

The Evaluation of Early Marriage Law Renewal in Indonesia



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ABSTRACT. The study objective is to evaluate Child marriage law reform implementation compared to the five regions with the highest Indonesian cases. This research is descriptive using a literature study. The data source consists of primary data consisting of laws. 16 of 2019 and the Decree Number 22 / PUU-XV / 2017 of the Constitutional Court and secondary legal sources from books, websites, journals, theses, and other sources of information that researchers can use can be justified. The data analysis method uses content analysis from its implementation in the form of regional regulations, programs, and other local government activities in implementing legal products regarding Child marriage, which have a significant impact on Indonesian people's structure of life, such as poverty, reduced educational opportunities, reproductive health hazards, risks. The findings from the research reveal that there have been many efforts by local governments in supporting legal reform which are manifested in institutional programs, working groups and community activities as efforts to mitigate and eliminate Child marriage in Indonesia. However, these efforts have not been fully successful; it is necessary to enforce the article on the sanctions on the marriage law to strengthen the law.

KEYWORDS. Implementation, Legal Renewal, Child Marriage

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Introduction

Indonesia or that also called the State (NKRI), the Unitary Republic of Indonesia where the state Island the largest in the world which is divided into 17,504 islands¹ with a total population of 270,054,853 people in 2018² become one of the wealthiest countries in terms of ethnic, linguistic and religious diversity. Furthermore, the number of tribes in Indonesia reaches 1340, which are spread from Sabang to Merauke³. This is not without reason, seen from Indonesia's extent 1,922,570 km² on land and sea 3,257,483 km². Suppose the total reaches 5,180,053 km². This then became a challenge for the Indonesian government to be able to achieve the diversity and breadth of Indonesia's territory, so that in 1999 the first time regional autonomy was listed in "Law Number 22 the Year 1999" which aims to develop the potential of each region to achieve the welfare of the community. And development progress in Indonesia.⁴

¹ Dari 17.504 Pulau Di Indonesia, 16.056 Telah Diverifikasi PBB, Merdeka.Com.

² Central Bureau of Statistics, BPS Catalog: 2101018, BPS, 2013.

³ 'Suku Bangsa | Indonesia.Go.Id' <<https://www.indonesia.go.id/profil/suku-bangsa>> [accessed 22 November 2020]. "Tribes of Nations | Indonesia.Go.Id" <<https://www.indonesia.go.id/profil/suku-bangsa>> [accessed 22 November 2020].

⁴ Bayu Kharisma, 'Desentralisasi Fiskal Dan Pertumbuhan Ekonomi : Sebelum Dan Sesudah Era Desentralisasi Fiskal Di Indonesia', *Jurnal Ekonomi Dan Studi Pembangunan*, 14.2 (2013), 101–19. Bayu Kharisma, "Fiscal Decentralization and Economic Growth: Before and After the Era of Fiscal Decentralization in Indonesia", *Journal of Economics and Development Studies*, 14.2 (2013), 101–19.

In the development of regional autonomy in Indonesia in 2002, it only consisted of 32 provinces. Furthermore, in 2012 it added two other regions with great potential for expansion due to geographical area and potential natural resources. The parts are North Kalimantan (Kaltara) and West Sulawesi (Sulbar).⁵ West Sulawesi Province itself is a province in Indonesia which is in the west directly adjacent to Sulawesi South and West Sulawesi. The creation of West Sulawesi Province has been fought for since 1960, and in the end, it was found momentum in 1999 when the reform movement. The long struggle for the creation of West Sulawesi Province has been manifested through the Mandar community's extraordinary efforts with the Members of the Indonesian House of Representatives' support through the input of the Members' ideas regarding the new autonomous regional regulations. By date October 5, 2004, West Sulawesi Province was officially created based on Law 26 of 2004.

Being an area with high potential from natural resources and geographically, West Sulawesi is one of the relatively fast provinces in its development. Judging from Government development in West Sulawesi in 2019, it has experienced consequences followed by the continued increase in the West Sulawesi Human Development Index (HDI). In 2019, West Sulawesi's HDI was already at 65.73. This figure increased by 0.63 points or grew by 0.97 percent compared to the HDI of West Sulawesi in 2018, which was 65.10. But alternating with the direction of development in West Sulawesi province, several other factors apparently hinder the development of the quality of human resources in West Sulawesi province, one of which is Child marriage.

In the State of Indonesia, the practice of child marriage has spread to 34 provinces with various statistical figures. Women aged 20 to 24 who directly marry before they turned 18 in 2018 are predicted to reach 1,220,900. This nominally ranks Indonesia as the 10th country with the highest number of child marriages in the world. For women aged 20-24 who have been married, for the first time less than 18 years of age, the total figure is above 30%. Here are some provinces in Indonesia with the highest percentage of Child marriage, including the new autonomous region, namely Central

⁵ 'Provinsi Di Indonesia - BELAJAR KURIKULUM 2013' <<https://www.damaruta.com/2015/08/provinsi-di-indonesia.html>> [accessed 17 November 2020]. "Provinces in Indonesia - BELAJAR KURIKULUM 2013" <<https://www.damaruta.com/2015/08/provinsi-di-indonesia.html>> [accessed 17 November 2020].

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Sulawesi (31, 91%), West Kalimantan (32.21%), South Kalimantan (33.68%), and West Sulawesi (34%),

This is in line with the data, which shows that child marriage is related to various factors with a systematic nature or those from the population, family, or individual abilities. Susenas and literature studies' findings show that the group that often occurs in child marriage are girls, children who are in a low economy, live in rural areas, and have minimal knowledge. Female workers under the age of 18 are likely to take steps to work in illegal fields and are therefore more vulnerable than women in the same age group who marry after 18 years and work⁶.

