



Juridical Study of Early Marriage (Case Study on Lombok Island)

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ABSTRACT

Early marriage has recently become a very interesting topic to discuss, both from the perspective of Indonesian national law and Islamic law, as well as from the standpoint of psychological impact research. Early marriage has actually been happening for a long time, but it remains a very interesting issue to study. In this research, the researcher will discuss early marriage from the perspective of Indonesian national law and compare it with Islamic law, as well as the psychological impacts of early marriage, particularly those occurring on the island of Lombok. By discussing it from the perspective of Indonesian positive law and comparing it with Islamic law as well as the psychological impacts, the researcher hopes that this study will become a beneficial piece of writing to enrich the wealth of knowledge, especially in the field of legal studies. The research method used in this study employs the normative juridical research method. The normative juridical research method is a legal research method that examines the internal aspects of positive law by studying library materials or secondary data. This approach is also known as the library approach.

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INTRODUCTION

Marriage is a highly recommended act of worship in Islam. Marriage is a bond of body and soul with the aim of building a household that is *sakinah mawaddah warahmah* (Kholik, 2017). However, marriage is recommended only when one falls into the capable category. Able in terms of finances, able in terms of maturity, able in terms of living a household life. In terms of maturity, for example, Islam strongly encourages getting married as soon as possible. To avoid immoral acts such as adultery. However, if one is still considered to be of early age or school age, Islamic teachings also limit them to restrain from getting married and command them to fulfill their obligation to seek knowledge. Because at a very young age, it is highly recommended to seek knowledge and equip oneself with as much knowledge as possible as preparation for living life in this world. However, if carnal desires cannot be avoided, then Islam commands fasting to suppress these desires so as not to fall into sinful actions (Wahid, 2019).

Early marriage is a contemporary term associated with the timing of marriage being very early or too quick. Early age is very vulnerable to emotional conditions that are often uncontrollable, making it highly susceptible to domestic violence, whether in the form of physical or mental abuse. Marriage is not only aimed at satisfying carnal desires but also encompasses understanding the rights and responsibilities of being a husband or wife. If early marriage is forced, usually couples who marry at a very young age will struggle to earn a living due to their still lazy attitude towards work or their lack of skills resulting from dropping out of school.

Children, as the next generation of the nation, must be given education and understanding as early as possible about the consequences of underage or early marriage. What are the negative impacts of getting married too early at an age that should be used as actively as possible to pursue knowledge and prepare as

much as possible with knowledge and skills to navigate this life.

RESEARCH METHOD

The research method used in this study employs a qualitative research method because qualitative research can capture multiple realities, and this method demonstrates a direct relationship between the researcher and the research object.

RESULT AND DISCUSSION

The juridical study of early marriage can be discussed from several aspects, such as:

Legislation in Indonesia:

Marriage Law Number 1 of 1974. One of them is in Article 7 paragraph (1) of Law Number 1 of 1974 which states: "Marriage is only permitted if the male party has reached the age of 19 (nineteen) years and the female party has reached the age of 16 (sixteen) years." This law clearly prohibits the conduct of marriages at a very young age. Marriage at a very young age or school age cannot be registered in the marriage records.

In Law No. 16 of 2019 concerning amendments to Law Number 1 of 1974, the age range for marriage is after graduating from high school. The level of higher education (Bachelor's degree) is usually at the age of 21-22 years. Law Number 16 of 2019 regulates that the minimum age to enter higher education is 19 years after completing high school. Falsifying age requirements will be subject to sanctions (Sugiarto et al., 2024).

Law No. 23 of 2002 on Child Protection (Article 26 paragraph 1) "parents are responsible for nurturing, maintaining, educating, and protecting their children" (Almahisa et al., 2021).

In the legal system of Indonesia, the law prohibits the conduct of underage marriages. Getting married at an underage is prohibited by the state. Early marriage can result in the marriage not being registered in the national marriage registry, and it can even incur penalties if the age of the prospective bride or groom is falsified. Indonesian law strongly opposes child marriages. In addition, under child protection laws, for example, legislation in Indonesia protects the rights of every child to receive a proper education. Children in Indonesia have the right to be protected, cared for, and educated because at such a young age, they are still unable to distinguish between good and bad actions. Their mental condition is still unstable.

