



## The Position of People as Legal Subjects: Analysis of the Concepts of Maturity and Authority

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### Info Articles

#### Article History

Received: 2025-08-13  
Revised: 2025-08-26  
Published: 2025-09-30

#### Keywords:

*Maturity; legal  
authority; legal  
subject; forgiveness;  
guardianship; legal  
protection*

### Abstract

A person's status as a legal subject depends heavily on their maturity and legal authority. In Indonesia, maturity is defined as 21 years of age according to the Civil Code (KUHPerdata), although there are exceptions for those who marry before that age. Meanwhile, in Islamic law, maturity is more defined by physical and psychological maturity, with the general age limit being 15 years. This maturity directly impacts legal authority, which includes the capacity to enter into contracts, manage property, and be responsible for criminal acts. Minors and legally incompetent individuals require legal protection through a guardian or custodian to prevent potential abuse. The implications of this imbalance in legal authority, both for children and incapacitated individuals, give rise to the need for protection mechanisms, such as pardons or guardianship. This research aims to provide an understanding of the relationship between maturity and legal authority and solutions to this imbalance in the Indonesian legal system. Therefore, legal protection for legally incompetent individuals is essential to achieving justice and preventing exploitation.

## I. INTRODUCTION

In the legal system, humans are the main legal subjects who have rights and obligations.(Son, 2022). A legal subject, in this case, refers to an entity recognized by law as having the capacity to enjoy certain rights and bear legal obligations. Humans as the primary legal subject have been regulated in detail in various laws and regulations in Indonesia, particularly in the Civil Code (KUHPerdata). In the modern legal system, the concept of a legal subject plays a very important role. As an entity recognized by law, a legal subject, whether an individual or a legal entity, has the ability to exercise its rights and obligations in accordance with applicable regulations. This recognition provides the basis for each individual to engage in various legal relationships, whether civil, criminal, or administrative. However, a person's position as a legal subject is not absolute, but is influenced by a number of factors, such as age, mental condition, and social status. Two main elements that often become the main determinants in a person's recognition as an authorized legal subject are maturity and authority.(Yanto, 2024).

Maturity is one of the main parameters used in the legal system to determine the extent to which a person has the legal capacity to act.(Ali, 2023). In Indonesian law, adulthood is generally measured by a person's age, as stipulated in the Civil Code (KUHPerdata). Article 330 of the Civil Code stipulates that a person is considered an adult upon reaching the age of 21, unless they have previously been married. This concept of adulthood then forms the basis for a number of other legal provisions, such as the right to enter into contracts, the ability to manage assets, and criminal liability. However, adulthood is not simply a calculation of age; psychological, social, and cultural factors also influence this definition, leading to variations in the application of the law across contexts.

Besides maturity, authority is also an important element that determines the extent to which a person can act as a legal subject. Maturity is the condition or status of a person who has reached a certain age determined by law as adulthood. In the context of civil law in Indonesia, Article 330 of the Civil Code states that a person is considered an adult after reaching the age of 21.

However, there is an exception that states that a person who has married even though he has not reached that age is also considered a legal adult. This provision illustrates that maturity in law is not only related to chronological age, but also to certain circumstances that allow a person to be considered legally competent.

Legal capacity refers to a person's ability to take valid legal action. This authority is not always absolute, but can be limited by various factors, such as mental health conditions, guardianship, or custodial status. For example, a person under custodial custody due to mental incompetence does not have full legal capacity, even if they have reached adulthood. This demonstrates that maturity and authority are two interrelated concepts, but they do not always go hand in hand. (Law et al., 2024).

In practice, the combination of maturity and authority creates a dynamic and complex legal framework. A person who has not reached adulthood, for example, is considered to lack full authority to perform certain legal acts, such as entering into contracts or managing property. Conversely, individuals who are adults but have mental or physical limitations may also face limitations in their legal authority. Therefore, the legal system seeks to provide additional protection to these vulnerable groups through mechanisms such as guardianship, custodianship, or other special arrangements. However, the implementation of these mechanisms is not always smooth, often due to limitations in law enforcement or a lack of public understanding of individuals' legal rights.

