

GUARANTEEING THE RIGHT TO VOTE FOR INDIVIDUALS WHO MARRY UNDERAGE IN THE PERSPECTIVE OF THE CONSTITUTION

(Lex Principle Approach Specialist Derogat Legi Genrali and Homo Sacer Theory Giorgio Agamben)

Agus Dedi Putrawan

Universitas Islam Negeri Mataram
agusdedipurawan@gmail.com

Muhamad Andrean

Universitas Islam Negeri Mataram
andreanabcd@gmail.com

Ahmad Saleh Tabibuddin

Universitas Mataram
ahtabibuddin@gmail.com

Fauzi

Universitas Mataram
fauziaries100@gmail.com

Abstract

*This study aims to analyze the guarantee of the right to vote for individuals who marry underage from a constitutional perspective with the principle of *lex specialis derogat legi generali* approach. Normative conflicts occur between the Election Law, the Child Protection Law, the Marriage Law, and the Civil Registration Law. Based on this principle, special laws (*lex specialis*) can override general laws (*lex generalis*). Thus, married minors should be able to exercise their right to vote because the Election Law is special in the implementation of elections. This study uses the *homo sacer* theory of Giorgio Agamben. In this theory, individuals under the age of 17 who marry are considered "human beings without protection" because they do not acquire constitutional rights. They are abandoned by the state even though they are still recognized as part of*



the state. Agamben called Homo Sacer a group that lost its political rights but remained an object of power without legal protection. This study uses a qualitative method, collecting primary data through interviews and secondary data from documentation. Data analysis was carried out with an interactive model: collection, reduction, presentation of data, and drawing conclusions. The results of the study show that individuals who marry underage do not get the right to vote because the state fails to resolve the conflict of norms. This condition causes them to slip into the "identity vacuum" as homo sacer, abandoned due to the state's inability to maintain sovereignty and protect the constitutional rights of its citizens.

Keywords: *Voting Rights, Underage Marriage, Homo Sacer, Legal Principles, Election Law*

A. Introduction

Indonesia is a country that adheres to the state of law system. Guaranteeing every citizen's political or voting rights or the sovereignty of citizens as enshrined in Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia: sovereignty is in the hands of the people. It is exercised in accordance with the applicable Constitution. Etymologically, the term democracy comes from the Greek demos, which means people, and Kratos means power. Therefore, democracy can be interpreted as the power that the people have. (Rosana, n.d. 2016) People's sovereignty is the basis of democracy, which means that people can participate in decision-making related to the common good either directly or through democratically elected representatives. (Kodiyat, 2019) In Indonesia,



this is not only a political process; democracy is also related to implementing civil rights and individual freedoms, such as freedom of speech, assembly, and religion. (Adiwilaga R, 2018) (Adiwilaga R, 2018)(Radis Bastian, 2015)

Rights are the most important part of a democratic system that guarantees that everyone has the opportunity to participate fairly and actively in government.(Jayadi,et al., n.d.2023) Human rights instruments such as the Universal Declaration of Human Rights include civil, political, economic, social, and cultural rights recognized nationally and internationally. The Universal Declaration of Human Rights also states that everyone has the right to participate in the state's government, either directly or through elected representatives. In the Indonesian context, political rights are part of the human rights recognized and guaranteed by the constitution and Law No. 7 of 2017 concerning general elections.(Miriam Budiardjo, 2003) As stated in Article 43 of the International Covenant on Civil and Political Rights, ratified by Law No. 12 of 2005, the right to vote, or the right to vote, is the most important political right in democracy because it provides an opportunity for every eligible citizen to elect representatives and leaders of the country. Voting rights allow citizens to participate in determining government policies, which directly impact their lives.

In the Indonesian legal system, various laws regulate voting rights to increase public participation in the general election process in Indonesia. According to article 198, paragraph (1), it is stated that "Indonesian citizens who are 17 (seventeen) years old or older on the



day of the ballot collection, are married, or have been married have the right to vote" Law No. 7 of 2017.

The right to vote is considered a political right; most citizens should not sacrifice their rights. This is what happens in cases of underage marriages where the individual is an approved citizen. Still, because the age is under 17, the human rights of toddlers allow for actions prohibited by the Child Protection Act. People who marry underage are often considered mentally unprepared to engage in important political decisions. However, studies show that many early marriages in Indonesia lead to divorce. This is due to the lack of readiness of young couples to overcome domestic problems. It also indicates that they may not be ready to exercise their right to vote properly. (Suhartati Dan Nursanti, n.d.2020) Although Indonesia is very committed to protecting children's rights, there are still many legal issues, especially regarding the voting rights of married children. Although Law No. 35 of 2014 on Child Protection emphasizes that children must be protected from exploitation, children who marry underage are left to engage in politics without adequate protection. (Wijaya n.d.2016)

Voters are defined in Law No. 7 of 2017 concerning Elections as Indonesian citizens who have the right to vote in general elections. Article 198 of the law emphasizes that voters must be at least 17 years old or married, even though they have not reached the age of 17. According to this provision, marital status can give voting rights to individuals who are not of legal age according to the general age standard. This reflects the recognition of married individuals' social



status and civic responsibility, where they are considered old enough to participate in elections. This law gives suffrage to people who marry underage because marital status affects their social role as members of adult society. This arrangement demonstrates efforts for social inclusion during the democratic process and protects the political rights of everyone in a democratic country like Indonesia.

