

## Implementation of Regent Regulation Number 19 of 2023 Against Early Marriage Rates in Bojonegoro Regency (Case Study of Bojonegoro Religious Affairs Office)

Afif Fadhlurrahman<sup>1\*</sup>, Waluyo<sup>2</sup>

<sup>1</sup> *Fakultas Hukum, Universitas Pembangunan Nasional Veteran Jawa Timur, Surabaya, Indonesia, afiffadh80@gmail.com.*

<sup>2</sup> *Fakultas Hukum, Universitas Pembangunan Nasional Veteran Jawa Timur, Surabaya, Indonesia.*

*\*Corresponden Author : waluyoawal7@gmail.com.*

### Abstract

**Introduction to the Problem:** The impact of early marriage on children is also seen in the risk of a large psychological condition because mentally almost all of them are not ready to assume great responsibility in fostering family relationships so that it can lead to divorce, even from a health perspective a woman who marries under the age of 20 is at risk of cervical cancer because she is a teenager. Bojonegoro Regency is one of the districts in the spotlight related to the high rate of early marriage in East Java, Bojonegoro Regency is included in the top 10 high marriage rates in East Java.

**Purpose/Study Objectives:** This study aims to find out about how the implementation of marriage incentives at the Bojonegoro Regency Religious Affairs Office based on the Regent's Regulation and to find out how the impact analysis of Regent's Regulation Number 19 of 2023 on the level of early marriage in Bojonegoro Regency.

**Design/Methodology/Approach:** The method used in this research is empirical juridical which is focused on examining phenomena that occur in the field and making it the main source of data, such as the results of interviews and also the results of field studies. Which uses a qualitative approach and field study data analysis.

**Findings:** The results showed that the implementation of the provision of Marriage Capability Incentives is in accordance with Law Number 16 of 2019 concerning Marriage, and Regent Regulation Number 19 of 2023 concerning the provision of marriage capability incentives, but even so it is not enough to reduce the high rate of early marriage in Bojonegoro Regency.

**Paper Type:** Research Article

**Keywords:** Incentives for Cakap Nikah; Early Marriage; DP3AKB, Regent Regulation No. 19 of 2023.



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## Introduction

In Islamic law and religion, marriage is commonly referred to as *nikah*, which means making an agreement that has a mutual relationship between a man and a woman that legalizes the intimate relationship of men and women, and must be carried out without coercion so as to create domestic happiness which includes mutual love and gives a sense of peace in accordance with Islamic teachings. Paragraph (1) also states that marriage is an act of worship, hence the protection of Muslims in the performance of worship. From several existing definitions, it can be concluded that marriage is an agreement between a man and a woman based on law and religion in a household. (Fauzil, 2002)

In its implementation, marriage cannot be carried out in an arbitrary manner, because in law the rules for implementation are clearly regulated through the legal regulations of the Legislation in our country, or the law according to each religion in Indonesia. In the regulations of the Law in Indonesia itself, marriage law is found in Article 5 paragraph (1), Article 20, and Article 28B of the 1945 Constitution of the Republic of Indonesia as well as in Law Number 1 of 1974 concerning Marriage which was later amended in Law Number 16 of 2019 concerning Marriage. (Cahyani, 2022)

In the legislation, it is clearly known that the implementation of the process leading to marriage regulates the minimum age limit for people who can carry out marriage, namely at the age of 19 years, while children under 19 years of age must go through the management of Marriage Dispensation or commonly referred to as *Diska*, with various process requirements that must be met in applying for *Diska* at the Religious Court (PA) office. (Desiyanti, 2015)

A phenomenon that occurs in Indonesia related to marriage is the high rate of early marriage. From the data found that Indonesia is ranked 8th as a country that has the highest rate of early marriage in the world, while in ASEAN (The Association of Southeast Asian Nations) Indonesia is ranked 2nd as a country with a large number of early marriages. This can be seen from the number of cases of early marriage of girls who married at the age of 18 years and under in the national glass reaching 11.2%, and 0.5% of those aged 15 years when carrying out marriage, it is also mentioned about the absolute number of "child marriage" reaching 1,459,000 cases in the world glass. (Shufiyah, 2018)

The high rate of early marriage in Indonesia is a common phenomenon in the eyes of Indonesian society itself, which can result from various factors, including the following factors: (Mubasyaroh, 2016)

