The Effectiveness of Law Number 16 of 2019 Concerning Marriage in Minimizing Marital Problems

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ABSTRACT

The research aims to analyze the Effectiveness of Law Number 16 of 2019 concerning Marriage in Minimizing Marital Problems in Makassar City (Case Study of the Makassar Class IA Religious Court). This study uses the type of empirical legal research. The results of this study indicate that Effectiveness Efforts are based on effectiveness theory where to achieve the results and objectives to be achieved according to their level, the effectiveness of Law Number 16 of 2019 concerning marriage concerning the minimum age limit of 19 for both men and women has not been implemented and implemented to the fullest / Not implemented effectively, this is evidenced by the many requests for dispensation (granted) according to certain reasons, mediation efforts have also been carried out by mediators but public awareness is lacking, so that divorce occurs.

Keywords: Marriage; Dispensation; Mediation

I. INTRODUCTION

Islam is a religion which is a rule of life that is a source of mercy and happiness for all mankind. Islam has comprehensive rules governing all aspects of life. Marriage is no exception, Islam regulates all aspects of association (Now, 2016). Marriage is a contract between a man and a woman because their relationship is lawful. It is obligatory to get married if one is afraid of falling into a transgression which maintains one's chastity. Sunnah is to marry if someone has the opportunity and wants to save himself from the act of immorality to Allah SWT (Khoiruddin, 2020).

Marriage is a legal relationship that has a legal bond between a man and a woman who has fulfilled the requirements of the marriage, for an indefinite period (Hermanto, 2017). Besides that, marriage is an inner and outer bond between a man and a woman as husband and wife to form a happy and eternal family (household) based on Belief in the One and Only God, this is stated in Law No. 1 of 1974 concerning Marriage in Article 1. The legal basis for marriage is contained in Law No. 1 of 1974 concerning marriage because of Law No. 16 of 2019 (Hanifah, 2019).

On April 20, 2017, submitted a judicial review to the Constitutional Court by three applicants who applied for a change in the age limit for marriage in Indonesia. Finally, from these efforts, the Panel of Judges of the Constitutional Court accepted the request and then renewed the age limit for marriage in Indonesia (Audha, 2021). The House of Representatives of the Republic of Indonesia together with the government agreed and agreed to amend Article 7 Paragraph (1) in Law Number 1 of 1974 concerning Marriage about the provisions on the minimum age limit for marriage for men and women. Thus, the legal age for marriage is 19 years.

The mandate of the Decision issued by the Constitutional Court became the basic reference for making amendments and updates to Law Number 1 of 1974 concerning Marriage, after approximately 45 years it had never experienced a change. 2019, on October 14, 2019, Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage was officially ratified by President IR Jokowi Dodo (Sulistyarini, 2022).

In terms of the behaviour of creatures created by the one God so that life in the world can multiply, then marriage occurs. This marriage does not only occur in human life but is found in animals and plants (living things). Therefore, humans are living beings who have reason and feelings, then marriage is a culture of society. Community rules and regulations have existed since ancient times by traditional community leaders and or religious leaders, these rules continue to develop in communities that have government power and within a country.

The theory of legal effectiveness is a theory that examines and analyzes the successes, failures and factors that influence the implementation and application of the law. In terms of marriage rules in Indonesia,
they are not only influenced by the cultural customs of the surrounding community but are also influenced by various religious teachings (Hinduism, Buddhism, Islam, Christianity) and are influenced by western cultural marriages (Rahman, Qamar & Kamran, 2020).

There are certain things according to Islamic Law and National Law requiring the dissolution of a marriage, as stipulated in Article 38 of Law No. 1 of 1974 concerning Marriage. Based on Article 113 of the Compilation of Islamic Law, a marriage is terminated due to (1) death, (2) divorce and (3) a court decision (Fitri, Jamaluddin & Faisal, 2019).

