

## Legal Dialectics: Age Limits for Marriage and Political Rights in Indonesia

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### Abstract

**Introduction:** This study aimed to examine the legal dialectic over the age limit for marriage and political rights in Indonesia. It was promoted by a new marriage regulation stipulating the minimum age of nineteen years for men and women. This regulation correlates with the rules containing the minimum age limit, necessitating a further discussion.

**Objective:** Previous studies on the minimum age limit did not focus on the law dialectic.

**Methodology:** There are contradictions between the normative method of law and the idea of legal dialectics. The conclusions were drawn inductively.

**Findings:** There are inequalities in several laws and regulations over the minimum age. The legal products, including a minimum age, are specific to certain laws and actions. The marriage dispensation has broken through higher laws, significantly impacting political rights. Therefore, positive law that ideally becomes a thesis turns into an antithesis due to the dispensation.

**Paper Type:** Research Article

**Keywords:** Thesis; Antithesis; Dispensation; Minimum age

### Introduction

On October 14, 2019, Indonesia issued Law No. 16 of 2019, amending Law No. 1 of 1971, concerning the minimum marriage age limit for men and women. As a dialectic, the Court's decision avoids discrimination on the marriage age limit (No. 22/PUU/UU-XV/2017) (Lasmadi et al., 2020; Nurohman, 2019). In this case, the views of the community, legal experts, and Islamic jurists are the antithesis of the legal thesis (Fentiningrum, 2017; Suyahmo, 2007). However, the age limit does not solve problems because many marriages outside the state provisions are the antithesis (Setiawan et al., 2010).



The minimum marriage age of nineteen years for men and women is a synthesis and a new thesis, while those under eighteen are considered children (Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection). This is the impact of feminism development in Indonesia (Mustika, 2016). In politics, the minimum limit aims to select seventeen years or those married (Law No. 7 of 2017 concerning General Elections). Differences in the minimum limit, marriage, children, and different political rights place age as a thesis. Additionally, marriage, children, and political rights are a synthesis.

Various studies have examined the dialectic of the minimum age for marriage, Law No. 1 of 1974 concerning Representatives. After enacting Law No. 16 of 2019, Siti Qomariatul Waqiah examined underage women, compared the previous marriage age limit, and found a gap regarding dispensation (Waqiah, 2019). Similarly, Saffira Wahyu Septina found that increasing the age limit has been ineffective in the Pacitan area (Septiana, 2020). In West Nusa Tenggara, the marriage age limit of nineteen years for men and women has not suppressed the cases of early marriages (Karyati et al., 2019). Also, another weakness relates to unregistered marriages unresolved within the minimum age (Arista, 2020).

Islamic law studies show comparisons between the marriage minimum age with the Compilation of Islamic Law and the Court's Decision, as seen from Maqasid Al-'Usrah's view (Nurcholis, 2019). Before the Court's Decision, Wardah Nuroniyah examined the renewal of Islamic law constructed with *ushul fiqh* in the Compilation of Islamic Law (Nuroniyah, 2016). Muklis' study becomes a source of law through Article 29 paragraph (1), (2) of the 1945 Constitution (Mukhlis, 2019). Additionally, Bani Syarif Maula criticized marriage, stating that the age difference is discrimination (Maula, 2019).

Ana examined the impact of early marriage and showed an annual increase (Muntamah et al., 2019). This means that Indonesia needs legal reform of marriage regulations with various pros and cons in society (Yunanto, 2018). The minimum limit for marriage is inseparable from children, which form part of the life cycle that includes adults and elders (Jannah et al., 2017). In Indonesia, children's age is not a benchmark but a sign in making decisions. Also, it is proven that there is still a marriage dispensation (Afrizal, 2019).