The protection of individuals who are not fully mature or authorized is becoming increasingly important in a changing global context. At the international level, several legal instruments, such as the Convention on the Rights of the Child, provide a clearer framework for how children, who are considered minors, should be treated under the law. This Convention emphasizes the importance of protecting children from exploitation and abuse and grants them basic rights equal to those of adults, even if they lack full legal capacity. However, in practice, the implementation of this Convention often faces challenges, particularly when it comes to adapting to national legal systems that have differing definitions of maturity and authority.

In Indonesia, differences in the age of adulthood are evident in various legal areas. In civil law, the age of adulthood is set at 21, but in

criminal law, the age of criminal responsibility can begin much younger. The same is true in employment law, where a person can legally work at age 15, even though they are not yet considered an adult under civil law. This inconsistency creates challenges in the application of the law, especially when the same individual must deal with multiple legal systems with differing definitions. (Ali, 2023).

Technological developments and globalization have also provided new dimensions in understanding adulthood and authority. In the digital era, for example, children have increasingly broad access to cyberspace, including social media and other digital platforms. In this context, questions arise about the extent to which a child under the age of majority has the authority to provide consent, such as for the use of personal data or online transactions. In some countries, regulations such as the General Data Protection Regulation (GDPR) have attempted to address this issue by setting a specific age limit for providing digital consent. However, implementing such regulations remains a challenge, particularly in developing countries with inadequate legal infrastructure. (Ali, 2023).

The concepts of adulthood and competence also have significant implications for other international legal issues, such as citizenship, immigration, and cross-border adoption. Differences in the definition of adulthood between countries of origin and destination often create legal complications that require careful consideration. For example, in cases of cross-border adoption, a child considered an adult in the country of origin may not be recognized as an adult in the destination country, thus affecting the legal processes associated with the adoption. Such situations highlight the need for greater international legal harmonization to address such differences.

This paper aims to outline the relationship between maturity, authority, and a person's status as a legal subject under the Indonesian legal framework. By analyzing provisions in the Civil Code and other laws and regulations, this article seeks to provide a deeper understanding of how these concepts are applied in legal practice. Furthermore, this article will discuss the challenges faced in applying the concepts of maturity and authority, particularly in the context of protecting the rights of individuals who are not mature or legally competent.

## **II. RESEARCH METHODS**

This research uses a normative approach which aims to analyze the concepts of maturity and authority in the context of a person's status as a legal subject. A normative approach was chosen because the primary focus of this research is on written legal rules and their application in practice. Analysis of statutory regulations is a key component, including the Civil Code (KUHPerdata), the Child Protection Law, and related regulations at the national level. Furthermore, jurisprudence is also examined as a legal source that provides precedent in applying the concepts of maturity and authority.

Relevant legal literature, including books, journal articles, and other academic documents, is used to strengthen theoretical understanding. This literature review covers basic concepts regarding legal subjects, legal capacity, and differences in the age of majority according to various legal systems.

## **III. RESULTS AND DISCUSSION**

### **A. Maturity Criteria and Their Differences in Various Legal Systems**

Maturity is an important element in determining a person's legal capacity in various legal systems. In the context of Indonesian law, the age of majority is regulated in the Civil Code (KUHPerdata), which stipulates that a person is considered an adult at the age of 21, as stated in Article 330. Thus, a person who has reached the age of 21 has full legal capacity, meaning he or she can legally act in legal contracts, manage property, and be responsible for his or her criminal actions. However, the Civil Code also provides an exception to this provision, namely for individuals who marry before the age of 21. Marriage at that age changes their legal status, granting them full legal capacity equivalent to that of an adult, even though they have not yet reached the age of majority. (Wirahutama, 2020) This reflects flexibility in the application of laws regarding the age of majority, taking into account applicable social and cultural factors.

