

## THE MATURITY IN MARRIAGE LAW

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### Abstract

*The level of maturity is a reference that someone is able to carry out marriage. According to facts, divorce cases are carried out by couples who meet the age requirements. Reaching the minimum age of adulthood in marriage is not enough to conclude that a person has matured. The marriage law only explains that the minimum age for marriage explicitly can be said that a person is an adult. At the same time, it should also consider the person's emotional maturity. So it is necessary to clarify the concept of maturity in marriage law. This research aims to examine the regulation of maturity based on marriage law. This research is normative legal research with a philosophical, statute, and conceptual approach. The techniques for analyzing legal material are survey, question, read, recite/recall, and review using a deductive way of thinking. Based on the discussion that has been carried out, maturity arrangements need to be regulated in the Marriage Law, considering that a person's maturity is not only measured by age, especially in marriage. The nature of maturity in marriage includes the ability to manage patience and anger, economic independence and sexual awareness, the development of secondary sexual characteristics, and the ability to do household chores. Maturity affects a person's ability to understand concepts and apply the skills necessary to form and maintain healthy relationships. It can be used as a consideration in law reform to create responsive and progressive legal rules so that the resulting legal formulation can fulfill justice and reflects the law of human nature.*

**Keywords:** Nature, Maturity, Marriage law

### INTRODUCTION

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 God.<sup>1</sup> This means that people who do marriage are faced with the responsibilities and rights they have.<sup>2</sup> A person's maturity refers to a condition, whether a person is mature or not according to the law, to be able to act within the law, which is determined by an age limit. Indonesia must center everything on the law because it is a state of law.<sup>3</sup> As is stated in Article 1, paragraph (3) of the 1945 Constitution of the Republic of Indonesia (from now on referred to as the 1945 Constitution). Which seeks to provide clarity, discipline, and legal security.<sup>4</sup> So maturity in law is a requirement so that a person can and may be declared capable of carrying out all legal actions.

The state of being an adult who meets the provisions of this law is called "maturity". Adults or people can carry out all legal actions, for example, making agreements, entering into marriages, and making wills.<sup>5</sup> The marriage law only explains that the minimum age for marriage explicitly can be said that a person is an adult. At the same time, it should also consider the person's emotional maturity. So it is necessary to clarify the concept of maturity in marriage law. With the existence of the concept of maturity in the marriage law, it is hoped that it can reduce the number of divorces and so that the benefits of marriage are achieved, not that it becomes useless or harmful.

<sup>1</sup> Pasal 1 Undang-undang No 16 Tahun 2019 tentang Perkawinan 2019.

<sup>2</sup> Ahmad Badi, 'Tinjauan Sosiologis dan Psikologis Pasal 7 Ayat 1 Undang-undang Nomor 1 Tahun 1974 tentang Perkawinan' (2014) 25 Jurnal IAI Tribati Kediri.

<sup>3</sup> Petrus Avelino Framayuka Tolang and Solomon Dessalegn Dibaba, 'The Concept of Delegation of Local Government Authority (Study of Financial Supervision and Management)' (2022) Protection: Jurnal of Land and Environmental Law.

<sup>4</sup> Agung Iriantoro, 'Position, Tenure and Responsibility of The Notary in Carrying Out the Position of Notary' (2022) Protection: Jurnal of Land and Environmental Law.

<sup>5</sup> Muhammad Abdulkadir, *Hukum Perdata Indonesia* (PT Citra Aditya Bakti 2010).

The level of maturity is a reference that a person is capable of carrying out a marriage, and all public thoughts generally make age a measure of maturity. However, age is not a measure of a person's level of maturity.<sup>6</sup> The minimum age limit in marriage law in Indonesia does not determine whether a person has reached maturity. It is demonstrated by the large number of divorce cases in Indonesia.

