

## **The Role of Parents in Reduce Early Marriage and Divorce in Bodas Village, Kandangserang District**

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### **Abstract**

*Early marriage is a marriage that is carried out by a prospective groom or a woman, one or both of whom are underage. The age limit for marriage is determined by Law Number 1 of 1974 (Marriage Law) Article 7 paragraph 1, which explains that men are allowed to marry if they have reached 19 years of age and women are 16 years old. Which is changed in Law Number 16 of 2019, it is stated in Article 6 that the bride and groom can marry if they are 19 years old. Along with the times, globalization has changed all existing arrangements, including in the health sector. It turns out that health can also be an aspect that must be considered when getting married, namely regarding the reproduction of women who only mature when they are 21 years old, if they are less than 21 years old there are lots of risks that must be borne. This is what made the Chairman of the National Family Planning Coordinating Board (BKKBN) file a lawsuit to the Constitutional Court to revise the Marriage Law which is no longer relevant if used today. Lack of parental attention and love that they should get but they have to share it with their children. Various problems arise that the children themselves do not understand what to do and eventually divorce and are hostile to each other. From here, parents should give more love and guide their children until they are ready to become a mother or father who can guide their children in the future.*

**Keywords:** Marriage, early marriage, and the role of parents.

### **A. Introduction**

Marriage is a universal human nature, which has existed since the first human being created by God until today. In relation to this marriage, Allah has created His creatures in pairs because with this partner, life is sustainable. Allah These five things, among others, in Q.S. Yasin (36): 36.

*Glory be to God who has created all pairs of partners, both from what the earth grows and from themselves and from what they do not know.*

Among the purposes of the couple or marriage, men and women are in the context of carrying out the mission of the caliphate. As ad-din who brings mercy and is universal, Islam has guided how to prepare so that *sakinahan* as the goal of marriage can be realized. Thus, the validity of marriage cannot be realized if the marriage is not prepared in advance as occurs due to the unpreparedness of the couple due to marriage at the age of children.

The practice of child marriage is still widespread in villages and big cities by girls under the age of 16 years and 19 years for boys. According to UNICEF data, in the case of child marriage, Indonesia ranks seventh in the world and the second highest. BPS data states that girls in Indonesia who have been married under the age of 18 reached 17 percent in 2016. This means that one in seven women under 18 in Indonesia is married.

The practice of child marriage often refers to the Prophet's marriage to 'Aisyah, when she was 6 (six) years old. "From 'Aisha that the Prophet. married when he was 6 years old and started living together at the age of 9 years. [HR. Bukhari].

This also happened in Bodas Village, Kandangserang District, Pekalongan Regency. 60% of the community only finished junior high school (SMP), where the junior high school is located in the village of Bodas itself. The lack of education makes it difficult for them to find decent jobs and eventually choose to marry young, even though they themselves are still not ready to face domestic life. So that their marriage was not more than five years and divorced. This is the importance of parental guidance to monitor the future of the household and early marriage and divorce.

## **B. Discussion**

### ***1. Definition of Marriage and Early Marriage***

In Indonesian, marriage comes from the word "kawin", which means forming a family with the opposite sex (having sex or having sex). In Arabic, etymologically, the word marriage means joining (الضم) ) sexual relations and also means contract (العقد) ) which also means the association of something

with another. While in terms of marriage is one of the sunatullah that applies to all God's creatures, marriage is the way God chose the way for humans to reproduce and preserve their lives.

According to Imam Hanafi, marriage is a contract that means ownership for purposeful pleasure. So, Imam Hanafi considers that marriage contains the meaning of haqiqi to have a husband and wife relationship. According to Imam Syafi'i, marriage is a contract that contains the ownership of the right to have intercourse with husband and wife by using the lafaz inkah, tazwij or with the same meaning as the two words. According to Imam Malik, marriage is a contract solely for sexual pleasure and pleasure. According to Imam Hambali, marriage is a contract intended to get sexual pleasure by using lafaz inkah or tazwij.

Early marriage is a marriage that is carried out outside the provisions of the legislation, or marriage under the age recommended by the legislation. Early marriage is a marriage bond carried out by someone who is not old enough, or who is not yet an adult who is still at an early age. Or it can also be interpreted as a marriage bond when someone is not yet capable of carrying out and forming a household.

Meanwhile, in terms of health, marriage at a young age itself is ideal for women over 20 years old to be married, because women who marry under the age of 20 are at risk of developing cervical cancer, and in their teens, cervical cells are immature. Then if exposed to the Human Papilloma Virus (HPV) cell growth will deviate into cancer.

