



Measuring Justice and Child Protection: A Juridical Study of Marriage Dispensation After the Enactment of Law Number 16 of 2019

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Abstract

Research Objective: This study evaluates the normative framework governing marriage dispensation in Indonesia after Law Number 16 of 2019 raised the minimum marriage age to 19 for both sexes, and assesses the adequacy of judicial reasoning in relation to the best interests of the child standard. **Research Method:** A normative juridical (doctrinal) design was employed, drawing on statutory and conceptual approaches. Primary materials include Law Number 16 of 2019, Law Number 35 of 2014, PERMA Number 5 of 2019, and religious court decisions. Secondary materials were drawn from peer-reviewed journals in Google Scholar and SINTA (2010–2025). **Results:** Dispensation applications surged by over 177%, from approximately 23,000 (2018) to 64,000 (2020), indicating that the reform redirected rather than reduced child marriage through formal channels. Judicial reasoning predominantly prioritizes premarital pregnancy over the child's long-term welfare, falling short of the holistic standard required by PERMA Number 5 of 2019 and CRC General Comment No. 14. **Findings and Implications:** The dispensation mechanism operates as a legitimizing instrument rather than an exceptional safeguard. Unregistered marriages (nikah siri) leave children legally unprotected, exposing a systemic gap unreachable by judicial reform alone. **Conclusion:** Law Number 16 of 2019 has not achieved its protective purpose. Realizing its promise requires coordinated judicial, executive, and civil society reform grounded in the substantive application of the best interests of the child. **Contribution:** This study integrates *maqāṣid al-sharī'ah* analysis with statutory child protection standards, offering a multi-framework evaluation and institutional reform proposals across five key actors. **Limitations and Suggestions:** As a doctrinal study, this study does not capture empirical data on judges' attitudes and applicants' profiles. Future research should employ mixed-methods approaches to examine judicial decision-making patterns and the effectiveness of community-based interventions.

Introduction

Child marriage is a widespread violation of children's rights, with serious impacts on

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health, education, and economic autonomy. The United Nations Sustainable Development Goals, specifically SDG Target 5.3, call for ending child marriage by 2030, reflecting global consensus that it hinders gender equality and human development. Indonesia, a signatory to the CRC and CEDAW, continues to face high rates of child marriage despite decades of legal reform. According to the Central Statistics Agency (BPS), approximately 1.2 million Indonesian girls were married before age 18 in 2022, placing Indonesia among the ten countries with the highest number of child brides.¹ These figures reveal an ongoing public health and human rights crisis and demonstrate that legal measures alone have not resolved the issue.

The most consequential legislative enactment to date is Law Number 16 of 2019, which amended Law Number 1 of 1974 on Marriage. The principal change was equalizing the minimum marriage age to 19 for both men and women. Previously, the threshold was 16 for women and 19 for men. Legal scholars, child protection advocates, and international bodies had long criticized this differential as structural discrimination against girls. They argued that it institutionalized girls' legal subordination and exposed them to early marital duties, while boys remained legally protected against marriage. By removing this difference, Law Number 16 of 2019 brought Indonesian law closer to the CRC, which defines a child as anyone below 18, and to General Recommendation No. 31 of the CEDAW Committee, which calls for a minimum marriage age of 18 for both sexes.²

Notwithstanding its normative significance, Law Number 16 of 2019 did not fully prohibit marriage below the age of 19. Article 7(2) of the amended law retains a dispensation mechanism allowing religious courts to permit underage marriage in compelling cases. Supreme Court Regulation (PERMA) Number 5 of 2019 operationalizes this by introducing child protection innovations to ensure that dispensation is an exceptional, not routine, remedy. Innovations include mandatory direct hearings with the child applicant, psychological and health assessments, and explicit instructions to decide in the child's best interests. The mechanism manifests a pragmatic balance between the protective aims of child rights law and community norms in which child marriage persists.³

The empirical evidence available since 2019, however, tells a troubling story. Rather than declining following the legislative reform, applications for marriage dispensation to Indonesian religious courts increased dramatically in the post-reform period. Figures compiled from the Directorate General of Religious Courts (Ditjen Badilag) and secondary scholarly analyses indicate that applications rose from approximately 23,000 in 2018 to over 64,000 in 2020, an increase of

¹ Laras Susanti, "WHEN CHILDREN'S RIGHTS ARE AT STAKE, SHALL COURT REMAIN SILENT? ANALYSIS ON THE IMPLEMENTATION OF PASSIVITY OF JUDGE PRINCIPLE IN CHILD MARRIAGE DISPENSATION IN INDONESIA," *Indonesia Law Review* 11, no. 1 (April 30, 2021), <https://doi.org/10.15742/ilrev.v11n1.693>; Allika Fadia Tasya and Atik Winanti, "Dispensasi Perkawinan Anak Setelah Adanya Perma Nomor 5 Tahun 2019," *Wajah Hukum* 5, no. 1 (April 23, 2021): 241, <https://doi.org/10.33087/wjh.v5i1.333>; Loveria Sekarrini, Sabarinah Prasetyo, and Agustin Kusumayati, "Child Marriage Dispensation from a Reproductive Health Perspective: Why Do Judges Grant or Reject Applications?," *International Journal of Adolescent Medicine and Health* 37, no. 6 (December 29, 2025): 411–20, <https://doi.org/10.1515/ijamh-2025-0108>.

² Umi Supraptiningsih, "Pro and Cons Contestation on The Increase of Marriage Age in Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 1 (June 30, 2021): 232, <https://doi.org/10.22373/sjhk.v5i1.9136>; Tasya and Winanti, "Dispensasi Perkawinan Anak Setelah Adanya Perma Nomor 5 Tahun 2019."

³ Sekarrini, Prasetyo, and Kusumayati, "Child Marriage Dispensation from a Reproductive Health Perspective: Why Do Judges Grant or Reject Applications?"; Susanti, "WHEN CHILDREN'S RIGHTS ARE AT STAKE, SHALL COURT REMAIN SILENT? ANALYSIS ON THE IMPLEMENTATION OF PASSIVITY OF JUDGE PRINCIPLE IN CHILD MARRIAGE DISPENSATION IN INDONESIA."



more than 180% in two years.⁴ This upsurge strongly suggests that the reform has not reduced the social demand for child marriage but has instead redirected it through the formal legal channel of dispensation. The dispensation mechanism, designed as an exceptional safeguard, has in practice become an institutionalized route to child marriage, undermining the law's protective purpose.⁵

Judges play a central role in this issue. Religious court judges must manage statutory child protection mandates, Islamic jurisprudential traditions that view marriage as a means of preserving social and moral order, and the social realities of their communities, where premarital pregnancy, family pressure, and economic hardship are common. This tension leads to judicial decisions that are often inconsistent, lack thorough reasoning regarding child welfare, and sometimes fail to provide the substantive protection intended by law.⁶

This article makes three main contributions. First, it carefully examines the normative system governing marriage dispensation after the 2019 reform, highlighting both rights and legal gaps. Second, it analyzes judicial reasoning in disposition cases, focusing on how the best interests of the child are applied as a legal standard. Third, it assesses broader organizational factors, including the persistence of extrajudicial child marriages through unregistered unions (*nikah siri*), and considers their consequences for institutional reform. Figure 4 outlines the conceptual framework for this analysis.

