



EARLY MARRIAGE AND ITS AFTERMATH PERSPECTIVES ON ISLAMIC LAW (STUDIES IN MADARASAH ALIYAH TARBIYAH STUDENTS ISLAMIYAH, HAMPARAN PERAK DISTRICT, DELI SERDANG REGENCY)

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ABSTRACT

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Early marriage is a social phenomenon that occurs a lot in various regions. The phenomenon of early marriage is like an iceberg phenomenon that appears only a small part on the surface, very little exposed in the public domain, but in fact it happens so much among the wider community. Early childhood marriage occurs mainly in rural communities. Early childhood marriage is actually not allowed under the Marriage Law. Article 7 paragraph (1) of the Marriage Law states, "Marriage is only permitted if the male side has reached the age of 19 years and the female party has reached the age of 16 years". In Islam, there are expressly no rules that determine the age limit of marriage, based on Islamic law, basically all age levels can perform marital ties. In Islam the condition of marriage is 'aqil and baligh which do not look at the age limit. Early marriage will have an impact on married couples and their children marriage at a young age will also have an impact on each of their families. If the marriage between their children is smooth, it will certainly benefit their parents. But if on the contrary their household situation is unhappy and the end that happens is divorce. This will result in an increase in their cost of living and at worst it will break the familial cord between, the two parties.

INTRODUCTION

Marriage is the manifestation or embodiment of one of the elements of human nature, that is, a natural attraction relationship between two people of different sexes. (Ahmad Royani:2013). In this context, marriage becomes a medium as well as a significant factor in building human values. All this suggests that holy marriage is based on two aspects at once, namely between the human instinct aspect and the legal aspect.

In Islam, marriage is not just a matter of love and affection. Moreover, Islam teaches that in marriage, a *sakinah mawaddah wa rahmah* family is created and a better generation is formed from time to time through the family. For this reason, running a marriage requires a process and requires a lot of effort so that the desired Family in Islam can be realized. It can even be a Happy Family According to Islam. For this reason, it requires knowledge, material capital, and of course a straight intention to worship Allah SWT.

In Indonesian, marriage comes from the word "mating" which according to the language means to form a family with the opposite sex; having sex or having sex. (Abd Rahman Ghazaly:2003). This marriage law arrangement will ensure the preservation of human resources. Marriage is the manifestation or embodiment of one of the elements of human nature, that is, a natural attraction relationship between two people of different sexes. (Ahmad Royani:2013).

Marriage is one of the most important events in a person's life. Marriage is one of the most important events in a person's life. Every creature has the human right to pursue children through marriage, including



through culture by achieving the marriage celebrated in Indonesia. Islam implies that marriage is the only form of conjugal life that is recognized and encouraged to develop in the process of family formation.

In reality on the ground, early marriage is quite interesting to the attention of various groups, this happens because actually early marriage is like an iceberg phenomenon that

Looks a little above it even though in plain fact it is very much happening among the Indonesian people. (Rahmatullah:1974). Law No. 1 of 1974, Article 1 on marriage states 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 (home) based on the One True Godhead. (Sudarsono:2007). Early marriage is not just a soap opera story. Cases of early marriage are real around us with a fairly high quantity.

The term early marriage is a relatively consensual term. Early is usually associated with *wak tu*, which is a very early time. His opponent was an expired marriage. For people who lived in the early 20th century or earlier, early marriage is something that is commonly done, not something that is considered taboo and unimportant to bring to the fore. As the times progress, the image that develops in society is just the opposite. The rapid current of globalization has changed the paradigm of thinking in society at large. Marriage at a very young age is considered a taboo, because it is seen as having many negative effects, especially on the part of women. Even so, the phenomenon of early marriage is still widely found, especially in areas where the majority of the level of educational awareness is still relatively low.

LITERATURE REVIEW

Marriage

Definition Of Marriage

Marriage is a *sunnatullah* that applies to all creatures of God, whether human, animal, or plant. Everything God created is in pairs and matchmaking. (Boedi Abdullah:2013). According to the language, marriage means merging and mixing. Meanwhile, according to the term *Shari'a*, marriage means an agreement between the male party and the female guardian, which is why the relationship becomes *halal*. (Sheikh Hasan Ayyub:2006).

