

OPTIMIZING THE ROLE OF DP3APPKB OF CIREBON CITY IN PREVENTING MARRIAGE DISPENSATIONS IN THE CIREBON RELIGIOUS COURT

Muhammad Reza Ramadhan¹, Dudung Hidayat², Harmono³

¹⁾ Religious Courts, Cirebon, Indonesia

^{2,3)} University of Swadaya Gunung Jati, Cirebon, Indonesia

Email: januarierepublic@gmail.com



DOI: <https://doi.org/10.33603/hermeneutika.v10i2.11312>

Diterima: 01 April 2026; Direvisi: 3 Mei 2026; Dipublikasikan: 02 Agustus 2026

Abstract. *This study aims to analyze and optimize the role of the Cirebon City Office for Women's Empowerment, Child Protection, Population Control, and Family Planning (DP3APPKB) in preventing marriage dispensation applications at the Cirebon Religious Court. The research employs a juridical-sociological method with a qualitative approach, including document analysis, interviews with stakeholders, and field observation. The findings indicate that DP3APPKB plays a strategic role by providing a Help Center (integrated service center) that offers counseling, guidance, and case referrals for child marriage cases. In addition, DP3APPKB actively conducts public education on the negative impacts of child marriage and collaborates with related agencies to reduce marriage dispensation cases. This collaboration includes policy socialization, desa tangguh (community resilience) training, and guidance for prospective brides and grooms. Overall, these strategies yield tangible benefits such as improved child protection and a decrease in child marriage cases. However, the study identifies challenges such as limited resources, cultural factors, and suboptimal inter-agency coordination. Therefore, it recommends strengthening the institutional capacity of DP3APPKB and refining local regulations related to child marriage prevention to support these efforts more effectively.*

Keywords: *Child Marriage, Marriage Dispensation, DP3APPKB Cirebon, Child Protection, Cross-Sector Coordination*

INTRODUCTION

In Article 1 of Law No. 1 of 1974 on Marriage (as amended by Law No. 16 of 2019 on Marriage), marriage is defined as a physical and spiritual bond between a man and a woman as husband and wife to form a happy and eternal family under

God Almighty. From this definition, it is clear that the purpose of marriage under marriage law is to form a happy and enduring family. Article 3 of Presidential Instruction No. 1 of 1991 on the Compilation of Islamic Law states that “marriage aims to create a household life that is *sakinah*, *mawaddah*, and *rahmah*” (tranquility, affection, and mercy). In reality, however, the ideal goals of marriage—whether according to the Marriage Law (Law 1/1974, as amended by Law 16/2019) or Presidential Instruction 1/1991—are not easy to achieve and often result in the breakdown of the marriage bond.

When the marriage bond is severed at the will of the husband, wife, or both parties due to discord, this is termed “*perceraian*” (divorce), which arises from the failure to fulfill the rights and obligations of husband or wife as prescribed by applicable marriage law. The Religious Court (*Pengadilan Agama*) is the judicial authority given power by Law 1/1974 (as amended) and Government Regulation No. 9 of 1975 on the Implementation of Law 1/1974 on Marriage to examine, adjudicate, and decide divorce cases.

Essentially, Law 1/1974 (as amended by Law 16/2019) embraces the principle of making divorce difficult, because the main objective of marriage under this law is to form a happy, eternal, and prosperous family. This principle is evident from the strict divorce procedures in Article 39(1–3), which state that: (1) Divorce may only be granted in a court hearing after the relevant court has attempted and failed to reconcile the parties; (2) To file for divorce, there must be sufficient grounds that husband and wife can no longer live harmoniously; and (3) The procedures for divorce in court are regulated in separate laws and regulations.

