

MARRIAGES AT AN EARLY AGE IN THE RIO PAKAVA DISTRICT OF THE DONGGALA REGENCY (From the Viewpoint of Islamic Law)

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Abstract

In a young society, early marriage is a concern and a reality. Underage marriages frequently take place for a variety of reasons and viewpoints, including those that are legal, religious, and based on social norms and traditions. As a result, the research attempts to discuss and investigate the causes of early marriage, its effects, and how Islamic law justifies the legitimacy of the early marriage law in Kec. Rio Pakava, Kab. Donggala. The research methodology employed involved picking an Islamic legal approach and gathering data through qualitative field research using interviews. The research has revealed a number of variables that affect the prevalence of early marriage in Kec. Rio Pakava, Kab. Donggala is an element of education, economy, online social media, and millennial culture that causes unmarried pregnancies and receives parental or guardian approval. Some of these aspects, like health, psychological effects, and the influence of societal judgments on people's life, might have detrimental effects. Islamic law indicates that this form of marriage may or may not occur if its existence is considered from the benefit side due to the elements and repercussions of early marriage. However, the Qur'an states that persons who are getting married must be mature, capable, and ready. Scholars are currently debating the definitions of ability and maturity.

Keywords: Early Marriage, Factors and Impacts, Islamic Law.

A. Introduction

Marriage is believed to be a perfect and valid manifestation of one of the most significant basic life concepts. Thus, by creating mankind of two sexes, male and female, Allah SWT. created everything that exists on this planet in pairs. All of this is necessary to fulfill His inevitable will so that nature, as a result of creation, gets to know one another and complements and needs the other. As stated in Allah's swt. In Q.S. Az-Zariyat (51): 49.

وَمِنْ كُلِّ شَيْءٍ خَلَقْنَا زَوْجَيْنِ لَعَلَّكُمْ تَذَكَّرُونَ ۝

Translated:

And We have made everything in pairs, that you may recall the majesty of Allah.¹

By observing the laws that are thought to fulfill the legal requirements of the relationship between men and women, marriage can be accomplished. The primary rule is Islamic law, as stated in verse 6 of Q.S. An-Nisa, in his commentary book, Ibn Kathir makes an argument. *Lubabut Tafsir Min Ibni Katsir*, word of Allah (swt). "And test the orphan." The meaning of "test them" is until they are of legal age to marry, according to Ibn 'Abbas, Mujahid, al-Hasan, as-Suddi, and Muqatil. It implies, baligh, Mujahid remarked.² Ibnu Katsir reads this to suggest that children and young adults shouldn't be burdened with certain issues.³ It is possible to explain marital status as an endorsement of state-recognized marriage legislation, particularly in the case of unions that are thought to have occurred before the legal marriage age. Marriage thus combines a variety of factors from the perspectives of religious, cultural, traditional, economic, and legal values.⁴ In Indonesia, a person must acquire parental consent before getting married if they are under the age of 21 (twenty-one). Only individuals who have attained the age of 19 (nineteen) are eligible for marriage.⁵ The age restriction on marriage is intended to protect the wellbeing of the couple's children. The Marriage Law Number 16 of 2019 made changes to the minimum age requirement for marriage, one of which is connected to marriage dispensation. Dispensations for marriage have been created as a result of regulatory

¹Kementerian Agama, *Al-Qur'an dan Terjemahnya (Mushaf Fatimah)* (Jakarta: PT. Insa Media Pustaka, 2012),

²Ibnu Katsir, *Lubabut Tafsir Min Ibni Katsir (Tafsir Ibnu Katsir; Jilid II)*, terj. M. Abdul Ghoffar E.M dan Abu Ihsan al-Atsari, (Cet. I; Jakarta: Pustaka Imam asy-Syafi'I, 2004), 236.

³Mustofa, *Perbandingan Hukum Perkawinan di Dunia Islam*, (Bandung: Pustaka alFikriis, 2009), 22.

⁴Kustini, *Menelusuri Makna Pernikahan dibawah Umur dan Tidak Tercatat* (Cet. I; Jakarta: Puslitbang Kehidupan Keagamaan Badan Litbang dan Diklat Kementerian Agama RI, 2013), 3.

⁵Undang-undang Republik Indonesia No. 16 Tahun 2019 tentang Perubahan atas Pasal 7 ayat 1 Undang-undang No. 1 Tahun 1974 tentang Perkawinan

changes as a result of the increase in the minimum age for marriage out of concern that individuals who wish to get married but do not meet the minimum age requirements for marriage will use the dispensation as a legal loophole.⁶

In reality, someone's emotional and mental growth need to be taken into account in the continuation of marriage, rather than force from parents or consent. The emotionality of a husband or wife has a significant impact on the success of the household. People who are not emotionally mature enough to take on the load and duty of running the home are typically unable to do so, making it more likely that they will fail to create the family they desire.⁷

Underage marriages occur often, especially in rural areas or among those with low levels of education.⁸ There are several reasons why children go through puberty, including lack of awareness of the value of education, consensual relationships, the influence of social media on the internet, and economic hardships. For a variety of reasons, including the fact that getting married makes it simpler to seek God's provision, some people believe economic considerations are a cause for young marriage.⁹ In order for this factor to be prevalent in society, especially among those who will get married young. There is no denying that all teenagers and even young children own cell phones. Even forbidden virtual worlds can be easily explored, as can the world in your palm. Internet social networking sites will gradually have an impact on children's cognitive abilities, and doing things that are offensive to youngsters can be harmful to their psychological well-being.¹⁰

⁶Trisadini Prasastinah Usanti, Xavier Nugraha, dan Dita Elvia Kusuma Putri, "Analisis Perubahan Politik Hukum Dispensasi Perkawinan Pasca Undang-Undang Nomor 16 Tahun 2019," *Notaire* Vol. 04, No. 03 (2021): 469.

