

Underage Marriage Phenomenon in Banyoneng Laok Village, Geger District, Bangkalan Regency

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Abstract. Underage marriage is a marriage carried out by a man or woman whose age has not reached the age of marriage. The marriage age is regulated in Article 7 point 1 of Law No. 16 of 2019 concerning amendments to Law no. 1 of 1974 concerning marriage. It is stated that marriage is only permitted if a man and a woman have reached the age of 19 years. Determining the minimum age of marriage is very necessary to create benefit and harmony in the family, in which marriage is a legal event that will change the position, rights, and obligations of a person. This research used the empirical juridical method using primary and secondary data. This study analyzed the effect of underage marriage on family harmony and aimed at minimizing underage marriage. The results obtained that underage marriage gives a high impact on family harmony due to the unstable emotions, family economic factors, the unreadiness to run the family and these lead to divorce. Meanwhile, the efforts administered to minimize underage marriages were massive data collection, providing advice, providing legal counseling, the obligation to attend pre-marital education, strict marriage registration, and administration, as well as the suspension of marriage certificates.

Keywords: Phenomenon, Marriage, Underage marriage

1 Introduction

Talking about underage marriage, especially in Madurese society automatically might lead to negative thoughts in society. The current phenomenon of failed marriage among societies leads to a negative perspective of the sacredness of marriage. The fact shows that 250,000 couples in Indonesia get divorced within a year and most of them are experienced by underage married couples. [1].

The phenomenon of underage marriage also occurs in Banyoneng Laok village, this needs serious attention and response by various parties. Underage marriage brings a lot of harm to the boys and girls, as well as their parents and families. In addition, underage marriage can affect mental health, unstable emotions, inability to take care of themselves and their families, difficulties in carrying out parental roles, family financial problems, mental stress, stress, and depression. It also causes various negative impacts on children's growth and development and will lead to the non-fulfillment of children's basic rights such as the right to protection from violence and discrimination, children's civil rights, health rights, education rights, and children's social rights. The possibility of giving birth to premature children is a risk faced by underage mothers. As a result, many underage married couples end up in divorce because of these complex issues.

Underage marriage is a marriage carried out by a man or woman whose age has not reached the age of marriage. The marriage age is regulated in Article 7 point 1 of Law Number 16 of 2019 concerning amendments to Law Number 1 of 1974 concerning marriage (hereinafter referred to as Marriage Law) states that marriage is only permitted if a man and a woman have reached the age of 19 years. [2].

Establishing a minimum age for marriage is crucial, is a legal event that will change the position, rights, and obligations of a person. The change of a boy and a girl into a husband or a wife. Therefore, a marriage must require mature preparation, both biologically, psychologically, economically to be able to live a harmonious married life.

1. How does underage marriage affect family harmony in Banyoneng Laok Village?
2. What are the efforts to minimize underage marriages in Banyoneng Laok Village?

2 Research Method

Empirical legal research, or called field research, aims at examining the applicable legal provisions and how it is applied and realized in society. [3] Empirical legal research is legal research investigating the enforcement or implementation of normative legal provisions in action on every particular legal event that occurs in society. [4] In this study, an empirical juridical approach

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was used in investigating the problems. The juridical approach means that law is seen as a norm or *das sollen* because in discussing the problem, legal materials were used (both written law and unwritten law or primary, secondary, and tertiary legal materials). The empirical approach looks at the law as a social, cultural, or *das sein* reality, it is because in this research the data used were primary data obtained directly from the research site.

3 Results and Discussion

3.1 The effect of underage marriage on family harmony

The minimum legal age of consent to marriage is very crucial because, with this age restriction, the goal of marriage can be achieved, live a happy eternal family based on God Almighty. Every married couple wishes a harmonious and happy family. Marriage should provide a sense of security, calm and create good communication among family members, and be able to solve all problems with good solutions. Underage married couples might face relationship disharmony due to their psychological immaturity and it causes divorce. Besides, this might get worsen and affect other parties. Emotional maturity is very crucial in maintaining household integrity, conflict in a family does occur sometimes, and to deal with it must be faced with a calm mind. Someone emotionally immature cannot manage their emotion and act inappropriately towards their issues. The age factor is one of the factors that influence family harmony, therefore, the underage couple married, who have violated the provisions of the minimum legal age for marriage, cannot manage their household affairs. They also lack the life experience that can be equipped them to have a successful and happy marriage life.