Article 2 of the Compilation of Islamic Law states that marriage is a very strong contract ormiiitaaqan ghaliizhan to obey Allah's commands and to do so is worship. Mitsaq Ghalizh (great deal).

Marriage essentially aims to create a harmonious household life sakinah, mawaddah and warahmah for the husband and wife concerned. But establishing a married life is not easy, sometimes disputes or problems in the family arise continuously which can result in a process of divorce (Efforts, 2020).

Divorce exists because of marriage, because of that the initial marriage lived together as husband and wife and the final divorce lived with husband and wife. One of the reasons for the termination of a marriage (husband-wife relationship), which in the Marriage Law is hereinafter referred to as (UUP) besides the principle of monogamy (only having a wife and a woman), and if able to fulfill the requirements by acting fairly then a husband is a man Muslims are allowed or allowed to have more than one wife but it cannot be separated from the name divorce. Divorce has its place in it, in reality, people have married but it often ends in divorce which is so easy, sometimes it happens because of arbitrary actions on the part of men (Matondang, 2014).

Divorce is permissible in Islamic teachings if you have done various ways to create harmony, peace and happiness, but the hope in the goals of marriage will not be realized or achieved so what happens is divorce.

Divorce is carried out outside the court (non-litigation) and in court (litigation). Divorce in some societies has become a habit of doing when there is a dispute between families, seen from the aspect of the consequences regarding divorce law outside the court will affect the family itself because when both parties will carry out remarriage, the process to be taken is complicated, namely through the process in the courts in their respective jurisdictions. Divorce before the trial of the Religious Court as stipulated in the stipulation of Article 65 of Law Number 7 of 1989 because Law Number 3 of 2006 and the second amendment with Law Number 50 of 2009 concerning the Religious Courts and Article 115 KHI become a necessity and obligation that must be carried out by families or couples who have problems with harmony between their families.

The existence of the law that regulates marriage is at least able to minimize the problems of marriage/divorce that will occur. However, in practice, a wife has reasons for not being able to live together with her husband and wife anymore, while on the part of the husband he easily divorces his wife for reasons of displeasure, or the husband just leaves his wife who is in a state of being his wife but does not feel like a wife.

The phenomenon of marital dissolution is caused by divorce, whether the divorce occurs due to divorce or divorce. "Divorce Divorce" was filed by the husband against the wife and "Divorce Sued" by the wife against her husband for demanding the rights they violated. Divorce cases are increasing, with various reasons put forward by husband and wife for the settlement of divorce disputes at the Makassar City Religious Court, even though the renewal law has existed but has not been able to minimize the number of divorces that have occurred. Based on data from the Class IA Makassar Religious Court, the divorce rate in Makassar City is increasing from year to year, in 2020 the divorce rate in Makassar City is 2,817 or 51.2% of cases and in 2021 there are 2,654 cases. In 2022, the divorce rate in Makassar City is 2,389 or 48.2% of cases. In 2020, there were 573 divorce cases filed by men and 1,697 divorce cases filed by wives, in 2021 there were 546 divorce cases filed by men and 1,818 cases filed by wives.

This happens because of the occurrence of disputes between husband and wife or the existence of a third party (affairs) as well as economic problems so that quarrels occur where the household life cannot be maintained anymore, in other words, this is problematic.

II. RESEARCH METHODS

The type of research the author uses is empirical legal research, namely research with field data as the main data source, such as the results of interviews. Empirical legal research is used to analyze law which is seen as patterned public behaviour in people's lives that always interact and relate to aspects of society and the section on civil law. The location of this research was conducted at the Makassar Religious Court Office, precisely at Jalan Perintis Kemerdekaan No. Km, Daya, Kec. Biringkanaya, Makassar City, South Sulawesi with cases or cases that divorce in Makassar City have increased every year, so it is interesting to study.

