



RESEARCH ARTICLE

Psychological Dynamics of Society about Minimum Age Limit Change for Marriage from the Perspective of Religious Court Judges during the COVID-19 pandemic in Indonesia

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Abstract

Underage marriage (UM) has increased globally, including in Indonesia. This was triggered by changes in the Marriage Law (UU) which increased the minimum age for women to marry from 16 to 19 years old and was followed by the emergence of the Covid-19 pandemic. This study examines the psychological dynamics of society related to changes in the minimum age limit for marriage from the perspective of Religious Court judges in Indonesia. A descriptive qualitative approach was used by conducting semi-structured interviews with 20 judges from 16 Religious Courts in Indonesia who handle marriage dispensation cases. This process was followed by data collation, coding, classification, and analysed by the deductive thematic technique. As a result, participants conveyed the background of the age limit change and the public's reaction after the change. Some participants stated that the age limit change is not the authority of the court or judge. Some others said that the increase in the minimum age limit for marriage was carried out based on the risks behind underage marriage. These risks are psychological factors, reducing the number of UM cases, preventing divorce, gender equality, and reasons for education, work, and physical condition. Public showed various responses; obeying the rules, not knowing about the regulatory changes, and being against it. Basically, the new Marriage Law seeks to stop the UM trend. The government needs to conduct socialization about the age limit change and the risks of UM. Cooperation from various parties is also needed, especially from parents who need to pay more attention to their children.

Keywords: Indonesia, judge, marriage law, religious court, underage marriage

INTRODUCTION

Underage marriage (UM) is increasing globally, including in Indonesia, where adolescent girls are the most affected (Apriyanti, 2021; Bennett, 2014; Erfina et al., 2019; Kamal et al., 2015; Malik et al., 2022). They are at risk of premature birth, low birth weight, breastfeeding problems, inability to care for babies, need special care to accompany the transition to motherhood, and even death (Equality Now, 2014; Erfina et al., 2019; Horii, 2020; Naveed, 2015). However, both men and women have the potential to experience several psychological problems such as adjustment disorders. UM can also affect women's educational attainment (Raj et al., 2019; Singh et al., 2022). Adolescent girls who are generally still in school are forced to interrupt their education, stay at home, do domestic

work, and take care of newborn babies (Malik et al., 2022; Naveed, 2015; UNFPA, 2012). Besides, Santrock (2013) states that the age of adolescence ranges from 11-18 years. Adolescents tend to have less controlled emotional turmoil (Santrock, 2007). This condition causes adolescence to not be an ideal time to get married.

Marriage regulations in Indonesia were initially regulated in Law (UU) Article 7 Number 1 of 1974 concerning Marriage (UU RI, 1974). The minimum age limit for marriage based on the law for women is 16 years and 19 years for men. However, Law Number 35 of 2014 concerning Child Protection states that a person is classified as a child from birth to the age of 18 years (UU RI, 2002). By setting 16 years as the minimum age limit for women to marry, the Indonesian government indirectly legalizes child marriage (Christian & Edenela, 2019).

The Constitutional Court (Mahkamah Konstitusi/MK) Decision Number 22/PUU-XV/2017 also spoke out by stating that the difference in the minimum age limit for marriage is discrimination. In another legal basis, namely Article 27 paragraph (1) of the 1945 Constitution, every citizen has the same position in the eyes of the law and government. The Constitutional Court then asked the DPR to revise the Marriage Law (Christian & Edenela, 2019). Through Law

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Number 16 of 2019, the DPR together with the President officially revised the 1974 Marriage Law. The minimum age limit for marriage is 19 years, for both men and women (UU RI, 2019).

However, individuals under the age of 19 can get married by applying for a dispensation to the Religious Court. During the COVID-19 pandemic, the number of applications for this dispensation has increased rapidly (Julianto et al., 2022). The reasons are family environment, economic conditions, cultural and religious beliefs, and lack of educational opportunities (Bartels et al., 2018; Liem et al., 2023; Montazeri et al., 2016; Najjarnejad & Bromfield, 2022). Some people consider UM through marriage dispensation as a solution even though it is risky (Al Akash & Chalmiers, 2021).

