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BACHELOR'S THESIS

**THE ROLE OF THE INDONESIAN GOVERNMENT TOWARDS HUMAN RIGHTS,
STUDY CASE: CHILD MARRIAGE IN INDONESIA 2014-2018**

By

Oktaviani Salirisi Siregar

11201607002

Presented to the Faculty of Business and Social Sciences
In Partial Fulfillment of the Requirements for the Degree of

SARJANA SOSIAL

In

INTERNATIONAL RELATIONS

FACULTY OF BUSINESS AND SOCIAL SCIENCES

BSD City 15345

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I hereby declare that this submission is my own work and to the best of my knowledge, it contains no material previously published or written by another person, nor material which to a substantial extent has been accepted for the award of any other degree or diploma at any educational institution, except where due acknowledgment is made in the thesis.



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ABSTRACT

THE ROLE OF THE INDONESIAN GOVERNMENT TOWARDS HUMAN RIGHTS, STUDY CASE: CHILD MARRIAGE IN INDONESIA 2014-2018

By

Oktaviani Salirisi Siregar

Human rights are simply defined as the rights that belong to every individual. One of the issues that violate human rights is child marriage because it negatively impacts girls. The practice of child marriage has always been a significant problem in Indonesia. This thesis aims to find out about the role of the Indonesian Government in handling child marriage practices in Indonesia from 2014 until 2018. The research method used in this thesis is the qualitative research method, in which the data is collected from several references and academic journals. Theoretical frameworks used to analyze this research issue are the concept of human rights and national role conceptions or role theory. The results of the thesis are the Indonesian Government has made some laws to reduce the practice of child marriage in Indonesia. The Indonesian Government has also succeeded in publishing the National Strategy on the Prevention of Child Marriage (STRANAS PPA). The Indonesian Government has also made several useful programs to increase awareness among Indonesian people regarding child marriage practices.

Keywords: Child Marriage, Human Rights, Indonesian Government, Role

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DEDICATION

I dedicate this thesis to Ompung, Dad, Mom, and Bou, who have been the source of my strength when I was feeling down. Without your unconditional love and endless care, I would have never become the person I am today. Thank you for believing in me. I love you.

I also dedicate this thesis to all of my friends.

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First and foremost, I would like to thank God for without His blessings, this thesis would never be finished. I would also like to thank my family. Thank you for your countless prayers Ompung. Thank you for always checking up on my progress Dad. Thank you for all of your sacrifices for me Mom. Thank you for always cheering me up by giving me energy through my favorite food and drinks Bou.

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LIST OF ABBREVIATIONS

2P	Pelopop dan Pelapor
BAPPENAS/KPPN	Badan Perencanaan Pembangunan Nasional/Kementerian Perencanaan Pembangunan Nasional
BPS	Badan Pusat Statistik
CEDAW	Convention on the Elimination of Discrimination Against Women
CRC	Convention on the Rights of the Child
DPPPA	Dinas Pemberdayaan Perempuan dan Perlindungan Anak
FAD	Forum Anak Daerah
FAN	Forum Anak Nasional
HKSR	Hak Kesehatan Seksual dan Reproduksi
KPAI	Komisi Perlindungan Anak Indonesia
KPPPA	Kementerian Pemberdayaan Perempuan dan Perlindungan Anak
KTD	Kejadian Tidak Diharapkan
KUA	Kantor Urusan Agama
MAMPU	Maju Perempuan Indonesia untuk Penanggulangan Kemiskinan
MUI	Majelis Ulama Indonesia
OHCHR	Office of the High Commissioner for Human Rights
PERPPU	Peraturan Pemerintah Pengganti Undang-Undang
PKK	Pemberdayaan Kesejahteraan Keluarga
PUSKAPA UI	Pusat Kajian dan Advokasi Perlindungan dan Kualitas Hidup Anak Universitas Indonesia
PUSPAGA	Pusat Pembelajaran Keluarga
SRA	Sekolah Ramah Anak
STRANAS PPA	Strategi Nasional Pencegahan Perkawinan Anak
SDGs	Sustainable Development Goals
TKI	Tenaga Kerja Indonesia
UDHR	Universal Declaration of Human Rights
UN	Ujian Nasional
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNICEF	United Nations International Children's Emergency Fund
UNFPA	United Nations Population Fund (Formerly known as United Nations Fund for Population Activities)
US	United States

CHAPTER 1

INTRODUCTION

1.1. Background

Every human being that is born into this world has every right to their own life. However, in reality, not every human being has it, and some are still struggling to fulfill it. Nowadays, human rights are one of the issues that many people encounter. Therefore, lots of individuals or groups are striving for human rights. Many centuries ago, human rights did not exist, but the idea that people must have freedoms arose.

In 539 B.C., the first king of the Persian Empire, Cyrus the Great, succeeded in defeating Babylon. Cyrus the Great is known for his decree for human rights because he liberated slaves of Babylon and declared there would be religious freedom for all. The decree was inscribed on a clay cylinder. Today, the Cyrus Cylinder has been acknowledged as the first charter for human rights. In 1215, the Magna Carta, also known as the Great Charter, was the first and most significant written document for human rights. The Magna Carta was approved and signed by King John of England. The Magna Carta made every person subject to the law, which meant both the King and his subjects were accountable to the law for every action they took. In 1628, the English Parliament sent a petition to King Charles I that demanded civil liberties, which included no taxes without the Parliament's consent, no imprisonment without causes, no troops be quartered in citizen's private homes, and no use of Martial Law in peacetime. The petition is now known as the Petition of Rights. In 1776, on July 4 to be exact, the Declaration of Independence was approved by the United States' (U.S.) Congress, in which the U.S. declared its independence and stated that they were no longer a part of the British Empire. The declaration determined two main topics, which were the right of individuals and the right to revolution (United for Human Rights, n.d.).

Furthermore, in 1789, there was a French Revolution, which aimed to overthrow the absolute monarchy and create a Republic. After that, the National Constituent Assembly adopted the Declaration of the Rights of Man and of the Citizen that aimed to give equal rights to all men in France. In 1791, the U.S. Bill of Rights aimed to restrict the power of the U.S. Government and also to defend the rights of all people in the U.S. territory. The U.S. Bill of Rights consisted of the first ten amendments to the Constitution. In 1864, there were several European countries and American states joined a conference in Geneva. The conference aimed to adopt a convention. The convention provided a treatment for any wounded military personnel (United for Human Rights, n.d.).

In 1945, the United Nations (UN) was formed by fifty countries with the goal of maintaining peace among all. Other than preserving peace, human rights are also the central part of the UN's objectives. In 1948, the UN released the Universal Declaration of Human Rights (UDHR), headed by Eleanor Roosevelt, which stated that all human beings have rights and freedom (United for Human Rights, n.d.). Although human rights charters exist to protect any individual's rights, cases of human rights violations are still occurring now, such as child marriage.

According to the United Nations International Children's Emergency Fund (UNICEF), child marriage *"refers to any formal marriage or informal union between a child under 18 and an adult or another child. Child marriage is often the result of entrenched gender inequality, making girls disproportionately affected by the practice"* (UNICEF, 2020).

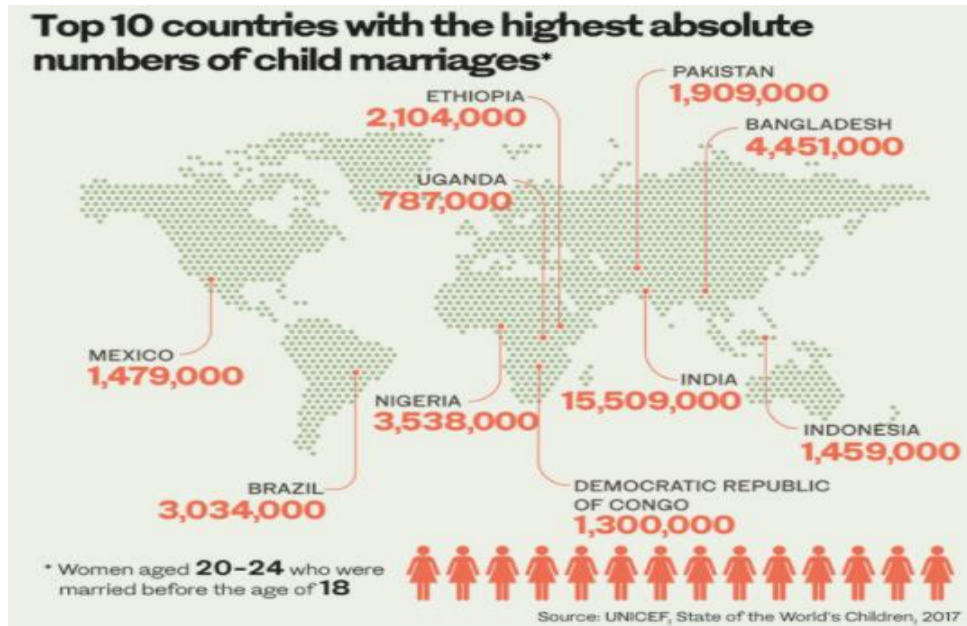
Child marriage violates human rights, especially children's rights, because they are forced to be married at a young age. The UNICEF Representative to Montenegro, Osama Khogali, asserted that *"child marriage is a violation of human rights. It compromises the development of girls and boys. Moreover, it often results in early pregnancy, poor health, little education, and social isolation. All these factors make it impossible to break the vicious circle of poverty - particularly for girls"* (UNICEF, 2017).

The practice of child marriage is still happening worldwide, for example, in sub-Saharan Africa, the Middle East, South Asia, Latin America, Southeast Asia, and many more places. According to the UNICEF, 21 percent of girls were married under the age of 18, and each year, around 12 million girls are married before the age of 18 around the world. Furthermore, child marriages mostly happen in sub-Saharan countries with 37 percent of girls married under 18. The top three sub-Saharan countries with the highest child marriage rates are Niger with 76 percent, the Central African Republic with 68 percent, and Chad with 67 percent (UNICEF, 2020).

Child marriage is a global issue that must be ended. Many governments and international organizations are concerned regarding this issue. Some governments have made laws to end child marriage and some international organizations are also helping to combat child marriage, for example, UNICEF. UNICEF is a part of the UN with the aim of providing aids to all children around the world. UNICEF has helped and worked together with more than 190 countries to save lives and defend children's rights, including protecting children from child marriage (UNICEF, n.d.). In tackling the practice of child marriage, UNICEF has created some programs. For example, UNICEF, along with the United Nations Population Fund (UNFPA), has published the Global Programme to End Child Marriage. The program obviously aims to end child marriage, by promoting the rights of girls. In other words, this program focuses on empowering girls. Some results from the program are (UNICEF, 2020):

- 1) Almost 9.000 girls have been helped to return to school, by giving them money for school's requirements (such as books and uniforms) in Sierra Leone;
- 2) Over 10.000 girls have access to health services in Yemen;
- 3) A campaign with a goal of terminating child marriage has reached over 190 million people through the media in Nepal.