Many human rights organizations respond to national or international ratios related to Child Marriage in Indonesia, especially on the negative impacts resulting from child marriage, namely: reduced opportunities for educators, vulnerability to reproductive health, an increase in the threat of death in infant and child marriages, physical trauma and psychological, intergenerational poverty, isolation/exclusion, violence in the family, trafficking in persons, divorce and sexual violence⁷. The practice of Child child marriage has virtually ended the teenage period for these children, which should have been a period of physical and social, emotional change for them. Child marriage inevitably dwarfs the abilities that some adolescents (millennial and millennial) have this state, of course⁸.

In essence, the Law in Indonesia itself has regulated Child marriage since 1974. Where? This legal product is an attempt by the Indonesian people to control women's protection, especially minors, in engaging in marriage ties. The legal reform regarding the transition of Law 1 of 1974 concerning "Marriage" has a background of relations to the Constitutional Court of the Republic of Indonesia which issued a Constitutional Court Decree Number 22 / PUU-XV / 2017 concerning "The Age Limit for Marriage for Women"⁹ Furthermore, in October 2019 the Indonesian government again issued Law

⁶ Badan Pusat Statistik, 'Pencegahan Perkawinan Anak Percepatan Yang Tidak Bisa Ditunda', *Badan Pusat Statistik*, 2020, 0–44. Central Bureau of Statistics, "Prevention of Child Marriage that Cannot be Delayed", Central Bureau of Statistics, 2020, 0–44.

⁷ Ahmad Juhaidi and Masyithah Umar, 'Pernikahan Dini, Pendidikan, Kesehatan Dan Kemiskinan Di Indonesia : Masihkah Berkorelasi?', *Khazanah: Jurnal Studi Islam Dan Humaniora*, 18.1 (2020), 1 <<https://doi.org/10.18592/khazanah.v18i1.3585>>.

⁸ Hapid Ali, 'Tinjauan Hukum Terhadap Perkawinan Di Bawah Umur Dihubungkan Dengan Undang-Undang', 4.1 (2020), 7.

⁹ Rafiah Septarini STIS Hidayatullah Balikpapan, 'Jurnal Ulumul Syar'i, Juni 2019', *Jurnal Ulumul Syar'i*, 8.1. Rafiah Septarini STIS Hidayatullah Balikpapan, "Ulumul Syar Journal" i, June 2019 ", *Ulumul Syar Journal* " i, 8.1.

Number 16 of 2019 for legal reform efforts to Law number 1 of 1974 concerning "marriage", this effort is solely aimed at guaranteeing the right of the state community to create a family and connect generations through official marriage, ensure the child's right to survive, develop and grow and have the right to protection from discrimination and violence and in fact marriage at the age of the child has a negative effect on children's development and will result in the inadequacy of children's fundamental rights such as education rights, health rights, children's civil rights, the right to protection from children's social rights, violence and discrimination¹⁰.

Examining Indonesia's legal reform efforts requires strategic efforts to evaluate whether a statutory product has achieved its formation objectives. According to the theory put forward by William Dunn that "evaluation is intended to assess a public policy, the extent to which the effectiveness of the policy can be accounted for to the public." Besides, from the existence of an evaluation, the public can obtain legal information from the policy process course so that the government can carry out further assessments and improvements to perfect a policy.

Furthermore, related to the evaluation of Child marriage problems, there have been many studies, One of which has been done previously is a research done by Putri Karonia Wahyu (2008) entitled "Evaluation of the Implementation of the Policy on Postponement of Child Childhood Marriage through the 12-year Compulsory Education Program as a Prerequisite for Marriage in Ngadisari Village"¹¹ and research conducted by Ana (2019) entitled Child Marriage in Indonesia: Government Factors and Roles (from the point of view of Law Enforcement and Protection of Children)¹² however, there has been no further research on the evaluation of the implementation of

¹⁰ Hukum Online.com, 'Undang Undang Nomor 16 Tahun 2019 Tentang Perubahan Atas UU No. 1 Tahun 1974 Tentang Perkawinan', 2019, 1–5. Hukum Online.com, "Law Number 16 Year 2019 Concerning Amendments to Law No. 1 of 1974 Concerning Marriage", 2019, 1–5.

¹¹ Wahyu Karonia Putri, 'evaluasi implementasi kebijakan penundaan pernikahan usia dini melalui program wajib belajar 12 tahun sebagai prasyarat menikah warga di desa ngadisari', 2018. Wahyu Karonia Putri, "evaluation of the implementation of the child marriage delay policy through 12 years mandatory study programs as a private vocational school of citizens in Ngadisari", 2018.

¹² Ana Latifatul Muntamah, Dian Latifiani, and Ridwan Arifin, 'Pernikahan Dini Di Indonesia: Faktor Dan Peran Pemerintah (Perspektif Penegakan Dan Perlindungan Hukum Bagi Anak)', *Widya Yuridika*, 2.1 (2019), 1 <<https://doi.org/10.31328/wy.v2i1.823>>. Ana Latifatul Muntamah, Dian Latifiani, and Ridwan Arifin, "Child Marriage in Indonesia: Factors and Roles of Government (Perspective of Law Enforcement and Protection of Children)", *Widya Yuridika*, 2.1 (2019), 1 <<https://doi.org/10.31328/wy.v2i1.823>>.

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the law Number 16 of 2019 concerning Marriage in Indonesia. For this reason, the purpose of this study is to examine further how the performance of legal reforms related to the problem of Child marriage in Indonesia.

Method

This study uses a literature review method as outlined in descriptive research. Literature review in research exposure to theories, findings, and other research materials obtained from reference materials to be the basis for research activities to make a solid frame of mind from the formulation of the problems to be studied. Literature reviews can contain explanations, summaries, and considerations of the author's thoughts on several literature sources (articles, books, slides, info from the internet, etc.) regarding the theme being reviewed. A useful literature review must be relevant, current, and adequate. This study's results have a descriptive-analytic nature because this research creates and collects data by detailing the facts of several Normative Laws regarding Child marriage.

