

Socio Juridical Analysis of Underage Marriage Caused by Pre-Marital Pregnancy : a Case Study in Banggai Islands Regency

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ABSTRACT

This study discusses a socio-juridical analysis of underage marriages caused by pre-marital pregnancy in Banggai Islands Regency. The aims of this study are to discuss socio-juridical review of underage marriage in Banggai Islands Regency and the impacts from the existence of underage marriages on household harmony. This study used a qualitative method. The data was collected through direct observation, in-depth interviews, and written document analysis. The data, then, was analysed using themnatic analysis to find themes from the data. This study found that based on Law no. 16 of 2019 concerning marriage age limit, women are permitted to be married after age nineteen years old and . However, in an eergency case, a woman under nineteen years olad is allowed to be marreid if her parents obtain a dispensation from the religious court. Such emergency condition may be pre-marital pregnancy or economic problems. In some cases of underage marriage, we found that cauples underage marriages experience more negative impacts than positive impacts on the harmony in the their relationship. Negative impacts include women physical and mental health, and also economic limitation. We also found that most of pre-marital pregnancies were caused by permissive relationship, low education, lack of parental attention, promiscuity, misuse of technology, and lack of knowledge or understanding of religion.

ARTICLE INFORMATION

Keywords:

Underage marriage, pre-marital pregnancy, socio juridical analysis

1. Introduction

Humans are created with pairs of men and women who, by nature, have a role as personal and social beings. In his life as a social being, one human being is not usually separated from other humans because humans always need other humans, commonly known as socialization. Human needs as social beings give rise to a sense of connectedness and the urge to relate to each other, fulfill their needs together, and enjoy their satisfaction. In this regard, it must be established as a family bound by marriage.

Both physically and biologically, couples of men and women have different characteristics. Biologically, these two creatures need each other to create partners, and soul mates are referred to in Islam as marriage. Marriage is a *sunnatullah* that applies to God's creatures. Marriage is a bond of life between men and women, which is lawful for Allah SWT to get happiness and prosperity as well as pious and pious children and offspring.¹

Marriage is very humane because marriage follows human nature, which is in line with the Qur'an and the Sunnah of the Prophet. The definition of fitrah here is that Allah has provided every human being with desires that tend to like and love the opposite sex. Islam assesses and determines that marriage is a way of perfecting the implementation

of religious teachings² The Qur'an views marriage as one of the signs of Allah SWT's power. Just like the creator of heaven and earth and the creation of man.

The problem of the age limit for being able to carry out marriage has been determined in Law no. 1 of 1974 article 7 paragraph (1), that marriage is only permitted if the man has reached the age of 19 years and the woman has reached the age of 16 years. This age limit provision, as stated in the compilation of Article 15 paragraph (1), is based on considerations for the benefit of the family and marriage household to get appropriately married without ending in divorce and get excellent and healthy offspring. As there has been a revision regarding the age limit for marriage, the man has reached the age of 19, and the woman has reached the age of 16. 1996) In Law No. 16 of 2019 concerning Amendments to Law 1 of 1974 concerning marriage in, article 7 states that: First, marriage is only permitted if the man and woman have reached the age of 19 (nineteen) years. Second, in the event of deviation from the age requirement referred to in paragraph (1), the male and/or female parents may request a dispensation from the court with urgent reasons accompanied by sufficient supporting evidence. Third, the court granting a dispensation, as referred to in paragraph (2), must listen to the opinions of both bride and groom who will enter into a marriage.

This immaturity factor is more evident in underage marriages. In developmental psychology, a person is

¹ Muslih, I., Nurdin, N., & Marzuki, M. (2020). Effectiveness of Marriage Services Through Information System Management (SIMKAH) at Palu City Religious Court
INTERNATIONAL JOURNAL OF CONTEMPORARY ISLAMIC LAW AND SOCIETY, 2(1), 20-36.

