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Actualization of Marriage Age Restrictions in Law Number 1 of 1974 Regarding Marriage to Manage Early Marriage in Sidang District

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Abstract

This study is based on research that has the purpose describing the efforts of the Bangunharjo Village Government in the empowerment of women. This research is a descriptive study with a qualitative approach Determination of the study subject using purposive technique with the subject of research, with research subjects: Head of Government Services Section of Bangunharjo Village, Staff Section of Government Services at Bangunharjo Village, Head of Administration and General Affairs of the Government of Bangunharjo Village and Head of Dukuh Bakung. Data collection techniques using interviews and documentation. Data validity inspection techniques in this study used cross check techniques. Subsequent data analysis techniques use inductive data analysis, including data reduction stages, data categorization, data presentation and conclusion retrieval. The results showed that the efforts of the Bangunharjo Village in the empowerment of women consist of two fields 1) Empowering women in economics conducted through socialization and training of economic field, development of village economic products and cooperation with institutions related to women Empowerment, 2) Women empowerment in socio-political field conducted through the involvement of women in various sociopolitical activities and through the preservation of societal activities. The barriers faced by the village government in the development of women in the economic, social and political areas include; 1) insufficient of human resources; 2) insufficient of budget funds; 3) insufficient of facilities and infrastructure, and 4) insufficient of public awareness in empowerment.

Keywords: Actualization; Law Number 1 of 1974 Concerning Marriage; Early Marriage

Introduction

Rights are a necessity that are accepted by citizens, while obligations are a responsibility of citizens in the implementation of a country (Muhammad, 2018). A good citizen is a person who is responsible and carries out what has been regulated, namely the rights and obligations in accordance with the regulations that have been made by the state which will create and develop a democratic state and society (Cholisin, 2004). Some of the rules that are closely related to obligations in the field of law and government, one of which is the obligation of citizens in population administration, one of which is related to marriage.

A legal marriage is a marriage that is carried out according to the law, both written and the law of religion and belief, and recorded according to the applicable law. To carry out a marriage, citizens are required to fulfill the conditions stipulated by law, among others, marriage is only permitted if the man has reached the age of nineteen years and the woman has reached the age of sixteen years (Law No. 1974 article 7 concerning Marriage) (Undang-Undang RI No.1 Tahun 1974, 1974). But then, the phenomenon of marriage at an early age has become a problem that infects many countries. (A. Muntamah et al., 2019) said that every year around 1.5 million girls have early marriages. Even by (Chae & Ngô, 2017; Malhotra & Elnakib, 2021), it is said that universally 720 million women who live and marry are under the age of 18 years, which is in the range of 15 years.

Meanwhile, (Mahato, 2016; A. L. Muntamah et al., 2019) said that in his research, Indonesia was ranked 37th with the highest number of underage marriages among other countries in the world, while for Southeast Asia, Indonesia was ranked 2nd after Cambodia. Furthermore, according to the (Badan Pusat Statistik, 2016) records, West Java Province is the province with the highest marriage rate in Java. Indramayu Regency is a Regency in West Java which in the writings of (Jones et al., 1994; Widyastari et al., 2020), explained that Indramayu Regency is an area that has been known in various regions as a supplier of sex workers in various places in Java and its surroundings. Indramayu Regency in the records of (BPS et al., 2004) ranks one of the lowest among 340 districts in Indonesia in terms of the Human Development Index (HDI) and Gender Development Index (GDI).

One of the sub-districts that has the highest percentage of cases of early marriage is Sindang District, Indramayu Regency. Records submitted by the Ministry of Religion of Indramayu Regency in 2017 show that Sindang District is one of the sub-districts that has the second highest number of cases of early marriage in 2017 in Indramayu Regency. This is further exacerbated by conditions which show that in 2018 Sindang District was the only sub-district where the decline in the number of early marriages was not as good as other areas, and even tended to stagnate. The number of cases of early marriage in Sindang District which can be said to violate the law or the rules that have been made, namely the Act, not only that the local government also does not prohibit or prevent these minors from marrying without warning or sanctions for perpetrators of early marriage in the district. Sindang District. This can be proven from statistical data from the Office of Religious Affairs and also the local government. Implementing the rules is an obligation for every citizen without exception. The people of Sindang District are citizens who are obliged to be responsible for their rights and obligations as citizens to fulfill the rule of law. Looking at the condition of the problem above, it proves that there is a violation of the obligations as a citizen in obeying and practicing the rules that have been made by the state, in this case whether Law Number 1 of 1974 concerning Marriage can still be said to be actual or not with the existence of problems or cases concerning marriage. Early marriage in Sindang District, Indramayu Regency.

