



## Preventing Child Marriage in Indonesia: An Analysis of Government Policies, Institutional Challenges, and Strategic Efforts

Muhamad Kholid<sup>1\*</sup>, Abdulah Safe'i<sup>2</sup>, Jaenudin<sup>3</sup>, Agi Attaubah Hidayat<sup>4</sup>, Endang Isak<sup>5</sup>

<sup>1,2,3,4,5</sup>Universitas Islam Negeri Sunan Gunung Djati Bandung, Indonesia

\*email: [muhamadkholid@uinsgd.ac.id](mailto:muhamadkholid@uinsgd.ac.id)

\*Corresponding Author

Submitted: April 16, 2025	Accepted: June 23, 2025	Published: June 27, 2025
<b>How to Cite (Chicago):</b> Kholid, Muhamad, Abdulah Safe'i, Jaenudin Jaenudin, Agi Attaubah Hidayat, and Endang Isak. 2025. "Preventing Child Marriage in Indonesia: An Analysis of Government Policies, Institutional Challenges, and Strategic Efforts". <i>Al-Qadha: Jurnal Hukum Islam Dan Perundang-Undangan</i> 12 (1), 223-245. <a href="https://doi.org/10.32505/qadha.v12i1.11205">https://doi.org/10.32505/qadha.v12i1.11205</a> .		

### Abstract

This study critically examines the Indonesian central government's policies, institutional challenges, and strategic interventions in mitigating child marriage—a pervasive issue with documented repercussions for health, education, gender equality, and national development. Employing an empirical juridical approach, the research integrates qualitative descriptive analysis with primary data from field observations and semi-structured interviews with officials at the Ministry of Women's Empowerment and Child Protection (KP3A RI) and the Directorate General of Religious Courts (Ditjen Badilag). Secondary data derive from legislative reviews, judicial records, and scholarly literature. Thematic analysis contextualizes findings within Indonesia's legal pluralism and decentralization framework. KP3A RI has made preventing child marriage one of its five main national programs. This effort is supported by six key initiatives, such as community-based (Integrated Child Protection by Communities/PATBM) and mobile protection services like MOLIN and TORLIN (Women and Children Protection Motor and Mobile Units). The Supreme Court's Regulation (PERMA No. 5/2019) requires courts to focus on children's best interests when deciding on marriage dispensation requests. However, this rule does not become a primary reference. In 2021, religious courts approved 95% of the 61,443 dispensation requests they received. There are also broader challenges. Many villages now have more control over their budgets. However, funds have often been used for economic recovery instead of child protection after the pandemic. There are also gaps in the rules about when dispensations can be granted. Several strategies are being used to address these issues. These include (1) Multi-sector coordination through the Joint Movement for Child Marriage Prevention (Geber PPPA) movement; (2) Training and community programs like Children's Forums and family learning (Puspaga) centers; and (3) new draft regulations to tighten dispensation procedures. Although Indonesia has a strong and united policy approach, results are limited by uneven local implementation and courts being too lenient. For lasting progress, the country needs (1) better and shared data systems, (2) stronger financial accountability at the village level, and (3) judicial training to focus on child protection rather than social or cultural pressures. The study highlights the need for strong, coordinated leadership to overcome local differences



and ensure national child marriage prevention standards are fully applied at the community level.

**Keywords:** Child Marriage, Government's Policies, Marriage Dispensation, Marriage Prevention

### **Abstrak**

Studi ini secara kritis menelaah kebijakan pemerintah pusat Indonesia, tantangan kelembagaan, dan intervensi strategis dalam upaya mengurangi perkawinan anak – masalah yang meluas dan memiliki dampak signifikan terhadap kesehatan, pendidikan, kesetaraan gender, serta pembangunan nasional. Dengan menggunakan pendekatan yuridis empiris, penelitian ini mengintegrasikan analisis deskriptif kualitatif dengan data primer dari observasi lapangan dan wawancara semi-terstruktur bersama pejabat di Kementerian Pemberdayaan Perempuan dan Perlindungan Anak (KP3A RI) serta Direktorat Jenderal Badan Peradilan Agama (Ditjen Badilag). Data sekunder diperoleh dari kajian peraturan perundang-undangan, catatan peradilan, dan literatur akademik. Analisis tematik digunakan untuk mengontekstualisasikan temuan dalam kerangka pluralisme hukum dan desentralisasi di Indonesia. KP3A RI telah menjadikan pencegahan perkawinan anak sebagai salah satu dari lima program nasional utamanya. Upaya ini didukung oleh enam inisiatif kunci, seperti layanan perlindungan berbasis masyarakat (Perlindungan Anak Terpadu Berbasis Masyarakat/PATBM) dan layanan perlindungan keliling seperti MOLIN dan TORLIN (Motor dan Mobil Perlindungan Perempuan dan Anak). Peraturan Mahkamah Agung (PERMA No. 5 Tahun 2019) mengharuskan pengadilan untuk mengutamakan kepentingan terbaik anak dalam memutuskan permohonan dispensasi kawin. Namun, aturan ini belum menjadi acuan utama. Pada tahun 2021, pengadilan agama menyetujui 95% dari 61.443 permohonan dispensasi yang diterima. Tantangan yang lebih luas juga muncul. Banyak desa kini memiliki kendali lebih besar atas anggarannya, tetapi dana tersebut sering dialokasikan untuk pemulihan ekonomi pascapandemi alih-alih perlindungan anak. Selain itu, terdapat celah dalam regulasi terkait kriteria pemberian dispensasi. Berbagai strategi telah digunakan untuk mengatasi masalah ini, antara lain: (1) Koordinasi lintas sektor melalui Gerakan Bersama Pencegahan Perkawinan Anak (Geber PPPA); (2) Pelatihan dan program komunitas seperti Forum Anak dan pusat pembelajaran keluarga (Puspaga); (3) Rancangan regulasi baru untuk memperketat prosedur pemberian dispensasi. Meskipun Indonesia memiliki pendekatan kebijakan yang kuat dan terpadu, hasilnya masih terbatas akibat pelaksanaan di tingkat daerah yang belum merata dan kecenderungan pengadilan yang terlalu permisif. Untuk mencapai kemajuan yang berkelanjutan, dibutuhkan: (1) Sistem data yang lebih baik dan terintegrasi; (2) Akuntabilitas keuangan yang lebih kuat di tingkat desa; (3) Pelatihan bagi aparat peradilan agar lebih berfokus pada perlindungan anak dibanding tekanan sosial atau budaya. Studi ini menekankan pentingnya kepemimpinan yang kuat dan terkoordinasi untuk mengatasi perbedaan di tingkat lokal dan memastikan standar nasional pencegahan perkawinan anak diterapkan secara efektif di tingkat komunitas.

**Kata Kunci:** Perkawinan Anak, Kebijakan Pemerintah, Dispensasi Kawin, Pencegahan Perkawinan

## Introduction

Marriage in Indonesia is fundamentally intended to build a lifelong, harmonious family based on religious and moral values. To achieve this objective, various preparations need to be fulfilled, with age being a crucial factor in ensuring the physical, emotional, and psychological maturity required for marriage.<sup>1</sup> The legal age for marriage in Indonesia has undergone significant changes. The 1974 Marriage Law initially set the minimum age at 16 for females and 19 for males. However, 45 years later, the law was amended in 2019, requiring both males and females to marry at least 19 years old.<sup>2</sup> This amendment was mandated by the 2017 Constitutional Court ruling, which deemed the previous regulation discriminatory and unconstitutional, thus requiring revision within three years. The judicial review was prompted by concerns that allowing girls to marry at 16 created gender-based discrimination and violated their constitutional rights to education, health, and personal development, as guaranteed by the 1945 Indonesian Constitution.

The primary objective of setting a legal minimum age for marriage is to ensure the well-being of prospective spouses by fostering marital stability, enabling a harmonious husband-wife relationship, and ensuring that brides, in particular, are physically and emotionally prepared for marriage.<sup>3</sup> However, child marriage remains a persistent issue in Indonesia, with significant implications across multiple sectors. In the health sector, child marriage has been linked to reproductive health risks, including genital infections and excessive bleeding due to the biological immaturity of young brides. In the education sector, child marriage disrupts schooling, limiting educational attainment and leading to a lack of knowledge and skills necessary for future economic independence. From a psychological perspective, child brides are more likely to experience mental instability, particularly in cases of marital conflict. In economic terms, child marriage often results in financial insecurity, as young couples are generally unprepared for the monetary responsibilities of family life. Socially, early marriage reinforces gender stereotypes, with young brides often perceived as uneducated and subordinate to men, ultimately perpetuating social inequalities. These negative consequences significantly increase the likelihood of divorce, highlighting the need for government intervention to prevent child marriage.

Statistical data from Indonesia's Central Bureau of Statistics (BPS) indicate that child marriage remains prevalent across various regions. The highest rates of marriage under the age of 18 are observed in South Kalimantan (21.2%), Central Kalimantan (20.2%), and West Sulawesi (19.2%). Other regions with significant child marriage rates include West Kalimantan (17.9%), Southeast Sulawesi (16.6%), and others, with figures ranging from 16.3% to 11.1%.<sup>4</sup> Additionally, data from the Directorate General of the Religious Court show that

---

<sup>1</sup> Armia, *Fikih Munakahat* (Medan: Manhaji, 2018). 30

<sup>2</sup> Muhazir Muhazir and Azwir Azwir, "Divorce Bureaucracy in the Sharia Space: Examining Practices in Langsa City, Aceh," *At-Ta'fikir* 17, no. 1 (2024): 44-55.

