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## **Early Child Marriage: Customary Law, Support System, and Unwed Pregnancy in Gorontalo**

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**Abstract:** The rate of underage marriage in Gorontalo is very high, even though religion, customs and state laws prohibit it. This empirical study deals with the availability of supports system in the case early child marriage. Sociological perspective has been employed in the analysis of pregnancy and marriage practice in the context of customary law in the society. The results of the direct interviews conducted and the observations made indicate that poverty, low levels of education and matchmaking myths may have caused this increase. Furthermore, the increasingly high level of promiscuity and weakened socio-cultural ties have led to an increase in the number of extramarital pregnancies, and forced marriage is unavoidable to maintain the dignity of the community. It was discovered that most married couples do not wed legally until they have problems in their marriage and seek a divorce. Moreover, women must also be responsible for their life choices because this paper shows that poor service practices have caused underage women to be objectified by physical, social and symbolic violence. The unavailability of a support system from the government and society makes a partner rely on the kindness of his or her parents. Therefore, it was suggested that government intervention, in the form of prevention and support systems for underage married women, must be integrated with the role of the community and religious leaders.

**Keywords:** Underage Marriage, Unwed Pregnancy, Customary Law, Support System

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**Abstrak:** *Tingkat pernikahan di bawah umur di Gorontalo sangat tinggi walaupun kebiasaan ini dilarang secara agama, adat, dan hukum negara. Penelitian empiris ini membicarakan ketersediaan sistem pendukung dalam kasus perkawinan usia anak. Perspektif sosiologi telah digunakan dalam analisis kehamilan dan perkawinan yang terjadi dalam konteks hukum adat yang berlaku dalam masyarakat. Hasil wawancara langsung dan pengamatan yang dilakukan menunjukkan bahwa terdapat beberapa penyebab tingginya angka pernikahan di bawah umur, seperti rendahnya tingkat pendidikan dan ekonomi, kurangnya pemahaman tentang aturan normatif sehingga masyarakat masih yakin dengan mitos bahwa menolak lamaran akan menjauhkan jodoh dan seumur hidup seorang gadis tidak akan mendapatkan suami. Selain itu, tingkat pergaulan bebas yang semakin tinggi menyebabkan jumlah kehamilan di luar nikah meningkat. Kondisi ini secara langsung mempengaruhi terjadinya kawin paksa di mana perempuan menjadi objek dari upaya mempertahankan kehormatan keluarga dan masyarakat. Tidak adanya sistem dukungan dari pemerintah dan masyarakat telah menyebabkan perempuan yang menikah di bawah umur mengalami diskriminasi. Diskriminasi ini menyebabkan anak perempuan yang menikah di bawah umur tidak mendapatkan akses pendidikan dan ekonomi. Mereka hidup dalam keadaan miskin dan membesarkan anak dalam keterbatasan. Mereka pun pada saat kawin tidak mendapatkan perlindungan hukum hingga mereka kemudian sekali lagi mengalami permasalahan ketika perceraian terjadi. Perempuan pun harus bertanggung jawab atas pilihan-pilihan hidupnya. Untuk itu, penelitian ini menyarankan adanya intervensi pemerintah dalam bentuk pencegahan dan sistem dukungan bagi perempuan korban nikah di bawah umur yang terintegrasi dengan peran tokoh masyarakat dan tokoh agama.*

**Kata Kunci:** *Perkawinan Usia Dini, Kehamilan Luar Nikah, Hukum Adat, Sistem Dukungan*

## Introduction

Researchers have extensively studied underage marriage over the past decade, focusing predominantly on issues of poverty,<sup>1</sup> education,<sup>2</sup> health and violence.<sup>3</sup> However, the effect of increased premarital pregnancy on underage marriage has yet to receive significant scholarly attention. Where premarital pregnancy occurs, underage marriage cannot be avoided.

The United Nations International Children's Emergency Fund (UNICEF) estimates that one in six girls in Indonesia marry before the age of 18. Data from Statistics Indonesia shows that, in 2012, 340,000 girls (17%) of women aged 20–24 had married before the age of 18.<sup>4</sup> An earlier survey by Health Research and Development Agency, Indonesia, found that almost half (46.7%) of individuals aged 10–59 were married before the age of 20.<sup>5</sup> Although Article 7, Paragraph 1, of Indonesia's Marriage Law sets a minimum age for marriage, the Religious Court (as an authorized government institution) has not strictly adhered to this

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<sup>1</sup> Beteq Sardi, "Faktor-Faktor Pendorong Pernikahan Dini Dan Dampaknya Di Desa Mahak Baru Kecamatan Sungai Boh Kabupaten Malinau," *EJournal Sosiatri-Sosiologi* 4, no. 1 (2016), p. 194–207; Suzanne Petroni et al., "New Findings on Child Marriage in Sub-Saharan Africa," *Annals of Global Health*, 2017, <https://doi.org/10.1016/j.aogh.2017.09.001>; Maria Cancian and Molly A. Costanzo, "Comparing Income-Shares and Percentage-of-Income Child Support Guidelines," *Children and Youth Services Review*, (2019), <https://doi.org/10.1016/j.childyouth.2018.12.011>.

<sup>2</sup> Gordon Brown, "Out of Wedlock, into School: Combating Child Marriage through Education," *The Office of Gordon and Sarah Brown*, 2012; Marcos Delprato, Kwame Akyeampong, and Máiréad Dunne, "Intergenerational Education Effects of Early Marriage in Sub-Saharan Africa," *World Development*, (2017), <https://doi.org/10.1016/j.worlddev.2016.11.010>; A. V. Chari et al., "The Causal Effect of Maternal Age at Marriage on Child Wellbeing: Evidence from India," *Journal of Development Economics* 127 (2017), p. 42–55, <https://doi.org/10.1016/j.jdeveco.2017.02.002>; Sajeda Amin, J. S. Saha, and J. A. Ahmed, "Skills-Building Programs to Reduce Child Marriage in Bangladesh: A Randomized Controlled Trial," *Journal of Adolescent Health*, (2018), <https://doi.org/10.1016/j.jadohealth.2018.05.013>.

