

THE LEGAL AND GENDER EDUCATION TO REDUCE EARLY MARRIAGE RATES

Noor Lailatul Izza

Universitas Islam Sultan Agung, Semarang, Indonesia, E-mail: lailatulizza@unissula.ac.id

Ida Musofiana

Universitas Islam Sultan Agung, Semarang, Indonesia, E-mail: ida.musofiana@unissula.ac.id

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ABSTRACT

Early marriage is a structural legal and social issue because it intersects with the protection of children's rights, gender equality, and the effectiveness of national marriage law. Although the state has set a minimum age for marriage through Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, the practice of child marriage persists due to strong cultural, economic, and patriarchal gender construction factors. This article aims to analyze the role of legal education and gender education in reducing the number of early marriages, as well as examine the importance of synergy between the state, universities, and the community through community service activities. This research uses a juridical-empirical method with a sociolegal approach, combined with community-based legal research. Data were obtained through normative studies of laws and regulations, as well as empirical data from legal counseling and gender education activities at the community level. The results show that legal education plays a strategic role in increasing public legal awareness and preventing the social legitimacy of early marriage, while gender education functions to deconstruct the patriarchal culture that places girls in a subordinate position. Furthermore, synergy between the state, universities, and the community has proven to be a key factor in building a sustainable, child-rights-focused legal culture. Therefore, community service-based legal and gender education needs to be positioned as a preventive and transformative instrument in efforts to prevent early marriage in Indonesia.

A. INTRODUCTION

Early marriage is a legal and social phenomenon that raises multidimensional issues, particularly in the context of protecting children's rights, gender equality, and the effectiveness of national marriage laws. From a legal perspective, marriage is not merely a religious or customary event, but rather a legal institution that creates legal consequences for personal status, family relationships, and the rights and obligations of the parties. Therefore, the practice of child marriage must be viewed as a serious issue that touches on the dimensions of substantive justice, the legal capacity of the subject, and the state's responsibility to protect vulnerable groups.

Philosophically, marriage law is built on the principle of respect for human dignity and the protection of the fundamental rights of every citizen. Children, as legal subjects who have not yet reached physical and psychological maturity, are positioned as parties who deserve special protection from the state. According to Aristotle, justice is not only measured by equal treatment, but also by proportional treatment according to the condition of the legal subject. In this context, allowing children to enter the institution of marriage at an age that is biologically and socially immature is a form of denial of the principle of corrective justice. This view aligns with Satjipto Rahardjo's thinking, which emphasizes that the law should work to protect humans, not simply regulate formal procedures.¹

This philosophical foundation has been translated into a national legal framework through reforms to marriage law. The state explicitly stipulates a minimum age for marriage through Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, which equalizes the minimum age for marriage for men and women to 19 (nineteen) years. This provision demonstrates the state's commitment to eliminating gender discrimination and providing stronger protection for children. This regulation is inseparable from Constitutional Court Decision Number 22/PUU-XV/2017, which deemed that the previous difference in the age limit for marriage contradicted the principle of equality before the law and children's rights as guaranteed by the constitution.

Furthermore, child protection is also emphasized in Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, which explicitly requires the state, government, families, and society to prevent child marriage. Therefore, preventing early marriage is not solely the responsibility of individuals or families, but rather a collective obligation inherent in all elements of society. However, the existence of this relatively progressive regulation has not been able to significantly reduce the number of early marriages, as evidenced by the persistently high practice of marriage dispensations and child marriages in various regions.

The gap between legal norms and social reality demonstrates that the issue of early marriage cannot be understood solely as a matter of compliance with the law. Social, cultural, economic, and gender-based factors still play a dominant role in perpetuating the practice. Maria SW Sumardjono emphasized that the effectiveness of the law depends heavily on public legal awareness; without social understanding and acceptance, the law has the potential to lose its effectiveness.² In many communities, early marriage is still perceived as a solution to economic problems, moral protection, or as cultural normality, so that state regulations are often positioned as something foreign and irrelevant to local realities.

