



Religious and Community Leaders' Perspectives on Minor Marriage Resulting From Unwed Pregnancy

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Abstract

Instances of unwed pregnancy leading to teenage marriage are common throughout different areas. Recently, adultery has become more common in Indonesian society, particularly in the community of Kota Bambu Utara subdistrict. Teenagers in North Bambu City Village nowadays are therefore frequently involved in the problem of promiscuity, which leads to adultery, and as a result, many of them become unwed mothers who later get married while still pregnant. The purpose of this study is to find out what the religious and community leaders in Kota Bambu Utara Village, Palmerah District, think about underage marriage as a result of unwed pregnancies. This kind of research is qualitative in character and falls under the case study category. The key sources of data for this study were informants who provided primary sources. The primary sources of information for this study were religious and community leaders in Kota Bambu Utara Subdistrict. Researchers used documentation, interviews, and observation to gather data for their study. The study's findings indicate that, despite the marriage law's regulation of the legal age restriction for those seeking marriage, underage weddings resulting from unwed pregnancies typically happen between the ages of 15 and 17. A minor who does not meet the conditions for marriage must request a dispensation from the West Jakarta Religious Court in order for their marriage to proceed. A number of circumstances, such as the individual's behavior, influences from parents and family, a lack of education and religious understanding, and social elements in the area, can lead to underage marriage owing to unwed pregnancy.

Keywords: Marriage, Underage marriage, Pregnancy, Pregnancy out of wedlock, Underage

Introduction

The goal of marriage, according to Law of the Republic of Indonesia Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, is to create a happy and fulfilling family (household) by binding a man and a woman as husband and wife forever, founded on the sole God (Article 1 of Law No. 1 of 1974 respecting marriage). In this scenario, maturity is very important in marriage since it is necessary to maintain harmony in the home in line with Islamic teachings and Marriage Law no. 16/2019 revisions to Law number. 1/1974 regulating marriage. The maturity of a child's mindset and adequate material preparation are two factors that are used in numerous literary works to determine the appropriate age for marriage.

With regard to early marriage, it is a union between a prospective husband and wife while they are still young, that is, before the man and woman turn 19 (Article 7 paragraph 1 of Law Number 16 of 2019 concerning amendments to Law Number 1 of 1974 concerning marriage). There are no set rules or requirements for marriage, although generally speaking, children are deemed mature enough to marry when they reach the age of 18 for women and 20 for men (Al-Ghifari, 2003). However, one of the requirements for carrying out a marriage is that the prospective bride and groom, both male and female, must acquire permission from their parents or guardians if they have not yet turned 21. This approval is stated in the form of a permission letter. Furthermore, the court must grant permission to any candidate who is younger than 16 (Muhdlor, 1995). According to Article 7 Paragraph 1 of the Marriage Law, a man and a woman can only get married if they are both at least 19 (nineteen) years old.

Few studies have examined the views of religious and community leaders regarding teenage marriage resulting from unwed pregnancy, despite the fact that there has been a great deal of research on their perceptions of underage marriage overall. Thus, the purpose of this study is to characterize how religious and community leaders see underage marriage as a result of unwed pregnancies.

Literature Review

A. Conceptual Description of Research Focus and Sub focus

1. Marriage

Section 1 of Law Number 16 of 2019 of the Republic of Indonesia about Amendments to Law Number 1 of 1974 concerning marriage defines marriage as: "a spiritual and physical bond between a man and a woman as husband and wife with the aim of forming a family (home). ladder) which is happy and eternal based on the Almighty Godhead." (Ramulyo, 1996) Therefore, every couple views marriage as a sacred, significant, and historic event in their lives.

Sajuti Talib believes that marriage is a holy and firm contract between a man and a woman to live together lawfully and create an everlasting, polite, loving, peaceful, and joyful family. In contrast, Imam Syafi'i asserts that marriage is a contract that makes a

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man and a woman's sexual interactions legal (Ramulyo, 1996).

Islamic law defines marriage as "a bond that permits social relations and limits rights, obligations, and mutual assistance between a man and a woman, neither of whom are muhrim," particularly as it is controlled in the field of jurisprudence. (Rashid, 1993). The Compilation of Islamic Law's Article 2 highlights that marriage is a powerful covenant to follow Allah's instructions, and that fulfilling it is worship (Ali, 2007). According to Ahmad Azhar Basyir, Islam views marriage as a means of satiating men's and women's natural desires. women, in line with the precepts of Allah and His Messenger, in order to achieve family bliss. (Basyir (2000).

