

**EFFECTIVENESS OF CHANGES TO LAW NUMBER 1 OF 1974 TO LAW  
NO 16 OF 2019 CONCERNING EARLY MARRIAGE  
(Case Study in Hampan Perak District)**

**Tanzilul Aziz<sup>1</sup> and Abd. Mukhsin<sup>2</sup>**

<sup>1,2</sup>North Sumatra State Islamic University, Medan

Email: [tanzilul.aziz@gmail.com](mailto:tanzilul.aziz@gmail.com)

**ABSTRAK**

Artikel ini bertujuan untuk menganalisis efektifitas Undang-undang No. 16 tahun 2019 dalam mendegradasi angka pernikahan dini. Indonesia merupakan negara yang penduduknya terhitung masif dalam pernikahan usia dini. Pernikahan usia dini sah-sah saja dilakukan dengan syarat dan ketentuan yang terpenuhi. Ironisnya, sejalan dengan maraknya pernikahan usia dini, angka perceraian justru ikut meningkat. Lebih lanjut lagi, penggugat cerai adalah remaja-remaja yang awalnya melakukan pernikahan usia dini. Urgensi penelitian ini adalah untuk meninjau efektifitas Undang-undang dalam mengurangi angka pernikahan dini di Kecamatan Hampan Perak. Artikel ini menggunakan metode kualitatif dengan pendekatan yuridis normatif. Adapun teknik pengumpulan data yang digunakan adalah wawancara, observasi dan dokumentasi. Sumber data primer dalam penelitian ini adalah hasil yang diperoleh melalui wawancara dan observasi sedangkan data sekunder yang digunakan adalah kajian pustaka. Hasil penelitian menunjukkan bahwa di Kecamatan Hampan Perak perubahan Undang-undang ini terhitung efektif karena mampu menekan angka pernikahan usia dini. Meski demikian, penulis masih menemukan beberapa pasangan berusia muda yang memilih untuk menikah. Permasalahan ini dapat ditekan melalui regulasi dan persyaratan yang ketat. Adanya perubahan Undang-undang mengenai usia pernikahan sangat efektif dalam menekan angka pernikahan usia dini di Kecamatan Hampan Perak.

**Keywords:** Efektifitas, Perubahan Undang-undang, Pernikahan Usia Dini.



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**ABSTRACT**

*This article aims to analyze the effectiveness of Law no. 16 of 2019 in reducing the rate of early marriage. Indonesia is a country whose population is relatively large in early marriage. Early marriage is legal if the terms and conditions are met. Ironically, in line with the rise in early marriage, the divorce rate has actually increased. Furthermore, divorce plaintiffs are teenagers who initially married at an early age. The urgency of this research is to review the effectiveness of the law in reducing the number of early marriages in Hampan Perak District. This article uses a qualitative method with a normative juridical approach. The data collection techniques used were interviews, observation and documentation. The primary data source in this research is the results obtained through interviews and observation, while the secondary data used is a literature review. The results of the research show that in Hampan Perak District, changes to this law were effective because they were able to reduce the number of early marriages. However, the author still found several young couples who chose to get married. This problem can be suppressed through strict regulations and requirements. The change in the law regarding the age of marriage is very effective in reducing the number of early marriages in Hampan Perak District.*

**Keywords:** Effectiveness, Changes in Laws, Early Marriage.

**INTRODUCTION**

Early marriage is a marriage carried out by underage teenagers, namely between 13 and 19 years, who can be said to be not yet mature enough, both physically and

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psychologically. According to Hengki (2022) , young marriage means teenage marriage which from an age perspective is still insufficient, where in Law Number 16 of 2019 concerning the age of marriage, the maximum age for young marriage for both men and women is 19 years. At this level, early marriage is specifically discussed with a legal review and supported by psychological arguments. Early marriage has been studied for a long time but has experienced massive development. This can be clearly seen from the changes to Law no. 1 of 1974 with Law no. 16 of 2019.

