

ALLOW US TO MARRY: PSYCHO-JURIDICAL OF THE TEENAGERS WEDDING PROCESS IN WONOCOLO VILLAGE, KEDEWAN, BOJONEGORO, EAST JAVA

Agoes Dariyo¹, Mia Hadiati² & R. Rahaditya³
Faculty of Psychology¹ & Faculty of Law^{1,2}
Universitas Tarumanagara Jakarta
Email: agoesd@psi.untar.ac.id

Abstract

Marriage at a young age has become a critical problem in Wonocolo village, Kedewan, Bojonegoro, East Java, because marriage at a young age is one of the causes of divorce. This study intends to examine the process of adolescents to be able to get married at a young age, especially for adolescents who are already pregnant before marriage. This research uses a qualitative approach with data collection techniques, namely in-depth interviews. There were 7 subjects who were used as sources to find out the process of carrying out a teenage marriage. Data analysis with a thematic approach (thematic approach), which is in accordance with the context of the research theme. The results showed that the decision-making process for early marriage begins with falling in love until pregnancy before marriage occurs in adolescence. Furthermore, they carried out the process of getting married which involved both village officials and the village head. All of these things will be discussed in the results of this study.

Keywords: married descision, psycho-juridical, weddding process, adolescence.

IJINKANLAH KAMI MENIKAH: PSIKOYURIDIS DALAM PROSES PERNIKAHAN REMAJA DI DESA WONOCOLO, KEDEWAN, BOJONEGORO, JAWA TIMUR

Abstract

Perkawinan usia muda telah menjadi masalah genting di desa Wonocolo, Kedewan, Bojonegoro, Jawa Timur, karena perkawinan usia muda menjadi salah satu penyebab munculnya perceraian. Penelitian ini hendak mengkaji mengenai proses remaja untuk dapat melangsungkan pernikahan usia muda, khususnya pada remaja yang telah telanjur hamil sebelum menikah. Pemelitian ini menggunakan pendekatan kualitatif dengan teknik pengambilan data yaitu wawancara mendalam (indepth interview). Ada 7 orang subjek yang dijadikan sebagai narasumber untuk mengetahui proses melangsungkan pernikahan remaja. Analisis data dengan pendekatan tematik (thematic approach) yaitu sesuai dengan kontek tema penelitian. Hasil penelitian menunjukkan bahwa proses pengambilan keputusan menikah usia muda diawali dengan jatuh cinta sampai terjadi kehamilan sebelum menikah pada masa remaja. Selanjutnya, mereka melakukan proses melangsungkan pernikahan yang melibatkan aparat desa maupun kepala desa. Semua hal tersebut akan dibahas dalam hasil penelitian ini.

Kata-kata kunci: keputusan menikah, psikoyuridis, proses pernikahan, remaja

Introduction

Indonesia ranks eighth in the world as a country that has a relatively high rate of early marriage (Syarifudn, 2020). Some adolescents who are still under the age of 19 perform early marriage based on love (Mubasyaroh, 2017; Benedicta, 2017), are pregnant before marriage (Fatawa, 2018) or because of parental matchmaking factors (Fitrianingsih, 2015). Child marriage is considered adultery, if they are not immediately formalized (married) by law (Djubaedah, 2019). According to Sty, the head of the Wonocolo hamlet, stated that one of the negative impacts of marriage at a young age is divorce, because they have not been able to solve the problem of conflict between husband and wife. This is in accordance with the results of

research by Benedicta (2017) which found that young marriage can lead to divorce because they prioritize emotional elements, rather than logical reasoning, when dealing with husband-wife conflicts. Divorce due to marriage at a young age occurs in various regions of the archipelago such as West Nusa Tenggara (Watoni, 2010; Benedicta, 2017), Madura (Hairi, 2009), East Java (Fitrianingsih, 2015), Central Java (Riyadi, 2009, Mubasyaroh, 2016) , Yogyakarta (Fitriah, 2011), Aceh (Fitra, 2017).