Based on the background explanation above, the things that become problems are what are the factors that cause the high number of early marriages in Sindang District; What are the development efforts for the people of Sindang District to reduce cases of early marriage, and; how is the actualization of Law Number 1 of 1974 concerning Marriage for the prevention of early marriage in Sindang District. This research is expected to provide benefits both theoretically, especially in the field of Pancasila and Citizenship Education regarding the rights and obligations of citizens. In addition, the practical benefits are expected to be a contribution of thought for students, the community in general and the village government in particular related to the rights and obligations of citizens in marriage which is framed by Law No. 1 of 1974 concerning Marriage.

Methodology

This research is a descriptive study using a qualitative approach, while the strategy used in this research is phenomenology. This research was carried out from December 2019 to April 2020 in Sindang

District, Indramayu Regency. Furthermore, the subjects in this study are the Sindang District Government, in this case the Head of the Social Welfare Section and the Head of the Sindang District Service Division; several residents of Sindang District who had early marriages; judges of the Class IA Religious Courts of Indramayu Regency; the head of Public Relations (Humas) of the Ministry of Religion of Indramayu Regency, and; head of the Sindang District Office of Religious Affairs.

The data used in this study are the results of interviews and observations as primary data and documentation as secondary data. The data collection techniques used interviews, observation and documentation. Furthermore, the data obtained were tested for validity using triangulation techniques. Meanwhile, related to data analysis using descriptive inductive method, namely specific problems which are then drawn general conclusions. The data analysis process is in accordance with the opinion of Miles and Huberman (Sugiyono, 2009), namely through the stages of data reduction, data categorization, data presentation and conclusion drawing.

Findings and Discussion

Factors Causing the High Rate of Early Marriage in Sindang

Based on research that has been done by researchers, obtained several factors that have a significant effect on the high rate of early marriage in Sindang District. Some of these factors include economic factors, educational factors and environmental factors:

First, economic factors. Economic factors in various parts of the world are indeed recognized as one of the dominant factors causing the high number of early marriages. As explained by (Choe et al., 2005) that based on the results of their research in Nepal, it is stated that the higher the economic status of the family, the less will accept marriage at an early age, and vice versa, if the economic status of the family is lower, then the family in question usually has a tendency to accept or carry out early marriage. This is also confirmed by (Otoo-Oyortey & Pobi, 2003; Rahayu & Wahyuni, 2020) which states that early marriage in Sub-Saharan Africa occurs due to low income, education and very limited assets owned by the family.

This fact cannot be separated from the geographical condition of Sindang District, which is largely dependent on the agricultural sector. Meanwhile, based on data obtained in the field, it shows that indeed most of the agricultural land in Sindang District is done by farm laborers. This means that although Sindang District has a fairly large area of land, this does not directly improve the welfare of the surrounding community. In addition, the economic condition in Sindang District is also inseparable from the fact that the majority of people in Sindang District, both students and adults, choose to become laborers. The majority of workers in Sindang District do not have the skills or skills that are qualified so that the workers' families for a long time will still be trapped in the cycle of poverty. This causes the absence of parental attention to the child's association.

Second, the education factor. The second factor that causes the high rate of early marriage in Sindang District is the education factor. Education is one of the factors that triggers the increase in early marriage in various countries. Research conducted by (Nishimura & Yamano, 2013; Zuilkowski et al., 2018) for example says that education is a factor that causes early marriage because in most developing countries the wealth owned by the family will have an important influence in deciding educational issues. The condition of early marriage related to education in Sindang District is indeed quite worrying. This can be seen from the fairly large dropout rate, both male and female, of course for different reasons. Furthermore, in Sindang Subdistrict, if a man who drops out of school does not marry shortly after, usually as stated by several sources, they will immediately work either as laborers or migrate, but it is certain that very few are unemployed. Meanwhile, if a woman who chooses to drop out of school then not after a while chooses to marry early, it is usually due to a pregnancy

outside of marriage. Women of school age who decide to get married cannot be separated from the theoretical model presented by (Harknett & Kuperberg, 2011) which states that the predictions that can be made for this phenomenon are clear that low education will cause more non-marital births. This argument is then supported by the view presented by (Khanna et al., 2013; Steinhaus et al., 2019) that women with low levels of education will tend to marry men who work rough, low skills and usually work in the agricultural sector. In addition, women themselves will choose inferior jobs, causing a gender bias in the area.

Third, environmental factors. Environmental factors here include the family environment, social environment and also the community environment. This of course cannot be separated from the previous factors. The condition of the family environment, peers and also the community is certainly related to economic conditions and education which has been the cause of the high number of early marriages in Sindang District. In various early marriage events that occurred in Sindang District, facts were found in the form of a community environment that seemed to "allow" things related to early marriage, even in the extreme it was said in the results of the environmental interview where one of the interviewees who carried out early marriage considered that early marriage was considered as a natural thing in the surrounding community. In relation to these environmental factors, (Montazeri et al., 2016) have stated that the majority of early marriages occur in addition to arising from poverty, social forces are also said to affect early marriage. Social power here can certainly be defined how the community responds to the early marriage events that occur.