Based on the 2019 Marriage Law Article 7 paragraph (2), dispensation should not be given unless there is a very urgent reason accompanied by supporting evidence (UU RI, 2019). The reason commonly given is the parents' concern about the child's social life and the pregnancy of the prospective wife (Kunardi & Muzamil, 2014). Marriage dispensation aims to protect the rights and welfare of children (Diliminata, 2017). In conditions where the prospective wife is pregnant, the child she is carrying is considered a legitimate child if born in a legal marriage (UU RI, 1974). On the other hand, marriage dispensation which should be the last option actually seems to be a means of legalizing underage marriage even though it is not in an urgent situation (Rahmawati & Nuraeni, 2021).

In data from the Supreme Court Religious Courts (Badan Peradilan Agama/Badilag), there were 34,413 marriage dispensations received during January-June 2020. The court granted 33,664 of them (Verawati et al., 2021). Indonesia is in second place after Cambodia with the highest number of underage marriages in Southeast Asia (UNICEF, 2020). The provinces with the highest percentages are South Kalimantan, West Papua, Aceh, Jambi, Maluku, North Sulawesi, West Sumatra, and Bengkulu (Julianto et al., 2022).

The increase is related to the government system, culture, rural social status, majority religion, and village government officials (Suryadi & Ahmad, 2020). It was found that 64.25% of child marriages occurred in remote villages. UM aged 10 to 16 are also quite high in Papua (Erdianto, 2018). In general, the percentage of early marriages reached 24.71%.

Previous studies have been conducted to explore the reasons for UM with participants from marriage dispensation applicants. However, there are still few studies that understand the perspectives of judges and the community involved. Changes in the minimum age limit for marriage, which are actually intended to reduce UM, cannot be said to be successful if they do not receive support from the community. Socio-economic factors, parental concerns about children's relationships, pregnancy outside of marriage, the desire of prospective couples to get married, education, and the lack of public awareness regarding the importance of getting married at an adult age are the influences on the increasing number of marriage dispensations (Irfan, 2019; Kenelek et al., 2020; Heryanti, 2021).

Therefore, this study seeks to explore the opinions of Religious Court (Pengadilan Agama/PA) judges who have handled marriage dispensation applications and how they impact society regarding UM. Specifically, the information explored will explain the reasons behind the changes in marriage regulations and their relation to psychological reviews of the reality in society after the change in the minimum age limit for marriage.

METHODS

Participant characteristics and research design

This study uses a descriptive qualitative approach that attempts to explain the meaning of data complexity and present it rationally (Doyle et al., 2020; Sandelowski, 2010; Vaismoradi & Snelgrove, 2019). This technique will help the author to explore the participants' statement to answer this research questions. The Institute for Research and Community Service (LPPM) of UIN Sunan Kalijaga Yogyakarta has approved this research through approval number B-2203.17/Un.02/L3/TU.00.9/03/2022.

The population of this study is judges of Religious Courts (Pengadilan Agama/PA) in Indonesia. The criteria for judges are having experience in handling marriage dispensations as a sole judge and/or panel of judges. PAs in various regions are selected based on the highest number of marriage dispensation applications. According to Article 1 (2) of Law Number 50 of 2009, the religious court environment is divided into two, religious courts and high religious courts (UU RI, 2009).

Sampling procedures

The Religious Court (PA) as a first-level court is domiciled in the capital city of the district/city that is its area of authority (Elnizar, 2018). PA is divided into three; class IA, class IB, and class II courts. Meanwhile, the High Religious Court (Pengadilan Tinggi Agama/PTA) is an appellate court domiciled in the provincial capital with authority covering the area of the province (Elnizar, 2018).

The data collection process begins with a request for permission from the PTA to conduct research at the targeted PA. The researcher submits an ethical clearance to the PTA via email and direct communication with the Chief Justice. Ethical clearance is submitted to the PA in question after obtaining written permission from the PTA. The researcher contacts the Head of PA or the clerk regarding the participant criteria. Furthermore, the Head of PA or the clerk provides a list of names and contacts of judges who meet the criteria. Through this list, the researcher selects potential participants based on the amount needed.