Furthermore, Sty said that those who marry young prefer to divorce in the face of difficult situations in husband-wife relationships rather than maintaining the integrity of the family. Therefore, Sty sticks to maintaining the integrity of the family values. In order to realize the integrity of the marriage, Sty personally and as the head of the hamlet strongly disagrees with early marriage (Personal communication, 2020). Sty's view is also consistent with the results of expert research (Watoni, 2010; Fitriah, 2011; Suhadi, 2012; Benedicta, 2017; Fitra, 2017). Those who marry at a young age, are often unable to control their emotions in dealing with family problems, as a result they do things that are outside the social norm and cause them to choose a divorce (Benedicta, 2017).

It is emphasized that law number 1 of 1974 has set the minimum age for marriage to be 19 years. Both men and women are the same, and there is no difference. If a person has not reached 19 years of age, but wants to get married, he is required to apply for dispensation to the court to grant marriage permission (Rahayu, 2019). Even if he applies for dispensation, it does not mean that he will get the permit. The court has sovereignty to decide whether to accept, or reject, the application. If the court grants the request for dispensation, then a person may marry before the age of 19 (Directory of Supreme Court Decisions, 2020). If the court rejects the request, the desire to marry must be postponed until they wait for them to turn 19 (Law No.1 of 1974).

However, it does not mean someone who is not married before the age of 19 years, if his request for dispensation of marriage is not granted by the religious court. There are still other ways or alternatives that can be taken by someone who wants to get married before the age of 19, namely unmarried marriage. Siri marriage is an effort to carry out a marriage that is religiously valid (Sobari, 2013), but not yet (not) in a state administration (Sobari, 2013; Syamdan & Purwaatmodjo, 2019). Therefore, parents of children whose dispensation applications were denied, chose to carry out marriages on the basis of religion. They pursue unregistered marriages with the aim of resolving the problem of wanting to marry before 19 years of their children (Islami, tt; Syamsan & Purwoatmojo, 2019).

Especially if children who are not yet 19 years old, it turns out that they are dating and have even had sexual intercourse until they are pregnant with their baby, then the parents bear shame, because they violate social norms in society (Rustina, 2014). Parents also try to resolve their embarrassment by marrying off their children as soon as possible. Fellow parents

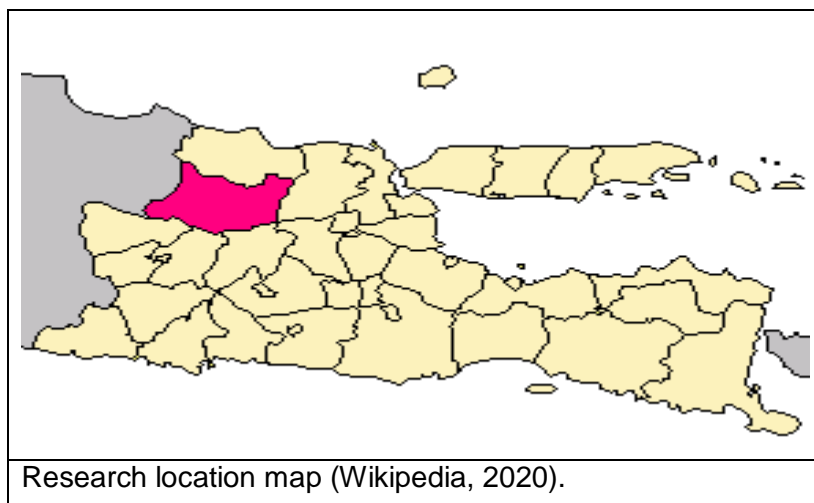
meet, both parents of girls and parents of boys, with the aim of solving the problem. After all, parents have an important role in maintaining a prosperous life for their children (Qodariah & Yudiana, 2017). In general, when the parents have met, both a boy and a girl, there is an agreement to immediately marry off their children. The formulation of the problem in this study is how is the picture of adolescents in deciding to get married at a young age? What is the role of village officials in overcoming the problem of young marriage among adolescents?

Method

This study uses a qualitative approach, a study that emphasizes content analysis (meaning) of the results of direct interviews with subjects (informants / participants). The subject selection is based on considerations that emphasize community leaders who know the real problems in the field related to the topic of research problems.

Data collection techniques using in-depth interviews and observations. Interviews were conducted using an interview guide that had been prepared in advance. Meanwhile, observations were made directly on the subject's daily life in the field.

The research location is focused in Wonocolo village, Kedewan sub-district, Bojonegoro Regency, East Java. The total population of the village is 2200. On average, residents earn from traditional oil mining activities. However, there are some who become traders, farmers / cultivators, or work to migrate outside the region (Jakarta, Blora, Kediri, and so on).



