



## **DYNAMICS OF MARRIAGE DISPENSATION IN PANGKALAN BUN: IMPLICATIONS FOR CHILDREN’S RIGHTS AND PROTECTION**

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### **ABSTRACT**

Dispensation of marriage is one of the issues that often becomes a concern in the context of child protection in Indonesia, including in West Kotawaringin Regency, especially in Pangkalan Bun. This study analyzes the dynamics of marriage dispensation in Pangkalan Bun and its implications for children’s rights and protection. The research method used a qualitative approach with primary data obtained through in-depth interviews with religious courts, child protection organizations, community leaders, and families who applied for marriage dispensation. The results showed that marriage dispensation is often used due to economic factors, pregnancy outside marriage, and social pressure. However, this practice has the potential to violate children’s rights, such as the right to education, health, and protection from exploitation. This article recommends strengthening regulations, improving community education, and improving access to child protection services to reduce the negative impact of marriage dispensation.

**Keywords:** *Marriage Dispensation, Children’s Rights, Child Marriage, Child Protection*

### **INTRODUCTION**

Dispensation to marry is a license the court grants prospective brides and grooms who have not met the minimum age limit for marriage as stipulated in the Marriage Law. In Indonesia, the minimum age of marriage has been raised to 19 years through the revision of Law No. 16/2019 on the Amendment to Law No. 1/1974 on marriage (Sekretariat Negara Republik Indonesia, 2019), which aims to reduce the number of child marriages and provide better protection of children’s rights, especially in terms of education, health, and welfare. Despite this, marriage dispensation remains a significant phenomenon, especially in certain areas such as Pangkalan Bun, West Kotawaringin Regency, and Central Kalimantan, where social, cultural, economic, and educational factors still have a significant influence on families’ decisions to marry off their children below the stipulated

age. Many families apply for dispensation to marry on the grounds of out-of-wedlock pregnancy, social pressure, or difficult economic conditions, which are considered better addressed by early marriage than allowing their children to face negative stigma from society (Romadhon, 2024). In the process, the court has an essential role in assessing whether a dispensation application should be granted by considering the best interests of the underage bride and groom, including ensuring that they are not forced or pressured into marriage. In addition, factors such as psychological readiness, reproductive health, and the long-term impact on their lives are also considered in the court's decision. Despite strict regulations, data shows that applications for marriage dispensation continue to be filed, indicating that the challenge in reducing child marriage in Indonesia is still great. Therefore, there is a need for synergy between the government, communities, and educational institutions in providing education and alternative solutions for families, not making marriage the only way out of the problems faced by their children.

Pangkalan Bun, as the administrative center of West Kotawaringin Regency, is characterized by a heterogeneous society with a strong local culture, where customary values and social norms still strongly influence people's lives, including in terms of marriage (Romadhon, 2024). In this context, marriage dispensation is often seen as a solution for couples facing various problems, such as out-of-wedlock pregnancy, family pressure, or difficult economic conditions, so many parents prefer to marry off their children at an early age rather than face the social stigma that can be detrimental to family honor (Romadhon, 2024). However, this practice raises serious questions regarding children's rights and protection, given that early marriage can have negative impacts on children's physical, psychological, and social well-being, including the risk of school dropout, limited access to decent work, and a high likelihood of experiencing domestic violence (Amri & Khalidi, 2021). In addition, girls who marry early are more vulnerable to health complications during pregnancy and childbirth, which can threaten their safety and that of the unborn child. Therefore, although marriage dispensation is still allowed under certain conditions, there needs to be strict supervision and education in the community so that child marriage is no longer used as the primary solution to social problems that occur.

