

Early-Age Marriage in South Kalimantan (Social and Anthropological Research of the South Kalimantan People)

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Abstract:

Early-Age Marriage is a reality that has become the concern of all parties because it affects social life, including in South Kalimantan. The state has long been present in preventing early marriage in the form of various policies including limiting the age of marriage, but the results are still far from expectations. Early-Age Marriage, both legally and registered or otherwise, has many reasons behind it. A sociological perspective that is often used in assessing marriage is a functional perspective and a conflict perspective, so a study with a symbolic interactionism approach is needed that produces new nuances in the study of marriage. Likewise, in anthropological studies, it is known that the strong customs and culture held by the community and even the views and assumptions about the value of a marriage are factors that determine the occurrence of early marriage, especially in suburban and rural areas, including in South Kalimantan. In this region, there is little difference between ethnic groups, natives, and immigrants who engage in early marriage. However, in urban areas, early marriage is influenced by educational, social, economic, and social conditions. Therefore, it is necessary to conduct a campaign to raise awareness about early marriage and its negative effects on the community, both parents and teenagers, through communication, information, and education.

Keywords: Early-age, marriage, South Kalimantan

Introduction

Marriage is permitted by *sunnatullah* for all of His creatures, including people, animals, and plants. It is a means chosen by Allah Swt for His creatures to reproduce and maintain their existence. According to Sulaiman Al-Mufarraj, mentioning the term marriage is the same as mentioning the word marriage. In Indonesian, "marriage" is derived from the word "marriage," which signifies making a family with the opposing sex by having intercourse or having sex.¹ The term "mating" only applies to plants and animals. In contrast, marriage is exclusively practiced between humans due to its validity under national law, customs, and notably religion. As the definition of marriage is a contract or bond, the *ijab* (statement of submission from the woman's side) and *kabul* (the recipient's statement from the man's side) are required in the marriage process. Additionally, marriage can be regarded as having

¹ Novita Dewi, "Child Marriage in Short Stories from Indonesia and Bangladesh: Victor, Survivor, and Victim," *International Journal of Humanity Studies (IJHS)* 2, no. 1 (2018): 51.

sexual relations.²

Marriage is a sign of the sanctity of the connection between a man and a woman; it is the Shari'ah of Allah and the sunnah of His Messenger, which are upheld by Muslims worldwide.³ Consequently, every marriage must comply with the norms of the Shari'ah. Article 2 paragraph (1) of Law Number 1 of 1974 pertaining to Marriage states, "A marriage is lawful provided it is performed in compliance with the corresponding legislation." A marriage is deemed lawful under Islamic law if it is conducted in conformity with the pillars and circumstances. The pillars of marriage are: candidates for the roles of bride and groom, the wedding couple's guardian, witness, *ijab* and *qabul* (acceptance).⁴

While the conditions for marriage are related to the existence of the pillars of marriage, including according to the provisions of *fiqh* (Islamic law), both the prospective husband and wife must have a clear sexual identity as male or female.⁵ Marriages conducted in accordance with these provisions are valid even if they are conducted by means of underhand marriages and without regard to the level of maturity of the child, whereas according to the provisions, a person is only permitted to marry at the age of 19 for both men and women, and every marriage must be registered, as stated in Article 2 paragraph (2) of Law Number 1 of 1974 concerning Marriage: "Every marriage is recorded in accordance with the provisions of this law." applicable." Similarly, regarding the age limit for marriage, it is stated in the following article, namely Article 7 paragraph (1) of Law Number 16 of 2019 concerning Amendments to Law No. 1 of 1974 concerning Marriage, that marriage is only permitted if both the man and woman have reached the age of 19 years.⁶

On the basis of various social, cultural, economic, and other considerations, and based on the belief that the marriage is legal, the marriage/unregistered marriage (unregistered) and the sociological perspective that is frequently used to evaluate marriage is a functional perspective and a conflict perspective that is required for a marriage.⁷ The state has long been involved in preventing early marriage by limiting the age of marriage (see article 16 of Law No. 19 of 2019) and requiring permission for those who wish to marry before the age of 21, as outlined in article 6 of the Marriage Law. However, the rate of early marriage remains quite high.

