

## Child Rights Fulfilment in Families Practicing Early Marriage: A Juridical-Empirical Analysis of Child Protection Law Implementation in Blangkejeren, Gayo Lues Regency

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### Abstract

*The phenomenon of Early marriage remains a critical social issue in Blangkejeren District, Gayo Lues Regency, with significant implications for the fulfilment of children's rights within the family. Despite the existence of a comprehensive legal framework, particularly Law Number 35 of 2014 on Child Protection, its implementation at the family level among early-married couples remains ineffective. This study examines the fulfilment of children's rights in families practising early marriage and identifies the legal and socio-familial factors hindering its realisation. Employing a juridical-empirical approach with a qualitative descriptive design, the research integrates normative legal analysis with empirical data collected through in-depth interviews with early-married families, community leaders, and relevant institutions. The findings reveal a clear gap between legal norms and social practice, as children's rights related to caregiving, education, and health are inadequately fulfilled. These conditions are driven by parents' economic and psychological unpreparedness, limited legal awareness, and weak institutional support. The study highlights the need to strengthen child protection law implementation through structured premarital education, young family empowerment, and enhanced institutional oversight.*

**Keywords:** *Children's Rights Fulfilment; Early Marriage; Child Protection; Socio-Legal Analysis.*

### Abstrak

Fenomena pernikahan usia dini masih menjadi persoalan sosial di Kecamatan Blangkejeren, Kabupaten Gayo Lues, yang berdampak signifikan terhadap pemenuhan hak-hak anak dalam keluarga yang melakukan pernikahan usia dini. Meskipun telah terdapat regulasi yang mengatur perlindungan anak, khususnya Undang-Undang Nomor 35 Tahun 2014, implementasinya pada keluarga hasil pernikahan dini belum berjalan secara optimal. Penelitian ini bertujuan untuk menganalisis tingkat pemenuhan hak anak dalam keluarga yang melakukan pernikahan usia dini serta mengidentifikasi faktor-faktor yang menghambat realisasinya. Metode yang digunakan adalah yuridis empiris dengan pendekatan deskriptif kualitatif, yang memadukan analisis norma hukum dengan data empiris lapangan melalui wawancara terhadap keluarga pelaku pernikahan dini, tokoh masyarakat, dan instansi terkait. Hasil penelitian menunjukkan adanya kesenjangan antara ketentuan hukum dan praktik di lapangan, di mana hak anak dalam aspek pengasuhan, pendidikan, dan kesehatan belum terpenuhi secara maksimal. Kondisi tersebut disebabkan oleh ketidaksiapan orang tua secara ekonomi dan psikologis, rendahnya pemahaman mengenai pola asuh dan kesadaran hukum, serta lemahnya peran pemerintah daerah dan lembaga perlindungan anak. Oleh karena itu, implikasi hukum dan kebijakan dari penelitian ini menegaskan perlunya penguatan strategi pemberdayaan keluarga muda, edukasi pranikah, dan optimalisasi peran lembaga terkait guna menjamin pemenuhan hak anak secara berkelanjutan.

**Kata Kunci:** Pemenuhan Hak Anak; Pernikahan Usia Dini; Perlindungan Anak; Analisis Sosio-Legal.



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## INTRODUCTION

The creation of man in the form of man and woman shows that human life essentially takes place in togetherness and complementarity with each other. This formal relationship is known as marriage, which in the perspective of Islamic law is called nikah. Nikah is interpreted as an agreement or contract that gives legitimacy to the interaction and coexistence between men and women who previously did not have a mahram relationship, thus giving birth to consequences in the form of rights and obligations for each party. Thus, marriage can be understood as an outward bond that unites a man and a woman to build a married life in accordance with the rules and values set forth in Islamic law.<sup>1</sup>

Marriage is a bond whose implementation is regulated through procedures, requirements, normative foundations, and certain provisions derived from Islamic teachings, namely the Qur'an and Hadith, as well as positive legal provisions that apply in a country. In Indonesia, the regulation regarding marriage is specifically contained in Law Number 1 of 1974 concerning Marriage which is the official guideline for citizens.

Referring to the provisions regarding the age limit for marriage regulated in Law Number 16 of 2019, it is emphasized that the marriage bond is only allowed if the man and woman have reached the age of 19".<sup>2</sup> The stipulation of the regulation aims to provide stronger protection, especially for women, as well as suppress the high practice of child marriage. Marriage that is carried out too early has the potential to have various adverse impacts, especially related to the reproductive health of the mother and the safety of the baby being born.<sup>3</sup> However, the reality in society shows that there are still couples who get married at an age that does not meet the legal provisions without considering the consequences that may arise.

Early marriage can be understood as a marriage bond that takes place when one or both parties are still at an age that has not met the age limit as stipulated in laws and regulations, namely not yet 19 years old.<sup>4</sup> This provision applies to prospective husbands and wives-to-be, so that a person is considered immature in age if he is still below that limit.

