

Regulation of Maturity Based on Marriage Law in Indonesia: A Perspective on Legal Benefits

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Abstract

The level of maturity is a reference that a person is capable of carrying out a marriage. Facts in the field show that there are cases of divorce carried out by couples who have met the age requirements. Reaching the minimum age of maturity in marriage is not enough to conclude that a person is mature. In Marriage Law Number 16 of 2019, only the minimum age limit for marriage is explained or it can be explicitly said that a person is an adult it was 19 years old. Meanwhile, you should also consider the emotional maturity of the person. So it is necessary to clarify the concept of maturity in marriage law in Indonesia. The aim of this research is to examine maturity regulations based on the Marriage Law in Indonesia. This research is normative legal research with a philosophical approach, a statutory approach and a conceptual approach. The techniques used to analyze legal materials are survey, question, read, recite/recal, review using deductive thinking. The results of the analysis show that maturity plays a major role in the success or failure of a relationship, maturity influences a person's ability to truly commit to a lifelong relationship and understand that commitment means giving up all other partner options. Maturity impacts a person's ability to understand concepts and apply the skills necessary to form and maintain healthy relationships. This can be used as a consideration in legal reform in order to create responsive and progressive legal rules.

Keywords: Maturity, Marriage, Benefits, Law

INTRODUCTION

Marriage is a spiritual and physical 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 belief in the Almighty God. This means that people who marry are faced with the responsibilities and rights they have (Badi, 2014).

A person's maturity refers to a situation where a person is or is not yet mature according to the law to be able to act within the law determined by age limits. So that legal maturity is a requirement for a person to be able and permitted to be declared competent to act in carrying out all legal acts. The state of adulthood that meets the requirements of this law is called "adulthood." An adult or mature person is competent or capable of carrying out all legal actions, for example making agreements, carrying out marriages and making wills (Abdulkadir, 2010).

In Marriage Law Number 16 of 2019, only the minimum age limit for marriage is explained or it can be explicitly said that a person is an adult, it is 19 years old. Meanwhile, you should also consider the emotional maturity of the person. So it is necessary to clarify the concept of maturity in marriage law in Indonesia. With the concept of maturity in marriage law, it is hoped that it can reduce the divorce rate in Indonesia and ensure that the benefits of a marriage are achieved, rather than being useless or detrimental.

The level of maturity is a reference that a person is capable of carrying out marriage, and all societal ideas in general make age a measure of the level of maturity, even though basically age is not a measure of a person's level of maturity (Pitrotussadaah & Mintarsih, 2020).

The minimum age limit for marriage in Indonesia does not determine whether a person has reached maturity. This is proven by the high number of divorce cases that occur in Indonesia.

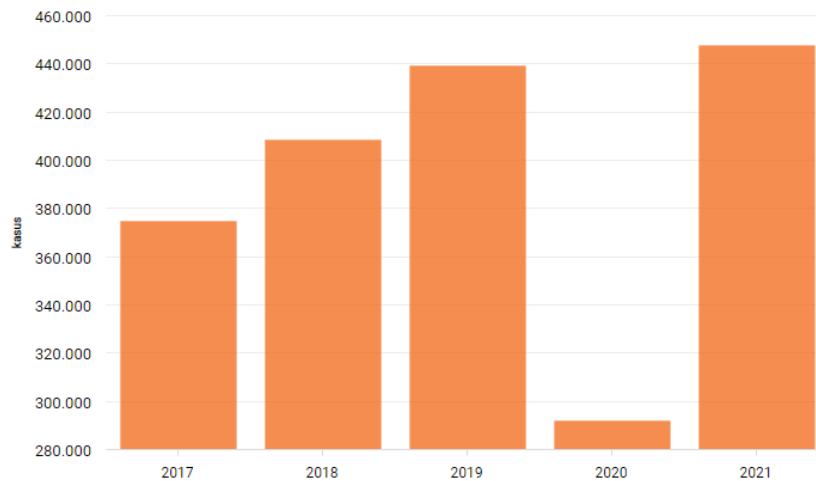


Chart 1. 1 Divorce Rates in Indonesia
 Source: Databox (2022)

According to Chart 1.1 above it can be seen that the number of divorce cases in Indonesia reached 447,743 cases in 2021, an increase of 53.50% compared to 2020 which reached 291,677 cases. This report shows that more wives file for divorce than husbands. A total of 337,343 cases or 75.34% of divorces occurred due to contested divorce, namely cases where the lawsuit was filed by the wife and was decided by the court.