1. Religious Factors
2. Education and human resources factors
3. Economic factors
4. Cultural factors and customs
5. Promiscuity and Pregnancy Outside of Marriage Factors

In the eyes of the law, the factors that lead to this early marriage are actually problematic issues, because the impact of early marriage is also often detrimental to children, so this is contrary to the law in Law No. 23 of 2002 concerning Child Protection, because article 26 paragraph 1 implies that children, especially at an early age, should be the responsibility of parents, both in educating, protecting, caring for, and maintaining them. The impact of early marriage on children is also seen in the risk of a large psychological condition because mentally almost all of them are not ready to take on a big responsibility in fostering family relationships so that it can lead to divorce, even from a health perspective a woman who marries under the age of 20 is at risk of cervical cancer because she is a teenager. Therefore, the issue of early marriage must be dealt with firmly. (Handayani, 2018)

Bojonegoro Regency is one of the districts in the spotlight regarding the high rate of early marriage in East Java, Bojonegoro Regency is included in the top 10 high marriage rates in East Java. The high level of early marriage, of course, is accompanied by the existence of a letter of submission of Dispenasasi Nikah or what is commonly referred to as Diska, because one of the prerequisites that must be met if someone is going to apply for marriage when they are under 19 years of age. The prerequisites for submitting a Diska are also regulated in Law Number 1 of 1974 concerning Marriage, the conditions of which must refer to the Law as follows: first, in article 6 paragraph 2 it is explained that the permission of the parents must be obtained for couples who will enter into marriage if they have not yet reached the age of 21. Secondly, Article 7 paragraph one after the amendment to Law Number 16 of 2019 states that the minimum age to obtain permission to marry is 19 years old. Third, Article 47 paragraph 1 states that children who have not reached the age of 18 years or have never been married are under the authority of their parents. And finally in article 50 paragraph 1 which states that children who have not reached the

age of 18 years or have never married, who are not under the authority of their parents, are under the authority of their guardians.

Until now, the problem of the high rate of early marriage in Bojonegoro Regency is still relatively high, the Bojonegoro Regency Religious Court has found 409 early children who applied for marriage dispensation in 2023, and most of them have a junior high school education background and the equivalent. Of course this is a very concerning phenomenon for today's younger generation, even the Bojonegoro Regency Religious Court stated that approximately 80 of them were forced to pass the marriage dispensation application because they were pregnant outside of marriage, and some of the 70 of them had committed adultery but were not pregnant, so that the parents did not want things to happen that were not wanted, such as shame for the dignity of the family, thus requiring their children to take steps to the level of marriage.

This research aims to find out about how the implementation of marriage incentives in the Bojonegoro Regency / Office of Religious Affairs based on regent regulations and to find out the impact analysis of Regent Regulation Number 19 of 2023 on the level of early marriage in Bojonegoro Regency. This research is important as a study in reducing the number of early marriages in Bojonegoro Regency, which is currently ranked 7th in East Java, and seeing whether its implementation has any impact on the people of Bojonegoro Regency.

### **Methodology**

The type of research used in this research is empirical juridical, this research is more focused on examining phenomena that occur in the field and using them as the main source of data, such as the results of interviews and also the results of field studies. Empirical research is used as an analysis of law that is seen as patterned community behavior in the lives of people who always interact and relate to aspects of life. This research also uses a qualitative approach, a qualitative approach is a research procedure that produces descriptive data in the form of written or spoken words from people and observed behavior. so that in this study researchers try as much as possible to describe a symptom of events, events that occur in the present or take current problems, while the purpose of this study is to examine and describe the "Implementation of Regent Regulation Number 19 of 2023 Against the Level of Early Marriage in Bojonegoro Regency".

### **Results and Discussion**

### ***Implementation of Marriage Incentives in Bojonegoro District/Religious Affairs Office Based on Regent Regulation***

The provision of incentives for prospective brides in Bojonegoro Regency, hereinafter referred to as the marriage stamp incentive, is one of the innovations of the Bojonegoro Regency Government based on Regent Regulation Number 19 of 2023, which is one of the Regent Regulations issued from the derivative of the marriage law Number 16 of 2019 concerning marriage, this Regent Regulation was issued due to instructions from the Governor of East Java, due to the high rate of early marriage in the East Java region, one of which is in Bojonegoro Regency, which is one of the regencies in East Java with high cases of early marriage, which is ranked 7th, out of the top 10 of various regencies / cities in East Java.