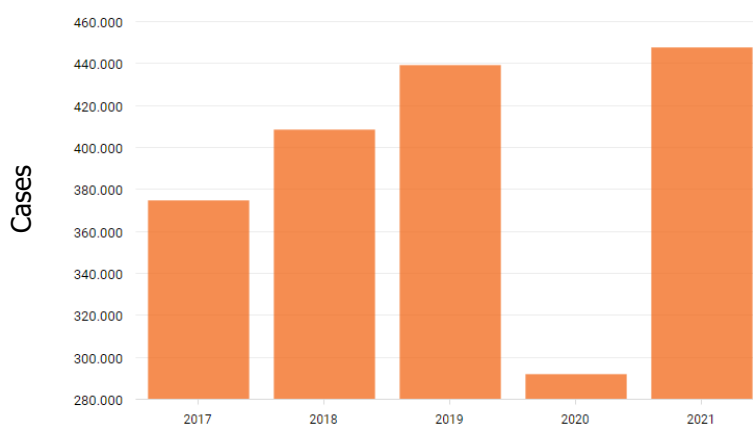


Figure 1.1 Divorce Rate in Indonesia

Source: Databoks (2022)

According to Figure 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 wives are more likely to 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, which the Court had decided.

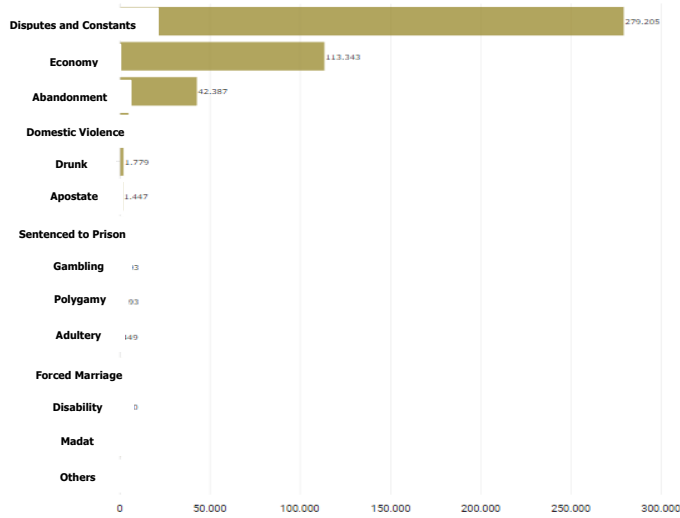


Figure 1.2 Causes of Divorce in Indonesia According to Data from the Religious Courts

Source: Databoks (2022)

Based on Figure 1.2, it can be seen that disputes and constant fights are the highest factor in divorce in 2021, namely 279,205 cases. Based on these data, even though the age meets the minimum age for marriage, it does not guarantee that the individual will have maturity. Divorce cases occur not only at a young age but also at an old age. In one of the divorce application decisions researchers obtained, Decision Number: 4296/Pdt.G/2021/PA.JS, the petitioner is 20 years old, and the respondent is 21. The age of the applicant and the respondent is included in the age category where marriage is permitted, but they have applied for a divorce at that age. It can also happen due to insufficient religious knowledge.

<sup>6</sup> Pitrotussadaah and Mimin Mintarsih, 'Batas Usia Minimal Perkawinan Menurut Perspektif Hukum Positif di Indonesia dan Hukum Islam' (2020) Jurnal Muttaqien.

On the other hand, a person may be legally considered an adult but not have the maturity and responsibility that reflect an adult's character.<sup>7</sup> Maturity can be interpreted as full responsibility for oneself and one's destiny and formation.<sup>8</sup> Maturity is not merely mature age; mind and mentality are the most important things in running a household ark. With maturity comes a sense of responsibility and respect between husband and wife. A prosperous family will produce future children who are intelligent and have noble personalities.

Not only in Indonesia divorce cases are also very high in several other countries, as is the case in Russia. Russia has 145,912,025 people, and there is a divorce rate of 4.7% per 1000 people, making it a large country with a rapidly growing population. Even though Russia may seem like a developing country, poverty is highly regarded in the country. According to Statista, a third of Russians get divorced because they have no money. The second reason is the need for more mutual understanding between partners. Furthermore, Moldova, Moldova's divorce rate has increased significantly. Even though it declined from 1999-2018, it rose again in 2019 and after. According to statistics, the number of children born and couples forming families has also decreased. The divorce rate in this country is also 50% of all marriages.

