Warning: Increasing Child Marriage in Palu, Sigi, Donggala!

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ABSTRACT

The increase in the number of marriage dispensation cases in the Religious Courts after the amendment of the Marriage Law requires the government to be vigilant. The large number of divorces from young marriages filed with the court is an impact of the increase in the number of marriage dispensation applications. The purpose of this study is to analyze the factors that influence the prevalence of child marriage in Palu, Sigi and Donggala. The methods used is socio-legal research method with primary data sources obtained from Penghulu in Palu, Sigi, and Donggala. The results of the study found a strong influence of religious factors, customs, economics, education, pregnancy outside marriage, and narcotics which caused the prevalence of child marriage in Palu, Sigi, and Donggala. All of these influencing factors all lead to the solution of marriage dispensation. A better strategy is needed that is tailored to current conditions. It is also suggested that Penghulu conduct seminars so that they can have the same perception of the Marriage Registration Policy and knowledge of the latest Marriage Law. Cooperation with the courts is needed to facilitate community affairs related to marriage. The police need to increase the eradication of narcotics in areas that are indicated to be places of circulation and abuse.

1. Introduction

Marriage should last forever because this is the mandate of religion and the Marriage Law in Indonesia. As in the definition that marriage is a physical and mental bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on God Almighty (Article 1 of Law Number 1 of 1974 as amended by Law Number 16 of 2019).

The longevity of a marriage can be influenced by several factors. Among them is the maturity of one’s age in navigating the household ark. Age maturity is generally accompanied by emotional maturity. Emotional maturity is a condition of feeling a stable reaction to a
problem object so that a person can make decisions or behave based on consideration and not easily experience mood swings. Emotional maturity is an individual’s ability to be tolerant, feel comfortable, have self-control, a feeling of accepting oneself and others, besides being able to express their emotions constructively and creatively. Therefore, marriage should be conducted by men and women who are physically, psychologically, and financially mature. These three aspects are very important in maintaining harmony and building a household.

Article 7 Paragraph 1 of the latest Marriage Law regulates the age limit for marriage, which is 19 years for both men and women. This is different from the previous provision which differentiated the minimum age limit for men from 19 years old and women from 16 years old. At the age of 19, according to this Law, a person has reached physical maturity, especially the reproductive organs for women. In addition, psychological maturity is achieved in solving all problems that arise in the household. Thus, divorce can be avoided and the purpose of marriage is well realized. In addition, child marriage does not occur considering the impact it has on the economic, psychological, and health aspects of the perpetrators.

The increase in the minimum age of marriage for women from 16 years to 19 years is very burdensome for some people, especially in remote areas or villages. This is due to the increasing number of applications for marriage dispensation and the community's unpreparedness for the regulation and it is possible that many more do not apply due to several factors. For example, they are reluctant to want to go through legal procedures, because of the urgent nature of the marriage, and other reasons. So, if the judge states this, what about the Penghulu whose main task and function is to supervise and register marriages? Based on this background, the formulation of the problem is how do Penghulu in Palu, Sigi and Donggala view Article 7 Paragraph 1 of the Marriage Law regarding the age limit for marriage?

Furthermore, the purpose of this paper is to find out and analyze the views of the headmen in the Palu, Sigi and Donggala regions regarding Article 7 Paragraph 1 of the Marriage Law regarding the age limit for marriage. Because the incidence of child marriage is still rampant, even increasing, especially after the amendment to the Marriage Law. Especially in the Palu, Sigi and Donggala regions after the earthquake devastated the area.

2. Method

The research method used is socio-legal research located in Palu, Sigi, and Donggala. The Palu region is represented by the Mantikulore Religious Affairs Office, the Head of Office, and other Penghulu. The Sigi region is represented by the Sigi Biromaru Religious Affairs Office, the Head of Office, and the Penghulu. While the Donggala region is represented by Sirenja Religious Affairs Office and Banawa Religious Affairs Office, the Head of Office, along with the Penghulu. The research results are presented using qualitative methods.

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3. Increasing Child Marriage in Palu, Sigi, Donggala

Marriage is a sacred event. Therefore, marriage must be carried out in accordance with religious and state regulations. Article 2 Paragraph 1 of the Marriage Law states that marriage is valid if performed according to the laws of each religion and belief. This article demands the legalization of marriage from a religious and spiritual aspect which results in individual legal consequences, between humans and God. In Islamic Law, marriage is included in the category of worship. However, there are opinions that state that marriage is *mu’amalat.*

Child marriage became increasingly common in Palu after the amendment of the Marriage Law. One judge even said that Indonesians were not ready to comply with the provisions of the new Marriage Law. Exhaustion from the increasing number of marriage dispensation applications led the judge to say this.