Regent Regulation Number 19 of 2023 article I paragraph 15 explains that the provision of incentives for prospective brides is packaged in the form of providing incentives to prospective brides (CATIN), but in accordance with certain requirements, in accordance with predetermined rules. According to the Regent's Regulation, they are as follows: (Ilma, 2020)

- 1) Terms and criteria for applying for the Cakap Nikah incentive.
  - a) Age 19 years to age 30 years for women
  - b) 21 years of age to 30 years of age for men
  - c) Must have a Bojonegoro NIK
  - d) Getting married for the first time.
  
- 2) Requirements for submitting an application for a Bride-to-be Incentive
  - a) Application letter
  - b) Photo copy of E-KTP
  - c) Photo copy of KK (min. 6 months living in Bojonegoro)
  - d) Photo copy of marriage certificate / marriage book (applies to Muslims and non-Muslims)
  - e) The application is submitted no later than 30 days / 1 month after the marriage takes place)

In line with the requirements and also the criteria for applying for CATIN in accordance with what is stated in the Law of Regent Regulation No. 19 of 2023 Article 3 concerning Targets and Criteria for Incentive Recipients. In the implementation of this incentive, it cannot be separated from the various stakeholders involved in it in order to achieve the objectives of the issuance of Regent Regulation No. 19 of 2023 concerning the Provision of Marriage Capability Incentives, namely reducing the rate of early marriage in

Bojonegoro Regency, including the Bojonegoro Regency Religious Affairs Office, the Office of Women's Empowerment, Child Protection and Family Planning (DP3AKB). (Handayani, 2018)

***Implementation at the Religious Affairs Office is based on Regent Regulation Number 19 of 2023 concerning the Provision of Incentives for prospective brides in Bojonegoro Regency.***

The implementation of the Cakap Nikah Incentive, based on Regent Regulation Number 19 of 2023, is one of the rewards given to bridal couples, who meet the requirements, and aims to assist the implementation of the first marriage performed by the prospective bride and groom. At this time the number of early marriages in Bojonegoro Regency is still classified as high, but in 2024 it has decreased, this is in line with the statement of the results of the interview on May 24, 2024 with Mrs. Narti Staff at the KUA of Bojonegoro Regency on the date submitted below "Marriage Age in Bojonegoro Regency has decreased from the beginning until now in 2024 but is still classified as a high category". from this it can be seen that even though there is a decrease in the number of early marriages in Bojonegoro Regency it is still classified as a high category. (Desiyanti, 2015)

In the implementation of the Religious Affairs Office (KUA), it has a function as a service and marriage counselor in general, while in the implementation of CATIN, the KUA also has a function that only assists in the legalization process of proof of registration of prospective brides for Muslims, while for non-Muslims through the legalization process at the Bojonegoro Regency Population and Civil Registry Office. his was also conveyed by Ibu Narti, Staff of the KUA of Bojonegoro Regency in an interview on 24 May 2024, namely "For this CATIN program, the KUA only assists in the process of legalizing the marriage certificate, for the verification process and others, the DP3AKB determines whether the registration is passed or not".

***Impact Analysis of Regent Regulation Number 19 of 2023 on Early Marriage Rates in Bojonegoro Regency***

Bojonegoro Regency is one of the regions in East Java. Based on its geographical location, Bojonegoro Regency has the following borders: to the East is bordered by Lamongan Regency, to the North is bordered by Tuban Regency, to the South is bordered by Nganjuk Regency, Ngawi Regency, and Madiun Regency, then to the West is directly adjacent to Central Java Province, bordering Blora Regency. Bojonegoro Regency covers an area of 2,307.06 km.

Human development in Bojonegoro continues to progress. Since 2022, Bojonegoro's human development status has been at a "high" level. During 2020-2023, Bojonegoro's HDI increased by 0.76 percent per year on average, from 70.18 in 2020 to 71.80 in 2023.

The background of the issuance of Regent Regulation Number 19 of 2023 concerning marriage incentives for the Prevention of Marriage at the Age of Early Marriage in Bojonegoro Regency. According to Sholikin Jamik, this decline occurred perhaps because many young people are starting to realize the influence of age maturity in marriage. Especially nowadays, many young people focus on their education and immediately look for work, thus delaying marriage.