Data analysis using a thematic approach is an analysis that focuses on the research theme. Only statements, phrases or sentences uttered by relevant sources (subjects or participants) are used as material for analysis, while things that are not relevant to the research theme will not be used as data analysis material.

Result

Table 1. Subject Description

No	Subject	Age	Sex	Education	Status	Job
1	S	16	Female	Secondary school	Single	Student / female future bride
2	Jn	18	Male	High School	Single	Student (male future bride)
3	Mar	44	Male	High School	Married	Trader (community)
4	St	46	Male	Bachelor in Law	Single	Lawyer
5	M	52	Male	High School	Married	Government head of the village
6	Sty	40	Male	High School	Married	Village chief
7	Jsm	52	Male	High School	Married	Village head

Subject S

S is a 16 year old woman (born 2005). She did not have time to finish her high school education, because she was in a hurry to get pregnant and married a man she loved. Last time he studied high school, but he said yes to getting married soon, because his girlfriend had proposed to him. All this time, S lived with his grandmother and no parents were watching him. However, both parents agreed that their son, S, should just marry, because S was already pregnant. Parents feel ashamed, if S gives birth to children, but does not have a husband. Because of that, the parents agreed and accepted the presence of S's boyfriend to be her husband.

Subject Jn

Subject Jn is a man who wishes to marry S. Jn is still a student, namely in grade 11 high school, but he is dating S who is still a junior high school student. Jn felt in love and wanted to marry S. Even though he was still a student, Jn was serious about marrying S. He also conveyed his intention to his parents to agree with the intention.

Jn often saw S traveling to school. Furthermore, Jn asked permission to meet and get acquainted with S. Not long after, Jn and S were dating, even they were serious about continuing to marriage. However, before entering the marriage, it turned out that Jn was having a husband-wife relationship, until S became pregnant. Even so, Jn still intends to marry S as the legal wife.

Subject Mar

Mar's subject is a man born in the village of Wonocolo. Mar had been a crackling profession, a job that bought crude oil (hanging) and sold it back to collectors (crude oil collectors). Then, he turned into a profession as a trader. Mar is married and has a daughter. The results of his profession as a trader can meet the needs of the family, and can even pay for his child's education. Now, girls are in college, almost even graduating from a state religious college in Semarang.

Subject Sty

Sty is a man born in the village of Wonocolo. He has graduated with a law degree and is now a lawyer in Bojonegoro. Born as the first child of 3 siblings. His grandfather was a village head of Wonocolo. He had once nominated as village head, but the people voted for another candidate. Now, Sty focuses on carrying out his profession as a lawyer. In practice, many cases are various cases. One of them is a family case. When faced with a conflict between a couple and a wife that leads to divorce, Sty always prioritizes the integrity of married life. Therefore, he mediated to unite the family.

Subject St.

St. was born in Kasiman village, Kasiman District, Bojonegoro Regency. Even though it was not the birth of Wonocolo village, St really loves Wonocolo village. Currently, he is measured as the head of the hamlet, a position under the command of the village head. Now 40 years old (born in 1980), married and given the child of one son. Now, his son is a teenager and is continuing his education at SMK Migas, Cepu, Blora. His wife (Bu St) is the granddaughter of the village head who was once the leader in Wonocolo village.

Subject M

M is a 52 year old male (born 1968). Armed with a high school education, he was entrusted with running as head of the village government. On a day-to-day basis, M carries out his duties and responsibilities at the village office. M is married to a widow who has been blessed with 2 children. As a result of his marriage with his wife, M has been given a son. This boy has graduated from high school education, and is now working in Kerawang, West Java. Meanwhile, his second child is still studying as a junior high school student.

Subject Jsm

The subject Jsm is a village head. He has been measured as the village head of the second period. The community trusted Jm to be the village head, because Jm really carried out the mandate as a wise leader in his village. In the first period, Jm has succeeded in bringing

meaningful progress to physical development in his village. Jm is able to move the district government to build roads properly. Now, the roads in his village are paved and this can facilitate the activities of his village community. In addition, Jm is transparent and transparent to the finances it manages, so that it can be known by all members of the public.

