

Prevention of Child Marriage by the KUA of Kraksaan District through Partnership: A Perspective of Lawrence Meir Friedman's Legal System Theory

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Abstract:

This study aims to discuss the prevention of child marriage by the Religious Affairs Office (KUA) of Kraksaan District through partnerships in the review of Lawrence Meir Friedman's legal system theory. This is due to the high number of child marriage applications recorded at the KUA of Kraksaan District from 2022 to 2023. Then, the effectiveness of preventing child marriage will be measured through Lawrence Meir Friedman's legal system theory. Qualitative methods are used in this research. Qualitative methods are research methods based on philosophy and are useful for studying scientific conditions (experiments). In this partnership strategy, the KUA works with several partners, including Village Officials, Village Heads, Non-Civil Servant Employees/Counselors, Community Health Centers (PUSKESMAS), Kraksaan District Government, NU,

Muhammadiyah and al-Irsyad. As a result, 50 applications were prevented, and five were postponed out of 55 applications in 2022. In 2023, 13 applications were successfully rejected, and nine were accepted out of 22 applications in 2023. In the review of Lawrence Meir Friedman's legal system theory, the substance of the law is Law No.16 of 2019. This law is not effective because Article 7 still provides an opportunity for people to marry children. Meanwhile, the legal structure comprises the structural officials of the KUA. The KUA, assisted by its partners, is said to be effective in preventing child marriage, as seen from the data on the success rate of preventing child marriage mentioned above. The legal culture is the people of Kraksaan Subdistrict who still strongly hold the tradition of arranged marriage, maintain the good name of the family, parents want to escape their responsibilities, and the belief that many families will provide a lot of sustenance.

Keywords: child marriage, KUA of Kraksaan district, lawrence meir friedman's legal system theory

A. Introduction

The Religious Affairs Office (KUA) is an agency under the auspices of the Ministry of Religious Affairs that interacts directly with the community at the district level. The KUA is the frontline in providing services and guidance to the community. These services and guidance are reflected in various activities carried out by the KUA¹. The KUA performs several tasks. One of them is taking care of the completeness of the marriage administration. Marriage can be conducted by the KUA when the applicant has fulfilled the administration². Conversely, marriage cannot be performed if the administration is not fulfilled.

One example of a marriage that does not fulfill the administration is child marriage. This is because child marriage violates Law No. 16/2019 on the

¹ Muhammad Asyakir and Zaili Rusli, "Analisis Pelaksanaan Tugas Pokok Dan Fungsi (TUPOKSI) Kantor Urusan Agama (KUA) Kecamatan Mandau Dalam Melaksanakan Pelayanan Dan Bimbingan Kepada Masyarakat," *Jurnal Online Mahasiswa (JOM) Bidang Ilmu Sosial Dan Ilmu Politik*, no. 1 (2014): 1–7.

² Givo Almuttaqin, "Sistem Informasi Pendaftaran Pernikahan Berbasis Online Menggunakan Metode Waterfall (Study Kasus: Kantor Urusan Agama Kecamatan Mandau-Duri)," *Jurnal Ilmiah Rekayasa Dan Manajemen Sistem Informasi* 2, no. 2 (2016): 52–55, <https://doi.org/10.24014/rmsi.v2i2.2608>.

minimum age of marriage and Law No. 23/2002 on child protection³. According to WHO, child marriage is when a man and woman marry when they are not yet 19 years old, so they are still categorized as children or adolescents. Meanwhile, according to the United Nations Children's Fund, child marriage is when a marriage is entered into by a man and a woman when they are not yet 18 years old, whether the marriage is carried out officially or unofficially⁴. Child marriage has a very serious impact on the sustainability of the household. These impacts include psychological, biological, educational, and sociocultural aspects⁵.

The impact of child marriage hinders the achievement of the purpose of marriage as stipulated in Law No.1 of 1974 concerning Marriage Article 1, namely creating a harmonious and eternal household based on God. This goal will be achieved if one of the principles stipulated in Law No.1 of 1974 is also fulfilled, namely that CATIN (prospective brides) must be mature physically and mentally to carry out marriage. This is important so that marriage can run harmoniously and end in separation, and produce a quality generation that is not physically and mentally disabled. One of the standards used in relation to this principle is the stipulation of the age of marriage as contained in Law No.16 of 2019^{6u}.

According to data from 2019-2020, child marriage in Indonesia has increased significantly. In 2020, there were 34,000 applications for dispensing child marriage, and about 97% of these applications were accepted. In comparison, in 2019, there were only 23,700 applications. This increase was influenced by the introduction of the Covid-19 virus into Indonesia. This information was obtained from BBC.com⁷. Meanwhile, in East Java, the child marriage rate is still relatively high, at 4.97%. This figure is higher than the previous year, only 3.6%. Based on data from the East Java Province Office of Women's Empowerment,

³ Habibah Nurul Umah, "Fenomena Pernikahan Dini Di Indonesia: Perspektif Hukum Keluarga Islam," *Jurnal Al Wasith: Jurnal Studi Hukum Islam* 5, no. 2 (2020), <https://doi.org/10.52802/wst.v5i2.11>.

