

The Role of Education in Preventing Early Marriage and Impact on Family Law in Indonesia

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ABSTRACT

The purpose of this study is to analyze the role of education in preventing early marriage in Indonesia, as well as to explore its impact on family law. This study uses a qualitative descriptive method with a normative legal approach to analyze cases of early marriage in Indonesia from the perspective of protecting children's rights. Data were obtained from print media, online media, and previous research, as well as expert opinions and community groups. The conclusion shows that the impact of early marriage on family law shows that even though there are regulations governing the age limit for marriage, this practice is still ongoing and gives rise to various problems, both in terms of law, social, and psychological. Early marriage has the potential to harm the rights of women and children, such as limited access to education, poor health, and the inability to manage a household properly which often leads to divorce. Family law needs to be strengthened, both in terms of supervision, protection of individual rights, and community empowerment, to overcome this problem and ensure that every individual enters marriage at an age that is physically, mentally, and socially mature.

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INTRODUCTION

The impact of early marriage on family law cannot be separated from the social dynamics that continue to develop in society. Early marriage, which is generally defined as marriage that occurs at an age below the legal age limit, has become a phenomenon that has attracted the attention of many groups.

Early marriage is not only a local problem, but also a global problem that affects children in various countries, especially in developing countries (Tazkia et al., 2023). In (Muntamah et al., 2019) noted that the number of early marriages in many countries continues to increase from year to year and is always related to various legal protection efforts for children. In 2015, there were around 142 million girls who were married prematurely. According to (Arianto, 2019) the fact is, in Indonesia, we can still find early marriages. It could be the woman who is still young, or both of them are still young. It could be because of the wishes of the parents, or the wishes of the young people themselves. According to data from the Central Statistics Agency in 2017, the rate of child marriage was above 10 percent, spread evenly across all provinces in Indonesia.

Early marriage is one of the important issues often faced by many countries, including Indonesia. In the context of Indonesia, this phenomenon has become a major concern because of its enormous impact on social, economic, and public health development. According to (Tazkia et al., 2023) based on the UNICEF report, Indonesia is ranked 8th in the world and 2nd among ASEAN countries in terms of high rates of early marriage. According to UNICEF, Indonesia has around 1,459,000 cases of child marriage, which is the eighth highest in the world. Factors such as poverty, social pressure, and local traditions often trigger early marriage in various regions in Indonesia.

There are many causes of early marriage in Indonesia. According to (Tazkia et al., 2023) , a combination of social pressure, poverty, local traditions, and the incompatibility between customary law and human rights have caused early marriage to persist in Indonesia.

One of the main causes of early marriage is the lack of adequate education for children, especially girls. The low level of education and knowledge of parents, children and the community, causes a tendency to marry off their children who are still underage and is not accompanied by long-term thinking about the consequences and impacts of the problems faced. (Sardi, 2016) . Education plays an important role in providing individuals with an understanding of their rights, the importance of life planning, and the long-term impacts of early marriage. However, in some areas in Indonesia, access to education, especially in rural and remote areas, is still limited. This traps many girls in the cycle of early marriage, which ultimately prevents them from developing their potential. In terms of children's rights, (Tazkia et al., 2023) states that children's rights to development include the right to education. The UNCRC emphasizes the importance of quality and equal education for all children. This right includes free and compulsory basic education, as well as protection against exploitation and abuse.

In addition, the lack of understanding of family law and its impact on long-term life is often a factor that worsens the situation. Many people do not fully understand how early marriage can affect their rights in the context of family law, both in terms of economy, education, and health. On the other hand, the government and related institutions have tried to provide counseling on this matter, but the challenge in reaching the wider community remains great.

The impact of early marriage is very diverse, both directly and indirectly. According to (Arianto, 2019) the impact of early marriage for these two young couples, there are still many negative things than positive things. Among others, depression, health, mental health of both partners, domestic violence, neglected children, social pressure, the emergence of child labor.

Early marriage also has an impact on married couples, namely frequent quarrels because neither of them wants to give in, problems with children and husbands who do not work, and the impact on each parent is that if there is a quarrel with the child, it indirectly makes the relationship between the parents become disharmonious, while the positive impact is that it will reduce the economic burden on parents, prevent children from doing bad things and children will learn how to live a family life. (Sardi, 2016) . Young age is generally still high in emotional levels. So it is very possible for young couples to experience domestic violence, if there are differences of opinion between them in managing the household (Hasan et al., 2021) .

In the context of family law, early marriage raises various problems, namely inequality of rights within the family and difficulties in decision-making involving children. Indonesian family law, through the Marriage Law, has actually set a minimum age limit for marriage, but in practice, many early marriages still occur due to ignorance or indifference to the law. Therefore, there needs to be a more intensive effort to increase legal awareness in society, especially regarding the importance of education in preventing early marriage.

