PUBLIC’S LEGAL AWARENESS ON CHILD MARRIAGE

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ABSTRACT

This study aims to conduct a qualitative analysis of the legal awareness of ethnic Javanese people on the practice of child marriage in Bumirejo Hamlet, Tapak Siring Village, Sukau District. Data collection was conducted through interviews, observations and documentation from parents and perpetrators of child marriage, as well as community leaders. This study shows that the low legal awareness of the Javanese ethnic community on the practice of child marriage is motivated by low education, economy, community habits, and self-will. There has been no effort from local community leaders to minimize the occurrence of child marriage so that the practice of child marriage still occurs.

INTRODUCTION

Marriage is understood as a serious bond between a man and a woman that is socially legalized to live together in building a family (Cherlin, 2020; Sassler & Miller, 2022). As contained in the Marriage Law No. 1 of 1974 affirms that marriage is an inner birth bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family based on the divinity of the Almighty. For marriage, the couples must meet the requirements and in accordance with applicable rules (Hedi et al., 2017; Kusmayanti & Ramadhanty, 2021; Sujono, 2022). In Indonesia, marriage rules have been regulated as well as rules regarding the minimum age limit in carrying out marriage based on Marriage Law No. 16 of 2019 on amendments to Marriage Law No. 1 of 1974, namely marriage is only permitted if a man and woman have reached the age of 19 years (Saskara, 2018).

The enactment of Marriage Law No. 16 of 2019, however, is not without good reason, but also in terms of protection of children's rights. Child protection is part of the Convention on the Rights of the Child. Regarding the convention on the rights of the child has been ratified by 191 countries where Indonesia is also one of them with Presidential Decree Number 36 of 1990. Thus the convention becomes the law of Indonesia and binds all its citizens. The guarantee of children's rights is also contained in the 1945 Constitution which states that every child has the right to survival, growth and development and the right to protection from violence and discrimination (Article 28 b Paragraph 2). The guarantee of children's rights is also emphasized in legislation No. 35 of 2014 on amendments to law No. 23 of 2002 article 26 concerning child protection, one of which is to prevent child marriage. Child marriage is an act that violates the rights of children, especially women because it causes children's education to end, sexual exploitation due to pregnancy and giving birth too early (Anshor, 2016). However, unfortunately,
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even though children's rights and marriage restrictions have been regulated by the state, in reality the practice of marriage under the age of 18 years still occurs.

As stated by Nour (2009) that marriage under the age of 18 years is a "silent and spreading practice". This can be seen based on KEMENPPA data in 2018 showing that 1 in 9 women aged 20-24 years married before the age of 18 years (11 percent). While only 1 in 100 men aged 20-24 years are married under the age of 18 years (1 percent). The same thing was expressed by Candraningrum et al. (2016), that girls in Indonesia are the most vulnerable to child marriage. Child marriage cannot be underestimated, because in reality it is still a phenomenon both in villages and in cities. Based on findings in various literature that rural living is a factor in child marriage (Rumble et al., 2018). As revealed by Kalosa et al. (2018), in which rural girls are twice as at risk, coming from poor and uneducated families. In other words, child marriage in villages is more prevalent than in urban areas.

Based on KEMENPPA data, the percentage of child marriage in rural areas reached 27.11 percent while in urban areas it reached 17.09 percent. Marshan et al. (2013) revealed that girls who live in urban areas are more likely to get opportunities outside marriage compared to those in rural areas. Economic problems cause children as objects of escape from poverty and low parental education so as to ignore the development of children's self-capacity. As revealed by Benedict et al. (2017), poor family conditions make children considered an economic burden so that child marriage is considered a solution. In addition, child marriage occurs due to influencing factors, including patriarchal ideology, gender discriminatory norms, low education and economics (Svanemyr et al., 2015). Child marriage also occurs due to culture, parental matchmaking and customs (Fatimah, 2009). Other factors also occur due to legal awareness and understanding (Ningsih & Rahmadi, 2020).