In Makassar, marriage dispensation is given when the woman is pregnant (Nurhidayah, 2019). According to Zulfiani, underage marriage has a close relationship between children and adults, as seen in the social environment and the family's economic condition (Zulfiani, 2017; Dewi et al., 2021). Studies show that the minimum marriage age creates differences or lacks a clear agreement from an Islamic law perspective.

Muhammad Iqbal Juliansyahzen conducted a dialectic between Islamic and customary laws by focusing on the *lelarian* marriage tradition in East Lampung

(Juliansyahzen, 2019). Similarly, Salman Luthan performed a dialectic between law and morals in the philosophy of law. The study examined the moral function of law and the law's function on morals (Luthan, 2012). However, no study has conducted dialectics regarding changes in the minimum age for marriage and voting in politics.

There are contradictions in the thesis, antithesis, and synthesis, regarding the age limit as a thesis. Therefore, this study aimed to discuss how the minimum age limit contradicts the thesis and create a harmonization using a dialectic of contradictions.

### **Methodology**

An appropriate method is required to examine legal dialectics to understand changes in Indonesia's minimum age limit for marriage, children, and political rights. The method would reconcile conflicts and compromise the opposing situations in marriage, children, and political rights (Muslim, 2016). Therefore, this study used Hegel's dialectic to describe the object and the existing contradictions. It is a normative legal study that examined the laws and regulations concerning the minimum age for marriage, children, and political rights. The study used secondary data from library materials and the relevant literature points (Sonata, 2015).

The qualitative approach was selected to describe the library materials relevant to legal dialectic, the minimum age for marriage, and voting (Sarip et al., 2020). Literature materials were obtained from books, journals, and previous studies. Additional data came from independent observations on new regulations regarding marriage age, children, and political rights.

Data were collected by identifying themes or discourses in the literature, while other information regarding legal dialectic was obtained through discussions with colleagues (Sarip et al., 2019). The data were processed through several steps. First, descriptive analysis was conducted to map data in various literature related to legal dialectics and the minimum age for marriage and voting. The mapping was based on Islamic and national laws through discussions with colleagues. Second, content analysis was performed on sources from literature books, online and print magazines, as well as thought and field research journals. The resulting data helped reveal the background, time, and aspects. The next step was compiling or making an argument following the study focus (Sa'adah et al., 2019).

The conclusions were drawn from the facts inductively, starting from the literature analyzed, the phenomena obtained, and the legal foundations (Ibrahim, 2008). A qualitative juridical analysis was conducted simultaneously by sorting data from the literature, including the arguments in the previous study. The analysis stages included data reduction, presentation, and concluding legal dialectics on the minimum age for marriage, children, and voting.

## Results and Discussion

### **Legal Dialectic**

The resulting dialectics positioned the thesis as absolute idealism (Johan G. Fichte) (Sitorus, 2017) and as the antithesis (Suyahmo, 2007). Idealism relies on nature as an expression of thoughts. In this case, the idea is the world's content, and the nature of matter is explained through the soul (Rusdi, 2013). According to doctrinal idealism, the form of everything is only understood in its dependence on the mind and spirit (McCarney, 2000) (Luthan, 2012). Etymologically, idealism is rooted in the word idea present in the soul or mind (Rusdi, 2013). The spirit's freedom is seen through Hegel's dialectical nature, with the three thesis, antithesis, and synthesis phases (Andriyanto, 2020). In the thesis phase, the spirit reacts by externalizing it into an antithesis. Dialectic is present between the historical reality of the thesis and the antithesis to get the synthesis (Andriyanto, 2020).

Dialectics means dialogue, discussion, or debate to refute the opponent's arguments. They could also result in contradictions, dilemmas, or paradoxes (Muslim, 2016). The Indonesian Dictionary defines dialectics in two ways as follows:

1. Things related to language, and reasoning, where dialogue is a way of investigating problems.
2. Related to the main teachings of Hegel, or the result of a conflict between a thesis and an antithesis, resulting in a synthesis (Departemen Pendidikan dan kebudayaan, 2020).