NTB Province simultaneously continues to experience an increase in the number of child marriages (minors) and ranks first in the highest number of child marriages in 2023 at 17.32%, double the national average of 6.92%. In West Lombok, from 2020 to 2023, there is a downward trend in child marriage. Child marriage accounted for 16% of total marriages in 2020, according to data from the Central Statistics Agency (BPS). However, in 2023, this figure gradually decreases to 7%. (BPS, NTB, 2023) Raising public awareness and education plays an important role in this change. However, the problem of cultural norms and economic factors remains. This success reduces early marriage and increases children's access to better education and other rights.

Again, Law No. 7 of 2017 allows individuals who marry under the age of 17 to exercise their right to vote with the mechanism of managing isbat nikah or dispensation from the religious court as a condition to obtain official identity at the Population and Civil Registration Office (Dukcapil). However, there are a number of obstacles in the implementation of voting rights, including logistical barriers, limited access to election information on social media, and the supervisory role of Bawaslu that needs to be improved to ensure



the protection of voting rights for these individuals in West Lombok Regency.

In the context of the right to vote for individuals who are married underage, the conflict is between Article 19 of Law number 7 of 2017 concerning Elections, which states that married minors have the right to vote in elections, while the Population Administration Law requires that an identity card (KTP) can be owned by individuals who are at least 17 years old, while to be recorded as a voter by the General Election Commission (KPU), the main requirement is population identity or ID card.

The conflict between the Election Law (Law No. 7 of 2017) and the Child Protection Law (Law No. 35 of 2014) is in the Election Law Article 198 Paragraph (1) states that Indonesian citizens who on the day of voting are 17 years old or older, married, or have been married have the right to vote while the Child Protection Law Article 26 Paragraph (1) letter c and Article 1 Paragraph (1) states that a child is defined as a person who is not yet 18 years old, including those who are still in the womb. This article has implications for the protection of children who should still be considered minors if they are not yet 18 years old, even though they are married. The Election Law gives the right to vote to children who marry even though they have not reached the age of 17 or 18 years, while the Child Protection Law requires special protection for them because their status as children are psychologically considered not fully mature.



The conflict between the Marriage Law (Law No. 16 of 2019) and the Population Administration Law (Law No. 24 of 2013 concerning Civil Registration), the Marriage Law Article 7 Paragraph (1) states that marriage is only allowed if a man and a woman have reached the age of 19 years while the Population Administration Law Article 63 Paragraph (1) letter states that residents of Indonesian citizens who have been 17 (seventeen) years old or have been married are entitled to have an ID card. A person who is married but has not reached the age of 19 years (according to the Marriage Law), is entitled to have an ID card (based on the Population Administration Law) because of his or her married status. However, this creates administrative and legal ambiguity because the minimum age for marriage is higher than the age required to obtain an ID card (17 years old).

The conflict between the Election Law (Law No. 7 of 2017) and the Population Administration Law (Law No. 24 of 2013), Article 198 Paragraph (1) of the Election Law states that Indonesian citizens who are 17 years old or older, married, or have been married on the day of voting have the right to vote while the Population Administration Law Article 63 Paragraph (1) letter states that Indonesian citizens who have been 17 years old or have been married are entitled to have an ID card. If a person who has been married under the age of 17 wants to exercise their right to vote in the election, then administratively, they are prevented because the ID card is the main requirement to be registered as a voter (based on the Election Law). This creates a clash between recognizing voter rights based on



marital status and the administrative requirements regulated by the Population Administration Law.

The application of the principle of *lex specialis derogat legi generali* in this case shows the importance of progressive interpretation of the law, for example based on the fact that in the context of the implementation of the Election Law No. 7 of 2017 which is the most relevant because it is more specific than other laws, if it does not allow individuals under the age of 17 to be married to exercise their right to vote, then the state represented by the KPU has committed an unconstitutional act. The right to vote is a basic right recognized by the 1945 Constitution and various international instruments, such as the Universal Declaration of Human Rights. Therefore, administrative rules that hinder the exercise of this right should be adjusted or ignored in order to guarantee individual voting rights. In this case, the interpretation of the *lex specialis* principle is not only a formal legal matter, but also reflects a commitment to protecting human rights.

