

WHEN RELIGION AND CULTURE MEET ECONOMY

Socio-legal Factors for the Early Marriages of Muslim Families in Cirebon

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Abstract

Indonesian law has established the minimum age for marriage. However, this requirement is in fact largely disregarded by many Muslims in Cirebon. This is evidenced by the high rate of marriage dispensations recorded in Religious Courts and Population Control, Family Planning, Women's Empowerment, and Child Protection Office (DPPKBP3A) data. This study seeks to investigate the sociological cause of early marriages which seemingly contradicts legal efficacy. Data were classified and then analyzed through a socio-legal approach, then concluded. The result of this study shows that early marriage in Cirebon is the end of multi-facets of social burdens, including economic motives, cultural pressure, and religious legality. These factors drive Muslim people in Cirebon to ignore the legal provisions regarding the minimum age for marriage. This ineffectiveness of the state law is also inseparable from the religious views of the community, which recognizes that Islam does not impose the same minimum age requirement as the state.

[Hukum Indonesia telah menetapkan usia minimum untuk menikah. Namun, persyaratan ini ternyata banyak diabaikan oleh masyarakat Muslim di Cirebon. Hal ini dibuktikan

dengan tingginya angka dispensasi nikah yang tercatat di Pengadilan Agama dan data DPPKBP3A. Penelitian ini memaparkan penyebab sosiologis pernikahan dini yang tampaknya bertentangan dengan efektifitas hukum. Data diklasifikasikan kemudian dianalisis melalui pendekatan sosio-legal, kemudian disimpulkan. Hasil penelitian ini menunjukkan bahwa pernikahan dini merupakan akhir dari berbagai beban sosial, antara lain motif ekonomi, tekanan budaya, hingga legalitas agama. Faktor-faktor inilah yang setidaknya mendorong masyarakat Muslim Cirebon mengabaikan ketentuan hukum negara mengenai usia minimal menikah. Ketidakefektifan hukum negara ini juga tidak terlepas dari pandangan keagamaan masyarakat yang mengakui bahwa Islam tidak menetapkan secara pasti persyaratan usia minimum yang sama dengan negara.]

Keywords

Early marriage, minimum age of marriage, Muslim Cirebon

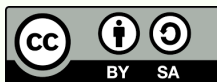
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Introduction

Early marriage has become a long-standing topic among previous researchers. Vast perspectives have been utilized by many scholars. Julijanto's writing, entitled "Early Marriage on the Slopes of Merapi and Cleft", discusses two factors that cause early

marriage in the two areas, namely the hereditary community tradition and pregnancy out of wedlock.¹ Salmah, in her study entitled "Early Marriage from a Social and Educational Point of View", argues that early marriage articulates the traditions and culture inherent in the local community.² Early marriage is considered natural and even family mandatory. Meanwhile, low-level education contributes to the massive occurrence of early marriage. This has implications for the lack of knowledge related to the bad effects of early marriage, in terms of psychology and health.³ In the east of Java, Muhith, et.al., confirms that the economic factor is the most dominant in the occurrence of early marriage in Sumenep, Madura. This is because marrying off the girls at an early age can reduce the economic burden on the parents.⁴

An article written by Alfa concludes that early marriage triggers the emergence of factors for divorce, such as continuous disputes and the occurrence of domestic violence (KDRT). Indirectly, early marriage contributes to the high divorce rate in Indonesia.⁵ Not different from those above, Maudina reveals that early marriage tends to have a negative effect on women's psychology.⁶ Gibb,⁷ and Agege, et.al.,⁸ in their research argue that women who marry at an early age cause difficulties and their dependence in economic terms on others.

¹ Muhammad Julijanto, "Pernikahan Dini Di Lereng Merapi Dan Sumbing," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 13, no. 1 (2020): 1–9, <https://doi.org/10.14421/ahwal.2020.13101>.

² Syarifah Salmah, "Pernikahan Dini Ditinjau Dari Sudut Pandang Sosial Dan Pendidikan," *Al-Hiwar: Jurnal Ilmu Dan Teknik Dakwah* 4, no. 6 (2017): 35–39, <https://doi.org/10.18592/al-hiwar.v4i6.1215>.

³ Salmah.

⁴ Abdul Muhith et al., "Analysis of Causes and Impacts of Early Marriage on Madurese Sumenep East Java Indonesia," *Indian Journal of Public Health Research and Development* 9, no. 8 (2018): 1495–99, <https://doi.org/10.5958/0976-5506.2018.00944.0>; Rahimin Affandi Abdul Rahim and Rika Dilawati, "Causes and Impacts of Early Marriage: A Phenomenological Study in the Cimarel Hamlet Community, West Bandung Regency," *TEMALI: Jurnal Pembangunan Sosial* 5, no. 1 (2022): 29–44, <https://doi.org/10.15575/jt.v5i1.16085>.