<sup>3</sup> Achmad Fausi and Asmuni Asmuni, "Determination of the Minimum Age Limit for Marriage: Balancing Legal Supremacy and the Objectives of Sharia in Indonesian Marriage Law," *Mazahib* 23, no. 1 (June 7, 2024): 117-54, <https://doi.org/10.21093/mj.v23i1.7611>.

<sup>4</sup> Ade Nasihudin Al Ansori, "Data Badan Pusat Statistik: Angka Pernikahan Dini di Kalimantan Selatan Tertinggi di Indonesia," *liputan6.com*, September 9, 2020, <https://www.liputan6.com/health/read/4351605/data-badan-pusat-statistik-angka-pernikahan-dini-di-kalimantan-selatan-tertinggi-di-indonesia>.

34,000 marriage dispensation requests were filed between January and June 2020, representing a significant increase from 23,126 cases in 2019.<sup>5</sup> These figures highlight an urgent need for comprehensive policies to curb child marriage and mitigate its negative impacts.

Existing scholarship on child marriage in Indonesia has evolved primarily through three interconnected avenues of inquiry. First, scholars have conducted socio-legal and cultural examinations illuminating how legal pluralism—the tension between state law, Islamic jurisprudence (fiqh), and local customary norms (adat)—sustains child marriage practices. These scholars include Horii<sup>6</sup>, Susilowati et al.<sup>7</sup>, and Musawwamah et al.<sup>8</sup> Horii's<sup>9</sup> ethnographic work in West Java Religious Courts, for instance, demonstrates how judges often prioritize reducing social stigma for premarital pregnancies over strict adherence to minimum age requirements, revealing fundamental clashes between legal mandates and community values. In line with this perspective, Eleanora and Sari identify poverty and peer pressure as structural drivers, advocating for child-centered solutions such as enhanced educational access and strengthened protective frameworks.<sup>10</sup>

Secondly, various analytical frameworks have examined institutional dynamics—Yetta et al.<sup>11</sup> and Rohmadi<sup>12</sup> document systemic inconsistencies in the dispensation practices of religious courts. Despite supporting legal reforms in principle, Hamidah<sup>13</sup> uncovers religious leaders' ambivalence toward raising marriage ages. Mansari & Rizkal further reveal

---

<sup>5</sup> M Reza Sulaiman and Stephanus Aranditio, "Gawat! Perkawinan Anak Melejit Karena Pandemi Covid-19," *suara.com*, November 30, 2020, <https://www.suara.com/health/2020/11/30/172126/gawat-perkawinan-anak-melejit-karena-pandemi-covid-19>.

<sup>6</sup> Hoko Horii, "Legal Reasoning for Legitimation of Child Marriage in West Java: Accommodation of Local Norms at Islamic Courts and the Paradox of Child Protection," *Journal of Human Rights Practice* 12, no. 3 (November 1, 2020): 501–23, <https://doi.org/10.1093/jhuman/huaa041>.

<sup>7</sup> Christina Maya Indah Susilowati, Sri Suwartiningsih, and Herbin Marulak Siahaan, "Child Marriages and Criminal Law Policy in Indonesia: Exploring Legal Reform Possibilities," *International Journal of Criminal Justice Sciences* 18, no. 2 (September 28, 2023): 139–50, <https://ijcs.com/menu-script/index.php/ijcs/article/view/706>.

<sup>8</sup> Siti Musawwamah et al., "Resistance to Child Marriage Prevention in Indonesia and Malaysia," *AHKAM: Jurnal Ilmu Syariah* 23, no. 1 (June 30, 2023), <https://journal.uinjkt.ac.id/index.php/ahkam/article/view/32014>.

<sup>9</sup> Horii, "Legal Reasoning for Legitimation of Child Marriage in West Java."

<sup>10</sup> Fransiska Novita Eleanora and Andang Sari, "Pernikahan Anak Usia Dini dari Perspektif Perlindungan Anak," *PROGRESIF: Jurnal Hukum* 14, no. 1 (June 25, 2020), <https://doi.org/10.33019/progresif.v14i1.1485>.

<sup>11</sup> Yasin Yetta, Ahmad Rajafi, and Syahrul Mubarak Subeitan, "Understanding the Implications of Marriage Law Amendments: Marriage Dispensation Cases in Indonesian Religious Courts," *Al-Istinbath: Jurnal Hukum Islam* 9, no. 1 (May 30, 2024): 121, <https://doi.org/10.29240/jhi.v9i1.8979>.

<sup>12</sup> Rohmadi, "Preventing Child Marriage in Lampung: An Analysis of the Community Embedded Implementation Process Adopted for the Provincial Regulation Number 55 of 2021 and Its Harmonisation with Local Custom and Islamic Law," *Manchester Journal of Transnational Islamic Law and Practice* 20, no. 3 (2024): 165–76, <https://www.electronicpublications.org/stuff/1120>.

<sup>13</sup> Hamidah, Tutik, "Religious Heads' Perspectives towards the Abolition of Child Marriage: A Study in Malang, East Java, Indonesia," *Pertanika Journal of Social Science and Humanities* 27, no. 4 (December 2019), <http://www.pertanika.upm.edu.my/pjssh/browse/regular-issue?article=JSSH-5062-2019>.

how judges navigate dual roles as legal arbiters and community educators.<sup>14</sup> However, their efforts face practical constraints, such as insufficient witness testimony and low public awareness. In line with these institutional examinations, Sugiarti and Tridewiyanti emphasize critical regulatory disharmony between national legislation (Marriage Law No. 16/2019) and judicial guidelines (Supreme Court Regulation No. 5/2019), contending that policy misalignment undermines prevention efforts.<sup>15</sup>

Despite these substantial contributions, a significant gap in understanding remains regarding the central government's integrated policy architecture. The extant literature on the subject is fragmented, with some studies focusing on hyper-localized judicial or community dynamics (e.g., Horii's court ethnographies). In contrast, others address sectoral challenges such as child protection<sup>16</sup> or regulatory harmonization.<sup>17</sup> A paucity of research has examined how key national institutions—particularly the Ministry of Women's Empowerment and Child Protection (KPPPA), the Directorate General of Religious Courts (Badilag), and the Indonesian Child Protection Commission (KPAI)—coordinate policy design, navigate socio-religious resistance, and implement strategies within Indonesia's complex governance landscape. This study addresses that void by investigating the interplay of national agencies in reconciling legal mandates with institutional realities, offering a systemic perspective essential for effective child marriage prevention.

While these studies provide valuable insights, they do not comprehensively examine the role of central government policies in preventing child marriage. This research fills that gap by focusing on the policies implemented by the Ministry of Women's Empowerment and Child Protection and the Directorate General of the Religious Court. The study investigates explicitly the policies enacted, the challenges encountered, and the strategies implemented to overcome these challenges in reducing child marriage rates in Indonesia.

The phenomenon of child marriage in Indonesia functions at the nexus of legal pluralism and cultural norms. Horii elucidates how Islamic courts in West Java utilize this strategy to legitimize underage marriages, prioritizing communal harmony over strict legal compliance, thereby circumventing social stigma.<sup>18</sup> Similarly, Widiyanto et al. (2024) underscore the dual function of religious judges as arbiters between state law and religious obligations. Research conducted by Dewi et al. supports the integration of human rights with local customs, such as Balinese customary law.<sup>19</sup> In contrast, the study by Febrianty et al.

---

<sup>14</sup> Mansari Mansari and Rizkal Rizkal, "Peranan Hakim Dalam Upaya Pencegahan Perkawinan Anak: Antara Kemaslahatandan Kemudharatan," *El-Usrah: Jurnal Hukum Keluarga* 4, no. 2 (November 20, 2021): 328–56, <https://doi.org/10.22373/ujhk.v4i2.10219>.

<sup>15</sup> Titing Sugiarti and Kunthi Tridewiyanti, "Implikasi Dan Implementasi Pencegahan Perkawinan Anak," *Jurnal Legal Reasoning* 4, no. 1 (December 11, 2021): 81–95, <https://doi.org/10.35814/jlr.v4i1.2968>.

<sup>16</sup> Eleanora and Sari, "Pernikahan Anak Usia Dini dari Perspektif Perlindungan Anak."

<sup>17</sup> Sugiarti and Tridewiyanti, "Implikasi Dan Implementasi Pencegahan Perkawinan Anak."

<sup>18</sup> Horii, "Legal Reasoning for Legitimation of Child Marriage in West Java."

<sup>19</sup> Anak Agung Istri Ari Atu Dewi et al., "The Role of Human Rights and Customary Law to Prevent Early Childhood Marriage in Indonesia," *Sriwijaya Law Review*, July 19, 2022, 268–85, <https://doi.org/10.28946/slrev.Vol6.Iss2.1885.pp268-285>.

emphasizes the necessity of legal harmonization in cases involving polygamy.<sup>20</sup> Internationally, the concept of “invented traditions” developed by Hobsbawm & Ranger provides a contextual framework for understanding resistance to legal reforms.<sup>21</sup> Additionally, the thematic analysis conducted by Braun & Clarke offers valuable insight into exploring policy gaps through a qualitative lens.<sup>22</sup> However, centralized analysis of government strategies is absent from these works, creating space for this study’s contribution.