<sup>3</sup> Jana L. Jasinski, "Pregnancy and Domestic Violence: A Review of the Literature," *Trauma, Violence, & Abuse*, (2004), <https://doi.org/10.1177/1524838003259322>; Muazzam Nasrullah, Rubeena Zakar, and Muhammad Zakria Zakar, "Child Marriage and Its Associations with Controlling Behaviors and Spousal Violence against Adolescent and Young Women in Pakistan," *Journal of Adolescent Health*, (2014), <https://doi.org/10.1016/j.jadohealth.2014.06.013>; Yvette Efevbera, "Experiences of Early and Forced Marriage in Conakry, Guinea: An Exploratory Study," *Journal of Adolescent Health*, (2017), <https://doi.org/10.1016/j.jadohealth.2016.10.391>; Rima Mourta, Jennifer Schlecht, and Jocelyn Dejong, "A Qualitative Study Exploring Child Marriage Practices among Syrian Conflict-Affected Populations in Lebanon," *Conflict and Health*, (2017), <https://doi.org/10.1186/s13031-017-0131-z>; Ajwang' Warri, "Forced Child Marriages as a Form of Child Trafficking," *Children and Youth Services Review*, (2017), <https://doi.org/10.1016/j.childyouth.2017.06.024>.

<sup>4</sup> Badan Pusat Statistik and UNICEF, "Kemajuan Yang Tertunda: Analisis Data Perkawinan Usia Anak Di Indonesia," *Unicef Indonesia*, (2016), p 2525, <https://doi.org/978-978-064-963-6>.

<sup>5</sup> Badan Litbang Kesehatan, *Laporan Riskesdas*. Jakarta: Badan Penelitian dan Pengembangan Kesehatan RI, 2010.

law; in cases of premarital pregnancy, the court is frequently willing to violate this law.<sup>6</sup>

Although Indonesia does not require marriage in cases of premarital pregnancy, the practice has been common (34.5%) among minors.<sup>7</sup> Data from the Religious Court of Madiun Regency, East Java, shows that approximately 40 couples requested dispensations for underage marriages in 2017. When premarital pregnancy occurs, families can force minors to marry in order to preserve family pride, meet customary norms,<sup>8</sup> and avoid illegitimate children.<sup>9</sup> Those who are not married may be subjected to customary punishment, or expelled from their community, as observed in Pangean, Singingi Regency, Riau.<sup>10</sup> Complex religious and cultural issues complicate the practice of underage marriage in Indonesia, which requires religious validation and cultural legitimacy.

This article shows that early marriage couples experience many difficulties in processing marriage because decision making in marriage is not individual, but collective in nature involving the community. Marriage as a cultural event can take place with the blessing of the community through figures who represent cultural strengths in the community. When a marriage takes place without the blessing of the community, it is considered socially and culturally defective. In line with this, we argue that, when marriage is a community—rather than an individual or family—matter, couples face significant social pressure when premarital pregnancy occurs. Underage couples marry because of cultural coercion, rather than individual choice. These couples thus become victims of social norms, rather than receiving the support and services they require, as they are seen as violating the idealized principles or norms of the community. Society does not view underage married couples as victims of a social process, but rather as 'perpetrators' who deserve to be punished for the damage they have caused.

This article was based on sociological understanding on how does early marriage take place in a customary law system that applies in society. A series of interviews with underage married couples were conducted, focusing particularly on those who become pregnant out of wedlock. These subjects were selected for

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<sup>6</sup> Kasjim, "Abuse of Islamic Law and Child Marriage in South-Sulawesi Indonesia," *Al-Jami'ah*, (2016), <https://doi.org/10.14421/ajis.2016.541.95-122>.

<sup>7</sup> Stang and Etha Mambaya, "Faktor Yang Berhubungan Dengan Pernikahan Dini Di Kelurahan Pangli Kecamatan Sesean Kabupaten Toraja Utara," *Jurnal MKMI*, 2011, 105.

<sup>8</sup> Sherlin Dorondos, "Perkawinan Anak Di Bawah Umur Dan Akibat Hukumnya," *Lex Et Societatis*, 2014.

<sup>9</sup> Ellyne Dwi Poespasari, "Kedudukan Anak Luar Kawin Dalam Pewarisan Ditinjau Dari Sistem Hukum Kekerabatan Adat," *Perspektif*, (2014), 212, <https://doi.org/10.30742/Perspektif.V19i3.23>.

<sup>10</sup> Insproneka Kontesa, "Larangan Nikah Bagi Pasangan Berzina Sebelum Diberlakukan Hukum Adat Ditinjau Menurut Hukum Islam (Studi Kasus Desa Tanah Bekali Kecamatan Pangean Kabupaten Kuantan Singingi)". Universitas Islam Negeri Sultan Syarif Kasim Riau, 2015.

two reasons: (1) they collectively represent the majority of people who were married underage in Gorontalo Province; and (2) they face specific problems and challenges at every stage of the marriage, ranging from preparation to childbirth. Eighteen couples were interviewed. All of them had at least one child. Approximately 75% of these children lived with their maternal grandmother; maternal grandmothers thus significantly supported underage couples. Almost all informants were of limited financial means, and none were permanently employed.

Interviews were also conducted with couples' parents, with local community and religious leaders, and with government officials tasked with marriage matters. Parents were involved in young couples' relationships from the beginning, and were often primary drivers of underage marriage. Community and religious leaders, meanwhile, were often involved in marriage rituals and entrusted with other customary matters. Finally, interviews were conducted with officials at the Office of Religious Affairs, the government agency that handles marriage matters.

Field observations were conducted between late 2018 and early 2019 in order to understand the life situation of couples (current or divorced) who were married underage. Interviews were simultaneously conducted with religious and community leaders, parents, as well as with the couples themselves. These interviews were intended to obtain socio-cultural information concerning the practice of early marriage. At the same time, information on available services was also sought.

Community and religious leaders were interviewed to gather information about prevailing service practices, because they were often entrusted with joining these couples when religious courts were not involved. In-depth interviews were also conducted with local government officials, traditional leaders, and religious court judges to obtain information about the services received by underage couples. Home visitations were also conducted in order to directly observe the lives of couples who married underage, their socio-economic activities, and the conditions of their children. Families and community leaders were also consulted in order to ascertain their involvement and their perspectives.