⁵ Fathur Rahman Alfa, "Pernikahan Dini Dan Perceraian Di Indonesia," *Jurnal Ilmiah Ahwal Syakhsbiyyah (JAS)* 1, no. 1 (2019): 49–56, <https://doi.org/10.33474/jas.v1i2.4994>.

⁶ Lina Dina Maudina, "Dampak Pernikahan Dini Bagi Perempuan," *Jurnal Harkat: Media Komunikasi Gender* 15, no. 2 (2019): 89–95, <https://doi.org/10.15408/harkat.v15i2.13465>.

⁷ Sheree J Gibb et al., "Early Motherhood and Long-term Economic Outcomes: Findings from a 30-year Longitudinal Study," *Journal of Research on Adolescence* 25, no. 1 (2015): 163–72, <https://doi.org/10.1111/jora.12122>.

⁸ Emmanuel A. Agege, Ezekiel U. Nwose, and Stella Odjimogho, "Parental Perception of Girl-Child Early Marriage Amongst the Urhobos in Nigeria," *International Journal Of Community Medicine And Public Health* 5, no. 2 (2018): 411–15, <https://doi.org/10.18203/2394-6040.ijcmph20183049>.

Even though studies show that early marriage has various negative impacts on family life, the rate of early marriage in Indonesia seems to have no end. Based on data released by the Central Statistics Agency in 2018, 1 out of 9 girls in Indonesia had been married. In 2018, there were 1,220,900 girls aged 20–24 who were married before they reached 18 years. Because of this reality, Indonesia has become one of the 10 countries that have the highest rates of early marriage in the world.⁹ Not in part is the Cirebon Regency. As in other parts of Indonesia, the amount of early marriage in Cirebon is high. Rupaída, Head of Women's Empowerment and Child Protection (P3A) Office of Population Control, Family Planning, Women's Empowerment and Child Protection (hereinafter abbreviated as DPPKBP3A), Cirebon discloses data showing that 143 early marriage cases were recorded in 2018. A rise in 2019 to a total of 1,262 cases shows an increase of 1,119 cases, while a drop in 2020 to a total of 1,122 people shows a decrease of 140 cases.¹⁰

Studies on early marriage in Cirebon Regency have addressed some issues starting from the juridical norm of early marriage, elevating understanding of its negative impacts,¹¹ its process and practice,¹² and its triggering reasons.¹³ Sugiarti shows economy, culture, and out-of-wedlock pregnancy are the reasons behind early marriage practices in Cirebon. In this context, Instead of the fact that economy and culture, this article states that religious (Islamic) doctrines also give a rational foundation for early marriage practice in Cirebon.

This study uses a qualitative approach by applying the descriptive-analytical method. The data were obtained by using interview techniques, document studies on the annual reports of the Cirebon Religious Court, data from the Central Bureau of Statistics of Cirebon Regency, and literature studies. All the data were analyzed using qualitative analysis techniques, namely by presenting qualitative data, with an emphasis on aspects of reading, understanding, and studying the phenomena that occur in the field, especially in terms of

⁹ Badan Pusat Statistik, 'Pencegahan Perkawinan Anak Percepatan yang Tidak Bisa Ditunda', (Jakarta, 2020), pp. 6–10.

¹⁰ Rupaída. Interview at Apr 2021.

¹¹ Lia Fitriya Nengsih, "Dampak Pernikahan Dini Terhadap Kehidupan Sosial Ekonomi Keluarga (Studi Kasus Di Desa Cisaat Kecamatan Dukupuntang Kabupaten Cirebon)" (IAIN Syekh Nurjati Cirebon, 2016).

¹² Ibi Syatibi, "Kelembagaan Terbuka Dan Tersamar: Potret Kawin Anak Di Cirebon," *Bekasi: Yayasan Rumah Kita Bersama*, 2016.

early marriage. This type of research is qualitative. The characteristics of qualitative research are the data presented in the form of descriptions of words, opinions, expressions, ideas, norms, or rules of the phenomenon under study. While the approach used is a socio-legal approach.

Debate on Minimum Age for Marriage: Indonesian Law and Islamic Law

In Islam, marriage is not only a *wasīlah* (way) for the permissibility of conjugal relations, but has a meaning and purpose as outlined in the Qur'an, namely achieving a sense of *sakīnah* (peaceful), and realizing *mawaddah* (affection), and *rahmah* (generosity). Therefore, it is natural that marriage is seen as sacred and contained the value of worship.¹⁴ The religious paradigm towards marriage is strictly stipulated in the Law no. 1 of 1974 concerning Marriage, namely as:

"The inner and outer bond between a man and a woman as husband and wife with the aim of forming an eternally happy family based on the One Godhead."

