



The Marriage Dispensation Paradox: The Increase in Early Marriages Following the Revision of the Marriage Law in Probolinggo

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Abstract

The phenomenon of early marriage in Probolinggo Regency has increased despite the enactment of Law Number 16 of 2019, which raised the minimum marriage age for women from 16 to 19 years, aligning it with men's legal age. This rise is especially notable in rural and coastal areas, posing serious child protection challenges. This study employs a normative juridical approach, analyzing legislation, marriage dispensation records from the Probolinggo Religious Court, and interviews with officials from religious and community institutions, as well as families involved in early marriages. The findings reveal inconsistent and weak enforcement of marriage dispensation regulations, which undermine the law's effectiveness. Moreover, persistent socio-cultural norms that favor early marriage, economic hardship, low educational attainment, and family pressures contribute significantly to the continuation of early marriages. Early marriage is often motivated by concerns about premarital pregnancy, social stigma, and economic factors. To address these challenges, the study recommends more vigorous enforcement of dispensation procedures, alongside improving educational and economic opportunities for families. It also calls for enhanced cross-sector collaboration among government bodies, community leaders, and civil society. These integrated measures are essential to effectively reducing early marriage rates and improving child protection in Probolinggo Regency.

Keywords: Early Marriage, Child Protection, Marriage Law.

Introduction

Early marriage remains a significant social and legal problem in Indonesia. Law No. 16 of 2019 revised Law No. 1 of 1974 concerning Marriage by raising the minimum age for marriage for women from 16 to 19, equaling the minimum age for men (Salwa, Parahdina, & Al Ghiffary, 2024). This policy aims to protect children's rights and improve the quality of life for the younger generation by reducing the health risks, interrupted education, and social problems caused by early marriage. However, despite this legal revision, the phenomenon of early marriage continues to increase in several regions, particularly those with vulnerable socioeconomic conditions (Firdausi, Iswahyuni, & Imaduddin, 2024).

This analysis focuses on Probolinggo Regency, where data and observations indicate an increase in early marriages following the revision of the Marriage Law. Local issues that have emerged include the ease of obtaining marriage dispensations through local Religious Courts. Communities in rural and coastal areas like Probolinggo face socio-cultural and economic pressures, often using early marriage as a solution to address issues such as poverty, premarital pregnancy, and maintaining family honor. The flexibility in the dispensation system has fueled the prevalence of early marriage practices, despite existing age restrictions (Sugiarto, 2024).

Previous studies have examined many changes in the legal minimum age of marriage regulations Taufik, T., & Winario, M. (2025; Siswanto, CT, 2025). Many studies have examined changes in the legal minimum age of marriage regulations, as well as socio-cultural

factors that influence the practice of child marriage (Taufik & Winario, 2025) (Siswanto, 2025). However, these studies tend to partially separate legal and social studies without integrating both aspects comprehensively in one integrated analysis. In addition, few studies have paid specific attention to the implementation of marriage dispensation at the local level as a gap that allows for an increase in child marriage after the revision of the Marriage Law. This gap indicates the need for an approach that combines legal studies with local socio-cultural conditions. Meanwhile, the current research focuses on filling this gap by emphasizing the integration between formal legal aspects and local socio-cultural aspects, while also examining marriage dispensation as an essential factor at the regional level that can influence the practice of early marriage, thereby providing a more holistic and relevant understanding and recommendations for child protection and strengthening regulations in society.

The urgency of this research lies in its holistic approach, which combines normative and empirical legal perspectives to examine the implementation of the revised Marriage Law in the local context of Probolinggo Regency. The research not only highlights formal legal aspects but also incorporates socio-cultural, institutional, and economic variables that influence regulatory effectiveness (Adhuputra, Fikri, & Febriana, 2024). The novelty of this approach lies in its efforts to uncover field dynamics and legal loopholes in marriage dispensations, which require policy improvements and community-based, cross-sectoral interventions.

This legal analysis examines the implementation of Article 7 of Law No. 16 of 2019, which requires a minimum age of 19 for marriage, and the mechanism for court dispensations that may be granted for urgent reasons (Ariyanti & Kusnadi, 2025). The study examines how the dispensation's evidentiary standards are applied in the Probolinggo Religious Court and whether these provisions effectively suppress early marriage. Furthermore, the study also examines factors contributing to regulatory failure, such as weak oversight, public ignorance, and a culture that still strongly supports early marriage (Rahmanda, 2025).

