in Law No. 16 Year 2019.**

Urgent reasons are interpreted as reasons that describe a situation where there is no other choice and it is imperative to proceed with the marriage. Based on a grammatical approach, an urgent reason is interpreted as something that compels immediate action and can also be understood as an emergency situation to avoid greater harm (Kurniawan & Refiasari, 2022). An urgent reason is a subjective assessment by the judge that is linked to the facts presented during the trial, where the analysis prioritizes preventing further harm over seeking benefits. Judges are empowered to find the law applicable to the concrete events they face. This is in accordance with Article 5, paragraph (1) of Law No. 48 of 2009 concerning Judicial Power, which states, "judges are obliged to explore, follow, and understand the legal values and sense of justice that exist in society."

In marriage dispensation applications, urgent reasons are narratively described as factual representations of the relationship between the applicant child and their prospective spouse. Judges will assess the evidence and facts presented in the decision. The urgent reasons and sufficient evidence aim to prevent child marriage, as judges will grant or deny marriage dispensations based solely on sufficient evidence (Mansari, 2023).

In marriage dispensation applications, the most commonly cited urgent reason

is the condition of pregnancy. In research by Mansari (2023) and Mansari & Rizkal (2021), the urgent reasons that serve as the basis for judges' decisions include: First, pregnancy outside of marriage; Second, engaging in relations akin to those of a married couple; Third, the applicant child and their prospective spouse being caught by the community while being alone together; and fourth, the high age of school dropout. Urgent reasons for marriage dispensation must also be considered comprehensively, and the court's decision should focus on the best interests of the child rather than simply preventing illicit relations. This aligns with the objectives of the Marriage Law, which aims to protect children from the negative effects of early marriage (Qotrunnada & Ratih Dheviana Puru, 2022).

## **E. Court Decisions, Legal Discovery, and Feminist Legal Realism (FLR)**

Court decisions are the result of the collective reasoning of judges in resolving legal issues that are highly individual, subjective, and case-specific. On the other hand, judges are bound by the rule of law, which serves as a framework for judicial proceedings. The individual and subjective nature relates to the integrity and capacity of judges to discover, interpret, and even create law by exploring, following, and understanding the legal values and sense of justice that exist in society. The case-specific nature is associated with the complexity of cases intertwined with the socio-cultural aspects of the parties involved. The legal system and processes serve as a large structure with established rules and principles for resolving cases in court.

From a sociological perspective, judges act as policymakers (Prof. Dr. Achmad Ali, S.H., 2012) and fundamentally confront human struggles (RI, 2011). Judges are not allowed to deny the emergence of a case on the grounds that there is no existing law regarding that case due to the ambiguity of the legal text itself (Article 10 of Law No. 48 of 2009). A judge's intellect should reflect high moral standards and integrity to achieve justice, ensure legal certainty, and benefit society (Maharani & Tampubolon, 2023). To realize justice, certainty, and utility for those seeking justice, various efforts can be made by judges, including *rechtvinding* or legal discovery.

According to Mertokusumo, legal discovery is the process of forming law by judges in implementing statutory regulations on concrete events presented in court. The nature of statutory regulations, as described by Asshiddiqie et al. (2006), is characterized as abstract and general, meaning that statutory regulations do not specifically govern every individual's activity. When a case is presented in court, judges must be able to assess and provide considerations based on the situation and conditions experienced by the parties involved, as well as their interests and urgencies. In this context, the independence of judges, as stated in Article 24 of the 1945 Constitution of the Republic of Indonesia, plays a crucial role.

There are two schools of thought regarding legal discovery: the conservative school and the progressive school. The conservative school, represented by Montesquieu and Immanuel Kant, argues that judges serve as *Bouche De La loi*, or mouthpieces of the law. Judges cannot add to or diminish the law, as laws are the sources of positive law. The progressive school, put forth by Van Eikema Hommes and later advanced by Von Savigny, asserts that judges should also consider living customs within society, as each nation has its unique spirit (*Volkgeist*) that varies by location (Kelsen, 2019).

In legal discovery, the conservative school employs a textual approach (the textualist approach), while the progressive school adopts a purposive approach (the purposive approach) (Elias E. Savelos & Richard F. Galvin, 2001). In the conservative approach, a judge's decision is considered adequate if it solely refers to the law. In contrast, the progressive approach argues that texts alone are insufficient to achieve justice. This is highlighted by proponents of Feminist Legal Realism (FLR), an approach that combines principles of Feminist Legal Theory and Legal Realism. This theory emphasizes that law is not merely a formal normative system but also a social practice that must be viewed in context, including how the law impacts the real lives of women (Nancy Levitt & Robert R. M. Verchick, 2006).

In practice, FLR includes analyzing whether the law effectively protects women's rights or instead reinforces gender injustices. This theory integrates critical analysis of the role of gender in law, noting how women may be treated differently by the legal system due to social structures. FLR demands that judges and legal practitioners consider social contexts affecting women, such as cultural norms, economics, and power relations.

FLR acknowledges the importance of personal and social experiences in shaping legal understanding. In this context, women's experiences are vital to understand and incorporate into legal practices to make the law more responsive to women's needs and realities. FLR also rejects the notion that the law is neutral and objective. The law is often shaped by and for dominant groups in society, which in many cases are men (patriarchal). Therefore, laws need to be critiqued and adapted to be more inclusive of perspectives and needs of women (Martha Albertson Fineman, 2005).

The methods of legal discovery and FLR should be applied to understand how judges assess the unique situations faced by the applicant child and the respondent in the narrative of the judge's considerations in marriage dispensation decisions. The methods of legal discovery and their various variants are also used to examine how judges evaluate urgent reasons and the best interests of the child in marriage dispensation decisions at the Indramayu and Gunung Sugih Religious Courts, as mandated by Perma No. 5 of 2019 concerning guidelines for adjudicating marriage dispensation.





# CHAPTER III

## RESEARCH METHODS

### A. Research Design

This research is a field study based on court decision texts regarding marriage dispensation in two regions: Indramayu, West Java, and Central Lampung, Lampung. Initially, the study planned to analyze decisions from both the Religious Courts (Pengadilan Agama) and the District Courts (Pengadilan Negeri). However, since there were no marriage dispensation cases in the District Courts of Indramayu and Central Lampung, the study focused solely on analyzing decisions from the Religious Courts. In addition to the analysis of court decisions, this research also collects data from several stakeholders involved in child marriage issues in the two research areas.

### B. Data Collection Method

This study, in addition to requiring court decision data, involves a total of 92 informants. These informants come from various groups, including individuals, communities, and institutions, with careful consideration of representation in terms of elements such as gender and age. The three data collection methods used in this study are explained as follows:

#### 1. Secondary Data

The initial step of this study involved reviewing marriage dispensation decisions from the Indramayu Religious Court and Gunung Sugih Religious Court from 2021 to 2023. These two courts are the busiest in their respective High Religious Court jurisdictions. A total of 50 decisions were taken from the Indramayu Religious Court and 42 decisions from the Gunung Sugih Religious Court. This study analyzes the decisions to profile the applicants and respondents of the marriage dispensation, the reasons for requesting the dispensation, the contents



of the decision, and the judges' considerations in making their decisions.

To gain context regarding the legal products of the marriage dispensation decisions, this study also reviewed the annual reports from the Indramayu Religious Court and Gunung Sugih Religious Court for 2021-2023, as well as the Annual Activity Reports from the Bandung High Religious Courts and Bandar Lampung High Religious Courts for 2021-2023.

## **2. Focus Group Discussion (FGD)**

A total of 8 Focus Group Discussions (FGDs) were held, 4 in Indramayu and 4 in Central Lampung, involving 74 participants (30 males and 44 females). The Focus Group Discussion (FGD) is facilitated by facilitators to organize and stimulate the discussion. The facilitators for the FGDs consisted of 1 male and 3 females from organizations such as Damar Lampung, Rumah Kita Bersama, and the Koalisi Perempuan Indonesia Indramayu. To assist with documentation during the FGDs, 3 note-takers (1 female and 2 males) were involved.

The FGD in Indramayu was held over two consecutive days 24-25 June 2024, at Kedai Kopi Timor in Indramayu. In Central Lampung, the FGD took place on 13 June 2024, at the IAIN Metro campus. The remaining three FGDs were held on 28-29 June 2024, at the Yangti Resto meeting room in Bandar Jaya, Central Lampung. Each FGD session lasted 2.5 to 3 hours.

Before conducting the FGDs, the researchers identified key stakeholders from various sectors with relevance to child marriage issues. Participants were selected and grouped into four clusters based on age group, work area, and movement domain. The grouping also considered the focus and specific themes of the discussions, aligned with the roles and functions of the participants.

For the FGD with children, researchers separated them from the adult groups to provide a safe and comfortable space for children to express their opinions and experiences. Additionally, a drawing activity was used as part of the strategy to create a relaxed and enjoyable atmosphere appropriate for the children's age. Children were involved only with the consent of the organization's mentor or community coordinator. The research team contacted the Department of Women's Empowerment and Child Protection to invite the children's forum as well as the PIK-R community, with the guidance of their respective teachers.

The four FGD clusters, participant numbers, and gender-disaggregated data can be detailed as follows.

Cluster	Indramayu	Central Lampung
Children	<p>11 participants (5 males; 6 females)</p> <ol style="list-style-type: none"> <li>3. Genre Ambassador</li> <li>4. Children's Forum</li> <li>5. Kenanga Community Service Center</li> <li>6. Tugu Community Service Center</li> <li>7. Student Council (OSIS)</li> <li>8. Students, Youth, and Academics of the Indonesian Women's Coalition</li> </ol>	<p>6 participants (3 males; 3 females)</p> <ol style="list-style-type: none"> <li>1. Genre Ambassador</li> <li>2. Children's Forum</li> <li>3. Student Council</li> <li>4. Youth Information and Counseling Center</li> </ol>

<p>Government Representation</p>	<p>10 participants (2 males; 8 females)</p> <ol style="list-style-type: none"> <li>1. Religious Affairs Office of Indramayu</li> <li>2. Religious Counselor</li> <li>3. Judge at Indramayu Religious Court</li> <li>4. KAI</li> <li>5. Advocate</li> <li>6. Community Guidance of Ministry of Religious Affairs</li> <li>7. Department of Education and Culture</li> <li>8. Department of Population, Women's Empowerment, and Child Protection</li> <li>9. Department of Health,</li> <li>10. Department of Social Affairs.</li> </ol>	<p>10 participants (6 males; 4 females)</p> <ol style="list-style-type: none"> <li>1. Judge at Gunung Sugih Religious Court</li> <li>2. Head of Religious Affairs Office</li> <li>3. Head of Division of Islamic Community Guidance</li> <li>4. Department of Health</li> <li>5. Department of Population, Women's Empowerment, and Child Protection</li> <li>6. Department of Education</li> </ol>
----------------------------------	---	---

<p>Academic, Religious Leaders and Community Leaders</p>	<p>8 participants (4 males; 4 females)</p> <ol style="list-style-type: none"> <li>1. JMQH</li> <li>2. Village Government of Tugu</li> <li>3. Functional Islamic Religious Counselor</li> <li>4. Kenanga Community Leader (Tomas)</li> <li>5. Jatimunggul Religious Leader (Toga)</li> <li>6. Segelan Kidul Community Leader (Tomas)</li> <li>7. Terisi Community Leader (Tomas)</li> </ol>	<p>8 participants (5 males; 3 females)</p> <ol style="list-style-type: none"> <li>1. Indonesian Association of Village Heads (Asosiasi Kepala Desa Indonesia (Apdesi))</li> <li>2. Functional Islamic Religious Counselor</li> <li>3. Teacher</li> <li>4. Child Protection Agency</li> <li>5. Lecturer</li> </ol>
<p>Community Organizations</p>	<p>10 participants (3 males; 7 females)</p> <ol style="list-style-type: none"> <li>1. Selendang Puan</li> <li>2. Catholic Women of the Republic of Indonesia (WKRI)</li> <li>3. KPI Foundation</li> <li>4. Indonesian Child Protection Institute (LPAI)</li> <li>5. Institute for Study and Development of Human Resources (Lakpesdam)</li> <li>6. KAMI</li> </ol>	<p>11 participants (2 males; 9 females)</p> <ol style="list-style-type: none"> <li>1. Aisiyah</li> <li>2. Fatayat</li> <li>3. House for Women &amp; Children (Rumah Perempuan &amp; Anak (RPA))</li> <li>4. Damar Lampung</li> </ol>

Table 3. Four FGD Clusters and Number of Resource Persons

FGD Sources

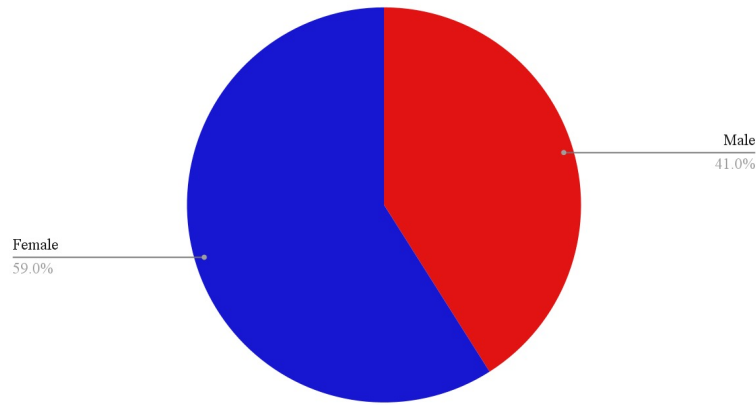


Diagram 1. Sources Based on Gender

For confidentiality purposes, several names of sources mentioned in the findings and discussion are pseudonyms, in accordance with the agreement of each source

### 5. In-Depth Interview

A total of 18 sources were interviewed: 9 female and 9 male sources. The data for these interview sources are as follows

Indramayu	Gunung Sugih
6 sources (4 females and 2 males)	12 sources (5 females and 7 males)
1. Judge at Indramayu Religious Court (female)	1. Judge at Gunung Sugih Religious Court (3 participants; 2 males and 1 female)
2. Judge at Tarakan Religious Court (male)	2. Judge at Sukadana Religious Court (1 female participant)
3. Judge at Batu Licin Religious Court (female)	3. Judge at Bengkulu Religious Court (1 male participant)
4. Court Registrar at Indramayu District Court (female)	4. Village Head (1 female participant)
5. Midwife (Bidan) (female)	5. Department of Women's Empowerment and Child Protection (2 female participants)
6. Social Worker for Child Marriage Support (female)	

	<p>6. Head of Regional Technical Implementation Unit (UPTD) at the Department of Women's Empowerment and Child Protection (1 participant male)</p> <p>7. Advocate (2 participant male)</p> <p>8. Social Worker at the Child Protection Agency (1 male participant)</p>
--	--

Table 4. Data of the Interview Sources

Interviews were conducted from May 28, 2024, to July 30, 2024. All interviews in the Central Lampung and Indramayu regions were conducted in person and face-to-face. Interviews with judges outside the research areas were conducted via telephone. Interviews with judges from religious courts outside the research areas aimed to deepen the exploration and gather different experiences from other regions.

### C. Data Analysis Steps

The data processing is carried out in the following stages:

**Stage 1:** In the document processing phase of the 92 child marriage dispensation decisions, this study utilizes the SPSS (Statistical Package for the Social Sciences) version 29 software. The steps are as follows:

First, inputting the data to map the profile data of the parties involved (such as age, education, occupation, and income) is entered by coding each variable accordingly.

Second is cleaning data by reviewing each entry to ensure its accuracy and completeness. This cleaned data is then transformed from its original coding scale into a format suited to the research's data needs. This process is called data transformation.

Third, a descriptive statistic, which is a mode of analysis offered by SPSS software. In this phase, the study uses the frequency data mode to visualize the results in the form of tables, graphs, and pie charts as part of the analysis.

**Stage 2:** Interpreting the results of the statistical analysis in both descriptive

and interpretive forms to perform data analysis. Information gathered from interviews and FGDs is used to complement the court decision data and serve as a triangulation source regarding child marriage in the two research locations.

**Stage 3:** Classifying the results of the FGDs and interviews based on clusters and research questions. This stage begins with transcribing the recorded discussions and interviews, coding the responses, and expanding them according to the themes that emerge at each stage of the analysis. The next step involves categorizing the data based on patterns and themes that appear, which are then used to address the research questions and form the conclusions.

## D. Dynamics and Limitations of the Research

As a qualitative study based on court decision texts, the limitations of this research are tied to the conclusions that cannot be separated from the court texts and the context of the research locations. The research was conducted over a period of three months, from May to July 2024, in two research locations: Gunung Sugih, Central Lampung, and Indramayu, West Java.

In the process of collecting court decision data, the sampling of decisions was done randomly in each region, specifically from the Religious Courts. Although the research design originally planned for an analysis of decisions from the District Court, no cases were found, so the analysis was limited to decisions from the Religious Courts only.

The anonymization of court decisions affected the availability of information accessible to the researcher. Additionally, the differing characteristics and contexts of the decisions led to a gap in information between the two research regions. Therefore, in presenting the findings, some variables are explained in greater detail for Gunung Sugih, while this is not the case for Indramayu.

Another limitation of this research lies in the interview informants. The research team made efforts to reach representatives of traditional leaders in Central Lampung, who hold significant influence in child marriage practices. However, the attempts were only successful in interviewing a religious counselor from the Lampung ethnic group. Similarly, efforts to interview child marriage survivors were unsuccessful. Two survivors contacted were unwilling to be interviewed, either directly or over the phone.

The religious figures included in the focus group discussion (FGD) were officials from the Ministry of Religious Affairs, such as the heads of the Religious Affairs Offices (KUA) and several Islamic Religious Counselors. This study did not include religious leaders from pesantren (Islamic boarding schools) or majlis ta'lim (Islamic study groups), meaning that the analysis of religious views on child marriage in the two research regions was not explored in depth.

## E. Systematics of the Research Report

This report consists of seven chapters. Chapter one contains the background of the research, objectives, research questions, and the objectives and benefits of the study. This section serves as an introduction, explaining the focus and urgency of the research.

Chapter two presents the theoretical framework, which serves as the conceptual foundation, thought structure, and analytical framework. Three concepts are discussed in this chapter: the concept of child marriage and marriage dispensation, legal discovery, court decisions, and Feminist Legal Realism.

Chapter 3 explains the research methodology and steps, including the research design, types of data and data collection techniques, sources of information, as well as the process of analysis and presentation of research findings. This section is the academic accountability of how the research was conducted.

The following chapters present the research findings and discussion, structured into three parts: Chapters IV-VI, based on the key themes in the research questions. Each section presents a synthesis of findings from different data collection methods that complement each other. Chapter IV discusses the profiling of marriage dispensation cases, focusing on marriage dispensation decisions, with supporting data sourced from interviews and focus group discussions (FGDs). Chapter V focuses on court decisions regarding marriage dispensation. Chapter VI addresses the social challenges faced by stakeholders and explores the experiences of child marriage case supporters in handling the cases.

The final section, Chapter VII, presents the conclusions and recommendations based on the research findings.



## CHAPTER IV

# MARRIAGE DISPENSATION DOES NOT REFLECT THE ACTUAL CHILD MARRIAGE RATE

### A. Research Location Summary

The geographic, demographic, economic, cultural, and religious aspects of each research location help provide context for the social layers that support the occurrence of child marriage in Central Lampung and Indramayu. From this perspective, the complexity of child marriage issues emerges, which cannot be viewed as merely a single-layer phenomenon.

#### 1. Indramayu: The Poor Community in a Land of Abundance

Indramayu, administratively, consists of 31 sub-districts with 317 villages/urban areas and is inhabited by 1,920,505 people (965,924 males [50.3 percent] and 954,581 females [49.7 percent]) in the first semester of 2023. The composition shows a balanced ratio between male and female groups. Among them, 284,781 or 29% of the male population is in the age range of 0-19 years, while 269,727 or 28% of the female population falls within the same age range (Penyusun, 2024).

Located at the western tip of Java, Indramayu intersects with two cultures: Javanese and Sundanese. The culture that has grown and developed in Indramayu is characterized by the unique cultural amalgamation between Javanese and Sundanese elements (Tim, 2021; K. Umam, 2015). Administratively, Indramayu is part of West Java Province with Sundanese culture, but the majority of the Indramayu population speaks the Indramayu dialect of Javanese, known locally as Dermayon, which is similar to

the Cirebon dialect. Residents in the southern and southwestern parts of Indramayu generally speak Sundanese (Mascita et al., 2021).

Geographically, Indramayu borders the northern coast of Java. The region's significant maritime potential has led many residents to work as fishermen. Approximately 56.61% of Indramayu's land is dominated by rice fields. The extensive area of rice cultivation has led the central government to designate Indramayu as a national food barn (Tim, 2021). Economically, the population of Indramayu relies on the agricultural sector, particularly rice and fisheries.

Indramayu is also rich in extractive potential. There is an oil refinery in Balongan owned by PT Pertamina, which processes crude oil into various fuel and petrochemical products. This refinery's construction provides job opportunities for local residents; however, research by Hilmiati indicates that the majority of workers in the mining industry come from outside Indramayu. Local residents typically occupy non-strategic positions such as cleaning services, casual labor, and security personnel (Nurul Hilmiati & Dian Karinawati Imron, 2023).

Despite Indramayu's rich natural resources, this does not guarantee the prosperity of its community. Indramayu has a poverty index of 2.20 and a poverty severity index of 0.62. It ranks first among the districts sending migrant workers abroad every year and has the second-highest percentage of pre-prosperous families, after Kuningan District, at 13.04 percent (BP2MI, 2022; Penyusun, 2024). Indramayu is also considered vulnerable to human trafficking issues (Bintari & Djustiana, 2017; Mulyana et al., 2019).

This economic aspect appears to affect education in Indramayu. Residents spend an average of 5.99 years in education, with access often halting at the primary school level. In 2023, 643,417 individuals (34%) completed their education through primary school (SD), while 294,354 (15%) completed junior high school (SLTP). The recorded school participation rate from kindergarten to senior high school (SLTA) as of November 2023 is 324,075, with 165,520 (51%) being male and 158,555 (49%) female (Penyusun, 2024).

In terms of religion and culture, religious practices in Indramayu often blend with local traditions and culture. The earth donation tradition and 'jabu macul' are examples of the fusion of Islamic teachings with agrarian traditions practiced by the Indramayu community (F. Umam, 2021; K. Umam, 2015; Yuniarto et al., 2024). Religious norms significantly influence social life, including important decision-making throughout human life stages (Fitriyani et al., 2020; Mubarok, 2020). The majority of Indramayu's population, 1,914,989 individuals or 99%, adheres to Islam, while Protestants number 3,164 (0.2%), Catholics 2,436 (0.067%), Hindus 98 (0.004%), Buddhists 239 (0.017%), Confucians 54 (0.001%), and other belief communities (Penyusun, 2024). Based on data from the Sistem Informasi Ketenagaan dan

Administrasi Pesantren (SIKAP) Ministry of Religious Affairs, religious-based educational institutions such as pesantren and madrasah thrive in Indramayu, contributing to the religious education of children and adolescents.

Another important aspect is the existence of the Indramayu Religious Court. Its presence began before Indonesia's independence, and on January 2, 2014, it relocated from Jl. DI Panjaitan No.66 to Jl. MT Haryono No.2A Sindang-Indramayu due to an increasing caseload that necessitated a larger building. Indramayu Religious Court is categorized as a Class 1A Religious Court within the jurisdiction of Bandung High Religious Court. Its jurisdiction covers 31 sub-districts grouped into three zones based on distance to the court, influencing the case fee structure.

According to the 2023 annual report, there are 16 judges at Indramayu Religious Court, composed of 3 female judges and 13 male judges. There is 1 male judge of grade IV/c, 1 female judge of grade IV/b, and 14 others of grade IV/d. The three female judges are aged between 60-63. Meanwhile, the majority of male judges are in the age range of 56 to 61 years.

The Indramayu Religious Court is recorded as one of the three courts in the PTA Bandung region with the highest number of cases. Below is the number of cases handled by the three Religious Courts with the highest caseload in the PTA Bandung region over the past three years, based on the 2023 Annual Report.

Year	Cibinong Religious Court	Indramayu Religious Court	Soreang Religious Court
2021	9,034	9,370	9,186
2022	10,067	9,747	8,796
2023	9,679	9,686	8,823

*Table 5. Three Religious Courts with the highest caseloads in the area of the Bandung High Religious Court*

From the tabulation of cases above, it is evident that approximately 36 civil cases are registered each working day at the three Religious Courts. In 2023, these cases were resolved by a total of 6 judicial panels, including the chief and vice chief judges of the Religious Court. Consequently, there are approximately 72 hearings held each day across these 6 panels.

The three types of cases with the highest resolution rates at the Indramayu Religious Court, in order, are lawsuits for divorce (cerai gugat), divorce through talak (cerai talak), followed by marriage dispensation. Below is the data on the highest number of cases handled by the Indramayu Religious Court over the past three years:

Year	Total Cases	Divorce through Talak	Divorce	Itsbat Marriage	Marriage
2021	9,370	2,535	6,828	118	654
2022	9,747	2,506	6,646	426	574
2023	9,686	2,581	6,860	162	514

Table 6. Four highest cases in Indramayu Religious Court in 2021-2023

## 2. Central Lampung: Demographic Bonus and Future Challenges

Central Lampung is one of the regencies with an area of 4,789.8 km<sup>2</sup>, or 13.57% of the total area of Lampung Province, located in the middle of Lampung Province. The Central Lampung Regency, with its capital city of Gunung Sugih, is approximately 60 km from the city of Bandar Lampung. Central Lampung has agricultural land for plantations, rice fields, and some fisheries, with a topography that includes hilly land, alluvial plains, tidal swamps, and river areas. Administratively, Central Lampung is divided into 28 sub-districts and 312 villages.

The economic growth of Central Lampung heavily relies on the agricultural sector. A significant portion of the population relies on livelihoods as plantation and rice field farmers. Rice production in Central Lampung is the highest in Lampung Province (Humas, n.d.), making it one of the indicators that the agricultural sector supports the community's economy. Fluctuations in commodity prices and unhealthy market access contribute to low agricultural productivity. The community's economic dependence on this sector influences the poverty rate in Central Lampung, which reaches around 15% of the total population.

In 2022, the population of Central Lampung Regency reached 1,522,426 people, consisting of 777,692 males (51.08%) and 744,734 females (48.92%). Central Lampung also has a high birth rate, while the mortality rate is low. Additionally, the age composition of the population in Central Lampung falls into the expansive category, with the productive age group reaching 68.35% of the total population (Penyusun, 2023). The population composition in Central Lampung, depicted as a pyramid, illustrates that the majority of the population is in the young age group, which is referred to as the demographic bonus.

The demographic bonus in Central Lampung presents opportunities for the availability of quality human resources. However, the challenges lie in the aspects of education and health. The pure participation rate at each level of education, as indicated by BPS data, shows that the dropout rate at the senior high school level in Central Lampung reached nearly 31% in 2023. Meanwhile, the pure participation rate at the junior high school level is at 78.29%, which means about 21.71% of children do not continue to senior high school (Penyusun, 2023a). If these opportunities and

challenges are not managed well, the abundance of the productive population could pose a serious threat to Central Lampung Regency. In the 2023 Gender and Child Profile book for Central Lampung, this situation is identified as a foundation for developing appropriate government policies and programs (Penyusun, 2023).

The population of Central Lampung is composed of various ethnic groups, such as Javanese, Lampungese, Balinese, Sundanese, and Batak. The majority of its population belongs to the Javanese and Lampungese ethnic groups. This ethnic diversity in Central Lampung can be historically traced as a migration destination area, both for official transmigration and independent migration (Mediawati, 2019; Muzzaki, 2015). Migrants bring their customs and religions from their respective hometowns. The Javanese bring their religion and Javanese philosophy of life (Fusvita, 2019; Setiawan, 2016), the Minang people uphold their matrilineal kinship values (Elfira, 2019; Firdawaty, 2019), and similarly, the Balinese maintain their community's religious order (Humaedi, 2014; Monika Atal & Agus S. Ekomadyo, 2018). Various cultural practices from different ethnic groups coexist alongside unavoidable outbursts of conflict. However, social harmony is still maintained in Central Lampung Regency.