This study aims to contribute to both theoretical and practical discourse. Theoretically, it enhances the understanding of national marriage law and child protection policies in Indonesia. Practically, it provides valuable insights for policymakers, legal practitioners, and society by offering a comprehensive overview of central government efforts to prevent child marriage.

The research method employed in this study is an empirical juridical approach, which analyzes the data using the descriptive-analytical method. This study aims to provide a comprehensive and in-depth depiction of field phenomena related to the central government’s policy on preventing child marriage in Indonesia. The research investigates real-life conditions within society to identify relevant facts and data. Once the necessary data are collected, problem identification is carried out. It is ultimately leading to the formulation of problem-solving measures.<sup>23</sup>

This study is categorized as qualitative research. It focuses on gaining insights, reasoning, and motivations concerning the research problem. Data collection is exploratory, involving in-depth analysis and examination of specific research objects—namely, the Ministry of Women’s Empowerment and Child Protection of the Republic of Indonesia (KP3A RI) and the Directorate General of Religious Courts of the Supreme Court of the Republic of Indonesia (Ditjen Badilag RI).

Primary data were obtained through observation and interviews with KP3A RI and Ditjen Badilag RI. These were complemented by secondary sources, including legal literature, previous research, and legal documents relevant to the research problem—such as marriage laws and their amendments, Constitutional Court rulings on marriage, child protection regulations and revisions, and marriage dispensation policies. Additional supporting data were gathered from legal journals, legal dictionaries, and various online resources relevant to the issue of the central government’s policy on child marriage prevention in Indonesia.<sup>24</sup>

Data collection techniques involved both literature study and field study. The literature study collected references and legal sources related to the central government’s

---

<sup>20</sup> Yenny Febrianty et al., “Answering the Challenges of Polygamy: Justice and Legal Protection in Islamic and Indonesian Law,” *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 12, no. 1 (April 14, 2025): 15, <https://doi.org/10.29300/mzn.v12i1.6930>.

<sup>21</sup> Eric Hobsbawm and Terence Ranger, eds., *The Invention of Tradition*, 1st ed. (Cambridge University Press, 2012), <https://doi.org/10.1017/CBO9781107295636>.

<sup>22</sup> Virginia Braun and Victoria Clarke, “Using Thematic Analysis in Psychology,” *Qualitative Research in Psychology* 3, no. 2 (January 2006): 77–101, <https://doi.org/10.1191/1478088706qp0630a>.

<sup>23</sup> Bambang Waluyo, *Penelitian Hukum Dalam Praktek* (Jakarta: Sinar Grafika, 2002), 16.

<sup>24</sup> Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif*, 1st ed. (Depok: Rajawali Pers, 2019).45

policy on preventing child marriage, along with a critical review of relevant legal documents and data. The field study consisted of observations and interviews with key government institutions responsible for the issue, namely KP3A RI and Ditjen Badilag RI.

Data analysis followed a systematic procedure beginning with the comprehensive collection (unitization) of all primary, secondary, and tertiary legal materials obtained through documentation, literature review, and interviews concerning the central government's policy on child marriage prevention. Subsequently, the raw data were processed through classification (categorization) into primary, secondary, and tertiary legal materials. This classification was followed by the interpretation of the data, ensuring validity and culminating in conclusions aligned with the predefined research questions.

### **Central Government Policies in Preventing Child Marriage**

Marriage is inherently private, involving a legal relationship between family members. However, as societal dynamics evolve, marriage becomes a public concern, particularly when its consequences extend beyond the immediate family and affect broader social and national interests. Child marriage, in particular, has significant negative impacts on various aspects of life, including national development, societal well-being, family stability, and, most crucially, the rights and future of the children involved. Given these far-reaching consequences, government intervention is essential to regulate and prevent child marriage through comprehensive policy measures.<sup>25</sup>

The concept of policy itself is integral to governance and legal frameworks. In the Indonesian Dictionary, policy is a set of principles and guidelines that serve as a foundation for decision-making and action in governance, leadership, and administration. More broadly, policy is a framework of principles that guide leadership, decision-making, and implementation processes.

The process of developing legislation for children, in this case, child marriage, requires an integrative and holistic approach. For example, tackling this matter from a multidimensional perspective requires accounting for the aspects of family law and the financial, political, and social dimensions involved in building resilience. Empirical data can be used to measure and reduce the incidence of child marriage in Indonesia.

In his scholarly research, Amin Abdullah analyzed the relationship between religion and science and insisted that the general assumption of an adamant and fixed line separating these fields is misleading. Instead, he suggested that there is a flexible and complex line, opening up the possibility of coexistence and intersection of these fields of knowledge. Disciplines of scholarship need to adopt an interdisciplinary research approach that promotes the exchange and synthesis of ideas from different areas of inquiry. This active engagement process is termed interconnection and is illustrated by clarification, verification, reciprocal correction, and further clarification. It is important to note that this relationship is one of iteration, requiring frequent updating and revision.<sup>26</sup>

---

<sup>25</sup> Zulham Wahyudani and Muhazir Muhazir, "Marriage Requirements for Cadres of Pondok Pesantren Gontor: Exploring the Concept of Kafa'ah," *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam* 7, no. 1 (2024): 102–18.

<sup>26</sup> M. Amin Abdullah et al., *Praksis Paradigma Integrasi-Interkoneksi Dan Transformasi Islamic Studies Di UIN Sunan Kalijaga* (Pascasarjana UIN Sunan Kalijaga Yogyakarta, 2014). 12

Within Indonesia's government system, responsibility for developing, coordinating, and synthesizing policies to address the problem of child marriage lies with the Ministry of Women's Empowerment and Child Protection (Kementerian Pemberdayaan Perempuan dan Perlindungan Anak Republik Indonesia - KP3A RI). It has included preventing child marriage among one of its five key strategic priorities under overall objectives to strengthen government policy and increase inter-organizational cooperation. The thematic priorities target sensitive areas related to gender equality and children's welfare, namely; (1) empowering women through entrepreneurship, (2) increasing educational involvement by mothers, (3) reducing violence against women and children, (4) eliminating child labor, and (5) proactive prevention of child marriage. To realize these undertakings effectively, the Ministry instituted six flagship programs: (1) Public Participation towards Women's and Children's Welfare (PUSPA/*Partisipasi Publik Untuk Kesejahteraan Perempuan dan Anak*), which promotes civic involvement; (2) Women and Children Protection Motor and Mobile Units (MOLIN/*Mobil Perlindungan Perempuan dan Anak*; TORLIN/*Motor Perlindungan Perempuan dan Anak*), which deliver responsive services to communities; (3) Indonesian Women Innovators (PERINTIS/*Perempuan Inovator Indonesia*), which develops women's leadership capacity; (4) Integrated Child Protection by Communities (PATBM/*Perlindungan Anak Terpadu Berbasis Masyarakat*), which organizes protective mechanisms within communities; (5) Jelajah 3Ends, which undertakes widespread nationwide awareness and dissemination campaigns; and (6) Child-Friendly Districts and Cities (KLA/*Kabupaten/Kota Layak Anak*), which aims to reshape local government through certification processes.

Although KP3A RI officials, including Rohika Kurniadi Sari, S.H., M.Si. (Assistant Deputy for Fulfilment of Children's Rights on Care and Environment) describe a structurally strong regulatory environment controlling child marriage prevention. Despite strong legal reforms, gaps remain in how the laws are applied. One key change was Law No. 16/2019, which amended the 1974 Marriage Law by setting the minimum marriage age for men and women at 19. This reform followed Constitutional Court Decision No. 22/PUU-XV/2017, breaking earlier discriminatory age limits. Additional protections were introduced through Law No. 23/2002 on Child Protection and its revision, Law No. 35/2014. These laws clarified the state's responsibility to protect children, strengthened parental duties, increased penalties for sexual offenses against children, and introduced support for victims, including compensation. The Supreme Court's Regulation No. 5/2019 also set clear guidelines for approving marriage dispensation requests to improve fairness and consistency in court decisions. However, gaps still exist—especially in how consistently courts across regions apply these rules. KP3A RI has confirmed that a new Government Regulation is being drafted to strengthen the criteria for marriage dispensations, requiring more rigorous evidence and better procedural safeguards.<sup>27</sup>

Although KP3A RI officials, such as Rohika Kurniadi Sari (Assistant Deputy for Fulfilment of Children's Rights on Care and Environment), say that Indonesia has strong laws to prevent child marriage, there are still problems with how these laws are put into

---

<sup>27</sup> Rohika Kurniadi Sari, Interview with Rohika Kurniadi Sari, S.H., M.Si. (Assistant Deputy for Fulfillment of Children's Rights to Care and Environment at the Ministry of Women's Empowerment and Child Protection of the Republic of Indonesia), interview by Muhamad Kholid, May 13, 2022.

practice. Key laws, including Law No. 16/2019, which updated the 1974 Marriage Law, set the minimum marriage age for men and women at 19. This change followed a Constitutional Court ruling (No. 22/PUU-XV/2017) that removed older rules. Other essential laws are Law No. 23/2002 on Child Protection and its update, Law No. 35/2014. These laws strengthen the state's responsibility to protect children, require parental responsibility, increase penalties for child sexual crimes, and provide help for victims. The Supreme Court also issued Regulation No. 5/2019, which gives clear guidelines for courts when deciding on marriage dispensation requests (exceptions to the minimum age rule). Despite all these laws, there are still issues, especially with how evenly the rules are applied in different areas. KP3A RI says a new Government Regulation on Marriage Dispensation is being drafted. It aims to make it harder to get exceptions by requiring more substantial evidence and better legal procedures.

