

Juridical Study of Disharmony of Regulations and Judges' Considerations in the Burden of Adult Child Support After Divorce

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Abstract

The absence of a uniform legal standard regarding the age of children in Indonesian legislation has created normative inconsistency and legal uncertainty, particularly in determining parental maintenance obligations following divorce. This study aims to analyse the regulatory disharmony concerning the legal age of children in Indonesian positive law, examine its juridical implications for legal certainty and judicial practice, and formulate a framework for legislative harmonisation based on the principle of the best interests of the child. This research employed normative legal research using statutory, conceptual, and case approaches. Primary legal materials consisted of the 1945 Constitution, the Civil Code, the Marriage Law, the Child Protection Law, the Juvenile Criminal Justice System Law, the Compilation of Islamic Law, and selected judicial decisions of the Sidoarjo Religious Court concerning child maintenance. These materials were analysed qualitatively through statutory interpretation, comparative legal analysis, and juridical examination of judicial reasoning. The findings reveal that Indonesian legislation adopts three principal age standards – 18 years, 19 years, and 21 years – reflecting sector-specific regulatory objectives but lacking normative coherence. This regulatory plurality has resulted in inconsistent judicial interpretation, particularly regarding the continuation of child maintenance for children above twenty-one years of age, thereby undermining legal certainty and the consistent protection of children's rights. The study argues that legislative harmonisation should reaffirm eighteen years as the general legal definition of a child (*lex generalis*), while preserving the nineteen-year minimum marriage age as a *lex specialis* designed exclusively to prevent child marriage. Such harmonisation would strengthen legal certainty, promote consistency in judicial decision-making, and establish a more coherent legal framework that better safeguards the constitutional rights and best interests of children in Indonesia.

INTRODUCTION

As a state governed by the rule of law, Indonesia is constitutionally committed to guaranteeing legal certainty, justice, and equal protection before the law.¹ This commitment is enshrined in Article 1 paragraph (3) of the 1945 Constitution, which affirms that all legal policies and judicial decisions must be based on principles of legal certainty and justice. One manifestation of this constitutional mandate is the protection of children's rights, including their right to receive financial support (*nafkah*) from their parents, even after the dissolution of marriage through divorce.² The right of children to maintenance constitutes a fundamental economic and social right that must be fulfilled by parents, particularly fathers, as mandated by Indonesian law. The 1945 Constitution, the Marriage Law, the Child Protection Law, and the Compilation of Islamic Law (Kompilasi Hukum Islam/KHI) collectively recognize that children are entitled to financial support necessary for their survival, education, health, and overall development.³ Consequently, the obligation to provide child maintenance does not automatically cease following divorce but continues until the child reaches the legal conditions for independence in accordance with applicable legal provisions.

Despite this normative framework, Indonesian legislation does not provide a uniform standard regarding the age at which a child is considered legally independent and no longer entitled to maintenance. Instead, numerous statutory instruments establish different age thresholds. The Civil Code (KUHPerdata) considers adulthood to be attained at the age of twenty-one years or upon marriage,⁴ whereas the Child Protection Law defines a child as a person under eighteen years of age.⁵ Likewise, the Marriage Law, the Criminal Code, and the Compilation of Islamic Law adopt different age standards depending on their respective legal objectives.⁶ These inconsistencies have created

¹ Abu Rokhmad and Sulistiyono Susilo, "Conceptualizing Authority of the Legalization of Indonesian Women's Rights in Islamic Family Law," *Journal of Indonesian Islam* 11, no. 2 (2017): 489–508, <https://doi.org/10.15642/JIIS.2017.11.2.489-508>.

² Hariri Ocviani Arma, "Pembayaran Nafkah 'Iddah Dan Mu'Ah Dalam Perkara Cerai Talak Di Pengadilan Agama," *Sakena: Jurnal Hukum Keluarga* 7, no. 2 (2022): 156–69.

³ Mochammad Muslim, "Pengaruh Konfigurasi Politik Hukum Orde Baru Terhadap Kompilasi Hukum Islam (KHI) Di Indonesia," *Al-Daulah: Jurnal Hukum Dan Perundangan Islam* 4, no. 01 (2014): 220–42, <https://doi.org/10.15642/ad.2014.4.01.220-242>.

