

ABSTRACT

Andrian, A. 2015. *The Contradiction between the Regulation of the Age of Marriage of Girl and Its Implication for the Fulfillment of Her Right of Education*. Thesis. Islamic Family Law Department, Sharia Faculty, Maulana Malik Ibrahim State Islamic University, Malang. Advisor: Dr. Hj. Mufidah CH, M. Ag.

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The Act No. 1 of 1974 About Marriage is the highest rules used as the guidelines in marriage in Indonesia, but in certain points, it is contend with the article 31 subsection (1) of the Constitution; article 26 of the Act No. 35 of 2014 on the protection of the child; and article 129, subsection (2) of the Act No. 37 of 2009 about health. These three regulations agree that right of education is a fundamental right which must be protected without exception. However, the age limit of marriage in article 7 subsection (1) of the Act about marriage is contrary to the Constitution for it has been the cornerstone and the legal basis to the justification of child marriage whom has not yet reached the age of 16 (sixteen).

The research objective focus on investigating the limits of maturity specified in the Act No. 1 of 1974 about marriage which has been enforced since 41 years ago. Ideally, since it has been in force for 41 years, most of the content of the regulation has been well-understood by the public. But in some ways the laws need to be revised immediately because it is considered out of date and in some ways is judged inappropriate with current conditions.

This research is considered as a normative legal research using the statute approach. The data used is the primary, secondary, and tertiary legal materials. The method of collecting the legal materials is conducted by collecting the determination of legal materials and the study of legal materials.

The result of this research shows that marriage as contained in the Act No. 1 of 1974 is a very sacred thing and should not be done haphazardly because the person in concerned needs not only physically maturity but also psychological maturity. In other words, the purpose of marriage is to realize harmonious family (*mawaddah wa Rahmah* and *maslahah*). On the other side, this purpose should not ignore the rights of citizens, especially the right of education guaranteed in the Constitution, exactly Article 31, subsection (1) which states that every citizen has the right to get a proper education. Thus, there must be equality among those regulations. Besides, as stated in the preamble of the Constitution, the guaranty of education for females must be fulfilled and protected by the government, as a form of guaranty of basic rights, for the purpose of educational is to raise the pride and the dignity of human being.