Efforts to Optimize the Office of Religious Affairs of Paleleh District Buol Regency in overcoming the increase in early marriage after the Covid-19 pandemic

Risky Yanto Yunde 1, Nur Mohamad Kasim 2, Dolot Alhasni Bakung 3

1Faculty Of Law, Universitas Negeri Gorontalo, Indonesia. E-mail: antoyunde417@gmail.com
2 Faculty Of Law, Universitas Negeri Gorontalo. E-mail: nurkasim@ung.ac.id
3 Faculty Of Law, Universitas Negeri Gorontalo. E-mail: dolot.alhasni.bakung@gmail.com

Abstract The purpose of conducting this research is to find out the efforts of the Religious Affairs Office of Paleleh District, Buol Regency in overcoming the increase in early marriage after the Covid-19 pandemic. Using a sociological juridical research method, using a descriptive qualitative research approach and interactive analysis techniques. The results of the research conducted stem from the responses of various elements of the Paleleh District community regarding early marriage, which contain a lot of speculation, namely positive and negative responses. Responses from rural communities where people are still less aware and less compliant with the law. Early or underage marriages that still occur are often due to factors caused by the social model of young people who are too free with the opposite sex. However, it is all returned to the parents. For the people of Paleleh Subdistrict who have low economic constraints who cannot afford to send their children to school, especially for women, supported by the negative stigma factor that there is no point in going to high school and the kitchen will be the place to return to.

Keywords: Optimization, Early marriage, Covid-19

How to cite (Chicago Style):
1. Introduction

Marriage is very important in human life, in individual and group life. So that the law in Indonesia regulates marriage issues in detail and detail. Marriage is a common thing experienced by every individual who wishes to continue life, namely by producing offspring. Besides God outlines as the nature of living things, especially humans, marriage is also meant to maintain human dignity.\(^1\) Marriage does not only contain civil relations between humans and humans, but there is a sacred element in which there is a relationship between humans and God. This is proven by the rules of every religion regarding marriage. Therefore, the nature of marriage always leads to positive things, so regulations regarding marriage are needed and in Indonesia there are regulations regarding marriage.

Chapter II Article 7 Law No. 1 of 1974 concerning marriage has explained that the conditions for marriage are: 1) Marriage is only permitted if the man is 19 years old and the woman has reached the age of 16 years. 2) In case of deviation from paragraph (1) of this article, you can ask for dispensation from PA or other officials appointed by both male and female parents. 3) The provisions concerning the condition of one or both parents mentioned in Article 6 paragraphs (3) and (4) of this law also apply in the case of requests for dispensation referred to in paragraph (2) of this article without prejudice to what is meant in Article 6 paragraph (6).\(^2\)

The rate of divorce among Indonesian citizens continues to increase, where one of the factors comes from the age of marriage and to guarantee the child's rights to survival, development and protection against discrimination and violence, the government revised Article 7 paragraph 2 of Law Number 1 of 1974 to become Law Number 16 2019 concerning the increase in the age of marriage for women reaching the age of 19, so that the age limit for marriage for women and men is 19 years. Changing the minimum limit means that the body and soul are mature in order to carry out the marriage so that it can perfect the purpose of marriage well without ending in divorce and get a healthy and quality generation. The revision of the marriage age limit carried out by the government has a good function of protecting children and equalizing rights for men and women.

According to a research report by Puskapa Indonesia together with the United Nations Children’s Fund (UNICEF), by calculating based on population, several provinces in Indonesia still practice child marriage or early marriage. In line with that, the United Nations sexual and reproductive health agency (UNFPA) predicts that child marriage will increase by 13 million cases globally over the next 10 years due to COVID-19. The

---


United Nations (UN) projects that more than 66 million children are at risk of experiencing extreme poverty due to the COVID-19 pandemic.\(^3\)

Early marriage has an impact on concerns about the bad consequences of underage marriage and future impacts that will occur such as the potential for failure to continue education. Early marriage will also have the potential to increase domestic violence and the occurrence of divorce due to the lack of maturity in thinking which causes big fights and so divorce occurs. And underage marriages will generally pose a risk of difficulties in getting a job so that it has the potential to increase the poverty rate in a society.\(^4\)