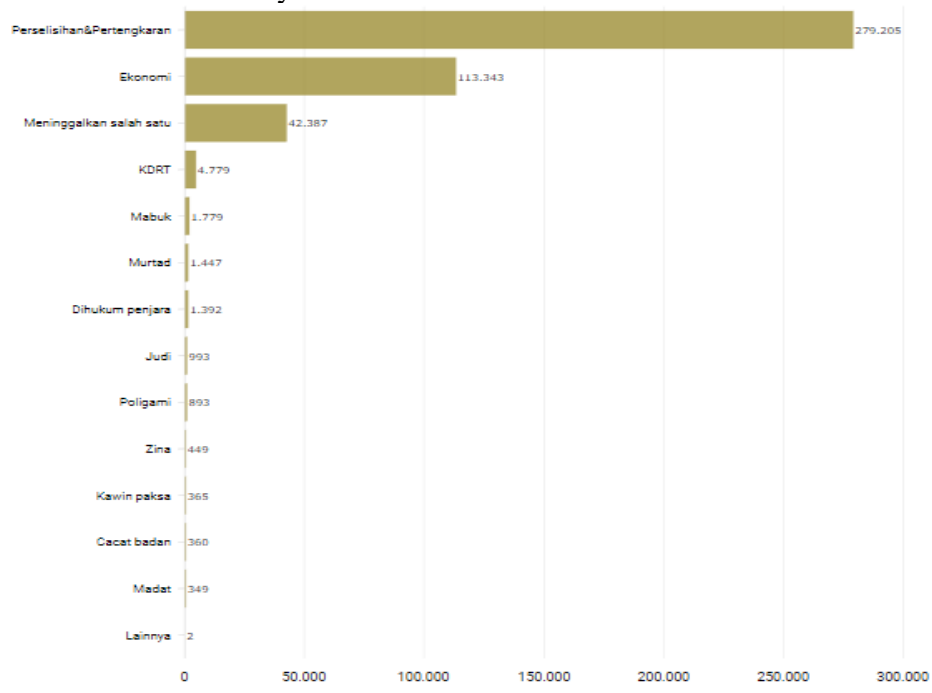


Chart 1. 2 Causes of Divorce in Indonesia According to Data from the Religious Courts Agency
 Source: Databox (2022)

Based on Grafik 1.2 It can be seen that continuous disputes and quarrels are the highest factor in divorce in 2021, namely 279,205 cases. Based on this data, it can be said that even though age meets the minimum marriage age limit, it does not guarantee that the individual has maturity. Divorce cases not only occur at a young age but can also occur at an old age. As is the case in one of the divorce petition decisions that researchers obtained, namely Decision Number:

4296/Pdt.G/2021/PA.JS, the Petitioner was 20 years old and the Respondent was 21 years old. Where the ages of the applicant and respondent fall into the age category where marriage is permissible, but at that age they have already requested a divorce. This could also happen due to insufficient religious knowledge.

Conversely, a person may be legally considered an adult, but lack the maturity and responsibility that reflect adult character. Maturity can be interpreted as full responsibility for oneself, responsibility for one's own destiny and for one's own formation (Kartini & Kartono, 2006). Maturity is not just a mature age, but the mind and mentality are the most important things in running a household. With maturity will come a sense of responsibility and respect between husband and wife. A prosperous family will produce children who are the nation's successors who are intelligent and have noble personalities.

In discussing maturity, it cannot be limited to just one or two scientific fields, but we are forced to carry out interdisciplinary studies because maturity itself is used by almost all fields of social science, including sociology, political science, economics and even science. Religion is also a matter of maturity which is a principle and determining matter. In the field of legal science itself, maturity can determine the validity of a legal act. A person who is not yet an adult is seen as a subject who is not competent/capable of acting independently before the law, so that his/her legal action must be represented by his/her parent/guardian. The diversity in determining the age limit for maturity is caused by the absence of a benchmark that can be used accurately to determine the limit of human maturity.

Physically, an adult displays a perfect profile in the sense that the growth and development of physiological aspects have reached the peak position. They have endurance and excellent health so that when carrying out various activities they appear initiative, creative, energetic, fast and proactive. Adult individuals are identified as the peak period of health, strength, energy and endurance, as well as sensory and motor function. Physical strength increases from the late 20s to the early 30s. Body movement and coordination, as well as sensory abilities such as vision and hearing also reach their peak in young adulthood.