From a religious aspect, the majority of Central Lampung's population follows Islam, accounting for about 75%, while the rest practice Christianity, Hinduism, and Buddhism. Traditional and semi-modern pesantren (Islamic boarding schools) thrive in Central Lampung. Data from the Ministry of Religious Affairs' Information System for Workforce and Pesantren Administration (SIKAP) records 157 pesantren in Central Lampung. Additionally, places of worship for various religions are scattered throughout the region. There are over 1,000 mosques and prayer halls, around 50 churches, and temples that serve as spaces for religious ritual activities, which are part of the daily lives of the community (Admin, 2024).

The Gunung Sugih Religious Court officially began operations in early 2023 based on the Decree of the Minister of Religious Affairs of the Republic of Indonesia No. B.II/2/86/2023 dated January 21, 2023. In the Bandar Lampung High Religious Court region, there were 14 Religious Courts established in 2023 with jurisdiction over 15 districts/cities. The West Coast Regency is still affiliated with the Krui Religious Court (Tim Penyusun, 2023). The jurisdiction of the Gunung Sugih Religious Court covers the entire area of Central Lampung Regency, consisting of 28 sub-districts, 10 urban villages, and 301 villages. This entire jurisdiction is mapped into six zones based on the distance to the Gunung Sugih Religious Court. This zoning system is related to notification costs, which influence the fee estimate for cases.

Based on the court classification system, the Gunung Sugih Religious Court is categorized as Class IB (Tim Penyusun, 2023). This classification is based on three aspects: the number of cases, location, and history. From the lowest class in the Religious Court, there are three levels: Class II, Class IB, and Class IA. The elevation of

the Gunung Sugih Religious Court from Class II to Class IB was approved in 2017 after meeting the qualifying standards for both judicial and non-judicial aspects (Tim Penyusun, 2023b). The judicial aspect relates to the number and quality of cases, while the non-judicial aspect typically concerns court administration, including case administration, general administration, and service facilities.

The Gunung Sugih Religious Court is among the busiest courts in Lampung, with the number of cases in the past two years exceeding 3,000 in one year. The following provides an overview of the case status in the three busiest Religious Courts in the PTA Bandar Lampung region

Year	Kalianda Religious Court	Sukadana Religious Court	Gunung Sugih Religious Court
2021	2,137	2,653	2,915
2022	2,915	2,777	3,198
2023	2,653	2,618	3,000

Table 7. Number of cases in the 3 busiest Religious Courts in the PTA Bandar Lampung region in 2021-2023

Every day, there are 12 cases or approximately 260 cases submitted at the Gunung Sugih Religious Court. In 2023, cases that were filed were resolved by four panels, including the chief and deputy panels. Thus, on a daily basis, the Gunung Sugih Religious Court held an average of 50 hearings. When the researchers visited the Gunung Sugih Religious Court in June 2024, there were 70 hearings scheduled for that day.

In terms of case types, divorce petitions remain the most common, as is the case in nearly all Religious Courts in Indonesia and several other Muslim countries (Wijayati, 2020). Talak divorces, marriage validation (itsbat nikah), and marriage dispensations sequentially occupy the positions of the most frequently submitted cases (Tim Penyusun, 2023b). The number of itsbat marriage and marriage dispensation cases has increased in accordance with policies that serve as enabling factors. The Supreme Court circular regarding the reasons for itsbat marriage, community hearings for itsbat marriage cases, along with mass wedding programs, have contributed to the rise in itsbat marriage cases. The program aims to enhance access to justice for residents of Central Lampung through itsbat marriage in community hearings, as articulated by social workers from the Child Protection Agency (LPA) and one of the village heads in Central Lampung (Eko, n.d.; Umi, n.d.). The number of marriage dispensation cases has significantly increased following the change in the minimum marriage age.

Court classification, aside from being related to the number of cases handled,

also pertains to the hierarchical ranking and career of judges. Junior judges at the beginning of their careers are placed in Class II courts and are promoted progressively to higher court classes based on rank/grade, length of service, performance, and achievements (Hermasyah, 2017). As a Class IB court, the judges assigned to the Gunung Sugih Religious Court are categorized as medium-career judges, with ranks IIIa-IVb, having over 5 years of service. In 2023, there were 8 judges in the Gunung Sugih Religious Court, including the chief and deputy judges, comprising 3 female judges and 5 male judges. They are divided into 4 judge panels that handled more than 3,000 cases throughout the year 2023 (Tim Penyusun, 2023b).

This brief overview of the Gunung Sugih Religious Court provides the context for handling a number of marriage dispensation cases that were decided between 2021 and 2023.

## B. Portrait of Child Marriage in Indramayu and Central Lampung

This section provides an initial overview of the phenomenon of child marriage, complemented by information and findings from several research informants.

### 1. Child Marriage in Marriage Dispensation Number

The Indramayu and Gunung Sugih Religious Courts are two courts that significantly contribute to the national statistics on child marriage. In the Indramayu district, over a three-year period (2021-2023), the number of marriage dispensation cases has shown a declining trend. In 2021, the number of marriage dispensations reached 654, which decreased to 574 in 2022 and further declined to 514 in 2023. This illustrates that there are at least 2-3 cases of child marriage occurring in Indramayu each day.

Year	Total Marriage Dispensation Cases
2021	654
2022	574
2023	514

Table 8. Marriage Dispensation Cases in Indramayu Religious Court in 2021-2023

The decline in the number of marriage dispensation applications at the Indramayu Religious Court is viewed by the judges as a sign of successful education within the community regarding the dangers of child marriage. However, on the ground, it is evident that unregistered practices of child marriage can still be easily found among the residents of Indramayu. Rasyid, one of the marriage officiants (penghulu) in Indramayu, made a statement during a focus group discussion (FGD) with religious leaders and community members.

*“Kalau sudah hamil, ya, jalan terbaik dinikahkan. Kasihan itu calon anak dalam kandungan. Takutnya tidak mendapatkan perlindungan hukum. Tapi banyak itu yang akhirnya milih nikah ‘kiai’ karena terbentur masalah biaya, kan mahal itu kalau ngurus.”*

*“Once a woman is pregnant, the best option is to get her married; it’s sad for the unborn child to be at risk of not receiving legal protection. However, many end up choosing to marry through a ‘kiai’ because they are constrained by financial issues, as the legal marriage process can be quite expensive.”*

*(FGD with religious leaders and community members in Indramayu, 24 June 2024)*

The decrease in marriage dispensation numbers in Indramayu and the increase in Central Lampung do not necessarily reflect the actual reality of child marriage. This is because marriage dispensation is not the sole reference for assessing the true figures of child marriage.

The number of marriage dispensation applications at the Gunung Sugih Religious Court is the highest in the entire area of the Bandar Lampung High Religious Court. Over the three-year period from 2021 to 2023, the trend of marriage dispensations has shown a consistent increase, rising from 148 in 2021 to 174 in 2022, and reaching 231 in 2023. On average, there is at least one child marriage case submitted for application at the Gunung Sugih Religious Court each day.

Year	Total Marriage Dispensation Cases
2021	148
2022	174
2023	231

Table 9. Marriage Dispensation Cases in Gunung Sugih Religious Court in 2021-2023

The high number of marriage dispensations in the two Religious Courts within their respective High Religious Court regions is at least attributed to the wide jurisdiction and population size under each of the Indramayu Religious Court and the Gunung Sugih Religious Court. Geographic size and population significantly influence the total case count, as shown in Tables 4 and 6. The Indramayu and Gunung Sugih Religious Courts, covering jurisdictions of 31 and 28 sub-districts with more than 300 villages/urban villages, receive more cases compared to other Religious Courts in their respective High Religious Court areas. Marriage dispensation applications rank as the third most frequent case type for Indramayu and the fourth for the Gunung Sugih Religious Court.

Data showing the increasing trend of marriage dispensation applications at the Gunung Sugih Religious Court also reflects the legal compliance of the applicants. This compliance is seen in their applications for marriage dispensation when intending to marry their children who have not yet reached the age of 19. Nevertheless, child marriages that are conducted without going through the marriage dispensation procedures are also frequently encountered in Central Lampung. In interviews, the LPA support team mentioned that during field visits, they found numerous young families whose marriages were conducted informally (siri). Umi, a village head in Central Lampung, also stated in an interview that out of 7 child marriages that occurred in her village, only 2 applied for marriage dispensation; the remaining 5 were conducted informally. The number of child marriages that go unrecorded is higher than the data from the Religious Courts or the Ministry of Religious Affairs. The following are statements from informants that emphasize that child marriages occur more frequently without going through the marriage dispensation process.

Informant	Statement	Coding
Social Worker, LPA Central Lampung (Interview on 30 May 2024)	Perkawinan anak itu kan sebenarnya yang nikah daftar di PA itu (dispensasi perkawinan), lebih sedikit daripada yang nikah siri.	Interview on 30 May 2024
	(Child marriages that are registered at the Religious Court (marriage dispensations) are actually fewer than those conducted under customary law (siri).)	

	<p>Sekarang mau dikabulkan atau nggak dikabulkan toh nanti mereka juga nikah loh. Hanya waktu saja, kalau tidak merekomendasikan mereka, tambah perzinaan dan mereka tetep nikah siri.</p> <p>(Whether their application is granted or not, they will eventually get married anyway. It's just a matter of time. If we don't recommend them, it could lead to more instances of fornication, and they will still end up marrying under customary law.)</p>	
Chief of Village in Central Lampung	<p>Kalau dispensasi itu masuk ke pengadilan, ya, rata-rata karena sudah kecelakaan (hamil) duluan. Itu pun kalau memang orangtuanya kepingin benar-benar resmi. Banyak yang malah wislah sirih wae gampang (udalah siri saja yang gampang)</p>	Interview on June 2024

	(If the marriage dispensation goes to court, it's usually because there has been an accident (pregnancy) beforehand. And even then, it's only if the parents really want it to be official. Many of them think it's easier to just go for a customary marriage (siri) instead.)	
Nugi, BKKBN Central Lampung	<p>Itu yang mengajukan dispensasi perkawinan (hanya sedikit), ada banyak yang tidak mengajukan dispensasi perkawinan atau kawin siri. Ada yang membuat hitungan 1 dari 10. Satu yang dispensasi, 10 yang kawin siri.</p> <p>(Those who apply for marriage dispensations are just a small fraction; many do not apply for dispensation and opt for customary marriages (siri) instead. Some estimate a ratio of 1 to 10—one applying for dispensation for every ten who marry under customary law.)</p>	Multistakeholder interview with CSO in Central Lampung

Table 10. Interview excerpt about the phenomenon of unregistered child marriage

## 2. Marriage Dispensation Applicants: A Woman's Family has a Greater Impact

To provide an overview of marriage dispensation cases at the Indramayu Religious Court and the Gunung Sugih Religious Court, the researcher sampled 50 decisions from the Indramayu Religious Court and 42 decisions from the Gunung Sugih Religious Court for the period 2021-2023. These decisions were obtained directly from the documentation of the Religious Courts. Some were acquired from individual judges collections or from legal advisors, as not all decisions are uploaded in the decision directory on the official website of the Supreme Court.

This section analyzes the profiles of the applicants and the requested marriage dispensations concerning age, occupation, and income. Data from the Indramayu Religious Court and the Gunung Sugih Religious Court indicate that marriage dispensation applications are generally submitted by both parents<sup>3</sup>, although some are submitted by one parent due to circumstances such as death or divorce.

The Indramayu Religious Court anonymizes the identities of the applicants and does not include their addresses to protect the privacy and confidentiality of the parties applying for marriage dispensation. The sample data of applicants for marriage dispensation at the Indramayu Religious Court can be summarized in several points as follows:

First, the identity of the applicant in the decisions from the Indramayu Religious Court is only listed as 'PEMOHON' or 'APPLICANT' (written in uppercase and bold). There is no indication of whether it is a single applicant or both parents. The majority of applications are submitted by families with female children. More than 82% of marriage dispensation applications at the Indramayu Religious Court are submitted by parents for their daughters. Meanwhile, the remaining 18% are submitted by parents for their sons. This conclusion is drawn based on the information in the case designation, which states the purpose of marrying off the underage biological child to the male respondent.

Marriage Dispensation Applicants at the Indramayu Religious Court

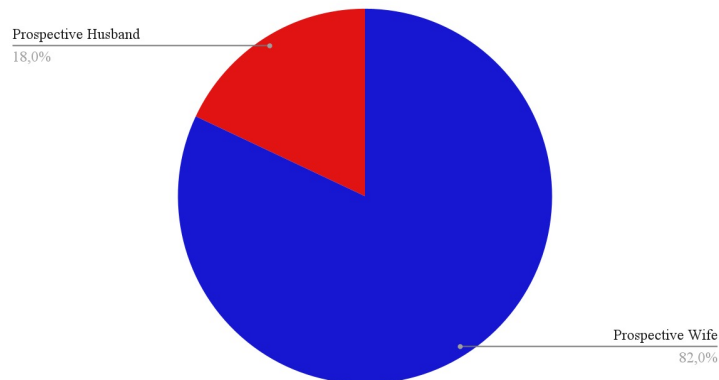


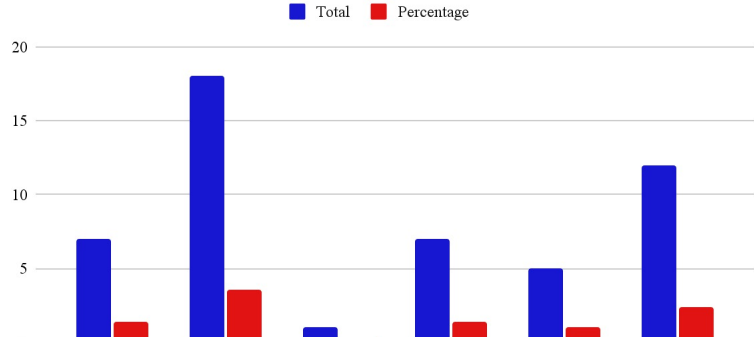
Diagram 2. Marriage Dispensation Applicants in Indramayu Religious Court

Second, the profiles of marriage dispensation applicants in Indramayu have been identified as belonging to 6 different types of occupations. However, the information provided in the decisions is not sufficient to categorize the data more precisely. The identity of the applicant cannot be determined as to whether it is the

3 Supreme Court Regulation No. 5 of 2019 Article 6 (1) explains that those entitled to apply for a marriage dispensation are the parents. If the parents have divorced, then either one or both parents may submit the application (Supreme Court Regulation No. 5 of 2019, n.d.).

father, the mother, or both.

Occupations of Marriage Dispensation Applicants at the Indramayu Religious Court



Graph 3. Occupations of Marriage Dispensation Applicants at the Indramayu Religious Court

Meanwhile, at the Gunung Sugih Religious Court, the identity of the applicant described in the decisions includes the applicant's name, education, and occupation. The following is the data on the applicants:

First, from the sample of marriage dispensation cases in Gunung Sugih, the researcher was able to identify whether the application was submitted by both parents or just one. Generally, applications are submitted by both parents, which is reflected as 'PEMOHON I' and 'PEMOHON II'. There are also a few instances of single applicants, either due to one partner having passed away or because they have separated.

Year	Single Applicant	Total Case	Percentage
2021	4	148	2%
2022	12	174	7%
2023	43	231	18%

Table 11. Data on Single Applicants for Marriage Dispensation Cases at the Gunung Sugih Religious Court

Marriage dispensation cases are generally requested by the families of the female applicants, accounting for 83%, while the remaining 17% are submitted by the families of male applicants.

### Marriage Dispensation Applicants at the Gunung Sugih Religious Court

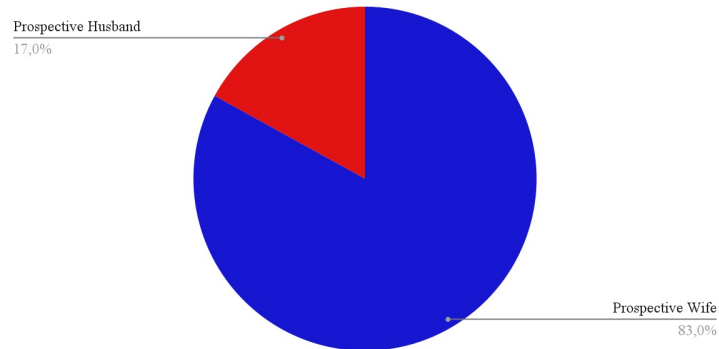
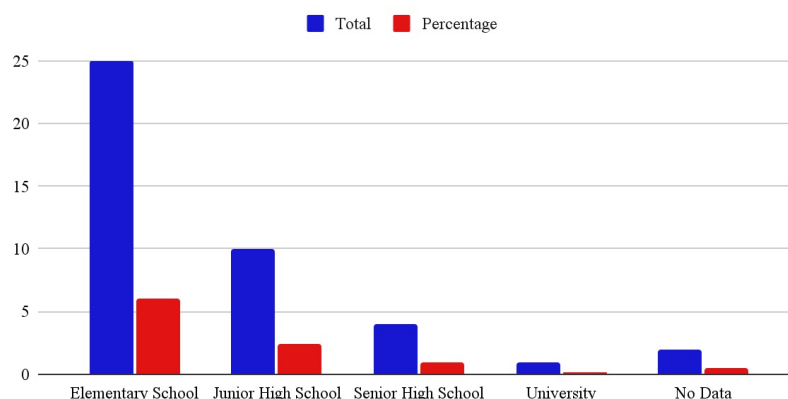


Diagram 3. Marriage Dispensation Applicants at the Gunung Sugih Religious Court

The data presented in the diagram above will later correlate with the age profile of the female children for whom marriage dispensations are requested, as explained in the following section.

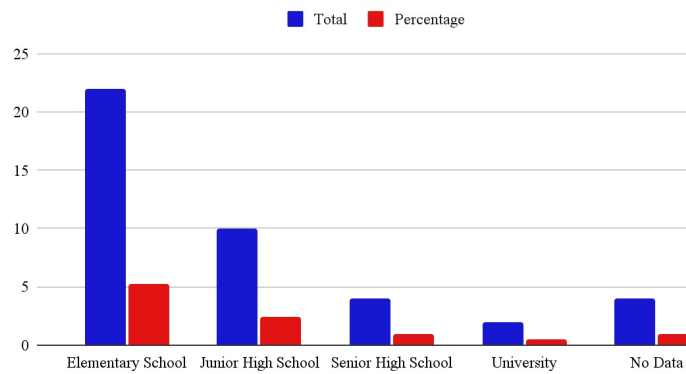
Second, the education level of the applicants. This study found that the majority of marriage dispensation applicants have elementary school (SD) education, with some having junior high school (SMP) education, whether the mother or father. Applicants with elementary school education account for over 52% or more than 20 individuals. Meanwhile, 24% or 10 applicants, either the mother or father, have junior high school education. Only 5 out of the total 42 applicants have high school (SMA) or college education. The data based on the identity of the applicants in the decisions of the Gunung Sugih Religious Court aligns with the demographic explanation of the research area, which shows that the dropout rate at the junior high school level is 31% of the total school-age population for high school.

### Education of the Applicant (Father) for Marriage Dispensation at the Gunung Sugih Religious Court



Graph 4. Percentage of Applicant (Father) based on Educational History

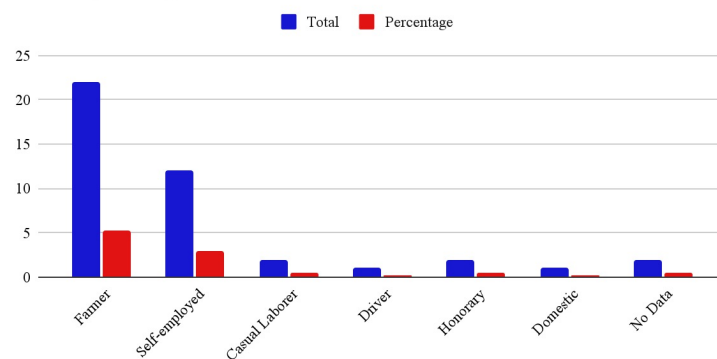
Education of the Applicant (Mother) for Marriage Dispensation at Gunung Sugih Religious Court



Graph 5. Percentage of Applicant (Mother) based on Educational History

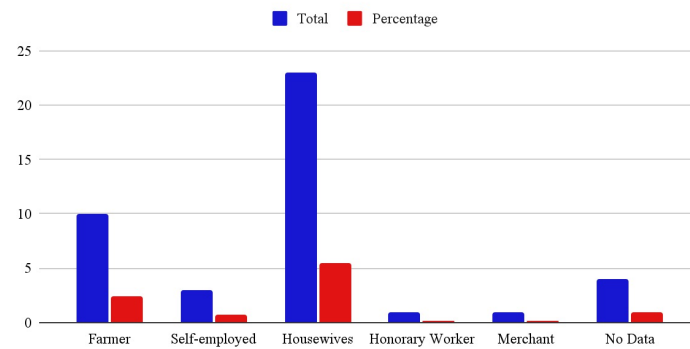
Third, the occupations and activities of the applicants. The two following graphs illustrate the diversity of occupations among applicants at the Gunung Sugih Religious Court. Out of 42 applicants, the majority are farmers for the fathers and housewives for the mothers. Self-employment is another profession that many applicants engage in.

Occupations of Marriage Dispensation Applicants (Father) at the Indramayu Religious Court



Graph 6. Occupations of Marriage Dispensation Applicants (Father) at the Indramayu Religious Court

Occupations of Marriage Dispensation Applicants (Mother) at the Indramayu Religious Court



Graph 7. Occupations of Marriage Dispensation Applicants (Father) at the Indramayu Religious Court

Occupations and average income of applicants' information is important to include in the decisions as one of the prerequisites or indicators of the applicants' ability to provide commitment and support for their children's family needs until they are truly independent. In the decisions, the identity of the applicants provides information about their types of occupations, but there is no explanation of the average income. In several decisions, there are mentions in the court proceedings that indicate the ability of the applicants (the parents of the prospective wife) and the parents of the prospective husband to support the family of the respondent. applicants engage in.

Decision Number	Statement	Guarantor
8/Pdt.P/2021/PA.Gsg	...accompanied by verbal statements clarifying that the applicants pledge and commit to guiding and assisting their children with household needs, both morally and materially, so that they can manage their households effectively.	Applicants (the parents of the prospective wife)

27/Pdt.P/2021/PA.Gsg	That the applicants pledge and are ready to guide and assist their children with household needs so that they can manage their households effectively.	Applicants (the parents of the prospective wife)
486/Pdt.P/2022/PA.Gsg	...the parents of the prospective husband also express their readiness to guide and support their child in the future if he marries the applicant's child, both in terms of material and non-material support.	The parents of the prospective husband

*Table 12. Statement of Marriage Dispensation Applicants regarding support to their children*

This statement emerged during the session of listening to the testimony from the parties, following the judges' counsel regarding the risks and dangers of child marriage. The declaration of readiness to guide and assist the child post-marriage is part of the efforts to minimize the vulnerabilities associated with marriage, touching upon reproductive health, emotional well-being, and economic factors.

The economic condition of the parents can be a consideration for judges in assessing the applicant's ability to help fulfill the needs of the child's new family. Perma No. 5 of 2019 Article 3, letter [c] explicitly states that the purpose of this regulation is to enhance parental responsibility in preventing child marriage.

The identified educational background and types of employment of the applicants reflect that marriage dispensation applications are generally submitted by parents with low educational backgrounds and occupations as farmers or in the informal sector. The type of occupation does not serve as a definitive indicator of economic capability. The absence of an average income profile for the applicants in the decisions makes the conclusions drawn not final. Nonetheless, the information regarding the educational background and employment of the applicants can provide context for the occurrence of child marriage and the conditions of their families.

Families of female applicants tend to be more often positioned as applicants, as illustrated in Diagrams 2 and 3, which explain that:

First, it is generally the prospective wives who are still under the age of 19. This

data will be elaborated upon in the profile of the respondents in the following section.

Second, the interests of the female party are greater in terms of being married, particularly in the context of child marriage, which often results from premarital pregnancy.

Umi, a village head in Central Lampung, recounted a case of conflict between the families of the male and female parties, as initially neither side wanted to be the applicant. In order to avoid familial disgrace, the female party had no choice but to become the applicant while bearing the costs of the case.

Women face greater and more pressing pressure to marry. This is related to gender norms in society that view women as the guardians of family honor. For example, in cases of premarital pregnancy or when a young couple is caught by the community due to suspected sexual relations, both the male and female face negative stigma as perpetrators of illicit relations, bringing shame upon their families. However, the female child experiences layered stigma and social restrictions. As a result, the female child may not be able to continue her education or may have to be hidden away in another village due to her pregnancy. Meanwhile, the male can continue his education, even if it means transferring to a school in another area.

This layered stigma and social restriction have been narrated by Pairin, a village head in Central Lampung, and Eko, a social worker from the Child Protection Agency (LPA) in Central Lampung, during a Focus Group Discussion with the Community on June 28, 2024.

*“Ternyata mereka itu bisa melaksanakan setelah melaksanakan nikah dan mereka dalam waktu mengandung itu istrinya, si lakinya ini dipindahkan sekolahnya ke Jawa. Begitu pulang cerai.”*

*“It turns out that they could proceed with the marriage and during the period of pregnancy, the husband was transferred to school in Java. Once he returned, they divorced.”*

*(Pairin, Village Head in Central Lampung)*

*“Selama nanti hamil tinggal tempat saya, melahirkan bayinya kalau enggak ada yang ngurus, negara, kami yang urus. Dia harus sekolah, 15 tahun. Tapi si pria ini yang harus semuanya biayai sampai nanti dia kuliah, tanda tangan di situ, jangan nikah. Karena menikah ini tidak akan menjadi baik ini. Bayangkan 15 tahun lawan 54 tahun. 54 tahun itu sudah punya istri.”*

*“During her pregnancy, she can stay at my place, and if no one is there to take care of the baby, the state or we will take care of it. She needs to go*

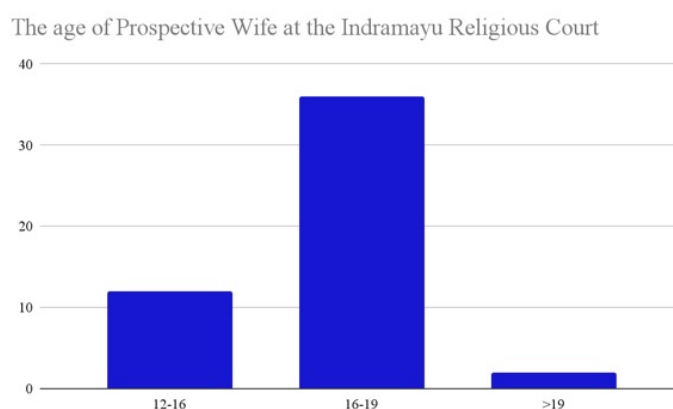
*to school; she's 15 years old. But this man has to cover all expenses until she goes to college, sign here, do not marry. Because marriage will not lead to anything good. Imagine a 15-year-old against a 54-year-old. The 54-year-old already has a wife.”)*

*(Social Worker from LPA Central Lampung)*

### 3. Profile of the Prospective Wife: Layered Vulnerability

The ages of the prospective wives (respondents) are categorized into three groups. First, the age group of 12-16 years, which, under the regulations of Law No. 1 of 1974, is not permitted to enter into marriage. Within this group, the maximum age of the prospective wife is found to be 15 years and 11 months. Second, the age category of 16-19 years. And third, the age group above 19 years—an age that is permitted for marriage.

#### a. Indramayu



Graph 8. Respondent's age group of prospective wife in Indramayu Religious Court

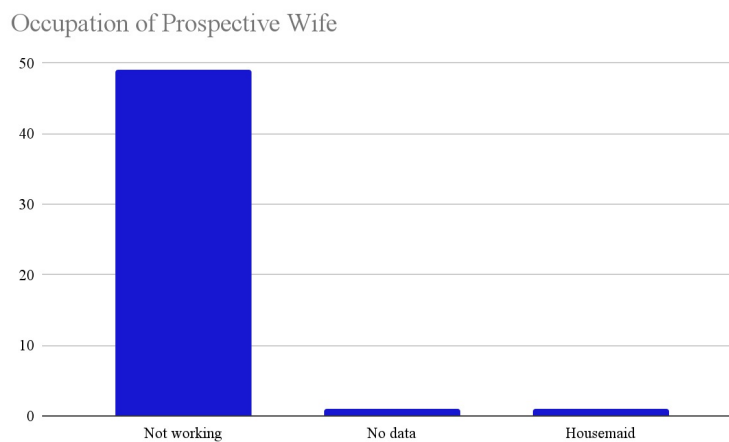
The majority of prospective wives applying for marriage dispensation are in the age range of 16-18 years. Approximately 74% of the applicants fall within the 16-18 year age range, which, according to the previous regulation under Law No. 1 of 1974, was still permitted to marry. In terms of numbers, this age group has significantly contributed to the increase in the number of marriage dispensation applications following the revision of Marriage Law No. 16 of 2019. Under the previous regulation, this group was categorized as permissible and has become prohibited under the new regulations.

