



Implementation of Marriage Law no. 16 of 2019 in Preventing Early Marriage in Subang District

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Abstract

The age limit of marriage according to Law number 1 of 1974 provides space for anyone to marry underage, this is a dynamic for Indonesia, especially Subang Regency with the highest number of underage marriages and high divorce and domestic violence (KDRT), therefore research This aims to see how the implementation of the Marriage Law No. 16 of 2019 prevents early childhood marriages in Subang Regency. This study uses a qualitative approach with empirical study methods. Data collection is carried out by facts in society. The results showed that the implementation of the Marriage Law requires support from related stakeholders, the central government,

Keywords: Law No. 1 Year 1974; Law No. 16 Year 2019; Early Age Marriage.

1. Introduction

Marriage that is protected by law is a right for all citizens of the Republic of Indonesia, so that the Indonesian government provides a limit on the age of marriage for the purpose of the interests of the State and society. This rule has a context regarding the minimum age limit for marriage, Law number 1 of 1974 states that the age limit for marriage in article 6 paragraph 1 states that "marriage must be based on the consent of the two prospective brides, this is the basis that early marriage often takes place as a result of the two brides obtaining permission. from both parents.

Law number 1 of 1974 in its constitutional mandate explains that marriage can take place legally when the groom is 19 years old and the woman is 16 years old. According to Thaib (2017) Marriage Law No.1 of 1974 has a perceptual bias throughout society, so this law becomes an excuse for underage marriages to take place. The article above does not explicitly explain that underage marriage is prohibited.

Law number 1 of 1974 is debated because it makes it easy for underage marriages to take place, one of the concerns is Article 7 paragraph 1 which regulates the age limit for marriage, this age limit provides multiple interpretations and is against the child protection law. 1 paragraph 1 provides an explanation that the child is before the age of 18 years, whereas in the law of marriage, the marriage is said to be legal in the State when the age is 19 years and 16 years.

The debate has generated polemic and has the view that this marriage law is no longer appropriate to current conditions, this law has generated several polemics related to divorce due to underage marriage, mental health factors and reproductive health due to underage marriage (Inayati, 2015). The historical basis related to the formation of Law number 1 of 1974 is a factor of relevance to the previous situation and government policies in setting a minimum age limit for marriage, but in Indonesian society, early marriage is an arena for releasing children to live independently and to be protected by law (Hardani, 2016).

The Central Bureau of Statistics gave a surprise regarding the data, the 5 largest districts had the highest underage marriage rates, Subang Regency 28%, Sukabumi 27.2%, Indramayu 27%, Garut 23% and Kuningan 20.8%, through this data it was concluded that Subang Regency became a Regency. The highest number of underage marriages, so that the highest divorce rate is also in Subang Regency. According to An-Nashr (2017) underage marriages occur due to several factors, one of which is the poverty factor, many of the families give up their future to marry in order to continue their life. With other people, the parental factor also dominates that underage marriage will ease the burden on parents.

Parents have strong perceptions about early childhood marriage for their daughters, for parents that early marriage under the age of 18 is considered normal because this is in line with their culture and knowledge, the gender aspect according to the parents of every early age marriage releases the burden of parents to the male side so that marriage becomes the main road (Sidiq, 2020).

Underage marriage by law number 1 of 1974 has a negative impact, namely the quality of care for children so that there are many mistakes in the care and mental health of women (Poluakan, et al, 2019). Meanwhile, according to Rahmawati (2018) family harmony decreases when early marriage takes place, there is an uncontrolled ego factor, the direct impact of this underage marriage is divorce. Data on underage marriages occur due to promiscuity, economic factors and unexpected pregnancies (Setiasih, 2017).

The findings from the research results (Karwur, 2019) that a study of domestic violence case reports occurred due to early marriage, cultural factors and ignorance related to marriage, making this natural so that there was a lot of violence, while the Government through Law Number 23 of 2002 concerning child protection explained that maturity of the age of marriage is needed, among others, concerning the principle of non-discrimination, the principle of the interest of the child and the principle of the right to life.

The determination of the age limit for marriage has the purpose for the good of both parties in order to realize a good marriage without divorce in the future, age restrictions also have the aim of increasing quality human resources so that with this age limit Indonesian children prefer education to marriage in Indonesia. young age,

As time went on, the amendment to law number 1 of 1974 took place, the constitutional court provided the mandate and legal basis for the amendment of the law with the marriage law number 16 of 2019 which provided regulations regarding the minimum age limit of marriage for both parties. Historically, the Constitutional Court of the Republic of Indonesia issued decision Number 11 / PU-XV / 2017 which was the consideration of the decision (Sasmita, 2020).

Law Number 16 Year 2019 Amendments to Law Number 1 Year 1974 concerning Marriage, the provisions of Article 7 are amended to, Marriage is only permitted if a man and woman have reached the age of 19 years, raising the age limit for marriage from 16 years to 19 years is an effort to prevent underage marriage, this has been through quite a long consideration.

