
The Political Law Stipulating The Age Of Marriage In Law No. 16/2019 And Its Impact On Family Harmony

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ABSTRACT

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This study aims to discover the debate regarding the age limit of marriage and the impact of early marriage on family harmony. The method used is the Normative Juridical approach. Data are obtained through literature and documentary studies and then analyzed qualitatively. The results of this study are as follows: First, the politics of law in Law No. 16 of 2019 is divided into subjective and objective dimensions. The value of justice for the age limit of marriage is realized by equalizing the minimum age of marriage of 19 years for men and women. The value of legal certainty in the regulations of Law No. 16 of 2019 has yet to be realized because there are no sanctions for violators, and there is a loophole for dispensation without clear requirements. Second, Islamic Law Review of Law No. 16 of 2019. Equality of the minimum age limit of 19 years is not contrary to Islamic law. Marriage is also considered good and safe because it has exceeded the age limit of puberty, according to the opinion of Islamic jurists. Third, the impact of underage marriage on family harmony affects the resilience of the family that is built. Economic, psychological, emotional, and mental unpreparedness. So that sustainable economic security is not achieved.

Keywords: Political Law; Marriage Age; Family Harmony

I. INTRODUCTION

Marriage carried out by both mature couples will have a good impact on the development of the household, with the maturity of both parties both physically and psychologically believed to bring a peaceful and healthy household, and can realize a good marriage without ending in divorce and getting healthy offspring. Physical and psychological maturity before marriage is an inseparable unity; with this provision, the aspiration to build a happy, eternal, and prosperous household can be realized.¹ The realization of the unification (unification) of the Marriage Law in which there are regulations regarding the age limit of marriage is a step towards building family law in Indonesia. This step should be taken even though there are always pros and cons in the process of its formation.² The birth of the Marriage Law is a sign that Indonesia needs a unique marriage law with the hope that in the future, it can handle conflicts in society's existing marriage law system. In addition, the basis for the unification of marriage law is the trend of legal modernization among the government elite, the *Bhinneka Tunggal Ika* jargon, with one goal, namely national resilience, strengthened by legal development and legal certainty.³ The minimum age limit for marriage in Indonesia has changed several times. Initially, the 1973 Draft Marriage Law set the minimum age of marriage at 21 years for men and 18 years for women. This minimum age limit for marriage is contained in Article 7, Paragraph (1) of the 1973 Draft Marriage Law.⁴ The discussion on the minimum age of marriage was eventually postponed because, in this case, it reaped the potential for debate and was prone to conflict.⁵

The debate on the age of marriage did not stop with the enactment of Law No. 16/2019. Recommendations for the age of marriage proposed by various groups vary. If it is related to the National Education System Law, then the age after secondary

¹ F. Y. D Siregar dan J Kelana, "Kesetaraan Batas Usia Perkawinan Di Indonesia Dari Perspektif Hukum Islam," *Mahakim: Journal of Islamic Family Law* 5, no. 1 (2021): P 1-10.

² Ratno Lukinto, *Hukum Sakral dan Hukum Sekuler: Studi tentang Konflik dan Resolusi dalam Sistem Hukum Indonesia* (Jakarta: Pustaka Alvabet, 2008), p. 232.

³ Lukinto, p. 232.

⁵ Lukinto, p 260.

education, namely 18 (eighteen) or 19 (nineteen) years of age, is the ideal age for marriage; if it is related to the regulations on BKKBN, then the perfect age for marriage is 20 (twenty) years and over, while if it is correlated with the Child Protection Law, then the ideal age for marriage is 19 (nineteen) years and over.

In Islam, the limit of a person being allowed to marry is not mentioned directly through age but through the criteria of balance. Meanwhile, according to the view of the fuqaha (jurists), there are two signs of baligh; the first is baligh with a sign (Bil Al-Alamah), namely for men with wet dreams or seminal discharge, while women are marked by menstruation. Second, the balance is based on the age limit (Bi-Sin).⁶

Based on the background that has been put forward above, there are three problem formulations: first, how is the political configuration in the discussion of draft law no. 16 of 2019, amending law number 1 of 1974 concerning marriage. Second, how is the review of Islamic law on the political law of determining the marriage age limit in law no. 16 of 2019. Third, I will discuss the impact of early marriage on family harmony.

