

The Phenomenon of Child Marriage in the Pandemic Based on Legal, Social and Health Studies

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ABSTRACT: This research reviews the phenomenon of child marriage during the pandemic, from a legal, social and health perspective. Based on data from UNICEF, Indonesia ranks eighth in the world with the number of child marriages reaching 1.4 million children. Data on child marriage from the 2018 National Socio-Economic Survey recorded that the number of child marriages in Indonesia was quite high, reaching 1,220,900 incidents. This means that about 1 in 9 women aged 20-24 get married before the age of 18. This research was conducted in Jember Regency by taking 17 representations in 9 sub-districts. This study uses a qualitative method with an observation and interview approach. From the results of the study, it was found that a small proportion of informants were legally married at Religious Affairs Office because they had not met the minimum age for marriage, which was 19 years. Some informants applied for a marriage dispensation at the Religious Courts, and some falsified the date of birth by increasing the age so that it meets the minimum age for marriage. Before getting married, a small number of informants got engaged first and most of them did not go through the engagement process. Informants who are engaged are usually engaged for a relatively long time, between 10 months to a year and then get married. Child marriage is against fundamental rights and freedom of children. The recommendation from this study is the need for more intense socialization about the rules of marriage age and the dangers of early marriage, especially related to their health.

KEYWORDS: early marriage, a pandemic, legal, social and health study



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I. INTRODUCTION

Marriage is a bond between a man and a woman as husband and wife which aims to form a happy and eternal family. Law Number 1 of 1974 Article 1 concerning marriage states that marriage can be carried out if the prospective groom reaches the age of 19 years and the woman is 16 years old. The difference in the minimum age limit for marriage has received opposition from various community groups and has led to a judicial review at the Constitutional Court.¹ Constitutional Court Decision Number 22/PUU-XV/2017 states that the age of 16 for marriage is contrary to the constitution and orders lawmakers to change the provisions regarding the minimum age limit for marriage. As a result, in 2019 the government issued a new regulation regarding amendments to Law Number 1 of 1974 concerning marriage. This regulation is contained in the Law of the Republic of Indonesia Number 16 of 2019 Article 7 paragraph (1) which reads "Marriage is only permitted if the man and woman have reached the age of 19 years". If a bride has not reached the age limit set, he/she must get permission from both parents and get a dispensation from the religious court.²

Indonesia occupies the eighth position in the world with the number of child marriages reaching 1.4 million children.³ In 2018, before Covid pandemic happened, it was recorded that around 11.21% of girls were married when they were less than 18 years old. In addition, there are 0.56% of the total number of girls in Indonesia married before the age of 15 years. According to the 2018 National Socio-Economic Survey, the number of child marriages in Indonesia is quite high, reaching 1,220,900 incidents. Of this number, the proportion of women aged 20-24 years who are married before the age of 18 is 11.21% of the total number of children. This means that about 1 in 9 women aged 20-24 years married before the age of 18, or about 11%. This number is in contrast to men where 1 in 100 men aged 20-24 years married when they were 18 years old or about 1%.⁴

This condition is very concerning and needs attention from various parties considering the problems and impacts of child marriage.

Dwinanda et al.⁵, in their research, states that the ideal age for marriage for women is between 21-25 years and for men between 25-28 years. At this age it is considered ideal because at that age a woman's reproductive organs are biologically mature and well developed and ready to experience pregnancy and give birth to their prospective child. While psychologically have experienced

¹ Hamid A Chalid, "Dualism of Judicial review in Indonesia: Problems and Solutions" (2017) 7:3 *Indones Law Rev* at 368.

² M Rasyid, *Pendidikan Seks* (Semarang: Syiar Media Publishing, 2007).

³ *Child Marriage in Indonesia*, by UNICEF Indonesia et al (2020).

⁴ Kementerian Pemberdayaan Perempuan dan Perlindungan Anak Republik Indonesia, "Stop Perkawinan Anak, Kita Mulai Sekarang. [Serial online]", (2020), online: <<https://kemenpppa.go.id/index.php/page/read/29/2569/stop-perkawinan-anak-kita-mulai-sekarang>>.

⁵ Aditya Risky Dwinanda, Anisa Catur Wijayanti & Kusuma Estu Werdani, "Hubungan Antara Pendidikan Ibu dan Pengetahuan Responden dengan Pernikahan Usia Dini" (2015) 10:1 *J Kesehat Masy Andalas* 76–81.

readiness to face and respond to all things. For a man, the age of 25-28 already ready for being the head of the household. He is obliged to support his wife and children by working to earn a living for the smooth running of the family's economy and providing necessities such as compulsory education that his child must have.