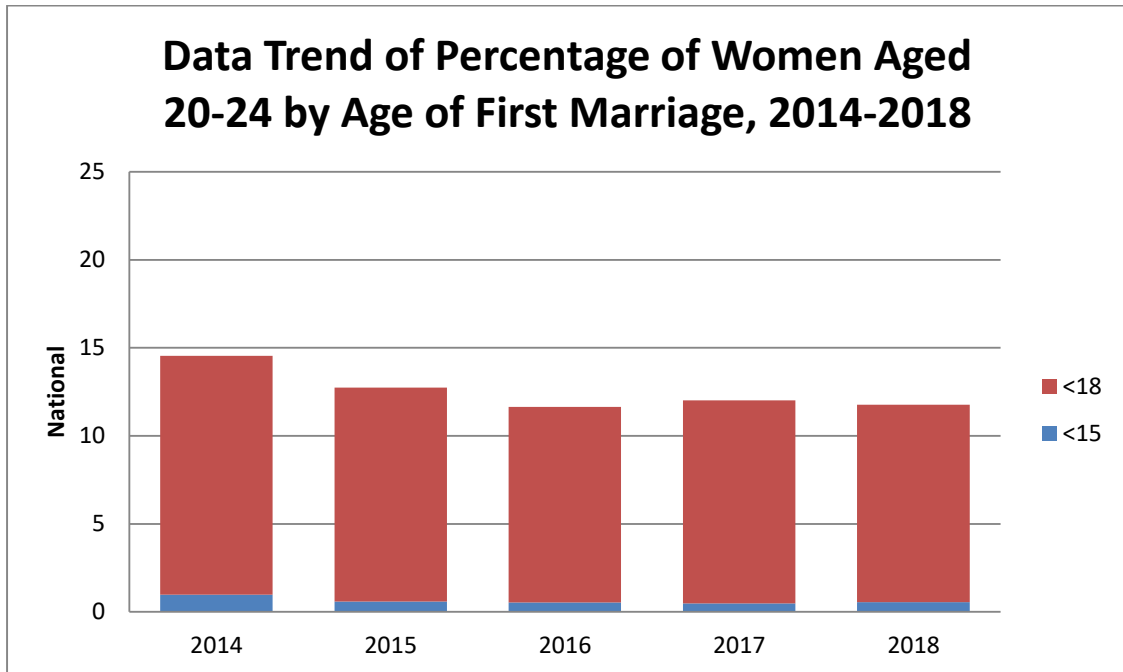
Figure 1.1 Top 10 Countries with the Highest Absolute Numbers of Child Marriages



Source: (Arab News, 2019).

Figure 1.1 shows that India, Bangladesh, Nigeria, Brazil, Ethiopia, Pakistan, Mexico, Indonesia, the Democratic Republic of Congo, and Uganda are the top ten countries with the highest absolute numbers of child marriage in 2017. As seen from the figure, Indonesia is one of the countries with the highest absolute numbers of child marriages with 1.459.000 people (Arab News, 2019). From the figure above, Indonesia is 8th after the Democratic Republic of Congo and Uganda. This indicates that the practice of child marriage is still a big problem in Indonesia. The figure also suggests that many young girls are still experiencing inequality because of marriage, because they lose their rights as a human being. Moreover, child marriage causes negative impacts to children, especially girls, such as they are more likely to have low level of education because they cannot pursue higher education, they are more likely get depressed because of an unstable emotion, they are more likely to get divorced because of an argument, and so on. The following figure shows child marriage data per year in Indonesia.

Figure 1.2 Data Trend of Percentage of Women Aged 20-24 by Age of First Marriage, 2014-2018

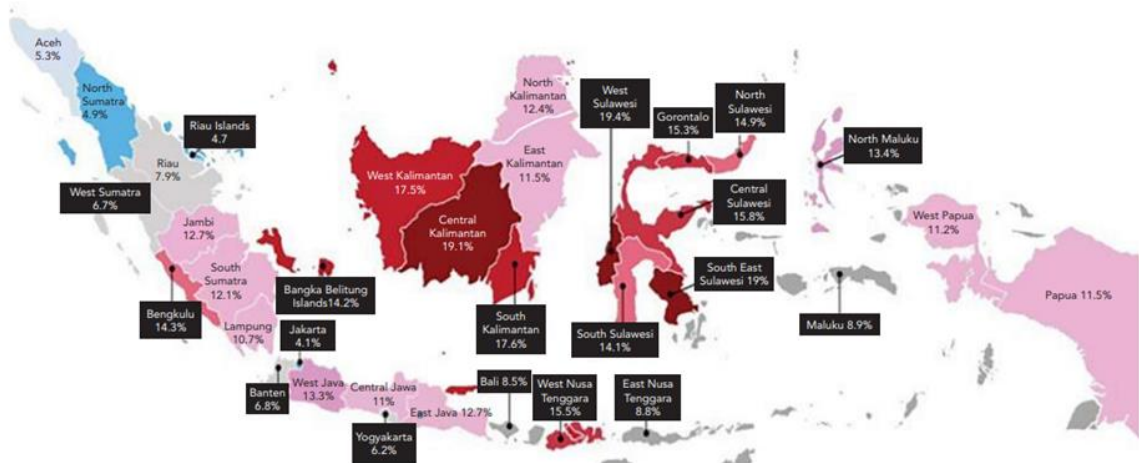


Source: (UNICEF Indonesia, BPS, PUSKAPA UI, Kementerian PPN/ Bappenas, 2020).

Figure 1.2 displays the data trend of the percentage of women aged 20-24 by age of first marriage, 2014-2018, in Indonesia. It can be seen that the practice of child marriage is gradually decreasing. This shows that there is slow progress in reducing or eliminating child marriage in Indonesia. In 2014, the percentage of girls who were married before reaching age 15 was 0.99 percent and before reaching age 18 was 13.55 percent. In 2015, the percentage of girls who were married before reaching age 15 was 0.60 percent and before reaching age 18 was 12.14 percent. In 2016, the percentage of girls who were married before reaching age 15 was 0.54 percent and before reaching age 18 was 11.11 percent. In 2017, the percentage of girls who were married before reaching age 15 was 0.48 percent and before reaching age 18 was 11.54 percent. In 2018, the percentage of girls who were married before reaching age 15 was 0.56 percent and before reaching age 18 was 11.21 percent (UNICEF

Indonesia, BPS, PUSKAPA UI, Kementerian PPN/ Bappenas, 2020). Furthermore, child marriage practices occur in all regions of Indonesia, which can be seen in the following figure.

Figure 1.3 Prevalence of Child Marriage Per Province in Indonesia, 2018



Source: (Kementerian PPN (Bappenas); Kementerian PPPA, 2020).

Figure 1.3 exhibits the prevalence of child marriage in Indonesia per province in 2018. Based on the figure above, Sulawesi and Kalimantan Islands had a much higher percentage or prevalence of child marriage. Moreover, West Sulawesi had the highest percentage of child marriage with 19.4 percent compared to other provinces in 2018. Meanwhile, the lowest percentage of child marriage was found in Riau Island with 4.7 percent in 2018 (Kementerian PPN (Bappenas); Kementerian PPPA, 2020). Therefore, it can be concluded that the practice of child marriage in Indonesia is still a big problem that needs to be taken care.

According to the Indonesian Marriage Law No. 1 of 1974, the minimum legal age of a girl and boy that allows them to get married is 16 and 19 years old with the permission of each girls' or boys' parents (Indonesian Government, n.d.). However, according to the United Nations Convention on the Rights of the Child (UNCRC), which Indonesia has also signed, a child refers to a human being that is under 18

years old (The United Nations, 1989). Hence, the Indonesian marriage law raises questions because it shows that the Indonesian Government seems to support child marriage in Indonesia and also it contradicts the Convention on the Rights of the Child, which Indonesia had ratified in 1989.

Furthermore, the Indonesian Government has set specific regulations regarding the age of children in Indonesia, namely, 1) Law No. 39 of 1999 on Human Rights (Indonesian Government, n.d.); and 2) Law No. 35 of 2014 Amending Law on Child Protection (No. 23 of 2002) (Indonesian Government, n.d.). Both the laws stated that a child is someone who is under 18 years old. However, those laws are not accordance with the marriage law. Hence, the marriage law is seen as an ineffective way of decreasing child marriage practices in Indonesia. Indonesia has the 8th highest absolute numbers of child marriages with 1.459.000 people, it shows that this issue needs to be taken seriously, especially by the government.

1.2. Research Problem

Based on the background, human rights are vital and every human being should have rights of their own. One of the cases of human rights violations that still occur up until now is child marriage. Child marriage violates human rights, especially children's rights, because they are forced to give up their future, such as education, to be married with someone. The practice of child marriage has been existed around the world, including in Indonesia. Therefore, child marriages must be acted upon to decrease or even eradicate the practice. Based on the recent data from 2014 until 2018, the percentage of child marriage in Indonesia is gradually declining. It shows the policy that made by the Indonesian Government seems to be ineffective in handling the practice of child marriage in Indonesia.

1.3. Research Question

According to this thesis, the research question is **“How did the Indonesian Government Respond and Handle Child Marriage Practices in Indonesia 2014-2018?”**

1.4. Research Purpose

The research primarily has two purposes. Firstly, this research is done as a requirement to fulfill academic obligations. Secondly, this research aims to help the readers to obtain new knowledge regarding human rights, especially child marriage. The main focus of the thesis will rely on the things that the Indonesian Government did in responding or managing the issue of child marriage from 2014 until 2018. Furthermore, this thesis will analyze the impacts of child marriage on children and will also see whether the role of the Indonesian Government in combatting child marriages has been successful or not.

1.5. Significance of Research

The significance of this research is to give people a broader knowledge about human rights from child marriage cases. With that knowledge, people may know how to act or respond to child marriage practice in Indonesia. Additionally, the research is significant because people need to understand the impact of child marriage, especially in Indonesia.

1.6. Thesis Structure

The thesis structure will be divided into five chapters:

1. CHAPTER I: INTRODUCTION

In the first chapter, the author has provided an introduction to human rights, which contains a brief history of human rights. Then, it continues with an explanation of child marriage as a human rights violation. This chapter also

contains the research problem, research question, research purpose, and also the significance of the research.

2. CHAPTER II: LITERATURE REVIEW

In the second chapter, the author will discuss the literature review, which contains previous studies regarding child marriage. This chapter will also discuss the theoretical framework regarding human rights, role theory, and the concept of child marriage itself.

3. CHAPTER III: METHODOLOGY

In the third chapter, the research methodology will be examined by the author on why this thesis is using the qualitative research method and secondary data. This chapter will also contain the scope of research, data analysis, and the limitation of the thesis.

4. CHAPTER IV: RESULTS AND DISCUSSION

In the fourth chapter, the author will analyze further the data and findings. The author will elaborate on the role of the Indonesian Government in tackling child marriage practices, especially in Indonesia.

5. CHAPTER V: CONCLUSION AND RECOMMENDATION

In the fifth chapter, the author will present the conclusion and recommendation of the thesis.

CHAPTER 2

LITERATURE REVIEW

2.1. Overview

In this chapter, the author will present the literature review about the practice of child marriage in Indonesia. The literature review attempts to explore the similarities and differences with this research. Moreover, this chapter will also present the theoretical framework that assists the research. The theoretical framework discusses the concept of human rights, role theory, and the concept of child marriage.

2.2. Literature Review

- a. *“Prevalence of Child Marriage among Young Women in Indonesia”* – Joseph Natanael Marshan, M. Fajar Rakhmadi, Mayang Rizky, 2013.

