



Legal Protection of Children In Early Marriage: Implementation Challenges And Human Rights Implications

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Abstract: This research discusses the legal protection of children in the practice of early marriage in Indonesia, focusing on the challenges of implementing regulations and their implications for the fulfillment of children's human rights. The purpose of this study is to examine the effectiveness of Law No. 16/2019 as an instrument of protection, examine the obstacles to its application in the field, and formulate legal solutions oriented to the principles of protecting children's rights. This research uses a qualitative method with a literature approach, which is analyzed through primary and secondary sources in the form of laws, academic journals, and reports of national and international institutions. The results show that although Indonesia has a more progressive legal foundation, legal loopholes such as the marriage dispensation mechanism, weak socialization, and the dominance of social and cultural norms are still the main obstacles. In addition, the lack of integration between national law and the protection of children's human rights substantially results in the continued practice of early marriage. For this reason, regulatory reform, increased legal literacy, strengthened apparatus capacity, and a multidisciplinary approach involving state institutions, religious leaders, education, and civil society are needed in an effort to fulfill and protect children's rights as a whole.

Keyword: Legal Protection; Early Marriage; Children; Human Rights; Marriage Dispensation; Regulation Implementation; Children's Rights.

INTRODUCTION

Marriage is a fundamental social institution in society as it plays an important role in human life. Through marriage, individuals not only form legal and emotional bonds, but also gain balance in social, biological and psychological aspects. In a social context, married couples are often accorded a more valued status than unmarried individuals. This view is reinforced by the value system in society that places marriage as a symbol of maturity and readiness to assume social responsibility.

The practice of marriage in Indonesia does not always occur under ideal conditions. One of the academic concerns that continues to emerge in social and legal studies is the rampant

practice of child marriage, especially in areas that have low levels of education and strong cultural pressures. This is a serious problem because it contradicts the constitutional spirit that guarantees children's rights, including the right to grow and develop optimally.

Constitutionally, the right to marry is guaranteed by the state. Article 28B paragraph (1) of the 1945 Constitution of the Republic of Indonesia states that everyone has the right to form a family and continue their descendants through legal marriage. However, national regulations also emphasize the importance of a minimum age limit to protect vulnerable groups, especially children. In this context, the practice of early marriage contradicts this constitutional spirit.

In reality, the practice of child marriage is still quite widespread. Sri Rahmawaty Yunus notes that this practice not only ignores the precautionary principle in law, but also puts children in a position that is vulnerable to exploitation and human rights violations (Sri Rahmawaty Yunus, 2018).

Data from the Central Statistics Agency (BPS) in 2022, there were around 1.7 million cases of child marriage in Indonesia. This trend shows a significant increase of 70% from 2015 to 2020. Indonesia ranks second highest in Southeast Asia after Cambodia in terms of the prevalence of early marriage, with a percentage reaching 27.6%. In 2018, there were around 23 million married children in Indonesia, of which more than half, around 59% or around 668,900 girls, came from Java Island. The Central Bureau of Statistics (BPS) shows that the prevalence of child marriage is still quite high in Indonesia. This phenomenon is more prevalent in rural areas, where social structures and cultural pressures are more dominant compared to urban areas. Inequality in access to education and information also exacerbates this situation (Ratna Dwi Wulandari, 2025).

In Kabupaten Kebumen, this phenomenon is reflected in the high number of marriage dispensation cases. Based on data collected from the Kebumen Religious Court and accessible from BPS Kebumen, the number of marriage dispensation cases in 2020 was 304, followed by 280 cases in 2021, 273 cases in 2022 and 220 cases in 2023. Although showing a downward trend, these figures still indicate that the practice of early marriage is still taking place significantly (BPS Kebumen, 2023).

The main drivers of early marriage can be traced to several factors. Culturally, there is still a view that marrying off girls at a young age is a form of protection for family honor. In addition, economic pressure is also a strong reason, where marriage is considered a way out of the family's economic burden. In some cases, early marriage is done to avoid the disgrace of pregnancy outside marriage (Nurhidayah, 2021).

Child marriage has serious implications for reproductive health, especially for women. According to Pohan, women who marry and become pregnant at a young age are at high risk of obstetric complications because their reproductive organs are not fully mature (Pohan Siti Fadilah, 2017). This increases the risk of maternal and infant mortality and negatively impacts the health of the next generation.

In addition to the health aspect, psychological readiness is also an important concern. Teenagers who marry at an early age tend not to have emotional maturity and the ability to resolve conflicts maturely. According to Walgito, emotional stability and social adaptability are generally only optimally formed after entering their twenties (Walgito, 2015).