Research conducted by several Indonesian legal academics shows that the application of the *lex specialis* principle often faces challenges in practice, especially due to the lack of understanding and alignment between the various institutions involved in the implementation of elections. One relevant example is how the KPU is often stuck in a formal legal approach that prioritizes administrative requirements, without considering the substantive aspects of the right to vote. For example, Ida Ayu Sintya Wulandari, I Wayan Rideng, and Luh Putu Suryani from Warmadewa University in an article



entitled "Criminal Sanctions in Election Crimes related to the Principle of *Lex Specialis Derogate Legi Generali*" (2022), discuss the regulation and sanctions in election crimes related to the application of the principle of *lex specialist derogat legi generali* or Yuzon Sutrirubiyanto Nova from Pamulang University. The journal "Leave Rights of Incumbent Presidential Candidates After the Judicial Review Decision of Law Number 7 of 2017 concerning General Elections" (2022) examines the application of the *lex specialis* principle in the context of leave rights for incumbent presidential candidates. The relevance is that this principle can be used to give priority to special norms of the Election Law in order to guarantee their voting rights. However, like the author's experience in the 2024 General Election and Regional Elections, its implementation is hampered by rigid administrative procedures by the KPU General Election Commission)

Giorgio Agamben's *homo sacer* theory is used in this study because the position of individuals under 17 years old who have been married does not have constitutional rights because they experience neglect and neglect, which in Agamben's view is referred to as a human being without protection abandoned by the state but on the other hand recognized as part of the state. Furthermore, Agamben stated that *Homo Sacer* is a person or group who is excluded from his political rights even though he is still in a relationship with sovereign power, because he remains an object for power that allows his life without legal protection.



Legal journals in Indonesia that discuss Agamben's theory often associate it with the concepts of sovereignty and exclusion in the modern legal system. The journal entitled "A Critical Analysis of the Potential for the Emergence of the Homo Sacer Phenomenon in the Absence of Time Limits in the Investigation Process" by Andini Ayu Pangestu (2019), for example, examines how the absence of time limits in the investigation process can create a situation where certain individuals are not fully protected by the law, even though they are within the jurisdiction of the law. In the context of individuals who marry underage, this situation is created because of the inconsistency between substantive legal norms and procedural administrative norms. Rizki Dwi Agus also conveyed the same thing in his journal entitled "State Sovereignty and the Subject of Homo Sacer in The Pianist Film Based on the Perspective of Giorgio Agamben (2019)." Rizki analyzes how the concept of homo sacer is used to understand the position of excluded individuals in the context of state sovereignty, with a case study on the film *The Pianist*, a film set in Poland with the Polish Jewish community experiencing homo sacer and being treated arbitrarily by Nazi Germany.

With a qualitative approach, this study collects data from two sources: primary data through interviews with related parties and secondary data from documentation. Data analysis techniques use interactive models, including data collection, data reduction, data presentation, and conclusion drawn.

Furthermore, this research was conducted to find out how Law No. 7 of 2017 grants voting rights to individuals who marry underage,



including administrative processes and legal mechanisms that support its implementation, as well as various administrative, social, cultural, and geographical obstacles faced by individuals who marry underage in exercising their voting rights in West Lombok Regency.

The main focus of the research is to understand how Law No. 7 of 2017 concerning Elections does not accommodate the right to vote for underage married individuals by identifying the obstacles they face in the implementation of voting rights in West Lombok Regency that lead to the neglect of the right of children under 17 years old.

M . Mujib's research entitled Protection of Citizens' Political Rights in General Elections. (Mujib. M. 2019) Emphasizing the importance of political rights as one of the human rights that the state must protect and recognize. The right to vote is one of the manifestations of political rights owned by Indonesian citizens. This right is guaranteed in the constitution and strengthened by Law No. 7 of 2017 concerning Elections. In this context, the researcher emphasizes how the state protects the right to vote through electoral regulations and constitutional mechanisms that are in accordance with democratic principles but also with some restrictions for the public interest and social stability.

Billy Elanda's research entitled Institutional Relations between Bawaslu and KPU in implementing Elections.(Billy Elanda,2018.) This research emphasizes how important it is to regulate the relationship between the KPU and Bawaslu harmoniously, as well as to develop an ideal concept to reduce



institutional conflicts to organize more efficient, fair, and democratic elections. (Fahmi Islam,M,2017)

Noer Ubaedilla's research entitled *The Persistence of Early Marriage Practices in Mangguan Village, Pasuruan Regency, East Java*. (Noer Ubaedilla.2019) This research is to discover why the tradition of early marriage still exists in Mangguan Village. In addition, this study examines how society maintains the practice, especially through social pressures, hereditary traditions, and economic problems. To study the social interactions that influence the decision to marry early.

Supriadi's research entitled *The Implications of Early Marriage on the Fulfillment of Children's Rights in Padang Sawah Village, Kampar Kiri District, Kampar Regency*. (Supriadi.2020) Supriadi's research discusses various aspects of early marriage, ranging from what causes it, such as promiscuity, media influence, and lack of parental control, to its impact on children's rights, such as education and welfare. In addition, the study investigated how early marriage in Padang Sawah Village is often not officially recorded, even though it is religiously valid, as well as how domestic conflicts can cause children to be physically and emotionally neglected.

