



Optimizing the role of women's empowerment and child protection (PPPA) Bone Regency against implications the law No. 16 the year 2019 Maslahat perspective

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ABSTRACT

This study examines the role optimization of Bone Regency's Office of Women's Empowerment and Child Protection (PPPA) from a Maslahat perspective in Law No. 16, 2019. The PPPA's efforts to support the law, influential factors, and Maslahat's perspective on these efforts are investigated. The research implements a qualitative, descriptive methodology incorporating theological-normative, normative juridical, and sociological perspectives. Observations, interviews, and documentation were used to collect primary and secondary data. The findings indicate that the PPPA supports the law by conducting mature and structured outreach, signing Memoranda of Understanding with various agencies, and refining recommendations for child marriage authorization. However, adjustments are necessary due to obstacles such as community traditions, a lack of public awareness regarding the effects of child marriage, and unwed pregnancies. In conclusion, from the perspective of Maslahat, the PPPA has optimally protected children by preventing child marriage, thereby contributing to the welfare of the nation's next generation.

Keywords: Optimization; PPPA service; implication; Maslahat

1. INTRODUCTION

Marriage under the age of 19 (nineteen) years, both the bride and groom or one of them, is one of the prohibited marriage practices, based on RI Law Number 16 of 2019, because it is still categorized as a child is considered unstable, so it requires good

education and maturity physically, psychologically and in terms of material to meet the needs of further life. In addition, children still need protection for human rights. Before the issuance of RI Law Number 16 of 2019, in 2018 in Indonesia, 1 out of 9 girls aged 20-24 were married before 18. South Sulawesi is included in the ten provinces with Indonesia's most significant child marriages. Based on UNICEF data, around 14% of women aged 20-24 were married or lived together before age 18 in South Sulawesi. This number is even higher than the national average of 12%. These data show that the situation of child marriage cases in Indonesia is still an emergency because every year, it continues to increase due to the lack of socialization of the Marriage Law, lack of parental control resulting in promiscuity, and the influence of social media.

Marriages carried out by prospective brides and grooms, both men and women under 19, are also called child marriages. According to the Republic of Indonesia Law, it is permissible for child marriage after obtaining a marriage dispensation from the Religious Court if in an emergency or forced situation. Dispensation from marriage can be given to children who wish to marry underage through the Religious Court of the woman's domicile (prospective bride and groom), provided the application's administration is fulfilled. In connection with this research in Bone Regency, one of the essential requirements that must be fulfilled for an applicant to apply for a marriage dispensation at the Class I/A Watampone Religious Court for processing is to obtain a permit from the Office of Women's Empowerment and Child Protection (PPPA) of Bone Regency cq. Integrated Service Center for the Protection of Women and Children (P2TP2A) Bone Regency. The existence of the PPPA Agency in terms of efforts to prevent child marriage is based on existing rules, namely Supreme Court Regulation No. 5 of 2019 concerning marriage dispensation.

The enactment of this decision naturally positions the PPPA institution to support the government's efforts to protect children from child marriage. So, it is natural that the PPPA Service tightens the procedure for obtaining a marriage license for child brides with emergency conditions, namely pregnancy out of wedlock. Apart from being pregnant out of wedlock, permission will not be accepted. The difficulty of obtaining permission from the Bone Regency PPPA Office has become one of the government's alternatives to prevent child marriage, especially in the Bone Regency. As we can see from the annual statistical data of the Class I/A Watampone Religious Court, from 2018 to 2021, some cases were accepted and registered as cases of requests for dispensation of marriage with details in 2018, the number of cases decided was 191; in 2019 the number of disconnected 228; in 2020 the number of separate 178; in 2021 the number of independent 62; in 2022 the number of independent 36.

These data indicate that according to RI Law Number 1 of 1974 Article 7 Paragraph 1, cases of requests for dispensation for marriage in 2018 increased by 20% to 2019. If

this continues to happen, it is feared that the number of children wanting to get married will impact the future. Thus, to prevent the rampant practice of child marriage, a revision of the minimum age to enter into a wedding was held to become RI Law No. 16 of 2019 and has been in effect since October 2019. So, in 2020, cases for marriage dispensation have decreased by 20%, and in 2021 it has become 35%. If there is a decrease every year, then RI Law No. 16 of 2019 has a better impact on preventing the practice of child marriage.