Two things are contradicted and reconciled, commonly known as the thesis (Law No. 1 of 1974 concerning Marriage, regarding the minimum limit for marriage). The antithesis implies differences of opinion in society, while the synthesis shows contradictions in Law No. 1 of 1974 on marriage limit) (Muslim, 2016)(Sunarto, 2015). Dialectically, it implies a new rule that replaces the old rule as a new thesis, resulting from theses, antithesis, synthesis, and back to the thesis. Hegel's opinion focused on the relationship between reality and personality as a self-actualization instrument inseparable from morality (Khair & Hashim, 2020).

Satjipto Rahardjo quoted Curzon about everything related to the law, where its boundaries cannot be determined, a phenomenon called jurisprudence (Rahardjo, 2000). This statement places law as a science embodying certain values, approaching Hegel's idealistic dialectical thinking (Samekto, 2019). Therefore, there is a close relationship between the dialectical view and the nature of the law, which requires assistance from other sciences (Rahardjo, 2010). In this case, legal products need to be considered abstract norms that become a tool to regulate society (Rahardjo, 2000).

Dialectics is a scientific dialogue related to the law on an idealistic level. In this paper, legal dialectics discussed common sense concerning legal products that undergo phases to provide justice. This is because a legal product would be considered a thesis, confronted with an antithesis, and produce a synthesis that becomes a thesis again. It

is problematic to place the minimum age for marriage due to a new thesis when determining the minimum age to vote in Indonesia's politics. Both are placed as a thesis and are confronted with the antithesis to obtain a synthesis before becoming an ideal thesis idea.

A tangible historical legal development is the formation of various laws and regulations (Rahardjo, 2010). This era, known as codification politics, had implications for learning and mastering law (Gilissen & Gorle, 2005). The codification produced the perception of law as mere statutory regulations disconnected from moral values. Dialectics in writing involves communicating positive law, legislation, or codification as a thesis and avoiding the perception of legal science identical with analytical jurisprudence or *rechtsdogmatiek*.

### **Minimum Age Limit and Maturation Consequences based on Positive Law**

The minimum age limit for marriage is a *lex specialis* applied in Indonesian legislation. The differences do not generalize in the *lex specialis* rules but provide consequences for positive law. In this case, maturation means the process, method, or act of becoming an adult (Sumantri et al., 1985). For instance, maturation activities in school organizations make the students adults and may teach or provide material related to other organizations or activities. The word maturity has the root word mature, meaning not children or until a certain age (Departemen Pendidikan dan kebudayaan, 2020). When maturation involves becoming an adult, it indicates a consequence of a person's rights and obligations.

The minimum age limit is closely related to the words children, adults, rights, and obligations of a person as a legal subject. The adult age in each country ranges from 16, 17, 18, 19, 20, 21, and 25 years for marriage and is an administrative requirement to take legal action (Nursaiful, 2014), (Nurkholis, 2017). This supports C.F. Strong's thoughts that the adult age is adjusted to the positive law of each country (Strong, 2015). Based on concrete evidence, each country has a different maturity age, as stated in the positive law.

Indonesia has different conditions regarding the age limit for maturity in positive, religious, and customary laws. For instance, Law No. 1 of 1974 concerning Marriage states that the adult age is 19 and 16 years for men and women, respectively. It was amended by Law No. 16 of 2019 regarding marriage, where the adult age for men and women should be 19 years. Therefore, the existence of a thesis is faced with an antithesis, leading to a synthesis. The synthesis that became a thesis in 2019 is inseparable from harmonization with the age of children, which is under 18 years (Law No. 35 of 2014, which amended Law No. 23 of 2002).

Legal regulations on marriage set an adult age of 19 years, while regulations relating to children provide a limit under 18 years. Political rights are different, where a person must reach 17 years, be married, or have been married to cast votes in general elections (Law Number 7 of 2017 concerning General Elections). In employment,



people under 18 are considered immature (Law Number 13 of 2003). Despite age differences, all four have experienced maturation through positive law. As a consequence of legal maturity, all grown-up people have equal rights and obligations according to the law that matures them.

