



# Implementation Of The Child Protection Act As A Positive Law In Eradicating Child Marriage In Indonesia

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## ABSTRACT

In the application of the Marriage Act diamana has determined that the minimum age for marriage is 19 (nineteen) years for men and women. However, there are still many people who practice marriage with minors age 19 (nineteen). The practice of child marriage can be caused by a variety of factors, and has many negative impact on children. The Covid-19 pandemic is one of the causes of the increase number of child marriages in Indonesia. This study uses normative juridical Law Research methods, based on Written regulations and literature studies that examine aspects, theories, structure, and legal explanations relating to this study. The data used is secondary data obtained from literature studies. The approach used in this study is the statutory approach. Ada Child Protection Law which became the legal umbrella in the eradication of child marriage in Indonesia, but on the other hand, there are still many challenges in reducing the number of child marriages practices, one of which is the regulation related to the dispensation of marriage and incessant the criminal act was committed under the guise of child marriage.

## ABSTRAK

Dalam Penerapan Undang-Undang Perkawinan diamana telah menetapkan bahwa usia minimum untuk menikah adalah 19 (sembilan belas) tahun untuk pria dan wanita. Namun, masih banyak orang yang mempraktikkan pernikahan dengan anak di bawah usia 19 (sembilan belas). Praktek perkawinan anak dapat disebabkan oleh berbagai faktor, dan memiliki banyak dampak negatif pada anak-anak. Pandemi Covid-19 menjadi salah satu penyebab meningkatnya jumlah perkawinan anak di Indonesia. Penelitian ini menggunakan penelitian hukum yuridis normatif metode, berdasarkan peraturan tertulis dan studi literatur yang mengkaji aspek, teori-teori, struktur, dan penjelasan hukum yang berkaitan dengan penelitian ini. Data yang digunakan adalah data sekunder diperoleh dari studi literatur. Pendekatan yang digunakan dalam penelitian ini adalah pendekatan statutory. Ada Undang-Undang Perlindungan Anak yang menjadi payung hukum dalam pemberantasan perkawinan anak di Indonesia, namun di sisi lain, masih banyak tantangan dalam mengurangi angka perkawinan anak praktik, salah satunya adalah peraturan terkait dispensasi nikah dan gencarnya tindak pidana dilakukan dengan kedok pernikahan anak.

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## I. INTRODUCTION

Based on Article 28B paragraph (1) of the 1945 Constitution (UUD 1945), each person have the right to form a family and continue descendants through marriage legitimate (Tobroni, 2018). Marriage is

a bond that is valid in the eyes of the law between a man and women with the goal of forming a family (Faizal, 2016). Marriage in Indonesia based on the rules and legal provisions of Law Number 16 of 2019 concerning Amendment To Act No. 1 of 1974 on marriage (Marriage Act) and Compilation of Islamic law (KHI) (Sendy, 2019). The Marriage Act stipulates that the minimum age for carrying out marriage is 19 (nineteen) years for men and women (Nugraha et al., 2019). Then for a person under the age of 19 (nineteen) years can be categorized as a child- son (Judiasih et al., 2020). Children are the next generation in need of guidance for realize Human Resources (HR) quality, as well as an integral part of human survival (Rohida, 2018). Not only people who are categorized as people adults, children also have the same right to protection and fulfillment of related rights, and entitled to the widest possible opportunity for 16 grow and develop optimally physically, mentally, and socially (Siagian et al., 2020). But unfortunately, there are still many people who practice marriage to minors (Agus Mahfudin; Khoirotul Waqi'ah, 2016). 3 The practice of child marriage is a crucial issue that should be of concern 4 government and society because child marriage is a form of violation.