2. METHODS

This research is field research (field research), which is descriptive qualitative. Field research aims to provide information about a phenomenon as it is and contextually. Qualitative research methods were applied in this study due to the dynamic nature of qualitative research on situations and conditions, so this research is expected to be able to describe the optimization of the role of the Bone Regency Women's Empowerment and Child Protection Service (PPPA) against the implications of Law no. 16 of 2019 Maslahat perspective.

The purpose of descriptive research is so that the reality and characteristics of the object under study can be explained precisely and systematically. Thus, the qualitative descriptive referred to in this study is research to transform the data that has been collected into a concept to describe the problem under study. Following the referenced literature, each idea is integrated into a thought construct. This research was located in Bone Regency, specifically at the Office of Women's Empowerment and Child Protection (PPPA) of Bone Regency.

The approach is a way of approaching the object as a structure of meaning. This research uses the following procedure:

1. Theological-Normative Approach (Syar'i)

This approach is based on the belief that religious entities such as religious forms or symbols are the most correct while the others are wrong. Therefore, this research approach examines the problem of age being able to perform marriage based on the Qur'an and Sunnah as the main foundation of Islamic law and fiqh laws that explain child marriage and child protection.

2. Normative Juridical Approach

A normative juridical approach is based on legal norms in laws and regulations, court decisions, and other legal norms that apply in society. This approach is used by examining literature or secondary data relating to Law Number 16 of 2019 concerning

Amendments to Law Number 1 of 1974 concerning Marriage, Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 regarding child protection, Republic of Indonesia Supreme Court Regulation Number 5 of 2019 concerning Guidelines for adjudicating applications for marriage dispensation, and Compilation of Islamic Law.

3. Sociological Approach

A sociological approach is an approach used to study social life. Social sciences are analyzed based on the factors that cause a relationship, social mobility, and the beliefs behind the process. The sociological approach in this study discusses optimizing the role of the Bone Regency Women's Empowerment and Child Protection Service (PPPA) against the implications of Law No. 16 of 2019. The Maslahat perspective is by the actual situation of the people of Bone Regency.

Sources of data in this study consisted of primary and secondary data. Preliminary data is data obtained directly from the subject from information sources. This study's primary data was obtained through interviews and direct observation at the research location. The primary data source is obtained from the Office of Women's Empowerment and Child Protection (PPPA) of Bone Regency. Secondary data is obtained indirectly through processing from the results of second-party field research. The secondary data in this study were sourced from documentation and literature review, which were then examined critically and analytically. Secondary data sources are books, journals, and documents related to the research focus.

The data collection methods used included 1. Observation, this research was conducted by applying observation of the subject (informant), the informant's behavior during the interview, and the interaction of the informant with the researcher to understand more deeply about the process and results of the interview to obtain additional relevant data. 2. Interview, it is a question-and-answer process directly to the informant. According to Singarimbun, interviews are one of the essential parts of a survey to obtain complete information from informants. The informants in this study were the Office of Women's Empowerment and Child Protection (PPPA) of Bone Regency. 3. Documentation is a record of important and valuable events from events that have occurred. In this study, researchers will take documentation related to changes in the minimum age of children in marriage according to the perspective of benefit in Bone Regency by studying the books, archives, and documents used that are relevant to the research.

The research instruments are 1. The researcher (human instrument) is the main instrument for qualitative research. 2. The interview guide sheet is an instrument of

guidance and reminders for researchers conducting interviews. 3. Observation using documentation tools like notebooks and cell phones to record and take pictures during research.

3. RESULTS AND DISCUSSION

Efforts Taken by the Office of Women's Empowerment and Child Protection (PPPA) of Bone Regency in Supporting the Implications of Law No. 16 of 2019 Maslahat Perspective

The results of this study indicate that the efforts taken by the Office of Women's Empowerment and Child Protection (PPPA) of Bone Regency in supporting the implications of Law No. 16 of 2019, the Maslahat perspective includes:

- 1) Dissemination to the community in a mature and structured manner because it is needed to provide an understanding of changes in the minimum age of children entering into a marriage. The Office of Women's Empowerment and Child Protection is making significant efforts to minimize the occurrence of underage marriages. Therefore, several efforts have been made by the Office of Women's Empowerment and Child Protection to reduce the occurrence of child marriages, as said by Dra. Hj. M.Si that:

"The efforts made are socialization, namely socialization in two sub-districts every year by gathering representatives from each village, regarding the minimum age limit for marriage and the prevention of underage marriages."