Primary data (the results of participatory observation and interviews) and secondary data (data from the Gorontalo Office of Religious Affairs and Statistics Indonesia, Gorontalo Office) were analysed and interpreted. Data were divided into four categories: data regarding the socio-cultural setting, particularly community standards and expectations; data regarding the factors that cause and exacerbate underage marriage; data regarding the effects of underage marriage on couples; and data on available family, community, and institutional services.

Data were identified and classified to obtain statements that were directly related to underage marriage and its causal factors. Restatement was used to describe the situation, as perceived by informants. Description was used to

recognize the tendencies and practices of couples and those involved in their lives. Conclusions were drawn by interpreting the indicators, then these interpretations were explained in a concise and clear manner to answer the research questions. Data verification was conducted through data comparison. Data processing was conducted using an ethnographic approach, which served to describe their symbolic expressions and interpret their behaviours contextually.

### Underage Marriage in the Literature

Underage marriage is a human rights violation that has significant implications for the health and psychological well-being of girls in developing countries.<sup>11</sup> The negative consequences of underage marriage on girls' health have been frequently shown. Underage brides face early pregnancy and have a higher risk of contracting HIV/AIDS.<sup>12</sup> At the same time, they are psychologically stressed as they are transition from child to wife and mother, with all the responsibilities these entail.<sup>13</sup> Poverty, which is frequently identified as a main cause of underage marriage, is also more common amongst couples who married underage,<sup>14</sup> in other words, underage marriage tends to perpetuate the poverty cycle. Subordination of women in marriage has been the case in general as wives are considered economically unproductive and burdens upon their husband.<sup>15</sup>

Underage marriage has numerous contributing factors, including not only economic and educational ones but also the values of marriage and gender embraced by society. Various studies have shown that economic factors significantly inform parents' decision to have their children marry early.<sup>16</sup> Parents

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<sup>11</sup> Richard De Groot et al., "Child Marriage and Associated Outcomes in Northern Ghana: A Cross-Sectional Study," *BMC Public Health*, (2018), <https://doi.org/10.1186/s12889-018-5166-6>; Beniamino Cislighi et al., "Why Context Matters for Social Norms Interventions: The Case of Child Marriage in Cameroon," *Global Public Health*, (2020), <https://doi.org/10.1080/17441692.2019.1704818>; Arthur Van Coller, "Child Marriage - Acceptance by Association," *International Journal of Law, Policy and the Family*, (2017), <https://doi.org/10.1093/lawfam/ebx011>.

<sup>12</sup> Cislighi et al., "Why Context Matters for Social Norms Interventions: The Case of Child Marriage in Cameroon."

<sup>13</sup> Neetu A. John et al., "Child Marriage and Relationship Quality in Ethiopia," *Culture, Health and Sexuality*, (2019), <https://doi.org/10.1080/13691058.2018.1520919>.

<sup>14</sup> Quentin Wodon, Chata Malé, and Adenike Onagoruwa, "A Simple Approach to Measuring the Share of Early Childbirths Likely Due to Child Marriage in Developing Countries," *Forum for Social Economics*, (2020), <https://doi.org/10.1080/07360932.2017.1311799>.

<sup>15</sup> Alfitri, "Protecting Women from Domestic Violence: Islam, Family Law, and the State in Indonesia," *Studia Islamika*, (2020), <https://doi.org/10.36712/sdi.v27i2.9408>.

<sup>16</sup> Kanella Ayu Wulanuari, Anggi Napida Anggraini, And Suparman Suparman, "Faktor-Faktor Yang Berhubungan Dengan Pernikahan Dini Pada Wanita," *Jurnal Ners Dan Kebidanan Indonesia*, (2017), [https://doi.org/10.21927/Jnki.2017.5\(1\).68-75](https://doi.org/10.21927/Jnki.2017.5(1).68-75); Yulina Dwi Hastuty, "Faktor-Faktor Yang Berhubungan Dengan Terjadinya Pernikahan Dini Di Desa Sunggal Kanan Kabupaten Deliserdang," *Averrous: Jurnal Kedokteran Dan Kesehatan Malikussaleh*, (2018), <https://doi.org/10.29103/Averrous.V2i2.417>.

with more children are more likely to quickly marry their children off, as this reduces the financial burden they must bear.<sup>17</sup> At the same time, economic instability and poverty leads parents to marry off their daughters early because marriage is seen as a protective tool for women.<sup>18</sup> Lack of access to outlets that encourage women's independence is also a driver.

Economic factors correlate closely with education. Kamal et al. show that underage marriage is more prevalent when the husband does not have formal education and when the wife does not work.<sup>19</sup> A number of studies have shown that educators have begun to protect women from the threat of early marriage.<sup>20</sup> In regions and families where women have low access to education and employment opportunities, and where women experience high levels of violence, girls often marry early.<sup>21</sup> This reinforces Burn and Evenhuis's<sup>22</sup> submission that gender inequality is a driving factor for early marriage.

Gender inequality may be one cause of underage marriage.<sup>23</sup> As shown by Burn and Evenhuis,<sup>24</sup> countries and communities with high levels of gender inequality (e.g., laws and customs that do not include women in the decision-

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<sup>17</sup> Etha Mambaya Stang, "Faktor-Faktor Yang Berhubungan Dengan Pernikahan Dini Di Kelurahan Pangli Kecamatan Sesean Kabupaten Toraja Utara," *Media Kesehatan Masyarakat Indonesia*, 2015.

<sup>18</sup> Anita Raj, Charlemagne S. Gomez, and Jay G. Silverman, "Multisectorial Afghan Perspectives on Girl Child Marriage: Foundations for Change Do Exist in Afghanistan," *Violence Against Women* 20, no. 12 (2014), p. 1489–1505, <https://doi.org/10.1177/1077801211403288>; Anita Raj, "When the Mother Is a Child: The Impact of Child Marriage on the Health and Human Rights of Girls," *Archives of Disease in Childhood*, (2010), <https://doi.org/10.1136/adc.2009.178707>.

<sup>19</sup> S. M. Mostafa Kamal et al., "Child Marriage in Bangladesh: Trends and Determinants," *Journal of Biosocial Science* 47, no. 1 (2015), p. 120–39, <https://doi.org/10.1017/S0021932013000746>.