⁴ Shavira Nazahra Ghasani and Deddy Effendy, "Keabsahan Perkawinan Beda Agama Dalam Perspektif Hukum Islam Dan Hukum Nasional," *Bandung Conference Series: Law Studies*, 2022, 847–50, <https://doi.org/10.29313/bcsls.v3i2.7231>.

⁵ Nur Jannani and Uswatul Fikriyah, "Refleksi Perlindungan Hukum Terhadap Pekerja Anak Berwawasan Gender," *Egalita* 11, no. 1 (2017): 1–23, <https://doi.org/10.18860/egalita.v11i1.4554>.

⁶ Marilang, "Dispensasi Kawin Anak Di Bawah Umur," *Al Daulah : Jurnal Hukum Pidana Dan Ketatanegaraan* 7, no. 1 (2018): 140–52, <https://doi.org/10.24252/ad.v7i1.5383>.

regulatory disharmony that weakens legal certainty regarding the duration of parental maintenance obligations after divorce.

The inconsistency of legal norms becomes increasingly problematic because child maintenance obligations are closely connected with the determination of legal adulthood. From the perspective of Islamic family law, Article 98 of the Compilation of Islamic Law explicitly provides that a child is regarded as capable of living independently upon reaching twenty-one years of age, provided that the child is not physically or mentally disabled and has never been married. Similarly, Articles 149 and 156 of the Compilation of Islamic Law require fathers to bear the costs of child maintenance until the child reaches adulthood.⁷ However, other statutory provisions define childhood using different age limits, resulting in overlapping legal standards that potentially generate conflicting judicial interpretations. Regulatory disharmony has also produced practical consequences in judicial practice. Indonesian courts have not consistently applied a single standard for determining adulthood. Some judicial decisions continue to adopt the twenty-one-year threshold, while others rely on eighteen years as the benchmark for legal adulthood. Consequently, individuals facing similar legal circumstances may receive different judicial outcomes solely because judges apply different statutory references when determining whether parental maintenance obligations should continue.

The inconsistency is particularly evident in the decisions of the Sidoarjo Religious Court. In Decision Number 1668/Pdt.G/2022/PA.Sda, subsequently affirmed by the Surabaya High Religious Court, the court granted child maintenance for a child aged twenty-four years on the grounds that the child had not yet become economically independent. Conversely, in Decision Number 1487/Pdt.G/2020/PA.Sda, which was also upheld on appeal, the court rejected a similar claim because the child had exceeded the age of twenty-one years. These contradictory decisions demonstrate that judges apply different legal reasoning in interpreting the concept of adulthood, thereby creating uncertainty in the implementation of child maintenance law.

The existence of conflicting judicial approaches indicates that the issue extends beyond differences in statutory formulation. It also reflects divergent judicial interpretations regarding whether adulthood should be measured solely by chronological age or by a child's actual economic independence. Such interpretative divergence affects not only legal certainty but also the realization of the best interests of the child, which constitutes one of the fundamental principles of child protection under

⁷ Elfia Elfia, "Ishlah Dalam Takharuj Menurut Hanafiyah Versus Ishlah Dalam Kompilasi Hukum Islam (Analisis Kebijakan Hukum)," *JURIS (Jurnal Ilmiah Syariah)* 17, no. 1 (2018): 19, <https://doi.org/10.31958/juris.v17i1.1010>.

Indonesian law. From an academic perspective, discussions concerning child maintenance after divorce have predominantly focused on judicial authority, the implementation of the Compilation of Islamic Law, or the enforcement of maintenance obligations. Comparatively limited attention has been devoted to examining how regulatory disharmony concerning the legal age of adulthood influences judicial reasoning and contributes to inconsistent judicial decisions. Accordingly, this issue presents an important research gap that warrants comprehensive juridical analysis.