Based on the results of these interviews, the efforts made are socialization to the community. The purpose of this socialization is to introduce to the community the rules regarding the minimum age limit for marriage for men and women and also the risks and dangers of child marriage is carried out. As revealed by Agung Rachmadi, S. Sos, MM. that:

"The socialization was done by inviting presenters from related agencies, one of which was from the Health Office who understood more about the risks and dangers that occur to minors when carrying out marriages."

Child marriage often occurs because of a lack of knowledge, and there is no parental consideration of the impacts and risks that happen to children when child marriage is carried out. Child marriage is often harmful to the health of mothers and children, so the socialization usually carried out by the Office of Women's Empowerment and Child Protection is the form of impacts and risks for children if child marriage occurs.

The socialization was also done by providing a permit recommendation from the Office of Women's Empowerment and Child Protection to apply for dispensary marriage at the Watampone Religious Court. As stated by Yuyun Prihatin, S. Prt, M.Si that:

"Providing permit recommendations from the Office of Women's Empowerment and Child Protection is also socialized so that the public can know that currently applying for dispensation at court is no longer the same as before, which is currently more stringent by paying attention to the condition of the prospective bride whether in an emergency or not."

The success of the socialization carried out can be seen in the number of requests for rejected permit recommendations. This indicates that the community already knows that only those in an emergency can be advised permission to apply for a marriage dispensation. The data is as follows:

Table 1 Data on Permit Recommendation Requests for 2020-2022

Year	2020		2021		2022	
	Accepted	Rejected	Accepted	Rejected	Accepted	Rejected
Amount	53	150	50	22	43	2
Total	203		72		45	

2) Conduct Memorandums of Understanding (MoU) with various agencies that can help and provide an understanding of the impact if there is a change in the minimum age of children entering into a marriage.

Efforts to minimize child marriage are carried out with socialization in the community and with the involvement of all parties so that efforts to mitigate child marriage can be carried out properly, as explained by Yuyun Prihatin, S. Prt, M.Si that:

"Optimizing efforts to minimize child marriage The Office of Women's Empowerment and Child Protection does not do this, but an MoU has been made with several related agencies so that all parties can be involved, and this effort can be optimal."

Based on these interviews, it can be seen that the Office of Women's Empowerment and Child Protection entered into an MoU with 13 agencies in Bone Regency, namely:

1. Religious courts
2. Ministry of Religion

3. Education authorities
4. Social Affairs
5. Department of Population and Civil Registry
6. Public Health Office
7. Ministry of Communication and Informatics and Encryption
8. Community and Village Empowerment Service
9. Bappeda
10. Village Community Empowerment Service
11. Bone Police
12. District and Village Government, and
13. Puspaga.

Agencies that have been invited to the MoU have different tasks in increasing efforts to minimize the occurrence of child marriage. For example, there is the Religious Courts function as an agency that provides guidance related to the prevention or cancellation of marriage plans for people who have not met the requirements and activities in the form of legal counselling and outreach to various villages. In contrast, the Social Education Office has the task of coaching and empowering the teacher working group (KKG) in advocating and socializing the prevention of child marriage. These agencies have different tasks to minimize the occurrence of child marriage, so the Office of Women's Empowerment and Child Protection is not alone in reducing child marriage. This is so that programs to minimize the occurrence of child marriage can be optimal and able to reduce child marriage.

3. Tighten the provision of recommendations for permission to apply for marriage dispensation for children by involving various agencies.

Subsequent efforts were made by the Office of Women's Empowerment and Child Protection by Supreme Court Regulation 5 of 2019 concerning Guidelines for Adjudicating Applications for Dispensation of Marriage; from these rules, the Service for Women's Empowerment and Child Protection has the authority to issue permit recommendations. This permit recommendation is used to apply for marital dispensation at the Watampone Class IA Religious Court. This recommendation is necessary for the application for marital dispensation to be processed.

Even though various agencies have been involved, child marriage cannot be eliminated from its implementation in society. This is caused by multiple things, such as pregnancy out of wedlock, economic factors, family traditions, educational factors, etc. However, child marriage can only occur if there is a recommendation for permission from the Office of Women's Empowerment and Child Protection as one of the

conditions for applying for dispensation from marriage at the Watampone Class I A Religious Court.

