

CHAPTER I

INTRODUCTION

A. Background

Marriage is one of the sacred worship in Islam. Today, the importance of efforts to increase human resources and knowledge about marriage must already be intensified in Indonesia. This was done to improve the quality of the prospective husband and wife to avoid early marriage and married couples who are married in maintaining family security. As already stated in Law No.1 of 1974 concerning Marriage, that marriage can occur if a woman with an age limit of 16 years and a 19-year-old man, but in September 2019, the parliament revised Article 7 paragraph 1 on Law No.1 of 1974 concerning Marriage, that limiting ages on marriage to be 19 years old of both parties is said to be an adult and capable in marriage. So, if one or both of them have a marriage under the age limit or still puberty, it can be an early marriage.¹ Suppose someone wants to get married themselves due to specific reasons. In that case, they must first submit it to the Religious Court to be granted an application from the party who wants to get married by paying attention to logical reasons that require early marriage to occur.

In this case, the role and positive direction of the family, especially parents, is an important factor to build a child's character, because the environment and family influence the child's way of thinking and perception. Likewise, with the problem of early marriage, Indonesia was ranked 27th in the world in 2013, and the second-highest in the Association of South East Asia Nation (ASEAN) after Cambodia. This appalling condition requires government intervention in the application and implementation Chapter II Article 7 paragraph 1 of Law No.1 of 1974, by taking into account several factors that will occur, such as the will of both parties (couples) because they already feel love for each other, parents or family

¹ Sarwono, 2007, *Psikologi Remaja*, Jakarta, PT RajaGrafindo Persada, page.132

encouragement factors, lack of educational factors, economic factors, factors ignorance of the couple from the consequences of getting married at an early age both for couples and in education, and customary factors that are accepted raw, and pregnancy factors out of marriage.²

In the current era of globalization, people face various kinds of challenges and problems. Among the problems is the emergence of various forms of juvenile delinquency. Adolescents at school age are generally focused on seeking knowledge and useful things, but instead, do various forms of dishonorable actions that they should not do. This delinquency is common in children, but the most dominant occurs in adolescence, and at this time, adolescents experience a process of growth and development that is very fast or called the transitional period, with the freedom of the press, the mass media are free to air something can provide a negative stimulus for adolescent behavior at this time, such as television, the internet, and others are media that have a major influence on the behavior of adolescents now.³ In general, as Dwi Rifiani explained, some people who hold marriages at a young age are influenced by several factors, namely: (1) Early marriages occur because of the economic situation of families below the poverty line, so that by marrying one of their daughters even though they are still very young, would be enough to ease the burden on his parents, especially from the economic side; (2) parents, children and the community with a low level of education awareness; (3) There is a concern among parents that they will get disgrace because their daughter has been dating a man and will soon marry him off; (4) the incessant mass print and electronic media, especially the internet that cannot be controlled within the safe limits for public consumption, exposing pornography and scenes that are not suitable for public viewing, causing more and more modern teens to fall into the scope of "permissive society" which allows any lifestyle

² Eka Khaparistia dan Edward, 2015, "Faktor-Faktor Penyebab Terjadinya Perkawinan Usia Muda", *Jurnal Ilmu Kesejahteraan Sosial* Vol.14, No.1, page. 38

³ Arif Muh, 2014, Peranan Bimbingan Konseling (BK) Dalam Mengatasi Kenakalan Remaja di Smp Guppi Samata Kelurahan Romang Polong di Kecamatan Somba Opu Kabupaten Gowa. (Skripsi: Sarjana Fakultas Dakwah dan Komunikasi UIN Alauddin Makassar)

they want; (5) Marriage at a young age occurs because parents are afraid that their children will become spinsters if they do not immediately receive proposals from the men who propose to them.⁴