Based on these considerations, this study examines three interrelated issues. First, it analyses the legal obligation of parents to fulfil child maintenance after divorce. Second, it evaluates the substance of regulatory disharmony concerning the legal age of adulthood under Indonesian legislation and its implications for legal certainty. Third, it analyses judicial reasoning in determining maintenance obligations for children above the age of twenty-one years, particularly through an examination of conflicting decisions rendered by the Sidoarjo Religious Court. Through this analysis, the study seeks to formulate a more coherent legal framework capable of harmonizing statutory provisions while strengthening legal certainty and ensuring greater protection of children's rights in post-divorce maintenance disputes.

METHODS

This study employed normative legal research (doctrinal legal research), which examines law as a system of norms embodied in statutory regulations, legal principles, judicial decisions, and legal doctrines.⁸ Normative legal research aims to evaluate the consistency and coherence of legal norms, particularly whether lower legal norms conform to higher legal norms and whether judicial decisions are consistent with prevailing legal principles. The study focuses on identifying regulatory disharmony concerning the legal age of children in post-divorce maintenance obligations and its implications for legal certainty.

This research adopted three complementary approaches. First, the statutory approach (statute approach) was used to examine legislation governing the legal status of children and parental maintenance obligations, including the 1945 Constitution, the Civil Code (KUHPerdata), the Criminal Code (KUHP), the Marriage Law, the Child Protection Law, and the Compilation of Islamic Law (KHI). Second, the case approach (case approach) was employed by analysing the *ratio decidendi* of judicial decisions concerning child

⁸ Yannis Mahil, "Contemporary Mechanisms to Reform Islamic Criminal Law: Between Legal Doctrine and Positive Law The Case of Morocco," *Journal of Islamic Law* 6, no. 1 (2025): 308–29, <https://doi.org/10.53484/jil.v6.mahil>.

maintenance, particularly Decision No. 1668/Pdt.G/2022/PA.Sda, Appeal Decision No. 388/Pdt.G/2022/PTA.Sby, Decision No. 1487/Pdt.G/2020/PA.Sda, and Appeal Decision No. 447/Pdt.G/2020/PTA.Sby. Third, the conceptual approach (conceptual approach) was applied to examine legal doctrines, principles, and scholarly opinions concerning legal adulthood, child maintenance, legal certainty, and regulatory harmonisation.

The legal materials used in this study consisted of primary, secondary, and tertiary legal materials. Primary legal materials included the 1945 Constitution of the Republic of Indonesia, the Civil Code (KUHPerdata), the Criminal Code (KUHP), Law Number 1 of 1974 concerning Marriage as amended by Law Number 16 of 2019, Law Number 35 of 2014 concerning Child Protection, Law Number 3 of 1997 concerning Juvenile Courts, the Compilation of Islamic Law (KHI), and the relevant judicial decisions analysed in this study. Secondary legal materials comprised scholarly books, peer-reviewed journal articles, legal commentaries, and other academic publications discussing family law, child protection, legal certainty, and judicial interpretation. Tertiary legal materials included legal dictionaries, encyclopaedias, and other reference materials supporting the interpretation of primary and secondary legal sources.

Legal materials were collected through a comprehensive literature review and document analysis. The collected materials were subsequently inventoried, classified, and systematically organised according to their legal hierarchy and relevance to the research questions. Comparative analysis was then conducted to identify inconsistencies among statutory provisions regulating the legal age of children. Furthermore, the *ratio decidendi* of the selected judicial decisions was examined to identify differences in judicial reasoning regarding post-divorce child maintenance for children over twenty-one years of age.

The analysis employed a qualitative prescriptive legal method. Legal materials were interpreted using statutory interpretation and systematic legal interpretation to examine the coherence of legal norms governing child maintenance. Comparative legal analysis was further applied to evaluate regulatory inconsistencies, while juridical analysis of judicial reasoning was conducted to assess the consistency of judicial interpretation. Finally, the findings were synthesised to formulate recommendations for regulatory harmonisation aimed at strengthening legal certainty and ensuring greater protection of children's rights in post-divorce maintenance disputes.

