



KENVORM LEGAL PROTECTION FOR PREVENTION OF CHILD MARRIAGE IN A DECENTRALIZATION PERSPECTIVE

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Abstract: Children have an important role in determining the quality of a nation's civilization, so preparing the nation's next generation is an important dimension for state administrators. Guarantees for the protection of children's rights, apart from being regulated in the Indonesian constitution, are also emphasized in Law no. 23 of 2002 jo. Law No.17 of 2016 concerning Child Protection, even in Law no. 39 of 1999 concerning Human Rights contains the provision that children's rights are human rights and it is in their interests that children's rights are recognized and protected by law even when they are in the womb. Various parties are obliged and responsible for ensuring the fulfillment of children's rights, starting from the smallest institutions, namely the family, community, village/district government, sub-district, district/city government, provincial government and government. This article aims to find legal protection measures that regional governments can implement in efforts to prevent child marriage. The results of the study and analysis are the author's findings: preventing child marriage is a form of protection and fulfillment of children's rights which is the responsibility of the government, including regional governments. Decentralization, which provides flexibility in carrying out government affairs, is an opportunity and challenge for regions to be able to overcome the problem of child marriage which is still high. Regions need to form regional regulations to legitimize and become the basis for regional governments to make efforts to prevent child marriage. Kenvorm, which is the content of regional regulations, includes: general provisions; principles, aims, objectives and scope; planning; implementation; monitoring and evaluation; coaching; award; financing; and closing provisions.

Keywords: child protection; prevention of marriage; decentralization; kenvorm law

I. INTRODUCTION

Protection and fulfillment of citizens' rights is at the core of the concept of the rule of law. All legal norms that form the basis of state administration must be oriented towards the protection and fulfillment of citizens' rights. In the practice of implementing a rule of law, legal instruments and institutions are needed to

safeguard and guarantee the protection and fulfillment of citizens' rights, including children's rights.

Children are the shoots, potential, and successors of the young generation to the ideals of the nation's struggle, have a strategic role and have special characteristics and traits that guarantee the continued existence of the nation and state in the future.¹ Children determine the quality of a nation's civilization. So it is not surprising that preparing a quality next generation is important for a nation.

Guarantees for children's rights are contained in the 1945 Constitution which states that every child has the right to survival, growth and development and the right to protection from violence and discrimination. Guarantees for children's rights were then reaffirmed through the issuance of Law Number 23 of 2002 concerning Child Protection. The normative definition of a child, as regulated in Law (UU) Number 23 of 2002 concerning Child Protection, as last amended by Law Number 17 of 2016 (Child Protection Law), defines a child as someone who is not yet 18 (eighteen) years old, including children who are still in the womb. The definition of children's rights as contained in Article 52 paragraph (2) of Law Number 39 of 1999 concerning Human Rights, is human rights and it is in their interests that children's rights are recognized and protected by law even when they are in the womb. Based on these provisions, children's rights are inherent even when they are in the womb. Children are obliged to receive protection so that they do not become victims of acts either directly or indirectly.

According to Arif Gosita, child protection is an effort to protect children so that they can carry out their rights and obligations. The normative definition of child protection as regulated in Article 1 of the Child Protection Law, is all activities to guarantee and protect children and their rights so that they can live, grow, develop and participate optimally in accordance with human dignity, as well as receive protection from violence and discrimination. This definition is also in accordance with the objectives of child protection as regulated in Article 3 of the Child Protection Law, that "child protection aims to guarantee the fulfillment of children's rights so that they can live, grow, develop and participate optimally in accordance with human dignity, and receive protection from violence and discrimination, for the sake of creating quality, noble and prosperous Indonesian children."