<sup>20</sup> Kamal S.M. et al., "Child Marriage in Bangladesh: Trends and Determinants," *Journal of Biosocial Science*, 2015; Anju Malhotra et al., "WHAT THE EVIDENCE SHOWS Solutions to End Child Marriage Solutions to End Child Marriage," *Healthynewbornnetwork.Org*, 2011.

<sup>21</sup> Saranga Jain and Kathleen Kurz, "New Insights on Preventing Child Marriage: A Global Analysis of Factors and Programs," *International Center for Research on Women (ICRW)*, 2007; Unicef, "UNICEF; Progress for Children: A World Fit for Children Statistical Review.," *Unicef*, 2007; Elizabeth Warner, "Behind the Wedding Veil: Child Marriage as a Form of Trafficking in Girls," *American University Journal of Gender, Social Policy & the Law*, 2011; Raj, Gomez, and Silverman, "Multisectorial Afghan Perspectives on Girl Child Marriage: Foundations for Change Do Exist in Afghanistan."

<sup>22</sup> Burn, J and Evenhuis, M, Just married, just a child: child marriage in the indo-Pacific region, 2014, Melbourne: Plan International Australia.

<sup>23</sup> Lauren Rumble et al., "An Empirical Exploration of Female Child Marriage Determinants in Indonesia," *BMC Public Health* 18, no. 1 (2018), p. 1–13, <https://doi.org/10.1186/s12889-018-5313-0>.

<sup>24</sup> Efevbera, "Experiences of Early and Forced Marriage in Conakry, Guinea: An Exploratory Study."

making process tend to have higher rates of underage marriage. This finding is consistent with that of Raj,<sup>25</sup> who indicates that gender inequality—particularly the devaluation of women and girls—causes social vulnerability and provides an excuse to marry off children early. The marriage process for such reasons cannot be the basis for a happy and harmonious marriage as intended in religion.<sup>26</sup>

In Indonesia, underage marriage is not only structural, but also cultural; parents and children's beliefs influence how they perceive the appropriate age for marriage.<sup>27</sup> Many parents believe that, if they reject a proposal, this can result in their daughter becoming unmarriageable and end up an old maid.<sup>28</sup> It is also common for Indonesians to believe that children (both male and female) have reached marriageable age when they reach *aqil baligh* (the age of puberty or majority).<sup>29</sup> A person who has not entered the age of puberty is not yet worthy to marry and is also not worthy to make decisions and agreements in a marriage bond.<sup>30</sup>

Underage marriage, also identified as forced marriage, is defined as the union of couples under the age of 18 with or without permission (United Nations). It not only significantly changes the lives of women, but also the direction of their children's lives. Studies have revealed that early marriage increases the risk of maternal death and causes complications during the conception and childbirth process.<sup>31</sup> One study shows that children born to mothers aged 19 years or

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<sup>25</sup> Raj, "When the Mother Is a Child: The Impact of Child Marriage on the Health and Human Rights of Girls."

<sup>26</sup> Mhd Rasidin, Natardi, and Doli Witro, "The Impact of Unequal Marriage on Household Harmony (Case Study in Sungai Penuh City, Jambi)," *Samarah*, (2020), <https://doi.org/10.22373/sjhc.v4i2.8083>.

<sup>27</sup> Mariyatul Qibtiyah, "Faktor Yang Mempengaruhi Perkawinan Muda Perempuan," *Jurnal Biometrika Dan Kependudukan*, 2014.

<sup>28</sup> Sardi, "Faktor-Faktor Pendorong Pernikahan Dini Dan Dampaknya Di Desa Mahak Baru Kecamatan Sungai Boh Kabupaten Malinau."

<sup>29</sup> Halimatus Sakdiyah and Kustiawati Ningsih, "Mencegah Pernikahan Dini Untuk Membentuk Generasi Berkualitas," *Masyarakat, Kebudayaan Dan Politik* 26, no. 1 (2013), p. 35–54.

<sup>30</sup> Mohammad, "Perkawinan Anak Di Bawah Umur (Sebuah Kajian Perspektif Hukum Islâm Vis-a-Vis Hukum Positif Di Indonesia)," *AL-IHKAM: Jurnal Hukum & Pranata Sosial*, (2013), <https://doi.org/10.19105/al-lhkam.v6i2.313>.

<sup>31</sup> Cassandra M. Gibbs et al., "The Impact of Early Age at First Childbirth on Maternal and Infant Health," *Paediatric and Perinatal Epidemiology* 26, no. SUPPL. 1 (2012), p. 259–84, <https://doi.org/10.1111/j.1365-3016.2012.01290.x>. World Health Organization, Health for the world's adolescents: A second chance in the second decade, 2014, Retrieved January 9, 2019 from <http://apps.who.int/adolescent/seconddecade/>.

younger have a 20–30% risk of being born premature and underweight,<sup>32</sup> as well as low levels of nutrition and high levels of neonatal mortality.<sup>33</sup>

Women who marry at a young age are also more at risk for having an abortion, which adversely affects their fertility.<sup>34</sup> ICRW<sup>35</sup> reveals that underage mothers (aged 15–19) are twice as likely of dying from pregnancy-related complications. Nour<sup>36</sup> reports that women who marry at a young age are more vulnerable to sexually transmitted diseases, cervical cancer, and malaria. At the same time, a number of studies have shown that women who marry early have a higher risk of experiencing physical and sexual violence, which is detrimental to their health.<sup>37</sup> According to Raj et al.,<sup>38</sup> women who marry early are 1.8 times more likely to experience physical violence than women who marry later. Similarly, Le Strat et al.<sup>39</sup> find that women who marry early are 1.41 times more prone to psychiatric disorders.

Psychosocial issues are often experienced by wives, husbands, and their families after underage marriage. Depression and stress frequently occur as children are subjected to new roles at an age when they are psychologically unprepared.<sup>40</sup> Gender inequality is also a significant factor, as women are unable

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<sup>32</sup> Caroline H.D. Fall et al., “Disadvantages of Having an Adolescent Mother,” *The Lancet Global Health* 4, no. 11 (2016), p. e787–88, [https://doi.org/10.1016/S2214-109X\(16\)30263-7](https://doi.org/10.1016/S2214-109X(16)30263-7); Fall C.H.D. et al., “Association between Maternal Age at Childbirth and Child and Adult Outcomes in the Offspring: A Prospective Study in Five Low-Income and Middle-Income Countries (COHORTS Collaboration).,” *The Lancet Global Health*, 2015.