Then, Based on the statistics obtained from the National Civil Registry Organization of Iran, in 2014, 163,569 divorce cases were registered as compared to the same period last year (155,369 divorce cases), an increase of 10% was observed. In this case, the province of Alborz recorded 6,194 divorce cases, with a growth of around 11% compared to the previous year (5,663 divorce cases).<sup>9</sup>

Maturity is not only measured by age. In this case, reaching the minimum age of adulthood in marriage is not enough to conclude that a person has matured. Maturity is a condition or circumstance that indicates that a person is mature. Domestic violence that causes divorce also often occurs in married couples over 19 (nineteen) years old because, by age, they are mature, but in their behavior, they are considered immature. So age cannot be used as a benchmark for maturity.

The explanation above shows that maturity in marriage law has yet to be 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 essences of legal objectives is to realize benefits. This goal must be returned to the basis for what the rule of law was created to have not only juridical value but also philosophical and sociological. Thus this study aims to examine the nature of maturity in marriage law.

## RESEARCH METHODS

This research is normative because the legal materials that form the basis of policies on marital issues are mainly formulated in laws and expert opinions, which are formulated in various references, journals and research results. Then this study uses a philosophical, statute, and conceptual approach. Analysis of legal materials uses various ways of interpretation, namely: grammatical, systematic, historical, and futuristic interpretations. In analyzing legal materials, researchers use a deductive way of thinking. In carrying out this interpretation, the researcher uses a technique of analyzing legal material, which is carried out in stages called SQ-3, namely survey, question, read, recite/recall, and review.

### Discussion

#### The Nature of Maturity in Marriage

Marriage can be likened to a sacred contract and is the central pillar of forming a good family. As it is essential, Islam determines the number of rules and actions to strengthen the formed household. Some of these actions must be taken from pre-wedding, some of which must be maintained since the completion of the marriage contract to make it easier for the husband and wife to build a household.

<sup>7</sup> Anzar Asmadi, *Batas Usia Dewasa Menurut Hukum yang Berlaku di Indonesia* (Karisma Publishing).

<sup>8</sup> Kartini and Kartono, *Psikologi Wanita Mengenal Gadis Remaja dan Wanita Dewasa* (Mandar Maju 2006).

<sup>9</sup> Zohreh Ghazivakili and others, 'Emotional Maturity and Mental Health Among New Couples Referred to Pre-Marriage Health Center in Karaj, Iran' (2019) 20 Shiraz E-Med Journal.



In contrast, other actions must be undertaken when the household has disturbances and shocks.<sup>10</sup> Adults, physically and mentally, are not necessarily able to build and set up a household perfectly, let alone young people who are not yet mature. Rationally, the problem of maturity is an important issue that has no small influence on household success.

In the life of two people of the opposite sex who originally came from single individuals, various things will arise due to the loss of free nature. A bachelor was previously a free individual to act at will within the scope of customs or regulations in society. Meanwhile, after marriage, the bachelor individuals had to sacrifice some of their freedom to follow the rules (attachment) of marriage.<sup>11</sup>

Because marriage can be likened to a sacred contract and is the central pillar of forming a good family, as it is essential, Islam determines the number of rules and actions to strengthen the household that is formed.<sup>12</sup> The foundation of family life is the readiness of prospective fathers and mothers' physical and mental maturity. It is because a person's physical and psychological maturity will affect their attitude when the sharp rocks in a marriage start to appear. The word maturity comes from a biological term. Another word is maturation which means the ripening of a child, and maturity means "maturity". Adult here has a meaning that states "process". Thus, maturity means that a potential exists in an individual who appears and unites with his nature and regulates the development pattern of individual behavior. However, maturity cannot be included as heredity because this maturity is a different trait generally owned by each individual in the form of a specific period. Discussing maturity cannot be limited to one or two scientific fields. However, we are forced to carry out interdisciplinary studies because maturity itself is used by almost all social science fields, including sociology, political science, economics and even social sciences. Religion is also a matter of maturity to be a matter of principle and determination. In law itself, maturity can determine the legitimacy of legal action. An immature person is seen as a subject who is not competent/able to act independently before the law, so their legal action must be represented by their parents/guardians. 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 for human maturity.