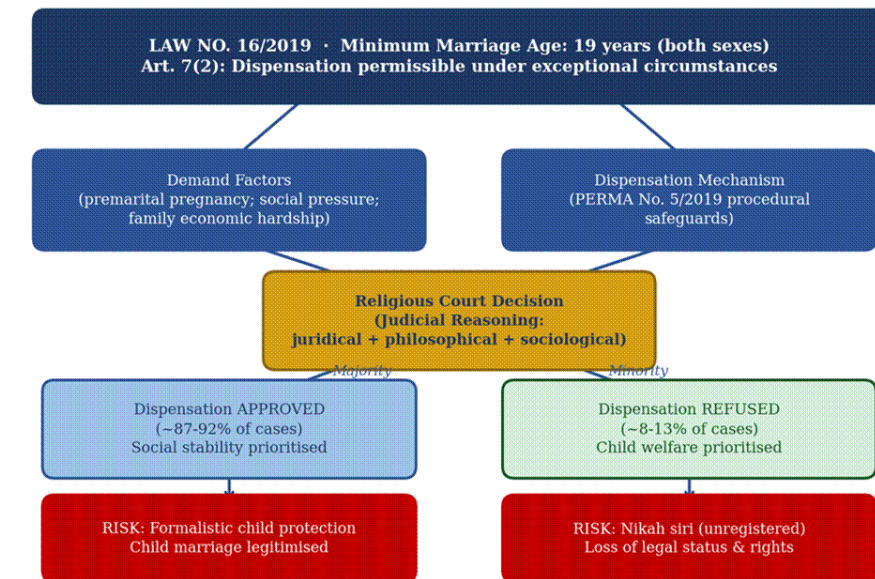
⁴ Dewi Murniati, "Judges' Ratio Decidendi in Marriage Dispensation Cases at The Gresik Religious Court Regarding Marriage Age Limit," *NORMA* 17, no. 3 (January 15, 2021): 15–32, <https://doi.org/10.30742/nlj.v17i3.1089>; Imam Subchi et al., "Legal Policy of Child Marriage In the Covid-19 Pandemic Period," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 2 (December 26, 2021): 846, <https://doi.org/10.22373/sjhk.v5i2.10570>.

⁵ Susanti, "WHEN CHILDREN'S RIGHTS ARE AT STAKE, SHALL COURT REMAIN SILENT? ANALYSIS ON THE IMPLEMENTATION OF PASSIVITY OF JUDGE PRINCIPLE IN CHILD MARRIAGE DISPENSATION IN INDONESIA"; Subchi et al., "Legal Policy of Child Marriage In the Covid-19 Pandemic Period"; Tasya and Winanti, "Dispensasi Perkawinan Anak Setelah Adanya Perma Nomor 5 Tahun 2019."

⁶ Iris Sportel, "Claims-Making in Court Cases on Children," *Oñati Socio-Legal Series* 11, no. 4 (August 1, 2021): 1066–87, <https://doi.org/10.35295/osls.iisl/0000-0000-0000-1209>; Wiebke Greeff, "Religious Law in the Service of Human Rights?," *Interdisciplinary Journal for Religion and Transformation in Contemporary Society* 7, no. 1 (July 8, 2021): 155–87, <https://doi.org/10.30965/23642807-bja10010>.



Figure 4. Conceptual Framework: Marriage Dispensation Decision Pathway and Child Protection Outcomes



Note. Original conceptual diagram created by author. All concepts derived from Law No. 16/2019, PERMA No. 5/2019, and reviewed literature. No portion of this figure reproduces any visual from any published source.

Figure 4. Conceptual framework: Marriage dispensation decision pathway and child protection outcomes. Note. Original conceptual diagram created by the author based on Law No. 16/2019 and PERMA No. 5/2019.

Methods

This study adopts a normative juridical (doctrinal) research design. Doctrinal legal research analyzes the internal logic of law as a normative system. Its rules, principles, and structured relationships are examined by systematic analysis and interpretive reasoning rather than empirical observation.⁷ This study uses a normative juridical (doctrinal) research design, which examines the internal logic of law as a normative system by systematic analysis and interpretive reasoning rather than empirical observation.⁸ This approach is appropriate for evaluating the content, consistency, and adequacy of legal norms and their application. It does not address judicial attitudes or the socioeconomic characteristics of applicants, which would require empirical sociological methods.⁹ The study uses two main analytical approaches: statutory and conceptual.¹ of 1974 on Marriage (as the historical baseline); Law Number 16 of 2019 (the

⁷ Greeff, "Religious Law in the Service of Human Rights?"; Sportel, "Claims-Making in Court Cases on Children"; P. Bernt Hugenholtz and João Pedro Quintais, "Copyright and Artificial Creation: Does EU Copyright Law Protect AI-Assisted Output?," *IIC - International Review of Intellectual Property and Competition Law* 52, no. 9 (October 4, 2021): 1190–1216, <https://doi.org/10.1007/s40319-021-01115-0>.

⁸ Randikha Prabu Raharja Sasmita, Sigid Suseno, and Patris Yusrian Jaya, "The Concept of Reasons for Eliminating Corporate Crime in Criminal Law in Indonesia," *Heliyon* 9, no. 11 (November 2023): e21602, <https://doi.org/10.1016/j.heliyon.2023.e21602>; Fifik Wiryani and Mokhammad Najih, "The Criticism of Land Procurement Law to Improve Landowners Welfare in Indonesia," *Sriwijaya Law Review*, July 28, 2021, 175–91, <https://doi.org/10.28946/slrev.Vol5.Iss2.1073.pp175-191>; Karunia Pangestu, Heru Suyanto, and Rosalia Dika Agustanti, "Application of Circumstantial Evidence in Criminal Laws in Indonesia," *Jurnal Hukum Novelty* 12, no. 01 (April 2, 2021): 54, <https://doi.org/10.26555/novelty.v12i01.a16996>.

⁹ Farid Ariai, Joel Mackenzie, and Gianluca Demartini, "Natural Language Processing for the Legal Domain: A Survey of Tasks, Datasets, Models, and Challenges," *ACM Computing Surveys* 58, no. 6 (April 30, 2026): 1–37, <https://doi.org/10.1145/3777009>; Xin Zhang, Shi Chen, and Mengyuan Wang, "Gender Bias in Child Custody Judgments: Evidence from Chinese Family Court," ed. Giacomo Fiumara, *PLOS ONE* 19, no. 7 (July 18, 2024): e0305479, <https://doi.org/10.1371/journal.pone.0305479>.



primary reform instrument); Law Number 23 of 2002 on Child Protection and its amendment through Law Number 35 of 2014; PERMA Number 5 of 2019 (the administrative guidelines for dispensation adjudication); the 1974 Government Regulation on Marriage Registration; and relevant decisions of the Constitutional Court of Indonesia. These instruments are read as an integrated normative system, with attention to internal tensions, ranked relationships, and interpretive gaps that bear on the protection of children in dispensation proceedings.

