

Comprehensive Efforts Office of Religion In Handling Minor Marriages Post The Determination of Law No. 16 of 2019 Concerning Marriage

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ABSTRACT

This research will be carried out using qualitative methods, by collecting data through observation, interviews and analysis of documentation from the KUA. The data analysis used is qualitative analysis. It is hoped that this research will provide an overview of the efforts made by the KUA to deal with the problem of underage marriage and the factors that influence it and provide recommendations for improving and developing the KUA's efforts in dealing with this problem. The comprehensive efforts of the KUA (Religious Affairs Office) in dealing with underage marriages follow the inclusion of various efforts to prevent and handle the problem of underage marriages in Law Number 16 of 2019 concerning Marriage. These steps include: (1) sensitization and education about the dangers and negative impacts of underage marriage for the parties involved, (2) increased coordination and cooperation with related parties such as families, schools and communities, (3) stricter inspections regarding documents required for the marriage process, (4) development of a supervision and monitoring system for marriages recorded at the KUA, and (5) strict sanctions for parties who violate marriage regulations.

Keywords: KUA's efforts, Law Number 16, Underage Marriage

1. Introduction

Islamic literature covers a variety of topics, including marriage. The Qur'an underlines that every couple who directly sails the household ship has a family that is *sakinah*, *mawaddah* and *rahmah*. This goal can be achieved in various ways. Searching for a suitable bride and groom is one of them. This effort is very important for the dissemination of the teachings of Rasulullah SAW to his people, whose existence can influence the path that the family ship takes.

The most critical consideration in jurisprudence when preparing for a wedding. because someone will be able to judge whether he is mature or not in his attitude and behavior. Every prospective bride and groom must have a mature mindset. Adults up to puberty, according to the general Indonesian lexicon. The term "adult" in Islamic jurisprudence is *baligh*.

There is no verse in the Qur'an that explicitly mentions the minimum age for marriage, but on closer reading, it is related to the age of puberty, specifically Q.S. An-Nisa verse 6. Translation: "And test the orphans until they are old enough to marry. Until they are old enough to mate, test the orphans. Give them wealth if you believe they are wise (smart at keeping wealth). Apart from that, refrain from spending the wealth of orphans prematurely (before they are adults) and do not consume it beyond reasonable means. Those who are capable among the caretakers should avoid devouring the orphan's wealth, while those who are less fortunate may do so in moderation. When you give them money, you must provide them with witnesses to prove the handover. And it is enough for Allah to protect (the witness)".

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According to the mujahids' interpretation of Ibn Kathir's Tafsir, marriage in the above lines refers to reaching puberty. According to academic Jumhur, he occasionally forced the teenager to produce semen to overcome puberty. The requirement that the intended husband and wife are physically and mentally mature to enter into marriage is one of the principles upheld by Indonesian marriage law. This means that the marriage law upholds the idea that every prospective husband and wife who wish to enter into a marriage bond must be physically and spiritually healthy, or physically capable as determined by law. self The marriage of a man and a woman is an internal and external bond. According to this theory, marriage will be easier to achieve if the bride and groom are physically and emotionally mature. In terms of this principle of maturity, age-based measurements are the benchmark.

The age of marriage in Indonesia needs to be updated along with developments over time. In conclusion, efforts must be made to raise the age of marriage in Indonesia. In article 1 paragraph (1) of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, a person who is not yet 18 (eighteen) years old, including children who are still in the womb, is called a child. Therefore, anyone under the age of 18 is still considered a child. Therefore, the DPR RI decided that the age for men and women who can enter into marriage must be the same as 19 years, according to Deputy Coordinator of the Legislative Body (Baleg) Totok Daryanto who responded. to questions from the media.

2. Methods

This type of research is qualitative, that is, it uses an approach that allows the disclosure of facts naturally without using symbols, numbers or formulas. The method used is the legal history method. By using the history of legislation as its focus, the legal history approach aims to determine the stages of legal growth. Researchers use interview methods in addition to identifying legal developments. In qualitative research, an interview is a purposeful interaction that is preceded by a number of informal questions that range from unstructured to organized. In this research, the population will be all objects in Murhum District, especially those related to the KUA's comprehensive efforts in dealing with underage marriage. Meanwhile, the sample is the headmaster and head of the KUA who were determined through purposive sampling technique. The data sources used in this research are: 1) Primary data sources include the Criminal Code, Law Number 35 of 2014 concerning Child Protection, and Law Number 16 of 2019, Compilation of Islamic Law AND 2) Secondary data sources include all written works , including books, papers and journals, as well as the Academic Manuscript on the Marriage Age Draft Law and the findings of interviews conducted at the Murhum District Religious Affairs Office.