⁴ Machabbah Hidayatul Ummah, Lailatul Mukaromah, and Nurus Shova, "Analisis Hukum Batas Umur Untuk Melaksanakan Perkawinan Dalam Perspektif UU No. 16 Tahun 2019 Tentang Perubahan Atas Atas Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan," *CLJ: Celestial Law Journal* 1, no. 1 (2023): 70–82.

⁵ Dini Fadilah, "Tinjauan Dampak Pernikahan Dini Dari Berbagai Aspek," *Pamator Journal* 14, no. 2 (November 14, 2021): 88–94, <https://doi.org/10.21107/pamator.v14i2.10590>.

⁶ Umah, "Fenomena Pernikahan Dini Di Indonesia: Perspektif Hukum Keluarga Islam."

⁷ Yudho Bawono et al., "Budaya Dan Pernikahan Dini Di Indonesia," *Jurnal Dinamika Sosial Budaya* 24, no. 1 (May 13, 2022): 83, <https://doi.org/10.26623/jdsb.v24i1.3508>.

Child Protection and Population (DP3AK) obtained from the Religious Courts, there were 9,453 cases of child marriage out of 197,068 recorded cases⁸.

As an institution that is at the forefront of taking care of marriage issues in the community, the KUA must play a more active role in preventing child marriage. Many KUAs have tried to prevent child marriage in various ways in their respective regions, such as holding marriage guidance, socialization, and so on. One of the KUAs that has made early prevention efforts is the KUA of Kraksaan District, Probolinggo Regency, East Java. For the prevention of child marriage to run effectively and efficiently, the KUA of Kraksaan District considers it necessary to have support from the KUA itself as a provider and from other parties. Therefore, Dr. Amin Mahfudz, the head of the KUA, formed and designed a partnership strategy to prevent child marriage. This partnership strategy is an effective way made by the KUA of the Kraksaan District to prevent the high number of child marriages in the Kraksaan District, which reached 55 applications in 2022 and 22 applications in 2023. This partnership strategy was chosen by the KUA of Kraksaan District because it has great influence and power compared to prevention strategies carried out independently (without partners).

The partners involved in this strategy include village officials, village headmen, and non-civil servants/instructors. In addition, the Community Health Centre (PUSKESMAS), the Government of Probolinggo District, and religious organizations such as NU, Muhammadiyah, and al-Irsyad. This partnership strategy has been effective. This can be seen from the high number of child marriage couples who have been prevented from entering child marriage. Based on data from 2022, there were 55 applications for marriage under the marriage age limit. As many as 50 applications were successfully prevented, and as many as 5 applications were postponed because several requirements were not met. Meanwhile, in 2023, there were 22 applications for child marriage. A total of 13 applications were rejected, and 9 applications were accepted. The marriage was successfully held by including a condition in the form of a decision letter from the Religious Court.

Therefore, this study will examine the experience of the KUA of Kraksaan District and the parties involved in preventing child marriage through partnerships and measuring its effectiveness with Lawrence Meir Friedman's

⁸ Uun Dewi Mahmudah, Anik Iftitah, and Moh. Alfari, "Efektivitas Penerapan Pasal 7 Undang-Undang Perkawinan Nomor 16 Tahun 2019 Dalam Upaya Meminimalisir Perkawinan Dini," *Jurnal Supremasi*, February 21, 2022, 44–58, <https://doi.org/10.35457/supremasi.v12i1.1838>.

legal system theory. By describing the strategies used and the results of the prevention in question.

B. Literature Review

In addition to being a reference, the literature review can be used as a comparison to complement the shortcomings in these studies. In addition, previous research can also determine the relevance of research that has been, is, and will be conducted in the future. Some of the literature reviews used as references and the basis for this research are as follows:

1. Research conducted by Tsania Kareema and Harry Pribadi Garfes (2020) with the title of the article "*Peran KUA dalam Meminimalisir Kasus Pernikahan Dini di Kecamatan Sukmajaya Kota Depok*" with a qualitative research method with a field approach. This study shows that the role of the Sukmaja KUA in reducing early marriage has been effective. This includes the application of marriage age limits and the organization of marriage guidance for prospective brides⁹. The similarity with this research is that it makes early marriage the object of research. The difference lies in the way of overcoming it, namely between using marriage guidance and partnerships.
2. Islamika Journal; Journal of Islamic and Educational Sciences, written by Safria Andy, Putri Balqis Fahira Santoso, and Taufik Hidayat Pasaribu (2023) with the title of the article "*Faktor-Faktor Penyebab Pernikahan Dini di Usia Dini Serta Upaya Penanganannya (Studi Pada Kantor KUA Medan Denai)*" using qualitative methods in descriptive form. This study shows that the factors that cause marriage at a young age are economic factors, education, self-will, parents' wishes, MBA (married by accident) factors, media, and customs/culture. The efforts made by the Medan Denai KUA include conducting socialization about the age limit of marriage and reproductive health and collaborating with the local community¹⁰. The similarity with this research is that it examines the factors of early marriage and its prevention. The difference is that this research uses partnerships.

