

**MARRIAGE DISPENSATION FOR UNDERAGE CHILDREN  
ANALYSIS OF DECISION NUMBER 0024/PDT. P/2016/PA. YK****Nabila Mardiyah Alkadrie<sup>1</sup>, Putri Raisha Destankarani Permata Purnama<sup>2</sup>,  
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**Abstract**

*Regulations regarding marriage in Indonesia are fully regulated in the Law. No. 1 of 1974 concerning marriage, including the material and formal requirements of marriage. One of the material requirements is Article 7 paragraph (1), which is to meet the age requirements for a male 19 years old and a female 16 years old. In reality, there are often problems regarding marriages that do not meet the marriage age requirements as stated in Decision Number 0024/Pdt. P/2016/PA. Yk, where the applicant who is the parent of the prospective groom asks to ask for a marriage dispensation for his child who does not meet the age requirements for marriage, the applicant argues that his child has been in a long-standing relationship that cannot be separated and that the applicant's child and the prospective bride are ready to marry. marry and if it is delayed any longer it is feared that it will cause unwanted things, therefore the applicant and the prospective bride's parents encourage the two prospective brides to marry. In his decision, the judge granted the request for dispensation. The problem in this research is how the arrangement of the dispensation decision is given and whether the judge's decision in granting the marriage dispensation application is correct. This research is a normative legal research, is descriptive and analyzed qualitatively. The regulation regarding the granting of dispensation for marriages that do not meet the age requirements is regulated in the Marriage Law and in this case this decision is appropriate because the judge's considerations are in accordance with the Marriage Law, namely Article 6 and Article 7 paragraph (2) underage marriages must be with permission. parents and with other considerations such as the two prospective brides who are ready to marry and to avoid unwanted actions, the judge decides to grant the applicant's request to grant a marriage dispensation to the applicant's child (prospective groom) and prospective bride.*

**Keywords:** *Marriage; Marriage Dipensation; Underage Marriage*

## INTRODUCTION

Amid the factors that can affect one's legal status, marriage is the most significant factor on the legal position of that person. That is because marriage establishes a legal relationship between husband and wife then a child is born and it creates a legal relationship that bears responsibility for one another as stated in the law.<sup>1</sup>

Marriage is an attachment that occurs as a result of an agreement between a man and a woman intended to create a happy and eternal family based on the divinity of the Almighty. It is regulated in Article 1 of Law Number 1 of 1974 on Marriage (that referred to as the Marriage Law).<sup>2</sup> The Law Number 1 of 1974 on Marriage which in article 1 reads: "Marriage is an inner birth bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the Divinity of the Almighty."<sup>3</sup>

The Civil Code in Article 26 specifies that marriage is only seen in terms of

the civil relationship. Based on this arrangement, the validity of marriage is only seen from the civil law, while religious law is not considered. This means that a marriage is considered valid if it is carried out in accordance with the terms and procedures determined by the law. The consequences of this arrangement can be seen in the formulation of the Civil Code Article 81, which stipulates that:<sup>4</sup>

*"No religious ceremony shall be performed, before both parties to their Religious Office can prove that the marriage the Civil Registrar has taken place."*

The age for marriage in Indonesia is stated in Article 7 Paragraph (1) of Law Number 1 of 1974 concerning marriage which states that marriage is only permitted if the man reaches the age of 19 (nineteen) years and the woman has reached the age of 16 (sixteen) years. Then, in article 7 paragraph (2) it is stated that if there is a deviation from the age provision, the parents of the male or female party can request a dispensation from the court on very urgent grounds supported with sufficient evidence. Children's rights in early marriage certainly see how the

<sup>1</sup> Prof. Wahyono Darmabarata, S.H., M.H. (2015). *Buku Hukum Perkawinan Perdata Jilid 1*. Jakarta: Rizkita, h. 54.

<sup>2</sup> Indonesia, *Undang - Undang Perkawinan*, UU No. 1 Tahun 1974, LN No. 1 Tahun 1974, TLN No. 3019, Ps. 1.

<sup>3</sup> Abd. Shomad. (2010). *Hukum Islam Penormaan Prinsip Syariah dalam Hukum Indonesia*. Jakarta: Kencana, h.274.