Beyond the purview of the Ministry of Women's Empowerment and Child Protection (KP3A RI), the Supreme Court of Indonesia, operating through its Directorate General of Religious Courts (Ditjen Badilag RI), wields considerable authority within the judicial framework to address the issue of child marriage. The primary mandate of the Direktorat Jendral Badilag Republik Indonesia (Ditjen Badilag RI) is to provide support to the Secretary of the Supreme Court in the formulation and implementation of policies of judicial administration, technical supervision, and standardization for Religious Courts on a national scale. These religious courts, operating under the Supreme Court's jurisdiction, have the authority to adjudicate cases involving marriage, inheritance, wills, charitable endowments (wakaf), religious alms (zakat, infaq, shadaqah), sharia economics, and other family law disputes. The specific authority in marriage matters encompasses a broad range of issues, including granting marriage approval for individuals under 21 (when parental or guardian consent is disputed), adjudicating marriage dispensations, implementing marriage prevention measures, addressing marriage registration rejections by officials, handling marriage annulments, overseeing divorce proceedings, dividing marital assets, determining child custody and parental support obligations, establishing child legitimacy, revoking parental rights while appointing substitute guardians, and ruling on the legal recognition of interfaith marriages.

**Table 1 Marriage Dispensation Cases in Indonesian Religious Courts, 2021.**

No.	Appeal Level	In	Out	Granted
1	Mahkamah Syar'iyah Aceh	956	912	880
2	PTA Medan	870	809	777
3	PTA Padang	1,080	1,035	993
4	PTA Pekanbaru	1,379	1,306	1,250
5	PTA Jambi	1,021	1,001	962
6	PTA Palembang	1,627	1,572	1,530
7	PTA Kepulauan Babel	261	254	249
8	PTA Bengkulu	1,099	1,066	1,037
9	PTA Bandar Lampung	722	690	658

10	PTA Jakarta	408	387	360
11	PTA Bandung	7,205	6,919	6,730
12	PTA Banten	373	349	314
13	PTA Semarang	14,160	13,852	13,559
14	PTA Surabaya	17,702	17,358	17,145
15	PTA Yogyakarta	759	732	716
16	PTA Pontianak	1,237	1,196	1,158
17	PTA Palangkaraya	842	812	781
18	PTA Banjarmasin	1,385	1,357	1,307
19	PTA Samarinda	1,334	1,263	1,177
20	PTA Manado	909	884	863
21	PTA Gorontalo	1,090	1,060	1,012
22	PTA Palu	462	436	408
23	PTA Kendari	343	330	315
24	PTA Makassar	4,459	4,278	4,036
25	PTA Mataram	1,258	1,187	1,121
26	PTA Kupang	92	91	80
27	PTA Ambon	69	67	65
28	PTA Maluku Utara	51	49	46
29	PTA Jayapura	202	191	180

To specifically address the issue of child marriage, Ditjen Badilag RI has implemented policies focused on monitoring and regulating marriage dispensation cases adjudicated within Indonesia's Religious Courts. The statistical data in Table 1 from 2021 illustrates the phenomenon's scale under study. The Ditjen Badilag RI recorded 63,355 marriage dispensation applications, of which 61,443 were decided and 59,709 were granted.<sup>28</sup> The Supreme Court promulgated Supreme Court Regulation Number 5 of 2019 (PERMA No. 5/2019) to reinforce these measures, establishing Guidelines for Adjudicating Marriage Dispensation Requests.<sup>29</sup> The regulation's rationale is grounded in fundamental principles, including recognizing children as sacred trusts endowed with inherent dignity and equal rights to development. It also affirms Indonesia's obligations under the Convention on the Rights of the Child, mandates that all actions concerning children prioritize their best

<sup>28</sup> Results of observation at the Ditjen Badilag RI Office, Jl. Jend. Ahmad Yani No. 58, RT.1/RW.2, Cemp. Putih Tim., Kec. Cempaka Putih, Central Jakarta City, Special Capital Region of Jakarta, May 30, 2022.

<sup>29</sup> Supreme Court Regulation (PERMA) No. 5 of 2019 concerning Guidelines for Adjudicating Marriage Dispensation Petitions.

interests, acknowledges marriage as generally permitted only for those meeting age requirements, but allows judicial dispensation under specific circumstances defined by law, and addresses the need for more straightforward procedural guidelines in adjudicating such dispensations.

PERMA No. 5/2019 stipulates that judges adjudicating marriage dispensation applications must base their decisions on core principles. These principles encompass a multifaceted array of considerations, including the prioritization of the best interests of the child, the upholding of the child's right to life and development, the respect for the child's opinions and inherent human dignity, the assurance of non-discrimination and gender equality, and the adherence to principles of legal equality, justice, societal benefit, and legal certainty. During the case examination, judges must counsel the applicants, the minor child, the prospective spouse, and the parents or guardians of both parties. Counseling services must address the considerable risks associated with child marriage. Such risks include, but are not limited to, the potential discontinuation of the child's education, the significance of completing the 12-year compulsory education program, the immaturity of the child's reproductive organs, and the adverse economic, social, and psychological impacts, including the heightened potential for domestic disputes and violence.

Moreover, the regulation stipulates that judges must directly hear testimony from the child for whom dispensation is sought, the prospective spouse, and the parents or guardians of both individuals. Judges presiding over such cases are tasked with identifying several key factors. These factors include whether the child possesses genuine knowledge of and consents to the proposed marriage, their psychological state, physical health, and readiness for marriage and establishing a household, and the presence of any psychological, physical, sexual, or economic coercion exerted upon the child or their family to proceed with the marriage. According to analyses by the Deputy for Child Growth and Development at the Ministry of Women's Empowerment and Child Protection, the implementation of PERMA No. 5/2019 highlights three readily observable and measurable detrimental impacts of child marriage: negative consequences for education, health, and economic well-being.<sup>30</sup> However, an alternative perspective exists, viewing marriage dispensations in specific cases as a necessary judicial intervention to prevent potentially greater harm to the individuals involved.

Implementing the PERMA on Marriage Dispensation reflects a progressive judicial approach to child marriage. According to the Deputy for Child Growth and Development at KP3A RI, child marriage has measurable negative impacts on education, health, and economic stability. However, from a judicial perspective, granting a marriage dispensation is often necessary to prevent greater harm in specific cases. The Supreme Court's PERMA on Marriage Dispensation issuance underscores the judiciary's responsibility to uphold justice and ensure the child's best interests.

The regulation emphasizes the health risks associated with child marriage, particularly regarding reproductive health. UNICEF data indicate that adolescent girls (ages

---

<sup>30</sup> Kementerian Pemberdayaan Perempuan dan Perlindungan Anak (Kemenpppa), "Menteri PPPA: Perkawinan Anak Harus Dihentikan!," accessed December 16, 2022, <https://www.kemenpppa.go.id/index.php/page/read/29/2822/menteri-pppa-perkawinan-anak-harus-dihentikan>.

15–19) are twice as likely to die during childbirth compared to women over 20 years old.<sup>31</sup> Furthermore, child marriage increases the risk of child exploitation and domestic violence. Beyond health concerns, child marriage severely disrupts educational opportunities, which, in turn, threatens national development objectives, particularly the constitutional mandate to educate the nation as stated in the Preamble of the 1945 Constitution of Indonesia.<sup>32</sup>

Thus, the PERMA on Marriage Dispensation represents an effort to protect the nation's future generations by aligning judicial regulations with Indonesia's broader constitutional and developmental goals. This policy framework ensures that legal rulings are not merely rule-driven but mission-driven, meaning they serve the overarching national objectives of ensuring public welfare, advancing education, and maintaining social order based on justice and human rights.<sup>33</sup>

The prevention and mitigation of child marriage can be approached through both repressive and preventive measures. Repressive efforts focus on interventions after child marriage has occurred, such as parenting skill training to support young couples. Meanwhile, preventive measures aim to stop child marriage before it happens through public awareness campaigns and targeted education programs. Preventive efforts also include normative legal measures, such as strengthening regulations to strictly control and prevent child marriage, reinforcing the role of law as a tool for social control.<sup>34</sup>

The PERMA on Marriage Dispensation is a comprehensive legal instrument to assess the underlying causes of child marriage dispensation requests. Given that the risks and justifications for marriage dispensations must be carefully evaluated, this regulation enables a thorough judicial review process. However, child protection efforts should not solely be the responsibility of state institutions. Society, as a whole, must actively participate in fostering a cultural paradigm that prioritizes child well-being and development.