Nowadays, it cannot be denied that early marriage is very common in Indonesia. Marriage has a high essence both from a religious and social perspective. Ironically, the context of the marriage ritual is still not deeply absorbed among some Indonesian teenagers. As evidence, the author has attached the divorce rate in the introduction and the majority of the plaintiffs are young couples. Some of the problems regarding early marriage are unregistered marriages. Even though religion considers unregistered marriages to be a valid act of worship, according to the state, unregistered marriages are not recognized as legal marriages. Then another problem faced by the Indonesian people in the alternative context of early marriage is the age dispensation and marriage isbat.

Early marriage is a trend nowadays, especially in Indonesia. Reporting from VOA (2022) , referring to data from the Supreme Court, the number of early marriage dispensations in 2019 reached 65,301, much higher than in 2020 which was only 25,281. This problem has given rise to a new contemporary phenomenon in Indonesian society. Basically, this phenomenon has been anticipated by the Indonesian government. Initially, the law regarding the age of marriage in 1974 was set at 16 years for women and 19 years for men. With various considerations, under President Joko Widodo's administration the marriage age for women and men was changed to 19 years. This regulation aims to reduce the *overpopulation* of Indonesia's population. Apart from that, early marriage gives rise to many new problems in society. As a comparison, field survey data shows that divorce in Indonesia in 2020 amounted to 291,677 cases and increased in 2021 to 447,743 cases (Komnas, 2022) .

To emphasize the above phenomenon, divorce data shows that the majority of divorce plaintiffs are couples who married at an early age (Dedoe, 2020) . On Generally, couples who marry at a young age still do not have good mental maturity. Therefore, there needs to be more emphasis and deeper socialization regarding the essence of marriage. The lack of educational contact among teenagers has led to widespread marriage at an early age. This is made worse by the channelization of several religious leaders who always explain the

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wisdom of the marriage ceremony itself. Teenagers who consume lectures on early marriage only want to fulfill their biological needs. This can be clearly seen from several social experiments of young couples who say that the purpose of marriage is to avoid adultery.

The problems that the author describes above are actually related to one another. Siri marriage (marriage without involving KUA) causes many problems for subsequent offspring. Marriages that are not registered by the state will not be able to identify marital status and so on. This unregistered marriage ultimately gave rise to marriage isbat and age dispensation. The reason is that children from early marriages will not be able to be registered as legal citizens because the children's parents were married illegally. The reasons young couples get married show that they do not understand the essence of marriage itself. Statements made by young couples about getting married actually dwarf the value of the ritual of marriage itself. This shows that the wisdom of marriage explained by religious leaders has not touched the true substance and essence.

## **RESEARCH METHODS**

This research is qualitative with a normative juridical approach. The author's approach is to collect material, compile literature studies, analyze data and draw conclusions. This research was conducted at the Religious Affairs Office located at Jalan Perintis Independen No. 2, Klumpang KB. Hamparan Perak District, Deli Serdang Regency, North Sumatra, Postal Code 20374.

The author collected primary data through interviews and observations (Sugiyono, 2014) . Meanwhile, for secondary data the author uses literature review (Creswell, 2014) . Once collected, the author will conduct a content analysis to describe the climate of early marriage (Cohen et al., 2017) . According to Moeloeng (1998) , content analysis is a procedure for optimizing procedures to make a valid conclusion. Furthermore, Holsi in Moeloeng defines it as any technique used to draw conclusions through an effort to discover the characteristics of the message and is done objectively and systematically (Weber, 2017).

## **RESULTS AND DISCUSSION**

The word marriage is mentioned in the Qur'an 23 times with various changes (Baqi, 1994) . In QS al-Nur verse 32 there is a suggestion to get married because the beginning of the verse begins "marry" which is understood as a command sentence. The essence of this verse is that marriage is a form of worship that can prevent humans from heinous behavior (Hamka, 1983) . Unfortunately, marriage is understood by most people only as a ceremonial

form so that the substantive values in marriage are not fully internalized. Current problems show that early marriage gives rise to various problems, so the government is revising the marriage age regulations through the constitution.

