

Redefining “Compelling Reasons” in Marriage Dispensation under Indonesian Marriage Law: Legal Certainty and Child Protection

Sutriani ^a, Saharuddin ^b, Muh. Akbar Fhad Syahril ^{c*}, Kairudin Kairudin ^d, Abbas Ibrahim ^e

^{a,b,c,d} Department of Law, Faculty of Law, Institut Ilmu Sosial dan Bisnis Andi Sapada, Parepare, Indonesia

^e Imam Alkadhim University College, Baghdad, Iraq

*Corresponding Author: akbar9.a9@gmail.com

ABSTRACT

This study examines the conceptual boundaries of the phrase “compelling reasons” (or “urgent reasons”) in marriage dispensation as the central issue in determining whether deviations from the legal age requirement for marriage may still be justified within the framework of child protection and legal certainty. The issue is significant because the ambiguous meaning of the phrase may broaden the scope of exceptions, generate multiple interpretations, and ultimately weaken the function of age restrictions in the family law system. This is a normative legal study that draws on primary, secondary, and tertiary legal materials to identify the meaning, limits, and interpretive direction of the phrase in the practice of marriage law. The study finds that “compelling reasons” should not be understood merely as ordinary social grounds or family pressure, but rather as an extraordinary circumstance in which no other reasonable option remains, and it must be assessed in close relation to the best interests of the child, adequate evidence, and the objectives of legal protection. The novelty of this article lies in its affirmation that the conceptual boundary of compelling reasons must be placed within its nature as an emergency instrument that is valid only when applied restrictively, so that marriage dispensation remains an exceptional mechanism and does not become a means of normalizing child marriage. The implication of this study is the importance of establishing clearer and more measurable normative parameters so that the application of marriage dispensation becomes more consistent, legal certainty is better ensured, and child protection remains the primary orientation.

Keywords: Marriage Dispensation, Compelling Reasons, Child Protection, Legal Certainty, Marriage Law.

Article History: Received: July 29, 2026 | Accepted: September 20, 2026 | Published: October 20, 2026

How to Cite:

Sutriani, S., Saharuddin, S., Syahril, M. A. F., Kairudin, K., & Ibrahim, A. (2026). Redefining “Compelling Reasons” in Marriage Dispensation under Indonesian Marriage Law: Legal Certainty and Child Protection. *Iuris Notitia: Jurnal Ilmu Hukum*, 4(2), 225–233. DOI: <https://doi.org/10.69916/iuris.v4i2.607>

1. INTRODUCTION

Marriage is a legal institution that plays a significant role in Indonesian society, as it not only establishes a physical and spiritual bond between a man and a woman (Sutriani, 2026), but also embodies social, moral, cultural, and religious dimensions that are highly valued in communal life (Syahril & Hasan, 2025). In the perspective of national law, marriage is understood not merely as a civil relationship, but also as a means of forming a happy, lasting, and responsible family. Therefore, the physical, psychological, and social maturity of the parties is an essential prerequisite for the marriage objectives to be achieved optimally.

Normatively, the amendment of Law No. 1 of 1974 by Law No. 16 of 2019 reaffirms that the minimum marriage age for both men and women is 19 years. This age requirement reflects a stronger legal orientation toward child protection, the prevention of child marriage, and efforts to promote higher-quality families. The explanatory notes to the law also state that setting the same minimum age at 19 is intended to ensure that prospective spouses are regarded as more mentally and physically mature for marriage, so that they may better achieve the objectives of marriage and produce healthy, high-quality offspring (Efevbera & Bhabha, 2020).

Nevertheless, this age requirement is not absolute, as the law still allows for marriage dispensation through

the court if there are compelling reasons supported by sufficient evidence (Muqaffi et al., 2021). This provision shows that, on the one hand, the state seeks to curb child marriage, but on the other hand, an exception mechanism remains available that allows deviation from the minimum age requirement. In this context, an important legal issue arises, namely how the phrase “compelling reasons” should be interpreted and limited so that it does not undermine the child protection objective intended by the legislature.

