

Factors Causing the Occurrence of Marriage of the Under Age Children in the City of Manado the Province of North Sulawesi

Rosdalina¹ Wulanmas A.P.G. Frederik² J. Ronald Mawuntu² Abdurrahman Konoras²

1.Ph.D. Student, Science Law Programme, Faculty of Law Science. Sam Ratulangi University, Manado, North Sulawesi, Indonesia

2.Faculty of Law, Sam Ratulangi University, Manado 95115, Indonesia

Abstract

Marriage is one of the commands that are highly recommended to all mankind. Human as a legal subject has the right to exercise legal powers granted by the Act. Each individual legal authority to perform marriages has been clearly regulated in Law Number 1 of 1974 on Marriage. This paper describes the factors that cause the occurrence of early marriages in the city of Manado North Sulawesi Province. The number of respondents in this paper is of 100 people by employing qualitative descriptive analysis. The results showed that the main factors that led to the early marriage in the city of Manado are pregnancies due to promiscuity. Other factors are the lack of knowledge of parents and children on the rules of marriage, economic factors and their marriage dispensation from the court.

Keywords: Marriage, the underage children.

1 Introduction

Marriage is a vessel to form a family in accordance with the purpose of marriage stated on the Marriage Act No. 1 of 1974 which is to build a happy and everlasting family based on a belief in one God. The purpose of marriage is to establish a family; having descendants for a family consists of a husband, a wife and children; the marriage is forever, as we may see the emphasized on the word "eternal"; and the marriage is to achieve happiness.

One of the most important things regulated in the Marriage Act is the qualification to perform marriages. Marriages performed not in accordance with the terms of marriage (minimum age for marriage) is then classified as an early marriage.

There are multiple factors that encourage them to perform under age marriage. Perpetrators of early marriage have their own reasons of committing to early marriage. There are diverse factors driving the occurrence of early marriage which range from economic factors in which they want to help their family to meet the necessities; to social factor in which they aim to seal the disgrace of being pregnant due to promiscuity which is against the accepted norms of the communities. Early marriage mostly occurs during puberty, this is because adolescents are particularly vulnerable to sexual behavior. Early marriage is also happen as teenagers think emotionally to do a wedding, thinking they had loved each other and are ready to get married. Another factor is the arranged-marriage by parents which most of the time is due to schools' drop out and economic problems (Umi Nurhasanah, Susetyo)

Marriages are generally performed by adults with no regard to the profession, religion, ethnicities, economic status (poor or rich), and place of origin (living in the village or in the city). Not a few people who already have physical or mental abilities will be looking for a partner in accordance with what they wanted. Marriage in human life is not a temporary but for a lifetime commitment. Unfortunately, not everyone can understand the eternal nature and purpose of marriage that is to obtain the true happiness (Rina Yulianti, 2010).

In cases where the age of marriage is too young may result in the increasing cases of divorce due to lack of awareness of household life responsibilities as husband and wife. Successful marriage is often marked by a readiness to take responsibility. Once deciding to get married, they are ready to bear all expenses incurred as a result of marriage, both concerning the provision of livelihood, education of children, and those related to the protection, education, and good relationships (Rina Yulianti, 2010).

Definition of marriage contained in the Act No. 1 of 1974 is in line with the philosophical meaning of the first principle of Pancasila on Almighty God. The first precept underlies and animates the principles of just and civilized humanity, the unity of Indonesia, democracy led by the inner wisdom of deliberations representation and social justice for all Indonesian people. It is based on the nature of the principal that supporters of the State are human beings. Because the state is an institution of living together, humanitarian agencies and human beings are creatures of the Almighty God, so that the existence of all mankind is as a result of the existence of the Almighty God which is taken as a primary cause (Kaelan, 2004).