The presence of PERMA No. 5/2019 manifests the idea to protect the entire Indonesian nation and all of Indonesia's spilled blood, advance public welfare, educate the nation's life, and implement world order based on independence, eternal peace, and social justice. The rule of law functions as a conduit for the realization and attainment of the four objectives of the Indonesian state. Consequently, the evolution of the Indonesian state is not confined to a "ruled-driven" model but rather is characterized by a "mission-driven" approach underpinned by the principle of the rule of law.

The negative consequences of child marriage contradict the fundamental objectives of marriage as outlined in Indonesian law and legal scholarship. As stipulated in Islamic

---

<sup>31</sup> Constitutional Court Decision Number 22/PUU-XV/2017 concerning the Petition for Judicial Review of Law Number 1 of 1974 concerning Marriage against the 1945 Constitution of the Republic of Indonesia, 1 December 13, 2018, p. 21.

<sup>32</sup> Constitutional Court Decision Number 22/PUU-XV/2017 concerning the Petition for Judicial Review of Law Number 1 of 1974 concerning Marriage against the 1945 Constitution of the Republic of Indonesia, 1 December 13, 2018, p. 52-53.

<sup>33</sup> Jimly Asshiddiqie, *Gagasan Negara Hukum Indonesia* (Jakarta: BPHN, 2012), 14.

<sup>34</sup> Aryatama Hibrawan, "Implementasi PERMA Nomor 5 Tahun 2019 Tentang Pedoman Mengadili Permohonan Dispensasi Kawin Sebagai Bentuk Perlindungan Kepentingan Anak," *Badilag MA RI*, accessed December 16, 2022, <https://badilag.mahkamahagung.go.id/artikel/publikasi/artikel/implementasi-perma-nomor-5-tahun-2019-tentang-pedoman-mengadili-permohonan-dispensasi-kawin-sebagai-bentuk-perlindungan-kepentingan-anak-oleh-aryatama-hibrawan-s-h-28-6>.

jurisprudence and national marriage law, the primary purpose of marriage is to establish a harmonious and everlasting family based on religious principles. It aligns with the Islamic concepts of *sakinah*, *mawaddah*, and *rahmah* (tranquility, love, and compassion) in marital life.<sup>35</sup>

Imam al-Ghazali categorizes the objectives of marriage into five key purposes: (1) to obtain legitimate offspring who will continue the lineage and contribute to the proliferation of human tribes; (2) to fulfill the natural, instinctive needs of human life; (3) to protect individuals from immorality and moral corruption; (4) to establish and manage a household, which serves as the foundational unit of a broader society, built upon love and compassion; and (5) to foster a sincere effort to seek lawful sustenance and to enhance a sense of responsibility.<sup>36</sup>

Mahmud Yunus succinctly articulates the purpose of marriage as the attainment of legitimate offspring within society by establishing a peaceful and orderly household.<sup>37</sup> According to Soemiati, the purpose of marriage in Islam is to fulfill natural human desires through the lawful union between a man and a woman to form a harmonious family grounded in love and compassion to have children following the principles prescribed by Islamic law.<sup>38</sup> Masdar Hilmi further emphasizes that, in addition to meeting physical and spiritual human needs, the objectives of marriage in Islam include the formation of a family, the continuation and preservation of lineage, the prevention of adultery, and the attainment of inner peace and tranquility for the individual, the family, and society as a whole.

From this perspective, child marriage directly contradicts these foundational principles, as it often results in unprepared parenthood, financial instability, educational disruption, and social vulnerability. Thus, comprehensive government policies—both judicial and legislative—are essential to safeguard the rights and well-being of children, ensuring that marriage fulfills its intended purpose of fostering a prosperous, stable, and responsible family structure.

### **Challenges and Government Efforts in Preventing Child Marriage**

The Ministry of Women's Empowerment and Child Protection (KP3A RI) faces significant challenges in implementing its priority and flagship programs, particularly those aimed at preventing child marriage. One of the primary obstacles is the autonomous authority of villages, which grants local governments complete control over their budgets and program priorities. As a result, the success of child marriage prevention efforts heavily depends on the willingness of village administrations to allocate resources for such initiatives. On the other hand, village governments often prioritize economic development, human resource improvement, poverty eradication, stunting prevention, labor-intensive village programs, and disaster management over child marriage prevention programs.

---

<sup>35</sup> Muhazir Muhazir, Azwir Azwir, and Zubir Zubir, "Legal Institutions in Resolving Divorce Cases in Aceh," *Al-Istinbath: Jurnal Hukum Islam* 9, no. 1 (2024): 211–230.

<sup>36</sup> Soemiyati, *Hukum Perkawinan Islam Dan Undang-Undang Perkawinan* (Yogyakarta: Liberty, 2007), 12–13.

<sup>37</sup> Wasman and Wadah Nuroniyah, *Hukum Perkawinan Islam Di Indonesia* (Yogyakarta: Teras, 2011), 37–38.

<sup>38</sup> M. Idris Ramulyo, *Hukum Perkawinan Islam* (Jakarta: Bumi Aksara, 1999), 27.

Consequently, national-level strategies formulated by KP3A RI frequently fail to be implemented at the village level.

The Village Law mandates that villages have the authority to manage governance and community affairs, including determining the priority use of Village Funds. Between 2020 and 2022, the primary focus of Village Fund allocation was the COVID-19 response, as the pandemic affected various aspects of society, including social welfare, economic stability, and public health, resulting in casualties and financial losses. As the pandemic became more manageable, the 2023 Village Fund allocation shifted towards economic recovery, human capital development, and extreme poverty reduction while addressing stunting prevention, labor-intensive programs, disaster management, and rural economic development. Given these shifting priorities, effective coordination between KP3A RI and the Ministry of Villages, Development of Disadvantaged Regions, and Transmigration (Kemendes-PDRT) is crucial to align national and village-level approaches to child marriage prevention.

Article 13 of Law No. 23 of 2014 establishes the framework for distributing concurrent governmental responsibilities between the central government and regional governments at the provincial, regency, and city levels. The fundamental principles that guide this distribution are accountability, efficiency, externalities, and national strategic interest. Consequently, the Central Government is granted authority for specific governmental affairs when it fulfills certain criteria. These criteria include matters whose location or users span multiple provinces or national borders; issues where the benefits or negative impacts cross provincial or national boundaries; affairs where resource utilization is demonstrably more efficient if managed centrally; and matters deemed strategically vital for national interests.

The 2014 Village Law's provision of autonomy to Indonesian villages has yielded discordant outcomes in the endeavor to impede the practice of child marriage. On the one hand, many communities have allocated financial resources to specific initiatives within their planning and budgetary authority. For instance, Jombok Village in Trenggalek passed a 2023 local ordinance specifically allocating part of its Village Fund (APBDes) toward campaigns against child marriage in advocacy and education.<sup>39</sup> The involvement of women, young people, and vulnerable groups in the design of prevention strategies has the potential to enhance local ownership of the problem within rural communities. Conversely, the relative importance of objectives at the village level can vary considerably. In some cases, the presence of competing development priorities or limited awareness can result in the issue of underage marriage not always receiving the highest priority within a given community.

Given the profound societal implications of marriage regulation, particularly concerning the detrimental effects of child marriage, this falls squarely within the strategic national interest criterion. Consequently, the Central Government bears a fundamental responsibility in addressing this issue. Nonetheless, provincial, regency, and municipal governments are obligated to play a proactive role in preventing child marriage. This commitment is evidenced by the establishment of specialized agencies across all provinces, cities, and regencies entrusted with the responsibility of promoting women's empowerment and safeguarding the well-being of children. While the specific nomenclature of these

---

<sup>39</sup> Jombok Village Regulation No. 2 of 2023 concerning Child Marriage Prevention Strategy

agencies may vary, their core mandate and authority concerning these issues remain consistent.

Village budgets were significantly shifted during the epidemic to meet immediate COVID-19 needs, which caused delays for several long-term social events. According to research, more than half of the allocated funds in a village in 2020 went toward pandemic relief—cash transfers to households—instead of regular development projects.<sup>40</sup> Reflecting this change, Permendes-PDPT developed policies emphasizing cash-for-work infrastructure projects and health prevention above other investments.<sup>41</sup> When the health emergency passed, villages only began distributing money toward thorough economic and human development projects (infrastructure, education, etc.). Though it also caused some child-protection activities to be postponed during the crisis, this reorientation may indirectly reduce child marriage by strengthening local economies and education.

At the local administrative level, procuring a recommendation letter from the village or sub-district (kelurahan) office is a prerequisite for marriage registration at the sub-district religious affairs office (KUA). Village officials, particularly the Village Head (Lurah), serve as the primary agents guiding prospective couples towards marriages conducted at suitable ages. This guidance underscores the significance of psychological maturity, economic stability, and sexual organ readiness. In instances where the documentation about marriage indicates that the applicant is below the age of 18, the Village Head is obligated to offer counsel, thereby imparting knowledge regarding the deleterious ramifications associated with child marriage. The explicit objective of this initiative is to encourage couples to postpone marriage until reaching adulthood.

