



THE PROBLEM OF EARLY MARRIAGE REVIEWED FROM THE PERSPECTIVE OF EDUCATION, SOCIO-CULTURE AND MARRIAGE LAW IN SEMARANG CITY

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Abstract: Early marriage causes problems, both from an educational and socio-cultural perspective and in the Marriage Law. Regarding the age limit for marriage, the Marriage Law refers to Article 7 paragraph 1 of 1974 which was later revised and became the Marriage Law Number 16 of 2019. Developmental theory explains that the adult phase is when individuals try to fulfill the most important social needs, namely having a romantic partner, husband or wife. However, at the age of 16-19 years, individuals are still in a stage of development that is not fully mature, both physically and mentally. The formulation of the problems raised in this study are; (1) The sociological impact of early marriage, (2) What preventive efforts can be made to overcome early marriage in Semarang City? The results of the study show that early marriage is caused by several factors including economic, socio-cultural and educational factors. This study also produces preventive efforts that can be made to overcome these problems. The problems of early marriage in Semarang City require preventive efforts to overcome them.

Keywords: Early Marriage, Marriage Law

INTRODUCTION

Humans are related to social matters, both conducting various relationships or social ties and carrying out various cooperation or interactions, namely between humans themselves. In the social relations in question, there are possibilities for differences of understanding or conflicts between these humans; this is certainly related to the variety of human interests or desires and the

abundance of humans who demand each other for the fulfillment of their own interests. Based on the above, the existence of norms is needed by society to limit freedom of action, namely norms that arise from the scope of daily life on the basis of understanding of the mind, which is generally called law. Such restrictions are intended to limit arbitrary actions.

Covenant law is one of the many forms of law that have a real and

essential role in the lives of the community. The agreement itself exists because the parties bind themselves, which has been formulated in Article 1313 of the Civil Code (*Kitab Undang-undang Hukum Perdata*), or *Burgerlijk Wetboek (BW)*. Based on the previously mentioned article, it is clear that what is called an agreement must be with the consent of the parties. Furthermore, as contained in Article 1320 BW, the so-called agreement is obliged to carry out the fulfillment of the valid conditions of the agreement, such as agreement, capability, certain things, and a justified cause. The goal is for the agreement to be valid in the eyes of the law.

After the agreement is made based on the agreement of the parties, enter the stage of implementing the agreement. The implementation of the agreement is essential to the agreement because it is the goal of the parties who make it, and with the implementation of the agreement, the parties involved in the procurement of the agreement will be able to carry out their obligations in full. The cause is an attachment in the agreement in which the parties bear the responsibility to carry out the agreed agreement, and that responsibility must be fulfilled.

One of the several types of agreements listed in BW that we usually do in life everyday is a sale and purchase agreement. This sale-purchase occurs when one of the parties agrees to give an object and the other party agrees to pay for it. This is regulated in Article 1457 BW. Then it is not just separated from obstacles; the implementation of a sale-purchase agreement does not

always happen smoothly. In an agreement that gives rise to an obligation, if one party fails to fulfill its obligations as agreed (default), it means that the obligations that should be fulfilled are not carried out resulting in the rights of the other party not being fulfilled, which ultimately causes losses.

Regarding default or breach of promise, it can occur due to error, negligence, or intent on his part. This default is also regulated in Article 1243 BW. According to Subekti, as a form of default, there can be four types, namely: a) not doing what he should do in the agreement; b) doing what has been promised but not in accordance with what he has promised; c) doing what he promised but with a late condition; d) doing things that should not be done according to the agreement. A default must be based on an agreement, whether the agreement is oral or written, in the form of an agreement under hand, or in an authentic deed.

As in the problem of implementing the agreement between PT Petrosida Gresik and several buyers or distributors who experience obstacles. Regarding this problem, PT. Petrosida Gresik is a company engaged in agriculture, in this case providing pesticide products; chemical products; fertilizers and seeds; and finally, bioproducts which include agricultural products, livestock, and fishery products, hereinafter referred to as agricultural production facilities. Then, it has bound itself to a sales and purchase agreement with several buyers or distributors. In the statement of the interview results, PT. Petrosida Gresik has carried out or carried out

any and all of its obligations in good faith in accordance with the contents of the agreement, namely delivering agricultural production facilities. Unfortunately, the full fulfillment of obligations is not carried out by some buyers or distributors, namely not paying for agricultural production facilities according to the agreement in full and only paying part of it, and not paying the payment in accordance with the period that has been mutually agreed upon in the agreement (not on time), thus harming PT. Petrosida Gresik. Meanwhile, a series of nonlitigation default case settlement processes have been carried out. As a first result, some buyers or distributors have paid in installments for the lack of payment (but not yet in full at the time this research was made), and as a second result, the settlement of default cases in nonlitigation was unsuccessful.