The implementation of early marriage is religiously legal if all marriage requirements have been accomplished by also considering the minimum age prerequisite for both men and women. Maturity of thought and action is obviously needed by the men and women prior to pledging the sacred promise to form a new family. One of the negative impacts of under-age marriage is that both husband and wife are less knowledgeable about

their rights and obligations within a marriage life which leads to a squabble that ends in divorce.

The purpose of marriage mandated by the Act No. 1 of 1974 is ideal and is expected to become visible in a household. Husband and wife who have held marriage have an outward and inward bond that perceived happiness; not a temporary but eternal (everlasting) happiness.

One of the roles of the Muslim family is to provide financial and emotional support for the members of the family (aged, sick, singlet adults, especially women, Children, disabled); in this family security, individuals are able to proceed through life. One of the roles of the family is to instill in members loyalty to the group and the society. It is within the family system that Muslims develop religious training, develop moral character, establish close social relationships, and sustain loyalty to both family and society (Jill Duba Onedera, 1975). Within Islam, the family is viewed as the foundation of society. There are three prescribed rules namely roles, expectations, and duties which inherit the family members (Mawdudi, 1980).

2 Problem Formulation

This paper will discuss the factors that cause the early marriage in the city of Manado North Sulawesi Province, Indonesia. This study is in the nature of empirical and juridical or study of sociological law which is conducted in the city of Manado. The data is found from 100 respondents. The data analysis is done descriptively and qualitatively.

2.1 Factors contributing to the occurrence of children early marriages in the city of Manado, North Sulawesi

The main cause of the early marriage is a desire to immediately obtain additional family members without any sufficient knowledge about the harmful effects of marriage for the young bride and groom as well as for their descendants. Another major factor is that they take the customary law for granted.¹

According to Hollean and Suryono, marriage at a young age occurs due to economic problems in the family, especially the family of the girl. Her parents asked the family of the man to marry their daughter, so that the girl's family would be able to reduce responsibilities namely food, clothing, education and so forth.

Other factors are economic, education, parents, the media and the internet, biological, pregnancy beyond marriage, and customary factors.

a. Economic Factor

This happens because the girl came from poor families. Her parents also marry the girl to the men of the well established family. It will certainly be good for the girl and her parents. The girl would, later, be able to have a decent life and, at the same time, would be able to reduce her parents' burden. Early marriage occurs because the state of families that lives in poverty. To relieve the burden of the parents, they mated their daughter with a man who is considered as economically capable.

b. Education Factor

The early marriage takes place also because of low level of education of parents, children and the community.

c. Parents Factor

Parents worry about their children causing dishonor to their families or they are anxious that their children might committed adultery when dating so they immediately marry their daughter with her boyfriend. The intention is good, to protect the child from sin.

d. Mass Media and Internet factor

Knowingly or not, children nowadays are very easy to access everything related to sex and such. This makes them "used to" things related to sex and do not consider it a taboo anymore. Sex education is very important from an early age, but that does not mean the children learn on their own without the presence of adults.

e. Biological Factors

This factor appears either because the mass media or the Internet that has made it very easy for the children to access information that is considered as inappropriate at their age. As a result, they committed sexual promiscuity which could lead to pregnancy. Inevitably, parents have to marry off their pregnant daughters.

f. Unwed Pregnancy

Pregnancy beyond marriage happens not only because of the "accident" but can also because of rape. Parents facing such situations must prefer to married off their daughter, even with people who does not loved by the girl. It is increasingly a dilemma because it is not in accordance with the Marriage Law. Households by love alone could falter, let alone because of compulsion.

g. Traditional Custom Factor

¹ <http://genbagus.blogspot.com/2014/05/faktor-penyebab-pernikahan-dini.html>. Diakses Senin 24 Agustus 2015

This factor has begun rare, but still exists. Early marriage occurs because parents are afraid their children said to be an old maid so they are soon mated.