Furthermore, based on the factors that cause child marriage above related to legal awareness that understanding from legal awareness is about the person of the community which is the cause of the validity of a law. The problem of legal awareness occurs in the implementation process rather than the written positive law. This problem arises because in reality in society many legal provisions are not obeyed by the community. As Soekanto and Mamudji (2006) revealed that legal awareness is an awareness or values contained in humans about existing laws and laws that are expected to exist. So that legal awareness becomes very important when the law does not work properly and the implementation of the law is needed in order to create an orderly society. Legal awareness has indicators that show the level of legal awareness, consisting of legal knowledge, legal understanding, legal attitudes and patterns of legal behavior. So that a legal awareness will be meaningful when legal knowledge, understanding, and attitudes lead to behavior in accordance with the law. But in fact, often violations of the law occur in society and this does not look at ethnicity. This is also the case in child marriage where one of the contributing factors is problems with awareness and understanding of the law in society. Child marriage does not look at ethnicity. Judging from various facts that occur in various regions, child marriage is carried out by various ethnicities such as those found in Madurese, Sasak, Banjar, Minang, Javanese and Balinese ethnicities.
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(Saskara, 2018). This phenomenon also occurs in Javanese ethnicity in Tapak Siring village. Where child marriage is still a common thing that usually happens in Bumi Rejo Hamlet, Tapak Siring Village, which is one of the villages located in Sukau District, West Lampung Regency, Lampung Province. Based on the data obtained, child marriage occurred in Bumirejo hamlet, Tapak Siring village, which is carried out by ethnic Javanese.

The above is certainly contrary to the Marriage Law regarding the age limit for marriage and children's rights that have been regulated by the state. So this is what attracts researchers to examine more deeply Javanese ethnic communities who carry out child marriage related to the legal awareness of their communities. The researchers would like to explore public’s legal awareness on child marriage in hopes to shed lights on child marriage in this modern era, especially in Indonesia.

METHOD

This type of research is qualitative with a case study approach. In case studies, research is focused on a phenomenon that is selected and understood in depth (Sukmadinata, 2011). The case study method is an effort by researchers to analyze the legal awareness of ethnic Javanese communities in Bumirejo hamlet on the practice of child marriage. To collect observational data, researchers observe activities carried out by the community. The study used in-depth interviews. Interviews were conducted for about 60-90 minutes to five perpetrators and parents of child marriage specifically on Javanese ethnicity. Community leaders are PPN (marriage registration officers) and religious leaders. Researchers also collected documents related to the study. To obtain data that can be scientifically accounted for, validity is first checked. In triangulating the data, researchers rechecked the results of interviews, observations, and documentation. Data analysis based on Miles and Huberman (2014) is data collection, data reduction, presentation and conclusions.

RESULT AND DISCUSSION

Regulations on child marriage are contained in Law No. 16 of 2019 concerning marriage and Law No. 35 of 2014 concerning child protection. Judging from Law No. 16 of 2019 on the amendment of Law No. 1 of 1974 concerning marriage, the issue of marriage refers to article 7 paragraph 1 which reads: marriage is only permitted if the man and woman have reached the age of 19 years. Meanwhile, in article 6 paragraphs (1), (2), (3) it can be concluded that if the prospective bride and groom have not reached the specified age, then if they will carry out the marriage must be with the consent of both parties' parents or guardians and submitted to the local court. However, the minimum age that has been set is often not considered by the bride and groom who will hold the wedding. Demikain also happened to the community of Bumirejo hamlet, Tapak Siring village who are ethnic Javanese, there were five female informants who carried out child marriage with the following data.
Table 1. Informant Data

<table>
<thead>
<tr>
<th>No</th>
<th>Name</th>
<th>Ethnic Group</th>
<th>Work</th>
<th>Marriageable Age</th>
<th>Education</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>SR</td>
<td>Javanese</td>
<td>IRT</td>
<td>16 25</td>
<td>3 SMP (drop of school)</td>
</tr>
<tr>
<td>2</td>
<td>TR</td>
<td>Javanese</td>
<td>IRT</td>
<td>15 20</td>
<td>2 SMP (drop-off)</td>
</tr>
<tr>
<td>3</td>
<td>AL</td>
<td>Javanese</td>
<td>IRT</td>
<td>17 20</td>
<td>Graduated from junior high school</td>
</tr>
<tr>
<td>4</td>
<td>AR</td>
<td>Javanese</td>
<td>IRT</td>
<td>15 25</td>
<td>2 SMP (School drop)</td>
</tr>
<tr>
<td>5</td>
<td>AN</td>
<td>Javanese</td>
<td>IRT</td>
<td>15 30</td>
<td>2 SMP (School drop)</td>
</tr>
</tbody>
</table>

* IRT = Housewives

The 1945 Constitution also includes the guarantee of children's rights which states that every child has the right to survival, growth and development and the right to protection from violence and discrimination (article 28 b paragraph 2). The guarantee of children's rights is also affirmed by Child Protection Law No. 23 of 2002 which has been amended into Law No. 35 of 2014 which explicitly states that parents have the obligation and responsibility to prevent child marriage. Child protection is part of the Convention on the Rights of the Child. Regarding the convention on the rights of the child has been ratified by 191 countries where Indonesia is also one of them with Presidential Decree Number 36 of 1990. Thus the convention becomes the law of Indonesia and binds all its citizens.

