

Child marriage and judicial discretion: Analyzing the impact of marriage dispensation laws in Indonesia

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ABSTRAK

Perkawinan anak tetap menjadi masalah yang mendesak di Indonesia, meskipun ada reformasi hukum yang dirancang untuk melindungi anak di bawah umur dari pernikahan dini. Studi ini mengkaji praktik dispensasi pernikahan, menganalisis landasan hukumnya, pengaruh sosial-budaya, dan penentu ekonomi. Tujuannya adalah untuk menilai sejauh mana undang-undang dispensasi perkawinan selaras dengan standar perlindungan anak internasional dan untuk mengidentifikasi faktor-faktor yang berkontribusi terhadap penggunaannya yang terus-menerus (Julianto et al., 2025). Dengan menggunakan pendekatan metode campuran, penelitian ini mengintegrasikan analisis kualitatif

keputusan yudisial dengan pemeriksaan kuantitatif tren dispensasi pernikahan di berbagai wilayah. Data primer dikumpulkan dari catatan pengadilan dan wawancara dengan hakim, sementara sumber sekunder memberikan wawasan tentang faktor sosial-ekonomi yang mempengaruhi perkawinan anak. Temuan tersebut mengungkapkan bahwa kerangka hukum, khususnya UU No. 16 Tahun 2019, belum secara efektif membatasi perkawinan anak karena kebijaksanaan yudisial dalam menafsirkan "keadaan mendesak." Hakim sering mempertimbangkan faktor-faktor seperti kehormatan keluarga, kesulitan ekonomi, dan kehamilan pranikah saat memberikan dispensasi, yang mengarah pada aplikasi hukum yang tidak konsisten. Selain itu, dispensasi pernikahan berkontribusi pada hasil pendidikan, ekonomi, dan kesehatan yang negatif bagi pengantin muda, melanggengkan siklus kemiskinan dan ketidaksetaraan gender. Temuan ini menyoroti perlunya definisi hukum yang lebih ketat tentang "keadaan mendesak", pelatihan peradilan yang ditingkatkan, dan kampanye kesadaran masyarakat yang komprehensif untuk mengubah persepsi budaya tentang pernikahan dini. Inisiatif kebijakan di masa depan harus mengintegrasikan reformasi hukum dengan intervensi ekonomi dan pendidikan untuk memberikan alternatif yang layak untuk perkawinan anak. Dengan mengadopsi pendekatan multi-segi, Indonesia dapat lebih menyelaraskan praktik hukumnya dengan standar hak asasi manusia internasional dan memperkuat mekanisme perlindungan anak

.ABSTRACT

Child marriage remains a pressing issue in Indonesia, despite legal reforms designed to protect minors from early marriage. This study examines the practice of marriage dispensations, analyzing its legal foundations, socio-cultural influences, and economic determinants. The objective is to assess the extent to which marriage dispensation laws align with international child protection standards and to identify factors contributing to their persistent use (Julianto et al., 2025). Using a mixed-methods approach, the study integrates qualitative analysis of judicial decisions with quantitative examination of marriage dispensation trends across various regions. Primary data were collected from court records and interviews with judges, while secondary sources provided insights into socio-economic factors influencing child marriage. The findings reveal that the legal framework, particularly Law No. 16 of 2019, has not effectively curtailed child marriage due to judicial discretion in interpreting "urgent circumstances." Judges frequently consider factors such as family honor, economic hardship, and premarital pregnancy when granting dispensations, leading to inconsistent legal applications. Additionally, marriage



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dispensations contribute to negative educational, economic, and health outcomes for young brides, perpetuating cycles of poverty and gender inequality. These findings highlight the necessity for stricter legal definitions of "urgent circumstances," enhanced judicial training, and comprehensive community awareness campaigns to shift cultural perceptions of early marriage. Future policy initiatives should integrate legal reforms with economic and educational interventions to provide viable alternatives to child marriage. By adopting a multi-faceted approach, Indonesia can better align its legal practices with international human rights standards and strengthen child protection mechanisms.

INTRODUCTION

Child marriage remains a significant global concern, as it directly impacts children's rights, gender equality, and socio-economic development. The international community, including organizations such as the United Nations (UN) and the World Health Organization (WHO), has consistently advocated for a minimum legal marriage age of 18 years to prevent child exploitation and ensure equitable opportunities for all individuals (Al'Ghani et al., 2024). The Convention on the Rights of the Child (CRC) further reinforces the necessity for legal protections against child marriage, recognizing it as a direct violation of fundamental human rights (Al'Ghani et al., 2024). Despite these global efforts, child marriage continues to persist in various regions, influenced by cultural traditions, economic factors, and legal loopholes that allow dispensations under specific circumstances. While many countries have made substantial progress in reforming marriage laws to align with international standards, enforcement remains a critical challenge, particularly in societies where child marriage is deeply embedded in socio-cultural norms (Al'Ghani et al., 2024).

