

Analysis of the Impact of Underage Marriage on Divorce in Baubau City

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ABSTRACT

This study aims to analyze the impact of underage marriage on the divorce rate in Baubau City using a normative-empirical legal approach. Early marriage remains a prevalent issue in various regions, including Baubau, and is often linked to a high rate of divorce. The findings reveal a significant correlation between underage marriages and divorce, both in terms of frequency and the resulting social consequences. The primary contributing factors include premarital pregnancy, premarital sexual relations, peer pressure, and cultural or societal norms. The lack of mental and emotional maturity among young couples is a major trigger for disharmony and instability in these hastily formed marriages. Data were collected through documentation from the Office of Religious Affairs (KUA) and interviews with relevant stakeholders. Based on the results, the study recommends the active involvement of parents in supervising and educating their children, with a strong emphasis on moral and religious education from an early age. Additionally, the introduction of comprehensive sex education for adolescents is deemed essential. Government agencies, religious institutions, and educational bodies must work collaboratively to address the issue through public awareness, preventive education, and strict regulatory measures. These efforts are expected to significantly reduce the incidence and impact of early marriage, fostering a healthier, more responsible young generation.

Keywords: Impact Analysis, Underage Marriage, Divorce, Baubau City

1. Introduction

Marriage is a physical and spiritual bond between a man and a woman, generally from different backgrounds, particularly their respective families, who then bind themselves to achieve the goal of a happy and lasting family. Therefore, Law No. 1 of 1974 concerning Marriage came into effect on October 1, 1975, following the enactment of Government Regulation No. 9 of 1975 concerning the Implementation of Law No. 1 of 1974 concerning Marriage (hereinafter referred to as the Marriage Law). Article 1 of the Marriage Law states: "Marriage is a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the One Almighty God." (Abu al-Ghifari, 2002)

Physical and spiritual maturity is the primary foundation for building a harmonious and sustainable married life. Physical maturity refers to a person's biological readiness to live a married life, while spiritual maturity reflects the mental, emotional, and spiritual maturity needed to face the dynamics and challenges within a household. These two aspects complement each other and cannot be separated in achieving the goals and ideals of marriage, such as peace, happiness, good offspring, and fostering a family that is *sakinah*, *mawaddah*, and *rahmah*. Unfortunately, in our society, awareness of the importance of this maturity is still low. Many couples enter marriage without understanding the importance of comprehensive readiness, both physically and spiritually.

(Abdussalam, 2016) One of the causes is the influence of a permissive environment, a lack of family education, and social developments that do not support the formation of complete maturity. The media, free association, and social pressures also exacerbate this condition. Therefore, the active participation of all parties, including families, educational institutions, religious leaders, and the government, is needed to provide understanding and guidance from an early age so that the younger generation is prepared to enter married life with full responsibility. Marriage must have the consent of both prospective bride and groom, voluntarily, without coercion from any other party. This is for the sake of the happiness desired in the marriage. Everything that will be implemented must be planned in advance to produce good results, and this also applies to family life (marriage). One thing that must be planned before starting a family or marriage is the appropriate age for a man or a woman to marry. (Amir Syarifuddin, 2009)

According to the provisions of Article 7 paragraph (1) of the Marriage Law, marriage is only permitted if the man is 16 years old. However, in the provisions of paragraph (2) of the Marriage Law, it states that in this case, deviations from paragraph (1) can request dispensation from the Religious Court or other officials appointed by both the parents of the man and the woman. (Arif Gosita, 2004) Thus, what is meant by young marriage in this study as referred to in Article 7 paragraph (2) of the Marriage Law is a marriage where the parties are still very young and have not fulfilled the requirements that have been determined in carrying out marriage. As is known, marriage is a physical and spiritual bond between a man and a woman who generally come from different environments, especially from the environment of their original families, then bind themselves to achieve a goal, namely an eternal and happy family. (Hasbullah Bakry, 2007)

In general, every married couple hopes for a long-lasting, harmonious, and happy marriage. No one wants their marriage to end in divorce. However, in reality, many marriages fail due to various factors, both internal and external to the couple. Different social environments, different family backgrounds, cultural differences, and contrasting characters and personalities are often the main causes of relationship breakdown. Furthermore, a lack of effective communication, a lack of shared perspectives on life, and an inability to resolve conflicts maturely can worsen the situation. Fostering a lasting marriage requires genuine affection, mutual respect, the ability to reconcile differences of opinion, and a shared vision and mission. Without these factors, differences can lead to emotional distance, boredom, and fatigue, which over time can lead to tension in the relationship. Therefore, it is important for married couples to consistently cultivate love, maintain open communication, and work together to overcome every challenge to ensure a harmonious and whole household. (Wantjik Saleh, 2006)