Presidential Instruction No. 1/1991 (Compilation of Islamic Law) Article 8 states that a marriage dissolves (apart from death) only by a divorce document issued by a Religious Court, whether in the form of a divorce decree, a divorce vow (*ikrar talak*), *khuluk* (divorce initiated by wife), or a conditional divorce decree (*putusan taklik talak*). Article 39(2) of Law 1/1974 (amended) stipulates that divorce must have sufficient justification; the permissible reasons for divorce are listed in Government Regulation No. 9 of 1975 (implementing Law 1/1974) in conjunction with Article 116 of Presidential Instruction 1/1991 (Compilation of Islamic Law), which include: (a) one party committing adultery or becoming an alcoholic, drug addict, gambler, etc., that is incurable; (b) one party leaving the other for a long time (two consecutive years) without permission or valid reason; (c) one party being sentenced to five years or more imprisonment after marriage; (d) one party committing cruelty or severe abuse endangering the other; (e) one party becoming physically disabled or suffering illness making it impossible to fulfill marital duties; (f) continuous conflict and quarrel between husband and wife with no hope of reconciliation; (g) husband violating a divorce condition (*talak taklik talak*); (h) change of religion or apostasy causing household discord.

Based on the above grounds, the court in hearing requires at least two pieces of evidence (including witnesses) to decide whether the divorce is warranted, except when the divorce ground is that one party received a prison sentence of five years or more after marriage. Under Article 23 of Government Regulation No. 9/1975 on the Implementation of Law 1/1974 on Marriage, if a divorce petition is filed on the grounds that one spouse has been sentenced to five years or more (as in Article 19(c)), the petitioner may obtain a divorce decree simply by submitting a copy of the court decision that imposed the sentence, accompanied by a statement that the decision has permanent legal force (*inkracht*). This means the law provides room for the spouse who feels morally, socially, and psychologically harmed by the criminal act of their partner to terminate the marriage legally.

RESEARCH METODOLOGY

This study used a qualitative approach with a socio-legal method, meaning it examined the legal norms related to marriage dispensation and their implementation in social practice in Cirebon City. The research design is descriptive-analytical to describe the role of the Cirebon City DP3APPKB (Office of Women's Empowerment, Child Protection, Population Control, and Family Planning) in preventing marriage dispensations and to analyze the obstacles and strategies for improvement.

1. Location and Time of Research

The research was conducted at the DP3APPKB office of Cirebon City and the Cirebon Religious Court from March to July 2025, covering preparation, data collection, and analysis.

2. Sources and Types of Data

The research data consisted of:

a. Primary Data:

Obtained through direct interviews and observation involving relevant parties such as:

- 1) The DP3APPKB office of Cirebon City;
- 2) The Cirebon Religious Court.

b. Secondary Data

Collected from the following regulations and documents:

- 1) Law No. 1 of 1974 on Marriage (as amended by Law No. 16 of 2019, which raised the marriage age to 19 for both men and women).
- 2) Law No. 23 of 2002 (amended by Law No. 35 of 2014) on Child Protection, which lays down the principle of the best interests of the child.

- 3) Law No. 7 of 1984 ratifying CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women).
 - 4) Supreme Court Regulation (PERMA) No. 5 of 2019 on Guidelines for Adjudicating Marriage Dispensation Petitions, which requires a psychosocial assessment and best interest of the child as the basis for granting permission.
 - 5) Cirebon City Regional Regulation No. 6 of 2024 on Child Protection.
 - 6) Cirebon City Regional Regulation No. 1 of 2018 on the Empowerment of Women and Child Protection.
 - 7) The internal SOP of DP3APPKB, including the service flow for child protection and family assistance tasks.
 - 8) The Memorandum of Understanding between Cirebon City DP3APPKB and the Cirebon Religious
 - 9) Court regarding the operation of a pre-trial Help Center.
3. Data Collection Techniques
 - a. In-depth Interviews, Conducted with key informants using a semi structured interview guide.
 - b. Participatory Observation, Carried out during psychosocial assessment activities at the Help Center and community education activities.
 - c. Documentary Study, Analyzing regulations, SOPs, activity reports, and court decisions on marriage dispensation.
 4. Population and Sample

The research population included all employees of the Cirebon City DP3APPKB and the judges handling marriage dispensation cases. Informants were selected using purposive sampling based on their relevance to the prevention policy. Six key informants were interviewed until data saturation was achieved.
 5. Data Analysis Techniques

Data were analyzed using the Miles & Huberman model, which includes:

 - a. Data Reduction, selecting and simplifying information from interviews, observations, and documents.
 - b. Data Presentation, using thematic narratives and matrices showing the relationships among roles, obstacles, and policies.
 - c. Conclusion Drawing, connecting empirical findings with Gustav Radbruch's utilitarian theory of law and relevant marriage dispensation laws.
 6. Data Validity Testing
 - a. Validity was ensured through: 4
 - b. Source Triangulation, comparing information across different informants.

