The Implementation of Regional Regulation Number 5 of 2021 Concerning Prevention of Child Marriage to Improve the Human Development Index in West Nusa Tenggara.

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Abstract

Child marriage is a problem that has a negative impact on social and economic development, especially in the West Southeast Nusa Province. The high child marriage rate in West Nusa Southeast contributes to the low Human Development Index (HDI) in the region. To address this problem, the local government issued Regional Regulation (Perda) No. 5 of 2021 on Prevention of Child Marriages. The study aims to evaluate the implementation of the Perda and assess its impact on the increase in the Human Development Index in West Southeast Nusa. The method used in this research is anormative supported by empirical research. Based on the implementation of District Regulation No. 5 of 2021 on the prevention of child marriage in West Nusa Tenggara, so far it has notbeenimplementedoptimally both politically and institutionally. As a result, the objective of District Regulation No. 5 for 2021 has not been achieved optimally. Therefore, the political will of the West SoutheastNusaregion'sgovernmentneedstobecommittedtoboth legal policy, education policy, health policy and budgetary policy in favour of child marriage prevention.

I. Introduction

Child marriage is a severe concern that has a detrimental effect on a variety of aspects of life, particularly for females. In West Nusa Tenggara Province, the number of juvenile marriages remains relatively high, which is a contributing factor to the region's low Human Development Index (HDI) (Panbriani et al., 2022; Pramaria et al., 2022). The intergenerational cycle of poverty is exacerbated by child marriage, which not only impedes girls' access to education but also has the potential to increase maternal and infant mortality rates.

Regional Regulation (Perda) No. 5 of 2021 was implemented by the West Nusa Tenggara Provincial Government as a strategic measure to prevent marriage between minors. The objective of this regulation is to establish an environment that facilitates the optimal development of children and to provide legal, social, and educational protection. The implementation of this *Perda* is anticipated to have a positive impact on the HDI in West Nusa Tenggara by substantially reducing the number of child marriages (Karyati et al., 2019).

Indonesia is ranked second in ASEAN and eighth in the world for the highest incidence of early marriage, according to BPS data from 2022. According to the Department of Empowerment and Protection of Women and Children and Family Planning of West Nusa Tenggara Province, Child Marriage (April 2022), there were a minimum of 2,530 instances of child marriage in various districts and cities of the province over the past four years, from January 2019 to April 2022 (Arifin, 2022). West Nusa Tenggara Province is among the top seven provinces in Indonesia with the greatest number of child marriage cases.

The widespread prevalence of child marriage subsequently contributed to the persistently poor Human Development Index of West Nusa Tenggara. According to the survey conducted by the Central Statistics Agency (BPS), the Human Development Index (HDI) of West Nusa Tenggara Province was ranked 33rd out of the 34 provinces assessed. West Nusa Tenggara's Human Development Index is marginally higher than Papua and lower than West Papua. The outcome of this survey is relatively similar to the one conducted by the Central Statistics Agency a few years ago. West Nusa Tenggara was ranked 26th out of 27 provinces in the HDI ranking issued by BPS. The province had values of 56.7 and 54.2 for the years 1996

and 1999, respectively. In 2002, it obtained the lowest rank among all 30 provinces, with a score of 57.8. From 2005 to 2011, it consistently held the second-to-last position, with scores of 62.42 (2005), 63.04 (2006), 63.71 (2007), 64.12 (2008), 64.66 (2009), 65.2 (2010), and 66.23 (2011). In the period of 2012-2013, West Nusa Tenggara has the second-to-last ranking out of the 34 provinces in terms of the Human Development Index.

The West Nusa Tenggara Central Statistics Agency has recently reported that the Human Development Index (HDI) for West Nusa Tenggara in 2021 is 68.65 percent. This represents a 0.59 percent increase from the 2020 figure of 68.25 percent. Furthermore, West Nusa Tenggara is ranked 26th among all provinces in Indonesia according to the same source (BPS NTB, 2023).

In order to address the prevalent issue of child marriage, the West Nusa Tenggara Provincial Government has enacted Regional Regulation Number 5 of 2021, which serves as the foundation for the policy aimed at avoiding child marriage. Despite being implemented in 2021, the legislation has not effectively decreased the prevalence of child marriage. Legally, there have been changes since 2019 when Law Number 16 of 2019 concerning Marriage was enacted. However, despite these revisions, child marriage is still happening and the frequency is even increasing, particularly during the COVID-19 pandemic. This information is based on a study conducted by Plan Indonesia and the Indonesian Women's Coalition in 2019, as well as more recent studies by Bachtiar et al. (2021) and Kasiyati et al. (2021).

