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## The Social Disorganization Theory Approach as a Crime Prevention Effort in Sumenep, Indonesia

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**Abstract.** Child marriage is a global social phenomenon that has even been identified as a crucial issue of child protection in the 21st<sup>century</sup> and has been addressed by various countries in Eastern Europe, Africa, and Asia. Indonesia itself has declared a child marriage emergency because by 2020 it was included in the 10 countries with the highest number of child marriages in the world, ie, about 1,220,900 children with early marriages were scattered in 22 provinces, one of which is East Java with 6084 cases in 2020, with the largest percentage in Madura Island and one in Sumenep Island with a total of 1723 cases. The Havana Convention of 1990 states that the elimination of the causal factors of social problems in a society is the most effective means of addressing the social problems themselves and must be an integral part of social defense itself. This paper is driven to identify and analyze the determinant causal factors of child marriage in Sumenep. It is written based on empirical legal research with a socio-legal approach, which prioritizes primary data obtained from the results of interviews and questionnaires and is analyzed descriptively and qualitatively. The results show that the causal factors of child marriages in Sumenep are dominated by cultural practices such as the “*tan-pangantanan*” tradition, which is also promoted by the government as part of the preservation of local traditions, the conceptual shift of ‘*Tompangan*’ Tradition, excessive fanaticism toward Muslim Priests (Kyai), low education, economic gain, and the worry of free sex.

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## 1 Introduction

Child marriage has been identified as one of the most important challenges in child protection in the 21st century global civilization. UNICEF defines child marriage as “ a marriage of a girl or boy before the age of 18 and refers to both formal marriages and informal unions in which children under the age of 18 live with a partner as if married [1]. Internationally the prohibition of child marriage has not been strictly regulated in international conventions, but in fact the practice is a form of violation of children's rights, encompassing violations of Article 2 paragraphs 2, 6, 24 paragraphs 3, 28 and 37 of the Convention on the Rights of the Child and Article 16 *the Convention on the Elimination of All Forms of Discrimination against Women*. The international community is speaking out against child marriage more frequently because it not only violates children's fundamental rights but also has numerous detrimental effects on welfare, education, health, and other areas that affect not only the child personally but also the family, society, and State.

Many nations have been grappling with child marriage up until now, including those in Eastern Europe, Africa, Asia, and Indonesia. Even though it is not a brand new issue, child marriage is still practiced in society today. It changes in terms of quality and quantity. The Indonesian Child Protection Commission (KPAI) reported that in Indonesia, the percentage of child marriages reduced from 11.54 percent in 2017 to 11.21 percent in 2018 and then again to 10.82 percent in 2019. In the meanwhile, Indonesia has set a reduction goal of 8.74 percent by 2024. Even while child marriage has been less common in Indonesia, the fall has only been a tiny 3.5 percent over the past ten years [2]. According to a report by the National Statistics Agency, there are approximately 1,220,900 children experiencing early marriage spread across 22 Provinces in Indonesia, which is listed among the 10 countries with the highest number of child marriages globally in 2020 [3]. As a result, the acceleration of the decline in the number of early child marriages is urgently needed.

Among the 22 provinces that are exposed to high rates of child marriage practices, East Java is listed as a province that has experienced an increase in child marriage rates, namely 5127 cases in 2019 an increase of 6084 cases in 2020. From all these regions in East Java, various studies have shown that approximately 60 percent of child marriages occur on Madura Island, with one of the highest numbers occurring in Sumenep Regency,[4] where in 2019 there were more than 1723 cases of child marriage , and in 2020 it rose to 2029 cases. This data certainly cannot describe the overall number of child marriage practices that occur. Reality on the ground can show much higher figures, bearing in mind that the phenomenon of child marriage is like an iceberg phenomenon. only a small number of cases are recorded because many child marriages are also practiced through unregistered marriages by local religious leaders.

In Sumenep, it can be argued that the practice of child marriage has grown entrenched and is regarded as a common tradition by the community, particularly in rural areas where people still follow traditional practices, such as some villages in Talango and Gapura Districts. Although the practice of child marriage violates the 19-year-old minimum age requirement for marriage set forth in Article 7 of Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, some residents of Sumenep Regency do not pay much attention to this provision. In short, child marriage still occurs despite the fact that it is currently difficult to execute these laws.