⁷Ita Surayya, Israfil, Haeratun dan Musakir Salat, "Perkawinan Dibawah Umur dan Dampaknya Terhadap Keluarga di Desa Aik Dewa Lombok Timur", *Jurnal Risalah Kenotariatan*, Vol. 2 No. 2, (2021), 5.

⁸Rahmat Hakim, *Hukum Perkawinan Islam* (Cet. I; Bandung: Pustaka Setia, 2000), 142.

⁹Nazli Halawani Pohan, "Faktor-Faktor yang Berhubungan dengan Pernikahan Usia Dini terhadap Remaja Putri", *Jurnal Endurance*, Vol. 2, No. 3, (2017), 430-431

¹⁰Ita Surayya, Israfil, Haeratun dan Musakir Salat, "Perkawinan Dibawah Umur dan Dampaknya Terhadap Keluarga di Desa Aik Dewa Lombok Timur",...4-5.

Based on the preliminary findings of researchers in Rio Pakava District, Donggala Regency, there are a number of early marriage practices that the author is interested in exploring further. One such practice involves a pair of individuals communicating through internet social media in a manner similar to that of a married couple as a whole, and after a few months of close acquaintance in social media, the individuals got married. Despite the fact that the woman is still in junior high school and is still rather young. According to information the writer obtained from neighbors and their families, they had been separated for a little over a year. Although she is still young and has the opportunity to pursue higher education, it is regrettable that her future has been destroyed by an early marriage and a lack of preparation for starting a family.

Then there was the practice of early marriage, where the daughter had just finished from elementary school and was wed to a man of her parents' choosing at a time when the parents could no longer afford to send their children to junior high school. His parents thought he could support a decent life for his family. Ten years later, the daughter gives birth to a child who, to this day, lives in harmony and is prosperous.

By taking note of how prevalent early marriage is in people's lives, how it affects divorce rates, and how difficult it is to have healthy offspring in the area. The researcher also wants to look over the proceedings. As a result of the foregoing description, there is interest in bringing up the issue of early marriage, particularly in the Rio Pakava District of the Donggala Regency.

B. Literature Review

1. Early Marriage: What It Means

In principle, a person is permitted to get married as long as all of Islam's requirements have been met, but a marriage is prohibited if one of the spouses is intended to suffer harm. Early marriage is a word that is currently in use.¹¹ To individuals who lived in the early 20th century or earlier, getting married when a girl

¹¹Lauma Kiwe, *Mencegah Pernikahan Dini*, (Cet. I; Jogjakarta: Ar-Ruzz Media, 2017), 9

was 13–14 years old or a boy was 17–18 years old was nothing out of the ordinary. However, it is peculiar in today's society. Marriage before the age of twenty-five for both men and women is viewed as improper.¹² despite the fact that the reasons for marriage are mentioned in the texts of the Qur'an and the Hadith, along with to the texts' arguments serving as the legal foundation for marriage, the fuqaha's ijtiḥad is still required for a number of issues that need to be resolved in order to obtain legal provisions, such as for those who are already planning to get married but are worried about doing something wrong. adultery He must put his marriage before the pilgrimage if he is not already married. The pilgrimage must take precedence over marriage, though, if he is not frightened to commit adultery. Before being married, one must also complete other necessary kifayah, such learning and jihad. If there were no anxieties about sliding into the valley of adultery ".¹³

In general, Islamic law includes five principles, namely protection of religion, life, lineage, property and reason. Of these five universal values of Islam, one of them is the religion of maintaining lineage (hifdzu al nasl). Islam does not prohibit early marriage, as long as each party has been able to fulfill all the requirements, and the marriage is carried out to strengthen the sense of diversity between the two. Seeing that there are more negative impacts than positive impacts, it is better if early marriage is not carried out if the goal is only for the satisfaction of lust, why is this not permissible, because this can be considered dangerous. It is dangerous here, if in a marriage it will lead to domestic violence, the purpose of marriage is not in accordance with Islamic law, and harms one of the parties.¹⁴

The Indonesian Ulema Council (MUI), which issued a fatwa stating that the age of eligibility for marriage is the age of ability to act and acquire rights (ahliyatul

¹²Fitriana Tsany, "Trend Pernikahan Dini di Kalangan Remaja (Studi Kasus di Kabupaten Gunung Kidul Yogyakarta Tahun 2009-2012)", *Jurnal Sosiologi Agama*, Vol. 9, No. 1, (2015), 85-86.