This study aims to answer two main questions: What are the dynamics of marriage dispensation in Pangkalan Bun, and what are the implications of marriage dispensation for children's rights and protection? The phenomenon of marriage dispensation remains a significant problem in Pangkalan Bun, where social, cultural, economic, and educational factors influence

family decisions to marry children below the minimum age of marriage. The gap shows that even though regulations have set a minimum age of marriage, the practice of marriage dispensation is still often proposed, reflecting challenges in policy implementation. Therefore, this study aims to understand the factors behind applying the dispensation of marriage and its impact on children regarding physical, psychological, and social well-being. The rationale for this research is based on the importance of protecting children's rights and the need for more effective policies to prevent early marriage. The implications of this research are expected to contribute to the formulation of policies that are more responsive to child protection, as well as increasing public awareness of the negative impacts of early marriage. Thus, this research can serve as a basis for the government and other stakeholders in designing more comprehensive and sustainable interventions.

## **METHOD**

This study uses a qualitative and descriptive-analytic approach (Muhaimin, 2020) to understand the dynamics of marriage dispensation in Pangkalan Bun. Data were collected through in-depth interviews with various parties involved in the marriage dispensation process, including judges of the Pangkalan Bun Religious Court who handle dispensation applications, members of the Child Protection Agency (LPA) who have a role in child protection advocacy, community leaders who understand local social and cultural norms, and families who have applied for marriage dispensation to understand the motives and reasons behind the decision. In addition, this study also relied on secondary data obtained from official documents, such as court decisions related to marriage dispensation, statistical reports on the number and trends of marriage dispensations in the region, and academic literature discussing the impact of early marriage. In analyzing the data, this study applied thematic analysis techniques, in which the collected data were grouped based on key themes, such as the factors causing marriage dispensation, the process of applying for dispensation, and the impact on children from various aspects, including physical, psychological, educational and social well-being. This study applied source and method triangulation, meaning that data were compared from different sources and approaches to ensure consistency and validity of findings to ensure the validity of the data. This approach is expected to provide a comprehensive picture of marriage dispensation in Pangkalan Bun and provide a basis for more appropriate policy recommendations to protect children's rights and prevent early marriage. Thus, the results of this

study are expected to be considered by the government, child protection agencies, and the community in designing a more effective strategy for handling marriage dispensation.

## RESULT AND DISCUSSION

### Dynamics of Marriage Dispensation in Pangkalan Bun

**Table 1.** Dominant factors in marriage dispensation cases in Pangkalan Bun

No.	Causal Factors	Description
1	Pregnancy Outside of Marriage	The main factor driving the application for dispensation of marriage. Pregnancy before marriage is considered a disgrace in society, so families tend to choose to marry off the couple as soon as possible to maintain the family's good name.
2	Social and Cultural Pressures	Social norms in Pangkalan Bun are still strong in regulating relationships between individuals. Suppose a couple's relationship is known to the community. In that case, the family will be under pressure to marry them off immediately, even though they are not yet of the minimum age for marriage.
3	Economic Factors	Economically weak families tend to see marriage as a solution to reduce the financial burden. Marrying their children can shift economic responsibility to the couple or their family.

The data shows that pregnancy outside marriage is the leading cause of marriage dispensation applications in Pangkalan Bun. The community still upholds social norms that consider pregnancy outside of marriage to be shameful, so families prefer to marry off their children even though they are not legally old enough. In addition, social and cultural pressures also play a role in encouraging early marriage, where couples who have been known to have a relationship by the community are considered to be married so as not to cause disgrace to the family. In addition to social and cultural factors, economic aspects also influence the decision to marry off children at a young age. Families with low economic conditions often consider marriage as a solution to reduce the financial burden, especially if girls are married off to more established partners.

Applying for marriage dispensation at the Pangkalan Bun Religious Court is relatively straightforward, but the community still has little understanding of the negative impacts of early marriage. It is a significant challenge as many families apply for marriage dispensation without considering the long-term risks, such as school dropouts, future economic limitations, and the potential for domestic conflict. Therefore, broader education is needed so that people understand the consequences of early marriage and can find alternative solutions to early marriage.