In religious law, maturity is determined by age and physical or non-physical signs (Wafa, 2017). Maturity has different standards depending on whose opinion it follows, where Islam usually uses the word *baligh* (Nurkholis, 2017). This means a condition that diverts a person from childhood to the mature phase. The transitional phase is marked by the appearance of physical signs, such as wet dreams for men and women, pregnancy, and menstruation for women. However, age becomes the benchmark in case these signs do not appear. Age standards in Islam are different, where a mature age of 15 years for men and women was set by Imam Syafi'i, Abu Yusuf, and Muhammad bin Hasan (Wafa, 2017).

Syafi'i, Abu Yusuf, and Muhammad bin Hasan have different opinions from Abu Hanifah, where men mature at 19 years while women mature at 17 (Yusuf, 2020) (Fentiningrum, 2017). Imam Malik has a view on determining the maturity of 18 years for men and women (Yusuf, 2020). According to Imam Hambali, the mature limit for men and women is 15 years. These opinions signify differences in the maturity age from the Islamic perspective, and the practice depends on whose opinion is followed. The mature age limit for a person is appropriate for marriage in every country.

There are active and passive laws from the social perspective. Passive laws show how they adapt to society, while the active nature is seen from their role in driving community change (Rahardjo, 2010). The existing nature places the law as a tool to change social perceptions (Ali, 2002). The laws used as a means of change in the modern era could generally be written laws gaining legitimacy from the competent authority. In this case, the competent authority is an institution mandated to make legal rules.

Modern written law could be codified, coercive, binding legislation or jurisprudence regulating human and societal relations. Restrictions on the age of marriage, children, and political rights are not coercive and binding but only create social order (Hairi, 2016). In this case, a dialectic is a form of discussing the numbers and finding the legal nature of the existing rules (Atmadja, 1978). The minimum age in numbers leads to a form of maturity and gains legitimacy from positive law. In these circumstances, the agenda is left behind, and the law is stuck in the numbers, weakening its nature.

### **Political Right to Vote for Children in Indonesia**

The minimum age situation applies to marriage, children, and political rights as Indonesian citizens. The gap between the age of children and a minimum marriage is a small part of the human life cycle on earth (Jannah et al., 2017). The situation is increasingly contradictory concerning the minimum right to vote in Indonesia. It is a contradiction between two opposite things (Departemen Pendidikan dan

[kebudayaan, 2020](#)) occurring at the minimum limit but may also involve the load ([Atabik, 2015](#)). In Indonesia, the age for children, marriage, and political rights contradicts the boundaries of children and the mature.

Stanley revealed that elites often wrongly use social psychology resources known as 'legitimacy of identity protection' ([Srinivasan, 2016](#)) ([Sarip, 2018](#)). However, this could threaten and not protect itself, a situation called 'persuasion propaganda' by Allen Wood. The elite hopes that persuasion propaganda could find justice because it strengthens attitudes and emotions, though it results in rejection (Wood, 2016: 382). In Indonesia, people at the minimum age are categorized as children, but they are matured by law, propaganda used by the political elite.

A unique practice in Indonesia is the prohibition of demonstrations by high school students or the equivalent because they are recognized as children by the legal system ([Parchomiuk, 2017](#)). However, the state has mistakenly guarded power and closed rights that coexist with obligations ([Nur Rahman, 2020](#)). This situation was considered by Stanislav and Alina a market-centered corruption, especially in analyzing previous Western or contemporary non-Western societies. In these societies, the norms defining public officials are not sufficiently regulated ([Shenfeldt, 2019](#)).