Source a. Researchers used primary data divided into Law Number 16 of 2019 and the Decision of the Constitutional Court Number 22 / PUU-XV / 2017. b. Secondary sources of law are additional data that provide support for primary books, from books, the internet, theses, and accurate and accountable sources of information. The process of collecting data is done by searching the literature, namely by discussing and examining several library materials related to the topic of discussion. This data analysis system uses a content analysis system from the implications in the form of regional provisions, programs, and other efforts from the local government to carry out Law Number 16 of 2019 concerning Child marriage.

Socio-Cultural Context in Five Provinces with the Highest Percentage in Indonesia

A. West Sulawesi

West Sulawesi is a province ranked first in the majority of underage marriages; according to data from the Central Statistics Agency (BPS) of West Sulawesi in 2015, 11.58 percent of children in Islam were married at the age of under 16 years. Then the BPS report in 2016 said that child

marriage in West Sulawesi ranks first in Indonesia with a value of 34 percent¹³.

The high rate of Child Marriage in West Sulawesi has had many impacts, namely the high ratio of infant and maternal mortality, stunting, divorce rates, domestic violence, and even high school dropout rates. The many implications of Child marriage have made Ali Baal Masdar, as the Governor, make a commitment and be at the forefront regarding the handling and prevention of first marriage is one of the West Sulawesi government's strategic issues.

In the province of West Sulawesi itself, it is estimated that there are 114,741 married women with an average age of under 21 years, and men who are married under the age of 25 years is 94,567. This figure is relatively high, considering that West Sulawesi province is a young province with a small geographical location compared to other regions on the island of Sulawesi¹⁴.

B. Central Sulawesi

Central Sulawesi also contributes to Child marriage rates nationally. It cannot be denied that Central Sulawesi is a contributor to cases of first Marriage in Indonesia. Nationally, Central Sulawesi is in the third rank with the number of instances of 31.91 percent. Generally, children aged 15-17 with unmarried status have never been married; presentations of Child marriage are hammer city 6.90 percent, Tojo Una Regency 12.84, Sigi Regency 13.77 Banggai Islands Regency 15.37 percent, and Banggai Laut Regency 15.83 percent.¹⁵Nationally, the percentage of Central Sulawesi province reached 58.9% with cases under 20 years of age. The socio-cultural factors that most trigger this are dropout rates, loss of hope for work opportunities.

The social problem that has triggered Child Marriage in Central Sulawesi province is the recovery after the natural disaster on 28 September 2018. This is mainly due to the weakening of family functions due to natural disaster victims, thus providing Education and understanding of Education, especially mothers' role in the family.

The government, through general administrative assistants, law, and organizations where post-disaster occurred in Central Sulawesi, caused

¹³ BPS Provinsi Sulawesi Barat, *Katalog Publikasi*, 2020.

¹⁴ Badan Pusat Statistik. Central Bureau of Statistics.

¹⁵ 'Sulawesi Tengah, Peringkat 3 Perkawinan Anak Usia Dini Di Indonesia'. "Central Sulawesi, Rank 3 Child Child Marriage in Indonesia".

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several social problems, including very high Child marriages. In response to this problem, the government invites us to cooperate with BKKBN as a technical agency that handles first marriage with related parties to overcome these social problems. That is because the issue of Child Marriage or Indonesian children has become the international spotlight.¹⁶ Based on UNICEF and BPS data, there are around 1,800 children under 18 years of marriage every day. This figure is comparable to the calculation of 4 girls, 1 of whom was married before 18.¹⁷

C. Central Kalimantan

Based on the facts from the Central Kalimantan Statistics Agency (BPS), until now, Child Marriage in Central Kalimantan is relatively high, reaching a percentage of 20.02 first marriage rates.¹⁸ The backgrounds for first Marriage in Central Kalimantan are very diverse. There is no school fee for children, so parents of children prefer to directly engage in marriage, which will reduce the family burden. Still, it adds to the load on the state, plus a lack of understanding of family planning which impacts on the child so that the condition of the child is increasingly difficult, both from factors of childbirth, health, welfare, social, etc., for this reason, it must be avoided or minimized its spread.¹⁹

The cases of Child Marriage in Central Kalimantan are very evenly distributed in rural and urban areas. So that the intervention carried out by the government is carried out in a balanced manner in all districts/cities. Interventions carried out by the government are through various programs aimed at increasing the knowledge of parents and children, from family

¹⁶ 'Sulteng Penyumbang Pernikahan Dini | Metrosulawesi'. "Central Sulawesi contributes to Child Marriage | Metrosulawesi".

¹⁷ Abdi Fauji Hadiono, 'Pernikahan Dini Dalam Perspektif Psikologi Komunikasi', *Jurnal Darussalam*, 9.2 (2018), 385–97 <<http://ejournal.iaida.ac.id/index.php/darussalam/article/view/237/210>>.

¹⁸ 'Data Badan Pusat Statistik: Angka Pernikahan Dini Di Kalimantan Selatan Tertinggi Di Indonesia - Health Liputan6.Com' <<https://www.liputan6.com/health/read/4351605/data-badan-pusat-statistik-angka-pernikahan-dini-di-kalimantan-selatan-tertinggi-di-indonesia>> [accessed 25 November 2020]. "Data from the Central Bureau of Statistics: The Highest Child Marriage Rate in South Kalimantan in Indonesia - Health Liputan6.Com" <<https://www.liputan6.com/health/read/4351605/data-badan-pusat-statistik-angka-perikah-dini-di-kalimantan-selatan-high-di-indonesia>> [accessed 25 November 2020].

