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EDUCATION ON MARRIAGE DISPENSATION AFTER AMENDMENT TO LAW NUMBER 1 OF 1974 CONCERNING MARRIAGE IN THE BATAM RELIGIOUS COURTS

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Abstract

The Batam Religious Court Class 1-A is a religious court of the first level which has the authority in certain civil cases for Muslims, one of which is the case for applying for a marriage dispensation. Dispensation is an exception for the prospective bride and groom who are underage to get married. Article 7 paragraph (1) of Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage limits the age of marriage, namely the prospective bride and groom must be 19 years old. However, the fact is that early marriage is a phenomenon that occurs in society. The Office of Religious Affairs (KUA) will reject marriage if the prospective bride and groom are not of the specified age, so the parents of the prospective bride and groom must apply for a marriage dispensation in order to get a court product in the form of a stipulation as a permit for a marriage to take place. The implementation method uses observation techniques, namely by obtaining data in the field, carried out by interviews and collecting library data. The results and outcomes achieved are participation and contribution in the work environment of the Batam Religious Court, knowing and understanding procedures related to the requirements for submitting a marriage dispensation application, being able to serve people who want to have litigation, as well as providing insightful knowledge to the community with the existence of educational posters related to the Marriage Dispensation.

Keywords: *Marriage dispensation, age of marriage, Marriage Law.*

Introduction

Article 1 of Law Number 1 of 1974 concerning marriage lays out the definition, namely "Marriage is an inner and outer bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the One Godhead". The legislation stipulates that a marriage can be carried out based on the agreement of both parties and both parties have maturity and readiness to form a household (Sofia et al., 2015). On this basis, the minimum age for marriage is limited, which is stated in Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, namely that both prospective brides and grooms must reach the age of 19 years. In the event of an underage marriage as mentioned above, the Office of Religious Affairs (KUA)

will reject the marriage and direct the parents of the prospective bride and groom to apply for a marriage dispensation to the Religious Court in order to be granted relief on the limit which in this case is age (the Court of Justice). et al., nd). The Religious Courts in adjudicating a case for an application for a marriage dispensation often consider two disadvantages, namely the harm that occurs as a result of marriage at the age of children (early marriage) and the harm that will occur if the marriage dispensation is rejected (Nawi and Salle 2020). Registrars of the Batam Religious Court often accept applications for dispensation for marriage because they view that the harm that will occur if the marriage dispensation is rejected will be higher than the harm that occurs due to early marriage, with a high probability that the offspring and honor of the bride and groom will be damaged.

The two disadvantages mentioned above have in fact become a problem that occurs in society, especially among teenagers, namely the waning of moral values or moral values due to promiscuity and adultery, which are normalized, resulting in pregnancy outside of marriage. As a result, parents inevitably cover up the disgrace by marrying off their children without considering the age of maturity and mental, psychological, and financial readiness of children to support their future. Therefore, the decision of the Court plays a very important role in determining the application for dispensation for marriage, whether in granting or refusing, must be in accordance with strong reasons. The author's purpose is to choose the topic of marriage dispensation as a research article about Community service because this case is a complex issue, where the court as an institution authorized by law to assess the urgency or not of the marriage to take place, must be based on legal facts extracted from various aspects. consideration (Satria, n.d.). For this problem, the author is interested in taking the theme of marriage dispensation for the preparation of an article entitled *“Education on Marriage Dispensation Post Revision of Law No. 1 of 1974 concerning Marriage in the Batam Religious Courts”* as a Community Service task.

Methods

1. Data Collection Techniques

The data collection technique in the research that the author carried out was the observation method by obtaining data in the field, carried out by interviews and collecting library data. At first the author carried out field observations by visiting the Batam Religious Courts Class I-A office located in Sekupang District. The data obtained are primary and secondary. Primary data is obtained directly from the source through observation, interviews, and also in the form of reports (Ali 2009). In preparing the report on the implementation of activities using secondary data, the author refers to the data obtained from the literature study, namely legislation, decrees, legal journals related to the preparation of this internship activity report.

