IMPACT OF MARRIAGE UNDER CHILDREN IN THE PERSPECTIVE OF MARRIAGE LAW AND THE CIVIL CODE

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Abstract
Marriage is an inner and outer bond between two human beings in carrying out the household ark for social and state life. Nowadays, there are often early marriages which have a negative legal impact. The purpose of this study is to determine the impact of early marriage according to the Marriage Law and the Civil Code. This research was conducted using normative juridical research methods. This method includes library law research, which in this study will be carried out using literature (libraries), both in the form of laws and regulations, books, notes, journals and others. The results of this study indicate that there are many impacts caused by the occurrence of underage marriages. Judges usually grant marriage dispensation applications for underage couples because of the urgency to eliminate large losses. The state has set regulations on the age limit for marriage so that various problems arising from marriage can be resolved properly. Early marriage can cause social problems and various legal problems for children. Legal arrangements regarding marriage have been regulated by the state so that citizens must be subject to the law.

Keywords: Law, Marriage, Minors

A. Introduction
Basically every human being born in this world would want to have a life partner in navigating this world. Marriage is one of the sunnatullah that applies to all His creatures such as humans, plants and animals. Based on provision Law No. 1 of 1974, marriage is bond born inner a Men with a woman as husband wife with destination form family ( home ) stairs ) happy and eternal based on Almighty God one. ¹

Marriage includes the nature and needs of living things in order to carry out a sustainable life, marriage is a natural for humans, namely the desire to have offspring that can only be

achieved through sexual relations between a man and a woman. This relationship is in accordance with Allah's law as Muslims as well as national law, so this relationship must at least be based on a legal bond, namely marriage. Hadith Tabrani narrated that "Whoever marries, then he has completed half of his faith, then fear Allah in the second half.".

If you follow the provisions contained in Islamic teachings, in essence marriage does not have an age limit for marriage. Limitations are only guided by the time they reach puberty and are capable. The application of the age limit in marriage raises a lot of speculation and problems in its application, ranging from mental readiness and material competence which is believed to be a problem in itself, why many people who carry out underage marriages always fail in building a household. For this reason, the state stipulates regulations regarding the age limit in marriage, so that problems that will arise from the marriage can be overcome. One of these regulations is Law no. 1 of 1974 concerning Marriage and the Civil Code. This is because underage marriage is a common thing in Indonesia. Underage marriage can cause various social problems and legal problems for children in fostering domestic relations.

Based on the background that has been described, the update of this research is to find out more about the impact of underage marriage or early age. As well as knowing and explaining the latest regulations from Law Number 16 of 2019 concerning changes to Law Number 1 of 1974 concerning Marriage. The formulation of the problem taken in this study are What is the impact of underage marriage according to the Marriage Law? and What is the impact of underage marriage according to the Civil Code?

Novelty the article is study shows many impacts caused by the occurrence of underage marriage. Judges usually grant marriage dispensation applications for underage couples because of the urgency to eliminate significant losses. The state has set regulations on the age limit for marriage so that various problems arising from marriage can be adequately resolved. Early marriage can cause social problems and various legal problems for children. Legal arrangements regarding marriage have been regulated by the state so that citizens must obey the law.

This research was conducted using normative juridical research methods. This method includes library law research, which in this study will be carried out using literature (libraries), both in the form of laws and regulations, books, notes, journals and others. This research method was carried out to obtain various materials needed such as various theories, concepts, legal principles, and legal regulations related to the subject matter. This research was not conducted directly in the field but used secondary data in the form of library materials such as

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Law no. 1 of 1974 concerning Marriage, Law no. 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, the Civil Code, books, notes, journals, scientific articles, web, special notes and others.

B. Discussion

1. According to Law Number 1 of 1974 concerning Marriage and Law Number 16 of 2019

Marriage is included in the engagement both physically and mentally for a man and a woman who will later give birth to a family from the results of the bond in order to fulfill elements of social and state life, both those that have been regulated in positive law or Islamic law.