<sup>33</sup> Anita Raj and Ulrike Boehmer, “Girl Child Marriage and Its Association With National Rates of HIV, Maternal Health, and Infant Mortality Across 97 Countries,” *Violence Against Women* 19, no. 4 (2013), p. 536–51, <https://doi.org/10.1177/1077801213487747>; Gibbs et al., “The Impact of Early Age at First Childbirth on Maternal and Infant Health.”

<sup>34</sup> S.M. et al., “Child Marriage in Bangladesh: Trends and Determinants.”

<sup>35</sup> UNFPA, “Child Marriage in Southern Asia Policy Options for Action,” *UNFPA*, 2013.

<sup>36</sup> Nawal M.Nour, “Health Consequences of Child Marriage in Africa,” *Emerging Infectious Diseases*, 2006.

<sup>37</sup> K. G. Santhya et al., “Associations between Early Marriage and Young Women’s Marital and Reproductive Health Outcomes: Evidence from India,” *International Family Planning Perspectives*, (2010), <https://doi.org/10.1363/3613210>; Amber Peterman, Jennifer Bleck, and Tia Palermo, “Age and Intimate Partner Violence: An Analysis of Global Trends among Women Experiencing Victimization in 30 Developing Countries,” *Journal of Adolescent Health* 57, no. 6 (2015), p. 624–30, <https://doi.org/10.1016/j.jadohealth.2015.08.008>; Rachel Kidman, “Child Marriage and Intimate Partner Violence: A Comparative Study of 34 Countries,” *International Journal of Epidemiology*, (2017), <https://doi.org/10.1093/ije/dyw225>.

<sup>38</sup> Raj, “When the Mother Is a Child: The Impact of Child Marriage on the Health and Human Rights of Girls.”

<sup>39</sup> Yann Le Strat, Caroline Dubertret, and Bernard Le Foll, “Prevalence and Correlates of Major Depressive Episode in Pregnant and Postpartum Women in the United States,” *Journal of Affective Disorders*, (2011), <https://doi.org/10.1016/j.jad.2011.07.004>.

<sup>40</sup> Eddy Fadlyana and Shinta Larasaty, “Pernikahan Usia Dini Dan Permasalahannya,” *Sari Pediatri* 11, no. 2 (2016), p. 136, <https://doi.org/10.14238/sp11.2.2009.136-41>.

to voice their opinions, negotiate their interests (including in contraception and pregnancy), and communicate their sexual desires.<sup>41</sup>

Family and relatives often provide services that support the practice of underage marriage. As reported by Stack, families may support young couples by providing childcare, shelter, and food.<sup>42</sup> Cramer & McDonald suggest that relatives may provide this assistance to show their love, or out of social obligation.<sup>43</sup> More inclusive studies show that patterns of assistance or support vary depending on ethnicity, gestational age, and marital status.<sup>44</sup> Religion, which perceives marriage as a sacred agreement in religion, also allows early marriage so long as the two individuals have the legal capacity required. Early marriage is thus voluntarily and involuntary encouraged as a means of maintaining women's honour and ensuring their virginity until marriage.<sup>45</sup>

In an Indonesian context, underage marriage causes significant social and psychological difficulties for young couples, who are thrust into the world of child abandonment, poverty, and divorce—often without the support of their families or communities.<sup>46</sup> Fadlyana & Larasaty find that Indonesians tend to show little concern for these issues, instead justifying early marriage through reference to tradition, culture, and economic considerations.<sup>47</sup> This is exacerbated by the fact that advocates against underage marriage tend to offer little more than recommendations, ultimately failing to provide necessary services.<sup>48</sup>

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<sup>41</sup> Fadlyana and Larasaty.

<sup>42</sup> Carol Stack, "All Our Kin," in *Ethnography and the City: Readings on Doing Urban Fieldwork*, (2012), <https://doi.org/10.4324/9780203723807>.

<sup>43</sup> James C. Cramer and Katrina Bell McDonald, "Kin Support and Family Stress: Two Sides to Early Childbearing and Support Networks," *Human Organization*, (1996), <https://doi.org/10.17730/humo.55.2.w1v80q3045250328>.

<sup>44</sup> David J. Eggebeen and Dennis P. Hogan, "Giving between Generations in American Families," *Human Nature*, (1990), <https://doi.org/10.1007/BF02733984>; Sandra L. Hofferth, "Kin Networks, Race, and Family Structure," *Journal of Marriage and the Family*, 1984, <https://doi.org/10.2307/352527>; Dennis P. Hogan, Ling-Xin Hao, and William L. Parish, "Race, Kin Networks, and Assistance to Mother-Headed Families," *Social Forces*, (1990), <https://doi.org/10.2307/2579354>. Wilkinson, D, Family ethnicity in America. In Harriette Pipes McAdoo (Ed.) *Family Ethnicity: Strength in Diversity*, 1993, London: SAGE Publications

<sup>45</sup> Santhya K.G., "Early Marriage and Sexual and Reproductive Health Vulnerabilities of Young Women: A Synthesis of Recent Evidence from Developing Countries," *Current Opinion in Obstetrics and Gynecology*, 2011.

<sup>46</sup> Sardi, "Faktor-Faktor Pendorong Pernikahan Dini Dan Dampaknya Di Desa Mahak Baru Kecamatan Sungai Boh Kabupaten Malinau."

<sup>47</sup> E Fadlyana, S Larasaty - Sari Pediatri, and Undefined 2016, "Pernikahan Usia Dini Dan Permasalahannya," *Saripediatri.Org*, 2009.