Then, psychologically, adulthood is a period of development that begins in the late teens or early twenties (20 years). This is a time of establishing personal and economic independence, a time of career development, and for many people a time of choosing a partner, learning to live with someone intimately, starting a family and raising children. Maturity is not only viewed from the aspects of jurisprudence and law, but this maturity is closely related to psychology.

Psychology is a science that studies the human psyche, both physically and mentally, so according to researchers, psychology is closely related to the theme of maturity, which discusses human growth from childhood to adulthood. Maturity from a psychological perspective is shown by a person being able to consider other people as part of himself, being able to see himself objectively (Self Objectification), an adult who knows the rules, does not act as he pleases or acts only for momentary satisfaction. A psychologist named Marc and Angel stated that a person's maturity does not only depend on their age, but also on the extent of their emotional maturity. The following are his thoughts on the characteristics or characteristics of a person's maturity which can actually be seen from his emotional maturity. Growing awareness that maturity is not a condition but is an ongoing process and continuous effort to improve and improve oneself. Have the ability to manage yourself from feelings of jealousy and envy. It is more about self-development both mentally and emotionally as well as developing attitudes in social interactions, so that when someone reaches adulthood they must make improvements to themselves and to others. (Marc & Angel, 2014).

Meanwhile, from a medical perspective, the 2018 Indonesian Doctors Association (IDI) Working Meeting agreement states that the minimum age for marriage is 18 (eighteen) years, the minimum age for pregnancy is 20 (twenty) years. Childbearing age requires physical and

hormonal maturity. The minimum age limit for marriage is also based on data that pregnancy in girls aged 10-14 years has a risk of death 5 times that of women aged 20-24 years. Female cervical maturity is 19-21 years old so the ideal marriage and pregnancy is 20-35 years old.

In Islamic jurisprudence, adulthood means entering the age of mukallaf and then being perfect in mind, mature in feeling and mature in character (personality). In the opinion of the ulama, a child becomes mature when he reaches the age of fifteen, or he produces semen in his dreams. According to Anwar Harjono, the period of maturity is between the ages of 15 (fifteen) years, and this period as soon as possible is the age of 12 (twelve) years for men and the age of 9 (nine) years for women. So, the limits of adulthood in fiqh are puberty, as well as one's conscious ability to control oneself to start standing on one's own feet.

Based on several measurements from different aspects, maturity is not only measured based on age. In this case it can be said that reaching the minimum age of maturity in marriage is not enough to conclude that a person is mature. Maturity is a condition or situation that shows that someone is mature. Domestic violence that causes divorce also often occurs in married couples who are over 19 (nineteen) years old because in age, they are adults but in their behavior they are considered to lack maturity. So age cannot be used as a benchmark for whether a person has maturity.

Based on the explanation above, it shows that maturity in marriage law has not been regulated because marriage law only regulates maturity in terms of age. The law should be able to realize benefits because without benefits a legal norm will not work as it should. One of the essence of legal objectives is to realize benefits. This goal must be returned to the basis for which the legal rules were created, not only of juridical value, but also philosophical and sociological. Thus, this research aims to examine the regulation of maturity based on the Marriage Law in Indonesia from the perspective of legal benefits.

RESEARCH METHODS

This research is normative legal research, because the legal materials that form the basis of policies on marriage issues are mostly formulated in statutory regulations and expert opinions which are formulated in various references, journals and research results. Then this research uses a philosophical approach, a statutory approach and a conceptual approach. Analysis of legal materials uses various methods of interpretation, namely: grammatical, systematic, historical and futuristic interpretation. In analyzing legal materials, researchers use deductive thinking. In carrying out this interpretation, the researcher used the technique of analyzing legal materials which was carried out in stages called SQ-3, namely survey, question, read, recite/recal, review

RESULT AND DISCUSSION

Maturity in Sociological Perspective

In general, indigenous peoples view someone as an adult if they are able to look after their own interests. This definition was put forward by several customary law experts, including: Ter Haar, adults are capable (volwassen), married and living separately from their parents; Soepomo, an adult who is strong, capable of taking care of his own property; Djojodigono, adulthood is by birth, mentas, kuwat gawe (Sungkuwula, 2009).

Wayan P. Windia, an expert on Balinese customary law from the Faculty of Law, Unud, stated that in Balinese customary law, if someone is capable of negen (nyuun) according to the

burden tested, they are declared loba as an adult. For example, if there is a citizen who can handle eight coconuts or six coconuts, he is automatically declared to have entered the adult category (Jusuf, 2004).