This paper aims to determine the political configuration in discussing draft law no. 16 of 2019, amending law number 1 of 1974 concerning marriage. The review of Islamic law on the political law of determining the marriage age limit in law no. 16 of 2019. And the impact of early marriage on family harmony.

II. RESEARCH METHODS

The method used in preparing this scientific work is the descriptive analysis method, which applies qualitative approach techniques. Meanwhile, the type of research used is library research, which is research carried out using literature, namely by collecting data related to the legal politics of marriage age limits in Law Number 16 of 2019 and matters related to the discussion that researchers get from books, theses, dissertations, journals and articles that have to do with the age limit of marriage, by collecting materials to be researched and analyzed further so that the research results

⁶ Elly Surya Indah, *Batas Minimal Usia Perkawinan Menurut Fiqh Empat Mazhab Dan UU No. 1 Tahun 1974* (Yogyakarta: UIN Sunan Kalijaga, 2008), p. 9.

are obtained. The most critical thought in the discussion is to provide understanding and knowledge.

III. RESULTS AND DISCUSSION

A. Political Configuration in the Discussion of Draft Law No. 16 of 2019 Amendment to Law Number 1 of 1974 Concerning Marriage

The relationship between political configuration and legal products in Law No. 16 of 2019 concerning marriage can be explained by the theory of responsive law proposed by Philippe Nonet and Philip Selznick. This theory states that a democratic political configuration will produce legal products that are responsive or autonomous.⁷

According to Mahfud MD, to qualify whether a political configuration is democratic or authoritarian, the indicators used are the operation of the three pillars of democracy, namely political parties and representative bodies, freedom of the press, and the role of the executive. In a democratic political configuration, political parties and representative bodies actively determine state law or national politics. Life is relatively free, while the role of the executive is not dominant and subject to the will of the people. In this configuration, authoritarian politics is the opposite.⁸

Law No. 16 of 2019 concerning Marriage was born after the reformation. Meanwhile, in this reform era, law is a political product, so the character of each legal product will be determined or colored by the balance of power or political configuration that gave birth to it. This is a fact where every legal product is a product of political decisions so that the law can be seen as a crystallization of interacting political thoughts from politicians. From this description, we know that the post-reform political configuration has open characteristics, where all the

⁷ Ghofur A, "Pergulatan Hukum Dan Politik Dalam Legislasi UU No. 21 Tahun 2008 Tentang Perbankan Syari'ah.," *Jurnal Al-Ahkam* 23, no. 1 (2013): 57–80.

⁸ MD Mahfud, *Politik hukum di Indonesia*, 1998.

potential of the people can play a maximum role in actively determining state policy.

We can conclude that Law No. 16/2019 on marriage was born during a democratic political period, while its legal products are considered to have responsive characteristics. This assessment is based on the argument that Law No. 16 of 2019 concerning marriage was born because of the community's need for a minimum age limit for marriage, given the increasingly dynamic and evolving community life.

This law is expected to perfect the previous law, namely law No. 1 / 1974 concerning marriage. So the purpose of legal politics, as stated by Mahfud MD, implies that the legal policy or official line (policy) about the law will be enforced either by making new laws or by replacing old laws to achieve State goals will be completed.⁹

Based on historical records, from 1973 to 1974, various themes were debated during the drafting process of the marriage law. One of them was the age of marriage. In the 1973 Marriage Bill, the age of marriage was set at 21 years for men and 18 years for women. After being enacted into Law No. 1 of 1974 concerning Marriage, the age of marriage was changed to 19 years for men and 16 years for women.¹⁰

After the UUP was promulgated in the state gazette in 1974 and the issuance of Government Regulation No. 9 of 1975 concerning the Implementation of the UUP, the standard age of marriage (19 and 16) was again mentioned in the Compilation of Islamic Law (from now on KHI) article 15 paragraph (1). Although its legal force is limited to Inpres, the Religious Courts always refer to KHI as a legal consideration.¹¹ More than that, PA judges cite legal doctrines in fiqh to strengthen their decisions or at least cite rules in ushul fiqh.