Marriage is a new chapter for a pair of people of different sexes in navigating the ark of a new life. Like building a house, it takes a series of preparations as well as careful planning, starting with the expected design or shape of the house, the selection of building materials, beauty, and comfort. Likewise, with marriage, careful preparation and planning are needed to achieve the goals of marriage that have been outlined in the Qur'an and the law. No. 1 of 1974. Islam advises men and women to get married soon, but with a note that they have readiness and ability both materially and immaterially. As for those who do not have the readiness and ability, it is advisable to be patient by fasting for the sake of maintaining purity and avoiding the valley of humiliation. However, in the reality that occurs in society, it is often found that marriages are carried out without careful planning

¹³ Ati Sugiarti, "Analisis Faktor Penyebab Terjadinya Pernikahan Dini Pada Kalangan Remaja (Studi Kasus Di Kelurahan Gegunung, Kecamatan Sumber Kabupaten Cirebon)," *Empower: Jurnal Pengembangan Masyarakat Islam* 2, no. 2 (2017): 67–81, <https://doi.org/10.24235/empower.v2i2.4686>.

¹⁴ Agus Hermanto, "Perkawinan Di Bawah Umur Ditinjau Dari Kacamata Sosiologis," *Jurnal Mahkamah: Kajian Ilmu Hukum Dan Hukum Islam* 1, no. 1 (2016): 131–87, <https://doi.org/10.25217/jm.v1i1.35>.

and readiness, both materially and immaterially. This can be seen in early marriage as it often occurs at all levels of society, especially in rural communities.

The term "early" (*dini*) which accompanies the term "marriage" in the Indonesian Dictionary is defined as the very early morning; before time of sunrise.¹⁵ From this understanding, the meaning of "early marriage" in language can be interpreted as marriage carried out before the minimum age stated in the Law. In general, early marriage is carried out by a person or a pair of men and women who have not reached the ideal age to carry out a marriage. It can be said that they are not yet established both emotionally and financially, and are not ready physically and psychologically.¹⁶ Based on the results of the author's search, there are several definitions of early marriage that are more comprehensive, including the definition given by Bayisenge as quoted by Wulandari and Sarwoprasodjo which defines early marriage as a marriage performed by a woman who is under 18 years old (both official and informal). This definition is in line with that given by UNICEF, which provides a definition as a marriage carried out by a teenage girl at the age of fewer than 18 years, where there is no physical or psychological readiness of the girl.¹⁷

The two definitions of early marriage above tend to define early marriage only for women under the age of 18 years but do not include these criteria for men. This is understandable because the most vulnerable to becoming objects and the negative impact of early marriage are women. However, this does not mean that men who marry under this age are not categorized as early marriages, because the impact of early marriage is still there even though it is not as heavy and as much as women. If the above definition is related to the formal juridical context in Indonesia, especially Law No. 16 of 2019 as an amendment to Law no. 1 of 1974 concerning Marriage, the minimum age limit for marriage given by Bayisenge and UNICEF, is categorized as early marriage. Because the minimum age for marriage for men and women as stipulated by the Marriage Law is 19 years. Thus, referring to the provisions of Law no. 1 of 1974, early marriage is a marriage carried out by a man

¹⁵ Kamus Besar Bahasa Indonesia, <https://kbbi.kemdikbud.go.id/entri/dini>. Accessed on February 2022.

¹⁶ Hasan Bastomi, "Pernikahan Dini Dan Dampaknya (Tinjauan Batas Umur Perkawinan menurut Hukum Islam Dan Hukum Perkawinan Indonesia)," *YUDISLA: Jurnal Pemikiran Hukum Dan Hukum Islam* 7, no. 2 (2016): 354–84, <https://doi.org/10.21043/yudisia.v7i2.2160>.

¹⁷ Sarwititi Sarwoprasodjo, "Pengaruh Status Ekonomi Keluarga Terhadap Motif Menikah Dini Di Perdesaan" (Bogor Agricultural University (IPB), 2014).

and a woman as husband and wife where both or one of them is before or less than 19 years old.

