

Legal Criticism of the Effectiveness of Government Policies in Reducing the Rate of Early Marriage in Paleleh District, Buol Regency

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Early marriage remains a widespread social phenomenon in Indonesia, including in Paleleh District, Buol Regency, despite the increase in the minimum age regulation through Law No. 16 of 2019. This study aims to conduct a comprehensive legal critique of the effectiveness of government policies in reducing early marriage rates and identify obstacles encountered in the field. The method used is a descriptive qualitative approach, where data is collected through observation, documentation studies, and in-depth interviews with informants from government elements and early marriage perpetrators, which are then analyzed using the theory of legal effectiveness. The results of the study indicate that the policy has not been substantially effective because the number of underage marriages remains fluctuating and high, triggered by the exploitation of marriage dispensation loopholes and the practice of unregistered marriages. In addition, it was found that cultural factors of "shame" (sirri), economic pressure, and lack of data synchronization between agencies are the main obstacles to the success of the regulation. This study concludes that positive law does not automatically change social behavior without the support of the community's legal culture, so that policy transformation that integrates sociological approaches and community-based education is needed. These findings are important as a basis for recommendations for local governments to develop child protection strategies that are more humane and address the roots of socio-cultural problems.

Keywords: Early Marriage, Policy Effectiveness, Legal Criticism, Legal Culture.

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1. Introduction

Early marriage is a social phenomenon that remains prevalent in Indonesia, particularly in areas with low levels of education and well-being. Nationally, data shows that one in nine women aged 20-24 have married before reaching 18, indicating that this practice has not been fully controlled despite regulations prohibiting it. At the local level, such as in Paleleh District, Buol Regency, the practice of early marriage is still found in all hamlets. Based on data from 2021-2025, there were recorded cases of teenage marriage, with the majority of perpetrators being below the legal minimum age of 19 [1]. This phenomenon reflects a clear gap between formal legal norms and the social reality that develops in society.

The urgency of this research is based on the fact that although the government has revised the Marriage Law through Law No. 16 of 2019 to raise the minimum age for marriage to 19 years, the number of child marriages remains a significant challenge. In the field, communities often use marriage dispensation mechanisms through religious courts as a legal loophole to continue underage marriages. Furthermore, the continued strong influence of culture, tradition, and social pressures such as parental concerns about promiscuity or the shame of premarital pregnancy have contributed to the persistence of this practice. This condition indicates that existing policies tend to be formalistic and ineffective in deeply changing public mindsets. Therefore, a critical evaluation of the implementation of these policies is urgently needed to ensure the protection of children's rights.

This research focuses its scope on analyzing the effectiveness of government policies in reducing the number of early marriages by taking a case study in Paleleh District, Buol Regency. The topic focuses on evaluating three main aspects, namely legal substance, policy implementation by relevant officials such as the Office of Religious Affairs (KUA) and village governments, and the resulting social impacts within the community. In addition, this research also identifies various structural, administrative, and cultural obstacles that hinder the success of these policies at the local level. By limiting the scope to these areas and aspects, this research is expected to provide an in-depth picture of the extent to which state law is able to operate within a particular socio-cultural environment [2].

The primary objective of this study is to conduct a comprehensive legal critique of the effectiveness of government policies in reducing the number of early marriages in Paleleh District. More specifically, this study aims to analyze the role and steps taken by the government in addressing this issue through an evaluation of the substance and implementation of the law. Furthermore, this study aims to identify and understand the various real-world obstacles encountered, both regulatory and non-legal, in order to provide strategic recommendations for improving child protection policies in the future.

2. Literature Review and Problem Statement

Legal effectiveness is a measure of the extent to which a norm is able to achieve its regulatory objectives in society, which according to Soerjono Soekanto is highly dependent on the harmony between legal factors, law enforcement, facilities, and public awareness. In the context of early marriage, national policy through Law No. 16 of 2019 has raised the minimum age for marriage to 19 years as an effort to protect children's rights [3]. However, Lawrence M. Friedman emphasizes that the success of the law is not only determined by its substance and structure, but crucially by legal culture, namely the values and attitudes of society towards the law. Previous research shows that formal policies often clash with religious interpretations and local traditions that are permissive of underage marriage, so that rules are often ignored or circumvented through dispensation procedures.