Bojonegoro Regent Regulation Number 19 of 2023 concerning incentives for the Prevention of Early Marriage The rise of early marriage in Bojonegoro Regency has prompted the Regent of Bojonegoro Regency to create an early marriage prevention program by issuing Bojonegoro Regent Regulation Number 19 of 2023 concerning the Prevention of Marriage at the Age of Childhood. Because from the data of the Bojonegoro Regency Religious Court, Sholikin Jamik as the Deputy Case / Case.1 Chief Registrar of the Religious Court said that the data applying for marriage dispensation in 2022 the data entered reached 210 cases / cases. then in 2023 it dropped to 206 cases / cases. and in 2024 until April 2024 the data entered reached 70. (Handayani, 2018)

The Regent of Bojonegoro Regency created this program so that all citizens, in Bojonegoro Regency know, and understand the impact or effects of early marriage. If all its citizens already know and understand the effects or impacts of early marriage, they can think more about doing early marriage and can further minimize the number of early marriages in Bojonegoro Regency In essence, in this regulation, there are 8 efforts to prevent early marriage, namely:

1. Realizing Human Rights Friendly District, Child Friendly District, Child Friendly Sub-district, and Child Friendly Village
2. Mental revolution to motivate parents not to marry off their children at an early age
3. Minimum Standard of Public Service
4. Early Marriage Prevention and Elimination Campaign
5. Integrating Gender Mainstreaming (PUG) in Gender Responsive Planning and Budgeting (PPRG)

6. Institutional strengthening at the village level, including strengthening P3A, Children's Forum, Social Workers, Community Social Workers
7. Local Government, Sub-district Government, Village Government, organize, monitor, and ensure the implementation of early marriage prevention efforts and complaint mechanisms.
8. Strengthening the participation of all stakeholders This early marriage prevention program is financed by the Regional Government through the Regional APBD Budget, Village APBD and other sources. The author hopes that the policies made by the Bojonegoro Regency Government will run well, be taken seriously and those given responsibility will carry out their responsibilities.

One of the principles or principles of marriage stipulated in the Marriage Law is that the prospective husband and wife must be mature in body and soul to be able to enter into marriage, so that they can realize the purpose of marriage properly without ending in divorce and have good and healthy offspring. For this reason, underage marriages must be prevented. Marriage is the inner and outer bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the Almighty Godhead In addition, marriage has a relationship with population issues. It turns out that a lower age limit for a woman to marry results in a higher birth rate when compared to a higher age limit. In the context of children's rights, it is very clear as stated in Article 26 paragraph 1 point C of Law No. 23 of 2002 concerning Child Protection states that parents are obliged and responsible for preventing marriage at the age of children. (Oktoviani, 2020)

In the perspective of children's rights, the inclusion of this sentence is a necessity that must be a common concern, this is because children who are forced to marry at an age that is still classified as a child from the aspect of children's rights, they will be deprived of their rights, the right to play, the right to education, the right to grow and develop in accordance with their age and in the end there is a compulsion to become an adult. On the other hand, the occurrence of child marriage often occurs on the basis of economic factors (poverty). (Oktoviani, 2020)

Many parents from poor families think that marrying off their children, even if they are underage, will reduce the family's economic burden and may be able to help the family's economic burden without thinking about the positive or negative impacts of marrying off their underage children. This condition ultimately raises the aspect of abuse of power over the economy by seeing that



children are a family property / asset and not a mandate from God who has rights over himself and the most heinous is using the reason for religious terminology. (Anwar, 2017)

One thing that must also be a common concern is to prioritize the best interests of children in providing the right to education, the right to growth and development, the right to play, the right to protection from violence, all forms of exploitation, and discrimination. And the most important thing is to place the child's position in the child's own world to develop according to the age of child development. Therefore, the age limit for marriage is 19 years for men and 16 years for women. It is even recommended that marriage take place at the age of around 25 years for men and 20 years for women. However, in very compelling circumstances (emergency), marriages below the minimum age limit as specified in the Law. Such marriages are possible after obtaining dispensation from the Court at the request of the parents. Marriage has the intention that husband and wife can form a lasting family, so an action that results in the breakup of a marriage must really be considered carefully. This provision is intended to prevent the act of marrying divorced repeatedly, so that the husband or wife really appreciate each other. (Mubasyaroh, 2016)

So the judge in giving consideration must be based on a sense of justice and a sense of propriety for each party and for the social values of the community. Judges as decision makers must have an understanding, insight, and sensitivity to the law, based precisely on the applicable laws and regulations as well as the values that come from their conscience.