According to a journal article *“Prevalence of Child Marriage among Young Women in Indonesia”*, child marriage refers to a marriage or union for children under 18 years old and mostly occurs in developing countries. Indonesia is one of the developing countries that still practicing child marriage. Economics has been one of the major motives of child marriage practices. Child marriage violates children's rights because it takes away their freedom and also can harm their health. In Indonesia, child marriage mainly happens in rural areas, while children in urban areas are given more chances to fulfill their potential. Child marriage in Indonesia applies to both girls and boys. However, girls are more vulnerable to the practice because of the patriarchal system. In 2010, Java, South-North Sumatera, and South Sulawesi had the highest rates of child marriage in Indonesia. Java is the most populated island in Indonesia and had the highest rate of child marriage practices with 70 percent (Marshan, Rakhmadi, & Rizky, 2013).

- b. *"Women, Law and Policy: Child Marriage Practices in Indonesia"* – Sonny Dewi Judiasih, Susilowati Suparto, Anita Afriana, and Deviana Yuanitasari, 2018.

According to a journal article *"Women, Law, and Policy: Child Marriage Practices in Indonesia"*, there are many child marriages in Indonesia. Child marriage is defined as a marriage between two people, in which one or the two of them are under the age of 18. Child marriage is a part of human rights violations and usually targets young girls. Therefore, child marriage mostly harms girls' rights. There are three main causes of child marriage in Indonesia (Judiasih, Suparto, Afriana, & Yuanitasari, 2018):

- 1) Economics/poverty. Child marriage is mainly practiced by poor families hoping to make their economic condition better, where the parents force their young daughters to marry someone who is much wealthier;
- 2) Tradition and Religion. Child marriage is also caused by tradition and religion in Indonesia. Many parents believe, especially in rural areas, that they must marry off their young daughters as soon as possible to avoid premarital sex;
- 3) Low level of education. Many parents in Indonesia believe, especially in rural areas, that education is not really important or useful for their daughters and instead marrying off their daughters to someone else.

Furthermore, child marriage has resulted in negative effects, especially for girls, such as a high risk of sexual exploitation or harassment. Also, they tend to lose their chances to fulfill their potential or knowledge. Law No. 1 of 1974 on Marriage asserted that marriage can happen where the boy is 19 years old or more and the girl is 16 years old or more. Law No. 35 of 2014 as amended from Law No. 23 of 2002 on Child Protection says that children are someone who is under 18 years old. It can be seen that child marriage is legal in Indonesia based on the Indonesian marriage law.

From that fact, has arisen a movement by civil organizations to fight against child marriage in Indonesia (Judiasih, Suparto, Afriana, & Yuanitasari, 2018).

- c. *“Indonesian Marriage Law Reform: The Way to Strengthen the Protection of Children’s Rights against Child Marriage”* – Zedy Wulan Ayu Widhi Prameswari and Erni Agustin, 2018.

According to a journal article *“Indonesian Marriage Law Reform: The Way to Strengthen the Protection of Children’s Rights against Child Marriage”*, marriage can be a serious problem if it involves children. Child marriage happens to both girls and boys who are under the age of 18. However, girls are mostly affected by this practice. Child marriage discriminates against children's rights and is a part of gender inequality. Child marriage can be found everywhere, for example, in Indonesia. In Indonesia, marriage is regulated under the Law No. 1 of 1974, which stated the minimum age to get married is 19 for boys and 16 for girls. With that law, some people in Indonesia are concerned about the practice of child marriage and they proposed a judicial review to the Constitutional Court to increase the minimum age of marriage for young girls to be 18 years (Prameswari & Agustin, 2018).

- d. *“Child Marriage in Indonesia: Practices, Politics, and Struggles”* – Diana Teresa Pakasi, 2019.

According to a journal article *“Child Marriage in Indonesia: Practices, Politics, and Struggles”*, child marriage, which is marriage before 18 years old, is a worldwide concern. In Indonesia, child marriage mostly happens to girls and it has bad impacts on them, such as domestic violence, divorce, and a high risk of maternal mortality. Therefore, girls are more likely to have a life of suffering than boys. According to *Badan Pusat Statistik 2017*, the top three provinces with the highest prevalence of

child marriage were West Sulawesi with 34.22 percent, South Kalimantan with 33.68 percent, and Central Kalimantan with 33.56 percent. A survey in Sukabumi and West Lombok discovered that 15.4 percent of girls (respondents aged 15-24) were married before they turned 18. Furthermore, 89.1 percent of respondents mentioned the marriage was made by their own choice and the main reasons are namely (Pakasi, 2019):

- 1) To avoid premarital sex or pregnancy, which is prohibited in religion, specifically in Islam. Premarital sex or pregnancy is seen as taboo because it is a dishonorable action, which can harm a family's reputation;
- 2) Fear of losing their "soulmate" and becoming a spinster. There is a belief that every person has a soulmate, hence, they will find difficulties in finding another soulmate in the future if they reject the soulmate they have now. Also, an old spinster is considered a shame to others. Hence, they choose to get married at an early age;
- 3) Marriage can ease a family's financial situation. Hence, they choose to marry at a young age to help the economics of their family.

Based on the Indonesian law on marriage No. 1 of 1974, the minimum age to get married for women is 16 and for men are 19. The law also mentioned that there should be permission from both parents if the future bride and groom are under 21 years old. In West Lombok, most parents are supporting child marriage because they do not want their children to have premarital sex. Hence, parents submit a marriage dispensation to the religious court. The marriage dispensation is easy to get in Indonesia. The only matter to get the marriage dispensation by the judges of the religious court is the income of the groom or giving money Rp. 500.000 to some judges. As a result, many people hope to end child marriage. At the national level, the Ministry of Women's Empowerment and Child Protection, the Coordinating Minister of Human Development and Culture, and NGOs have demanded President Joko

Widodo to change the government regulation (*Peraturan Pemerintah Pengganti Undang-Undang or Perppu*) to eliminate child marriage. Jokowi promised to change the regulation in April 2018. However, it had not been done by the end of 2018. At the provincial and district level, initiatives rise to eliminate child marriage. For example, in West Nusa Tenggara, the governor established a movement to reduce child marriage, which is called GAMAK. Empowering youth, especially girls, is one of the efforts to reduce child marriage (Pakasi, 2019).

2.3. Previous Studies

Title of Research	Variables and Sub-Variables	Findings
1. Prevalence of Child Marriage among Young Women in Indonesia (Marshan, Rakhmadi, & Rizky, 2013)	Child Marriage <ul style="list-style-type: none"> • Targets young women in Indonesia 	<ul style="list-style-type: none"> • A marriage under 18 years old • Mostly occurs in developing countries, Indonesia • Economics is the main cause of child marriage • Violates children's rights • Mainly occurs in rural areas, rather than in urban areas • In 2010, Java had the highest rate of child marriage in Indonesia

<p>2. Women, Law and Policy: Child Marriage Practices in Indonesia</p> <p>(Judiasih, Suparto, Afriana, & Yuanitasari, 2018)</p>	<p>Child Marriage</p> <ul style="list-style-type: none"> • The law or policy of marriage 	<ul style="list-style-type: none"> • A marriage under 18 years old • Violates human rights • Three causes: Economics, tradition or religion, and education • Law No. 1 of 1974 on Marriage • Law No. 35 of 2014 as amended from Law No. 23 of 2002 on Child Protection • Proposed a judicial review to the Constitutional Court
<p>3. Indonesian Marriage Law Reform: The Way to Strengthen the Protection of Children's Rights against Child Marriage</p> <p>(Prameswari & Agustin, 2018)</p>	<p>Child Marriage</p> <ul style="list-style-type: none"> • The Indonesian law of marriage 	<ul style="list-style-type: none"> • A marriage under 18 years old • Discriminates children's rights and is part of gender inequality • Law No. 1 of 1974 on Marriage: Minimum age for boys are 19 and

		<p>girls are 16</p> <ul style="list-style-type: none"> Proposed a judicial review to the Constitutional Court: Raise a minimum marriage age for girls, 18
<p>4. Child Marriage in Indonesia: Practices, Politics, and Struggles</p> <p>(Pakasi, 2019)</p>	<p>Child Marriage</p> <ul style="list-style-type: none"> Practices, politics, and struggles 	<ul style="list-style-type: none"> A marriage under 18 years old Bad impacts: Domestic violence, divorce, and high risk of maternal mortality Child marriage practices occur because the girls chose themselves. Reasons: Avoiding premarital sex, not wanting to be an old spinster, and easing family's financial burden Politics and negotiation of child marriage: The marriage

		<p>dispensation is easy to get by giving the proof of groom's income or paying the judges</p> <ul style="list-style-type: none"> • Struggles to end child marriage: Demanded a Perppu and anti-child marriage movement
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Variables	Sub-Variables
The role of the Indonesian Government	Child Marriage

2.4. Differences of Studies

The previous studies above give the readers a little insight into the practice of child marriage in Indonesia. The similarities of the previous studies, *“Prevalence of Child Marriage among Young Women in Indonesia”*, *“Women, Law and Policy: Child Marriage Practices in Indonesia”*, *“Indonesian Marriage Law Reform: The Way to Strengthen the Protection of Children’s Rights against Child Marriage”*, with the thesis are discussing child marriage in Indonesia and are emphasizing that the practice has negative impacts on children, especially girls. However, this research will be different because the author analyzes the role of the Indonesian Government in handling the practice of child marriage in Indonesia 2014-2018.

The previous studies, *“Prevalence of Child Marriage among Young Women in Indonesia”* focused more on the prevalence of child marriage in 2010. Moreover, *“Women, Law and Policy: Child Marriage Practices in Indonesia”* and *“Indonesian*

Marriage Law Reform: The Way to Strengthen the Protection of Children's Rights against Child Marriage", focused more on the marriage law, and demanded changes to the minimum age to be permitted to marry especially girls from 16 to 18 years old. In addition, *"Child Marriage in Indonesia: Practices, Politics, and Struggles"*, focused more on the politics and negotiations of child marriage, such as the ease to get a marriage dispensation for a couple under the age of 21 who want to get married. Also, it focused more on the struggles to end child marriage, looking through the national, the provincial, and the district level.

2.5. Theoretical Framework

2.5.1. The Concept of Human Rights

Many people dream of living in peace and harmony. In order to create peace, people should respect each other, including their rights. According to the UN, human rights refer to *"rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights, without discrimination"* (The United Nations, n.d.).

There are three types of human rights (The Inter-Parliamentary Union and the United Nations (Office of the High Commissioner for Human Rights), 2016):

- 1) Civil and Political Rights, such as the right to life, right to a fair trial, right to privacy, and so on;
- 2) Economic, Social and Cultural Rights, such as the right to work, right to health, right to education, and so on;
- 3) Collective rights, such as development, peace, a healthy environment, and so on.

Human rights have their unique characteristics or features, namely (Kamruzzaman & Das, 2016):

- 1) Inherent, which means people that were born in this world are entitled to rights (inalienable) and they are not given by someone else;
- 2) Not Exchangeable, which means human rights cannot be transferred or stolen;
- 3) Universality, which means that every individual or human being in this world are entitled to all rights and freedom;
- 4) Equality, which means human rights are the equal enjoyment of opportunities to people (there are justice and no discrimination); and
- 5) Feasibility, which means the effectiveness of human rights are important, in which human rights cannot be seen as an abstract concept.