RESULT AND DISCUSSION

1. Plurality of Legal Norms Governing the Age of Majority in Indonesian Positive Law

The determination of the legal age of a child in Indonesia is characterized by normative pluralism, as various statutory instruments establish different age thresholds according to their respective regulatory objectives. Rather than adopting a single and uniform definition of childhood or legal adulthood, Indonesian legislation employs multiple standards that reflect the functional orientation of each legal regime. While such differentiation is understandable from a sectoral perspective, the absence of harmonization has created normative inconsistencies that undermine legal certainty, particularly in cases concerning post-divorce child maintenance. The Child Protection Law (Law No. 35 of 2014) defines a child as every person under eighteen years of age. This definition is consistent with the Convention on the Rights of the Child (CRC), which Indonesia has ratified, and serves as the general standard for the protection of children's civil, social, economic, and cultural rights. Similarly, Law No. 11 of 2012 concerning the Juvenile Criminal Justice System adopts the same age threshold by categorizing individuals under eighteen years as children within the criminal justice framework. The consistency between these two statutes demonstrates the legislature's intention to establish eighteen years as the general benchmark for child protection in public law.

Different standards, however, emerge in the field of family law. Law No. 16 of 2019, which amended Law No. 1 of 1974 on Marriage, stipulates that both men and women may marry only upon reaching the age of nineteen years. The increase in the minimum marriage age reflects the state's commitment to strengthening child protection by preventing child marriage and promoting physical, psychological, and social maturity before entering marital life. Consequently, although an individual aged eighteen years is no longer classified as a child under the Child Protection Law, that individual is still legally prohibited from marrying without judicial dispensation. This situation illustrates that the legal concept of adulthood in Indonesian law is not uniform but depends on the specific legal context in which it is applied.

The divergence becomes more pronounced within the realm of private law. Article 330 of the Indonesian Civil Code (KUHPerdata) provides that a person is deemed legally competent upon reaching twenty-one years of age or upon marriage. This provision governs civil legal capacity, including the ability to independently perform legal acts and enter into legal relationships. Likewise, Article 98 paragraph (1) of the Compilation of Islamic Law (KHI) stipulates that a child is considered capable of living independently upon reaching the age of twenty-one years, provided that the child is not physically or

mentally disabled and has never married. Consequently, in disputes concerning child maintenance following divorce, Religious Courts frequently rely on the twenty-one-year threshold rather than the eighteen-year standard established by the Child Protection Law.

The plurality of legal norms governing the age of majority can be summarized as follows.

Legal Instrument	Age Threshold	Legal Context	Legal Function
Law No. 35 of 2014 on Child Protection	Under 18 years	Child protection	General definition of a child and implementation of the Convention on the Rights of the Child
Law No. 11 of 2012 on the Juvenile Criminal Justice System	Under 18 years	Criminal justice	Age threshold for juvenile justice and criminal responsibility
Law No. 16 of 2019 on Marriage	Minimum 19 years	Marriage law	Minimum legal age for marriage
Article 330 of the Civil Code	Under 21 years	Civil law	General legal capacity to perform civil legal acts
Article 98 of the Compilation of Islamic Law	Under 21 years	Islamic family law	Standard for legal independence and child maintenance obligations

The coexistence of these different statutory standards demonstrates that Indonesian law adopts a sectoral approach in determining legal adulthood. From a regulatory perspective, the differentiation is not inherently problematic because each statute serves distinct legal objectives. Nevertheless, difficulties arise when these different standards intersect within a single legal issue. Child maintenance after divorce, for example, simultaneously involves constitutional guarantees of child protection, family law principles, and civil law concepts of legal capacity. As a result, judges may rely on different statutory references when determining whether parental maintenance obligations should continue after a child reaches a certain age.

Therefore, the central legal issue is not merely the existence of multiple age thresholds but the absence of normative harmonization that provides clear guidance regarding which standard should prevail in cases involving post-divorce child maintenance. This regulatory plurality creates legal uncertainty, encourages divergent judicial interpretations, and ultimately weakens the consistent protection of children's rights. Consequently, harmonizing the concept of legal adulthood across relevant statutory

frameworks becomes essential to ensure coherence within Indonesia's legal system while simultaneously upholding the principles of legal certainty, justice, and the best interests of the child.