Thus, the primary objective of this study is to analyze the effectiveness of the revised Marriage Law in reducing the number of early marriages in Probolinggo Regency, examine the existing marriage dispensation mechanisms, and identify influencing socio-cultural and institutional factors. The results of this study are expected to provide recommendations for stricter and more adaptive policies, along with intervention strategies focused on child protection and increasing public awareness, to significantly reduce the practice of early marriage.

Literature review

Early marriage is a social phenomenon that continues to be a concern in the context of child protection and women's rights. Recent studies show that despite legal regulations raising the minimum age of marriage, the practice of early marriage remains widespread, particularly in rural and coastal areas (Barkah, Sintang, & Morin, 2025). Sociocultural factors, including patriarchal norms, family pressure, and the social stigma against premarital pregnancy, remain the main drivers of decisions to marry at a young age. This suggests that changes in legal regulations do not automatically eliminate deeply ingrained cultural practices.

In the legal realm, the revision of Law of the Republic of Indonesia Number 16 of 2019, which raised the minimum age for marriage for girls to 19 years, aims to provide stronger legal protection for girls (Augusty & Suyaman, 2025). However, the implementation of marriage dispensations by Religious Courts is often poorly controlled, creating legal loopholes that facilitate the continuation of early marriage. Research by several legal experts indicates that

weak oversight and differing standards in granting dispensations have implications for the effectiveness of child protection mandated by the law (Buchori, Ratnawaty, & Fajri, 2024).

Sociological studies using structuration theory provide a deep understanding that early marriage is a product of the interaction between social structures and societal agents (Asman, 2024). Cultural norms and social pressures reproduce the practice of early marriage, while individual and family agents make decisions within the context of economic and social constraints. Therefore, socioeconomic aspects such as poverty and low education are also fundamental factors underlying the high rate of early marriage, as found in various empirical studies in Indonesia (Masriani & Mungawanah, 2024).

Based on this study, the research framework will highlight how law and social norms interact to shape the practice of early marriage in Probolinggo. A normative juridical approach combined with sociological insights illustrates that law enforcement without a comprehensive social approach will be ineffective in suppressing early marriage. Researchers position themselves to interpret the data by understanding the dynamic relationship between legal structures, cultural norms, and participants' social behavior as part of a mutually influencing reality in the context of addressing early marriage.

Research Method

This study employs a socio-legal research method (*yuridis-sosiologis*), which combines normative legal analysis with an examination of the social context surrounding its implementation. The normative component focuses on the study of laws and regulations governing early marriage after the revision of Marriage Law Number 16 of 2019 (Marizal, 2024). Meanwhile, the sociological aspect is explored through a case study of marriage dispensation decisions issued by the Probolinggo Religious Court, aiming to understand how these legal norms are applied in practice.

This approach involves a comprehensive study of legal literature, including the collection and in-depth review of primary legal materials (such as laws and implementing regulations) and relevant secondary legal sources. In addition, empirical data were obtained through semi-structured interviews with key stakeholders, including officials from the Office of Religious Affairs (KUA), the Department of Women's Empowerment and Child Protection (DP3A), community leaders, and families involved in early marriage cases in Probolinggo Regency (Hamrun, 2024).

Results and Discussion

Based on the results of a study of Law No. 16 of 2019 and documents of marriage dispensation decisions at the Probolinggo Regency Religious Court, it was found that the revision of the provisions on the minimum age for marriage has not been fully effective in reducing the number of early marriages. Although normatively the regulation has strengthened protection for children by raising the minimum age limit to 19 years for women, the marriage dispensation mechanism has become a legal loophole that is often exploited to legitimize child marriage. From the data obtained, there has been a significant increase in the number of marriage dispensation requests in the last two years since the revised law was enacted. (Destasari, 2024). The majority of these requests were granted by judges without an in-depth analysis of the urgency and risks of early marriage on child development, so that a solution is needed, as the researcher describes as follows:

1. Formulation of National Legal Standards for Strict and Measured Marriage Dispensation

The revision of Law No. 1 of 1974 to Law No. 16 of 2019 has normatively raised the minimum age for marriage to 19 years for both men and women. However, the provisions of Article 7 paragraph (2) which allow dispensation by the court for urgent reasons still leave a legal loophole that is exploited to legalize early marriage (Astuti, 2024). This loophole is widened because there is no national legal standard that explicitly regulates the limits, indicators, and objective criteria for what is meant by "urgent reasons". As a result, judges have a high degree of interpretative discretion, which is often influenced by social pressure or moral narratives that do not support the best interests of children.