Law Number 16 of 2019 has the principle of the prospective bride and groom's maturity, the prospective husband and wife must enter mental and physical cooking, which means that they can manage their emotions in order to realize the goal of marriage well without ending in divorce and getting good and healthy offspring (Ibnu, 2019).

The results of Prihartini's research (2020) explain that the factors affecting young marriage in Subang Regency are dominated by educational and economic factors. Therefore the purpose of this study is to see how the implementation of the new law Number 16 of 2019 is in preventing early marriage in Subang Regency with high rates of early marriage and high divorce.

2. Approach Method

This research uses a qualitative approach with empirical study methods, empirical studies are methods with legal studies that aim to see the law from the perspective of society. Data collection is carried out in terms of facts in society (Iqbal, 2002). This research looks at how the implementation of law number 16 of 2019 prevents early marriage in Subang district.

The informants in this study were all parties involved in the implementation of this law, the Subang Regency Government consisting of the BKKBN, the Religious Courts / KUA and the community who were determined by purposive sampling.

3. Result and Discussion

The history of the journey of changing Law number 1 of 1974 becomes a long story about how the government is trying to reduce the number of underage / early age marriages.

There are many conflicts due to the unregulated guardianship system which contributes to the occurrence of underage marriages, a guardianship system that is not regulated by law provides an opportunity that marriages can take place under coercion, thus neglecting children's human rights and freedoms.

As time goes by, the relevance of encouraging early marriage has been accommodated by the government, through data on divorce, marriage has increased and the success of the family planning program for 2 children is sufficient, the government is working with NGOs and other communities to amend Law Number 1 of 1974 by changing age restrictions. wedding. This is in line with the analysis (Fadlyana, 2016) that the historical change in the law is because the government wants to control population growth in Indonesia and regulate higher quality human resources.

Therefore, the implementation of the law is determined by the role of the central and regional governments in disseminating Law number 16 of 2019.

3.1 Role of Central and Local Government

The Central Government has legacy still related to the socialization process, data collection and personal approaches carried out by cadres from the regional government, this is aimed at preventing early childhood marriages in Subang Regency.

The Personal Approach Phase, the first stage can be carried out by the government to provide an understanding of the prevalence of early marriage, the action is with a personal approach and provides understanding, according to (Maulida, 2020) a personal approach requires the credibility of communicators to influence each other, communicators in preventing early marriage are cadres from central and local government.

The stage of the personal approach is carried out by the Marriage Registration Officer, when a community registers the marriage, but the requirements are not in accordance with the Marriage Law in Indonesia.

Data Collection Stage, At this stage, the data collection is carried out on the government of the village, the village government and the sub-district where they live.

Many governments find an early marriage. However, the government is not responsible for the existence of this marriage event, this is based on the absence of clear rules that give a warning to those who carry out early childhood marriages (Arimurti, 2017).

The socialization stage is defined as an educational process for the community to provide knowledge from the start about the dangers, the choice to marry at an early age, there are several ways to do it, namely by socializing to the community, namely through community activities such as commemoration of the Prophet's birthday, mutual cooperation, posyandu and others. At the time of his speech, the village head motivated parents to continue to the children to continue their education to a higher level, at least high school / MA graduates, so that children who intend to marry are old enough and in accordance with the provisions in the Marriage Law, so that it is free from violations of the law. According to (Achmad & Nulhaqim, et al, 2019) the result of the socialization process in any case will change the human mindset,

The Regional Government is blessed to provide a suspension of marriage certificates, marriage certificates that are complicated or with a very complicated manufacturing process, but still people do not pay attention to this. In a way that people who intend to marry early to be given a deterrent effect. Because, if this phenomenon continues, it will require not only a small bias.

Tightening the Marriage Law, People will feel afraid if they want to get underage marriages, because the local government, village government and the Office of Religious Affairs (KUA) have started to tighten the rules regarding marriage. This is done in order to minimize the phenomenon of early marriage in Subang Regency.

4. Conclusion

It can be concluded that the rate of early marriage in Indonesia is very high, because it is supported by the wrong environment and the guidance or knowledge of

parents is also wrong. Therefore, there is a need for adequate guidance in order to prevent an early marriage. Because there are many negative impacts compared to the positive effects of early marriage.

It is proven that the number of divorces and cases of domestic violence (KDRT) is increasing. Girls are the most disadvantaged in early marriages, because they tend to be married off to adult men. There are many things that have to be borne by girls, it causes their psychological condition to be disturbed. Then, early marriage, resulting in an increase in the number of births in Indonesia. And the increasing number of unemployed in Indonesia. This is certainly not an easy thing for the Indonesian government, because unemployment has yet to be resolved. The role of the government is needed to further reinforce the marriage regulations or laws in Indonesia. In fact, the marriage law in Indonesia seems to have no weight, so as if it is ignored by the people in Indonesia. Then, it seemed as if the marriage law had no meaning anymore. Lack of knowledge is a factor in the prevalence of early marriage, especially in rural areas. Rural areas tend to be far from access to information, so socialization is needed to prevent early marriages.

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