There are 24% of prospective wives in the age group of 12-15 years, an age with high risks regarding physical readiness, including reproductive health. Meanwhile, the group of prospective wives aged above 19 accounts for 2%. This age group actually meets the requirements for marriage, but the prospective husband is not of sufficient age (as seen in decision No. 0755/Pdt.P/2021/PA.IM, where the applicant's

child is 17 years old while the prospective wife is 19 years old). Therefore, a marriage dispensation application still needs to be submitted. This data indicates that the practice of child marriage is not only experienced by females but also occurs among males who are not of sufficient age.

The next variable analyzed by the researcher is access to and participation in education, which is a fundamental right of children. Unfortunately, the decisions from the Indramayu Religious Court do not provide enough information to explain the educational status of the applicants for marriage dispensation, whether female or male. Not all decisions mention the educational background of the applicants in the identity section or in the case details and legal considerations.

Regarding the variables of employment and income, 96% of the prospective wives for whom marriage dispensation is requested do not have an income because they are not employed. This data is illustrated in the following graph.



Graph 9. Occupation of Prospective Wife

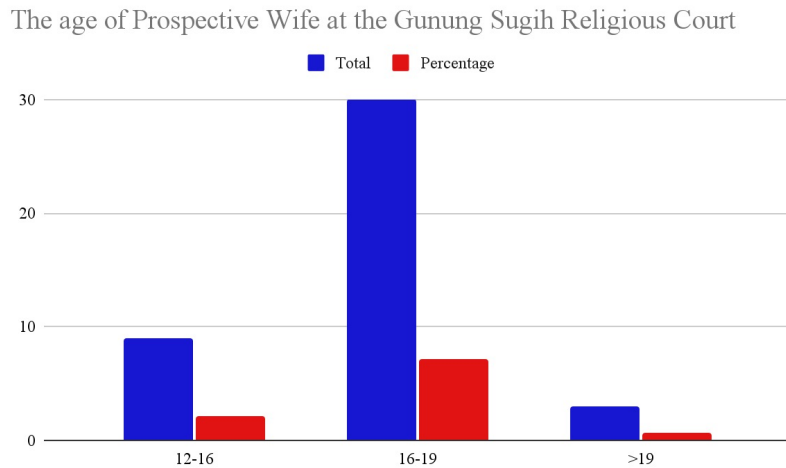
#### b. Gunung Sugih

The majority of prospective wives at the Gunung Sugih Religious Court are in the age group of 16–19 years. There is still a relatively high number of applicants under 16 years, with 21%, or 9 out of 42 applicants.

The decisions from the Gunung Sugih Religious Court also show cases of marriage dispensation requested for prospective wives over 19 years old. Since the prospective husbands are not yet of sufficient age, dispensations are still requested. Decision No. 12/Pdt.P/2021/PA.Gsg and No. 280/Pdt.P/2021/PA/Gsg are two decisions submitted by the parents of the prospective husbands. In decision No. 12, the prospective wife is 20 years old, while the prospective husband is only 18 years old. In decision No. 280, both prospective parties are 17 years old. If both prospective brides and grooms are still below the minimum marriage age limit, then they may jointly request dispensation in court according to the applicant's domicile (Article 8

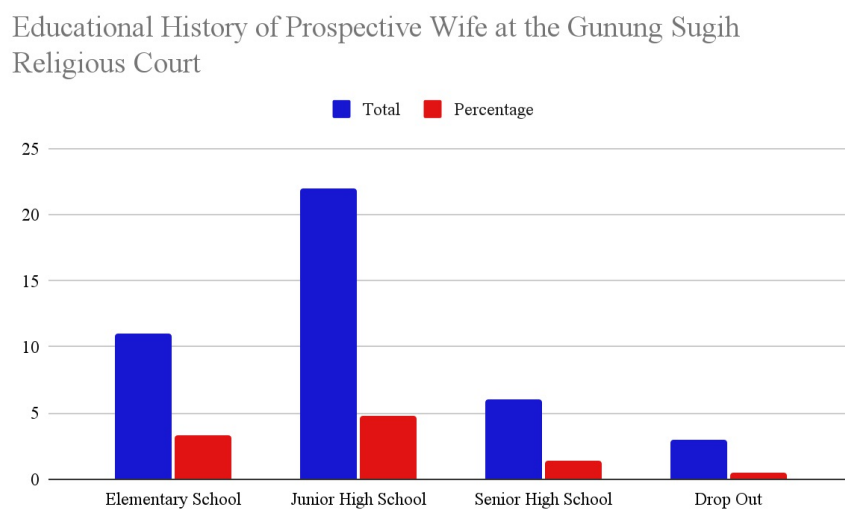
of Perma No. 5 of 2019, n.d.).

The following is a graph showing the age of prospective wives based on 42 sample decisions from the Gunung Sugih Religious Court, illustrating that the majority of applicants are in the age group of 16-19 years.



Graph 10. The age of the Prospective Wife at the Gunung Sugih Religious Court

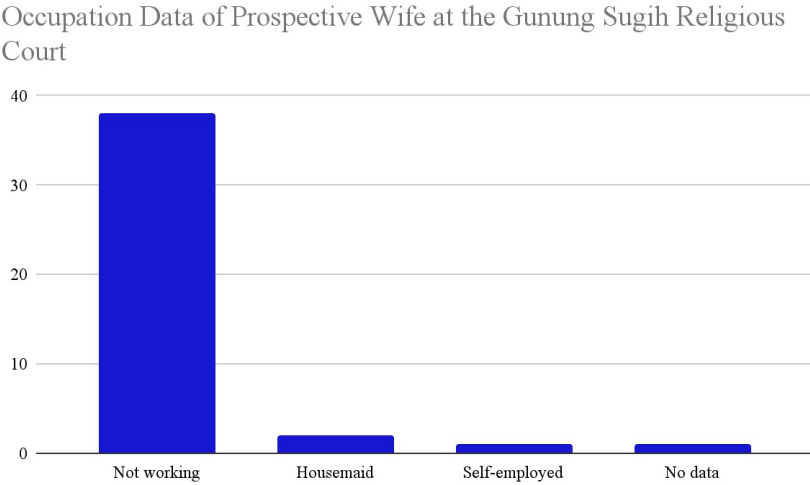
Generally, the age profile of the prospective wives falls within the category of high school age. However, in several decisions, it is noted that the applicants have dropped out of school and are only graduates of elementary (SD) or junior high school (SMP). The following Graph 11 illustrates the education levels of the girls for whom marriage dispensations are requested, showing that many have only completed junior high school and 33% have only completed elementary school.



Graph 11. Educational History of the Prospective Wife at the Gunung Sugih Religious Court

The fact that the education levels of the prospective wives mostly consist of those who attended elementary (SD) and junior high school (SMP) aligns with the situational data on educational participation in Central Lampung, based on BPS data, which indicates that many stop their education at the SMP level. Specifically, 31% of the school-age population does not continue to senior high school (SMA). Therefore, the majority of prospective wives have only completed junior high school.

The third variable to be explained is employment. Data from the decisions of the Gunung Sugih Religious Court shows that a significant majority, 90.5%, of the prospective wives do not or have not yet entered the workforce.



Graph 12. Occupation Data of Prospective Wife at the Gunung Sugih Religious Court

The variables of age, education, occupation, and income presented in the marriage dispensation decisions at the Religious Courts of Indramayu and Gunung Sugih indicate that, in addition to being of very young age, the majority of prospective brides lack the economic means to support themselves and their families. The prospective wives, who are still children, face various vulnerabilities when marrying at a young age, having dropped out of school, not being employed, and having no income

**4. Profile of the Prospective Husband's Respondent: Low Education and Employment in the Informal Sector**

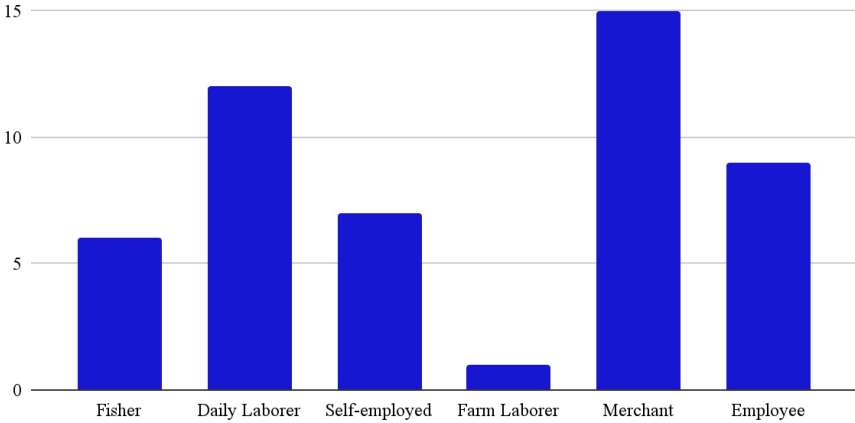
To provide an overview of the profile of the prospective husband's respondent, this section outlines four aspects: age, education, occupation, and income.

a. Indramayu

The majority of prospective husbands are already at the legal marriageable age, with the following breakdown: 29 out of a total of 50 prospective husbands are over 19 years old, meeting the age requirement for marriage. This is followed by the age

group of 16-18 years at 38%, and 4% in the age range of 12-16 years. This means that marriage dispensations are not only applied for by women under the age of 19, but there is also a substantial number of men under 19 who are also seeking to marry

Occupation Data of the Prospective Husband at the Gunung Sugih Religious Court



Graph 13. Occupation Data of the Prospective Husband at the Gunung Sugih Religious Court

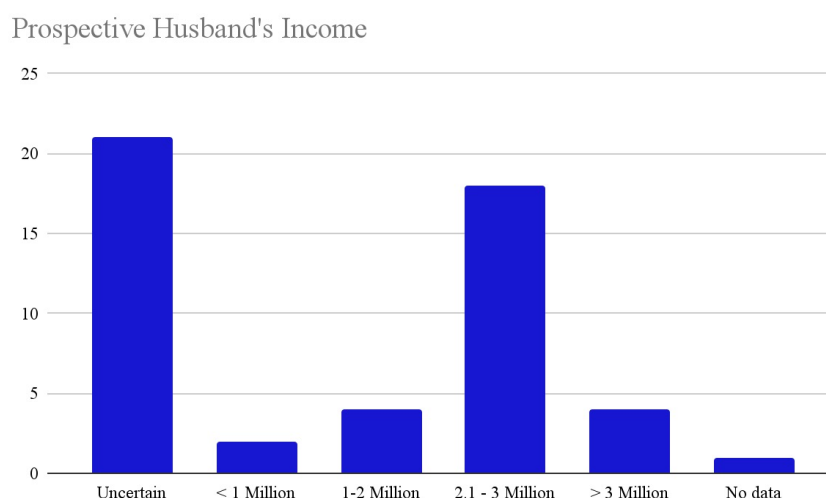
Further explanation in the case details presents information regarding the average income of the prospective husband's respondent. This information is used as an argument by the applicant to persuade the judge of the respondent's economic capabilities. The mention of average income varies depending on the type of profession or occupation. For instance, employees are referred to by their monthly income, whereas laborers and traders are mentioned in several decisions based on their daily income.

Decision Number	Judge's Statement in the Decision
Decision No. 05/Pdt.P/2022/PA.IM (Case Details Point [5])	Likewise, the prospective husband is single, has reached the age of maturity, is prepared to become a husband and/or head of the family, and works as a merchant with a daily fixed income of IDR 120,000.
Decision No. 114/Pdt.P/2022/PA.IM (Case Details Point [5])	Likewise, the prospective husband is also ready to become a husband and/or head of the family and has been working as a merchant (in the buying and selling of used goods) with a daily fixed income of IDR 100,000.

Decision No. 0775/Pdt.P/2021/PA.IM (Case Details Point [5])	Likewise, the prospective husband is also ready to become a husband and/or head of the family and has been working as a private employee with a fixed monthly income of IDR 3,000,000.
--	--

Table 13. Statement of Marriage Dispensation Applicants regarding their occupation

The majority of prospective husbands have fluctuating incomes, corresponding to their professions or jobs. A total of 42% of the applicants earn on a daily basis rather than a monthly salary. This is illustrated in the graph below:

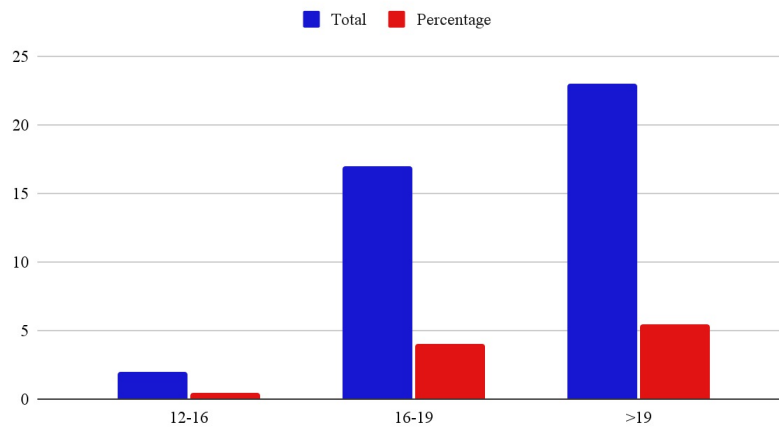


Graph 14. Prospective Husband's Income at the Indramayu Religious Court

#### b. Gunung Sugih

The prospective husbands' respondents at the Gunung Sugih Religious Court, similar to the data in Indramayu, are generally in the age group of over 19 years. Fifty-five percent of the prospective husbands have met the legal age requirement for marriage, while their partners are still under the age of 19. The age group of 16–19 years accounts for 40%. Additionally, there are still respondents seeking marriage dispensations who are under the age of 16. The recap of this data is illustrated in the graph below.

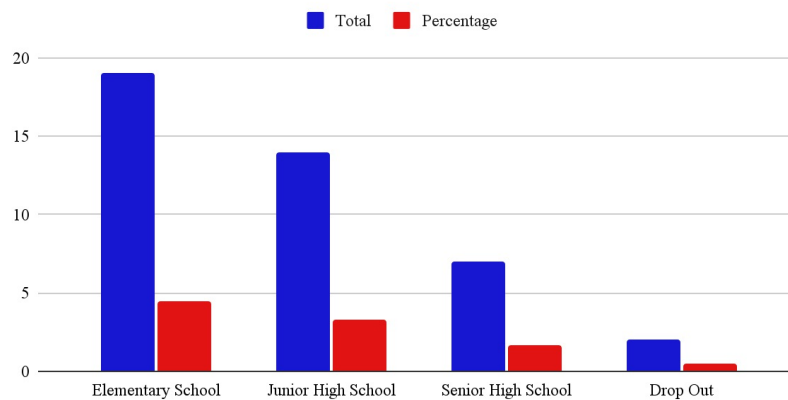
The Age of Prospective Husband at the Gunung Sugih Religious Court



Graph 15. The Age of Prospective Husband at the Gunung Sugih Religious Court

The next variable is the educational status of the prospective husbands' respondents, as illustrated in the following graph.

Educational Status of Prospective Husband at the Gunung Sugih Religious Court



Graph 16. Educational Status of Prospective Husband at the Gunung Sugih Religious Court

The graph above shows that the background of the prospective husbands' respondents is generally that of elementary school graduates. In comparison to the educational profile of the prospective wives, the education of the prospective wives is relatively higher, as the majority are junior high school graduates. In several decisions, the researcher found that the educational background of the prospective wives is higher than that of the prospective husbands.

Decision	Prospective Husband	Prospective Wife
30/Pdt.P/2021/PA.Gs.	Elementary School	Senior High School
273/Pdt.P/2021/PA.Gs.	Elementary School	Senior High School
276/Pdt.P/2021/PA.Gs.	Elementary School	Senior High School
195/Pdt.P/2021/PA.Gs.	Elementary School	Senior High School

Table 14. Overview of the educational gap between prospective husbands and prospective wives

The educational data presented in the decisions is insufficient to illustrate the cause-and-effect relationship between child marriage and education. The research on this sample of decisions lacks adequate information to explain whether child marriage is a factor leading to school dropout, or conversely, whether dropping out of school results in child marriage. In several decisions, it was found that the applicants had already dropped out of school, which was confirmed during Focus Group Discussions (FGDs) and interviews. However, the fact that children do not return to school after marriage was also reported by the children themselves during the child forum FGDs.

*“Sebenarnya sih ya, gak ada masalah. Menurut saya kalau saya pribadi mau anak itu setelah pernikahan atau seks bebas bisa balik lagi ke sekolah, itu ya sesuai mentalnya kalau berani. Dia udah di judge sama orang orang. Tuch lihat itu udah nikah, udah pamit masih berani sekolah. Terkadang bukan sekolah yang tidak mengizinkan untuk anak anak seperti itu, tapi anaknya ngga siap untuk menerima hujatan.”*

(“Actually, there's no problem. In my opinion, if I personally want the child to return to school after marriage or premarital sex, that depends on their mental readiness if they are brave enough. They have already been judged by people. Just look at that, they are already married and still have the courage to go to school. Sometimes it's not the school that does not allow children like that, but the child is not ready to face the criticism.”)

*“Ada cerita di dekat rumah, setelah ketahuan sekolah, jadi mereka nikah karena hamil lalu mereka berhenti. Ya sama sama berhenti.”*

(“There is a story near my house; after being found out at school, they got married because of a pregnancy and then both stopped attending school. Yes, both of them stopped.”)

(Dann, Child Forum FGD, Central Lampung, June 29, 2024)

The next variable is the occupation and income of the prospective husband. Information related to occupation and income serves as one of the indicators of

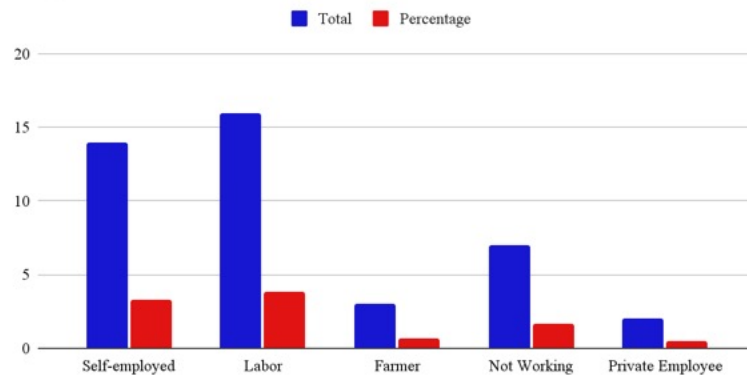
the economic readiness of the prospective husband's respondent. In the following court documents, information regarding occupation and income is mentioned in the case details, substantiated as evidence in the trial, and considered by the judge in making a decision. There is a discrepancy in the numbers presented in the case details, the evidence, and the judge's considerations.

195/Pdt.P/2023/PA.Gs.	Statement
Case Detail	Likewise, the prospective husbands, who are the children of the applicants, are single/unmarried, have reached the age of maturity, and are prepared to become husbands and/or heads of households. Additionally, the prospective husbands of the applicants have been working and have an average monthly income of IDR 2,500,000.
Applicant and Witness' Statement	The children of the applicants are now working as drivers and have an average monthly income of approximately IDR 2,000,000.
Judge's Consideration	Considering that in the aspect of hifdzul mal (protection of assets), although the prospective husbands of the applicants are working as drivers and earning approximately IDR 2,000,000 (two million rupiah) per month, this amount, while relatively sufficient to cover household needs, is not deemed adequate for a 16-year-old applicant's child who is considered not yet capable of managing household finances effectively.

Table 15. Income of the Prospective Husband in the one of decisions at the Gunung Sugih Religious Court

The description of the occupation's type of the applicant's prospective husband can be observed in the following graphical representation.

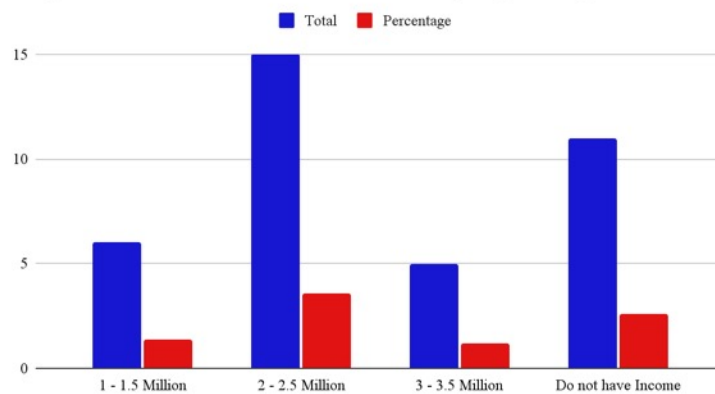
The Occupation of the Prospective Husband at the Gunung Sugih Religious Court



Graph 17. The Occupation of the Prospective Husband at the Gunung Sugih Religious Court

The majority of the applicants work in the informal sector, with an unpredictable income range each month. Information regarding the prospective husband's employment can be found in nearly all decisions, except for those who are either not employed or have never worked. Regarding income, there are 11 decisions from 2021 to 2022 that do not explicitly state the income amounts. However, the decisions from 2023 as a whole mention and explain the types of employment and the average income, which ranges from IDR 1,000,000 to IDR 3,500,000, as depicted in the following

Prospective Husband's Income at the Gunung Sugih Religious Court



Graph 18. Prospective Husband's Income at the Gunung Sugih Religious Court

Profiling of the applicants for marriage dispensation cases in the Indramayu and Gunung Sugih Religious Courts reveals several points as follows:

First, the age of the female applicants generally falls within the 16-19 year age group, which, according to Law No. 1 Year 1974, meets the requirements for marriage and registration. This group appears in both Indramayu and Gunung Sugih, with numbers exceeding 70%. This age group significantly contributes to the increase

in marriage dispensation cases in the court as a result of the amendments made by Marriage Law No. 16 Year 2019. Among the male applicants, the majority are of marriageable age; however, the prospective wives are mostly younger than 19 years old. Nonetheless, the number of male applicants under 19 years of age is also significant.

Second, there is a strong presence of gender norms in the Indramayu and Gunung Sugih communities. The patriarchal societal reality views males as being favored for education; if they are no longer in school, they are expected to work to support themselves, their wives, and their families. Gender norms in society attribute to men's dignity, one of which lies in their ability to provide financially; thus, men are obliged to work, regardless of the type of work.

In the narrative of the applicants' arguments, the prospective wives are characterized as being mature (pubescent) with the ability to fulfill domestic roles within the family. Meanwhile, the prospective husbands are described as mature (pubescent) men who are employed and earning an income. This narrative is illustrated in the excerpts from the decisions presented in Table 15.

When prospective wives have dropped out of school, as reflected in the decisions, socially, women are not burdened with the obligation to work. The data from the decisions indicate that more than 90% of the prospective wives are either unemployed or have never held a job. Gender inequality in perceiving women and men is reflected in the assumption that a woman's role as a wife will be supported and provided for by her husband. As a result, there is an increased likelihood of being married at a young age even without having a job.

Third, there is a close relationship between poverty, access to education, and child marriage. In an interview with a village head in Central Lampung, the source expressed that marrying off a child is seen as a way to alleviate the family's economic burden, with the hope that the daughter will receive support from her husband (Umi, n.d.). For example, in decision No. 356 /Pdt.P/2022/PA.Gsg, it is explained that the judge found that the applicant was unable to support the child and wished for the child to marry quickly.

Poverty leads to low access to education, thereby reducing the likelihood of children continuing their education. The village head from Central Lampung also described the conditions of his residents who felt unable to afford sending their children to high school. In the interview, he echoed the statements from the residents of Umbul Upik Village while visiting the village office.

*“Lah bund, aku ra mampu nek nyekolahke anak tekan SMA”*

(“Mom, I am unable to send my child to high school.”)

Other statement from the resident;

*“Ah daripada sekolah, mending kerjo botoan”*

(“Ah, rather than going to school, it is better to work in brick-making.”)

(Statement from the residents of the outskirts of Central Lampung District, June 17, 2024.)

Low education and poverty trigger child marriage. In fact, not only child marriage, but in a village with low educational participation, the village head stated that there are always other social problems each year.

“Ndilalah daerah Umbul Upik (nama dusun), yang pendidikannya rendah, hampir setiap tahun saya menyelesaikan kasus di situ. Masalah maling, masalah rumah tangga, masalah perebutan bojo. Masalah pasti di situ. Kalau untuk dusun-dusun yang lain yang pola pendidikannya memang memadai ya enggak terlalu ada. Kalaupun ada ga terlalu mencolok. Tapi kalau di dua wilayah itu hampir setiap tahun.”

(“In the Umbul Upik area (the name of the village), which has low education, I resolve cases there almost every year. Issues of theft, domestic problems, and disputes over partners. Problems are definitely present there. In contrast, for other hamlets where the educational patterns are sufficient, there aren't many issues. Even if there are, they are not too glaring. But in those two areas, almost every year.”)

(Village Head of Central Lampung, 17 June 2024)

The argument that poverty and education are significant factors in child marriage is also echoed by social workers from the Child Protection Agency in Central Lampung. Girls who are no longer in school tend to stay at home and engage in daily activities that assist their parents, which often leads to them being pushed to marry quickly (Eko, n.d.). This phenomenon is also illustrated in decision No. 280/Pdt.P/2021/PA.Gsg, which states that the applicant, aged 17, had stopped attending school after graduating from elementary school and was already working with an average income of IDR 1,000,000 per month.

On the other hand, cultural factors and the tradition of marrying off daughters at an early age also reinforce the practice of child marriage in Central Lampung. Social norms and societal perceptions surrounding shame and honor often serve

as justifications for marrying off children at a very young age. The perception of marrying children young for the sake of honor and parental wishes to avoid fornication and free association has been expressed by several sources in the Focus Group Discussion and subsequent interviews.

