

Legal Protection For Adolescents Against Reproductive Health Rights In Minor Marriages

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Legal Protection For Adolescents Against Reproductive Health Rights In Minor Marriages

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ABSTRACT

Indonesia ranks seventh highest in the world in terms of early marriage, with many teenagers under the age of 19 entering into early marriage in Demak City. To describe and analyze the implementation of legal protection for teenagers regarding reproductive health rights in underage marriages, in Mranggen District, Demak Regency. De-scriptive analytic with a qualitative sociological juridical approach, as well as purposive sampling. Primary data was obtained through interviews, documents from related institutions, and direct observation, while secondary data was extracted from books, journals, and other literature. Data collection techniques include field and library studies, with data processing through examination, verification, classification and systematization of data, which is then analyzed qualitatively. Adolescents' knowledge of reproductive health rights in underage marriage requires a comprehensive approach. Even though there are regulations governing marriage age limits and dispensation procedures, their implementation is still closely related to social and cultural factors; Protection of the reproductive health rights of adolescent girls in underage marriages has been guaranteed by the government in accordance with the 1945 Constitution, the Health Law, and PP Kespro 61 of 2014, but its implementation is still not optimal; Factors that influence the implementation of legal protection include low levels of formal education, lack of parental supervision, as well as the influence of promiscuity and inadequate understanding of religion.

Keywords: early marriage; legal protection; reproductive health rights; teenagers;

INTRODUCTION

Health Law is "a series of legal provisions, both written and unwritten which relate directly or indirectly to health, the relationship between patients or the public and health workers in efforts to implement health (Wahi et al., 2019). Reproductive health is defined as a state of overall health both mentally, physically, and social. Reproductive health is not limited to diseases or disorders of the reproductive system, function or process (Sripad et al., 2024).

In Cairo, Egypt, in 1994, the International Conference on Population and Development (International Conference on Population and Development) pays attention to reproductive health problems from various countries (Mutea et al., 2020). One of the countries with the highest rate of early marriage is Indonesia (Win et al., 2024). According to UNICEF data, Indonesia is in the 7th highest position in the world and in 2nd place after Cambodia in ASEAN. Central Java is one of the three provinces with the highest absolute number of incidents of child marriage (Cunningham & Saleh, 2024). In the last ten years,

the prevalence of child marriage in rural areas has decreased by 5.76 percentage points, while in cities it has only decreased by less than 1 percentage point (Beyene et al., 2024). In 2018, approximately 1 in 100 men aged 20-84 years in rural and urban areas had their first marriage before the age of 18. This occurs in rural areas at 16.87% and in urban areas at 7.15%. Just like girls who marry early, boys who marry early are also higher in rural areas, at 1.44%, and in cities, at 0.77% (Phiri et al., 2023).

A study conducted by the Indonesian Ministry of Health shows that 2.6% of women aged 10-54 years were married for the first time at the age of less than 15 years, and 23.9% were married at the age of 15-19 years. This shows that around 26% of underage women marry before the functions of their reproductive organs develop optimally (Boku et al., 2024). However, Cambodia is the second country with the highest rate of child marriage in ASEAN. Apart from that, educational, economic, socio-cultural issues, and of course religious beliefs are some of the factors that contribute to the high rate of early marriage in Indonesia (Daraz et al., 2023).

A preliminary study conducted by researchers at the Ministry of Religion of Demak Regency found that there were still many teenagers under 19 years of age who married underage. According to data obtained from Islamic Guidance, it is stated that in 2023 there will be 50 teenage boys and 257 teenage girls who will marry underage. And in Mranggen District, Demak Regency, there are 14 teenage boys and 28 teenage girls who are married under age (General Assembly, 1989). Experimental disciplines. In this realm, the effect of learning can be partial for students who have not studied clinical disciplines such as internal science (Organization, n.d.). Besides, the overload of content and resources may be considered as a challenge for learning pharmacology course in university context. In this regard, new instructive perceptions and scientific advances in pharmacology research motivate instructors to regularly adjust their teaching strategies (Liu et al., 2023).

