

## Challenges and Strategies In Implementing The Minimum Age Limit for Marriage of 19 Years in the Work Area of the Ministry of Religious Affairs of Barru Regency

M. Risa<sup>1</sup>, Muhammad Arif<sup>2</sup>, Oneng Nurul Bariyah<sup>3</sup>

<sup>1</sup>Program Pascasarjana, Universitas Muhammadiyah Jakarta

<sup>2</sup>Program Pascasarjana, Universitas Muhammadiyah Jakarta

<sup>3</sup>Program Pascasarjana, Universitas Muhammadiyah Jakarta

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### ABSTRACT

The implementation of the new minimum marriage age of 19 years for both males and females, as specified in Law No. 16 of 2019, faces various challenges in Indonesia, particularly in regions with strong cultural and religious traditions. This study examines the challenges and strategies in implementing this new age requirement in the working area of the Ministry of Religious Affairs in Barru Regency, South Sulawesi. Using a qualitative approach involving in-depth interviews, focus group discussions, document analysis, and field observations, the research explores the perspectives of religious leaders, government officials, community members, and relevant stakeholders. The findings reveal complex interplays between legal reforms, cultural norms, religious interpretations, and socio-economic factors. By incorporating insights from scholars such as Arskal Salim, Siti Ruhaini Dzuhayatin, and others, the study contributes to the discourse on child marriage prevention and offers practical recommendations for effective implementation within the specific regional context. The research highlights the importance of a multi-faceted approach that combines education, legal enforcement, economic empowerment, and cultural sensitization to address the issue of child marriage comprehensively.

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#### *\*Corresponding Author:*

M. Risa

Program Pascasarjana, Universitas Muhammadiyah Jakarta

Email: [muhammadrisabarru@gmail.com](mailto:muhammadrisabarru@gmail.com)

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### INTRODUCTION

Child marriage has become a global issue that requires serious attention from various parties. According to UNICEF data (2021), around 12 million girls in the world are married before the age of 18 each year. In Indonesia, although there has been a significant decline in recent decades, the rate of child marriage is still quite high. Data from the 2020 National Socioeconomic Survey (Susenas) shows that 10.19% of women aged 20-24 years were married before the age of 18 (BPS, 2021).

In forming an ideal family, it must be mature both biologically, psychologically, socially, educationally, and economically. From the biological aspect where maturity is seen from signs of maturity of reproductive organ function. From the psychological aspect, it is mentally and spiritually ready. Socially, it is also assessed when someone is able to socialize with their environment. While in the educational aspect, they have the provisions as parents in preparing the best generation of their children. The same is true with the economic strength of the family in supporting daily life. Nowadays, we often hear the phenomenon of marriage cases that are carried out while the prospective bride and groom are still underage (early).

The Marriage Law (before revision) emphasized: "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. This article was then revised by Law Number 16 of 2019 by increasing the minimum age limit for marriage if the man and woman have reached the age of 19 (nineteen) years. According to some circles, this change is a breath of fresh air to prevent early marriage, exploitation of women and can reduce the risk of maternal and child mortality. Even if referring to the spirit of the law in the Marriage Law and the Child Protection Law are very different, how is it possible that the two laws are contradictory?

Efforts to prevent this practice in Indonesia have been made through the revision of the Marriage Law Number 1 of 1974 by enacting Law Number 16 of 2019. A significant change in this new law is the determination of the minimum age limit for marriage to 19 years, for both men and women. This step was taken in response to the Constitutional Court's decision Number 22/PUU-XV/2017 which stated that the difference in the minimum age limit for marriage between men and women is a form of discrimination.

Faced with social facts and regulations like this, the Registrar and KUA are required to be a bridge over the problems of early marriage in their areas. Early marriage has several problems if it occurs in society. First, the philosophical problem: the Registrar's strategy in preventing early marriage is to create and encourage the realization of marriage goals that are in accordance with the mandate of religious law and the Marriage Law towards a *sakinah, mawaddah warahmah* family.