Other factors that influence the occurrence of early marriage, namely: a desire to quickly obtain additional family members, lack of understanding of the harmful effects of marriage in a very young age for both the bride and groom and for their descendants, the archaic nature of the Javanese who do not want to deviate from customary provisions. Most villagers say that they marry their children in a very young age just because they want act upon customs and traditions.

The occurrence of early marriage, according to Hollean and Suryono, is caused by economic problems within the family. The parents of the girls asked the community to male relatives if they would marry their daughter. With this marriage, the family of the girl will reduce one member of the family which means reducing responsibility (food, clothing, education and so on).

The results of this study shows that of the 100 respondents in this study; 23% of respondents stated that they are strongly agree that the factors that led to the early marriage is due to the economic state of the parents who are less able to meet the needs of their children. Regarding this opinion, 27% of respondents agreed, 5% of respondents undecided, 40% of respondents disagreed and only 5% of respondents strongly disagree. The data shows that 50% of respondents agree that the early marriage occurs due to economic status of parents who are less able to meet the needs of their children. 5% of respondents undecided, 40% of respondents disagreed and 5% of respondents stated that they are strongly disagreed with the statement above. This shows that there are varieties of responds about the statement.

The processed questionnaires indicate that there are 87% of the respondents who are strongly agreed that the cause of the early marriage is that the parents do not want their children to be exposed or even committed to sexual promiscuity. 10% of respondents agreed. 3% of respondents expressed hesitation, and no respondents who stated strongly disagreed with the statement on the table 3. This means that the data above shows that basically the respondents strongly agreed that one of the factors causing the early marriage is the will of the parents themselves where they do not want their children to be exposed or committed to sexual promiscuity. The way the nowadays generation interact with their opponent sex is very vulnerable and threatening the younger generation to fall in disobedience. Parents and family play significant roles to do early prevention to kids when they start to hang out with their opposite sex.

The Head of Religious Affairs (KUA) District of Singkil states that it is true that the parents do not want their children to be exposed or committed free sex. Parents worried about facing the fact that their children are being pregnant prior to getting married. To prevent this situation, the parents take the initiative to go to KUA to marry off their children on the condition of courtship. (Suryanto Muarif, 2015)

Here the author illustrates that the early marriage occur because children themselves do not want to fall into free promiscuity.

These data indicate that there are varieties of answers regarding the above statement. 28% of respondents stated that they are strongly agree, 50% of respondents agreed, 15% of respondents undecided, 7% of respondents disagreed and no respondents stated to be strongly disagree. Data shows that basically the respondents agree to the statement that the early marriage occur because of the willingness of the children themselves to avoid themselves being trapped into sexual promiscuity.

Kids as young people need to be aware of their position in the family and society. The younger generation has the potential positions and roles. The participation of youth in nation-building and state required for the realization of a prosperous life. Therefore, children as the future generation of the nation need to be educated to always maintain the dignity and status. Free sex has caused the children to become pregnant. Low education has created a narrow-minded and poor generation. A culture that has deeply been rooted in our nation is that by marrying off our daughter we assume that the burden of the parents will become lighter. The very strong religious interpretation (fiqh centric) has also led the society to marry their daughter off in a relatively very young age because there is no provision regarding marriage age in both the Quran and the Sunnah. Other factors are; the couple themselves who already in love with each other and cannot be separated; the fear of violating religious norms; and the persistence of the stereotypes among the society about the term spinster. This last situation, which mostly takes place in rural areas, has driven parents to feel insecure that their daughters might become spinsters and no one wants to marry them. Therefore, parents marry off their children immediately, especially if there is someone likes them.

The results showed that 100% of respondents are agreed and strongly agree that the early marriage of minors is caused by promiscuity. The data shows that basically the occurrence early marriage is influenced by promiscuity. The freedom given to children outside the home is beyond parents' control. Many things have contributed to this freedom among which is nowadays technological sophistication. They can communicate and connect through social media, namely Facebook, Blackberry Messenger (BBM), line, Whatsapp, and others. Technology is created to be used in a positive way; it is not technology that utilizes the human drags them to a negative form.