## ***2. Early Marriage in the Perspective of Aisyah's Marriage Hadith and the Laws in force in Indonesia***

### **1. In the perspective of Aisyah's Hadith**

The traditions that report the marriage of the Prophet Muhammad with Aisyah RA at an early age were narrated by all the collectors of hadith in al- Kutub al-Sittah and Ahmad bin Hanbal (164-241 H) in his Musnad. In addition to being reported by al-Jama'ah (a term for the hadith imams of the author of al-Kutub al-Sittah plus Ahmad bin Hanbal), the marriage of the Prophet SAW with Aisyah RA who was declared a child was also narrated by al-Baihaqi (384-458 H/ 994-1066 AD) in al-Sunan al-Kubra, al-Hakim (321-405 H/933-1014 AD) in al-Mustadrak, and al-Thabrani (260-340 H/873-952 AD) in al-Mu 'jam al-Kabir. In short, the hadith

narrations are so abundant that it can be concluded that the information has reached the mutawatir level. Ibn Kathir (1301-1372 AD) himself in *al-Bidayah wa al-Nihayah* stated that the marriage of the Prophet SAW with Aisyah RA was the consensus of all people (*la khilaf fih bain al-nas*).

Meaning: It was narrated from Aisha r.a that she said: “The Messenger of Allah (*sallallahu ‘alayhi wa sallam*) married me when I was six years old and lived with me when I was nine years old. Aisyah continued: “We have emigrated to Medina and I have a fever for a month so that my hair extends to my shoulders. When my biological mother, Umm Ruman, came to meet me who was in the crib playing with my friends, then she called me and I immediately met her while I did not know what she was going to do to me. My mother took my hand and led me into the house so she stopped me at the door and I let go of my tired so that I calmed down. After that my mother took me into the house. Suddenly an Ansar woman greeted us warmly and prayed for the bride to be given pleasure and blessings. My mother handed me to them and they stroked my head and decorated me as pretty as possible. The Messenger of Allah (peace be upon him) did not suddenly approach me but the women of the Ansar gave myself to him during the dhuha time.

Based on a study of the substance (*matan*) of the hadith, it was found that there was a history stating that Aisyah RA when she married the Prophet SAW was 6 years old, as she herself said. But there is also a hadith that reports that Ayesha RA was 7 years old at that time, but the editorial of the hadith is the narrative of Urwah bin al-Zubair (as the first narrator). To determine which is stronger: whether Aisyah RA’s own confession or the narrator’s conclusion, of course the most credible is the narrative of the perpetrator who experienced the historical event firsthand. Therefore, the narration which states that Ayesha RA was married to the Prophet SAW at the age of 6 years is the most powerful and reliable.

After marrying the Prophet SAW, Aisyah RA was not immediately brought to the Prophet’s residence, but her father, Abu Bakr, still managed her care until she reached the age of puberty (*bulug*). As for the early household life of the Prophet SAW with Aisyah RA, the majority of narrations state that the incident occurred in Medina when Aisha RA was 9 years old. It’s just that there are disagreements among historians regarding the year of the event: whether in 1 Hijriyah or in 2 Hijriyah.

The above hadith explicitly allows a father to marry off his young daughter without asking her permission first, because he has no right to ask for his consent. Scholars differ on this point. Imam Shafi'i and his companions are of the opinion that it is Sunnah for a father and grandfather not to marry off their child until he is of age and then ask for his consent.

## **2. In the Perspective of the Law**

In the Law of the Republic of Indonesia Number 1 of 1974 concerning Marriage that in order to be able to carry out a marriage, it must meet the basic requirements for the validity of a marriage, including:

- 1) Article 6 Paragraph (1), that “Marriage must be based on the approval of the two prospective brides (male and female).”
- 2) Article 6 Paragraph (2), that “to carry out a marriage a person who has not reached the age of 21 years must obtain permission from both parents.”
- 3) Article 6 Paragraph (3), that “in this case one of the two parents has died or is unable to express his will, permission can be obtained from the parent who is still alive/able to declare.”
- 4) Article 6 Paragraph 4, that in the event that both parents die / are unable to express their will, permission is obtained from the guardian, the person who maintains it / family who has blood relations in a straight line of descent.”

Furthermore, Article 6 paragraph (2) is replaced in Article 7 paragraph (1) of Law Number 6 of 2019 which states “Marriage is only permitted if a man and a woman have reached the age of 19 (nineteen) years”.