The regulations in the law on marriage have applied equally to all citizens, therefore citizens are required to comply with applicable laws, both marriage law which is the basic guideline for the creation of legal certainty, it can be in terms of family law, objects, assets and legal consequences of marriage.

Marriage is an inner and outer bond between two people, both male and female, becoming husband and wife in the hope of forming an eternal household based on God Almighty. The outer and inner bonds are visible bonds. In civil law relating to age has an important factor because it relates to skills when acting and the emergence of certain rights. In Islamic law, in this case the Qur'an and hadith do not specify the age limit for marriage. Commonly known criteria are baligh, have common sense, know right and wrong. The Qur'an basically does not mention in detail the age limit for marriage, but provides signs and signals to be given to the science of jurisprudence and Muslims in determining the age limit which will be in accordance with these conditions, mark and conform to the law, existing in a country.

Customary law also does not state the age limit for marriage, but it is usually marked by a person's maturity such as body shape, then if a girl is marked by menstruation, the appearance of breasts is a sign that she is an adult. If a man is seen from the change in his voice to be big, his body shape, he has a wet dream or the discharge of semen.

Because it is included in the laws and regulations regarding marriage, it is stated in Law no. 1 of 1974 concerning Marriage. In order to create a goal of marriage where one of these criteria is mature both physically and mentally. The law states that the minimum age for marriage is 19 years for men and 16 years for women. This provision was amended again in Law no. 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage where in this law it is stated that the age limit for marriage for men and women is at least 19 years.

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Marriage at an early age is very high in number in Indonesia for several reasons, it could be because young women with low knowledge are 2 to 3 times more likely to marry early than those with high knowledge. Based on Article 7 paragraph (2) of the Marriage Law, more emphasis is placed on the occurrence of child marriages, especially by using the word deviation because there is no more detailed explanation of the deviation. The opinion regarding the provisions of Article 7 paragraph (1) of the Marriage Law has been conveyed properly, in this case it is necessary to narrow down the provisions of Article 7 paragraph (2) in relation to narrowing the words deviation and elimination. from other officials. In addition, this narrowing provision is implemented to protect the health of husband and wife and their offspring in the future. One of the principles of marriage is to prevent marriage at an early age or underage.

Currently, the regulation regarding the granting of dispensation for underage marriages is regulated in Article 7 paragraph (2) which reads as follows: women can request dispensation from the Court with very urgent reasons accompanied by sufficient supporting evidence. In practice, most judges grant dispensation from marriage applicants who have not met the age limit and are based on the amount of loss if the marriage is not rushed which will cause difficulties in the legal process if it is not granted.

As explained above regarding underage marriage, where a person marries at a relatively young age, this will have various impacts, including legal, health, psychological, educational, sexual and social impacts.

**Legal Impact**

, the emergence of violations of applicable laws in Indonesia are as follows:

1. Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage in Article 7 paragraph (1) Marriage is only allowed if the male party has reached the age of 19 years and the woman has reached the age of 19 years as well. Article 6 paragraph (2) explains that in carrying out marriage, those who have not reached the age of 21 years must obtain permission from both parents.

2. According to Law no. 23 of 2002 concerning Child Protection Article 26 paragraph (1) where parents have obligations and responsibilities in nurturing, educating, nurturing and protecting children, caring for children according to their abilities, talents and interests and protecting from marriage at the age of the child.

