

RESEARCH ARTICLE

WHEN GIRL BECOME WIVES: THE PORTRAIT OF UNDERAGE MARRIAGE IN INDONESIA

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In Indonesia underage marriage is still prevalent in several regions. Underage marriage occurs due to several factors. The factor that often occurs is because a woman's family is not capable, lacks knowledge, and considers women to be only dependent on men. This underage marriage causes a lot of divorce, domestic violence because of the age that is immature to get married so that it cannot solve household problems properly and rationally. The most perpetrators of underage marriage are women. This underage marriage also makes women lose the right to education. Because if women marriage, they have to be a wife and a mother, education must be abandoned. So that girls do not get their rights to education. So from this journal will discuss the protection of minors in young age marriage. Especially in the education rights of married girls.

Keywords: *Underage marriage; child protection rights; children's education rights.*

I. INTRODUCTION

Humans are the most perfect creatures of God created in the best possible form. In addition, human beings are basically social beings who always need other human beings to live their lives to complete their physical and

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spiritual needs so that humans cannot live without connecting with other people. Because of these physical and spiritual needs, humans have a desire to live together regularly. One way to tie such a relationship is by marriage. Marriage is a serious commitment between couples and weddings is a sign of the inauguration of their relationship recognized by the community.¹ Marriage can complement the biological needs that exist in humans. Marriage is a bond of birth and heart between two humans, men and women who have a goal to live together forever happily and eternally.² Good marriage is a legitimate and not underhanded marriage, because marriage is a sacred, strong, and strong agreement to live together legally between a man and a woman to form a family that is eternal, loving, loving, peaceful and happy.

In some people's lives, marriage means that men and women are adults. So that marriage will change all their life forms, and start to build a new life or create a new family.

Marriage is a very important and sacred event for some people so it is very important to prepare everything needed for marriage from all aspects such as physical, mental, and also socio-economic aspects. Marriage will make a family which is the smallest unit that becomes the main foundation for the continuity and development of a nation and state society. Because the family is the first unit for children who will later be the successor to the nation so that the family must be the first good place for their children to achieve a bright future for the country.

Basically, marriage cannot be separated from the rules or provisions that apply, be it religious law, customary law, or statutory law. Increasing population growth, certainly legislation that regulates marriage is needed so that marriage can support the success of development. According to Article 1 of Law Number 1 Year 1974 concerning Marriage states that marriage is a physical bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family or household based on the One Godhead. Law No. 1 of 1974 concerning Marriage is expected to be a maximum contributor in supporting development in Indonesia.

Since the enactment of Law No. 1 of 1974 concerning Marriage which was then followed up with Government Regulations (PP No. 9 of 1975), the provisions of legislation in the case of marriage such as regarding the age limits of marriage (marriage requirements), basically has the aim to anticipate the implementation of marriage at a young age or in other words it is intended as an effort to foster legal awareness that can motivate towards delaying marital age, at least men aged 19 years (nineteen) years and women aged 16 (six twelve) years. This means that

¹ Mawardi, M. (2012). Problematika perkawinan di bawah umur. *Jurnal Analisa*, 19(02), p. 202.

² Rahmatiah (2016). *Studi kasus perkawinan di bawah umur*, 5(1), 144.

men who are at least 19 years old and women who are at least 16 years old can be legally mated with the state and religion. Article 7 paragraph (2) of Law Number 1 of 1974 concerning marriage states that in this case it can request dispensation to the court or other officials appointed by both male and female parents. Thus, based on these provisions, the marriage is held before fulfilling the requirements referred to as the category of underage marriage or young age marriage, where men and women who want to marry are still very young and have not fulfilled the conditions specified in the marriage. In general, in big cities tend to delay the age of marriage, while in villages in Indonesia, they generally tend to do underage marriage.

In Indonesia girls are the most vulnerable victims of child marriages, with prevalence: 1. Girls from rural areas experience twice as much vulnerability to marriage. 2. The bride of the child who is most likely to come from a poor family. 3. Girls who are less educated and drop-out from school are generally more vulnerable to becoming child brides than those who attend school.³

Children's marriages, these terms are not optimal. Early promotion does not mean that children are involved, and pioneered early for people who can be picked up late by others. The term bride and groom glorify the tradition with the term image and celebration. A big slice of this marriage was issued by parents, and girls who rarely met them before the wedding. Girls know that they will move to the household, become their legal responsibility, and may not see their family or friends for some time.⁴

One of the causes of underage marriage is due to poverty. Children do objects to sell or marry so that parents are free from economic burdens.⁵ Economic, religious, and social problems are various causes of underage marriage that often occur in Indonesia.⁶

Marriage has a problem with population. It turns out, that a low age limit for a woman to marry, results in a higher birth rate, in various observations about the consequences of young marriage. Also, it shows the existence of inharmonious households, even divorce tends to occur. Therefore, Law No. 1 of 1974 concerning Marriage sets the age limit for marrying men and women. Prevention of young marriages as stipulated in Article 7 paragraph (1) means that young marriages do not guarantee happiness, so marriage often ends in divorce. This happens because in

³ Candraningrum, D. (2016). *Pernikahan anak: Status anak perempuan?*, 21(1), 1.