Meanwhile, at the Office of Religious Affairs (KUA) itself, if you look in terms of fiqh, there is no minimum age limit for marriage and early marriage is permitted, but seeing the negative impact that is so much, the Bojonegoro Regent Regulation Number 39 of 2016 concerning Prevention of Marriage at the Age of Children does not conflict with fiqh because the benefits are much wider. (Ilma, 2020)

According to the KUA, if you look at the age of 18 years for women and 20 for men, the author can interpret from the above rules that there is a need for age restrictions, which does not mean that marriage at that age is just approved, because there are certain ages for reproduction.

Below is an explanation of the negative impact of early marriage, based on Mubasyaroh's research, early marriage has a negative impact, namely:

1. Impact on those who have entered into early marriage:

- a. The impact on girls who have married at an early age causes early pregnancy and childbirth associated with high mortality rates and the mother's condition is not normal because the child's body is just entering adulthood.
  - b. Dropping out of school, for children who have entered into early marriages usually do not have time to pay attention to their education and even more so if they already have children, they usually focus more on taking care of their children and families.
  - c. Reduced social interaction with their peers because of their poverty, usually they are embarrassed to interact with friends
  - d. In terms of finding work, the opportunities are very minimal because they have low education.
2. Impact on the child who is born
    - a. Experiencing injury or disability at birth
    - b. Babies are born with low birth weight
  3. Impact on the families they support
    - a. The existence of domestic violence
    - b. Experiencing economic problems
    - c. Lack of knowledge about marriage
    - d. Poor family relationships

Then early marriage also has an impact on:

1. Difficulty in achieving the purpose of marriage
2. It will be difficult to get good and healthy offspring.

The many negative impacts of early marriage that have been described above, so early marriage should be prevented not only by parents, not only personally by parents but through government regulations, so that the Bojonegoro Regent Regulation already contains for the community because early marriage can damage the survival of the community related to health and offspring, and is in accordance with the theory that in Marriage Law No. 1 of 1974 article 7 paragraph 1 and in KHI in book 1 concerning marriage in article 15 paragraph 1, the ideal age of marriage has been explained, even BKKBN is higher in determining the ideal age of marriage, so the community should obey the law, and the Bojonegoro Regent Regulation should also realize higher regulations, namely the Legislation, namely Marriage Law Number 1 of 1974.

By issuing Regent Regulation No. 19 of 2023, the organization of marriage is regulated so that it is not carried out in accordance with the age / legality that exists in the legislation above it. Meanwhile, the impact of this Regent

Regulation has not had much impact on changing Bojonegoro's statue as one of the districts with an early marriage rate in the top 10 in East Java Province, the quota for providing incentives is also not comprehensive regarding all levels of society, only certain circles, and only 100 people were selected to get this CANTIN incentive from 1600 applicants. so that it can be categorized as quite successful in reducing the level of early marriage in Bojonegoro Regency, although not much, but there is a significant decrease from 2023.

### Conclusion

The implementation of the Bojonegoro Regency Marriage Capability Incentive, which is organized by several parties but still under the Bojonegoro Regency Government, namely the Bojonegoro Regency Office of Women's Empowerment, Child Protection and Family Planning, is in accordance with law number 16 of 2019 concerning marriage, and Regent Regulation Number 19 of 2023 concerning the provision of marriage capability incentives, but even so it is not sufficient to reduce the high rate of high marriage in Bojonegoro Regency because, The target of the program is only limited to a certain quota so that all levels of society in Bojonegoro Regency cannot participate in the program, only 100 people. Second, the socialization is still lacking because it is only through videos on the cekap nikah website and is sometimes constrained by system errors.

There needs to be a clear SOP regarding the target of this bride-to-be incentive, from the Bojonegoro district government as a stakeholder and policy regulator. There needs to be a comprehensive socialization regarding the goals and objectives of Regent Regulation Number 19 of 2023 concerning the Provision of Incentives for Cakap Nikah, so that even though the community does not participate in the program, they know that one of its objectives is to reduce the high rate of early marriage in Bojonegoro Regency.

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