

## **Marriage Dispensation Policy In Children Protection: Evaluation Of Article 7 Paragraph (2) Of Law Number 16 Of 2019 Concerning Amendments to Law Number 1 Of 1974 Concerning Marriage)**

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### **ABSTRACT**

*The age limit for marriage in Indonesia is regulated in Law Number 1 of 2019, stating that men and women are allowed to marry with a minimum age of 19 years. Then those who are less than 19 years old can apply for a marriage dispensation which is submitted to the Religious Court following the applicant's jurisdiction. Marriage dispensation in Indonesia has not yet responded to child protection, so it is still found that the age is below the age of the child whose application is granted. Departing from the arguments above, in this study will discuss the policy of marriage dispensation to protect children (Evaluation of Article 7 Paragraph (2) of Law No.- Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage) This research is a type of library research. This research is descriptive-analytical. The primary data in this study are the Qur'an, Hadith, the 1945 Constitution, Law Number 1 of 1974 concerning Marriage, Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, PP. Number 9 of 1975 as the implementing regulation of Law no. 1974, INPRES No.1/1991 on the Compilation of Islamic Law (KHI), Law No. 35/2014 on Child Protection, and a decision on marriage dispensation from the Lampung Provincial Religious Court. Using three theories of masalah mursalah, the data analysis in this study uses deductive thinking techniques, then the author makes data analysis with qualitative analysis. Research results, regulations regarding the age limit for marriage as regulated in Law Number 16 of 2019, that the minimum age for marriage is 19 years for men and women. This has referred to the law on human rights and the law on child protection. About the granting of marriage dispensation in Indonesia, there is still no clarity written in the law. The marriage law in Indonesia adheres to the principle of maturity in marriage, meaning that everyone who carries out marriage must have maturity in terms of mental and psychological. It can be concluded that the policy regarding the age limit for marriage and dispensation for marriage in Indonesia correlates with Law no. 23 of 2002 concerning Child Protection, Law No. 39 of 1999 on Human Rights, and decisions from the world child protection agency UNICEF. In the review of mashlahah mursalah, This means that every person who carries out marriage must have maturity in terms of mental and psychological. It can be concluded that the policy regarding the age limit for marriage and dispensation for marriage in Indonesia correlates with Law no. 23 of 2002 concerning Child Protection, Law No. 39 of 1999 on Human Rights, and decisions from the world child protection agency UNICEF. In the review of mashlahah mursalah, This means that every person who carries out marriage must have maturity in terms of mental and psychological. It can be concluded that the policy regarding the age limit for*

*marriage and dispensation for marriage in Indonesia correlates with Law no. 23 of 2002 concerning Child Protection, Law No. 39 of 1999 on Human Rights, and decisions from the world child protection agency UNICEF. In the review of mashlahah mursalah, If the granting of the dispensation is regulated at least 18 years of age, to mature the child in terms of education and maturity in terms of mental and psychological health, then this will lead to more benefit in it.*

**Keyword:** *policy, marriage dispensation, child protection*

## A. INTRODUCTION

Marriage in Islamic terms is called "marriage", is carrying out a contract or agreement to bind themselves between a man and a woman to justify the biological relationship between the two parties to realize family happiness that is filled with love and peace in a way that blessed by Allah the Almighty. As said by Mohd. Idris stated that "marriage is a contract (agreement) that makes sexual relations lawful as husband and wife between a man and a woman (Mohd. Idris Ramulya, 1996: 1). More specifically, marriage is a sacred and noble contract between a man and a woman which is the cause of the validity of the status as husband and wife and sexual relations are permitted to achieve a sakinah family, full of love, virtue and mutual support (Sudarsono, 1992: 188).

Marriage in Islam is not merely an ordinary civil relationship or contract, but it has the value of worship or miitsaqan gholiidhan to obey Allah's commands and carry it out is worship. This is regulated in the Compilation of Islamic Law Article 2 Marriage according to

Islamic law is marriage, which is a very strong contract or mitsaqan ghalidzan to obey Allah's commands and carry it out is worship. Furthermore, Article 3 of marriage aims to realize a sakinah, mawaddah, and rahmah household life (Government of the Republic of Indonesia, 2012).