Various parties are obliged and responsible for ensuring the fulfillment of children's rights, starting from the smallest institutions, namely the family, community, village/sub-district government, sub-district, district/city government, provincial government and government.² This is also explicitly stated in Article 20 of the Child Protection Law, namely that "The State, Government, Regional Government, Community, Family, and Parents or Guardians are obliged and responsible for the implementation of Child Protection." In line with this goal, the essence of protecting Indonesian children is sustainable protection, and this must also be realized by

¹ Section Considering Law Number 23 of 2002

² Preliminary Part Attachment to Minister of PPPA Regulation Number 13 of 2010

every element of government, including regional governments.³

Preventing child marriage is one part of child protection efforts. Based on data, in 2018, 1 in 9 girls married in Indonesia. Women aged 20-24 years who were married before the age of 18 in 2018 are estimated to reach around 1,220,900 and this figure places Indonesia in the 10 countries with the highest absolute rate of child marriage in the world.⁴ The government has responded to the high rate of child marriage with several policy breakthroughs, including changes to the minimum age of marriage for women, child marriage as a priority in the National Medium Term Development Plan, and national campaigns.

Prevention of Child Marriage, this is based on the provisions of Article 7 paragraph (1) of Law Number 1 of 1974 concerning Marriage as amended by Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, that the limit The minimum age for marriage for men and women is 19 (nineteen) years. This is in line with the provisions of Article 13 paragraph (1) and paragraph (2) of the Law on Marriage, which states that marriage can be prevented if there is a prospective male and/or female bridegroom who does not meet the marriage requirements in the form of age requirements for consummating. a marriage or matrimony that took place at the age of the Child.

The legal policy at the national level that has been implemented by the central government to support the prevention of child marriage will be better and stronger if it is continued with legal protection through the formation of regional regulations. This is a consequence of regional autonomy which has given authority to regions to administer and manage their own regions. Law Number 23 of 2014 concerning Regional Government, has provided confirmation that matters in the field of empowering women and children are mandatory government affairs as regulated in Article 12. Implementation of the Prevention of Child Marriage is part of efforts to protect children's rights.

One example is that Lampung Province is one of the provinces in Indonesia that has a relatively high rate of early child marriage. According to data from the Bandar Lampung High Religious Court, the dispensation for child marriage in Lampung Province in 2020 was 733 cases where marriages were decided. Meanwhile, in 2021, from January to December 2021, there were 708 cases in Religious Courts throughout Lampung Province. Even though there is a decrease in the number of cases of dispensation for child marriage, the number of dispensation for child marriage in Lampung Province is relatively high and is a "homework" that needs to be handled by the regional government. Based on this description, this article will discuss the idea of supporting legal protection for children in preventing marriage from a decentralized perspective.

³ Teguh Kurniawan, "Peran Parlemen Dalam Perlindungan Anak", *Jurnal Aspirasi*, No. 1, Vol. 6, 2015, p. 39.

⁴ Tim Penyusun, *Pencegahan Perkawinan Anak: Percepatan yang Tidak Bisa Ditunda*, Jakarta: BPS, 2020.

This research is a normative legal research, which examines various laws and regulations that are used as the basis for legal provisions to analyze regional policy and child protection regulations. The legal research model used is a comprehensive and analytical study of primary legal materials and secondary legal materials. Considering that this research includes normative legal research, the approach in this study uses a statutory approach and a conceptual approach.⁵ The approach is used, namely by reviewing the laws and regulations related to legal issues, and providing an analysis of the resolution of legal problems from the aspect of the legal concept behind it. The data were analyzed qualitatively by describing the data generated from the research into a systematic explanation form so that a clear picture of the problem under study could be obtained, the results of the data analysis concluded deductively

II. DISCUSSION

1. Prevention of Child Marriage as Protection of Children's Rights

The Convention on the Rights of the Child (KHA) is a legal instrument that contains the formulation of universal principles and provisions on legal norms regarding children. The Convention on the Rights of the Child is an international agreement on human rights which includes civil and political rights, economic, social and cultural rights. Based on the CRC, children's rights can generally be grouped into 4 (four) categories of children's rights, among others:⁶