The Ministry of Villages (Kemendes-PDPT) has promoted village-centric approaches to improve grassroots preventive efforts. The Inclusive Village (Desa Inklusif) project aims to create neighborhood environments friendly for children. Desa Inklusif is a village setting where “every villager is inclined to create opportunities for life and livelihood for all inhabitants.” In these communities, the prevention of child marriage is carried out utilizing community empowerment: local organizers conduct regular training courses and public campaigns stressing the negative consequences of early marriage, thus fostering voluntary participation from parents, religious leaders, young groups, and others. These community-driven projects improve official programs and help to grassroots change of standards by including prevention in local culture and social events.<sup>42</sup>

A long-term strategic initiative involves formulating village regulations specifically targeting child marriage, serving as a localized mechanism for minimizing its occurrence. Village regulations function as legal instruments for social control. The perspective of law as a tool for social control acknowledges its role as one among various mechanisms that shape

---

<sup>40</sup> Afif Martajaya and Dani Sugiri, “Implementasi Penyaluran Dan Penggunaan Dana Desa Pada Masa Pandemi Covid-19: Studi Kasus Desa Karanganom Kabupaten Klaten,” *Jurnal Edukasi (Ekonomi, Pendidikan Dan Akuntansi)* 9, no. 2 (November 23, 2021): 109, <https://doi.org/10.25157/je.v9i2.5873>.

<sup>41</sup> Seksi Pengembangan Sistem Informasi Desa, “Dana Desa Di Masa Pandemi COVID 19,” *Dispemadisedukcapil Provinsi Jawa Tengah*, July 30, 2020, 19, <https://dispermadesdukcapil.jatengprov.go.id/berita/99-dana-desa-dimasa-pandemi-covid-19>.

<sup>42</sup> Kementerian Pemberdayaan Perempuan dan Perlindungan Anak (Kemenpppa), “Menteri PPPA: Perkawinan Anak Harus Dihentikan!”

societal norms, including established social institutions such as religion and morality. Social control mechanisms delineate deviant behavior and prescribe corresponding consequences, encompassing prohibitions, demands, and compensations. As an instrument of social control, law delineates the boundaries of permissible human conduct. Behavior that deviates from legal norms is considered a violation, which can result in the imposition of sanctions. Consequently, legislation inherently regulates penalties for transgressors, aiming to direct societal behavior toward compliance to foster social harmony.<sup>43</sup>

These local initiatives fit Indonesia's larger strategic orientation. Emphasizing child rights and gender equality across sectors, the national Child Marriage Prevention Strategy (Stranas PPA 2020–2024) is spatial and comprehensive. It lists five pillars: (1) maximizing children's capacity, (2) designing settings that support prevention, (3) increasing access to reproductive and health services, (4) strengthening legal and institutional frameworks, and (5) improving stakeholder coordination. These pillars, taken together, suggest interventions at several levels—individual, family, community, and regional—rather than viewing underage marriage as a single cultural problem. This “THEMATIC-HOLISTIC-INTEGRATIVE-SPATIAL” (THIS) method acknowledges that stopping child marriage calls for addressing the child's education and empowerment, the family's support systems, community standards, and local governing systems.<sup>44</sup>

The efficacy of law as a social control instrument is contingent upon the presence of conducive circumstances, most notably the existence of explicit and meticulously formulated legal provisions in conjunction with rigorous enforcement by competent authorities. Nevertheless, the practical implementation of any regulatory framework, even one aligned with societal expectations and garners support, can be undermined without dedicated implementing officials. A primary concern in Indonesia is that external pressures may influence law enforcement. Officials are often seen as vulnerable to political power, financial incentives, personal status, and even collusion. These influences risk undermining the fair and consistent application of the law, raising serious concerns about the integrity of legal enforcement.<sup>45</sup>

Legally speaking, Indonesia's revised Marriage Law—a progressive change—has raised the minimum age to 19 for both genders—but it still allows court-granted dispensations under specific criteria. Critics caution that this exception may compromise prevention: According to a UNICEF study, allowing dispensations could result in millions of marriage petitions for young girls annually. The Supreme Court (PERMA) issued Regulation No. 5/2019, requiring judges to guarantee the child's testimony is heard in any dispensation process, so tightening judicial supervision. However, religious courts grant an overwhelming majority of petitions—over 95% in a recent five-year audit. Furthermore, court rulings sometimes concentrate on technical eligibility instead of the child's general welfare. Legal academics have thus urged more changes, for example, precisely defining

---

<sup>43</sup> Dian Latifiani, “The Darkest Phase for Family: Child Marriage Prevention and Its Complexity in Indonesia,” *Journal of Indonesian Legal Studies* 4, no. 2 (November 30, 2019): 241–58, <https://doi.org/10.15294/jils.v4i2.34708>.

<sup>44</sup> BAPPENAS RI, “Strategis Nasional Pencegahan Perkawinan Anak (Stranas PPA),” *Stranas PPA*, accessed June 1, 2025, <https://stranas-ppa.konsep.id/>.

<sup>45</sup> Latifiani, “The Darkest Phase for Family.”

acceptable “urgent reasons,” involving social workers or psychologists in hearings, and methodically monitoring cases so that dispensation becomes an absolute protection rather than a loophole. These dynamics show how important it is for the courts to handle marriage applications regarding enforcement.

Consequently, the sustained implementation of government initiatives is imperative to disseminate a unified message that effectively discourages child marriage, given its well-documented adverse consequences on marital life. In the context of predominantly Muslim villages, where the population is approximately 99% Muslim, effective socialization strategies must integrate content from three key domains: (1) religious perspectives, (2) health implications, and (3) educational consequences. Local authorities collaborate closely with village religious leaders (ulama) and traditional figures to amplify this message, aiming to delay marriage ceremonies for underage individuals until they achieve sufficient physical, psychological, and practical readiness for married life.<sup>46</sup>

In recent years, the conversation around child marriage in Indonesia has increasingly focused on public accountability. The current legal framework clearly defines child marriage as a violation of children’s rights under the Child Protection Act. A recent village government publication, for example, states that child marriage “robs [children] of their rights” and causes serious harm to their health, education, and future livelihoods. This shift reflects a broader understanding: early marriage is no longer viewed as a private matter but as a legal violation of a child’s constitutional rights. As a result, preventing child marriage is now seen as a collective duty – both society and the state share the responsibility to protect children from this harmful practice.

According to Ibrahim Ben Bella Bouty, the Head of the Community Welfare Division at the Directorate General of Village Development and Community Empowerment, one of the key strategies employed by Kemendes-PDPT in preventing child marriage is the facilitation of Inclusive Villages using a child-friendly approach. An inclusive village is characterized by voluntary community engagement that ensures all residents have equal access to opportunities and resources. Child marriage prevention in these villages is pursued through community empowerment initiatives, where local communities are encouraged to actively participate in training programs and awareness campaigns. Through these efforts, the Ministry aims to cultivate social consciousness and mobilize grassroots participation in child marriage prevention. This policy framework provides a viable solution to the challenges faced by KP3A RI in integrating child marriage prevention within village-level governance structures.<sup>47</sup>

Several strategies have been implemented to address these challenges,<sup>48</sup> including (1) child capacity optimization, (2) family empowerment, (3) environmental optimization, (4) regional strengthening, and (5) the integration of local women’s empowerment and child protection agencies. Child capacity optimization is facilitated through the Children’s Forum, from the national level to individual villages, and through regional Women’s Empowerment

---

<sup>46</sup> Latifiani, “The Darkest Phase for Family.”

<sup>47</sup> Kementerian Pemberdayaan Perempuan dan Perlindungan Anak (Kemenpppa), “Menteri PPPA: Perkawinan Anak Harus Dihentikan!”

<sup>48</sup> Sari, Interview with Rohika Kurniadi Sari, (Assistant Deputy for Fulfillment of Children’s Rights to Care and Environment at the Ministry of Women’s Empowerment and Child Protection of the Republic of Indonesia).

and Child Protection Offices. Family empowerment efforts are executed through Family Learning Centers (Puspaga) at the provincial and district levels. These initiatives are designed to provide structured support networks that enable children, families, and communities to play an active role in preventing child marriage.

Minister of Women's Empowerment and Child Protection, Bintang Puspayoga, stated that according to data from the Central Bureau of Statistics (BPS), the proportion of women aged 20–24 who were married before turning 18 decreased from 11.21% in 2018 to 10.82% in 2019. However, despite this decline, 22 provinces in 2019 still recorded child marriage rates higher than the national average. The persistence of child marriage continues to have detrimental consequences for the country, society, families, and children themselves.<sup>49</sup>

To further reduce child marriage rates, the government has intensified public awareness campaigns emphasizing that the legal marriage age is 19. These efforts involve multi-sectoral collaboration between government agencies, civil society organizations, the private sector, and the media. The goal is to shift societal perspectives, particularly among parents and families, so that they recognize their responsibility in protecting children from early marriage. Since 2018, KP3A RI has been actively implementing child marriage prevention measures, which were further reinforced in 2020. One of the major initiatives is the Joint Movement for Child Marriage Prevention (Geber PPPA), which involves 17 ministries and 65 civil society organizations. Additionally, in 2018, 20 provinces with the highest child marriage rates signed an Integrity Pact, engaging business entities, religious leaders from six different faiths, the Children's Forum, and child-focused journalists in a collective commitment to prevent child marriage.<sup>50</sup>

The need for stricter marriage dispensation regulations has been a focal point of policy discussions. Rohika Kurniadi Sari, Assistant Deputy for the Fulfillment of Children's Rights in Family and Alternative Care at KP3A RI, stated that a draft Government Regulation on Marriage Dispensation is under development. This regulation aims to tighten the conditions under which marriage dispensations can be granted, addressing gaps in Supreme Court Regulation (PERMA) on Marriage Dispensation, which has been deemed insufficient in curbing child marriage. The proposed regulation focuses on child marriage prevention while ensuring the best interests of the child and the prospective spouse in cases where dispensation is considered.<sup>51</sup>

KP3A RI has maintained ongoing coordination with the judiciary, particularly with the Supreme Court, to harmonize policies related to child marriage prevention, including developing additional regulations on marriage dispensation. This collaboration is vital because the Supreme Court plays a crucial role in child marriage prevention through its jurisdiction over Religious Courts, which handle the majority of marriage dispensation cases.