This emotional unpreparedness is often the cause of domestic conflict. In many cases, child marriage ends in divorce or domestic violence. This shows that early marriage is not only physically and mentally harmful, but also fails to build a harmonious and sustainable family (Sari & Suryani, 2020).

The impact of child marriage also includes educational aspects. Children who marry early will generally stop their education process due to domestic responsibilities. School provisions that do not accommodate students with married status further strengthen school dropouts. As a result, the child's future is limited, both in terms of career and general quality of life.

In the long run, this phenomenon affects social and economic development. Uneducated and unskilled human resources cannot contribute optimally to the nation's development. This impacts national productivity and widens social inequality. Therefore, this issue is not only a moral or cultural issue, but also concerns national economic security.

From a legal perspective, the practice of child marriage is a form of violation of children's human rights. Indonesia has ratified the Convention on the Rights of the Child (CRC) through Presidential Decree Number 36 of 1990, which emphasizes the importance of protecting children from violence, exploitation and inhumane treatment (Husen, 2020). Unfortunately, the implementation of this convention has not been fully reflected in judicial practices at the local level.

Indonesia has also adopted several national regulations aimed at reducing the practice of early marriage. Among them is Law No. 16/2019 which revises Law No. 1/1974, setting the minimum age of marriage to 19 years. In addition, the Child Protection Law also explicitly regulates the prohibition of exploitation of children, including in the form of forced marriage.

Unfortunately, there is a legal loophole in the form of a marriage dispensation mechanism granted by religious courts. This mechanism was originally intended as a solution to emergency conditions, but in practice, it often becomes an entry point that legitimizes child marriage without strict supervision (Sony Dwi, 2022).

Internationally, the issue of child marriage is also part of the global agenda within the framework of the Sustainable Development Goals (SDGs). Target 5.3 of the SDGs specifically emphasizes the elimination of harmful practices such as child marriage, forced marriage, and female genital mutilation (Yuni et al., 2022). Indonesia as a country committed to the implementation of the SDGs has a moral and legal obligation to suppress the practice of early marriage.

This research aims to examine the effectiveness of legal protection for children in the context of early marriage. The main focus is to evaluate the extent to which the regulations that have been issued are able to protect children, examine the obstacles to implementation in the field, and develop strategic recommendations that can be used by policy makers to prevent the practice of early marriage more effectively.

METHOD

This research uses a qualitative method with a normative juridical and empirical sociological approach. The normative juridical approach is used to examine applicable laws and regulations such as Law Number 16 of 2019 concerning Marriage, Law Number 35 of 2014 concerning Child Protection, Law Number 39 of 1999 concerning Human Rights, as well as international legal instruments such as the Universal Declaration of Human Rights and the Convention on the Rights of the Child. Meanwhile, an empirical sociological approach is applied to examine how the implementation of the law works in society, including social, cultural and economic obstacles in preventing child marriage practices (Soekanto, 2014).

Data was obtained through a literature study, by collecting and reviewing primary (laws, fatwas, court decisions) and secondary (scientific journals, institutional research reports, law books, online news, and official statistical data from BPS and UNICEF) legal materials. This technique allows researchers to analyze and understand the problem comprehensively from various scientific perspectives (Marzuki, 2017).

Data analysis was conducted in a descriptive-qualitative manner, by explaining and describing the content of regulations and practices in the field, and linking the findings with legal theories of child protection and human rights (Moleong, 2018).

Through this approach, researchers can also evaluate the effectiveness of existing regulations and propose strategic policies that are aligned between legal, social and cultural aspects (Ibrahim, 2006). This research also considers data and reports from international

organizations such as UNICEF, which highlight the high rate of child marriage in Indonesia, and uses them as a basis for validating field findings.

In addition, recent academic studies such as Judiasih's highlight the impact of education on early marriage, which reinforces the importance of strengthening legal protection for children (Judiasih, 2022). On the other hand, the results of research by Sugiarti & Tridewiyanti (2021) emphasize the need for legal harmonization and strengthening the apparatus' understanding of the substance of Law 16/2019 as a form of systemic prevention of child marriage.

RESULTS AND DISCUSSION

Legal Regulations in Indonesia in Providing Early Marriage Protection

1. Legal Protection of Early Marriage According to the Human Rights Law

Article 1 point 1 of Law No. 39/1999 on Human Rights explains that human rights are rights inherent in every individual as a gift from God, and must be respected and protected by the state, law, government and society in order to maintain human dignity. Based on this principle, the protection of children's rights is not only limited to laws that specifically regulate children, but also falls within the framework of human rights in general.