The regulation of marriage age in Indonesia is Law Number 16 of 2019 concerning marriage, it is stated in Article 6 paragraph (2) that to carry out a marriage, a person who has not reached the age of 21 years must obtain permission from both parents. This article explains that the minimum age for marriage is 21 years. You can marry under the age of 21, provided that you get parental permission.

Article 7 paragraph (1) marriage is only permitted if the man and woman have reached the age of 19 (nineteen) years, this means that marriage is only possible if the man and woman have reached the age of 19 and both have permission from both parents.

Article 7 paragraph (2) In case of deviation from paragraph (1) of this

article, you can request a dispensation from the court or other official appointed by both the parents of the male and female parties. This means that if there are couples who wish to marry under the age of at least 19 years, they must request a dispensation from the court based on the decision of a judge or other official requested by both the male or female parents.

The marriage age regulation adopted by Law Number 16 of 2019 has three levels, the first level is article 6 which states age 21 years, article 7 paragraph (1) age 19 years, and the third level article 7 paragraph (2) if you have not reached the age of 19 years can apply for dispensation.

By looking at the regulation of the age of marriage as such, which is implemented in Indonesia is very loose and very tolerant, and this is what can be a gap or entrance to the occurrence of underage marriages.

The loosening of the provisions on the age limit for marriage certainly triggers the occurrence of child marriages. In 2018, 1 in 9 girls under the age of 18 were married in Indonesia and it is estimated that around 1,220,900 girls. Provinces with the highest prevalence of child marriage are Southeast Sulawesi, West Sulawesi, Central Sulawesi, West Java, Central

Java, and East Java. This figure places Indonesia in the 10 countries with the highest absolute number of child marriages in the world (BPS Data Source, 2020). Child marriage needs serious attention because it results in the loss of girls' rights, such as education, play, protection, security, and others, including the impact on their reproductive health (Reni Kartikawati Djamilah, 2019: 6).

The data on underage marriages submitted for the marriage dispensation collected at the Bandar Lampung High Religious Court for the 2017-2019 period totaled 302 couples, with details of PA Tanjungkarang 14, PA Metro 36, PA Kalianda 19, PA Kota Bumi 58, PA Krui 26, PA Gunung Sugih 43, Tulang Bawang 30, Tanggamus 27, Blambangan Umpu 26, Pringsewu 2, Tataan 4, Sukadana 9 and Tubabar 8. If you look at the data, it means that every year the average underage marriage in Lampung Province is 100 couples.

With the change in the age requirements for marriage stipulated in Law Number 19 of 2019 to 19 years for both men and women. This will trigger an increase in the number of couples who will apply for a marriage dispensation.

Child marriage can occur because of many unresolved social problems. The first cause is the existence of gender

status inequality in a society that demeans the position of girls, there is still a view that girls don't need to go to high school, they can only read and write. This will make it difficult for a daughter to refuse the wishes of her parents who encourage them to marry and even when they are married, the child will still be under the control of her husband.

Other causes are lack of knowledge about health risks that occurs due to young marriage, it seems the high rate of maternal mortality after childbirth, premature babies. Ignorance of this risk causes the practice of child marriage to continue.

In Indonesia, people who migrate for economic reasons also face such problems. When men lose their jobs because industrialization in agriculture, then women were forced to become breadwinners. Girls are finally encouraged to marry young to reduce the burden on the family. Also due to the occurrence of promiscuity due to weak parental supervision, children are forced to be married off because they are already pregnant.

By identifying the many social and political problems behind the occurrence of child marriage, it is appropriate that the practice is prohibited, not even understood. If left unchecked, these problems will not be resolved in fact will

be exacerbated by the presence of other new problems.

Marriage requires maturity and maturity which is not only biological but also psychological, social, mental, and spiritual. So that convention on the Elimination of All Forms of Discrimination against Women The minimum age for marriage is 18 years. Whereas according to the National Population and Family Planning Agency (BKKBN), the minimum limit for women should be 21 while for men 25. For this reason, it is necessary to reform the marriage law related to the determination of the marriage age.

This condition is certainly very worrying because children have lost their rights that should be protected by the state. If this condition is left unchecked, it will certainly put Indonesia in a state of 'Child Marriage Emergency', and of course, it will further hamper the achievement of the goals of the state as stated in the Preamble to the 1945 Constitution.

