

## MARRIAGE DISPENSATION FOR CHILDREN IN JENEPONTO REGENCY

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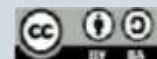
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### Abstract

This study aims to analyze the factors causing marriage dispensation applications, the role of community institutions in the marriage dispensation process, and its impact on the sustainability of child marriage in Jeneponto Regency. Although Law Number 16 of 2019 has set the minimum age for marriage at 19 years, the practice of marriage dispensation remains a legal loophole that allows child marriage to occur. This study uses a qualitative approach with an intrinsic case study conducted in Tarowang Subdistrict, Jeneponto Regency. Research informants were selected purposively, including couples who married through marriage dispensation, parents, officials, and related parties. Data collection was conducted through in-depth interviews, participatory observation, and documentation studies, then analyzed using the Miles and Huberman interactive model. The results of the study show that the factors causing marriage dispensations include internal factors such as pregnancy outside of marriage, the desire to marry, and dropping out of school; religious factors such as a literal understanding of the concept of baligh (puberty) and efforts to avoid adultery; and social norm factors including social pressure, the concept of siri (honor), gender bias, and the practice of arranged marriages. The role of community institutions in socialization, education, assistance, and monitoring has not been optimal. The impacts of marriage dispensation include dropping out of school, economic unpreparedness, financial dependence, social conflict, psychological disorders, and an increased risk of divorce. This study recommends strengthening efforts to prevent and protect children through a holistic and collaborative approach.

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### INTRODUCTIONS

Marriage as a fundamental social institution not only legalizes biological relationships, but also forms families that require maturity of thought and the ability to solve problems independently. Readiness for marriage is closely correlated with maturity, whereby at a mature age a person is able to think maturely, has sufficient education and experience, is financially responsible, and is mature in reproductive aspects to realize the true purpose of marriage.

Law of the Republic of Indonesia Number 16 of 2019 Article 7 paragraph (1) stipulates that marriage is only permitted if the man and woman have reached the age of 19, with the aim of preventing child marriage which is detrimental to physical, mental, and social development. However, the same law regulates the mechanism for marriage dispensation in Article 7 paragraph (2) and (3), which allows marriage below that age under certain conditions for urgent reasons. The existence of this dispensation mechanism shows an internal contradiction in Indonesian legal policy, which on the one hand protects children, but on the other hand opens up the possibility of

exceptions that could potentially harm the best interests of the child.

Marriage dispensation, as defined by Judiasih, Dajaan & Nugroho (2020), is an exception that allows underage prospective brides and grooms to get married under certain conditions, regulated by Supreme Court Regulation Number 5 of 2019 concerning Guidelines for Adjudicating Marriage Dispensation Applications. Various factors drive the submission of marriage dispensations, including pregnancy outside of marriage, arranged marriages, economic reasons, and traditional customs. Indonesia currently still shows inconsistency in providing awareness about the essence of marriage, so it is still common to find couples getting married even though they are not yet mature physically, psychologically, or emotionally.

This problem is exacerbated by the finding that many requests for marriage dispensations are submitted without relevant reasons or without finding urgent reasons for child marriage, making marriage dispensations a legal loophole for child marriage. Kurniawati (2024) identifies that marriage dispensations demonstrate the ineffectiveness of law enforcement because the three subsystems of the legal system conflict with each other, where the structure and substance of Law No. 16 of 2019 is still interpreted in multiple ways regarding "very urgent reasons," as well as an unbalanced legal culture, including low public legal awareness and inadequate judicial culture.

This practice shows a gap between social reality and legal objectives. Normatively, Law No. 16 of 2019 stipulates the minimum age for marriage as a means of protecting children and preventing child marriage. Marriage dispensation provisions should be treated as very limited exceptions and only granted under certain justifiable conditions. However, in reality, the marriage dispensation mechanism in Jeneponto Regency does not fully reflect child protection.

In Jeneponto Regency, the phenomenon of marriage dispensation has become a serious problem, as reflected in the statistics from the Religious Court. In 2022, there were 118 requests for marriage dispensation, decreasing to 66 requests in 2023, and 14 requests in 2024. This phenomenon occurs due to various factors such as arranged marriages by parents, pregnancy outside of marriage, economic aspects, education, socio- cultural aspects, and the influence of the media. The socio-cultural conditions of the Jeneponto community still

show high tolerance for early marriage, with the view that children who are already "good at making money" do not need to continue their education and are better off getting married immediately.

Previous studies on marriage dispensations, such as those conducted by Setiyanto et al. (2024) on the phenomenon of marriage dispensation in child marriage from legal and sociological perspectives, as well as Pratama (2024) on the phenomenon of marriage dispensation in Ponorogo Regency from the perspectives of maqashid syariah and human rights, show that the public's view of early marriage is still considered normal and often overlooks its impact. However, these studies emphasize the legal aspects, the judges' decision- making process, and the normative impact of marriage dispensation.