Education is one of the keys to preventing early marriage. With good education, children, especially girls, can understand the consequences of early marriage and know the importance of continuing their education and career. In addition, education can also provide insight into their rights as individuals and families. Through a holistic educational approach, it is hoped that the community can be educated and more aware of the importance of postponing marriage until a more mature age, as well as how family law can protect them from the negative impacts of early marriage. That is why the current study is present as a theoretical basis for anyone who wants to study education and family law.

METHODOLOGY

This research uses the method qualitative descriptive, with a normative legal approach where the author analyzes cases that have occurred in Indonesia related to early marriage with various related laws and regulations from the perspective of protecting children's rights. The data obtained by the author comes from various sources, both print and online media, and data from previous research results. The qualification of this research is used only to check expert opinions and the opinions of several community groups related to early marriage. Data that shows certain areas and locations, the author obtained from the results of previous research (Muntamah et al., 2019) . In line with research (Ramelan & Rahmi, 2024) which uses a normative legal research type, namely reviewing and analyzing existing materials and legal issues.

RESULT AND DISCUSSION

This study identifies a number of significant impacts that arise due to the practice of early marriage, as well as how family law plays a role in regulating and protecting individuals involved in the phenomenon. Based on the results of the analysis, it was found that although there are clear regulations regarding the age limit for marriage, their implementation has not been effective in preventing the practice of early marriage, especially in areas with strong traditions.

In Indonesia, the age limit for prospective brides and grooms is regulated in Law Number 1 of 1974 concerning Marriage. In the Marriage Law, there is a difference in the age limit between prospective grooms and prospective brides. From this difference, the age limit for women is often in the spotlight from several parties because at that age they are still considered young and relatively vulnerable to women's reproductive health and mental health. So from several risk factors, marriages that take place at a young age have a big influence on the integrity of the household. Therefore, Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage was born, reinforced by PERMA Number 5 of 2019 concerning Guidelines for Adjudicating Applications for Marriage Dispensation. With the change in the age limit in these regulations, it is hoped that the number of young marriages can be reduced. However, in reality, along with these changes, the number of applications for marriage dispensation at the Religious Courts is increasing. (Ramelan & Rahmi, 2024) .

In Law Number 1 of 1974, the minimum age limit for marriage that is set is not actually a claim that marriage at a young age will always have a negative impact on the couple. The purpose of setting the age limit is only to prevent the possibility of negative impacts for couples who marry at too young an age (Mauludi, 2023) .

One of the main findings of this study is the discrepancy between existing legal norms and social realities on the ground. Although Law No. 16 of 2019 concerning Amendments to Law No. 1 of 1974 has set a minimum age limit for marriage, which is 19 years for women and men, in reality there are many early marriages, especially in rural areas and areas with low levels of education. This shows that there is an imbalance between theory and practice in the implementation of these regulations, so that the impact of family law on individuals involved in early marriage cannot be avoided.

Research (Mauludi, 2023) shows that the phenomenon of early marriage in Pekanbaru has serious impacts on individuals and society. These impacts include poor reproductive health, low education and skills, social and emotional problems, financial problems, and family problems.

The low level of education and knowledge of parents, children and society, causes a tendency to marry off their children who are still underage and is not accompanied by long thinking about the consequences and impacts of the problems faced (Bastomi, 2016) . Early marriage has at least two impacts. The first impact is a positive impact, and the second impact is a negative impact. When viewed from the positive impact, early marriage has the first impact of preventing immorality or adultery. If a young couple is already dating or already likes each other, then it is better not to postpone marriage any longer. Because a husband and wife relationship can occur, even though they are still dating. So the term Married by Accident (MBA) or pregnancy outside of marriage is known. This will later result in the legal status of the child in Islam, he cannot be attributed to his father (Arianto, 2019) .

The first and most obvious impact is on the rights of women who marry at an early age. The results of the study show that many women who marry at a young age lose the opportunity to continue their education and develop their potential. Many of them are forced to drop out of school to take on the role of wife and housewife. In the context of family law, this has the potential to increase gender inequality in society, where women are hampered in terms of self-empowerment and access to better economic and social opportunities. According to (Bachtiar & Patimah, 2020) the negative impacts are mentioned not only in terms of mental and psychological health, but also the future of children.

In addition, early marriage also has a major impact on women's physical and mental well-being. According to (Bachtiar & Patimah, 2020) children's vulnerability to reproductive diseases or health problems is the impact of early marriage. This study found that many women experience health problems related to pregnancy and childbirth at a young age, including the risk of complications during childbirth that can endanger the lives of the mother and child. This also leads to an imbalance in family relationships, where women who should still be in the optimal stage of physical and psychological development, have to bear the burden of being a mother and wife with very heavy responsibilities.