⁹ Tsania Kareema and Harry Pribadi Garfes, "Peran KUA Dalam Meminimalisir Kasus Pernikahan Dini Di Kecamatan Sukmajaya Kota Depok," *Dirasat* 15, no. 01 (2020): 62–71, <https://doi.org/10.1001/ds.v15i01.127>.

¹⁰ Safria Andy, Putri Balqis Fahira Santoso, and Taufik Hidayat Pasaribu, "Faktor-Faktor Penyebab Pernikahan Di Usia Dini Serta Upaya Penanganannya (Studi Pada Kantor KUA Medan Denai)," *ISLAMIKA* 5, no. 1 (January 1, 2023): 217–26, <https://doi.org/10.36088/islamika.v5i1.2722>.

3. Thesis written by Muhammad Rifqi Fariz (2022) Faculty of Sharia and Law, Syarif Hidayatullah State Islamic University Jakarta with the title “*Peran Kantor Urusan Agama dalam Mengurangi Pernikahan Dini (Implementasi UU No.16 Tahun 2019 di Desa Cicadas Kecamatan Gunung Putri)*”. The method used in this research is a normative juridical approach with analytical descriptive research specifications. This study states that there are 16 perpetrators of early marriage scattered in Cicadas Village: 5 couples graduated from SD / MI, nine couples graduated from SMP / MTs, one couple did not go to school, and the other graduated from SMA / MA. The KUA made various efforts to deal with early marriage, including socialization by the penghulu on the importance of marrying by the age limit set by law, both before the marriage contract and through the village amil who conveyed this message during religious recitations and commemorations of religious holidays in Cicadas Village. These efforts are conducted regularly and have proven effective¹¹. The similarity with this research is that it examines the factors of early marriage and its overcoming. The difference lies in the type of research and approach between juridical-normative and field research (empirical).
4. Al-'Adalah Journal; Journal of Sharia and Islamic Law, written by Uswatun Hasanah, Fethullah, and Irzak Yuliardy Nugroho (2023) with the title of the article “*Peran Pendidikan Pra Nikah dalam Mencegah Pernikahan Dini di Kantor Urusan Agama (KUA) Kecamatan Krejengan Kabupaten Probolinggo*” using qualitative research methods of field research. The results of this study indicate that pre-marital education at the Krejengan KUA is very important for prospective brides. This pre-marital education increases teenagers' awareness of the importance of responsibility and the rights and obligations of each partner¹². The equation with this research is to make the KUA an agency in preventing early marriage. Meanwhile, the difference lies in the countermeasures, namely between pre-marital education and partnerships.

¹¹ Muhammad Rifqi Fariz, “Peran Kantor Urusan Agama (KUA) Mengurangi Pernikahan Dini (Implementasi UU No. 16 Tahun 2019 Di Desa Cicadas Kecamatan Gunung Putri)” (Fakultas Syariah dan Hukum Universitas Islam Negeri Syarif Hidayatullah Jakarta, 2022), <https://repository.uinjkt.ac.id/dspace/handle/123456789/62144>.

¹² Uswatun Hasanah, Fathullah Fathullah, and Irzak Yuliardy Nugroho, “Peran Pendidikan Pra Nikah Dalam Mencegah Pernikahan Dini Di Kantor Urusan Agama (KUA) Kecamatan Krejengan Kabupaten Probolinggo,” *Al-'Adalah : Jurnal Syariah Dan Hukum Islam* 8, no. 1 (June 28, 2023): 141–54, <https://doi.org/10.31538/adlh.v8i1.3269>.

5. The thesis was written by Debby Halida Yuniar (2022), Pancasila and Citizenship Studies Study Program, with the title "*Peranan Kantor Urusan Agama dalam Menekan Angka Pernikahan Dini di Kecamatan Paiton Kabupaten Probolinggo.*" The method used is qualitative with a case study type of research. The results showed that several factors resulted in the high rate of early marriage in Paiton District, Probolinggo Regency. These factors, including economic factors and education, are still low, so it cannot think forward. The thinking of local community members is still fairly backward, not yet understanding the risks and impacts caused by marriage under the general. The role of parents also increases early marriage in the high Paiton District. The role of the KUA in suppressing the number of early marriages in Paiton District by using an approach between residents by holding routine socialization once a month¹³. The equation with this research is to make the KUA an agency that prevents early marriage. The difference lies in the way of overcoming it, namely in terms of socialization and partnerships.
6. Journal of Intellectuality: Islamic, Social, and Science, written by Femilya Herviani, Erfaniah Zuhriah, and Raden Cecep Lukman Yasin (2022) with the title of the article "*Pertimbangan Hakim dalam Pemberian Dispensasi Nikah Perspektif Teori Sistem Hukum Lawrence M. Friedman di Pengadilan Agama Malang*" using a qualitative approach type of field research. This article concludes that first, the judge's basis for granting all applications for marriage dispensation is because it prioritizes the child's best interests. Second, the law has not been able to work effectively because the three sub-systems in the legal system are still conflicting. The structure and substance of the law in Law No.16 of 2019 still have multi-interpretive sentences, in terms of a legal culture that is still unbalanced, namely the low level of legal awareness of the community, as well as the legal culture of judges who from year to year still have an unchanging pattern of determining marriage dispensation, tend to be fast and not much is considered, usually, the judges will only look at the documents and witnesses, if everything is complete and agreed, then the judge will immediately grant the marriage dispensation application¹⁴. There are similarities between this article and the author's