Jsm was married to the daughter of the previous village head. As a result of his marriage with his wife, Jm has 2 children. Now her two children are married. Apart from being the village head, Jm is an oil mining entrepreneur. He does not depend on his life as the village head, but he focuses more on the stage of selling the oil produced from his mine. Even the results of the oil mining are able to meet their daily needs, and can be used for campaign costs in village head elections for 2 periods. So the intention to become a village head was based on a sense of dedication to advancing the village community. This is also the support for the father-in-law who was also the previous village head.

The reasons for young marriage on the part of teenagers

The reasons for getting married why teenagers decide to marry young are: a). drain biological needs; b). embody true love during dating.

Flow biological needs. Physiological maturity based on a teenager has caused a teenager to have a desire to fulfill biological needs. Physiological maturity with sexual maturity (sexual maturity). This means that they are ready to carry out their duties. They can run a husband-wife relationship like other adults. A woman can get pregnant and give birth to her baby. The best way to channel biological needs is to live a married life. "Frankly, I really love my girlfriend. I must be her husband, and she be my wife. Therefore, I am willing to marry him. Whatever, the hitch, no matter, I love him. I am willing not to go to school, as long as I can marry him. "

Realizing true love during dating. Marriage as a manifestation of true love between teenage partners. The love affair that has blossomed between teenage couples during the school period needs to be realized by marriage. "If love is just love without end, then that love is useless. Why date, if only dating, without any marriage. Therefore, if you already love each other between teenage partners, do not harbor love for long, but immediately manifest that love in a marriage. Frankly speaking, I love the girlfriend who has been dating me. Therefore, I do not refuse, if my girlfriend proposes and makes a wife. I am willing to leave school, for the sake of realizing love. "

The process takes place at a young age

There are several things that need to facilitate the implementation of early marriage, namely reasons from the teenager (Subject S and Jn), reasons from parents (S and Jn), reasons for village government officials, reasons for village heads (Jsm), and reasons for community members (Mar , Styn), a jurist view (Sty).

Married teenage parties

Subjects S and Jn agreed to marry on the basis of loving each other. They had been dating for some time and got S pregnant. They still want to continue their marriage. They immediately confronted the village apparatus. They asked for directions from village officials. In the meeting with the village officials, they just found out that they have a close relationship with those who have not yet reached the age of 19. Law number 1 of 1974 concerning marriage states that the minimum age is 19 years to be able to get married.

S's statement that "I am aware that I am not yet 19 years old. I'm not old enough. I am 16 years old. But what can I do? The rice has become porridge. I'm already pregnant. I can no longer interfere in marriage. I have to get married soon. I only asked the village apparatus for the policy of being allowed to get married. "

Meanwhile, Jn revealed, "I am ready to be responsible for being a husband for S. I already love and want to marry him. I realized that the fetus S was carrying was my future child. That's the fruit of my love for S. I want to be responsible for my love deeds. I asked the village apparatus to help me. Let everyone act properly. "

Parental action

So far, parents feel ashamed because of their children's behavior. Her children should be able to learn to finish their education first, then get married. But the reality is different from expectations. Therefore, parents try to overcome their embarrassment in front of society. Parents really bear the shame if their child, (S) becomes pregnant before marriage, while S is still dating the man who is dating her. Shame must be overcome immediately, by marrying S to his girlfriend. Feelings of shame or guilt (guilty feeling) as an expression of individual feelings related to the conflict between personal will and the agreed (applicable) social value value in society.

" I am shy. Shame on you. If my child is pregnant and has children, but there is no husband. What will you say later, if I have such a child. I want my child to marry a man who is liked (loved). Love capital. That's all that makes me willing if my child gets married soon. Like it or not, I need to give up, allow or approve the child marriage with his girlfriend."

The attitude of the village community

The people of Wonocolo village, Kedewan, Bojonegoro love social harmony and harmony. Every problem can be solved well, if every citizen tries to use a family approach. There is no problem that has no solution. If you face problems with young marriages, the community suggests asking the parents of children who are about to get married to go to the village

officials. People only urge, suggest and advise them to pay attention to the sacredness (sanctity) of marriage.

