COMMUNITY RECOGNITION OF CHILD MARRIAGE PRACTICES: A CASE IN INDONESIA

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ABSTRACT

This study aims to determine the form of community recognition of the practice of child marriage that still takes place today in Bulu Cindea Village, Pangkajene and Islands Regency, Indonesia. This research contributes to analyzing the occurrence of child marriage practices that still continue. A qualitative research approach with a case study strategy was used to explore the case at the research location. The research informants were 11 people consisting of parents who have children who marry underage, children who marry underage and community leaders who know information about child marriage. The results of this study found that in the practice of child marriage there are three forms of recognition, namely: family recognition, recognition of community leaders, and recognition of government officials. Family recognition, the community views that this is the right decision because there are no negative impacts, needs and desires are fulfilled. Recognition from community leaders, there are still those who conduct underage marriages because of the cultural factors that they still hold strong. Recognition from government officials that underage marriage is commonplace, even this is due to customary factors or community understanding that is still taboo so that religious courts also have the authority to carry out marriage dispensation so that someone gets benefits and benefits and there are conditions that must be met.

Keywords: Child marriage, Community recognition, Family, Rural

Introduction

Marriage is a way to realize the hopes of each individual to be able to form an ideal family. However, to live it is not easy, it is very important for each couple to make preparations before marriage, both mentally and materially. Each couple should also empower themselves after marriage to be able to accept their partner’s shortcomings and require adaptation to change themselves according to their partner’s needs. (Hassan, 2014).

The Marriage Law stipulates the basis and conditions for marriage, one of which is contained in Article 7 Paragraph 1 of Law of the Republic of Indonesia Number 16 of 2019, namely that marriage is only permitted if both parties have reached the age of 19 years. The gap between fulfilling the needs of human nature and
realizing the essence of marriage. The age requirement for marriage is included in the Marriage Law because it is considered important to do so in order to protect the health of husbands, wives and children. Young marriages result in many vulnerabilities during pregnancy (Gurmu & Etana, 2014).

Child marriage is on the rise, especially in less developed countries. According to UNICEF data from 2019, among women aged 20 to 24 in least developed countries, 12 percent were married before the age of 15, and 38 percent before the age of 18 (UNICEF, 2021). Similarly, the case of underage marriage in South Sulawesi Province, Indonesia, is still relatively high. The figure reached 6.7% compared to the national figure of only 2.46% for marriages aged 15 to 19 years. South Sulawesi is ranked 7th with 13.86%, higher than the national figure of 10.80% (Susyanti & Halim, 2020). According to the Office of Child Protection Empowerment, Population Control and Family Planning (DPPPA-Dalduk KB, 2022), Wajo district with 707 incidents, 624 females and 83 males in total, holds the record for South Sulawesi. Sidrap district came second with 671 incidents, of which 584 were female and 87 male. A total of 327 incidences, 286 females, and 41 males in Soppeng District, which came in third place.

Wajo District, Sidrap District and Soppeng District have the highest cases of underage marriage in South Sulawesi. However, underage marriage is also a problem in Pangkajene and Islands (Pangkep), this is because Pangkep is an area that occupies the first position as the poorest area in South Sulawesi (Nur, 2022). Therefore, in some areas there are cases of forced marriage by parents. Based on BPS data, it was found that 45.23% of the population whose age of first marriage was in the range of 10-20 years old (Isdijoso et al., 2019).

Based on the data presented above, underage marriage is still rampant even though there is a law No. 16 of 2019 which regulates the age limit of 19 years for both the bride and groom, but this has little effect. Such cases that occur in Bulu Cindea Village, Pangkajene and Islands Regency also continue to occur to this day. Child marriage is largely driven by social norms, while in other areas, poverty or unplanned pregnancies may be more important determinants (Ahonsi et al., 2019; Jain & Kurz, 2007; Stark, 2018; Svanemyr et al., 2015).

Methods

The location of this research was conducted in a village called Bulu Cindea Village, Pangkajene and Islands Regency. The research was conducted from October 2022 to March 2023. Starting with initial observations at the location, then collecting data and arriving at data processing.

This research uses a qualitative approach which is research that aims to explore data in depth and is open to all answers, not just yes or no answers (Sulistiyono, 2015). In this study using a case study strategy, namely data and information about people, events, social settings, or groups in detail, intensively, holistically, and methodically using various methods and techniques as well as various sources of information to effectively understand how people, events, social settings operate or function according to their context (Sugiyono, 2011).