² Madjab, Mahalli A. (2006) "*Menikahlah Engkau Menjadi Kaya (Kado Pernikahan Untuk Pasangan Muda)*". (Yogyakarta: PT Mitra Pustaka)

expected to become psychologically more mature with age. Indeed, if we look at a person's level of personal maturity, it does not depend on age, but adolescence is a transition period from childhood to adulthood. During this period, adolescents generally lack solid personality and thinking maturity. Underage marriages are not profitable and are even clearly detrimental to women. At a young age, young women are required to take care of the household, serve their husbands, have to conceive and give birth, then care for and raise them. While pregnant and giving birth at a young age is a very high risk for health, for young mothers, it can cause cervical cancer and make them prone to miscarriage. A marriage that is still young also invites many unexpected problems because the psychological aspect is immature, especially for women.³

According to Basri in his book entitled *Caring for Love*, it is said that physically and biologically, it is normal for a young man or girl to be able to have children. However, from a psychological point of view, adolescents are still very green and unable to control the household boat in the ocean of life. How many families and marriages are forced to suffer unlucky fates and don't even last long because the perpetrators are too young, either one or both. Marriages that are too young can also cause depressive neuritis due to experiencing a process of disappointment protracted and because there are feelings of extreme depression. Social and economic maturity in marriage is needed because it supports

³ Bimo, Walgito.(2000) "*Bimbingan dan Konseling Perkawinan*". (Yogyakarta: Yayasan Penerbitan Fak. Psikologi. UGM

turning the family wheel due to marriage. In general, young people do not have a handle on social and economic matters. At the same time, each individual must meet the family's needs.

The definition of marriage out of wedlock is a woman who becomes pregnant before entering into a marriage contract, then marries the man who made her pregnant. Any sexual intercourse between a man and a woman that takes place outside marriage is adultery. Islam forbids adultery and considers it a heinous and hated act by Allah SWT.⁴

In essence, marriage is a sense of love, obligation, fulfillment of sexual desires, and legally producing offspring. For Islam, love is a motivation in marriage.⁵ Pregnant marriage is marrying a woman out of wedlock, whether married by a man who impregnates her or by a man who does not. Therefore, the problem of marrying a pregnant woman requires careful and thoughtful attention, especially by marriage registrars. That means that pregnant marriage is marrying a woman who is pregnant out of wedlock, whether married by a man who impregnated her or by a man who did not impregnate her.⁶ Therefore, the problem of marrying a pregnant woman needs thoroughness and wise attention, especially by marriage registrars. This means that there is a social phenomenon regarding the lack of awareness of Muslim society regarding moral, religious, and ethical

⁴ Ali, Zainuddin.(2006) *Hukum Perdata Islam di Indonesia*". (Jakarta: Sinar Grafika).

⁵ Al-hadad, Al-thahir.(1993) *Wanita dalam Syariat dan Masyarakat*.Terj. M. Adib Bisri (Jakarta: Pustaka Firdaus).

⁶ Ghazali, Abdur Rahman. (2003) "*Fikih Munakahat*". (Bogor: Kencana)

rules for the occurrence of a man who does not impregnate her but marries her.⁷ The marriage of pregnant women out of wedlock is related to several matters in Islamic law.

It's heartbreaking that the phenomenon of promiscuity that causes adultery is also common among teenagers today; many teenagers are pregnant out of wedlock and get married when they are pregnant. So it is not uncommon for us to see a wedding reception with a couple of brides who are young or not old enough, side by side at the aisle as a result of their promiscuity. This condition is often associated with pregnancy out of wedlock. The term marriage for pregnant women out of wedlock is the marriage of a woman who is pregnant because of a man, while the woman is not in marital status with the man who caused her pregnancy. To realize the desired marriage, maturity in physical and spiritual terms is the basis for achieving the goals and ideals of marriage, even though many people are unaware of this due to environmental influences and inadequate social development.