¹⁹ 'Data Badan Pusat Statistik: Angka Pernikahan Dini Di Kalimantan Selatan Tertinggi Di Indonesia - Health Liputan6.Com'. "Data from the Central Bureau of Statistics: The Highest Child Marriage Rate in South Kalimantan in Indonesia - Health Liputan6.Com".

resilience-building programs, marital maturity, and others. The Central Kalimantan BKKBN regularly conducts a selection of genre ambassadors to spur the younger generation's achievements to avoid a variety of activities that lead to negative traits or promiscuity.²⁰

D. East Kalimantan

According to data from the Regional Office of the Ministry of Religion of East Kalimantan in 2019, there were 845 child marriage incidents. Until the first semester of 2020, it decreased to 418 experiences consisting of 89 for men and 329 for women. The nominal Child marriage took place in Paser Regency in 2019. There were 111 registered cases. Although this figure has decreased significantly, the East Kalimantan Provincial Government is expected to be more inclined to conduct socialization and make anticipatory rules in a synergistic effort to provide education and enlightenment on stem Child marriage.²¹

Based on data from The Department of Population, Women's Empowerment and Child Protection (DKP3A) of East Kalimantan Province said that 1,131 children were married underage. From this data, in 2017, there were 542 marriages with the following details: 470 women and 72 men. Furthermore, in 2018 there were 589 child marriages, consisting of 491 girls and 98 boys²². According to data from the Central Bureau of Statistics, Especially in Samarinda, 1 out of 4 girls in the town of Samarinda has been married at the age below 18 years.²³

This does not happen without reason, including poverty, minimal education, a strict culture, and social values changes. This is, of course, not

²⁰ Samuel M Simanjuntak and Mikaria Doloksaribu, 'Pengetahuan Siswa Tentang Resiko Menikah Dini Melalui Pendekatan Promosi Kesehatan', *ABDIMAS: Jurnal Pengabdian Masyarakat*, 3.2 (2020), 247–54 <<https://doi.org/10.35568/abdimas.v3i2.459>>.

²¹ 'Dibandingkan Tahun 2019, Kasus Pernikahan Dini Di Kaltim Tahun Ini Menurun - Suara Kaltim' <<https://kaltim.suara.com/read/2020/11/13/061335/dibandingkan-tahun-2019-kasus-pernikahan-dini-di-kaltim-tahun-ini-menurun>> [accessed 22 November 2020]. "Compared to 2019, cases of Child marriage in East Kalimantan this year are decreasing - Suara Kaltim" <<https://kaltim.suara.com/read/2020/11/13/061335/dibompared-tahun-2019-kasus-perikah-dini-di-kaltim-tahun-ini-decreased>> [accessed 22 November 2020].

²² '1.131 Anak Di Kalimantan Timur Menikah Dini | Merdeka.Com' <<https://www.merdeka.com/peristiwa/1131-anak-di-kalimantan-timur-menikah-dini.html>> [accessed 25 November 2020]. "1,131 Children In East Kalimantan Are Child Married | Merdeka.Com" <<https://www.merdeka.com/peristiwa/1131-anak-di-kalimantan-timur-menikah-dini.html>> [accessed 25 November 2020].

²³ BPS-Statistics, *Indikator Kesejahteraan Rakyat, Katalog*, 2019, 4102004.64. BPS-Statistics, *Indicators of People's Welfare, Catalog*, 2019, 4102004.64.

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without cause to be prohibited, considering that the consequences of Child marriage, the high divorce rate will then have a direct impact on the low quality of human resources.²⁴

E. South Borneo

In the province of South Kalimantan, Tanah Bumbu district is the area with the highest rate of Child Marriage in Central Kalimantan, replacing Hulu Sungai Utara Regency based on data from the Ministry of Village Research in 2011. The quality of first Marriage in South Kalimantan reached a high ratio of 51/1000 population. Where this figure is very far from the national average because of around 40/1000 people. With the rate of Child childbirth, this province ranks second with 53/1000 population. Of course, this condition is very apprehensive, considering this is in line with the close chance of a divorce case because it is not ready to build a household foundation with immature age.

One of the cases that occurred in 2018, namely the young couple Zainal who is 14 years old and Ira 15 years old, even following Zainal's confession that the marriage that was carried out at his grandmother's house was not due to matchmaking or an element of coercion but because of feelings of love²⁵. This, of course, raises a polemic as assumed by Yohana Yembise as Minister of Women Empowerment and Child Protection "the last condition I got in South Kalimantan was that the marriage was considered invalid." Furthermore, this young couple was then taken to the Integrated Service Center Escort to protect and empower women. Children in the district/city.²⁶ Again, by (PPPA) the Ministry of Women's Empowerment and Child Protection, Child marriage occurred in South Kalimantan where first marriage for children aged 14 and 15 years became a severe problem.

Regent Tapin Gusti Syahrar responded to this " *It was true the marriage was canceled because it was not following the marriage law, and*

²⁴ Agi Yulia Ria Dini and Vina Febriani Nurhelita, 'Hubungan Pengetahuan Remaja Putri Tentang Pendewasaan Usia Perkawinan Terhadap Risiko Pernikahan Usia Dini', *Jurnal Kesehatan*, 11.1 (2020), 1434–43 <<https://doi.org/10.38165/jk.v11i1.197>>.

²⁵ Menteri PPPA Yohana: Pernikahan Anak Usia Dini Di Kalsel Tidak Sah' <<https://www.inews.id/news/nasional/menteri-pppa-yohana-pernikahan-anak-usia-dini-di-kalsel-tidak-sah>> [accessed 25 November 2020]. "PPPA Minister Yohana: Child Childhood Marriage in South Kalimantan is Illegal" <<https://www.inews.id/news/nasional/menteri-pppa-yohana-peredding-anak-usia-dini-di-kalsel-tidak-sah>> [accessed 25 November 2020].

²⁶ 'Menteri PPPA Yohana: Pernikahan Anak Usia Dini Di Kalsel Tidak Sah'. "PPPA Minister Yohana: Child Childhood Marriage in South Kalimantan Is Not Legitimate".