Generally, marriage in Islam is much more essential than simply marrying two individuals. Apart from that, Islam also teaches that marriage must be based on love, affection and mutual understanding between the two partners. Therefore, early marriages carried out without the agreement of both parties and only because of pressure from the family or surrounding community, can cause unhappiness and even domestic violence. In Islam, marriage is also considered a form of worship that must be carried out with full responsibility and awareness. Therefore, before deciding to get married, both partners must make thorough preparations, both in terms of religion, physical, mental and financial.

In this research, the author obtained data on early marriages from the Religious Affairs Office (KUA) in Hamparan Perak District. The data that the author collected is as follows:

**Table 1. Data Visualization After Changes to the Marriage Age Law (2020)**

DATA USIA NIKAH					
KABUPATEN : DELI SERDANG		TAHUN : 2020			
KECAMATAN : HAMPARAN PERAK					
No	Desa	Rentang Usia Nikah			
		Belum Mencapai Usia 16 Tahun Dispensasi Pengadilan Agama (Catin) Maksimal	Belum Mencapai Usia 19 Tahun Dispensasi Pengadilan Agama (Catin) Rajal	Usia Kurang 21 Tahun Surat Izin Orang Tua (N-5)	Usia 21 Tahun Ke Atas
1	2	3	4	5	6
1	Hamparan Perak	-	-	2	366
2	Sei Baharu	-	-	-	212
3	Lama	-	-	-	86
4	Klambir	-	-	-	44
5	Selamak	-	-	-	52
6	Klumpang Kebun	-	-	1	89
7	Klumpang Kampung	-	-	-	68
8	Klambir Lima Kebun	-	-	1	33
9	Klambir Lima Kampung	-	-	-	38
10	Sialang Muda	-	-	-	28
11	Paya Bakung	-	-	-	62
12	Tandam Hulu I	-	-	-	102
13	Tandam Hulu II	-	-	-	44
14	Tandam Hilir I	-	-	-	32
15	Tandam Hilir II	-	-	-	24
16	Kota Datar	-	-	-	52
17	Bulu Cina	-	-	1	97
18	Paluh Manan	-	-	-	68
19	Kota Rintang	-	-	2	102
20	Paluh Kurau	-	-	-	22
Jumlah		-	-	7	1.621

From the data tabulation above, it can be seen that there are no couples who married beyond the regulatory age of Law no. 16 of 2019. This data shows that in Hamparan Perak District there are no substantive marriage age problems because registration shows the marriage age of couples in accordance with the applicable law. The urgency of implementing the new regulations is well understood by the KUA of Hamparan Perak District, because the

KUA provides guidance and advice to prospective brides and grooms so that divorce does not occur.

Apart from that, there is guidance regarding household divisions so that they do not lead to divorce. KUA Hamparan Perak took the initiative so that divorce is not the final destination of a dispute. This latest regulation is seen as a positive trend by the KUA so that early marriage and various other problems do not continue.

**Table 2. Data before changes to the Marriage Age Law (2017)**

DATA USIA NIKAH					
KABUPATEN : DELI SERDANG		TAHUN : 2017			
KECAMATAN : HAMPARAN PERAK					
No	Desa	Rentang Usia Nikah			
		Belum Mencapai Usia 16 Tahun Dispensasi Pengadilan Agama (Catin Maksimal)	Belum Mencapai Usia 19 Tahun Dispensasi Pengadilan Agama (Catin Rajal)	Usia Kurang 21 Tahun Surat Izin Orang Tua (N-5)	Usia 21 Tahun Ke Atas
1	2	3	4	5	6
1	Hamparan Perak	-	8	8	120
2	Sei Baharu	-	4	6	48
3	Lama	-	4	5	28
4	Klambir	-	4	5	88
5	Salemak	-	2	2	86
6	Klumpang Kebun	-	8	4	112
7	Klumpang Kampung	-	4	4	60
8	Klambir Lima Kebun	-	2	2	110
9	Klambir Lima Kampung	-	2	8	82
10	Sialang Muda	-	6	2	32
11	Paya Bakung	-	5	6	20
12	Tandam Hulu I	-	2	4	22
13	Tandam Hulu II	-	2	5	24
14	Tandam Hilir I	-	1	4	20
15	Tandam Hilir II	-	8	6	18
16	Kota Datar	-	3	2	32
17	Bulu Cina	-	4	4	48
18	Paluh Manan	-	1	4	22
19	Kota Rintang	-	4	8	46
20	Paluh Kurau	-	1	6	22
Jumlah		-	76	95	1.040