The phrase “compelling reasons” occupies a central position in the discourse on marriage dispensation, as it serves as the decisive criterion for granting an exception to the general legal rule under Article 7 paragraph (2) of Law No. 16 of 2019. It refers to a situation in which there is no other available option and marriage must be solemnized out of compelling necessity (Rini, 2022). Normatively, this formulation indicates that marriage dispensation should be treated as an extraordinary mechanism, rather than as an ordinary avenue that can be easily used when the minimum age requirement has not been met. However, in practice and interpretation, the phrase still leaves broad room for interpretation, thereby potentially creating uncertainty as to the criteria for determining which circumstances can truly be classified as compelling (Fikri, 2023).

This issue becomes increasingly relevant when linked to the principle of child protection in Supreme Court Regulation (PERMA) No. 5 of 2019 on Guidelines for Adjudicating Marriage Dispensation Applications. The regulation affirms that all actions concerning children must be carried out in the best interests of the child; therefore, judges are obliged to seriously consider the child’s physical and psychological readiness, education, health, and future before granting marriage dispensation (Ashari, 2024). Accordingly, compelling reasons cannot be understood merely as administrative grounds or social pressure, but must be assessed within the framework of child rights protection. In other words, the looser the interpretation of this phrase, the greater the risk of reducing the meaning of child protection in Indonesian marriage law.

Several previous studies have examined marriage dispensation from various perspectives. Studies on the best interests of the child indicate that judicial considerations in marriage dispensation cases are essentially directed toward protecting children’s rights, ensuring their survival, and preventing them from social sanctions within society (Karima et al., 2023). Global public health perspectives also emphasize the necessity of deconstructing the drivers of child marriage to prevent severe developmental and rights violations (Efevbera & Bhabha, 2020). Other studies show that the application of child protection principles in marriage dispensation applications has not yet been fully optimized and still depends on each judge’s interpretation, particularly in assessing urgent reasons, psychological readiness, health, education, and the family’s socio-economic conditions (Kairuddin et al., 2022). Meanwhile, research on the interpretation of “compelling reasons” finds that, in judicial practice, the phrase is often construed through grammatical and sociological approaches, thereby producing categories of reasons such as out-of-wedlock pregnancy, prior sexual relations, or relationships considered too close (Fikri, 2023).

Although these studies make an important contribution, research that specifically focuses on the normative and conceptual construction of the phrase “compelling reasons” remains relatively limited. Most studies emphasize judicial considerations in concrete cases or the implementation of child protection principles in judicial practice. Yet the fundamental issue in marriage dispensation lies in how the law constructs, limits, and gives meaning to the phrase “compelling reasons” as the basis for an exception to the general norm of the minimum marriage age. In this context, a normative study of compelling reasons is important to test whether marriage dispensation still operates within a restrictive exception framework or has shifted into an overly broad loophole in the marriage law system.

The urgency of this study lies in the fact that the clarity of the meaning of compelling reasons is crucial to the effectiveness of the minimum marriage age restriction. If the phrase is interpreted too broadly, marriage dispensation may become a mechanism that actually weakens the purpose of that restriction and opens space for the normalization of child marriage under Law No. 16 of 2019. Conversely, if the phrase is interpreted carefully, strictly, and in a child-centered manner, marriage dispensation can still be maintained as an exceptional instrument that is consistent with child protection and legal certainty. Therefore, this study is important not only theoretically for the development of family law doctrine, but also practically for strengthening the consistency of legal interpretation regarding marriage dispensation in Indonesia.

Based on the foregoing, this study focuses on the question of how the normative construction of the phrase “compelling reasons” operates in marriage dispensation, and how the conceptual boundaries of that phrase

should be understood so that they remain aligned with the objectives of child protection, legal certainty, and legal utility. This focus is important because the quality of legal protection in marriage does not depend solely on the existence of a minimum age norm, but also on the rigor of the law in limiting the grounds for exception to that norm. Accordingly, this study seeks to affirm that compelling reasons must be interpreted restrictively as an extraordinary circumstance that truly leaves no other option, rather than as a general reason that easily justifies deviation from the minimum marriage age.