Indeed, in the practice of business relations, legal conflicts often occur where one party does not fulfill its obligations while the other party does not get its rights as well. Resolving this phenomenon is not easy, often requiring a lot of time. Based on the background explanation above, there have been cases of default related to agricultural production facilities with a total unpaid price that is quite large for PT. Petrosida Gresik, so it needs to be a concern regarding the causes and efforts to resolve it. And it is hoped that there will be no more or at least a reduction in the number of default cases in the sale and purchase agreement related to agricultural production facilities at PT. Petrosida Gresik.

Early marriage, or marriage that occurs at the age of under 18, is one of the crucial social issues in various countries, including Indonesia. Despite traditional views that often support marriage at a young age, much scientific evidence shows that early marriage has negative consequences, both for the individuals involved and for society at large. This problem is often associated with interrupted education, vulnerable reproductive health, increased risk of poverty, and limited economic opportunities for children who marry early.

Based on Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, it states that children are an inseparable part of human survival and the sustainability of a nation and state. In order to be able to be responsible for the sustainability of the nation and state, every child needs to get the widest possible opportunity to grow and develop optimally, both physically, mentally, and socially. For this reason, it is necessary to make protection efforts to realize the welfare of children by providing guarantees for the fulfillment of their rights without discriminatory treatment. The state upholds human rights, including the human rights of children, which are marked by the guarantee of protection and fulfillment of children's rights in the 1945 Constitution of the Republic of Indonesia and several provisions of laws and regulations, both national and international. This guarantee is strengthened through the ratification of the international convention on the Rights of the Child, namely the ratification of the Convention on the

Rights of the Child through Presidential Decree Number 36 of 1990 concerning the Ratification of the Convention on the Rights of the Child.

The State, Government, Regional Government, Community, Family and Parents are obliged to provide protection and guarantee the fulfillment of Children's human rights in accordance with their duties and responsibilities. Protection of Children that has been carried out so far has not provided a guarantee for Children to receive treatment and opportunities that are in accordance with their needs in various areas of life, so that in implementing efforts to protect Children's Rights by the Government must be based on the principles of human rights, namely respect, fulfillment, and protection of Children's Rights. As an implementation of this ratification, the Government has ratified Law Number 23 of 2002 concerning Child Protection, which substantively regulates several matters including the issue of Children who are in conflict with the law, Children from minority groups, Children from victims of economic and sexual exploitation, Children who are traded, Children who are victims of riots, Children who are refugees and Children in situations of armed conflict, Child Protection which is carried out based on the principle of non-discrimination, the best interests of the child, respect for the child's opinion, the right to live, grow and develop. In its implementation, this Law has been in line with the mandate of the 1945 Constitution of the Republic of Indonesia regarding the guarantee of human rights, namely that Children as

humans have the same rights to grow and develop

Marriage is regulated at a minimum age of 19 years in Indonesia based on theoretical and empirical considerations related to human development. Based on the perspective of developmental theory according to Erikson (1989) explains that the adult phase is when individuals try to fulfill the most important social needs, namely having a romantic partner, husband or wife. However, at the age of 16-19 years, individuals are still in a developmental stage that is not fully mature, both physically and mentally. Based on emotional and intellectual readiness, individuals under the age of 19 are still in the process of complex emotional and intellectual development. They are not fully ready to face pressure and conflict in more intimate relationships, so the risk of divorce and other psychological problems is higher.

Achievement of sexual maturity of adolescents under the age of 19 is still in the process of imperfect sexual development. Their reproductive organs are not ready to receive pregnancy, so it can cause significant medical complications, including higher maternal mortality compared to those aged 20–29 years. Psychosocial and socio-cultural studies state that the increase in the number of divorces due to lack of awareness to take responsibility in married life is also triggered by early marriage. Young couples often have difficulty adapting and feel jealous of their friends and environment, which can worsen their relationship.