The conceptual approach draws on doctrinal legal theory and jurisprudence to situate the statutory analysis inside broader normative frameworks. Three conceptual anchors are central to the analysis. First, the principle of the best interests of the child, as articulated in Article 3 of the CRC and given binding domestic force through Law Number 35 of 2014, provides the primary evaluative standard against which judicial reasoning in dispensation cases is assessed. The UN Committee on the Rights of the Child's General Comment No. 14 (2013) elaborates this principle as requiring a comprehensive, evidence-based, forward-looking, and individually tailored assessment, a standard whose requirements are traced through the judicial decisions examined. Second, the Islamic jurisprudential framework of *maqāṣid al-sharī'ah* and the subsidiary principle of *dar 'al-mafsadah* (preventing greater harm) are analysed both as interpretive resources deployed by judges in dispensation reasoning and as normative principles whose contemporary reformist articulations offer resources for a child-protective application of Islamic family law. Third, theories of judicial discretion and substantive justice inform the evaluation of how judges manage the tension between statutory rules, equitable considerations, and social pressures in individual cases.¹⁰

Legal materials are organized across three tiers. Primary legal materials comprising statutory instruments, Supreme Court regulations, and published or publicly accessible court decisions are divided into three tiers. Primary materials include statutory instruments, Supreme Court regulations, and publicly available court decisions, forming the main analytical dataset. Secondary materials consist of peer-reviewed journal articles, legal monographs, and scholarly commentaries from Indonesian and international sources, identified via systematic searches of Hukum Online, Google Scholar, and SINTA-indexed journals from 2010 to 2025. Tertiary sources, such as legal dictionaries and encyclopedias, provide clarity when terminology is contested or ambiguous. The analysis uses qualitative legal reasoning, including interpretive readings of statutes, assessments of doctrinal consistency, and detailed evaluations of judicial reasoning in dispensation cases. Table 1 lists the key legal instruments reviewed.¹¹

¹⁰ Julian W. März, "What Does the Best Interests Principle of the Convention on the Rights of the Child Mean for Paediatric Healthcare?," *European Journal of Pediatrics* 181, no. 11 (September 9, 2022): 3805–16, <https://doi.org/10.1007/s00431-022-04609-2>; Annika Melinder, Malin Albrechtsen van der Hagen, and Kirsten Sandberg, "In the Best Interest of the Child: The Norwegian Approach to Child Protection," *International Journal on Child Maltreatment: Research, Policy and Practice* 4, no. 3 (September 28, 2021): 209–30, <https://doi.org/10.1007/s42448-021-00078-6>; Mariëlle R. Bruning and Jaap E. Doek, "Characteristics of an Effective Child Protection System in the European and International Contexts," *International Journal on Child Maltreatment: Research, Policy and Practice* 4, no. 3 (September 2021): 231–56, <https://doi.org/10.1007/s42448-021-00079-5>.

¹¹ Nofli et al., "FULL E-BOOK INDONESIA LAW JOURNAL VOLUME 17 NO. 1, 2024," *Indonesian Law Journal* 17, no. 1 (December 26, 2024), <https://doi.org/10.33331/ilj.v17i1.170>; Hendry Julian Noor, Kardiansyah Afkar, and Henning Glaser, "Application of Sanctions Against State Administrative Officials in Failure to Implement Administrative Court Decisions," *BESTUUR* 9, no. 1 (August 12, 2021): 72, <https://doi.org/10.20961/bestuur.v9i1.49686>; Salahuddin Gaffar et al., "The Concept of Procedural Law Regarding the Implementation of Collective Agreements with Legal Certainty in Termination of Employment in Indonesia," *Heliyon* 7, no. 4 (April 2021): e06690, <https://doi.org/10.1016/j.heliyon.2021.e06690>.

Results

Normative Framework: Marriage Dispensation Under Law Number 16 of 2019

Law Number 16 of 2019 brought a significant and symbolic change to Indonesia's minimum marriage age by setting a uniform threshold of 19 years for both sexes, replacing the previous lower age for girls. This change acknowledges established evidence that adolescent marriage harms children's physical, psychological, and developmental welfare, regardless of gender. Parliamentary deliberations before the law's enactment recognized these harms and framed the reform as a response to issues such as educational discontinuity, health risks from adolescent pregnancy, and the cycle of poverty linked to early marriage.¹²

Article 7(2) of the amended law retains the marriage dispensation mechanism, balancing protective intent with the practical concern that an absolute ban could push marriages underground without oversight. Under this provision, religious courts may grant dispensation for marriage below the statutory age upon application by parents or guardians. The article does not enumerate specific grounds, requiring only that courts consider the child's best interests. This flexibility permits context-sensitive discretion and also introduces the risk of inconsistent and insufficiently rigorous adjudication.¹³

PERMA Number 5 of 2019 was introduced to address the procedural gaps resulting from this pliability. Its provisions aim to ensure child-centered adjudication in religious courts. The regulation requires judges to conduct direct, confidential hearings with the child applicant; seek professional input from psychologists, social workers, or medical professionals; assess whether the proposed marriage serves the child's best interests with respect to health, psychological well-being, and education; and provide explicit reasoning in written decisions. Although these measures establish a strong procedural foundation, their actual implementation frequently falls short of the intended standard.¹⁴

Volume and Grounds of Marriage Dispensation Applications

The trend in dispensation applications following the enactment of Law Number 16 of 2019 is among the most striking and concerning empirical findings in Indonesian family law. As Figure 1 illustrates, applications increased from an estimated 23,126 in 2018, the final full year before the reform, to 64,211 in 2020, representing an increase of approximately 177% in two years. This jump cannot be explained solely by greater public awareness of the formal dispensation channel;

¹² Bright Opoku Ahinkorah et al., "The Missing Link between Legal Age of Sexual Consent and Age of Marriage in Sub-Saharan Africa: Implications for Sexual and Reproductive Health and Rights," *Reproductive Health* 18, no. 1 (December 21, 2021): 128, <https://doi.org/10.1186/s12978-021-01177-w>; Christina A. Laurenzi et al., "Key Normative, Legal, and Policy Considerations for Supporting Pregnant and Postpartum Adolescents in High HIV-Burden Settings: A Critical Analysis," *Sexual and Reproductive Health Matters* 31, no. 1 (December 31, 2023), <https://doi.org/10.1080/26410397.2023.2249696>; Sayema Akter et al., "Harmful Practices Prevail despite Legal Knowledge: A Mixed-Method Study on the Paradox of Child Marriage in Bangladesh," *Sexual and Reproductive Health Matters* 29, no. 2 (January 1, 2022), <https://doi.org/10.1080/26410397.2021.1885790>.