In Article 29 of the Civil Code it is explained “Every man who is not fully 18 years of age and women who are not fully 15 years of age, is not allowed to hold a marriage but if there are important reasons, the president can abolish the prohibition by granting dispensation. “

In Indonesia, especially those who are Muslim, it is not allowed to marry where the age of the bride and groom has not reached the age of 19 years. If there is an urgent reason, you can ask for a marriage dispensation at the nearest Religious Court. If they are not Muslim, follow the rules of their respective religions and

register their marriage at the Population and Civil Registry Office in their respective regions.

So early marriage is not very applicable in Indonesia, considering that there are more negative impacts than positive impacts.

### ***3. Bodas Village Overview***

Bodas Village is one of 14 villages located in Kandangserang. The area of the village is 416,184 ha. Bodas Village is located at an altitude of 930 m above sea level. Bodas Village, Kandangserang Subdistrict, is topographically mountainous. The rural area has a tropical climate. It has a rainfall of 2000-3000 mm per year. Bodas Village has high rainfall intensity and low air temperature so that it can support community activities in agriculture.

What is discussed here is about marriage under the age of 21 which causes several problems, especially regarding the vulnerability of maternal and child mortality. After counting the total number of 1443 people from 2354 people in the village of Bodas. More than 60 percent of Bodas villagers still marry under the age of 21, which should be at that age, they still have to get their right to school, just like all children in the world.

Regarding divorce every year there are 3 divorces in Bodas village, others prefer to live together but are not like husband and wife due to lack of economy:

#### NO LEVEL OF EDUCATION Total

1 Never School 595 People

2 Kindergarten/PAUD graduate 48 people

3 Graduated from elementary school/equivalent 1221 people

4 Graduated from junior high school/equivalent 222 people

5 High school graduates/equivalent 57 people

6 Graduates 6 People

Total 2354 People

The data above is very large number of junior high school graduates, from this data about 1000 people underwent early marriage in the past and about 200 people married before the age of 21 years.

### ***4. Impact of Early Marriage***

#### **1. Impact on Husband and Wife**

Husband and wife must love each other. Married couples who marry at a young age cannot or do not know their rights and obligations as husband and wife. This arises because their mental physical immaturity, so they tend to have a high selfish nature.

## **2. Impact On Family**

- 1) Early marriage is prone to divorce.
- 2) Fulnerable to domestic violence (domestic violence).
- 3) For the perpetrator's family (husband), dispensation marriage is only an attempt to escape the law.
- 4) For the victim's family (female), early marriage is an effort to,cover the family disgrace.

## **3. Impact on Health**

- 1) In medical science, the reproductive organs for girls under the age of 20 years are not ready to have sex or become pregnant, so if there is a pregnancy there is a risk of high blood pressure (because the body is not strong). This condition is usually not detected in the early stages, but later causes convulsions, bleeding and even death in the mother or baby.
- 2) Marriage at a young age causes complications of pregnancy and childbirth, among others, in pregnancy, preeclampsia can occur, the risk of delivery is jammed because the child's head cannot adjust to the shape of the back that is not fully developed.
- 3) During labor, there may be tears that extend from the vagina to the bladder and extend to the anus.In infants, low birth weight or large birth weight may occur. The risk to the mother is that she can die.

## **4. Impact on Education**

As we all know, that a person who gets married, especially at a young age, will certainly have various impacts, especially in the world of education. It can be taken as an example, if a person gets married when he just graduated from junior high school or high school, of course his desire to continue school again or take a higher level of education will not be achieved. This happens because a person's motivation to learn will begin to slacken because of the many tasks they have to do after marriage. In

other words, early marriage is a factor that hinders the process of education and learning.

### **5. Biological Impact**

Children biologically their reproductive organs are still in the process of reaching maturity so they are not ready to have sex with the opposite sex, especially if they get pregnant and then give birth. If forced, it will cause trauma, extensive tearing and infection that will endanger the reproductive organs to the point of endangering the child's life. It is questionable whether such sexual relations are on the basis of equality in reproductive rights between the wife and husband or the existence of sexual violence and coercion (promotion) of a child.

### **6. Psychological Impact**

Psychologically, children are also not ready and understand about sex, so it will cause prolonged psychological trauma in the child's soul that is difficult to heal. The child will be depressed and regret his life which ended in a marriage which he himself did not understand the decision of his life. In addition, the marriage bond will eliminate the child's right to obtain an education (fair 9 years), the right to play and enjoy his free time as well as other rights inherent in the child.

### **7. Social Impact**

This social phenomenon is related to socio-cultural factors in a gender-biased patriarchal society that places women in a low position and is only considered a complement to male sex. This condition is very contrary to the teachings of any religion, including Islam which is very respectful of women. This condition will only preserve a patriarchal culture that is gender biased which will give birth to violence against women.