<p>Rusyudianto - Islamic religious instructor</p>	<p>Terkait dengan pernikahan di bawah umur di masyarakat yang katakanlah pribumi (suku Lampung) itu banyak permasalahannya. Dari ekonomi ada, dari kata bapak ibunya, yang pengen anak perempuannya cepat nikah, “Hai nak, bapak sudah tua, cepat lagi nikah”</p>	
<p>(Regarding underage marriage in the Indigenous community (Lampung ethnic group), there are many issues. Economically, there are factors, as indicated by parents who want their daughters to marry quickly. “Hey, child, your father is getting old; you should get married soon.”)</p>	<p>FGD with Religious and Community Figures, Central Lampung, 28 June 2024</p>	
<p>Eko - Social Worker from LPA</p>	<p>Kalau hari ini, saya sudah tanda tangani berkas (rekomendasi) dispensasi nikah itu 78 dari Januari sampai hari ini (28 Juni 2024). 78 yang enam masih di kantor belum diambil dari. 78 itu 50 persennya hamil.</p>	

<p>(As of today, I have already signed 78 marriage dispensation recommendation documents from January until today (28 June 2024). Out of those 78, six are still in the office and have not been collected. Among the 78, 50 percent are pregnant.)</p>	<p>(As of today, I have already signed 78 marriage dispensation recommendation documents from January until today (28 June 2024). Out of those 78, six are still in the office and have not been collected. Among the 78, 50 percent are pregnant.)</p>	
<p>Marwiyah - Midwife from Indramayu</p>	<p>Ada satu komunitas, ee apa keluarga, atau apa ya nyebutnya. Mereka itu kelompok keturunan Arab gitu. Sering mengadakan pertemuan, nah di pertemuan itu para orangtua kayak jodoh jodohin anaknya sesama keturunan arab juga. Anaknya sih kebanyakan gak nolak ya. Pertimbangan orangtuanya kan udah ada calonnya tu yang siap jagain yaudah dinikahkan aja daripada nanti melakukan zina kan dosa. Meskipun gak semua, tapi kelompok ini yang sering minta surat hamil palsu dengan alasan buat ajukan dispensasi perkawinan. Mereka kan posisinya memang tidak hamil karena menjaga diri karena keturunan arab itu.</p>	

	<p>(There is a community, or rather a family, or whatever it's called. They are a group of Arab descendants. They often hold gatherings, and during these meetings, parents try to match their children with other Arab descendants. Most of the children don't refuse, as the parents have already found candidates who are ready to take care of them, so they just get married rather than risk committing adultery, which is sinful. Although not everyone, this group frequently requests fake pregnancy letters to apply for marriage dispensation. They are not actually pregnant because they are maintaining their chastity as Arab descendants.)</p>	<p>Interview on 30 June 2024 via phone, 19.00–20.00 Western Indonesian Time.</p>
<p>Abdul Manan - Judge of Indramayu Religious Court</p>	<p>Yang paling mendasar (dalam perkara dispensasi perkawinan) adalah faktor hamil di luar nikah. Dan Ini (hamil di luar nikah) quickly by applying for marriage dispensation.) menjadi faktor utama dari maraknya kasus perkawinan anak. a they seek to have their children married off quickly by applying for marriage dispensation.)</p>	<p>Multistakeholder FGD with related agency, 28 June 2024</p>

	<p>Masyarakat sekitar meyakini bahwa perzinahan ini menjadi aib atau mendatangkan azab dari Tuhan Yang Maha Kuasa. Sehingga Mereka Memohonkan anaknya untuk segera dinikahkan, dengan mengajukan dispensasi perkawinan.</p> <p>(The most fundamental factor (in marriage dispensation cases) is pregnancy outside of marriage. This (pregnancy outside of marriage) has become the primary cause of the rising number of child marriage cases. The surrounding community believes that fornication is a disgrace or can bring punishment from God Almighty. As they seek to have their children married off quickly by applying for marriage dispensation.)</p>	
--	---	--

Table 16. The Perception of Child Marriage in Indramayu and Central Lampung

The statements from four informants representing various elements and two research areas discuss the practice of child marriage, focusing specifically on the issues faced by girls. Conditions of pregnancy, concerns about preserving honor, parental desires, and the use of fake pregnancy certificates are the challenges experienced by these women.





# CHAPTER V

## COURT DECISION REGARDING MARRIAGE DISPENSATION

### A. The Long Road to Marriage Dispensation at the Religious Court

First, the parties applying for marriage dispensation take a letter of introduction from the village (Article 4, letter a of Minister of Religious Affairs Regulation No. 20 of 2019) and register their marriage at the Office of Religious Affairs to obtain Form N1<sup>3</sup>. The administrative requirements for registering the marriage are submitted to the Office of Religious Affairs to obtain the necessary forms, including Form N7. N7 is a letter of rejection of the marriage application because one or both prospective spouses are under the age of 19. This is explained in Law No. 16 of 2019, which states that if there is a deviation from the age requirement of 19 years, the Office of Religious Affairs is not allowed to proceed with the marriage until a marriage dispensation is obtained with an urgent reason from the Religious Court.

Second, before going to the Religious Court, the applicants request recommendations from psychologists, Child Protection Agencies (LPA) or professional social workers, midwives or doctors, the Ministry of Women's Empowerment and Child Protection (P2TP2A), or the Indonesian/Regional Child Protection Commission. The requirement for recommendations for marriage dispensation applications in Perma No. 5 of 2019 is treated differently in each Religious Court.

<sup>3</sup> N1: marriage introduction letter, N2: marriage intention application, N4: consent of the bride and groom, N5: parental consent form, N7: rejection. These are regulated under the Director General of Islamic Community Guidance Regulation No. 473 of 2020.



In Indramayu, the recommendation letter for marriage dispensation cases is optional and is not recorded in the decisions. The Indramayu Religious Court collaborates with the District Women's Empowerment and Child Protection Office (DP3AKB) to provide child counseling spaces at the court. Before attending the trial, the marriage dispensation applicants enter the counseling room of DP3AKB located in the Religious Court. Counselors provide advice to the applicants to postpone the marriage until they reach the age of 19, explaining the rights that might be lost if they proceed with the marriage. Counseling conducted in the counseling room is not documented in writing and is not mentioned in the decisions. According to reports from child counseling sessions, by SUSENAS BPS 2024 from 2017 to 2023, the number of marriage dispensations at the Religious Courts significantly increased during the period from 2019 to 2021, before declining again in 2022-2023. This significant increase is attributed to the change in the minimum marriage age stipulated in Marriage Law No. 16 of 2019 and the COVID-19 pandemic. The number of marriage dispensations at the DP3AKB of Indramayu District finds that many parents actually desire their children to marry for various reasons. This causes the counseling sessions to be less effective because the parents are the ones advocating for the marriage.

Dindin, the Chief Judge of the Indramayu Religious Court, stated that the intended recommendations are health certificates or pregnancy letters issued by the health office, in this case, by midwives or doctors.

At the Gunung Sugih Religious Court, the existence of recommendations is part of the marriage dispensation application. This is evident in the analysis of sample marriage dispensation decisions (2021-2023) from the Gunung Sugih Religious Court, which mention the results of recommendations from one party as stipulated in Article 15 of Perma No. 5 of 2019. Recommendations become one of the bases for judges in deciding marriage dispensation cases.

Recommendations from the Child Protection Agency (LPA) of Central Lampung, as described by Sartini, Chief Judge of the Gunung Sugih Religious Court in 2020, are the result of collaboration among various institutions with policymakers in the context of protecting women and children. This involves not only the Gunung Sugih Religious Court but also the District Court and the Prosecutor's Office. In practice, the assessment of the parties applying for marriage dispensation is conducted by social workers from the LPA, either by visiting the families of the parties or, in some cases, having the parties visit the LPA office in Bandar Jaya, Central Lampung.

The differences in approach regarding the position of recommendations as a requirement for applying for marriage dispensation stem from the clause "may" in Article 15 of Perma No. 5 of 2019. This clause creates various interpretations, viewing recommendations as either a part of the application documents or optional based on necessity. Even when required, the institutions providing recommendations vary.

The Gunung Sugih Religious Court mandates recommendations from the Child Protection Agency, which, in some cases, are accompanied by health certificates and/or pregnancy letters. The Sukadana Religious Court in East Lampung requires recommendations from the Health Office, while the Pangkalan Bun-Kalimantan Religious Court asks for recommendations from the District Women's Empowerment and Child Protection Office (DP3AKB).

The third stage involves attending the court hearings. Applicants for marriage dispensation bring a letter from the Office of Religious Affairs (KUA) (Form N) and complete the documents according to the applicable regulations. Hearings typically take place over 2-3 sessions, following the specific procedural law mandated by Article 11 of Perma No. 5 of 2019. The hearings are conducted with a single judge, who does not wear judicial robes, and the language used is appropriate for the circumstances and age of the child. Najib, a lawyer assisting applicants for marriage dispensation at the Gunung Sugih Religious Court, recounted that the atmosphere of the hearings is more relaxed, akin to a casual conversation. This procedure can be found in several decisions from the Gunung Sugih Religious Court. One example is reflected in the legal considerations narrated by the judge as follows:

*“Menimbang, bahwa dalam memeriksa anak para pemohon yang masih di bawah umur, hakim dalam persidangan telah menggunakan bahasa dan metode yang mudah dimengerti anak, selain itu hakim juga melepas segala atribut persidangan sebagaimana ketentuan pasal 11 Peraturan Mahkamah Agung RI No 5 tahun 2019 tentang Pedoman Mengadili Permohonan Dispensasi kawin.”*

(“Considering that in examining the children of the petitioners who are still minors, the judge in the trial has used language and methods that are easily understood by children, in addition, the judge also removed all court attributes as stipulated in Article 11 of the PERMA of the Republic of Indonesia No. 5 of 2019 concerning Guidelines for Adjudicating Marriage Dispensation Applications.”)

(Decision No. 273/Pdt.P/2021/PA.Gsg)

In the trial, the judge hears the testimonies of the parties separately, between the child and the parents, as well as the witnesses. Children and parents are given advice and information about the risks of child marriage related to the future of the child's education, reproductive health risks, economic, social, and psychological impacts on the child, as well as the potential for domestic disputes and domestic violence that may occur. This counseling becomes part of the legal proceedings in handling marriage dispensation requests, which, if not carried out, could annul the decree.

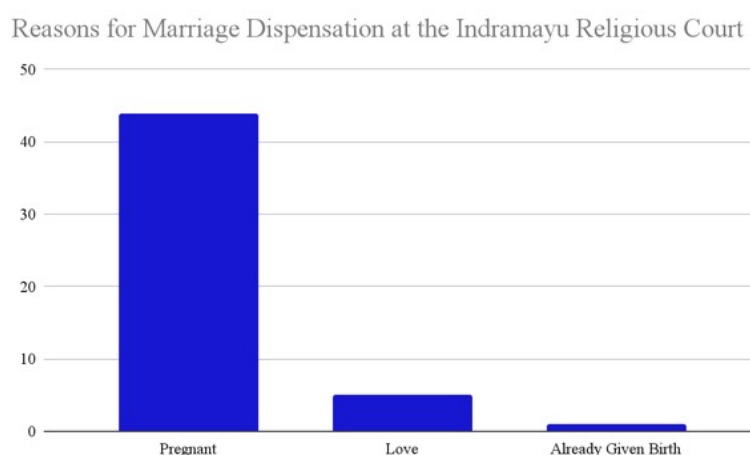
The next step is to get married at the KUA (Office of Religious Affairs). If the N7 form taken to the Religious Court is returned to the applicant, the applicant must bring the N7 form to the Office of Religious Affairs along with the marriage dispensation decision granted by the Religious Court. If the N7 form is used as one of the pieces of evidence and is not returned to the applicant, the applicant must repeat the process from the beginning by requesting a marriage introduction letter from the village, complete with the marriage dispensation decision granted by the Religious Court.

The long process of applying for a marriage dispensation has become a kind of last bastion against child marriage. Not all marriage dispensation applications are granted. The Indramayu and Gunung Sugih Religious Courts, although the numbers are very small, the researchers found that 0.4–1% of applications were rejected for various considerations. The dynamics of the judges' decisions in these two Religious Courts are as follows:

## B. Marriage Dispensation Request: For the Sake of Preserving Morality and Concealing Shame

There are two dominant reasons for the occurrence of marriage dispensations. The figures are quite significant, with 88% of applications for dispensation at the Indramayu Religious Court and 83% at the Gunung Sugih Religious Court. These two reasons are unwanted pregnancy and previous sexual relations, which lead parents to want to marry off their children quickly.

Decisions from the Indramayu Religious Court indicate that 88% cite unwanted pregnancy as the condition prompting applicants to hasten the marriage of their children. There are 44 out of 50 decisions that mention unwanted pregnancy as the reason for applying for marriage dispensation.



Graph 19. Reasons for Marriage Dispensation at the Indramayu Religious Court

This data is confirmed by the statement of Marwiyah, a midwife in Indramayu, who recounted that the unwanted pregnancy condition was used as a strategy by the applicant to have their request granted.

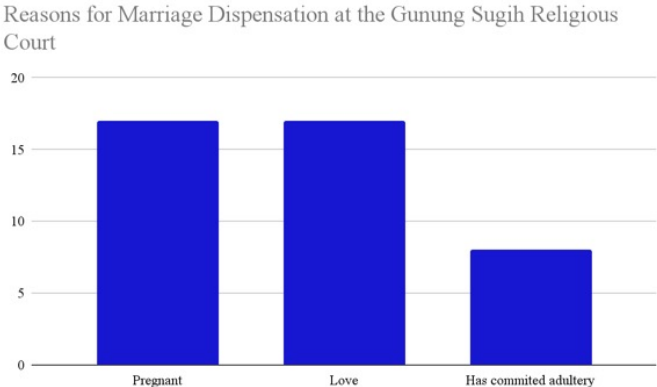
*“Meskipun gak semua, tapi kelompok ini yang sering minta surat hamil palsu dengan alasan buat ajukan dispensasi perkawinan. Mereka kan posisinya emang tidak hamil karena menjaga diri karena keturunan Arab itu.”*

(“Although not all, this group often asks for fake pregnancy certificates under the pretext of applying for marriage dispensation. They are not actually pregnant because they are being careful due to their Arabic descent”)

(Interview with Midwife Marwiyah, 30 June 2024, via phone)

Another factor is the very close relationship, interacting for a long time, which raises concerns about committing adultery. A relationship that is too close can lead to slander and disgrace for the family and society. Yuyun, as the chairperson of the Selendang Puan Foundation in Indramayu, recounted a case report of a child who was forced to marry by her parents simply because she was ‘caught in the act’ riding with a boy at night around 21:00-22:00. Based on the child's confession, she did not have any special relationship with the boy. However, the girl's parents forced her to get married. The child refused, but the parents went ahead and prepared a wedding party.

A similar phenomenon was found in the Gunung Sugih area. Almost half of the marriage dispensation requests are due to unwanted pregnancies. The reasons for mutual love and having engaged in sexual relations are also cited by parents in their applications.



Graph 20. Reasons for Marriage Dispensation at the Gunung Sugih Religious Court

The judge of the Gunung Sugih Religious Court made an interesting statement in the FGD forum.

*“Ketika Bertemu dengan pemohon yang anaknya sudah hamil, kita kesulitan menegakkan apa yang diinginkan oleh Perma yaitu Pencegahan Kawin Anak di bawah Umur.”*

(“When meeting with applicants whose children are already pregnant, we find it difficult to enforce what is desired by the PERMA, which is the Prevention of Child Marriage.”)

(Female Judge of the Gunung Sugih Religious Court, 28 June 2024)

The reason of unwanted pregnancy, aside from being significantly repeated in the marriage dispensation decision documents, is also confirmed by statements from the Village Head in Central Lampung, social workers from the LPA, and activists from the Women and Youth House in Central Lampung. The social worker from the LPA of Central Lampung stated that approximately 50% of applicants are pregnant. This issue of unwanted pregnancy is the most frequently discussed topic among Focus Group Discussion (FGD) participants.

Narratives about the practice of ‘fake’ pregnancy certificates are conveyed by legal advisors in Central Lampung, which are included in the application files

*“.....tapi majelis hakim tidak tahu. Karena majelis hakim kan memeriksa hanya formil nya. Ketika surat keterangan (hamil) tersebut ada ya sudah. Makanya seharusnya dalam perkara dispensasi nikah, melibatkan dinas kesehatan. Tidak hanya sebatas memberikan surat keterangan hamil jika sudah hamil, padahal belum hamil.”*

(“.....but the panel of judges does not know. Because the judges only examine the formal aspects. When the pregnancy certificate is available, that's it. That's why, in the case of marriage dispensation, the health department should be involved. Not just limited to issuing a pregnancy certificate if already pregnant, even though they are not yet pregnant.”)

(Central Lampung Lawyer, 11 July 2024).

The statement about the existence of ‘fake’ certificates declaring pregnancy conditions in Indramayu and Central Lampung may be an anomaly, but their testimonies are important data in this research.

Another reason put forward by the applicant in the marriage dispensation case is the close relationship and having engaged in sexual relations, yet the respondent is not pregnant. From the decision in Central Lampung, this statement appeared in the explanation of the case and the testimonies of the parties during the evidentiary process. Several sources also corroborated this fact by recounting cases of being ‘caught in the act’ by residents or ‘caught red-handed’.

Resource Person	Statement	Forum
Dwi P. Representative of Fatayat Central Lampung	<p>Nah kalau yang digerebek itu ceritanya karena dia di rumah posisi sendiri. Orang tuanya lagi pergi ke tempat saudaranya. Dia ngundang pacarnya ke rumah. Posisinya semua pintu ditutup terus kemudian salah satu hordeng ada yang terbuka, jadi ada warga yang melihat kemudian digrebek. Karena merasa ini aib desanya akhirnya kemudian dinikahkan.</p> <p>(Well, the person who got raided was home alone. Their parents were away at their relative's place. The person who got raided invited the partners over to the house. The situation was that all the doors were closed, but then one of the curtains was open, so another resident saw them, and then they were caught. Because they felt it was a disgrace to the village, they eventually got them married.)</p>	FGD with Central Lampung Community Organizations, 16 June 2024
Pairin, Chief of Village in Central Lampung	<p>Pada ujungnya juga mereka pernikahan itu hanya sebagai solusi untuk mencari penyelesaian masalah.</p>	FGD with religious and community leaders on 28 June 2024

	<p>Masalah yang sesungguhnya adalah, ini saya vulgar aja ya, itu ketangkap basah. Jadi anak-anak sekolah ini ketangkap, namanya enggak perlu saya sebutkan. Lalu, orang tua dengan orang tua mereka mengadakan suatu musyawarah yang pada akhirnya adalah persetujuan untuk pernikahan. Jadi pernikahan itu ternyata hanya untuk menyelesaikan masalah aib.</p> <p>(In the end, their marriage was just a solution to seek a resolution to the problem. The real problem is, I'll be blunt here, they were caught red-handed. So these school kids were caught; no need to mention their names. Then, the parents held a meeting, which ultimately resulted in an agreement for marriage. So the marriage turned out to be just a way to resolve the issue of disgrace.)</p>	
--	--	--

*Table 17. Cases of being 'caught in the act' by residents as one of reasons to do marriage*

In the assessment process, social workers received confessions from children who actually do not want to get married yet. Their parents are the ones who are forcing them to get married. Here are two statements from Mr. Eko, a social worker at LPA Central Lampung, mimicking the words of the children who were assessed before applying for a marriage dispensation.

“Nah cerita yang sebenarnya, sebenarnya kami enggak mau lo pak, kami itu dipaksa harus nikah, kalau enggak malu-maluin. Kami tuh masih mau sekolah, kami tuh biasa aja Pak. Cuman memang saya salah (hubungan seksual), toh juga saya enggak hamil. Ya kan?”

(“Well, the real story is, actually, we don't want to, sir, we are being forced to get married, otherwise, it would be embarrassing. We still want to go to school; we just want to be normal, Sir. But I did make a mistake (having sexual relations), but I didn't get pregnant, right? Right?”)

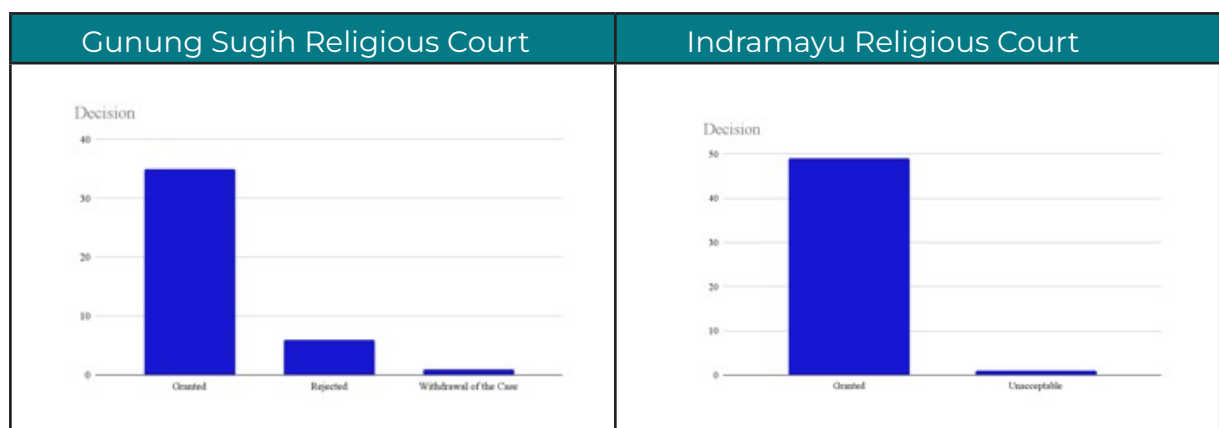
“Loh iya, pak. Saya biasa-biasa aja pak. Saya enggak hamil gitu. Dan cowok saya kan juga satu kelas dengan saya. Sekolah enggak ada yang tahu cuman orang tua kami aja yang tahu pak. Kenapa kami harus dinikahkan. Kami kan tetap harus sekolah.”

(“Oh yes, sir. I'm just fine, sir. I'm not pregnant or anything. And my boyfriend is also in the same class as me. The school doesn't know, only our parents know, sir. Why do we have to get married? We still have to go to school.”)

(Interview with Eko, Social Worker at LPA Central Lampung)

In the decision, it also shows the same thing, that most of the cases indeed express concerns about the occurrence of adultery and violations of religious and social norms that bring disgrace and shame. “Thus, there is a fear that actions prohibited by Islamic law will occur if not married” (195/2023), “The applicant is concerned that if the applicant's child is not married, then undesirable things will happen and bring shame to the family” (30/2021). Meanwhile, in the evidentiary and judicial consideration section, the trial facts show the child's awareness and consent to be married.

With the reasons and strategies employed by the applicants in submitting marriage dispensation applications, the majority of decisions grant the requests to marry in the name of the best interests of the child.



Graph 21. Number of Cases Rejected and Granted

## C. The Basis for the Judge's Consideration to Grant or Reject

In adjudicating marriage dispensation cases, judges possess authority and independence that cannot be interfered with by anyone. In carrying out their duties and functions, judges are required to maintain their independence from any external influences in judicial matters, except as permitted by law (Article 3, paragraphs [1-2], Law No. 48 of 2009 concerning Judicial Power). Interviews with several judges emphasize the importance of independence in making decisions.

*“Tiap hakim memiliki pertimbangan sendiri yang tidak dapat dipengaruhi oleh hakim lain sehingga ketika majelis hakim ada 3 orang bahkan ketua majelis bahkan tidak mampu dan tidak boleh mengintervensi hakim anggotanya.”*

(“Each judge has their own considerations that cannot be influenced by other judges. Therefore, even when there are three judges on the panel, the Chief Judge is not able to and should not intervene with the other judges.”)  
(Judge of the Gunung Sugih Religious Court, FGD 28 June 2024)

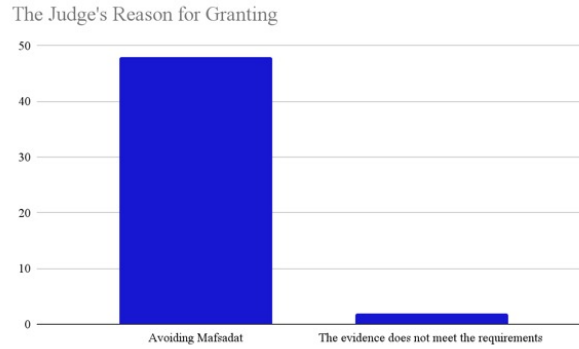
*“Ya karena tidak ada rekomendasi ya, jadi kalau ada perkara dispensasi perkawinan ya saya putus berdasarkan keyakinan saya terhadap kesaksian pemohon, termohon, dan saksi-saksi. Saya memang tidak mau terjadi perkawinan anak, tapi kalau tidak dikawinkan pasti lebih besar nanti madharatnya.”*

(“Yes, because there is no recommendation, when there are marriage dispensation cases, I decide based on my conviction regarding the testimonies of the applicants, the respondents, and the witnesses. I really do not want child marriages to happen, but if they are not married, the potential harm will be greater later on.”)

(Judge of the Indramayu Religious Court)

The concretization of law in the form of court decisions significantly reflects the perceptions, knowledge, ideology, and sensitivity levels in understanding the complexities of cases. In marriage dispensation cases, the legal construction decided is also highly subjective and contextual, considering the uniqueness of each case, the circumstances of the parties involved, and the socio-cultural conditions of the local community.

This section will demonstrate how judges' arguments are articulated in deciding marriage dispensation applications. The legal considerations in the decisions can be regarded as the soul and essence of the decision, which at the very least contains analysis, arguments, opinions, or legal conclusions.



Graph 22. The Judge's Reason for Granting

In line with the reasons in the case decision, the judge considered the condition of pregnancy and the concern of committing adultery. In his legal considerations, the judge conducted an analysis by listening to the statements of the parties, the respondent's child, the prospective husband/wife, and the prospective husband/wife's parents, separately. (Article 10 Perma No. 5 Year 2019). The absence of one of the interested parties in the marriage dispensation case can result in the case being dismissed after being given the opportunity to attend twice. Administrative documents are examined by the clerk during the file submission, but the judge also reviews them again during the trial. The presence of recommendation documents and medical certificates, if available, also becomes part of the examination and legal consideration process. (Interviews with the judge and lawyer are conducted separately at different times).

Before deciding on marriage dispensation applications, judges consider the psychological, sociological, cultural, educational, health, and economic conditions of the child and the parents, based on recommendations from relevant institutions.

The judges of the Indramayu Religious Court emphasize the importance of the existence of recommendations as a basis for their decisions. However, currently, in Indramayu, particularly, this policy has not yet been implemented. Thus, marriage dispensation applications are still decided even in the absence of recommendations.

*“Dari sisi hakim, kalau sampai ada rekomendasi ya pasti kami sangat mendukung. Tapi itu bersifat opsional kan, bisa ada bisa tidak. Kalau ada ya alhamdulillah sekali bisa untuk kami pertimbangkan. Karena kami ini pak bu, kalau udah ada map kuning rasanya udah sedih sekali bu rasanya sangat berat sekali, karena permasalahan kasus ini rumit. Ketika kami tanya kenapa mengajukan dispensasi dijawab “nggak tau”, ditanya kenapa kok kesini? “nggak tau, disuruh sama KUA”. Ditanya orangtuanyapun juga tidak mendapatkan jawaban. Kalau tidak ada rekomendasi, terus bagaimana kita bisa mengukur kesiapan anak jawabnya gak tau gak tau terus.”*

("From the judges' perspective, if there is a recommendation, we would definitely support it. But it is optional, right? It can be there or not. If it's available, then Alhamdulillah, we can consider it. Because we, sir/ma'am, feel very sad when we have a yellow folder; it feels very heavy because the issues at hand are complicated. When we ask why they are applying for dispensation, they answer, 'I don't know.' When asked why they came here, they say, 'I don't know, I was told by the KUA.' Even when asking the parents, we still don't get any answers. If there is no recommendation, how can we measure the child's readiness? The answer is always 'I don't know, I don't know.'")

(Judge S, Focus Group Discussion with Government Agencies and Institutions, 25 June 2024, 08:30-11:30)

Informants from the midwifery sector expressed that, according to regulations, they are not aware of the extent to which midwives and healthcare workers are involved in marriage dispensation cases. However, due to the number of applicants for dispensation who come requesting pregnancy certificates, the informants gradually understand that the pregnancy certificates issued by midwives hold significance in the application process. Some applicants even openly requested fake pregnancy certificates, arguing that, without such a certificate, their dispensation applications would be rejected by the court.

*"Kalau secara aturan jujur saya tidak tahu, tidak pernah baca undang-undangnya. Tapi banyak yang ke klinik buat minta surat keterangan hamil, pas saya tanya katanya buat ajukan permohonan perkawinan anak. Wah berarti surat ini mujarab nih saya mikir begitu. Pernah ada juga yang terang terangan minta dibuatkan surat keterangan hamil palsu karena emang anaknya tidak hamil. Bapak ibunya keturunan arab, dan memang taat beragama, orangtuanya gak mau anaknya kenapa kenapa makanya minta surat hamil palsu mau dinikahkan sama anak temennya keturunan arab juga. Katanya kalau gak alasan hamil, gak dikabulkan nanti sama hakim. Saya menolak lah, itukan bertentangan dengan kode etik profesi."*

("Honestly, I don't know the regulations; I've never read the law. But many people come to the clinic to request pregnancy certificates, and when I ask, they say it's to apply for marriage dispensation for children. Wow, that means this certificate is effective, I thought. There was also someone who openly asked for a fake pregnancy certificate because the child wasn't actually pregnant. The parents are of Arab descent and are quite religious; they don't want anything to happen to their child, so they requested a fake pregnancy certificate to marry her off to a friend's son who is also of Arab descent. They said that if there is no reason citing pregnancy, it won't be

granted by the judge. I refused, as that goes against the professional code of ethics.”)