1 Satjipto Rahardjo., *Hukum Progresif: Hukum yang Membebaskan*, Jakarta: Kompas, 2009, page. 23–29.

2 Maria S.W. Sumardjono., *Tanah dalam Perspektif Hak Ekonomi, Sosial, dan Budaya*, Jakarta: Kompas, 2008, page. 45–47.

From a gender perspective, early marriage demonstrates systemic power imbalances. Girls are the most impacted group, both in terms of dropping out of school, reproductive health vulnerabilities, and subordination in household relationships. This inequality is not solely an individual issue, but rather the result of a social construct that is culturally legitimized and reinforced by low legal literacy. Mansour Fakhri emphasized that gender inequality is a form of structural injustice that cannot be addressed solely through normative approaches but requires a transformation of consciousness through critical and ongoing education.³

In this context, community-based legal and gender education serves as a strategic instrument for bridging the gap between legal norms and social reality. Legal education serves to increase public understanding of the legal age limit for marriage, the legal consequences of early marriage, and children's rights guaranteed by law. Meanwhile, gender education plays a role in dismantling stereotypes and power relations that perpetuate the practice of child marriage. According to Lawrence M. Friedman, the law will only be effective if supported by a legal culture that aligns with the values espoused by the legal system itself.⁴

Within the framework of community service, part of the Tri Dharma of Higher Education, law lecturers have an academic and social responsibility to transform legal knowledge into educational practices that have a direct impact. Community service based on legal and gender education is oriented not only toward knowledge transfer but also toward fostering critical awareness and changing social attitudes. Therefore, this activity has strategic potential as a preventive instrument to reduce the rate of early marriage in a sustainable and contextual manner.

Based on the description, the problems studied in this article are formulated as follows: (1) what is the role of legal education in increasing public awareness of the prohibition of early marriage based on applicable laws and regulations; (2) how gender education contributes to deconstructing the patriarchal culture that legitimizes early marriage; and (3) how synergy between the state, universities, and the community through community service activities can strengthen efforts to prevent early marriage in a sustainable manner.

B. RESEARCH METHODS

The research method used in this paper is a juridical-empirical study with a sociolegal approach, combined with a community-based legal research framework. This method was chosen based on the nature of the problem being studied, namely early marriage, which is not only a normative issue in family law and child protection, but also a social phenomenon influenced by legal culture, gender relations, and the level of legal literacy in society. Therefore, legal analysis is not sufficient through a doctrinal study

3 Mansour Fakhri., *Analisis Gender dan Transformasi Sosial*, Yogyakarta: Pustaka Pelajar, 2013, page. 72–80.

4 Lawrence M. Friedman., *The Legal System: A Social Science Perspective*, New York: Russell Sage Foundation, 1975, page. 15–18.

of laws and regulations, but also needs to be linked to empirical reality and educational interventions carried out at the community level.

A juridical-normative approach is used to examine the legal framework governing the prevention of early marriage, specifically Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, Law Number 35 of 2014 concerning Child Protection, as well as relevant implementing regulations and court decisions, including the practice of marriage dispensation. This normative analysis is conducted critically by assessing the consistency of legal norms with the principles of child protection, gender equality, and human rights, so that the law is understood not merely as text, but as a public policy instrument with social implications.

Next, a juridical-empirical approach was applied to assess the effectiveness of legal and gender education as a form of community service in preventing early marriage. Empirical data were obtained through legal outreach and gender education activities conducted in target communities, focusing on youth, parents, and community leaders. Data collection techniques included participant observation, focus group discussions, and a simple questionnaire used to measure changes in legal understanding and gender awareness before and after the community service activities.

Within a sociolegal framework, this study also uses a legal culture approach to analyze how social values, beliefs, and norms influence societal acceptance of marriage and child protection laws. This approach is crucial for understanding why early marriage persists despite legal prohibitions, and how legal and gender education can serve as an instrument for transforming legal culture toward a more just and child-rights-based mindset.

The data obtained were analyzed qualitatively and descriptively using interactive analysis methods, namely through data reduction, data presentation, and conclusion drawing. The analysis was conducted by linking empirical findings to normative frameworks and legal and gender theories, resulting in a comprehensive understanding of the role of legal and gender education in reducing early marriage rates. Data validity was maintained through triangulation of sources and methods, to ensure that the conclusions drawn have a strong empirical and normative basis.