Indonesia exemplifies this challenge. Governed by Law No. 16 of 2019, which amended the earlier Marriage Law No. 1 of 1974, the country officially raised the minimum marriage age to 19 years for both men and women (Lathifah et al., 2022; Ismawayati & Ngazizah, 2022). This legal reform was aimed at curbing child marriage and aligning national policies with international human rights frameworks. However, despite the revision, marriage dispensations—granted predominantly through religious courts—continue to provide a pathway for underage marriages under specific conditions (Rohman et al., 2023; Subchi et al., 2021). The persistence of child marriage, facilitated by these legal dispensations, underscores the complexity of legal enforcement when traditional customs and economic hardships intersect with statutory regulations (Kafidhoh, 2024).

One of the primary problems associated with marriage dispensation in Indonesia is the high number of approvals granted by religious courts. This contradicts the intended purpose of the legal amendment and suggests that legal reforms alone are insufficient in eliminating child marriage. Studies have demonstrated that cultural traditions, economic constraints, and social pressures significantly influence judicial decisions in granting dispensations (Nuruddin et al., 2023; Liem et al., 2023). The COVID-19 pandemic

further exacerbated the situation, as financial instability prompted many families to seek early marriages for their daughters as a perceived economic relief strategy (Julianto et al., 2025; Subchi et al., 2021). This crisis illuminated the fragility of existing protective measures and highlighted the need for more robust intervention strategies beyond legal frameworks.

The persistence of marriage dispensations despite stricter legal requirements raises critical questions regarding the effectiveness of judicial decision-making. Judicial interpretations of "urgent reasons"—a key criterion in granting dispensations—often lean toward accommodating social and familial pressures rather than prioritizing the long-term well-being of minors (Rohman et al., 2023; Shahrullah et al., 2023). This judicial leniency results in continued child marriages, ultimately undermining legal protections meant to safeguard children. Furthermore, the absence of standardized judicial guidelines exacerbates inconsistencies in decision-making across different jurisdictions (Palupi et al., 2019).

Existing literature provides various perspectives on solutions to the issue of marriage dispensations. A critical approach involves imposing stricter conditions on judicial dispensations, such as requiring psychological assessments, socio-economic evaluations, and mandatory counseling for minors and their families before approvals are granted (Fadhli et al., 2024; Sofiana & Sunni, 2021). Countries that have successfully implemented these strategies, such as Ethiopia and Bangladesh, have demonstrated that a combination of legal restrictions and community-based interventions can significantly reduce child marriage rates (Al'Ghani et al., 2024). Additionally, educational programs targeting parents and religious leaders play an essential role in shifting societal norms and promoting the long-term benefits of delayed marriage (Muljan et al., 2024).

Further studies emphasize the socio-economic implications of child marriage, which extend beyond individual families to broader national development concerns. Economic dependency, limited educational opportunities, and increased vulnerability to domestic violence are common outcomes of early marriage, perpetuating cycles of poverty and gender inequality (Gunawan & Bahri, 2023). The detrimental psychological effects, including depression and social isolation, further reinforce the argument for more stringent regulations and comprehensive support mechanisms for at-risk minors (Gunawan & Bahri, 2023; Subchi et al., 2021). By understanding these impacts, policymakers can better design interventions that address the root causes of marriage dispensations and offer sustainable alternatives for affected communities.

Despite these insights, research gaps persist in understanding the long-term effectiveness of current legal frameworks and community-based interventions in Indonesia. While studies indicate that stricter laws can deter child marriage, enforcement remains inconsistent due to varying interpretations of legal provisions and the strong influence of socio-cultural traditions (Yetta et al., 2024). Further research is

needed to evaluate the impact of legal reforms in different regions and identify best practices for harmonizing statutory regulations with community-driven initiatives.

This study aims to critically analyze the factors influencing marriage dispensations in Indonesia, assess the effectiveness of current legal frameworks, and propose actionable policy recommendations to strengthen child protection measures. By integrating legal analysis with socio-cultural insights, this research seeks to contribute to a more comprehensive understanding of how legal and societal mechanisms interact in shaping child marriage trends. The study's novelty lies in its interdisciplinary approach, combining legal scrutiny with sociological perspectives to address the issue holistically. Ultimately, this research aspires to inform policymakers, legal practitioners, and advocacy groups on the necessary steps to enhance child protection and reduce marriage dispensations in Indonesia.