⁴ Nawal M Nour (2009). *Child Marriage: A silent health and human rights issue*, 2(1), 1

⁵ Saraswati R (2015) *Hukum Perlindungan Anak di Indonesia*. Bandung: P.T. Citra Aditya Bakti, p. 55.

⁶ Mawardi, M. (2012). Problematika perkawinan di bawah umur. *Jurnal Analisa*, 19(02), p. 202.

addition to the absence of maturity in the way of thinking by both parties, it is also usually caused by a lack of prior approval from the prospective husband and wife. Such problems are clearly not suitable for the purpose of marriage according to the Marriage Law Article 1.

Note the provisions of the Marriage Law which regulates the age limit for marriage not yet effective. This is usually motivated by economic, educational, and socio-cultural (indigenous) factors and the consequences of free association. Furthermore, children are the younger generation as successors to the ideals of the nation's struggle and human resources for national development. In order to realize quality human resources in Indonesia that are capable of leading, maintaining national unity and unity, sustainable development is needed for survival, growth and physical, mental and social development and protection from all possibilities that will endanger them and the future of the nation.

In preparing the next generation who are qualified and able to lead, maintain unity and unity, it is important for children to get their education rights. According to Article 28C Paragraph (1) of the 1945 Constitution of the Republic of Indonesia "Every person has the right to develop themselves through basic fulfillment, the right to education, and to benefit from science and technology, art and culture, to improve their quality of life and for the sake of welfare humanity. "Education is the first step for humans in building the future, so that's why every child must get the right to education.

In Law Number 20 of 2003 concerning the National Education System chapter IV Citizens' rights and obligations of article 5 paragraph (1) Every citizen has the same right to obtain a quality education. Paragraph (2) Citizens who have physical, emotional, mental, intellectual, and / or social disorders have the right to receive special service education. Paragraph (3) Citizens in remote or underdeveloped areas and remote indigenous peoples have the right to receive special service education. Paragraph (4) Citizens who have potential intelligence and special talents are entitled to special education. Paragraph (5) Every citizen has the right to have the opportunity to improve lifelong education. Article 6 paragraph (1) every citizen aged seven to fifteen is obliged to attend basic education and paragraph (2) every citizen is responsible for the continuity of education. The second part of the rights and obligations of parents Article 7 paragraph (1) Parents have the right to participate in choosing educational units and obtaining information about the development of their children's education. Paragraph (2) Parents of compulsory education children are obliged to provide basic education to their children.

However, if women marry at a young age, usually they do not continue their education. This is actually because when a woman is married she has to take care of her household, for example taking care of her husband, her children, and other homework so it is difficult to

continue her education. As well as the stereotypical thinking in Indonesia, that the wife only lives behind her husband, education is no longer needed because the wife only stands by her husband. This causes women who marry at a young age to lose their actual educational rights which are very important for their future.

Many studies have shown that lack of education will have a greater negative impact on children, because children no longer get proper education. Because of the lack of education that children can get, then they will not be able to become parents who can better educate the next generation. The circle of poverty is even greater in Indonesia because many children do not get the right to education properly due to underage marriage. Ironically, from a number of underage marriages, many children are forced to marry underage by their own parents on the grounds reduce the burden on the family and save his child from the circle of poverty of his family. This also makes the family members not better in the economy and tends to be a worse economy. Based on this phenomenon, it is necessary and interesting to discuss underage marriage cases that are commonly practiced in several regions in Indonesia which have an impact on the loss of one of the children's rights, namely to go to school and continue proper education.

II. DEFINITION OF UNDERAGE CHILDREN

Children who have not reached the age of 18 years or have never married are under the control of their parents as long as they are not revoked from their power. If it has reached the age of 18 years it is considered to have grown up. If the child has not reached the age of 18 but is married, then the child can no longer be categorized as a child. Based on Law No. 23 of 2002 a child is someone who is not 18 years old including a child who is still in the womb.

