



REALITY OF MINOR MARRIAGE DISPENSATION ARRANGEMENTS IN INDONESIA AND BANGLADESH

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ABSTRACT

Law Number 16 of 2019, concerning Amendments to Law Number 1 of 1974 concerning Marriage, has substantially renewed the age of Marriage to 19 years for boys and girls as a form of government effort to reduce the number of child marriages. However, Article 7 Paragraph (2) provides opportunities for child marriages under the age of 19 years. The Court gives this opportunity through the provision of marriage dispensation. Marriage dispensation is also found in Bangladeshi marriage law. Article 19 of Bangladesh's Child Marriage Restriction Act states that girls under 18 and boys under 21 can enter into Marriage if parental or court approval can be obtained in exceptional circumstances. The prevailing marriage dispensation breaks the expectation of a decline in child marriages. This study aims to explain the provision of dispensation for Marriage to minors, which compares the arrangements in Indonesia and Bangladesh. This research is qualitative research with a normative juridical approach. Solve problems using a statutory approach and a comparative approach with data obtained through a literature study, which is described in an analytical descriptive manner. The results of the study show that there is a difference in regulating the dispensation of Marriage for minors in Indonesia and Bangladesh. The conclusion of this study shows that regulations in both countries granting dispensation for Marriage to minors are contradictory to changes in the rules for the age limit for Marriage.

Keywords: *Bangladesh. Child Marriage. Dispensation.*

1. Introduction

Community welfare is the state's responsibility. The government has a vital role in achieving prosperity for a country's society. As a facilitator and policy formulator, the government has the right to regulate legal provisions by the norms applicable in a country, including family law, especially Marriage. Marriage creates a relationship that gives birth to a family as an element in social and state life. The domestic life of a person can be a reflection of wellbeing if viewed from the aspect of physical and mental happiness, which is closely related to the biological and psychological maturity of the couple. For this reason, in a country's marriage law, determining the age limit in order

to carry out a marriage is very important, considering that in a marriage, apart from requiring biological maturity, you must also have reached psychological maturity¹.

Seeing the importance of limiting the age of Marriage for the common good, every country certainly has an age limit for Marriage, which is contained in the guidelines for citizens to realize a life after Marriage that is by its goals. The guideline is a legal provision in the form of a law, rule or legal norm.

Regarding marriage age limits, Indonesia has formally regulated legally in Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage (UU Number 16 of 2019), namely that the minimum age limit for Marriage is 19 years for men. Men and women, where previously the minimum age for Marriage was 19 years for men and 16 years for women. The minimum age limit for Marriage in Indonesia is lower than in other countries. For example, in Bangladesh, through the Child Marriage Restriction Act of 1929, amended by the Child Marriage Restriction Act of 2017, the minimum age limit for Marriage is 21 years for boys and 18 years for girls.

Through legislative updates, it seems that Indonesia and Bangladesh are reforming marriage laws to eliminate the practice of child marriage by the Sustainable Development Goals "TPB" (Sustainable et al./SDGs) targets because Indonesia and Bangladesh are currently faced with a child marriage emergency. Referring to the most recent year available for the period 2005-2013, both Indonesia and Bangladesh are in the top 10 countries with the highest absolute rates of child marriage in the world based on Multiple Indicator Cluster Surveys (MICS), Demographic and Health Surveys (DHS) and other national surveys².

¹ Emanuel Boputra, "Diskresi Hukum Dalam Pemberian Dispensasi Perkawinan," *JURNAL HUKUM, POLITIK DAN KEKUASAAN* 1, no. 1 (August 2020): 48, <https://doi.org/10.24167/jhpk.v1i1.2673>.

² Srinivas Goli, "Eliminating Child Marriages in India: Progress and Prospects." (New Delhi, 2017).

The emergency of child marriage in Indonesia is demonstrated by the publication of a research report by UNICEF and several other institutions in 2020, which estimates that as many as 1,220,900 children in Indonesia experience underage Marriage³. A similar thing also happened in Bangladesh, based on a report by a global non-governmental organization, namely the BRAC Community Empowerment Program (CEP), which focuses on the problem of child marriage and stated that in 2021, child marriage in Bangladesh will increase by 53% from the previous year. UNICEF also reports that Bangladesh is home to 38 million child brides, of whom 13 million were married before the age of 15 (UNICEF, 2019).