2. RESEARCH METHOD

This study employs normative legal research, focusing on the interpretation, systematization, and evaluation of legal norms governing marriage dispensation in Indonesia (Juliardi et al., 2023). The research uses statutory, analytical, and conceptual approaches. The statutory approach examines Article 7 paragraph (2) of Law No. 16 of 2019 amending Law No. 1 of 1974 on Marriage, Supreme Court Regulation (PERMA) No. 5 of 2019 on Guidelines for Adjudicating Marriage Dispensation Applications, Law No. 35 of 2014 on Child Protection, and relevant constitutional and international child-rights principles. The analytical approach is used to examine the relationship between the minimum marriage age, the dispensation mechanism, legal certainty, legal utility, and the principle of the best interests of the child. The conceptual approach is employed to formulate the legal meaning, characteristics, and limits of the phrase “compelling reasons” as an exception to the general age requirement. The primary legal materials consist of legislation, court regulations, and relevant legal instruments concerning marriage, children’s rights, and judicial protection. Secondary legal materials include peer-reviewed journal articles, legal textbooks, scholarly commentaries, and research findings relating to marriage dispensation, child marriage, legal interpretation, and family law. Tertiary legal materials include legal dictionaries, encyclopedias, and electronic legal databases used to clarify terminology and trace relevant sources.

The analysis applies three complementary methods of legal interpretation. First, grammatical interpretation is used to examine the ordinary legal meaning of the phrase “compelling reasons” and its relationship to the requirement of sufficient supporting evidence. Second, systematic interpretation is used to read Article 7 paragraph (2) of Law No. 16 of 2019 in conjunction with Supreme Court Regulation No. 5 of 2019, child-protection legislation, and the constitutional guarantee of children’s rights. Third, teleological or purposive interpretation is used to align the meaning of compelling reasons with the legislative objective of raising the minimum age of marriage, namely the prevention of child marriage and the protection of children’s development, education, health, and future welfare. Legal materials were collected through library research, classified according to their authority and relevance, and analyzed qualitatively through legal reasoning. The analytical framework uses four evaluative dimensions: the exceptional character of dispensation, the objective verifiability of the asserted facts, the availability of safer alternatives, and the best interests of the child. Through this framework, the study distinguishes between ordinary social grounds and juridically compelling grounds, and assesses whether a proposed interpretation preserves legal certainty while still enabling courts to respond to genuinely exceptional circumstances (Syahrudin, 2022).

3. RESULTS AND DISCUSSION

3.1. Normative Construction of the Phrase “Compelling Reasons” in Marriage Dispensation

The phrase “compelling reasons” occupies a highly important position in the regulation of marriage dispensation because it determines whether a deviation from the minimum marriage age may be justified. In the Indonesian marriage law system, the age threshold of 19 years for both men and women constitutes the general norm, reflecting the state’s intention to protect children and ensure the maturity of prospective spouses before entering married life. However, this general norm is not absolute, as the law still provides room for exception through marriage dispensation. At this point, the phrase “compelling reasons” becomes the decisive element, because without a clear meaning, the minimum marriage age risks becoming a provision that is easily set aside.

From a normative perspective, Article 7 paragraph (2) of Law No. 16 of 2019 states that any deviation from the 19-year age requirement may only be made if there are compelling reasons accompanied by sufficient supporting evidence. This formulation shows that marriage dispensation is not an automatic right, but rather an exception that requires truly extraordinary circumstances. Thus, the law does not place dispensation as a

common alternative route, but as a solution that must be strictly tested. Therefore, the meaning of the phrase “compelling reasons” must be understood as a normative boundary that distinguishes ordinary conditions from conditions that genuinely compel marriage to be immediately solemnized.