Based on Law No.23 of 2002 concerning Child Protection, children are a mandate as well as a gift given to humans by the Almighty God, which we must always guard because in him the dignity, dignity and rights as human beings must be upheld . Children are the shoots, potentials, and young generation who follow the ideals of the nation, which have a strategic role and have special characteristics and characteristics that guarantee the continuity, the existence of the nation and state in the future. Therefore, so that the potential of children can grow and develop optimally, both physically, mentally, socially, and also behave well, it is necessary to make efforts to protect their rights, especially in the right to education. Because education is the most

appropriate place for children's growth and development both physically and psychologically.

From Law No. 23 of 2002 concerning the protection of the child, it can be said that the law has a legal politics that is responsive to the protection of children's rights. Children are placed in a noble position as a mandate from God Almighty who has a strategic role in ensuring the continuity of this nation and country. Through Law 23 of 2001, guaranteed child rights are protected, even the Indonesian Child Protection Commission was formed which has a responsibility to improve the effectiveness of child protection.

In Law No. 39 of 1999 concerning Human Rights, arrangements regarding human rights are determined guided by the United Nations Declaration of Human Rights Nation, United Nations Convention on the Elimination of All Form of Discrimination against Women, United Nations Convention concerning Children's Rights, and various other international instruments that regulate concerning human rights. The material of this Act is adjusted accordingly community legal needs and national legal development based on Pancasila and the 1945 Constitution. While inside The 1945 Constitution (amended), a problem regarding human rights specifically included in Chapter X Articles 28 A to 28 J, which is the result of the Second Amendment of 2000.⁷

Judging from the understanding of children according to the law and the existence of child protection rights prove that children are very important for the future of the nation. So that a responsive and progressive attitude is needed in regulating the applicable laws and regulations.

III. PURPOSE OF MARRIAGE

The purpose of marriage has been regulated in law number 1 of 1974 is "*to form a happy or eternal family or family based on the supreme divinity*". The purpose of this marriage according to Act No. 1 of 1974 is that marriage forms a happy and eternal household. This means that marriage is expected to last a lifetime and not end like that. To form a happy and eternal family must be based on the supreme divinity.

Marriage is done not only as a fulfillment of biological needs, but marriage is also a birth and inner bond between a man and a woman. That is, between husband and wife couples there is a bond that can be seen which is a legal bond. And spiritual ties, meaning that between a husband and wife partner has a bond that can only be felt by the husband and

⁷ Setiaji M.L. and Ibrahim A. (2017). Kajian hak asasi manusia dalam negara teh rule of law: Antara hukum progresif dan hukum positif. *Lex Scientia Law Review*, 1(1), pp. 70-9=73.

wife's own partner and the bond cannot be seen or not seen. Birth and mental ties must always be closely coupled to create a happy family.

According to R. Wirjono Prodjodikoro: "*Marriage is a legitimate bond to foster happy prosperous households and families where both husband and wife carry the mandate and responsibility, therefore the wife will experience a psycholastic process, namely pregnancy and childbirth, which asks for sacrifice.*"

It has been stated that a husband and wife partner in a family will carry the trust and responsibility they will endure for the rest of their lives or during the marriage. Mandate and heavy responsibility cannot be fulfilled by immature people of thought. Physical and emotional will also be difficult to hold the mandate and responsibility. So that a happy marriage must be lived with careful preparation financially, physically, and emotionally.

IV. RATIFICATION OF CHILDREN'S CONVENTION

In 2005, Indonesia ratified the International Covenant on Civil and Political Rights through Law No. 12 of 2005. The important meaning of this ratification is the fact that Indonesia recognizes two conventions which are considered as the parent of various other international convention instruments in the field of human rights. Another important element is that there is no reservation by the Indonesian state on the two covenants except for the right to self-determination.

The Convention on the Rights of the Child (CRC) is an integral part of universal human rights instruments. The CRC contains detailed human rights for each child, which include the right to survival, the right to growth (development), the right to protection and the right to be involved and participate in life. The CRC has four general principles that further illustrate the basic rights mentioned above. The four principles are:

- 1) Non-discrimination means that every right that exists and is recognized in the CRC must be applied to every child without discrimination on any basis.
- 2) Best interest of children, namely that all actions are carried out by persons with obligations (duty bearers); that is, all government agencies, whether executive, legislative or judicial, as well as the private sector and society as a whole) must be in the best interests of the child as their basic consideration.
- 3) Right to life, survival and development (right to life, survival and development); means that all parties must recognize that every child has the right to adhere to life, and therefore must also ensure

the maximum survival and development of the child both physically and mentally.

- 4) Respect for the views of the child; means that, children's opinions, especially when it comes to matters that affect their lives, must also be considered in every decision making. This also means that children are not objects that can be treated arbitrarily.