The freedom that occurs among children nowadays might have been caused by the loss of control of their parents. Parents, who actually have an obligation to nurture, educate and provide education and knowledge for their children are sometimes neglected because of the hectic schedule of parents outside the house. Children exposed to sexual promiscuity are not only because of the children themselves but also because of the parents as well.

Besides the above factors there is also the view of the public that the cause of the early marriage is the existence of the traditional view of the people that if their children do not immediately married they will become spinsters. As the poll result shows that 86% of respondents are agreed and strongly agree that the factors of parents' knowledge about marriage rules under the Act have led to the practice of early marriage. 3% of respondents undecided and 7% of respondents disagreed and 4% of the respondents are strongly disagreed on the statement.

Parents are obliged and responsible for nurturing, nurture, educate and protect the children. Foster children in accordance with abilities, talents, and interests; preventing early marriage; and provide character education as well as cultivate character values onto the children.¹ In general, respondents agreed that the factors of parental knowledge greatly affect the early marriage. Knowledge of parents about early marriage is very important considering that the most influential education in bringing up the children as young generation is family.

Socialization on early marriage rules as listed in the Marriage Act needs to be conducted by the government through Civil and Registry Office, Religious Affairs Office, as well as through the courts and counselors in government agencies. This socialization is important because all the five under-researched Religious Affairs offices (KUA) state that the public do not know about the law that prohibits early marriage. Thus, they simply hold into religious rules regarding terms and conditions of marriage. Whereas, the religious and state law must not be overlapping; yet they must be aligned.

Parents need to know the rules of law in society. Society as an element of state formation should have knowledge in various aspects as a form of participation towards the nation building. Participation is important as the social control toward the government, thus the law can be applied effectively.

Counselors at government agencies should conduct legal education to the community about this marriage ban. It is important for the community to know the rules so that any kinds of marriage that is against or is prohibited by state law will no longer happen in the future.

Child is the responsibility of all parties. Article 1 (2) Child Protection Act states that a child protection are all activities to ensure and protect children and their rights in order to live, grow, develop and participate optimally in accordance with human dignity, as well as protection from violence and discrimination.² Every child has the right to education and teaching in order to develop his personality and his intelligence level in accordance with his interests and talents.³

The rules on the protection of children and the rights of children to education are explicitly depicted in Child Protection Act. Education should be taught to children. One of which is education and knowledge of the rules of the prohibition early marriage.

The compilation of Islamic Law strongly states that spouses assume the obligation to care for and nurture their children well for the growth of the physical, spiritual and religious education and intellect.⁴

83% of respondents agreed if the child's knowledge regarding the prohibition early marriage listed in the Act leads to the marriage. 10% of respondents are undecided, 3% of respondents disagreed and 4% of the respondents strongly agreed with the statement above. Violation to this rules have led to negative actions; one of which is unwed pregnancy.

Unwed pregnancy as a result of sexual promiscuity is a major factor in early marriage in the city of Manado. 100% of respondents agreed that the cause of the early marriage is unwed pregnancy. Unwed pregnancy is seen as the major cause of disharmony on family life. This pregnancy was caused by free promiscuity of young people who do not know the limits of the rules laid down by religious teachings. Hanging out with the opposite sex should get maximum control of parents and even family or community.

The study of BKKBN about early marriages in some provinces in Indonesia: the impact of overpopulation, the root of the problem and the role of institutions in the area that early marriage is frequently happened reflect that the arranged marriage or unwed pregnancy and those who married before the age of 18 generally occurs among Indonesian women living rural regions.⁵

The data was obtained from a Judge in Manado District Court, five judges of Manado Religious Court

¹ Article 26 verse (1) Constitution No 35 Year 2014 about Child Protection

² Article 1 verse (2) Constitution No 35 Year 2014 about Child Protection

³ Article 9 verse (1) Constitution No 35 Year 2014 about Child Protection

⁴ Article 77 verse (3) Compilation of Islamic Law (KHI)

⁵ The study of BKKBN year 2012 about Early Marriage research at some Provinces in Indonesia: Impact of Overpopulation, the root of the problem and the role of institutions.