III. DISCUSSION

A. The Effectiveness of Law Number 1 of 1974 Concerning Marriage Because Law Number 16 of 2019 in Minimizing Divorce Rates in the Makassar Religious Court

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Talking about the effectiveness of law in Indonesian society means discussing the ability of law to work in regulating and/or forcing citizens to obey the law. The effectiveness of the law in question, means studying legal rules that must meet the requirements, namely: apply philosophically, apply juridically, and apply sociologically. For the study of law in society, the most important thing is the application of law sociologically (legal effectiveness).

Effectiveness indicates the level of achievement of results and is often or always associated with the concept of efficiency, although there are practical differences between the two. Effectiveness emphasizes the results obtained, while efficiency pays more attention to how to obtain the results obtained, comparing inputs and outputs.

Relevant to this legal reality, it was argued that if someone says a rule of law nation succeeds or fails to achieve its goals, then its impact is usually measured as whether it succeeds in regulating certain attitudes or behaviours so that it is by its goals or not, to see how far the effectiveness of the Marriage Law is.

Marriage is a sacred thing and only happens once in a lifetime. However, the expected goals can be realized or not realized according to their hearts. Husband and wife sometimes have to face a problem in the household which can be caused by several things including due to several factors, both internal factors (economic factors, disputes, drunkenness or gambling factors and violence or abuse factors) and external factors (affairs and matchmaking factors) which can terminate their marriage relationship.

Below the author will present data on civil cases that were submitted to the Makassar Religious Court for the last 5 years from 2018 to 2022. Cases that were filed that year included lawsuits and applications. What is included in the lawsuit is divorce and talak divorce at the Class IA Makassar Religious Court. Below the author will present data in the form of tables.

<table>
<thead>
<tr>
<th>No</th>
<th>Number of Incoming Items</th>
<th>Type of Matter</th>
<th>Disconnected/Incrah Matters</th>
<th>F</th>
<th>P (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>373</td>
<td>DISPENSATION</td>
<td>37 25 26 12 7</td>
<td>107</td>
<td>1%</td>
</tr>
<tr>
<td>2</td>
<td>1987</td>
<td>MEDIATION</td>
<td>13 19 8 9 16</td>
<td>65</td>
<td>0.6%</td>
</tr>
<tr>
<td>3</td>
<td>9151</td>
<td>DIVORCE</td>
<td>579 606 573 546 498</td>
<td>2802</td>
<td>24%</td>
</tr>
<tr>
<td>4</td>
<td>9081</td>
<td>DIVORCE SUIT</td>
<td>1507 1900 1697 1818 1605</td>
<td>8527</td>
<td>74.1%</td>
</tr>
</tbody>
</table>

AMOUNT 11.507 100%

Data Source: Registrar Office of Makassar Religious Court Class IA

Based on the data of the last 5 years above, it shows that the number of divorces that came in was 11,507 cases, dispensation cases came in 373 cases, the total number of cases that ended in the last 5 years was 107 or 1%, the number of mediations that came in was 1987 cases that were broken or rejected as much as 65 cases or 06% and contested divorces dominate the number of divorces from the last 5 years, namely contested divorce cases that entered 9081 cases that ended or refused as many as 8527 cases or 74.1% 579 compared to the divorce data of the last 5 years, the total number of cases entered as many as 9151 cases who broke up or refused as many as 2802 cases or 74%. So that the one that dominates the divorce rate is contested divorce which increases from year to year.

The Legal Basis for Divorce According to Law Number 1 of 1974 Concerning Marriage 

Because Law Number 16 of 2019.

The age limit for marriage for men and women Law Number 1 of 1974 concerning Marriage strictly stipulates this. It turns out that the male is 19 years old and the female is 16 years old in 2019, but this was later changed to 19 years. Law Number 16 stipulates the age for men and women Amendments to Law Number 1 of 1974. However, this change in age cannot prevent child marriage from occurring through the Dispensation of Marriage at the Religious Courts.
To find out more, how do children respond to the effectiveness of Law number 16 of 2019 concerning marriage itself? The following are the results of the questionnaire distributed to 25 children.