¹³ Debby Halida Yuniar, "Peranan Kantor Urusan Agama Dalam Menekan Angka Pernikahan Dini Di Kecamatan Paiton Kabupaten Probolinggo" (Universitas Negeri Malang, 2022).

¹⁴ Femilya Herviani, Erfaniah Zuhriah, and Raden Cecep Lukman Yasin, "Pertimbangan Hakim Dalam Pemberian Dispensasi Nikah Perspektif Teori Sistem Hukum Lawrence M. Friedman Di

research, namely, using Lawrence M. Friedman's legal system theory in reviewing the effectiveness of child marriage laws. The difference is that the legal structure in this article is not strict and actively seeks to suppress child marriage dispensation in contrast to the legal structure in the research in this study, which actively suppresses and prevents child marriage.

7. The Unes Law Review journal, written by Muhammad Ariza Hafizhullah with the title "*Penerapan Bimbingan Perkawinan di Kantor Urusan Agama Lowokwaru Perspektif Lawrence M. Friedman*" with a sociological juridical approach where primary data is the result of field observations. The results of the study reveal that the implementation of marriage guidance at the Lowokwaru KUA in *Das Sollen* is guided by the rules of the Director General of Islamic Guidance number 189 of 2021 concerning instructions for the implementation of marriage guidance for prospective brides, contrary to the *das sein* phenomenon that the implementation of marriage guidance prioritizes elasticity not without reason this is also based on the background considerations of the busyness of the marriage guidance participants themselves. In terms of conformity with the perspective of Lawrence M. Friedman's legal system theory, the legal substance of the activities of marriage guidance prioritizes the nature of elasticity. Friedman that in terms of legal substance, marriage guidance activities do not yet have a solid legal umbrella, then in terms of legal structure, marriage guidance is appropriated by the Religious Affairs Office workforce, and in terms of legal culture, it is still not cultured the impact of weak legal substance¹⁵. The similarities between this article and this study both use Lawrence Meir Friedman's legal system theory and make the KUA the object of research in preventing child marriage through marriage guidance. The difference lies in the way the KUA prevents early marriage.

C. Research Methods

The research object in this study is the Religious Affairs Office (KUA) of Kraksaan District, Probolinggo, in its efforts to prevent child marriage through partnerships. Qualitative methods were used in this research. Qualitative methods are research methods based on philosophy and are useful for studying scientific conditions (experiments). The main instrument in this research is the researcher

Pengadilan Agama Malang," *Jurnal Intelektualita: Keislaman, Sosial Dan Sains* 11, no. 1 (July 4, 2022): 117–27, <https://doi.org/10.19109/intelektualita.v11i1.10684>.

¹⁵ Muhammad Ariza Hafizhullah, "Penerapan Bimbingan Perkawinan Di Kantor Urusan Agama Lowokwaru Perspektif Lawrence M. Friedman," *UNES Law Review* 6, no. 3 (2024): 8196–8202, <https://doi.org/10.31933/unesrev.v6i3.1711>.

himself¹⁶. This research utilized two kinds of data: 1) Primary data, in the form of data on the perpetrators of marriage dispensation and early and preventive efforts by the Religious Affairs Office (KUA) of Kraksaan District through partnerships obtained through in-depth interviews with the Head of the KUA Officials of Kraksaan District, Village Heads, Non-Civil Servant Employees/Counselors, Community Health Centers (PUSKESMAS), Kraksaan Subdistrict Government, religious organizations such as NU, Muhammadiyah and al-Irsyad and Lawrence Meir Friedman's book *Legal System*. 2) Secondary data, in the form of documents contained in several articles, scientific journals, and letters relevant to the theme of this paper.

This study describes the efforts of the Religious Affairs Office (KUA) of Kraksaan District in preventing child marriage through partnerships and measures them with Lawrence Meir Friedman's legal system theory. The aim is to determine the effectiveness of preventing child marriage through partnerships by the KUA of Kraksaan District.

D. Results and Discussion

1. Child Marriage

According to WHO, child marriage occurs when a husband and wife are not yet 19 years old, so they are still considered children or adolescents. Meanwhile, according to the United Nations Children's Fund, child marriage is said to be when a couple marries when they are not yet 18 years old, whether officially or unofficially. Meanwhile, according to Law Number 16 of 2019, child marriage can be said when the couple is under 19 years old¹⁷. Child marriage has very serious consequences for the sustainability of the household.