One of the regions in Indonesia that has a fairly high rate of young marriage practices is Blangkejeren District, Gayo Lues Regency. Based on information submitted by Ali Amat, a resident of Leme Village, the phenomenon involves teenagers, some of whom are still classified as children, who enter the marriage bond before reaching maturity. He explained that these conditions are generally triggered by premarital pregnancy, uncontrolled associations, family economic pressure, and various other interrelated causes. In addition, the dating culture among children today tends to be considered commonplace, so when there are parties who reprimand, they are considered not to keep up with the times. From this explanation, it can be concluded that the occurrence of early marriage in the Blangkejeren area is influenced by a combination of various social, economic, and value changes in society.

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<sup>1</sup> Moh. Rifa'i, "Complete Fiqh Science", (Semarang: CV. Toha Putra, 1978), p. 453.

<sup>2</sup> "Law of the Republic of Indonesia Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage"

<sup>3</sup> Jannah, Umi Sumbulah Faridatul. "Early marriage and its implications for family life in Madurese society (legal and gender perspective)." *Egalita* (2012).

<sup>4</sup> Mubasyaroh, Mubasyaroh. "Analysis of the factors that cause early marriage and its impact on the perpetrators." *YUDISIA: Journal of Islamic Legal and Legal Thought* 7, no. 2 (2016):22.

Marriages that take place at too young age generally trigger various problems in people's social lives. One of the most visible impacts of this practice is the disruption of the fulfillment of the rights of children born to early age couples. Children in this condition often face serious obstacles in obtaining adequate parenting, access to proper education, optimal health services, and guarantees of protection from various forms of violence and exploitation. Not a few parents who get married at a young age are still in unstable economic conditions and have limited knowledge and readiness in educating children, so that it has an impact on the lack of fulfillment of children's needs and rights as a whole.

The protection of children's rights has been comprehensively regulated through various regulations both at the national and international levels. One of the most significant instruments is the *Convention on the Rights of the Child*, which was adopted in Indonesia through Presidential Decree Number 36 of 1990. This convention emphasizes that every child has the fundamental right to grow and develop optimally, to obtain protection from all forms of violence and exploitation, and to avoid discrimination. In addition, every child also has the right to adequate access to education and health services, so that they can enjoy a decent, balanced life and fulfil their full potential.<sup>5</sup> In addition, in accordance with the provisions of Law Number 35 of 2014 concerning Child Protection, every child has the right to receive proper care, appropriate guidance, and parenting carried out in a safe and conducive atmosphere. This environment must be able to support children's overall growth and development, including physical, psychological, and social aspects, so that their potential and abilities can develop optimally.<sup>6</sup>

In practice, the reality in Blangkejeren District, Gayo Lues Regency shows that children born to couples with too young marriage age still face the fulfillment of rights that have not been maximized. This area is still overshadowed by a relatively high poverty rate, which is around 18.3 percent of the total population in 2024, so this condition further limits the ability of families to meet the basic needs of children, ranging from access to education, nutritional adequacy, to health services.<sup>7</sup> A number of studies conducted in the Gayo Lues area also show that the practice of marriage before reaching the age of 19 has the potential to weaken household resilience because couples do not have adequate physical and psychological readiness and face greater social and economic pressures.<sup>8</sup> The limited education of the community has also worsened the situation, as can be seen from the low proportion of the population pursuing higher education, which in mid-2024 will only reach around 7.85 percent.<sup>9</sup> The low level of parental education has implications for a lack of understanding of proper parenting patterns and effective family financial management. In these unstable economic conditions, children often do not obtain their basic rights properly, and in some cases they risk repeating the same pattern as entering

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<sup>5</sup> "Presidential Decree No. 36 of 1990 concerning the Ratification of the Convention on The Rights of the Child, BPK RI".

<sup>6</sup> "Law Number 35 of 2014 concerning Child Protection"

<sup>7</sup> Katadata, "18.3% of Residents in Gayo Lues Regency Enter the Poor Category," *Databoks*, November 29, 2024, accessed October 20, 2025, <https://databoks.katadata.co.id/demografi/statistik/4d07e32ab5ba81b/18-3-population-in-gayo-lues-district-entering-poor-category>.

<sup>8</sup> Ridho, Ridho, and Khairani Mukdin. "Child Marriage and Its Influence on Family Resilience (A Study on the Community of Gayo Lues Regency)." *AHKAMUL USRAH: Journal of S2 Family Law and Islamic Justice* 2, no. 2 (2022): 23–45.

<sup>9</sup> Katadata, "1,759 Thousand Gayo Lues Residents Graduate from High School in Mid-2024," *Databoks*, June 2024, accessed October 20, 2025, <https://databoks.katadata.co.id/demografi/statistik/67d46f19be4b86b/1759-thousand-gayo-lues-graduates-high-school-in-mid-2024>.



marriage at a young age, thus forming a recurring cycle of problems related to early marriage and limited fulfillment of children's rights.