(Midwife M, in-depth interview, 30 June 2024)

*“Saya satu lagi, pernah juga ada yang minta surat hamil palsu karena anak perempuannya udah ada yang melamar. Pamali kan kalo kata orang Indramayu mah kalo nolak lamaran entarab jadi perawan tua. Makanya orangtuanya minta surat kehamilan palsu biar bisa menikah katanya buat dibawa ke Pengadilan.”*

(“I have one more thing to add; there was also someone who requested a fake pregnancy certificate because their daughter had already received a proposal. It's considered a taboo in Indramayu to reject a proposal, as it might lead to her becoming an old maid. That's why the parents ask for a fake pregnancy certificate so that she can get married, as they said it would be presented to the court.”)

(Midwife M, in-depth interview, 30 June 2024)

Midwife M has not understood the position of the recommendations required by the Perma. Is the recommendation expected by the regulation one that contains "support" to strengthen the approval of the parties' applications, thereby necessitating the creation of a pregnancy certificate? Or is it a recommendation that reflects the actual medical condition of the parties, which could potentially lead to the rejection of the dispensation application? The informant questions that the pregnancy certificate should not be interpreted as a recommendation. If it is understood as a recommendation, it gives the impression that the midwife is recommending the child to marry.

*“Memangnya rekomendasi itu maksudnya apa sih Bu? Yang dikeluarkan bidan kan surat hasil pemeriksaan hamil, masa itu diartikan rekomendasi sih? Berarti bidan mendukung anak dinikahkan dong?”*

(“What does the recommendation actually mean, ma'am? The document issued by the midwife is a report of the pregnancy examination; how can that be interpreted as a recommendation? Does that mean the midwife is supporting the child to get married?”)

(Midwife M, in-depth interview, 30 June 2024)

The ambiguity in the meaning of the recommendations, as recorded in this regulation, has created confusion among midwives, who are often sought when someone applies for a marriage dispensation.

## **D. Ideal Recommendation**

The researcher seeks to explore what kind of recommendations judges need in order to serve as a basis for considerations in deciding marriage dispensations. Judges differentiate between administrative completeness and recommendations.

Family Cards (KK), Identification Cards (KTP), the last educational certificates of the child, and Form N7 are part of the administrative requirements for the case and must be complete. If these are incomplete, the application cannot be accepted. A pregnancy certificate is not part of the administrative requirements, but it can serve as a basis for judges to assess urgency.

The recommendations expected by the judges of the Indramayu Religious Court are assessment statements, not letters expressing support for child marriage as understood by the parties involved. A recommendation from the Social Affairs Agency signifies a written assessment of the psychological, mental, and economic conditions of the child's parents. A recommendation from the health department indicates the results of health condition checks on the child.

*“Kalau di Pengadilan, syarat administratif ya tetap harus melampirkan bukti kelengkapan, maksudnya tervalidasi secara administrasi. Beda itu, surat keterangan hamil itu bukan rekomendasi dan bukan syarat administratif tapi bisa dijadikan dasar hakim untuk mengukur keterdesakan. Jadi kalau tidak ada surat keterangan hamil ya gak papa, permohonan tetap sah tapi dikabulkan atau nggaknya itu ranah hakim.”*

(“In court, the administrative requirements must include valid evidence of completeness, meaning that it has been validated administratively. In contrast, a pregnancy certificate is not a recommendation and is not an administrative requirement, but it can serve as a basis for judges to assess urgency. So, if there is no pregnancy certificate, that is fine; the application remains valid, but whether it is granted or not is up to the judge.”)

(Judge S, Focus Group Discussion with Government Agencies and Institutions, 25 June 2024, 08:30-11:30)

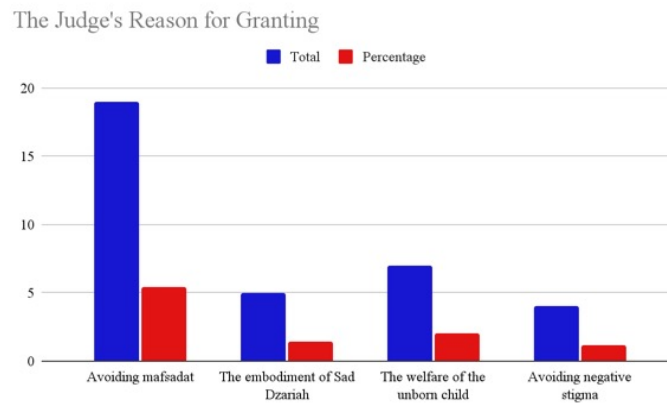
*“Kalau rekomendasi yang kami harap itu hasil peninjauan dari pihak pihak itu terkait kondisi anak ini kesiapannya seperti apa. Kadang anak dan pemohon itu di sidang bilanganya gak tau gak tau aja, gimana kita tahu kondisi anak, itu bisa dari rekomendasi.”*

(“What we hope for in a recommendation is an assessment result from the relevant parties regarding the child's condition and readiness. Sometimes, the child and the applicants in the hearing simply say 'I don't know' repeatedly; how can we know the child's condition? That information could come from the recommendation.”)

(Judge S, Focus Group Discussion with Government Agencies and Institutions, 25 June 2024, 08:30-11:30)

Additionally, the researcher found several decisions from the Gunung Sugih Religious Court that did not present witnesses during the hearings, particularly in the decisions from 2021 and 2022. In cases No. 273/Pdt.P/2021/PA.Gsg and No. 356/Pdt.P/2022/PA.Gsg, there is no explanation regarding the presence of witnesses. The

court relied solely on administrative documents, statements from the interested parties, and recommendations from the Child Protection Agency (LPA) of Central Lampung.



Graph 23. The Judge's Reason for Granting

For the presence of witnesses, the researcher confirmed with several judges who, in principle, stated that witnesses are part of the evidence. If the judge has sufficient confidence to make a decision based on testimonies and documentary evidence to build the legal decision's argumentation, then this is permissible in the proceedings. His personal opinion states that, although it does not explicitly mention witnesses, there is a norm that states that matters not specifically regulated in the revert to the applicable civil procedural law, thus, the presence of witnesses, in his view, must be included in the evidentiary process. (Interview with Fatkhul Mujib, Judge of the Bengkulu District Court, 8 August 2024)

Based on the legal arguments presented, almost all marriage dispensation requests were granted. Some arguments found in the Gunung Sugih Religious Court Decision are avoiding harm (mafsadah), closing the door to evil (sadd zari'ah), and considering the well-being of the unborn child, as well as social considerations to avoid negative stigma. The damage (mafsadah) referred to in the decision is the damage feared to occur in the form of adultery if the request is not granted. Similarly, with the Indramayu Religious Court, 98% of the requests were granted on the grounds of avoiding harm (mafsadah).

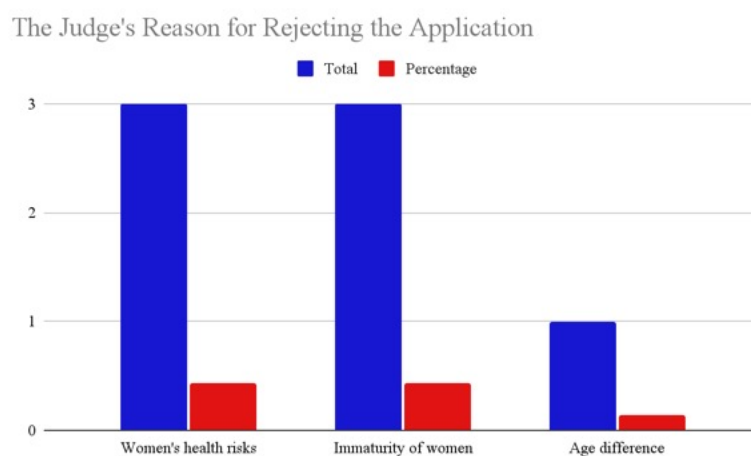
For the same reason of avoiding damage, each judge built their argumentation with different emphases. For Cases 273/Pdt.P/2021/PA.Gsg. and 276/Pdt.P/2021/PA.Gsg., different male judges based their arguments on the premise that maturity is not measured by age. Instead, by mentioning the concept of mukallaf (capable person) in Islamic law, which criteria are being of sound mind and having reached maturity (adulthood) with biological markers. Based on the trial facts, the judge observed that two pairs of petitioners, the prospective husbands (17 years & 17 years) and prospective wives (18 years & 20 years), are mukallaf or capable of entering into

marriage with the indicators of having acknowledged their mistakes and being willing to take responsibility for the sexual relations conducted.

*“Menimbang, bahwa berdasarkan fakta-fakta di atas, anak para Pemohon dapat dikategorikan mukallaf karena telah aqil dan baligh yang ditandai pengakuan atas kesalahan perbuatan yang telah dilakukannya dan kesediaan bertanggung jawab sehingga patut dianggap anak para pemohon dapat melaksanakan kewajiban dengan baik dan tanggung jawab.”*

(“Considering that based on the facts above, the children of the petitioners can be categorized as mukallaf because they have reached the age of reason and maturity, as evidenced by their acknowledgment of the mistakes they have made and their willingness to take responsibility, it is deemed that the children of the petitioners are capable of fulfilling their duties well and responsibly.”)

For the rejected cases, the analysis was conducted on the decision of the Gunung Sugih Religious Court. In the context of Indramayu, the rejection of the marriage dispensation application was due to procedural and administrative reasons, not substantive reasons regarding the urgency and best interests of the child.



Graph 24. Reasons Why the Gunung Sugih Religious Court Judge Rejected the Marriage Dispensation Application

At the Gunung Sugih Religious Court, over the past 3 years (2021-2023), there have been 7 decisions that rejected applications. To explain the judges' arguments for rejecting marriage dispensation requests, they are more complex compared to the decisions to grant them. In their arguments, some judges provide relatively comprehensive and unique considerations in each decision, depending on the situation of the parties involved. Considering the health risks to women and their unpreparedness for marriage is a common reason articulated by the judges in all

the decisions. In addition to referring to legal norms, the judge also considered the recommendation letter issued by the Health Department regarding the health condition of the prospective wife and the assessment results from the social worker of the Child Protection Agency.

However, upon closer examination, there are psycho-social considerations analyzed by the judge regarding the respondent, the prospective wife, in the decision 356/Pdt.P/2022/PA.Gsg. The judge is convinced that the respondent, the prospective wife, is still predominantly characterized by the traits and nature of her teenage phase. So she will not be able to fulfill her duties as a wife to be responsible and educate her children. In addition to psycho-social considerations, there are theological considerations; the respondent admitted to never having committed adultery, thus not meeting the urgent reason for marriage.

Another interesting decision to elaborate on is decision No. 195/Pdt.P/2023, which was handled by a female judge. The legal argument to reject the application is relatively comprehensive. The judge not only presented normative arguments from the legislation but also introduced arguments based on fiqh principles (Qawa'idul fihiyyah), legal objectives (maqasid Syariah), considerations of child health, and child psychology based on trial facts and research results, which were used as the judge's opinion. This comprehensive construction of legal arguments serves as the basis for rejecting the request for a marriage dispensation.

Another interesting fact from the decision to reject is the judge's consideration of the significant age difference of the respondent. The judge believes that the fact of this age difference is contrary to the best interests of the child. The respondent, the prospective wife, is 14 years old, and the prospective husband is 27 years old. The judge also expressed his belief that the applicant is unable to provide guidance in the respondent's household because, based on the social worker's assessment and the facts presented in court, the applicant has proven unable to guide and advise the respondent, the prospective wife. Therefore, the judge decided to reject the application and requested the respondent, the prospective husband, to wait for the wife until she reaches adulthood.

The decision to reject the marriage dispensation request at the Gunung Sugih Religious Court was supported by a variety of arguments presented in the decision, both simple and comprehensive, and reinforced by the recommendations of social workers from the Central Lampung Child Protection Agency and a letter from the health department. The recommendation was issued after the social worker conducted an assessment of the prospective bride and groom, their parents, and their families. This assessment process was carried out at the LPA office or, on other occasions, the social worker visited the parties and their families.

The steps taken in the assessment process are in line with the requirements of

No. 5 Year 2019. Social workers delve into child marriage cases to ensure the child's readiness and the urgency of the marriage. The assessment process for parents and children is conducted separately. Only in certain cases, intertwined with local customs and traditions in Central Lampung, can the assessment of the prospective bride not be conducted. Usually, the assessment of the child is conducted through their parents. (Interview with Eko, Social Worker at LPA Central Lampung)

## **E. Voicing the Best Interests of the Child Through Marriage Dispensation Decisions**

Perma No. 5 of 2019 clearly guarantees the approval of the child and ensures that there is no coercion in child marriage. However, during the Focus Group Discussion (FGD), many instances of forced marriages were still identified. This was revealed through the experiences of informants who advocate for and assist victims of forced child marriages. One child was forced to marry her boyfriend because her parents received rumors that their daughter was pregnant. The girl was still in high school and expressed that neither she nor her boyfriend was ready to marry. The parents had already arranged the wedding festivities, and everything had been prepared. The child then sought protection from the Indonesian Women's Coalition in Indramayu at that time. Although the process was quite arduous, the marriage was ultimately canceled just one day before the festivities were set to take place.

*“Waktu itu ada yang melapor ke saya anak SMA yang masih aktif sekolah akan dinikahkan dengan pacarnya oleh orangtuanya. Itu terjadi H-1 hajatan. Saat itu korban mengadu bahwasannya tidak mau dinikahkan paksa dengan pacarnya karena merasa belum siap, orangtua memaksa menikah karena mendapat gossip bahwa anaknya hamil. Setelah negosiasi cukup Panjang dan membuktikan bajwa anak tersebut tidak hamil, pernikahannya pun dibatalkan walaupun sudah prepare hajatan.”*  
 (“At that time, someone reported to me that a high school student who was still actively attending school was going to be married to her boyfriend by her parents. This happened just one day before the wedding ceremony. The victim reported that she did not want to be forced to marry her boyfriend because she felt unprepared, but her parents insisted on the marriage due to rumors that their daughter was pregnant. After a lengthy negotiation and providing proof that the child was not pregnant, the marriage was canceled, even though the preparations for the ceremony had already been made.”)

(YK, FGD with CSO, 25 June 2024, 12:00-15:00)

During the Focus Group Discussion (FGD) with children, informants also shared the experiences of a friend who faced forced marriage due to unwanted pregnancy. The female victim of the forced marriage did not agree to marry the perpetrator. However, the parents, as guardians, held full authority over the child and forced

her to marry in order to protect the family's reputation. The victim experienced an unwanted pregnancy due to unplanned and loveless sexual relations (a one-night stand). If she were to marry the perpetrator, the victim worried about her future and that of her unborn child. Ultimately, however, the victim married the perpetrator because she felt powerless to resist the pressure from those around her.

*Saya ada cerita, salah satu teman sekolah mengalami KTD karena cinta satu malam. Orangtua memaksa untuk menikahkan padahal teman saya tidak mau menikah dengan pelaku karena memang tidak cinta. Teman saya bertanggung jawab akan melanjutkan kehamilannya namun tidak mau dinikahkan. Tapi orangtua terus memaksa dengan alasan demi menjaga nama baik keluarga. Akhirnya teman saya menikah dengan terpaksa, dan saya dengar saat ini sudah bercerai."*

("I have a story; one of my school friends experienced an unwanted pregnancy due to a one-night stand. Her parents forced her to marry, even though my friend did not want to marry the perpetrator because she did not love him. My friend took responsibility for continuing her pregnancy but did not want to get married. However, her parents continued to pressure her, arguing it was for the sake of preserving the family's honor. In the end, my friend married out of obligation, and I have heard that she is now divorced.")

(SN, FGD with Child Forum, 24 June 2024, 08:30-11:30)

Still within the child-focused FGD, one of the informants also shared the story of a teenager in the village who decided to marry young at the age of 15. Although she did not really understand how to manage a household well, she has since changed partners (married-divorced) three times. She claimed that her first marriage was based on mutual affection; however, the child did not truly comprehend the consequences of such a significant decision.

*"Saya punya teman di Desa Tugu, teman saya menikah usia muda saat itu usia nya sekitar 15 tahun, dan akhirnya bercerai. Sampai saat ini sudah gonta ganti pasangan (kawin-cerai) dengan tiga orang yang berbeda karena tadi belum matang secara pikiran. Dia sadar ingin menikah, tapi tidak paham konsekuensi pasca perkawinan."*

("I have a friend in Tugu Village who married at a young age, around 15 years old, and eventually got divorced. Since then, she has gone through three different partners (married-divorced) because she was not mentally mature at the time. She realized she wanted to marry, but she did not understand the consequences of marriage afterward.")

(EF, FGD with Child Forum, 24 June 2024, 08:30-11:30)

Another informant in the Focus Group Discussion (FGD) from a Civil Society Organization (CSO) shared their experience while implementing a child marriage prevention program in Indramayu in 2016. At that time, the informant visited several

remote villages in Indramayu that were targeted for intervention to campaign about the impacts of child marriage. It turned out that many parents did not understand the risks associated with child marriage. They rushed to marry off their daughters right after they graduated from school because they believed that daughters were powerless and unable to work, let alone pursue higher education. Therefore, parents viewed marrying off their daughters as the best decision.

*“Kalau KPI cabang indramayu sendiri saat tahun 2016 kebetulan ada program perkawinan anak, jadi saat itu kami keliling ke beberapa desa (pelosok indramayu) yang menjadi tempat intervensi program mengkampanyekan dampak perkawinan anak, dan ternyata banyak masyarakat yang belum tahu risiko perkawinan anak. Banyak yang menikahkan anak perempuannya setelah lulus sekolah karena menganggap anaknya tidak berdaya (tidak bisa bekerja atau melanjutkan pendidikan ke jenjang yang lebih tinggi).”*

(“In 2016, the Indramayu branch of the Indonesian Women's Coalition (KPI) happened to have a child marriage program. At that time, we traveled to several villages (remote areas of Indramayu) that were targeted for intervention to campaign about the impacts of child marriage, and it turned out that many community members were still unaware of the risks associated with child marriage. Many parents married off their daughters after they graduated from school because they believed their children were powerless (unable to work or pursue higher education).”)

(DM, FGD with CSO, 25 June 2024, 12:00-15:00)

The majority of children, whether they marry voluntarily or are forced to marry, will choose to leave school. Schools do not expel these individuals; rather, social sanctions punish them. They feel unwelcome in the educational environment, especially when they are pregnant. According to regulations, the Education Office of Indramayu District does not prohibit children who marry, even if they are pregnant, from attending school. If they decide to drop out, the choice rests with the child.

*“Mohon maaf, saya masih baru di Dinas Pendidikan, saya juga hanya staf tapi sejauh yang saya tahu sepertinya belum ada yang ke sekolah meminta surat keterangan masih sekolah untuk pengajuan dispensasi. Kalau untuk keperluan lain banyak, terutama untuk pengajuan tunjangan. Belum ada juga laporan ada sekolah yang mengeluarkan anak karena hamil, mereka biasanya keluar dengan sendirinya karena malu sama teman-teman.”*

(“I apologize; I am still new at the Education Agencies, and I am just a staff member, but as far as I know, there hasn't been anyone coming to school requesting a certificate of enrollment for a marriage dispensation application. For other purposes, there are many requests, especially for the application of benefits. There have also been no reports of schools

expelling students due to pregnancy; they usually leave on their own due to embarrassment from their peers.”)

(ER, FGD with Government Agencies and Institutions, 25 June 2024, 08:30-11:30)

The same informant also mentioned that there are couples involved in child marriage who wish to continue their education. However, in terms of age, they are already well above school age. Therefore, the Education Office recommends that they take the Paket C examination. The Education Office does not prohibit children who are married from pursuing their education. Adjustments are needed in such cases. For instance, if the age gap is too significant, the Office seeks solutions through the Paket C examination.

*“Yang pernah terjadi itu, ada anak usianya udah bukan usia sekolah, terus minta mau sekolah karena dulunya perkawinan anak jadi gak selesai pendidikannya. Akhirnya kita sarankan buat ambil paket C saja, kalau ini bukan karena menolak tapi karena memang selisih usianya terlalu jauh sama teman teman sebayanya.”*

(“What has happened is that there was a child who is already beyond the school age and wants to go back to school because her education was interrupted due to being married as a child. We ultimately recommended that she take the Paket C examination, not because she is refusing to continue her education, but because there is a significant age gap between her and her peers.”)

(ER, FGD with Government Agencies and Institutions, 25 June 2024, 08:30-11:30)

## **F. Marriage Dispensation: A Difficult and Expensive Access to Marriage Dispensation**

Social workers from the Child Protection Agency (LPA) of Central Lampung, during their support and field visits, often encounter young families where one or both partners are still below the minimum marriage age. They are involved in child marriages that are not formally recorded due to administrative barriers. There is no accurate data regarding child marriages that occur informally (siri). However, based on the support provided in the villages of Central Lampung, it can be assured that the numbers are quite significant.

This data is reinforced by the statements of a village head in the outskirts of Central Lampung, who mentioned that out of 7 cases of child marriage in his village, only 2 had applied for marriage dispensation. The rest married informally, facilitated by local elders or community leaders (modin).

*"Itu kan hak orangtuanya (untuk menikahkan) makanya ketika ada kasus seperti itu (mau menikah siri), saya nggak mau cawe-cawe. Saya tahu itu melanggar hukum. Makanya kalau bapaknya mau, ya monggo silahkan dan nggak ada istilahnya secarik kertas untuk saya tanda tangani atau saya menerangkan apa gitu. Itu saya nggak mau."*

("That is the parents' right (to marry off their children), so when there are cases like that (wanting to marry informally), I don't want to get involved. I know that it violates the law. Therefore, if the father wants to proceed, that's fine; there's no way I'm going to sign a piece of paper or explain anything. I just don't want to do that.")

(Central Lampung Village Head, 29 June 2024)

The choice to marry informally is primarily caused by premarital pregnancy or being caught by the community. Marrying the individuals involved serves as a kind of social mechanism to 'punish' or maintain the moral standards of society. For poor and rural communities located far from the district capital, submitting a marriage dispensation application to the Religious Court is not an easy task. The costs for 2-3 court hearings require at least IDR 5,000,000 for case expenses, transportation, and minimal consumption for at least 7 people who must be present at the hearing.

*"Nggak murah, Mba. Sekitar 1,4-1,8jt. Radius dari kecamatan X ke Gunung Sugih itu untuk tahun 2023 sekitar 1,7 jt. Itu belum perjalanannya 1 juta sekali jalannya kan minimal. Kalau 2 kali ya 2 juta, 3 kali ya 3jt. Bisa habis 4 juta. Kudu dua duit 5 juta. Itu baru dispen-nya. Dan dispen kan belum menghalalkan, baru dapat SIM untuk nikah. Masih harus nikah (di KUA) baru dapat buku nikah dan itu masih biaya lagi."*

("It's not cheap, Ma'am. It's around IDR 1.4-1.8 million. The distance from sub-district X to Gunung Sugih in 2023 is about IDR 1.7 million. That doesn't include travel expenses, which is at least IDR 1 million for a one-way trip. If it's two trips, then it's IDR 2 million; if three trips, then IDR 3 million. It could total up to IDR 4 million. You need to have at least IDR 5 million. That's just for the dispensation. And getting the dispensation doesn't legalize the marriage; it only grants permission to marry. You still have to marry (at the KUA) to get the marriage book, and that incurs additional costs.")

(Interview with the Village Head, 16 July 2024)

In the context of informal marriages, the village head advises couples to remarry in front of the KUA (Office of Religious Affairs) once they reach the appropriate age of 19 and to avoid pregnancy until they obtain a marriage certificate. For cases of unwanted pregnancy, the alternative of marriage validation (itsbat marriage) is recommended so that their marriage is recognized by the state, preventing future administrative issues, especially regarding children.

However, the educational suggestions from the village head are not sufficiently solution-oriented. It is not easy for impoverished communities to access contraceptives. In addition to low reproductive health literacy, economic limitations and societal myths—such as the belief that using contraception before having children could ‘dry up’ a woman's womb—further complicate the situation. Instead of postponing pregnancy until they are old enough to officially remarry at the KUA, couples in informal marriages often do not even consider registering their marriage. The village head in Central Lampung shared his experience of educating one resident who chose to marry informally due to economic constraints, which made it impossible for them to apply for a marriage dispensation at the Religious Court.

*“Saya sarankan. Kalau sekarang kan sudah (cukup) umur nih. Sudah masuk umurnya, saya udah sarankan ke suaminya, neng KUA wae, walaupun sudah nikah tapi ya nyampekke belum nikah gitu aja, biar ga bertele-tele. Kalo dispen juga, biaya mba... maaf... ngomong untuk makan aja susah. Saya sudah sarankan sebelum dia punya anak, tapi jawabe repot. Nah sekarang, udah punya anak tambah repot lagi. Nanti, dilihat dari buku nikahnya tahun berapa, akta kelahirannya tahun berapa kan nggak sinkron. Bingung kan, Mba...”*

(“I advise them. Now that they are of age, I have suggested to the husband to go to the KUA, even though they are already married, to make it official, so it won't be complicated. The costs of a dispensation, ma'am... I'm sorry... it's difficult just to afford food. I had already suggested this before they had children, but the response was that it was too complicated. Now that they have children, it's even more complicated. Later, when looking at when the marriage certificate was issued and when the birth certificate was, they won't sync up. It's confusing, isn't it, Ma'am?”)

(Interview with the Central Lampung Village Head, 16 July 2024)

The same applies to the suggestion of marriage validation (itsbat marriage), which is just as difficult for the residents to carry out. The distance from Kaliwungu Village to the Gunung Sugih Religious Court is quite far. The costs associated with legal proceedings at the Religious Court are not cheap. Furthermore, dealing with the judicial institution is often a last resort for many in the community when there is an urgent need.

## **G. “Broken Threads” in the Prevention and Handling of Child Marriage**

The Religious Courts are often socially ‘scapegoated’ for granting marriage dispensation requests that have already been denied by the Office of Religious Affairs (KUA). However, the reality is that most marriage dispensations are primarily motivated by unwanted pregnancies (at the Gunung Sugih Religious Court, this

accounts for about 41% of 30 decisions, while assessments and assistance provided by the Child Protection Agency (LPA) estimate that 75% have engaged in sexual relations and more than 50% have experienced pregnancies)<sup>3</sup>.

In applications for dispensations based on pregnancy, judges seem to have no choice but to grant them. Judge Y of the Gunung Sugih Religious Court stated, “It is very difficult to uphold what is mandated by the regulation for the prevention of child marriage.” Yet, Perma No. 5 of 2019 mandates that, in handling marriage dispensation cases, judges must consider the psychological, sociological, cultural, educational, health, and economic conditions of the child and the parents—all based on official recommendations from relevant institutions and/or competent parties. However, the existence of the regulation, which calls on several agencies to take part in preventing child marriage, has not yet been fully recognized by the relevant agencies or institutions.

In this context, the dissemination of knowledge regarding the regulation has not been adequately socialized, leading the judges from the Gunung Sugih Religious Court to state:

*“Kami sebagai lembaga peradilan mohon maaf apabila Peraturan Mahkamah Agung tersebut belum tersosialisasikan, jangan-jangan itu kelalaian lembaga yudikatif sendiri sehingga para aparat eksekutif belum familiar terhadap perma tersebut. Nah barangkali sekiranya suatu saat bisa saja itu nanti apabila usulkan kepada pimpinan, untuk mengadakan program sosialisasi lintas sektoral terhadap perma sekaligus wacana pembentukan MOU atau bahkan pengusulan Perda.”*

(“We, as a judicial institution, apologize if the Supreme Court Regulation has not been adequately socialized; it may be an oversight from the judicial institution itself, which has left executive officials unfamiliar with the regulation. Perhaps one day it would be possible to propose to the leadership to hold a cross-sectoral socialization program for the regulation, along with discussions on establishing a Memorandum of Understanding or even proposing a regional regulation.”)