In addition to community environmental factors that influence the occurrence of early marriage, the family environment itself is considered to have a more central role to control the occurrence of early marriage. Therefore, the role of parents in determining the occurrence of early marriage is very important. It is said by (Emilia & Wahyuni, 2012; Febriawati et al., 2020; Hastuty, 2018) that family control in society greatly influences the decisions of parents and families in taking a stand. This family control cannot be separated from the new social status for adolescents, where teenagers are getting used to hanging out with peer groups.

The influence of this group on the lives of teenagers is also very strong, it is even said that its influence is stronger than the influence of the family. This is what then causes family control to be very important in monitoring adolescent behavior. If family control decreases, it is feared that it will lead to promiscuity of these teenagers, and a further impact is the occurrence of early marriage. The description of the opinion above can certainly be seen through the conditions in Sindang District, many school-age teenagers decide to leave their family from school because of the influence of their peers. When deciding to leave school, there were also those who were already pregnant and chose to marry early for the boys, one of which was because of the influence of their peers.

Guidance Efforts for the Sindang District Community to Reduce Early Marriage Cases

There are several efforts or programs implemented and deemed quite significant in tackling the occurrence of early marriage, namely the socialization program and the formation of the taklim assembly. These programs as an effort to overcome early marriage are certainly expected to have an indirect impact on training, providing knowledge and increasing public awareness, both parents, teenagers and married couples to understand the meaning of marriage or the dangers of early marriage.

First, socialization in various community groups. Based on research conducted related to efforts to foster community in Sindang District to reduce cases of early marriage, one of the efforts is to conduct socialization to various community groups. Although it does not have a direct impact on reducing cases of early marriage, this effort is considered quite effective in fostering the community so that they do not do early marriage. The socialization was carried out in groups of teenagers, parents and pre-wedding couples. Meanwhile, the material presented is in the form of family resilience, family financial management, reproductive health, the dangers of early marriage, conflict management and so on.

As stated by (Susmiarsih et al., 2019) that massive dissemination of information related to the dangers of premarital sexual behavior and reproductive health for the couple is still very much needed. This is also confirmed by (Darmasih et al., 2011; Nurhikmah, 2011) that there is indeed a close relationship between knowledge related to reproductive health and premarital sex behavior. It was further explained that teenagers who have knowledge will understand sexual behavior well too. On the other hand, teenagers who have a low level of knowledge about premarital sex will also have a bad understanding of sexual behavior.

This is revealed from research conducted by (Fadhlullah et al., 2019; Nurlaeli & Rakhmawati, 2022; Setyaningsih et al., 2021) which states that increasing knowledge related to reproductive health means that adolescents are increasingly not will deviate from sexual behavior before marriage. In addition, it is said by (Julia et al., 2022; Pratiwi & Basuki, 2010) that indeed in the results of their research there is a significant relationship between the level of understanding related to reproductive health and adolescent sexual behavior.

Second, the formation of taklim council. The formation of the Taklim assembly by the Office Religious Affairs of Sindang District is deemed important to carry out considering the fading religious values of the community, especially in youth groups. The Office Religious Affairs of Sindang Sub-district in carrying out activities at the assembly that was formed, of course, did not only stand alone, but collaborated with the Ministry of Religion of Indramayu Regency and the Sindang District Health Center. Through this collaboration, competent performers or materials were obtained, where material about health and the dangers of getting married at an early age will be filled out by the Sindang Health Center. While related to religious education, raising awareness and increasing faith will be filled by the Office of Religious Affairs and the Ministry of Religion Indramayu.

The importance of inculcating religious values carried out by Office of Religious Affairs Sindang together with relevant agencies as an effort to reduce the number of early marriages in Sindang District is also justified by (Bertram-Troost et al., 2009; Layton et al., 2011; Matemba, 2021) who think that a sustainable understanding of religion is given to teenagers. will have a positive effect and make children behave positively so as to reduce the risk of deviant behavior, one of which is free sex. Seeing the opinion of Layton, et al above, of course, it can be said that one of the agents to instill moral and religious values in children is one of the most effective ways is through parents and the surrounding community itself. In line with what was conveyed by Layton, it was also explained by (Sarwono, S. W, 2011) that instilling moral and religious values into adolescent groups is important because it is expected to be able to control behavior so that adolescents avoid behaviors that deviate from norms in society. Furthermore, to strengthen this argument, it can be seen in the research conducted by (Susmiarsih et al., 2019) which can be explained that religious knowledge and early marriage law will have an influence on adolescent sexual behavior, namely the higher the knowledge possessed, the higher the behavior. to prevent premarital sex.