Figure 1. Flowchart becomes a Legal Gap

The flowchart above illustrates the normative changes in the Marriage Law after its revision through Law No. 16 of 2019, particularly regarding the minimum age for marriage and the marriage dispensation mechanism. Substantively, this revision shows progress because it equalizes the minimum age for marriage for men and women to 19 years. However, the provision of Article 7 paragraph (2) which gives the court the authority to grant dispensation on the basis of "urgent reasons" actually opens up new space that can be abused to continue to legalize child marriage (Rahmah, Sambas, & Haspada, 2024).

The absence of technical guidelines for handling marriage dispensation cases has led to inconsistencies across jurisdictions. In Probolinggo Regency, the majority of dispensation requests were granted without a thorough examination of the child's psychological readiness,

economic capacity, or the social risks of early marriage (Fattatin, 2023). This situation reflects that legal regulations are not fully effective without strict implementing instruments. Therefore, it is necessary to formulate national legal standards in the form of a Supreme Court Regulation (Perma) or a Joint Regulation between agencies, which includes strict indicators, such as pregnancy proven by a medical examination, psychological support, results of a family socioeconomic assessment, and recommendations from the DP3A (Yunus, Rusli, & Abidin, 2020).

This formulation will provide a strong legal basis for judges to reject dispensation requests that do not meet substantive requirements. Furthermore, this standard will encourage a more transparent, accountable, and child-protection-oriented judicial review process. In this context, judges are no longer the sole actors in determining the eligibility of a request, but rather part of a multidisciplinary system involving psychologists, social workers, and local government officials (Indawati, Said, Ismaniyah, Yuha, & Kusuma, 2024). With measurable standards, legal practice can be more objective and less subject to social biases or cultural pressures that encourage child marriage.

Furthermore, this national standard must also be accompanied by a periodic monitoring and evaluation mechanism by the Supreme Court and the Ministry of Women's Empowerment and Child Protection (Soriton, Tawas, & Simbala, 2025). This evaluation is crucial for assessing the effectiveness of the dispensation policy implementation and analyzing application trends across regions. With a systematic, data-driven reporting system, the government can implement targeted interventions, including legal education, family support, and capacity building for judicial officials (Rizal, 2024). These efforts will lead to a strengthened legal system that is not only repressive but also preventive in protecting children from early marriage.

Therefore, formulating national legal standards for marriage dispensations is a strategic step to strengthen the effectiveness of Law No. 16 of 2019. With strict, objective, and measurable criteria, the dispensation mechanism can be used selectively and no longer becomes a legal loophole legalized by cultural norms. In addition to strengthening child protection, this policy will also create uniformity in decisions across regions and increase accountability in the judicial process.

2. Integration of Regulation with Local Wisdom and the Active Role of Socio-Religious Institutions

The increasing practice of early marriage in Probolinggo Regency following the revision of the Marriage Law demonstrates that formal legal changes have not significantly altered social behavior. In this context, a purely legal approach has proven insufficient. One of the main factors driving child marriage is the strong cultural and religious norms that exist within society, particularly in rural and coastal areas (Faizah & Babussalam, 2025). Many communities still view marriage as a solution to avoid family dishonor, such as out-of-wedlock pregnancies or promiscuous interactions between teenagers, without considering the protection of children's rights and their psychological readiness. Therefore, it is crucial to integrate state regulations with local values so that laws are seen not only as products of the state but also as part of the structure of norms understood by society.