Furthermore, the Universal Declaration of Human Rights (UDHR) is a foundation of international human rights law, which is clearly to protect the rights of people. The UDHR sets as a milestone an international document for human rights. The UDHR was first published by the United Nations General Assembly (The United Nations, n.d.). The following figure displays the content summary of the UDHR itself.

Figure 2.1 Universal Declaration of Human Rights

Universal Declaration of Human Rights		
Article 1. All human beings are born free and equal	Article 11. Right to be presumed innocent until proved guilty	Article 21. Right to take part in the government and election
Article 2.	Article 12.	Article 22.

Freedom from discrimination	Freedom from interference with privacy, family, home, or correspondence	Right to social security
Article 3. Right to life, liberty, and personal security	Article 13. Right to free movement in or out of a country	Article 23. Right to work and join trade unions
Article 4. Freedom from slavery	Article 14. Right to seek in other countries asylum from persecution	Article 24. Right to rest and leisure
Article 5. Freedom from torture or inhuman treatment	Article 15. Right to nationality	Article 25. Right to an adequate standard of living
Article 6. Right to recognition everywhere as a person before the law	Article 16. Right to marriage and family	Article 26. Right to education
Article 7. All are equal before the law	Article 17. Right to own property	Article 27. Right to intellectual property
Article 8. Right to remedy by the competent national tribunal	Article 18. Freedom of religion or belief	Article 28. Right to a social and international order that articulates this document
Article 9. Freedom from arbitrary	Article 19. Freedom of opinion and	Article 29. All have duties to

arrest, detention, or exile	expression	protect other people's rights
Article 10. Right to fair public hearing	Article 20. Right to freedom of peaceful assembly and association	Article 30. Nothing in this Declaration aimed at the destruction of any of the rights (no one can take away human rights)

Source: (The United Nations, 1948).

Figure 2.1 shows the summary of 30 Articles regarding the rights of humans in the Universal Declaration of Human Rights (UDHR). Moreover, there are several Articles related to this thesis, such as, Article 1 stated *“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood”*, which means that all individuals are free and must be treated the same like others. Article 3 stated, *“Everyone has the right to life, liberty and the security of person”*, which means that all individuals are entitled to life and to live in freedom. Article 16 stated 1) *“Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution”*; 2) *“Marriage shall be entered into only with the free and full consent of the intending spouses”*, which means that all individuals have the right to consensual marriage. However, marriage is not 'free and full consent' if one of the two spouses are not mature enough to make a decision for their life partners (UNICEF, 2007).

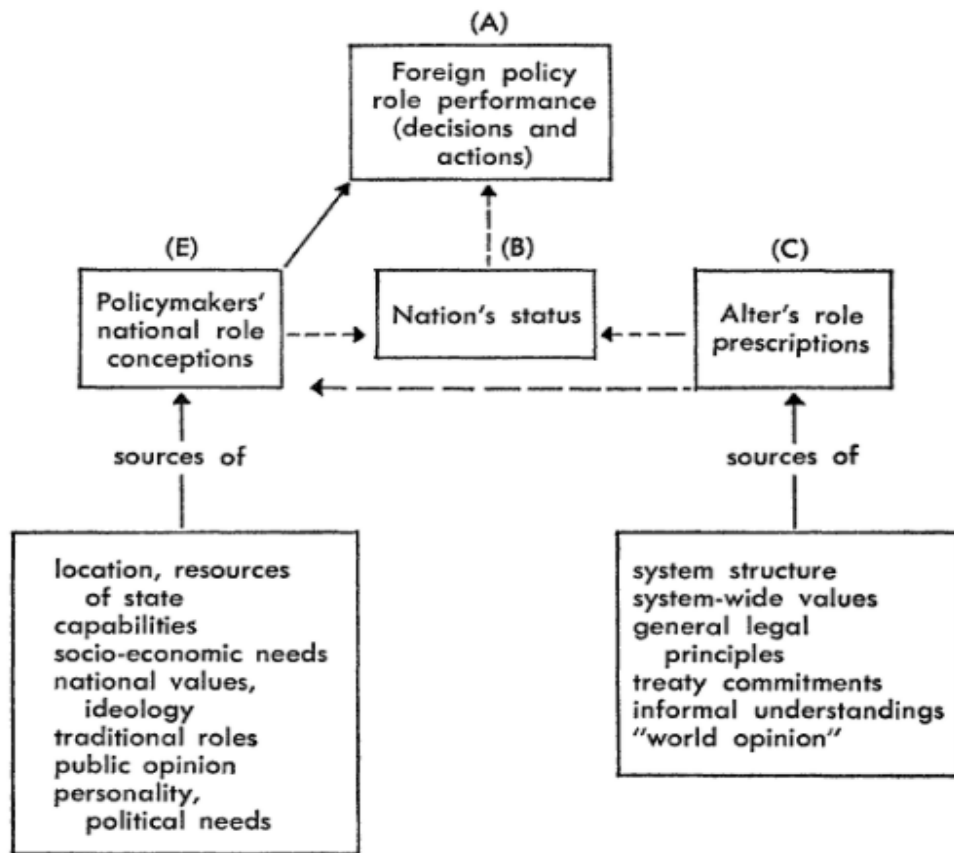
2.5.2. National Role Conceptions: Role Theory

National Role Conceptions was originally explained by K. J. Holsti in 1970. According to Holsti, in his journal article *“National Role Conceptions in the Study of Foreign Policy”*, he stated that *“a national role conception includes the policymakers' own definitions of the general kinds of decisions, commitments, rules and actions suitable to their state, and of the functions, if any, their state should perform on a continuing basis in the international system or in subordinate regional systems. It is their 'image' of the appropriate orientations or functions of their state toward, or in, the external environment”* (Holsti, 1970). In other words, national role conceptions are what the state stands for in the international system based on the understanding of policymakers.

Therefore, national role conceptions are used to analyze the behavior of states in the international arena, which leads to the result of foreign policies that are made by the policymakers. There are four concepts that can be employed to analyze foreign policies (Holsti, 1970):

- 1) Role Performance, which includes the attitudes, decisions, and actions that the governments took in handling an issue;
- 2) National Role Conceptions, which is the internal factors of the state (the ego);
- 3) Role Prescriptions, which is the expectations from the external environment (the alter); and
- 4) Position, which is the status of the state.

Figure 2.2 National Role and Prescription Model



Source: (Holsti, 1970).

Figure 2.2 displays that foreign policy role performance or the foreign policy is the result of policymakers' national role conceptions in the international system. There are sources within a state that determine the role of foreign policymakers, namely, location, socio-economic resources and capabilities, national values, ideology, traditional roles, public opinion, personality, and political needs. Holsti explained that the policymakers have an "ego" in making decisions. However, it can be shifted because of the status of the state and the suggestions that the state should adhere to. Moreover, policymakers' national role conceptions can also be influenced by alter's role

prescriptions, including the system structure, system-wide values, general legal, principles, treaty commitments, and world opinion (Holsti, 1970).

2.6. Term Defined

2.6.1. The Concept of Child Marriage

According to Merriam-Webster Dictionary, marriage is *“the state of being united as spouses in a consensual and contractual relationship recognized by law”* (Merriam-Webster, n.d.). According to the United Nations Convention on the Rights of the Child Article 1, a child refers to *“every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier”* (Office of the United Nations High Commissioner for Human Rights, n.d.).

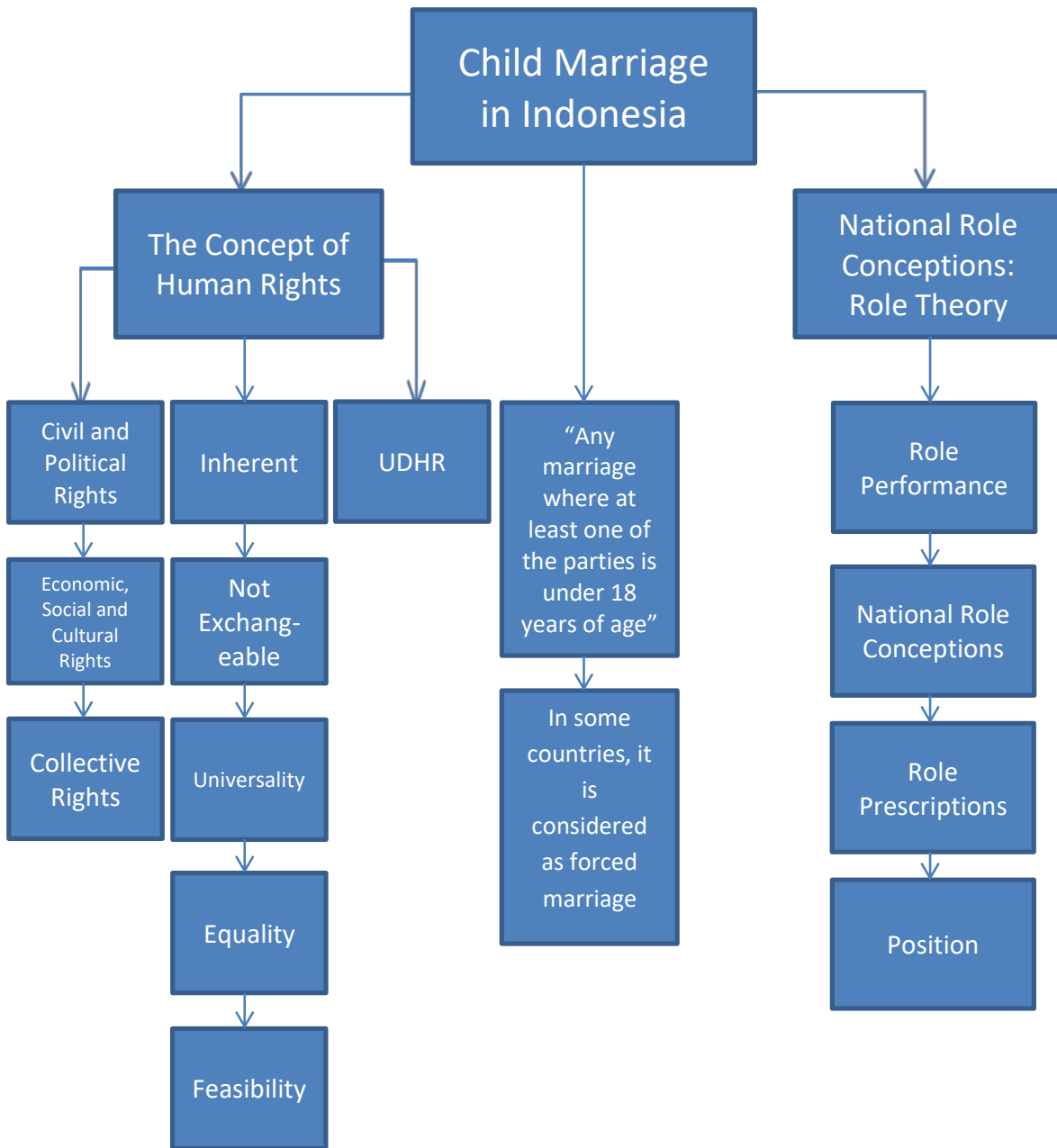
As have stated in the previous chapter, child marriage is a marriage or union between two people, in which one or the two of them are under 18 years old. The Office of the United Nations High Commissioner for Human Rights (OHCHR) asserted that child marriage or also known as early marriage *“is any marriage where at least one of the parties is under 18 years of age”* (Office of the United Nations High Commissioner for Human Rights, n.d.). There is a minimum age for marriage because to protect children (girls and boys) from child marriage practices (Human Rights Watch, 2013).