In Indonesian, marriage comes from the word marriage which according to the language means to form a family with the opposite sex;

having sex or having sex. Marriage is also called marriage, derived from the word *nikah* (نكاح) which according to the language means to gather, insert each other, and is used for the meaning of intercourse. The word marriage itself is often used for the meaning of coitus, as well as for the meaning of the marriage contract. (Abdul Rahman:2008). The definition of marriage as explained by Slamet Abidin and Aminuddin consists of several definitions, namely as follows: (Boedi Abdullah:2013).

- a. Hanafiyah scholars define marriage as a useful contract to have *mut'ah* deliberately. That is, a man can master a female with all her limbs in order to gain pleasure and satisfaction.
- b. Shafi'iyah scholars say that marriage is a contract using *lafazh nikah* or *zauj*, which holds the meaning of belonging. That is, with marriage a person can have or get pleasure from his partner.
- c. Malikiyah scholars mention that marriage is a contract that implies *mut'ah* to achieve satisfaction by not requiring a price.

Marriage Law

Regarding the law of origin of marriage, scholars differ in opinion, according to the interpretation of the verse on marriage. Among them, such as Imam Abu Daud Adz-Dzahiri argued that, marriage was of legal origin. As for Imam Asy-Shafi'i, he argued that marriage is a good law. (Rahman Hakim:2010). The origin of the law of performing marriage (marriage) is subject to change based on the causes of its power, it can be turned into, compulsory, *sunah*, *haram*, *makruh* and *mubah*,. (Mohd. Idris Ramulyo:2011).

Mandatory

For people who already have the will and ability to marry and are feared to slip into adultery if they do not marry, the law of performing marriage for that person is mandatory. This is based on the legal idea that every Muslim is obliged to guard against doing anything forbidden. If self-preservation is to do a marriage, while self-preservation is mandatory, then the law of performing a marriage is also obligatory according to the rule: Something that is obligatory is imperfect except with it, then something is legally obligatory as well.

Sunnah

People who already have the will and ability to enter into marriage, but if they are not married, are not worried about committing adultery, then the law of performing marriages for that person is *sunah*. The



reason for establishing the law of sunah is from the Quranic advice as mentioned in surah An-nur verse 32 and the hadith of the Prophet narrated by Bukhari and Muslims from Abdullah bin Mas'ud which is stated in explaining the attitude of the Islamic religion towards marriage. Both the Quranic verses and the hadith are in the form of commands, but based on the qorinahs commanded by the Prophet do not take advantage of the mandatory law, but only sunah. (Abdul Rahman Gozali:2008).

Haram

For a person who has no desire and does not have the ability and responsibility to carry out domestic obligations so that if he enters into a marriage, he and his wife will be displaced, then the law of performing a marriage for that person is haram. The Qur'an surah Al-Baqarah verse 195 forbids people to do things that will bring damage:

وَأَنْفِقُوا فِي سَبِيلِ اللَّهِ وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ وَأَحْسِنُوا إِنَّ اللَّهَ يُحِبُّ الْمُحْسِنِينَ

That is to say: And spend (your possessions) in the way of God, and do not throw yourselves into perdition, and do good, for Verily God likes those who do good.

It also includes the law that it is illegitimate for people who intend to harm the woman they marry, (Sulaiman Rasyid: 2009). Marriage if with the intention of abandoning another person, if the woman being married is not taken care of only so that the woman cannot marry someone else. (Abdul Rahman Gozali:2008).

The Wisdom and Purpose of Marriage

Islam encourages its people to marry not without a specific reason or purpose. This shari'a has wisdom for the benefit and welfare of the Muslims themselves. Among them the wisdom and purpose of marriage are:

First, connecting friendships, as it is known that marriage not only unites two people, but unites two large families. Thus marriage becomes a means to strengthen and connect the bonds of friendship.