- a. The Right to Survival, namely the rights to preserve and sustain life (The Right of Live) and the right to obtain the highest standard of health and the best possible care;
- b. The right to protection (Protection Rights), namely the rights in the convention on children's rights which include the right to protection from discrimination, acts of violence and neglect for children who do not have families for refugee children;
- c. The right to growth and development (Development Rights), namely the rights of children in the Convention on the Rights of the Child which includes all forms of education (formal and non-formal) and the right to achieve a standard of living adequate for physical, mental, spiritual, moral and social development. children (the rights of standard of living);
- d. The right to participate (Participation Rights), namely the rights of children which include the right to express opinions in all matters affecting the child (the rights of a child to express his/her views freely in all matters affecting the child). The right to participate is also a child's right regarding the child's fundamental cultural identity, childhood and the development of involvement in wider society.

Child protection is an issue that needs serious attention as a form of commitment to implementing the mandate of Law Number 23 of 2002 concerning Child Protection. The still high number of child cases and violence in Indonesia is proof that the

⁵ Peter Mahmud Marzuki, *Penelitian Hukum*, Jakarta: Prenada Media, 2005.

⁶ Mohammad Joni & Tanamas, Zulchaina Z. *Aspek Hukum Perlindungan Anak dalam Perspektif Konvensi Hak Anak*. Bandung: Citra Aditya Bakti, 1999.

fulfillment of children's rights and child protection in Indonesia is still low. It is explicitly stated in Article 28B of the 1945 Constitution that the state guarantees every child to live, grow and develop and has the right to protection from violence and discrimination. Apart from that, various national level laws and regulations issued by the government and various conventions have also been ratified in an effort to provide protection for children, and children even receive special protection.

Special Protection is a form of protection received by Children in certain situations and conditions to guarantee a sense of security against threats that endanger themselves and their lives in their growth and development. Article 59 paragraph (1) of the Child Protection Law contains provisions that: The Government, Regional Government and other state institutions are obliged and responsible for providing special protection to children. Special protection is given to: children in emergency situations, children in conflict with the law, children from minority and isolated groups, children exploited economically and/or sexually, children who are victims of abuse of narcotics, alcohol, psychotropics and other addictive substances (drugs), children who are victims of pornography, children with HIV/AIDS, children victims of kidnapping, sales and/or trafficking, children victims of physical and/or psychological violence, children victims of sexual crimes, children victims of terrorist networks, children with disabilities, children victims of abuse and neglect, children with deviant social behavior, and children who are victims of stigma from labels related to the condition of their parents.

According to Maidin Gultom, policies, efforts and activities that ensure the realization of child protection are firstly based on the consideration that children are a vulnerable and dependent group, in addition, because there are groups of children who experience obstacles in their growth and development, both spiritually and physically. physical and social.⁷ Protection of children's rights essentially involves direct regulation in statutory regulations.

The issue of legal protection and children's rights is one side of the approach to protecting Indonesian children. In order for Indonesian children to receive regular, orderly and responsible protection, regulations are needed that are in line with the development of Indonesian society which fully imbues Pancasila and the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945).⁸ Regarding legal protection, according to Philipus M. Hadjon, it is divided into preventive legal protection which aims to prevent problems from occurring, and repressive legal protection which aims to resolve problems.⁹ Arif Gosita said that the basis for implementing child protection is:¹⁰

⁷ *Ibid.*

⁸ Wagianti Soetodjo, *Hukum Pidana Anak*, Bandung: Refika Aditama, 2010, p. 67

⁹ Noer Indriati, *et al.*, "Perlindungan dan Pemenuhan Hak Anak (Studi tentang Orang Tua sebagai Buruh Migran di Kabupaten Banyumas)", *Jurnal Mimbar Hukum*, Volume 29, Number 3, Oktober 2017.