In the sources of Islamic teachings themselves, neither the Qur'an nor the Hadith, there is any discussion regarding the minimum age for marriage. This logic is due to the problem of early marriage being a contemporary problem, whereas previously this discussion was not a specific concern for the two sources of Islamic law. This is because the issues that have indications of changes along with the times are not discussed in detail by both of them. This is as stated by Shihab as follows:

“The Qur'an and the Sunnah of the Prophet. It does not set a certain age limit for marriage. This is because basically, the Qur'an does not specify issues that can change due to the development of the times or differences in situations and actors. What he details are things that humans need, but cannot reach by reason, such as metaphysical problems. In the context of marriage, the Qur'an and Sunnah, among others, determine the purpose of marriage. Husband and wife, according to the Qur'an, should support each other: Wives are clothes for you (husbands) and you are clothes for them (Al-Baqārah 2: 187) and consult each other (Aṭ-Ṭalāq 65:6). All of that will not be realized if the wife has not reached a mental, emotional, and spiritual level that can support these goals.”¹⁸

From what Quraish explained above, it can be understood that the issue of limiting the minimum age for marriage is a matter of *ijtihādi* (the effort to find the law), which can change and differ from one country to another. We can see this in the current context, each country where the majority of the people are Muslims has different provisions on the minimum age for marriage. The absence of a concrete limit on the minimum age for marriage in Islam does not mean that it absolutely allows early marriage.¹⁹ Moreover, the marriage was carried out with complete disregard for the mental, physical and psychological dimensions, especially on the part of women, under the pretext that Islamic teachings never prohibit early marriage.

Therefore, not all religious provisions must be viewed as textual only but must be understood and looked at in-depth regarding the intent and essence of religious teachings

¹⁸ M. Quraish Shihab, 'Perkawinan Usia Muda' <http://quraishshihab.com/akhlak/perkawinan-usia-muda/>, accessed on January 2021.

¹⁹ Moh Ali Wafa, “Telaah Kritis Terhadap Perkawinan Usia Muda Menurut Hukum Islam,” *AHKAM: Jurnal Ilmu Syariah* 17, no. 2 (2017): 389–412, <https://doi.org/10.15408/ajjs.v17i2.6232>.

themselves, especially regarding the issue of marriage. Islam itself wants and encourages its people to be able to guarantee the success of a marriage. Thus, it is only natural that the Qur'an and the Hadith of the Prophet only emphasize the importance of the eligibility and ability of someone who wants to get married. This is the interpretation of the majority of the Islamic scholars of the word *waṣālibīn* (who deserves to be married) in the An-Nūr verse 32, where the word is understood as a person who has the readiness and ability, both mentally and spiritually in fostering a household.²⁰ In the context of mental readiness, the ideal is the accumulation of physical, economic, social, mental and psychological, religious, and cultural readiness. Marriage does not only require biological or physical maturity but also psychological.²¹

Medically, marriages performed at an unproductive age affect the health of the wife and the fetus she carries, and therefore the religious benefit of maintaining offspring (*hiḍḍu al-nasl*) cannot be achieved. Likewise psychologically, marriages carried out at an early age have an influence on mental unpreparedness in building, organizing, and maintaining the harmony of domestic life, so that the goal of benefiting religion, namely protecting the soul and mind, cannot be achieved optimally.²² With the considerations mentioned above, it is only natural that Law no. 1 of 1974 in Article 7 paragraph (1) states that:

"Marriage is only permitted if the man and woman have reached the age of 19 (nineteen) years"

With regard to the minimum age for marriage set by the Republic of Indonesia through Law no. 1 of 1974 above, according to Mahmudin, is a logical matter. This is based on the level of maturity of a person in a different place or condition, and the provision which does not violate the concept of *maslahah* (benefit), as long as the provision does not violate the principle of Islamic Law, is logical and understandable.²³ However, the provisions of Law No. 1 of 1974 are in fact not absolute and consistent. This can be seen

²⁰ M Quraish Shihab, *Tafsir Al-Misbab, Jakarta: Lentera Hati*, IV, vol. IX (Jakarta: Lentera Hati, 2005).

²¹ Ahmad Rofiq, *Hukum Islam di Indonesia*, 4th edition (Jakarta: RajaGrafindo Persada, 2001).

²² Mahmudin Bunyamin, "Penerapan Konsep Maslahat Dalam Hukum Perkawinan Di Indonesia Dan Yordania" (UIN Raden Intan Lampung, 2019).