The revision to Law No. 1 of 1974 regulating Marriage has recently addressed the legal barriers to preventing child marriage. Specifically, Article 7a of the law now stipulates that the minimum age for both women and men to marry is 19 years. Nevertheless, the presence of legislation pertaining to the procedure of obtaining court permission or marriage dispensation for couples who are below the legal age has posed a significant obstacle for the provincial administration of West Nusa Tenggara, particularly in advancing the age of marriage in the region. Marriage dispensation was granted in 99% of cases. The judge granted the request for the following reasons: 1) the children are in danger of contravening social, cultural, and religious norms; and 2) both partners have a deep affection for one another. Granting a marriage dispensation includes subjective judgment based on values, conventions, and culture (Al Hasan & Yusup, 2021; Judiasih et al., 2020). In order

to tackle this problem, the Supreme Court is in the process of formulating a preliminary version of the Supreme Court Regulation (PERMA) and the Supreme Court Circular (SEMA). PERMA and SEMA seek to aid judges in religious and general courts in making decisions about child marriage exemptions, taking into account the rights of child protection.

In the province of West Nusa Tenggara, the implementation of Regional Regulation No. 5 of 2021, which aims to prevent child marriage, has not effectively reduced the growing prevalence of child marriage in the region. This is a significant societal and demographic issue that remains unresolved. This issue has a cascading impact on other societal issues, including the rise in divorce rates, the increase in domestic violence rates, and the prevalence of malnutrition and stunted growth (Fahrurrozi et al., 2023). Hence, it is imperative to achieve a significant advancement in the enforcement of Regional Regulation No. 5 of 2021, which focuses on curbing child marriage in West Nusa Tenggara. This would contribute to the enhancement of the human development index, aligning with the targeted objectives of the SDGs (Sustainable Development Goals).

The enforcement of Regional Regulation Number 5/2021 is anticipated to engage several stakeholders, such as municipal authorities, educational establishments, non-governmental organizations, and households. Effective and sustainable implementation of child marriage prevention programs relies heavily on the synergy among many stakeholders (Pangemanan, 2021; Suci, 2021).

The objective of this study is to assess the implementation model of Regional Regulation Number 5/2021 and determine its effectiveness in enhancing the Human Development Index in West Nusa Tenggara. By comprehending the challenges and achievements in executing this Regional Regulation, it is anticipated that more efficient resolutions may be discovered to address the issue of child marriage and enhance the well-being of children in West Nusa Tenggara Province.

II. Research Methods

The study employs a normative legal research method that is substantiated by empirical research. Normative legal research, augmented by empirical research, is an investigative methodology that integrates normative legal analysis with empirical data in order to achieve a more comprehensive understanding of a

legal issue (Ibrahim, 2005; Syahrum, 2022). The study involved normative legal research, which focused on analyzing Regional Regulation No. 5 of 2021 on the Prevention of Child Marriage and its application in West Nusa Tenggara. This study employs two primary methodologies: a statutory regulatory approach and a socio-legal approach. The statutory regulatory approach involves doing a normative analysis of Regional Regulation No. 5 of 2021. This analysis includes a detailed examination of the regulation's content, aims, and legal framework. This analysis encompasses an examination of diverse implementing rules pertaining to Regional Regulation No. 5 of 2021. The objective is to evaluate the coherence and compatibility among these regulations. The evaluation of the implementation of Regional Regulation No. 5 of 2021 is conducted by assessing specific indicators indicated in the implementing rules. This evaluation aims to determine the level of compliance with the regulation in practice. The socio-legal method integrates legal studies with the social factors that impact the enforcement of laws in society. A study was done to investigate the implementation of Regional Regulation No. 5 of 2021 in the social context of the NTB community. The study aimed to identify the cultural, economic, and institutional obstacles encountered.