¹³Moh Thalib, *Fiqh Sunnah* Terj. (Jilid VI; Bandung: PT Al-Ma'arif, 1981), 22.

¹⁴Uswatun Hasanah, "Pandangan Islam tentang Pernikahan Dini", *Jurnal Pendidikan dan Pembelajaran Dasar*, Vol. 1, No. 2, (2014), 317.

ad and *expertyyatul wujb*), further supported this claim.¹⁵ The legal capacity of someone who has been adjudged perfect to be accountable for all of his actions—both good and bad—is known as *expertyyatul ad*. *Expertyyatul Wujb* refers to a person's capacity to accept the rights that are legitimately theirs while not being able to bear the full weight of their obligations.¹⁶ A trial with a condensed agenda is conducted to assess the viability of the prospective bride and groom who will enter into underage marriages. The judge takes into account the capability, readiness, and maturity of the prospective bride and groom, both mentally and physically, among other factors, while deciding whether to grant a dispensation for marriage. The judge grants the prospective bride and groom dispensation for marriage after deciding that it must be founded on reasonable considerations. Religious Court during a trial examination.¹⁷

2. Marriage Age Restrictions as Control of Early Marriage

The determination of the age limit for marriage is intended for the benefit and good of the bride and groom, that in order to ensure the achievement of this goal, the principle of limiting the age of marriage is stipulated in the general elucidation of Law Number 1 of 1974 concerning Marriage Number 4 (d) contrarily, the major tenet of the policy limiting the marriageable age is about the mental and physical maturity of the bride and groom, which is designed to ensure that every union may be successful and result in children who are healthy; it is not only a matter of age. Because of this, in addition to establishing a minimum marriageable age, policymakers also allow for minor marriages to be performed through Marriage

¹⁵Majelis Ulama Indonesia, *Ijma Ulama (Keputusan Ijtima" Ulama Komisi Fatwa se - Indonesia III Tahun 2009)*, (Jakarta: Majelis Ulama Indonesia, 2009). 78.

¹⁶Ali Imron, *Kecakapan Bertindak dalam Hukum (Studi Komparatif Hukum Islam dengan Hukum Positif di Indonesia)*, (Semarang: Badan Penerbit Universitas Diponegoro, 2007) 18 dan 24

¹⁷Hasan Bastomi, "Pernikahan Dini Dan Dampaknya (Tinjauan Batas Umur Perkawinanmenurut Hukum Islam Dan Hukum Perkawinan Indonesia)", *YUDISIA*, Vol. 7, No. 2, (2016), 370.

Dispensation in accordance with the previously described requirements of Article 7 verse 2.¹⁸

Regarding the legal dispensation of marriage with regard to the age requirement for marriage, particularly for the two potential brides who do not meet the standards for marriage age. Accordingly, based on Supreme Court Regulation No. 5 of 2019 that stipulates that the Dispensation of the Religious Courts is a dispensation for prospective brides who are not old enough to carry out marriages as an exception to the limitation of marriage age, the Court through the Panel of Judges who controls the main principle of the policy of limiting the age of marriage then assesses, weighs, and decides whether a person is felt to be mentally and physically fit for marriage. despite the fact the individual is still a minor, in order to fulfill the requirements of marriage properly, avoid divorce, and have children who are healthy.¹⁹

The marriage age restriction that has been envisaged as a legislation or policy also responds well to the health of the bride and groom. Due to advancements in medicine, the health aspect of limiting the marriageable age has gotten a lot of attention. Women who are still sixteen years old are particularly exposed to the risk of health issues when experiencing marriage. Both when there are sexual interactions between a husband and wife or when a woman is pregnant or giving birth. According to Dr. Fransisca Handy, there are at least five health consequences of pregnancy before the age of 18, including the mother's mental health, infectious diseases, pregnancy disorders, childbirth issues, and the health of the child she gives birth to.²⁰

¹⁸Musyarrofa Rahmawati, Warkum Sumitro Hanif, Nur Widhiyant, "Efektivitas Pembatasan Usia Perkawinan Berdasarkan Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan," *Jurnal Ilmiah Pendidikan Pancasila dan Kewarganegaraan* Vol. 03, No. 01 (2018): 103.

¹⁹Syeh Sarip Hadaiyatullah dan Nurul Huda. "Praktek Hukum Acara Dispensasi Kawin." *ASAS: Jurnal Hukum Ekonomi Syariah* Vol 12, No. 01 (2020): 158-160

²⁰Nahdiyanti, Ahyuni Yunus, Nurul Qamar, "Implementasi Perubahan Kebijakan Batas Usia Perkawinan Terhadap Perkawinan di Bawah Umur," *Journa of Lex Generalis (JLG)* Vol. 02, No. 01 (2021): 154.