In the dimension of family law, the impact of early marriage often appears in the form of high divorce problems. Research data shows that many young couples who marry at an early age experience problems in maintaining their relationships. Psychological and emotional unpreparedness is one of the main causes of their inability to manage a household properly. Finally, early marriage increases the divorce rate in Indonesia (Rofiq et al., 2023) .

It is often found that marriages are carried out underage and end in divorce in the Religious Court (Jaka Sanjaya et al., 2022) . Early marriage is often considered a way to maintain family honor and avoid promiscuity. However, the social impacts that arise, such as increasing divorce rates and increasing numbers of families living in poverty, prove that this practice does not always benefit the family. In line with (Bachtiar & Patimah, 2020) that early marriage can lead to an increase in the number of divorce cases in Indonesia as a result of the lack of readiness of child couples who marry underage in preparing themselves for marriage.

Economic and religious factors are also reasons for early marriage, with the aim of preventing children from getting involved in promiscuity. However, early marriage deviates from the provisions of the

law and poses greater risks for couples and children (Ramadhan & Mujahid, 2024). In fact, early marriage creates problems with family economic resilience. Many couples who marry early often do not have sufficient economic resources to meet their living needs. In many cases, the main role as breadwinner is usually still held by one party, while the other party has to face major challenges in caring for their children, thus affecting the stability of their household life.

In (Zaenuri & Kurniawan, 2021) it is stated that child marriage often causes a new cycle of poverty. Teenagers are often not well-established or do not have decent jobs due to their low level of education. In addition, it will also have an impact on increasing divorce rates. This results in discrimination by society, because children who are not yet adults but dare to marry, even though they end up getting divorced.

According to Sution Usman Adji (1989) in (Sardi, 2016), life problems in married couples who enter into early marriages are generally caused by the following main things: Disputes concerning financial matters that are too wasteful or the husband does not hand over his income properly to his wife, causing their household life to be unpleasant and disharmonious.

In terms of legal protection, although there are laws that regulate the age limit for marriage, their implementation is often weak. One of the main obstacles found is the low level of public awareness regarding the importance of adulthood as a prerequisite for marriage. Often, parents decide to marry off their daughters for economic or social reasons, without considering the long-term impact on their children's welfare. Therefore, family law needs to be strengthened with stronger policies to prevent early marriage and provide better legal protection for minors.

From a family law perspective, the impact of early marriage on children born in the marriage is also a major concern. Many children born from early marriages are at risk of experiencing psychological, social, and educational development disorders. Family law must ensure that these children receive their rights, both in terms of physical protection, education, and social welfare. Weaknesses in the supervision of family law have the potential to cause these children's rights to be neglected.

The psychological impact of those who marry at a young age or under 20 years old, mentally not ready to face changes during pregnancy (Umah, 2020). It is important to note that in addition to regulating the minimum age of marriage, family law must also pay attention to the mental and physical readiness of individuals involved in marriage. Emotional and psychological readiness are important factors that are often overlooked in existing regulations. In this context, premarital education is one solution to prepare young couples to face the challenges of family life, both in terms of psychology, social, and economics.

Regarding the impacts of early marriage, a more comprehensive approach is needed in dealing with early marriage. In addition to tightening regulations, it is important for family law to work together with social and educational institutions in order to provide education to the community about the dangers of early marriage and the importance of a mature age to build a family. This education should also cover psychological, social, and economic aspects, as well as introduce alternative solutions for families who may feel pressured to marry off their children.

As part of prevention efforts, this study recommends that family law should not only focus on limiting the age of marriage, but also on empowering communities to understand and address the factors that cause early marriage. In this case, education and empowerment of women are important keys to reducing the number of early marriages, because women who have knowledge and skills are more likely to delay marriage until a mature age.

In terms of legal implementation, the government and related institutions must also monitor the implementation of laws regarding the age of marriage more closely. Weak law enforcement is one of the factors causing the continuation of early marriage practices in several regions. Therefore, increased supervision and coordination between legal, educational, and social institutions is needed to create a better protection system for individuals involved in early marriage.

Thus, this study emphasizes that family law should be an instrument that not only regulates the formal aspects of marriage, but also protects the basic rights of every individual, especially women and children. Protection of the physical, mental, and social welfare of young couples should be a priority in every legal policy related to marriage. Thus, family law can function optimally to create a prosperous, just, and harmonious family.

CONCLUSION

The impact of early marriage on family law shows that even though there are regulations governing the age limit for marriage, this practice is still ongoing and gives rise to various problems, both in terms of law, social, and psychological. Early marriage has the potential to harm the rights of women and children, such as limited access to education, poor health, and the inability to manage a household properly which often leads to divorce. Family law needs to be strengthened, both in terms of supervision, protection of individual rights, and community empowerment, to overcome this problem and ensure that every individual enters marriage at an age that is physically, mentally, and socially mature.

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