PA samples were taken using purposive-convenience sampling techniques through the selection of criteria for judges who are experienced in handling marriage dispensation cases. The researcher also confirmed with the judge as a prospective participant regarding coordination with the PA, willingness to become a participant, and providing informed consent. The researcher contacted 45 judges for the sampling process from the PA and obtained 20 judges from 16 Religious Courts. Several judges refused to participate and were not willing to continue the interview process due to limited participant time. A small number of participants tended to avoid answering specifically. There were seven PTAs divided into 16 PAs in this study.

Sample size, power, and precision

The visualization of the willingness data and the sociodemographic description of the participants can be seen in Figure 1 and Table 1.

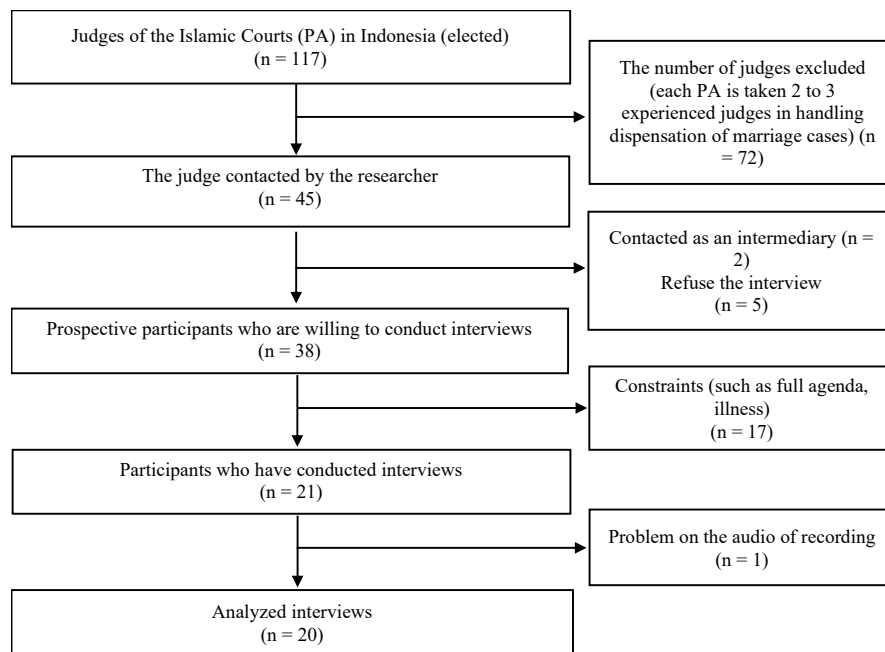


Figure 1. Participant recruitment process flow

Table 1. Sociodemographic of participants (N= 20)

Demographics information	Amount	Percentage
Gender		
Male	11	55%
Female	9	45%
Court Type		
IA	7	35%
IB	8	40%
II	5	25%
Location (Province & District)		
Central Java Province (Cilacap, CI; Mungkid, MD)	4	20%
Bengkulu Province (Kepahiang, KP; Arga Makmur, AM)	1	5%
South Sumatra Province (Palembang, PL; Muara Enim, ME)	3	15%
East Kalimantan Province (Tanah Grogot, TG; Samarinda, SM)	3	15%
South Kalimantan (Martapura, MP; Amuntai, AT)	2	10%
South East Sulawesi Province (Pasarwajo, PW; Lasusua, LS)	2	10%
West Nusa Tenggara Province (Bima, BM; Praya, PY)	2	10%
Papua Province (Merauke, MR; Nabire, NB)	3	15%

Note. The district code is also used for coding the participant's transcript

The percentage is calculated by dividing the number of participants in each demographic data category by the total number of participants. The percentage shows that there are more male participants than female participants, but not much different. Likewise, the representation of judges from various regions does not show a very large percentage range.