Using a qualitative-descriptive approach, Supriadi emphasized how important it is for the public to understand the dangers of early marriage and better prevention efforts. Andini Ayu Pangestu's research was entitled *A Critical Study of the Potential for*



the Emergence of the Homo Sacer Phenomenon in the absence of a time limit in the investigation process. This thesis discusses the potential for the emergence of the homo sacer phenomenon when there is no time limit for the investigation process. Another goal is to find out the ideal conditions for the problem of the emergence of homo sacer in the investigation process. The journal is titled State Sovereignty and the Subject of Homo Sacer in The Pianist Film Based on the Perspective of Giorgio Agamben, a study that aims to analyze the film The Pianist, directed by Roman Polanski in 2002. The analysis was carried out based on the viewpoint of political philosophy put forward by Giorgio Agamben.

The analysis in this study is about the social conditions during the invasion of Poland by totalitarian Nazi Germany in 1939 which is visualized in the film The Pianist. The social conditions in question include the human rights of civil society, which becomes a problem for Poland if it is protected or not protected, and groups that are homo sacer during the invasion. The results showed that Poland was outside the law or suspended the law to protect itself from the invasion of Nazi Germany. Therefore, Poland does not fulfill its authority to provide security, justice, and social services, especially to homosexual groups.

The groups that are homo sacer in this regard are Polish Jews. Polish Jewish groups experience suspension and discrimination against their citizenship rights. The suspension and discrimination were the impact of Poland's extrajudicial authority to protect the country's sovereignty over the invasion of Nazi Germany. Journal of



Agamben's Political Philosophy Theory in Literary Works: Bare Life and Homo Sacer by Damay Rahmawati and Ecclesia Sulistyowati This research presents Agamben's socio-political ideas and theories around state sovereignty and human rights to provide views and comparisons in relation to theories in the social sciences and literature. Agamben is one of the philosophers who emerged in the modern era, whose thoughts are related to the great philosophers of his predecessors, such as Michel Foucault and Hannah Arendt, also discussed in this study.

Therefore, this study also presents the relationship between the concepts of their thinking and the political concept of Agamben applied in literary criticism articles. Based on the data obtained through literature studies, it was found that the depiction of the terms bare life and homo sacer is Agamben's view of human quality as an individual.

Agamben shows that state sovereignty can change the status of human beings without human rights or political rights under their rule, which can also be found in several literary works discussed in literary criticism articles. Yuzon Sutrirubiyanto Nova Journal with the title The Right to Leave of Incumbent Presidential Candidates After the Judicial Review Decision of Law Number 7 of 2017 concerning General Elections (Analysis of the Constitutional Court Decision Number 10/PUU-XVII/2019) This paper examines the Leave Rights of Incumbent Presidential Candidates After the Judicial Review Decision of Law Number 07 of 2017 concerning General Elections (Analysis of the Constitutional Court Decision Number



10/PUU-XVII/2019), The purpose of this study is to find out the considerations taken by judges in issuing the Constitutional Court decision number 10/PUU-XVII/2019 regarding leave to carry out campaigns for the President and/or Vice President who are running for re-election in the Presidential and Vice President elections, as well as to find out how the implementation of campaign leave in Law Number 7 of 2017 concerning General Elections after the issuance of the Constitutional Court Decision Number 10/PUUXVII/2019 Reviewed from the concept of the state of law, legal certainty and justice. The research method used in this study is the normative juridical method or the doctrinal (dogmatic) legal research method.

Then, because this research is comparative research between what is carried out in the present and what is done in the past, in addition to using the normative juridical research method, it also uses a historical research approach (looking at history), added with a legal approach and a conceptual approach as a research method, this study concludes that in the application of campaign leave for presidential candidates who have the status of the incumbent, namely by carrying out leave only during the campaign, after the completion of the campaign, the duties and positions as President are attached again. Therefore clear arrangements and limits are needed regarding state facilities, both allowed and prohibited in carrying out campaign activities.

Journal of Implementation and Legal Consequences of the Application of the Principle of Lex Specialist Derogat Legi Generalis to the Privileges of Aceh by Titis Anindyajati, Winda Wijayanti, and



Intan Permata Putri on the Contestation of the Implementation of the Regional Election Law Nationally or the principle of *lex specialist derogat legi generalis* as a matter of reference to the rules related to the requirements for submitting a dispute application for the Aceh Regional Elections. This research is normative legal research related to the Regional Election Law and the Aceh Qanun regarding the Regional Elections. The crucial problem in the special regulation related to Aceh's privileges is that it does not regulate the threshold conditions so that the principle of *lex specialis derogate legi generali* cannot be used in applying to an election dispute will be contrary to the 1945 Constitution. The Election Law cannot be ruled out as the basis for applying for an Election dispute to the Constitutional Court. This principle can be applied to cases that meet the requirements, so preparing a harmonious law is necessary to form a special judicial body that resolves election disputes.

The ten studies discussed provided information on various aspects related to the *lex specialist derogate legi generali*, homo sacer, the administration of elections with political rights, early marriage, and institutional relations. Still, none of them specifically addressed the protection of voting rights for underage marriages. Billy Elanda's thesis discusses the institutional relationship between the KPU and Bawaslu without paying attention to vulnerable groups, while M. Mujib's thesis emphasizes the importance of protecting political rights as a whole. Muhammad Fahmi Islami's study analyzes the presidential threshold from a human rights perspective but is not directly related to the problem of young married voters.