**Table 2:** Interview Results with Related Parties

No.	Source	Statement
1	Judge of Pangkalan Bun Religious Court	"Most of the marriage dispensation cases filed with the courts are due to pregnancy outside of marriage. Many parents feel that marrying off the child is the best solution to avoid social stigma, even though the child is underage."
2	Member of Child Protection Agency (LPA)	"We often find cases where children who are married off because of marriage dispensation experience household problems, such as domestic violence or early divorce. The lack of public understanding children's rights is one of the main causes of the high number of marriage dispensations in Pangkalan Bun."
3	Community Leaders	"In our culture, maintaining family honor is very important. If a girl gets pregnant before marriage, her family will marry her off immediately to avoid becoming the talk of the community. This social pressure makes it difficult for families to find alternatives."
4	Parent of Applicant for Dispensation of Marriage	"We have no choice but to marry off our child. Otherwise, the family will be ashamed. Besides, by getting married, our child can earn a living and no longer be our dependant."
5	Teenagers who Married under Dispensation of Marriage	"I initially agreed to get married because my parents suggested it. But after getting married, I felt a lot of pressure, including quitting school and facing economic problems I hadn't imagined before."

Based on the interviews, it can be concluded that the main factors driving marriage dispensation in Pangkalan Bun are pregnancy outside marriage, social pressure, and economic factors. Religious Court judges confirmed that the majority of marriage dispensation applications are filed by families who want to maintain their good name due to pregnancy before marriage. Cultural pressure is also a strong reason, as stated by community leaders who emphasized that social norms in Pangkalan Bun still demand that couples marry immediately if their relationship becomes public. The Child Protection Agency (LPA) highlighted the negative impacts of marriage dispensation, such as early divorce and domestic violence. Statements from teenagers who married under the dispensation of marriage also revealed that they often experienced difficulties after marriage, including dropping out of school and economic pressures. It indicates that many children who marry early are not mentally and financially ready to establish a household. The results of these interviews show that marriage dispensation is still a complex phenomenon with various

factors behind it. Therefore, more substantial interventions are needed in education, family assistance, and stricter policies to limit this practice to protect children's rights.

The results of this study show that the dispensation of marriage in Pangkalan Bun is driven by three main factors: out-of-wedlock pregnancy, social and cultural pressures, and economic factors. This phenomenon reflects complex social dynamics, where child marriage is still considered a solution to maintain family honor or overcome economic limitations. Although national regulations have set a minimum marriage age of 19 years through Law No. 16 of 2019 (Sekretariat Negara Republik Indonesia, 2019), marriage dispensation is still rampant, indicating a gap between legal policy and social reality. This finding is in line with research conducted by Sriono et al. (2023), who found that the dispensation of marriage in several regions in Indonesia is still dominated by social norms that require women to marry as soon as they are known to have a relationship with the opposite sex. In addition, research from Psaki et al. (2021) revealed that economic factors are one of the main drivers, where families with financial limitations tend to see child marriage as a strategy to reduce the economic burden. The research emphasizes that marriage dispensation is not only a legal issue but also a reflection of the social system still deeply rooted in society.

The results of interviews with various parties indicate that pregnancy outside of marriage is the main factor driving the application for dispensation of marriage. It was reinforced by a statement from a Pangkalan Bun Religious Court judge who stated that most marriage dispensation applications were filed because the bride-to-be was pregnant before marriage. In a society that still upholds norms of decency, pregnancy outside of marriage is considered a disgrace that must be resolved immediately through marriage. This phenomenon is also confirmed by Anam's (2024) research, which found that in many areas, early marriage is often used as a way to cover up social "mistakes" associated with pregnancy before marriage. In addition, social and cultural pressures are also significant factors. The community leaders interviewed revealed that maintaining family honor is very important in the local culture. Suppose a teenager's relationship with their partner is known to the community. In that case, the family will feel pressured to marry them off immediately, even though they are still below the minimum age set by law. In various Indigenous communities, social status and family honor are the main factors in determining marriage decisions, often overriding the mental and economic readiness of children (Smith et al., 2012).