*we also really don't want things like this to happen again*²⁷. Thus, responding to this regional head's role is very important to explain. The population understands and is aware of the risks of Child marriage, where the risk exacerbates children from first marriages due to being too young to cause death.²⁸

F. West Kalimantan

Child marriage still often occurs in West Kalimantan, where the province is included the five regions in Indonesia, the highest rate of first Marriage in Indonesia, were in West Kalimantan society, especially women aged 18 years and under apparently decide to start household life earlier, according to data from BKKBN for women under the age of 16 years of first marriage in 2017 ranged from 7.76 percent, aged 17-18 years ranged from 14.58 percent and 11 and above ranged from 51.75 percent, and from the data shown by the regional BKKBN the highest rate of marriage young people in Kapuas Hulu district where the age of marriage under 16 is around 19.65 percent.²⁹

The high number of Child marriages in the province of West Kalimantan has made the BKKBN, the Department of Women Empowerment, and the Ministry of Women Empowerment and Child Protection, children at the local government level, must work together to reduce child marriage. The main goal in overcoming Child marriage is where children must be given opportunities to pursue careers, demand proper education, and plan for a better family life far from violence in the household. The high level of Child marriage made the West Kalimantan governor make a policy to tackle first marriage in his territory, where the procedure was free schools for villages³⁰. Villages that are unable to afford so that children can

²⁷ 'Kasus Pernikahan Dini Di Tapin, Antara Kebiasaan Dan Kemampuan Ekonomi - BBC News Indonesia' <<https://www.bbc.com/indonesia/indonesia-44900871>> [accessed 25 November 2020]. "The Case of Child Marriage in Tapin, Between Habits and Economic Capabilities - BBC News Indonesia" <<https://www.bbc.com/indonesia/indonesia-44900871>> [accessed 25 November 2020].

²⁸ 'Pemerintah Minta Kepala Daerah Serius Cegah Pernikahan Anak'. "The government asks regional heads to seriously prevent child marriage".

²⁹ 'Kabupaten Kapuas Hulu Menjadi Daerah Dengan Tingkat Pernikahan Dini Terbesar - Tribun Pontianak'. "Kapuas Hulu Regency is the Region with the Biggest Child Marriage Rate - Tribun Pontianak".

³⁰ Ratna Dwi Wulandari and Agung Dwi Laksono, 'Hubungan Status Ekonomi Terhadap Pernikahan Dini Pada Perempuan Di Perdesaan Indonesia', *Jurnal Kesehatan Reproduksi*, 11.2 (2020), 115-24 <<https://doi.org/10.22435/kespro.v11i2.3870.115-124>>.

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go to school like young children throughout Indonesia. The approach is an attempt to prevent West Kalimantan teenagers from marrying young.³¹

Analysis of the Factors Causing High Child Marriage

Some factors lead to Child marriages that are often encountered in the community, namely:

- a. Their ambition, both young people, feel that they both like them and that those who already have a partner or idol are influenced to marry at a relatively young age. Besides their own will, they are usually in tune with the child's relationships and friendship. For example, promiscuity that causes premarital pregnancy due to free sex among adolescents has also become a moral burden for the Indonesian nation to date.
- b. Education, lack of knowledge, and parental Education resulted in a tendency to marry underage children³². The ratio of adolescents with low education has an index of 4.259 times (ODS ratio) higher for Child marriage compared to adolescents with soft educational background.³³. Based on data from the Central Bureau of Statistics. Generally, women aged 20 to 24 years which immediately married before the age of 18 have not continued their schooling anymore.
- c. family, because parents are not able to send their children to school until they are immediately married off, because of the lack of determination of the child to go to school and the factors that will make a spinster, therefore one way out is to be married as soon as possible when there is a mate.³⁴

³¹ 'Pernikahan Dini Di Kalbar Masuk 5 Besar Indonesia, Dua Kabupaten Wilayah Pesisir Paling Tinggi - Halaman 3 - Tribun Pontianak'. "Child Marriage in West Kalimantan is in the Top 5 in Indonesia, the Two Regencies in the Highest Coastal Area - Page 3 - Tribun Pontianak".

³² Irne W Desiyanti, 'Faktor-Faktor Yang Berhubungan Terhadap Pernikahan Dini Pada Pasangan Usia Subur Di Kecamatan Mapanget Kota Manado Factors Associated With Early Mariage In Couples Of Childbearing Age At Kecamatan Mapanget Manado City', *Jikmu*, 5.2 (2015), 270–80. Irne W Desiyanti, "Factors Related to Child Marriage in Fertile Couples in Mapanget District, Manado City. Factors Associated With Child Mariage In Couples Of Childbearing Age At Mapanget Manado City District", *Jikmu*, 5.2 (2015), 270–80.

³³ Farida Farida, 'Pencegahan Perkawinan Anak Ucapan Terima Kasih', *Analisa*, XVI.01 (2009), 1–3. Farida.

³⁴ Fachria Octaviani, 'Dampak Pernikahan Usia Dini Terhadap Perceraian Di Indonesia', *Unpas.*, 2020.

- d. Economy, Marriage at a relatively young age because of the family situation which is in the underprivileged group, to reduce the burden on the parents because of that their daughter is married to someone who is considered capable, This factor is also a dominant factor, especially for girls in rural areas who drop out of school.³⁵
- e. Adat, where some people see that Child marriage is still reasonable for children or adolescents, where this custom makes it a challenging tradition to break in the community.³⁶

Implementation of Child Marriage Law Reform in Indonesia based on Law Number 16 of 2019 concerning about marriage

In the context of legal reform, it is in line with the demands that the laws and regulations are flexible, not rigid or mean following the orders of social change in society.³⁷ For this reason, to reform the marriage law and case evaluation in Indonesia, several changes to the rules and regulations have been implemented to avoid legal flaws in the pattern of social life. Furthermore, it is stated that the arrangement of other minimum age limits for marriage between men and women has created discrimination in the framework of implementing the right to make a family as covered in the 1945 Constitution Article 28B paragraph (1). Still, it has presented problems with the protection and fulfillment of children's rights as included in the Article 28B paragraph 2 states that when women are below the age of men, according to law, women can form a family more quickly.