Maturity according to traditional views is indeed independent of age standards so there is no uniformity. Regarding when someone can be said to be an adult, the measurement depends on each individual, although in fact it still has a connection with the definition of adulthood according to Psychological Science. Psychology views maturity as a phase in human life that describes the attainment of mental balance and thought patterns in every word and deed. A person who is able to work (kuwat gawe) to earn a living means that he is personally able to think and be responsible for his life's needs, even though the process of early maturation in society is not included in that category (Sugiyem, 2010). According to Nursadi, maturity in the traditional concept is based on: 1. Community assessment 2. Ability to hunt and forage 3. Ability to lead friends 4. Seeing a person's physical condition (Sugiyem, 2010).

Based on this explanation, both the considerations put forward and the customary aspects which are also very likely to influence the existence of the Marriage Law (Article Number 1 of 1974), especially in terms of the age limit for marriage, there are no specific, definitive provisions regarding maturity at the age of marriage. However, with the existence of an age limit in carrying out marriage, socially, the purpose of this age limit is so that the parties/or the bride and groom fully understand social responsibility, namely the ability to guide the family to goodness and responsibility towards society at large by maintaining peace through the household.

Maturity in Philosophical Perspective

Mature thinking is the substance of the philosophy of life, because a mature person is a person who can take lessons from every problem in his life. Thinking maturely means thinking rationally. Rationality itself is the synchronization between reason and reality. This means that mature people will accept something or issue something not only because it makes sense, but also in accordance with reality, there is no contradiction between theory and reality, words and actions are in harmony so that they are not confusing and can be accepted as truth, not a form. misleading mistakes, so that his words are not deceptive and always bring goodness to many people." People will easily understand every word and advice, because someone who uses rationality, not only speaks, but also puts it into practice in life.

Maturity thinking focuses on forming mature thought patterns. The adult mindset consists of several important points, one of which is subjectivity. Subjectivity is a form of error in the maturation of thinking. The definition of subjectivity itself is concluding a real truth from only one side. The error of subjectivity is not in the substance of the problem, but in the point of view of looking at the problem, so that the information obtained and released is only limited to one particular side (Sherrat, 2002).

Therefore, the view of subjectivity alone is not fair enough to reveal mature truth, but other views are also needed, namely the view of objectivity. Objectivity is a view that is not enough to look at from one angle only, but must be seen from various angles so that the existing truth can truly be touched so that it can solve problems.

Discussing maturity in marriage through philosophical aspects, none other than so that the bride and groom can become complete individuals in facing the challenges of life in the household, both apparent and real. Apart from that, it is hoped that the wisdom that emerges from maturity can help illuminate and make everything in life a lesson for every action that will be taken in the future. When it comes to marriage, everyone knows how the bond should be created and maintained. Therefore, the way of thinking and acting is the main benchmark for how someone will go through and bring their household to a good direction and be full of happiness. Solving life's problems, especially in the household, requires not only material things, but also maturity in attitude and following up on existing problems until goodness comes to you.

Maturity in Biological Perspective

Both male and female sexual organs reach mature size at the end of adolescence, around the age of 21 or 22 years. Therefore, marriage carried out in the teens is not a healthy reproductive period, because the sexual organs have not yet matured. Women in their teens are physiologically able to get pregnant and give birth, but at that age they are actually not yet medically and psychologically mature enough to care for children (Hurlock, 1999).

Maturity is divided into 3 stages, among others:

- a. *young adult*
- b. *middle adulthood*
- c. *older adult*

The three stages of maturity cannot always be determined based on a certain age level, perhaps for some people, at the age of 17, they have started to enter the young adult phase, but for others this is not certain, so apart from age and the act of marriage, maturity It can also be seen from behaviour and biological physical growth. Maturity is always associated with mental maturity, personality, thought patterns and social behaviour, but on the other hand, maturity is also closely related to physical growth and age. Maturity is also sometimes associated with a person's sexual condition, although human reproductive ability is not always determined by age. Meanwhile, psychological maturity means that the parties have good mental health and have a sense of responsibility as husband and wife, especially in educating their children fairly and with respect. Maturity in psychological terms is the physical peak limit of a perfectly normal child. Boys around 21-24 years old, girls around 19-21 years old (Mappiare, 2012).

Psychologically, a person is said to be psychologically mature because he can direct himself, is not tied to other people, can be responsible for all his actions, is independent and can make his own decisions (Sucipto, 2014).