The significance of this phrase becomes even greater when linked to the purpose of the legislative amendment, which is precisely intended to strengthen child protection (Ali, 2026). The equalization of the minimum marriage age for men and women to 19 years was intended to reduce child marriage, which often has consequences for education, health, and the psychological readiness of children. In other words, the legislature was not opening the door widely to child marriage, but rather seeking to close the loopholes that had long allowed marriage at an immature age. In this context, the phrase “compelling reasons” should be interpreted restrictively so that the exception does not override the general rule it was intended to uphold.

The problem is that the law does not provide a truly detailed and exhaustive definition of what is meant by “compelling reasons.” The explanatory note of the provision does state that it refers to a situation in which there is no other option and marriage must be solemnized under compulsion, but this formulation still leaves room for multiple interpretations. This gap places compelling reasons within the realm of an open legal norm, namely a norm that does not provide detailed operational criteria. As a result, the meaning of the phrase often depends on how the concrete facts are read, and in practice it can lead to different assessments from one petition to another.

This ambiguity has attracted attention in various studies. A number of studies show that the phrase “compelling reasons” in marriage dispensation continues to generate multiple interpretations because there are no clear normative boundaries regarding what circumstances may be classified as compelling (Fauzi, 2022; Hasanah, 2025). Other studies even affirm that this ambiguity has resulted in inconsistent judicial decisions and has opened space for petitions based on reasons that do not in fact possess an urgency equivalent to an emergency situation (Sholehah & Ubaidillah, 2024). Accordingly, the main problem lies not merely in the existence of marriage dispensation, but in how the urgent element is legally constructed.

Supreme Court Regulation No. 5 of 2019 was introduced to provide a more measurable guideline for adjudicating marriage dispensation petitions. Its existence shows that policymakers recognized the need for a more careful standard of review so that dispensation would not be granted arbitrarily. Under this regulation, judges are required to consider the best interests of the child, as well as the child’s physical readiness, psychological condition, education, health, and surrounding social circumstances. This means that “compelling reasons” cannot stand alone as an abstract phrase, but must be read together with the principle of child protection that underlies the entire marriage dispensation mechanism.

Nevertheless, the guideline does not automatically eliminate interpretive problems. In practice, judges still retain broad room to assess whether the reasons presented are truly compelling, especially because each case carries a different social background (Fauzi, 2022; Sholehah & Ubaidillah, 2024). This shows that the normative construction of “compelling reasons” cannot be supported solely by the text of the statute and its implementing regulation, but must also be linked to the objectives of child protection and the restriction on the minimum marriage age. Without a clear connection between the norm and its purpose, the phrase can easily shift from a strict exception into an overly permissive justification.

In legal literature, ambiguity of this kind is often understood as an open legal norm, namely a norm that is intentionally left open so that it can be adapted to concrete circumstances. However, such openness must still have limits so that it does not turn into legal uncertainty (Hasanah, 2025). For the phrase “compelling reasons,” openness is indeed necessary because the factual circumstances underlying a dispensation petition are not always the same. However, such openness must not eliminate certainty that only extraordinary circumstances are worthy of serving as grounds for deviation. In other words, flexibility must remain controlled by a rational normative boundary.

The normative boundary can be understood from two perspectives. First, from the standpoint of the purpose of setting a minimum marriage age, which clearly aims to protect children from the physical, psychological, and social risks of early marriage. Second, from the standpoint of the function of dispensation itself, which is intended as a last resort rather than a remedy that can be easily invoked. Read together, these two perspectives suggest that compelling reasons should be understood as circumstances that are not only important, but also truly incapable of being resolved through other, safer alternatives for the child. In other words, compelling

reasons are not merely socially weighty reasons, but legally compelling circumstances.

Research on the limits of compelling reasons shows that some views tend to associate them with circumstances such as unexpected pregnancy, prior sexual relations resembling husband-and-wife relations, or a child’s perceived psychological readiness. Other views include being close to the age of 19, the age gap between prospective spouses, and psychological readiness as indicators that need to be examined. Nevertheless, such an approach still leaves the question of whether these factors truly constitute compelling reasons or are merely additional indicators that are not yet sufficient to derogate from the general norm. This is where normative construction needs to be clarified so that the category of compelling reasons does not expand without control.