### **8. Impact on Deviant Sexual Behavior**

The existence of deviant sexual behavior, namely behavior that likes to have sex with children is known as pedophilia. This act is clearly an illegal act (using child sex), but it is packaged with marriage as if it is legal. This is contrary to Law No. 23 of 2002 concerning Child Protection, especially article 81, the threat is a maximum imprisonment of 15 years, a minimum of 3 years and a maximum fine of 300 million and a minimum of 60 million rupiah. If no legal action is taken against people who



use child sexuality illegally, there will be no deterrent effect for the perpetrators and will even become an example for others.

## **9. Impact on their children**

People who have married at a young age or underage will have an impact. In addition to having an impact on couples who marry at a young age, marriage at a young age also has an impact on their children. Because for women who get married under the age of 20 years, if they are pregnant they will experience disturbances in their womb and many of them also give birth to premature children.

## **C. Concluding Remarks**

### ***1. Data Collection Method***

#### **1. Interview**

Namely obtaining information is done through communication interactions or conversations between the interviewer (interviewer) and the interviewee (interviewee) with the intention of gathering information from the informant (interviewee). In this study, the informants were the judges of the Pekalongan Religious Court who adequately represented the existing problems. The type of interview used in this interview is a guided interview, namely an interview or interview conducted by the interviewer by bringing a complete and detailed series of questions.

- 1) Documentation Method. That is looking for written data, documents or archives and other books that are considered necessary and in line with the research the author is doing. In conducting research on the separation of joint assets in mixed marriages, the decision document will be seen.
- 2) Data Analysis. This study was analyzed using descriptive analysis, which describes and explains the data found in the study. This research does not provide legal justification like normative legal research.
- 3) The location of Bodas Village which is very far from the northern coast and market routes, and the very thick rural atmosphere, so that media access is limited to reach the community, this has an effect on a more traditional community culture. Limited experience and low education make the minds of most parents in bodas undeveloped, always think stubbornly and only follow

what they have felt. They also apply this to their children today, as is the case with early marriage. Some of the causes of the negative impact of early marriage:

- a. Lack of awareness of parents in understanding the impact of early marriage and divorce. Parents are people who become role models for children, therefore if parents teach their children things that are not good, then the child will imitate them, and vice versa if parents teach good things, educate, advise properly and give rights that should be done in the form of complete love. However, in the village of Bodas, there are still many parents who are not aware of the dangers of early marriage or early marriage, for example, death of a mother who is not ready to give birth, lack of education and the difficulty of finding a decent job and so on. Most parents who marry off their children at a young age have various reasons, including following the traditions of their parents in the past, low economy and income. Whatever the reason, marrying young is not a solution, especially for women. Children have the right to get education to the highest level whether it is male or female, all are the same and there is no difference.
- b. Lack of guidance from parents in preparing their children for marriage. Guidance from parents is needed by the child when he gets married. Because children enter the actual phase of life and are considered adults, they are able to solve all the problems that will be faced later. Not only in terms of advisory guidance but also in real terms such as teaching cooking, cleaning the house for their daughters while men are taught to earn money and work hard to support their wives. If the husband can't make money it will be a problem and vice versa if the wife can't cook later the expenses will swell and there will be problems if the income is unstable. And this is where parents need guidance for their children.

## ***2. Result***

From the analysis of these problems, the strategies that will be carried out are:

- 1) Approaching bodas village youths. This approach was carried out with youth and from all hamlets in the village of bodas, they named their organization “Seduler Enom Bodas”. In addition, they also approach youth and women who are close to the Community Service Post because it is easier to reach and share together.
- 2) Approaching community leaders. The approach was also carried out with the head of RT 01 because our posko area is in RT 01. Approach with influential elders to advise young people not to marry young.
- 3) Organizing Pre-Marriage and Post-Marriage Guidance. Pre-Marriage and Post-Marriage Guidance as an effort to reduce early marriage and divorce in Bodas Village in particular. This guidance is carried out by the Ministry of Religion, which is usually represented by the Head of KUA.
- 4) Closing. One of the causes of the lack of parental roles for children related to early marriage and divorce is the low education of parents so that there is a lack of guidance that can be given to children. Because parents do not know and do not understand what to do. Lack of knowledge possessed so that they do not think long about what impacts are caused when marriage at a young age is carried out. The impact of early marriage is the occurrence of divorce, the death of the mother or baby because the uterus is not ready to give birth and many other impacts. Indeed marriage is a solution to avoid adultery but marriage is not a solution there are many other solutions. Every child has the right to get the highest education whether it's a boy or a girl it's all the same.

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