¹⁰ Arif Gosita, "Aspek Hukum Perlindungan Anak dan Konvensi Hak-Hak Anak", *Era Hukum*, Jurnal Ilmiah Ilmu Hukum, Fakultas Hukum Tarumanegara, Jakarta, Vol.V, No.4, April 1999, pp. 264-265

- a. Philosophical basis; Pancasila is the basis for activities in various areas of family, community, state and national life, as well as the philosophical basis for implementing child protection.
- b. Ethical basis; The implementation of child protection must be in accordance with related professional ethics, to prevent deviant behavior in the exercise of authority, power and strength in the implementation of child protection.
- c. Juridical basis; Implementation of child protection must be based on the 1945 Constitution of the Republic of Indonesia and various other applicable laws and regulations. The application of this juridical basis must be integrative, namely the integrated application of laws and regulations from various related legal fields.

Fulfilling children's rights and protection is a priority in development. This cannot be separated from the fact that the quality of human life is determined from an early age. Children are the next generation of the nation, because they will determine the fate of this nation in the future. Child development is carried out in accordance with Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, using the principles of fulfilling children's rights and protection as stated in the Convention on the Rights of the Child, namely: non-discrimination, the right to live, grow and develop, considering the best interests of the child, and appreciate children's participation. Apart from that, child protection principles that also need to be considered are:¹¹

- a. Children cannot fend for themselves;
One of the principles used in child protection is: children are the main capital for the survival of humans, nations and families, for this reason their rights must be protected. Children cannot protect their rights themselves, many parties influence their lives. The state and society have an interest in seeking to protect children's rights.
- b. The best interests of the child;
In order for child protection to be implemented well, the principle is adhered to which states that the best interests of the child must be seen as of paramount importance (receiving the highest priority) in every decision concerning children.
- c. Life cycle approach (life-circle approach);
Child protection refers to the understanding that child protection must start early and continue.
- d. Intersectoral
The fate of children depends on various factors, both macro and micro, direct and indirect.

State obligations related to protection are divided into three things, namely:¹² obligation to respect (obligation to respect); obligation to protect (obligation to protect); and obligations to fulfill. In essence, children cannot protect themselves from various actions that cause mental, physical and social harm in various areas of

¹¹ *Op.Cit.*, Maidin Gultom, pp. 71-72

¹² *Op.Cit.*, Noer Indriati, *et al*, p. 482

life. Therefore, children need to receive protection. Implementing child protection is an obligation and responsibility of the state, government, community, family and parents.

Global consensus on the need to eliminate early marriage, forced marriage and child marriage has increasingly emerged in recent years. In 2014, the Secretary-General of the United Nations recommended a specific target in the post-2015 Sustainable Development Goals to eliminate child marriage. This recommendation is supported by 116 member countries, including Indonesia.

The practice of child marriage is related to the fact that child marriage violates children's human rights, limits their choices and opportunities.¹³ Every child has the right to survival, growth and development and the right to protection from violence and discrimination as mandated in the 1945 Constitution of the Republic of Indonesia. The preparation of the objectives of the 2020-2024 PPPA Ministry Strategic Plan takes into account 5 presidential directives, namely: increasing women's empowerment in entrepreneurship; increasing the role of mothers and families in children's education/care; reduction in violence against women and children; reduction in child labor; and preventing child marriage.

Child marriage has many negative impacts, both from a health perspective and from a socio-economic perspective. Child marriage, especially for girls, in terms of reproductive health, can result in complications in pregnancy which have a high risk of death and the child born may have a low birth weight. Child marriages also have a higher risk of domestic violence compared to women who marry at a more mature age.¹⁴

Girls who marry young face negative consequences for their health as a result of early childbirth, increased risk of domestic violence, poor nutrition, and sexual and reproductive health problems. They fare worse on all social and economic indicators compared to girls who delay marriage, including lower levels of education and higher levels of poverty. This negative impact will also be experienced by their children and can continue on to future generations.¹⁵ Therefore, preventing child marriage is important in efforts to fulfill children's rights.