Marriage is an agreement between a man and a woman. Although this marriage is a form of engagement agreement, this agreement is different from other civil agreements. As with other worship, there are also conditions and pillars that must be met in marriage, which are called the terms and pillars of marriage. In outline, there are 2 legal requirements for marriage: the prospective bridegroom and bride have

no obstacles to getting married, and witnesses attend the marriage contract.⁸

Children are an integral part of human survival and the survival of a nation and state. To be able to take responsibility for the sustainability of the country and state, every child needs to get the broadest possible opportunity to grow and develop optimally both physically, mentally, and socially. It is necessary to realize the legal protection of children by providing guarantees for fulfilling their rights without discriminatory treatment. Among people, there are pros and cons for various reasons, and there are some people who consider underage marriage to be normal because there is no big concern about the consequences of underage marriage. The rejection of underage marriage seems to deny religion or other reasons. On the other hand, the denial of underage marriages is also for various reasons, for example, experiencing problems in terms of education, such as dropping out of school or not being able to be good parents. If you are not mentally prepared, it will be an easy cause of divorce.

The phenomenon of underage marriage may occur in various regions. Likewise, in Bulagi District, Banggai Islands Regency, underage marriages are no longer strange but have become commonplace. The marriage dispensation provided by the Law more or less gives the perception of the public to marry off their children even though they have not reached the age stipulated by the Law itself. The public even

⁷ Mahjuddin. *"Masailul Fiqhiyah"*. (Jakarta: Kalam Mulia, 2003)

⁸ Aminuddin, Abidin. (1999) *"Fiqh Munakahat 1"*. (Bandung: CV Pustaka Setia)

ignores that many divorce cases in court are dominated by dispensation of marriage. The rules in the Act aim to create benefits for society. Apart from the controversy over underage marriage, which is the author's reason for raising this title, apart from the factors of underage marriage, other things are of significant concern, namely the perception among the public to marry off their children at an early age.

2. Literature Review

2.1 Theory and Application of Maqashid Al-Syari'ah

Muslims believe Islamic law to be the law that originates from divine law. This belief is based on the fact that the source of law in Islam is the Qur'an and the limited sunnah of the Prophet, while legal problems continue to increase along with developments in human life. For this reason, efforts to explore and find legal answers (legal *istimbath*) must continue to be carried out by Islamic jurists.

Sociologically it is recognized that society is constantly changing. Changes in a community can affect the mindset and values in that society. The more advanced the way of thinking of a society, the more open it will be to accept advances in science and technology. And the more advanced science and technology, the more likely it is for legal problems to arise and require answers, the settlement of which, of course, uses *ijtihad*.

Generally, the law in the Qur'an is divided into matters of worship and *mu'amalah*/social affairs because worship is *ta'abbudi* in nature, so it is not the land of humans to perform *ijtihad*. As for *mu'amalah*, Allah gives the

flexibility to interpret his verses broadly as long as they do not depart from the principles set by Allah SWT.

This division is more intended to emphasize problems that do not accept change and development and issues that can accept change and development with various methods of *ijtihad* and considerations applied. From the perspective of Islamic legal thought (*ushul fikh*), the *ushul* scholars use multiple methods in carrying out legal *ijtihad*. These methods include *qiyas*, *istislah*, *istishab*, and *'urf*.⁹

The *mujtahid* must know the purpose of the law to develop legal thought in Islam in general and answer contemporary legal issues whose cases are not explicitly regulated in the Qur'an and Hadith. More than that, the purpose of the law must be known to determine whether a case can still be applied based on one legal provision. Due to a change in social structure, the law cannot be applied. Knowledge of *maqashid al-shari'ah* is the key to the success of a *mujtahid* in his *ijtihad*.¹⁰

2.2 The Marriage Legal System in Indonesia

Humans are God's creatures who have various needs in their lives. Every

⁹ Yunus, H., Rusli, R., & Abidin, A. (2020). The Concept of A Marriage Agreement in the Compilation of Islamic Law *INTERNATIONAL JOURNAL OF CONTEMPORARY ISLAMIC LAW AND SOCIETY*, 2(2), 35-45.