Under the Law, marriages that occur when a couple has not reached the minimum age of marriage are classified as child marriages. Initially, Law Number 1 of 1974 concerning Marriage contained this age rule. After Law Number 16, Year 2019, there were changes to the age of marriage. This change in the Law was made due to differences between Law No. 1 of 1974 and Law No. 23 of 2002, focusing on adjusting the minimum age of

¹⁶ Eri Barlian, *Metodologi Penelitian Kualitatif & Kuantitatif* (Padang: Sukabina Press, 2016), <https://doi.org/10.31227/osf.io/aucjd>.

¹⁷ Elfirda Ade Putri, "Telaah Kritis Pasal 7 Undang-Undang No. 16 Tahun 2019 Tentang Perkawinan," *Jurnal Hukum Sasana* 7, no. 2 (2021): 231–42, <https://doi.org/10.31599/sasana.v7i2.1234>.

marriage¹⁸. In addition, other reasons necessitate a change in the minimum age of marriage.

Law No. 1/1974 stipulates that the minimum age of marriage for men is 19 years old, and for women is 16 years old. This provision contradicts Article 1 point 1 of the Law on the Amendment to Law Number 23 of 2002 concerning Child Protection, which states that children are included in the category of a person whose age is not yet 18, including unborn children. The age limit stated in Law Number 1 of 1974 has caused differences of opinion in several circles, especially in the application of rights and obligations to create a family by Article 28B paragraph (1) of the 1945 Constitution, as well as the protection and fulfillment of children's rights as stipulated in Article 28B paragraph (2) of the 1945 Constitution¹⁹.

That is the reason for the renewal of the Law regulating the minimum age of marriage. Article 7 of Law No.16/2019 stipulates that marriage can occur if the husband and wife have met the age requirements for marriage²⁰. This Law also explains marriage dispensation in Article 7 paragraph (3), which states that marriages under the minimum age limit of 19 years can be carried out if the relevant parties obtain a decision letter from a Religious Court Judge. This dispensation can be granted if it is based on certain conditions.

One of the main objectives of Law No. 16/2019, especially Article 7, was to change the age of marriage, especially for women. This revision was done to safeguard children's rights and prevent domestic violence²¹. The Constitutional Court of the Republic of Indonesia has given Decision Number 22/PUU-XV/2017, which emphasizes the importance of not discriminating against one party in maintaining the basic rights of citizens. This distinction is considered a form of discrimination against women in exercising the right to create a family, as stated in Article 28B paragraph (1) of the 1945 Constitution, as well as ignoring the preservation and fulfillment

¹⁸ Suciati Ningsih Haryadi and Muthia Septarina, "Tinjauan Yuridis Pernikahan Dini Dan Upaya Perlindungan Anak Di Indonesia Berdasarkan Undang-Undang No. 16 Tahun 2019 Perubahan Atas Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan," *SULTAN ADAM: Jurnal Hukum Dan Sosial* 1, no. 1 (2023): 35–47.

¹⁹ Hani Sholihah, "Perbandingan Hak-Hak Anak Menurut Undang-Undang Nomor 23 Tahun 2002 Tentang Perlindungan Anak Dan Hukum Islam," *Al-Afkar, Journal For Islamic Studies*, 2018, 88–112, https://doi.org/10.31943/afkar_journal.v2i1.21.

²⁰ Sholihah.

²¹ Putri, "Telaah Kritis Pasal 7 Undang-Undang No. 16 Tahun 2019 Tentang Perkawinan."

of children's rights, as stated in Article 28B paragraph (2) of the 1945 Constitution²².

Another reason for equalizing the age of marriage to 19 is to give birth to mature children²³. Also, to prevent relatively low childbirths and reduce maternal and child mortality threats. Another reason is to fulfill children's rights. This can make the growth and development of children, as well as parental care, optimal and ensure good education for children to give birth to a quality generation²⁴.

2. Prevention of Child Marriage by the KUA of Kraksaan District through Partnership

Based on data from 2022 to 2023, the number of applications for child marriage in the Kraksaan District was relatively high. In 2022, there were 55 applications. Along with preventing child marriage by the KUA of Kraksaan Subdistrict, the number of applications in 2023 decreased, namely 22 applications. The high number of applications for child marriage in the Kraksaan District is due to several factors, as recognized by Muh. Amin as the Head of the Kraksaan Subdistrict KUA. Among these factors:

a. Avoid Slander and Adultery

Among the reasons that lead to child marriage is maintaining the good name of the family by avoiding fitnah and adultery. This will create a negative perception for the community when male and female couples gather in a place without a clear status. This is because if two people of the opposite sex are alone together, it will look strange and unusual to the people of Kraksaan District. Even if the reason for being alone is work or other matters, the community there still considers it bad and does not allow someone who is not mahram to be close to the opposite sex.