METHODOLOGY

This study employs a mixed-methods approach to analyse judicial decisions on marriage dispensations in Indonesia. The methodology integrates both qualitative and quantitative research techniques to provide a comprehensive understanding of the legal, socio-cultural, and economic dimensions that influence judicial discretion in marriage dispensation cases. By combining these approaches, the study aims to explore both statistical trends and the lived experiences of stakeholders involved in marriage dispensation processes.

Research Design

The research design follows a socio-legal framework, incorporating qualitative and quantitative methodologies to examine the effectiveness of marriage laws and judicial discretion in religious courts. Previous studies, such as those by Fadhli et al. (2024) and Supriyadi & Suriyati (2022), emphasize the importance of qualitative methods in understanding the reasoning behind judicial decisions, while Julianto et al. (2025) demonstrate the utility of quantitative methods in analysing statistical trends. This study, therefore, adopts a descriptive-exploratory design, where qualitative data is used to explore the cultural and legal motivations behind judicial rulings, while quantitative data helps identify broader patterns and trends in marriage dispensation applications across different regions.

Data Collection Methods

To ensure the reliability and validity of findings, data collection consists of primary and secondary sources:

Qualitative Data Collection

Qualitative data collection is designed to capture judicial perspectives, social attitudes, and personal experiences regarding marriage dispensations. The methods include:

In-depth Interviews – Conducted with religious court judges, legal practitioners, and families involved in marriage dispensation cases. These interviews aim to uncover judicial motivations and the role of socio-cultural norms in influencing decisions (Fadhli et al., 2024; Supriyadi & Suriyati, 2022). Focus Group Discussions (FGDs) – Sessions conducted with community leaders, policymakers, and women's rights organizations to explore societal perceptions of child marriage and legal interventions (Maimunah et al., 2021; Kasim & Daud, 2022). Last is Case Studies – Examination of select marriage dispensation rulings from religious courts to identify common justifications provided by judges and their alignment with legal provisions (Supriyadi & Suriyati, 2022; Mursyid & Yusuf, 2022).

Data Analysis Methods

The study applies a multi-tiered analytical approach to examine qualitative and quantitative data.

Qualitative Data Analysis

Thematic Analysis – Identification of recurring themes from interviews and FGDs, particularly those related to judicial reasoning, cultural justifications, and parental motivations (Fadhli et al., 2024; Supriyadi & Suriyati, 2022). Legal Interpretation Framework – Examination of how judges interpret the concept of "urgent reasons" in granting dispensations and its alignment with national and international legal standards (Kasim & Daud, 2022; Yetta et al., 2024). Comparative Analysis – Cross-referencing judicial opinions with existing legal frameworks and policies to assess inconsistencies in dispensation rulings across different courts (Maimunah et al., 2021).

Quantitative Data Analysis

Descriptive Statistics – Calculation of frequency distributions, mean values, and regional disparities in marriage dispensation applications (Julianto et al., 2025; Faiz et al., 2023). Correlation and Regression Analysis – Examining relationships between socio-economic factors and marriage dispensation trends to identify key determinants (Lahilote et al., 2022). Trend Analysis – Mapping changes in marriage dispensation applications over time, particularly before and after the implementation of Law No. 16 of 2019 and during the COVID-19 pandemic (Julianto et al., 2025; Subchi et al., 2021).

The rationale for using a mixed-methods approach lies in its ability to provide both depth and breadth in analyzing judicial decisions on marriage dispensation. While qualitative methods allow for a nuanced understanding of legal interpretations and societal attitudes, quantitative data ensures that findings are statistically robust and generalizable across different regions (Supriyadi & Suriyati, 2022; Mursyid & Yusuf,

2022). Additionally, integrating socio-legal research methods allows for an examination of the intersection between law, culture, and economic realities, making the study's conclusions more applicable for policymakers and legal reform advocates (Maimunah et al., 2021; Kasim & Daud, 2022).

By utilizing both qualitative and quantitative research methodologies, this study seeks to provide a comprehensive, evidence-based analysis of marriage dispensation practices in Indonesia. The integration of thematic legal analysis, statistical modeling, and socio-cultural assessments ensures that the findings contribute meaningfully to ongoing legal reforms and policy discussions surrounding child marriage and judicial discretion. Through this approach, the research aims to inform judicial authorities, policymakers, and advocacy groups in their efforts to enforce marriage laws more effectively and protect the rights of vulnerable individuals.

RESULTS

3.1 Trends in Marriage Dispensation Cases

The statistical trends in marriage dispensation cases in Indonesia before and after the enactment of Law No. 16 of 2019 reveal significant changes in the landscape of child marriage. Prior to the amendment, the minimum legal age for marriage was set at 16 for women and 19 for men, which allowed a substantial number of marriage dispensations to be granted under the justification of "urgent reasons," including premarital pregnancy (Al'Ghani et al., 2024). Following the amendment, which raised the minimum marriage age to 19 for both genders, there was an initial expectation that the number of marriage dispensations would decline. However, studies indicate that the number of applications for marriage dispensations actually increased post-amendment, suggesting that the law has not effectively curtailed the practice of child marriage (Yetta et al., 2024; Liem et al., 2023).