Measures and covariates

The judge scheduled an interview with the researcher after confirming his/her willingness to participate. The interview was conducted both in person and virtually using the Google Meet, Zoom Meeting, and WhatsApp Video Call platforms. This semi-structured interview followed the guidelines regarding the impact and reactions of the community following the amendment to the Marriage Law (see Appendix). The duration of the interview ranged from 30 to 105 minutes with an average of 54 minutes.

Data analysis

The participants' answers were summarized in an interview result document including relevant quotations from the participants' statements. Participants were also given a code that was sorted based on the chronology of the interview. The author then highlights the statements into some colors based on themes to be explored in the study. The interview summary was analyzed using the deductive thematic technique, which is an analysis technique that influences the researcher's thinking theoretically in a field (Braun & Clarke, 2006). The data is not described clearly and comprehensively, but focuses on deepening aspects of the research data. Openly, the researcher is interested in the overall data and focuses more on certain aspects in coding the research data. In addition, responses are also analyzed narratively with percentages (Ashley et al., 2021; Catania et al., 2021; Searby & Burr, 2021).

RESULT

The results of the interview analysis with 20 PA judges are presented in the following two sections following the research questions regarding the background of the change in the minimum age limit for marriage in the Marriage Law and its impact on society. Explanations of the results are presented by adding interview quotes. Each quote has a code consisting of the participant's serial number (e.g. S8 means subject number 8), location (e.g. SM means Samarinda as in Table 1), and gender (e.g. L means male).

Background to changes to the minimum age limit in the Marriage Law

Twenty participants each gave their perspectives on the background of the change in the minimum age limit for marriage. The statements were summarized into 8 discussions. The main background according to the perspective of the PA judge was psychological factors. While other causes were that the background of the change in the Marriage Law was not the authority of the court or judge, reducing the number of UM cases, preventing divorce, gender equality, and reasons for education, work, and physical condition.

A small number of participants argued that they did not have the capacity to answer or explain the background of the changes to the Law. The reason is that a judge is not authorized to form a Law so that the party who can explain the background of the changes to the Marriage Law is the regulator. The court and judges are only the implementers of the regulations issued.

However, other participants provided some opinions regarding the possible background of the change in the minimum age of marriage. This change seeks to reduce the number of cases of UM. Participants mentioned that this is related to the international movement that seeks to reduce child marriage.

Another opinion assumes that the change in age limit is intended to prevent divorce. According to participants, divorce under the age of 30 and divorce at a young age to UM followed by divorce are increasing. Two participants considered that the increase in divorce rates was related to mental or psychological unpreparedness and maturity (S4-MR-P, S6-CI-L).

Efforts to realize gender equality were also considered by participants as the reason behind the revision of the Marriage Law. This refers to the elimination of discrimination from the previous law which contained

differences in the minimum age limit for marriage for women and men. Participants also saw another positive side of this revision, namely so that prospective brides and grooms are not only biologically mature but also competent in terms of law, action, and behavior.

Marriage dispensation requests are dominated by women. For participants, the revision of the law expects women to pay more attention to their interests, such as education. The previous minimum age limit for marriage of 16 years indicated that children had not graduated from high school so that marriage caused them to drop out of school. However, as mentioned by participants, in some areas, women seem unable to go against their parents' wishes. The average society assumes that a person must marry at a certain age if they do not want to be a topic of conversation.

The difficulty of finding a job that can also be related to education certainly affects the economic conditions. According to participants, this is one of the factors that trigger problems in the household. Added to this is the level of maturity of children who according to participants are not yet fully able to control their emotions.

"The child's emotional readiness can control his ego to face household problems. This is important because in facing household problems (economic and finding a job that is difficult) if it is only resolved by arguing, it will not be resolved." (S29-ME-P)

In terms of health, participants stated that physical condition was also a reason. The reproductive organs of someone under the age of 19 are still at risk when they have to get pregnant and give birth. Participants also emphasized that increasing the minimum age for marriage is in accordance with the various problems that occur related to UM.