Based on data obtained from the Central Statistics Agency (BPS) and the United Nations International Children's Emergency Fund (UNICEF), found that in 2018 there are approximately 1,220,900 women aged 20 (twenty) to 24 (twenty-four) years who married before the age of 18 (eighteen) years (Tantimin, 2022). 6 there are several causes the occurrence of child marriage, and one of the main factors is the economic factor. Pandemic Covid-19 that occurred in Indonesia has directly had a bad impact on community economy (Radhitya et al., 2020). Since the Covid-19 pandemic in Indonesia, the number of marriages the child has a significant improvement (Pitrianti et al., 2021) (Muhammad Khoiri, Baehaqi, 2022). 7 based on data from the Ministry of planning National Development (Ministry of PPN), there are about 400-500 girls aged 10-17 who have a high risk of experiencing early marriage due to the Covid-19 pandemic (Tantimin, 2022).

The existence of marriage dispensation in the legal regulation in Indonesia also support the numbers child marriage in Indonesia (Salmah, 2016). In addition, customary law also has an influence in increasing number of child marriages in Indonesia (Rofika & Hariastuti, 2020). 8 child marriage can lead to various problems that are permanent and affect various aspects such as education, health, economy, and domestic violence (domestic violence). 9 marriage child abuse is a form of child abuse. Therefore, it takes a role community and government to eradicate the rampant practice of child marriage and provide appropriate protection to children. Existence Of Laws No. 35 of 2014 on Child Protection (Child Protection Act) should be able to become a legal umbrella and reduce the number of child marriages in Indonesia, but in in fact, there are still many factors and challenges and problems in the implementation of the Child Protection Act (Muqaffi et al., 2022). Based on the exposure/description above, the study in this article is divided into two parts. The first section discusses the conditions of child marriage practices that occur in Indonesia. The second part examines the implementation of the Child Protection Act in eradicating the practice child marriage in Indonesia.

## II. RESEARCH METHOD

The research method used in collecting data for writing this thesis is as follows:

### 1. Types and Nature of Research

This type of research is a normative juridical type, which is a research method which is a type of sociological legal research and can be referred to as field research, which examines the applicable legal provisions and what has occurred in people's lives. This study uses a statutory approach, a concept and case approach. Especially in this case regarding the analysis of the agreement in the Civil Code and the regulation of joint property and the strength of the judge's decision.

### 2. Types and Sources of Data

The data collected in this study can be classified into two, namely:

- a. Primary data (field research) in the form of data obtained directly by researchers in the field by means of interviews or observations.
  - b. Secondary data (library research) in the form of literature and other library sources, namely the Marriage Law Number 1 of 1974, the Civil Code. Law number 16 of 2019 .
  - c. Tertiary Data in the form of materials providing explanations for primary and secondary data such as internet materials, judicial varia magazines.
3. Data Collection Techniques
- The data collection techniques of this research consisted of the main data collection techniques and the supporting data collection techniques. The main data collection technique is the researcher himself while the supporting data collection techniques are a list of questions, field notes. Field data collection will be carried out by means of interviews, both in a structured manner. Structured interviews were conducted with guidelines on a list of questions that had been provided by the researcher. The material is expected to develop according to the answers of the informants and the developing situation.
4. Data Analysis Techniques
- Data analysis in this study was carried out qualitatively, namely from the data obtained and then compiled systematically, then analyzed qualitatively to achieve clarity of the problems discussed. Qualitative data analysis is a research method that produces descriptive data analysis, namely what is stated by the respondent in writing or verbally as well as real behavior, researched and studied as a whole. The meaning in the analysis here is intended as an explanation and interpretation in a logical, systematic manner with a sociological approach. Systematic logic shows how to think deductively by following the rules in writing scientific research reports. After the data analysis is complete, the results will be presented descriptively, namely by telling and describing what is in accordance with the problems studied. The results are then drawn a conclusion which is the answer to the problems raised in this study.

### III. RESULT AND DISCUSSION

1. Legal facts in the practice of Child Marriage in Indonesia

Based on data from the United Nations Population Fund (UNFPA), it was found that Indonesia ranks 8th (eight) as the country with the highest marriage rate the tallest child in the world.<sup>10</sup> based on bps Census data in 2018, there are several the main characteristics of a person who commits a minor marriage, namely children women in households with lower production, girls in the district rural, and poorly educated girls. studies conducted by the Plan Foundation International Indonesia and the Indonesian women's Coalition found that child marriage occurs due to several factors. The first is due to social factors. Social factors as many as 28.5% played a role as a driver of the practice of child marriage. Social factors can be caused by environmental influences, take actions that are at risk when dating, parental pressure to get grandchildren, pressure from society, and others. Geographical conditions also have a relationship with the practice of child marriage, this child marriage rates in rural areas are higher than in urban areas.