Research conducted by Julianto et al. (2025) highlighted a dramatic rise in marriage dispensation applications during the COVID-19 pandemic, with numbers escalating from 24,865 in 2019 to 64,225 in 2020. This trend persisted into 2021, with 62,890 applications recorded. The increase reflects not only the socio-economic pressures exacerbated by the pandemic but also the persistent cultural norms that prioritize marriage over education for young girls (Julianto et al., 2025; Liem et al., 2023). Furthermore, Yetta et al. (2024) noted that the gap between legal stipulations and actual practices remains significant, as many families continue to seek dispensations despite the legal framework aimed at preventing child marriage.

3.1.1 Regional Variations in Marriage Dispensation Cases

Regional variations in Indonesia further complicate the trends in marriage dispensation cases. Different regions exhibit distinct cultural practices and socio-economic conditions that influence the prevalence of child marriage and the granting of

marriage dispensations. For example, areas with strong traditional norms regarding marriage tend to report higher rates of dispensations, as local customs often prioritize early marriage as a means of preserving family honor (Sakirman & Amanda, 2022; Shahrullah et al., 2023). In contrast, urban areas may have greater access to education and resources that empower young women, potentially leading to lower rates of marriage dispensations (Lathifah et al., 2022).

Research by Mursyid and Yusuf (2022) indicates that regions such as West Java and Indramayu have particularly high rates of marriage dispensations, attributed to both cultural practices and socio-economic factors. Judges in these regions frequently face pressure to grant dispensations based on community expectations and the urgency of situations presented by applicants, such as pregnancies (Shahrullah et al., 2023; Yuni, 2021). This regional disparity highlights the need for localized approaches to address the issue of child marriage and ensure that legal reforms are effectively implemented across diverse cultural contexts (Subchi et al., 2021).

3.1.2 The Impact of the COVID-19 Pandemic on Marriage Dispensations

The COVID-19 pandemic significantly influenced child marriage rates and marriage dispensation requests in Indonesia. As reported by Julianto et al. (2025), the pandemic exacerbated existing vulnerabilities, leading to an increase in child marriages. Economic hardships faced by families during the pandemic prompted many to seek marriage dispensations for their daughters, often as a means to alleviate financial burdens or due to concerns about premarital pregnancies. The study highlighted that the number of marriage dispensation applications surged during this period, with many families opting for early marriages as a perceived solution to their socio-economic challenges (Julianto et al., 2025).

Liem et al. (2023) further explored the factors associated with this increase, identifying that the pandemic's impact on employment and education significantly contributed to the rise in child marriage. The closure of schools and loss of income led families to prioritize immediate economic stability over long-term educational opportunities for their children. Consequently, many young girls were married off at younger ages, often under the justification of urgent circumstances that warranted marriage dispensations (Liem et al., 2023). This trend was compounded by cultural norms that view marriage as a solution to social issues, such as premarital pregnancies, which became more prevalent during the pandemic (Lathifah et al., 2022).

3.1.3 Approval Rates of Marriage Dispensation Requests

Regarding the percentage of marriage dispensation requests granted in Indonesian religious courts, research by Subchi et al. (2021) found that approximately 80% of marriage dispensation applications were granted by religious courts, reflecting the judges' tendencies to prioritize familial and cultural pressures over statutory requirements. The primary reasons for granting these dispensations often include urgent circumstances such as premarital pregnancies, family honor, and socio-economic

pressures (Supriyadi & Suriyati, 2022). Judges frequently cite the need to protect the welfare of the child and the family as justifications for their decisions, even when these decisions may conflict with the legal age requirements established by Law No. 16 of 2019 (Supriyadi & Suriyati, 2022).

3.1.4 Implications of Trends in Marriage Dispensations

The continued prevalence of marriage dispensations despite the implementation of stricter legal frameworks suggests that legislative measures alone are insufficient to curb child marriage effectively. The persistence of cultural norms, economic hardships, and judicial discretion in granting dispensations indicates a need for more comprehensive interventions. These interventions should include:

1. Stronger enforcement mechanisms to ensure that dispensations are granted strictly in exceptional cases.
2. Community engagement initiatives to challenge traditional norms that prioritize early marriage.
3. Economic support programs that provide financial alternatives for families considering marriage as a solution to economic difficulties.
4. Educational campaigns to raise awareness about the long-term consequences of child marriage.