Understanding of Javanese Ethnic People in Bumi Rejo Hamlet, Tapak Siring Village Regarding the Practice of Child Marriage

Overall, they do not know and understand the content and purpose of Law No. 16 of 2019 concerning marriage. Meanwhile, knowledge and understanding of the content of legal regulations is one indicator of legal awareness, namely to determine the level of public legal awareness regarding child marriage. It can be seen that the knowledge and understanding of the Javanese ethnic community in Bumi Rejo Hamlet, Tapak Siring Village is still very lacking, such as about the age limit for marriage. As Informant SR says "Know the age of 20 years and over the age limit for marriage, know from people." Meanwhile, the Navy informant did not know at all about information about marriage laws. Information he got from the marriage registrar shortly before marriage, AL revealed that "he did not know any information about the marriage law when he was about to get married and was only told that I was only given to know the obligations of husband and wife." On the other hand, AN informants who only learned about the age limit can carry out marriage after marriage, "19 years old, the limit is given when you are married by a friend."

The lack of information related to the minimum limit for marriage occurs in parents of child marriage perpetrators, the mother of AR said "once heard from the news, the study of the mother's mother at that time there was a question and answer with the ustad, then I asked the ustad what age women marry, if women are over 17 years old men are more than 20 years."
Based on the findings above, it can be concluded that there is still a lack of socialization and information obtained by the public regarding the regulations of the marriage law related to the minimum age limit in carrying out marriage. Some informants considered child marriage to be common, at least children were allowed to marry after graduating from junior high school. Of course, this is related to the rights of children who should still have to go to school and study, but parents have an understanding that at that age they are considered mature enough to carry out marriage. Even though it should be in accordance with the laws and regulations, parents have the obligation to prevent marriage to children. However, findings in the field show that parents' knowledge and understanding are still very minimal. This was revealed by TR’s parents “The future husband has asked to propose, I asked him after graduating from junior high school to be able to marry but the man is impatient.” The same thing was also expressed by AR's parents, "His parents came to propose to be a fiancée first in the 2nd grade of junior high school, I asked for 1 year, at least after graduating from junior high school, he could get married, if I think child marriage is okay, if in this village there are many young marriages, if in the city they think more about work."

From the findings above, it can be said that the understanding of the Javanese ethnic community in Bumi Rejo Hamlet, Tapak Siring Village, on the practice of child marriage is still very minimal, indicated by the assumption that after graduating from junior high school, children can marry even though it is clear that the age is still around 15 years.

Factors Influencing the Level of Legal Awareness and Practice of Child Marriage in Javanese Ethnic Communities Bumi Rejo Hamlet, Tapak Siring Village

Legal awareness is the actions and feelings that arise from the heart as individuals or communities to carry out the messages contained in the law (Saebani, 2007). So that legal awareness is self-awareness without any pressure or command from external to obey existing laws. The legal awareness of each individual is different because it depends on how his personality is. Low legal awareness tends to violate the law, while the higher the legal awareness the higher the observance of the law. Based on the results of the study, it was revealed that what affects the level of awareness of the law and practice of child marriage in the Javanese ethnic community, Bumirejo Hamlet, Tapak Siring Village, is education and economy, where rural women who come from poor and poorly educated families are more vulnerable to child marriage. Similarly, Kalosa et al. (2018) said that girls who leave school are more vulnerable to marriage. However, this also happens when child marriage is caused by dropping out of school and choosing to marry. As experienced by AL after graduating from junior high school, he did not continue school due to limited costs so he chose to work but not long ago, decided to get married, "want to be together, want to be happy because he has been dating for about 4 years." Unlike the other 4 informants who at the time of marriage were still students.

Another reason child marriage occurs because of poverty, as revealed by Niko (2016), child marriage is not a solution to get out of poverty. AR, for example, chose to get married because of his parents' difficult economic situation. "The reason for choosing marriage is to please parents,
not to be a burden on parents, the economic situation of parents at that time was difficult". The same thing was also expressed by SR "his mind already wants to get married and does not want to be a burden on parents." By marrying at the age of children, informants hope to ease the burden on parents and get out of poverty. That child marriage even results in impoverishment of women is different from the findings of researchers that after marriage, AR informants whose economic lives are getting better are proven by being able to build houses and own two-wheeled vehicles (Sa’dan, 2015).