The purpose of marriage is essentially to form a family that is peaceful, loving, and compassionate, and to achieve physical and spiritual happiness between husband and wife. However, in reality, many couples find that their dreams and aspirations before marriage do not fully align with the realities of married life. This mismatch between expectations and reality often triggers tension, disappointment, and even prolonged conflict that can lead to hostility and marital breakdown. When this tension is not managed properly, the integrity of the marriage is threatened and cannot be maintained. Therefore, to achieve a lasting and happy marriage, thorough preparation is required from both prospective bride and groom. This preparation includes physical, mental, emotional, and spiritual readiness so that each party can understand and accept differences and establish healthy communication. With this readiness, it will be easier for a husband and wife to reach a point of agreement in opinions, attitudes and perspectives, so that they can

work together to realize the goals of marriage that they have aspired to together from the beginning. (Mukti Arto, 1998)

Thus, marriage is expected to produce offspring who will continue the lineage of parents and relatives, through the paternal, maternal, or parental lines. However, marriage at a young age often causes turmoil in married life. This is largely due to a lack of mental readiness and the immaturity of the physical and spiritual parts to build a household. Consequently, arguments, misunderstandings, and differences of opinion often arise, often leading to divorce. (Riduan Syahrani, 2000) Other problems that frequently arise include excessive jealousy, lack of good communication, and financial difficulties (being unemployed during marriage) or being unemployed. These are crucial factors in married life, all of which are caused by the relatively young age at which they married. However, the majority of those who marry at a young age, especially in Galanti Village, maintain long-lasting marriages. This is because those who marry at a young age are obedient to their parents, religiously, and culturally, allowing them to easily reconcile their differences. (Soekanto, 2001) Underage marriage is a marriage entered into by someone who fundamentally lacks the necessary preparation or maturity, whether biologically, psychologically, or socioeconomically. According to the Marriage Law, marriage is a physical and spiritual bond between a man and a woman as husband and wife with the goal of forming a happy and eternal family (household) based on the One Almighty God.

Based on the problems outlined above, the author has formulated three main focuses for this research. First, the urgency of the Marriage Law as a legal basis that regulates and protects the rights and obligations of the parties within the institution of marriage. This law plays a crucial role in creating order and justice in domestic life, including in terms of limiting the minimum age for marriage. Second, the author aims to examine in depth the impact of early marriage, which often gives rise to various problems, including health, psychological, and social issues. Third, this research will focus on the impact of early marriage on the high divorce rate in Baubau City. Through these three research questions, the author hopes to provide a comprehensive overview of the legal and social consequences of early marriage and the urgency of stricter enforcement of regulations to address them.

The purpose of this research is to analyze in depth the urgency of the Marriage Law in regulating the minimum age for marriage and to identify the social and legal impacts of early marriage, particularly in relation to the divorce rate in Baubau City. This research also aims to provide a scientific contribution as a basis for formulating more effective policies to prevent early marriage. The benefits of this research include providing a broader understanding to the public regarding the importance of maturity in building a harmonious household, as well as being a reference for policy makers, educational institutions, and observers of social issues in designing educational and preventive programs to reduce the divorce rate caused by the unpreparedness of young couples in living married life.

2. Methods

The research method used in this study is the empirical normative legal research method. This method is an approach that combines two important dimensions in legal studies, namely the normative dimension and the empirical dimension. (Abdussalam, 2016) Empirical normative legal research not only focuses on the analysis of laws and regulations, legal principles, and doctrines relevant to the main problem being studied, but also involves field studies to see how the law is applied in practice. In this context, the normative approach is used

to examine the substance of the law theoretically and systematically based on positive legal sources, such as laws, government regulations, court decisions, and legal literature. Meanwhile, the empirical approach is carried out to obtain factual data from the field through observation, interviews, or case studies that describe the implementation of law in real life. The combination of these two approaches allows researchers to gain a more complete and in-depth understanding of legal issues, both from a normative and an applicative perspective. Thus, the results of this study are expected to provide theoretical contributions to the development of legal science, while also providing practical solutions to legal problems that occur in society. (Soekanto, 2001)