The trends in marriage dispensation cases in Indonesia illustrate the complex interplay of legal frameworks, socio-economic pressures, and cultural traditions. While Law No. 16 of 2019 aimed to reduce child marriage by raising the legal marriage age, statistical trends indicate that marriage dispensation cases have not only persisted but increased, particularly during the pandemic. Regional variations play a crucial role in shaping these trends, necessitating tailored interventions that consider local cultural and socio-economic dynamics.

3.2 Factors Influencing Judicial Decisions

The decision-making process in granting marriage dispensations in Indonesia is influenced by both legal and non-legal factors. While Law No. 16 of 2019 provides a legal framework that sets the minimum marriage age at 19 for both genders, it also allows for dispensations under "urgent circumstances," which judges must interpret on a case-by-case basis (Rohman et al., 2023). The interaction between legal stipulations and socio-cultural realities results in variations in how judges approach marriage dispensation cases.

3.2.1 Legal Considerations in Judicial Decisions

The legal basis for granting marriage dispensations stems from Law No. 16 of 2019, which was designed to align Indonesia's marriage laws with international standards for child protection (Aris & Bukido, 2022). However, the provision allowing for dispensations has led to legal ambiguities. Judges are tasked with determining whether

a specific case meets the "urgent circumstances" criterion, a process that is inherently subjective (Gunawan & Bahri, 2023).

Judges often consider multiple factors in interpreting "urgent circumstances." Research by Rohman et al. (2023) indicates that premarital pregnancy, family reputation, and the perceived well-being of the child are primary considerations in judicial reasoning. In many cases, judges argue that granting a dispensation protects minors from social stigma and ensures financial security within marriage, even if this contradicts the intended protective purpose of the law (Shahrullah et al., 2023).

3.2.2 Influence of Cultural Norms and Social Expectations

Cultural norms play a significant role in shaping judicial decisions on marriage dispensations. In many communities, early marriage is perceived as a cultural necessity, particularly in cases involving premarital pregnancy or concerns about family honor (Al'Ghani et al., 2024). Studies by Fadhli et al. (2024) and Mursyid & Yusuf (2022) emphasize that judges frequently face pressure from families and local communities to grant dispensations in order to preserve social harmony.

One notable cultural influence is the pemmali culture in the Bugis community, where early marriage is seen as essential for maintaining social status (Aris & Bukido, 2022). This cultural pressure often results in judges prioritizing customary expectations over strict legal adherence. In regions where traditional practices dominate, marriage is viewed as a protective mechanism against social disgrace, leading to high rates of dispensation approvals (Nuruddin et al., 2023).

3.2.3 Economic Pressures and Marriage as a Financial Strategy

Economic hardship is another crucial factor influencing judicial decisions. In financially unstable households, child marriage is often perceived as a solution to economic difficulties (Kafidhoh, 2024). Judges, recognizing these economic struggles, sometimes interpret "urgent circumstances" in ways that accommodate the immediate needs of families (Ilhami et al., 2023; Rohman et al., 2023).

During the COVID-19 pandemic, marriage dispensations surged, as many families faced financial difficulties and sought marriage as a means of securing economic stability for their daughters (Liem et al., 2023; Subchi et al., 2021). Research by Julianto et al. (2025) found that financial instability increased marriage dispensation applications, as families viewed marriage as a viable alternative to economic uncertainty. The economic argument is further reinforced by the role of dowries, which can serve as a financial safety net for struggling households (Fadhli et al., 2024).

3.2.4 Interpretation of "Urgent Circumstances" by Judges

The interpretation of "urgent circumstances" varies among judges, resulting in inconsistencies in how marriage dispensation cases are adjudicated (Rohman et al., 2023). Some judges adopt a strict legalist approach, limiting dispensations to cases that clearly meet statutory requirements. Others take a more lenient approach, prioritizing

social realities and the best interests of the child over rigid legal adherence (Aditya & Waddington, 2021; Insani et al., 2024).

Judges frequently consider the negative consequences of delaying marriage, particularly in cases of premarital pregnancy (Insani et al., 2024; Asmuni & Adikara, 2024). In such cases, the perceived urgency to prevent social stigma often outweighs concerns about the legal marriage age. While this approach aligns with local customs, it also contributes to inconsistencies in legal application, as judicial discretion is influenced by subjective considerations rather than uniform statutory guidelines (Yetta et al., 2024).

3.2.5 Balancing Child Protection Laws with Societal Realities

Judges must navigate a complex legal and social landscape when making decisions on marriage dispensations. While the law aims to protect minors by restricting early marriage, judicial discretion allows for significant flexibility, resulting in continued high rates of dispensations. Research indicates that judges face significant tension between upholding legal standards and addressing the immediate concerns of families (Al'Ghani et al., 2024).