Meanwhile, economic factors also play a role in encouraging the practice of marriage dispensation. In interviews with parents of marriage dispensation applicants, it was found that some

families chose to marry off their children early in the hope of reducing the financial burden. By getting married, girls will be under the responsibility of their husbands, so the family no longer has to bear their living expenses. Early marriage is a strategy to reduce the economic pressure on many families with weak financial conditions (Wahhaj, 2022). Unfortunately, this strategy can worsen socio-economic conditions in the long run because children who marry early generally do not have enough education to improve their lives. The dynamics of marriage dispensation that are still rampant show that existing legal regulations have not been fully effective in limiting the practice of early marriage. Although Law No. 16/2019 has tightened the rules on marriage age limits, legal loopholes in marriage dispensation still allow this practice to continue. Weak supervision and lack of public awareness about the negative impacts of child marriage are the main challenges in efforts to protect children's rights. The results of this study also show that marriage dispensation had a profound effect on children's rights, as noted in interviews with various parties. Secondary school teachers mentioned that many children who marry early end up dropping out of school, depriving them of the opportunity to get a better education. In addition, health workers at Puskesmas revealed that early marriage increases the risk of pregnancy and childbirth complications that can endanger girls' health. Women who marry before the age of 19 have a higher risk of health complications due to pregnancy and childbirth and are not biologically ready (Fafard St-Germain et al., 2022).

In addition, the psychological aspect is also a serious concern. Psychologists interviewed stated that children who marry early often experience severe emotional distress, which in some cases can lead to prolonged stress and depression. This statement is supported by research from Chavda & Nisarga (2023), who found that children who marry early are more vulnerable to mental disorders due to a lack of readiness to face household responsibilities. The implication of this study is the need for stricter policies to limit the practice of marriage dispensation and increase education to the public about the harmful effects of early marriage. The government and related institutions must play a more active role in assisting families so that they understand that marriage is not the only solution to overcome social pressure or economic problems. In addition, it is necessary to strengthen regulations that ensure that marriage dispensation is only granted under certain conditions, carefully considering various aspects, including mental readiness, economy, and protection of children's rights.

In addition to policies, community-based approaches are also essential to change social norms that still support child marriage. Socialization of the negative impacts of early marriage must be

expanded, especially to parents and community leaders who have significant influence in decision-making regarding child marriage. Without intense interventions, the practice of marriage dispensation will continue and potentially worsen the socio-economic conditions and welfare of children who are victims of this practice. Thus, this study confirms that marriage dispensation is not just a legal issue but also a social problem that must be addressed through a multidimensional approach. Stricter regulations, extensive education, and changes in social norms are essential steps in reducing the number of child marriages and ensuring optimum protection of children's rights.

### **Implications for Child Rights and Protection**

**Table 3:** Implications of Marriage Dispensation on Children's Rights and Protection

<b>No.</b>	<b>Affected Aspects</b>	<b>Impact Description</b>
1	Right to Education	Children who marry early tend to drop out of school because they must take care of the household or face social pressures. It reduces their chances of getting a higher education and improving their lives.
2	Reproductive Health	Girls who marry early have a higher risk of pregnancy and childbirth complications because their bodies are not biologically ready. It can lead to various health problems, including the risk of maternal and infant mortality.
3	Psychological and Social	Children who marry early are often not mentally and emotionally prepared for married life. They are more vulnerable to psychological pressure, stress, and even depression due to heavy household responsibilities.
4	Child Protection	Dispensation of marriage shows the weakness of child protection at the local level, especially in the implementation of regulations and supervision. Lack of public awareness and weak law enforcement have caused this practice to remain rampant.

The table shows that marriage dispensation seriously impacts children's rights and protection in various aspects. In the area of education, children who marry early are often forced to drop out of school because they have to take care of the household or face social pressure from the neighborhood. Losing access to education hinders their development and reduces their chances of getting a decent job. In terms of reproductive health, early marriage increases the risk of pregnancy and childbirth complications, especially for girls who are not biologically ready to become pregnant. It has the potential to cause various health problems, including high maternal and infant mortality due to high-risk pregnancies.