In addition to poverty and low education, other factors that also influence are community habits such as what happened to the Javanese ethnic community, Bumirejo Hamlet, Tapak Siring Village, that child marriage often occurs because it has long been a habit of people who marry at a very young age and child marriage is considered normal, not a disgrace, especially for girls. With such an environment plus a strong desire to marry at the age of children because in their imagination a marriage is a happy event even though physically and mentally do not have knowledge and understanding of marriage, but child marriage still occurs in the Sebambangan (flight) way.

Sebambangan (larian) has the meaning of a custom where the male party flees the girl who will be taken to the place of the male family. In this case there was an agreement between the bachelor and the girl but the girl's family did not know it, and the girl had made a notice and money left to the family which was placed in her room when she left (Hilman, 2014). Sebambangan itself is a traditional tradition of Lampung since ancient times which is done to avoid various obligations before marriage or also because the family does not approve of marriage. Sebambangan is often interpreted as elopement. However, Sebambangan is different from elopement where elopement means the act of forcibly fleeing girls with deceitful minds without the girl's consent (Toyib, 2013). Sebambangan (larian) which was later adopted by some ethnic Javanese people of Bumirejo hamlet was found by researchers that there had been a deviation in meaning and practice where they had the assumption that Sebambangan (larian) was an elopement carried out in a way without customary rules even though the reason was the same, namely because it was not approved by parents to carry out the marriage.

From the findings of 4 informants who carried out child marriage, it was carried out by elopement. Elopement here means that the prospective bride and groom who already have a relationship, in this case dating, have agreed to go together without the knowledge and permission of the parents and family of the prospective bride, either to the place of the marriage registration officer or to the house of the bridegroom's relatives with the intention of holding a marriage. The SR informant chose to elope some time after taking the school exam "I have taken the junior high school exam, must marry because I have eloped brought by the future husband to his house in the morning when the parents are not at home going to the garden, I got married 1 day after leaving home, the parents who came only the father of the mother did not come because the mother has not approved. You did not become my guardian of marriage but was replaced by a guardian of judges." Another case with TR, who at that time was still a grade 2 junior high school student who was desperate to elope to travel thousands of kilometers to the place of her
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future husband to the Marpas area (Bengkulu). "I eloped to Marpas (Bengkulu) was picked up by my candidate at that time to walk almost 2 hours and then continued to ride a car in a freight car to the house of the future husband's brother. When leaving home the parents were going to the garden, 4 days after staying at the house of the brother of the newly married husband, who married the father."

Meanwhile, AL and AN informants chose to elope by going with their brokers to KUA. AL said "The first time I proposed elopement, a week before there was a plan to elope, I went from home to elope because my parents did not agree, arrived at KUA but was not accepted and then KUA gave advice if I wanted to marry at the place of PPN (marriage registration officer) HK area only". In this case, PPN (marriage registration officer) acts as a guardian of the judge witnessed by the woman's parents because by regulation it cannot be recorded because the age at the time of marriage is not in accordance with the rules set by Undand Marriage Law No. 16 of 2019. From the above findings, it can be concluded that the elopement method is a method taken by the perpetrators of child marriage in a way that "forces" to be able to carry out marriage even though they are still children because they are not approved by their parents, besides that they also found that this elopement method they knew from the surrounding environment which was adopted from the traditional tradition of Lampung where the Javanese ethnic community lived, Bumirejo Hamlet, Tapak Siring Village which later occurred deviation of meaning as well as practice. In addition, the perpetrators of child marriage only marry religiously or marry under the hand.

Efforts Made by Community Leaders to Increase Legal Awareness to Avoid the Practice of Child Marriage in Javanese Ethnic Communities

Religious leaders and KUA officers, in this case, marriage registration officers (PPN) as community leaders who have an important role to increase legal awareness and prevent child marriage. Delivery in the form of information related to marriage, both harmony and conditions, and all matters related to marriage is something that should be conveyed by religious leaders to provide an understanding of the nature of marriage itself so that marriage is not only interpreted to legalize the relationship between men and women and also reduce the burden on parents' lives because they have brought their children to the marriage level. However, from the results of research, religious leaders have never provided related information about marriage to the community. The marriage registration officer in this case can also provide public information related to marriage, especially the minimum age limit for marriage so as to minimize the occurrence of child marriage. From the results of the study, it was revealed that the marriage registrar only provides information to prospective brides who will hold a marriage but never socializes to the community.