Child marriage in some countries is considered as forced marriage because children are not able to provide a legal consent (UNFPA, 2020). In other words, they cannot express their voice fully. Therefore, forced marriage refers to *“marriages in which one and/or both parties have not personally expressed their full and free consent to the union”* (Office of the United Nations High Commissioner for Human Rights, n.d.).

Child marriage practices have been a major concern in the eyes of the world because it can bring to a lifetime of suffering for the children. It also

violates human rights, especially children's rights, because they cannot live their life fully as a child. In the Convention on the Rights of the Child, there are some Articles that are related to child marriage practices, namely, Article 1 *"A child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier"*; Article 2 – *"Freedom from discrimination on any grounds, including sex, religion, ethnic or social origin, birth or other status"*; Article 3 – *"In all actions concerning children...the best interests of the child shall be a primary consideration"*; Article 6 – *"Maximum support for survival and development"*; Article 12 – *"The right to express his or her views freely in all matters affecting the child in accordance with age and maturity"*; Article 19 – *"The right to protection from all forms of physical or mental violence, injury or abuse, maltreatment or exploitation, including sexual abuse, while in the care of parents, guardian or any other person"*; Article 24 – *"The right to health and to access to health services; and to be protected from harmful traditional practices"*; Articles 28 and 29 – *"The right to education on the basis of equal opportunity"*; Article 34 – *"The right to protection from all forms of sexual exploitation and sexual abuse"*; Article 35 – *"The right to protection from abduction, sale or trafficking"*; Article 36 – *"The right to protection from all forms of exploitation prejudicial to any aspect of the child's welfare"* (UNICEF, 2007).

Figure 2.3 Operational Theory



Source: Writer's Processed Data.

CHAPTER 3

METHODOLOGY

3.1. Overview

This chapter describes the methodology that is used to analyze the thesis. The chosen research methodology helps to gather data that is suitable for the thesis. Section 3.2. elaborates the type of research methodology. Section 3.3. discusses the scope of this research. Section 3.4. outlines the data collection of using the chosen research methodology. Section 3.5. talks about the data analysis. Last but not least, section 3.6. contains the limitations of this thesis.

3.2. Type of Research

Research is simply defined as a process to find an answer or solution to a problem. Each research involves an explicit, disciplined, and systematic approach to accurate results (Mohajan, 2018). A research method is a procedure on how a paper is carried out. This thesis uses a qualitative research method, which involves descriptive writings. The qualitative research method is a method of understanding human or social phenomena and is usually using words rather than numbers (Creswell, 2014). The qualitative research method seeks to understand and interpret the meaning of a social interaction or behavior in a particular event. For qualitative data, this thesis uses several literature and academic journals regarding the role of the Indonesian Government in handling child marriage practices in Indonesia.

This thesis uses case studies to explain more regarding the related data. According to John W. Creswell, case studies examine or analyze a case, activity, event, or program. Thus, case studies try to learn about and understand a problem or situation faced by people (Creswell, 2014). Case studies use multiple sources in collecting the data, such as observations and documents. Moreover, case studies will have a lesson learned or a solution to the problem.

3.3. Scope of Research

This research is limited to:

- 1) The Indonesian Government's responses to human rights
- 2) Study case: Child marriage practices in Indonesia period: 2014-2018

3.4. Data Collection

In this thesis, the author uses secondary data analysis to gather the necessary data that are taken into consideration for the qualitative method as the thesis' main source data. Secondary data analysis has a very wide range of definitions. According to Andrea Follmer Greenhoot and Chantelle J. Dowsett, secondary data analysis is data obtained by people who conduct a research from existing sources, which means it is not from the original data (Greenhoot & Dowsett, 2012). To support this viewpoint, Neil J. Salkind mentioned that secondary data analysis is a collection of data, which is available from the previous research and is useful as a source in answering research questions (Salkind, 2007).

In short, the use of secondary data analysis is from the existing data to analyze a specific topic. Secondary data analysis can be collected from numerous sources, such as journals, reports, official documents, websites, and programs manual. Therefore, this thesis uses various related references, including the official websites from the Ministry of Women's Empowerment and Child Protection (*Kementerian Pemberdayaan Perempuan Dan Perlindungan Anak - KPPPA*) and UNICEF.

Secondary data are professionally collected data, meaning that the researchers have years of experience in collecting data. Secondary data helps primary data collection be more specific, meaning that it allows a researcher to determine the gaps and additional information that requires being collected. Secondary data provides a comparison of data collected by the researchers, by using several documents and taking the best quality of data that can be used for the thesis. Secondary data improves the understanding of a specific topic, meaning it deepens the perspective.

Secondary data offers a variety of questions, which helps to further the accuracy of the outcome of the thesis.

3.5. Data Analysis

Data analysis is essential to answer the research question of this thesis. Data analysis requires data gathering collected from numerous sources, for example, articles, documents, archives, and books. The collected data is then selected in accordance with the topic of this thesis regarding the role of the Indonesian Government in human rights, specifically child marriage in Indonesia 2014-2018, and therefore avoids non-related data. Afterwards, the data are analyzed to get a comprehensive research result. Moreover, the author hopes that the readers will have a broadened knowledge of the provided data.

3.6. Limitation

The author found out there are several limitations that occurred in the process of making this thesis. The limitations mostly lay in the fact that the author has limited access to gaining detailed data related to child marriage practices in Indonesia. It is also not always updated, which makes it more challenging to analyze. Furthermore, the data of this thesis is difficult to compile because it is scattered and the author must find the necessary information to answer the research questions. Additionally, this research is limited to secondary data analysis only because of Covid-19 that is still occurring around the region.

CHAPTER 4

RESULTS AND DISCUSSION

4.1. Child Marriage in Indonesia

Child marriage is considered to be a serious problem and has undoubtedly attracted international attention. Both developed and developing countries have had some concerns about the negative outcomes of child marriage practices. Indonesia is one of the countries that deal with the practice. Gender inequality has an essential role in contributing to child marriage, where there is a belief that the boys are superior to the girls. There are five primary drivers of child marriage practices in Indonesia as follows (Girls Not Brides, n.d.):

1) **Level of Education**

Low education can be a contributing factor to child marriage practices. Marriage does not only mean being allowed to have sexual intercourse, but has greater responsibilities, such as being a parent or building a family. Hence, people with little insight about marriage are only thinking about legal sex without thinking any further.

Moreover, education gives people knowledge, such as bad impacts of child marriage practices. Child marriages are more likely to make children to drop out of school, which cause them not able to pursue higher educations or dreams. People who have high level of education will definitely think twice about getting married early because marriage is not the main purpose of their lives. Education also affects the maturity level of a person, meaning that people are able to decide what is best for them. From that, education protects children from child marriage practices.

2) Poverty

Poverty has always been the main factor in child marriage practices. Families who have little income will tend to marry off their children at a young age. The marriage is expected to be a solution to the families' economy. Therefore, families wish their children to have better lives after they get married.

Moreover, as child marriages are seen by some parents to be a guarantee for children's financial security, in reality, child marriages put children, especially girls, in a worst situation. As a matter of fact, child marriages preserve poverty. Children who are married early will have less education or skill, which cause them not to have a proper job. Hence, the children cannot work in formal sector because of little knowledge that they have.

3) Family Honor

Occasionally, marriage is used to protect family's good reputation. For example, children, especially girls, who have experienced sex or get pregnant before marriage will be married off with someone because having premarital sex is considered taboo in Indonesia.

Moreover, if the children have done a premarital sex and then get pregnant, the parents will be considered as a failure in educating their children, especially daughters. Therefore, the only way to fix this issue is by marrying off their children. In addition, some parents think that marry of their children at the early age, particularly girls, will prevent them of being raped by other people.

4) Religion

Religions or beliefs hold an essential role in people's lives, especially in Indonesia. Many parents are afraid that their children will be committing sin, such as sex before marriage. Hence, they choose to marry off their children as soon as possible to avoid such things happen.

Moreover, some parents will be worried that their children will not meet their spouses in the future if they have done premarital sex before because they are labeled as a sinner. Therefore, child marriage practices still exist, mainly in Indonesia.

5) Gender Norms

Gender norms are a common practice based on the gender of the person. An example of gender norms is that girls must do the domestic work. As girls are treated as being lesser than boys, most parents decide to marry off their female children at such young age because they see no use for them to pursue other things apart from marriage.

Moreover, child marriage is preserved by gender norms, which determined why children, especially girls, should marry soon. In addition, gender norms produce inequality, especially for girls. Therefore, child marriages disadvantage girls because they are viewed as a second class compare to boys. From that, gender norms must be eliminated so that child marriage practices will be abolished too.

Furthermore, child marriage practices in Indonesia have destructive impacts on children, especially girls, and that include (Mubasyaroh, 2016):

- 1) Lack of Education. Child marriage forces children to drop out of school, so they cannot pursue higher education. Girls usually end becoming a housewife and boys will become a breadwinner;
- 2) Poverty. Child marriage produces more poverty because the children who are married have not enough skills or knowledge to get a decent job and they will ask for help or support from their parents eventually, which results in more burdens to bear;
- 3) Domestic Violence. Children are still young and tend to have unstable emotion. Therefore, small things can lead to arguments and even violence;
- 4) Psychology. Unpreparedness to become a parent can lead to trauma, such as low self-esteem, especially for a young mother;
- 5) The Born-Child. The baby who is born to a young mother tends to have developmental delays, learning difficulties, and behavioral disorder;
- 6) Reproduction. Pregnancy at a young age increases the risk of medical complications, both for the mother and the child. It is also associated with maternal mortality and morbidity.

As child marriage is a critical issue that needs to be eliminated in this world, Indonesia has committed to end the practice and there are two fundamental international legal frameworks in order to counter the practice of child marriage, namely:

- 1) The Convention on the Elimination of Discrimination Against Women (CEDAW)

In 1979, the United Nations General Assembly adopted the CEDAW. The CEDAW consists of 30 Articles and it portrays the rights

of women (Office of the United Nations High Commissioner for Human Rights, n.d.). Indonesia is one of the countries that had ratified the CEDAW in 1984 (Indonesian Government, n.d.). Child marriage was also discussed in the CEDAW. Some Articles that related to child marriage practices, namely: Article 16 (1) – (a) *“The same right to enter into marriage”*, and (b) *“The same right freely to choose a spouse and to enter into marriage only with their free and full consent”*; Article 16 (2) *“The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage”* (UNICEF, 2007).

2) The Convention on the Rights of the Child (CRC)

In 1989, the United Nations General Assembly adopted the CRC. The CRC consists of 54 Articles and it portrays the rights of children (Office of the United Nations High Commissioner for Human Rights, n.d.). Indonesia is one of the countries that had ratified the CEDAW in 1990 (Kementerian Pemberdayaan Perempuan Dan Perlindungan Anak, 2016). As stated in chapter two, some Articles related to child marriage practices are Article 1, 2, 3, 6, 12, 19, 24, 28 and 29, 34, 35, as well as 36.