Determination of informants is carried out using purposive sampling technique or technique of determining informants with certain considerations. This research focuses on children who marry underage, parents who have children married underage and community leaders who know about the practice of child marriage. Furthermore, the data that has been collected is analyzed according to the stages of data analysis in qualitative data, namely data reduction, data display, and conclusion drawing/ verification (Sugiyono, 2011).

Result and Discussion

Underage marriage still occurs in Bulu Cindea Village, Bungoro District, Pangkajene and Islands Regency. Underage marriage is a marriage between a man and a woman whose age has not reached the age limit for marriage. In fact, the age limit for marriage in Indonesia has been regulated, namely that both the bride and groom must be at least 19 years old. The following is the recognition of the people of Bulu Cindea Village of the practice of underage marriage:
Family Recognition

The family is the first and smallest social unit consisting of father, mother, and children in which there is affection and responsibility. In a family, having a child is one of the desires for husband and wife couples, this starts with marriage. Marriage is an institution that was born because of human nature that likes each other and wants to live in pairs in a household or family (Awaru, 2020).

A person who marries has the hope that his family will be sakinah, mawaddah, and warahmah. But if the marriage is a marriage that violates the rules, such as the marriage of minors that occurs in Bulu Cindea Village, there will certainly be a greater chance of domestic problems. Based on the results of the study that each community has a different recognition of underage marriage, there are people who view that it is the right decision because there are no negative impacts caused, needs and desires are fulfilled. However, some parents feel regret because after their children get married, the household is not as expected and does not last long.

If here it is a descendant of the family, I also got married when I was 15 years old, this aunt is still young, only 13 years old bride too. So it's like according to experience, if you get married at that age, it's okay, it's fine. Alhamdulillah, I am also happy, happy because my child's needs are also fulfilled because her husband gives money and provides for her (Interview with ND, February 4, 2023).

Other informants also revealed that the marriage carried out by their children even though they were underage was a good thing. This can be seen from the interview with informant HB as the parent of informant MY, who said:

When parents used to marry underage, most of the time, if the child grew up and someone proposed, they accepted. I always saw that the little bride was fine. It was considered good, rather than if they were not given marriage they would always leave, it was better to be given marriage, like that. The neighbors let their children grow up if someone proposes or if they have their period, they get married. (Interview with HB, February 1, 2023)

From this explanation, it can be seen that underage marriage has existed for a long time, so it is not surprising that now a child marries even though he is underage. This is supported by experiences from families or people even though they married at a young age, the marriage was fine.

However, in contrast to informant EL after marrying, her household was not as beautiful as the family expected. This can be seen based on an interview with informant KL, who said:

Unhappy, because of her husband’s irresponsibility. New EL is now working, helping people outside, cleaning, mopping, what, I feel bad. Because this child drinks milk. After marriage, her husband never came here because he worked on the island. That’s why it hurts all the children because they are given that, because the costs are not balanced in giving to this EL. Want to buy powder, buy what, so I’m always the one who buys it. (Interview With KL, December 24, 2022).

Based on the results of the interview, it can be seen that EL’s husband is not responsible for providing for EL as his wife so that her needs and desires are not fulfilled. As a parent, she regrets having arranged a match for her child and the household is not what she expected.

From the explanation expressed by informants, underage marriage is something that is not good so that as parents they feel regretful. Underage marriage has negative impacts that they will experience so that it is not uncommon for them to decide to divorce and children have a sense of trauma about marriage.

Recognition of Community Leaders

Community leaders are people who have influence in society, both formal and informal. Formal community leaders are people who are appointed and determined by structural state institutions while informal community leaders are people who are recognized by the
community because they are seen as worthy of being respected leaders and have a big role in protecting the community (Kusnadi & Iskandar, 2017).

In life in the Bulu Cindea Village community, there are community leaders who have a very important role, namely as maintainers of values and norms established in the community, social control, and solving various problems that occur in the community. Therefore, the Village Head and Village Imam have an important role as community leaders in the practice of child marriage, which still occurs frequently. If the marriage still occurs, it will cause various problems.

The Village Head and Imam of Bulu Cindea Village revealed that there are still those who carry out underage marriages because of the strong cultural factors that they hold in society. Families who want to marry off their children look for alternatives so that they can get married even though it is by means of nikah siri' and it is outside the supervision of community leaders. Therefore, the consequences that will be accepted are the responsibility of the parents. As the Village Head, MA in seeing this phenomenon is as he said:

So, in terms of underage marriage, it is actually not allowed if it does not meet the requirements issued by the law. But if I see here, sometimes people who do underage marriages are from the same family (close family). Marrying, for example, a cousin once, a cousin twice, that’s what’s difficult. That culture is difficult for us to do (Interview with MA, February 2, 2023)

This was also added by informant AR as the Village Imam regarding underage marriage, he said:

If the ordinary children are not yet of age, they are rejected by the KUA, so from the village they cannot be given marriage, so they sometimes marry siri', but if they are old enough, they will marry again. (Interview with AR, March 6, 2023)

Based on the results of these interviews, it can be seen that underage marriage is a social phenomenon that violates the rules that apply in society. However, in Bulu Cindea Village there are still those who do this because of the strong cultural factors that they hold and they will even look for alternatives so that they can get married even in a siri’ way. So as the village head and other community leaders it is difficult to overcome this.