The phenomenon of child marriage in Indonesia and Bangladesh has the potential to occur in every community environment, followed by reasons that relate to the interests of the prospective bride and groom. In exceptional circumstances, for children whose age has yet to reach the minimum age limit for Marriage as determined by law in Indonesia and Bangladesh, this can be done after obtaining parental consent and marriage dispensation by the Court. The marriage dispensation in the Indonesian Marriage Law can be found in Article 7 Paragraph (2) of Law Number 16 of 2019, which states that applying for a marriage dispensation to the Court is permitted for minors if there is an urgent reason and is accompanied by supporting evidence. Similarly, the Bangladesh Child Marriage Restriction Act, Article 19, states that a girl under 18 years and a boy under 21 can marry if parental or court approval can be obtained in exceptional circumstances. The current marriage dispensation breaks expectations of declining marriage rates. The implication is that in Indonesia, most requests for marriage dispensation in Court are granted so this marriage dispensation is a contributing factor to underage Marriage⁴.

The ambiguity regarding regulating marriage dispensations regarding marriage age limits has given rise to more severe problems in the field. Courts

³ Kementerian PPN/ Bappenas UNICEF Indonesia, BPS, PUSKAPA UI, "Pencegahan Perkawinan Anak" (Jakarta, 2020).

⁴ Ramadhita, "Diskresi Hakim: Pola Penyelesaian Kasus Dispensasi," *De Jure Jurnal Hukum Dan Syariah*, 2014, 59.

in Indonesia are receiving applications for marriage dispensations in large numbers, increasing after these provisions change ⁵. Observing the background of the problem above, this article discusses the reality of the regulation of dispensation for Marriage for minors in Indonesia and Bangladesh, as well as the government's efforts to reduce the provision of dispensation for child marriage in Indonesia and Bangladesh.

2. Reseach Method

This research uses a type of juridical-normative research, which is based on library research. The primary data for this research are (1) Republic of Indonesia Law Number 16 of 2019 and (2) Bangladesh Law Number VI of 2017 concerning Restrictions on Child Marriage. The secondary data for this research are textbooks or other things related to the research object. This research uses a comparative and legislative approach to compare the legal regulations for marriage dispensations for minors in Indonesia and Bangladesh in these two countries. Data collection uses documentation techniques. The data obtained was analyzed using the comparative analysis and explained descriptively analytically.

3. Results and Discussion

3.1. The reality of the regulation of marriage dispensations for minors in Indonesia and Bangladesh

Article 7 of Law of the Republic of Indonesia Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage increases the minimum age for Marriage to 19 years for both men and women. In order to achieve uniformity in the Indonesian legal system, the age limits in this law apply to all Indonesian citizens without touching on religion, ethnicity and culture.

⁵ Mughniatul Ilma, "Regulasi Dispensasi Dalam Penguatan Aturan Batas Usia Kawin Bagi Anak Pasca Lahirnya UU No. 16 Tahun 2019," *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 2, no. 2 (July 2020): 133–66, <https://doi.org/10.37680/almanhaj.v2i2.478>.

The marriage law reform still gives the impression of providing an opportunity for Indonesian citizens to deviate from the provisions in Article 7 Paragraph (1). Because Article 7 Paragraph (2) explains that deviations from the minimum age limit for Marriage are permitted if both partners or one of them is a child under 19 years of age, they can still carry out the Marriage by obtaining a marriage permit from the Court through a dispensation application submitted by parents of the prospective partner, both male and female, accompanied by urgent reasons. However, Law Number 16 of 2019 henceforth does not explain the legally binding grounds for implementing marriage dispensations, so this provision becomes a legal loophole that can be violated judicially⁶.

The absence of definite explanations and limitations in the phrase "deviation" in Article 7, paragraph (2) of Law Number 16 of 2019 gives rise to multiple interpretations. However, the phrase "deviation" in Article 7 of Law Number 1 of 1974, which was cancelled by Law Number 16 of 2019 according to the Constitutional Court in Decision Number 74/PUU-XII/2014, is a form of exception permitted by law as long as a court or other official grants the exception.

The Marriage Dispensation is considered an "emergency door" if forceful things happen. The meaning of deviation still feels biased because, in Decision Number 74/PUU-XII/2014, the Constitutional Court needs to emphasize what constitutes deviation and invites parties related to the marriage dispensation to investigate what emergencies and interests can be protected when granting marriage dispensation. The Supreme Court judges in Decision Number 74/PUU-XII/2014 thought that age limits and marriage dispensations are interrelated and are considered open legal policies that can be changed or determined at any time to suit the demands of existing development needs.