The Nature of Maturity in Marriage

Marriage can be thought of as a sacred contract and is the main pillar of forming a good family. This institution is so important, Islam determines a number of rules and actions to strengthen the household that is formed. Some of these actions must be undertaken before the wedding, others must be maintained from the completion of the marriage contract in order to facilitate the way for husband and wife to build a household, while other actions that must be attempted are when there are disturbances and shocks to the household (Ummah, 2012). People who are mature, physically and mentally may not be able to build and establish a household perfectly, let alone young people who are not yet mature. Rationally we can conclude that the issue of maturity is an important issue that has no small influence on the success of the household.

In the life together between two people of the opposite sex, which originally came from single individuals, various things will arise due to the loss of free nature. Previously, bachelors were individuals free to act as they pleased within the scope of customs or regulations in society. Meanwhile, after marriage, single individuals must sacrifice some of their individual freedom to follow the rules (binding) of marriage (Pratiknyo & Salam, 1986).

Because marriage can be thought of as a sacred contract and is the main pillar of forming a good family. This institution is so important, Islam determines a number of rules and actions to strengthen the household that is formed (Syaltut, 2966).

The foundation of family life is the physical and mental maturity of prospective fathers and mothers. This is because a person's physical and psychological maturity will influence their attitude when sharp stones in a marriage begin to appear. The word maturity which means maturity comes from a biological term, other words are maturation which means the ripening of a child, and maturity means maturity. Adult here has the meaning of "process". Thus, maturity means a potential that exists within an individual that emerges and is united with his or her nature

and helps regulate the development pattern of individual behaviour. However, maturity cannot be included as a hereditary or heredity factor. Because maturity is a characteristic that is generally possessed by every individual in the form of a certain period. This maturity is initially the result of certain changes and adjustments in the individual. These changes occur in biological and psychological aspects. Biological maturity is maturity that occurs in the body's tissues, nerves and glands. Meanwhile, psychological maturity occurs in changes in psychological aspects which include circumstances, desires, feelings, drives, interests and so on (Mudzakir & Sutrisno, 1997).

The Usefulness of Law in Regulating Maturity in the Marriage Law

Legal utility is a principle that accompanies the principles of justice and legal certainty. In implementing the principle of legal certainty and the principle of justice, the principle of expediency should be taken into account. The benefits of the law need to be considered because everyone hopes for benefits in implementing law enforcement. Don't let law enforcement cause public unrest.

Marriage is a very important and even sacred event in human life. The basics of marriage are formed by the natural elements of human life itself, which include biological needs and functions, giving birth to offspring, the need for love and brotherhood, caring for children, so that they become perfect members of society. Marriage has an important meaning in human life, because it contains juridical elements in the form of rights and obligations of each party, regarding matters of life and family, which must be fulfilled. Likewise regarding the validity of marriage or marital status, children, wealth, inheritance and population administration in the order of social life.

So far the Marriage Law only focuses on age as mentioned in Article Number 16 of 2019 concerning Amendments to Article Number 1 of 1974 concerning Marriage. for women. The minimum age for marriage for women is the same as the minimum age for marriage for men, namely 19 (nineteen) years. The minimum age limit referred to is the value of having matured in body and soul to be able to enter into marriage in order to realize the goals of marriage well without ending in divorce and to obtain healthy and quality offspring (Sitorus, 2020).

Maturity according to traditional views is indeed independent of age standards, so there is no uniformity regarding when someone can begin to be said to be an adult, the measure of maturity depends on each individual, although in fact it still has a connection with the definition of adulthood according to Psychological Science where maturity is a phase. in human life which describes the achievement of mental balance and thought patterns in every word and deed. A person who is able to work (kuwat gawe) to earn a living means that he is personally able to think and be responsible for his life's needs. The stages of maturity cannot always be determined based on a certain age level, perhaps for some people, at the age of 17, they have started to enter the young adult stage, but for others this is not certain, so apart from age and the act of marriage, maturity is also can be seen from behaviour and physical growth biologically. Maturity is always associated with mental maturity, personality, thought patterns and social behaviour, but on the other hand, maturity is also closely related to physical growth and age. Maturity is also sometimes associated with a person's sexual condition, although human reproductive ability is not always determined by age. Meanwhile, psychological maturity means that the parties have good mental health, have a sense of responsibility as husband and wife, especially in educating their children fairly and honorably (Sucipto, 2014).