<sup>4</sup> Wahyono Darmabrata dan Surini Ahlan Sjarif. (2015). *Hukum Perkawinan dan Keluarga Indonesia*, (Jakarta : Rizkita, h. 2

protection of children's rights when used as a subject in early marriage, from the side of national law itself, seeing the historical side of the legislation that was born is as evidence of the implementation of the ratification of the Convention on the Rights of the Child which aims to protect interests and fulfillment of rights in Indonesia.<sup>5</sup>

There are 2 regulations regarding marriage dispensation for minors including:

a. Law Number 1 of 1974 Article 7 paragraph (2) on marriage. In article 7 paragraph (2) it is mentioned that the deviation from the provisions of paragraph (1) regarding the minimum age for marriage, may request a dispensation to the Religious Court or other officials appointed by both parents of the man and woman.<sup>6</sup>

b. Compilation of Islamic Law (KHI) Article 15 paragraph (1) States that for the benefit of the family and household, marriage may only be performed by the bride and groom who have reached

the age specified in Article 7 of Law No.1 of 1974 that is, men are at least 19 years old and women are at least 16 years old.<sup>7</sup>

The age of marriage in Islamic law is set when he is an adult, a person is considered an adult if he has reached puberty, while *baligh* is not the same at every age of a person. As the bride and groom grows, the physical and mental condition of a person becomes more mature in facing the challenges in domestic life.<sup>8</sup> Deviation from the legal age limit for marriage is only possible if requesting a dispensation from the court or other official appointed by both the male and female parties as long as the laws of each religion and the severe beliefs of the parties do not specify otherwise.<sup>9</sup>

### Problem Statement

How is the arrangement for the dispensation decision given and is the judge's decision in granting the marriage dispensation application correct?

### Research Method

This research is classified as a normative juridical research that focused on

<sup>5</sup> Bagya Agung Prabowo. (2013). "Pertimbangan Hakim dalam Penetapan Dispensasi Perkawinan Dini Akibat Hamil di Luar Nikah Pada Pengadilan Agama Bantul", Artikel. "*Jurnal Hukum IUS QUIA IUSTUM*" No. 2 Vol. 20"

<sup>6</sup> Sudarsono. (2005). *Hukum Perkawinan Nasional*. Cet II, Jakarta: PT Rineka Cipta, h. 209.

<sup>7</sup> Wahyu Widiani, (2000). *Kompilasi Hukum Islam di Indonesia*. Jakarta: Direktur Pembinaan Badan Peradilan Agama Islam, h.19

<sup>8</sup> Kustini. (2013). *Menelusuri Makna di balik Fenomena Perkawinan di Bawah Umur dan Perkawinan Tidak Tercatat*. Jakarta: Badan Litbang dan Diklat Puslitbang Kehidupan Keagamaan Kemenang RI, 2013, h. 3.

<sup>9</sup> Rachmadi Usman. (2006). *Aspek-Aspek Hukum Perorangan dan Keluarga di Indonesia*. Jakarta: Sinar Grafika, h. 275

the considerations of religious court judges in their determination of applications for dispensation for marriage of children under the age of marriage. The data from this study were analyzed qualitatively. Qualitative data is data from verbal word explanations that cannot be analyzed in the form of numbers.

## ANALYSIS AND DISCUSSION

### Discussion

The definition of marriage can be seen from two perspectives, including the definition according to religious law or *munakahat* and the general definition in accordance with Law no. 1 of 1974 concerning marriage. The word 'marriage' means joining sexual relations and also means that there are two possible meanings of this contract because the word 'marriage' contained in the Qur'an does contain two meanings: marriage means sexual association and contract, that is the when an outer and inner relationship between a man and a woman that is referred as husband and wife.<sup>10</sup> The purpose of marriage is formulated in the Marriage Law, that is, to form a happy and eternal family.<sup>11</sup> This shows that a marriage must be based on the desire to hold it without a

certain time limit, but for a lifetime and forever, not for a certain period of time.

There are several elements in marriage according to Prof. Wahyono Darmabrata, S.H., M.H. and Surini Ahlan Sjarif, S.H., M.H., the elements that can be described include:<sup>12</sup>

### Religion/Belief Elements

According to this element, marriage is considered acceptable if it is formalized according to law of each of those religions and beliefs thus the legality of marriage depends on the religion/belief of the bride. (Article 1 of the Marriage Law *jo*. Article 2 paragraph (1) of the Marriage Law) in Islam, the age of marriage is never discussed in detail. The Qur'an only prescribes with signs and gestures and it is up to the Muslims to set the ideal age limit, which is in accordance with the conditions and signs that have been determined, and adapted to where the law will be declared.<sup>13</sup>

### Biological Elements

This element is related to the children born in marriage. The Marriage Law, provides a way out for couples who are biologically unable to have children. It is

<sup>10</sup> A. Hamdani H.S.A. (1989). *Risalah Nikah Hukum Perkawinan Islam*. Jakarta: Pustaka Amani, h. 67.