⁶ Tirmidzi Tirmidzi, "KAJIAN ANALISIS UNDANG-UNDANG NO. 16 TAHUN 2019 SEBAGAI PERUBAHAN ATAS UNDANG-UNDANG NO. 1 TAHUN 1974," *USRAH: Jurnal Hukum Keluarga Islam* 1, no. 1 (November 2020), <https://doi.org/10.46773/.v1i1.105>.

Then, referring to one of the considerations in Law No. 16 of 2019, which states that the state guarantees the rights of citizens to enter into a legal marriage and form a family, the existence of a marriage dispensation is related to the fulfilment of citizens' rights by the mandate of Article 28D Paragraph (1) 1945 Constitution. As long as the request for marriage dispensation is based on good faith and is believed to bring benefits that will protect the interests of the child and is desired by the prospective couple who will marry, as explained in Article 10 of Law of the Republic of Indonesia Number 39 of 1999 concerning Human Rights, then the request for dispensation can be granted. It is bearing in mind that within the human rights framework, a valid marriage is a marriage that is based on the free consent of the couple wishing to marry. The granting of a marriage dispensation by a court judge provides legal certainty, which will later be helpful as legal evidence for couples still under the minimum age limit to implement marriage registration to declare the Marriage valid and registered. Meanwhile, Article 34 of the Population Administration Law Number 23 of 2006 states that Muslims are obliged to register their marriages at the Religious Affairs Office. Marriage registration must be carried out for non-Muslims at the Population and Civil Registration Service.

Even so, deviation from the minimum age limit for Marriage still opens up opportunities for parties who wish to apply for marriage dispensation to provide various reasons freely. The possibility of a marriage dispensation without strict regulations is counterproductive to efforts to increase the age limit for Marriage to reduce the rate of child marriage.

3.2. The Reality of Dispensation Arrangements for Marriage for Minors in Bangladesh

Regarding marriage dispensations, Bangladesh has recently regulated the same thing as Indonesia. The rules regarding marriage

dispensations can be found in Law Number VI of 2017 concerning Restrictions on Child Marriage (CMRA 2017), passed in 2017. The 2017 CMRA does not change the definition of a child as previously stipulated in the 1929 CMRA, namely women under 18 years and men under 21 years. Before the passing of the 2017 CMRA, the Marriage of minors in Bangladesh had been illegal since 1929⁷. After undergoing updates, this law means that parents no longer need to keep the Marriage of their underage children a secret. Child marriages can be carried out openly without fear of sanctions because this law adds a new provision in article 19 which explains: "...in such special circumstances as may be determined by the rules in the best interests of the minor child, upon direction of the court and with the consent of the minor's parents or guardians, it will not be considered an offense under this Law."

The 2017 CMRA is an improvement on the Child Marriage Restraint Act of 1929 (CMRA 1929) regarding the imposition of punitive measures and administrative enforcement. However, the penalties stipulated in the CMRA 2017 for parties involved in child marriages will not apply if the request for dispensation from Marriage is allowed by the Court and makes the Marriage resulting from "special circumstances" considered valid according to law. This shows that children of any age can legally marry by seeking permission from their parents/guardians and requesting dispensation from the Court in "special circumstances" to ensure the bride and groom's best interests. However, this provision does not explicitly explain the term "special circumstances" or what type of "interest" the applicant has.

Of course, this leaves significant rights groups concerned about the inappropriate use of the dispensation, which will affect the welfare of

⁷ 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 2022): 1885790, <https://doi.org/10.1080/26410397.2021.1885790>.

children who are the target beneficiaries⁸. The existence of Article 19 CMRA 2017 gives the impression that child marriage is not an unlawful act. Responding to criticism from various parties, the Bangladesh government argued that in anticipating child marriage through the formation of CMRA 2017, especially regarding "special provisions" in cases of child marriage, it had been framed by considering the socio-economic realities of Bangladeshi society⁹. According to the Prime Minister of Bangladesh, the law cannot be rigid in dealing with societal problems and requires alternative solutions in particular cases, especially in cases of unexpected pregnancy of any girl under 18 years¹⁰. This new law was enacted with special consideration to maintaining honour and protecting girls from social sanctions¹¹. The existence of marriage dispensation regulations in the 2017 CMRA is a step to avoid the practice of underhand child marriage. Providing permission to marry minors will make it easier for the government to reach girls who are at risk of child marriage.