2. Prevention of Child Marriage in a Decentralization Perspective based on Legislation

Indonesia as part of a member of the UN has made a commitment at the international level as marked by the ratification of the Convention on the Rights of the Child through Presidential Decree Number 36 of 1990. The KHA is basically a legal instrument that contains the formulation of universal principles and provisions on

¹³ Tim Penyusun, *Pencegahan Perkawinan Anak: Percepatan yang Tidak Bisa Ditunda*, Jakarta: BPS, 2020.

¹⁴ Attachment to PermenPPPA Number 2 of 2020 concerning the Strategic Plan of the Ministry of Women's Empowerment and Child Protection for 2020-2024

¹⁵ Tim Penyusun, *Kemajuan yang Tertunda: Analisis Data Perkawinan Usia Anak di Indonesia*, Jakarta: BPS, 2016.

legal norms regarding children. In general, KHA can be categorized as follows:¹⁶

- a. affirmation of children's rights;
- b. child protection by the State;
- c. the role of various parties (government, society and the private sector) in ensuring respect for children's rights, legal provisions regarding children's rights.

This means that Indonesia has committed at the international level to support the world movement to create a World Fit for Children, which is then carried out by the Indonesian Government through the development of Child Friendly Regency/City policies, with the ultimate goal of Indonesia Fit for Children. With the existence of the Child Friendly Regency/City policy, it is hoped that each regency/city area down to the sub-district and village/kelurahan levels can develop a development system based on children's rights as an implementation of the Convention on the Rights of the Child in the era of regional autonomy.¹⁷

Regional autonomy is currently regulated through Law Number 23 of 2014 concerning Regional Government, as last amended by Law Number 6 of 2023, which provides space for regions to develop their own regions. Regions have been given the authority to develop regions and have the authority to make regional policies and the laws and regulations that regulate them, including the prevention of child marriage.

Child protection activities through preventing child marriages have legal consequences, both in relation to written and unwritten laws. The law is a guarantee for child protection activities. As one of the elements that must exist in a legal and democratic state, the protection of human rights, including the protection of children, who we hope will determine the future of the Indonesian nation and as the next generation must receive clear regulations.¹⁸ There are several factors that influence Regional Governments in realizing Child Friendly Districts/Cities in Indonesia, including the following:¹⁹

- a. Legislation and policies for fulfilling children's rights.
Juridically, the legal umbrella for fulfilling rights covers the various interests and needs of children, both children who live normally and children who live and require special services.
- b. Budget for fulfilling children's rights.
So far, the Regency/City government has not budgeted funds to fulfill children's rights, but there is a budget that is indirectly used for children's needs. A special budget for fulfilling children's rights has not been proposed by the relevant department or agency that handles children's problems,

¹⁶ Suherman Toha, *et al*, *Laporan Akhir Penelitian Hukum Aspek Hukum Perlindungan Terhadap Anak*, Jakarta: Badan Pembinaan Hukum Nasional Departemen Hukum dan HAM RI, 2009.

¹⁷ Kementerian Pemberdayaan Perempuan dan Perlindungan Anak, *Pedoman Pelaksanaan Hari Anak Nasional Tahun 2019*, Jakarta: 2019.

¹⁸ Maidin Gultom, *Perlindungan Hukum terhadap Anak dalam Sistem Peradilan Pidana Anak di Indonesia*, Bandung: Refika Aditama, 2008, p. 33.

¹⁹ Basri, Arif Rohman & Yahya Ahmad Zein, "Pengaruh Child Abuse Dalam Penetapan Kota Layak Anak Bagi Kota Tarakan", *Jurnal Perspektif*, No. 1, Vol. 18, 2013, pp. 28-31

because regional regulations have not yet come into force that have been implemented by the department or agency that specifically handles children's problems and ratified by the DPRD, so this is an urgent factor in fulfilling children's rights.

- c. Number of laws and regulations, policies, programs and activities that received input from children's forums and other children's groups.
- d. Human resources trained in KHA are available and capable of implementing children's rights into policies, programs and activities.
- e. Data on children is available disaggregated by gender, age and sub-district.
- f. Involvement of community institutions in fulfilling children's rights.