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

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

Psychology is the science that studies the human psyche physically and mentally. According to researchers, psychology is closely related to the theme of maturity, which discusses human growth from childhood to adulthood. Maturity from a psychic perspective is indicated by a person being able to regard other people as part of himself and see himself objectively (Self Objectification), an adult who knows the rules, does not do as he pleases or acts only for momentary gratification. Psychologists Marc and Angel stated that a person's maturity is not only in the size of his age but also in the extent of his emotional maturity. The following are his thoughts on the characteristics or characteristics of a person's maturity, which are seen from their emotional maturity. The growing awareness that Maturity is not a condition but a continuous process, and one continuously strives to make improvements and self-improvement. Have the ability to manage yourself from feelings of jealousy and envy. More on mental and emotional self-development, as well as the development of attitudes

<sup>10</sup> Sun Choirul Ummah, 'Kedewasaan untuk Menikah' (2012) 13 Nucl. Phys. 104.

<sup>11</sup> Ahmad Watik Pratiknyo and Abdul Salam, *Etika dan Kesehatan* (Rajawali Pers 1986).

<sup>12</sup> Mahmud Syaltut, *Al-Islam 'Aqidah Wa Syari'Ah* (Al-Qalam 2966).

in social interaction so that when someone reaches adulthood, they have to improve themselves and others.<sup>13</sup>

Meanwhile, from a medical point of view, the agreement of the 2018 Indonesian Doctors Association (IDI) Working Meeting contains the minimum age for marriage is 18 (eighteen) years old, and the minimum age for pregnancy is 20 (twenty) years old. Childbearing age requires physical and hormonal maturity. The minimum age for marriage is also based on data that pregnancy in girls aged 10-14 has a risk of death 5 times that of women aged 20-24. Cervical maturity for women is 19-21, so the ideal marriage and pregnancy is 20-35.

In fiqh, being mature means entering the age of mulatto and then being perfect in thought, mature in feeling and mature in character (personality). According to scholars, a child becomes mature when he reaches the age of fifteen or emits semen in his dream.<sup>14</sup> According to Anwar Harjono, the measure of puberty is between the ages of 15 (fifteen) years old, and this period is as soon as possible, the age of 12 (twelve) years old for men and 9 (nine) years old for women.<sup>15</sup> So, the limitation of maturity in fiqh is puberty and his conscious ability to control himself to start standing on his own.

In research conducted by Sarfo demonstrating the concepts of maturity and readiness for marriage, what constitutes maturity is viewed differently across cultures and societies. The construction of maturity or perceived maturity is influenced by biological, psychological, economic and cultural factors. One of the markers for determining maturity, or readiness for marriage in traditional Ghanaian society, is the onset of puberty. Individuals who show signs of puberty begin towards maturity by implementing puberty rituals, after which they are considered mature and ready to marry. In analyzing indicators of perceived maturity, gender differences were identified. For men, economic independence and sexual awareness signal maturity. For girls, bodily changes such as the onset of menstruation, development of secondary sexual characteristics, and ability to perform tasks determine a girl's maturity relative to her peers.<sup>16</sup> Such a construct of maturity is a crucial factor driving child marriage in communities of practice. However, other reasons (e.g., poverty, protection of young girls, peer groups and family pressure, and controlling female behavior and sexuality, among others) have also been identified.<sup>17</sup>

Then other research shows that a person can be considered an adult if he can manage patience and anger. Because if not managed properly, it can lead to domestic violence and divorce. According to research data conducted by Mushoffa, married couples have problems controlling their emotional nature at an early age, so they must continue to learn from other parties, such as parents.<sup>18</sup>

### The Role of Maturity in Marriage

Marriage is a significant and even sacred event in human life. The basics of marriage are formed by the natural elements of human life, which include biological needs and functions, giving birth to offspring, affection and brotherhood, and caring for children. These are perfect members of society.<sup>19</sup> Marriage has an essential meaning in human life because there are juridical elements in the form of rights and obligations of each party concerning life and family issues, which must be

<sup>13</sup> Marc and Angel, *Kematangan Emosional* (Ganesha 2014).

<sup>14</sup> Ibnu Katsir, *Al-Tafsir Al-Qur'an Al-Azim* (2011).

<sup>15</sup> Anwar Harjono, *Hukum Islam, Keluasan, dan Keadilan* (PT Bulan Bintang 1987).

<sup>16</sup> Elizabeth Anokyewaa Sarfo, Joana Salifu Yendork, and Anthony Vernon Naidoo, 'Examining the Intersection between Marriage, Perceived Maturity and Child Marriage: Perspectives of Community Elders in the Northern Region of Ghana (2020) Culture, Health & Sexuality.