At such a young age, children still very much need protection from their parents. Children still very much need proper care and education. They still very much need guidance and advice from their parents so that they do not fall into negative behaviors. Indonesian children are protected by law so that their rights are not violated.

Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection stipulates that the minimum age for marriage is 18 years. Marriage of children below that age can be subject to criminal penalties and may result in the revocation of parental authority (Andayani, 2019). This law regulates the minimum age limit for marriage. If parents force their child, who is still under 18 years old, to marry, it can result in the revocation of parental authority over the child. This legislation was created to protect children from the threat of parental coercion, so that parents do not force their underage children to marry.

Islamic law:

From the perspective of Islamic law, it does not prohibit marrying at a young age, but Islam views the negative impacts and suggests that such marriages should not be conducted, considering that marrying at a very young age can endanger the child, both mentally and physically. Although it is neither recommended nor prohibited, the fiqh scholars agree that the legality of marriage, related to the readiness of the bride and groom, can be sunnah, obligatory, makruh, and even haram. Ibn Daqiq al-Id explains that marriage can be obligatory when someone feels very dependent on getting married; if not done, they might fall into adultery.

Marriage can also be haram when it becomes a means of dishonoring the partner, both physically and emotionally. It becomes a sunnah if it does not depend on marriage but can bring benefits to him; if marriage does not bring benefits, then its ruling becomes makruh (Umah, 2020). This opinion explains that if marriage does not bring benefits, it can become makruh and even haram.

From a psychological perspective:

Marriage at a very young age can lead to an unprepared mental state. As a result, it tends to increase the rate of depression in mothers. It can also result in the risk of maternal death during childbirth due to mental health issues or being too young to give birth. Uncontrolled emotions in young couples tend to also result in domestic violence caused by unstable mental factors, where young age still cannot distinguish between what should and should not be done. The psychological condition at a young age tends to still have a sense of laziness to work and earn a living, resulting in an unstable economy caused by the husband struggling to provide for his wife and children. Economic difficulties, as well as emotional factors that are often uncontrollable, are part of the impacts of early marriage. Unhealthy psychological factors often also

occur due to uncontrolled emotions because of the very young age, where that time should be spent pursuing education as preparation for future life so that wives and children do not become neglected.

On the island of Lombok, we also encounter many cases of underage marriages. Early marriage is actually an act that is not permitted because it violates the minimum age limit for marriage. However, due to the situation of children who are pregnant out of wedlock, the parents are forced to marry off their children. However, despite the many impacts of early marriage, many parents seem indifferent to their children's social interactions. We often find in Lombok Island that children's interactions are too free at an age that is still very young. The factor of technology that makes it easy for children to access various shows and meet new people they have never known before on social media is one of the factors leading to free association. The consequence of this free association tends to lead to underage marriages (Agus Jayadi et al., 2023). The mental unpreparedness of children who marry at an early age tends to result in many cases of divorce. Many wives cannot tolerate their husbands' behavior, who often commit acts of domestic violence.

CONCLUSION

The conclusion of this research is that legal regulations in Indonesia limit the age for getting married. Early marriage is considered an act that is not permitted because it violates the minimum age limit for marriage. The rights of children in Indonesia to receive protection and adequate education are protected by law to prevent them from being caught in underage marriage cases. Child marriage needs to receive more serious attention from all parties, both the child's parents and government officials, so that there are not many more cases of child marriage occurring in Indonesia. Meanwhile, Islamic law does not prohibit marriage at a very young age. However, Islamic law regulates the age of marriage with the aim of avoiding the risks and negative impacts that may occur in underage marriages. Islamic law also does not encourage marrying at a very young age. In Islam, at an age still considered underage, it is recommended to seek knowledge and prepare oneself for the responsibilities of household life. In the view of Islamic law, there is no minimum age limit, but there are provisions for readiness to marry based on maturity in terms of reaching puberty. The psychological impact of early marriage is mental unpreparedness and unpreparedness to lead a household life. Mental unpreparedness can lead to uncontrolled emotions, which are likely to cause domestic violence.

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