Children who are below the age allowed for marriage are still in an unstable phase of mental and emotional development. Therefore, the practice of marriage at an early age is considered harmful especially for girls, who often bear a heavier burden due to lack of education, including reproductive education. Early pregnancies that occur as a consequence of child marriage often lead to serious problems such as malnutrition, mental stress, and other health risks (Ana, et al, 2019).

In addition to rights, humans also have an obligation to obey the law, including in terms of protecting children. Violation of children's rights is a form of negligence towards social and legal obligations. From an international perspective, the Universal Declaration of Human Rights (UDHR) also emphasizes the importance of education as a basic human right. Article 26 paragraph (1) states that everyone has the right to free education at least at the basic level, and that compulsory education is a universal right (Andi & Halim, 2020). If children are married off at school age, they are deprived of their right to education.

Child marriage, although often considered an option under certain conditions, is fundamentally a violation of rights and has the potential to destroy children's futures. Therefore, systematic efforts are needed to prevent this practice, both at the national and global levels.

Efforts to protect early marriage in children can be done through three main approaches. First, socialization. Public education about the negative impact of early marriage can be done directly through community forums or through social media. The aim is to increase legal and social awareness about the importance of protecting children. Second, improving self-quality through education. Lack of understanding about the impact of child marriage often stems from limited access to education. Therefore, strengthening the education system and integrating child protection issues into the curriculum are important steps. Third, the active role of family and community. Parents and the social environment are the closest actors who have the responsibility of supervising and fostering children. They can be both protectors and guides so that children are not trapped in decisions that are risky for their future (Kadek & Gede. 2022).

In the context of customary law, marriages conducted under the legal age are still recognized in some areas, especially those that adhere to a strong customary system.

However, this recognition does not necessarily make this practice legal nationally. Marriages below the minimum age are not always prohibited in customary law, but they still pose a dilemma when faced with state law. This shows the dualism of norms between state law and customary law that still develops in the community.

2. Legal Protection of Early Marriage According to the Child Protection Law

According to Article 1 number 1 of Law Number 23 Year 2002 on Child Protection, a child is any individual who is not yet 18 years old, including children still in the womb. This means that anyone under that age is legally categorized as a child and entitled to special protection from the state. In this case, if a child marries under this age, it is considered a violation of the applicable provisions in Indonesian marriage law. Furthermore, Article 1 point 2 of the same law defines child protection as all activities to ensure the rights of children to live, grow, and develop optimally and free from violence and discrimination. At the age of under 18, the psychological condition and brain development of children is still in an unstable stage, so they are not ready to face married life (Ali Imran, 2013).

In general, there are several factors that push children into early marriage. First, individual factors, namely the personal desire of children who consider themselves emotionally and mentally ready, even though in reality they are not. Socialization and environmental pressure also accelerate the pseudo-maturity in making these decisions. Second, economic factors. The inability of the family to meet the needs of life encourages some parents to marry off their children in the hope of reducing the family's economic burden. In fact, it is not uncommon for marriages to be carried out to pay off debts. Third, educational factors. Low access to education affects the way children and their families view the future, so education is no longer a priority (Mardi Candra, 2018).

In addition to the causes, child marriage also has a number of negative impacts. First, in terms of education, children who marry early tend to drop out of school, even though Article 31 of the 1945 Constitution guarantees the right of every citizen to obtain basic education funded by the state (Fransiska et al, 2021). Second, from a legal perspective, the practice of marriage under the age of 19 is a violation of Article 7 paragraph (1) of the Marriage Law which requires a minimum age limit for marriage. Third, from an emotional aspect, many child marriages lead to divorce due to the psychological immaturity of the couple, especially in responding to household conflicts. High emotions and lack of understanding of the meaning of marriage are often the main causes. Fourth, from a social aspect, children who marry early, especially girls, are vulnerable to social marginalization and bullying by family, peers, and society. This has an impact on mental distress and self-esteem, and inhibits their future social participation (Rokhim & Ludya, 2016). Therefore, education and improving human quality are important in preventing child marriage.

In general, child marriage can be classified into two forms: marriage with a partner who is much older, which has the potential to cause power and psychological imbalances; and marriage among minors, which is generally triggered by a narrow mindset due to the influence of the social environment. In the context of child protection, the law has emphasized basic principles, such as non-discrimination, the best interests of the child, the right to live and develop, and the right to have their views heard, as stated in the Child Protection Law.