Maturity is an important thing as preparation to assume responsibility in marriage (Ummah, 2012). Maturity plays a major role in the success or failure of a relationship. Therefore, it is critical for marriage and relationship practitioners to understand how maturity impacts a person's ability to understand the concepts and apply the skills necessary to form and maintain healthy relationships. Maturity impacts one's ability to truly commit to a lifelong relationship

and understand that commitment means giving up all other partner options. This, in turn, determines the level of trust and dependency that exists in a relationship. Maturity plays a role in a person's ability to accept responsibility for his or her own thoughts, feelings, and behavior. It regulates a person's ability to monitor his thoughts and control the various emotions (anxiety, frustration, etc.) inherent in every intimate relationship. When tensions are high in a relationship, it is common to deal with the pain by blaming the other partner. In an emotionally mature relationship, partners can have realistic expectations about the relationship. Because maturity affects emotional control and reasoning, it affects a couple's ability to successfully make decisions together, work together toward relationship goals, and resolve conflict effectively. Mature relationships offer space for individuals to be vulnerable and share ideas and feelings, not to dominate. Maturity paves the way for mutual communication and allows openness to others' perspectives, allowing conflicts to be understood and resolved with more respect (Joyce, 2012).

CONCLUSION

Based on the discussion that has been carried out, it can be concluded that the regulation of maturity needs to be regulated in the Marriage Law considering that a person's maturity is not only measured by age, especially in marriage. Maturity impacts a person's ability to understand concepts and apply the skills necessary to form and maintain healthy relationships. This can be used as a consideration in legal reform in order to create responsive and progressive legal rules, so that the resulting legal formulation is able to fulfill justice and reflect laws that are in accordance with human nature

REFERENCES

- Abdulkadir, M. (2010). *Hukum Perdata Indonesia*. PT Citra Aditya Bakti.
- Badi, A. (2014). Tinjauan Sosiologis dan Psikologis Pasal 7 Ayat 1 Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan. *Jurnal IAI Tribati Kediri*, 25(2).
- Hurlock. (1999). *Psikologi Perkembangan: Suatu Pendekatan Sepanjang Rentang Kehidupan*. Erlangga.
- Joyce, W. (2012). Maturity plays a major role in the success or demise of relationships. *National Healthy Marriage Resource Center*, 1(1).
- Jusuf. (2004). *Sudut Pandang Sosiologi Fungsi Keluarga*. PT. Sinar Sejahtera.
- Kartini, & Kartono. (2006). *Psikologi Wanita Mengenal Gadis Remaja dan Wanita Dewasa*. Mandar Maju.
- Mappiare, A. (2012). *Psikologi Orang Dewasa*. Usaha Nasional.
- Marc, & Angel. (2014). *Kematangan Emosional*. Ganesha.
- Mudzakir, A., & Sutrisno, J. (1997). *Psikologi Pendidikan*. Pustaka Setia.
- Pasal 1 Undang-Undang No 16 Tahun 2019 Tentang Perkawinan, (2019).
- Pitrotussadaah, & Mintarsih, M. (2020). Batas Usia Minimal Perkawinan Menurut Perspektif Hukum Positif di Indonesia dan Hukum Islam. *Jurnal Muttaqien*.
- Pratiknyo, A. W., & Salam, A. (1986). *Etika dan Kesehatan*. Rajawali Pers.
- Sherrat, Y. (2002). *Adorno's Positive Dialectic*. Cambridge University Press.
- Sitorus, I. R. (2020). Usia Perkawinan Dalam Uu No 16 Tahun 2019 Perspektif Masalah Mursalah. *Jurnal Nuansa*, 13(2).
- Sucipto. (2014). Kedewasaan Dalam Akad Nikah Dalam Perspektif Interdisipliner. *Jurnal ASAS*,

6(2), 38–53.

Sugiyem. (2010). Penerapan Pendewasaan dengan keluarnya Undang-Undang Nomor 30 Tahun 2004 tentang Undang-Undang Jabatan Notaris dalam Pembuatan Akta Kuasa Menjual Hak Atas Tanah di Samarinda. *Tesis Universitas Diponegoro*.

Sungkuwula, D. S. (2009). Persepsi Masyarakat Terhadap Perkawinan Usia Dini. *Skripsi Fakultas Ilmu Sosial Negeri Gorontalo*.

Syaltut, M. (2966). *al-Islam 'Aqidah wa Syari'ah*. Al-Qalam.

Ummah, S. C. (2012). Kedewasaan Untuk Menikah. *Nucl. Phys.*, 13(1), 104–116.