Based on the aforementioned legal factors, it is evident that the necessity to establish the marriageable age, particularly for women, is somewhat adapted to the growth of many issues, including both health and socioeconomic aspects. There is no assurance that raising the age at which women may be married from sixteen to eighteen will further lower the divorce rate, solve health issues, and lessen other social issues. It doesn't mean that there aren't any efforts that should be made, especially preventive ones, to stop child marriage from happening, which the petitioners claim will lead to a number of problems. However, the court found that these problems are actual, concrete issues that do not only arise because of the child's age. The optimal minimum age restriction for prospective brides, especially for prospective brides, can be determined by lawmakers (DPR) through a legislative review process if it is desirable to amend the marriage age limit for women.²¹

Children are legally protected when there is a minimum age requirement for marriage. Children's health, welfare, and future must be preserved; if child marriages continue to be frequent, this will not be possible. Given that high divorce rates, domestic violence, and sexual assault are all risks associated with early marriage.²²

3. Fiqh Marital Agreement Limitations on Age for Early Marriage

Rasyid Ridha claims that the phrase "baligh al-nikah" denotes a person's readiness for marriage, i.e., the age at which they can dream of having children and offspring who will move them to settle down and get married. Additionally, he must follow religious legislation such as hudûd, mu'amalah, and worship. It is proper for someone to meditate and spread goodness as a result.²³ Despite his continued ignorance and ignorance of religion, he is clever at interpreting and using riches. The age restriction for marriage is not explicitly and thoroughly regulated by Islamic law.

²¹Hasanain Haikal dan Abdul Hadi, "Analisis Yuridis Normatif dan Hukum Islam Terhadap Putusan Mahkamah Konstitusi Nomor 30-74/PUU-XII/2014 Tentang Batas Usia Perkawinan Anak (Perempuan)," *Yudisia* Vol. 07, No. 01 (2016): 254.

²²B. Rini Heryanti, "Implementasi Perubahan Kebijakan Usia Perkawinan," *Jurnal Ius Constituendum* Vol. 06, No. 02 (2021): 132.

²³Mustofa, *Perbandingan Hukum Perkawinan di Dunia Islam*, (Bandung: Pustaka alFikriis, 2009), 22.

Some individuals consider it a concession that Islamic law does not contain any laws limiting the minimum age requirement for marriage.²⁴ A single individual may become married if they meet the prerequisites for marriage. Consequently, puberty is typically associated with the maturity of a Muslim; if there is a delay in physical development, the puberty phase then starts based on the typical (generic) age at which a person experiences signs of puberty. Differences in geography, environment, and other factors can have a big impact on when a relationship officially begins.

Certain experts have distinctive ideas about how to define the term "baligh." First, Imam Hanafi explained that a person is considered baligh if they have dreamed of having sexual relations similar to those between a husband and wife and semen is released in the case of men, while menstruation is a sign for women. If neither of these signs apply to either gender, however, the person is considered baligh if their ages are equal—that is, 18 for men and 17 for women—which. Secondly, according to Imam Malik, a person is considered baligh if there are already symptoms present in them, such as an absolute or conscious discharge of sperm during dreams or sleep or, in other instances, the development of several hairs on particular limbs. Third, the opinions of Imam Syafi'i and Imam Hambali concerning the term baligh when a person reaches the age of 15 for men and women, or has menstruated for women, or has had wet dreams. The volume of the voice, the development of armpit hair, and other indicators are additional to these. But because the signs of baligh someone mentioned above do not come the same from one to another, then the signs of baligh for a man and a woman are both determined by the age of maturity or have intelligence, with this reason taklif occurs and also law is created.²⁵

Fiqh experts claim that the decision of the aforementioned baligh is not a factor that should be taken into account when determining whether or not someone is permitted to consummate a marriage. While Ibn Hazm holds the view that a father

²⁴Badrul Munir and Tengku Ahmad Shafiq, "Batas Usia Perkawinan dalam Undang-Undang Keluarga Islam Negeri Selangor Tahun 2003: Analisis Perspektif Maqasid Al-Syari'ah," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* Vol. 03, No. 02 (2019): 274.

²⁵Muhammad Jawad Mughniyyah, *Fiqh Lima Mazhab* (Jakarta: Lentera, 2001), 318.

may not marry off his young daughter unless it is a daughter, Imam Malik, Imam Hanafi, Imam Syafi'i, and Imam Hambali agree that it is acceptable for a father to marry off his young daughter who is still a virgin (not yet mature). is old enough to be an adult and has his father's consent.²⁶

Youth is a phase that progresses, and it can be divided into three distinct time periods: juvenility (adolescantium), puberty, and nudity. Adolescents' appreciation of religious teachings and behaviors that manifest in adolescence has a significant impact on this development. Religion in adolescents is tied to this development in accordance with their bodily and spiritual growth.²⁷

The legal age limit for marital differs from nation to nation, notwithstanding modern development. The average marriage-ready age is between 15 and 21 years old. The Baligh Phase refers to the age at which a kid has attained adulthood. Since the child is fully self-aware at this age, he is given the burden of responsibility, particularly in the areas of religion and society. The second realm of performance, as described by Ikhwan al-Shafa, is the time when people are compelled to carry out the commitments made in the spirit realm during the first realm of performance. Al-Ghazali refers to this period as the 'aqil phase, during which a person's intellect is at its highest level and he is able to discriminate between morally correct and wrong, as well as between good and bad actions.²⁸

Rasyid Ridha and Hamka focused on the assessment of mental readiness for marriage, namely from his attitude and actions, but Ibnu Katsir found that maturity was external and that he was already a mulatto. The right time to be married, according to modern experts, emphasizes the perfection of the mind and spirit rather than just the physical attributes (baligh, rusyd). Marriage thus involves not only

²⁶Abd al-Rahman Al-Jaziri, *Kita>b Al-Fiqh Ala> Madza>hib Al- Arba'ah* (Bayrut: Dâr al-Kutub al-Ilmiyyah, 2003), 313–314.