(PA), section head of marriage and divorce at Manado Civil and Registry office, the head of KUA districts of Singkil, head of KUA districts of Tikala, head of KUA districts of Wenang, head of KUA districts of Tuminting and head of KUA districts of Paal Dua. All of them declare that the major factor in the early marriage is unwed pregnancy.

Parents forced to marry off their children even though they are still relatively very young. This is because the parents bear the brunt of family shame and disgrace in the community. The parents simply fill out the form N5 as a form of approval / permit to marry off their children.

The data above suggests that the behavior of adolescents bring negative effects not only to themselves but also to the family. Therefore, free sex behavior among teenagers should be anticipated early by parents.

Ketty Mangkey found that early marriage can be prevented through pro-active roles of parents in monitoring their children, family education, religious education, sex education at an early stage, parents' control, having discussions with the children as a friend.¹

In accordance to those opinions, KUA districts of Singkil also provides a solution that parental supervision is needed in keeping the children during their growth especially in the age of 13-16 years of old (adolescence), understanding on religious teachings needs to be imparted to the children, and keeping the children away from the negative influence of the surrounding environment. The KUA staffs at districts of Tuminting also found ways to cope with early marriage caused by unwed pregnancy namely; family education, school education, the importance of introducing sex education to children, understanding of religious teachings and actively involve the children in extra-curricular activities.²

A case happens in KUA districts of Tikala when the author conducted the research. On that day there was a wedding pledge that took place at the KUA BP4 room. It turned out that the marriage took place because the woman is already pregnant though her age is still under 16 years. According to KUA districts of Tikala they should be married off as soon as possible because both families had agreed to do so and they feel ashamed of disgrace within the society.

Society is one element of the establishment of a state. People in the sense of the existence of the state is a set of people who are united by a sense of togetherness, social solidarity and together occupy a certain area, or communities that inhabit a particular region or community that inhabits certain law and political territorial (Machfud Bahtiyar, 2014).

Behaviors of a society in a particular area can affect human behavior in interacting with each other. Such behavior could have an effect on the lives of teenagers in the community. Table 10 below will illustrate the influence of behavior and customs of the society toward the occurrence of early marriage. The results showed that 15% of respondents are strongly agreed that the customs and behaviors of the society have caused the occurrence of early marriage among teenagers. 20% of them agreed, 40% undecided, 15% disagreed and 10% said that they do not agree on the statement.

The data above shows that the custom and behaviors of the society is not the cause of the early marriage. There are 65% of respondents undecided, disagree and strongly disagree to the opinion that custom and behaviors of the society have caused early marriage among teenagers.

The above data shows that 75% of respondents gave varieties of answers range from agreement and strong agreement that the dispensation requested by parents to the court has led to early marriage. 8% of respondents expressed hesitation 7% of respondents disagreed and 10% of respondents stated they strongly disagree on the statement above.

Article 7 (2) of the Marriage Law so far has been largely implemented in the community. However, in any case where the requirement as stated in the article can't be met, then the parents of the prospective husband or wife will have to submit a request to the Religious Court stating that both parties cannot be separated again (due to pregnancy).³

At the Department of Population and Civil Registration in Manado there was a request of marriage dispensation submitted by the State Court of district of Manado. Based on the data released by the Department of Population and Civil Registration the city of Manado the number of early marriage in 2014 were three marked by the three requests for dispensation of marriages. This number increases in the period of January to June 2015 where there were 6 pleas of dispensation of marriage.⁴

In 2012 there were 11 requests of dispensation of marriage submitted to the State Court in Manado. In 2013 there were six requests, in 2014 there were nine requests and in the period of January to June 2015 there