2. Juridical Implications of the Disharmony in the Legal Age of Children

The plurality of legal norms governing the age of children in Indonesia extends beyond a theoretical inconsistency in statutory regulation. It has significant juridical implications for the implementation of law, particularly in determining legal status, legal capacity, and the protection of children's rights. The absence of a harmonized legal standard creates uncertainty for law enforcement agencies and courts when interpreting the legal consequences attached to a person's age. Consequently, individuals of the same chronological age may be subject to different legal treatment depending on the statutory framework applied.

a. Implications for the Juvenile Criminal Justice System

Within the criminal justice system, Law No. 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA) adopts eighteen years as the maximum age for categorizing an individual as a child. This classification ensures that children in conflict with the law receive special procedural safeguards, including diversion, restorative justice, and other child-oriented legal protections. The objective is to prioritize rehabilitation rather than punishment in accordance with the principle of the best interests of the child. Nevertheless, the coexistence of different statutory age limits may create interpretative challenges. Prior to the enactment of Law No. 16 of 2019, individuals who entered into marriage before reaching eighteen years of age could be regarded as adults within the context of family law, while simultaneously remaining classified as children under the juvenile justice system. Such dual legal status has the potential to generate inconsistencies in judicial reasoning regarding the application of procedural rights specifically designed for children. Although the SPPA provides a clear legal standard, differences in the legal conception of adulthood across sectors may influence judicial interpretation in individual cases.

b. Implications for Civil Legal Capacity

Regulatory disharmony is more apparent in the field of civil law. Article 330 of the Indonesian Civil Code provides that a person acquires full legal capacity upon reaching twenty-one years of age or upon marriage. Accordingly, individuals below this age generally remain subject to legal limitations in performing independent civil acts. In contrast, the Child Protection Law regards individuals aged eighteen years and above as no longer falling within the category of children, while the Marriage Law requires nineteen years as the minimum age for marriage. These different legal standards create

uncertainty in determining a person's legal capacity to perform civil legal acts. Questions may arise regarding the validity of legal transactions undertaken by individuals between eighteen and twenty-one years of age, including contractual agreements, inheritance matters, property management, litigation, and other civil legal relationships. Consequently, the determination of legal capacity becomes dependent upon the statutory framework applied rather than a unified legal standard, thereby reducing predictability and consistency within the civil justice system.

c. Implications for the Protection of Children's Rights

The inconsistency in statutory age limits also affects the institutional framework for child protection. Institutions responsible for implementing child protection policies generally rely on the Child Protection Law, which adopts eighteen years as the age threshold for childhood. Conversely, institutions responsible for marriage administration and adjudication, including the Ministry of Religious Affairs and the Religious Courts, implement the minimum marriage age established by the Marriage Law. The application of different legal standards across institutions may hinder policy coordination, particularly in programs aimed at preventing child marriage and safeguarding children's welfare. Differences in legal definitions may result in inconsistent administrative practices, fragmented legal protection, and overlapping institutional responsibilities. From a governance perspective, this situation weakens the effectiveness of an integrated child protection system because each institution operates according to different statutory benchmarks.

The juridical implications of regulatory disharmony demonstrate that the issue extends beyond mere legislative inconsistency. The absence of a harmonized concept of legal adulthood affects judicial interpretation, legal certainty, institutional coordination, and the realization of children's rights. Therefore, harmonization of statutory provisions concerning the legal age of children is essential to establish a coherent legal framework capable of ensuring consistent law enforcement while strengthening the constitutional principles of legal certainty, justice, and the best interests of the child.

3. Harmonisation of the Legal Age of Children in Indonesian Legislation: Towards Legal Certainty and the Best Interests of the Child

The regulatory disharmony concerning the legal age of children demonstrates that Indonesian legislation has yet to establish a coherent legal framework governing the concept of childhood and legal adulthood. Although the different age thresholds contained in various statutes were enacted to achieve distinct regulatory objectives, the absence of normative harmonisation has generated uncertainty in legal interpretation and inconsistent application by courts and government institutions. Consequently, legal

harmonisation should not merely pursue legislative uniformity but should ensure that every statutory provision consistently protects children's rights while maintaining legal certainty.