One *Penghulu* stated that the government is imposing its will to increase the age of marriage for women. He said that “if people are still practicing child marriage, why have a new regulation when there are still many violations of the old regulation.” People still like or believe that child marriage is beneficial for the family. Moreover, tradition and religion do not prohibit it. In line with the above statement, *Penghulu* in Donggala, stated that “Actually, I also disagree with the increase in the marriage age limit, because it makes it difficult for us at the Religious Affairs Office.”

The majority of *Penghulu* requested that the Government's decision be upgraded to a minimum marriage age for women. In addition to complying with existing laws, this is also for the good of the prospective bride herself, and generally for the families of both parties. A *Penghulu* at Religious Affairs Office Mantikulore said that “Actually, if possible, it is better to raise it to 21 years old for all (men and women).” Likewise, according to the Religious Affairs Office of Sigi Biromaru, “We welcome the Government's decision to raise the marriage age limit for women, so that it does not trouble their parents.” The same opinion was also conveyed from the Sirenja Religious Affairs Office and from the Palu City of Religious Affairs Office. They recognize these provisions as part of government institutions and they must carry out the duties assigned to them. If there is a violation, the marriage application will be rejected.

For people who are disciplined and obedient to the provisions of the Government or the law, this is not burdensome. However, if in difficult circumstances the problems caused by the child's negligence, for example pregnancy, will make the community try to “legalize” all means so that the family disgrace can be resolved by marrying off their children even though they are not old enough to marry under the Marriage Law. The *Penghulu* admitted that “most cases of child marriage are due to pregnancy, they are pressured to get married immediately. However, I refused because the prospective bride was underage.” In line with this statement, “the factor of the child's pregnancy makes the rules violated. They are supposed to register 10 days before the wedding, but because they are pregnant, they

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immediately ask for marriage, if necessary on the same day.” All the heads of Religious Affairs Office’s gave the same statement regarding this matter.

The Marriage Law provides a solution for underage brides and grooms to marry under urgent circumstances. The best solution is to apply for marriage dispensation to the designated court, which is the Religious Court for Muslims and the District Court for non-Muslims. However, it is not as easy as it seems to apply to the court for dispensation. People are fearful even when they only hear the term “Court”. The image in people’s minds is that the Court is scary, so they do not dare to visit, let alone deal with it. The head of the Sirenja Religious Affairs Office shared his experience as follows: “There are people who come to me to ask to marry off their children who are still underage. I recommend applying for a marriage dispensation to the Religious Court. However, they even gave me 10 million to arrange the dispensation. They said they don’t want to go to the Court, they prefer me to do it.” Likewise, said, “Instead of going to the Court, they prefer to have their children married by a respected person in the neighborhood.” Especially if the bride-to-be is already pregnant and about to give birth. As experienced “We once refused to marry off a girl who was heavily pregnant. Upon returning from here, we heard the news that the girl died in childbirth.”

There are various reasons for people to avoid the courts. In addition to fear and “allergy” to the courts, there is also the issue of the distance or location of the courts far from where they live. For example, the distance from the Religious Affairs Office of Sindue Tobata Sub-District to the Donggala Religious Court is 104.1 km, with a travel time of two hours and 19 minutes. The trial process at the Donggala Religious Court takes more than one day, at least three times, starting from registration, trial process, and decision. The burden of fear and transportation costs will not be difficult for people who have a sufficient economy. However, for people who have a poor economy, it will be very difficult.

Since the enactment of the new Marriage Law, the Religious Affairs Office has used various means to inform the community. For example, socialization through Friday khotbah, counseling, and various interactions with the community. Penghulu from Palu City, stated that, “We approach the fathers (of underage brides-to-be), ‘door to door’ as we call it. Also, through the Imam (head of the mosque) so that it can be announced at the mosque, especially on Fridays before the Friday khotbah. Even if the woman is not pregnant when she wants to get married, it can be resolved with the help of the family only. However, parents can be invited to the Religious Affairs Office to be briefed.”

The provision of marriage guidance for premarital couples or catin (prospective brides), sex education for teenagers, and the establishment of the Lembaga Bina Keluarga Sakinah, have been carried out by the Religious Affairs Office of Mantikulore Sub-district to realize this latest Marriage Law. Likewise in Sirenja, the Religious Affairs Office cooperated and involved the Customary Council, Village Government, and Syara’ Officials in socializing it.