Therefore, guidance and counseling is needed about the consequences of underage marriage, both from the government and the private sector, as well as youth and student movements (Adedokun et al., 2016). To prevent underage marriages by socializing the Marriage Law No. 1 of 1974, community leaders and religious leaders must also play an active role. Biologically, the reproductive organs of adolescents are still undergoing a process towards maturity (Mwakawanga et al., 2024). Adolescents are not yet ready for sexual intercourse and pregnancy, which is followed by the birth process, because their reproductive organs are still undergoing a process towards biological maturity (Scanteianu et al., 2022). Pregnants under the age of 19 are at risk of bleeding, miscarriage, pregnancy, molar pregnancy and premature pregnancy. On the other hand, the resulting child is at risk of experiencing LBW, and is 5-30 times more likely to die at birth (Pretorius & Ruch, 2025).

To reduce problems that occur with reproductive health, the Government sets an age limit for marriage to reduce reproductive health problems. This is shown in Article 7 paragraph (1) of Law of the Republic of Indonesia Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage (hereinafter referred to as the Marriage Law), which states that "marriage is only permitted if the man and woman have reached 19 (nineteen) years old." The rate of early marriage in many countries continues to increase from year to year and is always related to various legal protection efforts for children, including in Indonesia. From the data revealed that in commemorating National Children's Day 2022 there was data on 59,709 cases of marriage dispensations granted by Religious Courts throughout 2021 based on the 2022 (Beckwith et al., 2024).

Marriage too early can lead to more divorces because couples do not learn to take responsibility for domestic life and prioritize each other's egos before marriage (Ding, 2023). As a result, quarrels often occur between husband and wife because each person

survives with his own ego (Kaner et al., 2023). One sign of a successful marriage is that the husband and wife are ready to assume joint responsibilities. Early marriage is defined as a registered or unregistered marriage where one or both partners are under the age of 19. Early marriage is the marriage of a couple aged 19 years or can be categorized as teenagers. WHO states that Africa and Southeast Asia are the countries with the highest rates of early marriage. There are approximately 10 million teenagers in Southeast Asia who are married under the age of 19. In Africa, 42% of teenagers under the age of 19 are married (Cohen et al., 2024).

The results of the 2018 National Socio-Economic Survey (SUSENAS) show that around 11% or 1 in 9 girls aged 20-24 years were married before the age of 18. About 1% or 1 in 100 men aged 20-24 years were married before the age of 18 years and around 0.56% of all women aged 20-24 years were married before the age of 15 years. Additionally, this figure places Indonesia among the ten countries with the highest absolute rates of child marriage worldwide (Beccalossi et al., 2023).

Especially to protect children, especially girls in early marriage, and to reduce early marriage, the various consequences caused by early marriage for underage teenagers, especially girls, must be analyzed (Chan et al., 2022). Therefore, the subject of the research is "Legal protection for adolescents regarding reproductive health rights in underage marriages".

RESEARCH METHODOLOGY

The type of legal research carried out by the author is analytical descriptive research with a qualitative sociological juridical approach (Osborne et al., 2024). Qualitative research is a way to see and understand what a number of people or groups of people think about social or humanitarian issues. In the qualitative research process, important things such as asking questions and procedures, collecting specific data, analyzing data inductively from specific themes to general themes, and interpreting the meaning of this final research report have an adaptable and flexible structure. In other words, the aim of this research is to collect information about the legal protection provided to adolescent girls who have married underage to ensure their reproductive health is guaranteed. What is studied in this research is legal protection for teenagers regarding reproductive health rights in underage marriages.

RESULT

Adolescents who marry at a young age face various risks, especially related to reproductive health (Zelege et al., 2022). Adolescent girls are very vulnerable to complications of pregnancy and childbirth, which can be life-threatening. In addition to health problems, early marriage has a negative impact on their education, causing them to drop out of school and limited future opportunities (Kleprlikova et al., 2019). Legal protection for adolescents is still ineffective in this context, although there are provisions prohibiting early marriage. This study aims to analyze these diseases comprehensively, assess reproductive health risks and evaluate how legal protection has been implemented to protect the reproductive health rights of the younger generation in Mranggen.

This study involved interviews with 11 informants to gain an in-depth understanding of early marriage in Mranggen District. 5 main informants (IU) are adolescent girls who are married at a young age, 5 main informants (OT) are parents of adolescent girls who are married at a young age, 1 supporting informant (KUA) is the head of the Religious Affairs Office.