<sup>17</sup> E Alhasan, 'Early Marriage of Young Females: A Panacea to Poverty in the Northern Region of Ghana?' 3 2013 18.

<sup>18</sup> Rosa Lorinda, Nawari Ismail, and Rahmatullah Azam Syukur, 'Self-Concept Of Adolescents In Early Marriage And Divorce In Bruno District, Purworejo Regency' (2023) 3 International Journal of Social Service and Research.

<sup>19</sup> Jakobus Anakletus Sahajaan, 'Legalitas Pernikahan Siri di Indonesia' (2020) Jurnal LPPM STIA Said Perintah.

fulfilled. Likewise related to the legality of marriage or marital status, children, wealth, inheritance, and population administration in the social life order.

So far, the Marriage Law has only focused on age as stated in Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage. It reaches the minimum age limit for marriage and fixes norms that reach by increasing the minimum limit age of marriage for women. The minimum age for marriage for women is the same as the minimum age for marriage for men, which is 19 (nineteen) years old. The minimum age limit is considered to have matured physically and mentally to be able to enter into a marriage, realize the goals of marriage properly without ending in divorce, and produce healthy and quality offspring.<sup>20</sup>

According to traditional views, maturity is independent of age standards, so there is no uniformity regarding when a person can start to be said to have matured. The size of maturity depends on each individual, although, in fact, it still has links with the notion of adulthood according to Psychology, where maturity is a phase. Human life describes achieving mental balance and mindset in every word and deed. Someone who has been able to work (*kuwat gawe*) to make a living, then actually he has been able to think and be responsible for the needs of his life. The stages of maturity cannot always be determined based on a particular age level, maybe for some people, at the age of 17, they have started to enter the young adult phase, but for others, it is not certain, so apart from age and marriage actions, maturity is also can be seen from the behavior and physical growth biologically. Maturity is always associated with mental maturity, personality, mindset and social behavior, but on the other hand, maturity is also closely related to physical growth and age. Maturity is sometimes associated with a person's sexual condition, although age does not always determine human reproductive ability. Meanwhile, psychological maturity means that the parties have good mental health and a sense of responsibility as husband and wife, especially in educating their children correctly and respectfully.<sup>21</sup>

Maturity is essential as a provision to assume responsibility in marriage. Maturity plays a significant role in the success or failure of a relationship.<sup>22</sup> Therefore, it is crucial for marriage and relationship practitioners to understand how maturity influences a person's ability to understand concepts and apply the skills necessary to form and maintain healthy relationships. Maturity affects a person's ability to commit to a lifelong relationship and understand that commitment means giving up all other partner choices. It, in turn, determines the level of trust and dependability in a relationship. Maturity plays into Regulating a person's ability to monitor his thoughts and control the emotions (anxiety, frustration, et cetera.) inherent in every intimate relationship. When tension is 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 make decisions successfully, work together toward relationship goals, and resolve conflicts effectively. Mature relationships allow individuals to be vulnerable and share ideas and feelings, not dominate. Maturity paves the way for mutual communication and allows openness to the perspectives of others, allowing conflicts to be understood and resolved more respectfully.<sup>23</sup>

### CONCLUSION

Based on the discussion that has been carried out, maturity arrangements need to be regulated in the Marriage Law, considering that a person's maturity is not only measured by age, especially in marriage. The nature of maturity in marriage includes the ability to manage patience and anger, economic independence and sexual awareness, the development of secondary sexual characteristics,

<sup>20</sup> Iwan Romadhan Sitorus, 'Usia Perkawinan dalam UU No 16 Tahun 2019 Perspektif Masalah Mursalah' (2020) 13 Jurnal Nuansa.

<sup>21</sup> Sucipto, 'Kedewasaan dalam Akad Nikah dalam Perspektif Interdisipliner' (2014) 6 Jurnal ASAS 38.

<sup>22</sup> Ummah (n 8).

<sup>23</sup> Webb Joyce, 'Maturity Plays a Major Role in the Success or Demise of Relationships.' (2012) 1 National Healthy Marriage Resource Center.



and the ability to do household chores. Maturity affects a person's ability to understand concepts and apply the skills necessary to form and maintain healthy relationships. It can be used in law reform to create responsive and progressive legal rules so that the resulting legal formulation can fulfill justice and reflects the law following human nature.

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