The Bangladesh government emphasized that the subject matter of the 2017 CMRA stated that women under 18 years and men under 21 years should not marry and instructed all relevant parties to tighten the vetting process to avoid abuse of the "special provisions". Therefore, in addition to a functional Court, there need to be improvements in the birth and marriage registration system to make it more transparent, and child rights protection institutions at the community level must play a role in providing checks and balances to ensure that the legal right to marry young is not abused. Then, the Minister of Women and Children's Affairs explained that CMRA 2017 had substantively emphasized that marrying

⁸ Masudul Biswas, "Media Coverage of the Misogynistic and Controversial Child Marriage Restraint Act (2017) in Bangladesh," in *Misogyny Across Global Media*, ed. Maria B Marron (Lanham, Maryland: lexington books, 2021), 119–33.

⁹ Uzma Shukrana, "Ramifications and Solutions for Existing Child Marriage Law in Bangladesh," *Journal of Human Rights and Peace Studies* 6, no. 1 (2020): 89–106.

¹⁰ old (Bangladesh's Parliament Correspondent, 2016)

¹¹ (Bangladesh's Parliament Correspondent, 2016)

women under 18 years and men under 21 years was still a crime¹². Child marriages under "special provisions" will only be permitted if the parents/guardians can justify their reasons before a judge or specific authority. Establishing "special provisions" is necessary to ensure safety and consider children's best interests, especially women. Meanwhile, his party also explained that the 2017 CMRA was formed by formulating strict laws for anyone who tries to violate it.

Regarding law enforcement in cases of child marriage, if the perpetrator is an adult, he will be punished with a maximum prison sentence of 2 years and a maximum fine of 1 lakh Bangladeshi Taka. Similar penalties also apply to guardians, relatives or marriage registrars directly involved in a child's Marriage. The registrar's license can also be cancelled. If supervision of child marriage cases is carried out strictly by the authorities, this provision might help in reducing the number of child marriages. However, suppose supervision efforts are carried out by encouraging girls to report their parents' actions. In that case, this will put the child at risk, resulting in the child being expelled from the home and even losing the family's breadwinner if their father is arrested. This problem shows that child marriage with exceptional circumstances creates ambiguity, which will weaken legal protection for girls.

3.3. Government Efforts to Reduce the Provision of Marriage Dispensations for Minors in Indonesia and Bangladesh

Marriages under the minimum age in Indonesia continue to increase, marked by the growth in requests for marriage dispensation to judicial institutions. In 2019 there were 24,864 applications for marriage dispensation, while in 2020, there were 64,000 cases¹³. The reasons put forward by the applicant were varied, both related to legal substance and

¹² (Charity, 2017)

¹³ Mardi Candra, *Pembaruan Hukum Dispensasi Kawin Dalam Sistem Hukum Di Indonesia* (Jakarta: Kencana, 2021).

the influence of social, economic, and cultural factors in society, as well as an understanding of religion. These factors greatly influence the emergence of the practice of child marriage. Of course, each individual has reasons encouraging him to apply for a marriage dispensation.

In practice, the most common reason behind requests for marriage dispensation in several regions of Indonesia is pregnancy without Marriage¹⁴. Children who fall into the abyss of promiscuity are at high risk of becoming pregnant outside of Marriage. Pregnancy before Marriage is a severe problem and is an urgent reason for the judge to grant the request for a marriage dispensation¹⁵. In granting requests for dispensation from Marriage due to pregnancy, judges tend to consider the welfare aspect for the sake of the child.

As in Case Number 262/Pdt.P/2020/PA.Sww, the Petitioner, the parents of the prospective bride and groom, submitted a request for dispensation from Marriage because the Petitioner's 17-year-old daughter was already 3 months pregnant as a result of having sex with her future husband.

The judge in the A quo case gave legal considerations that there were no obstacles or prohibitions for the applicant's child and her future husband from getting married, except that the age requirement for the prospective wife had not reached the minimum age of 19 years as regulated in Article 6 paragraph (2) and 7 paragraph (1) of the Law Number 1 of 1974 Jo. Law Number 16 of 2019. Taking into account the condition of the prospective bride and groom who are pregnant and have the blessing of their respective parents, the two must be married because they meet the criteria for "urgent reasons", namely a situation where there

¹⁴ Sonny Dewi Judiasih, Susilowati S Dajaan, and Bambang Daru Nugroho, "Kontradiksi Antara Dispensasi Kawin Dengan Upaya Meminimalisir Perkawinan Bawah Umur Di Indonesia," *Acta Diurnal : Jurnal Ilmu Hukum Kenotariatan* 3, no. 2 (2020): 203–22.