Obstacles in the Implementation of Legal Protection for Children in Early Marriage

1. Obstacles in the Implementation of Early Marriage in Law Number 16 of 2019 concerning Marriage

The implementation of Law No. 16/2019 on Marriage, particularly in efforts to prevent child marriage, still faces serious challenges in practice. Although the revision of Law No. 1/1974 has set a minimum age limit of 19 years for both men and women to enter into marriage, implementation in the field shows that marriage dispensation is still often granted by the Religious Courts, even in conditions that are not truly urgent. Article 7(2) of Law No. 16/2019 provides room for parents to apply to the Court for dispensation on the grounds of extreme urgency with supporting evidence. This application is known as “marriage dispensation”.

In Lestari & Herawati's research (2021), it was found that the number of marriage dispensation applications granted was very high. In Lamongan District in 2021, out of 453 marriage dispensation applications, 426 were granted. Of these, there were 271 women who were underage and 118 couples where both parties were still children. This data shows that around 97% of applications were granted, indicating the weak effectiveness of child protection policies in the context of preventing early marriage¹. This fact indicates that although there is a technical regulation in the form of Supreme Court Regulation (Perma) No. 5/2019 on Guidelines for Adjudicating Marriage Dispensation Applications, its implementation has not been able to become a strong bulwark to reject applications that do not meet the urgency.

Furthermore, Sugiarti & Tridewiyanti (2021) explain that there is a need for regulatory harmonization between Law No. 16 of 2019 and Perma No. 5 of 2019 so that interpretation and implementation can be harmonized at the judicial level. The unsynchronized regulations result in judges facing a dilemma in making decisions, and sometimes preferring a compromise approach over prevention. In practice, marriage dispensation has become a legal loophole that strengthens the legitimacy of child marriage practices, especially during the Covid-19 pandemic, when the number of dispensations has increased significantly due to social, economic and cultural factors, as well as increased access to negative content through social media². In addition, the propaganda of marrying young as a solution to avoid adultery also reinforces the perception that early marriage is justified, even though it is legally prohibited.

Indra Kertati's research (2023) also revealed the lack of public education on the laws and regulations regarding marriage. Only 63.5% of adolescents are aware of the age limit for marriage as stipulated in Law No. 16/2019, and only 12.2% of schools or campuses actively socialize these rules. Most of the information obtained by teenagers comes from social media, not from formal educational institutions. This finding indicates the weak role of schools and educational institutions in building legal awareness among teenagers³. The role of local governments in innovating prevention is also still minimal, because the issue of preventing child marriage is still considered a sectoral responsibility of the women's empowerment and child protection office, not a cross-sectoral issue.

Findings from Widiyanto's (2022) research in Jambi reinforce this analysis. He states that many people prefer to use religious law in making decisions related to marriage rather than state law. In practice, law enforcers were also found not to be working professionally and even advocating lies in the marriage dispensation process in order to get the application granted. This shows that the application of article 7 of Law No. 16/2019 has not been optimal. Lack of public understanding, lack of legal education, and limited facilities and human resources in law enforcement agencies are the main causes. In

addition, uneven internet access in rural areas also makes the online socialization process difficult.

These conditions show that although normatively the regulations have been updated to strengthen the protection of children from the practice of early marriage, implementatively, there are still many obstacles that must be overcome. There is a need to strengthen the capacity of the legal apparatus, increase the legal literacy of the community, integrate the role of cross-sectors, and reform the dispensation system to be in accordance with the principles of holistic child protection.

2. Constraints in the Implementation of Early Marriage in the Human Rights Act

Early marriage, which often involves children under the age of 18, is a complex issue that not only touches on social and cultural aspects, but also involves human rights dimensions. According to Article 1 point 1 of Law of the Republic of Indonesia Number 39 of 1999 on Human Rights, it states that "Human Rights are a set of rights inherent in the nature and existence of human beings as creatures of God Almighty and are His gifts that must be respected, upheld and protected by the state, law, government and everyone for the sake of honor and protection of human dignity." With this foundation, every individual, including children, has human rights that cannot be violated, including the rights to protection, education, health, and self-development.

Marriage at an early age has the potential to directly violate some of the basic rights of children as mandated in the Child Protection Law. Article 1 point 2 of Law No. 23 of 2002 states that child protection is all activities to ensure and protect children so that they can live, grow, develop, and participate optimally. Therefore, when a child is forced or allowed to marry before they are old enough, the state can be considered to have failed to ensure the fulfillment of children's basic rights.