4.1.1. Cases of Child Marriage in Indonesia

There are many cases of child marriage practices in Indonesia. According to the Secretary of the Women's and Children Working Group of the Supreme Court, Edy Wibowo, there were 193 thousand of child marriage cases in 2018 (Maulidia, Okezone, 2020). As have mentioned before, in 2018, Sulawesi and Kalimantan Islands had a much higher percentage or prevalence of child

marriages in Indonesia. Furthermore, as have previously stated, child marriage cases happened because of the influenced by several factors, such as level of education, poverty, family honor, religion, as well as gender norms. From the cases here, child marriage practices were opposed by some of the government agency, such as the Office of Religious Affairs, and with that result, many of them chose to do *nikah siri*. *Nikah siri* is defined as a form of marriage that is carried out based on religious or custom teachings and without official recognition from the state law because it is not recorded in the Office of Religious Affairs. Hence, here, it can be seen that religion or tradition has an important part in the existence of the practice of child marriage.

For example, the first case happened in South Sulawesi, in 2018. Where a girl, aged 12, was married to a man, aged 21. RSR, the girl's initial name, was an elementary school student who had just completed her National Examination (*Ujian Nasional* - UN) at SDN 125 Karampue, Sinjai. Meanwhile, Erwin, the man, worked at Indonesian Workers (*Tenaga Kerja Indonesia* - TKI). This marriage between RSR and Erwin had been warned against by the Office of Religious Affairs (*Kantor Urusan Agama* - KUA) because the girl was still a minor and underage for a marriage. However, the girl's parents insisted on marry off their daughter to the man by *nikah siri* (the Muslim traditional marriage). The girl's parents urged both RSR and Erwin to get married because the two had been in a relationship for two years, hence, the marriage was held to avoid gossips from neighbors. Also, the girl's parents had a debt to Erwin. They could not afford to pay back the money and so they married off their daughter to Erwin (Trisnanda, 2018).

The second case also happened in South Sulawesi, in 2018. Two junior high school students in Bantaeng registered their names to the Office of Religious Affairs. The girl was known to be only 14 years old and the boy was

15 years old. Due to their very young age, they received much criticism. It was said that the reason the two children wanted to get married was because the girl was afraid to sleep alone. The Office of Religious Affairs had refused the registration because the two of them were still underage. However, they applied for a dispensation to the Religious Court in Bantaeng and succeeded in getting it. Dispensation is the granting of rights to people to marry even though they have not reached the minimum age of marriage. With the dispensation, the Office of Religious Affairs married off the couple eventually (Fermansah, 2018).

The third case happened in South Kalimantan, in 2018, ZA, the boy's initials, was 14 years old, and IB, the girl's initials, was 15 years old. The marriage happened because the two liked each other and the wedding took place at the house of the groom's grandmother. Moreover, the two did not officially register their marriage at the Office of Religious Affairs, which meant they only did *nikah siri* (Santoso, 2018). However, a few days later, the marriage was declared invalid by the Indonesian Ulema Council (*Majelis Ulama Indonesia* - MUI) and they were asked to separate immediately. The reason why the marriage was not valid was because there were conditions that had not been met. According to Islamic law, the guardian of the future bride must be the biological father or relatives. However, at that time, it was said that IB was an orphan and her guardian was not her family. In reality, IB still had a sibling but their location was unknown (JPNN.com, 2018).

From those cases above, it can be seen that child marriage still exists. The reasons marriage occurs vary, such as the children were told to get married by their parents, stay away from gossip or things that can ruin the family's reputation (pregnant before marriage), and even from the children themselves. Furthermore, it can also be seen that the government agencies, such as, the Office of Religious Affairs and Religious Court are lacking firmness

in handling the practice of child marriage because they are still allowing underage girls or boys to get married.

Furthermore, according to the UDHR, child marriage cases, such as those above, absolutely violate children's rights. Hence, the children must be protected at all costs. As have previously mentioned in chapter 2, in Article 1 of the UDHR, every individual is born free and equal. Therefore, the children (both boys and girls) are free to do anything for their lives and they cannot be forced to marry someone they do not want to. Here, parents should keep their children safe from child marriage and not just think about their reputation in society. They should always prioritize their children's safety. In addition, as mentioned in Article 16 of the UDHR, every individual has the right to marriage and family. However, both of the spouses have to reach the minimum age according to the law. Thus, the children cannot just marry someone even though they want to.

As quoted by the UNICEF Representative to Montenegro, Osama Khogali, *“child marriage is a violation of human rights. It compromises the development of girls and boys. Moreover, it often results in early pregnancy, poor health, little education, and social isolation. All these factors make it impossible to break the vicious circle of poverty - particularly for girls”* (UNICEF, 2017).

4.1.2. The Trend of Child Marriage in Indonesia 2014-2018

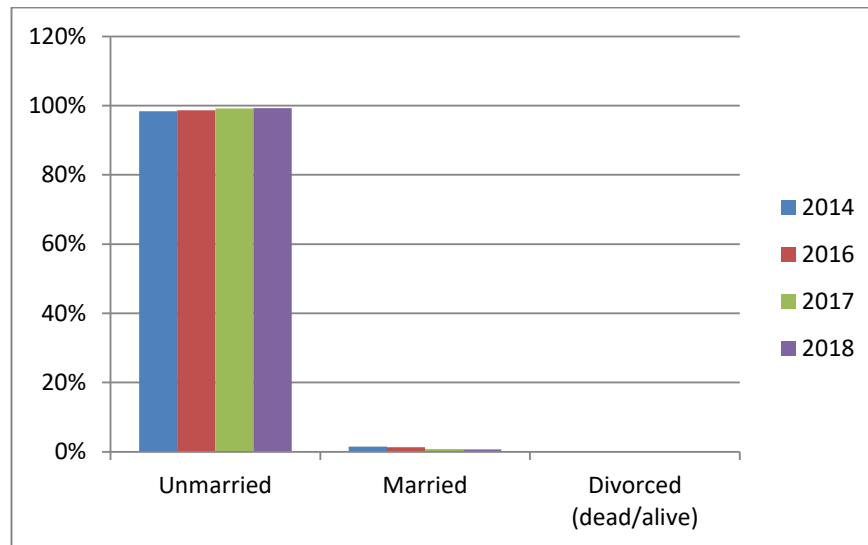
According to *Profil Anak Indonesia 2015*, marriage is a physical and mental bond between a husband and wife, with the aim of forming a happy and eternal family. Marriage is ideally conducted when the man and woman are both physically and mentally ready. However, there are still marriages that are not based on that. In Indonesia, marriage is regulated according to the Law No. 1 of 1974, where marriage is only permitted if the men are 19

years old and the women are 16 years old. Then, Law No. 23 of 2002 on Child Protection, Article 26 Paragraph 1 Point C stated that parents are obliged and responsible to prevent child marriage from occurring. From this law, it can be said that 18 is the minimum age of a person can get married because they are categorized as not a child anymore (Kementerian Pemberdayaan Perempuan dan Perlindungan, 2016).

Child marriage is a major issue in Indonesia. Based on the Socio-Economic National Survey in 2018, one in every nine girls, aged from 20 until 24, were married before they turn 18 years old. The absolute number was about 1.2 million, which made Indonesia at the 8th highest number on the practice of child marriage globally. Child marriage is influenced by some factors, for example, culture, education, economics, and religion (UNFPA Indonesia, 2020). The Child Marriage Prevention' report, gathered by BPS, UNICEF and PUSKAPA UI, stated that several factors, such as education, social protection, health input the strategies regarding child marriage prevention (UNICEF Indonesia, BPS, PUSKAPA UI, Kementerian PPN/ Bappenas, 2020).

From 2014 until 2018, the practice of child marriage was still happening, and economy, society, as well as culture were the main factors the practice existed in Indonesia. Economy was the most important reason for child marriage because it was said as the easiest solution to improve the child's life, by marrying off their children. From a social perspective, there was still a belief that the sooner a girl got married, the better their life will be. Meanwhile, from a cultural perspective, getting married at a very young age is a common practice in some regions, especially in rural areas. Down below is a figure of the percentage of girls aged 10-17 by marital status from 2014, 2016 – 2018.

Figure 4.1 Percentage of Girls Aged 10-17 by Marital Status, 2014, 2016 - 2018



Source: Writer's Processed Data.

Figure 4.1 shows the percentage of girls aged 10-17 by marital status in 2014, 2016, 2017, 2018 and the data was taken from the official website of *Kementerian Pemberdayaan Perempuan dan Perlindungan 2016, 2018, 2019, 2020*. Between those years, the percentage of unmarried girls was gradually increasing, with 98.40 percent in 2014, 98.62 percent in 2016, 99.22 percent in 2017, and 99.26 percent in 2018. Moreover, the percentage of married girls was steadily decreasing, with 1.53 percent in 2014, 1.31 percent in 2016, 0.74 percent in 2017, and 0.70 percent in 2018. Meanwhile, the percentage of divorced girls was slightly decreasing, with 0.07 percent in 2014, 0.08 percent in 2016, 0.05 percent in 2017, and 0.04 percent in 2018.

Figure 4.2 Percentage of Women Aged 20-24 Who Were Once Married by Marital Status, Residential Area, and Age of First Marriage, 2015

Tahun	Status Perkawinan	Daerah Tempat Tinggal					
		Perkotaan		Perdesaan		Perkotaan + Perdesaan	
		<18	18+	<18	18+	<18	18+
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
2015	Kawin	92,77	96,63	96,37	96,73	95,22	96,69
	Cerai Hidup	7,02	3,06	3,36	2,99	4,53	3,02
	Cerai Mati	0,22	0,31	0,27	0,28	0,25	0,29

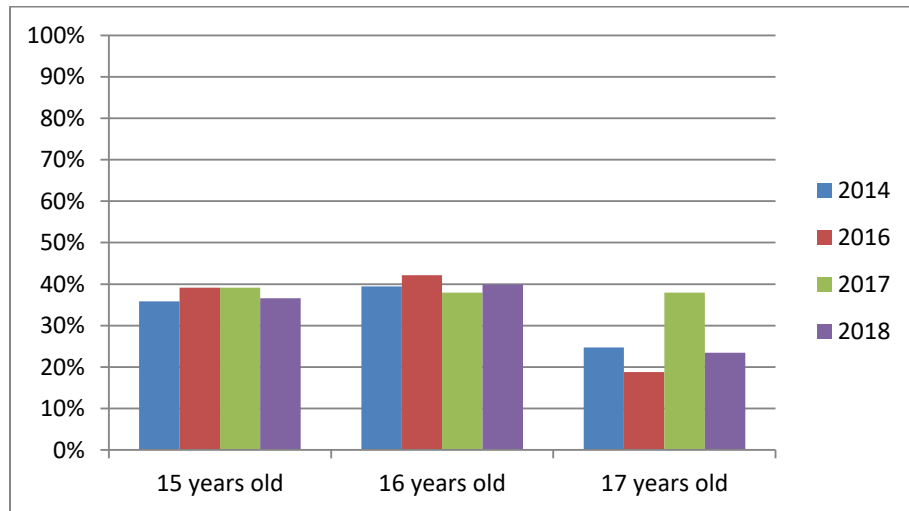
Source: (Badan Pusat Statistik, 2017).