A lower marriage age limits a higher birth rate compared to a higher marriage age limit. And restrictions on the age of marriage have a relationship with population problems. For this reason, Law No. 1 of 1974 restricts what is at the same time a condition of a marriage that is included in Chapter II of Law No. 1 of 1974, which interested parties must obey. But in reality, the community's daily life is less aware of the importance of limiting the age of marriage determined in the law. Based on this, measures to strengthen and preserve religious values must be increased, including preventing early marriage to get greater attention from the public and government - in this case, the Office of Religious Affairs (KUA) in each district. The Office of Religious Affairs is the leading unit of the ministry of religion, which carries out governmental tasks in religion. It is said to be the leading unit because KUA is directly contacting the community in each of its districts. In the area of marital consultation or advice, KUA through BP4 (the Field of Marriage Counseling and Preservation), which is part of the KUA organizational structure in each District, has the task of carrying out educational activities and community services for men and women before marriage or after marriage, which are also beneficial for efforts prevention of marriage that is not by the teachings of religion and state provisions. As part of the government in charge of religion, the Office of Religious Affairs (KUA) Cilawu also has a role in strengthening and preserving religious values for the community in Cilawu Sub-district. Including one of them is the prevention of early marriage in the community of Cilawu. According to an explanation from the head of KUA Cilawu, said

⁴ Dwi Rifani, 2011, "Perkawinan Dini dalam Perspektif Hukum Islam", *Jurnal Syariah dan Hukum*, Vol. 3 No. 2, page. 44

that on 2015 to 2018, there were 91 cases of early marriage in the District of Cilawu.⁵ In the last four years, cases of early marriage in the District of Cilawu have increased. For more details, the authors explain in the table below.

1.1 Table of Early marriages data in Cilawu Sub-District

YEAR	EARLY MARRIAGE CASES
2015	27
2016	23
2017	19
2018	22
Total	91

Source : Data from several head of village in Cilawu sub-district

Based on this table, cases of early marriage in Cilawu Sub-district in 2015-2018 from 3 villages, there have been 91 cases of early marriage. This indicates that public awareness to get married at the ideal age is still lacking.

Another important thing is about divorce. someone who does early marriage has a great potential for divorce because it is triggered by things such as a lack of mental readiness, economic difficulties, psychological problems, domestic violence, family problems, not having a job or steady income, having an affair, etc. And all of that is what happened to couples who married younger in several villages in Cilawu Sub-district. “every year the number of divorce rates that occur in Garut Regency continues to increase. The divorce rate in Garut itself is fairly high, this year until June, there were more than 2000 divorce rates”.⁶

⁵ Interview with Asep Irfan as a chairman of Kantor Urusan Agama (KUA) Cilawu in Kantor KUA Cilawu, Tuesday 2 July 2019 at 11.00

⁶ Asep Alinurdin, vice chairman of the Garut Religious Court at radargarut.jabarekspres.com, accessed on 23 January 2022.

With the current phenomenon, it seems that matters relating to people's understanding of marriage by realizing the existence of the regulations stipulated in Law No.1 of 1974 have indeed become standard provisions and obeyed regardless of social status, and others, which is aimed at reducing the number of early marriages by forming a quality society and being able to foster a better generation of the nation.

B. Problem Formulation

Based on the background above, this research formulates the problem as follows:

1. What is the parental responsibility towards early marriage childrens who get divorce in Cilawu sub-district?
2. What is the effort of parents in support their childrens survive due to divorce in cases of early marriage in Cilawu sub-district?

C. Objective of Research

Based on the formulation of the problem above, the writing objectives of this study are as follows:

1. Objective Purpose
 - a. To find out the roles and responsibilities of parents to the divorced couples in the presence of early marriage in Cilawu sub-district
 - b. To analyze the forms of parental efforts to support their children because of divorced in the case of early marriage in Cilawu.
 - c. To provide more information about legal protection for perpetrators of early marriage and getting divorce.
2. Subjective Purpose

It is hoped that this research can add insight, experience, and fulfillment of the final project in a thesis as a graduate of law.

D. Benefits of Research

From the research objectives above, the authors intend to provide benefits and contributions to:

1. Theoretical benefits: The authors hope that this research can provide scientific benefits to broaden insight and knowledge for writers about the problem under study.
2. Practical benefits
 - a. For the parents, it is expected to provide education early on regarding the character building of children so that early marriages do not occur, and not divorce. Then, provide an understanding of the importance of maintaining family to realize marriages that are *sakinah, mawaddah, warrohmah*.
 - b. For related agencies, it can give more attention to the people who live in the district of Cilawu, Garut regency, to minimize early marriages that occur to reduce the divorce rate. Improve and further specify matters concerning the protection of divorce victims, especially for women and children
 - c. For the candidates who want to marry, hopefully, they understand well about life after marriage and know the rights and obligations that must be fulfilled to the couple to maintain the integrity of the family