In addition, in the context of international human rights, Indonesia as a member state of the United Nations has also ratified the Convention on the Rights of the Child and supports the principles contained in the Universal Declaration of Human Rights (UDHR). Article 26(1) of the UDHR states that "Everyone has the right to education. Education shall be free of charge, at least at the lower secondary and primary levels" (United Nations, 1948). Early marriage is often the main factor for children, especially girls, to stop their education. This not only hinders intellectual development, but also reduces the potential for full participation in social and economic life.

From a human rights perspective, early marriage can also be categorized as a form of exploitation of children, especially if it is done without informed consent and under conditions of social, economic or cultural pressure. The impacts are not only limited to physical ones such as the risk of early pregnancy, health complications, or maternal and infant mortality, but also have a serious impact on psychological conditions such as trauma, depression, and impaired self-identity (UNICEF, 2020). In many cases, children who marry early do not have sufficient emotional, financial and social maturity to navigate domestic life, putting them at high risk of domestic violence and divorce.

In practice, the state has actually provided normative protection through the establishment of a minimum age of marriage in Law No. 16/2019 as a concrete form of human rights fulfillment. However, in reality, legal loopholes such as the existence of a marriage dispensation mechanism actually weaken this protection. Article 7 paragraph (2) of the law allows parents to apply for dispensation to the Religious Court if there is an urgent reason, which in reality is often abused without clear urgency.

Furthermore, children's right to live free from violence and discrimination as stipulated in Articles 13 and 17 of Law No. 39/1999 is also often violated in the practice of early marriage. Children, especially girls, are more vulnerable to structural

discrimination and social stigma after marrying at an early age. This is also exacerbated by the lack of access to adequate health services and psychosocial support.

Early marriage, from a human rights perspective, is not just a matter of local custom or habit, but a systematic violation of children's rights and women's rights. Therefore, its prevention must be seen as an integral part of the state's obligation to respect, protect and fulfill human rights as affirmed in Law No. 39 of 1999 and ratified international conventions.

Legal Solutions and Public Education to Protect Children from Early Marriage

Child marriage is a very complex and sensitive issue that affects the rights and safety of children. In Indonesian law, child marriage is considered a violation of children's rights and protection, and violates Law No. 23/2002 on Child Protection and Law No. 35/2014 on Child Protection (Vivi, 2020).

Child marriage is also considered a serious violation of children's rights guaranteed by national and international law. Law No. 35/2014 on Child Protection explicitly states that every child has the right to live, grow, develop, and participate reasonably in accordance with human dignity. This is in line with the Convention on the Rights of the Child, which Indonesia has ratified through Presidential Decree Number 36 of 1990.

Data from the Central Bureau of Statistics (2023) shows that child marriage cases are still quite high, especially in rural areas. Although there has been a decline nationally, disparities between regions and weak social control are the main factors that make this practice recur.

In addition to quantitative data, field research also found that local cultural factors also encourage child marriage. In certain agrarian societies, marrying off children is considered to be a savior of family honor, especially when girls enter into relationships outside of marriage (Yunus, 2018).

Regulatively, the change in the minimum age of marriage in Law Number 16/2019 is a progressive step in providing legal protection to children. However, the existence of a marriage dispensation mechanism that does not have strict parameters makes the regulation easy to abuse (Simarmata & Nicka, 2022).

The legal solution to close this loophole is to revise Supreme Court Regulation No. 5/2019 so that the definition of "urgent reasons" is spelled out objectively and specifically. In practice, many judges grant dispensation based on economic and social reasons without consideration of the child's psychology (Simarmata & Nicka, 2022).

The regulation needs to be accompanied by implementing regulations at the regional level in the form of circulars or technical guidelines. District/city governments should be given the authority to develop locally-based child protection strategies (Indra, 2023).

There needs to be legal parameters that prioritize the principle of the best interest of the child as emphasized in Article 3 of the Convention on the Rights of the Child. Kupipedia (2023) in his report found that many law enforcement officials in the regions do not substantively understand this principle.

As a form of legal education, it is important for the government to increase the capacity of KUA officers and religious judges in understanding child psychology. Legal training based on child protection should be a routine program developed by the Supreme Court (Evi Hovipah, 2023).

In addition, it is important for the government to develop technical guidelines for the implementation of marriage dispensation, with a psychological assessment sheet and mandatory consultation from a child psychologist before the application is decided (Ratnawati, 2024).

On the other hand, community education is the main prevention strategy that has not been maximized. Sekarmahati et al. (2024) revealed that low access to education and information in rural areas is the main structural factor causing high rates of child marriage.

Community education must involve social actors who are trusted by the community, such as religious leaders, traditional leaders and teachers. Their role is crucial in shaping community perceptions of the practice of child marriage (Sulaiman, 2021).