²⁷Dedi Supriadi dan Mustofa, *Perbandingan Hukum Perkawinan di Dunia Islam* (Bandung: Pustaka Al-Fikri, 2009), 27.

²⁸Abdul Mujib dan Jusuf Mudzakir, *Nuansa-Nuansa Psikologi Islam* (Jakarta: Raja Grafindo Persada, 2002), 106.

physical maturity but also psychological maturity, social maturity, religious maturity, and intellectual maturity.²⁹

C. Research Method

This process results in academic writing that incorporates field research, one of the options for the method utilized in this kind of qualitative research generally. Then, the application of Islamic law as a research methodology. So that researchers using this approach can accurately examine and characterize the problems that are the subject of their research. With the goal of describing and explaining the phenomena of early marriage that occurs in people's lives, this approach will be used in future research, especially early marriage which is not foreign to be found in people's lives in Rio Pakava District, Donggala Regency. The Islamic legal approach used in this proceeding is expected to comprehensively analyze the issues contained in this proceeding.

D. Result and Discussion

1. Factors Affecting Early Marriage in the Rio Pakava District

In the Donggala Regency's Rio Pakava Subdistrict, where there are numerous tribes, it is simple to combine cultures, which leads to the creation of several variables that contribute to the prevalence of early marriage. Both driving and predisposing factors are encountered in the field. Patterns of demands and awareness of issues pertaining to early marriage are predisposing variables. Economic and educational variables are predisposing, and social media, millennial culture, and parental approval are the driving forces for early marriage.

Predisposing factors include patterns of needs and knowledge of matters relating to early marriage. The explanation of the predisposing factors is:

a. Economic Factor

It is undeniable that the economic factor is the main thing that is always discussed by all levels of society in terms of fulfilling life, this factor is a polemic

²⁹Akhmad Shodikin, "Pandangan Hukum Islam dan Hukum Nasional Tentang Batas Usia Perkawinan," *Mahkamah* Vol. 09, No. 01 (2015): 118.

among parents, where in general people work as farmers and casual laborers, while the cost of living is getting higher. After getting married young, one of the main issues that affects women is the economy. According to a woman who was young when she got married:

“Biyen aku rabi jek cilik, yo mergo mesakne wong tuoku, bendino kerjo tapi gak cukup gawe mangan. Aku rabi supoyo ngurangi beban wong tuo (I used to marry when I was young (child), because I felt sorry for my parents, I worked every day but not enough to eat. I married to reduce the burden on my parents)”³⁰

The idea or belief that parents should marry off their children as soon as possible because it will make it easier for them to support them. As stated by the parents of children who got married young:

“Biaya mangan wes larang, kabeh yo podo kudu tuku. Sedangkan bapae biyen kerjone yo ngone iki, lek wes rabikan penak pasti seng kuoso gampangne golek pangan (ekonomi) (Many parents think that "when they get married, God will make it easier for them to make a living (economically)”³¹

When it comes to early marriage, it is apparent from the perspectives of both parents and children that the economy plays a crucial role. Families with poor incomes have a tendency to wed their children before they have reached the optimal age.

b. Educational Factor

Formal and non-formal education is very important to live life. Because a low level of education will encourage early marriage. In fact, marriage is not solely because of sex, but there are many responsibilities that must be borne by people who want to build a household. Some people say that education is an asset in building a

³⁰E (Nama disamarkan), Anak yang Menikah di Usia Dini, “wawancara” oleh penulis di Kec. Rio Pakava, Kab. Donggala, Prov. Sulawesi Tengah, 03 Mei 2020

³¹S (nama disamarkan), Orang tua dari anak yang menikah di usia dini, “wawancara” oleh penulis di Kec. Rio Pakava, Kab. Donggala, Prov. Sulawesi Tengah, 03 Mei 2020

household, but some of them (actors of early marriage) think that education is not too important as stated by R (fake name) “*sekolah duwur-duwur arep dadi opo*”.

As Endang Setiawati noted, "education (SMA) must be completed first and that is the reason for delaying marriage"), a marriage must be matched with a decent education, especially for women who want to pursue further education before getting hitched.”³²

Religious education is no less important because without good religious education we will not be able to understand Islamic values properly. Religious education does not have to be pursued in school but can be obtained outside of school. Minimal religious education will result in teenagers being able to do unwanted things, but if religious education is instilled as early as possible it will be able to minimize unwanted actions. As Ahmad Ahyar said “*sekolah agomo harus diperkuat supoyo perbuatan-perbuatan dilarang agomo iso dihindari*”.³³

This is the cause of some adolescents getting married at a young age; despite the fact that education is crucial for those who marry young, the younger the marriage, the lower the amount of education attained. Without proper education, family harmony would suffer, and job searching will be less active.