V. UNDERAGE MARRIAGE: FACTS AND INEQUALITY IN THE SOCIETY

Underage marriage is marriage that is carried out below the age limit set out in Law No. 1 of 1974 concerning Marriage, where women may marry when they reach 16 years and men have reached 19 years. Children who are under the prescribed age limit may only conduct marriages if they have received dispensation from the court. Marriage dispensation is a permit from the district court to be permitted to marry so that the marriage is legal state. It is widely known that child marriage is related to tradition and culture, making it difficult to change. Economic reasons, hopes of achieving social and financial security after marriage cause many parents to encourage their children to marry at a young age.⁸

One of the driving factors that makes girls drop out of school is because the parents believes that women are good if they are marry at a young age.⁹ The still strong patriarchal thinking makes parents want to marry off their daughters immediately because education is no longer considered important because women will only follow, take care of their husbands, cook in the kitchen, clean the house, and other things that are still attached to the views of ancient people and village people to women with wife status. Although the definition of underage marriage is also intended for boys, the majority of children who are married under the age of 18 are women even though the practice of underage marriage globally has fallen dramatically in the last 30 years, but in poor or not prosperous community groups underage marriage is still prevalent.¹⁰ Given that children's marriages are the most common among the poor and traditional people arrangement, the observation that young married women have less average education does not mean that forcing women to delay.¹¹

⁸ Inayati, Inna Noor (2015). *Perkawinan anak di bawah umur dalam perspektif hukum, HAM, dan kesehatan*, 1(1), p. 47.

⁹ Gultom M (2012) *Perlindungan Hukum Terhadap Anak dan Perempuan*. Bandung: P.T. Rafika Aditama, p. 224.

¹⁰ Hanafi, Yusuf (2008). *Perkawinan anak di bawah umur dalam perspektif hukum islam*. *Ulumuna*, 12(2), 258-259.

¹¹ Field et al (2008). Early marriage, age of menarche, and female schooling attainment in Bangladesh. *Journal of Public Economy*, 116(5), 881.

In the case of underage marriages, most marriages can occur due to coercion from parents. Forcing someone to get married includes crime. Forced marriage is different from arranged marriage. In an arranged marriage someone can refuse if they do not want to marry the person they arranged. But if a marriage is forced someone cannot refuse and reluctantly must do it. Forced marriage is usually done because of business, to preserve cultural traditions, and to improve the family economy.

Problems in the household will indeed exist and for some households it will often occur. Some married husbands and wives are already mature in emotional and financial matters, but some married couples and wives after five years of marriage will be faced with various kinds of problems that hit household life.¹²

In this case, underage marriage actually has more problems. Child marriage is very common today and has substantial negative development impacts in the fields of education, labor force participation, health, violence and empowerment.¹³ Many underage marriages that lead to divorce because the bride and groom at the age of the beginning of the marriage are beginning to falter in their problems in the household.¹⁴ Because there is no physical maturity either psychologically in the underage couple. Maturity is closely related to age so that age is not enough and is still considered young, not necessarily enough maturity to deal with problems that will occur in the household. Households are expected to be happy and intact until the end of their lives. It will be difficult to create if the husband and wife cannot manage it properly. Child marriage will endanger the survival and growth of children and place children in situations prone to violence and discrimination.¹⁵

Child marriage has consequences such as gender inequality. The bride has fewer opportunities to voice opinions, signify the desire to have sex, use contraception, and conceive children. The dominance of couples often causes children to be vulnerable to domestic violence. Children who get domestic violence often do not resist so they do not have security in both the social and financial fields. In addition, marriages with couples who are linked to their age increase the risk of the family becoming incomplete due to divorce, or widows because the spouse dies.

They face challenges in shaping their adult identity at the same time when they are asked to bear the duties of a wife and a mother, which

¹² Ardi, et al (2018). The psychological analysis of divorce at early marriage. *International Journal of Research in Counseling and Education*, 1(3), 27.

¹³ Nguyen et al (2015). Global and regional trends in child marriage. *International Bank for Reconstruction and Development/The World Bank*, 13(3), 1.

¹⁴ Mawardi, M. (2012). Problematika perkawinan di bawah umur. *Jurnal Analisa*, 19(02), 221

¹⁵ *Ibid.*, p. 225.

can create a lot of pressure.¹⁶ In problems that occur in the household, usually the women are often harmed.

There are times when each partner will face problems related to the economy. Especially at a young age, not much is expected in terms of the economy. At a young age, work is still unclear so that there will be economic difficulties that will be faced by married couples. Usually when a husband and wife fail to take care of economic problems, they choose to divorce and the woman will be returned to her parents. In psychological problems, of course minors are not mature enough and wise to manage the household. Convolved household problems will be difficult to pass properly if the mentality of the husband and wife is not strong.