²³ Maila D.H. Rahiem, "COVID-19 and the Surge of Child Marriages: A Phenomenon in Nusa Tenggara Barat, Indonesia," *Child Abuse and Neglect* 118, no. 95 (2021): 1–13, <https://doi.org/10.1016/j.chiabu.2021.105168>.

in Article 6 paragraph (2), which emphasizes the necessity of permission from parents²⁴ for someone who has not reached the age of 21 years. On the other hand, in Article 7 paragraph (1), it is stated that marriage is permitted if a man and a woman are 19 years old. And in Article 7 paragraph (2), it is stated "*In the case of deviation in terms of (1) this article, the child can ask for a dispensation from the court or other official appointed by both their parents, male or female.*"

According to the author, the provisions of Law No. 1 of 1974 are inconsistent. On the one hand, it establishes a minimum age for marriage, but on the other, it allows individuals younger than 19 to continue marrying. This is one of the factors contributing to the persistence of the issue of child marriage, as Law No. 1 of 1974 indirectly continues to open the "faucet" for child marriage through the aforementioned article 7 paragraph (2). Efforts to reduce the prevalence of child marriage are therefore futile if the minimum age for marriage is not strictly enforced.

Portrait of Muslim Family in Cirebon Regency

Administratively, the Cirebon Regency falls under the jurisdiction of the Regional Government of West Java Province. Cirebon Regency is definitively a Level II (two) Region based on Law No. 14 of 1950 concerning the Establishment of Regencies in West Java Province. The administrative area of the Cirebon Regency is 990.36 km² or 28.11 percent of the total area of West Java Province. It consists of 40 subdistricts, 412 villages, and 12 urban villages. Gempol District is the largest sub-district in Cirebon Regency, comprising 60.38 km² or 6.10 percent of the total area of Cirebon Regency. Pabuaran District is the smallest subdistrict in Cirebon Regency with an area of 8.95 km² or 0.90 percent of the total area of Cirebon Regency.²⁵

The population of Cirebon Regency has increased significantly between 2019 and 2020. The population of Cirebon Regency in 2019 was 2,189,788. There will be an increase of 80,836 people in 2020, bringing the total population of Cirebon Regency to 2,270,621 in 2020. Socio-religiously, the majority of the population in the Cirebon Regency is Muslim, with 2,179,787 people, followed by 6,843 Protestant Christians, 2,548 Catholics, 70 Hindus,

²⁴ Eva F. Nisa, "The Bureaucratization Of Muslim Marriage In Indonesia," *Journal of Law and Religion* 33, no. 2 (2018): 291–309, <https://doi.org/10.1017/jlr.2018.28>.

²⁵ Badan Pusat Statistik Kabupaten Cirebon, *Kabupaten Cirebon Dalam Angka 2020* (Cirebon, 2020).

475 Buddhists, and 58 others.²⁶ To determine the profile of early marriage among Muslim families in the Cirebon Regency, it is necessary to look at the marriage dispensation data from the Sumber Religious Court over the past three years. According to the annual report of the Religious Courts, the number of marriage dispensation requests from Muslim families has increased significantly. The following table provides additional information on the number of marriage dispensations granted by the Sumber Religious Courts.

Table 1: Number of applications for marriage dispensation in Sumber Religious Court

No.	Year	Amount of Marriage Dispensation	In Percent (%)	Increase Ratio
1.	2018	97	-	-
2.	2019	236	143%	139
3.	2020	534	126%	298
4.	2021	498	-6.7%	-36

Based on table 1 above, it can be seen that early marriages conducted by Muslim families in Cirebon Regency by applying for a marriage dispensation at the Sumber Religious Court reached an average number of 289 cases. The increase itself occurred in various ways, but the highest increase over the three years was 534 cases in 2020. Nonetheless, according to data revealed by Rupaida, Head of Women's Empowerment and Child Protection (P3A) Office of Population Control, Family Planning, Women's Empowerment and Child Protection (DPPKBP3A), Cirebon Regency has a significantly higher rate of early marriages than Sumber Religious Courts, where 143 cases were recorded in 2018. A rise in 2019 to a total of 1,262 cases shows an increase of 1,119 cases, while a drop in 2020 to a total of 1,122 people shows a decrease of 140 cases. The data released by DPPKBP3A and its comparison to data on marriage dispensation at the Sumber Religious Court leads to the conclusion that early marriages are conducted

²⁶ There is a significant difference in the data on religious adherents between the data released by Central Bureau of Statistics of Cirebon with Central Bureau of Statistics of West Java Province. Based on Bureau of Statistics of West Java Province, the data on religious adherents in Cirebon Regency are as follows: Islam with 2,024,167 adherents, while 7,580 Protestant Christians, 5,838 Catholics, 759 Hindus, and Buddhism with 865 followers. Badan Pusat Statistik Provinsi Jawa Barat, *Provinsi Jawa Barat dalam Angka 2020* (Jawa Barat, 2020).

informally, i.e. not through the application for a marriage dispensation to the Religious Courts, far more frequently than through the official procedure.