¹⁰ Kamali, M. H. (2011). *Maqasid Al-Shari'ah and Ijtihad as Instruments of Civilisational Renewal: A Methodological Perspective* *ICR Journal*, 2(2), 245-271.

human being wants to fulfill their needs appropriately to be able to live as a perfect human being, both individually and as part of society. Marriage is an agreement (contract), but the meaning of the agreement referred to here is different from the agreement as stipulated in Book III of the Civil Code. Marriage is an agreement that aims to create happiness between the two parties (husband and wife). It is not limited to a specific time and has a religious nature (there is an aspect of worship). If the bond is born, the mind is unhappy, or the marriage is impermanent and not based on Belief in the One and Only God. Marriage has a close relationship with religion. Thus, marriage has not only a physical element, but an inner/spiritual element also has an important role.

Through the marriage bond, there will also be a relationship that will only exist after the death of a family member, namely related to the right to inherit property from the family members. A question arises: "is inheritance law part of family law?" If you look at the causes for the emergence of the right to inherit due to marital ties, inheritance law should also be included as family law. Still, if you look at the systematic of civil law according to doctrine, family and inheritance law are separated.¹¹

Law is a system, and as a system, the law must fulfill the system's characteristics, as mentioned above. The

legal system is an orderly legal arrangement consisting of a whole complex of elements: regulations, decisions, courts, institutions or organizations, and values. The legal system is continuous, sustainable, and autonomous and functions to maintain or seek a balance of order in society. The legal system cannot be interpreted only in terms of the relationship between one rule and another at a hierarchical level but also includes the meaning of an institution followed by a law enforcement process carried out by an authorized institution. The success of the law enforcement process is closely related to achieving a sense of justice in society as an essential element in a democratic legal system. Rawls sees the legal system's importance in carrying out the principles of freedom and justice. Therefore, a legal system is a must in society. According to Rawls, a legal system is an order that is coercive under the umbrella of regulations for the public aimed at the interests of individual citizens as a guide for achieving social order.

The law is rooted and formed from various aspects of people's lives, so indirectly, the law itself participates in shaping the order of social life. Therefore, as much as possible, in forming a country's law, it should pay attention to the aspects and values that live and develop in society so that it does not make the legal product have a negative impact and even contradict the values that form in the community. On this basis, the law formulated as legislation must reflect the values that live and develop in society. The values referred to in the State of Indonesia are the values that have crystallized in Pancasila.

¹¹ Wilcox, W. B., & Wolfinger, N. H. (2007). Then comes marriage? Religion, race, and marriage in urban America. *Social Science Research*, 36(2), 569-589. doi:<https://doi.org/10.1016/j.ssresearch.2006.02.005>

2.3 The concept of marriage in Islam

According to syara, marriage is a contract determined by syara to allow men and women to have fun and justify having fun between women and men. According to Ishrah, defining *munakahat* is a contract that provides legal benefits for the permissibility of having family relations (husband and wife) between a man and a woman and holding mutual help and limiting the rights of the owner and the fulfillment of obligations for each.¹²

Marriage is a general *sunnatullah* and applies to all His creatures, humans, animals, and plants. It is a way chosen by Allah SWT as a way for His creatures to reproduce and preserve their lives. According to the law, marriage has several positions where the law of marriage can work according to context. This follows the book Fathul Qarib that legal marriage is sunnah for people who already need it because their desires are strong for intercourse and the costs are available. Further that the law of marriage may change according to different gods. First, it is obligatory for people who are able (enough), but there is a cost of having a powerful desire (lust). If they don't get married, there are fears that they will likely fall into the abyss of adultery. Second, that is for people who can't afford it, and there is no cost, no desire; he marries with the aim of not fulfilling his obligations as a

¹² Jawad, H., & Elmali-Karakaya, A. (2020). Interfaith Marriages in Islam from a Woman's Perspective: Turkish Women's Interfaith Marriage Practices in the United Kingdom. *Journal of Muslim Minority Affairs*, 40(1), 128-147. doi:10.1080/13602004.2020.1737415

man responsible for his wife (family). Third, it is *makruh* for people with strong sexual desires, and there are costs for their marriage (to pay a dowry but unable to provide a living).