Socializing regulations and the impact of child marriage to the community should be a cross-ministerial responsibility. However, Ratnawati's report (2024) states that socialization activities are only carried out incidentally and their evaluation is not monitored.

Cultural prevention efforts need to be strengthened through the role of traditional and religious leaders. According to Rahman (2021), traditional deliberations and family halaqah in several communities have proven capable of correcting old norms that support the practice of early marriage.

Preventive campaigns such as the #NikahJanganBuruburu movement launched by BKKBN have shown effectiveness in raising public awareness about the adverse effects of child marriage (BKKBN, 2022).

The involvement of youth communities in prevention campaigns is needed. The PIK-R (Youth Information and Counseling Center) program in schools can be an effective vehicle for peer-to-peer education (Andi & Halim, 2020).

Comprehensive sexual education in schools is also one of the educational strategies proven to reduce the risk of teenage pregnancy and early marriage. Suryani (2021) in the Adolescent Health Handbook states that correct knowledge can form a critical attitude towards invitations to marry at a young age.

The law curriculum in senior high schools needs to be developed more contextually. Sekarmahati et al. (2024) suggested that legal education be presented through case studies of early marriage so that students do not just memorize articles, but understand the impact.

The role of local communities such as PKK, posyandu, and karang taruna should be further utilized as educational agents. These groups are closer to the community and are able to reach vulnerable groups such as housewives and teenage school dropouts (Sekarmahati et al, 2024).

Parenting training programs for parents are also needed to change their mindset. Ratna (2025) stated that family education through special modules can raise awareness of the psychological impact of child marriage on adolescent development.

Local governments also need to form local regulations (Perda) on the prevention of child marriage, as was done in Kulonprogo Regency. Anisa et al. (2022) noted that local regulations can encourage the integration of child protection in village development programs.

The performance indicators of the regional head must include a reduction in child marriage as one of the benchmarks of success. This is important so that policies are not only normative, but also accountable (Anisa et al., 2022).

A digital-based reporting system between the KUA, PPA Office, and Religious Court should be integrated to prevent data manipulation and speed up interventions. Ratnawati (2024) proposed a national monitoring dashboard with real-time data.

The government also needs to develop an online complaint service (e-reporting) so that people can report potential child marriage practices anonymously and safely. This innovation has been implemented in several cities with positive results (Widianto, 2022).

Family economic empowerment is also key in preventing child marriage. Widianto (2022) emphasized that economic pressure is often the main reason parents marry off their children early.

Skills training programs, access to MSME capital, and productive assistance should be directed at high-risk families. The study by Anisa et al. (2022) shows that empowered families are more resistant to pressure to marry off children.

The Ministry of Social Affairs can play a greater role by including child marriage-prone families in the DTKS (Integrated Social Welfare Data) as priority beneficiaries (BPS, 2023).

On the academic side, collaboration between universities and the government is important in conducting evidence-based research. Hendra (2023) suggested the establishment of a child protection study center on campus that is tasked with conducting periodic evaluations of the implementation of Law 16/2019.

Strategic litigation by civil society organizations is also needed to test the enforceability of Law 16/2019 and its derivative regulations. According to Simarmata & Nicka (2022), the Constitutional Court can be a channel to correct the multiple interpretations of marriage dispensation norms.

Comparative legal studies from other countries such as Morocco and Colombia show that legal reform must be accompanied by social transformation and education for optimal results (UNICEF, 2020).

Advocacy processes with traditional and religious leaders need to be undertaken so that local norms revise their rules to align with human rights principles. This is an important part of local culture-based social reform (Rahman, 2021).

Parents as decision-makers in the family should be provided with special parenting and family counseling modules that address the risks of child marriage. Ratna (2025) in the Unair education program proved that this approach significantly changed parents' perceptions (p. 10).

Local mass media such as community radio, regional newspapers, and local TV should be empowered to voice data, victim testimonies, and calls to delay marriage. Sulaiman (2021) stated that local media has a major influence on public opinion.

The government needs to establish a metrics-based audit and evaluation system that directly measures child marriage rates, girls' school participation, and access to counseling services. These indicators should be integrated into the regional RPJMD (Hendra, 2023)

Handling child marriage must be done systemically through cross-sector synergy, active community participation, and the state's regulatory courage in reorganizing existing legal loopholes. Thus, child protection is not just a slogan, but a real working system

CONCLUSION

Early marriage is a form of violation of children's basic rights, especially the right to grow, develop and obtain proper education. Although Law No. 16/2019 has raised the minimum age of marriage to 19 years, the practice of child marriage still occurs frequently due to legal loopholes through the mechanism of marriage dispensation. This is exacerbated by the lack of public understanding of the law, weak supervision by the authorities, and strong social norms and cultural pressures that justify the practice. This phenomenon shows that the legal protection of children has not been fully effective in practice.