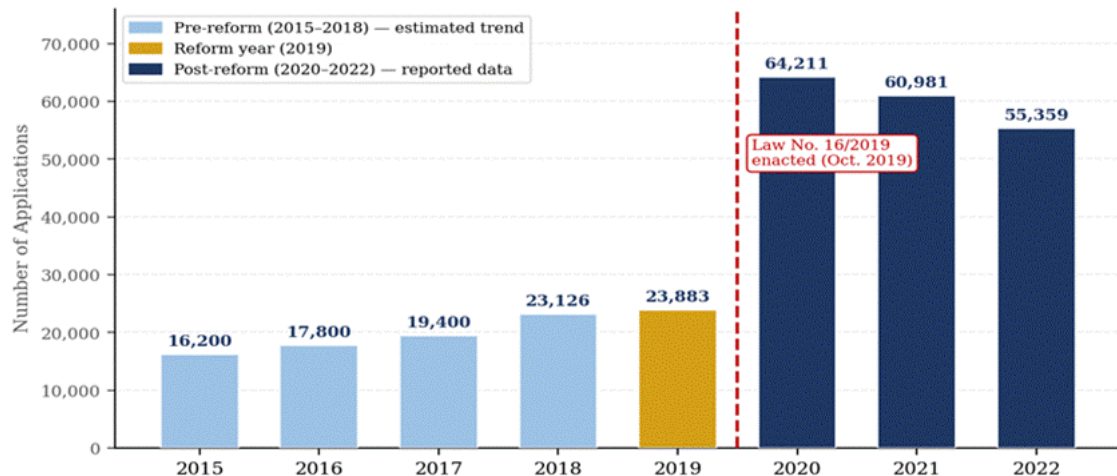
¹³ Sekarrini, Prasetyo, and Kusumayati, "Child Marriage Dispensation from a Reproductive Health Perspective: Why Do Judges Grant or Reject Applications?"; Susanti, "WHEN CHILDREN'S RIGHTS ARE AT STAKE, SHALL COURT REMAIN SILENT? ANALYSIS ON THE IMPLEMENTATION OF PASSIVITY OF JUDGE PRINCIPLE IN CHILD MARRIAGE DISPENSATION IN INDONESIA"; Murniati, "Judges' Ratio Decidendi in Marriage Dispensation Cases at The Gresik Religious Court Regarding Marriage Age Limit"; Tasya and Winanti, "Dispensasi Perkawinan Anak Setelah Adanya Perma Nomor 5 Tahun 2019."

¹⁴ Tasya and Winanti, "Dispensasi Perkawinan Anak Setelah Adanya Perma Nomor 5 Tahun 2019"; Supriyadi Supriyadi and Siti Suriyati, "Judges' Legal Culture in Dealing with High Number of Applications for Child Marriage Dispensation during Covid-19 Pandemic at the Kudus Religious Court," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 1 (June 30, 2022): 273–98, <https://doi.org/10.19105/al-lhkam.v17i1.6060>.



its magnitude suggests a structural shift in child marriage demand from informal to formal-legal pathways, driven by the new law's higher threshold for unregistered marriages.¹⁵

Figure 1. Marriage Dispensation Applications to Indonesian Religious Courts (2015-2022)



Sources: Purnomo (2024); Muhari (2025); Pasaribu et al. (2025).
Pre-2019 values are indicative estimates based on secondary literature. Figure created by author using original data synthesis.

Figure 1. Marriage dispensation applications to Indonesian religious courts (2015–2022). Note. Pre-2019 data: indicative estimates from secondary literature (Pasaribu et al., 2025; Yatiti et al., 2025). Post-2019 data: Purnomo (2024); Muhari (2025). Figure created by the author.

The geographic distribution of dispensation applications reveals that provinces with the highest volumes, such as East Java, West Java, and Central Java, also have high population density and persistently elevated child marriage rates (BPS data). This suggests that dispensation applications are influenced more by local socioeconomic structures, cultural practices, and access to state services than by changes in national legislation.¹⁶

Analysis of published case studies and scholarly syntheses identifies three dominant categories of grounds advanced in dispensation applications, illustrated in Figure 2. Premarital pregnancy (kehamilan di luar nikah) is by far the most frequently cited ground, appearing as the primary justification in an estimated 60–80% of granted dispensation cases across the studies reviewed. Social and family pressure, encompassing concerns about community reputation, family honour (kehormatan keluarga), and the perceived social unacceptability of an unmarried pregnant minor, constitutes the second-most commonly cited category, representing approximately 22% of applications. Monetary considerations, including the perceived financial burden of supporting an unmarried adolescent and concerns about the loss of a marriage opportunity, constitute the third major category, accounting for roughly 18%.¹⁷

¹⁵ Supraptiningsih, “Pro and Cons Contestation on The Increase of Marriage Age in Indonesia.”

¹⁶ David M. Yaskewich, “State Licenses for Medical Marijuana Dispensaries: Neighborhood-Level Determinants of Applicant Quality in Missouri,” *Journal of Cannabis Research* 6, no. 1 (March 26, 2024): 17, <https://doi.org/10.1186/s42238-024-00223-1>.

¹⁷ Nofa Taufani Warda, Fathullah Rusly, and Vita Firdausiyah, “AS- SYAR ’ I : Jurnal Bimbingan & Konseling Keluarga AS- SYAR ’ I : Jurnal Bimbingan & Konseling Keluarga,” *AS- SYAR ’ I : Jurnal Bimbingan & Konseling Keluarga* 6, no. 1 (2024): 2221–31, <https://doi.org/10.47476/assyari.v7i3.9120>; Sudirman Fitriyani, “Pertimbangan Hakim Dalam Penetapan Dispensasi Nikah Di Pengadilan Agama Bogor: Tinjauan Aspek Filosofis, Yuridis Dan Sosiologis,” *Al-Mizan* 19, no. 1 (2023): 105–20.

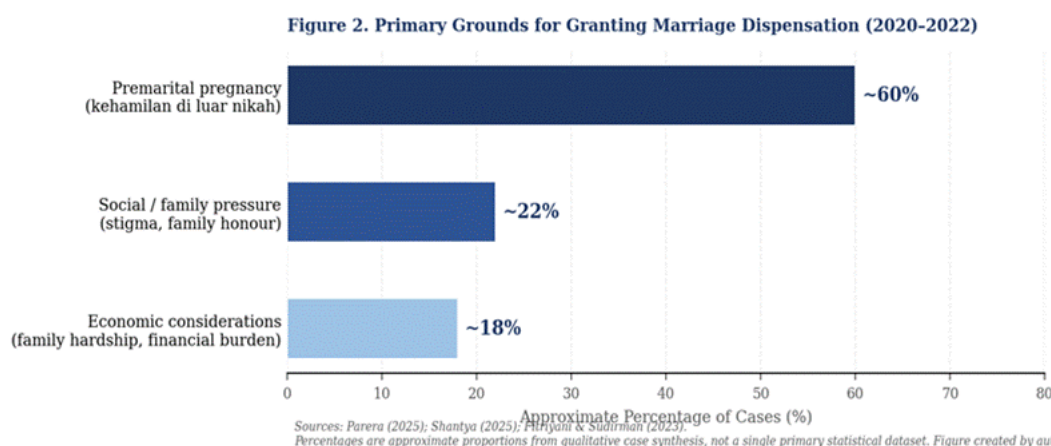


Figure 2. Primary grounds for granting marriage dispensation (2020–2022). Note. Approximate proportions synthesised from Shantya (2025), Fitriyani & Sudirman (2023). The values are illustrative of relative sizes; disaggregated national statistics are not publicly available figure created by the author.