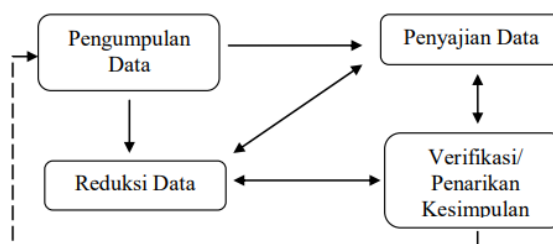
Based on the study of the development theory, the minimum age rule of 19 years for marriage in Indonesia is based on the consideration that individuals at that age are not fully ready emotionally, intellectually, and sexually to face the demands of living together. This rule aims to form a family that is *sakienah*, *mawaddah*, *warrohmah*, and happy in this world and in the hereafter, as described in Law No. 16 of 2019 concerning Amendments to Law No. 1 of 1974 concerning Marriage.

MAIN PROBLEM

What are the causes and impacts of the phenomenon of early marriage in Semarang City, and what efforts can be made to prevent early marriage among teenagers?

METHOD OF RESEARCH

This study uses a descriptive qualitative method by utilizing early marriage data from the Women and Children's Service of Central Java Province. The data was then followed up with interviews to explore and collect data on early marriage in Central Java Province and preventive efforts that have been made. Data collection techniques were obtained from the results of data analysis on early marriage in Central Java Province including the causes of early marriage and preventive efforts made by the service. The data analysis technique used is in accordance with the Miles and Huberman analysis model (1992:16) the analysis consists of three activities, namely data reduction, data presentation, drawing conclusions/verification.



Picture 1. Miles and Huberman Data Analysis Model Chart

Researchers have conducted an analysis of early marriage data in Central Java Province based on data from the Central Java Province Women and Children Service. The data will be utilized and further analyzed to obtain alternative preventive efforts to minimize and anticipate it.

RESEARCH RESULT AND DISCUSSION

Based on data on early marriages that occurred in Central Java Province, efforts need to be made to minimize and overcome this problem, a strong and effective preventive approach is needed. Preventive efforts aim to prevent early marriages by focusing on addressing root causes, such as gender inequality, poverty, low access to education, and erroneous cultural values about marriage. The following is a description of several main preventive steps that can be taken to prevent early marriage.

1. Raising Awareness Through Education

One of the most effective ways to prevent early marriage is through education. By providing knowledge about the risks and negative impacts of early

marriage, children and adolescents will be better prepared to make wise decisions about their future. This education can cover topics such as: (a) Reproductive Health and Sexuality: Education about reproductive health is important to ensure that children understand the consequences of early marriage, including the health risks to the mother and child, as well as the complications that may arise from pregnancy at a young age., (b) Child Rights and Gender: By providing knowledge about child rights and gender equality, children and communities will better understand that every child has the right to receive adequate education and the opportunity to develop according to their potential.

2. Increasing Access to Formal Education

Access to quality education has been shown to be a key factor in reducing early marriage rates. When children, especially girls, have access to continuing education, they tend to delay marriage and focus more on career development and improving their quality of life. Higher education can also increase their understanding of the importance of maintaining health, participating in the economy, and being independent in decision-making.

Steps that can be taken include providing scholarships, improving educational facilities and infrastructure in remote areas, and providing child-friendly schools that are free from gender discrimination.

3. Strengthening Policies and Laws that Support Child Protection

In Indonesia, Law Number 16 of 2019 stipulates that the minimum age for marriage is 19 years for both men and women. However, in reality, many marriages under this age still occur, especially in areas with strong traditional cultures. Stricter supervision is needed to ensure the implementation of this policy. In addition, the government can also impose stricter sanctions on perpetrators of early marriage and those who facilitate it. Campaigns and socialization also need to be carried out so that the community, especially in rural areas, better understands and complies with regulations regarding the age of marriage.

4. Increasing Women's Economic Empowerment

Poverty is one of the main causes of early marriage. Families facing economic hardship tend to see marriage as a solution to reduce financial burdens. By empowering women through skills training programs and access to decent jobs, they can contribute to the family

economy and reduce the pressure to marry early. Examples of women's economic empowerment that can be implemented include entrepreneurship training, small business capital assistance, and access to sustainable employment. In this way, women not only gain financial independence but also the confidence to delay marriage until adulthood.

5. Involving Religious Leaders and Community Leaders in the Anti-Early Marriage Campaign

Religious and community leaders have a great influence in their communities. Therefore, they can be effective agents of change in campaigning against the dangers of early marriage and encouraging communities to delay child marriage. Religious leaders can also help explain that early marriage is not a religious obligation, and that religion promotes child protection and education as a priority. This approach requires sensitive and respectful dialogue, taking into account the cultural values and beliefs that exist in the community. If these figures can convey the message about the importance of a mature age of marriage, the community will be more receptive to the message.