Noer Ubaedilla's thesis studies the reasons why early marriage continues to occur. Supriadi's thesis discusses the impact of early marriage on children's rights as a whole without prioritizing political rights. Therefore, this study examines how Law No. 7 of 2017 protects the voting rights of underage married people, as well as overcoming challenges and ways to ensure the implementation of their political rights, as well as the five other theses and journals listed above, do not specifically discuss the fulfillment of the constitutional rights of minors and married children in obtaining their voting rights.

B. Method

This research uses a descriptive qualitative approach, which aims to gain a deep understanding of social phenomena that occur in the village government environment, especially in the context of evaluating the performance of village officials in providing public services. The qualitative approach provides space for researchers to capture social realities holistically and contextually, as well as allow for the exploration of perceptions, experiences, and practices carried out by actors in public service.¹

1. Type of Research

The type of research used is a type of qualitative research with a phenomenological approach. Qualitative research is an approach that focuses on thoroughly exploring the phenomena

¹ Lexy J. Moleong, *Qualitative Research Methodology* (Bandung: Remaja Rosdakarya, 2018), 6–10.



experienced by certain individuals or groups.(Somantri, 2005)
In qualitative research, researchers act as the main tool for data collection and seek to thoroughly understand the participants' meanings, perceptions, and perspectives. This method is particularly relevant in social research because it provides the flexibility to explore contexts and nuances that are difficult to achieve with a quantitative approach. (Creswell, 2014)

Phenomenology is a qualitative research approach that aims to understand phenomena' subjective experiences and perceptions, in other words, how people feel, understand, and give meaning to their experiences. (Tumangkeng, 2022) A phenomenological approach seeks factual information and understanding the subject's subjective views and the meaning they provide to their experiences. This method allows researchers to thoroughly investigate how the experience of early marriage affects a person's perception of their suffrage and political involvement. So, the purpose of this study is to gain a broader understanding of the problems faced and to help policymakers make policies that protect the voting rights of this group.

2. Data Source

- a. Primary data is data obtained directly by researchers from several sources or objects to be researched in this study. According to Muhammad Teguh, primary data is also known as original or new data that is always current or up to date. This type of data is mined and collected from primary or original sources and is generally in the form of qualitative data.(Sujarweni,V.W.2014) Which is included in the primary data source in this study and can be directly obtained from people who are married underage, namely Yulia, Abim, Riski, Ansori and Mr. Zulkarnain, a civil servant and the primary data source, of course, from the Commissioner of the West Lombok KPU, Mr. Hamdi, the Commissioner of the West



Lombok Bawaslu, Mr. Samsul Hadi, and an interview with the chairman of the Labuapi PPK, Mr. Ilham.

- b. Secondary data is supporting data or additional data that complements primary data. This data type is not obtained directly by researchers from the primary research subjects or sources. Secondary data serves as complementary data for primary data obtained from sources other than the research subject.(Alir, n.d.) In this study, the secondary data used includes Legislation No. 7 of 2017 concerning elections that regulate voting rights for married or married individuals who are not yet 17 years old, as well as KPU and BAWASLU reports related to the implementation of elections and socialization for this vulnerable group.

3. Data Collection Methods

Some of the data collection methods that will be used in collecting data in this study include:

a. In-Depth Interviews

Interviews will be conducted with the West Lombok KPU Commissioner, West Lombok Bawaslu Commissioner, Chairman of the Labuapi PPK and married minors. Researchers will conduct semi-structured interviews using open-ended interview guidelines to explore respondents' experiences, views, and feelings about their suffrage. Researchers can understand each person's unique experience with this method.(Sukmadinata, 2010) This discussion will involve groups of people with similar backgrounds to discuss the issue of voting rights and child marriage. Allows respondents to share experiences and perspectives with each other, allowing researchers to discover subjects that emerge from group interactions.

b. Observation

In qualitative research, observation aims to understand situations or behaviors in the natural environment without direct intervention from the researcher.(Wijaya et al.,2018) This technique is known as a data collection technique in which researchers directly look at the phenomenon or



behavior of an individual or group in the context being studied. The researcher made observations at the KPU (General Election Commission) office, at the BAWASLU (Election Supervisory Agency) office, and several villages in West Lombok Regency where there were married voters under the age of 17.

c. Documentation

The data collection method, or the documentation technique, involves collecting and analyzing data from various documents related to the research subject. (Achjar, 2023) This document can be in the form of reports, archives, regulations, laws, photos of draft election laws, news, diary, photos, or videos that are directly related to the issue to be studied. Phenomenological research uses documentation as a secondary source of data that helps them understand the context and background of the phenomenon being researched.