The next factor is health factors, both physical health and mental health. Health factors can be triggered due to emotional instability of a child. Marriage children can interfere with reproductive health and even cause cervical cancer for women. in addition, limited knowledge related to reproductive health and sexuality is also one of the factors causing child marriage. This is also related to educational factor. Lack of knowledge, education, and information about the risks of early marriage is a factor causing the rise of parents take the initiative to marry their children under age. Unfortunately, sexual education is still considered a taboo in Indonesia, even though with the education related to reproduction is one of the preventive efforts in addressing cases of child marriage and also cases of sexual violence. Eastern cultures adopted by Indonesia raises the notion that sexual education is a taboo, access to sexual education is minimal. Minimal children knowledge of

reproductive health will be very vulnerable to plunge into promiscuity and applying a risky courtship style so as to experience pregnancy outside of marriage. In cases of pregnancy out of wedlock, parents with minimal knowledge of reproductive health tend to marry his son to save the dignity of the family.

Furthermore, family parenting is one of the factors that play an important role. Pola parental care for children has a very close relationship with the child's psychiatric condition, thus affecting the decision-making of the child. The next factor is the factor economy. Households with low economic conditions tend to make people parents betrothed their children in the hope of reducing the burden on the family economy. In addition, due to the Covid-19 pandemic which resulted in changes in the learning system and school curriculum has made many children are not ready to adapt to existing changes.<sup>15</sup> Covid-19 pandemic that caused an increase in poverty, cause parents assume the burden of his life increased, and intend to marry children with the aim of reducing the economic burden. Based on data obtained by the Academy Indonesian young scientist (ALMI), child marriage during the Covid-19 pandemic has experienced increase up to 300%.The next 16 factors are customary and cultural factors, as well as legal factors. Indonesia not only applies national law, but also Islamic law, as well as customary law which is still very thick. When viewed from the perspective of customary law, customary law does not regulate provisions related to the age limit of marriage. This is due to marriage in customary law also involves traditions, customs, and beliefs related to ancestral spirits, as well as beliefs another adopted hereditary in a community group. There are several forms marriage in common law: a.) honest marriage (a marriage performed by giving honest money from the groom's relatives to the bride); b.) marriage semenda (a marriage performed without giving honest money); c.) marriage free/independent (a marriage that is not expressly regulated and procedures for its implementation depending on each party; d. mixed marriage (a marriage that between the bride and groom who have different indigenous membership); and e. a runaway marriage (a marriage conducted by way of a man and a woman escape from each other's homes).

In addition, culture plays a very important role in the practice of child marriage in Indonesia. Thick culture of sexism in Indonesia resulted in the emergence of stigma and pressure on women. The existence of labels such as 'old maid ' or the notion that 'better married young then divorced than not salable ' resulted in many parents Conservatives intend to marry off her son as soon as possible. In addition, religion is also one of the factors that influence the practice of child marriage in Indonesia. Practice child marriage is considered as an effort to prevent children from adultery it is a great sin. Social factors also contribute to the persistence of child marriage in Indonesia. It cannot be denied that dating is a very common thing to do between young children and adults. Therefore, child marriage can also just happened as a result of their own willingness of couples who are still under age to carry out marriage. In addition, promiscuity that occurs among children and adolescents can resulting in the emergence of unhealthy relationships in love relationships. The rise of juvenile cases or children who have sexual intercourse to experience pregnancy out of wedlock this is one of the factors that contribute to the number of child marriages in Indonesia. Family of the spouses of children who experience pregnancy out of wedlock will attempt to marry his children.