From an Islamic legal perspective, maturity depends not only on age but also on a person's physical and psychological development. In Islamic law, maturity is measured by the presence of certain physical signs, such as menstruation for girls and wet dreams for boys. This indicates that maturity in Islamic law is more individual and directly related to a person's physical and mental maturity. Therefore, the age of adulthood in the

context of Islamic law can vary from one individual to another, depending on each individual's personal development. Nevertheless, 15 years of age is generally considered the age of adulthood for boys and girls under Islamic law, although in many modern interpretations, this age limit can be higher depending on the circumstances and place. (Dharma, 2020).

Local traditions in Indonesia also offer different perspectives on adulthood. In some tribes or indigenous communities, the age of adulthood is determined by specific traditions or ceremonies, such as marriage or initiation rituals, which signify a person's readiness to assume certain social roles. These local traditions are often more flexible in determining when someone is considered an adult, prioritizing mental and social readiness over age. In many cases, marriage or other customary activities symbolize a person's readiness to assume responsibility in society.

At the international level, approaches to adulthood also vary widely. For example, in international law, particularly as set out in the Convention on the Rights of the Child (CRC), a child's maturity is viewed from the perspective of their protection and fundamental rights. The CRC recognizes that every child has the right to protection and care until they reach the age of 18, although in some countries the legal age of adulthood is lower. The Convention stipulates that children under the age of 18 do not have full capacity to make important legal decisions and, therefore, must be protected by their parents or guardians. The Convention seeks to harmonize international views on adulthood, although in practice, each country has different provisions regarding the age of adulthood in various legal contexts, such as the right to vote or the right to marry. (Zakaria et al., 2024).

These differences in the criteria for maturity across legal systems demonstrate the complexity and diversity of approaches to determining an individual's legal capacity. Different legal systems often reflect the social, cultural, and religious values prevailing in each country or community. Therefore, it is important to understand maturity not only in terms of age, but also in the social, cultural, and individual contexts that influence how the law recognizes a person's capacity to act as a legal subject.

## **B. The Influence of Maturity on Legal Authority**

Maturity plays a crucial role in determining a person's legal authority. This authority refers to a person's ability to perform legitimate legal acts, such as entering into contracts, managing assets, and being responsible for criminal acts. In the Indonesian legal system, maturity automatically changes a person's legal capacity, granting them the right to act on their own behalf and exempting them from the legal protections afforded to children or incapacitated individuals. Therefore, maturity directly impacts the validity of a person's contracts and their ability to manage assets or property.(Manggin & Khutub, 2024).

At the contract level, maturity serves as the primary factor determining whether a contract is valid. According to the Civil Code, only adults have full legal capacity to enter into a valid agreement. A person who has not reached the age of majority or lacks sufficient physical or mental capacity cannot enter into an agreement without the consent of a guardian or authorized party. Therefore, any transaction involving a person who is a minor or is in a condition that limits their legal capacity may be deemed null and void, except in cases explicitly regulated by law, such as in an agreement that benefits the less mature party.(Zakaria et al., 2024).

Maturity also influences a person's ability to manage assets or property. A minor cannot manage inheritance or personal property without the assistance of a parent or guardian. This relates to legal protection for children who are not yet mature enough to make important financial decisions. The law provides this protection by placing children under guardianship, where parents or guardians are responsible for managing the child's assets until they reach a legally defined age. In some legal systems, the management of these assets can even be strictly regulated to prevent potential misuse or loss to minors.(Yanto, 2024).

On the other hand, maturity also determines a person's criminal responsibility. In Indonesian criminal law, adulthood is the primary threshold for determining whether a person can be held criminally responsible. A person under 18, even if they commit an unlawful act, is not considered a fully responsible perpetrator of the crime. Instead, they may be subject to a lighter sentence or be regulated by the child protection system. This concept is reflected in the law on the juvenile justice system, which aims to provide greater

protection for children who commit crimes, by considering aspects of rehabilitation and social reintegration.