Subject Mar argued that "both parents and teenage children who wanted to get married just came to the village apparatus. Don't worry about whatever happened. For example, a teenager who is dating turns out to be having a husband-wife relationship and the woman is pregnant, so they are obliged to report and come to the village office. So that later they will be instructed on what to do. "

Attitude of legal experts

Sty is a resident of Wonocolo village, Kedewan, Bojonegoro, but he works as a lawyer who works in the city of Bojonegoro district. He has a lot of experience in dealing with marriage and family matters.

According to Sty, according to Law No.1 of 1974 on marriage, it is said that the minimum age for marriage is 19 years. "This legal basis is the benchmark for anyone who wants to get married. However, if there is a case of adolescents who are not yet 19 years old, and they are about to get married, then they are obliged to apply for dispensation to the religious affairs office (KUA) and then proceed to the religious court. In this case, the villagers who apply for the dispensation must be known by the village apparatus. The religious court - is the one that has the power to issue approval or refusal of marriage dispensation. "

The attitude of the village government staffs

Village officials (St and M) play an important role in realizing a marriage, because they carry out their duties and responsibilities to facilitate government activities. Before proceeding with the recommendation of marriage plans to the religious affairs office, village government officials took a role in making notes on marriage plans that had been submitted by the community.

St as a hamlet head stated that "Village officials continue to act on the basis of law number 1 of 1974 concerning marriage. Based on this law, it is stipulated that a person may marry when he reaches the age of 19. If those who want to get married have not reached the age of 19, they are obliged to apply for dispensation from the religious court".

In line with St's statement, M also said that "as a village official, I have to carry out my duties in accordance with Law Number 1 of 1974 concerning marriage. I must pay attention to the rules that apply. The minimum age for marriage is at least 19 years. If those who want to get married have not reached 19 years of age, then they should be advised to apply for dispensation from the religious court. "

However, both St and M continued to pay attention to the decision of the village head in determining practical attitudes towards residents who applied for the policy to marry young. If

the village head decides to allow (allow) its residents to marry young, then they as village officials must still respect and obey the decisions of the village head.

Attitudes and actions of the village head

The village head, as the highest government leader in a village, has the highest authority in approving or rejecting marriage proposals submitted by residents. Jsm understands how the problems faced by teenagers who have been hit by romance (falling in love). They are often unable to control themselves, so they have sexual relations before marriage.

Therefore, Jsm always puts forward a family approach in dealing with these problems. The family attitude is more concerned with respecting one another. It takes an attitude of openness and mutual understanding, as well as accepting the existing reality. Not blaming each other, but trying to find the best solution that can be accepted by various parties.

“I call all the parents of the children who are dating. Also dating children should be called upon. What they want. Usually, if those who are dating are already married and the woman is pregnant, then they must be married off. You can't. This must be done. If they do not receive dispensation from the religious court, the village head will still make decisions. As the village head, I immediately decided to marry them off. I also called modin to help them marry off. They are residents of this village. They must be served well ”.

Discussion

In this study, it was found that adolescents decide to marry at a young age because it is based on feelings of love and pre-marital pregnancy. These results are in accordance with or support the results of research by experts such as Imanuela, Suswandari & Bandarsyah (without years), Utami (2015), Hidayati and Uyun (2017). However, married adolescents still ask for the blessing of both parents so that they can carry out their marriages well (Utomo, in Putri et al, 2020; Imanuela, Suswandari & Bandarsyah, without years) village. They need to come together with their parents, or those who represent them. They asked for directions, directions or advice from village officials on what they should do to facilitate their desire to marry. Usually the village apparatus provides directions, advice and instructions for getting married. If they are not yet 19 years old, they are asked to apply for dispensation to be able to marry. Dispensation was submitted to the religious court (Salmah, 2016). However, in special cases, such as dating teenagers who have already had sexual intercourse, and causing pregnancy, the village apparatus can ask for a decision (policy) from the village head. This is because the village head can act as an administrator (Saleh, S & Hariati, 2016) as well as a judiciary in the village environment (Hendrik, 2013).