With this methodology, this article not only functions as an academic study, but also as a critical reflection on the practice of law-based community service, which is expected to provide practical contributions in efforts to prevent early marriage as well as theoretical contributions to the development of family and gender law studies in Indonesia.

C. RESULTS AND DISCUSSION

1. The Role of Legal Education in Raising Public Awareness of the Prohibition of Early Marriage

Legal education plays a central role in determining the effectiveness of the prohibition on early marriage, as the primary problem with this practice lies not in the absence of legal norms, but rather in the weak internalization of these norms in public consciousness.

Normatively, the state has established a relatively progressive legal framework through Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, which explicitly equalizes the minimum age for marriage for men and women at 19 (nineteen) years. This provision is reinforced by Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, which obliges all parties—the state, local governments, parents, and the community—to prevent child marriage. However, the existence of these legal norms has not fully aligned with social reality, as evidenced by the high number of requests for marriage dispensations and the practice of child marriage that is socially and administratively legitimized.

In this context, legal education cannot be understood narrowly as the socialization of laws and regulations, but rather as an instrument for transforming legal consciousness. According to Lawrence M. Friedman, the legal system will only function effectively if supported by a societal legal culture that aligns with the values espoused by the law itself.⁵In other words, the law will not be able to correct the practice of early marriage if society still views child marriage as normal, moral, or even a solution to economic and social problems. Legal education serves to shift this perspective by introducing the law as a protector of children's rights, not as an obstacle to tradition.

Conceptually, the role of legal education in preventing early marriage can be identified through the following dimensions:

- a. Normative-educative dimension, namely providing a comprehensive understanding of the prohibition on early marriage, its philosophical basis, and the legal consequences inherent in violating the marriage age provisions. In community service practices, it is often found that people do not understand that marriage dispensation is not an automatic right, but rather an exception that must be strictly considered by the court for the best interests of the child. Legal education in this dimension serves to correct the misperception that marriage law is flexible and negotiable according to the wishes of the family.
- b. Preventive-protective dimension, namely, making the law an instrument of prevention before violations occur, not merely a tool for resolving disputes after the fact. Satjipto Rahardjo emphasized that good law is law that can prevent human suffering, not simply punish it after harm has occurred.⁶In the context of early marriage, preventive legal education can raise awareness among parents and the community that marrying off children is not a solution to poverty or moral concerns, but rather an action that actually increases the risk of child rights violations, school dropouts, and social vulnerability.
- c. Emancipatory dimension, namely, making legal education a means of empowering society, particularly children and women, so they understand their position as legal subjects. Boedi Harsono

⁵ Lawrence M. Friedman., Op. Cit., page. 15–23.

⁶ Satjipto Rahardjo., *Hukum dan Perubahan Sosial*, Bandung: Alumi, 2009, page. 72–76.

emphasized that family and marriage law must be understood within the framework of protecting the vulnerable.⁷ Emancipatory-oriented legal education encourages children and adolescents to recognize their rights, including the right to refuse early marriage, and builds the courage to voice their interests in hierarchical family relationships.

However, legal education will lose its transformative power if it is conducted in a formalistic and elitist manner. Experience in community service shows that a one-way lecture approach with technical legal language is often ineffective. Therefore, legal education must be conducted contextually, participatory, and dialogically, linking legal norms to the concrete experiences of the community. Maria SW Sumardjono emphasized that law will be effective if it is rooted in social reality and translated into language that the community understands.⁸ In this context, law lecturers do not only act as conveyors of norms, but as mediators between legal texts and social life.