The third amendment of the 1945 Constitution, Article 22E, indicates no minimum age limit for voters in general elections. However, Article 22E Paragraph (6) mandates that there must be an organic law on general elections. It relies on Law Number 7 of 2017 concerning General Elections directly mandated by the 1945 Constitution. As an organic law, it stipulates the minimum age to vote in general elections in Indonesia.

Voters compliant with legal provisions are considered mature and must be equated as subjects of general election law. Theoretically, the specific form has the political right to vote and applies unilaterally when it does not reflect equality legislation. People aged 17 have rights and responsibilities under general election norms to express their opinions following the rules applicable in the country ([Kozhokar, 2019](#)). When people are 17 years old, they express their opinions through demonstrations without contradicting the 1945 Constitution.

The age of 17 years is the minimum requirement for adulthood and is a rule different from the legal rules in Indonesia. Dissatisfaction and anxiety for those that have reached the age of voting were seen in the demonstrations on September 23, 2019. The government implemented 'legitimacy of identity protection' or "persuasion propaganda," prohibiting the demonstrations. This unique government action does not consider legal maturity an argument but is conducted at a child's age.

The justification for being a child or unstable and the 'legitimacy of identity protection' justify those that have reached the age of maturity according to the law. This is carried out to anticipate unexpected actions during demonstrations. The



involvement in demonstrations should not be considered political but must be viewed from a legal perspective, indicating no conflict of law (Kozhokar, 2019). The conflict of law does not protect the rights and interests of individuals or regulate personal or individual problems.

Thomas Hobbes stated that the involvement of high school or equivalent students in demonstrations embodies a special society and is a model for overseeing general provisions (Adam, 2019). The opinion is based on the natural spiritual value of humans driven by models and has the equality that creates enthusiasm and a spirit that breeds hope. In the natural state, humans have a spirit of freedom (Adam, 2019). The involvement of high school or equivalent students in demonstrations is between the positive legal maturity model and the pinnacle of justice. Age could be considered a thesis, and the mature age inequalities in the law form the antithesis that creates a synthesis of the ideal limits of adulthood.

### **Contradictory Minimum Age Limits for Adulthood and Maturity in Indonesia**

The legal contradictions in Indonesia are reflected in several regulations regarding the minimum age for general elections. This is illustrated in the following table:

**Table 1.** Differences in Adult Age in Indonesia

No	Law	Reads	Age
1	Law No. 3 of 1997 concerning Juvenile Justice, Article 1 (2)	A child has not yet reached 18 years and has never been married.	-18 and under and have never been married
2	Law No. 11 of 2012, concerning the Juvenile Justice System Article 1 Number 3, replacing Law Number 3 of 1997	A child in conflict with the law, referred to as a child, is 12 years old but not yet 18 years old and is suspected of committing a crime.	- 18 (less than 18 years and has reached 12 years)
3	Law No. 23 of 2002 concerning Child Protection Article 1 Number 1	Children are people not yet 18 years old, including those still in the womb.	-18 (less than 18 years old until in the womb with a record of being born alive)
5	Law No. 13 of 2003 concerning Manpower, Article 1 Number 18	The child is any person under 18 years.	-18 (less than eighteen years).
6	Law No. 12 of 2006 concerning Citizenship of the Republic of Indonesia Article 9	Letter a: A citizenship application is submitted when it meets the following requirements: a. Is 18 years old or married.	+18 years or married.



7	Law No. 7 of 2017 concerning General Elections Article 1 Number 34	Voters are Indonesian citizens aged 17 or more are married or have been married.	= 17 (seventeen years and have been married).
8	Law No. 16 of 2019, Amendment to Law No. 1 of 1974 concerning Marriage	Article 7 paragraph (1) reads: Marriage is only permitted when a man and a woman have reached 19 years.	= 19 (nineteen years and over).
9	Compilation of Islamic Law Article 98 paragraph (1)	The age limit for a child able to stand alone or as an adult is 21 years, provided the child is not physically or mentally disabled or has never been married.	21 (twenty-one years of full maturity)
10	Article 330 of the Civil Code	Minors are those under 21 years and are married.	Adults must be 21 or older and have been married.
11	Article 45 of the Criminal Code	In the case of prosecuting a minor for committing an act before 16 years old.	Adults after reaching the age of 16 years.

