

Problems In The Implementation of Early Marriage in The Religious Affairs Office (Kua) of Mamosalato Sub-District, North Morowali District (Analysis Of Law No 1 Of 1974 on Marriage And Islamic Law).

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ABSTRACT

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Early marriage in Indonesia is increasing from year to year. This problem has an impact on the quality of children, families, family harmony and divorce. Likewise, it is the cause of children dropping out of school. Not apart also in Tanasumpu Village Mamosalato sub district North Morowali Regency early marriage is also rife. Although law No. 16 of 2019 has been enacted, the minimum age limit for marriage for both men and women is 19 years old. From the background of this study was conducted.

The purpose of writing a thesis is to find out what is behind the Marriage Worth Certificate policy, seeing the reality of early marriage and its impact in Tanasumpu Village Mamosalato sub district North Morowali Regency and Marriage Worth Certificate as an effort to build family juridical. Through this approach the authors intend to search for and collect data directly from the relevant parties in Tanasumpu Village Mamosalato sub district North Morowali Regency or others. About the eligible Marriage certificate in relation to early marriage, the data collection method in this study consists of primary data obtained directly from the parties concerned. Secondary data consist of primary legal materials and secondary legal materials namely materials that provide primary legal explanations. As an explanation, tertiary legal materials are given.

1. Introduction

Underage¹ marriages have occurred from the past until now, most of the perpetrators of these early marriages are rural teenagers who have a low level of education. Early marriage will have an impact on the quality of children, families, family harmony and divorce. Because at that time, the ego of adolescents is still high, seen from the aspect of education, adolescents graduate from junior high school (SMP) and senior high school (SMA). Most of them do not continue to a higher level, due to socio-cultural factors and the average education level of their parents is also low, so it does not support children to continue their education to a higher level. (MiftahFarid;1990)

Marriage is the initial level of community formation, from a marriage a small community called a household will be formed. In it, one or more children will be born. In this group of individuals, a social organisation called the family is born and forms relationships such as the relationship between husband and wife, children and parents, children with

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their siblings, children with grandparents, children with uncles and aunts, fathers and mothers with their siblings and in-laws, husband and wife with their parents and in-laws, and so on. Adolescents as children who are in the transition period from childhood to adulthood in this transition period usually occur accelerated growth in terms of physical and psychological. Both in terms of body shape, attitude, way of thinking and acting they are no longer children. They are also not yet said to be adult humans who have maturity of mind.

.2. Literature Review

To avoid the possibility of different interpretations with the main intention of the author in the construction of the title word, it is necessary to explain some of the main words that become research variables. What the author needs to explain is as follows:

a. Early marriage

In general, early marriage is a marriage between a man and a woman whose age is still below the minimum limit set by law.3 By law, it is stated in the 1974 Marriage Law Article 7 paragraph 1 that marriage is only permitted if the man has reached the age of 19 (nineteen) years and the woman has reached the age of 16 (sixteen) years.(Roihan A. Rasyid: 1998).

Early marriages that occur among village teenagers are generally influenced by several factors, including economic factors, education, free will in teenagers, and the culture that exists in the community. However, these factors do not specifically dominate in influencing early marriage in each region. There are differences in the dominant factors influencing early marriage in each region, such as in adolescents in one of the kecematans in the mamosalato sub-district, early marriage behaviour is dominated by parental decisions, namely parents' concerns about their children's behaviour. but not hereditary in the mamosalato sub-district, where a family with a girl will not feel calm before her daughter gets married. early marriage is mostly carried out by rural adolescents who are influenced by adolescents' desire to live independently and escape the influence of a restrictive parental environment.

b. Religious court decisions on early marriage

The authority of religious courts in Article 49 of Law Number 3 of 2006 concerning religious courts (hereinafter abbreviated as Religious Courts Law) includes: examining, deciding and resolving marriages, inheritance, wills, grants, waqf, zakat, infaq, shadaqoh, and sharia economics. Religious courts only have the authority to examine and grant applications if it is determined by the laws and regulations.

A petition is filed with an application signed by the petitioner or his/her legal representative and addressed to the chairman of the religious court where the petitioner resides.The petition is included in the definition of voluntary jurisdiction and we will then make a determination on the case.

3. Methodology

The approach method used in this legal research is the sociological approach method. sociological is everything that exists and occurs in social life so that it has legal consequences. So, the sociological approach is an approach with a perspective from a legal perspective regarding everything that happens in society that has legal consequences to be linked to existing statutory provisions. The juridical factor is Law Number 1 of 1974 concerning Marriage and other laws and regulations relating to the marriage of minors. The use of this method is very appropriate to the problem to be studied, because of the ongoing reality in society.

4. Results and Discussion

Based on the results of the research on problem implementation of early marriage in Tanasumpu Village Mamosalato sub-district North Morowali Regency, there are some factors it could be happen such as :

a. The Low education factor

Formal and informal education is basically, in this case about religion education so they did not know allow and forbidden things. Then they did not find the solution for that problem from general and religion education such as free sex, prostitute cause the early marriage. The pregnant did want and for the parents' marriage their children to closing the family, and then very fatal is abortion. Education is guidance religion for everyone in this world.

b. Blind Jealousy

For the married cause of blind jealousy, happened murder in Jakarta. A wife killed her husband, his husband's head threw to gutter. So many cases from the blind jealousy destroy the household that they hope be peaceful and then be shatter.

- c. They did not the law about marriage
- d. Promiscuity
- e. Regional tradition
- f. Economy factor is one of Cause so many married couple be separate, because biology needs did not fulfill.

5. Conclusion

The factors of early marriage in Tanasumpu village Mamosalato sub-district North Morowali Utara Regency are wanting by itself and pregnancy out of marriage. Based on the concept family sociology with social paradigm it happen the early marriage in Tanasumpu village Mamosalato sub-district. Influence because of less control and parents care of to their children so they come into promiscuity and be early marriage.

Cause of early marriage it influence to family happiness. These can be seen from some phenomena it happen in Tanasumpu village Mamosalato sub-district that after they did early marriage, they feel independently less, make hard their parents and cases of divorce. This influence to quality of family result because do not have prepare with physical and psychological to confront some trouble in social or economic of household to be responsibility parents.

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