<sup>48</sup> Martyan Mita Rumekti and V. Indah Sri Pinasti, "Peran Pemerintah Daerah (Desa) Dalam Menangani Maraknya Fenomena Pernikahan Dini Di Desa Plosokerep Kabupaten Indramayu," *Jurnal Pendidikan Sosiologi*, (2016); Halimatus Sakdiyah and Kustiawati Ningsih, "Mencegah Pernikahan Dini Untuk Membentuk Generasi Berkualitas," *Jurnal Masyarakat, Kebudayaan Dan Politik*, (2013); Diana Ariswanti Triningtyas and Siti Muhayati, "Konseling

Efforts to prevent underage marriage have been limited to counselling; other services are sorely lacking.<sup>49</sup> Social and family concern remain lacking, and thus underage marriage continues to deleteriously affect child development and provoke domestic violence.<sup>50</sup> At the same time, owing to a lack of communication skills, education, and access, communities fail to recognize the importance of providing continual support to young couples, especially in times of need.<sup>51</sup> At the same time, the literature has generally ignored the question of postnuptial services, as studies of underage marriage of focused on its causes and complications.

### Underage marriage in numbers in Gorontalo

UNICEF and Statistics Indonesia report that, between 2008 and 2015, underage marriage was relatively common in all areas of the country. Gorontalo Province had one of the highest rates of early marriage in Indonesia (32.2%), ranking fifth (after West Sulawesi, Central Kalimantan, Central Sulawesi, and South Sulawesi). Pohuwato Regency has been a customary territory that has one of the highest levels of underage marriage in Gorontalo. As in other regions, marriage in Pohuwato has always been considered part of *adat* (custom), and thus follows traditional requirements and meets traditional conditions.

Discussion of underage marriage is commonly avoided in Gorontalo. Although the practice is common, it is frequently concealed as it is perceived as a blemish on the family and the community. Nonetheless, the increased prevalence of underage marriage has created social anxiety in Pohuwato Regency, as it often results from unwanted pregnancy and creates economic burdens for families, social burdens for communities, and health issues for women and their children. Although the practice is not a new one, its causes have changed. Historically, underage marriage was driven by economic factors, with families agreeing to marry their daughters off in order to ease their economic burdens. In such situations, preteen and teenage girls were generally married to wealthy older men who enjoyed a high social status. Today, however, underage marriage

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Pranikah: Sebuah Upaya Meredukasi Budaya Pernikahan Dini Di Kecamatan Pulung Kabupaten Ponorogo,” *JKI (Jurnal Konseling Indonesia)*, (2017).

<sup>49</sup> Diana Ariswanti Triningtyas and Siti Muhayati, “Konseling Pranikah: Sebuah Upaya Meredukasi Budaya Pernikahan Dini Di Kecamatan Pulung Kabupaten Ponorogo,” *Konseling Indonesia* 3, no. 1 (2017), p. 28–32.

<sup>50</sup> Irne W Desiyanti, “Faktor-Faktor Yang Berhubungan Terhadap Pernikahan Dini Pada Pasangan Usia Subur Di Kecamatan Mapanget Kota Manado Factors Associated With Early Mariage In Couples Of Childbearing Age At Kecamatan Mapanget Manado City,” *Faktor-Faktor Yang Berhubungan Terhadap Pernikahan Dini Pada Pasangan Usia Subur Di Kecamatan Mapanget Kota Manado Factors* 5 (2015), p. 270–80.

<sup>51</sup> Syarifah Salmah, “Pernikahan Dini Ditinjau Dari Sudut Pandang Sosial Dan Pendidikan,” *Alhiwar Jurnal Ilmu Dan Teknik Dakwah* 04, no. 07 (2016): 35–39.

generally involves people of the same age, and is driven not by economic or class factors but to mitigate the dishonour caused by unwanted pregnancy.

Data obtained from the Gorontalo Office of Religious Affairs shows that 356 underage marriages were conducted in 2019 (Table 1). Underage marriage occurred in all six of Gorontalo's municipalities. It was particularly prevalent in Gorontalo City (89 cases), Gorontalo Regency (108 cases), and Pohuwato Regency (93 cases). Pohuwato is a primarily rural regency, with most of its residents earning a living through agricultural activities.

**Table 1. Data on Underage Marriage Events in the Gorontalo Province in 2018**

NO	CITY/REGENCY	TOTAL
1	Gorontalo City	69
2	Gorontalo Regency	88
3	Boalemo Regency	13
4	Pohuwato Regency	0
5	Bone Bolango Regency	26
6	North Gorontalo Regency	5
TOTAL		201

Source: Office of the Ministry of Religion of Gorontalo Province

Although this is significant, available data does not show what is actually happening in the region. 'Not everyone wants to report cases of early marriage. Government officials are reluctant to record incidents because they are considered to tarnish the good name of the region' (Interview with SH, 64 years old). One village official similarly communicated that underage marriages have occurred in the village, but were not reported to the local Office of Religious Affairs. This statement is consistent with that of a local religious figure:

In our village, there are still many underage marriages. Every year, it affects around 20 couples. However, they were not recorded in the village register or at the religious affairs office, because these couples have not reached the age required by law (IG, local religious figure).

Assuming that 20 cases of early marriage occur in every village every year, there may be thousands of unreported cases in Pohuwato Regency (which has 113 villages). According to informants, this regency has some of the highest rates of early marriage in the region.

**Table 2. Proportion of the Population of Women Aged 15–49 Years of Age According to the Age of their First Marriage in the Gorontalo Province**

Regency/ City	Proportion of Female Population (%)				
	15	16	17–18	19–24	25–49
Boalemo	3.80	6.40	16.40	63.38	10.27
Gorontalo	4.86	4.90	18.44	62.21	9.59
Pohuwatu	6.73	6.94	21.61	54.92	9.81
Bone Bolango	2.45	3.39	12.63	72.74	8.79
North Gorontalo	5.67	5.22	17.20	65.03	6.88
Gorontalo City	1.81	2.76	10.22	70.01	15.19

This finding corresponds with data from Statistics Indonesia, Gorontalo Branch (2015). In a survey of married women aged 15–49 years, it found that Pohuwato Regency had high rates of underage marriage; 6.73% of women were first married at age 15, 6.94% were first married at age 16, and 21.61% were first married at age 17–18 (Table 2). In other words, 35.28% of women reported that they had first married between the ages of 15 and 18.

Parents often attributed the decision to not report underage marriages to fear of not getting permission to get married. This process is perceived as time-consuming and complicated; as such, many parents are afraid to contact religious courts. Young couples instead have religious weddings, without the knowledge of the local Office of Religious Affairs. 'Marriage is conducted without the knowledge of the religious affairs office. This means that they carry out the marriage contract without issuing a marriage certificate or book' (IG, local religious figure).