The data were gathered via comprehensive interviews, observations, and document analysis from diverse sources, including local government officials, civil society organizations, educators, and families impacted by this policy. The conclusions in this study were derived by the application of a qualitative legal methodology, which entailed a thorough examination of both the legal and empirical evidence that was gathered. This process entails multiple stages: gathering pertinent primary and secondary data from legal documents, interviews, and observations; conducting data analysis utilizing a qualitative legal methodology, which involves interpreting legal texts and comprehending the societal backdrop of regulation implementation; and formulating conclusions based on data analysis, accompanied by recommendations for enhancing the execution of Regional Regulation No. 5 of 2021. By employing this dual methodology, the study aims to offer a full assessment of the efficacy and obstacles encountered during the execution of Regional Regulation No. 5 of 2021. Additionally, it seeks to suggest remedies to enhance endeavors in curtailing child marriage in the province of West Nusa Tenggara.

III. Result and Discussion

The enactment of regional regulation number 5 of 2021 aims to achieve the following objectives: firstly, to protect and ensure the fulfillment of children's rights so that they can live, grow, and develop optimally with dignity; secondly, to empower children to become agents of change; thirdly, to promote values, norms, and perspectives that discourage child marriage; fourthly, to provide comprehensive basic services for child welfare and protection; fifthly, to enhance synergy and coordination in efforts to prevent child marriage; sixthly, to improve the quality of life, welfare, and health of mothers and children; seventhly, to reduce the incidence of child marriages; and eighthly, to enhance the quality of human resources. In order to achieve the goals of regulating the prevention of child marriage in this regional regulation, the concept of preventing child marriage is introduced, as outlined in Regional Regulation Number 5 of 2021. This regulation focuses on preventing child marriage through legal measures and community-based efforts. The community implements various measures to prevent child marriage, such as enhancing the capabilities of children's resources, establishing a supportive environment, improving accessibility and expanding services, reinforcing regulations and institutions, and enhancing stakeholder coordination. The researchers have found the enactment of Regional Regulation Number 5 of 2021 in West Nusa Tenggara Province, which focuses on preventing child marriage. This includes the execution of policies, establishment of institutions, and addressing implementation challenges.

Execution of Policy

To effectively promote children's understanding and attitudes towards comprehensive reproductive and sexual health rights, increase their awareness of the consequences of child marriage, enhance their ability to communicate the negative effects of child marriage, encourage their involvement in preventing child marriage, and create supportive environments for their optimal growth and development, it is crucial to enhance children's capabilities through diverse

training programs organized by the provincial government. These efforts should be accompanied by adequate financial resources, as the current budget allocation for the program is insufficient.

The West Nusa Tenggara Provincial Education Office should include comprehensive reproductive and sexual health education in the high school curriculum, along with mental health education for adolescents. This strategy aims to increase children's awareness and attitudes towards reproductive and sexual health rights. It is important to optimize the implementation of these educational programs to achieve the desired outcomes. Thus far, there has been a lack of gubernatorial rule or governor's circular specifically instructing high schools in West Nusa Tenggara to incorporate reproductive health content into their curriculum.

To enhance children's involvement in preventing child marriage, it is recommended to implement regional policy interventions. This can be achieved by establishing and reinforcing peer counselors and Youth Integrated service post from the village/sub-district level to the province, while ensuring their integration with a formal referral system. Additionally, it is important to establish a formal mechanism that allows children and adolescents to directly participate in preventing child marriage at different levels. One effective approach is through the establishment and strengthening of the Children's Forum, which serves as a platform for children to contribute and report on this issue (Kurniawati & Sa'adah, 2022; Simarmata & Mulyasari, 2022).

Nevertheless, the West Nusa Tenggara provincial government has not fully optimized policy implementation. Efforts to prevent child marriage involve various strategies such as changing societal values and norms, empowering parents, schools, families, and communities to protect children, and promoting the formation of Community-Based Integrated Child Protection. However, implementing these strategies can be challenging due to the potential conflict with regional regulation number 5 of 2021. This regulation aims to promote social change by discouraging child marriage and creating a society that is more aware and responsive to preventing it (Nst & Hsb, 2024; Taufikurahman & Nur, 2024).

Institutional Implementation

Regional Regulation Number 5 of 2021 includes a provision for the creation of an entity called the Child Marriage Prevention Task Force (Satgas PPA). The primary objective of the PPA Task Force is to enhance the efficiency, facilitation, and collaboration of policies and programs in order to prevent child marriage. The formation of this PPA Task Force occurs at multiple tiers of government, ranging from the province level down to the district/city and village levels. The PPA Task Force at the provincial level is in charge of formulating and overseeing the execution of comprehensive policies aimed at preventing child marriage.