Discussion

From the results of research conducted by the author that the Javanese ethnic community of Bumi Rejo Hamlet, Tapak Siring Village as a whole does not know and understand the laws and
regulations regarding marriage, namely Law No. 16 of 2019, especially related to the minimum age limit for marriage. Meanwhile, one of the indicators to measure the level of legal awareness is legal knowledge and understanding. Knowledge of the Javanese ethnic community in Bumi Rejo Hamlet in Tapak Siring Village is still very minimal due to the lack of information and socialization from community leaders who are related to regulations regarding marriage. In addition, there is a habit in the community of child marriage. Some informants consider that child marriage is common, especially for girls, because if traced to their parents, they also do the same thing, namely marrying at the age of children. However, what is interesting here is that four of the five informants who carried out child marriage were children who were then junior high school students and when they were about to carry out the marriage, the four informants did it by eloping, which is a method adopted from the traditions of the indigenous people of Lampung, but there has been a store of meaning and practice. Furthermore, the results of the study also revealed that the level of legal awareness of the practice of child marriage in the Javanese ethnic community, Bumi Rejo Hamlet, Tapak Siring Village was due to several things.

Low Education

With education, a person will have knowledge, character and broad insight so that they are expected to act and act responsibly. So that a person's educational background can determine knowledge and understanding of the regulations of the Marriage Law No. 16 of 2019 concerning marriage. Low education is a factor in the occurrence of child marriage in Bumi Rejo hamlet. It was revealed from the interview results that the perpetrators of child marriage were still junior middle school students and junior high school graduates. In addition, the author also found the fact that even in schools teachers did not provide an explanation regarding the importance of complying with the law, in this case regarding the Marriage Law No. 16 of 2019 in carrying out marriage, both terms and objectives must be in accordance with applicable rules and the consequences if they commit violations. In addition, low education also affects the way of thinking of parents where there is a lack of understanding of the applicable legal regulations in this case is child marriage and child protection. Education is the right of every citizen regardless of age and gender, for that parents are obliged to support and avoid children from various obstacles for a child to get an education.

Economics

The economy is one of the factors in the occurrence of child marriage, especially for girls. Poor and marginalized women face the risk of child marriage. The economic inadequacy of parents is the reason for marrying off their children to reduce the burden on parents. It can be seen that most of the Javanese ethnic people in Bumi Rejo hamlet are the lower middle class who work as vegetable farmers, coffee farmers, day laborers and vegetable motorcycle taxi drivers.
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People’s Habits

From the results of the study, it was revealed that the factor of child marriage that occurred in Bumi Rejo hamlet, Tapak siring village was due to community habits that occurred long ago. Getting married at a very young age under the age of 18 is common. Society considers child marriage to be a common thing and not a disgrace, especially for girls.

Self-Willedness

Based on the results of the study, it was revealed that self-desire is also a factor in the occurrence of child marriage. This is driven by the environment in which they live where most people marry at a relatively young age and informants who perpetrate child marriage have the assumption that getting married is something beautiful and by marrying they think they will have a happy life. Even though the parents do not approve of the marriage because they are still in school, the marriage still occurs by choosing elopement, so if this is the case, the parents inevitably have to allow the marriage to occur. The strong will of the bride and groom who are still students and children to carry out this marriage is a factor in the occurrence of child marriage.

In the case of child marriage that occurred in Bumirejo hamlet, Tapak Siring village, there has been no effort made by community leaders to minimize the occurrence of child marriage. The lack of information and socialization both in schools and in the community causes child marriage to often occur. It should be at school age that children should be in accordance with their circumstances, namely school and learning. In addition, parents should also support so that marriage does not occur at the age of children. Community leaders in this case also have an important role in conveying information and socializing related to the content and objectives of the Marriage Law No. 16 of 2019. Religious leaders in this case can convey information related to the background, terms and pillars of marriage as well as rights and responsibilities if they have become husband and wife so that the bride and groom do not have knowledge of understanding. Furthermore, KUA officers in this case are VAT (Marriage Registration Officers) can also minimize the occurrence of child marriage by providing premarital guidance so that the bride and groom can live a happy household.

CONCLUSION

From the results of the study, the author can conclude that child marriage that occurs in the Javanese ethnic community of Bumi Rejo hamlet related to legal awareness is still very minimal, this is due to the lack of information and socialization from community leaders. Knowledge and understanding of the Javanese ethnic community in Bumirejo hamlet is still very lacking. In addition, the factors that cause the occurrence of lack of legal awareness and the occurrence of child marriage due to several factors include low education, economy, community habits and self-desire which is taken in a rather extreme way by eloping even without the consent of parents. Parents also lack knowledge and understanding related to marriage regulations by assuming that children can be married if they have graduated from junior high school. In
addition, there is also no knowledge about child protection that people must fulfill children's rights, one of which is by preventing child marriage. The efforts of community leaders are also still very minimal in minimizing child marriage because there has been no effort that is really only limited to a cursory glance.

REFERENCE
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