In terms of health, we should know that pregnancies under the age of 17 increase medical complications in both mother and child.¹⁷ Women who are underage marry more of a health threat due to pregnancy and childbirth at a young age. Things that need attention in the case of early marriage are complications that occur during pregnancy and childbirth where this will cause the child to be born and possibly at risk and contribute to an increase in mortality rates for the mother and her baby. Children born from early marriage also have many problems. When a child who is still growing undergoes a pregnancy process, there is nutritional competition with the fetus he contains, so that the weight of pregnant women is difficult to rise, can be accompanied by anemia due to nutritional deficiencies, and the risk of giving birth to babies with low birth weight. It was found that around 14% of babies born to mothers under 17 years were premature. The age at first sexual intercourse will also increase the risk of sexually transmitted diseases and transmission of HIV infection. Many children who carry out underage marriages do not yet understand the basic reproductive health, including the risk of getting HIV infection.

If you carry out marriage only on the basis of love and not with careful preparation, do not think of other things needed when living together as a married couple. People who are not mature in thinking are usually already married, just because they already have the same feelings, have fallen in love with each other. Then they are sure to live happily ever after because of that love. Even though family life is not just a matter of feeling. Feelings are not vital to decide that a couple is ready to do a marriage. Because of this irrational thinking, there are many weaknesses and problems experienced in the family.

¹⁶ Engelchin et al (2015). The experience of early marriage: Perspectives of engaged and married Muslim women in Israel. *Journal of Adolescent Research*, 31(6), 727.

¹⁷ Fadlyana et al (2009). Pernikahan usia dini dan permasalahannya. *Sari Pediatri*, 11(2), 136.

Regarding the age limit, a woman cannot get married if she has not reached the age of 16 (sixteen) years. At the age of 16 years a woman is considered mature in thinking and ready to live life as a wife and mother. But in fact, at the age of 16 they were not ready to live a life as a wife and mother. 16 year olds should still attend education at the High School level. Because of their marriage, they did not continue their education until it was finished and this had robbed her of the rights to education.

In the marriage provisions stipulated in the Criminal Code, the age limit for women is 16 years and the age limit for men is 19 years. However, deviations from the age limit can occur due to the marriage dispensation granted by the court or other designated officials. Dispensation requests can be submitted by parents of both men and women. in article 6 paragraph (1) and (2) the law on marriage also stipulates that marriage must be based on parental permission if it has not reached the age of 21 years. The existence of a marriage dispensation has the goal of preventing the occurrence of larger problems so that legislation can be said to be more flexible so as not to cause more severe problems.¹⁸

VI. EDUCATION RIGHTS FOR UNDERAGE MARRIED WOMEN

Children need attention from the home environment, which is supported by friendly, strict people and a good health system to help them grow and become healthy women for family, community and country development.¹⁹

Children are valuable future generation assets. It can be concluded that the good or bad of the future of a nation is determined by the hands of its carrier. In this case the child is grasped by the future of the people.²⁰ Children who are being nurtured by their parents now, will play an important role when they grow up. Therefore if parents do not attach importance to education for their children, the child cannot learn and develop well for his future.

Although education has been unanimously endorsed as a basic right and as a clear development goal, access to schools remains

¹⁸ Imron, Ali (2011). Dispensasi perkawinan perspektif perlindungan anak. *Jurnal Ilmiah Ilmu Hukum QISTI*, 5(1), pp.77-78.

¹⁹ Indupalli, Amruta Swati (2011). A cross sectional study on demographic profile and role of education in adolescent girls. *People's Journal of Scientific Research*, 4(1), 19.

²⁰ Widari, M.T. (2012). *Pemenuhan hak pendidikan anak didik permasyarakatan di lembaga pemsyarakatan anak*. 8(15), 1.

inadequate in some parts of the developing world. Education is one of the basic things that allows women to assert their fundamental, and to train women wisely and to be able to work for the expansion of their ideas. knowing something simply for the sake of the knowledge is intrinsically important in education.²¹

Age education and awareness are very important, and the role of parents and extended family plays a large role in marrying girls who are not old enough to get married.²² Education is also one of the fundamental things that allows women to assert their fundamental rights, and to train women wisely and to be able to work for the expansion of their ideas. Women have rights to themselves which are often underestimated by other people, even though women have no rights. This is compounded because women do not have equal opportunities to get an education. so they don't get their rights properly. In other words, gender bias occurs and often occurs in social, class, and affiliate status.²³ including gender bias in the field of education

Early marriage causes underage women to lose their opportunity to get higher education, lose their teenagers' desires and create dependence on other people both economically and socially.²⁴ In fact, the initial goal of parents is to marry their underage children so they can foster their own household and take care of their lives and their own families, but in the end, their children depend on others because of economic factors that are not enough to nurture their families.

