

## ABSTRACT

*Marriage is a bond between a man and a woman as husband and wife with the intention to form a happy family based on the Almighty.<sup>1</sup> Therefore, there is a regulation of marriage in Indonesia. Indonesian law regulates that marriage should be recorded in the Religious Affairs in order to provide legal protection to married couple. Furthermore, Indonesian law also set limits on the age of marriage; 19 years for the men, and 16 years for the women. However, there is a discourse from Indonesian legal experts who want add the minimum age of marriage; 23 years for men, and 21 years for women. However, in reality the marriage dispensation request from the underage couples increased. In the past, underage marriages conducted due to the customs reasons, and economic factors, but in recent time are more like a prevention and suppression efforts by judges to prevent promiscuity, and abortions among adolescents with grant the dispensation to marry. In giving the marriage dispensation, the judges considered the rule of jurisprudence that “rejecting damage precedence over attractive benefit, and if the effect is opposite between bad and good effect, precedence rejecting bad influence.” On the other hand, there are still many legal protection of the underage wife. This condition becomes worse by the lack of awareness to conduct marriage legally, and list in the Religious Affairs. So, to marriage the underage children, they choose to conduct the secret marriage or not listed. This paper will examine about the secret marriage conducted for marrying under age child. Furthermore, it will analyze the secret marriage with the underage child conducted by Syeh Puji.*

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<sup>1</sup> Pasal 1 Undang-Undang No. 1 tahun 1974