⁹ Abdurrasyid Thoyib dan KA Bukhori, *Politik Hukum Pengaturan Batas Usia Minimal Perkawinan di Indonesia*, p. 160.

¹⁰ *Pasal 7 ayat (1) Undang-Undang No. 1 Tahun 1974 tentang Perkawinan KUHP.*

¹¹ Euis. Nurlaelawati, *Modernization, Tradition, and Identity: The Kompilasi Hukum Islam and Legal Practice in the Indonesian Religious Courts* (Amsterdam: ICAS/Amsterdam University Press, 2010), p. 161-162.

To see the legal purpose of the legislator in formulating the age of marriage, the following compiler quotes directly. This law adheres to the principle that the prospective husband and wife must be mature in body and soul to enter into marriage and realize the purpose of marriage properly without ending in divorce and getting good and healthy offspring. For this reason, marriage must be prevented between prospective husband and wife who are still underage. In addition, marriage has a relationship with population issues. It has been found that a lower age limit for a woman to marry results in a higher birth rate. In connection with this, this law determines the age limit for marriage for men and women, which is 19 (nineteen) years for men and 16 (sixteen) for women.¹²

Based on this explanation, there are several elements regarding the regulation of the minimum age of marriage, among others:

- (a) the principle of mental maturity;
- (b) the principle of physical maturity, and
- (c) the principle of population control.

Principles and principles are essential in forming a policy; in this academic paper, several principles can be the basis for the birth of Law. No.16/2019, which revises the Marriage Law. Several principles are the basis for the revision of Article 7 of the Marriage Law.

1. Principle of Substantive Equality (Equality and Justice);
Ensure that men and women have equal standing before the law, both *de jure* and *de facto*.¹³ In the context of determining the exact age of marriage between men and women, it must have an impact on a) equal standing before the law, b) equal access to primary education, c) equal opportunity to enjoy the same high level of health; and d) equal opportunity to enjoy family security.¹⁴
2. Principle of Nondiscrimination

¹² *Penjelasan umum Nomor 4 huruf UU No. 1 Tahun 1974 tentang Perkawinan KUHP.*

¹³ Rhona K. Smith dan et al., *Hukum Hak Asasi Manusia* (Yogyakarta: PUSHAM UII, Yogyakarta, 2008).

¹⁴ *Ibid.*

Emphasizes the prohibition against different treatment of a person based on skin color, gender, language, religion, politics, sex, or other views.¹⁵ The constitutionality of the right to be free from discrimination is regulated in Article 28I paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which states that “every person is free from discriminatory treatment on any basis and entitled to protection against such discriminatory treatment”.

At the level of the law, Article 1 paragraph (3) of the Human Rights Law reads: Discrimination is any restriction, harassment, or exclusion that is directly or indirectly based on human distinction based on religion, tribe, race, ethnicity, group, class, social status, economic status, gender, language, political beliefs, which results in the reduction, deviation, or elimination, recognition, exercise or use of human rights and fundamental freedoms in life both individually and collectively in the political, economic, legal, social, cultural and other aspects of life. In line with the spirit of sex-based nondiscrimination.

Article 16(1) of the Convention on the Rights of Women (CEDAW) states that women’s equality with men shall be guaranteed regarding rights and responsibilities in family relations and all matrimonial matters. This explicitly explains that this article regulates equal rights between men and women before the law.

Article 7, paragraph (1) of the Marriage Law, which regulates the age limit for marriage between a man who is 19 (nineteen) years old and a woman who has Reaching 16 (sixteen) years old is a form of discrimination contrary to the Constitution.

The age difference between women and men is a form of discrimination that occurs as a form of inequality before the law, which is detrimental to the position of girls in Indonesia.

3. Principle of State Obligation

¹⁵ Tirmidzi, “Kajian Analisis Undang-Undang No. 16 Tahun 2019 Sebagai Perubahan Atas Undang-Undang No. 1 Tahun 1974, (2020),” *Jurnal Usrah* 1, no. 1 (2020). DOI: <http://jurnal.staimprobolingo.ac.id/index.php/USRAH/article/view/105>

The state must protect and ensure human rights and freedoms are fulfilled.¹⁶ In this regard, the state is obliged to stop all forms of discrimination against women.