Meanwhile, psychological factors are the reasons given by the majority of judges (90%). At the age of under 19 years, mental readiness to face a household tends to be unstable. According to participants, this also applies to readiness to educate children. This is related to their maturity of thought, mental readiness to be responsible parents, and problem-solving skills also emotional regulation to dealing with when their children cry for example. Participants also expressed that mental age influences decision-making in dealing with household dynamics.

"I often say that when advising on marriage dispensation matters, I say don't let your child cry and you will cry too." (S16-PY-P)

"If the junior high school students are about to get married, of course they are not ready, they are still childish, both boys and girls, right?" (S21-PL-L)

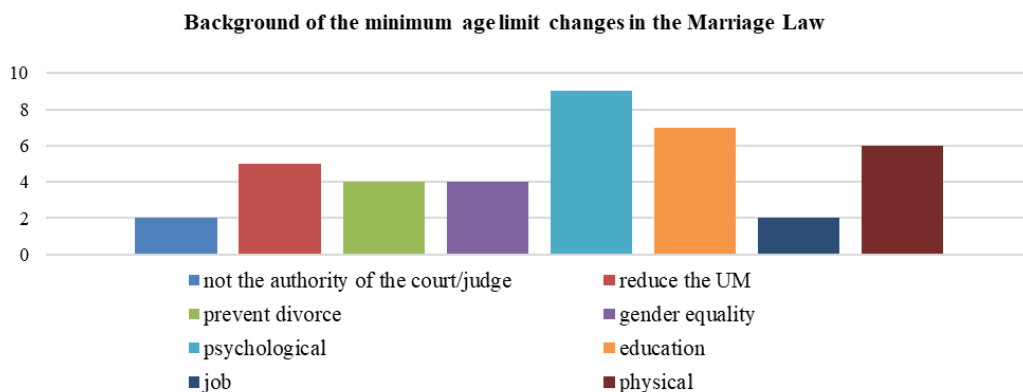


Figure 2. Judge's opinion regarding the background to changes in the minimum age limit for marriage

Reactions and impacts in society regarding changes to the minimum age limit for marriage

The public gave various reactions to the change in the minimum age limit for marriage. Some people (28%) followed the administration according to the law, admitted that they did not know about the change (28%), while others were against it. This attitude was shown by protests to the judge. They considered administrative matters as complicated matters. Even one participant said that there were applicants who did not accept it when their marriage dispensation application was rejected.

"The expression, 'People want to get married and worship, but it's made complicated, difficult, and hard.' is common because they don't know, understand, and comprehend. This is our job to make them understand so that they understand the intent of this regulation." (S17-CI-L)

Based on these reactions, there was a fairly massive impact after the change in the minimum age limit for marriage. This is represented by similar statements made by participants as judges in various PAs in Indonesia. The number of marriage dispensation cases increased because girls aged 17 and 18 who previously did not need to apply for dispensation, now have to apply for it. In addition, the public's ignorance about the change in age limit makes people no longer care about registering marriages. This is generally caused by the pressing time gap between the administrative process and the day of the wedding, where invitations have been distributed and cannot be postponed.

The change in the minimum age limit for marriage in 2019 was followed by the Covid-19 pandemic. According to the participants' explanations, the pandemic also played a role in increasing requests for marriage dispensation. Participants stated that this was related to the social aspects of children. Schools that should be a place for children's education every day were forced to close so that children were at home. School children who felt bored at home then sought entertainment by visiting their friends' houses. Due to the lack of parental supervision, children's social interactions became freer. According to participants, this had an impact on increasing pregnancies outside of marriage. In Samarinda, it was found that the increase in dispensation cases reached 200%.