- c. Method Triangulation, using interviews, observation, and documentary analysis.
- d. Member Checking, confirming findings with the informants.

RESULT AND DISCUSSION

I. Role of DP3APPKB Cirebon City in Preventing Marriage Dispensations

The DP3APPKB of Cirebon City conducts various preventive interventions to prevent marriage dispensations. Strategically, DP3APPKB acts as a “bridge” between government, religious institutions, and the community. Through a memorandum of understanding with the Cirebon Religious Court, DP3APPKB operates a pre-trial Help Center. Every dispensasi kawin (marriage dispensation) applicant is required to undergo a psychosocial assessment and counseling session before the case is submitted to the judge. With this mechanism, the panel of judges receives a child protection recommendation (the best interest of the child) as a consideration in decision-making, so that the decision is not based solely on the parents’ formal interests. The Help Center approach has proven to reduce the number of dispensation applications from 26 cases in 2022 to only 6 cases in 2025.

Additionally, DP3APPKB actively conducts public education and socialization campaigns. The agency provides counseling on the negative impacts of child marriage, the importance of education, and children’s rights to teenagers and parents through programs in schools, youth health posts (posyandu remaja), Islamic boarding schools (pesantren), family planning and women’s group posts (posyandu KB/PKK), children’s forums, and local community groups. The educational material used is contextual and based on local 3 wisdom, making it more easily accepted by the community. For example, DP3APPKB organizes a “Digital Parenting for Violence Prevention” program that emphasizes preventing child marriage, and it established a Youth Information and Counseling Center (PIK-R) as a venue for education, counseling, and mentoring teenagers to become strong and productive generations. These programs strengthen the social and knowledge capital of teenagers, motivating them to delay marriage until they reach a mature age.

DP3APPKB also advocates for the harmonization of policies and regulations. The agency encourages the drafting of an integrated policy for preventing child marriage involving various institutions, so that interventions are coherent. Structurally, DP3APPKB urges the establishment of a special regional regulation on preventing child marriage as the legal basis for

preventive activities. Cross-sector coordination is another key; DP3APPKB facilitates coordination meetings between the Religious Court, the Education and Health Departments, and religious and community leaders to share data, monitor and evaluate programs, and implement integrated prevention measures.

These interventions have clearly contributed to the decline in marriage dispensation cases. For instance, after counseling sessions at the Help Center, some parents of applicants realized that child marriage is not a solution but in fact causes long-term problems, leading them to voluntarily withdraw their applications. Others are referred to non-judicial services, such as family counseling with psychologists and family planning counselors or family economic empowerment programs (e.g., skills training or micro-business assistance). The results show that DP3APPKB's initiatives are not only reactive but also preventive and empowering. Programs like Digital Parenting, family counseling, and the use of the Caruban branch of the PIK-R/PUSPAGA (Integrated Women and Child Service Center) strengthen family resilience and reduce negative stigma against unmarried youth.

The implementation of DP3APPKB's interventions can be understood through Gustav Radbruch's theory of the utility of law. According to Radbruch, the ideal orientation of law should be towards substantive justice and social utility for society. Preventing child marriage through the Help Center and public education is a concrete embodiment of the principle that law should not be a rigid procedure but a means to protect children's future. By incorporating psychosocial assessments and child protection recommendations into the decision-making process, the Help Center upholds justice (by considering the child's interests) while prioritizing long-term social utility. This is consistent with the view that preventing child marriage is an expression of gender justice and public utility, because a healthier and more educated generation will bring great benefits to society. Overall, DP3APPKB's collaborative practices from education campaigns to implementing an integrated SOP are a real manifestation of efforts to maximize the welfare of children as a vulnerable group, in line with the state's emphasis on child protection values.