The millennial culture, internet social media, and parental approval are the driving forces, or what is generally referred to as encouraging factors, for early marriage. Here is the justification:

c. Millennial Culture

Good association is what parents desire for their children, and vice versa. Bad association will have an impact on the child's behavior and can even fall into free sex. The author found early marriage perpetrators who practiced marriage at the age of 18 with the reason of being pregnant. As told by M (samara's name) "how is it,

³²Endang Setiawati, Masyarakat, “wawancara” oleh penulis di Kec. Rio Pakava, Kab. Donggala, Prov. Sulawesi Tengah, 01 Mei 2020

³³Ahmad Ahyar, Tokoh Agama, “wawancara” oleh penulis di Kec. Rio Pakava, Kab. Donggala, Prov. Sulawesi Tengah, 05 Mei 2020

sometimes it's already pregnant, rather than the shame of wandering around, it's better to cover it up (marriage)".³⁴

The absence of parental supervision of their children due to parents' busy schedules at work and parents' aging (weaker) bodies makes it evident from reading the accounts of children who have married young that this is the primary cause of early marriage. As a result, it fosters negative associations, leads to unmarried pregnancies, and prompts young marriages. It's unfortunate that you were exposed to the incorrect millennial culture at such a young age.

d. Internet and social media

In this era of globalization, children and the elderly cannot be separated from cellphones or what people usually call gadget, which can explore the world. Progress in the world of internet social media is increasing rapidly, one of which functions as an instant and easy communication tool, unknowingly internet social media is the reason for some early marriage actors as a driving factor for early marriage as told by As (pseudonym) "in the beginning chatting- Chat via Facebook, how come you feel comfortable after a while".³⁵

In addition to the communication problems above, it turns out that one of the perpetrators married at an early age because he could not bear to see adult scenes that can be easily accessed on the internet, as told by Jo (a pseudonym) "*dek medsos akeh sliwar-sliwer adegan seng nyleneh. dari pada nambah duso mendingan rabi sisan kan iso dipraktekne, wes sah secara agomo karo negaro.*".³⁶

According to the various viewpoints above, using online social media is one of the factors that contributes to early marriage. However, Derni advised that we as parents or the community can jointly monitor generations, especially children, when

³⁴M (Nama disamarkan), Anak yang Menikah di Usia Dini, "wawancara" oleh penulis di Kec. Rio Pakava, Kab. Donggala, Prov. Sulawesi Tengah, 07 Mei 2020

³⁵As (Nama disamarkan), Anak yang Menikah di Usia Dini, "wawancara" oleh penulis di Kec. Rio Pakava, Kab. Donggala, Prov. Sulawesi Tengah, 08 Mei 2020

³⁶Jo (Nama disamarkan), Anak yang Menikah di Usia Dini, "wawancara" oleh penulis di Kec. Rio Pakava, Kab. Donggala, Prov. Sulawesi Tengah, 08 Mei 2020

using internet social media: “*sebagai orang tua wajib mengawasi anak-anaknya dalam dunia internet, takutnya mereka ngakses yang nggak-nggak*”.³⁷

e. Parental approval

Parents or guardians are essential to an interaction's pleasure because a marriage cannot function without a guardian. Parents believe that their approval is the key to success in the home, even if there are legal steps that may be taken to be able to get married without parents or guardians present. As stated by Siswanto “*areke wes kadong seneng yo piye, engko gak direstui wedine yo ngonokui (lari)*”.³⁸

This is where the secret to preventing early marriage lies; without parental approval, without warning their children about the risks, and without being mentally prepared to start a family, the likelihood of early marriage can be reduced.

Pay attention to the elements that affect early marriage as well, but keep in mind that there are both positive and bad effects of early marriage. Saving young people from harmful situations is one of the impact's good effects. Mothers' and children's health is negatively impacted. Early marriage has an effect not only on health, but also on how long a marriage lasts because it can unintentionally result in divorce. among other things, the effects of early marriage:

First, the effects on health from a midwifery standpoint. "It can affect the reproductive system that is not ready to be fertilized and is at risk of uterine cancer, and it could be that babies born will be at risk for health, specifically experiencing respiratory, digestive, vision problems, and lower body weight, and if you have already married, then to avoid it all," says Zulfi Ida. Of course, those who practice early marriage are required to use contraception to delay pregnancy until the legal reproductive age limit in order to protect the mother's and child's safety.³⁹

³⁷Derni, Masyarakat, “*wawancara*” oleh penulis di Kec. Rio Pakava, Kab. Donggala, Prov. Sulawesi Tengah, 03 Mei 2020

³⁸Siswanto, Orang tua dari Anak yang Menikah di Usia Dini, “*wawancara*” oleh penulis di Kec. Rio Pakava, Kab. Donggala, Prov. Sulawesi Tengah, 03 Mei 2020

³⁹Zulfi Ida Masfufah, Tenaga Kesehatan, “*wawancara*” oleh penulis di Kec. Rio Pakava, Kab. Donggala, Prov. Sulawesi Tengah, 07 Mei 2020