### Table 2: Level of Respondents About Marriage Knowledge

<table>
<thead>
<tr>
<th>No</th>
<th>QUESTION</th>
<th>OF</th>
<th>NO</th>
<th>AMOUNT</th>
<th>P (%)</th>
<th>T (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Does the child understand the Marriage Law?</td>
<td>17</td>
<td>8</td>
<td>25</td>
<td>68%</td>
<td>32%</td>
</tr>
<tr>
<td>2</td>
<td>Does the child know that in the Marriage Law the minimum age limit for children and for marriage is the maximum age limit of 19 years?</td>
<td>18</td>
<td>7</td>
<td>25</td>
<td>72%</td>
<td>28%</td>
</tr>
<tr>
<td>3</td>
<td>Is the partner you want to marry a spouse or girlfriend?</td>
<td>15</td>
<td>10</td>
<td>25</td>
<td>60%</td>
<td>40%</td>
</tr>
<tr>
<td>4</td>
<td>Is there any coercion in marriage from parents?</td>
<td>5</td>
<td>20</td>
<td>25</td>
<td>20%</td>
<td>80%</td>
</tr>
<tr>
<td>5</td>
<td>Does the child know the future consequences of having an early marriage?</td>
<td>12</td>
<td>13</td>
<td>25</td>
<td>48%</td>
<td>52%</td>
</tr>
</tbody>
</table>

Data Source: Results of questionnaires/interviews with 2023 respondents

Based on the research results obtained from the questionnaire above on child respondents regarding knowledge of the Marriage Renewal Law, it can be explained:

1. Of the 25 child respondents, 17 people or 68% knew about the Marriage Law, while 8 people or 32% said they did not know about the Marriage Law.
2. Of the 25 child respondents, 18 people or 72% knew about the ideal age for children and marriage, which is the maximum age limit of 19 years, while 7 other people or 28% knew about the ideal age for children and marriage, which is the maximum age limit of 19 years.
3. Of the 25 child respondents, 15 people or 60% said the partner they wanted to marry was their own partner or boyfriend, while the other 10 people or 40% said the partner they wanted to marry was their own partner or boyfriend.
4. Of the 25 child respondents, as many as 5 people or 20% were forced by their parents to marry, while as many as 20 other people or 80% were forced by their parents to marry.
5. Of the 25 child respondents, as many as 12 people or 48% knew the future consequences of having an early marriage, meanwhile, as many as 13 other people or 52% knew the future consequences of having an early marriage.

Based on INPRES Number 1 of 1991 concerning the Compilation of Islamic Law, the age limit for those who wish to enter into marriage are 19 years for men and 16 years for women. This is stated in article 15 paragraph 1, which is the same edition as 7 paragraph (1) of Law Number 1 of 1991 concerning Marriage. There are many differences and discussions about the age limit, this is the explanation of the age limit for adults. Adult age at the normative level, which is not uniform. The age of adulthood and/or is deemed no longer a child is regulated among others:

a. UU no. 39 of 1999 concerning Human Rights in article 1 number 5 states that a child is every human being who is not yet 18 years old.
b. UU no. 44 of 2008 concerning Pornography states that a child is someone who is not yet 18 years old.
c. UU no. 11 of 2012 concerning the Juvenile Justice System stipulates that a child is under 18 years of age.
d. UU no. 35 of 2014 concerning Amendments to Law no. 23 of 2002 concerning Child Protection in article 1 paragraph (1) states that a child is someone who is not yet 18 years old.

It is. 19 years old based on Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage.
f. 19 years based on INPRES Number 1 of 1991 concerning Compilation of Islamic Law.
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g. Decree of the Minister of Home Affairs 1977 dated 13 July 1977, the sexual maturity age limit is 19 years
h. Law Number 13 of 2003 concerning Manpower states 18 years.
i. Law Number 12 of 2006 Concerning Citizenship states 18 years.
j. Law Number 11 of 2012 concerning the Juvenile Justice System, is not yet 18 years old.
k. 17 years based on the Decree of the Minister of Home Affairs 1977 political maturity.
l. Article 330 of the Civil Code states that a person's maturity is when he is 21 years old.