With the enactment of the marriage dispensation as stipulated in Article 7 paragraph (2), certainly triggers the marriage of minors, because marriage with a marriage dispensation pattern makes there is no age limit for a person to marry. So that the judge in granting a marriage dispensation does not have a

definite legal basis as the basis for making decisions. In such conditions, the age limit stipulated in Law Number 16 of 2019 does not have legal certainty.

Marriage dispensation is a loophole that can be used to legalize child marriage. The trick is to apply for a dispensation in the religious court as stated in Article 7 paragraph 2. And from the results of the author's interview with the PA Judge, most of the applications for dispensation for child marriage must be approved by the religious court. Because religious courts generally use religious norms as the main consideration. However, it does not use the considerations of the Child Protection Law. Therefore, the marriage dispensation policy is no longer relevant to be applied, because it can become a legal and covert entry point for child marriage. Based on the problems above, it is necessary to evaluate the marriage dispensation policy in the perspective of child protection.

## **B. RESEARCH METHODOLOGY**

This research is a type of library research. This research is descriptive-analytical. The primary data in this study are the Qur'an, Hadith, the 1945 Constitution, Law Number 1 of 1974 concerning Marriage, Law Number 16 of 2019 concerning Amendments to Law

Number 1 of 1974 concerning Marriage, PP. Number 9 of 1975 as the implementing regulation of Law no. 1974, INPRES No.1/1991 on the Compilation of Islamic Law (KHI), Law No. 35/2014 on Child Protection, and a decision on marriage dispensation from the Lampung Provincial Religious Court. Using three theories of *maslahah mursalah*, the data analysis in this study uses deductive thinking techniques, then the author makes data analysis with qualitative analysis (Sudaryono, 2019: 21).

## **C. DISCUSSION**

### **1. Marriage Dispensation**

#### **a. Definition of Marriage Dispensation**

The age of marriage is the age of a person who is considered to be ready and able both physically and mentally to carry out a marriage. The minimum age limit for marriage is understood as the minimum age limit for men or women to be allowed to marry (Ali Imron HS, 2011: 21). Fiqh does not specifically mention dispensation for marriage and has never implemented a minimum age limit for men or women to get married (Ahmad Mukri Aji, 2012:

193). The implementation of marriage is closely related to the purpose and wisdom of the marriage itself (Ahmad Tholabi Kharlie, 2003: 193). The absence of a minimum age limit for marriage in Islam is considered a blessing that provides an opportunity for *ijtihâdîyah* about the minimum age a person can marry.

According to Umar Said as quoted by Ali Wafa, the age limit for marriage is a matter of *ijtihâdî*. In Islam, age or maturity is not included in the conditions and pillars of marriage. Marriage is considered valid if it meets the requirements and pillars. Scholars differ on the age limit for maturity. Although Islamic law does not provide concrete limits on the minimum age for marriage, it does not mean that Islam allows underage marriage (Mohammad Ali Wafa, 2017: 31).

Classical fiqh books call marriage at a young age with the term *Nikâh al-saghîr* or *al-saghîrah*, which means small. Meanwhile, the new fiqh book mentions it with the term *al-zawâj al-mubakkir* (marriage at a young age), namely the marriage of a

man and a woman who are not yet mature. If the age limit is determined by age or years, then marriage at a young age is marriage under the age of 15 according to the majority of fiqh experts, and under 17 or 18 years according to Abu Hanifah (Husein Muhammad, 2001: 93).

The majority of Islamic jurists allow underage marriage, but it is not necessarily permissible to have sexual relations (sexual relations) because if sexual relations occur and cause harm to the wife both physically and psychologically, then the law is haram. This prohibition applies to both underage marriages and adult marriages.

#### b. Legal Basis of Marriage Dispensation

Law Number 1 of 1974 concerning Marriage strictly regulates underage marriage, which must go through a court mechanism to obtain a marriage dispensation permit. However, the marriage to be held must obtain the approval of the two prospective brides to carry out the marriage and obtain permission from parents for couples who have not reached the age of 21

years. This is as stated in Article 6 Articles (1) and (2) of Law Number 1 of 1974. Article 6 paragraph (1): "Marriage must be based on the approval of the two prospective brides." Article 6 paragraph (2): "To carry out a marriage, a person who has not reached the age of 21 (twenty-one) years must obtain the permission of both parents." If permission from both parents is not obtained (HM. Abdi Koro, 2012: 49).