In several other studies, compelling reasons are understood through the best interests of the child. In other words, a marriage dispensation petition is worthy of consideration only if its rejection would create a greater risk for the child than granting the petition (Fauzi, 2022). This reading pattern places compelling reasons not merely on the event preceding the petition, but on the evaluation of the legal and social consequences of granting or refusing the dispensation. From this perspective, compelling reasons do not stand as a factual label, but as the outcome of legal assessment that must comprehensively consider risk and child protection.

However, if such a construction is left without clear guidance, there is always a risk of shifting from legal argument to loose social justification. In many cases, dispensation petitions are filed because of out-of-wedlock pregnancy, family pressure, or fear of social stigma. The problem is that not all social pressure can be equated with a legally compelling situation. Some circumstances do require immediate protection, but others arise from social problems that should be addressed through prevention, education, and child protection, rather than by turning marriage into the primary solution. Therefore, the normative construction of the phrase “compelling reasons” must be placed within a strict exception framework. An overly broad exception will reduce the minimum marriage age norm to a mere formality, whereas an overly rigid exception may ignore real circumstances that genuinely require immediate legal protection. This balance is the core of normative construction. The norm must be open enough to respond to concrete situations, but firm enough to prevent abuse.

Conversely, the existence of Supreme Court Regulation No. 5 of 2019 shows that compelling reasons cannot be understood in isolation from procedure and proof. The requirement to present sufficient evidence indicates that the legislature intended compelling reasons to be objectively verifiable, rather than merely claimed by the petitioner. Accordingly, compelling reasons must be supported by testable facts, such as pregnancy, psychological readiness, and a social context that genuinely makes postponing marriage create greater risk. Without adequate proof, the phrase can easily turn into a normative statement that loses its limiting force.

The ambiguity of the norm in Article 7 paragraph (2) also has consequences for legal certainty. When the boundary of compelling reasons is not clearly formulated, similar petitions may be treated differently, thereby opening space for inconsistency in judicial practice (Hasanah, 2025). From the perspective of family law, such inconsistency is not a minor issue because it concerns child protection, the authority of legal norms, and public trust in the law. For that reason, strengthening the meaning of “compelling reasons” is a normative necessity directly related to the effective operation of the minimum marriage age norm.

3.2. Conceptual Boundaries of “Compelling Reasons” from the Perspective of Child Protection and Legal Certainty

The phrase “compelling reasons” cannot be understood merely as an indicator of a situation that the petitioner feels is important; it must be placed within the framework of a circumstance that is truly legally compelling. In the context of marriage dispensation, this term implies that an exception to the minimum marriage age is valid only when the circumstances presented go beyond ordinary reasons and demonstrate a very strong need for marriage to be solemnized immediately. Therefore, its conceptual boundary must not be equated with general social reasons, family pressure, or abstract concerns that are not necessarily linked to a legal emergency. A loose interpretation would blur the function of the minimum-age restriction itself.

Viewed from its normative character, “compelling reasons” is an intentionally open but not unrestricted term. Openness gives judges room to respond to factual variations, but that room does not mean that every reason can be accepted. The law instead requires that the reasons advanced have objective weight, be verifiable, and relate directly to real risks if the marriage is not immediately performed (Sholehah & Ubaidillah, 2024).

Accordingly, the phrase is not an emotional category, but a juridical one that must be filled with accountable criteria.

The conceptual boundary of “compelling reasons” lies in the idea that dispensation is a remedy of last resort, not an easy path to be taken when the age requirement has not yet been met. In the literature on marriage dispensation, it is emphasized that an urgent circumstance must be understood as a situation that leaves no alternative other than the immediate solemnization of the marriage. This conception is important because if compelling reasons are allowed to absorb all reasons regarded as serious by the family, the protective function of the minimum-age regulation will be lost. At that point, the law, which should function as a limitation, instead turns into an instrument of justification.