Thus, this study has an urgency to examine the level of fulfillment of the interests and protection of children born to couples who marry at an immature age, as well as explore various aspects that play a role in influencing these conditions. Most of the previous research is still focused on the causes and impact of early marriage on married couples, while studies on the implementation of child protection laws in families resulting from early marriage, especially in areas with socio-economic vulnerability such as Blangkejeren District, are still very limited and have not been comprehensively analyzed. Through the implementation of this research, it is hoped that alternative problem-solving solutions can be formulated along with relevant policy suggestions to strengthen efforts to fulfill children's rights, so that the quality of life and welfare of children from early marriage can be maintained and improved in a sustainable manner.

## **RESEARCH METHODS**

This research applies an empirical juridical approach, which is a research method that examines the applicable legal rules while observing the reality and events that occur directly in society<sup>10</sup>. This approach places this research as field research that is oriented to depict and study various social phenomena, events, activity patterns, attitudes, beliefs, views, and experiences of individuals and groups in depth. The main purpose of the research is to describe the conditions or circumstances that are objectively researched according to the facts found in the field without manipulation<sup>11</sup>. The focus of the study is directed at the relationship between legal norms regarding the protection of children's rights and the real practices and experiences of the parties involved, such as parents, children, community leaders, and authorized government agencies in Blangkejeren District, Gayo Lues Regency.

The data sources in this study are grouped into three types, namely primary legal materials in the form of basic data obtained directly from families/parents who get married at an early age, children born to families who commit early marriage (by paying attention to the ethical principles of research), community leaders, as well as government officials and related institutions in the research area; secondary legal materials that include literature in the form of books, scientific journal articles, as well as normative references from the Qur'an and Hadith; as well as tertiary legal materials as supporting data, such as legal dictionaries and encyclopedias, which are used to clarify the meaning of certain terms and concepts. The collection of information in this study is carried out through field research, namely the researcher visits the research location directly to obtain the information needed by conducting interviews with a number of parties who are considered to have relevance and competence.

In addition, in order to strengthen and complement the empirical data, the researcher also searched various written materials in the form of reference books, previous research results such as theses and theses, scientific articles, academic journals, and other literature relevant to the focus of the study. The data collected in this study was analyzed using a qualitative approach through empirical juridical analysis techniques. The analysis process is carried out in stages, including data collection and grouping, data simplification (reduction), coding, and thematic analysis. Empirical data obtained from interviews and

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<sup>10</sup> Soerjono Soekanto, *"Normative Law Research: A Brief Review"*, (Jakarta: Raja Grafindo, 2001), p. 26.

<sup>11</sup> Nanan Syaodin Sukmadita, *"Educational Research Methods"* (Bandung: PT Remaja Rosdakarya, 2009), p. 60.

field observations were first grouped based on the source and focus of the problem, then selected to focus the analysis on information relevant to the research objectives. All of these sources are studied through the stages of careful reading, understanding in depth, and examining content that is closely related to the main problems of the research. The analysis of legal materials is carried out by relying on a theoretical framework regarding the basis of judges' considerations, both normative and outside written norms. The preparation of this research uses a descriptive-analytical approach with the aim of explaining and explaining the object of study in a comprehensive, structured, and comprehensive manner.

## **RESULTS AND DISCUSSION**

### **An Overview of Early Marriage Laws in Indonesia**

Marriage at a young age is the process of union between a man and a woman as a husband and wife couple that is carried out when one or both of them are still teenagers. At this stage of age, both the physical and psychological readiness of individuals generally have not reached the ideal level of maturity to carry out full household responsibilities. From a legal perspective, regulations regarding marriage in Indonesia are regulated in Article 1 of Law Number 1 of 1974, which defines marriage as a legally valid and innate bond between a man and a woman, with the aim of building a harmonious, prosperous, and sustainable family. The marriage is also expected to be based on the values of the One Godhead, so that moral and spiritual aspects become an important foundation in domestic life.<sup>12</sup>

Based on the provisions of Law Number 1 of 1974, especially Article 7 paragraph (1), the validity of a marriage is regulated through a certain age limit, namely the prospective husband must be at least 19 years old, while the prospective wife is at least 16 years old. Over time, there has been a discourse on changing regulations that emphasize that the age of both male and female couples must both reach at least 19 years before marriage. In addition, for couples who have not yet reached the age of 21, the implementation of marriage is required to obtain official approval from their respective parents. This approach is in line with the recommendations of the National Population and Family Planning Agency (BKKBN) which, through cooperation based on a memorandum of understanding (MoU), emphasizes the importance of the ideal age for marriage, which is 25 years for men and 20 years for women. The purpose of these provisions is to ensure the physical, psychological, and social readiness of prospective partners before building a household, so that the quality of family life can be more optimal<sup>13</sup>.