Therefore, the Constitutional Court decision instructed the formation of the law into three maximum periods to make changes to Law No.1 of 1974 concerning "marriage" so that Law No. 16 of 2019 was born regarding the revision of Law 1 of 1974 concerning Marriage. Ethical reform in Law

³⁵ Verawati, et.al., 'Pengaruh Komunikasi Interpersonal Terhadap Pengetahuan Dan Sikap Remaja Dalam Upaya Pencegahan Pernikahan Dini Di Kabupaten Mamuju', *Bina Generasi; Jurnal Kesehatan*, 38.1 (2020), 1–7.

³⁶ Akhiruddin, 'DAMPAK PERNIKAHAN USIA MUDA (Studi Kasus Di Desa Mattirowalie Kecamatan Libureng Kabupaten Bone)', *Mahkamah*, 1.1 (2016), 205–22. Akhiruddin, "THE IMPACT OF YOUNG WEDDING (Case Study in Mattirowalie Village, Libureng District, Bone Regency)", *Court*, 1.1 (2016), 205–22.

³⁷ Badan Pembinaan, Hukum Nasional, and Kementerian Hukum., *Rechtsvinding*, 2.3 (2012), 257–75. Development Agency, National Law, and Ministry of Law, *Rechtsvinding*, 2.3 (2012), 257–75.

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Number 1 of 1974 reaches the age limit; good reform increases the minimum age limit of marriage for women. The minimum age of marriage for women is the same as for men, 19 (nineteen) years. Age limitation is interpreted as being considered mature in mind and body so that marriage can be carried out to realize a more quality marriage direction without divorce at the end to get healthy offspring. Efforts to increase the age limit of 16 years for women to marry will lead to a low ratio of births and reduce maternal and child mortality. Apart from being able to realize children's rights, up to the highest point of child development, the role of parents, and providing children's access to education is also included.³⁸

As for the primary considerations for amendments in Law 16 of 2019 concerning amendments to Law 1 of 1974 concerning marriage, namely: "The state guarantees the right of citizens to form families and continue their offspring through legal marriage, guarantees children's rights to survival," grow, develop and are entitled to protection from violence and discrimination; Marriage at the age of children has a negative impact on the development of children and will cause the fundamental rights of children to be not fulfilled, such as the right to protection from violence and discrimination, children's civil rights, health rights, education rights, and children's social rights; implementation of the decision of the Constitutional Court of the Republic of Indonesia Number 22 / PUU-XV / 2017 requires amendments to the provisions of Article 7 of Law Number 1 of 1974 concerning Marriage.³⁹

In essence, this change in law has resulted in a new law that provides legal compliance for every individual in society, especially minors, and the role of parents and family in it. There are weaknesses in these laws, namely sanctions that will be given if the implementation is not able to be carried out as well as possible. This matter is important because where the negative impact arising from this Child marriage is very damaging to the order of life of the nation⁴⁰.

³⁸ Mukhlis Mukhlis, 'Pembaharuan Hukum Perkawinan Di Indonesia', *ADLIYA: Jurnal Hukum Dan Kemanusiaan*, 11.1 (2019), 59–78 <<https://doi.org/10.15575/adliya.v11i1.4852>>. Mukhlis Mukhlis, "Renewing Marriage Law in Indonesia", *ADLIYA: Journal of Law and Humanity*, 11.1 (2019), 59–78 <<https://doi.org/10.15575/adliya.v11i1.4852>>.

³⁹ Herti Windya Puspasari and others, 'Masalah Kesehatan Ibu Dan Anak Pada Pernikahan Usia Dini Di Beberapa Etnis Indonesia : Dampak Dan Pencegahannya Maternal And Child Health Problems In Early Age Marriage At Several Ethnic Indonesia : The Impact And Prevention', *Buletin Penelitian Sistem Kesehatan*, 23. Oktober (2020), 275–83.

⁴⁰ Fachria Octaviani.

But in an effort to reform the Law of Child Marriage as stated in Law Number 16 of 2019 that there is an alternative that can be done is by strengthening several institutional and ministerial functions by issuing technical provisions to make it difficult for underage marriages to take place. However, strategic arrangements are needed between relevant ministries such as the Supreme Court, the Ministry of Religion, the Ministry of Women's Empowerment and Child Protection, the Ministry of Health, the Ministry of Home Affairs, the Ministry of Education and Culture, and the State Commission in charge of child protection. The aim is to achieve a decision solution that has a national character so that Child marriage can be addressed thoroughly and rooted in Indonesia.

Some of these steps are the strict regulatory instructions first, for issuing NI (Marriage Cover Letter), N2 (Marriage Request Letter), and N4 (Parental Consent Letter) to all sub-districts and village offices as publishers and officials in charge of administrative matters to the Office of Religious Affairs (KUA) to people who are getting married Child. Second, the Supreme Court should issue leaflets to all PAs in Indonesia according to PERMA (Peraturan Mahkamah Agung) number 15 in 2019 not to facilitate the issuance of dispensation letters to the catin who will match first. Third, if points 1 and 2 above cannot be made, then it needs further arrangement if the child is a minor when before the marriage vow is fulfilled, he is required to follow the demands of personal counseling guidance or psychological tests from related institutions, except following marriage guidance activities (big win).