A key challenge is ensuring that child protection laws are implemented effectively while also considering the socio-economic realities that drive families to seek early marriages (Nuruddin et al., 2023). Some scholars argue that judicial training programs and stricter enforcement mechanisms could help create more uniform interpretations of "urgent circumstances" (Aditya & Waddington, 2021). Additionally, increasing economic support and educational opportunities for at-risk families could reduce the reliance on marriage as an economic strategy (Kafidhoh, 2024).

In conclusion, Judicial decisions regarding marriage dispensations in Indonesia are influenced by a complex interplay of legal frameworks, cultural expectations, economic considerations, and interpretations of "urgent circumstances." While Law No. 16 of 2019 was designed to restrict child marriage, its implementation remains challenged by cultural and socio-economic realities that push families toward early marriage. Judges, balancing legal provisions with societal demands, often exercise discretion in ways that reflect broader social pressures rather than strict statutory compliance.

The ongoing prevalence of marriage dispensations suggests a need for reforms that address both legal enforcement and the socio-economic factors driving early marriage. Strengthening judicial training, increasing public awareness, and providing alternative economic solutions for vulnerable families could enhance the effectiveness of child protection laws. By adopting a multi-faceted approach, policymakers and legal practitioners can work towards reducing child marriage rates while ensuring that legal frameworks align more closely with their intended protective purposes.

3.3 Social Consequences of Marriage Dispensation

The granting of marriage dispensations in Indonesia has significant social consequences, particularly affecting education, economic independence, exposure to domestic violence, and overall health and well-being. Early marriage, facilitated through dispensations, disrupts the normal developmental trajectory of young brides, reinforcing systemic issues such as gender inequality and economic dependency.

3.3.1 Impact on Educational Attainment

The impact of early marriage on educational outcomes is profound, with many young brides experiencing significant disruptions in their studies. Research suggests that early marriage often leads to school dropouts, as young girls are expected to prioritize domestic responsibilities and childcare over their education (Palupi et al., 2019; Gunawan & Bahri, 2023). The inability to continue schooling not only limits their knowledge and skills but also significantly reduces their future economic opportunities (Turkiewicz et al., 2020; Mursyid & Yusuf, 2022).

Moreover, socio-economic factors further exacerbate educational discontinuation among child brides. Families facing financial hardship may prioritize marriage over education, viewing it as a means to reduce household burdens (Turkiewicz et al., 2020; Gunawan & Bahri, 2023). This is particularly evident in rural areas, where educational resources are often limited and cultural norms dictate that a girl's primary role is within the household (Iwan et al., 2024; Mursyid & Yusuf, 2022). The long-term implications of educational disruption extend beyond the individual, as communities with high child marriage rates often exhibit lower overall educational achievements and economic productivity.

3.3.2 Economic Dependency and Limited Career Prospects

The economic consequences of early marriage are substantial. Without access to adequate education and vocational training, young brides struggle to secure stable employment, thereby limiting their financial independence (Gunawan & Bahri, 2023; Supraptiningsih, 2021). Many child brides remain economically dependent on their husbands, reinforcing cycles of poverty and financial vulnerability (Turkiewicz et al., 2020; Mursyid & Yusuf, 2022).

This economic disadvantage is further compounded by the lack of access to formal employment. Women who marry young are more likely to be engaged in informal, low-paying jobs, as they lack the necessary qualifications and work experience to compete in the job market (Mursyid & Yusuf, 2022; Supraptiningsih, 2021). This economic dependency can make it challenging for women to leave abusive relationships, as financial insecurity limits their options for seeking independence (Gunawan & Bahri, 2023). Additionally, the health complications associated with early pregnancies can further hinder employment opportunities, increasing medical expenses and reducing the ability to work effectively (Palupi et al., 2019; Gunawan & Bahri, 2023).

3.3.3 Exposure to Domestic Violence

Research has consistently shown that child marriage is correlated with a higher risk of domestic violence. Child brides often lack agency in decision-making and are more susceptible to abuse within their marriages (Sudirman et al., 2023). The significant power imbalance between young brides and their often older husbands exacerbates the risk of physical, emotional, and sexual violence (Mursyid & Yusuf, 2022).

The normalization of domestic violence in some communities further perpetuates this cycle. Cultural norms may discourage women from speaking out against abuse, leaving them with limited options for legal or social recourse (Mursyid & Yusuf, 2022). Furthermore, the psychological impact of early marriage, including feelings of isolation and low self-esteem, can further diminish a young bride's ability to seek help (Aris & Bukido, 2022). Marriage dispensation laws that allow minors to marry under exceptional circumstances thus contribute to an environment where domestic violence remains unchecked, as young brides are often unable to leave abusive situations due to financial and societal constraints (Sudirman et al., 2023).