Data collection techniques are one of the key elements that determine the success or failure of research. The following techniques will be used by researchers to collect data:

1. Observation

Observation is a process that involves paying attention to objects using all your senses. Direct observations were carried out at the research location, where research activities were carried out regularly in the hope of collecting reliable data. Observations were carried out by the Murhum District Religious Affairs Office (KUA).

2. Interview

In this research, the data collection method was carried out by asking questions to the subjects and informants. Questions are prepared in advance before asking the subject, and informants are selected based on the clarity of the answers requested, even if they are not on the question list

3. 3. Documentation

Any written content or images are considered documentation. Internal documents such as memorandums, announcements, regulations, directives, meeting minutes, daily notes.

Data analysis is needed to support drawing conclusions after researchers have collected data and information through observation, interviews and documentation as discussed in the discussion of data collection methods. Researchers used a qualitative analytical approach in this research, and their methodology is as follows: 1) Inductive, namely a methodical method of processing specific evidence to draw general conclusions, 2) Deductive, namely a technological method of data analysis used to filter extensive data and draw out certain findings, and 3) Comparative, namely a technical method of data analysis that involves comparing educators' views with research findings before arriving at a new perspective.

3. Findings and Discussions

Provisions of Law Number 16 of 2019 concerning Marriage Age Limits

Interview with the Head of the Murhum District KUA, regarding Law No. 16 of 2019, he stated that the first regulation that refers to the regulations of Law No. 16 of 2019 concerning the Marriage Law is Law No. 1 of 1974. As long as the law has not been revised, then Article 7 of Law no. 1 of 1974 states that the age of marriage for men is 19 years and the age of marriage for women is 16 years. The age of the prospective bride is now determined by Law No. 16 of 2019, specifically in the amended Article 7. Previously, based on Law no. 1 of 1974, the age requirement is 16 years and over. Meanwhile, with the ratification of Law No. 16 of 2019, the age of the prospective bride and groom is both 19 years old. They are both 19 years old.

Apart from that, what are the provisions on the age limit for marriage according to Law no. 16 of 2019 was seen by residents in Murhum District, Baubau City, and KUA. When Aulia Fajriana was met at her residence, she said, "I am one of those people who were married under age. When I registered at that time I was still 16 years old, when I went to the Murhum District KUA, there were many requirements that had to be completed and there it was also explained about Law no. 16 of 2019 concerning the Age Limit for Marriage. Because I am a minor, the Murhum District Religious Affairs Office employee requested that a marriage dispensation letter be obtained from the Baubau City Religious Court. My parents helped me to manage the necessary files. When I went to the Religious Court, I was asked many questions, including my age at that time, the reason why I had to marry underage and so on.

This statement was confirmed by Mr. Muhammad Taoha as the father of Aulia Fitria's brother. He said that the Murhum District KUA explained Law no. 16 states that the marriage age limit for men and women must be 10 years. And because my child is still a minor, I was directed to the religious court to process the application letter or permission to marry a minor. There I was asked to explain why my child should be given a marriage dispensation certificate and what the reasons were. We are required to submit certain documents to apply for this marriage, including

photocopies of KTP, KK, birth certificate, final diploma, marriage certificate from RT/RW, sub-district/village, N1, N2, and N3.

KUA's Efforts in Handling Underage Marriages After the Enactment of Law no. 16 of 2019 concerning Marriage in Murhum District

The State's efforts to protect the institution of marriage from abuse that could harm the family institution through the regulation of the Marriage Law. It is unfortunate that there are significant obstacles to the implementation of this rule. For various reasons, including those related to the actual provisions of the law as well as the influence of social, economic, cultural and religious understandings in society, marriages performed before the statutory minimum age for marriage still occur. Families use a number of strategies to achieve marriage at a young age. For example, it is common practice to manipulate age-related data on "adult" children under the age of 16 to create documentation that allows for child marriage and the issuance of marriage certificates.