After the Covid-19 pandemic the number of child marriages continued to skyrocket, according to data from the Ministry of National Development Planning/Bappenas, 400-500 girls aged 10-17 years are at risk of getting married early as a result of the Covid-19 pandemic. Child marriage is still practiced by people who are less fortunate and less educated. This declining welfare condition forces parents to allow their children to marry.\(^5\) Closing schools when the economic situation worsened also made many children seen as a burden for families who were facing economic difficulties. This is evidenced by the fact that there were 34,000 requests for dispensation from marriage that were submitted to the Religious Courts from January to June 2020, of which 97% were granted and 60% of those who filed were children under 18 years of age. Underage marriages in Indonesia have experienced a significant increase after the Covid-19 pandemic. Based on data released by the Religious Courts Agency (BADILAG) the phenomenon of child marriage has tripled.\(^6\)

In Indonesia, rules that stipulate deviations from the minimum age limit for marriage can only be applied for dispensation to the court. In fact, this regulation has not suppressed the practice of early marriage in Indonesia, dispensation to court is increasing. Data from the Religious Courts (Badilag) of the Supreme Court of Indonesia, throughout 2020 the number of applications for marriage dispensation that were submitted to religious courts in all regions of Indonesia reached 64,000 applications. This figure has increased compared to 2019 with 24,865 requests. With the increasing number of applications for marriage dispensation to religious courts throughout Indonesia, there is concern about the bad consequences of early marriage.

Likewise, after the 2020-2021 Covid-19 pandemic that occurred in Central Sulawesi Province, it gave rise to a phenomenon and did not necessarily dampen the spike in the number of early marriages that occurred. Even the phenomenon of early marriage

---


also experienced an increase. Based on data from the Regional Office of the Ministry of Religion of Central Sulawesi Province that in 2018 there were 318 cases of early marriage, in 2019 there were 451 cases of early marriage, there was a significant increase in 2020 totaling 514 cases.⁷

In Buol Regency, there has been an increasing trend of people marrying at an age that is not old enough and mature after the Covid-19 pandemic. This is presented by the researchers in the following table:⁸

<table>
<thead>
<tr>
<th>No</th>
<th>Year</th>
<th>Man&lt;19 yrs</th>
<th>Woman&lt; 1,9 yr</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2019</td>
<td>22</td>
<td>41</td>
<td>63</td>
</tr>
<tr>
<td>2</td>
<td>2020</td>
<td>49</td>
<td>93</td>
<td>142</td>
</tr>
<tr>
<td>3</td>
<td>2021</td>
<td>53</td>
<td>64</td>
<td>117</td>
</tr>
</tbody>
</table>

Based on the description of the data above, it can be seen that there has been a very high increase in the incidence of underage marriages or early marriages in Buol Regency during 2018-2021. The Covid-19 pandemic in early 2020 in Buol District also resulted in a new problem with the increasing trend of early marriage. The data also shows that the majority of early marriages are carried out by girls aged <19 years. According to preliminary information that researchers obtained from the Buol Regency Office of Religious Affairs, the increase in early marriages in Buol was generally for school-age children who were temporarily doing online learning after the Covid-19 pandemic, school-age children who had early marriages were also vulnerable as a result of sexual relations outside of legal marriage.

The hope for the future is to deal with the rampant early marriages in Buol Regency during the pandemic that has already occurred, namely by preventing early divorce by providing pre-marital courses for prospective married couples, especially mental training so that marriages do not break easily even when faced with problems.

Responses from various elements of the Paleleh Sub-district community regarding early marriage contained a lot of speculation, namely positive and negative responses. Responses from rural communities whose people are still less aware of and less obedient to the law. Early or underage marriages that still occur are often due to factors caused by the model of association of young people who are too free with the opposite sex. But it all returned to his parents. For the people of Paleleh District who have low economic constraints and are unable to send their children to school,

---

especially for women, this is supported by the negative stigma factor that there is no point in going to higher education and the kitchen will be a place of return. Seeing this situation, they immediately get married after high school, the average age of graduating from high school is estimated to be 18, some are even worse after junior high school.

2. Research Method

The research used in this paper is Juridical Sociological research and uses a descriptive qualitative research approach and uses interactive analysis techniques.

