

AGE LIMIT FOR MARRIAGE IN LAW NUMBER 16 OF 2019 ON THE PRACTICE OF UNDERAGE MARRIAGE IN KARAWANG REGENCY

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Abstract: Underage marriages are marriages that do not meet the minimum age requirements stipulated in law number 16 of 2019 concerning amendments to law number 1 of 1974 concerning marriage. In law number 16 of 2019 article 7 it states that marriage is only permitted if a man and a woman have reached the age of 19. Based on the research results, it can be interpreted that the marriage rate in Karawang district has fluctuated since the enactment of law number 16 of 2019. This is evidenced by the percentage of underage marriage rates in Karawang district based on marriage dispensation data at the Karawang religious court. The data obtained is as follows, in 2019 there were 59 submissions, in 2020 there were 203 submissions, in 2021 there were 122 submissions and in 2022 there were 127 submissions. In addition, there are several factors that cause underage marriages in Karawang district, including arranged marriages, parents avoiding their children from committing adultery and even because they have already sent out invitations. There are some who are pregnant out of wedlock but the number is only a few in Karawang district. Legal research was conducted using an empiris juridical approach.

Keywords: Marriage Age Limit, Marriage Law, Underage Marriage

I. INTRODUCTION

In essence, everything in this world God created in pairs, as well as humans. God created humans to have offspring through marriage. Although nikah (kawin) is clearly defined as sexual contact, according to the majazi (metaphorical) or legal meaning, the contract (agreement) defines it as a lawful sexual relationship as a husband and wife or between a man and a woman. According to a more detailed definition of marriage contained in Law Number 1 of 1974 concerning Marriage, marriage is defined as an inner and outer bond between a man and a woman as husband and wife with the aim of creating a happy and eternal household based on the belief in God Almighty. One. Marriage is a natural need for every human being, marriage is very important for everyone's daily life, both individuals and groups. The association of men and women occurs through clear paths, in accordance with the notion of humans as noble beings.

In Indonesia, in order to enter into a marriage, one must fulfill the provisions stipulated in Law Number 1 of 1974 concerning Marriage contained in Articles 6 to 12. Articles 6 to 11 discuss material requirements, while Article 12 discusses material requirements. which is formal. The conditions mentioned above must be obeyed by every couple who wants to get married in accordance with Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Special Marriage in Article 7, which are some of the main materials contained in the Law Law Number 1 of 1974 Concerning Marriage. According to article 7, marriage is only permitted after a man and a woman reach the age of 19 (nineteen). The government has clearly stated this through various considerations from perspectives related to health and maturity levels. So that the couple who wants to carry out the marriage can live their household life well.

In the Qur'an and Hadith, which incidentally are the main sources of Islamic law, there are no absolute provisions regarding the minimum limit that a person must have to enter into a marriage. However, the Qur'an explains that those who are going to get married must be people who are ready and able. Allah SWT confirms this in Surah An-Nur, Verse 32:

وَأَنْكَحُوا الْأَيَامَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ إِنْ يَكُونُوا فُقَرَاءَ يُغْنِهِمُ اللَّهُ مِنْ فَضْلِهِ وَاللَّهُ وَاسِعٌ عَلِيمٌ

“Dan nikahkanlah orang-orang yang masih membujang di antara kamu, dan juga orang-orang yang layak (menikah) dari hamba-hamba sahayamu yang laki-laki dan perempuan. Jika mereka miskin, Allah akan memberi kemampuan kepada mereka dengan karunia-Nya. Dan Allah Mahaluas (pemberian-Nya), Maha Mengetahui”. (Q.S: An-Nur/24:32)

In addition, there is a hadith which explains that the person who gets married must be someone who is capable both physically and spiritually. This means that they are able to live a household well. As the words of Rasulullah SAW:

عَنْ عَبْدِ اللَّهِ قَالَ: كُنَّا مَعَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ شَبَابًا لَا نَجِدُ شَيْئًا، فَقَالَ لَنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ

يَا مَعْشَرَ الشَّبَابِ مَنْ اسْتَطَاعَ الْبَاءَةَ فَلْيَتَزَوَّجْ، فَإِنَّهُ أَغْضَىٰ لِلْبَصْرِ وَأَحْصَنَ لِلْفَرْجِ. وَمَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ بِالصَّوْمِ فَإِنَّهُ لَهُ وِجَاءٌ

“Wahai sekalian pemuda, barang siapa diantara kalian telah mampu menikah, maka hendaklah ia menikah, karena ia lebih bisa menundukkan pandangan, dan lebih bisa menjaga kemaluan. Namun barang siapa yang belum mampu, hendaknya ia berpuasa, sebab hal itu dapat menjadi penghalang baginya (meredam hawa nafsunya)”

However, in reality, the marriage provisions contained in Law Number 1 of 1974 concerning Amendments to Law Number 16 of 2019 concerning Marriage have not been fully implemented by couples who wish to enter into a marriage. This can be seen from the number of marriages that do not meet the minimum age requirements for marriage specified in Law Number 16 of 2019 concerning Marriage. For example, in Karawang Regency, not a few have applied for marriage dispensation since Law Number 16 of 2019 was enacted.

From the description above, it can be concluded that many couples ignore and violate the minimum age limit for marriage. Even though marriage under the age specified by law can be done

through a marriage dispensation by the court, underage marriages have a negative impact. Underage marriages have a high impact on divorce in Indonesia. In addition, underage marriages also have an impact on the development and growth of children, both biologically and psychologically, and have the effect of revoking children's rights because they are forced to become adults instantly.