It can be concluded that marriages that take place before meeting the age limit as stipulated in the provisions of the applicable law are categorized as early age marriages. The term young marriage refers to a marriage bond carried out by a couple, either one or both, who are still in their teenage years and have not reached the minimum age requirement, which is under 19 years old. The practice of marriage at that age generally takes place when the individual does not have adequate readiness, both in terms of physical health, mental and emotional maturity, and economic ability to build a stable domestic life. Therefore, marriage at a young age or under 20 years old is often seen as a

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<sup>12</sup> K. Kartono "Women's Psychology Volume 2: Getting to Know Women as Mothers and Grandmothers". (Bandung: Mandar Maju, 1992).

<sup>13</sup> Abdul Rokhim, and Ludya Sirait. "Juridical Review of Underage Marriage and Divorce in the Religious Court of Class I Samarinda." LEGALITY: Scientific Journal of Law 1, no 2 (2017): 105-130.

marriage that is carried out in conditions of preparation that are not optimal to face the responsibilities of marriage as a whole.<sup>14</sup>

One of the most prominent problems that arises due to the practice of marriage at too young is related to the non-fulfillment of the rights of children born to parents who do not have adequate psychological, physical, and financial readiness. Children from early childhood couples often face serious obstacles in obtaining their basic rights, both in terms of parenting, education, health, and social protection. Normatively, the fulfillment of children's rights has been guaranteed through various legal instruments at the national and international levels. The *Convention on the Rights of the Child* was ratified by the United Nations General Assembly on November 20, 1989<sup>15</sup>, and subsequently ratified in Indonesia through Presidential Decree No. 36 of 1990 affirming that every child has the right to optimal growth and development, to be protected from acts of violence, exploitation, and discriminatory treatment, and to have access to educational services and quality health. In line with that, Law Number 35 of 2014 concerning Child Protection also emphasizes that children should be raised in a safe, healthy, and conducive environment so that their physical, mental, and social potential can develop optimally.

#### **Children's Rights in the Perspective of Indonesian Law and Islamic Teachings**

In Indonesia, the regulation regarding the fulfillment and protection of children's interests has been contained in Law Number 39 of 1999 concerning Human Rights, which affirms the existence of children's rights while regulating the obligations and responsibilities of parents, families, communities, governments, and the state. However, because the position of children's rights is very fundamental and requires special guarantees, a separate regulation is needed that more specifically regulates child protection as a legal basis in its implementation. This was then realized through Law Number 23 of 2002, especially Article 1 paragraph 12, which states that children's rights are an inseparable part of human rights and must be maintained, fulfilled, and protected by all elements, ranging from the family environment to state apparatus and local governments. Thus, children's rights are not only seen as individual affairs, but also as a collective responsibility of the state which bears the obligation to respect, guarantee, and realize their fulfillment in a sustainable manner.<sup>16</sup>

Law Number 23 of 2002 concerning Child Protection, especially Articles 4 to 18, stipulates various basic rights of children that must be fulfilled, including the following:

- 1) Children have the right to live, grow, develop, and participate in a proportionate role in social life in accordance with their human values, dignity, and dignity.
- 2) Every child has the right to have a name as a personal identity and to obtain recognition of legal citizenship status according to the provisions of applicable law.

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<sup>14</sup> BKKBN. (2017). "IDEAL MARRIAGE AGE 21-25 YEARS". Retrieved from <https://www.bkkbn.go.id/detailpost/bkkbn-usia-pernikahan-ideal-21-25tahun>

<sup>15</sup> Children's rights movement, <http://www.childrensrightswales.org.uk/history-ofchildren-rights.aspx>, accessed on the 5th November at 10.32 WIB.

<sup>16</sup> Minister of Social Affairs, "General Guidelines for Children's Social Welfare Programs" (2010), 11.



- 3) Children are given the freedom to carry out worship according to their beliefs, and have the right to think, express ideas, and create according to their level of age development and intellectual ability.
- 4) Children have the right to receive care, direction, and protection from their parents, or to be cared for by other parties through the foster or adoption mechanism if their parents are unable to carry out their parenting obligations in accordance with laws and regulations.
- 5) Children have the right to receive health services and social security protection that support the fulfillment of their physical, spiritual, mental, and social life needs as a whole.
- 6) Every child has the right to education and a learning process that aims to develop their personality, intelligence, and potential according to their interests, talents, and abilities.
- 7) Children have the right to express their views, be listened to, and obtain and convey information that is appropriate to their age and level of understanding for the sake of personality growth while still upholding moral values and propriety.
- 8) Children have the right to enjoy rest time, take advantage of leisure time, socialize with peers, play, and carry out recreational activities that support their development based on interests and intellectual capacity.
- 9) Children who have certain physical, mental, or ability limitations have the right to receive rehabilitation services, social support, and welfare maintenance so that they can live a decent and dignified life.
- 10) Children have the right to full protection from all forms of discriminatory treatment, economic and sexual exploitation, neglect, violence, torture, injustice, and other inhuman treatment.
- 11) Children's identities must be kept confidential, especially for children who are victims of sexual violence or who are involved in legal proceedings, in order to protect their rights and future.
- 12) Children who are facing the law, both as victims and perpetrators of criminal acts, have the right to receive legal assistance and other necessary assistance in accordance with the provisions of laws and regulations.<sup>17</sup>