Definitely, Indonesia's government is particularly concerned about the widespread practice of underage marriage. Multiple initiatives have been made, beginning with changing the law regarding the minimum marriageable age in Law Number 16 of 2019, defining child marriage as a form of sexual violence in Law Number 12 of 2022 concerning Crimes of Sexual Violence, building the capacity of related institutions, and engaging the public in various ways. In light of Indonesia's relatively high rate of child marriage cases—which is even the second highest among ASEAN nations after Cambodia—it is unfortunate to say that these efforts cannot be considered successful. About 340,000 females under the age of 18 are married annually in both rural and urban settings, with marriage rates varying according to economic status.[5]

In the context of social policy, according to Barda Nawawi Arief, handling various social problems that occur in society should not only focus on regulations, but also need to focus on cultivating the factors that cause these social problems (criminogenic factors), as part of the most effective efforts. strategic to make society a social and living environment that is healthy both materially and immaterially. Thus, society with all its potential must be used as an anti-criminogenic factor for social problems.[6] Barda Nawawi Arief's viewpoint is consistent with the second of the government's key strategies for preventing child marriage, which is the creation of an ambience that encourages such prevention.

In light of the aforementioned ideas, it goes without saying that identifying the causal factors that lead to child marriage is a crucial first step in the framework for developing a physical and social environment that promotes the prevention of child marriage. The issues studied in this paper are what are the dominant causal factors of child marriage in Sumenep. This study is driven to explore and identify the dominant factors that bring about child marriage which should be solved by the Sumenep Regency government.

## 2 Methods

This paper was made based on socio-legal research with an exploratory approach that was carried out in Sumenep. The consideration for selecting Sumenep Regency was due to the tradition of child marriage

which is still carried out by the people of Sumenep. The data used includes primary data obtained through observation and interviews with residents in the two sample districts, namely Talango and Gapura, heads of the Population Control and Family Planning (KB) Division of the Health Service, and Head of Child Protection Division in Sumenep. Meanwhile, secondary and tertiary data were obtained through library research and online searches. The entire data is then analyzed descriptively-qualitatively, and the conclusion is composed by using an inductive syllogism.

### 3 Results and Discussion

#### 3.1 Definitions, Patterns, and Vulnerable Subjects in Child Marriage

Normatively, the term marriage itself in Article 1 of Law Number 1 Year 1974 is defined as a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on Belief in the One Supreme God. [7] In Article 2 paragraphs (1) and (2) it is determined that the validity of a marriage in Indonesia occurs when it is carried out according to the laws of each religion and belief, but the emergence of legal force from the marriage when it has been officially registered according to the applicable laws. Referring to these two provisions, it can be concluded that marriage is actually a social contract that gets legalization from the state, religious authorities, or both. [8]

Since the enactment of Law Number 16 of 2019, there have been significant changes related to the legal age limit for men and women in Indonesia, which in Article 7 paragraph (1) stipulates that the minimum age limit to marry is 19 years old for both boys and girls. This rule certainly increases the age of marriage for women in Law Number 1 of 1974 which was previously limited to a minimum age of 19 years for men, and a minimum age of 16 for women. In *a contratio* it can be interpreted that the normative concept of child marriage in Indonesia is determined according to the age limit, namely marriages carried out by women and men under the age of 19 years.

Another definition of early child marriage is a marriage of a girl or boy before the age of 18 and refers to both formal marriages and informal unions in which children under the age of 18 live with a partner as if married. [1] NGO Plan Internasional has qualified child marriage as a dangerous practice for children which prevents girls from freely making important decisions regarding their right to reproductive health and also their right to welfare. [9]

Child marriage is at least divided into two patterns, namely: (1) marrying girls to adult men; and (2) matching boys and girls by the parents of the two children. [10] Even though both boys and girls have the potential to become victims of child marriage, several studies have shown that girls are the children most at risk of becoming victims of child marriage.