4. Data Analysis

a. Data Analysis Techniques

Data analysis techniques are the process of systematically tracking and organizing field records collected from observations, interviews, and other sources to enable researchers to report on the results of their research. Data analysis also includes activities and determining which parts to report on depending on the focus of the research. Using the results of the analysis to gain a better understanding of the experiences of underage married people in relation to voting rights. The results of this analysis are expected to show the difficulties and desires of these individuals in exercising their voting rights. This research focuses on the implementation of Law No. 7 of 2017 on Elections regarding the voting rights of individuals who marry underage and uses qualitative data analysis techniques developed by Miles & Huberman. (Qomaruddin & Sa'diyah, 2024) This method provides researchers with a systematic framework to help reduce data, present data, and draw conclusions.

b. Data Validation Techniques



Data validation is an analysis method used in qualitative research to increase the validity and credibility of data. (Susanto et al., 2024) In this case, it involves using various data sources or data collection methods to ensure that the research results have a high level of accuracy. By validating, researchers compare and confirm findings from different viewpoints or data sources, thereby reducing the possibility of bias, such as interviews, group focuses, and observations, to ensure that the data is credible and accurate. In addition, researchers will also conduct member examinations. This is an opportunity for respondents to review the analysis and interview results to ensure that the researcher's interpretation is correct and in accordance with their experience. Researchers can improve the validity and reliability of research results in this way.

c. Triangulation

Triangulation is a data collection technique that combines various data collection techniques and existing data sources. In this case, the researcher will use triangulation techniques, to test the credibility of the data by checking the data to the same source with different techniques.

In the implementation of this study, the researcher checked data derived from interviews with the Commissioner of the KPU, the Commissioner of Bawaslu, the Chairman of the Labuapi PPK and the chairman of Panwascam and the Lingsar PPK, and voters who were married under the age of 17. Furthermore, the results of the interview were then checked by the researcher with observations and documents obtained during this research period, this aims to find out law No. 7 of 2017 in granting the right to vote to individuals who marry underage. Then, the data that has been obtained is described and categorized, which is the same view and which is a different view, and the specifications of some of these sources.



C. Results and Discussion

According to data from the Central Statistics Agency (BPS), the rate of early marriage in West Lombok Regency fell from 16% in 2020 to 7% in 2023. This decline is due to better public education and local government efforts to reduce the practice of early marriage. However, because the high rate of early marriage in the region is still a problem in the conduct of elections, this figure shows how important the right to vote is for individuals who marry underage. (Quoted from BPS 2023). Furthermore, the data obtained by the author from Lakpesdam NU NTB, who conducted independent research related to similar issues stated that NTB Province simultaneously continued to experience an increase in the number of child marriages (minors) and ranked first in the highest number of child marriages in 2023 at 17.32 percent, double above the national average of 6.92 percent. This means that it is important for the state to guarantee that married minors have equal access to exercising their rights to vote.

According to Article 198 of Law No. 7 of 2017, people who marry underage have the right to vote even though they have not reached the age of 17. However, the exercise of this right depends on the completeness of population documents such as marriage certificates or ID cards. This administrative process is often an obstacle because of the large number of marriages that are traditionally carried out without official registration, making it difficult for the person to be registered in the Permanent Voter List (DPT). An interview with the West Lombok KPU Commissioner, 2024, is the source.

Political education provided by the West Lombok General Election Commission includes socialization of voting rights for couples who marry underage. However, people still do not



understand it, especially in rural areas. Many young unmarried couples stated that they did not understand the electoral process and the importance of their right to vote before becoming part of this socialization. (Source: Conversations with youth voters, 2024)

The West Lombok Regency Bawaslu actively investigates violations of voting rights, especially related to underage spouses. Supervising the polling station directly and providing a complaint channel is how supervision is carried out. However, a lack of human resources and a lack of public awareness to report violations hinder surveillance. The source is an interview with the Commissioner of the West Lombok Bawaslu, 2024.

The study found that traditions such as *merariq kodeq* in West Lombok contributed to an increase in the number of early marriages. Married people are often considered adults even though they have not reached the legal age to have documents such as ID cards, which makes it difficult to register on the Permanent Voter List (DPT). Although Law No. 7 of 2017 grants voting rights to individuals who marry underage, its implementation faces administrative challenges, poor political education, and cultural challenges. Around the world, the right of vulnerable individuals to vote is an important part of political inclusion emphasized in international conventions such as the Universal Declaration of Human Rights. Based on the theory of *Homo Sacer* Giorgio Agamben, this policy makes married minors not get the right to vote because they are ignored on formal legal grounds without paying attention to the legal substance of the more specific rules. In addition, Friedman's legal theory argues that a weak legal culture and legal structure are the main obstacles to guaranteeing the right to vote for this group. As a result, to promote a more inclusive democracy, more comprehensive actions are needed that include increasing political education, simplifying administrative procedures, and collaboration between the government, the KPU, Bawaslu, and community leaders.