Furthermore, legal education also serves as a corrective mechanism against the practice of legal formalism, which often legitimizes early marriage through marriage dispensations. Without a critical understanding of the law, society tends to view dispensations as a legitimate shortcut to circumvent the marriage age ban. However, Constitutional Court Decision No. 22/PUU-XV/2017 firmly places child protection and the principle of equality before the law as the basis for changing the marriage age limit. Critical legal education must be able to reveal that the widespread use of dispensations has the potential to empty the meaning of legal protection itself. Thus, legal education serves not only as a tool for socializing norms, but also as an ideological instrument that determines the direction of legal policy for child protection. If legal education fails to be implemented systematically and sustainably, marriage law risks being reduced to mere normative texts lacking social coercive power. Conversely, when legal education is implemented critically and contextually through community service, the law can function as a tool for real social transformation.

2. Gender Education as an Instrument for Deconstructing Patriarchal Culture in Early Marriage Practices

Early marriage is inextricably linked to patriarchal social constructs that place children—especially girls—in a subordinate position and lack autonomy in decision-making regarding their bodies, education, and future. In many social practices, the decision to marry off children is often determined by the authority of parents or traditional leaders, legitimized by cultural values and pseudo-morality, without considering children's rights as legal subjects guaranteed by the constitution and

7 Boedi Harsono, *Hukum Agraria Indonesia: Sejarah Pembentukan Undang-Undang Pokok Agraria, Isi dan Pelaksanaannya*, Jakarta: Djambatan, 2008, page. 48–52.

8 Maria SW Sumardjono, Op. Cit., pp. 115–118.

laws. Therefore, gender education has a strategic function as an instrument for deconstructing these unequal power relations, as well as a corrective measure against the patriarchal culture that systematically perpetuates the practice of early marriage.

Normatively, the principles of gender equality and non-discrimination have gained strong legitimacy in the national legal system. The 1945 Constitution of the Republic of Indonesia, specifically Article 28B paragraph (2) and Article 28D paragraph (1), guarantees children's rights to survival, growth and development, and protection from discriminatory treatment. This principle is clarified in Law Number 39 of 1999 concerning Human Rights, which affirms that everyone has the right to protection without discrimination on the basis of gender. In the context of marriage, Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage explicitly removes the distinction between the marriageable age of men and women, which previously reflected gender bias in positive law.

However, the existence of egalitarian legal norms does not automatically eliminate discriminatory practices in social reality. Patriarchal culture operates not only through customary norms or habits, but also through the internalization of values that position women as "economic burdens," "guardians of family honor," or "objects of moral protection" who must be married off immediately. From this perspective, early marriage is often perceived as a mechanism of social control over women's bodies and sexuality. According to Sylvia Walby, patriarchy is a social system that allows men to dominate, oppress, and exploit women through social institutions, including the family and marriage.⁹

Gender education, in this context, serves as a tool for deconstructing cultural assumptions that have been taken for granted. The role of gender education in preventing early marriage can be analyzed through the following aspects.

- a. Critical-awareness aspect, namely building an understanding that biological differences between men and women cannot be used as a justification for unequal social rights and obligations. Gender education encourages society to distinguish between biological nature and the often discriminatory social construction of gender. Judith Butler emphasized that gender is not something natural, but rather the result of social performativity that is continuously reproduced through everyday norms and practices.¹⁰ In the context of early marriage, gender education plays a role in breaking the chain of reproduction of norms that normalize the subordination of girls.
- b. Structural-transformational aspects, namely directing gender education not only toward changing individual attitudes but also toward transforming the social structures that support the practice of early marriage. Transformative gender education invites community

9 Sylvia Walby., *Theorizing Patriarchy*, Oxford: Basil Blackwell, 1990, page. 20–35.

10 Judith Butler., *Gender Trouble: Feminism and the Subversion of Identity*, New York: Routledge, 1999, page. 33–45.

leaders, religious leaders, and village officials to reflect on their roles in perpetuating or preventing child marriage. In this regard, gender education serves as a critique of social authorities that have been insensitive to the perspectives of children's rights and gender equality. According to Nancy Fraser, gender justice requires not only recognition but also a redistribution of power within social structures.¹¹

- c. Legal-advocacy aspects, namely strengthening the understanding that the practice of early marriage is not merely a moral or cultural issue, but also a legal issue and a violation of human rights. Gender education in this dimension links gender inequality to real legal consequences, such as high rates of domestic violence, limited access to education, and reproductive health vulnerabilities. This aligns with Law Number 23 of 2004 concerning the Elimination of Domestic Violence, which recognizes that unequal power relations within the family can give rise to structural violence against women and children.