¹ Interview with the Head of department of marriage the Office of Population and Civil Registration the city of Manado 10 July 2015

² Interview with Jabbar Hunta the office of Religious Affairs the district of Tuminting 20 August 2015

³ Interview with Misman, a Judge at Religious Court the city of Manado 30 July 2015

⁴ Interview with Ketty Mangkey, Head of Marriage at the office of Population and Civil Registration city of Manado 10 July 2015

were 13 requests.¹ There is no early marriage in the office of population and civil registration of Manado without prior dispensation of marriage requested to the state Court. Even though the bride was pregnant, the office still requires a dispensation of marriage from the court.

The number of request of marriage dispensation at the Religious Court of Manado is; in 2102 there was one request, in 2013 there were two requests, and in 2014 there were 4 requests.²

The above data shows a comparison of the marriage dispensation request in the State Court and in the Religious Court. From the data we can see a significant difference where there is only a small number of marriage dispensation requested to the Religious Court, which deals with Muslim population. All marriage dispensation submitted to the religious court were from the KUA of the District of Singkil. Five KUA that were visited by the author have conducted marriages for the underage teenagers as is shown in the following table:

The number of marriages in 2014

No	Name of the Religious Affairs Office (KUA)	NUMBER		
		Marriage	Early Marriage	Marriage Dispensation Permit
1.	KUA Kec. Tuminting	352	16	-
2.	KUA Kec. Singkil	197	7	6
3.	KUA Kec. Wenang	74	1	-
4.	KUA Kec. Wanea	106	-	-

Source: Processed Data

The number of marriages in 2015

No	Name of the Religious Affairs Office (KUA)	NUMBER		
		Marriage	Early Marriage	Marriage Dispensation Permit
1.	KUA Kec. Tuminting	124	7	-
2.	KUA Kec. Singkil	149	10	1
3.	KUA Kec. Wenang	39	1	-
4.	KUA Kec. Wanea	31	-	-

Source: Processed Data

The data above shows that out of four KUA namely Tuminting, Singkil, Wenang and Wanea only one KUA which is the KUA of the District of Wanea that does not conduct early marriage. KUA of the district of Tuminting, Singkil and Wenang have held early marriages.

Of the three KUA conducting early marriage, only the KUA of the district of Singkil that issued the denial of marriage and asked the parents of the bride to apply for dispensation of marriage to the Religious Courts of Manado. Thus, it can be concluded from these data that early marriage is happening in the community yet only a small number of them actually apply for a dispensation of marriage to the Religious Courts of Manado.

The above data shows that 20% of respondents strongly agreed that early marriage happens due to the court decision regarding the request for dispensation of marriage. 45% of respondents agreed, 10% of respondents are undecided, 13% of respondents disagreed and 12% of respondents stated they strongly disagreed with the statement in table 18.

These data correspond to the data I get from the Department of Population and Civil Registration the city of Manado in which the office is not going to conduct an early marriage for underage couple even with the fact that the bride is pregnant without evidence of marriage dispensation approval from the court.

The above data shows that 80% of respondents' answers varies from strongly agree to agree that the cause of the early marriage is the legal basis in the Marriage Law that allow early marriage with prior request of marriage dispensation. 4% of respondents are undecided, 11% of respondents disagreed, and 5% of respondents stated they strongly disagree on the above statement.

Article 7 (2) of the Marriage Law give space for those who want to perform early marriage. In fact, only a small number of KUA who have conducted early marriages have actually requested for marriage dispensation to the court because they think that the administrative proceedings in the court is very slow and pedantic while their child is already pregnant.

The Head KUA of the districts often direct the people to apply for marriage dispensation to the religious Court of Manado if they want to conduct a marriage for their underage children. But the people refused to submit the request in a view that the principle of simple, fast and low cost court is not carried out effectively and efficiently.