Marriage at a young age is not allowed by Law No.1 of 1974, because the minimum age for marriage is 19 years. Both a man and a woman are allowed to marry at the age of 19. If before the age of 19, someone wants to get married, he is obliged to apply for dispensation to the

religious court (Muchtar, 2014; Selmah, 2016). Dispensation is a policy taken by the religious court that allows a person or pair of teenagers to marry, even though they are not yet 19 years old (Directory of Decisions of the Supreme Court of the Republic of Indonesia, 2020). The full authority is in the hands of the religious court judges to issue dispensation (Syarifudin, 2020). If the court grants his request, then he (teenager) can marry. However, if the court does not allow (refuses), then he is obliged to postpone the marriage. If they are 19 years old, they can get married (Rahayu, 2018; Syarifudin, 2020).

In accordance with the teachings of the Islamic religion, there are 2 types of marriage, namely marriage that is carried out religiously through the KUA (Office of Religious Affairs), and unregistered marriage. Marriage through the KUA can be held if the bride and groom, both boys and girls, have reached 19 years of age (Muchtar, 2014). The KUA strictly adheres to legislation number 1 of 1974 which stipulates the minimum age of marriage is 19 years. If they have not reached 19 years of age, then they must get dispensation approval from the religious court (Salmah, 2016). However, if they do not get approval from the court, they still have the opportunity to obtain the policies of the village leader (village head or lurah). This is because the village head has full authority and power as the highest leader in a village (Government Regulation Number 72 of 2005 concerning village governance and Government Regulation Number 43 of 2014). In this case, a village head can act as a village judge who carries out the village court (Hendrik, 2013).

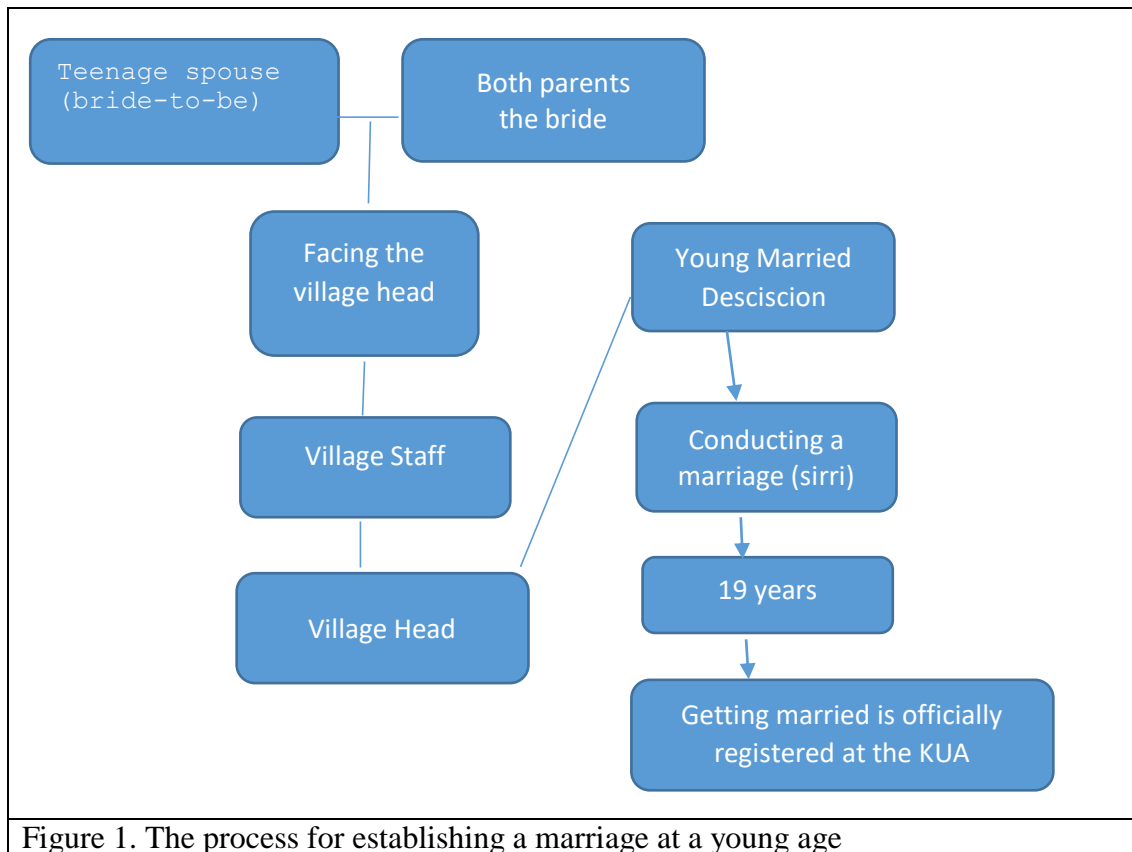
Getting married at KUA is marriage that is legally registered and recognized in religion or recognized by state administrative records (Nur, 2018). Meanwhile, marriages outside the KUA are usually not recorded by the KUA and are not registered in the state administration (Syamdan & Purwoatmojo, 2019). Often, people refer to marriages outside the KUA with the term siri marriage. Siri marriage is mating under the hand. The unregistered marriage is considered a religious marriage, but not a registered marriage (Islamic, no year; Sobari, 2013). Marriage is detrimental to the status of the wife and children born into the family. If a husband dies, his wife or children will not get the property of the husband (Syamdan & Purwoatmojo, 2019).