¹⁵ Wisono Mulyadi and Anjar Sri Ciptorukmi Nugraheni, "AKIBAT HUKUM PENETAPAN DISPENSASI PERKAWINAN ANAK DI BAWAH UMUR (Studi Kasus Di Pengadilan Agama Pacitan)," *Jurnal Privat Law* 5, no. 2 (2017): 69–76, <https://doi.org/10.20961/privat.v5i2.19394>.

is no other choice, and they are very forced to immediately carry out the Marriage as stipulated in Article 7 paragraph (2) Law Number 16 of 2019 and its explanation.

The judge in the marriage dispensation case believes that granting the application for marriage dispensation will provide more benefits for the child than the judge deciding to refuse (Herviani et al., 2022). Apart from being worried about psychological harm to children, especially women, not granting the marriage dispensation application, will also give rise to the potential for unregistered (underhand) marriages. This will bring about other legal problems, especially regarding the rights of the baby being carried by the mother.

Another reason often found in applying for marriage dispensation is related to the family economy. Parents or families consider Marriage a solution to lighten their economic responsibilities¹⁶. Marriage is understood as a transfer of responsibility, where a married daughter is no longer the responsibility of her parents. However, it becomes the responsibility of her husband or the man's family.

Requests for dispensation from Marriage are submitted because parents are concerned about their children¹⁷. Many parents are afraid that their children will commit acts that violate religious norms and moral norms because their children are in a dating relationship and plan to marry their partner. Therefore, parents plan to marry their children to avoid adultery. Even though some of the reasons for applying for marriage dispensation are anticipatory, that is, they can still be returned to the role, responsibility and awareness of parents, in granting the request for marriage dispensation, the judge tries to protect and maintain

¹⁶ Brigita D. S. Simanjorang, Suriyono Suwikromo, and Rudolf S. Mamengko, "KAJIAN HUKUM PERKAWINAN ANAK DIBAWAH UMUR MENURUT UNDANG UNDANG NOMOR 16 TAHUN 2019 TENTANG PERUBAHAN ATAS UNDANGUNDANG NOMOR 1 TAHUN 1974. TENTANG PERKAWINAN," *Lex Privatum* 10, no. 1 (2022): 48–57, <https://doi.org/10.2207/jjws.91.328>.

¹⁷ Hifdul Lisan Amal and Lalu Hadi Adha, "Penerapan Usia Kawin Menurut Undang-Undang No. 16 Tahun 2019 Tentang Perubahan Atas Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan" 1, no. 2 (2021): 12–21.

the status of the child by taking into account the rules of usual fiqh which view that Marriage is a way to attract benefit and avoid more significant harm. Suppose the request for dispensation from Marriage is rejected. In that case, the judge is worried that the child will commit adultery, which will result in pregnancy out of wedlock or an illegal marriage. In essence, marriage dispensation is a way to respond to urgent situations that encourage child marriage to be carried out immediately so that the child gets national recognition for their marriage bond.

This discussion shows that problems with marriage dispensation in Indonesia lie in more than just the legal substance. Law Number 16 of 2019 (changes in the age limit for Marriage) has not been effective because it has not been balanced with public awareness of the importance of preventing child marriage. Society still needs to be fully ready to comply with the age limit for Marriage, making it difficult for the courts to realize the main objective of Law Number 16 of 2019 in reducing the number of marriages of minors. This is because the Court must think about the negative impacts that will result from rejecting the application for marriage dispensation.

Many studies state that the causes of child marriage in Bangladesh are cyclical and interrelated. Deeply rooted cultural beliefs cause these factors: the desire to protect the family's reputation, poverty, gender inequality, and dowries. Parents' desire to secure children's rights in terms of economic prosperity, protection against economic inequality from climate change and sexual harassment, and heed other applicable social norms makes society vulnerable to child marriage (Hoque & Rashid, 2020). This behaviour certainly influences the thought processes of individuals, families and Bangladeshi society so that child marriage eventually becomes a common practice. An empirical study shows that parents with poor finances are usually not interested in spending money on their daughters' education costs because they think it will not bring direct benefits. Instead, they take an easy way to reduce the financial

burden on the household by marrying off girls as early as possible. The dowry system in Marriage drives parents' desire to marry off their daughters as early as possible. Bangladesh's dowry system involves the bride's family paying money and assets to the groom's family. Parents will pay a smaller dowry amount for younger daughters, which will increase as the daughter gets older. Therefore, parents prefer to save money or take loans with high-interest rates to pay for the dowry.