2.4 Underage Marriage

According to the original meaning, marriage is sexual relations but according to the *majazi* meaning (metaphoric) or the legal meaning is the contract that makes sexual relations lawful as husband and wife between a man and a woman. Marriage is a contract between the prospective husband and wife to fulfill their needs according to what is regulated by the shari'ah. What is meant by *aqad* is an agreement from the female guardian or his representative and *qabul* from the prospective husband or his representative.¹³

2.5 Dispensation Problems After the Birth of Law no. 16 of 2019

After 45 years, Law No. 1 of 1974 concerning Marriage has finally been refreshed. Article 7 paragraph (1), which initially stated that the minimum age for women to marry was 16 years, was later amended by increasing it to 19 years on par with men. This change accommodates the Constitutional Court Decision No. 22/PUU-XV/2017 for a request for a judicial review of Article 7 paragraph (1) because it is considered unconstitutional and discriminatory. The change was officially stated in Law no. 16 of 2019 concerning Amendments to Law No. 1 of 1974 concerning Marriage which was enacted on October 15, 2019.

¹³ Mahjuddin. "*Masailul Fiqhiyah*". (Jakarta: Kalam Mulia, 2003)

The government hopes that the amendment to the Marriage Law can reduce the number of underage child marriages.

This marriage dispensation is considered as a complicated policy because it seems as if all changes to the provisions on the marriage age limit will seem pointless, in the end, underage women and men can legally marry with a dispensation from the judge. Facts on the ground show that the ambiguity in Article 7 of the Marriage Law leaves more severe problems. As a result, several court institutions have been "flooded" with requests for dispensation submitted by parents of minors who wish to enter into a marriage. Even the number is more significant than before the amendment to these provisions.

The judges must wisely address the increasing number of requests for dispensation from marriage by considering all the reasons put forward and the impacts that might occur if the dispensation is granted. Judges must proactively explore various legal facts and social realities in the handled case. As stated in Law No. 4 of 2004 concerning Judicial Power Article 28 paragraph 1, which reads: Judges are obliged to explore, follow, and understand legal values and a sense of justice that lives in society.

3. Methodology

This study used qualitative research method. The research location is the Saluan tribe in Bulagi district, Banggai Island Regency. Data sources are primary data and secondary data. Data was gathered through direct, in-depth interviews and written material

analysis^{14, 15}. The interviews were conducted with the community figures and local citizens. The data, then, was analyzed through data reduction, data presentation, and verification. From the data analysis, the researchers built themes by categorizing the data according its similarities^{16, 17}. The researcher also checks the validity of the data through the verification of, the data from different sources.

4. Results and Discussion

4.1 History of Bulagi District

Bulagi sub-district was originally the name of a large village, derived from the word "Kayumbol" which means white wood, under the leadership of a captain, now called the village head. During the reign of Tomundo (king), the position of captain in "Kayumbol" was changed to Basalo. During the reign of Tomundo, Banggai Mandapar, a meeting was held, which was attended by Basalo,

¹⁴ Rusli, R., & Nurdin, N. (2021). Understanding Indonesia millennia Ulama online knowledge acquisition and use in daily fatwa making habits. *Education and Information Technologies*. doi:10.1007/s10639-021-10779-7

¹⁵Rusli, R., Hasyim, M. S., & Nurdin, N. (2021). A New Islamic Knowledge Production And Fatwa Rulings: How Indonesia's Young Muslim Scholars Interact With Online Sources. *Journal of Indonesian Islam*, 14(2), 499-518.

¹⁶Nurdin, N., & Pettalongi, S. S. (2022). Interpretive case study to understand online communication in an e-tendering project implementation. *Jurnal Manajemen Komunikasi*, 7(1), 39-54.