Law Number 1 of 1974 concerning Marriage, especially Article 7, then changed. The provisions for this amendment are contained in the Law of the Republic of Indonesia Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage which was ratified by President Joko Widodo on October 14, 2019, in Jakarta. Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage came into force after being promulgated by the Minister of Law and Human Rights Tjahjo Kumolo on October 15 2019, in Jakarta. This Law is promulgated and placed in the

State Gazette of the Republic of Indonesia of 2019 Number 186. While the explanation is promulgated and placed in the Supplement to the State Gazette of the Republic of Indonesia Number 6401.

Considerations in Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage include that the state guarantees the rights of citizens to form families and continue offspring through legal marriages, guarantees children's rights to survival, growth, and development. develop and have the right to protection from violence and discrimination as mandated in the 1945 Constitution of the Republic of Indonesia. Besides that, marriage at the age of a child harms children's growth and development and will result in the non-fulfillment of children's basic rights such as the right to protection from violence. and discrimination, children's civil rights, health rights, education rights, and children's social rights. Law of the Republic of Indonesia Number 16 of 2019 concerning Amendments to Law Number 1 of

1974 concerning Marriage is an implementation of the Decision of the Constitutional Court of the Republic of Indonesia Number 22/PUU XV/2017 which partially granted a judicial review lawsuit against Law Number 1 of 1974 concerning Marriage and canceling the minimum age limit of 16 years for women to marry as regulated in Article 7 paragraph (1) of Law Number 1 of 1974 concerning Marriage.

## **2. Child protection**

### **a. Definition of Child Protection**

Legal protection for children can be interpreted as an effort to protect the law against various freedoms and human rights of children, as well as various interests related to the welfare of children. So the issue of legal protection for children covers a very broad scope (Arief Barda Nawawi, 1998: 153). Departing from the above limitations, the scope of legal protection for children includes:

- 1) Protection of children's freedom
- 2) Protection of children's rights
- 3) Legal protection of all interests of children related to welfare.

Getting protection is a human right of every child, and the realization of protection for children means the realization of justice in a society. This assumption is reinforced by the opinion of Age, who has correctly stated that "Protecting children is essentially protecting the family, society, nation, and state in the future" (Gosita Arief, 1996: 7).

From the above expression, it is how important child protection efforts are for the future continuity of a community, both small communities, namely families, and large communities, namely the State. By seeking protection for children, these communities not only enforce children's rights but also invest in their lives in the future. Child protection is an effort to rely on situations and conditions that allow the implementation of children's rights and obligations humanely and positively. This means that children are protected to obtain and maintain the right to live, have a survival, grow and develop, as well as protection in the implementation of their rights and obligations or those of their



protectors (Gosita Arief, 1996: 14).

According to article 1 No. 2, Law No. 23 of 2002 concerning child protection it is stated that:

"Child protection is all activities to guarantee and protect children and their rights so that they can live, grow and participate optimally, following human dignity and protection from violence and discrimination".

In general, what is meant by children are descendants or generations as a result of sexual intercourse or intercourse (sexual intercourse) between a man and a woman, both in marriage and outside marriage.

Law No. 3 of 1997 concerning the Juvenile Court is a person who in the case of a naughty child has reached the age of 8 (eight) years but has not yet reached the age of 18 (eighteen) and has never been married.

Law No. 39 of 1999 concerning Human Rights states that a child is every human being under the age of 18 (eighteen) years and unmarried, including children who are still in the womb if this is in their interests.

*Convention On The Rights Of Child* (1989) which has been ratified by the Indonesian government through Presidential Decree No. 39/1990, it is stated that children are those aged 18 years and under.

UNICEF defines children as residents aged 0 to 18 years. Based on some of the opinions above, it can be stated that a child is someone who is not yet 18 years old (0-18 years).

#### c. Legal Basis for Child Protection

In legal protection for children, it can be interpreted as legal protection efforts against various violence and children's rights as well as various efforts related to child welfare.

According to Arif Gosita, child protection is an effort to provide conditions and situations that allow the implementation of children's rights and obligations in a humane manner. Therefore, every child's rights must be held high for the sake of achieving the goal, namely the birth of a healthy young generation for the survival of the nation's life.