The last factor is the legal factor. There are several legal aspects that need concerned about the issue of child marriage in Indonesia. Article 7 Paragraph (1) of the Marriage Law has been set that the minimum age limit to carry out the marriage bond is 19 (nine twelve) years. Furthermore, if the marriage is made to a child under the age of 19 (nineteen) years, then the parents of the parties to the marriage can apply for marriage dispensation to the Religious Court. In addition, the Supreme Court rules (PERMA) number 5 of 2019 concerning guidelines for adjudicating marriage dispensation applications. This PERMA is used as a technical guide for the panel of judges in the trial process application for child marriage dispensation for brides aged under 19 (nine twelve) years. Dispensation of marriage in the Indonesian legal system has led to various pros and cons in society, this is because many argue that the law in Indonesia as if to justify the existence of underage marriage although it has been clearly violate the rights of children provided for in the Child Protection

Act.

Submission of marriage dispensation to conduct early marriage would require parental consent. This is confirmed in Article 6 paragraph (2) of the Marriage Law which reads "To enter into the marriage of a person who has not reached the age of 21 (twenty-one) years must have parental consent". Existing regulations in Indonesia have arrangements there are different age limits for children. Law No. 3 of 1997 on Juvenile Justice (Juvenile Justice Law), Law No. 12 of 1995 on Correctional (Correctional Law), Law No. 13 of 2003 on Labor (Labor Law), Law No. 39 of 1999 on rights Human rights (human rights law), Law No. 35 of 2014 on amendments to Law No. 23 of 2002 on Child Protection (Child Protection Law), and Law No. 44 of 2008 on pornography (pornography law) regulates that the age limit for children is 18 (eighteen) years. Article 45 Of The Code Of Laws The Penal Code (KUHP) provides that the age limit of a person said to be a child is 16 (delicious twelve) years. According to the Civil Code (KUHPer) and compilation Islamic law (KHI), the age limit of a person is said to be children is under 21 (twenty one) year. Meanwhile, according to the provisions in Article 7 Paragraph (1) of the Marriage Law, the minimum age to marry is the age of 19 (nineteen) years for men and women.

Marriages performed without parental consent may be referred to as elopement. Of course there are some legal risks for people who elope, especially with children who are underage. Article 332 paragraph (1) of the Criminal Code (Penal Code) states that "guilty of escaping women is punishable by imprisonment: (i) at most 7 (seven) years, whoever takes away an immature woman, without the will of his parents or guardians but with the consent of the woman, either in within or outside of marriage; (ii) a maximum of Nine (9) years, whoever brings away a woman, by trickery, violence or threat of violence, with intent to ensure his control of the woman, both inside and outside marriage". If viewed from the perspective of Islamic law, Islamic law does not regulate age limit for marriage. There are some groups that allow the occurrence of underage marriage by making the Qur'an, Hadith, and Ijma ' as reference, one of which is Q.S at-Thalaq [65]: 4. Morality is also a reason why child marriage is perpetuated, namely to minimize the occurrence of adultery which is a sinful act. Ideologically, the rejection of the issue of marriage anak basically focuses more on protecting girls from exploitation sexual.

Child marriage is a very serious global issue. It Is Sustainable Development Goals (SDGs) as one of the global action is one step and efforts of world leaders in combating various issues and problems expected can be achieved in 2030.19 Goal Number 5 SDGs that Gender equality has a goal to achieve gender equality and empower all women and children girls. There are several targets and indicators of achievement of SDGs number 5, namely: a.) 21 end all forms of discrimination against all women and girls; b.) eliminate all forms of violence against women and girls in space public and private; c. eliminate all practices that harm women and children women; d.) appreciate the service and unpaid domestic work, and encourage shared responsibility in the household and family; e.) ensure that women can participate fully and get the opportunity to lead and make decisions, and engage in economic, political, and public life; and f.) ensure universal access to sexual and reproductive health. Child marriage certainly can hinder the achievement of the objectives contained in the SDGs, because with the rise of child marriage in the community, certainly practices that harm children will it keeps happening.