When there is an urgent reason, such as pregnancy or other reasons, that someone wants to marry underage, community leaders direct them to apply to the court. So that it is the court that decides whether the marriage can be carried out or not.

Apart from providing socialization, community leaders only provide statement sanctions because there is no law regarding the sanctions that a person will get if he or she enters into an underage marriage. This can be seen from MA’s interview, saying:

If it’s about sanctions from the village government, it’s just a form of statement, a statement that we give. Do not let things happen in the future because it is outside of our supervision, it is the responsibility of the parents. (Interview with MA, February 2, 2022)

From this explanation, it can be seen that underage marriages that occur secretly are outside the supervision of community leaders. So that if there is something negative that happens to them, it is the consequence and responsibility of the parents because the community leaders have also approached such as socialization about what underage marriage is.

**Recognition of Government Officials**

As servants of the community, government officials are tasked and authorized to examine, decide and resolve people’s cases, just as the courts focus on the fields of marriage, inheritance, wills, grants, zakat, and so on. In addition, there are KUAs that have duties and responsibilities as the implementation, service, supervision, recording, and reporting on marriage and referral (Maulana, 2021).

In community life there are dynamics that will be experienced by individuals or groups. This is inseparable from the phenomenon of
underage marriage that occurs in Bulu Cindea Village. Therefore, the presence of the KUA and the Court becomes the estuary when someone wants to apply for marriage and overcome or solve problems related to marriage.

Recognition from the KUA and the Religious Court regarding underage marriage is a common marriage, this is also due to customary factors or community understanding that is still taboo. Therefore, the religious court has the authority to grant marriage dispensation. The goal is for someone to get benefits and benefits and there are conditions that must be met. Regarding sanctions, nothing has been determined. As conveyed by the Head of the KUA of Bungoro District MG in seeing this phenomenon, he said:

Underage marriages do occur in many communities, including in Bulu Cindea Village. Because in the community, one of the causes is custom. There is the term community custom, one of the causes is when, for example, a woman is gold, so if someone comes to propose and is not accepted, it will be difficult for her to find her soul mate, so when, for example, someone comes, he is immediately accepted, that is their understanding, so that he is independent of the age issue, he does not think about it. It is not visible but it appears on the surface when it means that it is not alienated in the community, it is not too important, that is our challenge at the KUA (Interview with MG, March 9, 2023).

Based on the results of interviews with MG informants, it can be seen from the recognition of the KUA that the community considers underage marriage to be a marriage that is commonplace, even this is due to customary factors or community understanding. For example, when someone proposes, the proposal must be accepted, if they do not accept the proposal, they believe that their soul mate will be a long time coming so that marriage is better done and they are not worried about the person’s age. In addition to customs and community understanding, the Pangkajene Religious Court also added that:

We identify why this is the case, there are so many things, the first is promiscuity, the ease of interaction between men and women, then the absence of positive activities such as lectures, most of those who come here do not go to college, they drop out of junior high school, high school, so they get promiscuity, sometimes they go too far and end up pregnant. But sometimes if the mother’s father finds out then he will be punished, he immediately immediately because this way the child is the responsibility of the father, when the father is no longer able to look after the child, then the alternative is to get married, then apply to the religious court to get married. (Interview with FA, February 15, 2023)

Based on the results of interviews with informant FA as a Senior Judge, if a person does not have positive activities such as further education, it is undeniable that negative things will occur, such as promiscuity, which will have a negative impact. When the negative impact occurs, inevitably someone must marry even though they are not old enough or when someone wants to apply for marriage for various reasons, it will be examined by the religious court. Informant FA, also added about marriage dispensation, saying:

Marriages must be recorded at the KUA, and the KUA doesn’t want the record if it’s not appropriate. According to him religiously, it is valid even though it is not clear whether it is appropriate or not, that is the function of recording, well that’s so. Even if she is pregnant, the marriage must be recorded, to record the marriage she must get a marriage dispensation, because the requirements for obtaining a marriage book must fulfill administrative requirements (Interview with FA, February 15, 2023).