Permit recommendations cannot be obtained just like that, and this is because the Women's Empowerment and Child Protection Service is very selective in providing permit recommendations. This is by Law Number 16 of 2019 amendment to Law Number 1 of 1974 Article 7 Number 2, which reads, " in the event of a deviation from the age requirement, as referred to in paragraph 1, the parents of the man and the parents of the woman may request a dispensation from the Court, with very urgent reasons accompanied by sufficient supporting evidence." As stated by Agung Rachmadi, S. Sos, MM., that:

"At the beginning of the entry into force of Perma No. 5 of 2019, we started implementing it in January 2020 by providing recommendations to candidates who came to ask. At first, no emergency or urgent standards were enforced as a benchmark. However, after three months, the requests for permit recommendations continued to increase, so on our part, we continue to hold meetings and look for solutions on how to reduce requests for recommendations so that in May, it is determined that the urgent situation in question is being pregnant or getting pregnant."

The Women's Empowerment and Child Protection Service continued to make efforts to reduce child marriage until. Finally, it was determined that an urgent or emergency meant by the Women's Empowerment and Child Protection Service was pregnancy or getting pregnant, as Yuyun Prihatin, S.Ptr, M. Si stated that:

"Recommendations for permits are only given to prospective brides who are in an urgent or emergency, namely in a state of pregnancy or getting pregnant, after we have made various efforts, the reason that they want to get married due to economic factors or disturbing the community can no longer be given a permit recommendation."

It is clear from the interview that the prospective bride and groom who request a recommendation for a permit for reasons of economic factors, educational factors, or even anxiety in the community cannot be recommended a permit because this is a reason that can still be given counseling or knowledge about the impacts and risks of child marriage.

The Women's Empowerment and Child Protection Service only recommends permits to those who have reasons to become pregnant (Married by Accident) or getting pregnant accompanied by sufficient supporting evidence such as a pregnancy certificate and even some of the bride and groom who came to ask for

recommendations were advised to have a pregnancy check at the Deng Keisya clinic, this was done because the Office of Women's Empowerment and Child Protection had done the work the same as the clinic and another reason is that to minimize document manipulation, this is by what was revealed by Dra. Hj. M.Si that:

"The prospective bride and groom who request a permit recommendation must include clear evidence if the evidence is doubtful, especially those who are still in a young pregnancy because the condition of their stomach has not been seen, so from our side, we suggest examining at the Deng Keisya Clinic, this is so that document manipulation does not occur. So sometimes some do the examination twice, especially those still young pregnant because it cannot be proven by looking at their physical form."

The re-examination carried out by the prospective bride and groom is intended to prevent data manipulation so that those given a permit recommendation are pregnant because giving a permit recommendation for a dispensation application to the court is not just a formality.

4. Provision of Counseling to the Prospective Bride and Groom

The provision of permit recommendations by the Women's Empowerment and Child Protection Service continues but provides counseling. Counseling is given to prospective brides who will carry out child marriages and future brides who are not given a marriage recommendation in the form of matters faced when child marriage is carried out. The purpose of the counseling is to live a life after marriage that is more effective, efficient, and more alternative in solving problems, considering that they are still very young in navigating the household ship. Likewise, candidates who have yet to be given a permit recommendation can prepare themselves and further develop their talents at a young age rather than having to do child marriage. Agung Rachmadi, S. Sos, MM stated that:

"We don't just let go of the prospective bride and groom who come to ask for recommendations, whether those who are given permission or who are not given permission, we take follow-up actions in the form of counseling regarding the impacts and risks and preparations that must be prepared when carrying out child marriages."

From this statement, it can be seen that the Office of Women's Empowerment and Child Protection is very concerned about and trying to reduce child marriage even though there has been a change in the minimum age limit for marriage, namely 19 years for men and women, which at first glance can trigger an increase in requests for dispensation of marriage so that child marriages occur everywhere.

From the various efforts made by the Office of Women's Empowerment and Child Protection, success can be seen from the number of requests for dispensation from a marriage that are granted by the Religious Court of Watampone Class IA from year to year, as stated by Drs. H. Kamaluddin, SH that:

"With the existence of Perma Number 5 of 2019 concerning Guidelines for Adjudicating Applications for Dispensation of Marriage, in which the Office of Women's Empowerment and Child Protection has the authority to provide permit recommendations before prospective brides apply for dispensation at the Religious Court, it is proven that the application for dispensation for marriage has decreased."