²² Rafiah Septarini and Umami Salami, "Analisis Putusan Mahkamah Konstitusi Nomor 22/PUU-XV/2017 Tentang Batas Usia Nikah Bagi Perempuan," *Ulumul Syar'i : Jurnal Ilmu-Ilmu Hukum Dan Syariah* 8, no. 1 (November 13, 2019): 51–68, <https://doi.org/10.52051/ulumulsyari.v8i1.41>.

²³ Lalu Hadi Adha, "Peningkatan Pemahaman UU Nomor 16 Tahun 2019 Tentang Perubahan Atas Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan Di Desa Malaka," *Private Law* 3, no. 1 (March 1, 2023): 275–87, <https://doi.org/10.29303/prlw.v3i1.2353>.

²⁴ Ummah, Mukaromah, and Shova, "Analisis Hukum Batas Umur Untuk Melaksanakan Perkawinan Dalam Perspektif UU No. 16 Tahun 2019 Tentang Perubahan Atas Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan."

b. Arranged Marriage

Another reason for marriage in the Kraksaan District is arranged marriages. There is nothing wrong with the arranged marriage tradition. What is wrong, however, is if the matchmaking is done when the age is still immature. Matchmaking is when the parents or guardians agree that they will marry off their children. However, one of the families or the couple wants the marriage to occur immediately, even though they are still not old enough. This kind of arranged marriage often occurs in the Kraksaan District.

In addition to these two reasons, there are many reasons for the prevalence of child marriage in the Kraksaan District, as expressed by local community leaders, including:

- a. Parents ignore the effects of child marriage and/or early marriage that will occur in their children's families in the future. Parents who have this mindset usually only think that girls who have reached puberty (marked by menstruation according to Islam) and boys marked by "wet dreams" (*baligh*) and/or already working must immediately find a mate.
- b. The prevalence of underage marriages is due to their desires. Low knowledge is one of the triggers. This is where children must get enough knowledge or attention from their parents.
- c. People whose mindset is not open and do not have sufficient knowledge, mostly consider women who have reached puberty, if not married immediately, as "old virgins" or "weathered bachelors". This encourages parents to marry off their children as soon as possible to cover their embarrassment.
- d. The low level of education of parents or the community is a factor in the prevalence of early marriage. This leads to the strengthening of less bitter traditions.
- e. The purpose of parents marrying off their children is to avoid their responsibilities as parents. In addition, there is a belief that many families will impact a lot of sustenance.

To prevent child marriage, the KUA of Kraksaan District uses two models: prevention carried out directly by KUA officials in the office and prevention carried out outside the KUA office with a partnership system. The partners involved in the prevention of child marriage include village officials, village headmen, non-civil servants/instructors, community health centers

(PUSKESMAS), the Kraksaan District government, and religious organizations such as NU, Muhammadiyah, and al-Irsyad. There are two methods used to prevent marriage through this partnership. If child marriage prevention is carried out before the application, then the method used is socialization. If it is done when there is an application, eat with deliberation between the party preventing and the person applying for child marriage. In preventing child marriage, the KUA and its partners explain the regulations governing the minimum age of marriage and the impacts of child marriage with an approach that suits the community.

Prevention with an approach that suits this community makes what is conveyed by the prevention party, both the KUA and its partners, easy to accept. “We often prevent child marriage at community events such as celebrations, recitations, etc., rather than formal events such as seminars. On those occasions, we convey with language and parables that are familiar to the community. That makes it easier for the community to accept our material.” Hamid, an extension worker from Alassumur Village, Kraksaan District, said when interviewed by the author.

This partnership strategy can be said to be successful, as evidenced by the number of applications that have been successfully prevented or rejected from the high number of child marriage applications. Of the 55 applications in 2022, 50 were successfully prevented, and five others were postponed because several conditions had not been met. Meanwhile, in 2023, 15 applications were successfully prevented, and nine were accepted out of 22 applications. These applications were accepted after receiving an explicit blessing from a Religious Court decision. The following table shows the success rate of preventing child marriage by the KUA of Kraksaan District through partnerships:

Table: 1 Data on the Success of Preventing Child Marriage

Year	Submission	Prevented/Postponed	Passed
2022	55	55	-
2023	22	13	9

3. Review of Lawrence Meir Friedman's Legal System Theory on the Prevention of Child Marriage by the KUA of Kraksaan District through Partnership

For Lawrence Meir Friedman, law enforcement in the legal system is influenced by three elements: legal substance, legal structure, and legal

culture. The legal system, in practice, is a complex organism where structure, substance, and culture compromise each other. To understand the background and impact of each component, compromise, and contribution must be made by various elements in the system²⁵.

According to Lawrence Meir Friedman, the law's substance is considered the main element determining whether the law can be applied or not. The law is considered a recorded regulation in countries that adopt the Continental European system. Conversely, unrecorded laws are not considered as laws in this system²⁶. This is based on the principle of legality in Article 1 of the Criminal Code, which explains, "No criminal act can be punished if there is no regulation governing it." In this context, all actions whose sanctions are contained in the regulations, then the sanctions can be enforced.