In principle, child protection is regulated based on the Law of the

Republic of Indonesia Number 35 of 2014 concerning amendments to Law Number 23 of 2002 concerning Child Protection which is carried out based on Pancasila and the 1945 Constitution. The principle of protection is regulated based on the best interest of the child. the child), where this principle stipulates that in all actions concerning children carried out by the government, society, legislative and judicial bodies, the interests of the child must be the main consideration. Child protection is the embodiment of justice in various fields of state and social life.

Article 14 of Law Number 23 of 2002 concerning Child Protection, states "Every child has the right to be cared for by his parents unless there are valid reasons and or legal rules showing that the separation is in the best interests of the child and is the final consideration. ". In his explanation that, "The separation referred to in this provision does not lose the relationship between the child and his parents". So even though there is a legal provision that states one parent is the holder

of the child custody authority, there is still no reason to forbid other parents from meeting their child.

About the legal protection of children in Indonesia, it has been emphasized in Article 34 of the 1945 Constitution that "The poor and neglected children are cared for by the state". Following up on this, the government has made various laws and regulations that contain children's rights

### **3. Marriage Dispensation Policy in Child Protection Efforts from the Perspective of Maslahah Mursalah**

Islamic law is built based on maslahah which is intended for human life as His servant, both regarding worldly affairs and the affairs of the hereafter. Islamic law has basic values such as compassion (rahmah), justice ('is), and benefit (maslahah). Every law that comes out of these basic values is not part of Islamic law, although it is sought for its rationality to be said to be a form of Islamic law (Ibn Al-Qayyim Al-Jauziyyah, 5). In the development of human life, the embodiment of Islamic law in-laws is driven by the spirit of maslahah. The existence of maslahah in Islamic law cannot be separated because maslahah and sharia are two things that must be united, so the presence of

maslahah requires the existence of sharia demands. Various studies and studies on the texts of the Qur'an and hadith conclude that the presence of Shari'a law has wisdom and 'illah that leads to a maslahah (Tahir ibn 'Assyria, 12). The laws in question are not only laws in the field of general muamalat, but also include mahdah worship.

The discussion of the maslahah theory cannot be separated from the discussion of al-qawa'id al-syar'iyah which relies on extracting wisdom and 'illah which is the core of a maslahah as well. Therefore, it can be said that maslahah is the essence of the formulation of al-ahkam al-syar'iyah and al-qawa'id al-syar'iyah ('Allal Al-Fasiy, 138).

The realization of a maslahah in Islamic law is a necessity. In each of its laws, benefit plays a role in presenting goodness or benefit and keeping away from bad or damage, to achieve prosperity and welfare as well as pure devotion to God on earth. Because, basically a maslahah is present to maintain the goals of Syara', namely in the form of goodness and benefit, and not from human lust (Jalal al-Din 'Abd Al-Rahman, 12-13). In exploring a maslahah, it is also impossible to get out of the contents of sharia texts (nusus al-syari'ah. Therefore, the opinion that says

that a maslahah should be prioritized if it conflicts with sharia texts is wrong (Husain Hamid Hisan, 1971: 94-95). Because in essence maslahah is a root that cannot be separated from the circulation and change of Islamic law, because the interpretation of sharia texts should rely on it (Aliy and Hasaballah, 157).

The granting of a marriage dispensation in Indonesia is unclear in its juridical basis, there is no juridical basis that regulates it in a complex and comprehensive manner, so it can be said that every dispensation case submitted will be granted.

About child protection, as the world child protection agency or UNESCO has provided an agreement in regulations, and also in the law on children in Indonesia that a child is someone who is less than 18 years old and unmarried, so that in the study of religious court decisions in Lampung Province still has not responded and there is no conformity with the child protection law, the article in the court decision which is used as research material shows that the majority of marriage dispensations are still granted even though the dispensation application is under 18 years of age.

According to the law, children have several rights, namely the right to freedom, the right to education, the right

to guarantee health, and the right to perfect care. About the right to education, Indonesia imposes a 12-year compulsory education so that if a child is graduated from high school, he/she will be 18 years old following the child law.

Then from a health perspective, determining the age limit for marriage is very important. Because a marriage requires not only psychological maturity but also biological maturity. So in the general explanation of the marriage law it is stated that the prospective husband and wife must have matured in mind and body to be able to carry out a marriage to realize a good marriage without ending in divorce and get good and healthy offspring.