The Ditjen Badilag RI has compiled data on marriage dispensation cases submitted to Religious Courts across Indonesia. However, the current marriage dispensation database

---

<sup>49</sup> Kementerian Pemberdayaan Perempuan dan Perlindungan Anak (Kemenpppa), "Menteri PPPA: Perkawinan Anak Harus Dihentikan!"

<sup>50</sup> Kementerian Pemberdayaan Perempuan dan Perlindungan Anak (Kemenpppa).

<sup>51</sup> Sari, Interview with Rohika Kurniadi Sari, (Assistant Deputy for Fulfillment of Children's Rights to Care and Environment at the Ministry of Women's Empowerment and Child Protection of the Republic of Indonesia).

lacks key information, such as the age and educational background of individuals seeking dispensations. Addressing these data gaps is critical in improving policy evaluation and enforcement.

Marriage dispensation cases in Religious Courts are commonly filed for several reasons, including romantic relationships, cultural traditions, unplanned pregnancies, and health concerns. Given the complex socio-cultural factors influencing child marriage, a multi-stakeholder approach is necessary. Key actors in this effort include Ditjen Badilag RI, KP3A RI, local governments at the provincial and district levels, the Indonesian Child Protection Commission (KPAI), district leaders, religious scholars, psychologists, sociologists, legal experts, and healthcare professionals. Collaborative efforts among these stakeholders are essential in developing concrete strategies to prevent child marriage.

The judicial process for marriage dispensation cases differs from conventional court proceedings. Judges hearing these cases do not wear official robes, and child-friendly courtroom procedures are implemented. Religious Courts have taken measures to create a more child-sensitive environment, such as renovating courtrooms to be more accommodating for minors. Moreover, judges overseeing marriage dispensation cases are required to have specialized knowledge of child protection laws. These efforts reflect the judiciary's commitment to minimizing the occurrence of child marriage while ensuring that children's rights remain at the center of legal decisions.<sup>52</sup>

KP3A RI has developed a five-pillar strategic paradigm to meet implementation challenges: (1) Child Capacity Optimization, (2) Regulatory Strengthening, (3) Multi-Agency Coordination, (4) Service Access Expansion, and (5) Enabling Environment Cultivation. However, operationalization runs against structural obstacles, most notably the fiscal autonomy of villages (*desa*) under decentralization models. This autonomy helps communities prioritize locally driven projects, sometimes excluding national child protection programs from funding sources. The Ministry looks at multi-tiered capacity-building projects to overcome these limitations: In addition to supporting Provincial/District Women's Empowerment and Child Protection Offices (DP3A), Child Optimization uses the National Children's Forum (Forum Anak) network spanning national to village levels. Operating through Family Learning Centers (*Puspaga*), Family Optimization offers psychosocial support and parenting education. While Territorial Optimization concentrates on cross-jurisdictional alignment via Regional Action Plans (*Rencana Aksi Daerah*), Environmental Optimization integrates child protection measures into spatial planning. This combined approach reflects KP3A RI's institutional response to negotiating Indonesia's convoluted governance system in eradicating child marriage.

By its nature, marriage is a private legal matter involving individuals within a family. However, when marriage – particularly child marriage – has broad societal repercussions, it becomes a public concern requiring government intervention. The negative consequences of child marriage underscore the need for comprehensive national and local policies to protect children's rights, promote family stability, and safeguard the nation's future. The efforts of KP3A RI, Kemendes-PDPT, and the Supreme Court illustrate a multifaceted approach to

---

<sup>52</sup> Results of observation at the Ditjen Badilag RI Office, Jl. Jend. Ahmad Yani No. 58, RT.1/RW.2, Cemp. Putih Tim., Kec. Cempaka Putih, Central Jakarta City, Special Capital Region of Jakarta, May 30, 2022.

addressing the legal, social, and economic dimensions of child marriage prevention in Indonesia.

## **Conclusion**

This study has elucidated the complex interaction of policy, institutional constraints, and strategic efforts in Indonesia's national campaign to end child marriage. The Ministry of Women's Empowerment and Child Protection (KP3A RI) leads this initiative, placing child marriage prevention among five national priorities. It is supported by related programs addressing women's entrepreneurship, maternal education, violence reduction, and child labor elimination. To implement this agenda, KP3A RI has launched six flagship programs – PUSPA, MOLIN/TORLIN, PERINTIS, PATBM, Jelajah 3Ends, and KLA – designed to mobilize communities, expand protective services, foster innovation, and promote child-friendly local governance.

Through the Directorate General of Religious Courts (Ditjen Badilag), the judiciary supports this effort by adjudicating marriage dispensation cases under Supreme Court Regulation No. 5/2019 (PERMA). This regulation emphasizes child-centered procedures, including risk assessments and counseling on the harms of early marriage. The broader legal framework includes Law No. 16/2019, which equalized the legal marriage age at 19, Law No. 35/2014 on child protection, and the 2017 Constitutional Court Decision No. 22, reinforcing the legal basis for preventing child marriage.

Despite these legal advances, implementation faces serious obstacles. Fiscal decentralization gives villages (*desa*) significant autonomy, allowing them to prioritize local economic and infrastructure projects over child protection. It often weakens the consistency of national strategy execution. Judicial practices vary widely: in 2021, religious courts approved 95% of dispensation requests, frequently citing socio-cultural reasons – such as stigma around premarital pregnancy – over the best interests of the child. Moreover, poor data quality on dispensation cases – including missing information on petitioners' ages and education – limits the development of effective, evidence-based policies.

In response, the government has adopted a multi-pronged strategy. Central to this is improved interagency coordination, particularly through the Joint Movement for Child Marriage Prevention (Geber PPPA), which brings together 65 civil society organizations and 17 ministries. Besides, integrity pacts are made at the provincial level, engaging companies, religious leaders, and youth forums. Since regulatory strengthening is another key pillar, a new Government Regulation on Marriage Dispensation is being drafted to raise evidentiary standards and close gaps left by PERMA No. 5/2019.

KP3A RI also focuses on capacity-building at the community level through five key areas: empowering children (via Children's Forums), strengthening families (through Puspaga), integrating child protection in spatial planning, aligning regional policies (via Local Action Plans), and expanding service access. In addition, the Ministry of Villages, Development of Disadvantaged Regions, and Transmigration (Kemendes-PDRT) promotes "Inclusive Villages" (*Desa Inklusi*), embedding child marriage prevention into local norms through community-led education and village-level regulations.

However, persistently high dispensation rates and the challenges of fiscal decentralization point to the need for deeper reforms. These include judicial retraining,

standardized data systems, and stronger financial mechanisms to align village budgets with national child protection goals. This study concludes that eliminating child marriage in Indonesia requires not only sound policy design but also transformative enforcement that bridges national objectives with local realities.