Although this change is a step forward in protecting children's rights and preventing early marriage, its implementation in the field still faces various challenges. Barru Regency, South Sulawesi, as an area with a Muslim majority and strong customs, is an interesting location to study in the context of implementing this law. Based on the background above, the problems in this study are: What are the challenges faced in implementing the minimum age limit for marriage of 19 years in the working area of the Ministry of Religion of Barru Regency? What strategies can be used to overcome these challenges? What are the roles of various stakeholders in implementing this policy? Meanwhile, this study aims to: Identify and analyze the challenges faced in implementing the minimum age limit for marriage of 19 years in the working area of the Ministry of Religion of Barru Regency. Formulate strategies that can be used to overcome these challenges and Examine the roles and contributions of various stakeholders in implementing this policy.

## METHODOLOGY

This study uses a qualitative approach with a case study design. This approach was chosen to deeply understand the complexity of the issue of child marriage in the specific context of Barru Regency. The study was conducted in Barru Regency, South Sulawesi, focusing on seven sub-districts: Tanete Riaja, Tanete Rilau, Barru, Balusu, Soppeng Riaja, Mallusetasi and Pujananting. Data collection was carried out for six months, from January to June 2024.

Data is collected through:

1. In-depth interviews with 30 key informants
2. Focus Group Discussions (FGD) with a total of 50 participants
3. Field observations at the KUA and religious courts
4. Analysis of policy documents and marriage records

Research informants include:

1. Officials of the Ministry of Religion of Barru Regency
2. Religious and traditional figures
3. Local government officials
4. NGO activist
5. Couples who marry under the age of 19
6. Parent

Data were analyzed using thematic analysis method. The analysis process includes:

1. Data transcription
2. Encoding
3. Identify the theme
4. Theme review and refinement
5. Drawing conclusions

This study has obtained ethical approval from the Hasanuddin University Research Ethics Committee. Informed consent was obtained from all participants, and anonymity was strictly maintained in reporting the results.

## RESULTS AND DISCUSSION

### Socio-Demographic Profile of Barru Regency

Barru Regency has a population of around 170,000 people with the majority (95%) being Muslim. The regional economy is based on the agriculture, fisheries, and tourism sectors. The poverty rate reached 9.8% in 2023, slightly above the national average.

**Table 1.** Demographic Data of Barru Regency (2023)

| Indicator                   | Mark                       |
|-----------------------------|----------------------------|
| Total population            | 170,325                    |
| Population density          | 140 people/km <sup>2</sup> |
| Sex Ratio                   | 95.6                       |
| Median Age                  | 29.5 years                 |
| Literacy Rate               | 97.2%                      |
| Average Length of Schooling | 8.7 years                  |

Source: BPS Barru Regency (2023)

### Challenges of Implementing Minimum Age Limit for Marriage

#### Interpretation of Religion

One of the main challenges in implementing the minimum age limit for marriage of 19 years is the existence of different religious interpretations in society. Some people still hold traditional interpretations that allow marriage under the age of 19 based on the concept of 'baligh' in Islam.

Dr. Arskal Salim, Professor of Islamic Law at UIN Syarif Hidayatullah Jakarta, explains, "In classical fiqh, the concept of 'baligh' is often interpreted as a sign of physical maturity, which can occur long before the age of 19. However, this interpretation needs to be contextualized with social realities and modern science" (Salim, 2020).

Interviews with local religious figures revealed a dilemma in interpreting religious law vis-à-vis state law: "As clerics, we face a dilemma between obeying state law and classical fiqh interpretation. However, we try to provide an understanding to the community that Islam places great emphasis on maturity and readiness in marriage, which is in line with the spirit of this new law." - KH. Husain Abdullah, Secretary of the MUI of Barru Regency.