Judicial Reasoning in Dispensation Cases

A review of published marriage dispensation decisions shows that judicial reasoning usually follows a three-part framework: juridical, philosophical, and sociological. This structure appears consistently across court levels and regions, showing both formal training and the institutional logic of religious court adjudication in Indonesia.¹⁸

The juridical dimension of judicial reasoning encompasses the citation and interpretation of the relevant statutory and regulatory framework, most prominently, Article 7(2) of Law Number 16 of 2019 and the process requirements of PERMA Number 5 of 2019. Judges routinely cite these provisions as the formal basis for their jurisdiction and their obligation to apply the best interests standard. In well-reasoned decisions, this dimension also includes references to Law Number 35 of 2014 on Child Protection and to the CRC, a ratified international instrument with domestic legal force. However, the quality of juridical reasoning varies considerably. In many decisions, statutory provisions are cited as a formality, with little substantive engagement with their content or implications for the specific circumstances of the case.¹⁹

The principle of *dar* dominates the philosophical dimension of judicial reasoning' *al-mafسادah*, the prevention of greater harm, drawn from Islamic jurisprudence and applied, in the context of premarital pregnancy cases, to reason that the harm of an illegitimate birth (with its associated stigma, lineage complications, and spiritual consequences) outweighs the harm of authorising marriage below the statutory minimum age. This reasoning reflects the application of a classical jurisprudential maxim to a contemporary social problem, and it carries considerable institutional legitimacy within the religious court system. However, it has been criticised as methodologically flawed in the dispensation context because it typically does not account for the full range of harms associated with early marriage, including obstetric risk, psychological harm, and developmental consequences that Islamic jurisprudence, properly applied, would require to

¹⁸ Umar Haris Sanjaya, "The Implementation of the Principle of Justice in Post-Nuptial Agreement towards Mixed Marriage: Hope or Challenge?," *Jurnal Hukum Novelty* 12, no. 2 (October 5, 2021): 282, <https://doi.org/10.26555/novelty.v12i2.a17856>.

¹⁹ Bruning and Doek, "Characteristics of an Effective Child Protection System in the European and International Contexts"; Ibrahim Danjuma and Karatu Afabwaje Joel, "The Legal Conundrum in the Implementation of the Convention on the Rights of the Child in Nigeria," *Sriwijaya Law Review*, January 31, 2021, 1–13, <https://doi.org/10.28946/slrev.Vol5.Iss1.603.pp1-13>.



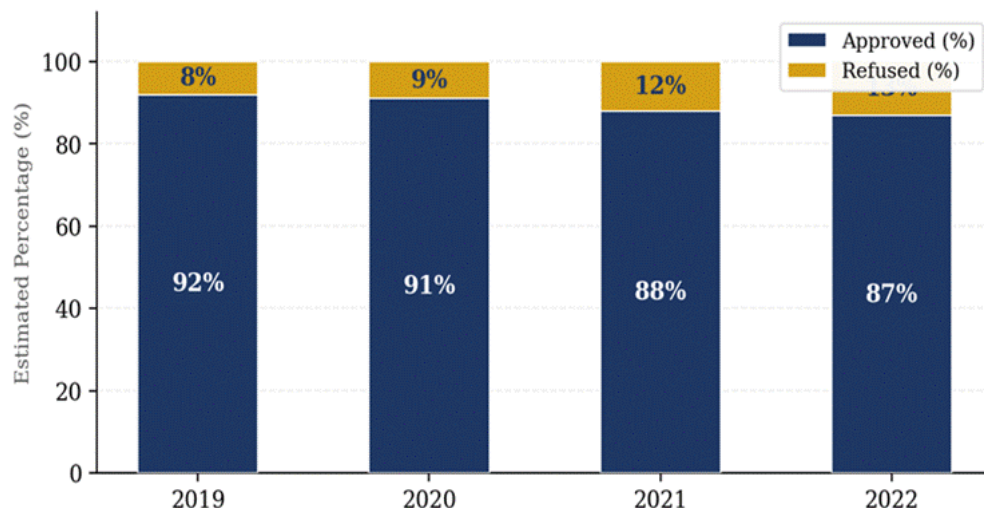
be compared with the harm of illegitimacy.²⁰

The sociological dimension considers the social context and consequences of the decision, such as the risk that denying dispensation could lead to social exclusion, psychological harm, family breakdown, or unregistered marriages that offer less protection. While this approach is partly grounded in judicial proportionality, it often leads to a focus on urgent social stability rather than the child's long-term welfare. This trade-off is rarely made explicit or thoroughly justified in written decisions.²¹

Approval and Refusal Rates and Welfare Assessment Quality

Figure 3 presents the estimated distribution of dispensation applications between approvals and refusals across the post-reform period of 2019 to 2022. Approval rates have remained persistently high throughout this period, ranging from approximately 92% in 2019 to 87% in 2022. The marginal upward trend in refusal rates from 8% to 13% over the same period may reflect incremental judicial internalisation of the child protection principles introduced by PERMA Number 5 of 2019, or it may reflect increasing judicial scrutiny in provinces in which training programmes and monitoring mechanisms have been more systematically implemented.

Figure 3. Estimated Approval vs. Refusal Rate of Dispensation Applications (2019-2022)



Sources: Muhari (2025); Purnomo (2024); Yatiti et al. (2025); Shantya (2025).
 Approval/refusal ratios are estimated from secondary literature; national disaggregated data are not publicly available from Ditjen Badilag.
 Figure created by author as illustrative synthesis.

Figure 3. Estimated approval vs refusal rate of marriage dispensation applications (2019–2022). Note. Values are estimates synthesised from Muhari (2025), Purnomo (2024), Yatiti et al.

²⁰ Akter et al., “Harmful Practices Prevail despite Legal Knowledge: A Mixed-Method Study on the Paradox of Child Marriage in Bangladesh”; Pavlos Beis, Marc Graf, and Henning Hachtel, “Impact of Legal Traditions on Forensic Mental Health Treatment Worldwide,” *Frontiers in Psychiatry* 13 (April 25, 2022), <https://doi.org/10.3389/fpsy.2022.876619>; Burhanudin Harahap, Tastaftiyan Risfandy, and Inas Nurfadia Putri, “Islamic Law, Islamic Finance, and Sustainable Development Goals: A Systematic Literature Review,” *Sustainability* 15, no. 8 (April 13, 2023): 6626, <https://doi.org/10.3390/su15086626>.

²¹ Alfiya Wicaksono, “Implications of Unregistered Marriage for Women: Profitable or Detrimental,” *NORMA* 18, no. 1 (March 5, 2021): 26–32, <https://doi.org/10.30742/nlj.v18i1.1198>; Zhang, Chen, and Wang, “Gender Bias in Child Custody Judgments: Evidence from Chinese Family Court”; Sage Wilde, Nicola Sheeran, and Heather Douglas, “The Psychological Impact on Mothers Who Have Experienced Domestic Violence When Navigating the Family Court System: A Scoping Review,” *Psychiatry, Psychology and Law* 31, no. 4 (July 3, 2024): 764–91, <https://doi.org/10.1080/13218719.2023.2214927>.

(2025), and Shantya (2025). Ditjen Badilag does not publicly report national disaggregated approval/refusal data—figure created by the author.

An important finding concerns the quality of welfare assessments in dispensation proceedings. Published decisions show that the requirement under PERMA Number 5 of 2019 to seek input from psychologists, social workers, or medical professionals is often inconsistently or infrequently followed. In many cases, judges assess the child's psychological readiness and physical condition through brief in-court examinations without professional input. These assessments are typically recorded in written decisions using formulaic statements such as the applicant 'appears physically and mentally mature' or 'understands the obligations of marriage,' which meet formal requirements but do not provide a substantive basis for evaluating the child's welfare (Hernawan, 2023; Sarip, 2024).