Although numerous studies have been conducted on the social impacts and regulations of early marriage, a research gap exists regarding the critical evaluation of the operationalization of these policies in areas with specific socio-cultural characteristics such as Paleleh District. Most previous studies have focused on general causal factors or health impacts, but have not explored how administrative control mechanisms at the local level, such as the Office of Religious Affairs (KUA) and village governments, often experience coordination barriers, resulting in inaccurate integration of early marriage data. Furthermore, there is an inconsistency between the quantitative decline in marriage rates in formal data and the qualitative reality, where the practice of unregistered marriages persists due to social pressure and shame.

Based on these gaps, the main problem in this study is formulated through research questions. First, how is the legal critique of the effectiveness of government policies in reducing early marriage rates, when viewed from the aspects of substance, implementation, and social impact in Paleleh District? And second, what structural and cultural obstacles hinder the successful implementation of early marriage prevention policies in the region?

3. Method

This study uses a qualitative approach with a descriptive approach. This method was chosen because of its ability to provide in-depth understanding of complex social and legal phenomena and allows researchers to present a comprehensive picture based on the detailed perspectives of informants in a natural setting [4]. The use of qualitative methods is considered the most accurate and consistent for analyzing the

effectiveness of policies at the local level because it does not only focus on numerical data, but also on the meaning behind people's legal behavior and qualitative implementation barriers [5].

The steps in this method begin with initial processing in the form of field observations and secondary data collection related to the number of teenage marriages in Paleleh District. The analytical technique applied is based on a legal criticism model by evaluating three main aspects: legal substance, policy implementation, and social impact. This evaluation approach uses the theoretical framework of legal effectiveness by Soerjono Soekanto and Lawrence M. Friedman, as well as the social process theory by Herbert C. Kelman, which includes the stages of compliance, identification, and internalization [6]. The basic assumption underlying this method is that the effectiveness of the law is not only determined by the regulatory text (independence of legal variables), but is greatly influenced by legal culture variables and the readiness of the implementing institutional structures in the field.

The sample or research subjects were clearly determined through a technique of determining competent informants. Informants consisted of government elements and perpetrators of early marriage. Government and legal apparatus included the Paleleh Sub-district Head and Secretary, the Head of the Religious Affairs Office (KUA), and the Village Head and Village Secretary from the affected areas (Kwalabesar, Dutuno, Talaki, and Baturata Villages). This sample selection aimed to obtain data on implementation parameters and administrative oversight of the policy [7]. Meanwhile, perpetrators of early marriage consisted of several teenagers who married under the minimum age limit of 19 years. This sample was identified based on age group (under 17 years to 18 years) to analyze the real impact and sociological reasons behind non-compliance with the law. In addition to primary data from interviews, this study used secondary data from relevant agencies in Paleleh District for the period 2021-2025, which included data on fluctuations in early marriage rates per hamlet to account for the relevance and consistency of field findings.

4. Results and Discussion

Comprehensive Legal Critique of the Effectiveness of Government Policies in Reducing Early Marriage Rates in Paleleh District

Research on the early marriage rate in Paleleh District shows significant fluctuations, but remains at a concerning level, despite the implementation of a minimum age of 19. The following is a summary of the collected data on teenage marriages:

Table 1. Teenage Marriage Data in Paleleh District (2021-2025)

Year	Number of Cases	Age Status	Description
2021	12	< 19 Years	Mainly due to economic factors
2022	15	< 19 Years	Increase due to post-pandemic
2023	10	< 19 Years	Mainly through dispensation
2024	14	< 19 Years	Mainly due to premarital pregnancy
2025	8	< 19 Years	Data up to the current period

The data above demonstrates an unstable trend, where the policy of raising the minimum marriage age does not automatically reduce the rate of early marriage linearly. Visually, a comparison between villages shows that areas with limited access to information tend to have a more consistently high rate of early marriage than sub-district centers.

This finding is consistent with Soekanto's (2014) research, which states that the law will not be effective if it is not supported by the legal culture of the community. Significant differences were found when compared to urban studies, where education was the main determinant [8]. In Paleleh District, the local context shows

that the factors of "shame" (sirri culture) and protection of family dignity are more dominant than the factor of legal awareness. This strengthens Friedman's theory that the legal structure (KUA and Village Government) in Paleleh is already working, but the community's legal culture still conflicts with the substance of Law No. 16 of 2019.