Psychologically and socially, children who marry early are often not ready to face domestic life. This mental unpreparedness makes them more vulnerable to emotional distress, stress, and even domestic conflicts that lead to early divorce or domestic violence. In addition, the high number of marriage dispensations reflects weak child protection at the local level. Although national regulations have been tightened, implementation in the field still faces many challenges, such as a lack of socialization on the impact of child marriage and weak law enforcement against this practice. Therefore, concrete measures are needed to strengthen child protection, such as increasing public awareness, enforcing stricter policy interventions, and supervising marriage dispensation applications.

**Table 4.** Results of Interviews on the Implications of Marriage Dispensation for Children's Rights and Protection

No.	Source	Statement
1	Secondary School Teacher in Pangkalan Bun	"Many students suddenly quit school after marriage. They find it difficult to continue their education because they have to take care of the household or are pressured by family and spouse to focus on married life."
2	Health Center Health Officer	"We often deal with high-risk pregnancy cases in teenagers who marry young. They are not physically ready to conceive and give birth, so they are more prone to complications, such as anemia, premature labor, and even death of mother and baby."
3	Child and Adolescent Psychologist	"Children who marry early often experience tremendous emotional stress. They are not mentally mature enough to cope with home life, which often leads to prolonged stress, anxiety, and even depression."
4	Child Protection Activist (LPA)	"The marriage dispensation shows the weakness of child protection in this area. Many families do not understand the negative impact of early marriage, so they tend to marry off their children without considering the consequences in the future."
5	Teenagers who Married under Dispensation of Marriage	"I used to think marriage was the best solution, but after getting married, I felt a lot of pressure. I couldn't go to school anymore, fought a lot with my husband, and felt like I was losing my teenage years."

Based on the interviews, it can be concluded that marriage dispensation has a broad negative impact on children's rights and protection. Secondary school teachers revealed that many students have to drop out of school after marriage, limiting their opportunities for proper education. It reinforces

the finding that early marriage impedes children's right to education. In terms of health, health center staff highlighted the high risk of pregnancy complications among adolescents who marry early. Their physical condition, which is not yet ready for pregnancy, increases the risk of problematic labor, potentially even threatening the lives of mothers and babies. It proves that marriage dispensation has an impact on girls' reproductive health. Psychologically, an interview with a child and adolescent psychologist showed that children who marry early often experience severe emotional distress. Mental unpreparedness in facing household responsibilities can lead to stress, anxiety, and depression. It was reinforced by the testimony of a teenager married under the dispensation of marriage, who expressed feelings of losing her teenage years and facing various conflicts in the household. In addition, interviews with child protection activists (LPAs) showed that marriage dispensation is still evidence of weak implementation of child protection policies at the local level. Families' lack of understanding of the impact of early marriage means that the practice continues to occur despite the tightening of national regulations. Therefore, further efforts are needed to raise public awareness of the dangers of child marriage and strengthen monitoring and law enforcement related to marriage dispensation.

The results of this study show that marriage dispensation has a significant impact on children's rights and protection, especially in the aspects of education, reproductive health, and psychological and social well-being. Children who marry early tend to drop out of school, face a high risk of pregnancy and childbirth complications, and experience severe emotional distress due to mental unpreparedness for marriage (Atif et al., 2021). In addition, the weak implementation of child protection at the local level exacerbates this condition, where supervision of marriage dispensation has not been optimal. These findings indicate a gap between the regulations tightened through the revision of Law No. 16/2019 and the social reality in the community. This finding is consistent with research conducted by Mrayan & Obeisat (2021), which states that children who marry early experience many obstacles in accessing their fundamental rights, especially the rights to education and health. The study also showed that children who marry early are more vulnerable to domestic violence because they do not yet have the emotional maturity to deal with marital conflicts. It is reinforced by a study from Insani et al. (2024), which revealed that weak supervision of marriage dispensations has allowed this practice to continue despite the existence of policies restricting child marriage. Thus, further efforts are needed to ensure that children's rights are indeed

protected and the practice of marriage dispensation does not become a legal loophole that ignores children's welfare.