The Bangladesh government has implemented various methods to reduce the number of child marriages, one of which is through "special provisions" in the 2017 CMRA. However, the regulations regarding marriage dispensations in the "special provisions", as in Article 19 of the 2017 CMRA, are often implemented incorrectly. In many cases of child marriage, the people of Bangladesh do not want to submit and deal with all the complicated legal procedures. (Ferdous et al., 2019) In addition, the lack of efficiency and commitment of policymakers/administrative officers and local government representatives in combating the phenomenon of child marriage is an obstacle to implementing the marriage dispensation. Many civil servants are not firm in their commitment to reducing the number of child marriages. As a result, bribing local officials, politicians, or the police is a common thing for parents who want to marry off their children.

Regarding registration, the Bangladesh government requires every citizen to register their Marriage, and every Marriage must be recorded in the form of a marriage certificate. Based on law, a marriage certificate is an official document that regulates the rights and obligations of a wife, husband and children. Article 61 of the Civil Code states: "Marriage is recorded in a marriage certificate in triplicate by the authority; the government agency keeps the original, and each party is given a copy of the document. The marriage certificate is submitted to the records department after being registered at a special office."

Manusher Jonno Foundation (MJF), together with Plan International Bangladesh, in the study "Rapid Analysis of Child Marriage Situation during Covid-19", stated that in 2020, at least 13,886 child marriages occurred in 21 districts. However, only around 4,866 child marriages were recorded by the Marriage Registrar¹⁸. These figures show that there are many unregistered child marriages in Bangladesh (underhand marriages). The Marriage Registrar is a local government institution that handles marriage issues. However, it is unfortunate that the Bangladesh Government still uses a traditional, uncoordinated recording system that can be easily manipulated. Several local government authorities still support the practice of child marriage in Bangladesh. Child marriages can be registered with the Marriage Registrar without a marriage dispensation/permit from the Court. Parents will bribe the Marriage Registrar, Kazi, so their child's Marriage can be carried out and registered. Parents can manipulate their children's birthdates by bribing the Kazi. Then, Kazi will register the Marriage without any age verification and validate all information related to marriage registration that has been provided by the parents of the prospective bride and groom¹⁹. so that in several cases, child marriages in Bangladesh are still registered with the Marriage Registrar even without a marriage dispensation document/permit from the Court.

Therefore, the marriage dispensation regulations in the 2017 CMRA, which aim to reduce the number of child marriages, are challenging to implement and tend to be often not enforced because they conflict with the social norms that apply within Bangladeshi society itself.

¹⁸ (Manusher Jonno Foundation(MJF), 2021)

¹⁹ Md. Shahidur Rahaman et al., "Development of an Intelligent Platform to Digitize Marriage, Empower Married Couple for Life and Family Wellbeing Towards Digital Bangladesh," in *2018 21st International Conference of Computer and Information Technology (ICCIT)* (IEEE, 2018), 1–6, <https://doi.org/10.1109/ICCITECHN.2018.8631919>.

4. Conclusion

The marriage dispensation arrangements in Indonesia and Bangladesh aim to legalize marriages carried out by minors, and this is contradictory to the regulations regarding the age limit for Marriage. There are conflicting articles in the Republic of Indonesia Law Number 16 of 2019, namely Article 7 Paragraph (1) concerning the minimum age limit for Marriage, which conflicts with Article 7 Paragraph (2) concerning applications for Marriage permits for minors to the Court. So, this law triggers child marriage. Meanwhile, the Bangladesh government finds it challenging to implement marriage dispensation arrangements. This is because Bangladeshi society tends to ignore statutory regulations and avoid legal procedures considered complicated and contrary to the age limit for Marriage as stated in the 2017 CMRA. Bangladeshi society prefers the quick way of bribing the authorities so that child marriages can be carried out immediately.

The government needs to review the effectiveness of Law Number 16 of 2019, especially regarding conflicting articles. A review needs to be carried out because the possibility of marriage dispensation for minors harms the aim of changing the minimum age limit for Marriage, namely to save all children from Marriage.

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