This study differs fundamentally in its focus on exploring the factors that influence the success and failure of households formed through marriage dispensation, as well as examining the adaptation strategies and social support mechanisms applied by marriage dispensation families in facing life challenges. This study makes a new contribution by shifting the perspective from normative and juridical analysis to an empirical understanding of family life after marriage dispensation, as well as exploring the resilience and survival strategies of young families in the specific socio-cultural context of the Jeneponto community. This research is expected to enrich the body of knowledge in the field of family sociology, develop a theoretical framework on the determinants of successful dispensation marriages in the socio-cultural context of South Sulawesi society, and provide empirical data for the development of family adaptation theory in facing structural and cultural challenges.

## METHOD

This study uses a qualitative approach with an intrinsic case study to gain an in-depth understanding of the phenomenon of marriage dispensation for children in Jeneponto Regency. A qualitative approach was chosen because it is in line with the research objective of exploring the complexity of the phenomenon of marriage dispensation, which involves various social, cultural, economic, psychological, and legal dimensions in a holistic and contextual manner. An intrinsic case study was used because the researcher had a particular interest in the phenomenon of marriage dispensation in Jeneponto, which has specific socio-cultural characteristics of the Bugis-Makassar community. The research was conducted in Tarawang Subdistrict, Jeneponto Regency, which was selected based on purposive considerations because it has a significant number of marriage dispensation cases, representative socioeconomic characteristics, and the strong influence of traditional values that support marriage dispensation.

Research informants were determined using purposive sampling techniques with the following criteria: parents who had applied for marriage dispensation for their children, children who were married through marriage dispensation and had undergone married life, figures or representatives of community institutions involved in the marriage dispensation process, judges or officials of the Jeneponto Religious Court, and married couples who were the result of marriage dispensation, both those who were still together and those who had divorced. Data collection techniques used in-depth interviews, participatory observation, and documentation studies. Data analysis was conducted through the three stages of the Miles and Huberman model, namely data condensation, data presentation, and conclusion drawing. Data validity was tested using the dependability technique by documenting each stage of the research in detail and involving the supervisor as an independent auditor to assess the logic and accuracy of the research procedures carried out.

## RESULT AND DISCUSSIONS

### Factors Leading to the Request for Marriage Dispensation

#### Internal Factors

Pregnancy outside of marriage is the dominant reason for applying for marriage dispensation, perceived as a way to maintain family honor and avoid social sanctions. Promiscuity leading to pregnancy outside of marriage has caused the number of dispensations to increase during the pandemic (Hiola, et al. 2024). This condition is triggered by uncontrolled socializing, lack of sexuality education, and weak parental supervision.

The desire of children to marry immediately is also a significant factor, driven by subjective readiness, peer influence, and biological and emotional urges during adolescence. The practice of child marriage is rooted in various aspects, including individual, family, community, and structural factors (Ramadhan, 2025). Psychological pressure due to shame and social stigma also plays a role when the child's relationship becomes known to the surrounding community. Dropping out of school is another factor that encourages parents to marry off their children immediately. Girls who marry early are vulnerable to health, educational, and economic problems, exacerbating poverty and gender inequality. The mental and emotional unpreparedness of immature children is ignored because parents are more concerned with solving short-term problems.

#### Religious Factors

Religious understanding of the concept of "baligh" in Islam is the basis for some communities to view children who have started menstruating or having wet dreams as ready for marriage. Avoiding adultery is the main reason for requesting a marriage dispensation, accounting for 90% of cases (Arzaq, 2023). Religious leaders at the village level have a strong influence in shaping community perceptions about the age limit for marriage. The motivation to avoid the sin of adultery is a very strong religious argument. Parents often seek support and recommendations from local religious leaders who provide letters stating the necessity of marriage.

#### Social Norms

The social construct of early marriage is deeply internalized in Jeneponto society. Sociocultural factors contribute to child marriage, including education levels, family economic conditions, and trust in religious leaders (Nafis, 2024). The status of "old maid" is a stigma that families try to avoid at all costs. The concept of "siri" or family honor in Bugis-Makassar culture is a social value that is highly upheld. The practice of underage marriage is prone to occur among women in rural areas who come from poor families and have low levels of education (Apriyanti, 2021). Pressure from the social environment, such as neighbors, distant relatives, and community leaders, is often an important factor in applying for a marriage dispensation.

### The Role Of Community Institutions

#### Socialization

Community organizations have conducted outreach programs on the dangers of early marriage, but their reach and intensity remain limited. The School-Age Youth Guidance Program (BRUS) provides adolescents with an understanding of the importance of mental, emotional, and social readiness before entering marriageable age (Ministry of Religious Affairs, 2025 in Syuhada et al., 2025). Secondary schools are at the forefront of socializing students about the importance of delaying marriage. The weakness of the socialization strategy lies in its overly formal content, which does not touch on practical aspects. Socialization by religious leaders has a stronger influence than government agencies or NGOs because the community has high trust in religious leaders. Seeking Instrumental Social Support



## Education

Formal educational institutions have a strategic role in providing long-term education on the importance of continuing education. Education on stopping early marriage through counseling on the minimum age for marriage is important (Muhajarah & Fitriani, 2022). The most effective educational program is to use a peer education approach, where students who have gained a good understanding become educators for their peers. Religious institutions such as Islamic boarding schools and majlis taklim have great potential in providing comprehensive education on quality marriage. Islamic educational institutions play a role in preventing child marriage through the study of Islamic law and the Marriage Law (Nurdin et al., 2025). However, many religious institutions indirectly encourage early marriage through conservative teachings.