1.1. General Views on Early Marriage

Early marriage, defined as a marriage in which one or both partners are under the age of 19, is a complex and multidimensional phenomenon, encompassing social, economic, cultural, and legal aspects. The general view of early marriage needs to be understood in the local context in order to formulate effective policies to prevent and address its impacts. The following are the results of the interview:

"When I got married, I was 16 years old. Regarding underage marriage, what I know is that it is marriage under the age of 19. When I got married, I had already graduated from junior high school. In my opinion, a person is said to be ready to get married maybe at the age of 20 because at that age they are mentally and emotionally mature. In addition, what is certain is that mental and economic readiness must be there so that a person is truly ready to get married." (IU1)

"I got married at the age of 18. Regarding underage marriage, what I know is that it is marriage under the age of 19. At the time of marriage, I had already graduated from high school. In my opinion, a person is said to be ready to get married maybe at the age of 20." (IU2)

"I got married at the age of 18. Regarding underage marriage, what I know is that it is marriage under the age of 18. At the time of marriage, I had already graduated from high school. In my opinion, a person is said to be ready to get married at the age of 21 or when they are truly mentally ready." (IU3)

"I got married at the age of 17. Regarding underage marriage, what I know is that it is marriage under the age of 19. I had already graduated from high school before getting married. In my opinion, a woman is said to be ready to get married at the age of 19, while a man is probably more ready at the age of 20 and above." (IU4)

"I got married at the age of 17. In my understanding, underage marriage is when someone gets married before reaching the age of 19. At that time, I had already graduated from junior high school before deciding to get married. In my opinion, someone can be said to be ready to get married at the age of 19." (IU5)

Based on the results of interviews with five key informants who had been married at a young age (IU), it can be concluded that they have a fairly uniform understanding of underage marriage, namely as a marriage that occurs before reaching the age of 19. Although there are variations in age at marriage and views on readiness to get married, they generally agree that mental and economic readiness are important factors. This view shows the need for a holistic and in-depth approach in addressing the issue of underage marriage, to ensure protection of adolescent rights and strengthen understanding of the importance of holistic readiness before deciding to get married. Then here are the results of interviews with parents whose children married early:

"In my opinion, underage marriage is considered better than the risk of slander that may arise from unclear dating relationships. I know that the minimum age limit for marriage is 19 years old, this information I obtained from general sources that I read or heard." (OT1)

"In my opinion, there should be no marriage under the specified age. I know that the minimum age limit for marriage is 19 years old, this information I obtained from sources that I read or heard. In addition, I also know that there is a marriage dispensation, because I followed the application process to the Religious Affairs Office (KUA) and the trial in court related to this recently." (OT2)

"In my opinion, underage marriage is considered better than allowing a relationship that can lead to sin. I don't really know about the minimum age limit for marriage, I don't know where this information came from." (OT3)

"In my opinion, underage marriage is considered a solution when children no longer want to continue their education, so it is better to marry them off. I know that the minimum age limit for marriage is 19 years old, I got this information from sources that I read or heard. I also know about the existence of a marriage dispensation, because I followed the trial process related to this in court some time ago." (OT4)

"In my opinion, underage marriage is considered better than having an unclear relationship. I don't really know about the minimum age limit for marriage, but I don't know where I heard this information from." (OT5)

Based on the results of interviews with five parents (OT) who have various views regarding underage marriage, it can be concluded that understanding of this issue varies. Some of them see underage marriage as a better alternative compared to the moral risks of unclear dating relationships, while others oppose the practice and consider the minimum age for marriage to be 19 years. In addition, all respondents have knowledge of the existence of marriage dispensation, which they learned from the application process to the Religious Affairs Office (KUA) and the trial in court.

1.2. Impact of Early Marriage

Pregnant under the age of 19 years is at high risk of bleeding, miscarriage, and premature birth, and increases the likelihood of the child experiencing low birth weight (LBW) and stillbirth by 5–30 times. This impact confirms the dangers of early marriage to the health and safety of girls and the children born to them. The following are the results of interviews with key informants:

"In my experience, getting married at an early age has two sides. The disadvantage may lie in the limited freedom of youth before marriage. However, there are advantages in being able to do many activities with my husband and having a life partner. When I got married, I was registered at the KUA with the application that had been made. After getting married, I felt happy, and having children made me feel happy because I could have new friends. The harmony in my household felt good, with a husband who was able to lead the family well. My social environment did not change significantly after getting married, and although there were difficulties in building a household because of our young age, we learned to control our emotions and resolve disputes well." (IU1)