In 2015 the author conducted research on the application of the principle of simple, quick and inexpensive court in settling disputes in the Religious Court in Manado. The data obtained from the Religious Court of Manado that the implementation of those principles depends on the cooperation of the involving parties

¹ State Court of Manado

² Religious Court of Manado

(the plaintiff, the defendant, and the applicant or respondent). The court fees are decided based on the distance of the Religious Court to the domicile of the involving parties. The rapid process of the settlement of the case depends on the cooperation of the parties to summon the trial come on time so that the hearing is not postponed.

Description of the Religious Court of Manado is different from the information the authors obtained when interviewing the head of KUA in some districts. They said that in emergency situation (due to pregnancy), request upon the marriage dispensation to the Religious Court is no longer necessary because of the very critical time. The Head KUA of the district of Singkil states that if the Religious Court of Manado provides assurance that they will be able to issue an approval of the marriage dispensation request as soon as possible (maximum two weeks) then KUA Singkil will not conducted any wedding pledge to underage couple without an approval from the Court even in emergency situation (pregnancy). However, the warranty is not able to be accomplished by the Religious Court of Manado, the courts insists on retaining the principle of justice as is stated in the Judicial Power. The following data illustrates the public response on the application for a dispensation marriage to the court should be easier.

2.2 Efforts on Preventing Children's Early Marriages

Early marriage is a social phenomenon that often occurs especially in Indonesia. The phenomenon of early marriage can be associated with an iceberg, only a small piece is exposed on the surface, yet it is widely spread at the base or in the society. The main pretext employed to succeed early marriages is to follow the Sunnah of the Prophet Muhammad. However, excuses such as this could be problematic because there is still much disagreement among Muslims about the validity of information on early marriages of the Prophet SAW with 'Aisha r.a. In addition, the legislation in Indonesia very clearly opposes the existence of early marriage. So there's no excuse anymore for certain parties to legalize their actions related to early marriages.

The Government should seriously committed to enforcement of the law that applies to early marriage practices so that those who want to perform early marriages will think twice before doing so. In addition, the government must work harder to socialize Law related to early marriage as well as the sanctions for any kind violation against this law. Additionally, the government needs to explain to the public about the worst risks that could happen as a result of the early marriage. It is expected that with these efforts people would know and realize that early marriage is something wrong and should be avoided. Effort to prevent early marriage is considered to be the maximum when community members actively participate in the prevention of early marriages around them. The synergy between the government and the public is the most powerful movement to prevent early marriage so that in the future there will be no more children who become victims of such marriages and children in Indonesia could be more optimistic in looking at their future.

From the description above it is clear that early marriage causes more harm than good. Therefore, it should be opposed. Parents should be made aware to neither to allow nor to marry off their children in early ages. Additionally, parents should also understand the laws and regulations to protect children. People who care about the protection of children may file a class-action to the offender, report to the Indonesia Commission on Child Protection (KPAI), NGOs concerned with children and law enforcement officials must conduct investigations and examinations to see violations on the existing legislation and to act against the perpetrators of the law and sentence them to criminal laws of the existing legislation, namely Law No. 23 of 2002 on Child Protection.

3 Advices

The Court needs to conduct a breakthrough to resolve the problem surrounding the request of marriage dispensation. The court has to give legal assurance to KUA and the Department of Population and Civil Registration that the completion of marriage dispensation approval can be completed quickly (maximum three days). The government needs to disseminate to schools, community organizations, and socialization about the rules of early marriages and their impact on society. The government also needs to strengthen the role of parents in raising family education as the basis of society's welfare. The government and the legislators need to reassess the minimum age of marriage stipulated in Article 7 paragraph (1) of Law No. 1 of 1974 and make an adjustment to current the situation and condition of the people.