Table 2 synthesises the key empirical findings of this study across the dimensions examined.

Table 2

Summary of Key Findings: Marriage Dispensation Adjudication After Law No. 16/2019

Application volume	>177% increase 2018–2020; >64,000 cases in 2020 alone	Dispensation has become normalised, not exceptional; legislative intent subverted in practice
Dominant grounds	Premarital pregnancy (est. 60–80%); social/family pressure (~22%); economic factors (~18%)	Adult and social interests consistently take precedence over systematic child welfare assessment.
Judicial reasoning	Three dimensions: juridical + philosophical (dar' al-mafsadah) + sociological	Balancing exercise typically resolves in favour of immediate social stability over the child's long-term welfare.
Approval rate	Est. 87–92% approved; refusals marginally increasing (8% → 13%, 2019–2022)	Persistently high permissiveness significantly undermines the protective intent of Law No. 16/2019
Welfare assessment quality	Professional psychological/health input is rarely obtained; assessment is frequently pro forma	The best interest's principle is invoked rhetorically without a substantive evidentiary basis in most cases.
Judicial consistency	Significant variation in standards applied across judges and jurisdictions	Unpredictable outcomes; rule of law compromised; legitimate expectations of applicants undermined
Extrajudicial marriages	Nikah siri continues outside the formal dispensation process in significant numbers.	Children in unregistered unions are deprived of civil registration, legal protection, and enforceable rights

Note. Sources: Pasaribu et al. (2025); Muhari (2025); Hernawan (2023); Sarip (2024); Safira (2021); Fitriyani & Sudirman (2023).

Discussion

The Dispensation Mechanism as a Legitimising Instrument

The findings of this study are consistent with and substantially advance a body of



comparative law scholarship demonstrating that exception or dispensation mechanisms embedded in minimum marriage age legislation systematically undermine the protective intent of the principal norm when they lack adequate administrative constraints, monitoring, and organisational accountability.²² In Indonesia, this situation is especially marked because the dispensation mechanism functions within a judicial system, the religious court network (Pengadilan Agama), that is simultaneously bound by statutory child protection norms and embedded in the social and religious culture of the communities it serves. Judges in this system are not neutral arbiters among abstract legal principles; they are members of communities where child marriage remains deeply normalized, where pregnancy outside marriage entails serious social stigma, and where family-centered reasoning frequently takes precedence over individual child rights.²³

The post-2019 surge in dispensation applications illustrates what might be termed the 'hydraulic effect' of minimum marriage age legislation without structural support: raising the statutory bar does not reduce the demand for child marriage; it redirects that demand through available formal channels, increasing the volume of applications and, in doing so, creating pressures on the judiciary to accommodate rather instead of resist child marriage. This effect is documented in comparative jurisdictions as well. In Bangladesh, the Child Marriage Restraint Act of 2017 introduced a special provision allowing child marriages under 'special circumstances' with court approval, and studies found that the provision was rapidly operationalized as a normalized route to child marriage rather than a genuine exception. The Indonesian experience confirms that the legal architecture of exception matters as much as the primary rule.²⁴

The Best Interests of the Child as a Substantive Legal Standard

The principle of the best interests of the child, as codified in Article 3(1) of the CRC and given domestic legal force through Law Number 35 of 2014, constitutes the primary normative standard against which marriage dispensation decisions must be evaluated. It is important to be precise about what this principle demands, because the gap between its official invocation and its substantive application is central to the pathology this study discovers. According to the UN Committee on the Rights of the Child's General Comment No. 14 (2013), the best interests determination requires: (a) an assessment of the specific circumstances of the individual child, taking into account the child's own views; (b) a holistic evaluation of all relevant elements of the child's life situation, including health, physical and psychological development, family environment, and social conditions; (c) a weighing of these items against each other and against any competing interests; and (d) a prospective analysis of the long-term consequences of the decision for the child's welfare. This is a demanding standard. It is not satisfied by a judicial statement that the child 'appears mature' or that marriage is in the child's best interests given the

²² Supraptiningsih, "Pro and Cons Contestation on The Increase of Marriage Age in Indonesia"; Akter et al., "Harmful Practices Prevail despite Legal Knowledge: A Mixed-Method Study on the Paradox of Child Marriage in Bangladesh"; Irem Ebetürk, "Global Diffusion of Laws: The Case of Minimum Age of Marriage Legislation, 1965–2015," *European Journal of Cultural and Political Sociology* 8, no. 3 (September 1, 2021): 294–328, <https://doi.org/10.1080/23254823.2021.1887749>.

²³ Subchi et al., "Legal Policy of Child Marriage In the Covid-19 Pandemic Period."

²⁴ Ebetürk, "Global Diffusion of Laws: The Case of Minimum Age of Marriage Legislation, 1965–2015"; Denise Wiedemann, "Legal Progress and Socio-Economic Reflections on Child Marriage in Latin America," *International Journal of Law, Policy and the Family* 35, no. 1 (March 18, 2021), <https://doi.org/10.1093/lawfam/ebab008>; Andrea J. Melnikas et al., "Perceptions of Minimum Age at Marriage Laws and Their Enforcement: Qualitative Evidence from Malawi," *BMC Public Health* 21, no. 1 (December 8, 2021): 1350, <https://doi.org/10.1186/s12889-021-11434-z>; Tasya and Winanti, "Dispensasi Perkawinan Anak Setelah Adanya Perma Nomor 5 Tahun 2019."



circumstances of premarital pregnancy.²⁵

The decisions examined in this study demonstrate that Indonesian religious courts, in the majority of cases, apply a truncated version of this standard. The assessment of the child's own views is frequently conducted through a brief, judge-led courtroom exchange rather than through the kind of confidential, age-appropriate, and professionally supported conversation that the standard requires. The holistic welfare evaluation called for by General Comment No. 14 is rarely evident in written decisions; assessments typically focus on the imminent social circumstances (the pregnancy, the family's position, the community context) rather than the child's developmental trajectory over the medium- and long-term. The forward-looking analysis required by the standard is almost absent: decisions that grant dispensation based on premarital pregnancy contain no assessment of the documented risks of early marriage, obstetric complications, elevated maternal mortality, interrupted education, heightened domestic violence vulnerability that would be essential to a genuine best interests' determination.²⁶

Islamic Legal Reasoning and Contemporary Child Protection

The doctrinal intersection between Islamic jurisprudence and statutory child protection law in the marriage dispensation context is both substantively important and analytically rich. Religious court judges in Indonesia are trained in both areas and are required to apply them simultaneously; the philosophical dimension of their reasoning, as described in section 3.3, reflects this twofold normativity. The principle of *dar' al-mafsadah*, preventing the greater of two harms, is the most commonly deployed Islamic jurisprudential resource in dispensation reasoning, applied to justify marriage below the statutory age as a lesser evil relative to the harms of an illegitimate birth.²⁷