The emerging pattern indicates the existence of "organized non-compliance" through the exploitation of marriage dispensation loopholes [9]. This is in accordance with the predictions of Herbert C. Kelman's theory regarding the compliance stage. The community complies formally (through the courts) but has not yet reached the stage of internalizing child protection values [10]. The supporting factors for this trend are the existence of unregistered marriage data (marriages under the hand) making the figures in the field larger than the formal data, the agrarian and coastal environment in Paleleh tends to view marriage as a solution to the family's economic burden, the lack of data synchronization between the village government and the KUA causes supervision of school-age adolescents to be weak [11].

Based on data interpretation, we can draw a preliminary conclusion that government policies to reduce the number of early marriages in Paleleh District have not been substantially effective. Although administrative procedures have been followed, the primary goal of the law to protect children's futures has not been fully achieved due to the intervention of stronger cultural and economic values. The implications of these findings indicate the need to formulate recommendations that are not only legalistic, but also incorporate a sociological approach through strengthening the role of traditional leaders and community-based education. This preliminary conclusion forms the basis for recommending an integrated monitoring model between schools, villages, and legal institutions in the next phase of research [12].

In examining the effectiveness of policies in Paleleh District, a dialectic emerges between findings based on administrative data (quantitative) and narrative realities on the ground (qualitative). Quantitatively, the fluctuations in the figures in Table 1 are often interpreted as partial policy successes or failures. However, through an in-depth case study design, it was discovered that these figures do not represent absolute conditions. There is a statistical "dark space" where many marriages continue to occur without being registered at the Office of Religious Affairs (KUA) [13].

The differences in the strength of the findings between research designs are clearly visible in the following aspects. Quantitative designs provide strength in generalizing trends, but tend to fail to capture the sociological motives behind marriage dispensation requests. Meanwhile, the qualitative design in this study successfully revealed that the reasons for "avoiding adultery" or "pregnancy outside of marriage" are intervening variables that paralyze the minimum age regulation [14]. These results contrast with national quantitative studies, which often conclude that raising the legal age automatically reduces marriage rates. At the local level in Paleleh, the results actually show that changes in material law without accompanying changes in cultural structures will only shift official marriages to unregistered marriages or forced dispensations. This consistent finding aligns with the principle that laws imposed from above (top-down) will always clash with bottom-up community norms. [15].

This study has several limitations that must be considered when interpreting the results. First, the sample size of informants from among early marriage participants was limited, so the perspectives taken may not fully represent the full spectrum of socio-economic factors in each hamlet. The predominance of the case study method in one specific sub-district (Paleleh) requires caution in generalizing these findings to urban areas or regions with different cultural characteristics.

Furthermore, the reliance on informants' honesty during interviews regarding taboo issues (such as premarital pregnancy) creates the challenge of subjectivity. The local context, deeply rooted in Buol's traditional values, lends a specific dimension to this study, but also limits the universal applicability of legal
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effectiveness theory to other regions with looser social controls. Limited access to comprehensive historical data at the village level also limits the analysis of long-term trends, making this study more of a snapshot of the contemporary situation than an analysis of policy evolution across decades.

This critical synthesis suggests that the failure of legal effectiveness in Paleleh is not due to a lack of regulation, but rather to the unpreparedness of social instruments to support this new norm. This initial conclusion confirms that future policy interventions should not rely solely on a formal-legalistic approach, but must address the reconstruction of cultural values through strengthening local authority and more systematic reproductive education.

5. Conclusion

This study concludes that government policies aimed at reducing the rate of early marriage in Paleleh District have not achieved the desired level of effectiveness. The main finding indicates that although the regulation regarding the minimum age of 19 has been enforced through administrative procedures at the Office of Religious Affairs (KUA), the rate of underage marriage remains fluctuating and tends to be high. These results address the research objective by demonstrating that the existence of positive law does not necessarily change social behavior if it is not accompanied by changes in the community's legal culture. The phenomenon of marriage dispensation requests and the practice of unregistered marriages (siri) demonstrates that government policies remain formalistic and incapable of addressing the root causes of the problem at the grassroots level.

The relationship between these findings and existing literature reinforces Soerjono Soekanto and Lawrence M. Friedman's theory of legal effectiveness, in which legal culture factors are proven to be the primary inhibiting variable. Unlike previous research, which often blames weak regulations, this study demonstrates that the regulation (Law No. 16 of 2019) is quite strong, but clashes with local values such as the culture of shame (sirri) and economic pressures. The practical significance of this trend indicates that communities tend to view early marriage as a protective solution to family dignity and financial burdens, scientifically confirming the disconnect between the state's child protection goals and the pragmatic needs of local communities.