"Ignorance of the age limit changes has caused dispensation cases to increase by 200%. Especially in remote areas, many have not known until now. Until those who filed cases on the grounds of being pregnant out of wedlock (S8-SM-P)

"Children should go to class but cannot so that parents can no longer follow the educational pattern in which they must be involved. The impact is that divorce and marriage dispensations are increasing. Children at home who are girls can visit the boys' place and vice versa without parental supervision, eventually getting pregnant. So the end result is marriage dispensation." (S17-CI-L)

DISCUSSION

This study found that judges considered the change in the minimum age limit for marriage to be carried out to participate in the international movement related to UM. The movement in question is "Girls not Brides" which was initiated since 2011 by The Elders, a group engaged in the field of peace and human rights (Girls Not Brides, 2011). This movement has been followed by various communities from

various countries, including Indonesia. The communities representing Indonesia include the Institute for Social Transformation Studies (*Lembaga Kajian untuk Transformasi Sosial*), the Center for Gender and Sexuality Studies (*Pusat Kajian Gender dan Seksualitas*/Puska Genseks), Women's Health Foundation (*Yayasan Kesehatan Perempuan*/YKP), Kalyanamitra, Independent Youth Alliance Foundation (*Yayasan Aliansi Remaja Independen*), and the 18+ Coalition (*Koalisi 18+*).

Furthermore, Girls not Brides has a vision to realize a world without UM where girls and women are equal to boys and men and are able to achieve their potential in all aspects of their lives (Girls Not Brides, 2011). Their mission includes collaborating to prevent UM and support women who have been married, socializing the impact of UPE, and voicing children's rights to health, education, and opportunities to fulfill their potential. This vision and mission are in line with the opinions of participants regarding gender equality and the impact of UM in various aspects. Not only Indonesia, as one of the Girls Not Brides coalitions, research results in Niger also suggest how UM must be suppressed in order to realize gender equality (Tomar et al., 2021).

In relation to the mission of this international movement, the impact of UM was also emphasized by the judge as the background for increasing the minimum age limit for marriage. The impacts mentioned were the increased risk of divorce which includes aspects of education, work or economy, as well as health both physically and mentally. Children who marry underage are identical to low levels of education. When married underage, children generally lose the opportunity to continue their education (Abera et al., 2020; Psaki et al., 2021). This allows for a lack of experience and difficulty in finding decent work (Abera et al., 2020; Psaki et al., 2021). The subsequent impact is the emergence of economic problems and low psychological well-being (Abera et al., 2020; Fan & Koski, 2022; Lubis et al., 2021).

Psychological aspects in particular are the opinions most often expressed by participants as the reason for increasing the minimum age limit for marriage. From various aspects conveyed ranging from education, work that can affect economic conditions, to physical health, all refer to the instability of psychological conditions. Children's unpreparedness in carrying out developmental tasks that arise after marriage can cause trauma (Amin & Rosyidha, 2023). This unpreparedness is in the form of a lack of emotional intelligence. Immature emotional regulation can cause negative feelings to arise, especially in conflict situations, thus creating an uncondusive atmosphere in the household (Amin & Rosyidha, 2023). The decision-making ability in the household of underage couples is also considered lacking as per the study (Apriyanti, 2021). This fact was also found in cases of UM in other countries (Abera et al., 2020; Tomar et al., 2021).

After the change in the minimum age limit for marriage, the community gave various responses. The community was willing to follow the applicable legal rules, admitted that they did not know about the changes in the regulations, and some were against it. The lack of socialization of the changes in the rules was also considered by participants to have an impact on the level of community compliance. From a psychological perspective, socialization helps someone to develop moral awareness and applicable social values. Socialization can also help increase public understanding, especially if the methods used are adapted to the community's culture (Hura & Kakisina, 2022; Kholidiyah et al., 2021).

The socialization or education that is encouraged is not only aimed at informing about the change in the minimum

age limit for marriage. Education related to the impact of underage marriage also needs to be carried out massively (Collier et al., 2023). As stated by participants, the impact of underage marriage covers various aspects (Tisdall & Cuevas-Parra, 2020). Therefore, socialization regarding this impact can be carried out through cooperation from parties such as health experts, women's observers, legal experts, psychologists, together with community leaders (Susilo et al., 2021). This is considering the public's response that is against the change in the Marriage Law. The mindset of the community that is often encountered by participants is that they assume that this regulation only complicates the administrative process. Meanwhile, according to them, marriage has a good purpose, namely for worship. In the end, it is not uncommon for people to finally decide to continue to marry their children in a secret marriage.