In the context of marriage, discrimination, and violations of women's rights are often committed by parents, who marry off women who are still children using the dispensation mechanism.¹⁷ Opportunities for violations of women's rights are wide open because the provisions regarding dispensation are very loose, and there are no guidelines for judges to determine when a dispensation application can be granted.¹⁸ Therefore, the responsibility to protect women, in addition to increasing the age of marriage to the same as the minimum age for men, is to tighten the regulation on dispensation.¹⁹

4. The Principle of the Best Interest of the Child

Derived from Article 3(1) of the United Nations Convention on the Rights of the Child, which states that "In all actions concerning children taken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration." With this principle in place, all decisions and actions taken must be in favor of and the child's best interest.²⁰

The principle of the child's best interests must be considered in the preparation of the academic paper because the quality of the future nation is a reflection of the current generation. Therefore, every party must strive to maximize the fulfillment of children's fundamental rights.

¹⁶ *Ibid.*

¹⁷ Tiswarni, Jayusman, dan Aimas Soleha Rohilati, "Determination Of Married Dispensation Number: 008/Pdt.P/2018/Tgm AND 0012/Pdt.P/2019/Tgm In Masalah Perspective," *Jurnal Mizani* 7, no. 2 (2020). DOI: <https://ejournal.iainbengkulu.ac.id/index.php/mizani/article/view/3556>

¹⁸ Rani Dewi Kurniawati, "Efektifitas Perubahan UU No 16 Tahun 2019 Tentang Perubahan Atas UU No 1 Tahun 1974 Tentang Perkawinan Terhadap Penetapan Dispensasi Kawin (Studi Kasus Di Pengadilan Agama Majalengka Kelas IA)," *Journal Presumption Of Law* 3, no. 2 (2021). DOI: <https://www.ejournal.unma.ac.id/index.php/jpl/article/view/1505>

¹⁹ Lih Mughniatul Ilma, "Regulasi Dispensasi dalam Penguatan Aturan Batas Usia Kawin bagi Anak Pasca Lahirnya UU No. 16 Tahun 2019," *Jurnal Al-Manhaj* 2, no. 2 (2020). DOI: <https://ejournal.insuriponorogo.ac.id/index.php/almanhaj/issue/view/40>

²⁰ Jayusman dan Nurul Huda, "Perspektif Masalah Terhadap Pertimbangan Hakim Pada Putusan Perkara Nomor: 1376/Pdt.G/2019/PA.Tnk Tentang Penetapan Hak Hadanah Kepada Ibu Kandung," *Jurnal Ijtima'iyya* 4, no. 2 (2021). DOI: <http://ejournal.radenintan.ac.id/index.php/ijtimaiyya/article/view/10119>

5. Right to Life Principles

Survival and Development is a principle that guarantees that every child has the right to live, develop, and continue his or her life, and the state is obliged to ensure and fulfill the child's rights.²¹ Children's rights are part of human rights as formulated in Article 52, paragraph (2) of the Human Rights Law, which reads, "Children's rights are human rights, and for their interests, children's rights are recognized and protected by law, even from the womb." Protection of children's rights is not only the state's responsibility but also of all levels of society. Protection of children means that since the child is still in the womb, the child has the right to live, develop, and continue his or her life.

6. Principle of Respect for Children's Opinions

Article 12(1) of the Convention on the Rights of the Child states, "The opinion of the child, particularly in matters affecting his or her life, shall be considered in all decision-making ." This principle allows children to be involved in various interests concerning their lives. Although it is recognized that children are not always considered capable of making decisions for themselves, children need to be prepared to be able to participate and make decisions for themselves.²² The State guarantees this by ratifying the Convention on the Rights of the Child, and the state parties are expected to uphold the principle of respect for the child.