Unfortunately, the writer only can find data (above) of child marriage in 2015 from *Badan Pusat Statistik* (BPS). Figure 4.2 shows the percentage of women aged 20-24 who were once married by marital status, residential area, and age of first marriage in 2015. In the urban area, 92.77 percent were married before the age of 18. Meanwhile, in the rural area, 96.37 percent were married before the age of 18. It can be seen that child marriage mostly happened in rural areas and also had a higher percentage than in urban areas. Moreover, the divorce rate for women who had their first marriage when they were children (<18) was higher than for women who had their first marriage at adulthood (18+) (Badan Pusat Statistik, 2017).

So, child marriage practices were still found in Indonesia. However, the practice was gently declining over the given year. Girls who got married at a young age were at high risk of losing their rights as a child to live freely and might not pursue their dreams because of the marriage. Children, especially girls, should be living in normal life, such as learning in school and even playing with their friends of the same age. Moreover, the status of divorce

can affect the girl's life, such as low self-esteem about hanging out with their friends.

Figure 4.3 Percentage of Girls Aged 10-17, Married and Divorced, by Age of First Marriage, 2014, 2016 - 2018



Source: Writer's Processed Data.

Figure 4.3 displays the percentage of girls aged 10-17, married and divorced, by the age of first marriage in 2014, 2016, 2017, 2018. The data was taken from the official website of *Kementerian Pemberdayaan Perempuan dan Perlindungan 2016, 2018, 2019, 2020*. Between those years, the percentage of girls who were first married at the age of 15 and under was relatively decreasing, with 35.83 percent in 2014, 39.10 percent in 2016, 39.17 percent in 2016, and 36.62 percent in 2018. Moreover, the percentage of girls who were first married at the age of 16 was relatively declining, with 39.45 percent in 2014, 42.12 percent in 2016, 37.91 percent in 2017, and 39.92 percent in 2018. Meanwhile, the percentage of girls who were first married at the age of 17 was relatively decreasing, with 24.72 percent in

2014, 18.78 percent in 2016, 37.91 percent in 2017, and 23.46 percent in 2018.

It can be seen that many girls mostly had their first marriage at the age of 16. Although it was legal in Indonesia, still 16 years old is categorized as a child. Based on the phenomena above, the role of parents is crucial in order to abolish the practice of child marriage. Parents must be given the education or knowledge regarding the risks of their children getting married at a young age, especially girls.

Furthermore, according to a research done by MAMPU (Australia and Indonesia Partnership), there are consequences that resulted in the practice of child marriage in Indonesia. Both girls and boys who are married before they turn 19 years old have a lower quality of life than girls and boys who are married above the age of 19. One in twelve boys married before the age of 19, while three in ten girls married before the age of 19 in Indonesia. Overall, the consequences of child marriage in Indonesia are twice as likely to get divorced, earn less (salary) for every hour they work, and also less likely to work in formal sector (MAMPU, 2020).

4.2. The Role of the Indonesian Government towards Child Marriage in Indonesia 2014-2018

Human rights are essential in people's lives and therefore it must be understood and respected by every individual. However, there are still cases of human rights violations, such as child marriage. The practice of child marriage is widespread and many countries try to find solutions to the practice, including Indonesia. Child marriage can be said to be an urgency to get immediate action by the Indonesian Government because the practice harms children's rights, especially the girls.

As have stated before in chapter 2 by Holsti, *"a national role conception includes the policymakers' own definitions of the general kinds of decisions, commitments,*

rules and actions suitable to their state, and of the functions, if any, their state should perform on a continuing basis in the international system or in subordinate regional systems. It is their 'image' of the appropriate orientations or functions of their state toward, or in, the external environment" (Holsti, 1970). Therefore, to handle the practice of child marriage in Indonesia, which can result in a negative impact for the children and it is a violation of human rights, such as mentioned in some international instruments, it is important to create laws or policies regarding this matter. As we know that child marriage is a global issue and there are so many international instruments become the regulations for this problem. Indonesia, as a part of international system, has an obligation to follow the regulations and implemented it into local policy.

Regarding that matter, the Indonesian Government has established legal laws in handling the practice of child marriage, such as:

- 1) Law No. 39 of 1999 on Human Rights

This law is used in order to protect the rights of every individual in Indonesia, including children. The law stated human rights are inherent and universal. Therefore, it must be respected and should not be ignored or taken away by anyone. The law helps to prevent child marriage practices in Indonesia. For example, Article 1 Paragraph 5 stated that a child is a human being under the age of 18. Article 10 Paragraph 2 stated that a legal marriage can only take place with the free will of the prospective husband and wife, in accordance with the provisions of statutory regulations. Hence, the marriage will not be valid when one or the two spouses are forced to get married or if they are underage. Article 52 Paragraph 1 stated that every child has the right to protection by parents, family, community, and the state (Indonesian Government, n.d.). If the children feel that they are forced to get married by their parents, they can seek help, such as to the Child Protection Commission (*Komisi Perlindungan Anak Indonesia – KPAI*).

2) Law No. 35 of 2014 Amending Law on Child Protection (No. 23 of 2002)

The law is used in order to protect children from any harm in Indonesia. The law stated that every child has the right to live, grow as well as develop, and also has the right of protection from violence and discrimination. The law helps to prevent child marriage practices in Indonesia. For example, Article 1 Paragraph 1 stated that a child is someone who has not reached the age of 18, including children who are still in the womb. Article 26, Paragraph 1 Point C stated that parents have the obligation and responsibility to prevent child marriage (Indonesian Government, n.d.). The role of parents is essential to avert the practice of child marriage in Indonesia. Therefore, the parents have to understand the negative outcomes from child marriage, especially for girls, such as ending children's education, obstructing children's physical development, sexual exploitation through early pregnancy, and increasing the risk of sexual violence.

3) Law No. 16 of 2019 Amending Law on Marriage (No. 1 of 1974)

This law is used in order to determine the terms of marriage in Indonesia. At that time, Law No. 1 of 1974, Article 7 Paragraph 1, was protested by many people because the minimum age of marriage for the girls was too young, 16 years old, compared to the boys, which was 19 years old. Then, the Constitutional Court made Decision Number 22/PUU-XV/2017, with the aim of amending the Article 7 of Law No. 1 of 1974. After that, Law No. 16 of 2019 Amending Law on Marriage No. 1 of 1974 emerged, which stated the minimum age of marriage both for girls and boys to be 19 years old. The law also stated that child marriage has a negative impact on children's development and will result in the unfulfilled basic rights of children, such as the right of protection from violence and discrimination, children's civil rights,

health rights, education rights, and children's social rights (Indonesian Government, n.d.).

Putting child marriage as a human rights violation helps to raise a concern among public than a private issue between families. The perspective of human rights also helps to point out that the practice of child marriage is a crime towards children, especially for girls. Moreover, the existence of marriage law in Indonesia has been resulted to be low impact. It can be seen although the law restricts girls to marry under the age of 19, however, in reality, many of them still marry below 19 years old. Therefore, it can be said that the marriage were based on the characteristic of social and economic within girls.

Based on Indonesia's Universal Periodic Review in 2017, the Indonesian Government announced that Indonesia was establishing a draft National Action Plan on Elimination of Child Marriage (United Nations General Assembly, 2017). This draft existed because the practice of child marriage in Indonesia was seen as a problem, which had negative impacts on children, and that it needed to be terminated. Then, in 2020, the Ministry of National Development Planning (Bappenas), Ministry of Women's Empowerment and Child Protection, along with the support from the UNICEF, UNFPA, and Australian Government, published the National Strategy on the Prevention of Child Marriage (*Strategi Nasional Pencegahan Perkawinan Anak - STRANAS PPA*). The National Strategy on the Prevention of Child Marriage or STRANAS PPA refers to a document that contains various strategies for preventing the practice of child marriage in Indonesia (Kementerian PPN (Bappenas); Kementerian PPPA, 2020).

Along with the National Action Plan, Bappenas, as the representation of the Indonesian Government, has built a partnership with the Australian Government to enhance a better access for poor women to obtain gender equality, and also to support the realization of the Indonesian Government Sustainable Development

Goals (SDGs) targets. In April 2018, PESADA, which is MAMPU's local partner, along with the Regional Office of the Ministry of Religious Affairs of West Nias District' support, signed a Memorandum of Understanding, with the aim to the fulfillment of education regarding women's right to sexual and reproductive health (*Hak Kesehatan Seksual dan Reproduksi - HKSR*). It also aims to find an answer of MAMPU's research on unwanted pregnancies (*Kejadian Tidak Diharapkan - KTD*), which resulted in the knowledge level of women regarding reproductive health tends to be low. From that, the agreement was made to increase attempts on the prevention of child marriage practices and also to increase women and children's protections from assaults or discriminations (MAMPU, 2018).

In the same time, April 2018, MAMPU expressed its concern to President Joko Widodo regarding the minimum age of marriage. From that, they demanded a change for the minimum age for marriage, especially girls, and it is important in order to actualize the program of the Indonesian Government, such as a compulsory education of 12 years, decreasing maternal mortality and violence towards women, abolishing human trafficking, etc. (MAMPU, 2018). As a result of discussion between the government and MAMPU, in 2019, the Indonesian Government legalized Law No. 16 of 2019 Amending Law on Marriage No. 1 of 1974. It is written in this law that the minimum age of marriage for both girls and boys is 19 years old.

The practice of child marriage happens not only in Indonesia but all around the world, and it has been an unsettling issue. Many countries help others in order to put an end to child marriage practices. For example, Australia helps Indonesia to compose the STRANAS PPA. It can be seen that child marriage is a global phenomenon because it violates children's rights. As mentioned in the previous chapter, human rights are vital in people's lives, including children's rights. The rights of every child are inherent, which means they are born with them. Both girls and boys have the same rights to live and to choose whatever they want with their lives. As human rights are universal, every individual, including children, are entitled to have rights and freedoms

wherever they are. That is why many countries strive to help others to fulfill human rights, especially for children.

The Indonesian Government through the Ministry of Women's Empowerment and Child Protection had made several programs in order to prevent child marriage practices in Indonesia and it includes enhancing family welfare and economic resilience; raising an awareness of the bad impacts of child marriage, such as health risks; and free educational programs (United Nations General Assembly, 2017). The programs are as follows:

1) *Forum Anak Nasional*

The Indonesian Government is committed to combat the practice of child marriage. The involvement of children themselves is important and therefore *Forum Anak Nasional* has been created. *Forum Anak Nasional* (FAN) or National Child's Forum is an organization established by the Indonesian Government through the Ministry of Women's Empowerment and Child Protection, with the aim of building a bridge for interaction between the government and children in Indonesia. The forum has currently spread from Village/Sub-district, District, Regency/City, to Province. 2P - *Pelopor dan Pelapor* is known from the forum. *Pelopor* means that the children must be the agent of change by being actively involved in positive activities, which can inspire others. Meanwhile, *Pelapor* means that the children must actively express their views when experiencing or seeing the violation of children's rights and report it to child protection agencies. Child marriage is one of the issues that have been discussed in the forum. It was said that Child marriage disrupts the child's development (Kementerian Pemberdayaan Perempuan Dan Perlindungan Anak, 2018).