Every girl has the right to obtain education and teaching in the context of her personal development in accordance with her interests, talents, and level of intelligence.²⁵ Children are having the best times to develop their personality from their interests, develop their talents, and their level of intelligence in school. Education is very important for children because education can be a child's capital to continue their future and can improve their deviant behavior patterns.

It is certain that every child who is married under age will drop out of school. Very few children continue to study after they get married, meaning children will lose their access to education.²⁶ In Indonesia, married children are not allowed to take formal education in school. The

²¹ Robeyns, Ingrid (2005). *Three models of education: rights, capabilities, and human capital*

²² Sabbe et al (2009). Determinants of child and forced marriage in Morocco: stakeholder perspectives on health, policies and human rights. *International Health & Human Rights*, 13(43), 2.

²³ Goodwin, Michele (2013). When institution fail: The case of underage marriage in India. *Depaul Law Review*, 62(357), 358.

²⁴ Rohmaniyah, Inayah (2017). Konstruksi seksualitas dan relasi kuasa dalam praktik diskursif pernikahan dini, 16(1), 36.

²⁵ Abdussalam & Adri D (2016) *Hukum Perlindungan Anak*. Jakarta: PTIK.

²⁶ Amaliah, N. (2017). *Perlindungan hak pendidikan anak menurut hukum dan perundang-undangan*.

reason is, if a married child is allowed to marry, then the latent function of the educational institution cannot be carried out. Latent function is a hidden function of educational institutions. One of the latent functions of educational institutions is to extend adolescence so that children do not want to get married quickly. But in reality, many children prefer to drop out of school (forced and willing) because they prefer to get married.

Education of a girl can be disrupted even to the point where she cannot continue her education when she is married, thus limiting her ability to be able to grow even more so that there are fewer job opportunities for them. Not surprisingly, a woman who is underage married is more likely to live in poverty when she lives. The risk of domestic violence and divorce is also higher. Underage married women tend to have many children and the age gap between one child and another will be closer.²⁷

Married children are actually still able to continue their education and there is no prohibition on married children not to continue their education. However, married children may only continue non-formal education or take part in an equality program. But in reality, education is no longer an important right for married girls. Lack of education from parents, environmental conditions, also because of the patriarchal culture that is still thick in Indonesia, some people assume that education is not important for women. The bigger issue is that the marriage of children under the age is more likely to involve girls than boys.²⁸ Launched by a patriarchal community that is still rife in Indonesia.

It is not difficult to find a woman who only devotes her entire life to just taking care of home affairs, not working outside, and devoting herself only to her husband and children. The busyness of the women only cooks in the kitchen, thinking about what food will be made for breakfast, afternoon and evening, shopping, cleaning the house so that the golden triangle appears for women, namely "kitchen, mattress, and well".²⁹ The case of married girls not only deprives them of the good times in their playing age, but also injures the spirit of justice and harmony of the household.³⁰ Education affects underage marriages because higher education is more likely to be associated with lower

²⁷ Child marriage in the United States: A serious problem with a simple first-step solution. (2016). Tahiri Justice Center.

²⁸ Prettitore, Scott P.(2015). Family law reform, gender, equality, and underage marriage: A view from Morocco and Jordan, 13(3), p. 32.

²⁹ Hamzah (2017). *Pernikahan di bawah umur: Analisis tentang konsekuensi Pemidanaan.*, 6(1), 87.

³⁰ Roqib, Moh. (2010). Pernikahan dini dan lambat: merampas hak-hak anak. *Yinyang*, 5(2), p.300.

education the possibility of consumption is delayed marriage, and the possibility of a mother being a lower mother.³¹