Portrait of Early Marriage in Cirebon: Case and Reasons

Based on the data that the authors collected in the field through the distribution of questionnaires and interviews with 15 couples who engaged in early marriage or had a partner who was still young, it was determined that a number of factors contributed to early marriage in the Cirebon Regency. The following data result from the survey regarding the incidence of early marriage provides additional information.

Table 2: Factors of early marriage in Cirebon

No.	Causative factor	Answer		
		Yes	Sometimes	Not
1	To avoid adultery	6	5	4
2	Desire to unite with partner and encouragement from parents	10	2	3
3	Reduce the economic burden on parents	13	2	-
4	Worried about being called a spinster	10	5	

The occurrence of early marriage in Cirebon Regency is due to a number of underlying factors, as shown in Table 2. This is natural because social issues are frequently interconnected. Based on the ratio of the dominant factor to the recessive factor of the respondents' responses, the following is an explanation of the above table.

1. Economic factor

Thirteen of the fifteen respondents (86%) stated that their early marriage was an effort to alleviate their parents' financial burden. In addition, all respondents who selected this factor were female. This demonstrates that women are susceptible to child marriage due to economic factors. This is how the respondent responded:

"Personally, I still want to go to school and I don't want to get married, but because the old economy people can afford it and the burdens of my family members are a bitch, I'm forced to be willing to marry."²⁷

²⁷ Z, one of respondent, interview at November 30, 2021.

This assumption is supported by the findings of Khaerani's research, which indicates that girls from low-income families are an asset for easing the economic burden of their parents through marriage to economically capable men. Economic factors lead to early marriages because the number of family members supported by their parents exceeds the income earned. Therefore, the strategy to lessen the financial burden is to marry off their daughters. According to ten (66%) of the fifteen respondents, their early marriage was encouraged by their parents or was arranged by them. The research from Wulandari and Sarwoprasodjo strengthens the answers provided by respondents, demonstrating that family economic status has a significant influence on early marriage motives and that any increase in family economic status reduces the average reason for early marriage.²⁸

2. Individual and parental factors

According to the results of the respondent questionnaire, ten (66%) of the fifteen respondents cite personal desires and parental approval as reasons for early marriage. This occurred because the respondent was in a dating relationship and felt ready to get married. Both parents also gave their approval, as one female respondent explained:

‘I’m already in a serious relationship with my partner, and we both love each other, although I realize that I’m still young. But both of us were determined to get married and both parents both gave their blessing.’²⁹

According to one of the previous respondents, the occurrence of early marriage is the result of the individual's own free will and is motivated by love. This will not emerge spontaneously, without any outside influence. However, the social conditions of the surrounding environment, such as the fact that many of their playmates did not attend school and engaged in early marriage, also influenced the willingness of children to marry young. The social environment of society has a significant impact on individual

²⁸ Sarwoprasodjo, ‘Pengaruh Status Ekonomi Keluarga Terhadap Motif Menikah Dini Di Perdesaan.’

²⁹ A, interview at December 5, 2021.

development, so this is logical. And both have a reciprocal relationship in which they mutually influence one another. This is in line with Triningtyas and Muhayati's research.³⁰

The individual's desire for early marriage, in this case, a child, will not be fulfilled if parents do not give their blessing or support. Nevertheless, as shown in the preceding table, parents also support their children's desire for an early marriage. The low educational attainment of parents has an indirect effect on their lack of reproductive health knowledge. Especially in reality, based on the author's observations of the parents of early marriage perpetrators, the majority have a low level of education. According to Yunitas' research, the effect of parents' education on their children's decision to marry young cannot be separated from the level of education of the parents themselves, according to Yunita and her colleagues' research. Thus, the level of parental education affects the likelihood of early marriage. The greater the level of parental education, the less likely early marriage is to occur. And vice versa, the lower the parent's education, the greater the likelihood of early marriage.

3. Cultural factor

Every society develops its own culture, consistent with the definition of culture as the product of human initiative, creativity, and aesthetics. The majority of people in remote parts of the world, including the majority of people in Indonesia, adhere to patriarchal culture, one of the existing cultures. In the case of early marriage, patriarchal culture and social constructions have a formative effect. The community's social construct is connected to the unequal division of work areas between men and women. Men's work scope encompasses a broader social aspect of society, whereas women's is limited to mattresses, kitchens, and wells.³¹

This perspective on society has implications for differences in attitudes and opportunities provided to women and men, including within the family. The public perception is that girls' education is as high as possible, but they will continue to focus on household matters, so boys are given the opportunity to obtain the highest level of

³⁰ Diana Ariswanti Triningtyas and Siti Muhayati, "Konseling Pranikah: Sebuah Upaya Meredukasi Budaya Pernikahan Dini Di Kecamatan Pulung Kabupaten Ponorogo," *JKI (Jurnal Konseling Indonesia)* 3, no. 1 (2017): 28–32, <https://doi.org/10.21067/jki.v3i1.1976>.