The existence of regulations, one of which functions to guide legal behavior (legal acts) has many forms of decisions from the owner of legal authority, all new regulations that emphasize old regulations are legal actions. The effectiveness of legal action can be seen in a person's behavior. It is said to be effective if it is done consciously and obediently. Conversely, if this is not the case, it is ineffective²⁷.

Furthermore, the legal structure. Lawrence Meir Friedman said that the legal system determines the effectiveness of a law. A law will not be effective if its law enforcers are not credible, competent, and independent²⁸. The meaning of credibility is strong trust from law enforcers. Competence is the ability in the realm of science and skill. And the meaning of independence is not influenced by government power and others who have certain interests. No matter how good the legal outcome is, if a good legal apparatus does not accompany it, the law deviates from its holy purpose. Therefore, law enforcement can successfully carry out its duties properly if it has a law

²⁵ Bukhari Alhuda, "Efektivitas Gakkumdu Dalam Peraturan Bawaslu Nomor 31 Tahun 2018 Ditinjau Dari Teori Penegakan Hukum," *INTERDISCIPLINARY JOURNAL ON LAW, SOCIAL SCIENCES AND HUMANITIES* 3, no. 2 (November 30, 2022): 103, <https://doi.org/10.19184/idj.v3i2.34546>.

²⁶ Hasaziduhu Moho, "Penegakan Hukum Di Indonesia Menurut Aspek Kepastian Hukum, Keadilan Dan Kemanfaatan," *Warta Dharmawangsa* 13, no. 1 (2019), <https://doi.org/10.46576/wdw.v0i59.349>.

²⁷ Djaenab Djaenab, "Efektifitas Dan Berfungsinya Hukum Dalam Masyarakat," *Ash-Shahabah: Jurnal Pendidikan Dan Studi Islam* 4, no. 2 (2018): 148–53, <https://doi.org/10.59638/ash.v4i2.191>.

²⁸ Lawrence M Friedman, "The Legal System: A Social Science Perspective," *Russell Sage Foundation*, 1975.

enforcement personality. Hikmahanto Juwono mentioned that in Indonesia, traditionally, legal institutions responsible for law enforcement include the police, prosecutors, judicial bodies, and advocates. In addition to these institutions, there are also other institutions such as the Directorate General of Customs, Directorate General of Taxes, Directorate General of Immigration, and other law enforcers who have sufficient integrity and expertise²⁹.

The last is legal culture. According to Lawrence Meir Friedman, legal culture includes human behavior towards the law that develops from a system of beliefs, values, thoughts, and expectations that form a whole. Legal culture creates an atmosphere of social thought and power that influences how law is applied, avoided, or abused. Legal culture is closely related to people's legal awareness, where the legal system finds its logical position within the cultural framework of the general public. If people are aware of and comply with the regulations, they will support law enforcement; otherwise, they will become obstacles.

In preventing child marriage by the KUA of Kraksaan District through partnerships, the substance of the law is the minimum age limit for marriage stated in Law No.16 of 2019. The law stipulates that the minimum age of marriage for men and women is 19 years.

Although the government has changed the minimum age of marriage to 19 years based on the considerations and legal basis above, the changes listed in Law No.16 of 2019 still open up opportunities for prospective brides who want to apply for dispensation when they want to get married under the age of marriage. As stated in "Article 7 paragraph (3), which provides an opportunity for prospective men and women who want to get married but are still under 19 years of age to apply for marriage dispensation to the court accompanied by basic and strong reasons³⁰."

The new regulation in Law No.16/2019 is considered a '*simalakama fruit*' because it allows for the application of dispensation for people who want to marry children with strong reasons. Reality shows that Article 7 of the

²⁹ Sanyoto Sanyoto, "Penegakan Hukum Di Indonesia," *Jurnal Dinamika Hukum* 8, no. 3 (September 25, 2008): 199–204, <https://doi.org/10.20884/1.jdh.2008.8.3.74>.

³⁰ Syarifah Lisa Andriati, Mutiara Sari, and Windha Wulandari, "Implementasi Perubahan Batas Usia Perkawinan Menurut UU No. 16 Tahun 2019 Tentang Perubahan Atas UU No. 1 Tahun 1974 Tentang Perkawinan," *Binamulia Hukum* 11, no. 1 (March 10, 2023): 59–68, <https://doi.org/10.37893/jbh.v11i1.306>.

Marriage Law is still ambiguous, leaving increasingly serious problems. In the aftermath, the 'flood' of marriage dispensation applications has hit many court institutions³¹.