2. Early Age or Underage Marriage

A marriage between a man and a woman who are not yet of the legal age prescribed by law is referred to as an early or underage marriage. In essence, the word "underage" originates from the fact that there is a minimum age requirement to be married (Ghazali, 2008). In the meantime, Muhammad Husein believed that a marriage that happens between a man and a woman who have not yet reached puberty is a marriage that happens at a young age (wet dream). The majority of fiqh scholars define marriage at a young age (young) as occurring before the age of 15, and beneath the age of 17 or 18 if the boundary of puberty is defined by a count of years. According to Abu Hanafiah.

With regard to early marriage, it is a union between a prospective husband and wife while they are still young, that is, before the man and woman turn 19 (Article 7 paragraph 1 of Law Number 16 of 2019 concerning amendments to Law Number 1 of 1974 concerning marriage). Economics, education, and promiscuity (adultery) are the main causes of early marriage.

3. Pregnant out of wedlock

Pregnancy is commonly defined as the state in which a woman has a developing fetus inside her body (usually in the womb). Human pregnancy lasts 40 weeks, or 9 months, from the beginning of the last menstrual cycle to birth. Sarwono (2005) On the other hand, pregnancy is the outcome of a sperm cell fertilizing an egg cell (Kushartanti, W., Suekampi, E.R., and Sriwahyuni, 20004).

Lutfiah says that lack of religious education and religion are the main causes of unwed pregnancies as well as premarital pregnancies.

B. Relevant Research

The study is titled "Perceptions of Religious and Community Figures Regarding Underage Marriage Due to Pregnancy Out of Wedlock". After investigating, researchers discovered a number of papers that were connected to this study.

"Marriage of Pregnant Women in Article 53 KHI (Overview of Maqashid Syari'ah)" is a 2014 study by Ishak Tri Nugroho. The purpose of this study was to ascertain the marital status of the participants and the legal foundation for the laws included in Article 53 of the

Compilation of Islamic Law. Only the Maqashid Syari'ah approach, which takes into account the five primary components of benefit that must be preserved—hifz ad-din, hifz an-nafs, hifz al-' aql, hifz an-nasl, and hifz al-mal—can provide an operational focus on aspects of benefit both in this world and the next.

In order to establish an integrative correlation between the text and the context and generate thorough and accurate thoughts and understanding of the permissibility of marriage while pregnant with its concerns, this Maqashid Syari'ah is utilized to study article 53 KHI. (Ishak Tri Nugroho, Faculty of Sharia and Law, Thesis: "Marriage of Pregnant Women in Article 53 KHI (Overview of Maqashid Syari'ah)"

"Marital Status of Pregnant Women Due to Zina and Their Children According to the Maliki and KHI Schools" is a 2012 study by Muh Syaiful Mubarak. The purpose of this study was to find out what the Maliki Madzhab thought about the status of their children and the marriage of pregnant women who had committed adultery. According to Imam Malik, weddings involving women who become pregnant after having an extramarital affair can be classified as either non-biological marriages or biological marriages between the woman and the guy who caused her pregnancy. KHI, on the other hand, is more generic and does not distinguish between the potential husbands of a woman.

In addition, Imam Malik states that the Al-Qur'an's Surah an-Nur verse 3 determines the fate of the conceived kid and can be applied to both biological and non-biological fathers if the gestational age of the child is at least six months Qamariyah from the age of marriage. The child's lineage will only follow the mother and her mother's family if it is less than the minimum limit. KHI did not state what his child's ancestry is. who, but Article 100 of the KHI stipulates that a child will only have ties to their mother and her family if they are not born into a lawful marriage. (Muh Syaiful Mubarak, Faculty of Sharia and Law, Thesis: "Marital Status of Pregnant Women Due to Zina and Their Children According to the Maliki and KHI Schools")

The third study was "The Phenomenon of Premarital Pregnancy Among Teenagers Reviewed from an Islamic Education Perspective (Case Study of School Dropout Teenagers in Jambu District, Semarang Regency)" conducted in 2017 by Afifah Anis Lailia. The purpose of this study is to ascertain teenage pregnancies outside of marriage from the standpoint of Islamic education. According to the study's findings, premarital pregnancies happen to teens between the ages of 13 and 18, so if they get married, they'll need to request permission from the Ambarawa Religious Court, because the bride and groom are too young or too old to meet the standards for marriage. Three causes, related to a lack of Islamic teaching, lead to premarital pregnancy among teens in the Jambu District, namely: 1) Behavioral factors: excessively carefree dating conduct and inquisitiveness about intimate relationships. 2) Factors related to the family: divorce, neglect by parents, a broken home, parents who are lax and disconnected from Islamic teaching. 3) Environmental factors: possibilities that encourage sexual connections, a promiscuous atmosphere.