<sup>11</sup> K. Wantjik Saleh. (1976). *Hukum Perkawinan Indonesia*. Jakarta : Ghalia Indonesia, h. 15.

<sup>12</sup> Wahyono Darmabrata dan Surini Ahlan Sjarif. (2015). *Hukum Perkawinan dan Keluarga Indonesia*, Jakarta: Rizikita, hlm. 3-8.

<sup>13</sup> Safrin Salam. (2017). "Dispensasi Perkawinan Anak di Bawah Umur: Prespektif Hukum Adat, Hukum Negara, dan Hukum Islam". *Pagaruyuang Law Journal Volume 1 No. 1 juli*.

by performing polygamy on the condition that the couple agrees to the polygamous marriage. (Article 4 paragraph (2)). This biological element also concerns the requirement of age of marriage that men have reached 19 years and women have reached 16 years (Article 7 paragraph (1) of the Marriage Law), but there are exceptions to Article 7 paragraph (2) *in the case of deviation from paragraph (1) may request a dispensation to the court or other officials appointed by both the parents of the man and the woman.*

### **Sociological Elements**

We can conclude the sociological element in the explanation of the provisions of Article 1 of the Marriage Law, Law no. 1 of 1974 where it is determined that *having children is the goal of a marriage, while the care and education of the child is the rights and obligations of parents.* This safeguarding and education is for the continuation of life and the progress or development of children, while the continuation of a person's life is a inhabitants problem which means a social problem.

### **Legal Elements**

The juridical element is an element that habitually exists as a marriage referred by law must take place according to the provisions of the law itself. A mar-

riage is considered valid when the marriage meets the conditions and procedures prescribed by the law. The juridical aspect can also be concluded in Article 2 paragraph (2) of the Marriage Law and the explanation of the article. Every marriage is recorded in accordance with the applicable laws and regulations. General explanation of law no. 1 of 1974 number 4 letter b specifies that a marriage must be recorded.

### **Traditional Law Elements**

Elements of traditional law can be concluded that, from the provisions of Article 31 of the Marriage Law, as in Article 36 of the Marriage Law, which regulates marital property that takes over the principle in customary law, then in Article 37 of the Marriage Law also appoints on the provisions of customary law in the arrangement of wealth property if the marriage is suspended due to divorce. Article 43 of the Marriage law also takes the principle of customary law, which stipulates that the child always has only a legal relationship with the mother, and his mother's family.

Not only on the elements of marriage according to the above experts, there are also the conditions *of* marriage that are listed either explicitly or implicitly in the Marriage Law. The legal conditions of a

marriage are regulated in the Marriage Law. These requirements are divided into 2, including the material requirements that are related to the requirements that must be met personally by the person who will perform the marriage, and the formal requirements that are the requirements regarding the procedures for the continuation of the marriage, both the requirements that precede and that which accompany the continuation of the marriage.

Material requirements are divided into 2, including general material requirements and special material requirements.<sup>14</sup> General material requirements are material requirements that must be met by the party to be married in general and special material conditions that apply to marriages under certain conditions. General material requirements consist of:

a) Free consent

According to Article 6 paragraph (1) of the Marriage Law, marriage must be carried out on the basis of the approval of the two prospective brides and there is no element of pressure in it. This is intended so that marriage can last forever and be intertwined forever.

b) Age Requirements

The requirements regarding the age of the prospective husband and wife are regulated in Article 7 Paragraph (1) of Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, that is, a marriage is allowed if a man and woman have reached the age of 19 (nineteen) years. The determination of the age limit for marriage is determined by taking into account 3 (three) aspects, which are:

1) Physical maturity (physical)

Prospective husbands and wives who are married according to the legal age limit are expected to have been capable of having children.