VII. CONCLUSION

Underage marriage is still prevalent in several regions in Indonesia, especially in remote areas where the level of education and economy is still low. This can be a factor in the greater number of underage marriages that occur in remote areas than in large cities in Indonesia. Underage marriage is also more common in women. Underage marriage still occurs frequently in remote areas due to several factors. Among them is there is still a patriarchal culture that is very inherent in society. The still strong view that natural women only follow men and that men who always lead become one of the factors underage marriage is still prevalent. To create three golden words that are very closely related to women, namely kitchen, mattress and well. It was as if women were only obliged to take care of the kitchen, serve her husband, and clean the house. The existence of low economic factors so that parents of women prefer to marry off their children more quickly in order to reduce the economic burden on their families. Then because of culture, parents feel ashamed if their daughter is not married because it will be labeled as a spinster by the community. Factors that have been mentioned make underage marriage still common in Indonesia. Because of these factors, education for women is no longer an important matter and is not a necessity for women. So that many girls cannot continue their education because they are married by their parents. Because of this underage marriage, children lost some of their rights written in the Convention of the United Nations Child Rights in 1989, one of which was the loss of the right to education. If conditions like this continue, of course it will not have a good impact on the development of the nation and state because women, as well as boys, have the same potential and ability as the next generation of the nation. Many of the problems that will be caused by underage marriage are easier for domestic violence to occur because they are not mature enough and wise in facing future problems in their domestic life. The purpose of parents who marry underage children to reduce the economic burden is also not evident, based on underage marriage research, there are more who express poverty. Many girls experience problems during pregnancy and childbirth because they are physically unprepared for pregnancy and childbirth, which increases the number of maternal and child deaths during rejuvenation. Children born are also usually born prematurely and weigh below average.

³¹ Chloe et al (2004). Early marriage and early motherhood in Nepal. *J. Biosoc*, p.4.

Married children are actually still able to continue their education and there is no prohibition on married children not to continue their education. However, married children may only continue non-formal education or take part in an equality program. But in reality, education is no longer an important right for married girls. Lack of education from parents, environmental conditions, also due to patriarchal culture that is still attached in Indonesia, some people assume that education is not important for women.

Lack of education from parents, environmental conditions, also because of the patriarchal culture that is still mushrooming in Indonesia, some people assume that education is not important for women. But in reality, education is no longer an important right for married girls. Lack of education from parents, environmental conditions, also due to patriarchal culture that is still mushrooming in Indonesia, some people assume that education is not important for women.

Too low the age limit for children to marry, especially women (16 years) and the existence of marriage dispensation, it becomes a regulation that supports the marriage of minors. A marriage dispensation can legalize boys under the age of 19 and girls under the age of 16 marry. The rule of actual dispensation is that there are no more negative things from underage marriage. However, there should be more wise rules so that children's rights, especially children's educational rights, can be felt by children in Indonesia. Children have specific problems that are different from adults. So that an instrument is needed that is able to provide protection against children's human rights with a variety of issues, identities, social classes, cultural, political and social backgrounds. Because it is in the hands of those children who will later build Indonesia into a bigger and more advanced country.

VIII. REFERENCES

- Abdussalam & Adri D (2016) *Hukum Perlindungan Anak*. Jakarta: PTIK.
- Ade, S. (2018). Impact of premarital coaching (PMC) intervention using the psycho-educational approach on parenting self-efficacy of newly-married underage couples: a narrative literature review of evidence and feasibility in Indonesia. *Perspectives in Nursing Science*, 15(1), 43.
- Amaliah, N. (2017). *Perlindungan hak pendidikan anak menurut hukum dan perundang-undangan*.
- Ardi, et al (2018). The psychological analysis of divorce at early marriage. *International Journal of Research in Counseling and Education*, 1(3), 27.

- Candraningrum, D. (2016). *Pernikahan anak: Status anak perempuan?*, 21(1), 1.
- Child marriage in the United States: A serious problem with a simple first-step solution. (2016). Tahiri Justice Center.
- Chloe et al (2004). Early marriage and early motherhood in Nepal. *J. Biosoc*, 4.
- Din et al (2017). *Kebijakan kriminal dalam penanggulangan perkawinan di bawah umur*, 7(1), 3.
- Engelchin et al (2015). The experience of early marriage: Perspectives of engaged and married Muslim women in Israel. *Journal of Adolescent Research*, 31(6), 727.
- Fadlyana et al (2009). Pernikahan usia dini dan permasalahannya. *Sari Pediatri*, 11(2), 136.
- Field et al (2008). Early marriage, age of menarche, and female schooling attainment in Bangladesh. *Journal of Public Economy*, 116(5), 881.
- Gandi M (2011). *Perempuan dan Ketidakadilan Sosial*. Yogyakarta: Pustaka Pelajar.
- Gauri, V. (2004). Social rights and economics: claims to health care and education in developing countries. *World Development*, 32(3), 467.
- Goodwin, M. (2013). When institution fail: The case of underage marriage in India. *DePaul Law Review*, 62(357), 358.
- Grunz et al (2018). Child marriage in a village in west java (Indonesia): compromises between legal obligation and religious concerns. *Asian Journal of Law and Society*, p.8.
- Gultom M (2012) *Perlindungan Hukum Terhadap Anak dan Perempuan*. Bandung: P.T. Rafika Aditama.
- Hamzah (2017). *Pernikahan di bawah umur: Analisis tentang konsekuensi Pemidanaan.*, 6(1), 87.
- Hanafi, Yusuf (2008). Perkawinan anak di bawah umur dalam perspektif hukum islam. *Ulumuna*, 12(2), 258-259.
- Hornberger, N. H. (1998). Language policy, language education, language rights: indigenous, immigrant, and international perspectives. *Language in Society*, 27(4), 441.
- Imron, A. (2011). Dispensasi perkawinan perspektif perlindungan anak. *Jurnal Ilmiah Ilmu Hukum QISTI*, 5(1), 77-78.
- Inayati, Inna Noor (2015). *Perkawinan anak di bawah umur dalam perspektif hukum, HAM, dan kesehatan*, 1(1), 47.
- Indupalli, Amruta Swati (2011). A cross sectional study on demographic profile and role of education in adolescent girls. *People's Journal of Scientific Research*, 4(1), 19.
- Jensen R. And Thornton R. (2003). *Early female marriage in the developing world*, 11(2), 9.