So on that basis, the government has stated in Law Number 16 of 2019 concerning Marriage Amendments to Law Number 1 of 1974 concerning Marriage that marriage is only permitted after a man and a woman have reached the age of 19 (nineteen) years. The stated age limit is the basis or age limit for a person who is said to be able to act legally (legally capable) so that he can be held accountable for what he has done.

II. METHODS

Legal research is carried out using an empirical juridical approach, namely studying law as a pattern of behavior shown in the application of legal regulations and everything is true if it is supported by data and facts.

III. RESULT AND DISCUSSION

Age Limit for Marriage in Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage and its Implementation in Karawang Regency

As previously explained, that in Law Number 16 of 2019 article 7 states "marriage is only permitted if a man and a woman have reached the age of 19 (nineteen) years". The law is a revision of Law Number 1 of 1974 concerning Marriage. From the previous minimum of 16 years for women and 19 years for men, it was changed to 19 years for both.

However, Islamic law does not clearly state when a person is allowed to marry. However, Islamic law states that a person is only subject to the obligation to carry out work or legal actions when he is already in advance. That is, orders and recommendations to perform marriages are emphasized for people who are already in the Islamic faith or have matured to prevent harm (bad things).

However, in reality, not a few are still carrying out early marriages, especially in Karawang Regency, this is evidenced by data obtained from the Karawang Religious Court which tends to fluctuate from 2019 to 2022 as follows, in 2019 there were 59 applications for dispensation, year In 2020 there were 203 dispensation applications, in 2021 there were 122 dispensation applications and in 2022 there were 127 dispensation applications. The following is a data diagram for filing dispensations in the last few years.

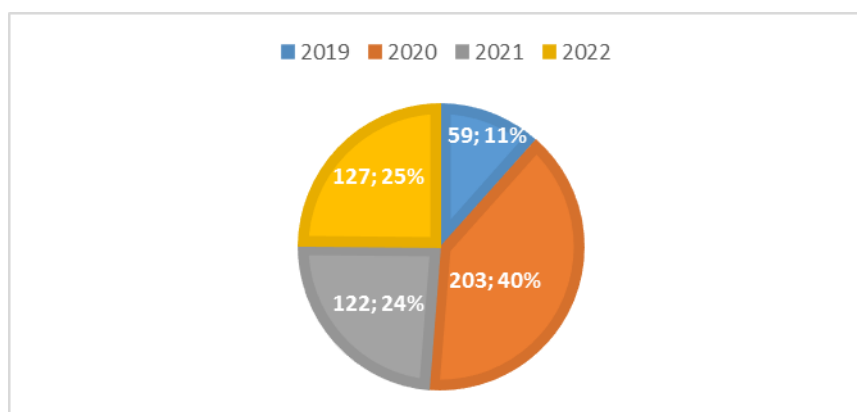


Figure 1. Graph of Filing Marriage Dispensation

This has had several negative impacts and other social inequalities such as high divorce rates, increased mortality due to childbirth due to young mothers, and increased poverty due to the unpreparedness of partners economically when marrying, and many other adverse effects caused by marriage. under age.

To anticipate these things from continuing to happen and worsening the situation, in this case the government regulates the minimum age limit for marriage in Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage. Article 7 states "Marriage is only permitted if a man and a woman have reached the age of 19 (nineteen) years". Based on this law, the minimum age for someone to get married is 19 (nineteen) years.

Related to its implementation in Karawang regency is quite good. This is evidenced by the holding of socialization by the National Population and Family Planning Agency (BKKBN) with members of Commission IX DPR RI Drg. Putih Sari, but this socialization has not been comprehensive to all areas, especially remote villages, it has only been implemented at the sub-district level so that its implementation has not yet touched the lowest level, namely the hamlet.

Factors Causing Underage Marriage in Karawang Regency

There are many factors that can lead to underage marriages. In accordance with the socio-economic conditions of the local community or other unique characteristics, each region has factors that differentiate it from the surrounding area. According to the Commissioner of the Indonesian Women and Children Protection Commission (KPAI) Susanto said, Rural Areas Have Greater Potential Than Urban Areas To enter into underage marriages, this happens because there are several factors that can cause underage marriages. The first is the economic factor, namely the difficulty of finishing school and rather than being loud, the only option being considered is marriage. Second, because one of them already has a job. Even though he is not yet fully grown, he feels capable of providing for his family. The third factor is the absence of plans to continue to a higher level of education. And fourth, one of the factors that is quite influential is environmental factors and local culture, many areas have a culture of underage marriage. So it is not uncommon to find applications for dispensation of underage marriages.

IV. CONCLUSION

In accordance with what is stated in Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, which states that marriage is only effective when women and men reach the age of 19 (nineteen) years). But the reality in Karawang Regency is that there are still many underage marriages, this is evidenced by the data obtained from the Karawang Religious Court in recent years which tend to fluctuate from 2019 to 2022 as follows, in 2019 there were 59 submissions dispensation, in 2020 there were 203 dispensation applications, in 2021 there were 122 dispensation applications and in 2022 there were 127 dispensation applications. And regarding the implementation of this Law in Karawang Regency, it is quite good, this is evidenced by the socialization carried out by the National Population and Family Planning Agency (BKKBN) with Members of Commission IX DPR RI Drg. Putih Sari, but socialization has not been comprehensive to the hamlet or village level, so it has not had a significant impact.

There are several factors for the occurrence of underage marriages in Karawang Regency, one of which is that these factors occur due to the low knowledge of adolescents about reproductive health, less harmonious family conditions, arranged marriages, parents who avoid their children committing adultery, pregnant out of wedlock and even because it has already spread. invitation.

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