Actualization of Law Number 1 of 1974 concerning Marriage to Overcome Early Marriage in Sindang District, Indramayu Regency

Based on the results of research conducted related to the actualization of Law no. 1 of 1974 concerning Marriage to overcome early marriage in Sindang District, it can be said that the majority of the provisions in the Marriage Law are still actual. However, the age limit rule is no longer actual or relevant anymore to be applied, because it is no longer able to overcome the occurrence of early marriage, especially in Sindang District. If viewed from a legal point of view, it can be said that there is no violation of the rights and obligations of citizens in the field of marriage. This is of course based on the assumption that everyone who wants to get married, even though they are minors, has carried out all kinds of requirements stipulated in the Marriage Law, in this case to apply for a marriage dispensation.

Dispensation as stated in the provisions of Article 7 paragraph (2) of the Marriage Law that in the event of an age deviation in marriage, you can request a dispensation from the court or other official appointed by the parents of the male or female parties. The granting of dispensation itself basically, as obtained in the study, has shown strict conditions, for example, having to ask for a cover letter from the village, a photocopy of the KK, refusal from the local Office of Religious Affairs in this case the Office of Religious Affairs Sindang and other administrative requirements. The Sindang Office of Religious Affairs itself has considered that with the heavy requirements that must be completed, it is expected to reduce the number of early marriages, but in reality this is difficult to realize.

This is actually a dilemma for the parties who gave the decision on the dispensation. This is because the majority of couples who have applied for dispensation are pregnant out of wedlock. In the end, the religious courts tended to take an "emergency" reason to give a dispensation decision for the early marriage. This decision was of course taken with various considerations, one of which is the condition of women who "usually" have been pregnant first so that in the future unwanted things happen such as child abandonment, marriages that are not recognized by law so that the child and the family are legally family members. have a problem, then the dispensation must be granted.

This is certainly very worrying because the dispensation seems to be an "opportunity" to legalize underage marriage. If you look at the phenomena above, it can certainly be said that legal awareness in the form of compliance with the rules made in the Marriage Law is not "pure" awareness. The explanation above shows that there is a possibility of legal awareness because dispensation is the only path that must be taken by underage couples who experience an "accident" or become pregnant out of wedlock to obtain legal marital status from the state. Of course, this opinion is not without reason, because based on data in the field the number of early marriages in Sindang District continues to increase. In addition, research activities carried out by researchers also show that the average number of early marriages is due to cases of pregnancy out of wedlock.

Conclusion

Based on the results of research and discussion that have been disclosed in the previous chapter related to the actualization of Law Number 1 of 1974 concerning Marriage in tackling early marriage in Sindang District, Indramayu Regency, the author can put forward several conclusions as follows:

First, there are factors that have a major influence on early marriage, namely economic factors, educational factors and environmental factors. Economic factors are one of the main factors in increasing early marriage in Sindang District. This shows how the livelihoods of residents in some areas, especially those far from the crowds, are laborers, odd jobs and smallholders. Furthermore, related to educational factors, namely the high dropout rate so they choose to become laborers, while for women choosing to drop out of school and marry workers is also due to the lack of knowledge. Furthermore, environmental factors include the family environment, namely parents who sometimes force their children to marry and also parents' ignorance about the dangers of early marriage. Then the social environment and society that tend to accept and consider it normal for early marriage to occur.

Second, related to the efforts made to overcome early marriage that occurred in Sindang District, namely conducting socialization to three community groups, namely, first to the youth group with directions to introduce the dangers of early marriage, secondly, socialization for parents and the community related to the dangers of early marriage, the importance of education and the impacts of early marriage on the family economy, and the three groups of premarital and community related to reproductive health, family resilience and the dangers for perpetrators of early marriage. The second effort was carried out through the establishment of a taklim assembly by Office of Religious

Affairs Sindang and in collaboration with religious leaders to provide counseling related to religious values related to early marriage, as well as collaborating with puskesmas to inform the dangers of early marriage.

Third, the existence of Law no. 1 of 1974 concerning Marriage in the field, especially related to the minimum age limit for marriage, is no longer actual. This is evidenced by the continued high number of early marriages either nationally or in this study in the Sindang District. The graph of early marriage in Sindang District continues to increase from 2017 to 2019. This can be seen in couples who have obtained a legal decision from the court as husband and wife even though they are still under age, on average in an "emergency" condition, namely women who were already pregnant. This means that the existence of the Marriage Law has failed to apply a minimum age limit for marriage for prospective married couples, not only that, seeing the phenomenon in Sindang District, the dispensation on the one hand will be a kind of "opportunity" for couples who want to have an early marriage.

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