Second, to look away from the wild view. A person who has not a family does not have the determination of heart and his mind is still unstable. He did not yet have the handle and place to channel his resolve and let go of the longings and turmoil of his passions. With mating, such traits although not entirely can be reduced.

Third, avoid adultery. A wild view is the first step of the desire to commit adultery. This will lead people towards a perverted path, especially in an age where the facilities of intoxication are so easy and scattered, as if calling to initiate sinful deeds. That is why, the institution of marriage is therapeutic for those who are still single.

Fourth, maintain the purity of the nasab, Getting legitimate offspring can only be obtained through a legal marriage anyway. It is through this marriage that a legitimate nasab can be born as well. Keeping offspring is something very important. This is because, its absence can create a humanitarian crisis. Therefore, the reproduction of generations outside the terms of marriage, did not gain legitimacy and was strongly opposed by the Islamic religion. In addition to being incompatible with the ethics of humanity, it can also confuse nasab (derivatives), resulting in a generation that is syubhat (a vague generation). (Rahmad Hakim: 2010).

Early Marriage

Understanding Early Marriage

Marriage/nikah/according to the General Dictionary Indonesian is a marriage bond (contract) that is carried out in accordance with the provisions of laws and religious teachings, while early can be interpreted prematurely prematurely. So we can mean that early marriage is a marriage bond (contract) in accordance with legal and religious provisions before the stipulated time, or under the age stipulated by law in Law No. 1 of 1974 on Marriage Chapter 2 article 7 paragraph 1 reads Marriage is only permitted if the male party has reached the age of 19 years (nineteen) years and the female party has reached the age of 16 (sixteen) years. Furthermore, in the Regulation of the Minister of Religious Affairs No.11 of 2007 concerning Marriage Registration Chapter IV article 8. If a prospective husband has not reached the age of 19 (nineteen) years and a prospective wife has not reached the age of 16 (sixteen) years, he must receive a dispensation from the court. (Sharifah Salmah:2016).

Factors of Early Marriage



Some of the factors for the occurrence of early marriage are:

- a. **Factors of Marriage at the Will of Parents.**
In society in general, they do not consider the issue of the age of the married child important, because they think it will not affect their home life later. A person's age is not a guarantee to achieve happiness, the important thing is that the child is already aqil (baligh), aqil (baligh) for the village community is characterized by menstruation for women regardless of age, As for men, when the voice has changed and it has been a wet dream. If parents have already seen these signs in their children, then parents immediately look for a mate for their child, more so parents on the female side.
- b. **Child's Will**
Many children who perform marriage at an early age are of their own accord without any interference and encouragement from parents, The fact is due to the very low influence of the environment with the child's psyche, so the child is unable to avoid it. This fact proves that in general people before performing a marriage they first get engaged. And for children who are not yet engaged, they feel excluded and underappreciated by society. Because unlike everything else. Here the role of parents is only passive, they simply follow what has become the choice of their child. (Sharifah Salmah:2016).
- c. **Indigenous and Cultural Influences**
Early marriage has become a hereditary tradition in a region and it has become the pride of parents if their children quickly get a mate, so that they can be appreciated by the community. A habit that has been around for a long time and is seen as old-fashioned in modern times, is still growing and developing in society, for example the assumption that a baligh child who is not married or has not yet obtained a mate, is considered unsold or considered an old virgin. Because that assumption is deeply rooted in society. And because of the shame on society if you have children who have long had their soul mates. So to cover up the embarrassment, parents go two ways. First exercise his ijbah rights; secondly by motivating his son to immediately find a mate so that his child gets married soon. (Sharifah Salmah:2016).
- d. **The Effect of Low Education**
Education is one of the scalpels that is quite powerful and powerful in changing a system of customs and culture that has taken root in society. This is related to the large number of early marriages that occur, one of the factors is the low level of education. And this reality is what happens a lot so that early marriage is because of the low level of education when viewed from the development of the times at this time. (Sharifah Salmah:2016).
- e. **Economic Factors**
Economic factors are one of the factors that make people happy, although not the only way. But economics can determine standing and happiness in the world. If it is associated with the practice of early marriage, it is found that economic factors are the main reason for parents in marrying their children. The purpose of parents is to immediately marry off their children so that they are immediately free from their responsibilities as parents, because in reality they already have a household whose economy is still dependent on their parents. Being mature here means that he can think about responsibility and not always depend on his life to his parents. However, it does not correspond to the existing reality. There are also those who think that quickly marrying off their children, can also increase the family and increase the family, so the rizki also increases. (Sharifah Salmah:2016).
- f. **Religious Factors**
The religious factor is one of the causes of early marriage, because they only know the limit, without having to delve deeper into the religion. It is from these limitations that parents marry off their children who are still at an early age, because they are afraid that their children will fall into evil deeds without them thinking about the consequences after the marriage. Seeing the development of the times and the increasingly sophisticated technology so that even rural people are familiar with the television shows that are broadcast, which can damage the minds of young people. It is proven in the village community that many children fall into it. Starting to get in touch with illegal drugs such as drugs, liquor and the like, so that parents are worried about damaging the religion and morals of children, so they take shortcuts to immediately find a mate for their children and immediately marry them so that they do not fall into the trap and can think maturely and also responsibly in the household. (Sharifah Salmah:2016).