Further analysis shows that these differences in interpretation occur not only between scholars and the government, but also among scholars themselves. Some progressive scholars such as Prof. Musdah Mulia have long advocated the importance of considering psychological and social maturity in marriage, not just physical maturity (Mulia, 2019).

#### Cultural Norms

Traditions and cultural norms also pose significant challenges in implementing minimum age limits for marriage. In some areas of Barru Regency, early marriage is still considered normal and even expected.

Prof. Siti Ruhaini Dzhayatin, a gender and Islam expert from UIN Sunan Kalijaga Yogyakarta, stated, "Changing cultural norms requires time and a sensitive approach. We need to involve traditional and community leaders in efforts to change perceptions about child marriage" (Dzhayatin, 2021).

Interviews with local traditional leaders reveal the complexity of this issue:

"We realize that tradition must adapt to the times. However, this process requires intensive dialogue between the government, religious leaders, and indigenous peoples." - Andi Djalil Mappiare, Traditional Leader of Barru Regency.

Field observations show that the practice of silariang (elopement) still occurs in several villages, especially when young couples do not get permission to marry because of their age. This shows that legal changes alone are not enough without a comprehensive cultural transformation.

#### Economic Disparity

Economic factors are also a significant challenge in implementing the minimum age limit for marriage. Poverty and lack of access to education are often the reasons for child marriage.

**Table 2.** Percentage of Child Marriages by Economic Level in Barru Regency

| Economic Level | Percentage of Child Marriage |
|----------------|------------------------------|
| Very Poor      | 35%                          |
| Poor           | 28%                          |

|                     |     |
|---------------------|-----|
| Intermediate        | 15% |
| Upper Middle School | 7%  |
| On                  | 3%  |

Source: Barru Regency Social Service (2023)

These data show a strong correlation between poverty and the prevalence of child marriage. An interview with the Head of the Barru Regency Social Service reinforces this finding:

"We see a strong correlation between economic level and child marriage. Therefore, child marriage prevention strategies must go hand in hand with poverty alleviation programs and increasing access to education." – H. Amrullah Mamma, Deputy Chairperson of BASNAS Barru Regency.

Further analysis reveals that economic factors play a role not only in encouraging child marriage, but also in complicating efforts to prevent it. Poor families often see child marriage as a survival strategy, reducing the family's economic burden, or even as a source of income through dowry.

### Access to Education

Lack of access to education, especially in rural areas, contributes significantly to the prevalence of child marriage. Data from the Barru District Education Office shows that dropout rates at the junior high and high school levels are still quite high, especially for girls.

**Table 3.** School Dropout Rate in Barru Regency (2023)

| Level of education | Man  | Woman |
|--------------------|------|-------|
| JUNIOR HIGH SCHOOL | 5.2% | 7.8%  |
| SENIOR HIGH SCHOOL | 6.5% | 9.3%  |

Source: Barru Regency Education Office (2023)

Interviews with teachers and principals revealed that child marriage is often a cause of school dropout, especially for girls. Conversely, dropping out of school can also be a driving factor for child marriage, creating a cycle that is difficult to break.

### Law enforcement

Another challenge identified is weak law enforcement. Although Law No. 16 of 2019 has been enacted, its implementation in the field still faces various obstacles.

Interviews with Barru Religious Court officials revealed:

"We are still accepting applications for marriage dispensation for children under 19 years old. Although we try to be more selective, social and cultural pressures often make decisions a dilemma." – Harisman, SH, Registrar of the Barru Religious Court.

Data from the Barru Religious Court shows that despite the decline, the number of marriage dispensation applications is still quite significant:

**Table 4.** Number of Marriage Dispensation Applications at the Barru Religious Court

| Year | Amount | Application | Request Granted |
|------|--------|-------------|-----------------|
| 2021 |        | 157         | 142             |
| 2022 |        | 134         | 115             |
| 2023 |        | 118         | 95              |

Source: Barru Religious Court (2023)

## IMPLEMENTATION STRATEGY

### Education and Socialization

One of the main strategies in implementing the minimum age limit for marriage is through intensive education and socialization. Dr. Nur Rofiah, a gender and Islam researcher from UIN Jakarta, emphasized the importance of a knowledge-based approach. "We need to provide a comprehensive understanding of the negative impacts of child marriage, both in terms of health, education, and socio-economics," she said (Rofiah, 2022).