The government then revised Law Number 23 of 2002 through the ratification of Law Number 35 of 2014. This new regulation contains various changes and additions to provisions in a number of articles that have previously been regulated, with the aim of strengthening the protection and fulfillment of children's rights.<sup>18</sup> In general, children's rights in the regulation can be grouped into four main categories, which are as follows:

- 1) The right to survival, which is the right of children to maintain their lives from an early age, includes access to adequate health services, adequate nutrition, and adequate medical care to ensure the survival of children.
- 2) The right to grow and develop, which includes the right of children to receive both formal and non-formal education, as well as the right to enjoy an

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<sup>17</sup> Mufidah, dkk. *"Haruskah Perempuan dan Anak di korbakan?"*, (Yogyakarta: Pilar Media, 2006), hlm. 18

<sup>18</sup> Law of the Republic of Indonesia Number 23 of 2002 concerning Amendments to Law Number 23 of 2002 concerning Child Protection.

appropriate standard of living to support balanced physical, mental, spiritual, moral, emotional, and social development (development rights).

- 3) The right to protection, namely the right of children to be protected from all forms of discrimination, violence, exploitation, neglect, and other mistreatment, including protection for children who have no family, abandoned children, and children in refugee conditions (protection rights).
- 4) The right to participation, which includes the right of children to freely express their opinions, ideas, or views on various issues related to their life and future, according to the child's age and maturity (participation rights).<sup>19</sup>

In Islamic teachings, the existence of children occupies a very strategic and high-value position, so that their existence always receives the spotlight and in-depth discussion in various Islamic studies and scientific treasures. Based on the author's analysis of a number of research results that have been carried out by scholars and academics, it was found that there are various children's rights that are formulated in a firm and comprehensive manner, both from the Qur'an and from the sunnah of the Prophet through Al-Hadith.<sup>20</sup>

The most basic right inherent in a child is the right to maintain life and have the opportunity to develop optimally. This provision is affirmed in various general norms, fundamental principles, and guidance of Islamic teachings that place the protection of the survival and growth process of children as a non-negotiable obligation. Ignoring or underestimating the implementation of these basic principles is seen as a despicable act and falls under the category of a great sin. Based on this understanding, Islamic teachings expressly prohibit parents from taking actions that take the life or harm of children for any reason, including the pretext of economic hardship. In addition, parents are also burdened with the responsibility to fulfill their children's rights, one of which is by providing breast milk to support their health and growth. An affirmation of this can be found in Surah al-Isra' verse 31 and Surah al-Baqarah verse 233 which explain the obligation to protect the life of a child and the strict prohibition of wasting his rights.

وَلَا تَقْتُلُوا أَوْلَادَكُمْ خَشْيَةً إِمْلَاقٍ ۖ نَحْنُ نَرْزُقُهُمْ وَإِيَّاكُمْ إِنَّ قَتْلَهُمْ كَانَ خِطَاً كَبِيراً

Meaning: "And do not kill your children for fear of poverty. We are the ones who will give sustenance to them and also to you. Indeed, killing them is a great sin." (QS: al-Isra': 31)

The verse affirms the principle that every child has an inherent right to live, to obtain protection, and to experience the process of growing and developing properly without any exceptions, including children born from unregistered or invalid marital relationships. These children still have the same status and rights as other children, so they must be cared for and protected without the slightest reduction of their basic rights. However, in social reality, various news reports are often found in print and electronic media that feature cases of violence, infanticide, and child neglect, especially for babies born outside the marriage bond, where the right to life is deliberately ignored by their

<sup>19</sup> Joni, Muhammad. "Hak-Hak Anak dalam UU Perlindungan Anak dan Konvensi PBB tentang Hak Anak: Beberapa Isu Hukum Keluarga." *Jakarta: KPAI* (2007), hlm.6

<sup>20</sup> Mufidah, et al. "Should Women and Children be Sacrificed?", (Yogyakarta: Pilar Media, 2006), 18



own parents. In fact, as previously described, such actions are considered great sins, reprehensible, and contrary to moral and human values.