For people under guardianship, whether due to age or mental health, their legal authority is also limited. Guardianship is a legal process undertaken to provide protection to individuals deemed incapable of making their own legal decisions. This guardianship can be applied to individuals with mental or physical disabilities, or to individuals who are unable to fully understand or manage their legal obligations. In these situations, a guardian or custodian is authorized to represent the person under guardianship in legal matters, including agreements or asset management. The law provides this protection to ensure that vulnerable individuals are not exploited or harmed in legal relationships.

## **C. Legal Implications and Solutions for Imbalance of Authority**

An imbalance of authority in the context of a person's maturity and legal capacity can have significant legal implications, particularly in cases involving minors or legally incompetent individuals. When a person is deemed legally incapable of making decisions or acting in full legal capacity, the legal system must provide appropriate protections to ensure their rights are maintained. However, this imbalance also demands a solution to ensure that no party is harmed, whether by ignorance, abuse, or inability to carry out legal obligations.(Dwilestari et al., 2021).

Cases involving legal incapacity generally arise in situations where an individual lacks the full capacity to understand or make valid decisions in a legal transaction. For example, children who have not reached the legal age of majority cannot act or enter into contracts without the assistance of a parent or guardian. This also applies to individuals with mental or physical impairments that prevent them from understanding the legal consequences of their actions.(Son, 2022)In such cases, the rights of legally incompetent individuals must be protected through pardon or guardianship mechanisms that ensure that decisions made on their behalf are made in good faith and do not harm the parties concerned.

The legal implications of this imbalance of authority are evident in various contexts. For example, when a minor enters into a contract without the consent of a parent or guardian, the contract is typically considered null and void. This

is intended to protect the child from being trapped in legal obligations that are inconsistent with their interests or abilities. Conversely, for individuals who are legally incompetent due to mental illness, their actions can be overturned or replaced by a guardian acting on their behalf. These implications demonstrate that legal authority is not simply a matter of age or physical ability, but also how the legal system assesses a person's mental capacity to make legitimate decisions.

To address this imbalance of authority, the law provides various solutions, primarily through protection for minors and the legally incompetent. Under Indonesian law, legal protection for minors is regulated by the Child Protection Law, which recognizes that children require special attention in all aspects of their lives, including legal matters. Children who come into contact with the legal system, whether as victims or perpetrators, must be protected to ensure their rights are not violated. For example, in cases of violence against children, the legal system provides additional protections, such as special juvenile courts that prioritize rehabilitation and social reintegration, rather than harsh punishment. (Sanawiah, 2020).

For individuals who are legally incompetent due to mental limitations, the pardon and guardianship system is a solution used to protect their rights. The guardian or trustee appointed to represent these individuals in their legal decisions is responsible for ensuring that their rights are properly protected and that the decisions made remain in their best interests. In this case, the guardian's role is crucial to prevent potential abuse or harm to the legally incompetent individual. Therefore, the legal system must ensure that guardians act transparently and do not exploit their position for personal gain. (Law et al., 2024).

#### IV. CONCLUSION AND SUGGESTIONS

##### A. Conclusion

Maturity, as a prerequisite for full legal capacity, is a fundamental concept that affirms a person's ability to act independently and assume responsibility in legal relationships. In the Indonesian context, the Civil Code sets the age of maturity at 21, but provides an exception for those who marry before that age. Islamic law defines maturity as physical and mental maturity, generally at 15. This distinction demonstrates that maturity is not solely determined by age but also by physical, mental, and social readiness. Maturity is closely related to legal authority,

which regulates an individual's right to enter into contracts, manage assets, and be held accountable for criminal acts. Therefore, protection through a guardian or custodian is necessary for children or individuals who are legally incompetent to avoid abuse and unnecessary obligations.

##### B. Suggestion

Harmonization between national legal provisions and Islamic legal perspectives is needed in determining adulthood, while still taking into account an individual's social and psychological development. The government and judicial institutions are advised to strengthen protection mechanisms for children and legally incompetent individuals through public education and the implementation of more effective guardianship and custody regulations. Furthermore, law enforcement must prioritize the principle of the best interests of children and vulnerable individuals, ensuring fairness and a balance between protection and legal authority.

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