(Judge of the Gunung Sugih Religious Court, Multistakeholder FGD, 28 June 2024)

In addition to the Perma, the existence of the national strategy for the prevention of child marriage and the Provincial Regulation of Lampung is also unknown to the participants of the Focus Group Discussion (FGD). These policy instruments have not

---

3 The discrepancy between the figures from the decisions and the assessment data occurs because the data from the Religious Court is sourced from a randomly selected sample of decisions. Meanwhile, the data provided by the LPA to the research team is also estimated data, not fixed numbers based on documentation of recommendations or assistance provided. Nonetheless, the important point conveyed by this data is that unwanted pregnancy is a determining factor in the approval of marriage dispensation applications, as confirmed by the judges' statements.

been communicated to the relevant UPTD (Technical Implementation Unit). During interviews with several parties at the Women's Empowerment and Child Protection Office, they were unaware of the national strategy or the regional regulation. In fact, during the FGD, they suggested the need for a regional regulation for the Province of Lampung. Yet, the national strategy for the prevention of child marriage has been in place since 2020, and the Province of Lampung has already enacted Regional Regulation No.10 of 2023 concerning the Prevention and Handling of Child Marriage

*“Mungkin kesimpulan kita ini tadi itu dibuatkan Perda. Jadi saya kemarin ikut rakornas yang kesimpulannya menegaskan atau membuat peraturan. Tapi Kalau dengan dibuatkan perda insya allah dari atas sampai dengan aparat kampung mungkin ada sosialisasinya akan mematuhi dari peraturan daerah tersebut.”*

(“Perhaps our conclusion could lead to the creation of a regional regulation. I attended the national coordination meeting yesterday, and the conclusion emphasized or called for the establishment of regulations. If a regional regulation is created, insya allah, from the top down to the village officials, there may be socialization that ensures compliance with the regional regulation.”)

(Yus, UPTD of the Women's Empowerment and Child Protection Office of Central Lampung District, Multistakeholder FGD, 28 June 2024)

As a conclusion to this chapter, the researcher will explain several important findings in the judges' production of decisions:

First, regarding the meaning of urgency. The state of urgency, both in the explanation of Law No. 16 of 2019 and Perma No. 5 of 2019, does not provide rigid and operational definitions. This is the domain of judges to assess and analyze according to the facts of the trial supported by recommendations from stakeholders. The authority, independence, and autonomy of judges in evaluating and analyzing the trial facts are protected and guaranteed by statutory regulations. The presence of recommendations from various parties mentioned in the regulation does not serve to reduce the authority and independence of judges. Instead, it acts as support, reinforcement, or considerations for judges in assessing the urgency of the applicants.

A review of the decisions in both Religious Courts reveals three forms of urgency that serve as the argument for approving marriage dispensation applications. These are unwanted pregnancy, having engaged in sexual relations, and a close relationship coupled with concerns about the recurrence of illicit conduct that violates religious rules, social norms, and cultural values. These three conditions are mentioned in the decisions, in the case details, the statements of the parties, and the legal considerations. An example is as stated in decision No. 526/Pdt.P/2022/PA.Gs.

Decision	Statement
The Matter at Hand	The applicants have been in a romantic relationship with the prospective husband of the applicants' child for 1 year, and their relationship has become very close. In fact, the prospective husband of the applicants' child and the applicants' child have directly stated that they are having difficulty controlling their desires, and the applicants' child is already pregnant. Therefore, whether they like it or not, the petitioners must immediately marry off their child, fearing that their child and the child's fiancé might engage in actions prohibited by religion and cause disgrace to both families.
Statements from the parties & witnesses	That the relationship has become closer and more intimate over time because they often visit each other and frequently go out together, resulting in the applicants' child having engaged in sexual relations; (Statement from the prospective husband) That the child of the applicants is well acquainted with her prospective husband and his family, and their relationship is very close, resulting in the child of the applicants having engaged in sexual relations; (Statement of the applicant's child/prospective wife)
Judge's Consideration	That the relationship between the petitioners' child and her fiancé is very close, resulting in the petitioners' child having engaged in sexual relations;

*Table 18. Sexual Engagement as a reason to apply marriage dispensation*

Specifically at the Indramayu Religious Court, the fact that they are already engaged becomes a reason for the urgency to get married immediately. Meanwhile, through the decision that rejected the application, the conditions of not being pregnant and not having had sexual relations were considered grounds for rejection. What is emphasized in the judge's consideration is the unique situation

of each party, whether it is the child respondent, the prospective husband, the prospective wife, or the condition of the petitioner, in this case, the parents who are unable to provide guidance for their child's household. The condition of the parents is important to consider to ensure the parents' responsibility to prevent their child's marriage. (Article 3 Perma No. 5 Year 2019).

Second, translating the best interests of the child factually into the decision, between procedural and substantive.

General Provision Number 6 of Perma Number 5 Year 2019 defines the best interests of the child as all actions that must consider and ensure the protection, care, welfare, and survival of the child as well as the child's growth and development. In Article 2 of this Perma, it reiterates that the best interests of the child are the main principle that judges must uphold when deciding on marriage dispensation cases. The procedures for adjudicating marriage dispensation serve as a control measure to ensure that the decisions made by judges do not overlook the rights inherent to the child.

The decision on the marriage dispensation case, as a simple case with special procedural law, in its decision formulation also reflects how the case is handled. Not only on the substantive legal aspects, but the formal procedural aspects are also a concern for the Supreme Court to prioritize the principle of the best interests of the child. Single judge, courtroom situation, judge's attributes, hearing testimonies separately, advisory steps, and recommendations from stakeholders are formal aspects established to prioritize the principle of the best interests of the child.

In the trial process, both at the Gunung Sugih Religious Court and the Indramayu Religious Court, the judges do not wear judicial robes in an effort to create a comfortable atmosphere for the child. Providing separate testimonies is also part of creating a safe space for children to express their will and desires while minimizing power dynamics with adults. For example, in the Indramayu Religious Court, there is a counseling stage that parties go through before undergoing the trial process. For the Central Lampung region, the LPA recommendation, preceded by an assessment, is part of ensuring the situation of the child and their parents.

The material aspect of the best interests of the child becomes an open space realized in the judge's decision. Protection of lineage has become a major issue found in some decisions. 86 decisions were granted due to unwanted pregnancies, with the legal argument being to avoid mafsadat (harm/danger). The mafsadat in question is related to the status of the child conceived by the prospective wife.

A different perspective was expressed by the judge in Tarakan, North Kalimantan. In decision No. 17/Pdt.P/2024/PA.Tar, the single judge decided to reject the marriage dispensation request even though the daughter was pregnant. Based on the

interview results, the researcher explored how the judge inserted the meaning of the best interests of the child by referring to the well-being of the child for whom the marriage dispensation was requested, not the child in the womb.

From the trial results where the child was directly confronted, the judge concluded that both engaged in sexual relations but neither desired marriage. A situation that is more or less the same as described by the social worker during the assessment of children in Central Lampung. The condition of the pregnant woman in this application is indeed categorized as very urgent, but it poses a danger (dharar) if she is married off. Therefore, the judge decided to reject the request for dispensation, and the young woman was willing to raise her fetus on her own.

In the aforementioned case, the judge interprets the best interest of the child by delving into the psychological condition, mental readiness, and physical preparedness of the child for marriage. When the results are positive, it is good for the child to get married. However, if the results are negative, it will create a new burden for the child if they are still married. Especially if it is not accompanied by parental support, financial readiness, and partners who are truly ready for marriage. Therefore, granting the request for dispensation would actually contradict the principle of the best interest of the child.

Another interpretation was conveyed by a judge in Batulicin, Tanah Bumbu, Central Kalimantan. The informant stated that the best interest of the child can be seen from the condition of the child for whom the exemption is requested. If the girl is pregnant, then the best interest of the child refers to the child in the womb. However, the unborn child cannot choose from whose womb they will be born. Therefore, if the request is denied, it is the same as ignoring the human rights of the fetus in the child's womb. Meanwhile, the child for whom the exemption is requested has already violated their rights. Therefore, in this condition, the judge will consider the best interests of the unborn child.





## CHAPTER VI

# THE ROLE AND CONTRIBUTION OF GOVERNMENT INSTITUTIONS AND SOCIAL INSTITUTIONS IN THE ISSUE OF CHILD MARRIAGE

### A. Hearing Voices from Indramayu

One of the programs of the Indramayu Government to prevent child marriage is reproductive health education for adolescents. The main objective of the reproductive health socialization is to provide comprehensive reproductive health services to each individual and their partner, specifically to adolescents, so that every individual can engage in their reproductive processes in a healthy and responsible manner and be free from discrimination and violence, including recognition and respect for reproductive and sexual health rights as an integral part of human rights.

Reproductive health education for adolescents in Indramayu is carried out through the adolescent posyandu (integrated health service post), which has been implemented in Tugu Village and Kenanga Village. The adolescent health post is organized by the District Women's Empowerment and Child Protection Office (DP3AKB) of Indramayu, with support from the village government that facilitates youth in forming Community Service Centers (PLK).

Tugu Village has several youth organizations, including OPERTU (Tugu Student Organization), PUSAT (Tugu Student Association), and HIMNAKESTU (Tugu Village Health Workers Association). One role of each of these

organizations is to collaborate with the government in implementing the adolescent health post and to campaign for reproductive health information for youth. In Kenanga Village, the adolescent health post is driven by the youth organization and supported by village midwives and the local government.

In addition to village initiatives, reproductive health information is also disseminated in schools. Although SMA 1 Indramayu does not have specific health services for adolescents, the School Health Unit (UKS) plays a role in socializing reproductive health.

*“Kalau di Desa Tugu, posyandu remaja berjalan efektif, didukung oleh pemerintah desa, para sponsor dari pengusaha dan anggota dewan yang sedang menjabat, dan dibantu oleh OPERTU, PUSAT, dan HIMNAKESTU.”*  
(“In Tugu Village, the adolescent health post is running effectively, supported by the village government, sponsors from businessmen and current council members, and assisted by OPERTU, PUSAT, and HIMNAKESTU.”)  
(RA, FGD Children's Forum, 24 June 2024, 08:30-11:30)

In reality, there are four major challenges faced by the community in Indramayu in preventing child marriage.

**First**, the content of social media and its influence on decisions to marry. This was revealed in the Focus Group Discussion (FGD) with the youth group, who stated that their mood regarding love and romance depends on the content displayed on the accessed social media. When they see news about domestic violence, baby blues, and infidelity rampant, they express that they do not want to get married.

*“Kalau sosmed yang sering aku akses itu tiktok ya. Kan sering ada FYP tentang kasus perselingkuhan biasanya istrinya itu detail banget jelasin kasusnya. Belum lagi kasus KDRT, ada ibu bunuh anak, suami bunuh istri, suami istri meninggal bareng, duh ngeri banget. Kalau kontennya kayak gitu jadi langsung takut menikah apalagi menikah usia anak. Yang dewasa aja begitu apalagi anak.”*  
(“For social media that I often access, it's TikTok. There are often FYPs about infidelity cases, usually the wife is very detailed in explaining the case. Not to mention cases of domestic violence, there are mothers killing children, husbands killing their wives, husbands and wives dying together, it's really scary. If the content is like that, I'm immediately afraid of getting married, let alone marrying a child. Even adults are like that, let alone children.”)  
(EB, Children's Forum FGD, 24 June 2024 08:30-11:30).

But when the social media they accessed brought up the romance of young married artists, about how one's mental health is very positive with the right partner, the desire to get married was strong.

*“ah iya, kalau di Instagram sering itu ada yang bkin a day in my life terus ada pasangan yang muda kayaknya enak banget gitu nikah. Bangun tidur langsung nyiapin kebutuhan suami kerja, terus dirumah bisa santai santai, ada temen bucin 24 jam. Nah kalau yang muncul konten begituan langsung tuh rasanya pengen nikah.”*

(“Ah yes, if on Instagram there are often those who make a day in my life and then there are young couples, it seems really good to get married. Waking up immediately preparing for the husband's work needs, then at home you can relax, there is a 24-hour paternal friend. Now if that content appears, it immediately makes me want to get married.”)

(HN, Children's Forum FGD, 24 June 2024 08:30-11:30).

In addition to having an impact on the decision to get married, social media is also used by FGD participants to access content related to reproductive health. FGD participants admitted to knowing a lot of information about venereal diseases, causes, and treatments, from social media. Accessing information through social media is considered effective because they can access any information without any embarrassment. Such information is rarely discussed in friendship relationships, let alone in educational institutions because it is considered taboo.

*“kontennya dokter siapa ya, ada itu di tiktok beliau sering cerita pasien anak dibawah umur bahkan kadang masih SD yang udah tertular penyakit kelamin karena seks bebas, duh ngeri banget. Dari konten dokter itu siapa lupa namanya tapi sering FYP kok jadi tahu penyakit kelamin yang disebabkan oleh seks bebas. Kalau pada tahu gimana pasti pada takut itu kalau mau seks bebas.”*

“The content of a doctor on TikTok often tells stories of underage patients, sometimes even elementary school students who have contracted venereal diseases due to free sex, it's really horrifying. From the doctor's content, who I forgot his name but is often appears in FYP, I know about venereal diseases caused by free sex. If you know how, you must be afraid if you want to have free sex.”

(SN, Children's Forum FGD, 24 June 2024 08:30-11:30).

**Second**, migrant workers as a domino effect of child marriage practices. Families, as the smallest institutions in society, have a significant contribution to child marriage. One of the causes is the existence of incomplete families. Parents, especially mothers, become migrant workers. When the mother becomes a migrant worker, the child is cared for by grandparents.

This situation arises because the father does not play his caregiving role effectively. Financially, the child's needs are met through the mother's earnings, but the child's emotional needs cannot be fulfilled. It is not uncommon for the child to compensate for this by seeking numerous friends and social interactions.

If the social environment is not healthy, they may fall into promiscuity, resulting in pregnancies that lead to child marriage. This occurs under conditions where they are not ready in any aspect, including economically. The daughters may then follow in their mothers' footsteps and become migrant workers. If this cycle continues, the children born to young mothers will also experience a similar life. Poverty, migrant labor, and child marriage create an unending cycle. It is like a vicious cycle that must be broken together.

*“Ketika orang tua pergi kerja keluar negeri, anak pasti akan diasuh sama neneknya yang seharusnya anak masih wajib mendapatkan perhatian lebih dari orang tuanya. Semisal anak yang ditinggalnya laki masih mending, tapi kalau anak perempuan itu yang menjadi masalah. Kalau desa mempunyai titik fokus terhadap permasalahan ini mungkin akan bisa terselesaikan. Jadi saya kira anakpun tidak mau sekolah Ketika tidak ada yang menanggung kebutuhannya.”*

(“When parents go to work abroad, the child will definitely be taken care of by their grandmother, whereas the child should still receive more attention from their parents.” For example, if the child left behind is a boy, it's somewhat better, but if it's a girl, that's the problem. If the village focuses on this issue, it might be resolved. So I think children wouldn't want to go to school when there is no one to cover their needs.”)

(K, FGD with Religious Leaders and Community Leaders 24 July 2024 12:00-15:00)

This research finds that child marriage becomes one of the pathways to maturity for children so they can quickly become migrant workers. The minimum age set by Law No. 18 of 2017 for prospective migrant workers is 18 years. However, children who are legally married are considered adults according to the legal standards outlined in Article 330 of the Civil Code, which includes the phrase “have been married.”

If a divorce occurs at that young age, they are still regarded as adults and do not revert to being classified as minors. Therefore, to quickly become migrant workers, child marriage is seen as a solution for achieving adulthood. This information initially emerged during a Focus Group Discussion (FGD) with civil society organizations, but the informants were reluctant to elaborate. Consequently, the researcher requested permission to conduct in-depth interviews, and the informants agreed to share their knowledge.

*“ada banyak mbak, banyak banget oknum oknum yang bermain untuk memberangkatkan buruh migran. Nggak tau ni kapan Indramayu berhenti jadi pengirim buruh migran tertinggi, rasanya semua pihak justru mengambil kesempatan. Dampaknya ya ini, akhirnya ke perkawinan anak. Anak banyak yang memilih kawin di usia anak biar dianggap dewasa dan bisa segera berangkat keluar negeri jadi buruh migran.”*

("There are many, ma'am, so many individuals who are involved in sending migrant workers." I don't know when Indramayu will stop being the highest sender of migrant workers; it seems like everyone is taking advantage of the situation. The impact is this, it ultimately leads to child marriage. Many children choose to marry at a young age so they can be considered adults and immediately go abroad to become migrant workers.)

(D, in-depth interview, 30 June 2024)

**Third**, religion is often used as a justification to encourage children to marry quickly. One of the arguments used is to avoid the sin of adultery. It is true that adultery is sinful in the eyes of religion. However, being irresponsible husbands and wives who neglect each other is also a form of sin that affects the rights of others. An informant from a pesantren stated how religious leaders should convey narratives that are attractive and humanistic, rather than merely instilling fear of sin in the community. Religious leaders must change their communication patterns to be more accepted by society, especially among young people.

*"Dan agama masih seringkali jadi alasan bahwa 'nikah itu yang terbaik' itu pola pikir lama yang menimbulkan pro-kontra serta salah arti. Seperti ceramah-ceramah jangan gampang mendoktrin segala hal jadi dosa, sehingga itu akan menjadi momok menakutkan, harusnya edukasi itu berjalan secara atraktif. Garis besarnya adalah edukasi yang komunikatif dan menyenangkan."*

("And religion often still serves as the reason that 'marriage is the best,' which is an old mindset that creates pros and cons as well as misunderstandings." Like sermons, don't easily doctrine everything as a sin so that it becomes a frightening specter; education should be conducted in an attractive manner. The main point is education that is communicative and enjoyable.)

(ZA, FGD Toga Tomas, 24 June 2024 12:00-15:00)

Meanwhile, an informant from the Catholic community stated that the priest plays a significant role in determining an individual's decision to marry. Before registering a marriage at the Office of Population and Civil Registration, the prospective bride and groom must meet with the priest and receive marital counseling. The Catholic faith holds the principle that what God has joined together should not be separated by man, so the decision to marry must be carefully considered. Similarly, if there are parents who wish to marry off their underage child, both the parents and the child, as well as the prospective partner, must first consult the priest.

Unless the child is already pregnant, the priest usually advises them to marry. However, the registration is delayed until the child reaches the age of 19, as stipulated by law. According to the informant, this may be one of the factors contributing

to the very minimal number of marriage dispensation applications at the District Court.

*“Di Katholik itu, Romo memiliki peran yang krusial sebelum seseorang menikah. Mereka harus menghadap ke Romo dulu, jika ada yang ingin menikah dan masih dibawah umur Romo akan mengingatkan ‘apa yang disatukan oleh Tuhan tidak dapat dipisahkan oleh manusia’. Inikan berat ya, yang dewasa aja susah mempertahankan apalagi usia anak. Kecuali kalau sudah dalam keadaan hamil ya, mungkin Romo mengizinkan demi anak dalam kandungan, tapi pencatatannya menunggu usia 19 tahun. Ini mungkin ya kenapa kok dispensasi perkawinan minim di Pengadilan Negeri.”*

(“In Catholicism, the priest plays a crucial role before someone gets married. They must first go to the priest; if someone wants to get married and is still underage, the priest will remind them, ‘What God has joined together, let no man separate.’ This is difficult, right? Even adults find it hard to maintain, let alone children. Unless she is already pregnant, perhaps the priest would allow it for the sake of the unborn child, but the registration would wait until she turns 19. This might be why marriage dispensations are minimal in the District Court.”)

(KN, FGD CSO 25 June 2024, 12.00-15.00)

The strong role of religious leaders in the Catholic community is evident in the absence of marriage dispensation applications at the Indramayu District Court over the past three years (2021-2023).

**Fourth**, the parenting style of parents and the distance in relationships with their children can often put the children in a vulnerable position in cases of child marriage. They are perceived as having wrongfully engaged in relationships. However, children are also in a vulnerable position and face difficulties due to the lack of guidance from their parents, resulting from the distant parenting styles between parents and children.

*“gimana ya, yang sering kita dengar itukan anak harus nurut orang tua tapi orang tua sendiri berjarak dengan anak, terus kalau ada permasalahan, kita mau cerita ke siapa? Jadi selain terus menyalahkan anak karena dianggap salah pergaulan, sekali kali pemerintah bisa tu sosialisasi ke orang tua juga tentang bagaimana mendidik anak dengan baik.”*

(“How is it that we often hear that children must obey their parents but parents themselves are distant from their children? Then, if there is a problem, who do we want to tell? Therefore, instead of continuing to blame children for being considered wrongly socialized, once in a while the government can also socialize to parents about how to educate children properly”)

(SN, Children's Forum FGD, 24 June 2024, 08:30-11:30).

*“orangtua itu harusnya notice ya dengan keadaan fisik dan psikis anak, bukan hanya nuntut saja. Dituntut sekolah, harus baik, harus ini harus itu tapi gak pernah tuh ditanya bagaimana keadaan anak, bagaimana perasaannya, anak senang atau tidak gak pernah ditanya. Kalau sampai dianggap salah pergaulan kan harus dilihat gimana orang tua memperlakukan anak.”*

(“Parents should notice the physical and psychological condition of their children, not just demand it. Demanded school, being well behaved, having to do this, having to do that, but never asked how the child is doing, how they feel, or whether the child is happy or not. If they are considered to be wrongly socialized, it must be seen how parents treat the children”)

(AD, Children's Forum FGD, June 24, 2024, 08:30-11:30).

*“anak seharusnya dikasih hak kebebasan untuk eksplor. Jangan apa apa dibatasi, akhirnya ya diam-diam, karena diam diam ya akhirnya tidak mau bercerita ke orang tua. Semakin dibatasi semakin penasaran. Orang tua juga harus tau bagaimana menjadi orang tua ideal, jangan hanya anak yang dituntut ideal. Kalau anak diberi kepercayaan dari orang tua justru tidak macam-macam.”*

(“Children should be given the right to freedom to explore. Don't restrict it, in the end they will be secretive, because they are secretive, in the end they don't want to tell their parents. The more restricted, the more curious. Parents must also know how to be ideal parents, not only children who are required to be ideal. If children are given trust from their parents, they will not mess up”)

(MD, Children's Forum FGD, 24 June 2024 08:30-11:30).

The statements of the three participants in the children's FGDs show that children in their social life have limitations in making decisions for their next life and also experience limitations in expressing what the children want. In each statement quoted by SN, MD, and AD, the participants told personal stories as well as stories of some friends at school who had bad experiences about how the relationship between children and parents had been established so far.

SN, who was very focal in the FGD forum, told how she had been very depressed at home and had felt uncomfortable at home because of strict parents. Even the choice to go to college was entirely determined by her parents. Until finally SN had a way to be free from the authoritarian parenting of the parents.

*“saya izin ya kak mau bercerita, kebetulan aku korban dari strict parents. Salah satu cara untuk terbebas dari pola asuh yang otoriter itu ya aku membuktikan bahwa kegiatanku diluar ini positif. Selama ini orangtuaku*

*melarangku keluar rumah, mungkin karena sayang ke aku tapi justru aku tertekan. Akhirnya aku ikut seleksi duta genre dan terpilih, disinilah aku menunjukkan bahwa kegiatan diluar rumah itu tidak selamanya negatif.”* (“I want to share my story, I happen to be a victim of strict parents. One way to be free from authoritarian parenting is to prove that my activities outside are positive. All this time my parents forbade me from leaving the house, maybe because they loved me but I was depressed. Finally, I participated in the genre ambassador selection and was selected, this is where I showed that activities outside the home are not always negative”) (SN, Children's Forum FGD, 24 June 2024, 08:30-11:30).

One of the participants also spoke up and shared how Indramayu's culture, traditions, and also the poor relationship between children and parents are like a circle that has no way out. With an uncomfortable look on their faces, AD as Indramayu's Genre Ambassador expressed concern for some of their friends of the same age that they met while doing field activities in carrying out their duties as Genre Ambassadors. While AD can freely express themselves and develop their potential, AD sees his peers struggling to become family investors and being forced to fulfill their parents' expectations and pay their debts.

*“beberapa kali saya ketemu, dan lihat di social media juga. Banyak juga orang tua menjadikan anak perempuan sebagai investasi, Ketika anaknya remaja dan selesai sekolah dianjurkan untuk menikah dengan orang kaya raya, lalu dipaksa melunasi hutang orang tua.”*

“I have met several times and seen it on social media too. Many parents also use their daughters as an investment; when their children are teenagers and finish school, they are encouraged to marry wealthy people, then forced to pay off their parents' debts.

(AD, Children's Forum FGD, June 24, 2024 08:30-11:30).

### **Joint Movement for the Prevention of Child Marriage in Indramayu**

During the four Focus Group Discussion (FGD) sessions conducted, the researcher concluded each session by formulating what actions could be taken collectively. The proposed movements include the following:

First, to include child marriage prevention socialization programs in every Civil Society Organization (CSO) initiative. The diversity of advocacy approaches, strategies, and techniques employed by each civil society organization in preventing child marriage is part of the varied movements aimed at achieving the same goal. There is no standard strategy that is most effective, no technique that is the worst, and no advocacy approach that is the most successful. Each movement tailors its programs to fit the patterns within its own organization.

The Indonesian Women's Coalition (KPI), for instance, employs a social advocacy approach to prevent child marriage. Advocacy is carried out through effective collaboration between the Indramayu Religious Court, KPI, and the District Women's Empowerment and Child Protection Office (DP3AKB). This existing Memorandum of Understanding (MoU) can be utilized by other organizations outside of KPI to oversee the implementation of the agreed-upon MoU. All parties can monitor the MoU and also provide input and criticism regarding any shortcomings in the MoU.

*“KPI aktif menjalin kolaborasi dengan mitra strategi terutama Pengadilan Agama dan dinas P3AKB untuk mencegah perkawinan anak. Selain kampanye, KPI sudah MoU dengan pengadilan Agama Indramayu terkait pencegahan perkawinan anak. Kita juga secara masih melakukan audiensi kepada dinas terkait untuk mencari strategi bersama sama dengan dinas.”*

(“KPI actively collaborates with strategic partners, especially the Religious Court and the P3AKB office, to prevent child marriage. In addition to campaigns, KPI has signed an MoU with the Indramayu Religious Court regarding the prevention of child marriage. We are also still conducting audiences with the relevant departments to find strategies together with them.”)

(DM, FGD CSO 25 June 2024, 12:00-15:00)

Meanwhile, Selendang Puan, an NGO that focuses its efforts on assisting victims of sexual violence, employs both litigation and non-litigation approaches in the prevention of child marriage. The litigation approach involves providing support to victims of arranged marriages, while the non-litigation approach is carried out through educational initiatives.

*“Selain menangani dan mendampingi kasus kekerasan seksual, yayasan Selendang Puan Dharma Ayu juga melakukan edukasi terkait Hak kesehatan seksual dan reproduksi (HKSR) untuk orang muda. Harapannya orang muda lebih aware terkait kesehatan reproduksi nya dan bisa mencegah perkawinan anak. Karena bagaimanapun, perkawinan anak juga menjadi pemicu terjadinya kekerasan dalam rumah tangga. Jika ingin memutus kekerasan maka harus diputus penyebabnya.”*

(“In addition to handling and accompanying cases of sexual violence, the Selendang Puan Dharma Ayu Foundation also conducts education related to Sexual and Reproductive Health Rights (SRHR) for young people. The hope is that young people become more aware of their reproductive health and can prevent child marriage. Because, after all, child marriage also triggers domestic violence. If we want to end violence, we must cut off its causes.”)

(YK, FGD CSO 25 June 2024, 12:00-15:00)

Second, to start education at home by improving the relationship between children and parents. One informant from the children FGD described the culture of Indramayu, its traditions, and the poor relationships between children and parents as a cycle with no way out. Therefore, to prevent child marriage, efforts must begin with improving the relationship between parents and children.

*“anak seharusnya dikasih hak kebebasan untuk eksplor. Jangan apa apa dibatasi, akhirnya ya diam-diam, karena diam diam ya akhirnya tidak mau bercerita ke orang tua. Semakin dibatasi semakin penasaran. Orang tua juga harus tau bagaimana menjadi orang tua ideal, jangan hanya anak yang dituntut ideal. Kalau anak diberi kepercayaan dari orang tua justru tidak macam-macam.”*

(“children should be given the right to freedom to explore. Don't restrict it, in the end they will be secretive, because they are secretive, in the end they don't want to tell their parents. The more restricted, the more curious. Parents must also know how to be ideal parents, not only children who are required to be ideal. If children are given trust from their parents, they will not mess up”)

(MD, Children's Forum FGD, 24 June 2024 08:30-11:30)

The urgency of starting a joint movement by improving the relationship between children and parents is also reinforced by informants from KAMI. Child marriage and migrant labor are like two sides of the same coin that cannot be separated. Therefore, strengthening the relationship and closeness between parents and children should be a shared priority.