Among the poor and under-educated people of Puhuwato, underage marriage is commonly triggered by premarital pregnancies. One local religious leader (IG) stated that, in his experience, most cases of early marriage were driven by the bride becoming pregnant out of wedlock and encouraged by couples' families. Some children may demand such marriages to avoid such a situation. As stated by OD, a village secretary:

There are some in this village who, at age 16, chose to get married and stop their education because they love each other. Their families have to agree with these wishes to prevent bad things from happening (OD, Village Secretary).

This statement was confirmed by respondents, who recognized that many school-age children urge their parents to let them get married. Interviews with religious leaders and village officials revealed that premarital pregnancy is the largest contributing factor to underage marriage. However, this complicates the lives of young couples, especially in their efforts to receive access to family, community, and government services. When marriage is conducted informally, outside of government institutions, it is not recognised by the State (civil

registrar). The children of such couples are thus not allowed to access government facilities and services.

### **Experiences of wives and husbands**

Underage couples reported a range of bitter experiences, including in their wedding ceremonies and registration processes. Almost all informants reported difficulty dealing with their parents and families during the marriage process, decisions for which are traditionally made by families rather than individuals. This can be highlighted through the experiences of SL:

When I found out I was pregnant, I was very scared. I could not tell my parents. Finally, when my boyfriend said he would come and propose, I told my parents that I was pregnant. They were very angry, didn't talk to me for days, and even wanted to send me out of the house because of shame. My uncle came to persuade my father to marry me off.... (SL, woman who married underage).

SL's parents disagreed with her marriage, perceiving it as a disgrace to the family. As such, a member of the extended family became involved as a mediator, promoting marriage as a means of maintaining family integrity and protecting her. In the end, the marriage occurred, albeit with a small ceremony. Only close relatives knew about their marriage, because they felt ashamed that the couple were underage.

Other reports corroborated this, especially in cases where the bride was pregnant out of wedlock. Almost all informants stated that they concealed their wedding from their peers and communities, hoping to avoid bringing shame to their families. As such, they deviate from traditional marriage ceremonies, which are lavish ceremonies with hundreds of families. With a sad tone, one informant stated:

No family came to our marriage. Only our parents and the officiant. Afterwards, we held a small thanksgiving ceremony, and only our closest family members were invited. It would be embarrassing if our guests knew why we were married (NK, woman who married underage).

NH discussed a similar experience:

Our parents agreed we could marry, but on the condition that it would be a family event and no traditional clothes would be worn because it would be a shame to our customs. I actually wanted to have events like my friends or my cousins, but I feared that I might anger my parents angry by asking. Our marriage was only a family event, without any customary events (NH, woman who married underage).

Owing to the secrecy involved, traditional wedding processes were often ignored. Out of eleven cases, only one conducted the *moponika* (a customary marriage agreement); others avoided this process, as their parents knew that traditional stakeholders would not give their blessings in cases of premarital pregnancy. Underage couples tended to obey the wishes of their parents, despite

their desire for a traditional wedding, as they perceived their parents' permission and blessings as paramount. SR explained:

'We were married with only a contract and reception. The reception was not big; just like a thanksgiving ceremony. There was no entertainment. We just ate with the family. There was no customary procession' (SR, man who married underage).

Such experiences were common where couples married underage, especially in cases of premarital pregnancy. Underage marriage subjects couples to serious pressure, especially brides, who must confront their parents, families, and communities. They must deal with social ostracism, as they are perceived as violating customs and prevailing norms. They must forgo the potential excitement of a marriage ceremony.

After marrying, many couples still experience problems. Despite their marriage being recognized by religious law, it is not acknowledged by state law. Couples lack official documents documentation, and thus have difficulty accessing public services; for instance, they do not receive birth certificates or family cards after giving birth.

Society views underage marriage as something that must be avoided for religious and social reasons, as it is considered to have a significant detrimental effect. One community leader commented:

Young people should think further, because underage marriage is of no use. It is a moment of pleasure that brings disgrace to the family, especially when pregnancy occurs. We have been married for years, but there are problems, especially with immature school-age children (MH, community leader).

Religious leaders also regretted the practice of underage marriage. One noted that '[e]ven if a child has already applied, she should not be married, because many things lie in her future' (IG, village religious leader).

Premarital pregnancy is considered to bring shame to couples' families and communities. Even when families agree to couples' marriage, couples remain in a marginalized position, and they tend to be ostracized by their communities—especially, as is common, when they are economically disadvantaged. One woman who was married underage said that, '[b]ecause [she] was pregnant before marriage, many of her family and friends belittle[d] [her] and brand[ed] [her] a disgrace. Moreover, [her family was] not economically sustainable' (SS, woman who married underage).

Difficulty handling such pressure often leads to divorce, and even financial stability does not ensure a sustainable marriage. Underage couples lack the maturity to deal with their marital problems, and lack support—even from families. In these cases, divorce occurs when couples agree to separate; no court decision is necessary, as no marriage certificate has been issued. The bitter experiences of RS show the complexity of such unrecognized marriages:

I married into a family that had assets and thought I would be happy because all my life needs would be fulfilled. Now, we have been separated for two months, without a divorce, because we always fight and [are] not mature enough in solving our problems. There is no reason for divorce, since we do not have a marriage certificate (RS, married woman, aged 15).

Divorce is not the end of marital problems. Issues such as child custody are also difficult, as the separation process does not incorporate the formal provisions available in a court of law. Family intervention may further aggravate this conflict.

### **Service practices for underage married couples**

Underage married couples' divorce, as well as the problems experienced by their children, show that they lack the support of their families, governmental religious institutions, and peers. Field observations indicate that no adequate service systems exist for underage married couples within communities; couples mostly receive support from their parents and siblings. Government services are more administrative, while peers provide psychological support. Four sources of support can be identified, as follows.