"After deciding to get married at an early age, I realized that there were disadvantages in not being able to do as I did before marriage because I had responsibilities to my husband. However, the advantage was feeling happy to have a life partner who provides for me and can be a friend. Our marriage was registered at the KUA and we went through a trial process before getting married. After getting married, I felt happy to be able to do everything with my husband and feel the joy of having children. The harmony in my household felt good and our small family lived happily. My social environment did not experience any significant changes after getting married, with the support of good family and neighbors. Although there were difficulties in building a household, we faced them with a natural attitude of joy and hardship." (IU2)

"After deciding to get married at an early age, I realized that there was an adjustment from being a freer girl to being more responsible as a wife. Even so, the advantage is that I feel like I have a true friend in everything with my husband. Our marriage was registered at the KUA after submitting an application. After getting married, I felt very happy and grateful. I also felt joy after having children. The harmony in our household experiences challenges and happiness in balance, but we are always grateful for everything we have together. My social environment did not experience significant changes after getting married, with family and neighbors who always provide support.

Alhamdulillah, we did not experience significant difficulties in building a household, because we always communicate to solve any problems that arise." (IU3)

"Before deciding to get married at an early age, I was aware that there was a possibility of problems in the household as one of the disadvantages. However, the advantage is that I can learn and understand the meaning of life from the experience of being married. Our marriage was registered at the KUA when we applied for it. After getting married, I felt very happy with many things that made me happy. My happiness increased after we had children. The harmony in our household is very satisfying with many moments of happiness, because I feel that there is someone who always accompanies and provides for me. Our social environment has not changed significantly after getting married, with full support from family and neighbors. Even though we face challenges in building a household, we always try to understand each other and solve problems wisely." (IU4)

"Before deciding to get married at an early age, I realized that there were disadvantages such as losing my youth. However, the advantage is that I have a husband who can support me. Our marriage is registered at the KUA. After getting married, I felt happy. My happiness increased when we had children, I felt very happy. The harmony in our household is very good, I feel happy because there is someone who always accompanies and provides for us. Our social environment did not experience significant changes after getting married, with full support from family and neighbors. Although we face challenges in building a household, we always try to deal with it wisely." (IU5)

Based on interviews with five respondents who got married at an early age, it can be concluded that they experienced various experiences and different views related to the decision. In general, they expressed that although there were disadvantages such as losing their youth and possible problems in the household, the advantage was feeling happy to have a companion.

Interview findings with parents who provided explanations regarding their children's early marriage are as follows:

"I've already found my soulmate, sis." (OT1)

"I'm already pregnant, sis, whether I like it or not, I'll just get married rather than giving birth without a husband." (OT2)

"I was already pregnant yesterday, sis, so whether I like it or not, I'll just get married." (OT3)

"I don't want to continue school, sis, so I'd rather get married." (OT4)

"I was already pregnant, sis, it was discovered at 2 months, so I just got married straight away." (OT5)

Based on the answers from the people interviewed, there are several reasons that often cause early marriage among teenagers in Indonesia. These reasons include having found a soulmate, pregnancy outside of marriage that requires immediate marriage, and dropping out of school that encourages them to solve problems by getting married. This phenomenon illustrates the complexity of the social and cultural situation where the decision to marry is often influenced by social pressure, unplanned pregnancy, and limited educational priorities.

1.3. Legal Protection for Adolescents Regarding Reproductive Health Rights in Underage Marriage

The rights of adolescents to reproductive health in underage marriage must be protected by law. Laws that set a minimum age of 19 for marriage are essential in protecting adolescents from major risks to their reproductive health, such as potentially fatal pregnancy problems.

The results of the interview with the Head of the KUA are as follows: *"I am sure that the number of underage marriages does not increase drastically every year. The court wants proof that there is no complete KUA, KK, or KTP. divorce, so even though early marriage for those under 19 years old will occur after 2020, this development must be gradually limited by the age limit for being aware of marriage, namely the KUA 19 years before the exam. Although the number of annual marriages does not increase Therefore, efforts to increase awareness of couples regarding age restrictions must reverse this trend. To ensure that all administrative obligations, including the submission of documents such as KK and KTP, are fulfilled before the trial, the dismissal procedure by the religious court requires the issuance of such a permit.*

The findings of the study on Legal Protection of Adolescent Reproductive Health Rights in Underage Marriage in Mranggen Regency, Demak Regency, show that there is still a lack of knowledge regarding the rights of adolescent protection, especially regarding legal protection for women who marry under 19 years of age. However, young marriages will occur less in the future as more people are aware of the age limit of 19 years for marriage. The rights to adequate education and welfare, freedom from physical and mental violence, and adequate access to knowledge about reproductive health are all included in this protection. To ensure that all children—including those who may be at risk of being married at a young age—receive adequate protection under the law, the implementation of the Child Protection Law needs to be strengthened.