2) Spiritual maturity or mental (psychic)

It is hoped that prospective husbands and wives within the age limit determined have been able to understand the consequences of a marriage. Both will bear the responsibility to be able to build a happy family, in accordance with what is

<sup>14</sup> *Ibid*, h. 26

expected by the Marriage Law. Marriage is a natural and inward bond of husband and wife in a living, eternal and happy union.

### 3) Social maturity of husband and wife

The age of marriage is also related to social maturity in the sense that the social responsibilities of husband and wife within that age limit are expected to be carried out properly, in fostering family welfare and social interaction between the two.

#### c) Not in Marital Status

According to Article 9, a person who is still in another marriage is not allowed to marry unless the court can give permission if the husband and wife want to do so (Article 3 paragraph (2) and if the wife cannot perform her obligations because there is a disability or disease cannot be cured or cannot give birth to children (Article 4).

#### d) Validity of waiting time

In Article 11 of the Marriage Law, the waiting period of a

woman when her marriage is dissolved is regulated. This grace period is set separately in the legislation. Furthermore, in Government Regulation Number 9 of 1975 as an implementing rule of Law Number 1 of 1974 on Marriage in Article 39 further regulates the waiting period of a widow, including:

- i. for women whose marriages have been terminated due to death, the waiting period is set at 130 (one hundred and thirty) days;
- ii. If the marriage is dissolved due to divorce, the waiting time for those who are still coming the month is set 3 (three) holy times with at least 90 (ninety) days and for those who are not coming the month is set 90 (ninety) days;
- iii. If the marriage breaks up while the widow is pregnant, the waiting time is determined after giving birth.

Then there are special material requirements, which *are* related to conditions that must be met under certain conditions and prohibitions in the implementation of marriage. This special material

requirement relates to asking for or applying for permission to certain parties (parents) and the court in the event that certain conditions are not met, such as the age requirement which does not meet the provisions of the Marriage Law. Meanwhile, for certain prohibitions in marriage, such as being prohibited from marrying if you have blood relations, family relationships *semenda* (step -son -in -law, father -in -law/stepmother), cohabitation and others.

Lastly, there are the Formal Requirements of Marriage related to the procedures for the *continuation* of the marriage. Formal requirements are the procedure for the continuation of the marriage, both the requirements that precede and those which accompany the continuation of the marriage. The formal requirements of a marriage are related to administrative matters before the marriage, such as registering the marriage and announcing the fulfillment of the requirements of marriage, the continuation of the marriage and the signing of the marriage certificate.

It can be seen from the explanation above that all details regarding marriage in Indonesia have been regulated completely in the Marriage Law and its Implementing Regulations. But still, in fact, we find many problems in marital affairs. One of the things we often encounter is

regarding marriages that have not met the age or early-marriage. In this case, usually the party who will carry out marriage asks the court for dispensation to be able to carry out the marriage. In the event of a deviation as regulated in the legislation, the parents of the prospective bride and groom, both male and *female*, can apply for a marriage dispensation to the local Religious Court accompanied by the requirements that must be met and also the reasons behind the submission of the application.<sup>15</sup>

As stated in **Decision Number 0024/Pdt. P/2016/PA. Yk**, where there are 2 (two) parties as Petitioners, including husband and wife who are the father and mother of the prospective groom, in this case, the Petitioner intends to immediately marry off the Petitioner's child with his prospective wife who has not met the marriage age requirements according to the Marriage Law, as for their parents encourage them to get married soon because the two of them have been in a relationship approximately 2 (two) years until now and to anticipate administrative difficulties that may arise in the future if the marriage is not immediately carried out. In this case, the man declares that he is

<sup>15</sup> Amiur Nuruddin dan Azhari Kamal Tarigan. (2006). *Hukum Perdata Islam Di Indonesia: Studi Kritis Perkembangan Hukum Islam dari Fikih, UU No 1/1974 sampai KHI*, Ed. 1 Cet. 3, Jakarta: Kencana, h. 71.

ready to become the head of the family and already has an income of Rp. 35,000.00.

In his decision, the judge decided to grant the marriage dispensation application with legal considerations as all parties present in the trial agreed to the marriage. According to the Council's assessment at the trial, the Petitioner's *child* is considered capable of performing the marriage, and between the Petitioner's child and his prospective wife. There are barriers to marriage both under *munakahat* law and applicable laws, except for age issues. The Council is of the view that if the marriage is postponed until the Petitioner's child is 19 years old, the damages/*madllarat* will be greater than the benefits.