¹⁷Nurdin, N., & Pettalongi, S. S. (2022). Menggunakan Paradigma Studi Kasus Kualitatif Interpretatif Online dan Offline Untuk Memahami Efektivitas Penerapan E-Procurement. *Coopetition: Jurnal Ilmiah Manajemen*, 13(2), 155-168.

including a group of Kayumbol led by Basalo, who announced what the place they were living in was called. Due to confusion over Tomundo's question "BULAA and I so that the words BULAA and I by Tomundo can be combined into one word, namely "BULAAI." Then Basolo Aluman was appointed or made the first Basolo BULAAI. After the arrival of the Dutch, the name BULAAI was changed to Bulagi until now. During the independence of the Republic of Indonesia, Bulagi's position became part of the Banggai autonomous government, and Jon Aluman (Son of Basalo Aluman) became the first district head until 1967. Then after the autonomous government was abolished, Bulagi officially became a District. Bulagi is one of the sub districts in Banggai, Central Sulawesi, with an area of 275.66 km² of hilly lowland in the west and south, with these geographical conditions make Bulagi District a plantation area, besides that most of the Bulagi District has the potential to develop seaweed cultivation, especially those located around the coast.

4.2 Socio-Juridical Review of Underage Marriage in Banggai Islands Regency

Communities have different views on early/underage marriage depending on what is the background of the occurrence of the marriage. Early/underage marriage is a marriage that some people consider as a marriage that should not have taken place because there is no readiness to carry out the marriage. The community finds early/underage marriage to be a disgrace that occurs in the community if the marriage's background is promiscuous among adolescents, either

because (arrested by the community) for having a husband-wife relationship outside of marriage or for being pregnant outside of marriage. Some people think that early/underage marriage is normal if a marriage occurs due to family economic factors and anything else except promiscuity. The implementation of a marriage can help the family economy if the marriage occurs after the agreement of both parties and generates benefits for both parties.

There were also informants who considered underage marriage to be both good and bad in one opportunity, depending on the benefits and harms of the marriage and depending on the situation. Underage marriage is good to do if the goal is to avoid adultery, then for women who can't afford to improve the family economy, and it is hoped that they will be more mature and more independent after marriage. However, early marriage is not good because the impact caused by these marriages tends to lead to divorce, delays in the education of early marriage actors, lack of knowledge in educating children, and inability to bear heavy responsibilities.

Most people think that underage marriage is a bad thing or that marriage shouldn't happen. Underage marriages mainly occur because of promiscuity. This underlies many people who consider underage marriages wrong because these marriages occur. After all, they violate norms, both customary norms, and religious norms, that apply in society. The opposing views of the public regarding underage marriages are also caused by the negative impacts of early marriages, such as delays in education for perpetrators of underage marriages. Most underage marriages

perpetrators do not continue their education because they already have burdens and responsibilities as a wife or husband who will later become a father or mother.

Community views are a form of public concern about early/underage marriage, which impacts the people who carry out the marriage. The view of society that considers early marriage terrible cannot be separated from what is happening in society. Another view of some people who think that early/underage marriage is a normal marriage cannot be separated from what is happening in society. The causes of underage marriages that make people have different views, such as promiscuity factors, hampered education, and economic factors that make people have other evaluations of underage marriages. Likewise, the impact caused by early marriage also makes early marriage considered good or bad. Some think it is good if it helps the family economy, and some think it is terrible if the impact of underage marriage ends in divorce.

4.3 The Impact of Underage Marriage on Household Harmony

Underage marriage, better known as early marriage, is a decision that indirectly is not the main choice that can be used to solve a problem. The marriage itself resulted in many things, including the weakening of the economic factors experienced by the family. This is in line with what was explained by the religious affairs office staff when asked what the impacts of marriage at a young age were. Most people think that early/underage marriage is a bad thing or that marriage

shouldn't happen. Underage marriages mostly occur because of promiscuity. This underlies many people who consider underage marriages bad because these marriages occur. After all, they violate norms, both customary norms and religious norms that apply in society, who consider underage marriages to be bad marriages because most marriages are underage. Underage marriages are currently happening because of promiscuity among teenagers. Still, even though underage marriages occur due to other things, such as the economy, in my opinion, these marriages should not happen because there is more harm.