*“KAMI memang fokus mendampingi keluarga buruh migran. Meskipun demikian isu buruh migran ini dekat dengan isu perkawinan anak. KAMI akan focus dalam memberikan pendampingan pada keluarga buruh migran yang memiliki anak usia produktif. Kami banyak menemui permasalahan terkait pola asuh yang salah. Karena ketika ibu menjadi pekerja migran, anak diasuh oleh nenek nya. Terkadang nenek nya kurang bisa mengontrol pergaulan anak dan tidak paham terkait kesehatan reproduksi, akhirnya anak dibebaskan. Selain itu karena kurang kasih sayang, banyak anak dari PMI ini yang menikah saat masih usia anak salah satu alasannya adalah karena kurangnya kasih sayang dari orang tua. KAMI akan memfokuskan pendampingan kepada anak agar anak anak tidak salah dalam pergaulan.”*

(“KAMI indeed focus on accompanying the families of migrant workers.” However, the issue of migrant workers is closely related to the issue of child marriage. KAMI will focus on providing support to migrant workers' families with children of productive age. We encounter many problems related to incorrect parenting practices. Because when the mother becomes a migrant worker, the child is raised by the grandmother. Sometimes the

grandmother cannot control the child's social interactions and does not understand reproductive health, resulting in the child being given too much freedom. In addition, due to a lack of affection, many children of migrant workers marry at a young age, one of the reasons being the lack of parental love. KAMI will focus on mentoring children so that they do not get involved in the wrong crowd.”)

(D, FGD CSO 25 June 2024, 12:00-15:00)

This point was also conveyed in the FGD with community leaders. The majority of daughters born to migrant worker families follow in their mothers' footsteps and become migrant workers. If this cycle continues, the children born to these young mothers will also experience a life similar to that of their mothers. Poverty, migrant labor, and child marriage create an unending cycle.

*“Ketika orang tua pergi kerja keluar negeri, anak pasti akan diasuh sama neneknya yang seharusnya anak masih wajib mendapatkan perhatian lebih dari orang tuanya. Semisal anak yang ditinggalnya laki masing mending, tapi kalau anak perempuan itu yang menjadi masalah. Kalau desa mempunyai titik fokus terhadap permasalahan ini mungkin akan bisa terselesaikan. Jadi syaa kira anakpun tidak mau sekolah Ketika tidak ada yang menanggung kebutuhannya.”*

(“When parents go to work abroad, the child will definitely be taken care of by their grandmother, whereas the child should still receive more attention from their parents.” For example, if the child left behind is a boy, it's somewhat better, but if it's a girl, that's the problem. If the village focuses on this issue, it might be resolved. So I think children wouldn't want to go to school when there is no one to cover their needs.”)

(K, FGD with Religious Leaders and Community Leaders 24 July 2024 12:00-15:00)

In the same FGD, the movement to improve the relationship between children and parents was also reaffirmed.

*“Cara pandang kita yang di Indramayu masih kaku serta melihat anak sebagai objek atas segala permasalahan, harusnya pola pikir dan cara pandang orang tua harus lebih memperhatikan dan mendengarkan anak lebih menyeluruh. Pentingnya komunikasi antar anak dan orang tua lebih di sinergikan lagi agar segala permasalahan anak bisa di organisir dengan baik. Dan agama masih seringkali jadi alasan bahwa ‘nikah itu yang terbaik’ itu pola pikir lama yang menimbulkan pro-kontra serta salah arti. Seperti ceramah-ceramah jangan gampang mendoktrin segala hal jadi dosa, sehingga itu akan menjadi momok menakutkan, harusnya edukasi itu berjalan secara atraktif. Garis besarnya adalah edukasi yang komunikatif dan menyenangkan.”*

("Our perspective in Indramayu is still rigid and sees children as objects for all problems, the mindset and perspective of parents should pay more attention and listen to children more thoroughly. The importance of communication between children and parents is more synergized so that all children's problems can be organized properly. Religion is still often the reason that 'marriage is the best' is an old mindset that creates pros and cons and misunderstandings. Like lectures, don't easily indoctrinate everything into sin, so that it will become a scary specter. The education should run attractively. The outline is education that is communicative and fun.")

(ZA, FGD Toga Tomas, June 24, 2024 12:00-15:00)

Third, increasing the number of speakers who understand the dangers of child marriage. Religious leaders, including those from the KUA, village clerics, MUI (Indonesian Ulema Council), and community figures, are committed to changing their communication patterns to be more acceptable to the community, especially young people. This is particularly important in socializing the dangers of child marriage.

*Dan agama masih seringkali jadi alasan bahwa 'nikah itu yang terbaik' itu pola pikir lama yang menimbulkan pro-kontra serta salah arti. Seperti ceramah-ceramah jangan gampang mendoktrin segala hal jadi dosa, sehingga itu akan menjadi momok menakutkan, harusnya edukasi itu berjalan secara atraktif. Garis besarnya adalah edukasi yang komunikatif dan menyenangkan."*

("Religion is still often the reason that 'marriage is the best' is an old mindset that creates pros and cons and misunderstandings. Like lectures, don't easily indoctrinate everything into sin, so that it will become a scary specter. The education should run attractively. The outline is education that is communicative and fun.")

(ZA, FGD Toga Tomas, 24 June 2024 12:00-15:00)

This is reinforced by the statement from the KUA (Office of Religious Affairs) that expresses their commitment, stating that when they encounter children applying for marriage, they will provide additional education.

*"Dalam konteks ini terlebih ketika adanya pengajuan pernikahan di usia dini baik di usia yang sudah seharusnya akan diharuskan seorang anak mendapat edukasi yang cukup, begitupun edukasi juga menjadi tanggung jawab KUA jadi jangan sampe antara kedua belah pihak ada paksaan untuk menikah."*

("In this context, especially when there is an application for marriage at an early age, it is essential that the child receives adequate education. Furthermore, providing education is also the responsibility of the KUA

(Office of Religious Affairs), so that there is no coercion between both parties to marry.”)

(R, FGD Toga Tomas, 24 July 2024, 12:00-15:00)

## B. Hearing Voices from Central Lampung

In addition to the issues of government policy packages from the central government and regulations that are not yet known and understood, each party in Central Lampung has stated that they have contributed to efforts to prevent child marriage, although these contributions are partial and sporadic.

The Women's Empowerment and Child Protection Office (Dinas PPPA) of Central Lampung stated that it does not have a specific annual program for the prevention of child marriage, but instead incorporates the issue of child marriage into the various outreach activities conducted by the Office and the Technical Implementation Unit (UPTD).

*“Jadi kami ini dinas yang mengurus perlindungan perempuan dan anak. Banyak sekali yang kami kerjakan. Makanya, kalo mbak-mbak datang ke sini tanpa konfirmasi, kami tidak ada di tempat, kami sedang di lokasi mbak. Lampung tengah itu luas, orang kita sedikit. Itu sosialisasi perkawinan anak, kami tidak ada program khusus, tapi selalu kami selipkan dalam kunjungan-kunjungan kami ke daerah. Pencegahan kekerasan perempuan dan anak salah satunya soal perkawinan anak.”*

(“So, we are the office that handles the protection of women and children. We have a lot on our plate. Therefore, if you ladies come here without prior confirmation, we may not be here; we are often in the field. Central Lampung is vast, but our personnel are few. Regarding the socialization of child marriage, we do not have a specific program, but we always incorporate it into our visits to the regions. Prevention of violence against women and children is, among other things, an issue related to child marriage.”)

(Interview with the Head of Child Protection at the Women's Empowerment and Child Protection Office of Central Lampung)

The Head of the Technical Implementation Unit (UPTD), as a representative of the Women's Empowerment and Child Protection Office, also stated that the office has conducted socialization on child marriage when explaining the provision of recommendations.

*“Bukan kami tidak melayani mereka (peminta rekomendasi), kami cerewet. Karena itu tadi, kami selalu mensosialisasikan untuk tidak menikah di usia anak. Tiba-tiba kami memberikan rekomendasi tersebut jika kami tidak hati-hati maka akan jadi boomerang buat kami.”*

(“It's not that we do not serve them (those requesting recommendations),

we are just thorough. As I mentioned earlier, we always socialize the importance of not marrying at a young age. If we suddenly provide such recommendations, it could backfire on us if we are not careful.”)

(Yusrizal, UPTD of the Women's Empowerment and Child Protection Office of Central Lampung District, Multistakeholder FGD, 28 June 2024)

Socialization for the prevention of child marriage has been carried out by the Women's Empowerment and Child Protection Agency, but it has not been through a structured and periodic special program. Additionally, the Women's Empowerment and Child Protection Agency has received requests to provide recommendations for marriage dispensation; however, the strict requirements imposed by the agency resulted in applicants not returning to continue the application process.

*“Jadi gini ibu sedikit menjelaskan. Mengapa jarang Dinas PPPA mengeluarkan rekomendasi sebab gini ada. Sangat sering penolakan dari Pengadilan Agama dari pemohon ditolak agar mendapatkan rekomendasi dari Dinas PPPA . Setelah ketemu kami di dinas, kami mempertanyakan kepada pemohon mengapa menikah, sebab usia anak boleh menikah dalam keadaan mendesak atau apa namanya itu... darurat Ketika dia tidak dinikahkan kedua belah pihak akan berseteru, dia sudah hamil dan lain lain. Sebelum itu saya tanyakan dahulu, apakah kepala kampung mengetahui hal tersebut. Sebab bagaimanapun itu aparat paling rendah di Indonesia, itu yang kalau belum ada itu yang saya minta dulu kalau sudah hamil saya minta surat keterangan hamil dari Puskesmas. Dan saya ingin anak anak menikah ini dihadirkan. Kalaupun memang tidak bisa kedua orangtuanya. Setelah itu karena mungkin banyak mau saya ini, besok mereka tidak datang lagi.”*

(“Let me explain a bit, ma'am. The reason the Women's Empowerment and Child Protection Agency rarely issues recommendations is as follows. There are often rejections from the Religious Court regarding applicants' requests to obtain recommendations from the Women's Empowerment and Child Protection Agency. After meeting with us at the office, we ask the applicants why they wish to marry, given that children can only marry in urgent situations or emergencies. When they are not married, both parties may conflict, especially if the girl is already pregnant, among other issues. Before this, I first ask whether the village head is aware of the situation, because they are, after all, the lowest law enforcement officials in Indonesia. If that is not clear, I request a pregnancy certificate from the health center (Puskesmas) if the girl is already pregnant. I also want these children who are about to marry to be present. Even if the parents cannot come, that's fine. After that, it seems that many of them intended to come, but they did not show up again the next day.”)

(Yusrizal, UPTD of the Women's Empowerment and Child Protection Office

of Central Lampung District, Multistakeholder FGD, 28 June 2024)

The prevention program has also been carried out by the Ministry of Religious Affairs through the revitalization program for the KUA (Office of Religious Affairs), optimizing religious services aimed at adolescents ready for marriage. This includes marriage readiness counseling, Binwin/Suscatin programs, and outreach in schools regarding the dangers of child marriage. According to a female outreach worker from Central Lampung, these programs do not specifically address child marriage and are not always budget-based; however, they demonstrate that the Ministry of Religious Affairs cares about the issue of child marriage.

Informant	Statement in the FGD
Central Lampung Extension Worker	There are many cases of MBA (married by accident) that eventually led us, as Islamic religious counselors throughout Central Lampung Regency, to have a program called 'prevent child marriage' by providing education to schools.
Female Extension Workers of Central Lampung	The extension worker does not have a specific budget for child marriage prevention activities. Instead, we pooled our resources and offered ourselves to the school. We rented a car together to go there (school). Sometimes the material is not only from the Ministry of Religious Affairs but also from the police, and we pay the instructors. Isn't that amazing?
Head of KUA Gunung Sugih	We optimize teenagers of marriageable age through counseling regarding how to prepare for marriage. We also centralize this at KUA Gunung Sugih, one of the best KUAs in the nation.
Bimas Islam	In addition, it is also optimized with Binwin marriage counseling for teenagers who are about to get married.

Table 19. Counseling programs provided by several agencies

The Education Agency, through schools, also promotes student activities that campaign for the prevention of child marriage. For example, during the School Environment Orientation Program (MPLS). In this activity, in addition to being an introduction to the school, it also provides education on sexual education, drug use,

and juvenile delinquency.

*“Ketika MPLS, biasanya kita datangkan dari KUA. Untuk menjelaskan bagaimana agar anak itu tahu pencegahan pernikahan dini. Terus masalah seksual yang menyimpang, karena kebanyakan memang itu di usia SMA/SMK itu sangat rentan sekali. Di usia mereka (SMA/SMK) itu rasa penasarannya sangat tinggi, sehingga kadang hubungan suami istri yang dilakukan karena coba-coba atau ajakan kawan.”*

(“During the MPLS, we usually invite someone from the KUA to explain how to prevent early marriage so that the children understand. Then there are issues of deviant sexuality, because most of the time, at the Senior Highschool age, they are very vulnerable. At their age (high school/vocational school), their curiosity is very high, so sometimes marital relations are done out of experimentation or peer pressure.”)

(Teacher at Highschool in Gunung Sugih, FGD with Religious and Community Leaders, 28 June 2024)

The work of the relevant agencies, which ultimately reaches the villages or urban areas, has also been carried out, albeit with several challenges. For instance, the Family Planning and Population Control Agency (PPKB Agency) has a sex education program targeted at youth groups within the GenRe community, although the number of participants is still very limited and not all are active.

*“Pendidikan seksual dan reproduksi saya kira memang sudah dilakukan cuma masih belum dilakukan secara optimal, saya kebetulan aktif di Genre Lampung Tengah. Melalui BKKBN dan genre tapi belum efektif. Di Genre itu sex education dan Kesehatan reproduksi sudah diberikan, namun tidak efektif karena sedikit. Hanya terdapat 31 kelompok genre. Bayangkan, mereka harus menyuarakan tentang seks edukasi dan kesehatan reproduksi ke seluruh Lampung Tengah.”*

(“I believe that sexual and reproductive education has indeed been conducted, but it has not yet been implemented optimally. I happen to be actively involved in the GenRe (Generation Reproductive Health) program in Central Lampung. Through the National Family Planning Coordinating Board (BKKBN) and GenRe, it has not been effective. Sexual education and reproductive health have already been provided, but it is not effective due to the small number of groups. There are only 31 GenRe groups. Just imagine, they have to advocate for sexual education and reproductive health throughout Central Lampung.”)

(Nugi, BKKBN Central Lampung, FGD with CSO)

In several villages in Central Lampung, there have been budget-based activities targeting groups of adolescent girls in collaboration with the KUA (Office of Religious Affairs) and the Puskesmas (Community Health Center), although these

implementations have only taken place in a few villages.

*“Kalau untuk desa sendiri sementara ini memang sudah menganggarkan itu tapi dia difokuskan ke sasarannya itu remaja putri dan karang taruna, jadi memang di kampung di beberapa kampung aja itu ya, termasuk kampung saya itu sudah dilaksanakan itu kegiatan khusus karang taruna remaja putri itu melalui layanan itu bekerja sama dengan KUA kemudian Puskesmas itu menggunakan anggaran desa.”*

(“As for the villages, there is currently a budget allocated specifically for programs targeting adolescent girls and youth organizations, but this is only implemented in a few villages, including my village. Special activities for adolescent girls in the youth organization have been carried out through services in collaboration with the KUA (Office of Religious Affairs) and the Puskesmas (Community Health Center) using village funds.”)

(Yulia, Fatayat Central Lampung, FGD with CSO)

One of the challenges faced by community activists is the budget cuts that are focused on village infrastructure development.

*“Ada pemotongan-pemotongan dan ada hal yang tidak sesuai di kenyataannya. contoh misal desa A sudah dianggarkan untuk mensosialisasikan pencegahan perkawinan anak, dan itu disosialisasikan untuk remaja putri ataupun karang taruna tapi pada kenyataannya tidak ada itu anggarannya. Ada juga yang sudah ada anggarannya dan anggarannya keluar bahkan setiap tahun. Bahasanya ‘habis anggaran itu’. Tapi tidak tepat sasaran. Ada anggaran nya dan anggarannya memang turun tetapi tidak terlaksana pada yang semestinya seperti itu, menurut saya sih.”*

(“There have been cuts and discrepancies in reality. For example, Village A has budgeted for socializing the prevention of child marriage, and it is supposed to be implemented for adolescent girls or youth organizations, but in reality, that budget is nonexistent. There are also instances where funds have been allocated and disbursed every year. The term used is 'the budget is exhausted.' However, it is not targeted properly. There are funds available, and the budget has been allocated, but it is not implemented as it should be, in my opinion.”)

(Antika, Member of the Central Lampung Child Protection Agency (RPA), in a FGD with Civil Society Organizations (CSOs) in Central Lampung)

This also applies to religious organizations and community organizations in Central Lampung. Through the Focus Group Discussion (FGD) and interviews, several women's community organizations have conducted community education that generally emphasizes the protection of women and children, as well as parenting. The issue of child marriage has become a part of the training and community

education carried out by Fatayat, Aisyiyah, and the Women and Children's House Organization (RPA).

*"Fatayat itu kan organisasi berbasis kader, kemudian umur kita itu antara 20-45 tahun artinya usia kita itu usia cukup produktif, jadi yang selama ini yang sudah kita lakukan hanya sebatas kita lebih menguatkan institusi kaderisasi, memberikan pemahaman bahwa bagaimanapun kita ini ibu, jadi kita memberikan pemahaman kepada kader-kader kita, bagaimana kita memberikan suasana kepada keluarga kita khususnya anak itu, rumah adalah tempat ternyaman. Meskipun kemarin kita lebih kepada kekerasan terhadap perempuan. Selain itu kita gencar melaksanakan pelatihan-pelatihan parenting kepada kader-kader kita sampai tingkat ranting. Itu kita sudah ada, artinya kalau sebatas sosialisasi, edukasi gitu kita bisa melakukan itu. Kita tinggal menyiapkan kader-kader kita untuk mensosialisasikan itu sehingga bisa sampai ke masyarakat."*

("Fatayat is a cadre-based organization, and our members are typically between the ages of 20 to 45, which means we are in a productive age range. What we have been doing so far is primarily focused on strengthening the institution of cadership and providing understanding that, as mothers, we need to foster an atmosphere in our families, especially for our children, making the home the most comfortable place. Although recently we have been more focused on addressing violence against women, we are also actively conducting parenting training for our cadres down to the branch level. We are already implementing this, which means that when it comes to socialization and education, we can certainly carry that out. We just need to prepare our cadres to socialize these issues so that they can reach the community.")

(Enul, Fatayat Central Lampung)

The activities presented by various agencies and community organizations are somewhat known to and have been accessed by children. However, from the children's perspective, these activities are insufficient. According to the children, education on reproductive health is inadequate if provided only once a year. Social workers from the Child Protection Agency (LPA) have expressed a similar view. When invited to schools to deliver child protection material, they are often required to speak during ceremonial events or flag-raising ceremonies, in a hot environment, and within a limited timeframe. These programmatic and formalistic approaches, in the view of both the children and the LPA, do not have a significant impact.

### **C. Joint Movement of Central Lampung Towards a Child Marriage-Free Future**

Through the Focus Group Discussion (FGD) forum, the researchers summarized the suggestions and recommendations from the informants for the prevention of child marriage in Central Lampung.

First, there is a need for widespread socialization of regulations related to child marriage for policymakers, relevant government agencies, and the general public. This should involve religious leaders, community or cultural figures, and directly target both parents and children. As mentioned by several FGD informants, government agencies and key institutions involved in preventing child marriage are often unaware of important regulations such as the Perma, the National Strategy (Stranas), or other related policies. Therefore, it is recommended to conduct cross-sectoral socialization regarding these rules and policies.

*“Kami sebagai lembaga peradilan mohon maaf apabila Peraturan Mahkamah Agung tersebut belum tersosialisasikan, jangan-jangan itu kelalaian Lembaga yudikatif sendiri sehingga para aparat eksekutif belum familiar terhadap perma tersebut. Nah barangkali sekiranya suatu saat bisa saja itu nanti apabila usulkan kepada pimpinan, untuk mengadakan program sosialisasi lintas sektoral terhadap perma sekaligus wacana pembentukan MoU atau bahkan pengusulan Perda”*

*(“We, as the judiciary institution, apologize if the PERMA has not yet been socialized, perhaps it is the oversight of the judiciary institution itself that the executive apparatus is not yet familiar with the regulation. Well, perhaps at some point in the future, it might be possible if we propose to the leadership to hold a cross-sectoral socialization program for the PERMA, along with discussions on forming an MoU or even proposing a regional regulation.”)*

*(Manan, Judge of the Gunung Sugih Religious Court, Multistakeholder FGD, 28 June 2024)*

In the FGD forum, the network of civil society organizations emphasized the importance of socialization efforts targeting religious and community leaders. These individuals are, in fact, key figures in the occurrence of child marriages.

*“Begini, Pak, tokoh adat, tokoh agama, dan tokoh masyarakat memang harus terlibat. Karena mereka itu bisa dikatakan playmaker, artinya pengaruh mereka di masyarakat dalam rangka ini. Artinya ketika mereka secara massif menyuarakan penolakan terhadap perkawinan anak ini bisa jadi langkah baik. Karena apa, karena selama ini yang merestui dalam tanda kutip, perkawinan anak itu mereka lo sebenarnya. Pengambilan keputusan seorang bapak itu atas persetujuan tokoh masyarakat, tokoh adat, tokoh agama, ketika seorang ayah berkonsultasi dan input yang didapatkan adalah jangan, meski efeknya tidak sebesar keinginan kita tetapi ini sejalan. Kalau tokoh agama, tokoh masyarakat, tokoh adat, sudah diedukasi kemudian mereka bisa menyuarakan terutama perkawinan*

*anak, masyarakat umum akan nurut'."*

("Here's the thing, Sir, traditional leaders, religious leaders, and community leaders must indeed be involved. They can be considered as the playmakers, meaning their influence within the community is crucial in this context. When they collectively voice their opposition to child marriage, it can be a significant step forward. Why? Because, in reality, they are the ones who have historically given their tacit approval, so to speak, for child marriages. The decision-making of a father often relies on the approval of community leaders, traditional leaders, and religious leaders. When a father seeks advice and the input he receives is to avoid it, even though the impact may not be as large as we hope, it is still a step in the right direction. Once religious, community, and traditional leaders are educated and can raise their voices, particularly on the issue of child marriage, the general public will be more likely to follow suit.")

(Nugi, FGD on Strengthening Networks 13 June 2024)

Second, the synergy of various activities that have been organized by multiple parties within the framework of preventing child marriage. This suggestion emerged not only from the multi-stakeholder FGD with the relevant agencies but also from the FGD involving civil society organizations and community leaders. The activities that have been carried out so far relate to the dangers of child marriage, reproductive health education, and parenting programs that are relevant to the issue of child marriage.

However, these activities, which have been sporadic and partial in nature, make it difficult to measure their effectiveness and success. The FGD informants acknowledged that child marriage is a collective issue that necessitates synergy among different elements. This awareness led to the initiation of a proposal by FGD participants for the importance of collaboration through coordination forums, such as task forces or working groups. Each relevant institution would work according to its duties and functions. The Ministry of Religious Affairs would take on roles related to counseling and prevention through its various programs. The Supreme Court, particularly the Religious Courts, also contributes to prevention through marriage dispensations. The Women's Empowerment and Child Protection Agency, the Social Affairs Agency, the Education Agency, local governments, down to the village level, all implement prevention and handling programs within their respective responsibilities. Religious leaders, teachers in schools, and community and religious social organizations also contribute within their own communities.

Representatives from the Fatayat organization also suggested that the movement should start at the family level, which could be supported by Family Hope Program facilitators.

*“Untuk saya sih inginya PP PA berbuat apa gitu. PPK sebetulnya ada program tim pendamping keluarga yang mulai dari catin dari muda nya mereka ada pendampingan. Sebetulnya Kalau itu berjalan dengan baik itu sangat bagus. Nanti Kesehatan akan melakukan apa gitu ya, Pendidikan juga punya peran, agama juga demikian. Kalau tadi ada kolaborasi yang bagus siapa mengerjakan apa insyaallah angka pernikahan yang di luar itu akan sangat menurun secara signifikan harapan kami semua begitu, Mba Aida.”*

(“For me, I would like to see what the Women’s Empowerment and Child Protection Agency (PPPA) can actually do. The Family Hope Program (PPK) already has a team that provides support for families, starting with the engagement (catin) process, offering assistance from a young age. If this is implemented well, it could be very effective. Then, health services can play their part, education also has a role, and religion can contribute in a similar way. If there is good collaboration, with everyone understanding who is responsible for what, insya allah, the number of marriages outside the acceptable norms will significantly decrease. That’s our hope, Mba Aida.”)  
(Atika, Fatayat Central Lampung, FGD with Community, 13 June 2024)

As a collaborative effort, it is like an orchestra, where a conductor is needed to harmonize the rhythm and tempo played by each musician. Local governments and the Regional Leadership Communication Forum (Forkopimda) are seen as the most responsible parties to lead the task forces (satgas) or working groups (pokja), ensuring that prevention and handling efforts are carried out in a comprehensive and synergistic manner.

Representatives from child protection organizations have stated, “Some of us serve as task force members. These task forces, formed by the government, are usually just inaugurated, given uniforms, and then left to their own devices. If they succeed, fine; if they don’t, so be it. But, academics must really be involved. Without the academic experts, I don’t think this will work.” (Social Worker, LPA FGD, June 28, 2024)

Similarly, religious counselors from Central Lampung expressed, "From the beginning to the end of our discussions, if there's no seriousness, nothing will come of it. The decree is issued, and that's the end of it... Creating a task force here, a task force there—if there's no evaluation, like usual, it won't move forward."

The facts discussed during the FGD indicate a "broken link" in the prevention and handling of child marriage in Central Lampung. Overall, the discussion led to efforts to improve the handling of marriage dispensations, making them more effective and in line with applicable legal provisions, with a focus on ensuring synergy between institutional and individual efforts in the community.

Third, the focus returns to the family. Several informants highlighted the significance of the family's role as the frontline defense in preventing child marriage.

Mrs. Nani from the Health Office emphasized the involvement and proactive engagement of all elements of society according to their respective roles. The issue of child marriage must be addressed at its root, which is at the family level.

*“Saya nggak minta anggaran. Saya hanya ingin masyarakat, kita semua terlibat. Nggak bisa diselesaikan hanya oleh kesehatan ya. Menyentuh masyarakat tidak hanya bisa diselesaikan oleh pendidikan, atau PP PA saja. Edukasi segala macam dan juga konseling itu perlu ya. Tapi saya mau dari tingkat bawah dari kampung dari ibu PPK nya gitu ya bagaimana mereka betul-betul merangkul ibu-ibu di lapangan itu karna mereka yang betul betul mendampingi dari 0 tahun anak anak. Bagaimana agar tidak ego bermain hp, asyik dengan sendirinya, bahkan anaknya juga dikasih hp sehingga main Youtube, bicara sendiri tanpa diberi pendampingan yang jelas tentang apa isi Youtube itu. Saya ingin semua masyarakat ayo pernikahan dini tidak akan terjadi, manakala dari awal dari ibunya terutama ibu ya tetapi bapak juga penting untuk mendampingi anak-anaknya. Jadi pengasuhan itu yang paling tegas adalah bapaknya sebetulnya.”*

(“I'm not asking for a budget. I just want the community, all of us, to be involved. This can't be solved by the health sector alone. Reaching the community cannot be done just by education or the Women's Empowerment and Child Protection Agency (PPPA). Education, counseling, and so on are necessary, yes. But what I want is for it to start from the grassroots, from the villages, from the mothers in the Family Hope Program (PPK). How can they truly embrace the mothers on the ground, because they are the ones who are directly supporting children from birth? How do we ensure that children aren't left alone playing with their phones, distracted by them, or even given a phone to watch YouTube, speaking to themselves without any clear guidance on what's on YouTube? I want the whole community to join in saying that early marriage won't happen if we start from the beginning, especially with the mothers. But fathers are also important in supporting their children. The most significant role in parenting is actually that of the father.”)

(Nani, Health Agency, Multistakeholder FGD, 28 June 2024)

The voices from the FGD forum of children also reflect the desire that the family is the starting point for preventing child marriage. According to the children, it all begins with the family.