DISCUSSION

Early marriage is a type of marriage in which one or both partners marry when they are under the age of 19, whether it is officially registered or not. The results of interviews with several informants showed that they recognized underage marriage as a marriage that occurred before the age of 19.

Some cases, parents may decide to marry off their underage daughters, because they are worried that the child will be involved in an unstable relationship or potentially like someone else (Damayanti et al., 2020a). The results of interviews with parents in this context show a variety of opinions regarding underage marriage, where some parents see marriage as a better alternative than the moral risks of unclear dating.

UNICEF states that early marriage occurs when someone marries before reaching the age of 18, either officially or unofficially. This is considered a fundamental human rights violation because it has the potential to have serious negative impacts on the mental and physical development of girls (Damayanti et al., 2019b). The impacts include social isolation, the risk of early pregnancy, disruption to education, and limitations on opportunities for future career advancement. Interviews with respondents showed differences in views between traditional understandings of society and government policies regarding the age limit for marriage that aims to protect the rights of children and adolescents in this context (Damayanti et al., 2020b). Early marriage in girls has significant impacts among others, loss of access to reproductive and sexual health rights: girls who marry at a young age are at risk of experiencing serious complications and maternal death during childbirth because their bodies are not ready for the difficult labor process, Vulnerable to Domestic Violence (Wollum et al., 2025). Early marriage increases the risk of girls experiencing domestic violence, because they are not mentally and psychologically mature enough to live a married life, Limited Access to Decent Education: The practice of early marriage often prevents girls from accessing decent education, thus hampering their intellectual and professional development, Economic Problems and the Right to a Decent Life: Girls who marry at a young age often face economic difficulties because they are not financially ready to meet their own living needs, which can trigger conflict and instability in their family life (Damayanti et al., 2019a).

The Indonesian government has taken steps to address reproductive health issues by setting a minimum age for marriage of 19 years, in accordance with Article 7 paragraph (1) of the Marriage Law. This step aims to reduce high reproductive health risks, such as pregnancy complications at a young age. Interview results show that although some communities still have varying views on the practice of early marriage, the importance of this policy to protect the physical and mental health of girls is highly emphasized (Nhampoca & Maritz, 2024). Thus, this regulation is expected to influence community perceptions and behavior in reducing the practice of early marriage for the welfare of girls as a whole.

An overview of child protection rights in the context of early marriage is presented below. Every child has the right to be protected from all types of physical and mental violence (Hellwig et al., 2024), including neglect and sexual abuse, children have the right to adequate welfare, care, and direction both at home and in other environments, children's rights to education that suits their interests, talents, and intelligence are guaranteed, and they are protected from sexual violations and violence in the classroom, children have the right to be free from financial and sexual violence, which can endanger their growth, education, and health, including the expression of their ideas and involvement in social and political life, every child has the right to the best health services based on their physical, mental, spiritual, and social needs (Damayanti, et.al., 2024).

Challenges, including the application of customary law, exceptions, unreported marriages, and the absence of legal consequences for marriages between minors. Pregnancy before marriage is one of the most important factors and is often the main reason people want to avoid marriage. This shows the lack of knowledge and awareness of the community regarding the age limit for marriage, especially in remote areas such as Mranggen District. Early marriages are more common in this area due to a number of other factors, including lack of parental supervision, lack of formal education, the influence of religious differences, and low religious knowledge. Holistic efforts by many organizations, including the government, social institutions, and local communities, must be strengthened to educate and change community beliefs and behaviors around these issues in order to promote juvenile justice and reproductive health.

CONCLUSION

Adolescent knowledge of reproductive health rights in underage marriage shows the need for a comprehensive approach in addressing this challenge. Although there are regulations governing the age limit for marriage and dispensation procedures, their implementation is still closely related to social and cultural factors in society. Strengthening education on reproductive health rights, increasing awareness of the health risks associated with early marriage, and optimizing the role of institutions such as the KUA and courts in handling dispensation requests are crucial to ensuring adequate protection for adolescents. Reproductive health protection for minors is not yet optimal.

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