Through a sociological and anthropological analysis of the people of South Kalimantan, this paper focuses on the practice of early marriage by examining its causes, its impact, and the efforts made by related parties, namely parents, the community, and the Office of Religious Affairs (KUA), to prevent or simply reduce

² M. Niaz Asadullah and Zaki Wahhaj, "Early Marriage, Social Networks and the Transmission of Norms," *Economica* 86, no. 344 (2019): 801–3.

³ Anwar Hafidzi, "Determination Of Sekufu In The Kitabun Nikah Al-Banjari," *Syariah: Jurnal Hukum Dan Pemikiran* 21, no. 1 (2021): 125–28.

⁴ Anwar Hafidzi, Rusdiyah Rusdiyah, and Nurdin Nurdin, "Arranged Marriage: Adjusting Kafa'ah Can Reduce Trafficking of Women," *Al-Istinbath: Jurnal Hukum Islam* 5, no. 2 (2020): 177–80.

⁵ Ahmad Isybah Nurhikam, "Studi Analisis Pendapat Ibnu Qudamah Tentang Tidak Sahnya Akad Nikah Dengan Mendahulukan Qabul Dan Mengakhirkan Ijab" (IAIN Walisongo, 2012), <http://eprints.walisongo.ac.id/1393/>.

⁶ Erensu Baysak et al., "Is Early Marriage Practice a Problem for Women Living in Istanbul? A Qualitative Study," *Archives of Women's Mental Health* 24, no. 2 (2021): 243.

⁷ Muzakkir Abubakar, "Meningkatnya Cerai Gugat Pada Mahkamah Syar'iyah," *Kanun Jurnal Ilmu Hukum* 22, no. 2 (2020): 302.

the number of early marriages.

Sociological and Anthropological Studies of Early Marriage Legislation

Law is not simply a collection of laws, but also a collection of ideas, culture, and ideals. This is crucial to note because many people view law as a set of rules and procedures, which are primarily dependent on the textual rules contained in the legislation and have a "neutral" connotation. The more people who attempt to define law, the more it enriches the treasures of the evolution of science itself, since variety is ultimately defined by linear law and enhanced legal awareness.⁸

In modern society, the role of law in social change is more than just a theoretical interest. In many areas of social life, including education, racial relations, housing, transportation, energy use, and environmental protection, law has been relied upon as a significant instrument of change. There are two significant factors related to legal and societal transformations:⁹

- 1) Changes in society must be accommodated by the law; in other words, the law adapts to changes in society, which demonstrates the passive nature of the law. If there is a change in its application without a change in its formal provisions due to the demands of social change, then the law serves as social control.
- 2) The function of law as a tool of social engineering is to move society toward a desired transformation.

Changes in society might involve societal values, organizational behavior patterns, the composition of social institutions, social strata, power and authority, social interaction, etc. Societal changes brought about by development and renewal, as well as other causal variables, ultimately result in social problems that exert pressure on their effect on the law, in the sense that the law must respond to these problems. This necessitates a change in the law. The occurrence of legal and social transformations is a real phenomenon. Humans are the primary focus of anthropology, followed by cultural behavior. As a result, differences in residence and environment, history and origin, spirit and soul, religion and beliefs result in differences in human cultural behavior. Consequently, there is no system of uniform patterns of human behavior, and thus no system of the same pattern of human personality.¹⁰

Thus, it is known that the various perceptions, attitudes, and behaviors of the community towards the substance of the law (obeying, ignoring, or violating it) are highly dependent on the cultural values that live and underlie the legal culture of the community. Prioritizing behavioral (human) and humanitarian factors over regulatory factors requires shifting mindsets, attitudes, and behavior from the legalistic-positivistic level to the level of humanity as a whole (holistic), namely humans as individuals (individuals) and social beings.¹¹ From an anthropological

⁸ Daphna Bassok, Preston Magouirk, and Anna J. Markowitz, "Systemwide Quality Improvement in Early Childhood Education: Evidence from Louisiana," *AERA Open* 7 (2021): 23328584211011610.

⁹ Yudho Bawono and Suryanto Suryanto, "Does Early Marriage Make Women Happy?: A Phenomenological Finding from Madurese Women," *Journal of Educational, Health and Community Psychology* 8, no. 1 (2019): 85–100.

¹⁰ Hafidzi, Rusdiyah, and Nurdin, "Arranged Marriage," 177.