Contemporary scholarship in Islamic jurisprudence, however, provides considerable resources for a more child-protective application of *maqāṣid al-sharī'ah* in the dispensation context. Jasser Auda's systemic approach to *maqāṣid* theory, developed in his landmark work on *maqāṣid* as Islamic legal philosophy,²⁸ argues that the classical formulation of the five objectives of Islamic law, preservation of religion, life, lineage, intellect, and wealth, must be applied in their contemporary context with reference to the full range of relevant knowledge, including empirical evidence on social harm. Applied to child marriage, this systemic approach would require that *dar' al-mafsadah* reasoning account not only for the spiritual and social harm of illegitimacy but also for the empirically documented harms of early marriage harms that Islamic law, in its objective of preserving life, health (a contemporary extension of *nafs*), and intellect (*'aql*), is equally committed to preventing.²⁹ Applies this reformist framework expressly to Indonesian

²⁵ Tasya and Winanti, "Dispensasi Perkawinan Anak Setelah Adanya Perma Nomor 5 Tahun 2019"; Asuncion Fresnoza-Flot, "The Best Interests of the Child in 'Mixed' Couples' Divorce in Belgium and the Netherlands," *Oñati Socio-Legal Series* 11, no. 4 (August 1, 2021): 990–1011, <https://doi.org/10.35295/osls.iisl/0000-0000-0000-1180>; Saraswati Rika, "Accommodating the 'Best Interests of the Child' in Custody Disputes in the Indonesian System/s of Family Law," *International Journal of Law, Policy and the Family* 35, no. 1 (March 18, 2021), <https://doi.org/10.1093/lawfam/ebab011>.

²⁶ Rika, "Accommodating the 'Best Interests of the Child' in Custody Disputes in the Indonesian System/s of Family Law."

²⁷ Neng Eri Sofiana and Muhammad Ismail Sunni, "The Application of Article 53 of KHI (Islamic Law Compilation) Regarding Pregnant Marriage in Lottery Marriage," *Jurnal Ilmiah Al-Syir'ah* 19, no. 1 (June 30, 2021): 122, <https://doi.org/10.30984/jis.v19i1.1453>; Khairuddin Tahmid and Idzan Fautanu, "Institutionalization of Islamic Law in Indonesia," *AL-'ADALAH* 18, no. 1 (June 29, 2021): 1–16, <https://doi.org/10.24042/adalah.v18i1.8362>.

²⁸ JASSER AUDA, *Maqasid Al-Shariah as Philosophy of Islamic Law* (International Institute of Islamic Thought, 2008), <https://doi.org/10.2307/j.ctvkc67tg>.

²⁹ Nazir Ullah, Saidatul Nadia Binti Abd Aziz, and Rao Qasim Idrees, "Child Marriages: International Laws and Islamic Laws Perspective," *Journal of Educational and Social Research* 11, no. 3 (May 10, 2021):



family law, arguing that the maqāṣid al-sharī'ah, correctly understood, supports rather than undermines governmental efforts to raise the minimum marriage age and restrict dispensation.³⁰

Structural Conditions and Extrajudicial Child Marriage

The phenomenon of nikah siri unregistered marriages conducted under Islamic law but without civil registration represents a dimension of the child marriage problem that lies largely beyond the reach of the dispensation mechanism and, accordingly, beyond the reach of the protective safeguards that mechanism was designed to provide. Children in nikah siri unions are not subject to the procedural protections of PERMA Number 5 of 2019; they receive no psychological assessment, no judicial hearing, and no best interests determination. They are, in legal terms, invisible: their marriage is not recorded in the civil registry, their spouse has no enforceable legal obligations toward them, and in the event of dissolution, they have no recourse to family law remedies for maintenance, custody, or property.³¹

The relationship between formal dispensation and nikah siri is complex and bidirectional. In some cases, nikah siri serves as an alternative chosen by families who wish to avoid the formal court process, whether for cost, lack of legal literacy, or a preference for informal religious authority. In other cases, nikah siri is the outcome of a rejected dispensation application: if a court declines to authorize the marriage, the family may proceed informally, exposing the child to the full range of legal vulnerabilities associated with unregistered marriage, without the protections that official registration would afford. This paradox that judicial refusal of dispensation may, in practice, produce worse outcomes for the child than approval is one of the most challenging structural tensions in the current legal framework, and it illustrates the extent to which the dispensation mechanism cannot be reformed in isolation from broader social, economic, and legal infrastructure.³²

Consequences for Judicial Practice and Institutional Reform

The foregoing analysis endorses a set of concrete, feasible recommendations for reforming the adjudication of marriage dispensation in Indonesia. These recommendations, summarized in Table 3, are organized by the principal institutional actors in the system, recognizing that effective reform requires coordinated action across multiple levels rather than isolated interventions at a

60, <https://doi.org/10.36941/jesr-2021-0051>; Akter et al., "Harmful Practices Prevail despite Legal Knowledge: A Mixed-Method Study on the Paradox of Child Marriage in Bangladesh."

³⁰ Yuni Roslaili, Aisyah Idris, and Emi Suhemi, "Family Law Reform in Indonesia According to the Maqashid Al-Shari'a Perspective (A Case Study of Law No. 16 of 2019)," *Gender Equality: International Journal of Child and Gender Studies* 7, no. 2 (September 30, 2021): 183, <https://doi.org/10.22373/equality.v7i2.9397>; Puad Muzakkar Siregar, "Relevance of The Fatwa of The Indonesian Ulema Council to The Renewal of Islamic Family Law in Indonesia (Study of MUI Fatwa Number: 4/Munas VII/MUI/8/2005 on Marriage of Different Religions)," *JURNAL ILMIAH MIZANI: Wacana Hukum, Ekonomi, Dan Keagamaan* 8, no. 1 (October 1, 2021): 85, <https://doi.org/10.29300/mzn.v8i1.4865>.

³¹ Qodariah Barkah et al., "Abandonment of Women's Rights in Child Marriage; An Islamic Law Perspective," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 2 (December 31, 2022): 383–411, <https://doi.org/10.19105/al-lhkam.v17i2.6725>.

³² Rinrin Warisni, Dini Dewi Heniarti, and Neneng Nurhasanah, "Perlindungan Hak Nafkah Anak Dari Perkawinan Siri," *Tasyri': Journal of Islamic Law* 4, no. 2 (July 15, 2023): 687–715, <https://doi.org/10.53038/tsyr.v4i2.284>; Muhammad Iran Simbolon and M Sulaiman Ridwan, "Analisis Hukum Islam Terhadap Praktik Nikah Siri Di Indonesia: Studi Kritis Atas Aspek Legalitas, Perlindungan Hak Perempuan, Dan Dampaknya Terhadap Tatanan Sosial," *Journal of Legal Sustainability* 2, no. 1 (March 31, 2025): 31–37, <https://doi.org/10.63477/jols.v2i1.239>; M. Kharisma Prayuda, "Perluasan Pemanfaatan Surat Pernyataan Tanggung Jawab Mutlak (SPTJM) Bagi Pasangan Nikah Siri Dalam Mewujudkan Kepastian Dan Keadilan Hukum," *BUSTANUL FUQAH: Jurnal Bidang Hukum Islam* 6, no. 2 (August 27, 2025): 420–34, <https://doi.org/10.36701/bustanul.v6i2.2336>.

single point.