Second, a young marriage has a negative psychological impact since children are not yet emotionally mature enough to understand sex relationships, which means it will leave a lasting psychological scar on the child's psyche that will be challenging to overcome. The child will be depressed and lament a life that culminated in a marriage that he himself does not agree with. The marriage contract will also take away the child's inherent rights to play, enjoy his spare time, and receive an education (including the nine years of obligatory schooling).⁴⁰

Thirdly, the societal impact "can result in a lowered position of a woman in the eyes of men, they (men) think that women are only a conduit for sex for men," claims Arini Minatulhanifah."⁴¹

A young marriage has societal repercussions in addition to those mentioned above, such as an effect on the growing population in society. Young adult marriage is generally associated with difficulties in finding employment. In order to make poverty more prevalent throughout people's lives.

It is crucial to carry out schooling in attempts to stop the detrimental effects on young marrying. Children will gain vast insights through education. Children will understand that early marriage is not a ticket out of poverty with this broad perspective.

So, education is very important for children and adolescents. Education here is not only focused on subjects, there needs to be insight so that children are skilled and nimble in life. And education can also provide information about body health and the reproductive system after marriage.

Often people ask, what if you already do early marriage? If you have already done early marriage, the authors provide the main solution, namely to be independent for perpetrators of early marriage. Especially for parents or in-laws, if the child (perpetrator of early marriage) is not yet independent, parents should be obliged to

⁴⁰Deputi, *Pendidikan dan Perilaku Kesehatan* (Jakarta: Rineka Cipta, 2008).

⁴¹Arini Minatulhanifah, Masyarakat, "wawancara" oleh penulis di Kec. Rio Pakava, Kab. Donggala, Prov. Sulawesi Tengah, 03 Mei 2020

talk to, help and guide so that their child becomes an independent and responsible parent.

2. Islamic Law Views Early Marriage in Rio Pakava District

The inconsistency of the age limit for adulthood or the age limit for children in various Indonesian laws and regulations often raises questions about which limit should be used. According to article 63 paragraph 1 of Law Number 24 of 2013 concerning amendments to Law Number 23 of 2006 concerning Population Administration "Indonesian citizens and foreigners who have permanent residence permits who are 17 (seventeen) years old or have married...".⁴² Meanwhile, according to article 330 of the Civil Code, it states that a person is considered an adult if he is 21 years old or has been (never) married.⁴³

It's quite clear that every country has marriage rules, for example rules about age limits. Age is often associated with maturity, for example in Indonesia marriage is stated in Law Number 16 of 2019 concerning amendments to Law Number 1 of 1974 concerning Marriage, namely at least 19 years for men and women.

This maturity is very influential in a coveted household. Maturity is very influential in one's identity so that it influences social change. Robert H Lauer writes that important social changes from social structure, namely patterns of behavior and social interaction, are included in the expression of cultural norms, values and phenomena as new variations or modifications in every aspect of social processes, social patterns and social forms, changes that occur in the structure and functioning of society, leading to balance and social relations.⁴⁴

Selo Sumarjan defines social change as all alterations to social institutions within a society that have an impact on the social system, including alterations to group norms, values, and attitudes.⁴⁵

⁴²Pasal 63 ayat 1 Undang-Undang Nomor 24 Tahun 2013 tentang perubahan atas Undang-undang Nomor 23 Tahun 2006 tentang Administrasi Penduduk.

⁴³Pasal 330 Kitab Undang-Undang Hukum Perdata.

⁴⁴Robert H. Lauer, *Perseptif Tentang Perubahan Sosial* (Jakarta: Rineka Cipta, 1993).

⁴⁵Selo Sumarjan, *Sosiologi Suatu Pengantar* (Jakarta: Universitas Indonesia, t.th.), 217.

Dr. Nur Arif, a biomedical lecturer at Japan University, reportedly stated that "maturity in the household is very important, especially for husband and wife, and that all activities in the household require careful calculation and thought so as to reduce the risk of fatality in a household relationship." ⁴⁶

The age limit for a child who is able to stand alone or as an adult is twenty-one years, provided that the child is not physically or mentally handicapped or has never been married, according to Compilation of Islamic Law Article 98, paragraph 1. When a person reaches the age of twenty-one or marries, we can say that they are an adult.

The mazhab scholars disagree on the appropriate age for maturity. Both boys and girls, Syafi'i and Hambali, are fifteen years old. Maliki gave a precise age of seventeen without elaborating on his gender. Hanafi sets the age at eight for boys and seventeen for girls in the meanwhile. Imamiyah recommends nine years for girls and fifteen years for boys. ⁴⁷

This level of maturity has a significant impact on creating the kind of harmonious home that leads to a long-lasting marriage.

Islam urges its adherents to follow the Prophet's Sunnah, which includes marriage. Marriage, in Amir Nuruddin's opinion, is a crucial force in the progression of human life. In addition, it transports the bride and groom to an entirely different planet. The status of both parties will be changed immediately by marriage, and each party will be given their own set of responsibilities and a very heavy load. These must be able to bear and carry out obligations because these are not simple things to do. ⁴⁸

People who perform marriages should be able to answer for their actions, particularly before Allah SWT.