So from the age explanation above, the author focuses on point (f) regarding Law Number 1 of 1974 Concerning Marriage because of Law Number 16 of 2019, which the author will then explain the definition of Divorce and the causes of Divorce, namely:

According to the term Fiqh, divorce is called divorce or divorce gap. Divorce means breaking the bond or cancelling the agreement, meanwhile-gap means divorce.

According to Soemiyati, Divorce is the breaking of the marital bond between husband and wife by a court decision and there are sufficient reasons between the husband and wife by a court decision and there are sufficient reasons that the husband and wife will no longer be able to live in harmony as husband and wife.

According to Karim, Divorce is a life divorce between husband and wife as a result of their failure to carry out their respective roles.

In Article 115 of the Compilation of Islamic Law, it is explained that divorce can only be carried out before the trial of the Religious Court, which tries and does not succeed in reconciling the two parties. Which according to the procedure for divorce is regulated in Articles 129,130,131 Compilation of Islamic Law.

Based on the results of the author's interviews with judges at the Makassar Religious Court Class IA and advocates for the litigants, it was explained that the divorce process is the end of the husband and wife bond and the legality of the divorce is carried out before the trial of the Religious Court (Fall of Divorce committed by a Husband to a Wife). Various rules regarding divorce proceedings in court are generally due to the principle of complicating divorce. The principle of complicating divorce is shown by the provision that divorce must be carried out before the Court and for valid reasons. The principle of complicating or making it difficult for divorce refers to the purpose of marriage, namely to form an eternal and prosperous family, which is the same as in Islamic law which states that divorce is a lawful act but is hated by Allah SWT.

According to Drs. H. Kamaruddin said that over time, time after time many marriages have taken place which cannot be separated from the very high divorce rate where Law No. 1 of 1974 concerning Marriage cannot be said to minimize Divorce along with its renewal, namely Law No. 16 of 2019 due to only revisions to increasing the age limit for women's marriage which is equivalent to men aged 19 years, this does not close the gap for those who are married will not divorce in the future.

According to Ahmadh Yuskirman an Advocate said that the Amendment to Law Number 16 of 2019 on Law Number 1 of 1974 Concerning Marriage is an ordinary matter (commonplace) because it must be adjusted between the law and the needs of society, but age is not an absolute parameter to measure maturity and mental maturity of a couple so that this renewal law to minimize divorce has no effect at all.

This shows that divorce is the last resort or alternative that can be taken by husband and wife if the marriage or household integrity cannot be maintained anymore. The last alternative means various ways are taken to seek peace between the two parties, either through the mediation process as the first step in a war that must be passed. The mediation is carried out with the help of other judges appointed by relatives of both parties.

The law of procedure contained in Article 130 HIR and Article 154 RBg obliges the judge to recommend or encourage the disputing parties to pursue a peace process by the provisions of PERMA Number 1 of 2008.

According to Mrs Imha, the Chief Justice determines the list of mediators. If there is a shortage of certified mediators, all Judges of the Court concerned can be included in the list of mediators. The list contains the educational background of each mediator. Mediators who are not certified judges can apply to the Chief Justice of the Supreme Court of the Republic of Indonesia for the placement of their names. The number of mediator training is very limited. According to Kamaruddin, the mediation process lasts a maximum of 40 working days from the time the mediator is selected by the parties or appointed by the chairman of the panel of judges, and on the basis of the parties the mediation term can be extended for a maximum of 30 days.