وَالْوَالِدَتُ يُرْضَعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُبْرِئَ الرِّضَاعَةَ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ لَا تُكَلَّفُ نَفْسٌ إِلَّا وُسْعَهَا لَا تُضَارَّ وَالِدَةٌ بِوَلَدِهَا وَلَا مَوْلُودٌ لَهُ بِوَلَدِهِ وَعَلَى الْوَارِثِ مِثْلُ ذَلِكَ فَإِنْ أَرَادَا فِصَالًا عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ فَلَا جُنَاحَ عَلَيْهِمَا وَإِنْ أَرَدْتُمْ أَنْ تَسْتَرْضِعُوا أَوْلَادَكُمْ فَلَا جُنَاحَ عَلَيْكُمْ إِذَا سَلَّمْتُمْ مَا اتَّيْتُم بِالْمَعْرُوفِ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ ﴿٦٢﴾

It means: "Mothers should breastfeed their children for two full years, for those who want to perfect breastfeeding. It is the duty of fathers to cover their food and clothing in a proper manner. A person is not burdened, except according to his ability. Let not a mother suffer for her child, nor let her father suffer for her child. The heirs are like that too. If both of them want to wean (before two years) based on agreement and deliberation between them, there is no sin against them. If you want to breastfeed your child (to someone else), there is no sin for you if you pay in a proper way. Fear Allah and know that Allah is All-Seeing of what you do."

The verse that has been mentioned affirms that there is an obligation for a mother to give milk to her child as long as she still has the ability to do so. In line with this, Ibn Hazm explained that the obligation to breastfeed applies thoroughly to every woman who becomes a mother, whether she is an independent or a slave, is in a marriage bond, is under the ownership of her master, or is not in both conditions. This obligation must still be carried out without considering the personal will of the mother, even though she is the daughter of a caliph, because the responsibility of breastfeeding is inherent in her as a mother.

These two verses outline the obligation of parents to fulfill all children's rights in full and comprehensively without neglecting anything. Every child born into the world has the same right to obtain such fulfillment in a fair and proportionate manner, without any differential treatment, exclusion, or discrimination between one child and another.

Children have an inherent right to get proper and quality education and coaching. Every child born into the world has the right to receive the education and teaching process, because it is a basic need that must be met in order to lead children to the stage of mature, moral, and responsible adulthood. In this context, parents play the most important and strategic role in shaping children's character, attitudes, and personalities from an early age. This is in line with the affirmation of the Prophet PBUH in a hadith that explains the responsibility of parents for the development and development of children.

*"Every child is born in a holy state, it is his parents who make him a Jew, a Christian or a Magi (HR Ahmad, Thabrani and Baihaqi)*

Islamic teachings place respect for human values in a noble position, including the protection and glorification of children, as shown by the example shown by the Prophet PBUH. However, in the practice of daily life, not all individuals understand and practice these principles in their entirety, even some behaviors that appear actually show deviant tendencies and are not in harmony with the values taught in Islam.

### **Phenomena and Factors Causing Early Marriage in Gayo Lues Regency**

The phenomenon of marriage at a young age in Gayo Lues Regency is still a social problem that is quite concerning and continues to occur, even though the provisions of national law have set the minimum age of marriage for both men and women to be 19

years old since the amendment to the Marriage Law in 1974.<sup>21</sup> In practice, the results of qualitative research conducted in Blangkejeren District show that the ease of adolescents in accessing the latest communication technology, including social media and exposure to pornographic content, also encourages the emergence of the desire to get married at an immature age. Research by Taufik, Nourita, and Jasafat (2024) revealed that many adolescents access pornographic materials without being provided with adequate education about sexual behavior, so the lack of understanding triggers curiosity and a tendency to try new experiences, which in turn is related to the increase in cases of early marriage in the region.<sup>22</sup> In addition to the influence of technology, local customary cultural factors also play a significant role, where various marriage traditions in the Gayo society, such as the practice of "ascending" and "ngalih", show that marriage at a young age outside the provisions of formal law is often seen as a continuation of local customary values that are not fully aligned with modern legal rules.<sup>23</sup>

The economic conditions of households in the fragile category often encourage early marriage, which is seen as a way to reduce family financial pressure or as an effort to accelerate the formation of new family units. Based on data for 2024, the poverty rate in Gayo Lues Regency is recorded in the range of  $\pm 18.3$  percent. This situation is increasingly complex due to limited opportunities to obtain education, which can be seen from the proportion of the population with the last level of education equivalent to high school which only reaches around 16.57 percent of the total population in mid-2024. The consequences of this practice of marriage at a young age include the cessation of the adolescent learning process, the increased potential for health problems for mothers and children, and the effect on other social problems such as high stunting rates. According to the local DP3AP2KB Office, marriages and divorces that occur too early are factors that contribute to the emergence of stunting cases in the Blangkejeren District area.<sup>24</sup>

Various countermeasures have been carried out by related institutions, one of which is the Office of Religious Affairs in Gayo Lues Regency, which carries out a strategic function in reducing the number of child marriages through counseling activities, marriage registration administration, as well as controlling and verifying marriage dispensation applications for prospective brides who have not met the age limit. Although these efforts have been implemented, considerable challenges are still encountered, such as the lack of equitable dissemination of information to the community, the strong influence of local customs and customs that are difficult to transform, and the limited availability of detailed data based on sub-district areas. Therefore, comprehensively, the handling of early marriage in Gayo Lues requires an integrated strategy across sectors that includes household economic empowerment, changes in socio-cultural mindsets and values, expanded access to education and reproductive health services, and optimization

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<sup>21</sup> Irwansyah, "The Role of the Office of Religious Affairs in Minimizing Early Marriage in Gayo Lues Regency" (S1 Thesis, Malikussaleh University, 2024)

<sup>22</sup> Taufik, T., Nourita, S., & Jasafat, J. (2024). "The Impact of Communication Technology on Early Marriage in Blangkejeren-Gayo Lues District." *Sadida: Islamic Communications and Media Studies*, v3(i2).