The Constitutional Court issued Decision Number 22/PUU-XV/2017 of 2017 which granted part of the lawsuit for material review of differences in marriage age in Law Number 1 of 1974 concerning Marriage Article 7 paragraph 1 which sets the minimum age limit for marriage at 19 years for men and women. 16 years for girls. The Constitutional Court decided that there was discrimination because there was a difference in the legal age limit for marriage between men and women.

The 1945 Constitution of the Republic of Indonesia, which mandates that all citizens have equal status before the law, is considered to have been violated by this article, according to the Constitutional Court. A subsequent ruling by the Constitutional Court found that the Marriage Law conflicted with the Child Protection Law, which stipulates that a child is anyone under 18 years of age. The Constitutional Court also emphasized several negative consequences of child marriage, including harm to children's health. because the limitations of optimal reproductive maturity have not been achieved, detrimental to health and education elements, as well as disruption to children's education. Additionally, there are greater opportunities for child exploitation and abuse today.

President Joko Widodo ratified Law Number 16 of 2019 on October 14 2019 to amend Law Number 1 of 1974 concerning Marriage. The age requirements for prospective brides and grooms are stated in the law as follows: "Marriage may only take place if the man and woman have reached the age of 19 (nineteen) years." However, teenage marriage is still a practice in society today, as seen in KUA, Murhum District, and Baubau City. In connection with this, the Murhum District KUA has taken several steps to reduce underage marriages, including the following:

1. Sensitization and education of the people involved about the risks and detrimental impacts of child marriage.

Sensitization and education of the people involved about the risks and detrimental impacts of underage marriage. 'This can be done through sensitization campaigns in the mass media, socialization of activities in the community, be it meetings in the District related to health. Education is the process of providing information and knowledge to individuals or groups about a particular problem or issue. In the context of underage marriage, education can be used to provide information about the dangers and negative impacts of marriage at a very young age. This can be done through school education, community programs and training for people at risk. Education can also be used to provide information about reproductive rights and self-protection, as well as ways to avoid underage marriage.

2. Increasing education and awareness about the risks and impacts of underage marriage.

The aim is to teach and educate the public about the risks and negative impacts of early marriage. This can be achieved through community programs, school-based instruction, and training for at-risk individuals. This education can provide information about reproductive rights and self-protection, as well as ways to avoid underage marriage. By increasing education and awareness about the risks and impacts of underage marriage, it is estimated that it will contribute to reducing underage marriage and increasing protection for those who are harmed by underage marriage. This is done during direct outreach to the community, as well as during recitation moments -recitations at majlis ta'lim as well as several lecture activities at mosques during the holy month of Ramadan and Friday sermons.

3. Increasing coordination and cooperation with related organizations, including regional governments and the Department of Population and Civil Registry.

This could involve working with population and civil registration services to ensure that only people above the marriage age limit are permitted to marry. Working with these organizations can give you access to the skills and resources you need to overcome challenges related to child marriage, such as age verification, research, and child protection. It can also help to increase the effectiveness of programs aimed at preventing child marriage and provide better protection for those affected by child marriage.

4. Development of a supervision and monitoring system for marriages recorded at the KUA.

Create a system to monitor and supervise marriages registered at the KUA, with the aim of ensuring that applicable laws and regulations regarding marriage are enforced and followed by registrants. This system can include checking the documents required before registering a marriage, verifying the age of the couple who is going to get married, and monitoring after the marriage, verifying the age of the couple who is going to get married, and monitoring after the marriage is registered to ensure that the marriage registered at the KUA complies with applicable laws and regulations. applies. This monitoring system can be used to identify underage marriages and take the necessary actions to overcome them. It is hoped that the development of this monitoring system will help reduce the number of underage marriages and provide better protection for those who are negatively impacted by underage marriage. The system can also be used to identify and deal with cases of domestic violence and provide better protection for affected couples.