Marriage Age Limit in Muslim Country Legislation

The marriage age adopted by the Islamic world and Muslim-populated countries ranges from 15-21 years on average, in addition to Iraq and Somalia which do not discriminate the marriage age between men and women, which is 18 years, generally Islamic countries distinguish the marriage age between prospective grooms and prospective brides. For men, the average age of marriage is 16 to 21 years, while the average



marriage age for women ranges from 15-18 years. So, women's marriage age is generally younger between 1 to 6 years more than the average male marriage age. This difference in marriage age occurs because neither the Koran nor the Hadith explicitly stipulate the marriage age. However, the age restriction of marriage is a feature of the maturity of a marriage as implied in the Qur'an surah An-Nisā verse 5 which recognizes marriage as one of the characteristics for one's maturity. The verse is:

وَلَا تُؤْتُوا السُّفَهَاءَ أَمْوَالَكُمُ الَّتِي جَعَلَ اللَّهُ لَكُمْ قِيَمًا وَارْزُقُوهُمْ فِيهَا وَاكْسُوهُمْ
وَقُولُوا لَهُمْ قَوْلًا مَعْرُوفًا ﴿٥﴾

That is to say: And do not yield to those who are rudimentary of reason, treasures (those in your dominion) that God makes the subject of life. Give them shopping and clothing (from the proceeds of the treasure) and speak to them kind words.

The marriage age limit in Indonesia is different from other countries even though the age limit is still within the same standard limit as other countries. The difference is because the age limit for marriage in Indonesia, on the one hand, sets a normal standard limit, while on the other hand, there is an age limit exceeding the age limit that has been set by law. The standard age limit is 19 years for men and 16 years for women (Dedi Supriadi:2000).

The provisions for the marriage age limit according to Law Number 1 of 1974, are explained in Article 7 as follows: Article 7.

- 1) Marriage is only permitted if the male party has reached the age of 19 (nineteen) years and the female party has reached the age of 16 (sixteen) years.
- 2) In the event of a deviation from subsection (1) of this section may request a dispensation to the Court or another Officer, appointed by the parents of the male party as well as the female party.
- 3) The provisions concerning the circumstances of one or both of the parents in section 6 subsections (3) and (4) of this Act, shall also apply in the event of the request for such dispensation subsection (2) of this section without prejudice to those referred to in Article 6 subsection (6).

Considering Benefit and Benefit

Early marriage saw that it caused more mudharatan than kemaşlahahatan. It has been proven that marriage at a young age brings a lot of suffering and not a few that result in divorce. On the contrary, marriage in a fairly mature age has many benefits, Both for the families concerned, as well as for the community and the state to support the success of population and family planning programs in order to put the brakes on the rate of population growth which is still quite high. (Masfuk Zuhdi:2001).