The result of this study obtained that underage marriage is very influential on family harmony due to the unstable emotions had by the underage couples, family economic factors, as well as insufficient knowledge about managing household affairs, therefore the majority of them end up in divorce.

3.2 Efforts to minimize the existence of underage marriages

The underage marriage issue is not a new issue discussed by the community but is a classical problem that has been studied for a long time. However, the study of underage marriage is always interesting because this issue has been developed and rooted in the culture of society. However, several fundamental problems should be prioritized such as psychological aspects as the aspect of learning in running marriage life. What causes a marriage to end up in divorce, an unharmonious family, fighting in a marriage that leads to the destruction of household integrity.

The following are various reasons for the under-marriage phenomenon:

1. Culture Underage marriage is more common among women and usually occurs in rural

communities. Because in such a society, people (especially the Madurese) believe that women who have reached the age of puberty should be married as soon as possible to reach social achievement. Single women who are on the track of marriage tend to receive negative social stigma and ostracization from society. They are stigmatized by negative labels such as “*perawan tua*” (Indonesian word for spinster).

2. Involved in out-of-wedlock sexual activities due to promiscuity among teens. To cover up the family's disgrace, marriage must be carried out immediately by the underage children who get pregnant. Lack of parental control over their children and the absence of parents' guidance in selecting supportive friends might be the cause of promiscuity among adolescents. Whereas adolescents are full of curiosity and love to try new things, therefore control and guidance from their parents are needed. In a society that adheres to norms, sexual behavior before marriage cannot be justified. Such behavior is forbidden and regarded as *abad* action that violates the norms and values applied in society. [5]
3. Economic factor. Marriage at a young might happen due to poverty. To ease the burden on their parents, their daughters are married to people who are considered to be economically independent.
4. Education. The low level of education of parents, children, and the community causes a tendency to force their children into marriage without knowing the negative effects that might occur.
5. Emotional factor. Adolescence is still considered to have unstable emotions. They tend to act and make hasty decisions, including a decision to marry someone. They only imagine happiness and comfort in marriage. Excessive delusion will make them deny the reality of marriage and just aim at fulfilling sexual needs. Only focusing on intimate relationships with their partner makes them unaware of the complex problems of being a married couple. Therefore, marriage requires one's physical and mental preparation

To minimize and prevent underage marriages, cooperative actions from various parties are needed, including parents, village chief and village officials, and the community in general. The efforts that should be taken are

- a) Disseminate the law related to the marriage of minors and the sanctions for violating the law and explain the worst risks that can occur due to child marriage to the public.
- b) Increasing protection interventions for girls 15-17 years old with the main focus on completing secondary school.
- c) Providing access to higher education for children to address the problem of economic vulnerability.
- d) Establishing clear rules that oblige the prospective bride and groom to attend premarital education. This is a provision for the prospective marriage couples in running the household tasks.

- e) Establishing strict and selective administration for marriage registration by the village chief/village officials and suspension of marriage certificates

4 Conclusion

Marriage is a soul-body bounding between a man and a woman as husband and wife to live a happy and eternal family based on God Almighty. To realize the goal of marriage requires careful preparation including emotional maturity between husband and wife. Marriage is a legal relationship that gives rights and obligations between husband and wife, it can be interpreted that the right and obligation can only be carried out by adults who can act according to law. Therefore, marriage must be done by adults. In addition, underage marriage violates the minimum legal age of marriage, 19 years old. The impact of underage marriage affects various aspects, including children's education, health, psychology, economy, and so forth. Couples fighting in marriage cannot be avoided and might lead to divorce. Therefore, efforts are needed to prevent underage marriages including socializing the law related to underage marriage, child protection interventions to complete secondary school, providing access to higher education, pre-marital education, strict and selective marriage administration, and the suspension of marriage certificates

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