It is also mentioned by Drs. HH Tang, MH that:

"It is true that the role of the Women's Empowerment and Child Protection Service was able to suppress requests for dispensation from marriage to the Religious Courts."

From these interviews, it can be seen that the existence of the Women's Empowerment and Child Protection Office is apparent. This is evidenced by the requests for dispensation that are granted from year to year, which have decreased as follows:

Month Year	2019	2020	2021	2022
January	21	51	9	1
February	5	55	8	2
March	7	23	1	4
April	4	0	2	0
May	6	0	5	2
June	9	9	4	9
July	14	6	6	4
August	18	7	1	4
September	20	7	5	3
October	15	10	3	3
November	78	2	15	2
December	31	8	3	2
Amount	228	178	62	36

Changes in the minimum age of marriage resulted in an increase in requests for dispensation at the beginning of the issuance of Law Number 16 of 2019, but after the enactment of Supreme Court Regulation Number 5 concerning Guidelines for Trialing Applications for Dispensation for Marriage, requests for dispensation for marriage began to change as stated by Drs. Dasri Akil, SH that:

"The change in the minimum age for marriage has increased requests for dispensation for marriage, and this is because at the beginning of the enactment of Law Number 16 of 2019, the KUA also rejected prospective brides who were still underage, but then Perma No. 5 is enforced under strict conditions, requests for marriage dispensation have decreased"

From the data and interviews, it can be seen that the role of the Office of Women's Empowerment and Child Protection in minimizing the occurrence of child marriage has had an impact, as seen from the change in the number of requests for dispensation from marriage granted by the Watampone Class I A Religious Court.

Factors Influencing the Office of Women's Empowerment and Child Protection (PPPA) of Bone Regency to the Implications of Law No. 16 of 2019 Maslahat Perspective

This is due to several influencing factors, including:

1) Community traditions

Child marriages in Bone Regency are still happening today for several reasons, such as the Siri culture (ashamed). If they refuse a marriage proposal to their daughter, even parents are afraid that their child will become an old maid with the term that their child should be a widow rather than an old maid. Parents feel a sense of pride when their daughter has been proposed to and gets married soon, while a girl who is not old yet comes to propose is considered a disgrace to the family. Thus, this tradition must receive special attention because the impact it causes dramatically affects the child's future. One of them is the large number of divorce cases that occur because they cannot maintain their household, which is dominated by young couples who marry at a young age that the Bone Regency government considers the importance of attention by responding to the enactment of the revision of the Marriage Law No. 16 of 2019.

2) Lack of public awareness of the impact caused by child marriage

Child marriages continue to occur due to a lack of public awareness and understanding of the consequences if child marriages continue to happen. The impacts are in terms of health, social, and education. Deprivation of childhood increases and

deepens knowledge, considering that knowledge is essential as one of the provisions to navigate the life of a household ship. So, if a problem arises, it usually involves the emotional, not the mind. Simple problems, such as differences in opinion, unfulfilled wants and needs, and sex problems, often cause failures and cracks in a household. They think marriage will run naturally and happiness will go down even though they do not know how to manage household life. Based on this description, it can be understood that child marriage has many negative impacts (mafsadat). Therefore, efforts to prevent child marriage are supported, as religion teaches that rejecting harm must take precedence over taking advantage.

3) Pregnant out of wedlock (Married by Accident) on the impact of promiscuity.

Pregnant out of wedlock, often referred to as "married by accident," is a pregnancy that occurs without a marriage or official bond between the partners involved. Several factors can contribute to pregnancy out of wedlock, including promiscuity. However, it is essential to understand that not all pregnancies outside of marriage are related to promiscuity, and not all promiscuity leads to pregnancies outside of marriage. Promiscuity refers to sexual behavior that involves intimate relations between partners without any marital commitment or stable relationship. When promiscuity occurs without using an effective method of contraception, the risk of pregnancy out of wedlock increases.