The best interests of the child constitute the most important standard for assessing whether a particular circumstance is truly urgent. A situation cannot be regarded as urgent merely because of social pressure, family shame, or a desire to preserve the relationship between the prospective spouses (Mahardiani, 2023). What matters more is whether postponing the marriage would cause greater harm to the child than the marriage itself. With this standard, “compelling reasons” must be read functionally, namely by asking whether it truly protects the child or instead places the child in a new and more prolonged risk.

A restrictive understanding is important because any expansion of meaning will directly affect the effectiveness of child protection. Children, by nature, do not yet have full capacity to assess the long-term consequences of marriage, whether in terms of reproductive health, psychological readiness, education, or economic independence (Mahardiani, 2023). When “compelling reasons” are construed too leniently, the state indirectly transfers the burden of protection from the legal system to the child and the family. This is contrary to the spirit of child protection, which requires the state to take a more active role.

In family law practice, compelling reasons often intersect with cases of out-of-wedlock pregnancy, an already intimate relationship, or parental concerns regarding the child’s relationship with the prospective partner (Mahardiani, 2023). However, not every such circumstance automatically satisfies the criterion of urgency. Pregnancy, for example, may indeed create a certain urgency, but that urgency must still be tested to determine whether marriage is truly the only safest path for the child, or merely a social solution chosen because of environmental pressure. This is where the conceptual boundary must operate, so that the law does not treat all sensitive situations as urgent ones.

An overly broad interpretation also creates serious problems for legal certainty. If “compelling reasons” are not clearly limited, cases that are substantively similar may result in different legal treatment. This difference is not merely a technical variation; it shows that an ambiguous norm can produce inconsistency in standards of assessment (Hasanah, 2025; Mahardiani, 2023). In the long term, such inconsistency weakens public trust in the law because people are not given a clear standard for when dispensation may or may not be granted.

On the other hand, legal certainty does not mean rigid uniformity. Certainty instead requires sufficiently clear boundaries so that interpretation does not drift too far from the purpose of the norm. In the context of marriage dispensation, legal certainty means that everyone must understand that “compelling reasons” are not ordinary reasons, but extraordinary circumstances that must be strongly proven and assessed carefully (Fauzi, 2022; Hasanah, 2025). With that standard, legal certainty does not eliminate discretion; rather, it directs discretion so that it remains within a framework that can be rationally reviewed.

The link between child protection and legal certainty is evident in the preventive function attached to the marriage age limit. When “compelling reasons” are interpreted narrowly, the age threshold of 19 retains its binding force and is not easily set aside. Conversely, if “compelling reasons” are construed too broadly, dispensation may become a normalizing route for child marriage, ultimately undermining the preventive purpose itself (Kurniawan & Refiasari, 2022). Accordingly, the conceptual limitation is not only theoretically significant, but also crucial to the effectiveness of legal protection for children against early marriage.

The utilitarian value of law is likewise shaped by the interpretation of “compelling reasons.” A law is useful not because it most readily grants petitions, but because it most effectively prevents greater harm. In this regard, granting marriage dispensation without a rigorous standard may offer an immediate solution to a family’s pressing problem, yet it does not necessarily produce long-term benefits for the child (Mahardiani, 2023). True utility should be measured by whether a decision genuinely minimizes future risk, not merely by

whether it relieves immediate anxiety.

Therefore, “compelling reasons” should be understood as a concept containing three elements at once: an extraordinary circumstance, the absence of any other option, and the existence of a greater risk if the marriage is not carried out immediately. These elements are important so that the minimum marriage age does not become merely symbolic, but continues to have real regulatory force. If one of these elements is missing, the concept of urgency becomes too vague to serve as a basis for departing from the general rule (Fauzi, 2022).

This conceptual boundary also requires a distinction between factual reasons and legal reasons. Not every burdensome fact can automatically be transformed into a legally compelling ground. The law demands a transformation from social facts into juridically defensible reasons that are normatively justifiable (Mahardiani, 2023). Accordingly, the criterion of urgency must be assessed by asking whether the fact truly gives rise to a situation that cannot be resolved through alternative protective measures that are safer for the child.