From the perspective of legal theory, harmonisation is intended to eliminate conflicts of norms, prevent overlapping regulations, and create coherence within the legal system. According to the principle of legal certainty (*rechtszekerheid*), legislation should provide clear and predictable standards so that legal subjects, law enforcement agencies, and courts apply the law consistently. In the context of child protection, harmonisation must also be guided by the constitutional obligation to safeguard children's fundamental rights as guaranteed by Article 28B paragraph (2) of the 1945 Constitution, which recognises every child's right to survival, growth, development, and protection from violence and discrimination. The normative foundation for harmonising legislation concerning children should therefore be based on the best interests of the child (*the best interests of the child*), which constitutes one of the fundamental principles of the Convention on the Rights of the Child (CRC) and has been incorporated into Indonesian child protection law. This principle requires that every legislative policy, judicial decision, and administrative action affecting children prioritise the child's welfare above competing legal or institutional interests. Accordingly, the determination of the legal age of children should not be viewed merely as a technical issue of statutory drafting but as an essential instrument for ensuring the effective protection of children's constitutional and human rights.

Within this framework, the first step towards legislative harmonisation is the establishment of eighteen years as the general legal standard for defining a child across all sectors of Indonesian law. This standard has been consistently adopted in the Child Protection Law and the Juvenile Criminal Justice System Law and is fully aligned with Article 1 of the Convention on the Rights of the Child, which defines a child as every human being below the age of eighteen years unless majority is attained earlier under applicable law. Establishing eighteen years as the *lex generalis* would provide a uniform legal reference for determining children's legal status across different branches of law while strengthening consistency in judicial interpretation and institutional practice.

Nevertheless, legislative harmonisation should not be interpreted as requiring absolute uniformity in every legal context. Certain statutory provisions may legitimately establish different age requirements where justified by specific regulatory objectives. In this regard, the minimum marriage age of nineteen years under Law No. 16 of 2019 should be understood as a protective legal exception (*super-protective exception*) rather

than an alternative definition of childhood.⁹ The legislative purpose of this provision is not to redefine the legal status of children but to strengthen protection against child marriage by ensuring greater physical, psychological, educational, and economic maturity before marriage. Consequently, the nineteen-year threshold should operate exclusively within the field of marriage law and should not be interpreted as modifying the general definition of a child in other legal sectors.

This interpretation is consistent with the principles of *lex specialis derogat legi generali*, whereby the Marriage Law functions as a special statute governing the specific requirements for marriage without altering the broader legal concept of childhood established under the Child Protection Law.¹⁰ Accordingly, the nineteen-year marriage requirement should remain limited to the regulation of marital capacity and should not influence the interpretation of children's rights in areas such as criminal justice, civil capacity, education, health care, or post-divorce maintenance. Such an approach preserves the protective purpose of the Marriage Law while maintaining coherence with Indonesia's broader child protection framework.¹¹ The need for legislative harmonisation becomes particularly evident in disputes concerning post-divorce child maintenance. As demonstrated by differing judicial approaches, judges frequently rely on different statutory references—including the Child Protection Law, the Compilation of Islamic Law, and the Civil Code—when determining whether parental maintenance obligations continue after a child reaches a certain age. The absence of explicit legislative guidance has contributed to inconsistent judicial decisions and reduced legal certainty for parents and children alike. Harmonisation would therefore provide judges with a coherent normative framework capable of producing more predictable and consistent judicial outcomes while ensuring that maintenance obligations continue to reflect the child's actual condition and best interests rather than relying solely on formal age classifications.

To achieve this objective, legislative reform should be undertaken by the Government and the House of Representatives (DPR) through a comprehensive review of statutory provisions regulating the legal age of children. Future legislative amendments should expressly recognise the Child Protection Law as the general legal framework (*lex*

⁹ Peraturan Pemerintah, "UU No 16 Tahun 2019," *Undang-Undang Republik Indonesia No 16 Tahun 2019 Tentang Perubahan Undang-Undang No 1 Tahun 1974 Tentang Perkawinan*, no. 006265 (2019): 2–6.