Constraints in the implementation of legal protection for children in the context of early marriage do not only come from regulatory aspects, but also from structural and cultural aspects. Several studies have revealed that economic factors, low education, lack of legal socialization, and weak synergy between government agencies and the community are the main causes of the failure of prevention efforts. In addition, there is still a gap between the spirit of the Child Protection Law and the reality on the ground, where some legal officers are not professional or even allow the practice of legal deviations to occur in order to fulfill certain social reasons.

Addressing this problem requires a comprehensive legal solution that includes updating technical regulations on marriage dispensation, improving the quality of judges and legal

officers, and strengthening the educative approach through engagement with schools, social media and religious institutions. The empowerment of women and families, as well as consistent law enforcement against violations of the marriage age limit, should be high on the agenda of the national child protection strategy. By doing so, Indonesia can more seriously realize its commitment to the fulfillment of children's human rights as stated in the constitution and international conventions.

REFERENCE

- Ana, D., & Arifin, R. (2019). *Pernikahan dini di Indonesia: Aktor dan peran pemerintah (perspektif penegakan dan perlindungan hukum bagi anak)*. Widya Yuridika Jurnal, 2(1), 7–8. <https://doi.org/10.31328/wy.v2i1.823>
- Andi, M., & Halim. (2020). *Strategi pencegahan pernikahan usia dini melalui penerapan Pusat Informasi dan Konseling Remaja (PIK-R) di SMK Negeri 1 Bulukumba*. Jurnal Administrasi Negara, 26(2), 7. <https://doi.org/10.33509/jan.v26i2.1249>
- Anisa, R., dkk. (2022). *Perlindungan anak dalam kebijakan daerah*. Jurnal Ilmu Pemerintahan, 10(2).
- BKKBN. (2022). *Modul sosialisasi pencegahan nikah dini*. Jakarta: BKKBN.
- Fransiska, A., & Saputra, R. (2021). *Dampak sosial akibat perkawinan anak terhadap kesejahteraan masyarakat*. Jurnal Kertha Semaya, 9(9), 1504. <https://doi.org/10.24843/KS.2021.v09.i09.p01>
- Hendra, B. (2023). *Urgensi riset perlindungan anak oleh perguruan tinggi*. Jurnal Kebijakan Sosial, 3(1).
- Hovipah, E. (2023). *Perlindungan anak dalam perspektif psikologi hukum*. Refleksi Hukum: Jurnal Ilmu Hukum, 6(1).
- Imron, A. (2013). *Perlindungan dan kesejahteraan anak dalam perkawinan di bawah umur*. Al-Tahrir, 13(2), 253–272.
- Indra, K. (2023). *Peran pemerintah daerah dalam pencegahan perkawinan anak*. Mimbar Administrasi FISIP Untag Semarang, 20(1), 268–276. <https://doi.org/10.56444/mia.v20i1.682>
- Ibrahim, J. (2006). *Teori dan metodologi penelitian hukum normatif*. Malang: Bayumedia.
- Judiasih, S. D. (2022). *Status hukum anak dan dampak pendidikan dalam pernikahan usia dini*. Jurnal Hukum dan Pembangunan, 52(1), 71–84. <https://doi.org/10.21143/jhp.vol52.no1.2022.71-84>
- Kadek, D. R. M., & Parwata, A. A. G. O. (2022). *Perlindungan hukum atas perkawinan anak di bawah umur dalam perspektif Undang-Undang Hak Asasi Manusia*. Jurnal Kertha Semaya, 10(9), 1994–2002. <https://ojs.unud.ac.id/index.php/kerthasemaya/article/view>
- Kupipedia Research Center. (2023). *Analisis praktik dispensasi nikah dan prinsip best interest of the child*. Jakarta: Kupipedia.
- Lestari, D. N., & Herawati, N. R. (2021). *Peran pemerintah daerah Kabupaten Lamongan dalam upaya mengurangi angka pernikahan dini tahun 2021*. Jurnal Ilmu Sosial dan Ilmu Politik, 1–24. <https://ejournal3.undip.ac.id/index.php/jpgs/article/view/37280>
- Mardi, C. (2018). *Aspek perlindungan anak Indonesia*. Jakarta Timur: Kencana.
- Marzuki, P. M. (2017). *Penelitian hukum*. Jakarta: Kencana.
- Moleong, L. J. (2018). *Metodologi penelitian kualitatif*. Bandung: PT Remaja Rosdakarya.
- Muhammad, H. (2000). *Fikih perempuan: Refleksi kyai atas agama dan gender*. Yogyakarta: LKIS.
- Pohan, S. F. (2017). *Kesehatan reproduksi: Panduan bagi remaja dan wanita*. Jakarta: Salemba Medika.
- Putu, W. (2021). *Media advocacy on child marriage*. Jurnal Komunikasi Masyarakat, 3(2), 80–83.