3.3.4 Health and Well-being of Young Brides and Their Children

The health consequences of early marriage are particularly severe for young brides and their offspring. Early pregnancy poses significant health risks, as the bodies of young girls are often not fully developed to handle childbirth, leading to increased rates of maternal and infant mortality (Palupi et al., 2019; Nuruddin et al., 2023). Additionally, complications during childbirth, such as obstructed labor and preeclampsia, are more common among young mothers (Palupi et al., 2019).

Beyond reproductive health, the psychological burden of early marriage also takes a toll on young brides. Many experience heightened levels of stress, anxiety, and depression, exacerbated by social isolation and domestic violence (Supraptiningsih, 2021). The long-term psychological impact of early marriage can hinder their ability to form healthy relationships and engage fully in social and economic activities.

The negative health effects of early marriage extend to the next generation as well. Children born to young mothers are at a greater risk of malnutrition, developmental delays, and other health complications due to the socio-economic challenges their mothers face (Liem et al., 2023). Inadequate maternal education also reduces the likelihood of proper healthcare and nutrition for children, perpetuating intergenerational cycles of poverty and poor health outcomes.

In conclusion, The social consequences of marriage dispensations in Indonesia are profound and multifaceted. Educational opportunities are significantly disrupted for young brides, limiting their ability to achieve financial independence and professional growth. Economic dependency remains a persistent challenge, as lack of education and employment opportunities keep many child brides in vulnerable financial positions. Domestic violence is a recurring issue, with young brides often trapped in abusive relationships due to socio-economic constraints. Additionally, the health risks

associated with early marriage place a significant burden on young mothers and their children, perpetuating cycles of poverty and poor well-being.

Given these challenges, there is an urgent need for stronger policy interventions to mitigate the negative consequences of early marriage. Legal reforms must be accompanied by comprehensive support programs that focus on education, economic empowerment, and healthcare access for at-risk individuals. Community awareness initiatives should aim to shift cultural perceptions of marriage and emphasize the long-term benefits of education and delayed marriage. By addressing these critical issues, policymakers can work toward creating a legal and social environment that prioritizes the well-being and future prospects of young girls, ultimately reducing the prevalence and negative impacts of marriage dispensations in Indonesia.

DISCUSSION

Indonesia's marriage dispensation laws present a complex legal and social landscape that intersects with international human rights commitments and national legal reforms. While Law No. 16 of 2019 raised the minimum marriage age to 19 for both genders, the continued practice of granting dispensations raises concerns about its effectiveness in curbing child marriage. This discussion critically examines the inconsistencies between Indonesia's legal framework and international standards, the socio-economic and cultural drivers that sustain marriage dispensations, and potential policy solutions to address these issues.

One of the primary concerns regarding Indonesia's marriage dispensation laws is their inconsistency with international human rights standards. The Convention on the Rights of the Child (CRC) and other global frameworks emphasize the necessity of setting the minimum marriage age at 18 to ensure child protection (Julianto et al., 2025). However, Indonesia's legal framework, while aligned in raising the legal age, still allows for dispensations under "urgent circumstances," often interpreted broadly by judges (Nuruddin et al., 2023). This flexibility in legal interpretation creates loopholes that enable child marriage to persist, contradicting Indonesia's commitment to child protection under international human rights agreements (Rohman et al., 2023).

Despite legal reforms, the number of marriage dispensations has not declined significantly, especially during periods of socio-economic instability. Data from Julianto et al. (2025) illustrate that marriage dispensation applications surged during the COVID-19 pandemic, rising from 24,865 in 2019 to over 64,225 in 2020. Economic hardships and educational disruptions contributed to this increase, as families facing financial instability viewed marriage as a means of securing economic support for their daughters (Liem et al., 2023). This trend underscores the gap between legal provisions and socio-economic realities, as many families continue to rely on marriage dispensations to navigate financial difficulties (Subchi et al., 2021). Additionally, traditional cultural values

that emphasize marriage as a means of protecting family honor further drive the prevalence of child marriage despite legal restrictions (Al’Ghani et al., 2024).

Judicial discretion in interpreting "urgent circumstances" also plays a crucial role in shaping marriage dispensation trends. Studies indicate that judges often consider factors such as premarital pregnancy, family honor, and economic necessity when granting dispensations (Rohman et al., 2023). While these considerations reflect social realities, they also contribute to inconsistencies in how laws are applied across different regions (Shahrullah et al., 2023). In regions where cultural norms strongly support early marriage, judges may feel pressured to approve dispensations to align with community expectations (Nuruddin et al., 2023). This highlights the challenge of balancing legal standards with socio-cultural realities, necessitating clearer legal guidelines to ensure more uniform application of the law (Hasan & Yusup, 2021).