¹¹ Catherine Guirking, Jérémie Gross, and Jean-Philippe Platteau, "Are Women Emancipating? Evidence from Marriage, Divorce and Remarriage in Rural Northern Burkina Faso☆," *World*

perspective, law is an integral part of culture as a whole, and it is therefore studied as a product of social interaction that is influenced by other aspects of culture, such as politics, economics, ideology, religion, and others. Law is also studied as a social process that occurs in people's lives. Empirically, the law that applies in society is represented not only in the form of legislation (positive law), but also as religious law and customary law. Anthropologically, however, the form of self-regulatory mechanisms in communities is also a local law that acts to maintain social order.

Marriage at a Young Age in South Kalimantan

There are two model child marriage in South Kalimantan: Firstly, Early marriage with legality is an official early marriage registered at the marriage registration institution and this registration can only be done if the parties have reached the age of 19 years. For those who have not reached this age, this registration/legality can only be done after the person concerned has received a marriage dispensation from the court.¹² In reality, however, there are still some of our people who live in remote areas and have access to Religious Courts and/or very distant districts who engage in early marriages by falsifying age/"elderly" (with the assistance of local village officials) so that their formal registration at the time of registering their marriage plans with the local KUA was officially recorded at the age specified by the law. This practice is acknowledged by KUA officials (marriage registrar officers), but they choose to "silent" and pretend not to know in order to maintain good relations with the local community. If marriages with falsification of age are not served, then the community chooses to marry under the hands for reasons of limited costs and hassle because almost all marriages in remote areas are performed while the girl is still underage (early marriage) on the grounds that this is more advantageous for the girl. Secondly, illegal underage marriage (unregistered). The practice of unlawful early marriage is carried out/married by their parents directly, some are married by other individuals who are regarded "ulama" or "leaders" by the local society, and some purposefully call scholars from outside the region: a) That there are no criminal sanctions or punishments for the perpetrators of early marriage, so that people feel blameless; b) That age is irrelevant in a marriage, as age is not a guarantee of happiness, so long as the pillars and requirements established by fiqh are met, independent of the positive legal laws regulating marriage.

Factors contributing to early marriage

Some of the factors that cause child marriage in South Kalimantan are: first, Considers prostitution/emergency motives. The promiscuity referred to here is the existence of deviant behavior or outside the norms of social ethics with the opposite sex, even to having sex outside of marriage and some resulting in pregnancy and for emergency reasons and to cover the shame (disgrace) finally the child who is pregnant women are forced to marry, despite being underage (early marriage). Second, Cultural elements and local customs. In South Kalimantan's rural areas, where some parents marry (*bekakawinan*) their children immediately after they finish studying the Koran, if there are community members or families who do not wish to follow the

Development 146 (October 1, 2021): 105512, <https://doi.org/10.1016/j.worlddev.2021.105512>.

¹² M. Irfan Irfan, "Ambiguitas Pasal 2 Uu No 1 Tahun1974: Sebuah Bentuk Diskriminasi Hukum," *Al-'Adalah* 10, no. 3 (2017): 343–52.

norm, the family sends the youngster away to school or job so as to avoid reproach.

a. The culture of introductions (matchmaking). This matchmaking can occur in the community, particularly in rural areas, as a result of familial ties, parental friendships, or other associations such as parental employment and/or business ties. Matchmaking occurs in numerous forms and for diverse causes, including: Matchmaking among close family members, both among the Habaib (those who claim to be descendants of the Prophet Muhammad) and among the general public, for the purpose of maintaining family and/or ancestral integrity and conserving and sustaining family inheritance. Matchmaking with individuals outside the immediate family in cases where teenage women and men who are adults and employed are deemed capable of being responsible parents.

b. The culture is terrified by the term "old virgin". This culture leads to the belief that girls should be married off before becoming old virgins (bachelor tuha), as the title of spinster is a disgrace. This is used as a justification for the prohibition against rejecting an application, as it is believed that doing so will have a negative effect on the applicant's chances of finding a mate. In addition, parents take pleasure in their daughter if she is engaged to be married fast ("*lakas payu*"), because those who are slow to find a spouse are regarded unsold (*kada payu*) and would receive societal sanctions with the predicate "*kada payu* or *perawan tuha*."

Third, religious comprehension variable. According to them, age is not a requirement for a marriage to be recognized in Islam, and they believe that early marriage is preferable to committing big crimes or adultery later on owing to being "lately" married.