The change in the law regarding the age of early marriage is considered effective because from the data before and after the change in the law, there is a decrease in the number of marriages outside the regulations which looks very biased. The author assumes that the change in marriage age is to avoid early marriage. At this level, early marriage is one of the factors in divorce between husband and wife due to instability and psychological immaturity.

Unfortunately, the author found two pairs of husband and wife who married outside the regulatory age, namely MR and PZ, then PP and R (the names of the sources are only initials to maintain identity confidentiality). Both couples admitted to having an unregistered marriage because their marriage age was outside the applicable regulations. The interview data that the author conducted is as follows:

**Table 3. Tabulation of Interview Results**

No	Theme	MR	PZ	PP	R
1	Is changing the marriage age an urgency?	It's not very important because it's not urgent.	Depends on which way you look at it. However, the set age must be reviewed.	It is necessary, but there must be some special exceptions.	It is necessary, but this age is not yet substantive because there are no exceptions yet. The law should accommodate the interests of society at large
2	What impact will there be after the change in the marriage age law?	According to this source, the impact that occurs is the number of unregistered marriages,	The number of unregistered marriages is massive.	The rate of underage marriage is much reduced.	Because the rate of underage marriage is decreasing, there will be a potential for divorce degradation. So the impact is quite significant.
3	Can this regulation reduce the number of early marriages?	It can be suppressed, but there will be many marriages that are not legal according to state regulations.	It can be suppressed, but increases the number of unregistered marriages. So it's less substantive.	Of course, because marrying outside the stipulated age will be difficult.	Quite effective in reducing the rate of early marriage. Because of the lengthy bureaucratic problems involved in getting married outside the provisions.

PZ suggests that the regulatory age should be reviewed in the light of specific exceptions. The reason is, PZ and MR married to avoid adultery with good intentions. Regulations make it difficult for the good intentions of some young prospective couples to perfect their religion. On the other hand, PP stated the same thing. Regulations should impose several special exceptions in view of the urgency of marriage itself. This regulation is considered not substantive because the age of marriage does not have to be limited. Getting married is a ritual that requires the ability of both prospective bride and groom so that the age of marriage is very subjective and cannot be limited by regulations.

### **General Impact of Changes to the Early Marriage Law in Hamparan Perak**

Viewed from a beneficial perspective, we can see the impact resulting from changes to Law no. 16 of 2019 is reproductive health. Women aged 19 years have the right to health and safety in childbirth. However, from a medical perspective, the age of 19 years is not

appropriate because generally women aged 20 years are still vulnerable to medical complications, miscarriage and are at risk of death after childbirth.

In Bahriyah (2021), from a psychological perspective there are several tendencies that influence early marriage, including:

1. Economy

- Economic factors greatly influence early marriage. Not a few cases of early marriage are caused by forced arranged marriages in order to take responsibility away from their children. Even though there is no law that regulates this problem, in the end there are misconceptions about marriage.
- As a result of the problems the author describes above, some consider marriage to be a shortcut in improving the economy. This is in line with low education as the author explains in the next point.

2. Low Education. Low education means that the essence of the marriage ritual is not properly and correctly internalized. In line with economic factors, education also influences early marriage. Due to low education, parents who match their children at an early age cannot provide a good understanding of household relationships.

3. Implementation of health programs is inadequate. A number of service providers highlighted the fact that it was difficult to reach the community. The reason is, many people do not attend some of the health programs organized by the government. Some reasons include lack of knowledge, inability to leave the house and distribution of transportation. Therefore, a competent strategy is needed to be able to reach teenagers.