Based on Law No. 3 of 1997, people are still children when they are less than 18 years old but have reached eight years. Law No. 11 of 2012 emphasizes children aged 12 without mentioning whether they are married or have been married to prevent discrimination ([Rahmat et al., 2014](#)). However, a victim's age is only determined as less than 18 years, while the minimum limit is assumed since birth (Law No. 11 of 2012) ([Muhammad, 2000](#)). Children must get the widest opportunity to develop optimally, mentally, and socially ([Sudarwin, 2020](#)).

People are considered children when they are aged below 18 years, even by one day less. This situation is important when considering the occurrence time of a criminal case concerning the judicial institution with the right to adjudicate a case between a general court or juvenile justice. For instance, when the act is committed by a person one day less to attain 18 years, the case is handled by the juvenile justice. It means the maturity that has gained the legitimacy of Law No. 3 of 1997 was replaced by Law No. 11 of 2012. This helps sort out cases regarding the time or date of the incident in terms of the child's age ([Sahetapy, 2020](#)).

Law No. 23 of 2002 also states that a child is someone aged less than 18 years. This supports Law No. 13 of 2003, which protects people under 18 years from employment. Therefore, the four laws show that the maximum age for children is 18 years. Law No. 12 of 2006 states that a person aged 18 is eligible to apply for citizenship. In Indonesia, one becomes a citizen after reaching 18 years, is married, or has been married. Law No. 16 of 2019 states that the age for marriage is 19 years for men and women. Other exceptions concerning adults, marriage, and certainly with the existence of Law No. 11 of 2012, do not apply to marriage dispensation when faced with criminal cases.



The exceptions to the marriage dispensation create automatic maturity for those non-compliant with the adult requirements set by Indonesian law, except in criminal cases. The marriage dispensation places those married as workers with equal rights and obligations as adults, as stipulated in the labor law. In administrative law, people could apply for citizenship because they are considered mature by the marriage dispensation. This is similar to Law No. 7 of 2017, where a marriage dispensation allows people to become adults beyond the age limit regulated in the election laws.

A contradiction in Law No. 7 of 2017 occurs when students attain 17 years old while unable to carry out their rights and obligations. This phenomenon could be seen in the demonstration prohibition for students, though they were considered adults by law. The judicial review regarding voter age was rejected by the Constitutional Court ([Lukmansyah, 2020](#)) (Constitutional Court's Decision No. 75/PUU-XVII/2019). The minimum age limit acts as a thesis but creates an antithesis in the form of a demonstration prohibition in case of unbalanced practices. Also, the limit seems to be politicized with theses in the law outside the election rules.

Physical and spiritual, as well as full maturity refers to the Compilation of Islamic Law and the Civil Code, which states that the full adult limit is when a person reaches 21 years. Those married, have been married, or are about to get married experience no obstacles because they are full-fledged adults. However, there are exceptions regarding a person's psychological or mental state. It is different based on the Criminal Code that prosecution is only carried out when a person reaches 16 years, a situation ruled out by Law No. 11 of 2012.

The contradictions in the legal regulations regarding marriage, child limits, and political rights show that Indonesian law is not ideal. Hegel's concepts of thesis, antithesis, and synthesis create a new thesis or spirit. This spirit externalizes reality as an antithesis and is brought back to a synthesis that creates a new thesis. Studies on age in Indonesian law usually determine the legal product as a thesis applied in reality as the antithesis, creating a new thesis. In contrast, the legal product has the antithesis position, while the thesis is a minimum age. The synthesis must be carried out through the dialectic of the law to harmonize rights and obligations. Therefore, the dispensation rules must be tightened when they interfere with national law.