In community service practices, effective gender education must be conducted dialogically and based on community lived experiences. A judgmental, moralistic approach has the potential to strengthen social resistance. Therefore, gender education needs to be designed as a space for collective reflection that allows communities to re-examine values previously considered normal. Empirical experience shows that when parents and community leaders begin to understand the long-term impact of early marriage on girls' lives, there is a significant shift in their perspectives on the practice.

Furthermore, gender education also serves as a counterbalance to the dominance of gender-blind legal narratives. Without a gender perspective, the law risks being applied formally and failing to recognize real power imbalances. In the context of marriage dispensations, for example, a gender-insensitive approach tends to ignore the social pressures girls experience to consent to marriage. Gender education helps open up space for a more substantively just legal interpretation oriented toward protecting vulnerable groups. Thus, gender education is not merely a complement to legal education, but a key instrument in efforts to deconstruct the patriarchal culture that underlies early marriage. Without systematic and sustained gender education intervention, marriage law has the potential to be reduced to a neutral norm that fails to address true social inequalities.

3. Synergy between the State, Universities, and the Community in Preventing Early Marriage Through Community Service

Preventing early marriage cannot be reduced to the sole responsibility of the state through the establishment of legal norms, but

11 Nancy Fraser., *Justice Interruptus: Critical Reflections on the "Postsocialist" Condition*, New York: Routledge, 1997, page. 13–21.

rather requires collaborative work across structural, cultural, and educational actors. In this context, synergy between the state, universities, and the community is an absolute prerequisite for the effectiveness of child marriage prevention policies. The failure to reduce the number of early marriages despite the availability of relatively progressive legal instruments demonstrates a disconnect between law as a normative system and social reality as its operational field. Therefore, community service based on legal and gender education must be positioned as a strategic meeting place for these three actors.

From the perspective of constitutional law and administrative law, the state has a constitutional obligation to protect children's rights and guarantee gender equality. This obligation stems directly from the 1945 Constitution of the Republic of Indonesia, specifically Article 28B paragraph (2), which affirms the right of children to protection from violence and discrimination, and Article 28I paragraph (2), which affirms the guarantee of freedom from discriminatory treatment. This obligation was then operationalized through Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, which explicitly mandates an active role for the state, regional governments, and the community in preventing child marriage. However, in practice, the state often falls into a regulatory-formalistic approach that fails to address the social and cultural roots of the problem.

In this context, universities, particularly law faculties, hold a strategic position as knowledge brokers, bridging legal norms with social realities. The Tridharma of Higher Education positions community service not as an additional activity, but as an instrument of knowledge-based social transformation. According to Wahyudi Djafar, community service by legal academics should not stop at socializing norms, but rather be directed at strengthening the public's critical capacity to understand law as a tool for protecting rights, not merely as a tool of power.¹² Thus, law lecturers act as agents of change, transforming law from normative text into meaningful social practice. The synergy between the state, universities, and the community in service-based early marriage prevention can be analyzed through the following key principles:

- a. Collaborative-participatory principles, which positions the community not as the object of policy, but as an active subject in the process of preventing early marriage. Community service programs designed top-down without involving local communities tend to be unsustainable. Research in the Journal of Community Service shows that a community-based participatory approach significantly increases the acceptance of legal and gender education programs.¹³ In this context, synergy is realized through the involvement of village

12 Wahyudi Djafar., Peran Akademisi Hukum dalam Penguatan Kesadaran Hak Asasi Manusia di Masyarakat, *Jurnal HAM*, Vol. 11 No. 2, 2020, page. 245–258.

13 Siti Nurhalimah dkk., Model Pengabdian Berbasis Komunitas dalam Pencegahan Perkawinan Anak, *Jurnal Pengabdian kepada Masyarakat*, Vol. 6 No. 1, 2021, page. 55–67.