Maintain honor

4. Cultural and religious values

- In some cultures there are cultures that specialize in the ritual of marriage. Indonesia itself is known as a cultural nation, so marriages caused by the culture of an ethnic group cannot be avoided.
- Apart from that, there are also certain religious tendencies in marriage. It cannot be denied that one of the religions that contribute to young couples is Islam itself. This is because of the sacredness of the marriage ceremony itself. However, counseling regarding religion and marriage never touched on anything substantial.

5. Losing a parent. Psychologically, losing parents is a factor in early marriage. In several case studies, children who live without parents or with single parents tend to marry early. This happens because the partner experiences psychological loneliness because

their parents have abandoned them for a long time. Couples hope that marriage can fill the void in their lives that their parents have left behind.

6. There is no doubt. The lack of sanctions for early marriage is thought to be one of the factors causing the rise in early marriage. The ease of age dispensations and other things make early marriage seem like a less big problem.
7. Sexual needs. Early marriages that do not touch on substantial values only use sexual needs as a reason for marriage. Basically marriage involves many aspects other than biological aspects. Finally, many early marriages are based on religion and avoid adultery.

### **Effectiveness of Changes to the Early Marriage Law in Hamperan Perak**

Early marriage law in Indonesia is regulated in Law Number 16 of 2019 concerning the Second Amendment to Law Number 1 of 1974 concerning Marriage. Some of the relevant provisions in this law are as follows:

First, Minimum Age: The law sets the minimum age for marriage in Indonesia. Article 7 paragraph (1) states that the minimum age for marriage is 19 years for men and 16 years for women. However, in certain situations, with permission from a religious judge, the minimum age can be lowered to 16 years for men and 13 years for women. Second, Permission from Parents or Guardians: Article 7 paragraph (2) states that those who have not reached the minimum age for marriage must obtain permission from their parents or legal guardians. This permission is obtained through a Marriage Permit Certificate (SKIP) issued by the marriage registrar.

Third, Consultation and Approval: Article 7 paragraph (3) regulates that before granting a marriage permit to a child under the minimum age, the marriage registrar must consult and obtain consent from the child and their parents or guardians. Fourth, Restrictions on Freedom: Article 7B states that children who have not reached the minimum age for marriage have an obligation to continue their education and must not be forced to have sexual relations during marriage. Fifth, Violations: The law also stipulates sanctions for those who violate the provisions on early marriage. Article 82 paragraph (1) regulates that violations of the minimum age provisions for marriage can be subject to criminal sanctions in the form of imprisonment and/ or fines.

It should be noted that this law views early marriage as a serious problem that can have a negative impact on children's development. The main aim of this law is to protect children and ensure that they receive optimal education and development before marriage. The author believes that the early marriage law is an urgency that must be implemented. From the results

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of the author's research, it can be assumed that changes to the early marriage law are effective in Hampan Perak District, Deli Serdang Regency. This is shown by the KUA Hampan Perak records which indicate that the rate of early marriage has decreased. This explanation indicates the effectiveness of changes to the early marriage law in Hampan Perak in accordance with government regulations and expectations.

Even though there are several arguments, this regulation must be analyzed from a positive side considering that the large number of divorces in Indonesia is caused by immature psychology. This regulation does seem subjective, however the establishment of this regulation is considered very urgent and pressing considering that the divorce rate in Indonesia often starts from trivial problems and is resolved emotionally.

## **CONCLUSION**

Material: Through the explanation above, it can be concluded that the regulatory changes that occurred in Hampan Perak were effective because there was no data recording regarding couples who married outside the regulatory age. This shows that the regulatory changes made by the government are appropriate and right on target. On the other hand, there is not much of an early marriage phenomenon in Hampan Perak District. The author only found two couples who married outside the regulatory age for several quite rational reasons. Changes in regulations still have pros and cons among couples who want to get married. This regulation is considered not substantive because the age of marriage should not be limited by regulations. Therefore, the author suggests that the government review existing regulations by adding several special exceptions depending on the urgency. This research is only on a sub-district scale and would be very interesting if it were continued at a wider level.

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