2. **According to the Indonesian Civil Code**

According to civil law, age is very important because age is related to individual skills in acting and the emergence of certain rights. In the Civil Code, it is regulated that marriage can only be carried out by people of a certain age, namely 18 years for men and 15 years for women. The age limit in marriage is very important because in marriage psychological maturity is something that must be considered. Psychologically, early marriage can reduce harmony in the family because the emotions possessed by people who are considered immature or underage

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are often unstable, their way of thinking is immature, has not been able to solve various problems that will be faced in marriage, and cannot be held responsible. answer. fully in carrying out various things done by people who are considered adults, such as marriage/marriage.\textsuperscript{14}

According to the Civil Code, marriage is a legally valid bond between a man and a woman for a long period of time. \textsuperscript{15}The question that arises in this early marriage is how to carry out the purpose of marriage in the Civil Code, namely bonding for a long time if the psychology of the prospective bride and groom is not yet mature. The children that will be born by them will also be affected psychologically and usually have lower intelligence. According to Ancok, children born to adult mothers have a higher level of intelligence than children born to teenage mothers. Usually children born to teenage mothers are not given good mental stimulants because teenage mothers cannot give them to their children so that their children's intelligence scores are relatively low.

In Civil Law, early marriage is allowed if both the parents of the bride and groom have given permission to them. \textsuperscript{16}However, if only one of them gives permission and the others have been released from their powers as parents or guardianship of the child, then the District Court in the area where the child who wants to marry, at his request, has the authority to give permission to carry out the marriage. the marriage, after hearing or being legally summoned, those whose permission is a condition must be accompanied by blood relatives or family in the marriage. If one of the parents of the child has died or is unable to declare his will, then it is sufficient that permission is given by the other parent who is not in the same situation.

Permission from the child's guardian is also required if the person conducting the guardianship is someone other than the child's parents, if with this agreement the guardian or one of his blood relatives is allowed to marry in a straight line, then the consent of the child's guardian is also required. supervisor is required. If the guardian/supervisor or father/mother who has been released from power as a parent or guardian, refuses to give consent or is unable to express his will, then the previous provisions may apply if the parent is not released from his responsibilities. authority as a parent or guardian of the child gives consent.

The Civil Code also stipulates that if the parents, both father and mother of the child are no longer present or have died or are unable to express their will, each of them must be replaced by the child's parents. two persons. the child's parents (grandfather) if they are still alive or not in the same circumstances as the child's parents.

Allowances in the Civil Code turned out to make the purpose of this law not achieved, namely bonds for a long time because if early marriage is allowed then in the end it can make the marriage of the bride and groom disharmonious due to lack of maturity. in the psychological aspect so that they are vulnerable to divorce, which causes their bonds to break quickly or are short-lived.

\textsuperscript{14}“Fiat Iustitia : Journal Law ” 3, no. 1 (2022): 52–64.
\textsuperscript{16} Dian Latifiani.2019.Early Marriage in Indonesia: Factors and Role of Government (Perspective of Law Enforcement and Protection for Children).Widya Yuridika Jurnal Hukum Vol. 2 Number 1
C. Conclusion

1. Marriage is one of the desires of humans in general because they crave a life partner in living their lives. Marriage can also be said as the need for living things to obtain offspring so that generations can continue. Therefore, not a few people also want to get married quickly because of this without thinking about other aspects carefully. They only think about the positive impact without first thinking about the negative impact that can be had if they get married early. The application of age limits in marriage is very important because in marriage aspects of psychological maturity must be considered because if the psychological aspects of the bride and groom are still not ready, harmony in the family can be reduced or destroyed. The state has set regulations on the age limit for marriage so that various problems arising from marriage can be resolved properly. Early marriage can cause social problems and various legal problems for children. Legal arrangements regarding marriage have been regulated by the state so that citizens must be subject to the law.

2. According to Indonesian Civil Law, age is very important because it relates to a person's ability to take action and the emergence of certain rights. Indonesian civil laws such as the Marriage Law and the Civil Code have limited the age at which a person can get married. However, in the law there are several regulations that have provisions so that a person can marry early or marry early as contained in Articles 36 and 37 of the Civil Code. In fact, it is possible that there will be provisions that limit the age of a person to get married, namely to reduce the divorce rate because early marriage affects the divorce rate in Indonesia. Research also states that couples who marry early are vulnerable to divorce because of mental unpreparedness, triggers for psychological problems, and others.

BIBLIOGRAPHY