2. Output Design Process

Before carrying out this community service activity, the author first carried out the design process, so that this community service project could be carried out properly and the problems that existed with partners could be resolved.

3. Implementation State

- (1) Preparation Stage / Pre-implementation
 - a. Deciding on an internship
 - b. Submitting a Community Service (CS) permit to BAAK UIB
 - c. Received a printed CS permit from BAAK UIB
 - d. Sending a CS cover letter to the Religious Courts
 - e. Make observations related to the problem to be studied
 - f. Selecting the topic of the problem to be researched
 - g. Compile a community service proposal document

- h. Receive a reply letter from the Religious Court
- (2). Implementation Stage

The implementation stage is carried out by contributing to the work environment of the Batam Class I-A Religious Courts. The author is placed in the One Stop Integrated Service (PTSP) where his job is to serve the community who will register their cases, both petition cases and lawsuits. After the author began to adapt to the work environment, the author found several interesting cases to be researched, namely one of the applications for dispensation for marriage. The period of time at the stage of implementing Community Service starts from July 28 to November 28, 2021.

- (3). Reporting and Assessment Stage

The reporting stage begins with the preparation of data and observations that have been obtained by the authors from sources which are used as the results of the Community Service report in accordance with the academic provisions of the Batam International University (UIB) campus. The author follows the directions and guidance by the supervisor which is recorded in the logbook system. The assessment stage is carried out by the supervisor for approval and the results of community service are ratified according to the specified date. The writing of this report consists of 5 chapters, namely chapter 1 introduction, chapter 2 targets and outputs, chapter 3 implementation methods, chapter 4 results and outputs and chapter 5 namely conclusions and suggestions. Then the results of the report writing will be submitted to the Batam Religious Court Class I-A and Batam International University (UIB). The author received an assessment from the Batam Religious Court for carrying out a community service program for 4 months.

4. Implementation Schedule and Budget

Activities	July		August				September				October				November			
	1	2	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
Pre-Implementation Stage	■	■																
External Planning Process			■	■														
Implementation Stage					■	■	■	■	■	■	■	■	■	■	■	■	■	■
Reporting Stage																		■

Table 1. Schedule of implementation of community service

No	Activity Plans	Budget Type	Volume	Unit	Value	Total
1	Observance and interview	Consumption cost	1	times	Rp 20,000	Rp 20,000
		Transportation cost	2	times	Rp 20,000	Rp 40,000
		Interview Compensation Fee	10	month	Rp 10,000	Rp 100,000
2	Financial design	Consumption cost	10	times	Rp 40,000	Rp 400,000
		Transportation cost	10	times	Rp 10,000	Rp 100,000
		Interview Compensation Fee	2	month	Rp 20,000	Rp 40,000
3	Outcome Implementation Activities	Consumption cost	10	times	Rp 40,000	Rp 400,000
		Transportation cost	10	times	Rp 10,000	Rp 100,000
		Interview Compensation Fee	2	month	Rp 20,000	Rp 40,000
		Module Development Fee grant	10	month	Rp 2,000	Rp 20,000
4	Report generation	Print service fee	10	sheet	Rp 1,000	Rp 10,000
		Stamp 10,000	2	sheet	Rp 20,000	Rp 20,000
5	Services	paper fee	2	times	Rp 100,000	Rp 200,000
		Financial cost	1	month	Rp 10,000	Rp 10,000
TOTAL BUDGET						Rp 4,000,000

Table 2. Community Service Implementation Budget

Result and Discussion

- **External Planning Activities**

The following is evidence from the outputs designed during the implementation of devotion to the community activities:

1. The success of the author in compiling the design of the activity output, namely being able to help litigants who want to file a lawsuit or application, especially the case for a marriage dispensation application through the One Stop Service (PTSP) of Batam Religious Court Class IA, and successfully input case data into SIPP PA Batam (Case Tracing Information System).