6. Providing Access to Youth-Friendly Health Services

Reproductive health is a very important aspect in preventing early marriage. Youth-friendly health centers can provide counseling services, information on sexual and reproductive health, and psychosocial support for adolescents who need help. These services can reduce the pressure for adolescents to marry early because they gain a better understanding of health, family planning, and self-control. Effective health programs should include counseling, life skills training, and information that is easily accessible to adolescents. This will help them make healthier and wiser decisions regarding marriage and relationships.

7. Increasing Parental Participation in Child Education and Care

Parents have an important role in determining the future of their children. In the context of preventing early marriage, the role of parents is crucial to provide supervision, guidance, and support for their children. Parents who have a good understanding of the impact of early marriage will be more likely to encourage their children to stay in school and achieve their dreams. Therefore, parenting training programs can be provided to parents to help them support their children in delaying marriage. This training can

include family financial management, effective communication with children, and understanding the importance of education.

8. Building Inter-Agency Collaboration in Handling Early Marriage

Collaboration between institutions such as government institutions, non-governmental organizations (NGOs), educational institutions, and religious institutions will be very effective in overcoming early marriage. Each institution can play its role according to its respective capacity and expertise. For example, educational institutions can educate students about children's rights, while NGOs can provide assistance to children who are vulnerable to early marriage. This collaboration can also be strengthened by the existence of integrated data related to early marriage cases. That way, the government and various parties can conduct a more in-depth analysis and determine more targeted steps in dealing with this problem.

9. Use of Social Media for Anti-Early Marriage Campaigns

Social media is an effective tool to spread messages about the negative impacts of early marriage and the importance of postponing marriage until a more mature age. Campaigns through

social media can be done by spreading inspirational stories, educational information, and calls to avoid early marriage. In addition, social media can be used as a platform to share information about children's rights, reproductive health, and educational opportunities. With interesting and relevant content, these messages can attract the attention of teenagers and encourage them to make wise decisions about marriage.

10. Counseling and Mentoring Program for Vulnerable Youth

Teenagers who face pressure from family or society to marry early need special support. Counseling programs can provide a space for them to share their feelings, anxieties, and challenges. Trained counselors can help teens develop healthy and positive future plans and provide support in dealing with pressure. These programs can also include mentoring services for children who have married early, so that they can continue their education or access skills training that can improve their quality of life.

Early marriage in society is often driven by various deep socio-cultural factors. Here are some of the main reasons why early marriage occurs in this context: (1) Arranged Marriage and Family Traditions, Many communities, especially in rural areas, still adopt the practice of arranged

marriages. Parents often arrange their children to marry at a young age, in the hope of strengthening family ties and maintaining family honor. In some cultures, marrying off girls at a young age is seen as a way to ease the family's economic burden, as well as elevate their social standing. (2) Views on Maturity, in many communities, marital status is seen as a measure of one's maturity. Girls who have menstruated are often considered ready to marry. This creates social pressure for teenagers to marry early, with the assumption that those who are not married by a certain age will be considered "old maids," which can bring shame to the family., (3) Influence of the Social Environment, the social environment also plays a big role in encouraging early marriage. When those around them, both peers and family members, have married at a young age, teenagers feel compelled to follow in those footsteps. This is exacerbated by the low level of education and knowledge about reproductive health among parents, who are often unaware of the negative impacts of early marriage., (4) Economic Factors, difficult family economic conditions are often the main reason behind early marriage. Parents may feel that marrying off their children can reduce the family's financial burden. By getting married, daughters are considered to be their husband's responsibility, so parents hope to be able to shift the economic burden. In addition, in some cases, early marriage is seen as a quick

solution to economic problems faced by the family, (5) Cultural Habits and Beliefs, cultural habits and beliefs that have existed for a long time also contribute to this phenomenon. In some areas, early marriage has become a tradition that is difficult to change even though there is awareness of its negative impacts. People tend to obey the prevailing norms and feel pressured to follow the tradition. Overall, early marriage is a complex phenomenon that is influenced by the interaction between cultural norms, social pressures, economic conditions, and views on adulthood. Efforts to reduce the number of early marriages require a holistic approach that includes education, increasing awareness of reproductive health, and changing society's views on marriage and adulthood.

CONCLUSION

Preventive efforts to prevent early marriage require broad and comprehensive support from various parties, including the government, society, schools, parents, and teenagers themselves. A holistic approach, including education, economic empowerment, legal protection, and psychological support, will be more effective in dealing with the problem of early marriage. With good cooperation and high awareness, we can create a young generation that has a bright future, free from the negative impacts of early marriage.

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