II. Challenges in Optimizing DP3APPKB's Preventive Role

Complex internal and external challenges hinder the optimization of DP3APPKB's role. Internally, the agency lacks specialized professional human resources (such as psychologists and family counselors) to adequately handle dispensation cases. The absence of a dedicated budget for operating the Help Center and other supporting programs also weakens DP3APPKB's

capacity. Institutionally, the lack of a specific regional regulation on preventing child marriage is a normative obstacle. This means prevention strategies are not yet supported by a strong local legal framework. The COVID-19 pandemic and limited resource allocation have often forced DP3APPKB to scale down activities, so the coverage of education and community outreach remains suboptimal.

External challenges are more varied. The local cultural norm in Cirebon, which is relatively permissive towards early marriage (often based on social or religious myths), makes it difficult to change community attitudes. Economic pressures on families, such as poverty and fears about the costs of marriage if a teenage pregnancy occurs out of wedlock, provide strong incentives for many parents to seek marriage dispensations. Permissive parenting styles also weaken prevention efforts; parents who lack understanding of children's rights tend to allow their children to marry young under the assumption that "it's no big deal." Furthermore, inter-agency synergy is still not optimal. Cross-sector coordination is often hampered by bureaucracy and overlapping authorities. For example, not all schools or community health centers (Puskesmas) routinely report cases of at-risk teenage pregnancy to DP3APPKB, making early intervention difficult.

These conditions clearly affect the implementation of the legal utility and child protection values. According to Radbruch's theory, obstacles to preventive interventions reduce the protective effect for vulnerable groups. The lack of human resources and budget, as well as weak regulation, make DP3APPKB's preventive programs incomplete, so the reduction of child marriage cases is not fully optimal. Meanwhile, persistent cultural norms and economic pressures create a situation where, even though the law tightens dispensation requirements, it is difficult to fully empower children. Interview results and observations at the Help Center indicate that these obstacles cause some judges to still grant dispensations due to "social pressure" considerations (for example, fear of social stigma from illicit sexual relations). In Radbruch's framework, such a situation shows that law's function as a tool for social utility has not been fully realized, because preventive interventions and child protection are hampered by structural and cultural constraints.

In sum, although the role of Cirebon's DP3APPKB has brought 7 benefits (tangible positive effects on reducing dispensations and increasing community awareness), internal constraints such as limited resources and lack of local legal basis, as well as external constraints like permissive culture and family economic pressures, still limit the ideal achievement of child

protection. The study's findings emphasize the importance of overcoming these obstacles so that the values of utility and justice in preventing marriage dispensations can be realized more optimally.

CONCLUSION

The findings show that the Cirebon City DP3APPKB (Office of Women's Empowerment, Child Protection, Population Control, and Family Planning) plays a central role in preventing marriage dispensations. The agency actively collaborates with the Cirebon Religious Court through the Help Center innovation, which provides counseling and education services for marriage dispensation applicants. Through formal cooperation (a Memorandum of Understanding since November 2022) with related institutions, DP3APPKB supports preventive programs, provides safe houses, mediation rooms, child-friendly public facilities, and involves family planning counselors at the neighborhood (RW) and village levels to educate the community about the negative impacts of child marriage. The city government even targets stunting control through preventing child marriage, indicating that DP3APPKB integrates child protection efforts into public health strategies. From a theoretical standpoint, this step aligns with Gustav Radbruch's utilitarian theory, that law and public policy are designed to provide the greatest benefit for society. Efforts to prevent child marriage through educational and collaborative means are in line with the principle of maximizing the welfare (the greatest happiness) of children and families, while also protecting essential children's rights.

Behind this important role, DP3APPKB faces several challenges. Socially, the low community awareness of the risks of early marriage remains the main impediment. Child marriages are now often triggered by unwanted teenage pregnancies, so parents feel "forced" to marry off their children due to social norms or economic pressure. Institutionally, the function of the Integrated Services Center for the Empowerment of Women and Children (under DP3APPKB) that is supposed to issue marriage dispensation recommendations has not been optimal, and in fact has never issued a recommendation letter because there is no established mechanism. This slows down the court process for delaying early marriage. In addition, cross-sector coordination still needs strengthening; for example, formal cooperation with the Ministry of Religious Affairs needs to be followed up so that administrative procedures do not undermine the goal of preventing child marriage. The absence of specific local regulations is also evidenced by the city government's plan to draft local regulations on child and women protection so that prevention efforts have a legal basis. Theoretically, these obstacles reflect a conflict between the goals of legal certainty and substantive justice, where the utilitarian implementation has not been fully realized due to cultural barriers and incomplete rules.