Picture 3. Data Proof of Successfully Registered Marriage Dispensation Application Through the Batam PA SIPP Portal



Picture 4. The author's documentation keeps the counter 2 Table 1 and serves the litigants as the Petitioner



Picture 5. Documentation of the Applicant who has received the Determination of the Marriage Dispensation case through the SISMAIL PA Batam application (it has been approved for publication)

- b. In designing the outcome of the activity, the author distributes creative ideas in the form of educational posters about the Marriage Dispensation so that
- b. people who want to litigate can increase their knowledge about the marriage dispensation.



Picture 6. Marriage Dispensation insight poster

Requirements for Submission of Application for Marriage Dispensation:

1. Photocopy of the applicant's Batam ID card which has been given a stamp duty of 10,000 and legalized by the Indonesian Post Office in Sekupang and Batam Center
2. Rejection Letter from the Office of Religious Affairs (KUA)
3. Photocopy of Birth Certificate or the like (Ijazah) who will be married (given with 10,000 stamp duty and legalized)
4. Photocopy of ID card that will be married (legalized)
5. Applicant's application letter (Copy 7) which is made by himself accompanied by softcopy (flash disk or CD) or assisted by Posbakum
6. Pay the down-payment of court fees in accordance with the radius by cash deposit or transfer to Bank Syariah Indonesia (BSI).

Output Implementation Process

There are several stages of data input for the registration of applications for marriage dispensation cases through the SIPP PA Batam portal, which are as follows:

1. Record the names of the owners of the registered case numbers through Counter 5 Cashier;
2. Login to the SIPP PA Batam portal application (Case Tracing Information System) with a special account for the Application case;



Picture 7 Display of the Batam Religious Court SIPP portal

3. Select the Civil column, then the Master Register of Application Cases;



Picture 8. Display of civil column features

4. Click “details” to input case number data sequentially;
5. Click “General Data”, fill in according to the file that has been registered manually. The things that must be filled are; date of letter, letter number, allegation (posita) and petitum;



Picture 9. Display of filling in posita and petitum

6. Click “add Applicant” on the party data and fill it in accordingly;



Picture 10. Display of filling in the data of the parties

7. After inputting the party's data, posita and petitum have been properly registered, then upload the document in the form of rtf format;
8. Data has been successfully inputted on the Batam Religious Court SIPP portal.



Picture 11. The display of the owner of the case number has been successfully entered

Conclusions

- (1) The results and outcomes achieved are participation and contribution in the work environment of the Batam Religious Court class-IA, knowing and understanding the procedures related to the requirements for submitting a marriage dispensation application, being able to serve people who want to litigate, finding solutions to the obstacles that people complain about in submitting a dispensation application. marriages registered through the One Stop Integrated Service (PTSP), as well as providing knowledge in the form of posters related to the Marriage Dispensation.
- (2) The benefits of Community Service activities at the Batam Religious Court Class IA are increasing the work experience that the author carries, increasing the

attitude of responsibility and work ethic, helping litigants who want to seek justice before the law, serving people who need legal assistance, participate in providing maximum service in serving the community.

- (3) The author hopes that participants who take part in the community service program can take full advantage of the opportunity to gain knowledge and experience in judicial practice that is not obtained in college.
- (4) The authors would like to thank the author of the Advisory Lecturer, namely Rahmi Ayunda, S.H., M.H. and Batam Religious Court who have assisted the author in compiling this report.

The Supreme Court Regulation (PERMA) Number 5 of 2019 concerning Guidelines for Adjudicating the Marriage Dispensation explains the definition that: "Marriage Dispensation is the granting of a marriage permit by the court to a prospective husband/wife who is not yet 19 years of age to marry." The minimum age for marriage is regulated in Article 7 paragraph (1) of Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage. So the change in age has an impact on increasing applications for dispensation for marriage (early marriage) to the Batam Religious Court Class I-A. The implementation of this community service is a form of scientific research. Since the last 7 (seven) years, 122 cases have been collected. Very often early marriage occurs without considering the age of maturity and mental, psychological, and financial readiness of children to support their future. Therefore, the decision of the Religious Courts, especially the city of Batam, plays a very important role in determining the dispensation application.

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Laws and Regulations

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- Regulation of the Supreme Court of the Republic of Indonesia Number 5 of 2019 concerning Guidelines for Adjudicating Applications for Marriage Dispensation