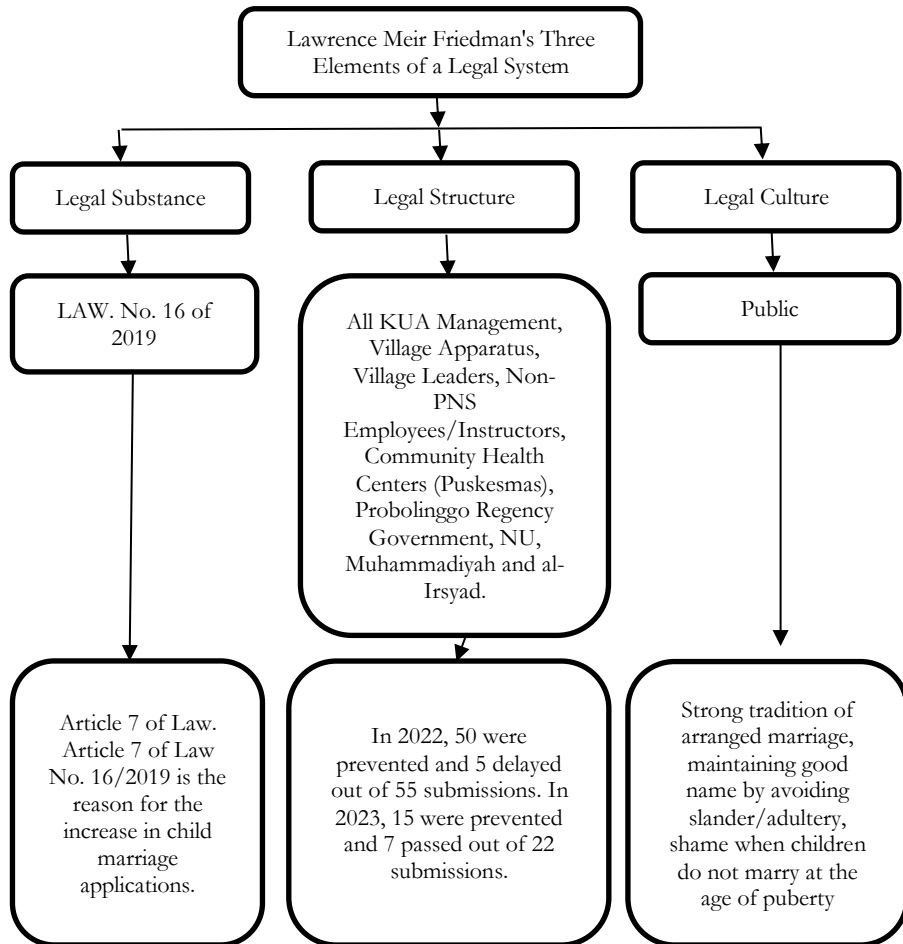
Then, the legal structure in preventing child marriage is all structural officials of the KUA of Kraksaan District who prevent child marriage at the KUA office—assisted by parties who become KUA partners in preventing child marriage outside the KUA office. In carrying out the prevention of child marriage, the KUA and its partners can be said to be successful. It is proven that out of 55 submissions in 2022, 50 submissions were successfully prevented, and five others were postponed because several conditions had not been met. Meanwhile, in 2023, 15 applications were successfully prevented, and nine were accepted out of 22 applications. Submissions can be accepted after receiving an explicit blessing from a Religious Court decision.

Meanwhile, the legal culture in this context has been mentioned above, namely the number of people who still hold strongly to the tradition of arranged marriage, the desire of the community to maintain the good name of the family by avoiding slander and adultery, there is a sense of shame from the community if their children are not married when they reach puberty (marked by menstruation or wet dreams), parents want to escape their responsibilities, and the belief that many families will provide a lot of sustenance.

³¹ Mughniatul Ilma, "Regulasi Dispensasi Dalam Penguatan Aturan Batas Usia Kawin Bagi Anak Pasca Lahirnya UU No. 16 Tahun 2019," *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 2, no. 2 (July 22, 2020): 133–66, <https://doi.org/10.37680/almanhaj.v2i2.478>.

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Table: 1 Overview of Three Elements of the Legal System for Preventing Child Marriage by the KUA of the Kraksaan District



E. Conclusion

From the explanation above, the prevention of child marriage carried out by the Religious Affairs Office (KUA) of the Kraksaan District can be said to be successful. Data from 2022 data evidence this. There were 55 applications for child marriage. As many as 50 applications were successfully prevented, and five were postponed because several unmet requirements were unmet. Meanwhile, in 2023, there were 22 applications for child marriage. A total of 13 applications

were rejected, and nine applications were accepted, including a condition in the form of a decision letter from the Religious Court. In the review of Lawrence Meir Friedman's legal system theory, the substance of the law is Law No.16 of 2019. This law is ineffective because Article 7 still provides a loophole for applying for dispensation, which is used as an excuse by the community to marry children. The legal structure comprises the structural officials of the KUA assisted by their partners. The KUA and its partners are said to be effective in preventing child marriage, as seen from the above numerical data. And the legal culture is the community of Kraksaan District. Many people still hold strongly to the arranged marriage tradition. People want to maintain the good name of the family by avoiding slander and adultery, shame if their children are not married when they reach puberty (marked by menstruation or wet dreams), parents want to escape their responsibilities, and beliefs about many families will provide a lot of sustenance. This study provides implications for policies regarding child marriage. Namely, the law, which initially created a gap in the number of marriage dispensation applications, after being properly enforced by law enforcers, was well conveyed and influenced the legal culture already spreading in the middle of people's lives.

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