The Task Force plays a crucial role at the district/city level in implementing these regulations in their respective regions, assuring the correct execution of child marriage prevention programs. At the village level, the PPA Task Force is responsible for actively engaging with the community, imparting knowledge, and assisting local initiatives aimed at preventing child marriage. The implementation of the PPA Task Force at all levels is anticipated to generate a robust and synchronized network, hence enhancing the efficacy and breadth of initiatives aimed at preventing child marriage across all segments of society.

In 2023, the Governor of West Nusa Tenggara implemented Regulation Number 34 of 2023, which outlines the Regional Action Plan for the Prevention of Child Marriage for the period of 2023-2026. This plan includes the creation of a Task Force dedicated to preventing child marriage. However, the Governor has not yet issued a Decree specifying the members and chair of this Task Force. Varying circumstances in the Regency/City. The formation of the PPA Task Force in the Regency/City and the Task Force for the Prevention of Child Marriage in the hamlet is still pending. The ineffectiveness of Regional Regulation No. 5 of 2021, aimed at preventing child marriage, un curbing the rising incidence of child weddings in West Nusa Tenggara, gives rise to inquiries.

West Nusa Tenggara Province is among the initial provinces to implement regional legislation aimed at preventing child marriage. Studying the implementation challenges of regional rule No. 5 of 2021, which focuses on preventing child marriage, is an intriguing endeavor. The aim is to identify the optimal formulation that will facilitate the efficient enforcement of this regional rule. Eliminating the budget allocation for the prevention of child marriage in

the West Nusa Tenggara Provincial Budget Plan is a major obstacle to implementing Regional Regulation No. 5 of 2021, which aims to prevent child marriage, according to Joko Jumadi, the Head of the Mataram City Child Protection Agency. Furthermore, the lack of explicit penalties outlined in Regional Regulation No. 5 of 2021, which addresses the prevention of child marriage, is a significant barrier to effectively curbing the rise in child marriages. Furthermore, in the province of West Nusa Tenggara, particularly on the island of Lombok, there exists a cultural practice referred to as merariq kodeq, which involves early marriage. The family routinely endorses Merariq kodeq to avoid tarnishing their good reputation. Should the merariq kodeq be revoked, the woman will endure the shame (Rahman et al., 2024). Meanwhile, the male will see a decline in the family's dignity. This tendency is the primary impediment, as perceived by the community, to disregarding the restrictions outlined in Regional Regulation No. 5 of 2021, which aims to prohibit underage marriage. Researchers assert that a comprehensive investigation is necessary to ensure that the implementation of Regional Regulation No. 5 of 2021, which aims to prevent child marriage, aligns with customary practices while effectively achieving its goal.

CONCLUSION

The primary aim of Regional Regulation Number 5 of 2021 is to safeguard the rights of children, enhance their resilience, alter public perception of child marriage, and offer comprehensive fundamental services in West Nusa Tenggara Province. Furthermore, this rule seeks to enhance the standard of living, well-being, and welfare of mothers and children, while also fostering greater collaboration in endeavors to combat child marriage. The policy implementation encompasses various crucial facets, including enhancing children's awareness and understanding of reproductive health and the consequences of child marriage, as well as promoting children's involvement in preventative endeavors. Nevertheless, there are notable obstacles that persist, particularly with the insufficient allocation of funds, the absence of supportive policies from the education office, and the subpar execution of policy interventions at the local level.

About institutions, the construction of a Child Marriage Prevention Task Force is governed by a gubernatorial rule. However, its execution is currently

suboptimal due to the absence of a gubernatorial decision about the selection of members and the chair of the Task Force. Furthermore, the formation of the Task Force at the district/city and village levels has not yet taken place. The primary challenges in implementing this Regional rule are the removal of money allocation for the child marriage prevention program and the lack of definition of sanctions in the rule. Furthermore, the prevalence of local cultural customs like "merariq kodeq" in Lombok, which involve the early marriage of children with the approval of their families, poses a significant obstacle to efforts aimed at decreasing the incidence of child marriages. Hence, it is imperative that all pertinent stakeholders engage in more rigorous and synchronized endeavors to surmount these challenges. To enhance the implementation of this law, it is crucial to focus on capacity training, providing sufficient funding assistance, and formulating unambiguous sanctions. Thorough research is necessary to discover ways that can properly reconcile the enforcement of rules with local customs and traditions, in order to successfully accomplish the objective of preventing child marriage.

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