5. Providing alternative solutions for parties involved in underage marriages.

Providing other options that can be taken by those involved in underage marriages, apart from continuing the marriage. These alternative solutions may include various programs and services aimed at helping couples involved in underage marriages to overcome the problems faced such as; 1) Education and training aimed at helping couples involved in underage marriages to improve their skills and qualifications, so that they can find better jobs and improve their economic well-being; 2) Health programs aimed at helping couples involved in underage marriages to overcome health problems, such as reproductive and mental health problems; 3) Protection for children affected by underage marriage, such as age-appropriate social protection, care and education programs; 4) Assistance and social support aimed at helping couples involved in underage marriages to

overcome the problems they face, such as domestic violence and other social problems; 5) Providing alternative solutions can help couples involved in underage marriages to overcome the problems they face and improve their quality of life, as well as reduce the impact of underage marriages; 6) Law enforcement for perpetrators of underage marriages who violate applicable regulations.

Enforcing existing legal regulations against individuals or groups who marry underage children who violate applicable regulations. Enforcement of this law can be done by taking actions such as; Guidance: Perpetrators of underage marriages who violate applicable regulations may be subject to guidance, such as training, education, or supervision aimed at helping the perpetrator to understand the impact of his or her actions and increase awareness of the applicable regulations. It is important to remember that the issue of underage marriage is a complex problem and involves various elements, so it requires multisectoral cooperation and a comprehensive strategy to overcome it.

The number of cases registered at the Murhum District Religious Affairs Office (KUA) has been countless since the KUA was established. As has recently happened, there are several prospective couples whose bride is under the age set by law. Some of them can be seen in the following table:

Table 1. List of Names of Husband and Wife Couples Based on Age Dispensation KUA Kec. Murhum date 2023

No	Husband's name	Wife's Name	Place and date of birth	No. Decision	Wedding Month
1.		Nur Hijrah Wati Binti Herman Tahang	Lamangga 25-02-2004	7/Pdt.P/2022/PA.Bb	January 2022
2.		Fadilah Binti Yanto	Batauga, 03-01-2002	119/Pdt.P/2022/PA. Bb	September 2022
3.	Firdaus Hafrin Bin Hanufi		Baruta, 14- 10-2006	159/Pdt.P/2022/PA. Bb	October 2022
4.		Regina Ayu WulanTriana Binti Zaruddin	Baubau, 07-09-2003	102/Pdt.P/2022/PA. Bb	August 2022
5.		Rizka Binti Rahman	Baadia, 01- 01-2004	133/Pdt.P/2022/PA. Bb	September 2022
6.		Ode AuliaFajriana Binti Muh. Taoha	Tolandona, 19-05-2006	159/Pdt.P/2022/PA. Bb	October 2022

The Murhum District Religious Affairs Office (KUA) often registers underage marriages, but this is done on the condition that the prospective bride and groom have received age dispensation from the Religious Court. As stated by the resource person, as Head of the Office of Religious Affairs, that:

After the birth of Law no. 16 of 2019 Regarding marriage, we still often register marriages of minors, both male and female prospective brides, and we even issue marriage books, on the basis that we have obtained an age determination letter or age dispensation from the Religious Court.

These are the efforts made by the Murhum District KUA in handling underage marriages after the enactment of Law no. 16 of 2019 concerning Marriage. Various efforts have been made but have not been able to completely eradicate underage marriage, however, the enthusiasm of the Murhum District KUA is in socializing

the negative impacts and efforts continue to be made. It is important to know that apart from various sectoral interventions to support the above efforts, the role of parents is much more important in minimizing underage marriage as stipulated in Law no. 16 of 2019 concerning Marriage.

4. Conclusion

Based on the results and discussion presented above, the author can draw several conclusions that in accordance with Article 7 of Law no. 16 of 2019 concerning Marriage, the minimum age for marriage for men and women is 19 years. As for prospective brides and grooms who have not reached the age of 19 and want to get married, the prospective bride and groom must obtain permission from both parents and obtain a marriage dispensation letter from the Religious Court. After the enactment of Law no. 16 of 2019 concerning marriage, the KUA has made several comprehensive efforts in dealing with underage marriages, which include several steps as follows; (a) Increasing education and awareness about the risks and impacts of underage marriage, (b) Increasing collaboration with related institutions such as the Population and Civil Registry Service, and the local government. Providing alternative solutions for parties involved in underage marriages. However, there are still several obstacles that must be overcome by the Murhum District KUA in handling underage marriages, such as a lack of resources and community support. Therefore, cooperation between parties is needed to ensure that marriage laws are implemented fairly and effectively.

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