7. Principles of Order and Legal Certainty

This means that "every content material of laws and regulations must be able to realize order in society through the guarantee of certainty ." The Constitutional Court Decision Number 22/PUU-XV/2017, which ordered the legislators to amend Article 7 paragraph (1) of the Marriage Law, especially about the minimum age of

²¹ Supriyadi W. dkk., *Penanganan Anak Korban: Pemetaan Layanan Anak Korban di beberapa Lembaga* (Jakarta: ICJR, 2016).

²² *Loc. Cit*

marriage for women, has emphasized the need to establish new limits on the minimum age of marriage to fulfill the principles of order and legal certainty.²³

B. Review of Islamic Law on the Political law of determining the age limit of marriage in Law No. 16 of 2019

The legislation of Law No. 16/2019 reflects a legal product that is responsive and opens opportunities for the role of the community to actively participate in determining state policy. Many groups have also proposed amending the marriage law, including LBH APIK in 2003. Musdah Mulia and other members of the PUG Working Group proposed the birth of the Counter Legal Draft Compilation of Islamic Law (CLD-KHI) in 2004.²⁴

Ministry of Religious Affairs also made a Draft Law on the Material Law of Religious Courts in the Field of Marriage (RUU HMPA), which was discussed in the National Legislation in 2010-2014.²⁵ Judicial Review by the Constitutional Court has also been carried out by the NGO Women's Health Foundation and the Child Monitoring Foundation. Still, this effort was rejected by the Constitutional Court on 18 June 2015, in the Constitutional Court's Decision on case No. 30-74 / PUU-XII / 2014. On 20 April 2017, Judicial Review efforts were again carried out by three applicants, all of whom were victims of arranged marriages at an early age. Finally, the Constitutional Court issued.

Decision No. 22 / PUU-XV / 2017 stated that the minimum age limit for marriage of 19 for men and 16 for women was discriminatory because it was contrary to Article 27 Paragraph (1) of the 1945 Constitution. Then, the Law of the Republic of Indonesia No. 16 of 2019 was passed, and Amendments were made to Law No. 1 of 1974 concerning marriage.

Indonesia is also listed as a country that has ratified The Convention on the

²³ "Naskah Akademik RUU Perubahan UU No.1 Tahun 1974 tentang Perkawinan KUHP"

²⁴ Syahrul Musthofa, Hukum Pencegahan Pernikahan Dini "Jalan Baru Melindungi Anak,"

²⁵ Yulianti Muthmainnah, *Perempuan dalam Budaya Pernikahan di Indonesia: Membaca Ulang RUU Hukum Materiil Peradilan Agama Bidang Perkawinan* (Majalah Swara Rahima, 2010).

Elimination of All Forms of Discrimination Against Women (CEDAW), which states in Article 16 Paragraph 2 that child marriage has no legal force. When viewed from the perspective of equality between men and women, it is also related to the provisions of the age limit for marriage as stipulated in Law No. 1 of 1974 concerning Marriage and the Compilation of Islamic Law.

Based on the opinion of the *jumhur fuqaha'* or the majority of Islamic jurists described above, it can be concluded that the age limit of Akil Bali is around 15 to 18 years. From the perspective of Islamic law, the difference in the minimum age limit for marriage between men and women is not contrary to Islamic law, especially since the minimum age limit for marriage is at the age of puberty, which implies that a person is legally capable.

The equality of the minimum age limit in Indonesia, which is 19 years old, does not contradict Islamic law. In addition, this age equality has also been applied in several countries with a majority Muslim population. The regulation of the minimum age of marriage in Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage can also be considered reasonable and safe because it has exceeded the age limit of puberty as the opinion of Islamic jurists and does not conflict with Indonesian law and human rights. The difference in the minimum age limit for marriage is not a condition for the validity of marriage. The pillars of marriage are the bridegroom, the lawful bride, and the female marriage guardian. The following valid conditions for marriage are the existence of a guardian of marriage, witnesses to marriage, *Ijab*, and *Qabul*.

When viewed from the perspective of *maslahah mursalah*, according to Imam al-Ghazali, the condition for making *maslahah al-mursalah* to be used as the basis for the formation of law is if it meets the criteria that *maslahah* is in line with the type of shared action does not conflict with *Shara'* and is included in the category of *maslahah daruriyyah*, both personal and general.