Forth, Economic Considerations. Parents who find it difficult to cover the cost of living for their family, including the cost of education, choose to marry off their children in order to release the burden and/or reduce the economic burden on their family, and even in the hope that their children's marriages will assist their parents' economy.

Fifth, Factors Self-Esteem (Reputation) and Family. This occurs in weddings between early (early) women and persons or children of "respected" people, such as a cleric, and there are also others who marry off their children with the son of a cleric or local community leader, with the parents feeling honored since he is a cleric.

Sixth, Social environmental factors. Therefore far, the surrounding community / social environment has accepted early marriage successfully and without any consequences. Both legal and social sanctions are enforced in the community, so this is a reference for parents who dare to marry off their children at a young age.

Seventh, The educational aspect, The poor level of education of parents who are simply elementary school graduates/equivalents, and a few who have never attended school, makes marriage their answer for discharging responsibility for their children.

The Effects of Young Marriage

Early marriage is regarded to have both positive and negative effects on the people of South Kalimantan. The positive effects in question are: a. Prevents disobedience manifested as adultery. b. Reduced financial strain on the parents of women. While the adverse effects are: a. education Obstruction; b. divorce at a youthful age; c. social pressure's presence; d. psychological disorders and maternal/reproductive health. However, there are interesting things that have

happened to some people in South Kalimantan. In early marriages caused by matchmaking culture, the majority of them are successful. This is because parents from both parties intervene to overcome the problems that arise in the young couple, whether they be economic, child care, or household issues. Parents continue to guide their children in overcoming the family economy (e.g., by providing trading capital and always supervising their children's business activities) from an economic perspective. According to judges at many Religious Courts in South Kalimantan, there are almost no divorces of young couples in courts whose marriage background is arranged in an arranged marriage. In reality, if there are divorces of young couples, they are the result of an "accidental" marriage (marriage due to forced reasons due to the woman getting pregnant first).¹³ Similarly, according to community leaders, nearly no family difficulties were identified in early marriage families where their parents arranged the marriage; this was due to their parents' advice and aid after the marriage.

Community-Based Efforts to Decrease Teenage Marriage

Various initiatives have been made by various parties to minimize the incidence of early marriages and even mitigate their negative impacts, including:¹⁴ 1. parental efforts to discourage child marriage. Parents who are deemed successful in preventing early marriage in the community adopt the following measures: a. When children are away from home or at home, supervise their usage of social media with extreme vigilance. b. Provide the highest quality educational supplies up to the S1 level, so that the children are occupied (learning) and focused on education. 2. The Office of Religious Affairs' efforts. The head of the KUA, together with other ranks such as the head and Islamic Religious Extension personnel, takes advantage of every chance to give socialization and education to the community around marriage, including information about the age limit and the harmful impacts of early marriage. Similarly, in events and programs with the ranks of the sub-district muspika, socialization and education about the importance of developing a healthy and prosperous family are always imparted and included in the community in line with the program and the provisions of the law. In addition to these programs, there are some heads of KUA who take the initiative and are innovative in making programs that aim to prevent or at least reduce the incidence of early marriage by utilizing the potential that exists in their respective working areas and innovating in developing creative ideas.

Early Marriage in South Kalimantan from a Sociological and Anthropological Standpoint

Early marriage in Indonesia, particularly South Kalimantan, is not a new phenomenon; it has been occurring for centuries, from ancient times to the present. In fact, marriage at a mature age is seen negatively by society, and women who do not marry right away are referred to as spinsters.¹⁵ Regarding marriage, there are

¹³ Jorge Cuartas, "The Effect of Maternal Education on Parenting and Early Childhood Development: An Instrumental Variables Approach.," *Journal of Family Psychology* 36, no. 2 (2022): 280.

¹⁴ Shuaibu Saidu Musa et al., "Early Marriage and Teenage Pregnancy: The Unspoken Consequences of COVID-19 Pandemic in Nigeria," *Public Health in Practice* 2 (November 1, 2021): 100152, <https://doi.org/10.1016/j.puhip.2021.100152>.