Maslahat Perspective on the Efforts of the Bone Regency Women's Empowerment and Child Protection (PPPA) Office on the Implications of Law No. 16 of 2019

Religious/Shari'a views on child marriage in religion (Islamic law) do not explicitly mention child marriage up to the minimum age limit for a person to enter into a marriage. There are no restrictions in religion regarding minimum and maximum provisions for marriage, and it can be assumed that there is leeway for humans to determine the best age according to them. However, the Qur'an suggests that people who want to get married must be prepared and able to live it well. This is because marriage is the most extended worship and complements religion. The realization of a goal to carry out a marriage is based on nothing but a religious view or sharia. This is inseparable from the Qur'an, hadith, and fiqh or fatwa (Islamic jurisprudence), which were developed by the thinking of the scholars based on the Qur'an and hadith as well as other sciences as supports. So that this discussion will be divided into 3, namely child marriage in the Qur'an, hadith, and the views of the scholars, as follows:

1) Child Marriage in the Qur'an

Marriage is one proof of God's greatness over His creation, because it brings together men and women to become husband and wife. Marriage is prescribed so that

humans have legitimate offspring and families to lead a happy life in this world and the hereafter, and hope for the pleasure of Allah SWT. As for Allah's order to marry men and women who are able, as Allah says in QS al-Nur/24: 32

وَأَنْكِحُوا الْأَيَامَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ ۚ إِنَّ يَكُونُوا فُقَرَاءَ يُغْنِيهِمُ اللَّهُ مِنْ فَضْلِهِ ۗ وَاللَّهُ وَاسِعٌ عَلِيمٌ

The Meaning:

"And marry those who are alone among you, and those who are worthy (married) from your male slaves and your female slaves. If they are poor, Allah will enable them with His grace. And Allah is Extensive (His gifts) and All-Knowing."

According to M. Quraish Shihab, said (الصَّالِحِينَ) many scholars understand the meaning of "worthy of marriage" that is mentally and spiritually able to build a household. Many women and children activists refuse to enter into child marriages because they have many negative impacts. One of the reasons why child marriage is not recommended is the importance for a person to have the ability to manage assets (rusyd). If child marriage continues, it is feared that there will be an inability to fulfill the rights and obligations that must be borne in everyday life, especially in managing household finances. As Allah says in QS al-Nisa/4: 6

وَأَبْتَلُوا الْأَيَّتِمَّىٰ حَتَّىٰ إِذَا بَلَغُوا النِّكَاحَ فَإِنْ آنَسْتُمْ مِنْهُمْ رُشْدًا فَادْفَعُوا إِلَيْهِمْ أَمْوَالَهُمْ

The Meaning:

"And test the orphans until they are old enough to mate. Then, if they are smart (good at maintaining wealth), give them their wealth."

2) Child Marriage in Hadith

Marriage is a sunnatullah of one of the Islamic laws. Rasulullah saw. advising young people to enter into marriage on condition that they have the ability, as the Hadith of the Prophet as follows:

حَدَّثَنَا عُمَرُ بْنُ حَفْصِ بْنِ غِيَاثٍ حَدَّثَنَا أَبِي حَدَّثَنَا الْأَعْمَشُ قَالَ حَدَّثَنِي عَمْرَةَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ يَزِيدَ قَالَ دَخَلْتُ مَعَ عَلْقَمَةَ وَالْأَسْوَدِ عَلَى عَبْدِ اللَّهِ فَقَالَ عَبْدُ اللَّهِ كُنَّا مَعَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ شَبَابًا لَا نَجِدُ شَيْئًا فَقَالَ لَنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَا مَعْشَرَ الشَّبَابِ مَنْ اسْتَطَاعَ الْبَاءَةَ فَلْيَتَزَوَّجْ فَإِنَّهُ أَغْضُ لِلْبَصْرِ وَأَحْصَنُ لِلْفَرْجِ وَمَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ بِالصَّوْمِ فَإِنَّهُ لَهُ وَجَاءٌ

The Meaning:

Has told us Amru bin Hafsh bin Ghiyats, has told us, my father, has told us al-A'masy he said; told me Umarah from Abdurrahman bin Yazid, he said: "I entered with al-Qamah and al-Aswad to Abdullah's (house), he said: "When I was with the Prophet. as well as the youths, and we found no other, Rasulullah saw. said to us: "O young people, whoever among you can marry, then marry, because marriage can lower the eyes and protect the private parts, and whoever is not able to, then let him fast, then, in fact, it can control lust."