Early marriage can be experienced by both boys and girls, however girls are more at risk of experiencing it. Among the girls, there are several categories of girls who are vulnerable to child marriage, including: (1) girls who live in rural areas; (2) girls who come from poor families; (3) girls who are less educated and *drop out* of school; [10] (4) girls who are victims of sexual harassment or violence; [11] (6) girls who have low understanding of reproductive health; (7) girls who live in a society with a culture that justifies child marriage; (8) daughters who are bound by arranged marriages from an early age. [8]

#### 3.2 Data and Facts

Sumenep Regency itself is the easternmost Regency of Madura Island which is divided into mainland and archipelago areas. This regency consists of 27 sub-regencies, including the sub-regencies of Gapura, Talango, Sumenep, Manding, Kalianget, Masalembu, and Sapeken. Compared to the other 4 (four) regencies in Madura Island, Sumenep is a regency where most of the people still have a strong attachment to traditions and customs.

Child marriage is still seen by certain Sumenep people as a component of traditions and customs that have been passed down from generation to generation, despite the fact that child marriage is recognized at the national and even worldwide levels as a critical issue in child protection. In nearly every sub-regencies in Sumenep, child marriage is still seen as a normative social practice. It is not unexpected that in Sumenep, the number of child marriages has fluctuated significantly between 2019 and 2022 and is still rather high.

In contrast to the previous year, when there were 1723 cases of child marriage, there were 2029 cases in 2020. The number of incidents rose to 2281 in 2021 and fell to 1188 in 2022, with specifics showing that 4 cases involving girls aged 10 to 14 years old occurred in Praga'an Sub regency, one in Batang-Batang Sub regency, and two in Gayam Sub regency. Girls between the ages of 15 and 19 experienced 1184 cases, with the majority of cases concentrated in three Sub regency: 100 cases in Lenteng Sub regency, 128 cases in Batang-Batang Sub regency, and 105 cases in Gapura Sub regency. [12]

The high number of child marriages in Sumenep Regency is also evident in the high number of applications for dispensation from marriage by parents of couples who are not yet 19 years old. As we all know, Article 7 of Law Number 16 of 2019, in addition to increasing the minimum age limit for marriage, namely 19 years (paragraph 1), also provides room for dispensation from marriage for prospective brides under 19 years of age with certain conditions (paragraph 2). From 2022 to June 2023, the number of marriage dispensations granted by the Sumenep Religious Court was 313 applications, while until June 2023 there were 122 applications. [13]

### 3.3 Factors Causing Child Marriage in Sumenep

Within the framework of community protection policies, any social problems that occur can be resolved through two approaches, namely: (1) treating the following symptoms and settling the negative implications arising from these social problems; and (2) eliminating or minimizing conducive factors that cause social problems. The first approach is usually repressive, pragmatic, partial, and is directed at solving symptoms when the problem and its negative implications have occurred. While the second approach is preventive, systematic, strategic, comprehensive, and is directed at cultivating the factors that cause these social problems. These two types of approaches are of course not optional but rather complementary and integral imperatives or needs.

The 6th UN Congress in Caracas, Venezuela in 1980 and the 7th UN Congress in 1985 in Milan Italy, both of which paid special attention to eliminating the factors that cause crime as basic strategies in preventing crime. Even in the resolution issued at that time, all UN members were urged to take significant action to eliminate the causes and conditions of life that could degrade humanity and trigger crimes.[6]

Referring to the view above, it is appropriate that efforts to identify the causal factors of child marriage in a region are qualified as one of key strategies of preventing child marriage. As published in Republika's online media (2021), the general factors that cause child marriage in East Java include (1) the influence of culture and customs; (2) previously experienced sexual violence; (3) there is a provision for dispensation for marriage in Law no. 16 of 2019; (4) lack of educational involvement; (5) poverty (economic problems); (7) attachment to brotherhood; (8) obedience to parents; (9) low education; and (10) limited access to information and socialization related to child marriage.[11]