¹⁰ Netty Endrawati, "Perlindungan Hukum Terhadap Pekerja Anak Di Sektor Formal," *Jurnal Dinamika Hukum* 12, no. 2 (2012): 270–83, <https://doi.org/http://dx.doi.org/10.20884/1.jdh.2012.12.2.47>.

¹¹ Lutfan Muntaqo, "Islamic Thoughts on Interfaith Marriage in Local and Global Context," *Manarul Qur'an: Jurnal Ilmiah Studi Islam* 20, no. 1 (2020): 69–79, <https://doi.org/10.32699/mq.v20i1.1615>.

generalis) governing the definition of a child,¹² while maintaining the Marriage Law as a special legal framework (*lex specialis*) applicable solely to marriage eligibility.¹³ In addition, harmonisation should include cross-referencing provisions among related statutes, thereby reducing normative overlap and providing clearer interpretative guidance for courts and administrative institutions.

Ultimately, harmonising the legal age of children is not intended to eliminate the functional diversity of Indonesian legislation but to establish normative coherence capable of balancing legal certainty with substantive justice. A harmonised legal framework would strengthen consistency in judicial interpretation, improve coordination among state institutions, and reinforce Indonesia's commitment to protecting children's rights in accordance with constitutional principles, international human rights standards, and the overarching principle of the best interests of the child. Such reform would also contribute to a more integrated child protection system that ensures equal legal treatment while accommodating the specific objectives of individual legal regimes.

CONCLUSION

This study demonstrates that the regulation of the legal age of children in Indonesia remains normatively fragmented, with different statutory instruments adopting distinct age thresholds according to their respective regulatory objectives. The Child Protection Law and the Juvenile Criminal Justice System Law establish eighteen years as the general definition of a child, the Marriage Law prescribes nineteen years as the minimum age for marriage, while the Civil Code and the Compilation of Islamic Law continue to recognise twenty-one years as the benchmark for full civil capacity and legal independence. Although these differences were formulated to accommodate sector-specific legal functions, the absence of systematic harmonisation has created normative inconsistency and weakened legal certainty in determining children's legal status and parental obligations, particularly in post-divorce maintenance disputes.

The study further finds that this regulatory disharmony has significant juridical implications for judicial interpretation and law enforcement. The coexistence of multiple age standards contributes to inconsistent judicial reasoning regarding the continuation of child maintenance obligations, resulting in divergent court decisions involving

¹² Sutiawati Sutiawati, "Application of the Principle of *Lex Specialis Derogat Legi Generali* in Cases of Domestic Violence with Unofficial Marriage Status," *Al-Ishlah: Jurnal Ilmiah Hukum* 26, no. 2 (2023): 64–77, <https://doi.org/https://doi.org/10.56087/aijih.v26i2.465>.

¹³ Sutiawati.

substantially similar legal issues. Such inconsistency not only undermines the principle of legal certainty but also risks weakening the effective protection of children's rights by allowing different legal outcomes to depend on the statutory framework selected by the adjudicating court rather than on a coherent legal standard.

To address these challenges, this study argues that legislative harmonisation should be guided by the constitutional principle of legal certainty and the best interests of the child. The age of eighteen years should be reaffirmed as the general legal definition of a child (*lex generalis*) across Indonesian legislation, in accordance with the Child Protection Law and international child rights standards. At the same time, the minimum marriage age of nineteen years should be maintained as a special protective norm (*lex specialis*) whose exclusive purpose is to prevent child marriage rather than redefine childhood in other legal sectors. Such harmonisation would strengthen normative coherence, improve consistency in judicial decision-making, and provide a more integrated legal framework for protecting children's rights while preserving the specific regulatory objectives of marriage law.

From a practical perspective, this study recommends that the Government and the House of Representatives undertake a comprehensive legislative review to harmonise statutory provisions concerning the legal age of children and to provide explicit interpretative guidance for courts and law enforcement institutions. Future research may further examine the implementation of harmonised age standards in judicial practice across different jurisdictions and assess their impact on enhancing legal certainty and the effective protection of children's rights within Indonesia's legal system.

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