As for the hadiths that scholars generally use to allow guardians to marry off girls who have not reached puberty. As the marriage that occurred between Rasulullah saw. with Aisyah ra, even though this happened after the marriage of Rasulullah saw. Indirectly intercourse with Aisyah ra to have a relationship like a husband and a wife, as follows:

و حَدَّثَنَا يَحْيَى بْنُ يَحْيَى وَإِسْحَقُ بْنُ إِبْرَاهِيمَ وَأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَأَبُو كُرَيْبٍ قَالَ يَحْيَى وَإِسْحَقُ أَخْبَرَنَا وَقَالَ الْآخَرَانِ حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ عَنِ إِبْرَاهِيمَ عَنِ الْأَسْوَدِ عَنِ عَائِشَةَ قَالَتْ تَزَوَّجَهَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَهِيَ بِنْتُ سِتٍّ وَتَبَى بِهَا وَهِيَ بِنْتُ تِسْعٍ وَمَاتَ عَنْهَا وَهِيَ بِنْتُ ثَمَانَ عَشْرَةَ

Meaning:

"And told us Yahya bin Yahya, Ishaq bin Ibrahim, Abu Bakr bin Abi Syaibah, and Abu Kuraib. Yahya and Ishaq said: they had informed us, while the two said: they had told us Abu Mu'awiyah from al-A'masy, Ibrahim from al-Aswad from 'Aisyah ra said: "Rasulullah saw. He married me when I was 6 years old and lived with me at 9 years old; he died when I was 18."

3) Child Marriage, according to Scholars

According to the Qur'an and hadith, marriage legitimizes that maturity is required to enter a marriage. The physical signs of adulthood in fiqh are the signs of puberty, namely ihtilam for men and menstruation for women. Fulfillment of the balig criteria, a person may be allowed to enter marriage. Thus, balig in Islam is often identified with a person's level of maturity. According to the fatwa of the Indonesian Ulema Council (MUI), the appropriate age to enter into a marriage is the age of the ability to act (ahliyatul a day) and the ability to accept rights (ahliyatul exist'). The ability to act (ahliyatul ada') is a person's legal ability to act who has been considered perfect to be responsible for all his positive and negative actions. Meanwhile, the ability to accept rights (ahliyatul exist') is the attitude of a person's ability to obtain the rights that are his right and not be able to be burdened with all obligations. Therefore, the view of age in Islamic law is not a

benchmark for determining the age limit for marriage and even measuring a person's level of maturity but is seen from the age of puberty and the face of a Muslim person.

The age limit for marriage based on Law Number 16 of 2019 is part of *ijtihad* for reasons of benefit because it is based on the principle of marriage law concerning the maturity of the prospective bride and groom. Therefore, this principle is based on *fiqh* because it has no evidence for texts in the Qur'an or Sunnah. However, it can be used as a strong argument to be guided by because the opinion of the scholars cannot be separated from the Qur'an and Sunnah.

Based on the *Maslahat* perspective, the Office of Women's Empowerment and Child Protection (PPPA) of Bone Regency has carried out its role optimally in terms of providing special protection for children to prevent child marriage for the benefit of the people, considering children as the nation's generation of hope.

Acknowledgment

The efforts made by the Bone Regency Women's Empowerment and Child Protection Service (PPPA) in supporting the implications of Law No. 16 of 2019, the *Maslahat* perspective includes 1. Outreach to the community in a mature and structured manner is needed to provide an understanding of changes in the minimum age of children entering into marriage; 2. Conduct Memorandums of Understanding (MoU) with various agencies that can help and provide an understanding of the impact if there is a change in the minimum age of children entering into marriage; 3. Tighten the provision of recommendations for permission to apply for dispensation from marriage for children by involving various agencies; 4. Provision of Counseling to the Prospective Bride and Groom.

What factors influence the Office of Women's Empowerment and Child Protection (PPPA) of Bone Regency to the implications of Law no. 16 of 2019 the *Maslahat* perspective includes: 1. Community traditions; 2. Lack of public awareness of the impacts caused by child marriage; 3. Pregnant out of wedlock (Married by Accident) to the impact of promiscuity.

Maslahat perspective on the efforts of the Bone Regency Women's Empowerment and Child Protection (PPPA) regarding the implications of Law No. 16 of 2019 has carried out its role optimally in terms of protecting children, specifically in efforts to prevent child marriage for the benefit of the people, considering children as the nation's generation of hope.

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