The results of research conducted in 2023 show that the factors that cause child marriage in Sumenep Regency are basically not much different from factors in general, including economic problems, promiscuity, low education, and environmental factors which are criminogenic factors for child marriage. These factors are often not independent factors, but are intertwined with one another. In detail, these factors can be broken down as follows:

a) The Little Bride Tradition or the '*tan-pantantan*' tradition

Literally, the term '*tan-pangantan*' means a fake bride or a playful bride. This tradition is also known as the little bride tradition, namely the tradition of matching underage children with celebrations and proceedings like brides but without any Islamic legitimate consent (*ijab Qabul*) and registration. Usually children who experience child marriage have previously gone through the tradition of '*tan-pangantan*'. In short, the '*tan-pantantan*' tradition is the initial stage of

child marriage. Although not all Sumenep people perform it, this tradition is still being preserved in some remote areas of Sumenep, such as in Talango and Gapura Sub regency. This *tan-pangantan* tradition usually begins with arranged marriages from infancy, even since the fetus is still in the womb, with the aim of maintaining friendship and kinship between families. This matchmaking is of course performed with or without the consent of the child.

The mechanism of this tradition is carried out like adult brides in general, in which both brides are decorated and undergo traditional processions like ordinary brides. As previously mentioned, what is different is the absence of Islamic legitimate consent (*Ijab Qabul*) and official government records. In addition, for this tradition, usually the young couple will ride a horse, paraded while accompanied by the *Saronen*, which is a traditional Madurese musical instrument. [14] Children who have undergone the tradition of '*tan-pantantan*' will be bound to one another, which will later enter into an ordinary (official) marriage when they are deemed sufficiently old to marry, even though at that time the couple's age according to law does not yet meet The minimum age for marriage is 19 years. Engagement since childhood through the '*tan-pantantan*' tradition is often used as an excuse for parents to hasten child marriages because they have been engaged for too long and prevent their children from doing things that are prohibited by religion. This reason is also used by parents to apply for a marriage dispensation to the Religious Courts.

b) The Shift in the Meaning of the '*Tompangan*' Tradition is oriented towards Economic Gain

The terms '*tompangan*' or '*nompange*' or *pesse belin*' are mutual obligations in the form of donations given to families of children who carry out the '*tan-panantan*' tradition. or legal marriage, with the aim of getting a return donation from the family if the guest hosting the event organizes a similar event. The '*Tompangan*' tradition is still being carried out today and has become a habit passed down from generation to generation.

The tradition, which was originally a symbol of Madurese solidarity, is usually carried out during the *Walimatul Ursy* or when the wedding ceremony takes place. The main goal is to help each other and relieve the inviting party. '*Tompangan*' can be in the form of a donation of money or goods handed over to the inviting party. The items donated include groceries, spices, decorations, sound systems, and other tools needed for weddings.[15]

Each donation given by family or invited guests is then recorded by the recipient of the donation, where the record will later be used as a

reminder that the recipient of the donation has a debt of donation that must be returned according to (or more) the value and amount given at the time they got donations. [16] Initially the 'Tompangan' tradition had a good meaning as a form of solidarity to help each other and ease the burden on the organizers of the event, but gradually the purpose of this tradition began to shift into a *money-oriented* or *profit-oriented tradition*. No wonder if it follows that some of these donors may give in the expectation of reaping greater rewards in the event that a comparable circumstance arises. Alternately, there may be outside parties who exploit the circumstance in order to profit from this 'Tompangan' tradition.

c) Low Level of Latest Education

Some of the children who are married in Sumenep are those who have a low level of education, namely children who do not continue their studies and choose to stop going to school. In Sumenep, child marriage occurs to children who do not undergo full formal education. Some of their parents only send them to elementary school or junior high school (SMP) and prioritize schooling at the nearest *Madrasah* (Islamic school) or foundation.[17] Children who encounter early marriage typically have poor levels of education as a result of their parents' attitudes on education, which are transmitted to their daughters, telling them that they do not need to accomplish their school because they will work in the kitchen afterwards. (*'reng binik jek koseh asakolah gih tenggih, dibudinah pagghun ka dhapur'*). Girls who are influenced by their parents' views on education, especially supported by less educated parents who become their role models, will choose to stop their education, which later has implications for unemployment and ultimately chooses to early marriage.