When referring to the conditions above, the determination of the age limit for marriage stipulated in Law No. 16 of 2019 concerning Amendments to Law No.

1 of 1974 concerning Marriage is indeed not regulated in the Qur'an or hadith. Still, this problem is in line with the actions of shara' where marriage is one of the commands of Allah swt., as well as the sunnah of the Prophet saw. as in his saying:

يَا مَعْشَرَ الشَّبَابِ، مَنْ اسْتَطَاعَ مِنْكُمْ الْبَاءَةَ فَلْيَتَزَوَّجْ، فَإِنَّهُ أَغْضُ لِلْبَصَرِ وَأَخْصَنُ لِلْفَرْجِ، وَمَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ بِالصَّوْمِ، فَإِنَّهُ لَهُ وَجَاءٌ

Meaning: "O young men, whoever among you can make provision, marry, for indeed marriage preserves the sight and preserves the fuji. Whoever is unable to do so should fast, for fasting is a fortress." (Muttafaq 'Alaih)²⁶

The Hadith is corroborated by the Word of Allah swt. in QS. an-Nūr verse 32:

وَأَنْكِحُوا الْأَيَامَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ ۚ إِنْ يَكُونُوا فُقَرَاءَ يُغْنِهِمُ اللَّهُ مِنْ فَضْلِهِ وَاللَّهُ وَاسِعٌ عَلِيمٌ

Meaning: "And marry those who are alone among you and worthy (of marriage) of your male and female servants. If they are poor, Allah will enable them by His grace. And Allah is extensive (in His provision) and all-knowing." (QS.an-Nūr verse 32)

In this verse, Allah swt calls on all those who bear responsibility for the moral purity of the people so that each of them marries an unmarried man, whether a widower or a virgin, and an unmarried woman, whether a widow or a virgin, by opening up a vast opportunity for it. Similarly, they should give the same opportunity to male and female slaves who are marriageable. This call applies to all guardians (wali nikah), such as fathers, uncles, and brothers who are responsible for the safety of their families, as well as those who enslave people so that they do not prevent family members or enslaved people under their control if the conditions for marriage are met. A healthy, clean, and respectable family is formed.

Therefore, the stipulation of marriage limits in this regulation is not contrary

²⁶ As-San'any, Subul as- Salām, Juz 3 (Kairo: Dar Ihya' at-Turas al-Araby, 13979 H/ 1980 M).

to Shara'. Furthermore, this masalah is included in the category of masalah darūriyah, both personal and public. It is said to be a daruriyyah masalah because, in the current era, marriage at the age of a child, namely those under 19 years old, is something that is no longer relevant because this age is the age of a child who still has to go to school, which is known that someone who is married is not allowed to go to school, except during college. Suppose this child marriage is continued or becomes more rampant. In that case, there is concern that the marriage will hurt the person concerned about health, family economy, household welfare and harmony, and children's education.²⁷

This intersects with the five sharing objectives, often known as maqashid shari'ah. It is said that child marriage is an act that causes mischief because the age of the child who marries, especially for a woman, can risk the death of the mother and baby. Pregnancy too young can result in difficulties in childbirth because the reproductive organs are not fully developed, pregnancy poisoning (preeclampsia), miscarriage, bleeding, the risk of a narrow pelvis making it challenging to deliver, babies born prematurely, low birth weight babies (BBLR), congenital disabilities, and social, mental problems (the mother is not ready to accept pregnancy). So, with this, it is essential to preserve offspring or *hifz annals*.

C. The Impact of Underage Marriage on Family Harmony

The age of marriage significantly affects family resilience and makes a harmonious family. When referring to the concept of family resilience, which explains that in a family, there needs to be the ability to solve various problems and threats faced both from within and from outside, the family resilience built from early marriage has not yet reached the concept of family resilience itself. This is because they do not yet know how to create a household. Moreover, this early

²⁷ Nur Putri Hidayah dan Komariah, "Sosialisasi Undang-undang Nomor 16 Tahun 2019 Sebagai Upaya Penyadaran Pemahaman Hukum Tentang Usia Minimum Pernikahan", *Jurnal Pengabdian Hukum Indonesia* 3, no. 2 (2021). DOI: <https://journal.unnes.ac.id/sju/index.php/JPHI/article/view/44685>

marriage requires them to stop going to school so that the knowledge they have is limited.