The changes to the Marriage Law that increased cases of marriage dispensation were also accompanied by the Covid-19 pandemic. Participants stated that children who were usually guided at school were forced to study online at home. Because they felt bored, children then visited their friends' houses, including those of the opposite sex. Lack of parental supervision can cause children to socialize more freely. This is in line with research (Rondonuwu et al. (2024) that parents are not only responsible for physical growth, but also social and emotional aspects. Parents should carry out their functions to show affection, protect, and guide their children (Dwipayana et al., 2023). This can be done by being fair, not being harsh, and finding solutions to problems together (Lahmi et al., 2020; Nurhandayani, 2022). Thus, children will feel safe under parental supervision.

Outside the context of the pandemic, parents should also monitor their children's development. In the educational process, schools are not the only institutions responsible for children's education. Families and communities certainly also influence the process of internalizing moral values by children. Parents have various roles in children's education, namely as motivators, facilitators, mediators, evaluators, friends, and supervisors.

CONCLUSION

The soaring number of underage marriages is ironic considering the impacts that accompany them. As conveyed by participants as judges of religious courts in Indonesia, these impacts include psychological problems, education, economics, risk of divorce, and lack of gender equality. In fact, the revision of regulations related to the minimum age limit for marriage as a preventive effort against the impacts of underage marriages has not shown the expected results.

The public has shown mixed responses regarding the change in the minimum age limit. Some follow the applicable administration according to the latest Marriage Law, admit that they are not aware of the regulatory changes, and others are against it. This opposing attitude is shown by labeling administrative matters as complicated matters. In addition, the public's ignorance regarding the change in the minimum age limit for marriage has caused people to no longer care about registering marriages. The gap between the application for dispensation and the wedding day is too short so that unregistered marriages are the solution.

Regulatory changes followed by the Covid-19 pandemic are also conditions that require special attention. Parents are dealing more with their children at home, when usually children are the responsibility of the school when they are

at school. Parents should pay attention to and guide their children in their relationships, attitudes, and problems.

In addition, socialization in the form of education to the community regarding underage marriage certainly needs to be encouraged. Not only regulatory changes, but also the risks of underage marriage. Government could make some regularly socialization at school. This topic also could be added in some subjects such as biology, economy to show poverty data and its factors, or else. Due to the various factors involved in the underage marriage phenomenon, the role of various parties is needed, such as health experts, women's observers, legal experts, psychologists. Of course, it would be more effective if they work together with community leaders ranging from regional leaders, religious leaders, and of course parents.

DECLARATION

Ethics approval and consent to participate

This study has received ethical approval by letter number (B-2203.17/Un.02/L3/TU.00.9/03/2022) from Chairman of Research and Community Services / LPPM Universitas Islam Negeri Sunan Kalijaga, Yogyakarta, Indonesia.

Consent for publication

N/A

Availability of Data and Material (ADM)

The data that support the findings of this study are available on request from the corresponding author. The data are not publicly available due to privacy or ethical restrictions.

Competing interests

Authors have no conflicts of interest to be declared.

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Authors' contributions

VJ contributed to the study conception and design. Material preparation and data collection were performed by VJ. Data analysis was performed by VJ. The first draft of the manuscript was written by VJ and checked by VJ.

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Appendix. Interview Guideline

Psychological Dynamics of Society about Minimum Age Limit Change for Marriage from the Perspective of Religious Court Judges in Indonesia

What is YM's opinion on the change in the minimum age (i.e. 19 years for women) in the 2019 Marriage Law?

To YM's knowledge, what is the background to the change in the 2019 Marriage Law (from the 1974 Marriage Law)?

According to YM's observations, how did the community in YM's work area react to the change in the minimum age? Why did they react that way? [for example, does the community tend to be pro or con, why?]

According to YM's observations, has there been any impact on the community in the last 2-3 years since the change in the minimum age?

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