3. Underage Marriage

Any marriage that is entered into by a bride and groom under the legal age is considered an underage marriage. A marriage between a man who is not yet 19 years old or a woman who is not yet 16 years old is also categorized as an early marriage. Article 81 paragraph 2 of Law No.23 of 2002 concerning Child Protection reinforces the provisions of the marriage law. A child is someone who is not yet 18 (eighteen) years old and is categorized as a child, also including children who are still in the womb, if they enter into a marriage, it is firmly said that it is an underage marriage.

The age factor has an influence on the maturity of the bride and groom in making decisions. Byrne and Shavelson's research shows that increasing age will affect individual mindsets in decision making. This factor is directly proportional to the level of education which also affects the level of adolescent decisions to marry early.

Age and educational maturity have an impact on understanding and appreciation of the benefits of marriage. Therefore, from the several objectives of marriage above, al-Ghazali divides the benefits of marriage into five, namely:

1. Obtaining legitimate offspring that will continue and maintain offspring so that the human habitat does not become extinct and the world is not empty. In addition, the essence of the creation of sexual appetite in humans is to encourage the achievement of these goals.
2. Channeling the turmoil of sexual desire in a ma'ruf way. Here, marriage is a means that has been determined by shari'a to obtain worldly delights as evidence of ukhrawi delights. When man fulfills his stimulation then he will feel the peak of unequaled pleasure. This second goal is closely related to the first goal, namely obtaining children is a human goal in accordance with his nature, while lust is a driving factor for achieving this goal.
3. Obtaining peace of mind and protecting people from evil and damage. Because the urge for lust that was originally (before marriage) used to be released in ways prohibited by shara', such as masturbation, masturbation and or by having free sex by changing partners, then with marriage the sex drive will only be fulfilled with one permanent partner, namely the wife or husband. So, marriage is a prevention of disaster due to the urge of lust.
4. Forming and organizing the household which is the first base of a large society based on love and affection.
5. Carrying out the obligations of society by fostering seriousness in seeking a halal livelihood, and increasing the sense of responsibility.  

Early marriage can be motivated by various reasons. However, it can be grouped into two types. Because from within the bride itself is internal. Another reason comes from outside the bride and groom that are external. Nasution explained that early marriages were still occurring until there was a request for a dispensation from the Religious Court (PA). These reasons can come from within or outside the child of the prospective bride and groom. However, the two reasons can be related to each other.

The Impact of Early Marriage

Early marriage has at least two impacts. The first impact is a positive impact, and the second impact is a negative impact. When viewed from a positive impact, early marriage has the first impact of preventing immorality or adultery. If a young couple is already dating or already likes each other, then they should not delay marriage anymore. Because husband and wife relationships can occur, even though they are still dating. So the term Married by Accident (MBA) or pregnant outside of marriage is known. This will later result in the legal status of the child in Islam he cannot be attributed to his father.

The next positive impact, if there are already married people in the family, of course the burden on parents will be reduced. Because after marriage, the responsibility is no longer in the hands of the parents.

But in addition to the positive impact, there are also many negative impacts arising from this early marriage. Among others:

1. Obstructed education

The minimum marriage age is 19 years for men and 16 years for women. So if those who marry underage, they may end up only graduating from junior high or high school. If they have to go to college, maybe they will think twice because the burden of taking care of a household is not easy.

2. Domestic Violence

---

At a young age, the emotional level is generally still high. So it is very possible for young couples to experience domestic violence, if there are different opinions between them in order to take care of the household.

3. Social pressure

The burden will also be felt by teenagers who enter into early marriage both from close family, relatives and society. Male teenagers will be required to be the head of the household as well as earn a living for the family even though they are still very young. Meanwhile, women are required to be able to raise and take care of children as well as households even though psychologically they are not fully ready to carry out such responsibilities. In addition, there are still many negative impacts that may arise from early marriage, such as health, divorce, and so on.\textsuperscript{11}

The Family as an Agent of Social Change

The data as mentioned shows that there is a social change in our society, where many young people are now entering into early marriages. However, the government cannot overcome this alone. Although the Marriage Law has provided restrictions, early marriages still occur.

In sociological theory, this is referred to as social change, where social change is a change that exists in society that can be positive or negative, either desired by humans themselves or unwanted, and the impact of these changes can be wide or small in scope.