³¹ Ade Irma Sakina, "Menyoroti Budaya Patriarki Di Indonesia," *Share: Social Work Journal* 7, no. 1 (2017): 71–80, <https://doi.org/10.24198/share.v7i1.13820>.

education while girls only need to be able to read and write. Given these social realities, the culture of early marriage is unavoidable, including for some Muslim families in the rural Cirebon Regency. And in the end, a woman who never marries, unlike her married friends, is stigmatized by society as an "old maid." Therefore, it is not surprising that ten of the fifteen respondents interviewed by the author cited cultural or traditional reasons for their early marriage. This fits with what Muntamah et al. found, which is that parents in rural areas worry about their daughters becoming single and want to get them married off sooner because of this.³²

4. Religious factor

Avoiding adultery is another factor that increases the number of early marriages among Muslim families in Cirebon Regency. This is the result of a field survey of 15 perpetrators of child marriage, in which six respondents cited this factor as the reason for their actions. One respondent revealed:

"My husband and I have been dating for a long time, my parents always advise us to always maintain the good name of the family. Therefore, instead of parents always worrying about us both doing things that are forbidden by religion, even though we are still young, we are both determined to get married, in order to be safe from all sins"³³

This is a consequence of advances in information technology that can be used and accessed by anyone, particularly concerning sexuality, as implied by the previous statements of respondents. Consequently, this affects individual behavior, which often leads to actions that violate religious rules. Early marriage is a viable option for individuals with established religious foundations and knowledge. In addition, age is not a determining factor for the legality of marriage under religious law, particularly in marriage-related matters. so that early marriage becomes acceptable for some individuals. However, what is missing from early marriage actors is the fact that religion continues to encourage the existence of abilities, not only from the material aspect but also psychologically. Because marriage in Islam involves

³² Ana Latifatul Muntamah, Dian Latifiani, and Ridwan Arifin, "Pernikahan Dini Di Indonesia: Faktor Dan Peran Pemerintah (Perspektif Penegakan Dan Perlindungan Hukum Bagi Anak)," *Widya Yuridika: Jurnal Hukum* 2, no. 1 (2019): 1–12, <https://doi.org/10.31328/wy.v2i1.823>.

³³ R, respondents . Interview at December 5, 2021.

not only the permissibility of a husband-wife relationship but also the responsibilities of a husband and wife.

Minimum Age for Marriage and Legal Efficacy

The high number of early marriages among Muslim families in the Cirebon Regency demonstrates that the provision of Article 7 paragraph (1) of Law No. 1 of 1974, as amended by Law No. 16 of 2019, has not been effective in social reality. The operation of law in society can be observed through the lens of legal reality. Due to the fact that the indicators of the operation of law are represented by the actions of law enforcement officials as well as by individuals or the community as legal subjects, law enforcement officials and individuals or communities can be viewed as indicators of the operation of law.³⁴

To determine the efficacy of legal provisions pertaining to the minimum age for marriage, the sociology of law is the appropriate method to employ. According to Soekanto, one of the functions of the sociology of law is to provide a framework for comprehending law in the social context of a society in order to analyze and assess its effectiveness in the community. In the theory of legal effectiveness, proposed by Friedman, Rahardjo, Brownislawsky, and Kamelo, there are three objects of study: first, the effectiveness (success) of law in society; second, the ineffectiveness of law in society; and third, the factors that affect it.³⁵ In line with this, Soekanto asserts that the efficacy of the law in societal reality can be determined if the law can regulate the attitude or behavior of certain actions or conduct following the objectives required by the law. Including witnesses is one of the measures taken to achieve this objective. Soekanto's theory of legal effectiveness is used to look at how five factors affect the effectiveness of Law No. 1 of 1974's minimum age limit for marriage, especially for Muslim families in the Cirebon Regency.

First is the factor of the rule of law itself. Regarding the minimum age for marriage, Article 7 paragraph (1) of Law no. 1 of 1974 is applied generally to all citizens of the

³⁴ H Amran Suadi and M SH, *Sosiologi Hukum: Penegakan, Realitas Dan Nilai Moralitas Hukum*, 3rd ed. (Jakarta: Kencana, 2005).

³⁵ Dahlan, *Problematisa Keadilan Dalam Penerapan Pidana Terhadap Penyalah Gunaan Narkotika* (Yogyakarta: Deepuslish, 2017).