Because, underage marriage is very risky for women, especially in reproductive health or during pregnancy. Pregnancy must be planned. Pregnancy planning is setting when the ideal age and the right time to get pregnant and managing the distance between pregnancies and the number of children. Pregnancy planning aims to prevent "4 too" including:

- a. Too young (>20 years)
  - b. Too old (>35 years)
  - c. Pregnancy too close (<2 years)
  - d. Too often pregnant (> 3 children)
- (Ministry of Health and Ministry of Religion. (2016: 25).

If there is a pregnancy with too 4 will have a bad impact on the health of the mother and child. Pregnancy needs to be planned because each bride and groom are expected to have good health status and avoid disease. During pregnancy, pregnant women must be in good health so that the baby is born healthy. It should be noted that:

- a. The age of the bride and groom is less than 20 years, the pregnancy is postponed
- b. Prospective brides who have health problems need to improve their health status before getting pregnant (Ministry of Health and Ministry of Religion, 2016: 28).

Pregnancy at an age that is too young and too old results in several risks, which are as follows:

- a. Too young (<20 years) can lead to difficulties in childbirth because the reproductive organs are not fully developed, pregnancy poisoning (preeclampsia), miscarriage, bleeding, the risk of a narrow pelvis making it difficult to give birth, babies born prematurely, low birth weight babies (LBW), congenital defects, mental social problems (mother is not ready to accept pregnancy)
- b. Too old (> 35 years) can increase the risk of hypertension in

pregnancy, diabetes, preeclampsia, birth defects, low birth weight, premature, and miscarriage (Ministry of Health and Ministry of Religion, 2016: 28).

Some things that can be done to prevent pregnancy at a young age are as follows:

- 1) Seeking marriage for women over the age of 20.
- 2) Delay the first pregnancy until the woman is over 20 years old
- 3) Consult with health workers regarding contraceptive methods that can be used to delay pregnancy according to the condition of the married couple.

The interval of pregnancy needs to be regulated because the mother's physical and mental condition needs to be prepared, as well as providing opportunities for the baby to get breast milk and good parenting. The distance from one pregnancy to the next should not be too close (less than 2 years), because the condition of the mother's uterus has not recovered and it takes time for the mother to breastfeed and care for the baby (Ministry of Health and Ministry of Religion, 2016: 29).

Several risks occur if the pregnancy distance is too close, namely:

- 1) bleeding at birth
- 2) Anemia
- 3) Miscarriage
- 4) Baby born prematurely
- 5) LBW (Low Birth Weight Babies) are babies born weighing < 2500 g (Indri Hartiningrum, Nurul Fitriyah, 2018: 97).
- 6) Congenital defects in babies

How to plan a pregnancy is to arrange when the time is right to get pregnant, adjust the distance and number of children that can be done using contraception according to the conditions and choices of husband and wife. Therefore, it is necessary to provide counseling for couples of childbearing age (PUS) by health workers so that they can recognize the need for contraception and make the most appropriate decision.

If you look at and are oriented to the child law, the minimum dispensation is 18 years to fulfill and complete the rights of children to support their future life, such as completing the rights and obligations for 12 years of compulsory education, namely until graduating from high school and also to ensure the readiness of the sexual organs, so that it

does not adversely affect health during pregnancy.

Based on the arguments above, it will be more beneficial if the dispensation is set at least 18 years old, to mature the child in terms of education and maturity in terms of health.

#### D. CONCLUSION

The regulation regarding the age limit for marriage is as regulated in Law Number 16 of 2019, that the minimum age for marriage is 19 years for both men and women. This has referred to the law on human rights and the law on child protection. To the granting of marriage dispensation in Indonesia, there is still no clarity written in the law. The marriage law in Indonesia adheres to the principle of maturity in marriage, meaning that everyone who carries out marriage must have maturity in terms of mental and psychological. It can be concluded that the policy regarding the age limit for marriage and dispensation for marriage in Indonesia correlates with Law no. 23 of 2002 concerning Child Protection, Law No. 39 of 1999 concerning Human Rights, and decisions of the world child protection agency UNICEF. In the review of mashlahah mursalah, If the granting of the dispensation is regulated at least 18 years of age, in order to mature the child in terms of education and maturity in

terms of mental and psychological health, then this will lead to more benefit in it.

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