The lack of Islamic education reveals the living conditions of teenagers who become unwed mothers: 1) There are more accountable individuals. 2) Parents continue to meet their

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financial necessities. 3) While some of their husbands have not worked, the majority have. 4) A deficiency in comprehension of the principles of Islamic education, leading to some happily ever after marriages and others ending in divorce. Due to their ignorance of Islamic educational principles, teenagers who become unmarried and become pregnant do not comprehend why they should have sex before being married. First, parents who disagree. 2) alcohol that was forced. 3) affection for your spouse. 4) Consensual and willing to engage in sexual activity. Five) since a chance exists. (Thesis of Afifah Anis Lailia, Faculty of Tarbiah and Teacher Training, 2017; "The Phenomenon of Premarital Pregnancy Among Teenagers Reviewed from an Islamic Education Perspective (Case Study of Teenagers Dropping Out of School in Jambu District, Semarang Regency)"

The study "Early Age Marriage (Case Study of Gajah Putih District, Bener Meriah Regency)" by Ilham Adriyusa from 2020 is the fourth. This study aims to investigate the following topics: the effects of early marriage, the causes that lead to early marriage, the perceptions of early marriage in society. This study employed a qualitative method to investigate the issue more thoroughly and in-depth, which is helpful in supplying information and facts on early marriage and its drawbacks. Next, a methodical analysis of the data is conducted to get comprehensive insights into the issues surrounding early marriage. The study's findings indicate that there are now distinct reasons causing early marriage than there were in the past. Teenage promiscuity, which leads to adultery, together with social, educational, and economic circumstances, are the primary causes of early marriage. Early marriage affects social psychology, health, education, and the economy. People's perceptions of this marriage are mixed, with both favorable and negative views based on the reasons and effects of early marriage. (Ilham Adriyusa, Faculty of Adab and Humanities, Thesis: "Early Age Marriage (Case Study of Gajah Putih District, Bener Meriah Regency)", 2020)

Research Method

This study employs a descriptive qualitative research methodology based on the subject under investigation. This study will employ a particular kind of qualitative research methodology. The purpose of this study is to make public any facts, events, occurrences, or situations that came to light during the investigation. This study describes and examines information about the state of affairs, societal attitudes, and viewpoints.

Empirical/empirical legal research was the first kind of research that the researchers in this study saw. According to the definition, the phrase "empirical legal research" is etymologically derived from the English "empirical legal research," which is known as empirical juridisch onderzoek in Dutch and empiricche juristische recherche in German.

This method centers research on how people behave legally, either as individuals or as a society. The goal of empirical legal research is to examine social phenomena that have legal implications in society. Empirical legal research looks at how society functions and how the law is applied in real-world situations.

Result/Findings

1. Perceptions of Religious Figures and the Community of Kota Bambu Utara Village Regarding Underage Marriage Due to Pregnancy Out of Wedlock

According to the findings of interviews conducted to learn what community and religious leaders thought about underage marriage resulting from unwed pregnancies, "the case of underage marriage resulting from unwed pregnancies is actually no longer a strange phenomenon, but rather it has become a classic problem." due to the fact that this lawsuit has been ongoing for a considerable amount of time." Speaking of the instance of underage marriage brought about by an unmarried pregnancy, the issue is actually not underage marriage per such, but rather the fallout from an unmarried pregnancy. Those who marry before they are of legal age and those who marry because they are pregnant must be kept apart. In relation to marriage, we have the Marriage Law, The provisions of the compilation of Islamic law are subject to change. According to certain schools of thinking, it is indeed acceptable to get married as early as age 12. Similarly, as issues in villages are simpler than in places like Jakarta, minors between the ages of 12 and 14 may be deemed enough in underage weddings that take place in Indonesia, particularly in rural areas.

"However, the crux of the matter pertains to unmarried pregnancy and the way Islam perceives underage marriage that arises from it. They have committed adultery, therefore of course this is an immoral conduct, and it needs to be expected in order to make it obvious that the parents are in charge of the child that comes from that connection." According to the findings of the interviews, the chairman of the Palmerah District KUA expressed concern about the rising number of underage weddings resulting from unwed pregnancies: "It is concerning to observe additional instances of unwed pregnancies leading to underage marriages, If there is adequate supervision from the family, parents, and society, such situations shouldn't occur. I am concerned because, given the current state of affairs, it is quite simple for someone to obtain media information through a gadget. Parents should exercise caution when granting their children access to a cellphone to prevent misuse.