Early marriage occurs, can have a positive impact and can also have a negative impact. For now, it seems that early marriage is still seen as having more disadvantages than advantages. The disadvantages for young people who marry at a young age include health, psychology, economy, education, parenting and many more. Therefore, many people disagree with this early marriage. The government itself has made many prevention efforts, but it seems that the results are not very significant.\textsuperscript{12}

Article 20 of Law No. 1 of 1974 states that, "The marriage registration officer shall not be allowed to solemnize or assist in solemnizing a marriage if he knows, among other things, that there is a violation of the provisions in Article 7 paragraph (1), Article 8, Article 9, Article 10, and Article 12 of this law, even though there is no prevention of marriage."

Therefore, if the bride and groom and their families do not object, the most likely course of action is not to record the marriage before the Marriage Registrar's Office


(Kantor Urusan Agama or Kantor Catatan Sipil), but even if it is not recorded, early marriage occurs.\textsuperscript{13}

Actually, according to the author, there is one key that must be optimized to prevent early marriage. Social change in the form of early marriage seems to be prevented by family socialization agents. Because indeed in Law No. 1 of 1974 it is also said that marriages that occur between couples who are still underage, must get permission from parents. Thus, in the author's opinion, the filter is in the parents. According to the author, it is also a wrong action to marry off young people who are still at an early age because there is an excessive dating factor. Because in Islam, children born from a relationship between husband and wife outside of marriage do not have the right to bear their father's name, do not have the right to inherit from their father. So it is the same as if the child does not have a father.

Therefore, parents have a very important role in preventing early marriage. From an early age, if necessary from toddlerhood, children are brought closer to religious teachings, so as to prevent promiscuity when the child is a teenager. Parents should also not be too eager to earn a living, thus forgetting to give attention and affection to their children. Parents should not work from morning to night, from Monday to Sunday, without having a day or two, an hour or two with their children.\textsuperscript{14}

Weight means whether the man has a good job, position, dignity. How about his bebet, whether there is wealth and ability and knowledge. It seems that this term should be applied by all parents. If parents believe that their children and their partners have the capital to get married, then parents are obliged to give permission to get married. However, if parents see that their children and partners are still too early to get married, then it is mandatory to prevent early marriage, rather than arising mudharat in the future, where parental responsibility will still be held accountable in the afterlife. So in the context of efforts to prevent early marriage, parents have a very important role to see more benefits or mudharat, before parents give permission to carry out early marriage.\textsuperscript{15}

A. Cause of the Child

1) Not going to school

Getting pregnant before marriage is similar to the This out-of-school factor can be a factor in early marriage in two forms. First, children drop out of school, both at compulsory school age and beyond. As a result, children fill their time by working. In this working condition, the child already feels independent enough, so they feel able to Types of Sanctions that Can Be Imposed on

\textsuperscript{13} Evy Clara dan Ajeng Agrita Dwikasih Wardani, \textit{Sosiologi Keluarga} (Unj Press, 2020).
Companies that Do Not Register Their Workers or Laborers as Social Security Participants

2) Engaging in Biological Relationships

As mentioned earlier, not going to school (unemployment) can be one of the causes of early biological intercourse. Of course, it does not rule out the possibility of this type of case occurring for other reasons.

3) Getting Pregnant Before Marriage

Getting pregnant before marriage is similar to the reasons for having sexual intercourse as husband and wife mentioned above. However, not every sexual intercourse results in pregnancy. In the condition that the girl is pregnant, of course, parents feel compelled to get married.\(^{16}\)

B. External Causes of the Child

1) Worried about Violating Teachings Religion

The point of worrying about violating religious teachings here is that children have relationships with other types in various forms: Everyone is afraid of violating religion, it's just that there are differences in the application. In this case, there are parents who are not willing if their children have a relationship with the opposite sex without marriage ties. In other words, having a relationship without marriage is adultery. In many cases the child himself also holds the same opinion. In order to prevent this violation, early marriage appears so that they avoid committing adultery.\(^{17}\)

2). Factor Economy

Economic reasons as a factor of early marriage can be seen in two forms. First, the parents' economy does not support school children. As a result, what was mentioned earlier, maybe working and feeling independent, then marrying, or being unemployed and then having a relationship with another sex which results in pregnancy. Second, the economic reasons for parents to make their children a victim to settle, especially girls. The form can be in the form of a daughter as a debt payer.