<sup>23</sup> Chalid, I., & Kasbi, R. (2023). "The Process of Implementing the 'Naik' and 'Ngalih' Traditional Wedding Traditions in the Gayo Tribe in Gayo Lues Regency." *RESAM Jurnal Hukum*, v7(i1).

<sup>24</sup> "17.59 Thousand Residents of Gayo Lues High School Graduates in Mid-2024." (2024, Nov. 8). Katadata – Demographic Statistics.

of the implementation of marriage registration in accordance with the provisions of applicable laws and regulations.

Detailed data on child marriage cases in Gayo Lues Regency has not been specifically published until now. However, this region is recorded as one of the areas with a relatively high rate of early marriage in Aceh Province. Based on records from the Central Statistics Agency (BPS) of Aceh, in 2024 there will be 601 weddings taking place in Gayo Lues Regency. The findings place Gayo Lues in the top six districts/cities with the highest rate of early marriage in Aceh, on par with East Aceh, North Aceh, Bireuen, Subulussalam, and West Aceh.

The dominant factors behind the occurrence of marriage practices at a young age include, *first*, the high tendency to marry at an early age is greatly influenced by the economic condition of the family which is relatively weak in the Gayo Lues area. The financial limitations experienced by most families cause this practice to be found more in rural areas that are still lagging behind in terms of welfare. In such situations, parents often give encouragement, even pressure, to their children to get married immediately even though the age in question does not meet the ideal requirements to start a household. This is due to the inability of parents to bear the cost of their children's education to a higher level, so that not a few children end up dropping out of school or not continuing their education at all. With the implementation of marriage at a young age, the family hopes that the economic burden of the household can be reduced because the responsibility for child support shifts to the spouse. Therefore, in order to alleviate the financial pressure that continues to be felt, parents tend to encourage their children to marry early in the hope that they can live independently and together with their partners be able to earn a more decent livelihood.

*Second*, education is a process that is carried out deliberately and systematically with the aim of creating learning conditions that allow learning activities to occur, so that students are able to play an active role in developing all the potentials that exist in them. Through education, individuals are directed to have religious spiritual values, self-control skills, character building, intellectual intelligence, good moral attitudes, and life skills that are beneficial to themselves as well as to the social environment, nation, and state. In Seneren Village, most of the people only complete their education at the elementary and high school levels. This condition is influenced by the economic factors of the family which is still classified as less prosperous. As a result, for most young people in the village, marriage is seen as an alternative option to fill their free time after not continuing their education, assuming that through marriage they can learn to understand the responsibilities in domestic life. In addition, children who drop out of school at compulsory education age tend to be at risk of engaging in less useful and difficult to control activities, as the absence of structured learning activities makes them lose control of the environment and do not have adequate maturity in decision-making.

*Third*, according to Abu Al-Ghifari, most adolescents, about eighty percent, engage in sexual relations with partners who are not legal husbands or wives within less than a year of dating. This condition shows that there is a fairly high promiscuity behavior among adolescents. The impact of this phenomenon is the increase in cases of pregnancies before the existence of a legal marriage bond. The pregnancy often encourages families to take shortcuts by immediately holding the wedding as an effort to cover up the shame



and maintain the family's good name.<sup>25</sup> The group in question is teenagers who have been involved in sexual activities resembling a husband and wife relationship. In such a situation, the parents of the woman's side generally choose to hasten the marriage of their child. This decision is driven by the view of parents who consider that the virginity of girls has high moral and social value, so that when it is considered to have been lost, the family feels embarrassed that can affect honor and image in society.

*Fourth*, the rampant spread of sexually charged content through various mass media channels has made some teenagers today more loose in viewing moral norms. This condition is triggered by the ease of access to pornographic impressions that are widely circulated on digital platforms and social networks. Repeated exposure to such content can lead to the urge to imitate the behavior displayed, driven by curiosity and a desire to try new things. As a result, not a few teenagers are trapped in deviant behavior, including having sexual relationships without a valid marriage bond, so that it has the potential to have various negative impacts on themselves and their social environment.

#### **Fulfillment of Children's Rights in Early Marriage Families in Blangkejeren District**

The results of interviews with a number of residents and families in Blangkejeren District, Gayo Lues Regency, revealed that the rights of children born to couples who marry at an early age have not been fully fulfilled. This can be seen from the living conditions of these children who are still experiencing various shortcomings, both in terms of parenting, education, emotional attention, and religious guidance. Many young parents do not have economic readiness or adequate knowledge regarding how to care for and educate their children. As a result, their children often face delays in the learning process, lack of attention from parents, and limited access to health services and other social supports.