Non-Governmental Organizations must encourage the state and government to take responsibility for providing facilities and accessibility for children, especially in ensuring optimal and directed growth and development. Non-Governmental Organizations must be able to emphasize that the accountability of parents, families, communities, government and the state is a series of activities carried out continuously for the protection of children's rights. This series of activities must be sustainable and directed to ensure the growth and development of children, both physically, mentally, spiritually and socially. This action is intended to create the best life for children who are expected to be potential future successors of the nation, strong, possessing nationalism imbued with noble morals and Pancasila values, and with a strong desire to maintain the unity and unity of the nation and state.

- g. Involvement of the business world in fulfilling children's rights.

In principle, from a series of problems that plague children, what all components, including the business world, really need to understand is the acceptance of various joint commitments agreed upon by the State for the progress of Indonesian children. The business world has not taken a proportional role. Children's issues always lose out to other programs that are more imaging in nature, in fact children's issues are always unable to compete with business issues which dominate the activities of the business world today. The logical consequence is that public opinion and understanding of children's issues lags far behind what it should be. So this actually distances children from their cultural originality and even makes Indonesian children contaminated by foreign culture.

Thus, ignoring child protection will have very detrimental consequences for the future of the nation, which in a broad sense also means ignoring the constitutional mandate.

Law Number 23 of 2014 regulates generally the authority of regional governments. In this case, regions have the authority to prevent child marriages which are included in the scope of women's empowerment and child protection. In more detail what is the authority of the provincial regional government is contained in the Attachment to Law Number 23 of 2014, which will be explained in the table below.

Table 3. District/City Regional Authorities in the Field of Women's Empowerment and Child Protection based on Law Number 23 of 2014 concerning Regional Government related to Child Protection

Sub Affairs	Provincial Authority
Family Qualities	<ul style="list-style-type: none"> a. Improving the quality of families in realizing gender equality (KG) and children's rights at the provincial level and across districts/cities. b. Strengthening and developing institutions providing services to improve family quality in realizing KG and children's rights whose work areas cross district/city regions. c. Providing services for families in realizing KG and children's rights whose work area crosses district/city areas.
Gender and Children Data System	Collection, processing, analysis and presentation of gender and child data in data institutions at the provincial regional level.
Fulfillment of Children's Rights (PHA)	<ul style="list-style-type: none"> a. Institutionalization of PHA in government, non-government and business world institutions at provincial level. b. Strengthening and developing institutions providing services to improve the quality of life for children at the provincial level and across districts/cities.
Special Protection for Children	<ul style="list-style-type: none"> a. Prevention of violence against children involving parties within the province and across districts/cities. b. Provision of services for children who require special protection that requires coordination at the provincial level. c. Strengthening and developing institutions providing services for children who need special protection at the provincial level and across district/city regions.

Based on the description above, there is regional legal legitimacy in the implementation of child protection matters. Law Number 23 of 2014, which is the legal basis for the implementation of regional government, has outlined the

authority and responsibilities of regional governments, even child protection matters are concurrent matters that are mandatory. The attachment to Law Number 23 of 2014 provides limits on the level of regional authority at both the provincial and district levels, which of course have different scales of authority and responsibility.

Regional governments need to have the awareness to fully support the prevention of child marriage by involving the entire community, parents and interested parties in preventing child marriage. This is done to protect the interests of children whose rights are threatened due to the prevalence of child marriage. Regional Governments need to form regulations regarding efforts to prevent Child Marriage through Regional Regulations.

A regional regulation regarding the prevention of child marriage was constructed to provide a solid legal footing for regions in efforts to prevent child marriage. Regional regulations become legal instruments to provide legal certainty and legal benefits for Regional Government and citizens. Legal certainty is the cornerstone of good governance by providing great benefits for the prosperity of the people.