If a person is capable of handling the responsibilities and burdens of the home and is willing and able to fulfill his obligations as a good husband and wife, he is

⁴⁶Nur Arif, dosen biomedik Japan University, wawancara oleh penulis melalui via telepon, 08 September 2020.

⁴⁷Muhammad Jawad Al-Mughniyah, *Fiqh Lima Mazhab* (Jakarta: Lentera: 2010), 316.

⁴⁸Amir Nuruddin, *Hukum Perdata Islam di Indonesia* (Cet. I; Jakarta: Kencana, 2004), 39.

required to be married right away. As the Prophet Muhammad observed, encourage those who are able to marry. the Prophet Muhammad observed.:

It means:

"From Abdullah bin Mas'ud r.a., he said, Rasulullah saw. Say to us, O young people, whoever among you is able to marry, let him marry, because marriage is more able to lower the eyes and better protect the private parts. And whoever is not able to, he must fast, because actually fasting is a drug to suppress lust for him. (H.R. Muttafa'alaih)⁴⁹

Marriage is a means of controlling human urges and satiating libido while upholding the integrity of the relevant religion. Draw closer to Allah in order to have the mental fortitude to resist Satan's temptations that are tempting to commit adultery if passion is urgent, even when the capacity to wed is insufficient to restrict oneself by fasting.⁵⁰ So that their marriage would actually be founded on candor and understanding. Pregnancy outside of wedlock results in early marriage since there is no other option but to be married right away before the kid they are carrying is born into the world. Early marriage is also caused by economic issues, education, online social media, arranged marriages, or forced marriages. Islam views marriage as more than just a civil union or contract; it also has religious significance. Therefore, it is entirely legitimate if the Compilation of Islamic Law (HKI) states that obeying Allah's orders is an act of worship.

A marriage that satisfies all the pillars and requirements is considered valid. A marriage is declared null and void if one of the foundational elements is not upheld. Although there is a set age limit for marriage, early marriages do occasionally occur in the society, therefore it is not unusual to see men and women being married even if they are not of legal age. If a person is physically and psychologically capable and is concerned that immorality would spread across society and lead to sin, the law of marriage becomes mandatory. While it is illegal to marry a woman with the intention

⁴⁹Al-Hafizh Ibnu Hajar Al-Asqalani, *Bulugh al-Maram min Adillat al-Ahkam*, terj. Abdul Rosyad Siddiq, *Terjemahan Lengkap Bulughul Maram* (Cet. IX; Jakarta: Akbarmedia, 2015), 262.

⁵⁰Agus Hermanto, *Larangan Perkawinan dari Fikih, Hukum Islam, Hingga Penerapannya* (Cet. I; Yogyakarta: Lintang Rasi Aksara Books, 2016), 3.

of only playing with her or hurting her. Similarly with other laws such as *sunnah*, *makruh* and *mubah*.

Chastity and sexual success will bring us back to the teachings of Islam because Islam is a religion that respects human nature. Therefore, as long as it is mature and capable of providing material and spiritual support, early marriage itself is not forbidden in Islam. Early marriage is a modern term that will become obsolete over time. So, is it true that young marriage is against the law? State legislation permits early marriage under certain restrictions. When considering marriage, one must consider the mafsadah and its advantages. A.Djazuli advised prioritizing the mafsadah with the worst outcomes while dealing with multiple mafsadah at once. If the maslahat and mafsadah coincide, those who must be picked have greater (stronger) benefits; nevertheless, if there are equal numbers of advantages or benefits of equal strength, denying mafsadah is more crucial than earning benefits because doing so already confers benefits.⁵¹

Judging from the description above, early marriage can be carried out by paying attention to the aims and objectives and can provide physical and spiritual needs, so that in the future in building a household it can be realized in accordance with the desired expectations.

E. Conclusion

Considering the causes of early marriage in the Rio Pakava District, these causes include those related to education, the economy, social media, the millennial generation's propensity for unmarried pregnancies, and the approval of parents or guardians. If early marriage is a common occurrence in people's lives owing to economic circumstances as a cause that can address a need and the existence of education that can no longer be pursued by children as a factor that has a detrimental effect on the survival of early marriage perpetrators. Some people disapprove of and view underage weddings because they are compelled to, the family suffers

⁵¹Ahmad Djazuli, *Kaidah-Kaidah Fikih (Kaidah-Kaidah Hukum Islam dalam Menyelesaikan Masalah-Masalah Yang Praktis)*, (Cet. VIII; Jakarta: Kencana, 2019)

embarrassment, harms the parents, is psychologically unprepared, has a big ego, is still young, and is economically undeveloped, making it prone to conflict and the possibility of divorce.

As long as the pillars and circumstances are met and it is done in conformity with the prevailing legislation, early marriage is acceptable under Islamic law. Islamic law is based on the principle that mafsada should be avoided at all costs. On the other side, early marriage is permitted by Islam because it has a positive impact on the lives of the bride and groom, as it did in the Rio Pakava District. Even yet, there are several exceptions to the age restriction for marriage under Islamic law.

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