### **Legal Dialectics Towards Harmonization of Rights and Obligations**

The thesis does not lie in the legal product regarding the minimum age, but the thesis itself is the minimum age. The antithesis of the legal product regarding minimum age limits is contradictory. The thesis is the minimum age, while the antithesis is Law No. 3 of 1997 concerning Juvenile Justice. This law was amended by Law No. 11 of 2012 concerning the Juvenile Justice System, Law No. 23 of 2002 concerning Child Protection, Law No. 13 of 2003 concerning Manpower, Law No. 12 of 2006 concerning Citizenship of Indonesia, Law No. 7 of 2017 concerning General Elections, and Law No. 16 of 2019 concerning Changes to Law No. 1 of 1974 concerning Marriage.

The dialectic between the minimum age and legislation in direct contact with the minimum limit harmonizes a person's rights and obligations. Dialectics is a communication between the minimum age and different positive legal regulations. The history of determining legal products, which later became positive laws such as the age limit for marriage, children, and political rules, went through a dialectical process to produce the rules intended as theses. However, the reality shows otherwise when a thesis or the legal products are faced with a minimum age, becoming the antithesis. The legal product makers expect to become a thesis on existing phenomena constrained by a marriage dispensation.

The marriage dispensation turns the thesis into the antithesis. The age dispensation has led the makers' products towards the antithesis and no longer a thesis. This situation denies the simultaneous coercive and binding natures of the law. The loss of coercion is seen in the case of maturity carried out by legal products at the specified age limit negotiable by dispensation. Furthermore, the binding power is lost, meaning what has been matured by legal products cannot create a marriage dispensation. Almost all legal products that include a minimum age lose their coercive and binding powers when faced with the dispensation.

Islamic jurists have a significant role in creating dispensation in Indonesia. This means that people use the standard opinions of Islamic jurists to conduct marriages, where the state must include dispensation in its rules. However, legal expert opinions regarding laws and regulations are less accurate, including those of the Indonesian Ulema Council, whose influence is unwittingly extraordinary (Sarip et al., 2019). Harmonization must also be considered when forming laws and regulations that include age limits.

Contradictions are born when the state is faced with the word students matured by election or political regulations. The prohibition of demonstrations because students are considered children is castration by legal products that do not keep their promises (Sarip, 2019b). The demonstrating students had attained 17 years, meaning they had been matured by Law No. 7 of 2017. Therefore, the state commits a constitutional offense by prohibiting matured students from demonstrating (Sarip, 2019a). The dispensation does not apply in criminal cases, as seen in Law No. 11 of 2012, which does not specify the married and unmarried. As a result, this juvenile justice does not override the dispensation applicable to legal products outside of the crime.

Ideally, the legal product is a thesis positioned as an antithesis, requiring harmonization through a legal dialectic. Since harmonization is necessary, the legal rules do not overlap but are expected to protect human rights and obligations. Harmonization based on the legal dialectic creates a synthesis as a question of the contradiction between thesis and antithesis in Indonesian legislation. It is a legal necessity when contradictions are born from the legal product. Civil and criminal



cases show differences that necessitate harmonization regarding adult age in marriage and other fields, especially in political rights in Indonesia.

### Conclusion

The legal dialectic regarding the minimum age for marriage and the political rules for voting in Indonesia is a way to harmonize the thesis and antithesis. There are inconsistencies in the laws and regulations or legal products in determining the minimum age for marriage, children, and political rights. These contradictions are created by unequal boundaries in the legal product, such as in the citizenship and voter rules, as well as employment and criminal regulations. Furthermore, there are contradictions between positive legal regulations due to marriage dispensation, except in criminal law. In this case, a dispensation is applied, and legal dialectics conflict when placing legal products as antitheses and not a thesis, as expected by lawmakers. Consequently, this difference becomes a social polemic that needs further study.

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