According to Hj. Kaheriyah Hakim also said about the divorce process, she explained that after going through the stages of filing a lawsuit, paying fees, registering the case, determining the Panel of Judges and setting the day for the hearing, the next step is calling the plaintiff and the defendant or their attorneys legally appropriate, to attend the trial. , then is the evidence in which the parties are asked to present witnesses to provide information before the hearing regarding the events or circumstances that they have seen, heard and experienced themselves as evidence of the occurrence of events or circumstances in the households of the plaintiff and the defendant.

According to the results of Sudirman Sudiros's previous research regarding law enforcement decisions where settlement efforts through the Litigation model were more dominantly carried out by advocates, it was
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Evident from the data that it had shown divorce data handled by respondents, the author explains 2018 to 2019 a total of 149 divorce cases. Of the total cases, only 20 divorce cases (13.4%) were settled outside court/mediation, the remaining 129 (86.6%) were settled in court. From these data, it is clear that the comparison is still at least/low in the settlement of divorce disputes through the mediation process or with the non-litigation model compared to legal settlements with the litigation model/in court.

In the divorce process, if the plaintiff or the defendant uses an advocate as a legal representative, then the advocate will help clients in court proceedings. Advocates will assist the plaintiff or applicant to file a lawsuit or application. As Advocates, we are only called upon when there is a problem and are used as medicine for justice seekers to solve problems.

From the description above, it can be concluded that divorce is the end of the husband and wife's relationship that they live in, as a result of their failure to live a household life that cannot be sustained anymore, even though the previous stages of the mediation process have been carried out.

Regarding the causes of divorce, the author will explain the meaning according to the law and experts, namely:

According to the provisions of Article 19 of Law Number 1 of 1974 Concerning Marriage, divorce can occur for the following reasons:

a. One party leaves the other party for 2 (two) consecutive years without the other party's permission and valid reasons or for other reasons beyond his control;

b. One of the parties commits adultery or is a drunkard, a drunkard, a gambler and others who are difficult to cure;

c. One of the parties gets a prison sentence of 5 (five) years or a more severe punishment after the marriage takes place;

d. One of the parties commits cruelty or severe persecution that harms the other party;

e. One of the parties gets a physical disability or illness as the result of not being able to carry out obligations as husband and wife;

Between husband and wife, there are constant disagreements and arguments and there is no hope of living in harmony again in the household.

According to the Islamic Law Compilation, several reasons for divorce with the provisions of Article 116 of the Islamic Law Compilation are

a. One party leaves the other party for 2 (two) consecutive years without the other party's permission and valid reasons or for other reasons beyond his control;

b. One of the parties commits adultery or is a drunkard, a drunkard, a gambler and others who are difficult to cure;

c. One of the parties gets a prison sentence of 5 (five) years or a more severe punishment after the marriage takes place;

d. One of the parties commits cruelty or severe persecution that harms the other party;

e. One of the parties gets a physical disability or illness as the result of not being able to carry out obligations as husband and wife;

f. Between husband and wife, there are constant disagreements and arguments and there is no hope of living in harmony again in the household;

g. Husband violates talk talaq;

h. Conversion of religion or apostasy causes disharmony in the household.

According to Drs. H. Abd. Razak said that there are several factors that cause divorce, including:

1. Constant bickering (syiqaq) which includes disturbances from third parties and lack of harmony in the household;

2. Abandoning obligations as husband and wife which includes forced marriage, economic problems so that there is no responsibility and abandoning one of the parties;

3. Hurt husband or wife (domestic violence), due to marriage at an early age due to lack of maturity in the household;

4. Moral crisis, who has a lack of faith in himself so that adultery, drunkenness, gambling, and polygamy are not healthy;

5. Lack of mutual trust in the household, not based on honesty in the household, such as excessive jealousy.

According to Setiyanto, several things can cause divorce, namely:

1. There is no match anymore

2. There is a third-person factor

3. There is no communication anymore.

According to Fauzi, several factors cause divorce, including the following:

1. Disharmony in the household
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2. Moral and moral crisis
3. Adultery
4. A loveless marriage
5. There are problems with marriage

According to previous research, namely Herman Sudiro, the factors that cause divorce conflict in the family are as follows:
1. Lack of openness in financial matters
2. Intimate relationship problems
3. Individual privacy issues
4. Feeling unappreciated
5. Excessive jealousy
6. Religious differences
7. Lack of tolerance in the division of tasks at home.