## References

- Abdullah, M. Amin, Abdul Munir Mulkhan, Machasin, Musa Asy'arie, Khoiruddin Nasution, Hamim Ilyas, and Fahrudin Faiz. *Praxis Paradigma Integrasi-Interkoneksi Dan Transformasi Islamic Studies Di UIN Sunan Kalijaga*. Pascasarjana UIN Sunan Kalijaga Yogyakarta, 2014.
- Ansori, Ade Nasihudin Al. "Data Badan Pusat Statistik: Angka Pernikahan Dini di Kalimantan Selatan Tertinggi di Indonesia." *liputan6.com*, September 9, 2020. <https://www.liputan6.com/health/read/4351605/data-badan-pusat-statistik-angka-pernikahan-dini-di-kalimantan-selatan-tertinggi-di-indonesia>.
- Armia. *Fikih Munakahat*. Medan: Manhaji, 2018.
- Asshiddiqie, Jimly. *Gagasan Negara Hukum Indonesia*. Jakarta: BPHN, 2012.
- BAPPENAS RI. "Strategis Nasional Pencegahan Perkawinan Anak (Stranas PPA)." Stratnas PPA. Accessed June 1, 2025. <https://stranas-ppa.konsep.id/>.
- Bincang Perempuan. "Peningkatan Sinergi Advokasi Untuk Mencegah Perkawinan Anak - Bincang Perempuan." *Bincang Perempuan* (blog), January 11, 2023. <https://bincangperempuan.com/peningkatan-sinergi-advokasi-untuk-mencegah-perkawinan-anak/>.
- Braun, Virginia, and Victoria Clarke. "Using Thematic Analysis in Psychology." *Qualitative Research in Psychology* 3, no. 2 (January 2006): 77-101. <https://doi.org/10.1191/1478088706qp063oa>.
- Dewi, Anak Agung Istri Ari Atu, Ni Ketut Supasti Dharmawan, Anak Agung Istri Eka Krisnayanti, Putu Aras Samsithawrati, and I Gede Agus Kurniawan. "The Role of Human Rights and Customary Law to Prevent Early Childhood Marriage in Indonesia." *Sriwijaya Law Review*, July 19, 2022, 268-85. <https://doi.org/10.28946/slrev.Vol6.Iss2.1885.pp268-285>.
- Eleanora, Fransiska Novita, and Andang Sari. "Pernikahan Anak Usia Dini dari Perspektif Perlindungan Anak." *PROGRESIF: Jurnal Hukum* 14, no. 1 (June 25, 2020). <https://doi.org/10.33019/progresif.v14i1.1485>.
- Fausi, Achmad, and Asmuni Asmuni. "Determination of the Minimum Age Limit for Marriage: Balancing Legal Supremacy and the Objectives of Sharia in Indonesian Marriage Law." *Mazahib* 23, no. 1 (June 7, 2024): 117-54. <https://doi.org/10.21093/mj.v23i1.7611>.
- Febrianty, Yenny, Hidayati Fitri, Masna Yunita, Esti Royani, Kevin M. Rivera, and Viorizza Suciani Putri. "Answering the Challenges of Polygamy: Justice and Legal Protection in Islamic and Indonesian Law." *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 12, no. 1 (April 14, 2025): 15. <https://doi.org/10.29300/mzn.v12i1.6930>.
- Hamidah, Tutik. "Religious Heads' Perspectives towards the Abolition of Child Marriage: A Study in Malang, East Java, Indonesia." *Pertanika Journal of Social Science and Humanities* 27, no. 4 (December 2019).

- <http://www.pertanika.upm.edu.my/pjssh/browse/regular-issue?article=JSSH-5062-2019>.
- Hibrawan, Aryatama. "Implementasi PERMA Nomor 5 Tahun 2019 Tentang Pedoman Mengadili Permohonan Dispensasi Kawin Sebagai Bentuk Perlindungan Kepentingan Anak." *Badilag MA RI*. Accessed December 16, 2022. <https://badilag.mahkamahagung.go.id/artikel/publikasi/artikel/implementasi-perma-nomor-5-tahun-2019-tentang-pedoman-mengadili-permohonan-dispensasi-kawin-sebagai-bentuk-perlindungan-kepentingan-anak-oleh-aryatama-hibrawan-s-h-28-6>.
- Hobsbawm, Eric, and Terence Ranger, eds. *The Invention of Tradition*. 1st ed. Cambridge University Press, 2012. <https://doi.org/10.1017/CBO9781107295636>.
- Horii, Hoko. "Legal Reasoning for Legitimation of Child Marriage in West Java: Accommodation of Local Norms at Islamic Courts and the Paradox of Child Protection." *Journal of Human Rights Practice* 12, no. 3 (November 1, 2020): 501–23. <https://doi.org/10.1093/jhuman/huaa041>.
- Kementerian Pemberdayaan Perempuan dan Perlindungan Anak (Kemenpppa). "Menteri PPPA: Perkawinan Anak Harus Dihentikan!" Accessed December 16, 2022. <https://www.kemenpppa.go.id/index.php/page/read/29/2822/menteri-pppa-perkawinan-anak-harus-dihentikan>.
- Latifiani, Dian. "The Darkest Phase for Family: Child Marriage Prevention and Its Complexity in Indonesia." *Journal of Indonesian Legal Studies* 4, no. 2 (November 30, 2019): 241–58. <https://doi.org/10.15294/jils.v4i2.34708>.
- Mansari, Mansari, and Rizkal Rizkal. "Peranan Hakim Dalam Upaya Pencegahan Perkawinan Anak: Antara Kemaslahatandan Kemudharatan." *El-Ussrah: Jurnal Hukum Keluarga* 4, no. 2 (November 20, 2021): 328–56. <https://doi.org/10.22373/ujhk.v4i2.10219>.
- Martajaya, Afif, and Dani Sugiri. "Implementasi Penyaluran Dan Penggunaan Dana Desa Pada Masa Pandemi Covid-19: Studi Kasus Desa Karangnom Kabupaten Klaten." *Jurnal Edukasi (Ekonomi, Pendidikan Dan Akuntansi)* 9, no. 2 (November 23, 2021): 109. <https://doi.org/10.25157/je.v9i2.5873>.
- Muhazir, Muhazir, and Azwir Azwir. "Divorce Bureaucracy in the Sharia Space: Examining Practices in Langsa City, Aceh." *At-Ta'fikir* 17, no. 1 (2024): 44–55.
- Muhazir, Muhazir, Azwir Azwir, and Zubir Zubir. "Legal Institutions in Resolving Divorce Cases in Aceh." *Al-Istinbath: Jurnal Hukum Islam* 9, no. 1 (2024): 211–30.
- Musawwamah, Siti, Muhammad Taufiq, Erie Hariyanto, Umi Supraptiningsih, and Maimun Maimun. "Resistance to Child Marriage Prevention in Indonesia and Malaysia." *AHKAM: Jurnal Ilmu Syariah* 23, no. 1 (June 30, 2023). <https://journal.uinjkt.ac.id/index.php/ahkam/article/view/32014>.
- Ramulyo, M. Idris. *Hukum Perkawinan Islam*. Jakarta: Bumi Aksara, 1999.
- Rohmadi. "Preventing Child Marriage in Lampung: An Analysis of the Community Embedded Implementation Process Adopted for the Provincial Regulation Number 55 of 2021 and Its Harmonisation with Local Custom and Islamic Law." *Manchester Journal of Transnational Islamic Law and Practice* 20, no. 3 (2024): 165–76. <https://www.electronicpublications.org/stuff/1120>.

- Sari, Rohika Kurniadi. Interview with Rohika Kurniadi Sari, S.H., M.Si. (Assistant Deputy for Fulfillment of Children's Rights to Care and Environment at the Ministry of Women's Empowerment and Child Protection of the Republic of Indonesia). Interview by Muhamad Kholid, May 13, 2022.
- Seksi Pengembangan Sistem Informasi Desa. "Dana Desa Di Masa Pandemi COVID 19." *Dispemadisedukcapil Provinsi Jawa Tengah*, July 30, 2020. <https://dispermadesdukcapil.jatengprov.go.id/berita/99-dana-desa-dimasa-pandemi-covid-19>.
- Soekanto, Soerjono, and Sri Mamudji. *Penelitian Hukum Normatif*. 1st ed. Depok: Rajawali Pers, 2019.
- Soemiyati. *Hukum Perkawinan Islam Dan Undang-Undang Perkawinan*. Yogyakarta: Liberty, 2007.
- Sugiarti, Titing, and Kunthi Tridewiyanti. "Implikasi Dan Implementasi Pencegahan Perkawinan Anak." *Jurnal Legal Reasoning* 4, no. 1 (December 11, 2021): 81-95. <https://doi.org/10.35814/jlr.v4i1.2968>.
- Sulaiman, M Reza, and Stephanus Aranditio. "Gawat! Perkawinan Anak Melejit Karena Pandemi Covid-19." *suara.com*, November 30, 2020. <https://www.suara.com/health/2020/11/30/172126/gawat-perkawinan-anak-melejit-karena-pandemi-covid-19>.
- Susilowati, Christina Maya Indah, Sri Suwartiningsih, and Herbin Marulak Siahaan. "Child Marriages and Criminal Law Policy in Indonesia: Exploring Legal Reform Possibilities." *International Journal of Criminal Justice Sciences* 18, no. 2 (September 28, 2023): 139-50. <https://ijcs.com/menu-script/index.php/ijcs/article/view/706>.
- Wahyudani, Zulham, and Muhazir Muhazir. "Marriage Requirements for Cadres of Pondok Pesantren Gontor: Exploring the Concept of Kafa'ah." *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam* 7, no. 1 (2024): 102-18.
- Waluyo, Bambang. *Penelitian Hukum Dalam Praktek*. Jakarta: Sinar Grafika, 2002.
- Wasman, and Wadah Nuroniyah. *Hukum Perkawinan Islam Di Indonesia*. Yogyakarta: Teras, 2011.
- Yayasan Kesehatan Perempuan. "Mendorong Peran Hakim Dalam Mencegah Perkawinan Anak - Yayasan Kesehatan Perempuan." *Yayasan Kesehatan Perempuan* (blog). Accessed June 1, 2025. <https://ykp.or.id/mendorong-peran-hakim-dalam-mencegah-perkawinan-anak-2/>.
- Yetta, Yasin, Ahmad Rajafi, and Syahrul Mubarak Subeitan. "Understanding the Implications of Marriage Law Amendments: Marriage Dispensation Cases in Indonesian Religious Courts." *Al-Istinbath: Jurnal Hukum Islam* 9, no. 1 (May 30, 2024): 121. <https://doi.org/10.29240/jhi.v9i1.8979>.