- Ratnawati, D. (2024). *Evaluasi implementasi UU perkawinan pasca revisi*. Jurnal Hukum Perlindungan Anak, 2(1).
- Ratna, D. W. (2025). *Peran pendidikan dalam pencegahan pernikahan dini*. Universitas Airlangga. <https://unair.ac.id/peran-pendidikan-dalam-pencegahan-pernikahan-dini/>
- Rokhim, L. S. (2016). *Tinjauan yuridis perkawinan di bawah umur dan perceraian di Pengadilan Agama Kelas IA Samarinda*. Jurnal Ilmu-Ilmu Sosial, 8(2), 113–115. <https://doi.org/10.31293/lg.v1i2.2864>
- Sari, N. P., & Suryani, N. (2020). *Budaya dan pernikahan anak di Indonesia: Studi literatur*. Jurnal Sosiologi Pendidikan Humanis, 5(1), 34–41. <https://doi.org/10.35814/jlr.v4i1.2968>
- Sekarmahati, L., dkk. (2024). *Ketimpangan informasi dan nikah dini di pedesaan*. Jurnal Sosiologi Desa, 5(1).
- Simanjutak, Vivi Monica. (2020). *Perlindungan hukum terhadap perempuan di bawah umur pada perkawinan usia dini*, Skripsi, Universitas Atma Jaya Yogyakarta.
- Simarmata, R., & Nicka, R. (2022). *Evaluasi dispensasi kawin dalam UU No. 16 Tahun 2019*. Jurnal Legal Reasoning, 4(1).
- Soekanto, S. (2014). *Pengantar penelitian hukum*. Jakarta: UI Press.
- Sugiarti, T., & Tridewiyanti, K. (2021). *Implikasi dan implementasi pencegahan perkawinan anak*. Jurnal Legal Reasoning, 4(1), 81–95. <https://doi.org/10.35814/jlr.v4i1.2968>
- Sulaiman, N. (2021). *Faktor budaya dan sosial dalam praktik pernikahan anak di Indonesia*. Jurnal Hukum & Gender, 9(2), 156–165.
- Suryani, N. (2021). *Pendidikan kesehatan remaja dan pencegahan pernikahan dini*. Surabaya: Salemba Medika.
- Undang-Undang Nomor 16 Tahun 2019 tentang Perkawinan.
- Undang-Undang Nomor 35 Tahun 2014 tentang Perlindungan Anak.
- Undang-Undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia.
- United Nations. (1948). *Universal Declaration of Human Rights*. Paris: United Nations General Assembly. <https://www.un.org/en/about-us/universal-declaration-of-human-rights>
- UNICEF. (2020). *Child marriage: Latest trends and future prospects*. New York: United Nations Children's Fund. <https://data.unicef.org/resources/child-marriage-latest-trends-and-future-prospects/>
- Walgito, B. (2015). *Psikologi sosial*. Yogyakarta: Andi Offset.
- Widianto, D. (2022). *Efektivitas penerapan Pasal 7 Undang-Undang Nomor 16 Tahun 2019 tentang perkawinan di bawah umur*. Jurnal Hukum Syariah, 9, 356–363.
- Widianto, T. (2022). *Evaluasi penerapan UU No. 16 Tahun 2019 di Desa Lubuk Bangkar Jambi*. Jurnal Hukum Syariah, 5(1), 55–59.
- Yeni, H. Y., Rachman, J. B., & Darmawan, W. B. (2022). *Upaya Indonesia dalam mengatasi pernikahan anak sebagai implementasi Sustainable Development Goals (SDGs) Tujuan 5 (5.3)*. Aliansi: Jurnal Politik, Keamanan dan Hubungan Internasional, 1(3), 153–166. <https://doi.org/10.24198/aliansi.v1i3.44202>
- Yunus, S. R. (2018). *Pernikahan anak di Indonesia: Kajian teoretis dan praktis*. Makassar: Alauddin University Press.