Related to this factor, referring to the results of a comprehensive research conducted by D. Wahyu Sari in 2017, that a low level of education has a significant influence on the occurrence of child marriage in Sumenep, where for the last education of married girls the majority are junior high school/equivalent, namely 50.43% consisting of 27.27% & girls with the last education of junior high school/equivalent who are married to adult men, and 23.16% of girls with the same last education who are married to boys. Meanwhile, the majority of boys did not go to school, did not finish elementary school/equivalent, or graduated from elementary school, namely 79.54%, consisting of 47.75% for boys who graduated from elementary school who were married to adult women, and 35.79% of boys with the same last level of education who marry girls.[18]

d) Family Matchmaking

Marrying because of arranged marriages is still entrenched in society, especially in rural areas in Sumenep regency. Based on the results of observations and interviews with one of the people of Palo'loan Village, Gapura Sub regency, it is known that the matchmaking is only carried out with certain people. Matchmaking generally begins with an engagement and mostly occurs in people who belong to the *kyai* class who match their children with those who are in the same lineage (*nasab*) under the consideration of good quality and clear lineage of the future bride and groom. There are also arranged marriages between families who have family ties for the reason "*olleh tak eagle sabele'en*" so as not to lose the ties between families and as an evident of the obedience to both parents.[19]

e) Economic Factors

For some people in Sumenep who practice child marriage, economic factors are the main consideration that encourages them to wed off their children at a relatively young age. The financial problem faced by parents, especially in remote areas where on average they work as farmers and breeders, such as the Gapura people, lead them to immediately release their responsibility of financing their children, thus early marriage could be the easiest solution for them. After the marriage, they reckon that their economic burden will be reduced and their children will get a better life with their husbands, especially if their husbands come from financially secure or rich families.

f) Parents' Concerns For Their Children Not To Fall Into Adultery or Free Sex

Parents' Concern for one's children is one of the additional causes of child marriage in Sumenep and a factor for applying marriage dispensations. This element may or may not be directly connected to child engagement. In order to prevent their children from engaging in acts that are forbidden by religion, such as adultery, some parents who have been betrothed to their children for a long time finally decide to marry their children even though they are still young. Meanwhile, for children who have not been engaged since childhood, there are concerns that some parents see the style of dating and promiscuity of children today, especially the negative influence of social media which is quite massive, so to avoid undesirable things, some parents then decided to immediately wed off their children.[13]

g) Excessive fanaticism towards Kyai

Quoting from the results of previous research (Rofika & Hariastuti, 2020), one of the causes of child marriage in some Sumenep communities is

the excessive fanatical attitude of society towards the existence of religious leaders, in this case *Kyai*. From a Madurese socio-cultural point of view, the Madurese people, who are predominantly Muslim, have a strong attachment to religious values and high submission/adherence or loyalty to *Kyai* (moslem priests) or Ustadz/Ustadzah (moslem teachers). This character is also influenced by the Madurese philosophy of life which refers to the principle of ' *buppa' babu, ghuruh, ratoh*' (father, mother, teacher/*ulamakyai*, government). For Madurese, *Kyai/Ulama/Teachers* occupy the second position that must be respected and obeyed after parents. From the research conducted by Rofika and Hariastuti in Pagar Batu Village, Sumenep, it was found that for some villagers in Sumenep, *Kyai* is believed to have certain *karomah* (glory) so they are assumed knowing everything. *Kyai* is assumed as the first place or it could be the only place to find solutions to any problems they face. In the majority of villages in Madura, *Kyai* play a very essential role in the socio-cultural life of the community. In relation to child marriage, Rofika and Hariastuti describe 3 examples that show the role of the *Kyai* as a solution provider to problems faced by children in the village. It was stated in their research, that three of their research informants who were Pagar Batu residents decided to marry off their children aged 14-15 years based on the solutions provided by the local *Kyai* in the village to cure their children who were in trance.[20]

#### 4 Conclusion

Reference Referring to the discussion above, it can be concluded that the causal factors of child marriage in Sumenep are not always independent factors, but tends to be interrelated one another (especially for some factors). The factors referred to can be break down into 3 categories, namely cultural factors with the existence of strong traditions that are still carried on by some people in Sumenep, such as the ' *tan-pangantanan*' tradition and the ' *tompangan*' tradition whose the meaning has begun to shift to profit/economic gain orientation, social factors includes factors of family matchmaking, excessive fanaticism of religious leaders, and factors of low education. Then the category of psychological factors from parents in the form of worries that their children will commit acts that are prohibited by religion, such as dating out of bounds, adultery, or other promiscuity.

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