First, religious support systems. Governmental religious institutions provide administrative assistance, while religious leaders urge people to avoid practices that could result in underage marriages. For instance, the Head of the Gorontalo Office of Religious Affairs said, 'People are often motivated by religious leaders to change their mindsets, and they are also advised that underage marriage has more negative effects than positive ones (US, Head of the Gorontalo Office of Religious Affairs). As such, religious institutions tend to promote prevention through normative approaches. Such practices were also mentioned by AK (religious leader):

Every sermon we deliver is directed towards ensuring that young people do not get involved in free sex, alcohol, and drugs. We also always advise parents to keep an eye on their children. That's all we can do as religious leaders, because programmes and other matters are under the authority of the village government, not us' (AK, religious leader).

Regulations have hindered religious leaders, who are not allowed to act beyond the scope and authority granted to them. They are limited to providing guidance. Meanwhile, organizations such as the Office of Religious Affairs can only provide limited assistance due to constraints from the applicable marriage law in Indonesia.

Some officials are willing to join couples, on the condition that they receive a dispensation from the court. Such dispensations are socially viewed as a natural response to objective conditions. The Head of the Office of Religious Affairs stated:

In situations like this, as humans with feelings, we are willing to cover up the family's shame through marriage, on the condition that a dispensation is obtained from the court and the parents promise to guide and nurture the children even after marriage (HS, Head of the Office of Religious Affairs)

Religious courts are also willing to provide dispensation, where requested by the family. This is intended not only to help families maintain their good name, but also to ensure that unborn children have a father figure.

Second, community support systems. Communities do not have systems for supporting underage couples, especially in dealing with the poverty that plagues this region. Although kinship bonds and mutual concern are traditionally strong, economic conditions make it impossible for communities to help underage couples, who usually experience increased economic pressure during childbirth. Children, meanwhile, are often nurtured by their extended families, whose financial situations may hinder their access to education and health services. Such financial constraints also limit communities' ability to provide couples with assistance.

Couples must thus support their families on their own, even with limited education and opportunities. They often do this by working as sharecroppers or by leaving their children to work in the city; other economic opportunities tend to be limited. This is exacerbated by community resistance and a lack of social acceptance. Those who become pregnant out of wedlock are viewed as dishonouring their families, and as such ostracized in village economic and social activities. As such, underage couples tend to have difficulty accessing social services and support systems, despite the high level of collectivism claimed by their communities.

Third, family support systems. Generally, underage couples only receive real support from their nuclear families, who feel compelled to provide assistance to protect their image. One parent explained,

'We have no other choice. Even though they have committed acts that tarnished the good name of our family, they are still our children. At the very least, we should ensure that our name doesn't get worse in the community' (RI, parent of child who married underage).

Nuclear families usually provide employment and shelter, as underage couples tend to not have jobs or residences. These couples are allowed to live with their parents, even though this exacerbates their families' financial difficulties. One parent confirmed that he had cared for his child:

'Even though we are all lacking, our son and his wife lives with us because they don't have a home. Because my son is still a boy, with a family to protect, I helped him find work. He now works as a shopkeeper for my friend' (RH, parent of child who married underage).

Parents give such support in order to show their love, even though they have their own families and economic burdens. Even in divorce, the nuclear family is often the only source of support. As stated by one parent:

My daughter got married at the age of 15 because she was pregnant. Two years later, they divorced, because they were immature and often quarrelled. She came back home, and I sent her to school" (SR, parent of child who married underage).

Grandparents are mostly tasked with the responsibility of caring for children born of early marriages, especially after divorce. This is common in rural areas where core family support is used to solve many problems—especially when state and community support is very limited.

Forth, peer support systems. As common among teenagers, friends are important parts of underage couples' lives, providing both advice and psychological support. This is particularly evident among young brides, who generally share their problems and difficulties with their close friends. As one woman stated:

When I was pregnant, my friends were the first to know. My parents didn't know. I told my friend because I only trusted her, and I was sure she could help me find a way out without blaming or scolding me" (IK, woman who married underage).

A man who faced the same problem stated the following:

When I found out my girlfriend was pregnant, I couldn't tell my parents. I finally told my friend because I was sure he would be able to help. Finally, he told his parents, who told mine. It was scary for me (GM, man who married underage).

Visits from peers are particularly important after couples are married, as it is easy for them to discuss their new experiences. Many underage couples routinely meet their friends to complain about household and economic problems or, in some cases, just to share stories. They prefer speaking with their friends because they fear burdening their parents with such issues. As stated by IK:

When I have a problem, I just tell my friend, even when it is about money. I am afraid of speaking to my parents because of my experiences with them before, and I do not want to add to their burden (IK, women who married underage).

Friends thus offer young couples a means of resolving their issues and reducing their psychological pressure. They may even discuss their financial difficulties or seek assistance. This indicates that normative standards create boundaries between couples and their families and broader communities, which exacerbate the lack of social support. Underage couples are perceived as abnormalities, as individuals who have violated traditional rules. Moreover, underage marriage and its consequences are not viewed as a public problem, but rather a family matter.

## **Conclusion**

There is a limited understanding of the health, psychological, and economic risks involved in underage marriage, and adolescents rarely receive health education and family resilience counselling. At the same time, the societal values that regulate children's relationships with their parents and communities have weakened, while families, communities, and schools have taken less a role in children's moral and character development. Underage marriage directly affects women's education, psychological well-being, rights, and economic safety.<sup>52</sup> At the same time, underage couples—especially ones that live in poverty—face persistent problems fulfilling their daily needs and raising their children. They deal with social ostracism, as premarital pregnancy is seen as violating traditional norms, and even when couples marry informally their child(ren) have no rights. At the same time, Islam condemns premarital pregnancy as a form of fornication, and as such underage couples are identified as violating religious doctrines.

This paper has demonstrated that underage marriage has persisted despite being prohibited by religion, local customs, and state laws, being driven by economic pressure, limited education, and premarital pregnancy. Pregnant girls are forced to marry to conceal family and community disgrace. Even then, their weddings are mostly not conducted in accordance with applicable customs, and are restricted to close family members. Looking at the difficulties and violence experienced by young married couples, this paper suggests a paradigm shift, from 'perpetrators' to 'victims'. The concept of underage marriage cannot be separated from the normal shifts that happen in society, including changes in the patterns of adolescent relationships, intergenerational gaps, family estrangement, and inadequate legislation. As such, couples require moral and institutional support in order to help them overcome their difficulties.

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