Some initiatives that have been carried out in Barru Regency include:

- Education Program in Schools: Collaboration between the Education Office, BKKBN and the Ministry of Religion to integrate materials on children's rights and the impact of early marriage into the BRUS (School Age Youth Guidance) program.
- Pre-Marital Seminar: KUA holds a mandatory seminar for prospective brides and grooms, which includes material on marriage readiness and the importance of education.
- Media Campaign: Use of social media and local radio to disseminate information about Law No. 16 of 2019 and the negative impacts of child marriage.

Interviews with the Head of KUA showed the effectiveness of these programs:

"We have conducted various socialization programs, including pre-marital seminars and cooperation with schools to provide education about ideal marriage. We see an increase in awareness, especially among teenagers." – Syamsurya Sayafiin, S.Th.I, Head of KUA Tanete Riaja District.

### Strengthening the Role of Regional Government

Local governments have a crucial role in implementing this law. Prof. Heru Kurniawan from Hasanuddin University suggested, "There needs to be a regional regulation (Perda) that regulates more specifically about preventing child marriage, adjusted to the local context" (Kurniawan, 2023).

Some steps that have been and will be taken by the Barru Regency Government include:

- a. Drafting of Regional Regulations: The process of drafting Regional Regulations on the Prevention of Child Marriage which will strengthen the implementation of Law No. 16 of 2019 at the regional level.
- b. Formation of Task Force: Formation of a Task Force for the Prevention of Child Marriage involving various related SKPDs.
- c. Budget Allocation: Increase budget allocation for child marriage prevention and youth empowerment programs.

An interview with the Regent of Barru confirmed the local government's commitment:

"We are committed to issuing a Regional Regulation on the Prevention of Child Marriage which will strengthen the implementation of Law No. 16 of 2019 at the regional level. We will also improve coordination between SKPDs to address this issue comprehensively." – Ir. H. Suardi Saleh, M.Si., Regent of Barru.

### 3. Cross-Sector Collaboration

Effective implementation requires collaboration between various parties, including the government, religious leaders, traditional leaders, and civil society. Dr. Lies Marcoes, a women's rights activist, emphasized, "A multi-stakeholder approach is essential to address the complexity of the issue of child marriage" (Marcoes, 2021).

**Table 5.** Cross-Sector Collaboration Programs in Barru Regency

| Sector    | Program                                   |
|-----------|---|
| Education | Scholarships for girls                    |
| Health    | Adolescent reproductive health counseling |
| Religion  | Training for religious instructors        |
| Social    | Family economic empowerment program       |
| Law       | Legal training for village officials      |

Source: Bappeda Barru Regency (2023)

Further analysis shows that these programs have begun to show positive results. For example, the scholarship program for girls has succeeded in increasing the school enrollment rate at the high school level by 5% in the last two years.

### Economic Empowerment

Given the significant economic factors driving child marriage, economic empowerment strategies are critical. Some of the initiatives that have been undertaken include:

- a. Youth Entrepreneurship Program: Skills training and business capital for school dropouts.
- b. Women's Cooperatives: Establishment of cooperatives specifically for women's economic empowerment in villages.
- c. Internship Program: Collaboration with the private sector to provide internship programs for youth.