Ultimately, the restrictive meaning of “compelling reasons” is necessary to ensure that marriage dispensation remains in its original function as an exception, not as a mechanism of justification. A restrictive interpretation is not intended to close off all possibilities of dispensation, but to ensure that dispensation is granted only when the best interests of the child genuinely require it. In this way, the law maintains a balance between flexibility and certainty, between child protection and the need to respond to particular circumstances. This is the conceptual boundary that must be preserved so that marriage dispensation does not lose its emergency character.

Accordingly, the conceptual boundary of “compelling reasons” requires strict, objective, and child-protection-oriented criteria. The phrase must not be treated as an elastic term that adjusts merely to family interests, but must be understood as an extraordinary condition that can be accepted only when no other alternative exists. Through such an understanding, the law preserves legal certainty, prevents deviations from the minimum marriage age, and maintains its utility for child protection.

4. CONCLUSION

This study concludes that the phrase “compelling reasons” in Article 7 paragraph (2) of Law No. 16 of 2019 must be interpreted as a strictly limited legal exception to the minimum marriage age of nineteen years. It does not refer to ordinary social difficulties, parental pressure, family reputation, cultural expectations, or a general desire to formalize a relationship. Rather, it refers to an extraordinary and objectively verifiable circumstance in which postponing marriage would create a concrete and greater risk to the child, while no safer and proportionate alternative is available.

The normative construction of compelling reasons must be developed through a systematic and teleological interpretation of the Marriage Law, Supreme Court Regulation No. 5 of 2019, and the principle of the best interests of the child. Under this construction, a court should assess four cumulative elements: the exceptional nature of the circumstance, the adequacy of supporting evidence, the absence of safer alternatives, and the demonstrable benefit of the proposed decision for the child’s rights, development, health, education, dignity, and future welfare.

The principal recommendation is that the Supreme Court should formulate more specific substantive indicators for determining compelling reasons in marriage-dispensation cases. These indicators should require courts to record the factual emergency, examine the available alternatives to marriage, involve relevant professionals where necessary, ensure the meaningful participation of the child, and provide an explicit proportionality analysis in every decision. A clearer normative framework would improve consistency in judicial reasoning, strengthen legal certainty, and preserve marriage dispensation as an exceptional measure rather than a means of normalizing child marriage.

DECLARATION

Funding

The authors received no financial support of any kind for the research, authorship, and/or publication of this article.

Conflicts of Interest

The authors declare no financial conflicts of interest or personal relationships that could influence, or appear to influence, the analysis results and legal arguments presented in this article.

Availability of Data and Legal Materials

All legal materials, court rulings, or supporting data analyzed in this research are fully included in this manuscript.

Statement on AI Usage

The authors declare that no Generative AI technology or AI assistance tools were used during the preparation, drafting, or analysis of this manuscript.