It was because of these considerations that the judge decided to allow the dispensation of marriage. In this case, questions arise such as what the actual arrangement regarding marriage does not meet the age of the Marriage Law and regarding marriage dispensation and also whether the judge's decision in the decision is correct.

Based on the research conducted, it can be concluded that the regulation regarding the granting of underage marriage dispensation is regulated in Article 6 of the Marriage Law, which states that a marriage dispensation can be granted on

condition that the parents of the two prospective brides allow the marriage to turn out. And in this case, according to the researcher, the judge's decision is correct because it is in accordance with the regulations of the Marriage Law and the judge has other considerations such as to avoid immorality. It is better for the two prospective brides to be married. In this study, the *researcher* has studied about it in more detail about this matter, while the purpose of this study was to provide knowledge about marriage dispensations and marriages that do not meet the age requirements in the Marriage Act.

#### **Analysis of Judge's Consideration on Marriage Dispensation Based on Decision Number 0024/Pdt. P/2016/PA. Yk**

Marriage based on Article 1 of Law Number 1 of 1974 concerning Marriage, is an outer and inner bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family *or* household based on the One Godhead. Marriage itself has a purpose to fulfill religious instructions in order to establish a harmonious, prosperous and happy family.

In its implementation, based on the Marriage Law, there are two kinds of marriage *requirements*, including material requirements and formal requirements. Ma-

terial requirements are requirements that are attached to each party while the formal requirements are about the procedure of conducting a marriage according to religious law and legislation. Marriage can be considered valid when performed based on the provisions of their respective religions and beliefs as mentioned in Article 2 paragraph (1) of Law Number 1 of 1974 on Marriage is also implemented in accordance with the conditions of marriage that have been described in Law Number 1 of 1974 on Marriage. The conditions of marriage regulated in the Law are:

- i. Marriage must be based on the consent of the two prospective brides;
- ii. The minimum age limit for marriage must be met, which is 19 years for men and 16 years for women;
- iii. Obtain permission from both parents for children under the age of 21. When one of the parents has died or is in a state of inability to express his will, then permission is sufficient to be obtained from a surviving parent or a parent who is able to express his or her will. If both parents have died or are unable to express their wishes then permission, it can be obtained

from the guardian, the person who take care of or the family who has a blood relationship in the lineage straight up forever, still alive, and in a state of being able to express his will.

As explained in the conditions above, there is a minimum age limit for both brides. However, in Article 7 of Law Number 1 of 1974 on Marriage, it is explained that there are exceptions, among others:

- i. A marriage is only permitted if the man has reached the age of 19 (nineteen) years and the woman has reached the age of 16 (sixteen) years.
- ii. In the case of deviations in paragraph (1) of this article, you can request a dispensation from the Court and/or other officials appointed by the parents of both the male and female parties.
- iii. Provisions regarding the condition of one and or both parents mentioned in Article 6 paragraphs (3) and (4) of this Law, shall also apply in the case of the request for dispensation, paragraph (2) of this article without reducing what is referred to in Article 6 paragraph (6).

The Constitutional Court stated that the phrase of 16 years of age in Article 7 paragraph 1 of the Marriage Law is contrary to the 1945 Constitution which states that every citizen has an equal position before the law. The Constitutional Court also stated that the difference in the age of marriage between men and women in the law gives rise to discrimination until it was agreed to increase the *age* limit for women to 19 years.<sup>16</sup> In the main case described above, the application for dispensation of marriage was explained and submitted by the petitioner as the biological father of the applicant's child who will marry the applicant's child's prospective wife. Both were Muslims but had obstacles in the form of not being old enough to perform a marriage in accordance with the provisions of Islamic law and *sharia*.

Based on the Petitioner's request and explanation before the court, it can be seen that the subject of the case was the Petitioner's application to the Religious Courts in order to grant a dispensation of the age of marriage to the Petitioner's biological child named the Petitioner's Child, because the Petitioner intended to marry off his biological child to a woman named the Petitioner's Prospective Wife of the

Petitioner's Child because the Petitioner's child had not yet reached the marriage age referred to in Article 7 paragraph (1) of Law Number 16 of 2019 concerning Marriage *jo*. Article 1 paragraph (1) PERMA Number 5 of 2019 concerning Guidelines for Adjudicating Marriage Dispensations which states *that* the prospective bride and groom must be 19 years old while the Petitioner's child is explained as being 17 years old.