In addition, gender inequality in access to education is further exacerbated by child marriage. Many girls are forced to leave school because they are considered better at caring for the household than continuing their education. Research by Suyanto et al. (2023) shows that girls who marry early have a lower chance of returning to school after marriage than boys. It shows that early marriage not only affects the individuals who marry but also reinforces gender inequality in education. In addition to hindering access to education, marriage dispensation also hurts children's reproductive health. Interviews with health workers at the Puskesmas showed that children who marry early are more vulnerable to complications of pregnancy and childbirth. Their bodies that are not fully mature for pregnancy increase the risk of anemia, premature labor, and death of mothers and babies. In addition, early marriage also increases the risk of sexually transmitted infections (STIs) because children who marry early often do not have sufficient understanding of reproductive health. A low level of sexual education in society means that many children who marry early do not have access to adequate reproductive health information (Diaz, 2024). As a result, they are more vulnerable to various diseases and health complications that can have long-term impacts. Reproductive health problems experienced by children who marry early are also closely related to their psychological unpreparedness in facing sexual life and marriage. Many children who marry early experience psychological distress because they are not physically or emotionally prepared for the marriage relationship. It can increase the risk of domestic violence, especially in the form of sexual violence. Another concern in this study is marriage dispensation's psychological and social impact. Interviews with psychologists show that children who marry early often experience high emotional pressure because they are not mentally mature enough to face the responsibilities of marriage. They tend to experience stress, anxiety, and even depression because they have to adjust to a new role that they are not ready for. The main factors that lead to this low life satisfaction are emotional and economic unpreparedness, which causes domestic tension. In addition, children who marry early are also more prone to domestic conflict and divorce because they do not yet have good Communication and conflict management skills.

The psychological impact of child marriage can also lead to social instability. Children who marry early often miss out on opportunities to socialize with peers and feel isolated from their environment. It can result in low self-confidence and social skills, affecting their chances of securing

decent employment. Based on these findings, it can be concluded that marriage dispensation has a profound impact on children's rights, especially in terms of education, reproductive health, and psychological and social well-being. Therefore, strategic steps are needed to tighten regulations related to marriage dispensation so that it does not become a legal loophole that ignores child protection. The government must improve oversight of granting marriage dispensations and ensure that dispensation applications are only given in urgent circumstances. In addition, public education on the negative impacts of child marriage should be expanded, primarily through outreach programs involving community leaders, educators, and health workers. In addition to stricter policies, community-based approaches are also fundamental in changing social norms that still support child marriage. If these efforts are not made immediately, the dispensation of marriage will continue to pose a threat to children's rights and welfare, which in turn could hamper the development of quality human resources in the future.

## **CONCLUSION**

This research reveals that marriage dispensation in Pangkalan Bun is a complex phenomenon influenced by social, cultural, and economic factors. Although often perceived as a solution to problems such as out-of-wedlock pregnancies and social pressure, the practice contributes to violations of children's rights. It creates long-term negative impacts, including school dropouts, reproductive health risks, and psychological unpreparedness. Weak implementation of regulations and lack of public awareness further exacerbate this condition. Therefore, strategic measures are needed to reduce the number of marriage dispensations and strengthen child protection, including strengthening regulations by tightening the requirements and procedures for applying for marriage dispensation, increasing public education on the dangers of early marriage and the importance of protecting children's rights, and expanding access to child protection services, including psychological counseling, comprehensive sexual education, and legal assistance for families vulnerable to early marriage. Implementing this policy is expected to create a safer and more supportive environment for children in Pangkalan Bun so that their rights can be optimally fulfilled. In addition, further research is needed to evaluate the effectiveness of the policy and identify challenges in its implementation to improve overall child protection.

## RECOMMENDATION

Strategic measures such as tightening regulations, increasing public education, and expanding access to child protection services are needed to reduce marriage dispensation in Pangkalan Bun and ensure optimal fulfillment of children's rights.

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