End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) states that child marriage is a form of violence and exploitation of children. child marriage can certainly have an impact on many things, such as biological, psychological, social, sexual behavior, and legal impacts. Biologically and psychologically, someone who is still a child is still experiencing the process of puberty so it is not ready for sexual intercourse, nor pregnancy and childbirth. Can it is said that the age of children is an immature age physically and psychologically so that the element of coercion in child marriage can certainly lead to injury physical, endangering the life of the child, as well as causing psychological trauma. In addition, women who are still aged at the age of course

do not have the mental readiness to educate and parenting, so it can have an impact on the disruption of Child Development resulting from this marriage. Material unpreparedness can also result disruption of child growth. According to a study conducted by World Health Organization (WHO), child marriage is one of the contributing factors of the problem nutrition known as stunting. Socially, the cultural dilanggengkannya child marriage can also preserve the culture patriarchy places women lower than men. Further effects of the existence of patriarchal culture in an environment will certainly lead to the emergence domestic violence due to relationship inequality. Child marriage is one form of violation of children's rights, of course, children have the right to be able to taste higher education, but found that there are only 5.6% of children who still continue school after marriage. children of course also have the right to opinion, but it is questionable whether the child has been asked his opinion before marriage is done. In most cases, parents are decisive and make decisions in marrying his son for the good of his son, when in fact the marriage was carried out due to the existence of veiled motives such as economic motives. readiness physical, mental, and material is one of the keys to success in a marriage relationship. However, in the case of child marriage which basically still do not have good readiness physically, mentally, and materially, of course, can lead to various conflicts in households such as disputes, lack of readiness and continuity, lack of Education regarding marriage, lack of understanding of the rights and obligations of each in relationship of husband and wife, as well as other conflicts that will lead to divorce.

In addition, sexual urges to minors are a manifestation of pedophile behavior. Pedophilia is a form of disorder and sexual attraction to young children. Pedophilia is a form of violence against children, and is one of the cases included in the phenomenon of mountain ice. This is because the actual cases reported do not describe the circumstances actually occurred in the community, due to the number of unreported cases because it concerns the good name of the family. In some cases, pedophilia is carried out with under the guise of norms, namely in the form of marriage to children. In some other cases, the practice of pedophilia is done under the guise of making the child an adopted child, child foster care, foster nephews, and others. in addition to pedophilia, trafficking cases also this is one of the many cases that occur in children. Criminal acts of trafficking people do it in many ways, one of which is by child marriage mode. Abuser tend to take advantage of the economic conditions of victims who experience financial difficulties, so lure victims to be introduced and married to wealthy families for the entire life of the victim and his family can be guaranteed.

One of the biggest challenges in combating child marriage is because it is still there are so many groups of people who do not understand the consequences of a young marriage. Modes of crime involving child marriage such as pedophilia and trafficking humans tend to go unnoticed by society. Socialization efforts are still not much raised about this, so that the practice and potential risks are not recognized by the community, and resulted in many people who become victims. In addition, it is not all children have a high resilience and lasting practice of child marriage as one part of the tradition of the community also became one of the challenges in breaking the chain child marriage in Indonesia. Another challenge is that there is no legislation that is optimal in reducing the number of child marriages in Indonesia. Commitment and coordination of prevention and treatment services are needed optimal child marriage in Indonesia, supported by adequate regulation, so that can suppress and eradicate the practice of child marriage.

## 2. Implementation of the Child Protection Act as a positive law in eradicating Child marriage in Indonesia

Law No. 23 of 2002 on Child Protection before is one of the legal umbrella in ensuring the fulfillment of the rights owned by son. But over time, the existence of legislation is still has not run effectively in eradicating the practice of child marriage, it because there is still overlap between sectoral regulations related to the definition of children, and the rise of crime against children in the community. the existence of such paradigms making Law No. 23 of 2002 is no longer relevant, so do changes to the regulation so that it becomes law No. 35 of 2014 about Child Protection.