3. Kenvorn Law on the Prevention of Child Marriage by Regional Government

Article 18 paragraph (6) of the Indonesian constitution stipulates that "Regional governments have the right to establish regional regulations and other regulations to carry out autonomy and assistance duties." The attribution authority of regional governments outlined in this provision is the constitutional basis for regional governments to form regional regulations regarding the prevention of child marriage.

Regional regulations, as an instrument in implementing regional autonomy, are also a form of legal protection. According to Philipus M. Hadjon, with "government action" as the central point, (associated with legal protection for the people), two types of legal protection are distinguished, namely: preventive legal protection and repressive legal protection. Preventive legal protection aims to prevent disputes from occurring, whereas repressive legal protection, on the other hand, aims to resolve disputes.²⁰ The formation of regional regulations preventing child marriage is part of preventive legal protection efforts.

There are several legal implications that could occur if regions form regional regulations regarding the prevention of child marriage, including:

- a. Regarding aspects of community life, regulating the prevention of child marriages with regional regulations will certainly provide legal force and legal certainty for local governments in implementing the prevention of child marriages in the regions so that the number of child marriages can decrease so that children's rights are fulfilled and have positive implications. on

²⁰ Philipus M. Hadjon, *Perlindungan Hukum Bagi Rakyat di Indonesia*, Surabaya: PT Bina Ilmu, 1987.

achieving the Sustainable Development Goals. Then, by implementing regional regulations, the community can carry out external supervision of steps in implementing the Prevention of Child Marriage in the region. The provisions in regional regulations can be used as benchmarks by the community in the context of participation in efforts to realize the protection and fulfillment of children's rights in the context of preventing child marriage.

- b. Regulations on the Prevention of Underage Marriage with regional regulations will provide legal awareness to the general public about the importance of protecting children's rights from the negative impacts of marriage at a child's age. It is also hoped that the existence of regional regulations can provide a better perspective on the position of children in community life. The clarity of the role and responsibilities of regional governments in preventing child marriages is also reflected in regional regulations.
- c. Regarding the aspect of regional financial burden, regulating the Prevention of Child Marriage with regional regulations will reinforce and provide a basis for determining regional expenditure budgets to support efforts to implement the Prevention of Child Marriage, so that implementation can be based on regional regulations. This cannot be separated from the fact that with the regulation of the Prevention of Child Marriage, local governments are obliged to prepare various facilities and infrastructure to support the implementation of the policy. The existence of regional regulations preventing child marriage is also clear evidence of the regional government's commitment to realizing child-friendly districts/cities.

The preparation of regional regulations to prevent child marriage is of course inseparable from and must not conflict with existing laws and regulations. The right to enter into a marriage is a right that is also regulated in the constitution, namely Article 28B paragraph (1) which states that "every person has the right to form a family and continue their offspring through a valid marriage." Further provisions regarding marriage are regulated in Law Number 1 of 1974 concerning Marriage, as amended by Law Number 16 of 2019. In summary, several regulatory points serve as limits and references in the preparation of regional regulations in preventing marriage. The child's age as stated in Law Number 1 of 1974 is as follows:

1. Article 7

Article 7 regulates that marriage is only permitted if the man and woman have reached the age of 19 (nineteen) years. In the event of a deviation from the age requirements, the man's parents and/or the woman's parents can request a dispensation from the Court for urgent reasons accompanied by sufficient supporting evidence. Granting dispensation by the Court is mandatory to listen to the opinions of both the prospective bride and groom who are about to get married. Provisions regarding the condition of one or both parents of the prospective bride and groom also apply to provisions regarding requests for dispensation without prejudice to the provisions as intended in Article 6 paragraph (6).

2. Article 13

Article 13 stipulates that "Marriage can be prevented, if there are parties who do not fulfill the requirements for carrying out a marriage."