Republic of Indonesia across territorial and religious boundaries. The determination of the minimum age limit eliminates differences in interpretation regarding the minimum age limit both in Islamic law and customary law. In an effort to restrain, and reduce the rate of population growth and as well as to protect women's reproductive health. The ineffectiveness of the minimum age limit regulation, which is marked by the increase in the number of early marriages, has led to high childbirth practices and has implications for the increased risk of death for pregnant women.³⁶

Second is the law enforcement factor. This factor, as stated by Soekanto, is the parties who take part and are involved starting from the formation process to the implementation stage. Related to the minimum age limit for marriage, especially after the revision in 2019, the parties who took part and institutions that have a connection with the existence of this rule should socialize it to the public so that it is known and implemented. But in fact, not all people know, especially Muslim families in Cirebon Regency, especially those in rural areas with low levels of education.

The third is the community factor. The community's compliance with the minimum age for marriage is a determining factor for its effectiveness. However, this compliance does not appear instantly and easily. The process is needed as an effort to understand the community so that a sense of legal compliance is born. Therefore, it takes the participation of the government and community leaders to provide an understanding of the legal rules of the minimum age for marriage on an ongoing basis in accordance with the level of understanding and education of the society. At the level of reality, not all people obey the rules regarding the minimum age limit, either because of ignorance or reluctance to implement it. This is what happened to Muslim families in Cirebon Regency. Those who are reluctant to follow the rules regarding the minimum age limit for marriage tend to outsmart it by changing the age according to the provisions of the law in the marriage record book. This effort has become public knowledge that is common at all levels of society from various regions.

The fourth factor is the cultural aspect. The foundation of the law is a culture in which there are good values that are adhered to. The negative values are abandoned. In the

³⁶ Alvan Fathoni, "Perkawinan Anak Di Bawah Umur Dalam Perspektif Hukum Islam Dan Sosiologi Hukum," *AT-TURAS: Jurnal Studi Keislaman* 4, no. 1 (2017): 44–57, <https://doi.org/10.33650/at-turas.v4i1.12345>

society of Indonesia, these values manifest as customary values that are held and upheld by all levels of society. One of them is the existence of a culture that stigmatizes "old virgins" as never-married women, particularly among Muslim families in the Cirebon Regency. This "stigma" culture ultimately suggests that the minimum age for marriage is ineffective. People tend to cling to culture or tradition when they want to quickly marry off their daughters.

When the action theory proposed by Weber and developed by Parsons is applied, the behavior of parents who marry their children at a young age, as well as the behavior of the perpetrators of early marriages themselves, tends to be motivated by cultural or traditional considerations. For them, social sanctions in the form of the stigma of "old maid" become not only a moral burden for children, particularly girls, but also for their families. Consequently, it indirectly influences the decision to engage in early marriage.³⁷ In the case of early marriage, Muslim families in the Cirebon Regency have the option of following the procedures outlined in Law No. 1974 or abandoning them. In addition, the minimum age requirement for marriage, which is incorporated into the institution of marriage, is a new element for Muslim families in the Cirebon Regency. The prevalence of early marriages indicates that cultural influence is greater than other factors. Specifically, children who have reached puberty must be married, particularly girls.

Conclusion

Regarding the minimum age for marriage, it demonstrates that in practice, the minimum age limit for marriage is not fully effective for Muslim families in Cirebon Regency. According to data from the Sumber Religious Court, the number of marriage dispensation requests continues to increase annually. Similarly, the DPPKBP3A data indicates that the number of early marriages is significantly higher than the data from the Sumber Religious Courts. The high number of early marriages is influenced by a variety of factors, including economic factors, cultural factors, parental determination, and religious factors.

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³⁷ Pip Jones, *Teori-Teori Sosial: Dari Teori Fungsionalisme Hingga Post-Modernisme*, ed. by Saifuddin (Jakarta: Obor Foundation, 2003) , pp. 145; Tony Bilton et al., "Theorising Modern Family Life," in *Introductory Sociology* (Springer, 1996), 479–526.

The high number of early marriages in Muslim families in the Cirebon Regency demonstrates the ineffectiveness of Article 7 (1) of Law No. 1 of 1974 pertaining to the minimum marriage age for Muslim families in the Cirebon Regency. This is based on existing indicators, including those of the rule of law, law enforcement, facilities, community, and cultural factors. The high number of early marriages in Muslim Cirebon is not solely attributable to the subjective decisions of the individual perpetrators, but also reflects the implicit influence of societal norms regarding the ideal age of marriage, particularly for women. Due to the dominance of this custom, the legal provisions regarding the minimum age requirement for marriage in the law have little impact and significance.

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