- Kohli, Ambika (2015). Forced and underage marriages in New Zealand: some reflections on public and private patriarchy and intersectionality. *International Journal for Intersectional Feminist Studies*, 1, 59.
- Koro A (2012) *Perlindungan anak di bawah umur dalam perkawinan usia muda dan perkawinan siri*. Bandung: P.T. Alumni.
- Martin, T.C. (1995). *Women's education and fertility: Results from 26 demographic and health surveys*. *Studies in Family Planning*, 26(4), 187.
- Mawardi, M. (2012). Problematika perkawinan di bawah umur. *Jurnal Analisa*, 19(02), 202.
- Mensch, B.S. et al (2005). Trends in the timing of first marriage among men and women in the developing world. *Policy Research Division*, No.2, p. 9.
- Mubasyaroh (*Analisis faktor penyebab pernikahan dini dan dampaknya bagi pelakunya*. 7(2), 388.
- Muttaqin F. (2015). Early feminist consciousness and idea among muslim women in 1920s Indonesia. *International Multidisciplinary Journal*, 3(1), 23.
- Nancy J. (2005). The new muslim romance: changing patterns of courtship and marriage among educated javanese youth. *Journal of Southeast Asian Studies*, 36(3), 442.
- Nawal M Nour (2009). *Child Marriage: A silent health and human rights issue*, 2(1), 1.
- Nguyen et al (2015). Global and regional trends in child marriage. *International Bank for Reconstruction and Development/The World Bank*, 13(3), 1.
- Pangaribuan, T. A. (2017). *Pemenuhan hak mendapat pendidikan bagi anak didik pemsyarakatan yang berada di lembaga pembinaan khusus anak*, 1.
- Parker, L. et al (2015). The stigmatisation of widows and divorcees (janda) in Indonesia, and the possibilities for agency. *Indonesia and the Malay World*, 6, 7.
- Prettitore, S. P. (2015). Family law reform, gender, equality, and underage marriage: A view from Morocco and Jordan, 13(3), 32.
- Rahmatiah (2016). *Studi kasus perkawinan di bawah umur*, 5(1), 144.
- Republic of Indonesia. (1974). *Undang- undang Nomor 1 Tahun 1974 Tentang Perkawinan*.
- Robeyns, Ingrid (2005). *Three models of education: rights, capabilities, and human capital*.
- Rohmaniyah, I.(2017). Konstruksi seksualitas dan relasi kuasa dalam praktik diskursif pernikahan dini, 16(1), 36.
- Roqib, M. (2010). Pernikahan dini dan lambat: merampas hak- hak anak. *Yinyang*, 5(2), 300.

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- Sabbe et al (2009). Determinants of child and forced marriage in Morocco: stakeholder perspectives on health, policies and human rights. *International Health & Human Rights*, 13(43), 2.
- Salmah, S. (2016). *Pernikahan dini ditinjau dari sudut pandang sosial dan pendidikan*, 4(7), 37.
- Saraswati R (2015) *Hukum Perlindungan Anak di Indonesia*. Bandung: P.T. Citra Aditya Bakti.
- Setiaji M.L. and Ibrahim A. (2017). Kajian hak asasi manusia dalam negara teh rule of law: Antara hukum progresif dan hukum positif. *Lex Scientia Law Review*, 1(1), 70.
- Tibbits, F. (2002). Understanding what we do: emerging models for human rights education. *International Review of Education*, 48(2), 164.
- Widari, M.T. (2012). *Pemenuhan hak pendidikan anak didik permasyarakatan di lembaga pemsyarakatan anak*. 8(15), 1.

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