3. Article 14

Article 14 stipulates that "those who can prevent marriage are the families in the straight line up and down, relatives, marriage guardians, guardians, guardians of one of the prospective bride and groom and interested parties." They also have the right to prevent a marriage from taking place if one of the prospective bride and groom is under guardianship, so that the marriage actually causes misery for the other prospective bride and groom..

The formation of regional regulations to prevent child marriage must be based on at least three aspects, namely philosophical, sociological and juridical foundations. According to Jimly Asshiddiqie, the formation of good regulations must be based on philosophical, sociological, juridical and political aspects. On a philosophical basis, laws always contain legal norms idealized by a society towards which the noble ideals of social and state life are to be directed. The sociological basis is that every legal norm outlined in law must reflect the demands of society's own needs for legal norms that are in accordance with the reality of society's legal awareness. Political Foundation: The political basis referred to here is that the preamble must also depict the existence of a constitutional reference system according to the ideals and basic norms contained in the 1945 Constitution as the main policy source or legal political source that underlies the formation of the law in question. The juridical basis, in the formulation of every law, must be placed in the "Considering" Precautions section.

The following are the philosophical, sociological and juridical foundations for forming regional regulations to prevent child marriage, namely:

- a. The philosophical basis is that children are a trust and gift from God Almighty as the offspring and next generation of the nation who have rights and dignity that must be protected as complete human beings;
- b. The sociological basis is that child marriage has a negative impact on children's growth and development, reproductive health problems, risk of maternal and child death, domestic violence, poverty, and low quality of human resources which can cause children's basic rights to not be fulfilled, so that the Government Regions need to make efforts to prevent child marriage in a systematic, unified and integrated manner; and
- c. The juridical basis is that child protection is a mandatory government matter for regional governments in accordance with the provisions of Law Number 23 of 2014 concerning Regional Government, so that in order to protect children's rights, regional governments need to establish policies to prevent child marriage in the regions.

Kenvorn Regional Regulations on Preventing Child Marriages covers regulatory matters relating to strategies for Preventing Child Marriages. The regulatory direction in this draft regional regulation is adjusted to the provisions of Law Number 1 of 1974 concerning Marriage as amended by Law Number 16 of 2019 and Law Number 23 of 2014 concerning Regional Government. Based on the provisions in these two regulations, preventing child marriages is the responsibility of the Regional Government to reduce the number of child marriages as an effort to protect and fulfill children's rights. It is hoped that the formation of Regional Regulations on

the Prevention of Child Marriage can encourage a change in the paradigm of people's thinking while simultaneously transforming it towards a better society.

The regional regulatory framework for preventing child marriage consists of 9 (nine) chapters which include, among others:

- a. Chapter I, general provisions;
- b. Chapter II, principles, aims, objectives and scope;
- c. Chapter III, planning;
- d. Chapter IV, implementation;
- e. Chapter V, monitoring and evaluation;
- f. Chapter VI, coaching;
- g. Chapter VII, awards;
- h. Chapter VIII, financing;
- i. Chapter IX, closing provisions.

Through the division of these chapters, it is hoped that the direction and reach of regional regulations in preventing child marriage will be able to realize more optimal protection and fulfillment of children's rights in the region.

III. CONCLUSION

Based on the description that has been presented, it can be concluded that Protection of children's rights is mandatory and the responsibility of the state. Legislation at both international and national levels guarantees the protection of children's rights. Preventing child marriage is one of the efforts to protect children's rights. Prevention of child marriage, this is based on the provisions of Article 7 paragraph (1) of Law Number 1 of 1974 concerning Marriage as amended by Law Number 16 of 2019. Regional governments in implementing decentralization have the responsibility to protect children, including making efforts to prevent marriage at the age of a child, this is reflected in the division of concurrent government affairs contained in Law Number 23 of 2014. The legal framework for preventing child marriage by regional governments can be implemented through the formation of regional regulations. The regional regulations regarding the prevention of child marriage at least consist of content that regulates: general provisions; principles, aims, objectives and scope; planning; implementation; monitoring and evaluation; coaching; award; financing; and closing provisions.

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