For the Indonesian Supreme Court, the priority reform is to transform the professional welfare assessment requirement from an aspirational standard into a binding procedural prerequisite. PERMA Number 5 of 2019 should be amended to require that no dispensation may be granted without a written report from a qualified psychologist or licensed social worker attesting to the child's psychological readiness for marriage, awareness of their rights, and the long-term welfare implications of the proposed marriage. The submission of this report should be a condition precedent to the court's jurisdiction to grant the application. This reform would not merely improve the quality of individual decisions. However, it would create an evidentiary record against which the adequacy of the best interest's determination could be reviewed on appeal.³³

For the Judicial Commission (Komisi Yudisial), developing a systematic monitoring and quality assurance framework for marriage dispensation decisions is essential. This system should include the periodic review of a sample of decisions from each religious court against a standardized checklist of best interests' determination requirements; the identification of outlier judges whose approval rates significantly exceed or fall below regional norms for targeted supervision and professional development; and the publication of annual reports on the state of dispensation adjudication nationwide. Such transparency would create accountability incentives and enable evidence-based policy responses.³⁴

For the Ministry of Social Affairs and the National Population and Family Planning Board (BKKBN), the policy imperative is to reduce the structural demand for dispensation by addressing its primary drivers. This requires the expansion of social welfare programmes targeting families at risk of child marriage, including monetary support for adolescent girls' educational continuation, accessible reproductive health services, and community-based counselling for families facing premarital pregnancy. Where families are diverted away from the dispensation pathway by these supports, the demand for judicial authorization of child marriage will decline organically, a reduction far more lasting than any achieved through judicial refusal alone.³⁵

Table 3: Policy and Institutional Recommendations for Strengthening Child Protection in Marriage Dispensation

Supreme Court (Mahkamah Agung)	Make professional welfare assessment a binding prerequisite for dispensation.	Amend PERMA No. 5/2019 to require a written psychologist/social worker report.	Substantive, evidence-based best interests' determination in every case
Judicial Commission (Komisi Yudisial)	Establish a quality assurance and monitoring framework for dispensation decisions	Periodic review of decisions; publication of annual monitoring reports	Judicial accountability, consistency, and improvement over time

³³ Harahap, Risfandy, and Futri, "Islamic Law, Islamic Finance, and Sustainable Development Goals: A Systematic Literature Review."

³⁴ Jie Zhang and Zong-ming Zhang, "Ethics and Governance of Trustworthy Medical Artificial Intelligence," *BMC Medical Informatics and Decision Making* 23, no. 1 (January 13, 2023): 7, <https://doi.org/10.1186/s12911-023-02103-9>; Ciro Mennella et al., "Ethical and Regulatory Challenges of AI Technologies in Healthcare: A Narrative Review," *Heliyon* 10, no. 4 (February 2024): e26297, <https://doi.org/10.1016/j.heliyon.2024.e26297>.

³⁵ Akter et al., "Harmful Practices Prevail despite Legal Knowledge: A Mixed-Method Study on the Paradox of Child Marriage in Bangladesh"; Maryse Kok et al., "Community Bylaws Concerning Sexual and Reproductive Health and Rights in Machinga District, Malawi: To What Extent Are They Responsive to Young People's Needs?," *International Journal for Equity in Health* 22, no. 1 (November 14, 2023): 237, <https://doi.org/10.1186/s12939-023-02054-7>; Melnikas et al., "Perceptions of Minimum Age at Marriage Laws and Their Enforcement: Qualitative Evidence from Malawi."



Ministry of Religious Affairs	Integrate child rights education into pre-marriage counselling programmes	Mandatory counselling for all dispensation applicants and their parents	Informed decision-making; reduction in socially-driven applications
Ministry of Social Affairs / BKKBN	Expand the social safety net, targeting structural drivers of child marriage.	Economic grants, educational support, and reproductive health access for at-risk adolescents	Structural demand reduction: alternatives to child marriage for vulnerable families
Religious Courts	Apply the best interest standard substantively and consistently in each case	Require and engage with professional welfare assessments; document reasoning fully	Decisions that genuinely protect the individual child's long-term well-being
Civil Society / NGOs	Increase community-level legal literacy and child rights awareness	Community-based programmes; engagement with religious leaders (ulama) and local elders	Gradual normative shift away from the acceptance of child marriage as a social practice

Note. BKKBN = Badan Kependudukan dan Keluarga Berencana Nasional (National Population and Family Planning Board). Source: Author's recommendations.

Conclusion

This study has critically examined the practice of marriage dispensation in Indonesia in the five years following the enactment of Law Number 16 of 2019, attending to the normative architecture of the dispensation regime, the structure and adequacy of judicial reasoning in individual cases, as well as the broader structural conditions that limit the effectiveness of legislative child protection in the marriage context. The analysis produces findings that are both analytically significant and practically urgent.

The central empirical finding is that the enactment of Law Number 16 of 2019 has not produced the reduction in child marriage that its drafters intended. The dramatic post-reform increase in dispensation applications exceeding 177% in the two years following enactment indicates that the legislation has succeeded in redirecting child marriage through a formal legal channel without substantively reducing its incidence. This diversion has, in some respects, made the problem more visible and therefore more amenable to regulatory response, but it has also created institutional pressures on religious courts to function as authorizing rather than protective bodies, processing a volume of applications that militates against the quality of individual adjudication.

The central normative finding is that the principle of the best interests of the child, as articulated in PERMA Number 5 of 2019 and required by Law Number 35 of 2014 and the CRC, is applied in marriage dispensation adjudication in a manner that is systematically inadequate. The three-dimensional judicial reasoning framework, juridical, philosophical, and sociological, that this study finds serves important functions of contextual sensitivity and doctrinal coherence, but it consistently produces decisions that prioritize prompt social stability over the child's long-term developmental welfare. Professional welfare assessments are rarely obtained; the child's own voice is imperfectly heard; and the forward-looking analysis that a genuine best interests determination demands is almost entirely absent from written decisions.

The persistence of extrajudicial child marriages through *nikah siri* represents the system's most major structural failure. Children in unregistered unions receive no judicial protection and no legal recognition, and the evidence suggests that some of these unions are the direct consequence of dispensation refusals, a paradox that illustrates the impossibility of reforming the dispensation mechanism in isolation from the wider social, economic, and legal infrastructure within which child marriage occurs.

The results carry clear consequences for policy and practice. Judicial reform through the strengthening of PERMA Number 5 of 2019, the establishment of quality monitoring, and investment in child rights training is necessary but insufficient. Structural demand reduction, through expanded social welfare provision, improved access to reproductive health services, and community-level normative change, is equally essential. Moreover, the creation of effective civil registration systems and legal aid services for children in unregistered marriages is urgently needed to ensure that those who fall outside the formal dispensation process are not rendered permanently invisible to the law.

Ultimately, the promise of Law Number 16 of 2019 can only be realized through a systemic commitment spanning legislative, judicial, executive, and civil society institutions to treating the best interests of the child not as a procedural checkbox to be satisfied in judicial decisions but as a substantive, judicially enforceable, and institutionally embedded standard that governs every dimension of the state's engagement with the phenomenon of child marriage.

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Vivi Novita Yulambang Sari: Conceptualization, Methodology, Formal Analysis, Investigation, Writing – Original Draft, Writing – Review & Editing.

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Conflicts of Interest

The author declares no conflict of interest.

Data Availability Statement

This study is based on publicly accessible legal materials, including statutory instruments, court decisions, and peer-reviewed publications. All primary sources are cited in the references below.

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