Data from the Barru Regency Cooperatives and SMEs Service shows an increase in youth participation in these programs:

**Table 6.** Youth Participation in Economic Empowerment Programs

| Program                | 2021 | 2022 | 2023 |
|------------------------|------|------|------|
| Youth Entrepreneurship | 75   | 120  | 185  |
| Women's Cooperative    | 250  | 310  | 380  |
| Internship Program     | 30   | 45   | 60   |

Source: Barru Regency Cooperatives and SMEs Service (2023)

### Strengthening the Recording and Monitoring System

To ensure the effectiveness of the implementation of Law No. 16 of 2019, a strong recording and monitoring system is needed. Some of the steps that have been taken include:

- a. Digitalization of the KUA System: Implementation of a digital-based marriage management information system to facilitate verification of the age of prospective brides and grooms.
- b. Marriage Registrar Officer Training: Capacity building program for KUA officers and P3N (Assistant Marriage Registrar Officers) on age verification procedures and prevention of child marriage.
- c. Integrated Reporting System: Development of an integrated reporting system that connects the KUA, Population and Civil Registry Service, and Religious Courts.

An interview with the Head of the Barru Regency Ministry of Religion Office revealed:

"The digital registration system has helped us in verifying the age of prospective brides and grooms more accurately. We can also monitor the trend of child marriage in real-time and take necessary preventive measures." - Dr. H. Muhajir, M.Pd.I, Head of the Barru Regency Ministry of Religious Affairs Office.

### CONCLUSIONS

The implementation of the minimum age limit for marriage of 19 years in Barru Regency faces complex challenges involving religious, cultural, socio-economic, and law enforcement aspects. However, with the right strategy, involving education, strengthening the role of local government, cross-sector collaboration, economic empowerment, and strengthening the recording system, effective implementation can be achieved.

Key findings from this study include:

Interpretation of religion and cultural norms remains a significant challenge, requiring a sensitive approach and intensive dialogue with religious and traditional leaders.

Economic factors and access to education have a strong correlation with the prevalence of child marriage, indicating the importance of economic empowerment programs and increasing access to education.

Law enforcement still faces obstacles, especially in terms of granting marriage dispensations.

Multi-faceted strategies involving multiple stakeholders have shown positive results in raising awareness and changing public perceptions.

Based on the research findings, several recommendations can be put forward:

**Multi-Stakeholder Approach**

Form a cross-sectoral working team involving the Ministry of Religion, Social Services, Education Services, religious leaders, traditional leaders, and NGOs.

Develop collaborative programs that integrate legal, religious, cultural, and socio-economic aspects.

**Education and Socialization**

Conducting a comprehensive educational campaign on the negative impacts of child marriage, with an approach that is sensitive to local culture.

Leveraging social media and digital platforms to reach the younger generation.

Integrating materials on children's rights and reproductive health into the school curriculum.

**Economic Empowerment**

Expanding economic empowerment programs targeted at vulnerable families.

Providing economic incentives for families who delay child marriage and supporting girls' education.

**Strengthening the Legal System**

Increasing the capacity of law enforcement officers in handling child marriage cases.

Strengthening the marriage registration system to prevent age falsification.

**Reinterpretation of Religious Teachings**

Encourage dialogue between progressive and traditional scholars to reach consensus on religious interpretations that support the prevention of child marriage.

Compiling and disseminating religious interpretations that support child protection and gender equality.

**Improving Access to Education**

Expanding scholarship and educational assistance programs for children from poor families.

Improving the quality and relevance of education to motivate children to stay in school.

**Strengthening the Child Protection System**

Developing an early detection system and rapid response to the risk of child marriage at the village level.

Strengthening the role and capacity of the Regional Child Protection Commission (KPAD) in preventing child marriage.

**Monitoring and Evaluation**

Develop a comprehensive monitoring and evaluation system to measure the effectiveness of child marriage prevention programs.

Conduct longitudinal research to understand the long-term impact of child marriage prevention efforts.

Implementation of these recommendations requires long-term commitment and adequate resource allocation. An adaptive and responsive approach to local dynamics is also needed to ensure the effectiveness of child marriage prevention programs in Barru Regency.

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