The strategies implemented have yielded positive results, although further evaluation is needed. The Cirebon Religious Court's Help Center has proven

effective in reducing marriage dispensation cases; according to the Indonesian Child Protection Commission (KPAI), pre-dispensation counseling causes many prospective young couples to rethink or delay marriage until the legal age. The number of dispensation applications at Cirebon Religious Court is also relatively low (8 cases in 2023, 3 cases from Jan–Jul 2024). The key to this success is wide involvement: DP3APPKB, religious leaders, KPAI, and the community all work together to provide comprehensive education. On the other hand, public outreach through family planning programs and school counseling continues to be promoted. The mandatory psychosocial approach in the marriage dispensation process also has the potential to add a justice aspect, even though in practice it is often hindered by local norms and cultural views. Reflectively, this collaborative strategy reflects the principle of child protection values that prioritize children's welfare and rights; legally, child protection means all activities ensuring that children live, grow, and develop optimally in accordance with their dignity as human beings. Overall, programs like the Help Center and structured education have demonstrated social utility consistent with Radbruchian utilitarianism, which sees law and policy as instruments for achieving the greatest benefit for vulnerable groups.

Going forward, policy strengthening is needed to maximize DP3APPKB's role. First, accelerating local legislation on child and women protection will provide a stronger legal foundation for child marriage practices. DP3APPKB needs additional resources (budget, expert staff, training) to carry out its preventive functions more optimally, including an official mandate to issue dispensation recommendations through the Integrated Service Center for the Empowerment of Women and Children (P2TP2A) so that the legal process is not only reactive but proactively protects children. The inter-agency framework should be more structured; for example, expanding the Help Center concept to other regions or establishing integrated service centers at the district level. Programmatically, integrating adolescent sexuality education and positive parenting into local curricula could be part of prevention strategy. Normatively, all these steps align with Radbruch's ideal that the use of law must bring the greatest benefit (utility) and prioritize substantive justice—in this context, justice for children as the weakest party. By strengthening the DP3APPKB's institutional and operational role, these policies are expected to be more effective in realizing child protection values and preventing child marriage practices that harm the future of the young generation.

REFERENCES

- Anak. Lembaran Daerah Kota Cirebon Tahun 2024 Nomor 6 (Cirebon: Bagian Hukum Sekretariat Daerah Kota Cirebon, 2024).
- Indonesia. Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan. Lembaran Negara Republik Indonesia Tahun 1974 Nomor 1, Tambahan Lembaran Negara Nomor 3019 (Jakarta: Sekretariat Negara, 1974).
- Nota Kesepahaman antara DP3APPKB dan Pengadilan Agama Cirebon, 14 Februari 2023.
- Pemerintah Kota Cirebon. Peraturan Daerah Kota Cirebon Nomor 1 Tahun 2018 tentang Pemberdayaan Perempuan dan Perlindungan Anak. Lembaran Daerah Kota Cirebon Tahun 2018 Nomor 1 (Cirebon: Bagian Hukum Setda Kota Cirebon, 2018).
- Pemerintah Kota Cirebon. Peraturan Daerah Kota Cirebon Nomor 6 Tahun 2024 tentang Perlindungan
- Radbruch, Gustav. “Gesetzliches Unrecht und überpositives Recht.” In *Gesammelte Werke*, vol. 9, hlm. 342–358 (Berlin: Walter de Gruyter, 1950).
- Republik Indonesia, Instruksi Presiden Nomor 1 Tahun 1991 tentang Kompilasi Hukum Islam.
- Republik Indonesia, Peraturan Pemerintah Nomor 9 Tahun 1975 tentang Pelaksanaan UU No. 1 Tahun 1974