Through the Petitioner's statement stating that the Petitioner was the biological father of the Petitioner's child based on *evidence* P.2 and P.3 in the form of Excerpt of the Petitioner's Marriage Certificate and Birth Certificate of the Petitioner's child, where it was stated that the Petitioner was the biological father of the Petitioner's child who was still underage so that the Petitioner as a parent had the right to take care of and to sue in the Religious Court, then based on Article 1 paragraph (2) of Perma Number 5 of 2019 on Guidelines for Judging Marriage Dispensation Application, then the Petitioner was judged as the right person to be a party in this matter and the Petitioner's application was judged to have sufficient legal basis for further examination and consideration.

The Petitioner stated that the Petitioner would agree of the marriage of his

<sup>16</sup> Kamarusdiana, Ita Sofia, (2020). "Dispensasi Nikah Dalam Perspektif Hukum Islam, Undang-Undang Nomor 1 Tahun 1974 dan Kompilasi Hukum Islam". *Salam Jurnal* volume 7 No. 1.

biological child because the Petitioner's child had not reached the age of marriage as specified in Article 7 paragraph (1) of Law Number 16 of 2019 on Marriage and Article 1 paragraph (1) of Perma Number 5 of 2019 on Guidelines for Judging the Application Marriage Dispensation. Then, to prove the arguments of his application, the Petitioner had submitted evidence in the form of written evidence (letters), respectively. The evidence already met the formal and material requirements of evidence, thus the Judge could accept the evidence as evidence in this case.

Based on the petition of the Petitioner, and the statements of the prospective bride and groom as well as the statements of the parents of the prospective groom at the trial, it was stated that the relationship between the Petitioner's child and his prospective wife could no longer be separated, and the marriage between the Petitioner's children had been approved by both parties. Between the bride and groom there was no religious prohibition to marry because both were not married and were not in accordance with the mother and both were still boys and girls, both candidates. Both were Muslims, the second marriage of the bride and groom was of their own volition without any coercion from anyone.

In the case of marriage dispensation, it cannot be separated from the permission of the parents of the bride and groom because without the permission of the parents the marriage cannot be carried out properly, then it is able to apply for a dispensation to the Religious Courts and the Syar'iyah Court in *order* to have the marriage legalized at the KUA (Office of Religious Affairs). religion) local.<sup>17</sup>

## CONCLUSIONS AND RECOMMENDATIONS

### Conclusion

The Panel of Judges decided based on Article 1 paragraph (2) of Perma Number 5 of 2019 concerning Guidelines for Adjudicating Applications for Marriage Dispensation and according to the Panel of Judges that the Petitioner's child had fulfilled the marriage requirements as stated in Article 6 and 7 paragraph (2) of the Law Number 1 of 1974, except for the age requirement for marriage in Article 7 paragraph (1) of the Law; because according to the Petitioner's biological father, if the child was to wait until he is 19 years old, then there would be a disaster.

The coercive force in the dispensation of marriage that must be granted by

<sup>17</sup> Muhammad Iqbal Rabiah. (2021). "Penafsiran Dispensasi Perkawinan bagi Anak di Bawah Umur (Analisis Beberapa Putusan Mahkamah Syar'iyah Aceh)". *El-Usrah: Jurnal Hukum*.

the judge was due to the factor of pregnancy out of wedlock. There are 2 harms in this case. Marrying a minor is harm but leaving a girl pregnant without marrying her is also harm.<sup>18</sup>

### Suggestion

In determining the dispensation of marriage for minors, the Panel of Judges should be able to sort out the return and determine whether it is true that the applicant who is under this age is capable of living a married *life*, both physically and spiritually because the two prospective brides who conducted the marriage were only 17 years old. At that age, their friends generally do not fully understand their responsibilities. And as stated by the Petitioner's father, that the new applicant had a salary of 35,000 rupiah. With this very little money, it is questionable if the applicant would be able to carry out his obligations as the head of the household. The Panel of Judges should have also asked the prospective bride whether she was really ready to carry out the marriage and was it true without any oppression.

<sup>18</sup> Munadhiroh. (2016). Kajian Hukum Terhadap Permohonan Dispensasi Kawin Pada Perempuan Di Bawah Umur Di Pengadilan Agama Semarang (Studi Kesehatan Reproduksi). *Jurnal Idea Hukum*

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