3). Indigenous and Cultural Factors

The meaning of custom and culture is the custom and culture of matchmaking which are still common and occur in several regions in Indonesia. Usually the reason is to immediately realize the bonds of family relations between the groom's relatives and the bride's relatives which they have long wanted to be together. This reason sometimes causes a child who is still in the womb to be married to a child of a family, simply because he is motivated by the desire to have family ties with that family. And the desire for a kinship bond itself arises because the bond will bring benefits to both parties.

4). Technology Factor

The easy reach of TV and the price of TV sets that are relatively cheap, you can often find on television several shows that depict the ease and beauty of married life, even though viewers often forget and get trapped that all of this is just a soap opera full of engineering and commercial nature. only.

What can be concluded from the causes of early marriage above, at least, that poverty and education mutually influence the occurrence of early marriage. Poverty is one of the causes of not being able to access education and unemployment. Without education, you will get a paradigm shift and culture.18

Furthermore, the static paradigm is one of the reasons for the survival of culture and customs, including those that are not prospective. Unemployment is one of the reasons people act and do anything to fill their time, including establishing relationships with other types. Having a relationship with another sex results in the possibility of sexual intercourse. The next result, to solve the problems that arise, early marriage occurs. Thus, it is hoped that from early education the ugliness and weaknesses of early marriage can be explained. Likewise, efforts to enlighten parents' paradigms are urgently needed to minimize the practice of early marriage.19

C. External Causes of the Child

The Office of Religious Affairs is the smallest agency of the Ministry of Religious Affairs (kemenag) at the sub-district level. The KUA is tasked with helping to carry out some of the duties of the District Ministry of Religious Affairs Office in the field of Islamic Religious Affairs in the sub-district area.

The registration of Islamic marriages is an important task. For this reason, the institution is also obliged to register marriages in accordance with the applicable laws in Indonesia. It even makes important efforts so that the legal provisions of

---

Islamic marriage are carried out correctly. This includes the registration of early marriage.

1. **Juridical Measures**

1). Marriage license from parents in writing

Furthermore, in the Regulation of the Minister of Religious Affairs NO.11 of 2007 concerning Marriage Registration Chapter IV article 8, "If a prospective husband has not reached the age of 19 (nineteen) years and a prospective wife has not reached the age of 16 (sixteen) years, he must obtain dispensation from the court". The aforementioned articles are very clear that there is almost no alternative interpretation, that the age allowed for marriage in Indonesia for men is 19 (nineteen) years and for women is 16 (sixteen) years.  

However, that is not enough, at the level of implementation there are still conditions that must be taken by prospective brides (catin), namely if the prospective husband and prospective wife are not even 21 (twenty one) years old, there must be permission from parents or marriage guardians, this is in accordance with the Minister of Religion Regulation No.11 of 2007 concerning Marriage Registration Chapter IV article 7 "If a prospective bride has not reached the age of 21 (twenty one) years, she must obtain written permission from both parents". This permission is mandatory, because this age is considered to still require the guidance and supervision of parents / guardians.  

2). Marriage Dispensation

However, for the bride-to-be this will be a problem because her parents are the nasab guardians as well as the people who will marry her. Therefore, the permission and blessing of parents is certainly a very important thing because it will be related to one of the pillars of marriage, namely the existence of a marriage guardian.

The submission of a marriage dispensation case is made in the form of a petition (voluntair), not a lawsuit. The court's decision is in the form of a stipulation. A copy of this decision is made and given to the applicant to fulfill the requirements for marriage. If the applicant is not satisfied with the court's decision, he or she may file a cassation to the Supreme Court.

The conditions for marriage dispensation include:

---

20 Nasution, Hukum perdata (keluarga) Islam Indonesia dan perbandingan hukum perkawinan di dunia Muslim: studi sejarah, metode pembaruan, dan materi & status perempuan dalam hukum perkawinan/keluarga Islam.


22 “Pentingnya Kesetaraan Pemahaman untuk Pencegahan Perkawinan Anak | Kementerian PPN/Bappenas.”
1) Application letter

2) Photocopy of marriage certificate of applicant's parents 1 sheet stamped Rp. 6,000 at the post office.