D. Conclusion

This research reveals that the performance of village officials in Salut Village in the implementation of public services has gone well in general. Village officials show high discipline, strong work spirit, and ability to complete administrative tasks effectively and efficiently. The use of Village Information System (SID) technology has become an important innovation that helps speed up the service process and improve the accuracy of administrative data. This shows that the digitization of services at the village level can have a significant positive impact on the management of public administration.

The results of the research on guaranteeing voting rights for individuals who marry underage in the perspective of Law No. 7 of 2017 concerning Elections, with a case study in West Lombok Regency, concluded that the Election Law allows individuals who marry under 17 years old to exercise their voting rights on the condition of taking care of isbat nikah or dispensation from the religious court to obtain self-identity through Dukcapil. However, implementing the right to vote faces various obstacles, such as limited access to information through social media, the weak role of Bawaslu in supervising voting rights, and logistical constraints. In addition, the neglect of the rights of children who are married under the age of 17 makes them unable to access the right to vote. At the



same time, the KPU and Bawaslu are considered to have committed unconstitutional actions by ignoring the constitutional rights of these children who are married. From the results of the research, discussion and conclusions that already exist, the researcher can provide the following suggestions:

1. For the West Lombok KPU should continue to hold socialization for voters, both for first-time voters, female participatory voters, and voters who are underage married. So that all regulations and legislation can be properly socialized to the community. Give
2. The West Lombok Bawaslu should take a greater role in the implementation of election supervision in West Lombok so that there is no intimidation and manipulation of votes, especially against voters who are underage married.
3. For underage voters: they should immediately take care of their marriage isbat so that they can take care of their identity to the dukcapil and have full voting rights even though they have not reached the age of 17 years.
4. Request the organizers (KPU and Bawaslu) to hold a coordination meeting across stakeholders such as the Ministry of Religious Affairs, Religious Courts, District Courts, Ministry of Home Affairs, Dukcapil Office, village government, and other related agencies to obtain information related to the existence of minors who have or have been married through dispensation or series).
5. For the organizers (KPU and Bawaslu) to make minors who have been and or have been married as targets or subjects of socialization or voter education programs and strengthening democracy.
6. For the organizers (KPU and Bawaslu) to continue conducting discussions and studies with experts and observers of elections and children to formulate technical policies immediately to



affirm the political rights of minors who have been and or have been married in elections.

7. For election organizers (KPU and Bawaslu) to recognize and affirm the existence of minors who have been and/or have been married to become voters in the 2024 regional head election
8. For the organizers (KPU and Bawaslu) to collect data and record minors who have been and/or have been married, considering that the stage of updating voter data is still in the process so that the number and distribution in West Nusa Tenggara are known.
1. For the organizers (KPU and Bawaslu) to make a more progressive breakthrough by drafting or issuing policies or technical regulations to capture and respond to the social facts of underage voters who have or have been married.



Referensi

- Achjar, K. A. H., dkk (2023). *Metode Penelitian Kualitatif: Panduan Praktis untuk Analisis Data Kualitatif dan Studi Kasus*. PT. Sonpedia Publishing Indonesia.
- Adiwilaga, R.dkk.(2018). *Sistem Pemerintahan Indonesia*. Deepublish.hlm.66.
- Agamben, Giorgio. (2005). *Homo Sacer: Kekuasaan Berdaulat dan Kehidupan Telanjang* (Mohammad Hatta, Penerjemah). Jakarta: Penerbit Jalasutra. (Terjemahan dari *Homo Sacer: Sovereign Power and Bare Life*, 1995).
- Alir, D. (2005). *Metodologi Penelitian*. Jakarta : PT Rajawali Prees .
- Badan Pusat Statistik Provinsi Nusa Tenggara Barat BPS-Statistics of Nusa Tenggara Barat Province 2023
- Bastian, R. (2015). *Buku Pintar Terlengkap Sistem-Sistem Pemerintahan Sedunia: Ragam Bentuk Dan Sistem Pemerintahan Negara-Negara Di Dunia*. IRCiSoD.hlm.50.
- Billy Elanda, *Hubungan Kelembagaan Bawaslu Dan Kpu Dalam Penyelenggaraan Pemilu*. (Skripsi, Fakultas Hukum, UNIV Islam Indonesia, Yogyakarta, 2018)
- Budiardjo, M. (2003). *Dasar-dasar ilmu politik*. Gramedia pustaka utama.
- Jayadi, S., dkk (2023, August). *Dampak Pendidikan Pancasila terhadap Pemahaman Siswa tentang Demokrasi dan Hak Asasi Manusia*. In Seminar Nasional Paedagoria (Vol. 3, pp. 503-512).
- Kodiyat, B. A. (2019). *Fungsi Partai Politik Dalam Meningkatkan Partisipasi Pemilih Pada Pemilihan Umum Kepala Daerah Di Kota Medan*. EduTech: Jurnal Ilmu Pendidikan dan Ilmu Sosial, 5(1).
- Lakpesdam NU NTB.** (2024). *Policy Brief: Perlindungan dan Penghormatan Hak Pilih Pemilih Bawah Umur Sudah dan atau Pernah Menikah Pada Pilkada 2024*. Mataram: Lembaga Kajian dan Pengembangan Sumber Daya Manusia Nahdlatul Ulama Nusa Tenggara Barat.
- M. Mujib. (2019). *Perlindungan hak politik warga negara dalam pemilihan umum*.(Skripsi, Fakultas Hukum,UNIV Lampung, Bandar Lampung)hlm.8.
- Muhammad Fahmi Islami, *Perpektif Ham Tentang Presidential Threshold* (Analisis Undang - Undang No. 7 Tahun 2017),(Skripsi, Fakultas Syariah Dan Hukum, Universitas Islam Negeri Syarif Hidayatullah Jakarta, 2021)
- Noer Ubaedilla, *Bertahanya Praktik Pernikahan Dini Di Desa Mangguan, Kabupaten Pasuruan, Jawa Timur*, (Skripsi, Fakultas Ilmu Sosial Dan Ilmu Politik, Universitas Islam Negeri Syarif Hidayatullah Jakarta, 2019)
- Pangestu, Andini Ayu. (2019). *Telaah Kritis Potensi Munculnya Fenomena Homo Sacer pada Ketidadaan Batasan Waktu dalam Proses Penyidikan*. Skripsi, Universitas Sebelas Maret, 2019.