The prerequisites for building family resilience and harmony are very much illustrated in the case of this early marriage. Most early marriages in various regions have not fulfilled these prerequisites, one of which is readiness to marry. A person marries not on the basis that he is ready to marry but based on the various factors of early marriage previously described.

From a psychological point of view, someone who has married at an early age does not have mental readiness. His emotional condition, which still dominates, will undoubtedly affect him in building family resilience. Thus, early marriage does not run harmoniously.

In addition, couples entering this early marriage only prioritize their physical readiness without paying attention to social, spiritual, emotional, and economic readiness. So, it is inevitable that someone who marries young is not ready to bear the risks and consequences for the future. So that there is no vision or purpose in building his household.

Physical readiness also means that they are not ready to carry the burden of becoming parents. Family resilience also cannot be achieved if a married couple does not understand their role in building family resilience. Referring to structural-functional theory means that someone who marries early has not succeeded in creating a family. Because they do not understand what their roles and functions are in their family.

Early marriage will undoubtedly affect the family's resilience and harmony because they need resilience skills to meet their basic needs, such as clothing, food, and shelter. However, what happens is that couples who have decided to enter into early marriage, of course, are still unable to meet their basic needs.²⁸

²⁸ Farah Tri Apriliani dan Nunung Nurwati, "Pengaruh Perkawinan Muda terhadap Ketahanan Keluarga," *Jurnal Prosiding Penelitian & Pengabdian Kepada Masyarakat* 7, no. 1 (2020): P, 90–99.

Regarding the Regulation of the Minister of PA Number 6 of 2013 concerning the Implementation of Family Development, which states that one of the concepts of family resilience is economic resilience. We can analyze one of these concepts to see the family conditions of couples who marry young.

Economic resilience can be described as the family's ability to meet its needs to live comfortably and sustainably; however, if you look at the reality of family development and family resilience, which is a problem and challenge, especially for couples who have married young. Many couples who marry early have been unable to meet the needs of a sustainable life. This is because their young age causes their income not always to meet their needs.

This economic resilience is a significant factor that causes the family resilience of early marriage to collapse. Suppose there is one concept of family resilience that cannot be fulfilled, of course. In that case, it will not affect other concepts of family resilience to cause disharmony in a family relationship. Early marriage affects the resilience and harmony of the family to improve their standard of living and welfare. However, suppose the reality is that the conditions created are not comfortable, safe, peaceful, and physical-economic, social, and psychological resilience is not fulfilled. In that case, the resilience and harmony of the family that is built have not reached a stable condition.²⁹

Law No. 16 of 2019 manifests the aspirations of the community and organizations that consider that the age limit for marriage in Law No. 1 of 1974 does not reflect the values of benefit and equality for the prospective bride and groom. The government policy in determining the minimum age limit for marriage is, of course, through a process and various considerations; this is intended so that both

²⁹ Apriliani dan Nunung Nurwati. P 90-99.

parties are genuinely ready and mature from a physical, psychological, and mental perspective so that the goal of marriage will be achieved, namely an eternal and harmonious marriage.

III. CONCLUSIONS

The politics of law in Law No. 16 of 2019 is divided into subjective and objective dimensions. The value of justice for marriage age limits is realized by equalizing the minimum age of marriage of 19 years for men and women. The value of legal certainty in the regulations of Law No. 16 of 2019 has not been realized because there are no sanctions for violators, and there is a loophole for dispensation without precise requirements. Second, Islamic Law Review of Law No. 16 of 2019. Equality of the minimum age limit of 19 years is not contrary to Islamic law. Marriage is also considered good and safe because it has exceeded the age limit of puberty, according to the opinion of Islamic jurists. Third, the impact of underage marriage on family harmony affects the resilience of the family that is built. Economic, psychological, emotional, and mental unpreparedness. So that sustainable economic security is not achieved.

IV. LITERATURE

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