A real marriage is a marriage that is registered at the KUA and if it is recorded, someone will get a marriage book as proof that they are a husband and wife who are legal in religion and the state. However, when someone wants
to get married but has not met the requirements such as age and the existence of an accident without the marriage still having to be recorded by the authorities. To get approval, there is such a thing as marriage dispensation. The purpose of the marriage dispensation is as a benefit and good for everyone but if there is no marriage dispensation, underage marriage will still occur.

From the results of interviews with informants, it can be concluded that as government officials, the KUA and the Religious Courts have tried to reduce the number of underage marriages by socializing to the community regarding the understanding of what underage marriage is like. However, regarding sanctions, there is no sanction yet, if you want to set sanctions, they must be overall, there must be rules from the authorities so that these rules apply to anyone and in any area so that there are no imbalances in society and do not cause conflict.

Social practice according to Giddens is an action or deed carried out by agents repeatedly and patterned across time and space. In Giddens' concept of structuration, agents are people who have power so that they can change the situation. The existence of agents that make the social practice of underage marriage in Bulu Cindea Village take place can be analyzed through the existence of structures that also bind agents. Structures and agents are not seen as two separate things but must be seen as a duality so that both influence each other (Wiraowan, 2012).

Agents in the Bulu Cindea Village community are people who take action or people who have power so that they legalize the social practice of underage marriage. Based on the results of research and interviews conducted by researchers, agents in the Bulu Cindea Village community are children and parents where both have motivations that encourage them to take an action, namely marriage. In a family, parents have the power to force their children to marry with the support of structures such as religious marriage, age data manipulation, marriage dispensation, so underage marriage can occur. Structures and agents are both the result and means of a social practice where the structure is formed through actions by agents and vice versa the actions practiced by agents are formed by the structure (Giddens, 2010).

In an action carried out by humans intentionally has a goal to be achieved, at the same time human actions have unintended consequences from the establishment of structures that have an impact on further human actions. According to Giddens' Structuration theory, humans are purposeful agents who have various reasons for their activities and are able to explain these reasons repeatedly. It is possible that the reasons explained by humans repeatedly have goals based on what they want to do in different dimensions of space and time (Demartoto, 2013).

Therefore, based on the dominant research results, there is a discursive awareness of agents, namely that they understand referring to the capacity to reflect and provide explicit explanations for their actions. The existence of agents that make the social practice of underage marriage in Bulu Cindea Village take place can be analyzed through the existence of structures that also bind agents. Structures and agents bind each other and then form a duality. In Giddens' theory, underage marriage can be analyzed through three major clusters contained in the structure, namely: signification, domination, and legitimacy. The three clusters of structures cannot stand separately but are interrelated with each other.

Based on the results of research and interviews conducted by researchers, there is a signification structure, which refers to symbolic rules, meaning, mention and discourse so that underage marriage can occur. There is a community understanding that they hold that underage marriage is a good thing regardless of the age of the child. They also think that when someone comes to propose, the proposal must be accepted if not they believe that one day they will get karma for their actions. In fact, if someone is still related to her without thinking, the proposal is accepted. This is because it is to maintain family ties and keep the family's good name.

The existence of a signification structure then enters the domination structure, namely control over people (politics) and goods or services (economy). In a family, the highest power
is held by parents, so parents will dominate and when parents want their children to get married immediately, this will be done. As a child feels afraid to refuse the wishes of these parents. In the end, the community also legitimizes with the understandings they hold. Apart from that, there are no sanctions set so that underage marriage is still carried out. There is support from agents and structures so that underage marriage occurs because the result is repeated and patterned so that it gives birth to social practices, namely the structure of underage marriage.

Conclusion

The form of community recognition of the practice of underage marriage is the difficulty of understanding the community regarding underage marriage and the strong customs they hold. This is also supported because there are no sanctions given so that underage marriage is carried out. Some parents also consider the marriage to be a good thing because there are no negative impacts felt and the child’s household goes well. However, there are parents who think that underage marriage is a bad thing because children cannot make the right decisions, the husband is not responsible for providing for his wife so that parents feel disappointed and regretful about the incident.

On the other hand, there is a relationship between actor motivation and structural support so that underage marriage can be carried out. Structural support includes religious marriage, which is a secret marriage between families without witnesses from authorized parties. Manipulation of age data as access to the path of someone who wants to get married even at an insufficient age, this alternative can be done because there is no marriage management application so that the age listed and the actual age can be different. The religious court is also the final estuary when someone wants to apply for underage marriage, when there are urgent reasons and supported by evidence, someone will get marriage dispensation.

References