- governments, traditional leaders, religious leaders, as well as women's and youth groups in program planning and implementation.
- b. Integrative-structural principles, namely integrating community service with local government policies and social development programs. Early marriage prevention cannot stand alone but must be linked to education, health, and social protection policies. Regional governments, based on Law Number 23 of 2014 concerning Regional Government, have strategic authority in matters of women's empowerment and child protection. Synergy with universities allows these policies to be enriched with research findings and evidence-based educational approaches.
 - c. The principle of sustainability and reproducibility of knowledge, namely ensuring that the impact of community service is not temporary. One weakness of early marriage prevention programs is that interventions cease after the activity is completed. Universities have an advantage in creating legal and gender education models that can be replicated and internalized by local communities, for example through training village legal cadres or peer facilitators. A study in the *Journal of Law & Development* shows that a continuous mentoring model is more effective than a one-time outreach approach.¹⁴

Furthermore, this synergy also serves as a social control mechanism against the permissive practice of marriage dispensation. When the state, academia, and society work separately, legal discretion is often exploited to legitimize child marriage. However, through service-based synergy, the community can be encouraged to monitor and constructively criticize this practice. This aligns with Barda Nawawi Arief's view, which emphasizes that legal effectiveness is largely determined by the support of social structures and the collective consciousness of the community.¹⁵

Thus, the synergy between the state, universities, and the community in preventing early marriage should not be understood as merely symbolic or administrative, but rather as a social transformation strategy oriented toward substantive justice. Community service based on legal and gender education provides a practical space that enables the law to function as a living law within society. Without planned, systematic, and sustainable synergy, efforts to prevent early marriage risk becoming trapped in policy rhetoric that lacks social impact.

D. CONCLUSION

Based on the normative, empirical, and sociolegal discussions, it can be concluded that early marriage is a structural problem that cannot be resolved through a regulatory approach alone. Although the state has

14 R. Herlambang Perdana Wiratraman., Hukum, Pendidikan, dan Transformasi Sosial, *Jurnal Hukum & Pembangunan*, Vol. 49 No. 3, 2019, p. 623–640.

15 Barda Nawawi Arief., Kebijakan Hukum Pidana dan Perlindungan Anak, *Jurnal Masalah-Masalah Hukum*, Vol. 45 No. 1, 2016, page. 1–14.

implemented legal reforms through Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, which equalizes the minimum age for marriage for men and women to 19 (nineteen) years, the effectiveness of this norm still faces serious challenges at the social implementation level. The high practice of marriage dispensation and the persistent cultural legitimacy of child marriage indicate a wide gap between the law on the books and the law in action. Legal education has proven to play a strategic role in bridging this gap, particularly in building public legal awareness that the prohibition of early marriage is not a form of state intervention in the private sphere of the family, but rather an instrument for protecting children's rights and realizing substantive justice. Critical, contextual, and participatory legal education can transform law from mere normative text into social values understood and accepted by society. Thus, legal education serves not only as a means of disseminating laws and regulations, but also as a mechanism for internalizing child protection values within the community's legal culture. On the other hand, gender education plays a fundamental role in dismantling the cultural roots of early marriage, which are intertwined with patriarchal culture and unequal power relations. Early marriage, particularly for girls, is inextricably linked to social constructs that position women as subordinate subjects and objects of family moral control. Transformative gender education can shift society's perspective from a moralistic approach to a human rights and gender equality perspective, while simultaneously opening up legal interpretations that are more sensitive to girls' social experiences. Without gender education intervention, marriage law risks being applied formally and failing to address real structural inequities. Furthermore, the results of this study confirm that sustainable prevention of early marriage can only be achieved through strong synergy between the state, universities, and society. The state plays a role as a shaper of normative frameworks and public policies, universities as producers of critical knowledge and agents of social transformation through community service, and society as the primary subject of legal culture change. Community service based on legal and gender education is a strategic meeting point for these three actors, as it is able to integrate legal norms, critical awareness, and social practices within a contextual intervention framework. Thus, early marriage prevention is no longer understood as an elitist legal project, but rather as a participatory social process oriented towards protecting vulnerable groups.

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