3. Findings and Discussions

3.1 The Urgency of the Marriage Law

Marriage Law Number 1 of 1974, which was amended by Law Number 16 of 2009, plays a crucial role in establishing a just and equal family law system. This law aims to provide legal certainty within the institution of marriage, particularly in guaranteeing the rights and obligations of husband and wife. One crucial aspect of this regulation is protecting women's position within the household, both as wives and mothers. With firmer and clearer regulations, women have a stronger legal position, including in terms of division of responsibilities, child rights, and protection from discriminatory practices or domestic violence. Similarly, regarding husbands who intend to practice polygamy, legal provisions are in place to prevent arbitrary actions and abuse of authority by husbands who wish to marry multiple wives without the consent of their current spouse. This does not imply that polygamy is strictly prohibited, but rather that it is regulated by specific legal conditions. A husband who wishes to engage in polygamy must fulfill several requirements, one of which is obtaining permission from the Religious Court. This regulation serves to protect the rights and dignity of the existing wife while ensuring that polygamy is conducted responsibly and in accordance with legal and ethical standards. This does not mean that polygamy is prohibited, but a husband who wishes to practice polygamy is bound by certain conditions, namely obtaining permission from a religious court. If the requirements in accordance with the law are not met, the husband is not permitted to practice polygamy, this is in accordance with Articles 3, 4, 5 of Law Number 1 of 1974, the scope of Law Number 1 of 1974 consists of 14 Chapters and 67 Articles with the following table as follows:

Table 1. Composition of the Marriage Law

Bab I	Dasar Perkawinan (pasal 1-5)
Bab II	Syarat Syarat Perkawinan (pasal 6-12)
Bab III	Pencegahan Perkawinan (Pasal 13- 21)
Bab IV	Batalnya Perkawinan (Pasal 22-28)
Bab V	Perjanjian Perkawinan (Pasal 29)
Bab VI	Hak dan Kewajiban suami istri (Pasal 30-34)
Bab VII	Harta benda dalam perkawinan (Pasal 35-37)
Bab VIII	Putusnya Perkawinan serta akibatnya (Pasal 38- 41)
Bab IX	kedudukan anak (Pasal 42 – 44)
Bab X	Hak dan Kewajiban orang tua dan anak (Pasal 45 – 49) Perwalian (Pasal 50-54)
Bab XI	Perwalian (Pasal 50-54)
Bab XII	Ketentuan ketentuan umum yang terdiri dari empat bagian

Bagian Pertama	Pembuktian asal usul anak (Pasal 55)
Bagian Ketiga	Perkawinan Campuran (Pasal 57 – 62)
Bagian Keempat	Pengadilan (Pasal 63)
Bagian Keempat :	Ketentuan Peralihan (Pasal 64-65)
Bab XIV	Ketentuan Penutup (Pasal 66 – 67)

Source: Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan

3.2 The Impact of Early Marriage

According to 2021 data from the Central Statistics Agency (BPS), the child marriage rate in Indonesia remains quite high, above 10 percent, and is evenly distributed across all provinces. (Abdussalam, 2016) This fact indicates that early marriage remains a serious problem that requires special attention. Based on data released by BPS and the United Nations Children's Fund (UNICEF), early marriage has various negative impacts, including health, education, and social aspects. Children who marry at a young age are at high risk of pregnancy complications, dropping out of school, limited economic access, and even domestic violence. Some of the impacts experienced, as found by the author, are as follows:

First, the Impact on Girls: Girls who marry at an early age are at great risk of losing various fundamental rights that they should fully enjoy. One of the most impacted rights is the right to education. Early marriage often forces girls to stop their education before completing senior high school (SMA), thus preventing them from fulfilling the 12-year compulsory education program. This lost opportunity to pursue education has a direct impact on limited thinking patterns, low literacy rates, and limited future employment opportunities. In addition to the right to education, girls also potentially lose their right to health. Their very young age makes them vulnerable to various complications during pregnancy and childbirth, including a higher risk of maternal and infant mortality. Physically, their bodies are not fully prepared for pregnancy and childbirth, and they are not mentally mature enough to handle the emotional stress of being a wife and mother. These factors not only endanger their physical health but can also trigger stress, depression, and even domestic violence. Therefore, protecting girls from early marriage is a crucial step in ensuring a healthy, intelligent, and dignified future.