3) One copy of the applicant's identity card

4) A certificate from the head of the local KUA explaining the rejection due to underage.

5) A photocopy of the birth certificate of the prospective bride and groom or a certified copy of their latest diploma, each with a Rp 6,000 stamp at the post office.  

Procedure for applying for marriage dispensation:

1. A signed petition is submitted to the PA Registrar, the petition is filed with the petition sub-registrar, the petitioner appears at the first desk who assesses the amount of the court fee and writes it on the Power of Attorney to Pay (SKUM).

2. The applicant then goes to the cashier and submits the application letter and SKUM. He/she pays the court fee to the bank appointed by the PA in accordance with the SKUM, then submits proof of bank deposit to the PA cashier.

3. The prospective applicant then appears at Desk II and submits the paid application letter and SKUM. The desk II then enters the application letter in the Case File MAP and submit it to the clerk to be submitted to the PA Chairman through the clerk.

4. Within 1 (one) day at the latest, the Chairman appoints a panel of judges to examine and hear the case, in a decision of the panel of judges.

5. The Panel of Judges then makes a PHS no later than 30 days after the case is registered.

6. Based on the order of the Judge/Chairperson of the Panel in the PHS, the Bailiff/Assistant Bailiff issues a summons to the party applying for marriage dispensation to appear at the hearing on the day, date and time as stated in the PHS at the designated place of the hearing.

2). Sociological Efforts

   a) Islamic Religious Counseling

KUA officials are not in charge of all administration. The field of religious counseling and socialization, including Islamic marriage, is also an important function of some of its officials. The front guard is in the responsibility of the Islamic Religious Counselor. Based on the Decree of the Minister of Religious Affairs (KMA) Number 79 of 1985 that: "Religious Counselors have a role as community mentors, as role models and as connectors of government duties".

In full, Islamic religious instructors have a very dominant function in carrying out their activities, namely:

1. Informative and educative functions, as a preacher who is obliged to preach, convey information and educate the community as well as possible according to Islamic teachings.
2. Consultative function, which is involved in problems faced by the community, both personally, family and as members of the general public.
3. Advocative Function, moral and social responsibility to carry out defense activities for the people / community from various threats, disturbances, obstacles and challenges that harm aqidah, disrupt worship and damage morals ".

Strengthening cooperation with other agencies and community leaders The Marriage Preservation Advisory Board (BP4) is another part of the KUA.24

part of another KUA. BP4's effort to reduce the rate of early marriage is to socialize the impact of underage marriage to teenagers in its working area. BP-4 administrators try to provide an understanding for the teenage generation regarding marriage, so that they can make the right decision if they want to get married. The average age of underage for women is 16 years and under and men are 19 years and under. "In addition to marriage counseling like this, we usually hold isbat nikah or giving marriage books to those who do not have them by remarrying. In its implementation, this event usually also collaborates with BKKBN, Pusekemas, Polsek and UPT as partners because it involves students.

4. Conclusion

The efforts of the KUA of Jetis Sub-district, Bantul Regency in reducing early marriage can be divided into two categories as follows:

---

1. Juridical efforts by tightening the implementation of marriage according to the law. For grooms who are not yet 21 years old, there must be a written marriage license from the parents. While female catin who are not old enough must be accompanied by a religious court decision granting marriage dispensation.

2. Sociological efforts, by conducting counseling and social cooperation to tackle the increasing number of early marriages in the community. Cross-sectoral work with relevant government agencies, non-governmental organizations and community leaders is built on the significant increase in cases of early marriage that continues to increase in the Bantul Regency area. All of these activities can be coordinated through Islamic Religious Counseling or activities organized by BP4.

The KUA of Jetis Sub-district, Bantul Regency needs to increase cooperation with cross-sectoral agencies, including the Village Government, Sub-district Government, Jetis Health Center and other related agencies to community leaders. Socially, the prevention of the dangers of early marriage can be expanded. They can be involved in campaigns on the dangers of promiscuity, healthy reproduction, and the dangers of juvenile delinquency, either organized by the KUA institution itself or in collaboration with other parties.

References

**Book's**


**Journal's**


r1176.


**Interview**