Table 1. Marriage Dispensation Data at the Religious Court of Probolinggo Regency

Year	Number of Cases	Causative factor				Classification		
		Pregnant	Promiscuity	Economy	Culture/Customs	Avoid Adultery	<15 Years	15 to 19 Year
2019	209	23	6	3	6	171	25	184
2020	808	24	5	0	60	719	63	745
2021	1229	93	11	0	174	951	93	1136
2022	1135	39	14	0	759	323	78	1057
2023	892	103	2	1	295	491	10	882
2024	328	77	9	0	2	235	1	322
2025	435	40	7	0	3	296	1	422

Source: Probolinggo Regency Religious Court

Based on annual recapitulation data from the Probolinggo Regency Religious Court, From 2019 to 2025, the annual recapitulation of marriage dispensation cases at the Probolinggo Regency Religious Court demonstrates dynamic fluctuations influenced by social, cultural, and economic factors. In 2019, there were 209 cases, with most applications based on the need to prevent adultery, before surging dramatically in 2020 to 808 cases, partly driven by the social and psychological pressures of the COVID-19 pandemic. The peak occurred in 2021 with 1,229 cases, dominated by petitions to avoid adultery, reflecting heightened parental and community concern over adolescent social interactions. In 2022, the number slightly declined to 1,135 cases, with cultural and customary factors (759 cases) emerging as the most significant cause, showing the role of local traditions in influencing early marriage practices. By 2023, the total dropped again to 892 cases, with premarital pregnancy (103 cases) overtaking other factors, followed by adultery prevention, suggesting a shift toward moral and reproductive concerns. The downward trend persisted into 2024, which recorded 328 cases up to October, and 435 cases in 2025, with both years still dominated by adultery prevention and pregnancy as primary causes, although in far smaller numbers compared to the peak years. This overall decline indicates the effectiveness of collaborative efforts between the Religious Court, the Regency Government, and local KUAs in conducting community outreach, raising awareness of the legal and social risks of early marriage, and promoting more regulated marriage practices (Faizah & Babussalam, 2025).

The role of religious leaders, traditional figures, and socio-religious institutions such as the regional Indonesian Ulema Council (MUI), Islamic boarding schools (pesantren), and religious organizations has a significant influence in shaping public opinion and social behavior. Unfortunately, in many cases, these institutions have not been optimally involved in the implementation of Law No. 16 of 2019. (Winata et al., 2025) In fact, in a highly religious

society like Probolinggo, fatwas or advice from religious leaders are far more respected than formalistic legal regulations. Therefore, efforts to strengthen the law must be carried out collaboratively by involving these cultural actors —not merely positioning them as objects of legal socialization, but as active subjects in interpreting and voicing child protection values through local religious and cultural perspectives.

Integration between national legal regulations and local wisdom can be achieved through a legal culture approach, namely by adapting the delivery of legal values to language and symbols understood by the community (Al Basyiroh & Afif, 2024). For example, Islamic outreach institutions and Friday sermons can serve as a medium to convey the dangers of early marriage with an enlightening religious approach. Messages about the importance of mental preparedness, the protection of girls, and family responsibilities can be packaged within contextual religious narratives. Local governments can also collaborate with religious leaders to design legal education modules based on moderate religious interpretations, so that legal messages do not conflict with community beliefs but instead strengthen the spirit of child protection.

Furthermore, a partnership model needs to be developed between local governments, the Religious Affairs Office (KUA), and religious institutions to assist families at risk of early marriage. This approach will foster a sense of shared ownership of regulations, ensuring that state legal norms are perceived not as external interventions but as forms of protection aligned with religious and social values. This cross-sector collaboration can be directed at prevention through education, family mediation, and the provision of alternative solutions to social issues that often lead to early marriage, such as girl child protection programs, skills training, and economic assistance based on mosques or local social institutions (Prasetyo, 2024).

This research demonstrates the novelty of an integrative approach between formal legal regulations, local wisdom, and socio-religious authority as an effective strategy for reducing early marriage rates. This approach positions the law not merely as a repressive instrument but as a cultural product that must be transformed through the active participation of the community. By systematically involving religious leaders and socio-religious institutions in preventing child marriage, state regulations can gain greater relevance and legitimacy at the grassroots level.

3. Strengthening the Prevention System Through Cross-Sector Synergy and Digitalization of Marriage Data

One fundamental weakness in the implementation of Law No. 16 of 2019 in Probolinggo Regency is the lack of synergy among the institutions involved in efforts to prevent early marriage. Currently, coordination between the Religious Courts, the Office of Religious Affairs (KUA), the Office of Women's Empowerment and Child Protection (DP3A), and educational institutions remains sectoral and unintegrated. As a result, the various programs and data held by each agency are not connected, thus hampering the potential for early prevention of child marriage cases (Meilinda, 2024). In fact, the problem of early marriage is complex and requires simultaneous and systematic cross-sectoral intervention.