REFERENCES

- Ali, N. (2026). *Pembaruan hukum keluarga di Indonesia: Menakar efektivitas batas usia minimum pernikahan* (1st ed.). Penerbit NEM.
- Ashari, H. (2024). Rekonstruksi pertimbangan alasan sangat mendesak pada perkara dispensasi kawin di Pengadilan Agama. *Al Qalam: Jurnal Ilmiah Keagamaan dan Kemasyarakatan*, 18(2), 1087–1105. <https://doi.org/10.35931/aq.v18i2.3389>
- Efevbera, Y., & Bhabha, J. (2020). Defining and deconstructing girl child marriage and applications to global public health. *BMC Public Health*, 20(1), 1547. <https://doi.org/10.1186/s12889-020-09545-0>
- Fauzi, A. R. (2022). *Sinkronisasi Pasal 7 Ayat (2) Undang-Undang Nomor 16 Tahun 2019 tentang Perubahan atas Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan dengan Peraturan Mahkamah Agung Nomor 5 Tahun 2019 tentang Pedoman Mengadili Permohonan Dispensasi Kawin* [Unpublished undergraduate thesis]. Universitas Andalas.
- Fikri, A. R. (2023). *Penafsiran alasan sangat mendesak dalam perkara dispensasi kawin menurut para hakim Pengadilan Agama Marabahan* [Unpublished undergraduate thesis]. Universitas Islam Negeri Antasari.
- Hasanah, N. (2025). Kepastian hukum frasa “alasan sangat mendesak” dalam permohonan perkara dispensasi kawin. *Jurnal Ilmu Hukum dan Pancasila*, 2(3), 210–219.
- Juliardi, B., Runtunuwu, Y. B., Musthofa, M. H., TL, A. D., Asriyani, A., Hazmi, R. M., Syahril, M. A. F., Saputra, T. E., Arman, Z., & Rauf, M. A. (2023). *Metode penelitian hukum*. CV. Gita Lentera.
- Kairuddin, K., Saharuddin, S., & Syahril, M. A. F. (2022). Juridical analysis towards the dispensation of child marriage. *American Journal of Humanities and Social Sciences Research*, 6(1), 209–216.
- Karima, A., Rahma, N. L., Kasdi, A., & Nubahai, L. (2023). Kepentingan terbaik anak pemohon dispensasi pernikahan dalam penafsiran hukum oleh hakim. *Al-Syakhsyiyah: Journal of Law and Family Studies*, 5(2), 119–132. <https://doi.org/10.21154/syakhsyiyah.v5i2.7082>
- Kurniawan, M. B., & Refiasari, D. (2022). Penafsiran makna “alasan sangat mendesak” dalam penolakan permohonan dispensasi kawin: Kajian Putusan Nomor 0127/Pdt.P/2021/PA.Kr. *Jurnal Yudisial*, 15(3), 345–362.
- Mahardiani, E. W. (2023). Batasan alasan sangat mendesak permohonan dispensasi perkawinan dalam Pasal 7 Ayat (2) Undang-Undang Nomor 16 Tahun 2019 tentang Perubahan atas Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan. *Brawijaya Law Student Journal*, 1(1), 1–15.
- Muqaffi, A., Rusdiah, R., & Rahmi, D. (2021). Menilik problematika dispensasi nikah dalam upaya pencegahan pernikahan anak pasca revisi UU Perkawinan. *Journal of Islamic and Law Studies*, 5(2), 180–195. <https://doi.org/10.18592/jils.v5i3.5914>
- Peraturan Mahkamah Agung Nomor 5 Tahun 2019 tentang Pedoman Mengadili Permohonan Dispensasi Kawin. (2019).

- Rini, Y. C. (2022). Dinamika perubahan Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan mengenai batas usia minimal perkawinan. *AL WASATH: Jurnal Ilmu Hukum*, 3(2), 79–92. <https://doi.org/10.47776/alwasath.v3i2.374>
- Sholehah, W., & Ubaidillah, L. (2024). Analisis yuridis terkait alasan mendesak dalam pengajuan dispensasi kawin dalam Pasal 7 Ayat (2) Undang-Undang Nomor 16 Tahun 2019 tentang Perubahan Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan. *Indonesian Journal of Law and Justice*, 2(1), 1–12. <https://doi.org/10.47134/ijlj.v2i1.2949>
- Sutriani. (2026). *Pertimbangan hakim dalam memberikan dispensasi kawin terhadap anak yang hamil di luar nikah (Studi Putusan No. 2/Pdt.P/2026/PA.Br)* [Unpublished undergraduate thesis]. Institut Ilmu Sosial dan Bisnis Andi Sapada.
- Syahril, M. A. F., & Hasan, N. (2025). Reconstructing marriage annulment in Dui’Pappenre within Bugis customary law. *Cosmopolitan Civil Societies: An Interdisciplinary Journal*, 17(3), 106–116. <https://doi.org/10.5130/ccs.v17.i3.9523>
- Syahrudin, S. N. M. A. R. (2022). *Penelitian hukum normatif versus penelitian hukum empiris*. Kretakupa Print.
- Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan. (1974).
- Undang-Undang Nomor 16 Tahun 2019 tentang Perubahan atas Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan. (2019).