¹⁵ Cuartas, "The Effect of Maternal Education on Parenting and Early Childhood Development."

many presumptions in social life; some believe that women who marry young do so because of a mistake in their relationship, such as becoming pregnant, or because they are caught by the community doing things that violate the norms and rules, while others believe that if a mate has arrived, why should the marriage be delayed? (mothers).¹⁶

From the results of the study, it was determined that there are a number of causes or factors that encourage early marriage in South Kalimantan, including the strong perspective, myths, traditions, and environmental conditions of the community, particularly in rural areas, as well as other factors such as education, minimal religious understanding, economy, promiscuity, and there is even a factor that comes from the child himself who wants to get married quickly, and also no less important is the lack of access to education. Early marriage has negative effects on the perpetrators and society as a whole, as well as on the perpetrators' social lives, and it is possible that early marriage will not bring family happiness, which is the purpose of marriage, but will instead bring harm and possibly misery. for the perpetrator.¹⁷ The phenomenon of early marriage has a complex relationship with social life, including a variety of social and family realities that give rise to divorce, divorce to achieve happiness and independence, and a redefinition of divorce as a rational choice and the best way to escape the ongoing household suffering caused by early marriage.¹⁸

In a sociological perspective that is frequently used to evaluate marriage, functional perspectives and conflict perspectives are required for a symbolic interactionism-based study that yields novel insights into marriage. One of the variables that cannot be overlooked is the condition of the social environment, because this social environmental condition is not a single factor that stands alone, but is tied to other factors, such as the willpower factor, parents, economic factors, etc. Factors of social environmental conditions are related to many situations and conditions in which to live, play, and carry out daily activities in life. In a completely free and advanced society, environmental factors play an important role in various aspects of life; both in the formation of the character of thinking, acting, and religion. These cultural and social environmental factors contribute to the emergence of the trend of early marriage. On the other hand, a marriage is not just a part of moral norms, but also an institution based on local cultural values.¹⁹

South Kalimantan, according to records, is one of the regions with the highest number of early marriages in 2019. The high rate of early marriage in South Kalimantan demonstrates a change in the population, despite the fact that there are laws regarding the minimum age for marriage, but this still occurs in practice. According to sociological theory, this is referred to as social change, in which changes in society can be positive or negative, regardless of whether humans desire them or

¹⁶ Musa et al., "Early Marriage and Teenage Pregnancy."

¹⁷ Sri Windiarti and Besral Besral, "Determinants of Early Marriage in Indonesia: A Systematic Review," in *Proceedings of the International Conference on Applied Science and Health*, 2018, 287–93.

¹⁸ Abdul Muhith, Arief Fardiansyah, and M. H. Saputra, "Analysis of Causes and Impacts of Early Marriage on Madurese Sumenep East Java Indonesia," *Indian Journal of Public Health Research & Development* 9, no. 8 (2018): 1495–99.

¹⁹ Ayling Sanjaya et al., "Early Marriage and Its Relationship with Child Development," *Indian Journal of Public Health Research and Development* 9, no. 9 (2018): 193–97.

not. Marriage also affects the pattern of kinship or certain relationships between a man's family and a woman's family. Therefore, marriage in its stages will involve expanding family ties. The study of anthropology, particularly social anthropology, demonstrates that in the modern era, the phenomenon of early marriage is prevalent. Such marriages frequently occur as a result of cultural pressures in a society that views women as second-class citizens. Through marriage, a child in a certain society will be positioned as an adult and included on an equal basis with other adults. Meanwhile, parents who already have daughters-in-law and grandchildren will feel promoted as in-laws, grandfathers, etc. In a cultural context and as a community law, a marriage cannot be performed without the consent of parents and/or other relatives.

Conclusion

According to anthropological theory, every civilization, country, and community has a legal culture; therefore, each country, community, and society has a unique legal culture. In the midst of the rapid currents of globalization and youth promiscuity as they exist today, another factor emerges, namely the concern that parents have for their children engaging in deviant relationships that result in undesirable outcomes, especially for girls, such as pregnancy outside of marriage; they believe that child delinquency will end if they marry even at a young age. In anthropological theory, it is stated that differences in residence and environment, differences in history and origin, and differences in religion all play a role in the occurrence of early marriage. This is especially true in suburban and rural areas where other factors such as education level and family economics play a role as well. In this region, there is little difference between ethnic groups, natives, and immigrants who engage in early marriage. However, in urban areas, early marriage is influenced by educational, social, economic, and social conditions. Therefore, it is necessary to conduct a campaign to raise awareness about early marriage and its negative effects on the community, both parents and teenagers, through communication, information, and education.

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