There are also some changes in the Child Protection Act, which reinforces the weighting of criminal sanctions and fines for perpetrators of crimes against children, especially sexual crimes that have the main purpose to provide a deterrent effect, and encourage there are concrete efforts in restoring the physical, psychological, and social conditions of the child. It is the responsibility of the state, government, and communities and families to provide protection of children. Central and local governments are obliged to ensure protection, maintenance, and welfare of children with regard to the rights and obligations of parents/guardians the child, or any other person legally responsible for the child. Besides that, the government shall oversee the implementation of child protection and ensure that children- children get the right to dive into basic education at least 9 (nine) years and get the widest opportunity to obtain education.<sup>31</sup> in addition, the role the community is also very much needed in terms of providing protection for children, there is a need for active participation from organizations, academics, non-governmental organizations.

It takes an active role of organizations, academics, non-governmental organizations (NGOs), as well as other parties to intensively socialize the subject of child protection. The definition of a child under the Child Protection Act is a person under the age of 18 (eighteen) years. By law, child marriage would have violated the provisions in Child protection law, precisely Article 26 paragraph (1) which states that “parents duty and responsibility to nurture, maintain, educate, and protect child”. Mandate contained in the article citations have the aim to provide protection from violence, exploitation, and discrimination against children, as well as ensuring children- children get their rights. The rise of child marriage practices, as well as forms violence against children under the guise of marriage shows that regulation in Indonesia still less firm in regulating child marriage. One of the disturbing cases is the case of Aisha Wedding, a wedding organizer (WO) that promotes young nikah with slogans like " Don't be a burden to your parents, find a man early” as well as “do not delay marriage because of your selfish desires, your duty as a girl is to serve needs of your husband, you should rely on a man as early as possible for the family stable and happy.

They take advantage of the thick patriarchal culture in Indonesia, where still many people believe and that the position of men should be higher than women, and take advantage of economic conditions terpepetnya someone and assume that children is a burden on parents, so marrying the child is the only way to release that burden. In fact, child marriage is certainly contrary to Article 8 of the law Child protection which states that every child has the right to health care and Social Security according to physical, mental, spiritual, and social needs. In addition, the child it is also the responsibility of the parents so that the child is not a burden. When viewed from criminal law perspective, there are several reasons why child marriage has been considered as one of the criminal offenses. Parents who marry their children who are still minors have violated the provisions of Article 26 paragraph (1) letter (c) of the Child Protection Act states that parents are obliged to prevent the occurrence of marriage at the age of kids. Article 76D of the Child Protection Act states that " everyone is prohibited violence or threats of violence forcing children to have intercourse with him or someone else”.

Therefore, a person who has a marriage with a child who is still under age can be charged with the provisions of Article 81 of the Child Protection Act which states that “Any person who violates the provisions referred to in Article 76D shall be punished by imprisonment of at least 5 (five) years and a maximum of 15 (fifteen) years and a fine at most Rp. 5.000.000.000, 00 (five billion rupiah).” The criminal provisions shall apply to a person who deliberately deceives, or persuades and coerces with a series of lies on a child to have sex with him.

Article 76I of the Child Protection Act states that “everyone is prohibited from placing, allow, Do, order to do, or participate in exploitation economic and / or sexual abuse of children.” With these provisions, parents and parties others who helped the implementation of child marriage, such as penghulu liar or wedding organizer can be charged with the provisions of Article 88 of the Child Protection Act which states that “any person who violates the provisions referred to in Article 76I,

shall be punished with a maximum imprisonment of 10 (ten) years and / or a maximum fine of Rp 200,000,000 (two hundred million rupiah).”