Effective prevention requires an integrated information system that can identify the risk of early marriage in real time. For example, data on school-age children who suddenly stop studying, or teenagers who have applied for marriage permits at the Office of Religious Affairs (KUA), can be early indicators that require further monitoring (Rauf, Yunus, & Hasjad, 2024). Therefore, digitizing marriage data is a crucial element in strengthening prevention efforts.

This digital system can connect Civil Registration (Dukcapil) data, education data, socio-economic data from the Social Service (Dinsos), and data on dispensation requests from the Religious Courts into a single, integrated dashboard. With this system, relevant institutions can map vulnerable areas and take swift intervention measures before marriages occur.

Furthermore, the existence of a digital information system will expedite the monitoring and evaluation process of regulatory implementation and facilitate public access to accurate legal information. The Office of Religious Affairs (KUA) and the Regional Disaster Management Agency (DP3A), for example, can use an Android-based application to educate about the negative impacts of child marriage, legal procedures for dispensation, and alternative social solutions. In the long term, digitalization also opens up opportunities to develop predictive algorithms that can estimate the trend of early marriage based on demographic, educational, and socioeconomic variables. This will greatly assist in formulating evidence-based policies and maximizing budget and resource efficiency (Afda'u, 2025 ; Rizal et al, 2023).

However, for optimal synergy and digitalization to occur, regional policies are needed that explicitly encourage intersectoral integration through the establishment of cross-agency coordination teams at the district and sub-district levels. These teams are tasked with integrating data, developing joint intervention protocols, and designing sustainable prevention programs. Equally important is improving the capacity of human resources within each institution to enable them to manage digital systems and use data as the basis for decision-making (Marwiyah, Septiandika, & Maulaya, 2024). Within this framework, synergy is not merely about administrative cooperation, but rather institutional transformation toward technology-based and collaborative child protection governance.

This discussion presents a novel idea: cross-sectoral integration strengthened through the digitization of marriage data as a new strategy for preventing early marriage. Different from conventional sectoral and reactive approaches, this model emphasizes the importance of a centralized information system capable of early risk mapping, accelerating intervention, and optimizing inter-agency collaboration. With this approach, child marriage prevention can be implemented in a more systemic, measurable, and sustainable manner, while strengthening the accountability and effectiveness of the implementation of Law No. 16 of 2019 at the local level (Nugroho, Cholil, Suwandi, & Rouf, 2025).

Conclusion

The findings of this study indicate that the revision of Marriage Law No. 16 of 2019 has not been effective in reducing the incidence of early marriage in Probolinggo Regency. Although the legal reform raised the minimum marriage age, its implementation remains weak due to loopholes in marriage dispensation practices and the strong influence of socio-cultural and religious factors that normalize early marriage. This reflects a persistent gap between law in theory (law on the books) and law in practice (law in action). Therefore, an integrative approach is required—one that harmonizes formal legal enforcement with local wisdom, the role of socio-religious institutions, and the digitization of marriage data to strengthen prevention and monitoring mechanisms.

This study is limited to one regional context, namely Probolinggo Regency, so the findings cannot be generalized to other areas with different socio-cultural conditions. In addition, the use of qualitative interview data makes the results dependent on respondents' perceptions. Future research is recommended to conduct comparative studies in other regions

or adopt quantitative methods to measure the statistical effectiveness of preventive interventions. Broader studies combining legal, social, and technological perspectives are needed to design more adaptive and evidence-based strategies for reducing early marriage in Indonesia.

Declaration of Conflicting Interest

This research, entitled "The Marriage Dispensation Paradox: The Increase in Early Marriages Following the Revision of the Marriage Law in Probolinggo," was conducted without any conflict of interest related to any individual, institution, or organization that could influence the course or results of the research. The entire contents of this research were compiled independently and oriented solely to academic interests. There was no intervention, pressure, or personal gain from any party that influenced the process of compiling or the conclusions produced by this research. Therefore, this statement confirms that this research was conducted as a scientific contribution to the development of knowledge without being influenced by other interests.

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