According to conversations with the Head of Kota Bambu Utara Subdistrict, community leaders hold the following views: "It is regrettable to witness instances of underage marriages resulting from unwed pregnancies." The current state of affairs in families and schools indicates the emergence of incidents similar to this one. 81 Socially speaking, there are still a lot of teenagers in the North Bamboo City area who go out late and hang out with each other to avoid having their parents watch over them. As a result, the children's behavior conforms to the norms of the area, which ultimately leads to promiscuity if it continues in that manner."

2. Factors in the Occurrence of Underage Marriage Due to Pregnancy Out of Wedlock in Kota Bambu Utara Village, Palmerah District

Regarding the causes of underage marriage resulting from unwed pregnancies, the answers are unquestionably promiscuity, ignorance of religion, carelessness, and neglect on the part of parents who give their kids cellphones without monitoring them, allowing the kids to abuse them by accessing adult websites. Therefore, parents, the community, and religious leaders all play a part in preventing teenage promiscuity and working to lower

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the number of young marriages resulting from unwed pregnancies. As part of our expectation to prevent unwanted things like men and women getting together at night, we from Kota Bambu Utara Subdistrict and the policy makers in particular usually advise against gathering till the evening, day, intoxication, and fights amongst neighbors.

The part played by religious leaders in lowering the number of underage marriages brought about by unwed pregnancies; specifically, through da'wah, deepening religious understanding, and shielding them with their religious wisdom. Thus, with any luck, their trust will grow. Additionally, religious leaders might engage in outreach by launching sermons and television programs. In order to prevent unwanted things from happening, it is the responsibility of local policy makers and community leaders to sweep up any gatherings that occur at night and then disband them. This underage marriage resulting from an unwed pregnancy is a shame for her family. If something like this occurred in the neighborhood, people would talk about it. Therefore, the best approach to stop this is to involve everyone in society to increase the productivity of the youths in their immediate vicinity, namely by starting youth forums and Islamic studies. Free association would disappear if youngsters were raised with this kind of understanding as they would already be familiar with it.

Discussion

The study "Perceptions of Religious and Community Leaders Regarding Underage Marriage Due to Out-of-Wedding Pregnancy (Case Study in Kota Bambu Utara Village, Palmerah District)" was conducted by researchers. based on information that researchers collected through documentation, interviews, and observation. According to the opinions of a number of religious and community leaders in Kota Bambu Utara Village, Palmerah District, teenage weddings resulting from unwed pregnancies have allegedly been occurring there for a considerable amount of time.. The findings from the interviews with religious leaders indicate that behavioral, family, and environmental variables are the main causes of this. A number of behavioral factors, including easy access to information, promiscuous behavior, curiosity about sexual relationships, worry about the state of teen cellphone use without parental supervision, and more, can contribute to the prevalence of underage marriages resulting from unwed pregnancies. Of course, the attitudes and behaviors of the contemporary teen generation might be influenced by globalization on social media. In addition to unwed pregnancies, dysfunctional father-mother relationships, a lack of parental care and supervision toward their children, a lack of education, and a lack of religious understanding can all contribute to the prevalence of underage marriage.

The researcher is of the opinion that, if we separate between underage marriage and the consequences of pregnancy out of wedlock, both religious figures and community leaders in Kota Bamboo Village will have different perspectives regarding minors as a result of an unmarried pregnancy that occurred in Kota Bambu Utara Village, Palmerah District. The standards for people who want to get married are puberty and menstruation for women. "The north does not view underage marriage as a violation of religious norms, this is because the

opinions of religious leaders and community leaders in the North Bamboo City sub-district are based on the opinions of ulama, especially religious sects, on the issue of underage marriage," the statement reads.

Conclusion

Researchers might draw numerous conclusions from their investigations into the topic of this study, Perceptions of Religious and Community Figures Regarding Underage Marriage Due to Out-of-Wedding Pregnancy:

1. In Kota Bambu Utara Subdistrict, Palmerah District, religious and community leaders believe that underage marriage is permissible under certain circumstances.
2. Pregnancy out of wedlock is the issue and the woman must marry the man who impregnated her if underage marriage is the outcome.
3. Parents feel compelled to marry off their child at some point since underage marriage resulting from an unwed pregnancy is a shame for the family.

Declaration of conflicting interest

In the Palmerah District of West Jakarta's Kota Bambu Utara Village, study was conducted. The majority of persons who become pregnant out of wedlock still marry minors. Of course, there are a number of contributing variables, such as parental neglect that leads to their children becoming promiscuous.

This type of conduct is common in both adults and teenagers. Promiscuity can take many different forms, including drug and alcohol misuse, excessive drinking, and even free sex. Such activity has the potential to harm one's health, force one to drop out of school, or even result in an unwed pregnancy.

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