Furthermore, in terms of evaluation in this law, based on the fact the regional government is making full efforts to enforce Child marriage legal reform, both from local regulations, related official programs, and other social activities. In West Sulawesi Province, the Governor of West Sulawesi issued a circular regarding the prevention and handling of Child childhood marriage. The flyer is circulated to regents in West Sulawesi Province where the Governor of West Sulawesi wants to create quality human resources in West Sulawesi ⁴¹listed in circular number 12 of 2019, regents throughout West Sulawesi Province through the Regional Apparatus Organization (OPD) can carry out prevention and treatment of Child childhood marriage. The regent of West Sulawesi playing a role in dealing with the problem of first marriage in his region where the regent can carry out specific programs to handle Child marriage or create activities in each of the relevant Regional

⁴¹ "Sulbarkita.Com | Culture and Nature West Sulawesi - News ".

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Apparatus Organizations, for example, forming a working group (POKJA) consisting of cross sectors. From the establishment of the Working Group (POKJA) to ensure the supervision of Child childhood marriage by implementing inclusive values and gender equality. However, during the pandemic Covid-19 the case of child marriage increase significantly.

One of the most familiar LWGs and responsible for child marriage is GENRE. This program is a development program of the BKKBN office in order to prepare family life for adolescents through education for marriage age maturity, planning for education levels, careers, and marriages in a scheduled manner.⁴² The approach taken is a representative advocacy effort in the school and university environment.

The head of the Central Sulawesi BKKBN said that "*we continue to maximize the planning generation program (genre) in suppressing Child marriage that occurs in Central Sulawesi with the main focus of the genre program inviting teenagers to delay the age of marriage and prevent Child marriage.*" Besides that, in the province of Central Sulawesi, a program was also launched by the Governor of Central Sulawesi. Long Djanggola, namely the Child marriage prevention synergy program "Patujua" "We welcome the Central Sulawesi BKKBN initiative program and all collaborating parties, so far many agencies have implemented programs related to Child marriage prevention efforts individually and with this Patujua program, In the future, it is hoped that we can reduce the number of Child marriages in Central Sulawesi together." This program does not only involve related agencies but also involves community leaders (toma) and religious leaders (toga) so that wrong perceptions of the age of Marriage in Central Sulawesi (Central Sulawesi) society can be corrected and suppressed in such away.⁴³ This is then very important considering the toga and toma are very close to the community, primarily since the root of the problem of Child Marriage in

⁴² 'Duta Genre Indonesia' <<https://www.genreindonesia.com/duta-genre-indonesia/>> [accessed 25 November 2020]. "Duta Genre Indonesia" <<https://www.genreindonesia.com/duta-genre-indonesia/>> [accessed 25 November 2020].

⁴³ 'Gubernur Sulteng Dorong Program "Patujua" Melibatkan Tokoh Toga Dan Toma - SultengRaya' <<https://sultengraya.com/read/102000/gubernur-sulteng-dorong-program-patujua-melibatkan-tokoh-toga-dan-toma/>> [accessed 25 November 2020]. "The Governor of Central Sulawesi Encourages the "Patujua" Program to Involve Toga and Toma Figures - Central Sulawesi" <<https://sultengraya.com/read/102000/guberneng-sulteng-dorong-program-patujua-melibat-tokoh-toga-dan-toma/>> [accessed 25 November 2020].

Central Sulawesi is closely related to the function of toga and toma, namely culture, religion, and parents who still legalize their children to marry Child⁴⁴.

Meanwhile, the first effort made by the Province of Central Kalimantan was to issue a circular letter to abolish and prevent Child marriage to protect children and women in the province. As stated by the Governor of Central Kalimantan Sugianto, "I also invite all regents/mayors and vertical agencies to jointly integrate development resources in fulfilling rights and protecting children from acts of exploitation, violence, abuse, and discrimination." As a result, the relevant agencies began to initiate socialization with cooperation from community institutions, government, customary councils, and community leaders with a quantitative evaluation of one to three years⁴⁵. Not only that, the provincial government is doing everything possible to strengthen the family economy. The Governor believes this of Central Kalimantan to reduce the rate of Child marriage. This is because it is considered a process from the affected family economy, the quality of the family economy so that educational supplies can be fulfilled, which ultimately prevents marrying young.⁴⁶

Unlike the case with the implementation implemented by the province of South Kalimantan, which has boosted the family planning program, the provision of population material in the social studies curriculum, the condition of knowledge of Child marriage in school and the 12-year compulsory education program which is strengthened by the provincial government through the South Kalimantan Provincial Education Office⁴⁷.

⁴⁴ 'Gubernur Sulteng Dorong Program "Patujua" Melibatkan Tokoh Toga Dan Toma - SultengRaya'. "The Governor of Central Sulawesi encourages the " Patujua "program to involve the Toga and Toma figures - Central Sulawesi."

⁴⁵ 'Kalteng Tingkatkan Sosialisasi Cegah Pernikahan Dini - ANTARA News Sulawesi Tenggara' <<https://sultra.antaranews.com/nasional/berita/778015/kalteng-tingkatkan-sosialisasi-cegah-pernikahan-dini>> [accessed 25 November 2020]. "Kalteng Increases Socialization to Prevent Child Marriage - ANTARA News Southeast Sulawesi" <<https://sultra.antaranews.com/nasional/berita/778015/kalteng-t-enhanced-socialisasi-prevent-perikah-dini>> [accessed 25 November 2020].

⁴⁶ 'Gubernur Tekan Angka Pernikahan Dini Di Kalteng Dengan Penguatan Perekonomian - PEMERINTAH PROVINSI KALIMANTAN TENGAH' <<https://www.kalteng.go.id/berita/read/264/gubernur-tekan-angka-pernikahan-dini-di-kalteng-dengan-penguatan-perekonomian>> [accessed 25 November 2020]. "The Governor Reduces Child Marriage Rates in Central Kalimantan With Strengthening the Economy -GOVERNMENT OF CENTRAL KALIMANTAN PROVINCE" <<https://www.kalteng.go.id/berita/read/264/gubernur-tekan-angka-peredding-dini-di-kalteng-with-strengthening-economy>> [accessed 25 November 2020].