The practice of early marriage is not only a social and health problem, but also a crucial issue from a legal perspective. In the context of positive law in Indonesia, Law Number 16 of 2019, as an amendment to Law Number 1 of 1974 on Marriage, has set a minimum age of marriage of 19 years for both men and women. This provision is intended to provide legal protection for children, especially girls, so that they do not become victims of early marriage practices. From a legal perspective, when girls are forced or permitted to marry before the specified age, this constitutes a violation of children's rights as stipulated in Law Number 35 of 2014 on Child Protection. The right to education and health are included in the category of human rights that must be guaranteed by the state. Therefore, the state has an obligation to ensure that children, especially girls, are protected from all forms of practices that can rob them of their basic rights. Legal science functions not only as a tool of social control, but also as an instrument for realizing justice and prosperity, including in terms of preventing early marriage.

Second, the impact on children resulting from early marriage. Children born to parents, especially mothers, who marry at an early age are highly vulnerable to various serious health and social risks. One of the most obvious impacts is that the mother's physical condition is not yet fully mature enough to undergo

pregnancy and childbirth, increasing the likelihood of complications, such as premature birth. Babies born prematurely are at higher risk of health problems, such as low birth weight, respiratory problems, infections, and even neonatal death. This condition not only endangers the baby but can also threaten the life of the mother, who is not yet biologically and mentally prepared for childbirth. Furthermore, early marriage is usually directly proportional to low levels of education and parental knowledge regarding child-rearing and nutrition. This puts babies at high risk of malnutrition or poor nutrition, which further hinders optimal child growth and development. Children of young mothers also tend to receive inadequate stimulation for their cognitive and emotional development. In the long term, these impacts can spread to social problems, such as poor quality of the next generation, increased stunting rates, and a cycle of poverty that is difficult to break without strong legal and policy intervention.

The phenomenon of early marriage and its impact on children can be analyzed through legal protection theory, which emphasizes the crucial role of law in protecting vulnerable groups, including children and women. This theory asserts that the state must be present through regulations that guarantee the right to health and education. Previous research, such as the study by Nurhayati (2020), shows that the implementation of the Marriage Law has not been fully effective in reducing the number of child marriages. This reinforces the view that strengthening legal norms must be accompanied by ongoing law enforcement and human rights-based education.

3.3 The Impact of Early Marriage on the Divorce Rate in Baubau City

Based on the information and data collected by the Baubau City Religious Affairs Office, in Baubau City in the period 2019 - 2022, 15 underage couples had married, and from this phenomenon, 13 couples had divorced within a period of 3 years.

Table 2. Divorce rate in Baubau city

Type of Case	Divorce Rates in the Last Three Years		
	2019	2021	2022
Divorce Lawsuit	2	2	2
Divorce	2	2	3
Amount	4	4	5

Source: Baubau City Religious Affairs Office

The table shows that the divorce rate from early marriages in Baubau City over the past three years is significantly higher than that of surviving marriages. In fact, in 2022, divorce cases increased to five cases, up from four in 2019. Furthermore, the table illustrates that the majority of divorce cases decided by the Baubau Religious Court are lawsuits, or divorces filed by the wife.

The success rate of underage couples in starting families, especially in Baubau City, can be said to be less than ideal. This is indicated by the fact that nearly half of underage couples separate or divorce. The balance between successful and unsuccessful couples is almost equal. The family also plays a significant role in the continuity of these marriages. For example, families prepare businesses for the couple to support them financially, thus helping the underage couple, preparing a home, and so on. "Couples who marry underage are usually forced into it, either by their parents or the couple themselves. In general, in their marriage, they face complex issues, as is the norm for any family. For example,

they face low economic status, which can lead to marital discord, emotional problems due to immaturity in handling various matters, and the presence of third parties in the relationship.

4. Conclusion

Based on the results of this study discussing the influence of underage marriage on the divorce rate in Baubau City, it can be concluded that early marriage has a strong and significant correlation with the high divorce rate. The data obtained shows that from year to year, cases of child marriage still occur in quite large numbers, and the majority of them end in divorce. This phenomenon indicates that couples who marry at an immature age are not physically, mentally, or emotionally prepared to build a household maturely. The main factors causing underage marriage include premarital pregnancy, promiscuity, and social or cultural pressure. Therefore, concrete steps are needed to reduce the number of early marriages by strengthening the role of parents in supervising and educating children, especially in aspects of morality and religion. Healthy and responsible sex education must also be introduced appropriately to adolescents, and active collaboration is needed between government institutions such as the Religious Court, the Office of Religious Affairs, and schools in providing comprehensive education so that the younger generation can avoid the negative impacts of early marriage.

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