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21 Ilham, Penghulu in Sigi Biromaru, interview on August 19, 2021.
23 Ilham, Penghulu in Sigi Biromaru, interview on August 19, 2021.
24 Wahyu, Penghulu in Mantikulore, interview on June 29, 2021.
25 Dedi, Penghulu in from Palu, interview on June 30, 2021.
27 Wahyu, Penghulu in Mantikulore, interview on June 29, 2021.
Whether we like it or not, in line or out of line with people's thinking, regulations must still be enforced. The Religious Affairs Office acts as the mouthpiece and executor of the country's regulations and always tries to make the public aware of the Law and comply with it. The community's response to the new Marriage Law has been mixed. Some responded favorably, some were mediocre, and some rejected it for various reasons. As the above explanation shows, it reveals why the community rejected this Marriage Law.

In Ilham's opinion, there are two models of community response, namely legal awareness and legal speculation. People who are aware of the law will implement the law with full awareness. As for people who do legal speculation, they commit violations then they try to find solutions so as not to be caught by legal sanctions or more fatal legal consequences. The most common considerations are to save the family's good name, cover disgrace, and reduce shame.

Regardless of the community's response, the Religious Affairs Office as one of the government agencies in terms of determining marriage policies must always be able to provide the best possible understanding of the applicable law. Especially for the good of the Indonesian nation as a whole. The supporting factors for the provisions of the Marriage Law are the positive community response, the obedient State Apparatus, and the community who help socialize it. Religious holidays are also a means of socialization. As well as the establishment of the Sakinah Family Assisted Village which serves as an example for other communities in building households.

The level of community education also influences a person's consideration of underage marriage or marrying off their children who are still below the minimum age for marriage. For people who are highly educated, marriage is not the main thing. They realize that studying, being independent, and being financially and mentally prepared are the main assets for marriage. Meanwhile, for people with low levels of education, they think that marriage is the only way to achieve happiness and release the burden of life. Thus, education can be used as a supporting factor as well as an inhibiting factor in the implementation of the Marriage Law.

In addition, an inhibiting factor for the new Marriage Law is that people do not fully understand the negative impact of child marriage. Generally, religion and custom are arguments for marrying off children. Dedi said that “Religion and custom do not limit the age at which a person can get married. Therefore, many people still adhere to the provisions of their religion or customs regarding the age of marriage.”

Another factor is financial as a reason to quickly hand over parental responsibility of the woman to someone else. Especially after the disaster that hit the Palu, Sigi and Donggala region a few years ago. The impact is still felt today. Ilham said, “There are a lot of child marriages in refugee camps. This is because their living space is very narrow, so maintaining privacy is not easy. Especially now during the pandemic. So, children are together more often. They can’t go to school, they just play on social media to relieve boredom.” Ikbal said that the most common factor in child marriage in his area is pregnancy. Drug-induced promiscuity is also common there. People seem to have taken it for granted, which is very

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29 Ilham, Penghulu in Sigi Biromaru, interview on August 19, 2021.
32 Dedi, Penghulu in from Palu, interview on June 30, 2021.
33 Ilham, Penghulu in Sigi Biromaru, interview on August 19, 2021.
34 Ikbal, Penghulu in Sirenja, interview on June 30, 2021.
concerning. This is no longer a problem of religion and customs, but a bigger problem, namely drugs. The police should be able to handle this.

Public awareness of the negative impact of child marriage is still minimal. Thus, there are still many who marry off their children at a young age. Various factors have been mentioned above as part of the argument. Ego as a parent often trumps the happiness of the child. In order to fulfill their children's wishes and for the sake of their children's happiness, they are even willing to become caregivers for their grandchildren. Instead of reducing their burden, this adds to it. Parental supervision is the most important thing in preventing child marriage, as Dedi said, “Parental supervision is the most important thing in marriage.”

Preventing child marriage in the community is not easy. It is sometimes emotionally draining to calm the children down and resist the process of applying for marriage registration because it violates the legal age limit. Ilham's statement describes this as “if they don't fight among themselves, then they will fight us.” Even people who were rejected by the Religious Affairs Office continued to have weddings at home. Wahyu explained that “We have clearly rejected their request, but they still invite us (to the wedding). We cannot attend the invitation if there is a violation (of the Marriage Law).” When Ikbal gave a statement “There are people who are willing to hold the ceremony outside the office, so people choose to get married there because it is not complicated.” Thus, community compliance with a rule is still low. In particular, the provisions regarding the age limit for marriage in the Marriage Law.