Based on the findings of the research conducted, it is known that the majority of parents who get married at an early age do not have enough understanding and parenting skills. They are still in their teens, so they are not fully prepared to take on the responsibilities of parenthood. This condition has an impact on the lack of optimal direction and attention in guiding and caring for their children.

The results of the research obtained through interviews with a number of resource persons in Blangkejeren District show that children born from marriage at a young age still experience limitations in obtaining their full rights. This is reflected in various aspects of their lives that have not been adequately fulfilled, including in terms of parenting, access to education, attention and affection from parents, and guidance in the religious field.

Based on the results of the interviews, it was revealed that many parents who get married at an early age do not have adequate knowledge or skills in parenting. In adolescence, they are less likely to be psychologically prepared to take on the responsibilities of parenthood. This condition has an impact on the limited guidance and attention that can be given to children, so that their growth often occurs without clear direction, both in terms of behavior, education, and the formation of moral values. Some informants mentioned that parents tend to prioritize economic affairs and work more, so the time available to communicate, listen, and interact with children becomes very

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<sup>25</sup> Agustian, Hesti. "An overview of the life of a married couple at a young age in Dharmasraya Regency." *Spectrum Pls* 1.01 (2013), p. 207.

limited. As a result, children often feel neglected and do not receive adequate emotional support from their parents.

The results of the study also showed that the closeness between children and parents in families who experienced marriage at a young age was relatively low. Many children are reluctant to share their stories or express their opinions to their parents, because the pattern of communication in the household is still one-way and tends to be authoritative. Parents are not fully able to play the role of open, sensitive, and empathetic companions to their children's emotional needs. This situation affects children's psychological development, so they tend to be more introverted and less confident when expressing their thoughts or feelings.

In terms of meeting basic needs, children still face limitations. A number of young families are at the middle to lower economic level, so their ability to meet the needs of children, especially in the fields of education, health, and nutritional intake is not optimal. This condition often forces parents to leave their children under the care of grandparents or other family members in order to earn an income. As a result, children often experience a lack of direct interaction and consistent attention from their biological parents.

In terms of religious upbringing, research shows that children born to families with early marriage practices generally lack adequate religious guidance from their parents. Many parents do not have a strong understanding and knowledge of religion, so their ability to instill Islamic values in their children is still limited. In fact, the Qur'an emphasizes that parents play an important role and great responsibility in educating, guiding, and nurturing children so that they grow up to be good individuals, have noble character, and are pious. This is in line with the message of Allah SWT in Surah At-Tahrim verse 6, which emphasizes the importance of parents' attention to education and guidance of children.

*"O you who have believed, protect yourselves and your families from the fire of Hell..."*

This verse affirms the responsibility of parents in caring, directing, and instilling religious values in children. In practice, conditions in the field show that parents who marry at a young age often find it difficult to carry out this task optimally, due to a lack of knowledge, life experience, and adequate emotional maturity.

The results of this study indicate that the rights of children born into families who marry at an early age are still not fully fulfilled. Some of the main factors that are obstacles include the lack of parental knowledge about good parenting, lack of attention to the emotional needs of children, limited religious education, and inadequate family economic conditions. This situation not only affects the physical and psychological well-being of children, but also has the potential to have long-term effects on their overall character formation, social abilities, and future prospects.

## **CONCLUSION**

The results of the study show that the practice of early marriage is still a significant social problem and has a direct impact on the non-optimal fulfillment of children's rights. Although child protection has been comprehensively regulated in Law Number 35 of 2014 concerning Child Protection and Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, its implementation at the family level has not been carried out effectively. This condition is reflected in the unfulfilled rights of

children in the aspects of parenting, education, health, and religious guidance due to limited parental readiness, both in terms of psychological, economic, and parenting skills.

Empirical findings show that there is a gap between legal norms and social realities in society. Low legal awareness, limited intervention of local governments and related institutions, and instability of family socio-economic conditions reinforce obstacles in the fulfillment of children's rights. This study confirms that early marriage cannot be seen solely as a cultural issue or individual family choice, but rather as a structural problem that requires a more active presence of the state. Therefore, child protection must be understood as a collective responsibility that involves synergy between the government, society, educational institutions, and families by making the principle of the best interest of the child as the main foundation.

In terms of policy, this study recommends strengthening efforts to prevent early marriage through the formulation of contextual and community-based regional policies, improving family law education, and optimizing the role of child protection institutions to the village level. In addition, supervision of the provision of marriage dispensation needs to be tightened to be in line with the goal of child protection and integrated with programs to improve access to education and family social welfare. Academically, this research contributes to enriching the study of child protection law through a local-based juridical-empirical approach and opens up space for further research with socio-legal and comparative approaches to encourage the formulation of policies that are more responsive and equitable for children.

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