The factors causing the divorce described above are the reasons for the litigants filing a divorce suit at the Makassar Religious Court. Every year the number of divorce cases filed in court is increasing and with a variety of different reasons for divorce. So that the reform law, effective, less effective, or not effective, will be presented in the form of a table below:

Table 3. Level of Respondents Regarding the Effectiveness of the Reform Law on Marriage

<table>
<thead>
<tr>
<th>No</th>
<th>Based on the Level of Effectiveness</th>
<th>Frequency</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Effective</td>
<td>12</td>
<td>40%</td>
</tr>
<tr>
<td>2</td>
<td>Less effective</td>
<td>13</td>
<td>60%</td>
</tr>
<tr>
<td>3</td>
<td>Ineffective</td>
<td></td>
<td>-</td>
</tr>
</tbody>
</table>

Amount | 25 | 100 |

Source of Primary Data Processing results

Table 3 above shows that of the 25 respondents who were asked for their opinion, nil or no percentage said it was ineffective, 12 or 40% said it was effective and 13 or 60% said it was not effective in the Renewal Law on Marriage.

Most of the Judges and Lawyers think that the effective efforts of Law Number 16 of 2019 on Amendment to Law Number 1 of 1974 concerning Marriage are still ineffective in dealing with marital problems in Makassar City because there is still a loophole to act against law enforcers who grant dispensations so that the approval Early marriage was granted by the panel of judges and there were many problems/problematics of marriage resulting in divorce.

Based on the analysis according to the theory of effectiveness of Soerjono Soekanto which shows the level of achievement of results associated with results in the field from some of these data, it can be concluded that the effectiveness of Law Number 16 of 2019 concerning marriage in marital problems in Makassar City, especially in the Makassar Religious Court Class IA, has not This is proven to be effective from the data on divorce cases which have increased every year, in 2018 there were 1,086 cases until in 2022 there were 2,103 cases.

IV. CONCLUSION

1. Efforts for Effectiveness based on the theory of effectiveness where to achieve the results and objectives to be achieved according to their level, the effectiveness of Law Number 16 of 2019 concerning marriage concerning the minimum age limit of 19 for both men and women has not been implemented and implemented optimally / Not implemented effectively, this is proven by the many requests for dispensation (granted) according to certain reasons, mediation efforts have been carried out by mediators but public awareness is lacking, so a divorce occurs. Based on data from researchers conducted at the Makassar Class IA Religious Court, divorce cases are increasing every year. Even the latest law cannot minimize marital problems which still have loopholes causing divorce.
2. Factors that influence the effectiveness of Law Number 16 of 2019 concerning Marriage in Minimizing Marital Problems in Makassar City The study of the Makassar Class IA Religious Court is based on very influential factors, namely substance factors, structural factors, (law enforcers who carry out procedures
properly but are still granting dispensation for marriage for children under the age of 19 so that there are still gaps in the regulations), and cultural factors (which cannot be separated from society/family or other external factors).

V. SUGGESTION

1. The Government should emphasize and strengthen the conditions for holding a marriage and evaluate each party and institution, especially the Religious Courts regarding the effectiveness of the Marriage Law so that public awareness of achieving a divorce rate is reduced and not only equalize the ages of women and men when they want to get married because The current law is not just a formality that can be violated if the parties ask for dispensation stages.

2. Law apparatus/law enforcers should be able to increase their intensity in conducting outreach to the community and conducting guidance and socialization for teenagers about the importance of preparing for marriage carefully so that the divorce rate does not increase every year.

REFERENCES


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