Palu, Sigi and Donggala were among the areas affected by the disaster on Friday, September 28, 2018. The earthquake, liquefaction and tsunami devastated the area and claimed many victims. Some were crushed by buildings, buried in the ground, and washed away by the sea. Three days after the disaster, Palu, Sigi and Donggala was like a ghost town. The smell of death and the stench of rotting corpses wafted for kilometers. Thousands of people lost their families, homes and livelihoods. To date, many buildings have not been repaired. Some people still live in refugee tents and temporary shelters, while others have received permanent housing.

The impact of these disasters is enormous on the community's economy. The loss of family, property and a place to earn a living became the most important thing. Therefore, after the disaster, many people married off their children for economic reasons. In addition, the neighborhood around the place of residence is the best place for the increase in child marriage cases. Children are difficult to take care of in such places due to the narrowness of tents and refugee camps that are almost without barriers. People can easily see their neighbors' private areas. The difficulty of maintaining privacy and not being able to easily limit association is in line with Ilham's statement above.

The amendment of the Marriage Law was felt by some Indonesians who were not affected by the disaster. Religious factors and customs are very likely to influence. Especially for the people of Palu, Sigi and Donggala who were almost entirely affected by the disaster. Child marriage inevitably becomes the first solution to share the burden with others and control the social situation that is almost uncontrollable as a result of the post-disaster.

In Kecamatan Mantikulore, the highest number of child marriages occurred in Vatutela Village and Uwentumbu Village. In the Sigi region (Sigi Biromaru), it occurred in Solove

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35 Dedi, Penghulu in from Palu, interview on June 30, 2021.
36 Ilham, Penghulu in Sigi Biromaru, interview on August 19, 2021.
37 Wahyu, Penghulu in Mantikulore, interview on June 29, 2021.
38 Ikbal, Penghulu in Sirenja, interview on June 30, 2021.
Village. Meanwhile, in Kecamatan Sirenja, it occurred in Tompe Village and Ombe Village. Thus, child marriage is still rampant in the Palu, Sigi and Donggala regions. Socialization of the Marriage Law is not the only way to inform the latest regulations, especially in the New Normal atmosphere and during the pandemic. Mass gatherings are strictly prohibited by the local government. Therefore, it is necessary to find ways to get the latest regulations to the local community.

The distribution of leaflets or pamphlets to the community door to door is a surefire way to avoid embarrassment for those who know of child marriages. In every forum held by the Religious Affairs Office and on religious holidays, especially Fridays, a message is inserted before the sermon is delivered. The ta’lim assemblies are also entrusted with messages to socialize the Marriage Law. This strategy has been explained by the Heads of Religious Affairs Office’s in Palu, Sigi and Donggala to combat the problem of child marriage. For the Religious Affairs Office, this latest Marriage Law is a government decision that they must implement and there must be no violations. This regulation must be carried out with full sincerity for the realization of a healthy, independent, prosperous, strong, and just society. So as to create a marriage that is trustworthy, *sakinah, mawaddah,* and *rahmah.* In other words, the achievement of the purpose of marriage is to form a happy and eternal household based on God Almighty.

The advantage of the old Marriage Law is that it still fits the conditions of society. This provision supported people's reasons for marrying off their children at a young age and reinforced the culture of a patriarchal society as it highlighted the age of men rather than women. The downside of this provision is that it discriminates against women. Women are marginalized and stereotyped as secondary beings. Affected as victims of violence, both physically and mentally. The advantage of the new Marriage Law is that it pays more attention to the condition of women, both in terms of education and health. Ikbal added that “this Marriage Law prioritizes maturity to build a household”. The disadvantage is that it gives additional duties to the Office of Religious Affairs and the Religious Court. In addition, only Article 7 has been changed through this new Marriage Law, while there are many other Articles that need to be improved.

4. Closing

Most of the Penghulu in the Palu, Sigi and Donggala region's views on Article 7 Paragraph 1 of the Marriage Law regarding the minimum age of marriage are in line with the objectives and considerations of the makers of this Law. However, there are still those who have a different opinion because they see the situation and conditions in the community which show the increasing number of requests for child marriage. Even marriage dispensation is a solution offered, but people are afraid because they have to go to court to apply for it. Religious, customary, economic, educational, pregnancy, and drug factors are the causes of child marriage. All of these influencing factors all lead to the solution of marriage dispensation. A better strategy is needed that is tailored to current conditions. It is also suggested that Penghulu conduct seminars so that they can have the same perception of the Marriage Registration Policy and knowledge of the latest Marriage Law. Cooperation with the courts is needed to facilitate community affairs related to marriage. The police need to increase the eradication of narcotics in areas that are indicated to be places of circulation and abuse.

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**Conflict of Interest Statement:**
The author declares that the research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

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