Indeed, sometimes there are parents who marry off their children on the grounds of protecting their children from adultery. This is actually what researchers think is not the right thing. Because marriage is certainly not a playful thing. Marriage is the responsibility of both parties that must be taken care of as best as possible. By practicing early marriage, more mudharat than maşlahahat is acceptable for both parties. Early marriage, when viewed from the impact it causes, causes more chaos.

Getting married at an early age often leads to bad things. Thus finally prohibiting the practice of early marriage, including:

1. Impact on husband and wife

The occurrence of early marriage often goes unnoticed for the impact or consequences that occur. After an important marriage, the goal is achieved, namely living together with a partner who has been matched by parents, that many people carry out marriages without thinking about the life that will be lived after marriage. In fact, marriage means that they must be prepared to bear all the risks that will occur, from taking care of economic problems, problems for their children, and even taking care of each other between husband and wife

2. Bring certain consequences to the future child. For example, the risk of infant mortality is greater, babies are born premature, malnourished, and children are at risk of growth inhibition or stunting.
3. Domestic violence often occurs
Couples who marry early mentally may be immature, especially when faced with various domestic problems. Violence can occur due to psychological instability.
4. Risks to Baby's health



The adverse effects of early marriage for husband and wife are also felt by their children. Yes, because pregnancy at a young age also affects the growth and development of the fetus. The risk of miscarriage to premature birth can occur.

5. Risks of Divorce

The adverse effects of early marriage for the latter husband and wife are of course the high risk of divorce. The problem that was not resolved, not to mention that the two still both maintained their respective egos, making the marriage finally run aground.

METHODS

Research Approach

This research is carried out with a qualitative approach, namely research whose data is explained based on facts on an object under study. The correctness of qualitative research data is measured and based on rational truth. The type of research that the author uses is library research, namely by reviewing written sources from various references such as books, theses, articles, fatwas, as well as laws and other references related to this discussion.

Data Source

The source of data in the author's research is taken directly from primary sources and skunder sources which include fiqh books in Islamic law and Law No. 1 of 1974 concerning Marriage and other laws and regulations related to early marriage in Indonesia.

Data Collection Techniques

In qualitative research methods, the researcher is (key Instrument). This requires researchers to interact directly with the data source. Meanwhile, the essence of being a key instrument is applied in the use of qualitative data collection techniques consisting of:

1. Observation,

Namely efforts to collect data and systematic observations and records of the phenomena under investigation, namely by conducting observations in the field of study objects related to research objectives. The way to carry it out is that the researcher comes directly to the object of research to see, observe, the situation and conditions that exist in the community to get valid data then record it systematically.

2. Interview,

Interviews were conducted with various parties to obtain information related to early marriage such as religious leaders, principals and students.

3. Study of Documents,

The documents used in this study are in the form of books, the internet, instructions or rules, laporam, decisions, and records related to early marriage.

4. Research Instruments

According to Suharsimi Arikanto, research instruments are tools for researchers in collecting data. Data collection is in principle an activity that is operational in nature so that its actions are in accordance with the true meaning of research. The data obtained through the research will be processed into information that refers to the results of the research later. The benchmark for research success also depends on the instrument used. Therefore, for field research which includes observations and interviews with a list of questions that have been provided.

RESULTS AND DISCUSSION

Early marriage can occur due to several problems that exist in the community, while the factors in question can be grouped generally into two, namely:

- (1) the cause of the child,
- (2) cause outside the child.

The reasons for early marriage originating from a child itself can be grouped into two, namely (1) because they are not in school, and (2) because the child has sexual relations, even because they are pregnant. But it can also be called these two factors are interconnected. As for the explanation a little more detailed is as follows.

The cause of the child himself

1. The non-school factor.



This non-schooling factor can be a factor in the occurrence of early marriage in two forms. First, the child drops out of school, both at the compulsory school age and outside it. As a result, the child fills time by working, in this condition of already working, the child already feels quite independent, so feels able to support himself or feels tired of his work so he wants to have a partner to relieve his boredom. Secondly, in the emptiness of time without work makes them do negative things, one of which is to establish relationships with the opposite sex. This relationship does not rule out the possibility of getting pregnant out of wedlock. The factor of children not going to school makes children's minds not focus on education. Though education is very important in the present and in the future. With quality education, it will certainly produce potential young workers who are tough and ready to compete in the world community. Therefore, efforts to improve the quality of education are non-negotiable in order to improve the quality of the Indonesian nation's resources.