Purnama, Yogi. *Homo Sacer sebagai Figur Politis dan Kaitannya dengan Kedaulatan dalam Pemikiran Giorgio Agamben*. Humaniora, vol. 7, no. 4, 2016.

Qomaruddin, Q., & Sa'diyah, H. (2024). *Kajian Teoritis tentang Teknik Analisis Data dalam Penelitian Kualitatif: Perspektif Spradley, Miles dan Huberman*. Journal of Management, Accounting, and Administration, 1(2), 77-84.

Rosana, E. (2016). *Negara demokrasi dan hak asasi manusia*. Jurnal Tapis: Jurnal Teropong Aspirasi Politik Islam, 12(1), 37-53.

Sari, Dwi Puspita. *Kedaulatan Negara dan Subjek Homo Sacer dalam Film The Pianist Berdasarkan Perspektif Giorgio Agamben*. Wanastra: Jurnal Bahasa dan Sastra, vol. 12, no. 2, 2020.

Sari, Dwi Puspita. *Kedaulatan Negara dan Subjek Homo Sacer dalam Film The Pianist Berdasarkan Perspektif Giorgio Agamben*. ResearchGate, 2020.

Sari, Dwi Puspita. *Teori Filsafat Politik Agamben dalam Karya Sastra: Bare Life dan Homo Sacer*. Stilistika: Jurnal Bahasa, Sastra, dan Pengajarannya, vol. 5, no. 1, 2020.

Somantri, G. R. (2005). *Memahami metode kualitatif*. Makara Human Behavior Studies in Asia, 9(2), 57-65.

Suhartati, S., & Nursanti, N. (2020). *Tinjauan yuridis perceraian akibat perkawinan di bawah umur di wilayah hukum pengadilan agama sungguminasa*. Khatulistiwa Law Review, 1(2), 200-215

Sujarweni, V. W. (2014). *Metodelogi penelitian*. Yogyakarta: Pustaka Baru Perss.

Sukmadinata, N. S. (2010). *Metode Penelitian Pendidikan*. Bandung: PT Remaja Rosdakarya.hlm 72-75

Supiadi, *Pernikahan Dini Terhadap Pemenuhan Hak-Hak Anak Di Desa Padang Sawah, Kecamatan Kampar Kiri, Kabupaten Kampar*, (Skripsi, Fakultas Ilmu Agama Islam, UNIV Islam Indonesia, Yogyakarta, 2020)

Susanto, D., & Jailani, M. S. (2023). *Teknik Pemeriksaan Keabsahan Data Dalam Penelitian Ilmiah*. QOSIM: Jurnal Pendidikan, Sosial & Humaniora, 1(1), 53-61.

Sutrirubiyanto, Y. (2022). *Hak Cuti Calon Presiden Petahana Pasca Putusan Judicial Review Undang-Undang Nomor 7 Tahun 2017 tentang Pemilihan Umum*. OPEN JOURNAL SYSTEMS UNPAM.



- Tumangkeng, S. Y. L., & Maramis, J. B. (2022). *Kajian pendekatan fenomenologi: Literature review*. Jurnal Pembangunan Ekonomi Dan Keuangan Daerah, 23(1), 14-32.
- Wijaya, H. (2018). *Analisis data kualitatif model Spradley (etnografi)*. Sekolah Tinggi Theologia Jaffray, 3(1), 1-10.
- Wijaya, M. (2016). *Perlindungan hukum terhadap hak anak dibawah umur untuk mendapatkan pendidikan*. PALAR (Pakuan Law review), 2(2).
- Wulandari, I. A. S., Rideng, I. W., & Suryani, L. P. (2022). *Sanksi Pidana dalam Tindak Pidana Pemilu terkait dengan Asas Lex Specialis Derogate Legi Generali*. EJOURNAL UNIVERSITAS WARMADEWA.