Underage marriage is not good because the woman and man getting married are not ready to do the marriage, and the two still need to be able to take on big responsibilities. They still want to be playful, and they still want to hang out with friends. Women are not ready to have children, and men still want to enjoy bachelorhood with their friends, so it is very likely that the marriage will eventually end in divorce.

The public's negative views regarding early/underage marriages are also caused by the negative impacts of early marriages, such as delays in education for perpetrators of underage marriages. Most perpetrators of underage marriages do not continue their education because they already have burdens and responsibilities as a wife or husband who will later become a father or mother after marriage. My wife and I do not continue school because I have to work for the family's needs, especially now that I already have a child and must fulfill my obligations as head of the family. From a health standpoint, underage marriage is risky

because it has a negative impact. It is important to note that pregnancy at the age of less than seventeen increases the risk of medical complications for both the mother and the child. Pregnancy at a very young age correlates with maternal death and illness rates. It was stated that girls aged ten to 14 years had five times the risk of dying during pregnancy or childbirth compared to the group 20 to 24 years, while this risk doubled in the age group 15 to 19 years. Underage marriages should not occur because that age cannot yet take on the responsibilities of building a family. Young age still wants to be with friends doing things like friends his age.

4.4 Socio-juridical analysis of underage marriages caused by pre-marital pregnancy

In principle, the state makes a minimum age limit for marriage for Indonesian citizens so that people who are about to marry are expected to have sufficient mental maturity, mental maturity, and physical strength. The important thing is to achieve the aspect of happiness. So "underage marriage" does not meet marriage age requirements. In essence, 16 years old is still included in the category of children who must be 18 years old (eighteen years). At this age, they are still categorized as children who have yet to be able to build a household. Every child has rights and obligations, as stated in Article 4.

This means that a 12-year-old girl in Indonesia is considered mature enough to have consensual sex but cannot legally marry. In the context of child protection, this means leaving girls who are 12 years old but not yet 16 years old unprotected from sexual

exploitation. of criminal sanctions (maximum 12 years in prison - article 285). "Anyone who by force or threats of violence forces a woman to have intercourse outside of marriage is threatened with committing rape with a maximum imprisonment of nine years." In the community in Bulagi District, some people agree, and some don't. Those who have entered into underage marriages have violated Law no. 1 of 1974 concerning marriage. The marriage that took place in Bulagi District is still not following the provisions of Article 7, paragraph 1.

Community views are a form of public concern about underage marriage, which impacts the people who carry out the marriage. The view of society that considers early marriage cannot be separated from what is happening in society. Another view of some people is that underage marriage is normal and cannot be separated from what is happening in society. The causes of underage marriages that make people have different views, such as promiscuity factors, hampered education, and economic factors that make people evaluate underage marriages differently. Likewise, the impact caused by early marriage also makes early marriage considered good or bad. Some think it is good if it helps the family economy, and some think it is bad if the impact of underage marriage ends in divorce.

5. Conclusion

In Law no. 16 of 2019 concerning Amendments to Law 1 of 1974 concerning marriage, article 7 states (1) Marriage is only permitted if a man and a woman have reached the age of 19

(nineteen) years. (2) In the event of a deviation from the age requirement, as referred to in paragraph (1), the parents of the man and the woman may request a dispensation from the court with urgent reasons accompanied by sufficient supporting evidence. (3) The court granting dispensation, as referred to in paragraph (2), must listen to the opinions of both bride and groom who will enter into marriage. Government policy in setting the minimum age for marriage is, of course, through a process and various considerations. This is so that both parties are truly ready and mature physically, psychologically, and mentally. There are many impacts caused by early marriage, including problems with women's reproductive health, often endangering the safety of mothers and babies, causing social problems, and even other legal consequences.

Underage marriages have more negative than positive impacts on harmony in the household. Therefore the existence of an age limit for marriage can be an indicator of fostering a household that is mentally and economically ready for a harmonious family. Underage marriage is one of the reasons for not creating harmony in the household. Besides, couples who marry at a young age are also not ready socio-economically. In general, they do not have permanent jobs, so economic difficulties can trigger problems in the household. Factors causing the marriage of pregnant women out of wedlock in Bulagi District are environmental factors, education, lack of parental attention, promiscuity, misuse of technology, and lack of knowledge or understanding of religion.