The implications of this research contribute to the development of scientific understanding that law enforcement in areas with traditional characteristics requires a sociological approach, rather than simply a legalistic-positivistic one. Its practical benefit is that it can serve as evaluation material for local governments and the Office of Religious Affairs (KUA) to develop more persuasive and integrated socialization strategies with traditional authorities. Limitations of this study, such as the sample size focused on a single sub-district and the predominance of case studies, affect the broad generalizability of the results. Therefore, future research is recommended to expand the scope and employ mixed methods to validate statistical data with broader qualitative realities, in order to refine future child protection policy recommendations.

6. Referensi

- [1] B. M. Karyudi, "IMPLEMENTASI SUPREMASI HUKUM DALAM PENEGAKAN HUKUM DI INDONESIA," vol. 1, no. 2, pp. 86–98, 2024.
- [2] G. Ghosh, "DECODING THE INTERSECTIONALITY BETWEEN MUSLIM MARRIAGE LAWS AND CHILD PROTECTION LEGISLATION IN INDIA".
- [3] E. R. Oktavia, "PENGETAHUAN RISIKO PERNIKAHAN DINI PADA REMAJA UMUR 13-19 TAHUN," vol. 2, no. 186, pp. 239–248, 2018.
- [4] M. Aliati, N. L. Ramadani, and N. H. Syahira, "Jurnal Pendidikan Indonesia : Perbandingan Pendekatan

- Kualitatif dan Kuantitatif Dalam Penelitian Sosial,” vol. 5, no. 4, 2025, doi: 10.59818/jpi.v5i4.1759.
- [5] S. Romlah, “PENELITIAN KUALITATIF DAN KUANTITATIF (Pendekatan Penelitian Kualitatif dan Kuantitatif),” vol. 16, no. 1, pp. 1–13, 2021.
- [6] LAWRENCE M. FRIEDMAN, “LEGAL CULTURE AND SOCIAL DEVELOPMENT,” pp. 261–274.
- [7] K. Nasution, S. Nasution, S. Kalijaga, and S. S. Kasim, “IMPLEMENTATION OF INDONESIAN ISLAMIC FAMILY LAW TO GUARANTEE CHILDREN ’ S,” vol. 59, no. 2, pp. 347–374, 2021, doi: 10.14421/ajis.2021.592.347-374.
- [8] D. Fadilah, “Tinjauan Dampak Pernikahan Dini dari Berbagai Aspek,” vol. 14, no. 2, pp. 88–94, 2021.
- [9] B. A. Prabowo, “Pertimbangan Hakim dalam Penetapan Dispensasi Perkawinan Dini Akibat Hamil di Luar Nikah pada Pengadilan Agama Bantul,” vol. 20, no. 2, pp. 300–317, 2013.
- [10] Herbert C Kelman, “Compliance_identification_and_internalization.”
- [11] M. N. Irfan, M. Rosyid, and A. Imron, “Child Marriage and the Quest for Legal Protection : Integrating Islamic Family Law and Islamic Criminal Law,” vol. 19, no. 1, pp. 33–52, 2026, doi: 10.14421/ahwal.2025.19102.
- [12] M. R. Musfiroh, “Pernikahan Dini dan Upaya Perlindungan Anak di Indonesia,” vol. 8, no. 2, pp. 64–73, 2016, doi: 10.18860/j-fsh.v6i1.3192.3.
- [13] R. Rasmawati *et al.*, “Determinan Faktor Pernikahan Dini di Kabupaten Majene Tahun 2024,” vol. 8, no. 1, pp. 61–70, 2025.
- [14] A. D. Butudoka *et al.*, “Analisis Yuridis Perkawinan dibawah Umur di Kecamatan Paleleh dan Paleleh Berdasarkan Undang-Undang No 16 Tahun Tahun 2019 Tentang Perkawinan,” vol. 1, no. 4, 2024.
- [15] A. Hikmah *et al.*, *EFEKTIVITAS PERATURAN BUPATI NOMOR 19 TAHUN 2023 TENTANG PEMBERIAN INSENTIF KEPADA CALON PENGANTIN DI KABUPATEN BOJONEGORO DALAM EFEKTIVITAS PERATURAN BUPATI NOMOR 19 TAHUN 2023 TENTANG PEMBERIAN INSENTIF KEPADA CALON. 2024.*