In 2018, the North Sulawesi Provincial Government sent 15 children to join *Forum Anak Daerah* (FAD) or Regional Child's Forum. FAD is a representative of regional children from 15 districts/cities, selected from the training of 2P

(*Pelopop dan Pelopor*) to participate in the National Child's Forum 2018 in Surabaya. The National Child's Forum 2018 produced several demands summarized in the "*Suara Anak Indonesia 2018*" or "The Voice of Indonesian Children 2018" and one of the main issues that they paid attention to was child marriage practices, where they demanded the government change the law regarding the minimum age of marriage (Dinas Pemberdayaan Perempuan dan Perlindungan Anak Daerah Provinsi Sulawesi Utara, 2014).

2) *Pusat Pembelajaran Keluarga (PUSPAGA)*

PUSPAGA is one of the programs made by the Ministry of Women's Empowerment and Child Protection that aims to improve family harmony, resilience, and welfare with counseling and consultation (OHCHR, n.d.). Family, especially parents, will gain and increase knowledge regarding marriage through PUSPAGA. The more they understand the bad impacts of marriage for children, the less child marriage practices will occur.

One of the examples of PUSPAGA is in Aceh Province. In 2018, the Office of Women's Empowerment and Child Protection (*Dinas Pemberdayaan Perempuan dan Perlindungan Anak – DPPPA*) and Family Welfare Empowerment (*Pemberdayaan Kesejahteraan Keluarga – PKK*) of Aceh province launched the PUSPAGA. PUSPAGA aimed at providing a holistic one-stop service based on children's rights. It also aimed to be a learning center to improve the life of a family, carried out by professional experts, such as psychologists (*Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak, 2018*).

3) *Sekolah Ramah Anak*

Sekolah Ramah Anak (SRA) is a formal, non-formal, and informal education unit (school) that is safe and is able to respect children's rights and protect

children from violence, discrimination, and another mistreatment (Kabupaten Layak Anak, 2017). With this school, children are guaranteed to have their rights fulfilled. This program can prevent child marriage practices, and it can help the children understand their rights. The government has established more than 200 *Sekolah Ramah Anak* in Indonesia, such as *Sekolah Dasar Bersih Sehat* from the Ministry of Education and Culture, *Sekolah Hebat* from the Ministry of Education and Culture, and *Sekolah Sehat* from the Ministry of Health (Kementerian Pemberdayaan Perempuan dan Perlindungan Anak, 2015).

From those programs above, it is seen that everyone must be involved in eliminating the practice of child marriage, including the children themselves. Article 29 of the UDHR stated that every individual has duties to protect other people's rights. Therefore, parents, friends, government agencies, and others have to always fight for human rights, especially children's rights. Children must be protected all the time because they are the future.

It also can be seen that the implementation of those programs made by the Indonesian Government is effective in handling the practice of child marriage. *Forum Anak Nasional* is implementing 2P (*Pelopor dan Pelapor*), in which the children were thought to be an agent of change that actively involved in ending the practice of child marriage, such as they demanded a change of minimum age of marriage in 2018, and as a result, their voices were heard and the Indonesian Government had changed the law by producing the Law No. 16 of 2019 Amending Law on Marriage (No. 1 of 1974). PUSPAGA is implementing a free counseling and consultation for those families who want to increase their knowledge, such as regarding the impacts of child marriage, and as a result many families came to PUSPAGA to receive education or knowledge about what child marriage is, and in 2018, the percentage of child marriage practices was decreased. *Sekolah Ramah Anak* is implementing a system, in which the schools

are free from discriminations among children. The schools are also focused on the future of children, in which the schools prohibit things that can destruct their dreams, such as child marriage practices. From that, it has been effectively decreased the practices and up until now, there are more than 200 *Sekolah Ramah Anak* exist in Indonesia. Based on the research, if we look at the data from 2014 until 2018, the Indonesian Government has succeeded in order to reduce the practice of child marriage in Indonesia, in which the percentage of child marriage was gradually decreasing over the year.

Moreover, there are four concepts to analyze foreign policy developed by Holsti, namely: national role conceptions, role performance, role prescriptions, and position (Holsti, 1970). Based on this thesis, the national role conceptions, which stresses on the internal factors of the state, can be seen from Indonesia's foreign policy, which is free and active. According to Mohammad Hatta, free means Indonesia will not take sides and will choose its own path to address the international problems. Meanwhile, active means Indonesia will always maintain peace in the international system (Windiani, 2010). If we look at child marriage practices, the Indonesian Government strives for peace, harmony, equality, and freedom for all, especially for children. From the free perspective, Indonesia will always try to solve child marriage practices in its way and without the intervention of any other countries. From the active perspective, Indonesia will always actively be involved in eliminating child marriage practices in Indonesia, such as by making laws regarding the practice.

Then, role performance, which stresses on the attitudes, decisions, and actions taken by the governments, can be seen from the agreements (including the signing and ratifying) that Indonesia has made from international legal frameworks or conventions regarding child marriage practices, such as CEDAW and CRC. As have stated before, CEDAW is an international treaty, which focuses on the abolishment of discrimination against women. CRC is an international treaty that focuses on fighting every child's rights (under 18 years old).

Role prescriptions, which stresses on hopes from the external environment, can be seen as an expectation given by the international system. As for the case of child marriage, Indonesia is expected to execute the agreements that have been signed or ratified and is also expected to have a final result, which is the eradication of child marriage practices. One of the results that Indonesia has made was Law No. 16 of 2019 Amending Law on Marriage No. 1 of 1974, in which the minimum age of marriage for girls and boys is 19 years old.

From that, Indonesia will obtain a good position in the international system in tackling child marriage practices. With that position, Indonesia can be a leader in the international system and other countries might follow the steps of Indonesia regarding eradicating child marriage practices. Furthermore, it can be seen that the Indonesian Government had done various actions in order to handle the practice of child marriage from 2014 until 2018. However, Indonesia has still not reached its target of abolishing child marriage practices completely.

CHAPTER 5

CONCLUSION AND RECOMMENDATION

5.1. Conclusion

According to the analysis above about the role of the Indonesian Government in handling child marriage practices in Indonesia from 2014 until 2018, it can be concluded that child marriage is a violation of human rights and is prohibited by a number of international conventions and other instruments, such as local law and policy. Child marriage harms the rights to health, education, equality and a life free from violence, because sometimes it could be a form of slavery and lead to exploitation and trafficking. Based on data and discussion as mentioned in previous chapter, the practice of child marriage in Indonesia from 2014 until 2018 was relatively decreasing. Child marriage is a complex problem as it is influenced by several factors, such as culture, education, socio-economics, and religious interpretation.

Therefore, the Indonesian Government has taken various actions in handling the practice of child marriage in Indonesia. The government has legalized several laws as a legal basis in handling the practice of child marriage in the Indonesia, such as Law No. 39 of 1999 regarding human rights, Law No. 35 of 2014 Amending Law regarding child protection, and Law No. 16 of 2019 Amending Law regarding marriage. The Indonesian Government has also produced STRANAS PPA, which consists of strategies for preventing child marriage practices in Indonesia. The Indonesian Government through the Ministry of Women's Empowerment and Child Protection has made some programs to eliminate the spread of child marriage practices in Indonesia, namely: *Forum Anak Nasional*, *Pusat Pembelajaran Keluarga*, and *Sekolah Ramah Anak*. Moreover, the concept of human rights needs to be understood because it is a fundamental part of their lives. Along with this, Bappenas and Australian Government has established MAMPU to improve the access of poor women to essential services

and other government programs. One of their programs is to prevent child marriage practices in Indonesia.

The presence of laws and programs on child marriage practices in Indonesia has been proven to be low impact. It has been statistically confirmed that although there is a law for the minimum age of marriage, the fact unveils that many still marry below that age. Even more to the definition of child marriage based on UNICEF concern, the prevalence is outnumbering on the surface. Thus, the policy should focus on how to create an enabling environment that evolve alternatives to child marriage. The practice of child marriage in Indonesia comprises a part of social tradition and the absence of knowledge on the problem of child marriage. For that reason, the strategy taken by the government needs to be continuous and extensive, such as MAMPU, STRANAS PPA, and other related policies. In order to make it continuous and extensive, policies consisting of preventive and protective action strategies are needed.

5.2. Recommendation

Compiling data from the Indonesian Government, especially from the Ministry of Women's Empowerment and Child Protection, is the main obstacle in doing this research. Therefore, the author recommends the Ministry of Women's Empowerment and Child Protection to have some accessible and up-to-date annual report regarding child marriage in Indonesia each year. In that report, a comprehensive and understandable explanation would be great for the readers. Moreover, Indonesia needs to maintain the decreasing number of child marriage practices, by making some new laws or programs.

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- 4) June – August 2018, Intern at the U.S. Embassy Jakarta

THE CONSEQUENCES OF CHILD MARRIAGE

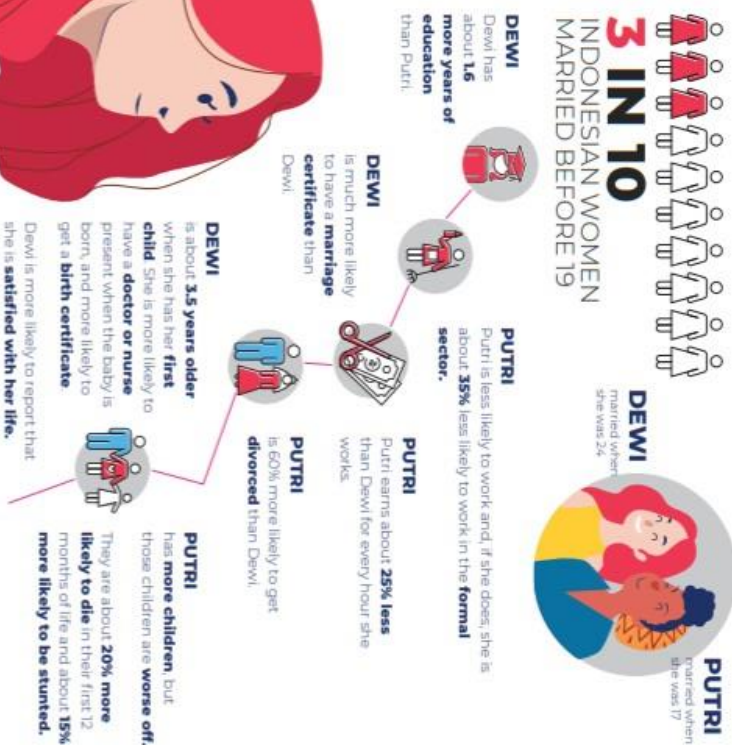
Indonesian men who are married before the age of 19 can expect a **lower quality of life**. Ahmad and Fajar are friends. Ahmad marries early and Fajar waits a bit longer. Otherwise, up to that point they have had a very similar life.

1 IN 12
INDONESIAN MEN
MARRIED BEFORE 19



Indonesian women who are married before the age of 19 can expect a **lower quality of life** for themselves and for their children, compared with women who wait a few years. Putri and Dewi are friends. Putri marries early and Dewi waits a bit longer. Otherwise, up to that point they have had a very similar life.

3 IN 10
INDONESIAN WOMEN
MARRIED BEFORE 19



*84% of Indonesian men and 72% of Indonesian women over the age of 19 reported that they were married before they turned 19 based on data from the Indonesian Family Life Survey (IFLS) Wave 1a and 1b. For more information see Cameron, Catherine, Sulear, and Theodoros, Corinna. *Consequences of Child Marriage in Indonesia*. 2020 MAMPU - Melbourne Individual Adapted Economic & Social Research, University of Melbourne.