In general, by referring to Law number 6 of 2014, a village head has certain considerations (the social benefit of the community) to allow the marriage of a pair of teenagers who are not yet 19 years old. Especially for the head of Wonocolo village, it allows the marriage of a pair of teenagers, if they are already pregnant before getting married. If they are not married, the baby will be born and the baby will be born without a legal father. The village head views from a humanitarian side, meaning that the village head emphasizes the aspect of the interests of social harmony in the community so that those who are already pregnant are married off immediately, so as not to cause social upheaval (Rahayu, 2019). Often people take the act of taking the law into their own hands by expelling or prohibiting acts of adultery among

adolescents. In order to prevent this, the village head immediately took action (policy) to allow marriage before the age of 19 years. This refers to Law No. 6 of 2014 and government regulation No. 43 of 2014 which mandates that the village head has the highest authority in a village he leads.

In running the village court, in accordance with the provisions of Law Number 6 of 2014 and government regulation number 43 of 2014, a village head can decide to marry off teenage children who are already pregnant outside of marriage. They were given the policy to carry out sirri marriages (under hand) in order to maintain social harmony in the community (Sobari, 2013; Suwardianto, 2015; Rahayu, 2019). Sometimes it is difficult for the community to accept pregnancy before marriage, but the community also has to get direction and guidance from the village head to understand the real situation. This is linked to the authority and charisma of a village head in managing his village community, in order to achieve and maintain social harmony in the community (Hendrik, 2013; Rahayu, 2019). That teenagers who are already pregnant must still be accepted as is. They need to be protected by their rights to be able to marry properly with the permission and policy of the village head. However, if they are already 19 years old, they are advised (obliged) to register their marriage at the KUA (religious affairs office) (Muchtar, 2014). This is for the good of children who have been born in a family, so that they get official recognition as legally registered citizens (Nur, 2018).

KUA has an important role in recording every legal incident that occurs in its working area. Every marriage conducted by a husband-wife partner (candidate) must be recorded by the KUA (Nur, 2018; Fatawa, 2018). Therefore, the KUA officer is obliged to verify (clarify) all the administrative requirements required of the prospective bride and groom. Likewise, when a prospective bride has entered the age of 19 who wants to register her marriage, the KUA officer is obliged to serve professionally (Muchtar, 2014). In this case, the village head of Wonocolo, who has suggested that his village residents who have married in siri, must (obliged) follow up with their marriage registration submission at the KUA.



Conclusions

Must be allowed to marry if they have a minimum age of 19 years, according to the provisions in law number 1 of 1974. If someone is already pregnant before marriage, they need to get permission from the village head, so they are allowed to marry. Usually they are allowed to marry in a siri, a religiously legal marriage, but that marriage is not registered in the KUA or the state administration. If they are 19 years old, they are asked to register their marriage at the KUA so that their marriage is legalized by the state administration.

Suggestions

For adolescents who have already married at a young age, it is advisable to maintain their marriage until they enter old age (elderly) and only death (death) separates them. For adolescents who are not yet 19 years old, it is hoped that they will pay attention to the terms and conditions of marriage age, namely 19 years. Therefore, it is necessary to prepare yourself to be able to get married at the age of 19.

Village officials are advised to cling to the rules of Law Number 1 of 1974 concerning marriage. The minimum age requirement for marriage is 19 years. In addition, there needs to be socialization and counseling for parents to prepare their children so that they can enter marriage properly according to the provisions of the law.

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