2. Conducting biological relationships

According to reports by several Religious Courts, there have been several cases that have filed for early marriage because children have had biological relationships like husband and wife. The current social conditions of teenagers are really very poor. There has been an increase in premarital sex activity, and sexual illness among adolescents. Getting pregnant out of wedlock is becoming a common phenomenon in society. People's permissive attitudes towards the sexual activities of teenagers add to this condition. The factor of not going to school or having sexual relations often occurs in the Hamparan Perak community area as the perception of Tarbiyah Islamiyah students the factor of early marriage is much influenced because unemployment is not working and not attending school will result in an understanding of their lives automatically pessimistic.

3. Get Pregnant Before Marriage

Getting pregnant before marriage is similar to the reason for having sexual relations like the husband and wife mentioned above. But not every sexual intercourse results in pregnancy. In the condition that the daughter has become pregnant, of course, parents are forced to marry off their children. Marriage due to pregnancy often occurs to save the good name of the parents and restore the dignity of the family, parents are free from the wrath of neighbors, can live a normal life without being burdened with shame, because gradually society will forget the events that happened to them.

Cause Outside the Child

1. Worried about Violating Religious Teachings

The point of worrying about violating religious teachings here is, the child establishes relationships with other types in various forms; go together, play together, study together, and even enter and text each other (send short messages/sms-sms-an). In these cases there are parents who are unwilling if their child is in a relationship with the opposite sex without marriage ties. In other words, being in a relationship without marriage includes adultery. In many cases the child himself is also of the same opinion. In order to prevent this transgression, early marriage arises so that they avoid committing adultery. According to researchers, the thinking of parents by marrying their children to avoid adultery seems rushed.

2. Economic Factors

Economic reasons as a factor in early marriage can be seen in the economy of parents who do not support schoolchildren. As a result, what was mentioned earlier; It may be working and feeling independent, then marriage, or being unemployed then being in a relationship with another type that results in pregnancy. Things like this should be avoided by filling your free time with useful things.

3. Indigenous and Cultural Factors

The meaning of customs and culture is, the customs and culture of arranged marriages that are still common and occur in several regions in Indonesia. Where the girl since childhood has been betrothed by her parents, and immediately married off shortly after the child menstruates. Generally, girls start menstruating at the age of 12. Thus it is certain that the child is married at the age of 12, well below the minimum age of marriage mandated by the Law, 16 years.

CONCLUSION

Conclusion

Based on the results of the study, it can be concluded that there is a joint relationship between the child, outside the child, knowledge, culture and income of parents with early marriage. The greatest influence is knowledge, which is further followed by parental income and culture. As a suggestion is to reduce early marriage then it must be improved knowledge, parental income and culture. Increasing knowledge is an activity that needs to be prioritized, this can be done through the Adolescent Reproductive Health program at



the Tarbiyatul Islamiyah Hamparan Perak school.

Suggestion

It is natural that there are concerns from certain parties that marriage at an early age will hinder studies or be prone to conflicts that lead to divorce, due to the mental inadequacy of both immature spouses, causing new problems in the household. The government as the holder of power should certainly make improvements to the applicable laws. The government should take a role by revising law No. 1 of 1974 on marriage. This law is outdated and would go against Indonesia's commitment to eliminate early marriage.

To the entire Hamparan Perak community, especially Tarbiyatul Islamiyah, it is necessary to change the mindset that they still maintain, there needs to be a change in paradigm in educating and marrying their children, even though parents have the right to force, but it would be nice if all things were done by way of deliberation so that the purpose of marriage *sakinah mawaddah warahmah* can be achieved properly.

People must understand the negative effects of early marriage. Society must understand that early marriage will destroy all the dreams of the perpetrators, especially those who are sacrificed are the women.

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