Central and local governments as well as other parties should vigorously voiced convictions related to child marriage, especially related to marriage siri for fear can become a loophole for traffickers to use the mode of marriage son. Punishment of the perpetrator and the parties involved in child marriage intended to target the practice of serial marriages as well as marriages that are not recorded. Marriage child committed after receiving dispensation from the court and recorded in the records civil or Religious Affairs Office (KUA) can be considered legal because it has been done in accordance with provisions of applicable laws and regulations. On the other hand, although there are regulations related to marriage dispensation in Indonesia, dispensation against child marriage also it is one of the largest contributors to child marriage in Indonesia. Absence benchmarks or indicators in the Marriage Act that can be a handle for the panel of judges to provide determination resulted in the judge only rely on the initiative or text- the text of jurisprudence in giving setting. This indirectly results in most applications for marital dispensation always being granted. the age limit is one indicators to determine quantitatively whether a person is considered ready to marry or not yet, while physical and mental readiness is one indicator of readiness qualitative. A person who has experienced puberty is considered ready to carry out the Ark household, but on the other hand, indicators of puberty are relative.

In most cases, common reasons that result in parents applying for dispensation marriage for their children is due to pertunganan, parents ' concerns about promiscuity children, and sexual relations outside the marriage bond resulting in pregnancy. It is caused by the assumption that if the child is not immediately given in marriage, it is feared will there are acts that violate norms and cause unrest in society. in considering the application for marital dispensation, the judge needs to carefully observe related to the values of marriage and whether the reason for filing the dispensation is urgent or can be delayed. on the other hand, marriage belongs to the civil sphere, since marriage is a legal act that gives legal effect, and has the power binding for the parties. However, in the Child Protection Act, the Act does not include strict sanctions in the event of child marriage. Civilly, marriage of minors may be declared ineligible and may be annulled, but this provision does not solve the problem and gives injustice to children women who experience early marriage. if viewed from the criminal aspect, the provisions on Article 288 paragraph (1) of the Criminal Code states that “anyone who in marriage has intercourse with a woman who knew or should have suspected that the concerned it is not yet time for marriage, when the act of inflicting wounds is threatened with maximum imprisonment of 4 (four) years.” Please note that the criminal threat must be through complaint and proof. Examination process and the trial process of.

Article 71D of the Child Protection Act states that “every child who is a victim of as meant in Article 59 paragraph (2) letter b, letter d, letter f, letter h, letter I, and letter J entitled to apply to the court in the form of the right to restitution which is the responsibility of the perpetrator crime.” In the citation of the article, What is meant by restitution is a change damages for loss, suffering, or reimbursement of costs for certain actions charged to the perpetrator based on a court decision that has permanent legal force on any material and/or immaterial losses suffered by the victim. Efforts are needed the government in eradicating the practice of child marriage in Indonesia, namely by increasing the intervention of children's education, especially girls, socializing related negative impact on child marriage to parents, teachers, religious leaders, and the community widely. In addition, the government also needs to try to dismiss all norms that preserve child marriage practices, and addressing poverty in Indonesia, which is one the biggest contributing factor in the practice of child marriage. Children need a lot opportunity to access the highest education possible in order to gain skills economy.



#### IV. CONCLUSION

The marriage law provides that the minimum age to carry out a marriage is 19 (nineteen) years for men and women. However, there are still many people who conduct the practice of marriage to children under the age of 19 (nineteen) years. On the other hand, the practice of child marriage gives a lot of negative impact on many aspects, such as health, education, economy, domestic violence, to the high divorce rate. Practice child marriage is a crucial issue that should be the government's attention and society because child marriage is a form of violation of children's rights. Child marriage occurs due to various factors, namely social factors, health, economic, educational, cultural, family parenting, environmental, and legal factors. Existence the Covid-19 pandemic that occurred in Indonesia is also one of the biggest factors cause an increase in the practice of child marriage in Indonesia, both because of factors economy and also adaptation factors in running an online school.

There is a Child Protection Act which is a legal umbrella in combating child marriage in Indonesia, but on the other hand there are still many challenges in reduce the number of child marriage practices, one of which is related regulations dispensation marriage, which to this day still raises many pros and cons. Other challenges is that there are still a lot of criminal acts of pedophilia and human trafficking utilizing the rampant practice of child marriage as a mode and guise to run his crime. Therefore, it takes an active role of government, organizations, NGOs, activists, as well as the community to intensively socialize the movement to fight the practice of marriage children in Indonesia.

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