*“Yang paling penting itu dari keluarga itu karena seorang anak itu lahir langsung dari keluarga yang dibesarkan oleh ayah dan ibu. Jadi dari*

*seorang bapak dan ibu itu seharusnya memberi landasan pokok tentang kehidupan ini. Misalkan mereka diajarkan tentang religi, kehidupan sosial, ya pokoknya kehidupan manusia misalkan agama kita itu begini dek, kita hari ini ke sini, hari jam ini kita ibadah. Dijelaskan juga, dek kita di agama nggak boleh namanya melakukan seks atau zina. Nggak cuma di agama dek di negara juga melarang seperti itu. Jadi peran orangtua itu sangat berpengaruh. Jika orangtuanya yang bodo amat, ya amit amit ngomong, bisa jadi anaknya yang jadi korban selanjutnya dari pernikahan anak.”*

(“The most important thing comes from the family, because a child is born directly into a family and is raised by both the father and the mother. It is from the parents that a child should receive the foundational lessons about life. For example, they should be taught about religion, social life, and the basics of human life. Parents should explain, 'This is what our religion teaches, and today, at this time, we will pray.' They should also explain, 'In our religion, it's forbidden to engage in sexual relations or commit adultery.' It's not only forbidden by religion, but also by the law of the country. So, the role of parents is extremely influential. If the parents are indifferent, God forbid, it could very well be their child who becomes the next victim of child marriage.”)

(Danes, Child's Forum FGD, 29 June 2024)

A similar statement was also made by Zaki during the FGD Forum Anak.

*“Yang pertama ialah dari keluarga keluarga itu harus memberikan wawasan yang sebaiknya dilakukan seperti ini loh yang harus kita hindari itu seperti ini. Selanjutnya orangtua juga harus memberikan pengawasan. Terus itu tadi orangtua juga menjelaskan sebab akibat sesuatu hal jika kita melakukan seperti ini nanti akan terjadi seperti ini terus. Orang tua tuh harus memberikan perhatian yang penuh kepada anak, harus bisa sebagai teman bercerita seperti itu loh. Orang tua harus bisa mendengarkan keluh kesah mereka (anak-anak) seperti apa. Terus bisa memberikan saran yang sebaiknya harus dilakukan tuh seperti apa gitu. Orang tua juga tuh harus mempunyai peraturan semisal pulang main, bawahnya jam segini ada batas waktunya lah intinya batasan-batasan agar tidak terjadi pergaulan bebas seperti itu.”*

(“The first point is that the family must provide guidance, explaining what should be done and what should be avoided. Parents must also offer supervision. Additionally, parents should explain the cause and effect of actions, making it clear that if we do something, certain consequences will follow. Parents need to give their full attention to their children and be available as someone they can talk to. Parents should listen to their children's concerns and be able to provide advice on what should be done. Furthermore, parents should establish rules, such as setting a curfew for

when children should come home from playing, ensuring clear boundaries to prevent unhealthy social interactions or promiscuity.”)

(Zaki, Child’s Forum FGD, 29 June 2024)

The sex education proposed by the informants also places the family as the most appropriate space for education.

*“Jadi saya itu ada anak perempuan sekarang SMA, dia saya ajari sejak SMP tentang menstruasi. Saya ajari dengan memperlihatkan video bagaimana konten-konten organ seksual Perempuan, bagaimana urusan dengan laki-laki dst. Sampai ke bagaimana hubungan seksual itu yang itu saya gambarkan bahwa efeknya ABCD banyaklah. Tapi itu hanya bisa dilakukan di keluarga. Kalau di luar yang lebih luas, orang akan banyak menolak. Ketika saya sosialisasi tentang pernikahan anak di sekolah-sekolah pun kurang enak menyampaikannya.”*

(“I have a daughter who is currently in high school, and I have been teaching her about menstruation since she was in middle school. I taught her by showing videos that explain the content of female sexual organs, how they relate to men, and so on. I even covered the topic of sexual intercourse, explaining the various effects—A, B, C, D, and many others. But this can only be done within the family. Outside the family, people are likely to reject such discussions. Even when I socialize the issue of child marriage in schools, it feels uncomfortable to talk about it.”)

(Nugi, FGD, 13 June 2024)

**Fourth**, the allocation of village funds for socialization activities at the village level. This idea sparked considerable debate in both FGD forums—one with community leaders and the other with civil society organizations. However, the concrete suggestion put forward by village head representatives supports the use of village funds for child marriage prevention. Several villages have already allocated budgets for socialization or legal counseling, but as pointed out by some of the civil society organization informants during the FGD, these efforts have not been maximized or effectively targeted.

If the use of village funds for this purpose were made a collective agreement or directive from the district government (PMK), such activities would likely have a greater impact.

*“Nahsehingganya kalau semua pihak artinya nanti dari jajaran pemerintahan kampung, dari penyuluh agama, dari LPA, nanti kita kaitkan di situ dan sedikit kita mungkin ada transportasi yang dibiayai oleh desa melalui dana desa yang sekarang ini masih ada ya. Nggak tahu nanti 2025 berlanjut apa enggak saya nggak ngerti ini tapi ini ya usulan dari saya.”*

(“Therefore, if all parties are involved—meaning the village government,

religious counselors, the Child Protection Agency (LPA), and so on—we can link them together. We might also include a small transportation allowance funded by the village through the current village funds. I'm not sure if this will continue into 2025, but that's my suggestion.”)

(Pairin, FGD with Community Leaders, 28 June 2024)

Budgeting models aligned with directives from the head of the department have been implemented and worked effectively in 2024 for drug prevention. Using a similar approach, the prevention of child marriage starting from the village level is very feasible with a modest budget from each village. The socialization can also be carried out at nearby locations using a cost-sharing model from participating villages.

*“2024 ini hasil kami diskusi dengan Pak Kadis. Pas rapat Pak Kadis langsung menginstruksikan kepada ketua-ketua Apdesi se-Kabupaten Lampung Tengah. Sekarang saya lihat, ternyata mereka mengalokasikan semua untuk pencegahan narkoba. Itu mengalokasikan semua otomatis program dari dari pak kapolres dengan sendirinya mereka sudah jalan. Kita hanya pakai uang satu juta, nggak usah banyak-banyak. Makanya ini saya yakin dengan uang satu juta ini nanti kita anggarkan. Karena ini kita sudah sudah mulai menyusun untuk anggaran 2025 Insyaallah ini bisa masuk. terima kasih itu saja.”*

(“In 2024, following our discussion with the Head of the Department, during the meeting, he immediately instructed all the heads of the Apdesi (Association of Village Heads) across Central Lampung District. Now, I see that they have allocated funds for drug prevention. They have allocated everything automatically, and the program from the police chief is already running. We only need to use one million rupiah; we don't need much. That's why I'm confident that with this one million, we can allocate the funds. We are already starting to prepare the budget for 2025, and insya allah, it will be included. Thank you, that's all.”)

(Pairin, FGD with Community Leaders, 28 June 2024)



# CHAPTER VII

## CONCLUSION AND RECOMMENDATION

### A. Conclusion

This research presents an analysis of marriage dispensation decisions at the Religious Courts in two locations: the Indramayu Religious Court and the Gunung Sugih Religious Court. Additionally, data was collected through fieldwork, including interviews and Focus Group Discussions. The decision analysis aims to identify the judges' understanding of the best interests of the child, the basis for determining urgency in marriage dispensation decisions, and the obstacles in implementing the Perma No. 5 Year 2019.

In the decision analysis, the researcher also provides profiling of the parties requesting the marriage dispensation. The results of the decision analysis at these Religious Courts serve as the foundation for the researcher to explore field data. This was carried out by mapping the programs that have been and are being implemented by local governments and civil society in the prevention of child marriage. The research produces policy and program recommendations at the judicial, executive, and civil society levels for the prevention of child marriage.

The findings of the research indicate that the existence of the Perma No. 5 Year 2019, as a guide in deciding child marriage cases through tightening the judicial system, has not been adequately socialized to the relevant stakeholders. The Perma is a rule issued by the Supreme Court and serves as a guide for judges in their decision-making. However, the regulation also mentions the involvement of several agencies and institutions to support efforts to tighten marriage dispensation practices in order to reduce the number of child marriages. Similarly, the regulations that provide the legal framework for supporting the national strategy for preventing child marriage have not been well

socialized. Although the governments in the two research locations already have child marriage prevention programs, these programs are still incidental in nature.

Marriage dispensation cases in Indramayu rank third in frequency after divorce cases, while the Gunung Sugih Religious Court ranks fourth. The presence of a single judge handling marriage dispensation cases is also ambivalent. On one hand, it has a positive impact by creating a comfortable environment for the child. However, handling the case by only one judge leads to a singular perspective, especially when some decisions do not include recommendations. The categorization of marriage dispensation cases as simple matters is important to reconsider, given the complexity of the issues and their impacts.

The researcher also found misconceptions about several concepts and procedures for giving recommendations in the Perma. The concept of recommendation is misunderstood as providing support for the marriage. Recommendations are generally understood as optional due to the use of the term 'may' in the legal norms of the Perma. Therefore, at the Indramayu Religious Court, marriage dispensation decisions do not include recommendations as mandated by the Supreme Regulation. In the case of the Gunung Sugih Religious Court, recommendations are included as part of the case file. There has been cooperation between the Child Protection Agency (LPA) and the Gunung Sugih Religious Court, with the LPA being mandated to provide recommendations after conducting an assessment. However, the party providing recommendations is also considered optional and alternative, not cumulative. Thus, in some decisions, only the LPA's recommendation is included, while in others, a letter from a midwife or the social agency is also included.

The independence of judges in making decisions becomes problematic in the implementation of the consideration of the best interests of the child. The structure and posture of child marriage cases also legitimize that the best interests of the child are case-specific and differential. At one point, judges perceive the interests of the child requesting the dispensation. On another occasion, the best interests of the child are interpreted as the interests of the unborn child or fetus. In other decisions, the best interests of the child are understood as the general welfare of children outside the party requesting the marriage dispensation. The urgency of the situation is also very fluid. Unwanted pregnancy becomes a general trigger for the urgency to marry off the child. Likewise, love, fear of committing adultery, and even engagement are understood as urgent reasons for a marriage dispensation.

In general, the consent in child marriage, which is one of the key points in the Perma No. 5 Year 2019, is accompanied by an imbalance in power relations and a tendency for parents to view themselves as having authority over their children. The presence of the child's voice tends to be formalistic, merely fulfilling procedural requirements in handling and examining the case. In the assessment

process conducted by the LPA, social norms, such as preserving public morality and avoiding shame, also play a role. In a few cases, local traditions prevent the assessment process from hearing the child's voice.

Programs, activities, and movements for the prevention and handling of child marriage have been carried out, although they are sporadic and sectoral. Each institution claims to have contributed to the government's program to reduce the number of child marriages according to their respective duties and functions. However, the work of these agencies is not interconnected or coordinated. If these efforts were conducted systematically, simultaneously, and in coordination, their success and impact would be easier to measure and evaluate.

## **B. Recommendation**

Based on the findings as above, a number of recommendations are presented as follows:

### **1. Supreme Court and Law Enforcement Authorities**

Determining the best interests of the child and the criteria for urgency are crucial aspects regulated in the Perma. To ensure these two aspects are fulfilled, the Supreme Court should organize special training on gender justice and children's rights for judges and lawyers handling marriage dispensation cases. Furthermore, the Supreme Court needs to issue more operational guidelines by translating the Perma into a Supreme Court Circular (SEMA), especially in terms of: the position of recommendations—whether they are optional or cumulative in the case file; whether the recommendations in the Perma are interpreted as the result of an assessment or as support; the meaning of the best interests of the child; standardizing urgency indicators; and the presence of a single judge in handling these cases.

### **2. Ministries**

As the executive representatives authorized to formulate policies, it is important for ministries to strengthen their commitment to gender mainstreaming as mandated by Presidential Instruction No. 9 Year 2000 on Gender Mainstreaming in National Development. This commitment can be initiated by strengthening capacity, such as through gender analysis and gender mainstreaming training for all government officials, including those at the ministry, agency, and local government levels. The purpose of this training is to enhance their understanding and ability to apply gender perspectives in all policies and programs.

Subsequently, the government needs to reapply and reinforce gender-responsive budgeting (GRB), ensuring the allocation of resources for programs that support gender equality, such as women's empowerment programs, protection against violence, and improving women's access to education and healthcare.

The ministries should also lead a monitoring and evaluation system that assesses the extent to which gender mainstreaming has been implemented across all sectors and levels of government.

### 3. Village Government

Administratively, the first step for marriage dispensation applicants is to request a marriage recommendation letter from the village. To maximize preventive measures, the village government is expected to allocate Village Funds for programs aimed at preventing and addressing child marriage. Targeted socialization and education should be provided to children as well as their parents. Equally important is the education of those assisting with marriage dispensation, often referred to as 'middlemen' by the sources, in order to foster a perspective focused on child rights protection.

### 4. Civil Society Organizations (CSOs)

Civil Society Organizations can play two roles simultaneously: first, as partners of the community, and second, as partners of the government. With the community, CSOs can carry out participatory empowerment functions, such as strengthening vulnerable groups like girls. With the government, CSOs can act as watchdogs while also being partners in the formulation of policies for child marriage prevention. For example, they can provide analysis, data, and recommendations that strengthen government policies. In their oversight function, CSOs can monitor the implementation of child marriage prevention policies and ensure that the regulations are applied consistently and fairly across all regions.

### 5. Parents and Teachers

The distance in the relationship between children and parents was a common issue that emerged during the data collection process. Parents must improve their parenting style to be more harmonious and strengthen their children in avoiding out-of-wedlock pregnancies. Children should also be accustomed to having their voices heard, starting with involving them in decisions that affect their future, particularly in terms of education and marriage.

Teachers are also encouraged to become agents of change by providing education on the dangers of child marriage and the importance of delaying marriage. Reproductive health socialization programs should be facilitated by schools to ensure that discussions on reproductive health are not taboo among students. Educators are also expected to identify students at risk of early marriage and provide appropriate support and intervention.



# References

Adelia, N. (2017). Reproduksi Budaya Pada Komunitas Diaspora Jawa di Daerah Transmigrasi (Studi Kasus di Desa Bagelen Kecamatan Gedong Tataan Kabupaten Pesawaran Provinsi Lampung). *Solidarity: Journal of Education, Society and Culture*.

Admin. (2024). Sikap Kemenag. <https://sikap.kemenag.go.id/statistik/provinsi/18>

Andina, E. (2021). Meningkatnya Angka Perkawinan Anak Saat Pandemi COVID-19. Pusat Penelitian Badan Keahlian DPR PR.

Asshiddiqie, J., Safa'at, & Ali. (2006). Teori Hans Kelsen Tentang Hukum. Sekretariat Jenderal & Kepaniteraan Mahkamah Konstitusi RI.

Bastomi, H. (2016). Pernikahan Dini Dan Dampaknya (Tinjauan Batas Umur Perkawinan Menurut Hukum Islam Dan Hukum Perkawinan Indonesia). *Pernikahan Dini Dan Dampaknya*, 7(2), 354–384.

Bintari, A., & Djustiana, N. (2017). Upaya Ppenanganan Korban dan Pencegahan Tindak Perdagangan Orang (Human Trafficking) Di Kabupaten Indramayu Provinsi Jawa Barat. *CosmoGov*. <https://doi.org/10.24198/cosmogov.v1i1.11803>

BP2MI. (2022). Data Penempatan dan Perlindungan PMI Tahun 2022. In Pusat Data dan Informasi BP2MI. [https://www.bp2mi.go.id/uploads/statistik/images/data\\_20-03-2023\\_Laporan\\_Publikasi\\_Tahun\\_2022\\_-\\_FIX\\_.pdf](https://www.bp2mi.go.id/uploads/statistik/images/data_20-03-2023_Laporan_Publikasi_Tahun_2022_-_FIX_.pdf)

Eko. (n.d.). Wawancara dengan Pekerja Sosial LPA 29 Mei 2024.

Elfira, N. (2019). Students Marriage Readiness Based on Cultural Background. *JOMSIGN: Journal of Multicultural Studies in Guidance and Counseling*. <https://doi.org/10.17509/jomsign.v2i2.10830>

Elias E. savelos & Richard F. Galvin, R. and the law: the elements. (2001). Reasoning and the law: the elements.

Firdawaty, L. (2019). Pewarisan Harta Pusaka Tinggi Kepada Anak Perempuan Di Minang Kabau Dalam Perspektif Perlindungan Terhadap Perempuan Dan Hukum Islam. *ASAS*. <https://doi.org/10.24042/asas.v10i02.4533>

Fitriyani, D., ST, S., & Keb, M. (2020). Kajian Kualitatif Faktor Norma Keluarga yang Memengaruhi Pernikahan Remaja Perempuan. *JURNAL ....*

Fusvita, E. (2019). Interaksi Simbolik Tradis Selapanan Masyarakat Jawa Muslim pada Kehidupan Sosial di Desa Kuripan Kecamatan Penengahan Lampung Selatan. *FAKULTAS DAKWAH DAN ILMU KOMUNIKASI UNIVERSITAS ISLAM NEGERI RADEN*

INTAN LAMPUNG.

Hamid, R. Al. (2020). Judicial Review Mahkamah Konstitusi tentang Batas Usia Perkawinan (Tinjauan Undang-undang Hak Asasi Manusia dan Perlindungan Anak). Ushuluddin International Conference (USICON).

Hermasyah. (2017). Setelah Naik Kelas, Apa Lagi?

Hikmatullah, H. (2018). Selayang Pandang Sejarah Penyusunan Kompilasi Hukum Islam di Indonesia. *Ajudikasi : Jurnal Ilmu Hukum*. <https://doi.org/10.30656/ajudikasi.v1i2.496>

Humaedi, M. A. (2014). Kegagalan Akulturasi Budaya dan Isu Agama dalam Konflik Lampung. *Analisa*. <https://doi.org/10.18784/analisa.v2i102.11>

Humas. (n.d.). 5 Kabupaten dengan Produksi Beras Tertinggi di Lampung. <https://lampungtengahkab.bps.go.id/id/news/2023/10/12/119/5-kabupaten-dengan-produksi-beras-tertinggi-di-lampung--bukadatayuk-.html>

Kelsen, H. (2019). Teori Umum Tentang Hukum dan Negara. Nusamedia.

Kurniawan, M. B., & Refiasari, D. (2022). PENAFSIRAN MAKNA “ALASAN SANGAT MENDESAK” DALAM PENOLAKAN PERMOHONAN DISPENSASI KAWIN. *Jurnal Yudisial*. <https://doi.org/10.29123/jy.v15i1.508>

Kusumaningrum, S., Agastya, N. L. P. M., Nisa, S. A., Pratama, G., Adhi, A. A., Sari, R. K., Rizal, T., Rachmawati, E., & Nurhayati, E. S. (2023). Risalah Kebijakan Pencegahan Perkawinan Anak untuk Perlindungan Berkelanjutan Bagi Anak. Pusat Kajian Dan Advokasi Perlindungan Dan Kualitas Hidup Anak Universitas Indonesia (PUSKAPA) Dan Kementerian Pemberdayaan Perempuan Dan Perlindungan Anak (KemenPPPA), vi–46. <https://puskapa.org/blog/publikasi/6043/>

Maharani, R. P., & Tampubolon, S. P. H. (2023). Komplikasi Demokrasi Dalam Sistem Pemilu dan Partai Politik di Indonesia. *Lentera Pancasila: Jurnal Riset Hukum Dan Pancasila*.

Mahkamah Agung, AIPJ2, & IJRS. (2020). Pedoman Mengadili Permohonan Dispensasi Kawin. *Buku Saku*, 2, 1–110.

Mansari. (2023). Konkretisasi Alasan Mendesak Dan Bukti Cukup Dalam Memberikan Dispensasi Perkawinan Bagi Anak Oleh Hakim. *Ms-Blangpidie.Go.Id*.

Mansari, M., & Rizkal, R. (2021). Peranan Hakim dalam Upaya Pencegahan Perkawinan Anak: Antara Kemaslahatandan Kemudharatan. *El-Ushrah: Jurnal Hukum Keluarga*, 4(2), 328. <https://doi.org/10.22373/ujhk.v4i2.10219>

Mascita, D. E., Sariah, S., & Susilowati, S. (2021). Strategi Pemertahanan Bahasa Sunda Lea Indramayu. *Ranah: Jurnal Kajian Bahasa*. <https://doi.org/10.26499/rnh.v10i1.2395>

Mediawati, D. (2019). Konflik Antar Etnis Dan Upaya Penyelesaian Hukumnya. *Khazanah Hukum*. <https://doi.org/10.15575/kh.v1i1.7134>

Mertokusumo, S. (2014). *Penemuan Hukum Sebuah Pengantar Edisi Revisi*. Yogyakarta: Liberty.

Monika Atal, & Agus S. Ekomadyo. (2018). Adaptasi Arsitektur Tradisional Bali Pada Tempat-Tempat Komunal di Desa Balinuraga, Kalianda, Lampung Selatan. *Jurnal Koridor*. <https://doi.org/10.32734/koridor.v9i2.1373>

Mubarok, F. (2020). TRADISI SAKRAL DAN TRADISI POPULIS DALAM MASYARAKAT MUSLIM DI INDRAMAYU. *Living Islam: Journal of Islamic Discourses*. <https://doi.org/10.14421/lijid.v3i2.2288>

Mulyana, S., Octavianti, M., & Bajari, A. (2019). Sosialisasi Kebijakan Penghapusan Human Trafficking di Kabupaten Indramayu. *Jurnal Manajemen Komunikasi*, 1(1). <https://doi.org/10.24198/jmk.v1i1.10063>

Muzzaki, A. (2015). *Rekam Jejak Menyusun Riwayat Kota: Sebuah Kajian Etnografi Menemukenali Geneologi Kota Metro*. inas Pendidikan Pemuda dan Olahraga (Disdikpora) Kota Metro Lampung.

Nirmalasari, R., Wahid, A., & Juliadi, F. P. (2022). Edukasi Dampak Perkawinan Usia Dini Terhadap Pola Pikir Siswa SMP Negeri 3 Tasik Payawan Desa Hiyang Bana. *Surya Abdimas*, 6(2), 286–293. <https://doi.org/10.37729/abdimas.v6i2.1610>

Noviana. (2023). Dampak Pernikahan Dini Di Tinjau Dari Aspek Sosial Humaniora Dan Aspek Ekonomi Pada Keluarga Petani Di Kabupaten Sumbawa. *Entrepreneur: Jurnal Bisnis Manajemen Dan Kewirausahaan*. <https://doi.org/10.31949/entrepreneur.v4i1.3478>

Nurul Hilmiati, & Dian Karinawati Imron. (2023). Registrasi Sosial Ekonomi di Indramayu: Memahami Kemiskinan dengan Kelindan Persoalan Sosial di Wilayah Agraris – Maritim. In *Mencatat untuk Membangun Negeri: Narasi Emik Registrasi Sosial Ekonomi Jilid 2 Indonesia Tengah-Barat*. <https://doi.org/10.55981/brin.777.c709>

Penyusun. (2023a). Angka Partisipasi Murni (APM) Kabupaten Lampung Tengah per Jenjang Pendidikan, 2022-2023. <https://lampungtengahkab.bps.go.id/id/statistics-table/2/NjY5IzI=/angka-partisipasi-murni--apm--per-jenjang-pendidikan.html>

Penyusun. (2023b). *Laporan Pelaksanaan Kegiatan Pengadilan Agama Gunung*

Sugih tahun 2023.

Penyusun. (2023c). Profil Gender dan Anak Lampung Tengah 2023.

Penyusun. (2024). Kabupaten Indramayu Dalam Angka 2024.

Peraturan Mahkamah Agung No 5 tahun 2019.

Prodjodikoro, R. W. (1974). Hukum Perkawinan di Indonesia. Penerbit Sumur.

Prof. Dr. Achmad Ali, S.H., M. H. (2012). Asas-Asas H U K U M Pembuktian Perdata. In K E N C a N a Prenada Media Group (Vol. 6, Issue Januari).

Purkon, A. (2018). Problems of Islamic Law Compilation In Indonesia. SALAM: Jurnal Sosial Dan Budaya Syar-I, 5(2), 91–98. <https://doi.org/10.15408/sjsbs.v5i2.9406>

Putusan Mahkamah Konstitusi Nomor 22/PUU-XV/2017.

Putusan Mahkamah Konstitusi Nomor 30-74/PUU-XII/2014.

Qotrunnada, H., & Ratih Dheviana Puru, S. H. ,LL. M. (2022). Keberlakuan Pasal 7 Ayat (2) Undang-Undang Nomor 16 Tahun 2019 Tentang Perubahan Atas Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan Terkait Alasan Sangat Mendesak Dalam Permohonan Dispensasi Perkawinan. 1, 1–6.

RI, K. Y. (2011). Penerapan dan penemuan hukum Dalam Putusan Hakim.

Rofiah, S. (2018). The Importance of Revising Policy of Minimum Age of Marriage: A Philosophical, Sociological and Juridical Argumentation. SHS Web of Conferences. <https://doi.org/10.1051/shsconf/20185402011>

Rustiana, E., Hermawan, Y., & Triana, Y. (2020). Pencegahan Pernikahan Dini. Jurnal Pengabdian Kepada Masyarakat.

Setiawan, wahyu; A. Z. (2016). Konstruk Identitas Sosial Masyarakat Jawa.

Siswandi, I., & Supriadi, S. (2023). Pernikahan Di Bawah Umur Prespektif HAM. EDU SOCIATA ( JURNAL PENDIDIKAN SOSIOLOGI), 6(1), 241–249. <https://doi.org/10.33627/es.v6i1.1171>

Sosroatmodjo, Arso, W. A. (1975). Hukum Perkawinan di Indonesia. Bulan Bintang.

Sugiarti, T., & Tridewiyanti, K. (2021). Implikasi dan Implementasi Pencegahan Perkawinan Anak. JLR - Jurnal Legal Reasoning. <https://doi.org/10.35814/jlr.v4i1.2968>

Supriadi, W. C. i. (2002). Hukum Perkawinan Indonesia dan Belanda. Bandar Maju.

Thoyib, A., & Bukhori, K. (2022). Politik Hukum Pengaturan Batas Usia Minimal Perkawinan di Indonesia. *Jurnal Intelektualita: Keislaman, Sosial Dan Sains*. <https://doi.org/10.19109/intelektualita.v11i1.10594>

Tim. (2021). *Buku Profil Kabupaten Indramayu Tahun 2021*.

Tim Penyusun. (2023). *Pengadilan Tinggi Agama Bandar Lampung*.

Umam, F. (2021). Analisis Makna Simbolis Tradisi Sedekah Bumi (Nyadran) dan Pendidikan Islam di Kaplongan Lor, Indramayu. *Mozaic : Islam Nusantara*. <https://doi.org/10.47776/mozaic.v6i2.148>

Umam, K. (2015). Akulturasi Islam dan Budaya Lokal pada Masyarakat Agraris (Pengalaman Petani Klutuk di Kabupaten Indramayu). *UNIVERSUM*, 9(2). <https://doi.org/10.30762/universum.v9i2.87>

Umi. (n.d.). Wawancara dengan Kepala Kampung di Lampung Tengah, 17 Juni 2024.

Wijayati, M. (2020). Punishing Women: Diskriminasi terhadap Perempuan yang Mengajukan Cerai di Pengadilan Agama Indonesia. In G. & S. W. Fealy (Ed.), *Islam Indonesia: Dialektika Agama, Budaya, dan Gender* (1st ed., p. XX + 296). LKiS.

Yuniarto, B., Anis Safitri, R., Palahu Rijal, A., & Ummu Zainab, S. (2024). THE IMPLEMENTATION OF ISLAMIC EDUCATION VALUES IN THE LOCAL WISDOM OF THE JAVANESE SEDEKAH BUMI TRADITION. In *Indonesian Journal of Education (INJOE)*.

Zulvayana, Z. (2018). Penolakan Dispensasi Kawin Anak di Bawah Umur (Studi Penetapan Pengadilan Agama Manna Nomor 0024/Pdt.P/2018/PA.Mna). *Qiyas : Jurnal Hukum Islam Dan Peradilan*.



NGO in Special Consultative Status  
with the Economic and Social Council of the United Nations, Ref. No: D1035

Jl. Jatipadang Raya Kav.3 No.105 Pasar Minggu, Jakarta Selatan, 12540  
021 7819734, 7819735 info@infid.org www.infid.org

Follow Us :