Addressing the issue of marriage dispensations requires a multi-faceted approach that integrates legal reform, judicial training, and community awareness. One proposed solution is to establish stricter definitions of "urgent circumstances" that qualify for a dispensation, ensuring that these circumstances genuinely warrant an exception (Aditya & Waddington, 2021). By providing clearer criteria, judicial discretion can be guided toward decisions that align more closely with the protective intent of the law (Nuruddin et al., 2023). Additionally, targeted training for judges on child rights and the long-term consequences of child marriage can help ensure that dispensation rulings prioritize the well-being of minors (Hasan & Yusup, 2021).

Community-based initiatives also play a crucial role in reducing the demand for marriage dispensations. Education and awareness programs can shift cultural perceptions of early marriage by highlighting the benefits of delaying marriage for young girls' education and economic independence (Al’Ghani et al., 2024). Research indicates that when communities are educated about the risks of child marriage—including health complications, economic dependency, and domestic violence—child marriage rates decline significantly (Ismawayati & Ngazizah, 2022). Additionally, programs that offer vocational training and alternative economic opportunities for young women can provide them with viable options beyond early marriage (Supraptiningsih, 2021).

A harmonized approach that involves collaboration between legal, religious, and social institutions can further strengthen efforts to enforce marriage age laws. Engaging religious leaders in advocacy against child marriage can be particularly effective, as they hold significant influence in shaping community norms (Palupi et al., 2019). By promoting interpretations of religious teachings that emphasize education and maturity before marriage, religious leaders can help shift societal attitudes toward delaying marriage (Subchi et al., 2021). Furthermore, local governments can play a crucial role in providing social support systems that address the underlying economic drivers of child marriage, such as financial assistance programs for low-income families (Mustofa, 2023).

Despite these recommendations, challenges remain in fully enforcing marriage age laws and eliminating child marriage dispensations. Resistance from communities that view early marriage as a cultural norm poses a significant barrier to reform (Kafidhoh, 2024). Additionally, the lack of comprehensive monitoring mechanisms makes it difficult to track how marriage dispensation laws are applied in different regions (Muljan et al., 2024). Strengthening legal enforcement mechanisms and improving data collection on child marriage trends can aid in identifying gaps in implementation and developing more targeted interventions (Yetta et al., 2024).

In conclusion, Indonesia's marriage dispensation laws reflect a legal compromise between international human rights commitments and socio-cultural realities. While legal reforms have made progress in raising the marriage age, the continued prevalence of dispensations highlights the need for further policy interventions. Stricter legal definitions of "urgent circumstances," enhanced judicial training, and comprehensive community education initiatives can help bridge the gap between legal standards and actual practices. Moreover, collaboration between legal, religious, and social institutions is essential in fostering cultural shifts that discourage early marriage and promote the protection of children's rights. By implementing these measures, Indonesia can work toward aligning its legal framework more closely with international standards while addressing the socio-economic and cultural factors that sustain child marriage.

CONCLUSION

This study provides an in-depth examination of marriage dispensation practices in Indonesia, exploring their legal, socio-cultural, and economic implications. The findings demonstrate that despite legal reforms aimed at curbing child marriage, the persistence of marriage dispensations highlights significant gaps between statutory regulations and socio-economic realities. The legal framework, particularly Law No. 16 of 2019, has not effectively reduced child marriage rates due to the continued use of judicial discretion in granting dispensations under loosely defined "urgent circumstances." Judicial interpretations often prioritize familial and societal pressures over strict legal adherence, resulting in inconsistencies in application across different regions.

The research further emphasizes the impact of marriage dispensations on young brides, including disrupted educational opportunities, economic dependency, increased exposure to domestic violence, and adverse health outcomes. The findings suggest that broader policy interventions are required to mitigate these effects. Strengthening judicial guidelines, increasing community awareness, and enhancing economic support programs for at-risk families can play a critical role in addressing the root causes of early marriage.

This study contributes to the existing body of knowledge by providing a nuanced understanding of how legal frameworks interact with cultural norms in shaping judicial

decisions on marriage dispensations. It highlights the need for a more harmonized approach involving legal, religious, and social institutions to enforce child protection laws effectively. Future research should explore the long-term impact of marriage dispensations on women's economic participation and social mobility, as well as assess the effectiveness of recent policy reforms in reducing child marriage rates.

By implementing targeted legal and policy measures, Indonesia can work towards better alignment with international child protection standards while addressing the socio-economic drivers that perpetuate child marriage. Ultimately, this study underscores the necessity of a multi-faceted approach to child marriage prevention, combining legal enforcement with educational and economic empowerment strategies.

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