⁴⁷ 'Wajar 12 Tahun Cegah Pernikahan Dini - ANTARA News Kalimantan Selatan' <<https://kalsel.antaranews.com/berita/30254/wajar-12-tahun-cegah-pernikahan-dini>>

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This was stated by the Regent of Hulu Sungai Tengah Ngadimun. "*Various family planning programs include: Child marriage, can be included in the population material included in the social studies curriculum.*" Besides, in 2019, the province of South Kalimantan played a crucial role in carrying out socialization through social and electronic media and Focus Group Discussions (FGD) in districts/cities with the highest rates of Child marriage such as Tanah Lat, Hulu Sungai Selatan, Banjar, Balangan, Hulu Sungai North, Hulu Sungai Tengah, Kuala, and Barito.⁴⁸

For this reason, seeing the many efforts that have been made by several regions to implement Law Number 16 of 2019, the author seeks to summarize several stages that have been taken by several provincial governments with areas/villages where Child marriage rates are still high, therefore, the government should promote:

1. The Individual Approach section with a reminder. The Marriage Registration Officer carries out this stage from the Kelurahan/hamlet office to the Religious Affairs Office (KUA), when a community registers a marriage. Still, on this condition, it is not the same as the Marriage Law in Indonesia.
2. The socialization section handles Child marriage, namely by socializing it to the population, namely through community activity, for example, the Prophet's birthday, cooperation and so on, when the village head welcomes the village head by motivating parents, as the child should continue education as high as at least the child must take education at least high school graduates, with children's education will not think about Child marriage which is detrimental to him because of the negative impact of first marriage and according to the provisions of the Marriage Law so that it is free from violations of the law.
3. The recording section at this stage is the recording of the village head government. Many governments find one Child marriage. However, the government is not responsible for the marriage incident.
4. Postponement of marriage certificate means that it is difficult or perhaps the most challenging process. This step was taken so that residents who

[accessed 25 November 2020]. "Naturally 12 Years to Prevent Child Marriage - ANTARA News South Kalimantan".

⁴⁸ 'Pernikahan Dini Di Kalsel Masih Tinggi, Pemprov: Faktor Budaya Masih Miliki Pengaruh' <<https://kalsel.inews.id/berita/pernikahan-dini-di-kalsel-masih-tinggi-pemprov-faktor-budaya-masih-miliki-pengaruh>> [accessed 25 November 2020]. "Child Marriage in South Kalimantan is Still High, Pemprov: Cultural Factors Still Have an Influence" <<https://kalsel.inews.id/berita/perikah-dini-di-kalsel-masih-tinggi-pemprov-faktor-budaya-masih-miliki-pengaruh>> [accessed 25 November 2020].

had the intention of getting married Child would be given a deterrent effect. Because, if this event always continues, it does not only require a small fee.⁴⁹

In the end, it changes Law Number 1 of 1974 concerning Marriages so that Law 16 of 2019 concerning Amendments to Law 1 of 1974 was born, which was able to be implemented as well as possible by the provincial government as a form of law enforcement in Indonesia. This is also in line with the efforts of the local government or regional heads to reduce the level of poverty, welfare, and quality of human resources; however, after evaluating the implementation of the law, according to data (PPPA) of the Ministry of Women's Empowerment and Child Protection that Child marriage is increasingly an increase of 24 thousand during the pandemic.⁵⁰

Furthermore, from the Directorate General of Religious Courts' data, there are at least 34,000 requests for convenience were submitted from January to the start of the pandemic until June 2020. 97 percent of the recommendations were realized, with a percentage of 60 percent who proposed for convenience of marriage were children under 18 years. Just as quoted from the CNN page, Chief National Population and Family Planning Agency (BKKBN) Hasto Wardoyo said that "Child marriage is part of a social disaster. Child marriage has many negative consequences, such as maternal mortality, infant mortality, child malnutrition, as well as economic impacts".

Conclusion

That based on Law Number 16 of 2019 concerning Amendments to Law 1 of 1974 regarding "marriage" is an effort to reform the law that can be implemented as best as possible by local governments in making approaches, POKJA, programs, social activities in support of efforts to mitigate and eliminate Child Marriage in Indonesia. The goal is very noble based on the

⁴⁹ 'Pernikahan Dini Di Indonesia: Faktor Dan Peran Pemerintah (Perspektif Penegakan Dan Perlindungan Hukum Bagi Anak)', *Widya Yuridika*, 2.1 (2019), 1 <<https://doi.org/10.31328/wy.v2i1.823>>. Government factors and roles, "Child Marriage in Indonesia: Factors and Role of Government (Perspective of Law Enforcement and Protection of Children)", *Widya Yuridika*, 2.1 (2019), 1 <<https://doi.org/10.31328/wy.v2i1.823>>.

⁵⁰ 'Kasus Pernikahan Dini Meningkatkan Selama Masa Pandemi' <<https://yoursay.suara.com/news/2020/10/21/110151/kasus-pernikahan-dini-meningkat-selama-masa-pandemi>> [accessed 25 November 2020]. "Child Marriage Cases Increase During the Pandemic Period" <<https://yoursay.suara.com/news/2020/10/21/110151/kasus-peredding-dini-men-increase-selama-masa-pandemi>> [accessed 25 November 2020].

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principle of Pancasila humanity and the Indonesian people's welfare, so that marriage needs to be eliminated from Indonesian society's habits. Still, these efforts have not been entirely successful in achieving national goals. In the future, it is necessary to take a firm stance from both legislators and local governments to reduce Child marriage to its roots. This is mainly emphasized in planning the formation of sanctions articles for violating the marriage law in order to prevent degradation of the quality of human resources and the safety of the young generation of Indonesians.

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