4 Conclusion

The main factor of underage child marriage is pregnancy caused by free sex. The other factors are the lack of knowledge of parents and children concerning the presence of regulations prohibiting underage marriage in laws, the umbrella of law under the number 1 year 1974 that permits underage marriage by the request for marriage dispensation, umbrella of law in law number 1 year 1974 which arranged a child who is still under 21 years old may get married with the condition that he should get approval from parents/guardian/proxy. This act also becomes a legal protection for children 21 years old that they can get married with the requisite/consent of their parents/guardian. And the effectivity of the enforcement of Article 7 law number 1 year 1974 on underage child marriage has not yet enforced well. For there are still many underage child marriage cases happen in society.

Underage child marriage is carried out with religious stipulations so that their marriage is legal according to religion as stipulated in Article 2 clause (1) law number 1 year 1974. The doer of underage child marriage who is under the age of 21 years old should get approval from their parents/guardian/proxy as stipulated in Article 6 clause (2) law number 1 year 1974.

5. Acknowledgements

I would like to extend my sincerely to all respondents giving the information about factors causing the occurrence of marriage of the under age children in the city of manado the province of north sulawesi Republic of Indonesia. And also I would like to extend my sincerely to all dissertation supervisors. They are Prof. Dr. Wulanmas A.P.G. Frederik, SH., MH, Prof. Dr. J. Ronald Mawuntu, SH., MH., and Dr. Abdurrahman Konoras, SH., MH. I would like to say my sincerely to all editors of Journal of Law, Poicy and Globalization giving me the change to publish my journal. Our higher education institute (IAIN Manado and Universitas Sam Ratulangi Manado) allow to enrich my academic activities and give me the time to continue my study. My colleagues in IAIN Manado already support through discuss, comment and review my paper.

References

- [1] Hilman Hadikusuma, Hukum Perkawinan Indonesia menurut Perundangan, Hukum Adat, Hukum Agama, Bandung: Mandar Maju, 2007.
- [2] Jill Duba Onedera, The Role Of Religion in Marriage and Family Counseling. New York, NY 10016, Routledge Taylor and Francis Group 270 Madison Avenue, 1975.
- [3] Kaelan, Pendidikan Pancasila, Yogyakarta: Paradigma, 2004.
- [4] Komariah, Hukum Perdata, Cetakan Ketiga, Malang: Universitas Muhammadiyah Malang, 2004.
- [5] Mawdudi, Towards Understanding Islam. London: The Islamic Foundation, 1980
- [6] Machfud Bahtiyar, Ciivic Education, UIN Sunan Ampel Press: Surabaya, 2014.
- [7] Yusuf Hanafi, Kontroversi Perkawinan Anak Di Bawah Umur (Child Marriage) Perspektif Fikih Islam, HAM Internasional, dan UU Nasional, CV. Mandar Maju, Bandung, 2011
- [8] Kajian BKKBN tahun 2012 tentang Kajian Pernikahan Dini Pada Beberapa Provinsi Di Indonesia: Damapak Overpopulation, Akar Masalah dan Peran Kelembagaan Di Daerah.
- [9] Rina Yulianti, Dampak yang Ditimbulkan Akibat Perkawinan Usia Dini, Pamator, Volume 3 Nomor 1, April 2010, Bagian Hukum Perdata, Fakultas Hukum, Universitas Trunojoyo, Madura
- [10] Umi Nurhasanah dan Susetyo, Perkawinan Usia Muda dan Perceraian Di Kampung Kotabaru Kecamatan Padangratu Kabupaten Lampung Tengah, Jurnal Sosiologi Vol. 15, No. 1: 34-41, Universitas Lampung.
- [11] <http://genbagus.blogspot.com/2014/05/faktor-penyebab-pernikahan-dini.html>
- [12] Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan
- [13] Undang-Undang Nomor 35 Tahun 2014 tentang Perubahan Atas UU Nomor 23 Tahun 2002 tentang Perlindungan Anak
- [14] Kompilasi Hukum Islam (KHI)