## Assistance

Pre-dispensation counseling is conducted to ensure that the decision is the best choice. PERMA No. 5 of 2019 aims to ensure that marriage dispensations are only granted in very urgent circumstances through a standardized process (Nurinsani, Nugroho & Rubiati, 2025). P2TP2A provides counseling to parents and children to explore alternatives to marriage. Pre-marital counseling is mandatory for prospective brides and grooms, including those marrying through dispensation. However, pre-marital counseling is often too brief and does not address the practical aspects that young couples will face.

## Monitoring

The absence of a systematic monitoring system means that problems in households resulting from marriage dispensations are not detected early on. Manan (2025) argues that judges rarely verify or ensure that children's rights are fulfilled after marriage. Religious courts have no legal obligation to conduct post-decree monitoring. Posyandu and Puskesmas have the potential to monitor the health of mothers and children, but this is limited to physical health aspects. There is no systematic monitoring mechanism, so many children, especially girls, are forced to drop out of school and their health is not monitored. Monitoring of the psychological, economic, and social welfare aspects of families is still very lacking.

## Impact of Marriage Dispensation

### Impact on Education

Almost all couples who marry through marriage dispensation experience school dropout. The high dropout rate for girls who marry early and the lack of opportunities to obtain higher education and decent jobs in the future (Aditya, Lusany & Ranguti, 2025). Pregnancy and responsibilities as housewives make it impossible for them to continue their formal education. This situation creates a cycle of poverty that is difficult to break. Without adequate education, young couples lack the skills to obtain decent jobs and earn sufficient income.

### Economic Impact

Almost all couples face serious economic difficulties, especially in the early years of marriage. Young people who marry at an early age often experience family economic problems as a source of family disharmony (BKKBN in Lailiyah, 2023). Young couples generally do not yet have permanent jobs or adequate skills to generate a stable income. Economic dependence on parents is a very common pattern.

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### Social Impact

Early marriage causes drastic changes in the social status of children (Apriliani & Nurwati, 2020). Girls who marry at a young age lose their adolescence and the opportunity to explore their identity. Relationships with extended families undergo significant changes. Tampubolon (2021) argues that early marriage has negative impacts in terms of education, social, economic, psychological, physical, mental, and domestic violence. Young couples who live with their extended families often experience conflicts with their in-laws or siblings-in-law due to differences in views. Social stigma against child marriage manifests differently depending on the context. Young couples who are married under dispensation tend to have low levels of participation in community activities because they feel ashamed or do not have the time.

### Psychological Impact

of couples who marry through dispensation experience various psychological problems. Child couples are very vulnerable to domestic violence and divorce, and face obstacles in their emotional development and identity formation during adolescence. Emotional immaturity is a fundamental problem, as they do not yet have the ability to manage their emotions and control their impulsivity. Hidayati & Harsono (2021) Stress stems from various interrelated factors. Emotional instability can trigger the breakdown of marital relationships, vulnerability to gender-based violence, and the potential for failure in building a family. Economic pressure is a major source of stress, with young couples constantly worrying about how to meet their daily needs. Rahmat (2024) Long-term psychological impacts are seen in child-rearing patterns and intergenerational trauma transmission. Early marriage affects children's health and education, so the risks are not only felt by the parents but also by their children later on. Parents who marry at a young age tend to use authoritarian or even abusive parenting styles because they are not yet psychologically mature.

## CONCLUSION

The application for marriage dispensation for children is influenced by interrelated internal, religious, and social norms. Pregnancy outside of marriage, the child's desire to marry immediately, dropping out of school, and psychological pressure due to social stigma are the main triggers from an internal perspective. A literal religious understanding of readiness for marriage and the strong influence of religious leaders further reinforce the legitimacy of child marriage practices. Meanwhile, social norms that uphold family honor and avoid shame encourage parents to choose marriage as a quick solution, even if it means ignoring the child's mental and emotional readiness and future.

The role of community institutions in socialization, education, assistance, and monitoring has been carried out, but it is still not optimal and has not been systematically integrated. Limitations in practical education and weak post-dispensation monitoring have caused the negative impacts of child marriage to continue. Marriage dispensations have been shown to have serious impacts on children's education, economy, social life, and psychology, especially for girls, leading to school dropouts, economic dependence, low social participation, and vulnerability to domestic conflicts and violence. This situation shows that marriage dispensation is not a long-term solution, but rather has the potential to prolong the cycle of poverty, gender inequality, and family welfare problems in the future.

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