REFERENCES

- Al-hadad, Al-thahir.(1993) *Wanita dalam Syariat dan Masyarakat*.Terj. M. Adib Bisri (Jakarta: Pustaka Firdaus).
- Ali, Zainuddin.(2006) *Hukum Perdata Islam di Indonesia*". (Jakarta: Sinar Grafika).
- Aminuddin, Abidin.(1999) "*Fiqh Munakahat 1*". (Bandung: CV Pustaka Setia)
- Bimo, Walgito.(2000) "*Bimbingan dan Konseling Perkawinan*". (Yogyakarta: Yayasan Penerbitan Fak. Psikologi. UGM)
- Ghazali, Abdur Rahman. (2003) "*Fikih Munakahat* ". (Bogor: Kencana).
- Jawad, H., & Elmali-Karakaya, A. (2020). Interfaith Marriages in Islam from a Woman's Perspective: Turkish Women's Interfaith Marriage Practices in the United Kingdom. *Journal of Muslim Minority Affairs*, 40(1), 128-147. doi:10.1080/13602004.2020.1737415
- Kamali, M. H. (2011). Maqasid Al-Shari'ah and Ijtihad as Instruments of Civilisational Renewal: A Methodological Perspective *ICR Journal*, 2(2), 245-271.
- Madjab, Mahalli A.(2006) "*Menikahlah Engkau Menjadi Kaya (Kado Pernikahan Untuk Pasangan Muda)*". (Yogyakarta: PT Mitra Pustaka)
- Mahjuddin. "*Masailul Fiqhiyah*". (Jakarta: Kalam Mulia, 2003)
- Mahmud. (2011) *Metode Penelitian Pendidikan*". (Bandung: Pustaka Setia).
- Muslih, I., Nurdin, N., & Marzuki, M. (2020). Effectiveness of Marriage Services Through Information
e-ISSN: 2715-4572
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- System Management (SIMKAH) at Palu City Religious Court *INTERNATIONAL JOURNAL OF CONTEMPORARY ISLAMIC LAW AND SOCIETY*, 2(1), 20-36.
- Nurdin, N., & Pettalongi, S. S. (2022). Menggunakan Paradigma Studi Kasus Kualitatif Interpretatif Online dan Offline Untuk Memahami Efektivitas Penerapan E-Procurement. *Coopetition: Jurnal Ilmiah Manajemen*, 13(2), 155-168.
- Nurdin, N., & Pettalongi, S. S. (2022). Interpretive case study to understand online communication in an e-tendering project implementation. *Jurnal Manajemen Komunikasi*, 7(1), 39-54.
- Rusli, R., Hasyim, M. S., & Nurdin, N. (2021). A New Islamic Knowledge Production And Fatwa Rulings: How Indonesia's Young Muslim Scholars Interact With Online Sources. *Journal of Indonesian Islam*, 14(2), 499-518.
- Rusli, R., & Nurdin, N. (2021). Understanding Indonesia millennia Ulama online knowledge acquisition and use in daily fatwa making habits. *Education and Information Technologies*. doi:10.1007/s10639-021-10779-7
- Undang-undang No. 16 Tahun 2019 tentang Perubahan Atas UU No. 1 Tahun 1974 tentang Perkawinan pada pasal 7.
- Wilcox, W. B., & Wolfinger, N. H. (2007). Then comes marriage? Religion, race, and marriage in urban America. *Social Science Research*, 36(2), 569-589. doi:<https://doi.org/10.1016/j.ssresearch.2006.02.005>
- Yunus, H., Rusli, R., & Abidin, A. (2020). The Concept of A Marriage Agreement in the Compilation of Islamic Law *INTERNATIONAL JOURNAL OF CONTEMPORARY ISLAMIC LAW AND SOCIETY*, 2(2), 35-45.