The impact of child marriage is massive, including legal, social, and health. According to the Minister of Women's Empowerment and Child Protection (Minister of PPPA) Bintang Puspayoga, child marriage has an impact, including increasing the risk of dropping out of school, low income, physical health due to girls not being ready to get pregnant and giving birth and mental unpreparedness to build a household that triggers violence, improper parenting until divorce. Lenny N Rosalin, Deputy of Child Development at the Ministry of Women's Empowerment and Child Protection, states that the practice of child marriage is a violation of children's rights which has a negative impact on their growth and development and life in the future.⁶ The biggest challenge of child marriage is because this problem is closely related to aspects of tradition, culture and economic problems.

Indonesia National Statistics Bureau showed that in 2013 and 2015 there are 20 provinces in Indonesia where the prevalence rate of early marriage in general exceeds the national figure of 22.82%. There are five provinces with the highest prevalence in Indonesia, West Sulawesi (34.22%), South Kalimantan (33.68%), Central Kalimantan (33.56%), West Kalimantan (32.21%) and Central Sulawesi (31.91%). Even though East Java province is not included in the fifth highest province has a percentage figure but it is in second ranks in Java Island after West Java Province. This shown that early marriage is still become a big problem in Indonesia. While early marriage hinders the growth and development of children, both psychologically and biologically. Early marriage has an impact on the deprivation of children's rights because they are forced to enter the adult world instantly. This is why discussing early marriage and human rights is a must.

Central Bureau of Statistics notice that the percentage of a woman who doing her first married is when she is 16 years old or even younger than that. It was 14,18% in 2017 but it became 15,66% in 2018. In 2017 the percentage of early marriage in West Java reached 17.28%. This figure is lower than East Java Province which reached 18.44%. Then in 2018 there was an increase in the percentage in West Java (20.93%) and East Java (20.73%). Its mean that East Java experienced an increase in the number of early marriages in 2018.⁷

The COVID-19 pandemic that occurred in Indonesia starting in 2020 with the development of cases that increased continuously also had an impact on the increase in cases of child marriage in Jember district. This area was chosen

⁶ Kementerian Pemberdayaan Perempuan dan Perlindungan Anak Republik Indonesia, supra note 4.

⁷ Tia Dwitiani Komalasari, "Peningkatan Pernikahan Dini Hambat Laju IPM", (2019), online: Pikiran-Rakyatcom <<https://www.pikiran-rakyat.com/nasional/pr-01310304/peningkatan-pernikahan-dini-hambat-laju-ipm>>.

because the increase in cases of child marriage in Jember district in 2020 is illustrated by the increase in marriage dispensations 4 times greater than in 2019 and has increased continuously from 2017 to 2020.⁸ Jember district was being one of the area in East Java where the number of early marriage increase every year.⁹ The total marriages that took place in Jember district in 2020 reached 21,232. 402 of the total marriages were the marriages of boys who were less than 19 years old. 664 marriages out of the total were marriages of girls under 19 years old. This proves that child marriage in Jember district has not disappeared in Jember district and it threatens the future of children.

II. RESEACH METHOD

From a legal perspective, this phenomenon will be studied based on the Marriage Law, marriage dispensation and child protection. From the social side, this phenomenon will be studied using an educational approach which is the state's obligation to continue to fulfill it during the pandemic.

This study uses a descriptive qualitative approach. The focus of this research is on the phenomenon of early marriage during the pandemic which will be reviewed from social-legal studies.

The methods used in this case study research design are interviews, observation, document review. Thus the researcher aims to provide a complete and in-depth view of the subject under study. The location of this research is in Jember district. This area was chosen

Data related to child marriage for this study were obtained through data collection in the sub-districts in the Jember region. Collecting data was taken during August and September 2021. Sources of data are also added with observations and focused interviews with the community and community leaders in the area that is the object of research. Interviewed the local government also part of collecting data. Since this research is during Covid pandemic, we had zoom meeting to collect data from government bodies such as ministry of religion and Department of Women empowerment, Child Protection and Family Planning of Jember District.

III. OVERVIEW OF INFORMANT CHARACTERISTICS

This research was conducted in Jember district where the informants are from some subdistrict such as Umbulsari, Bangsalsari, Antirogo, Kalisat, Arjasa,

⁸ Ivona, "Hampir Seribu Anak di Jember Menikah Usia Dini - Radar Jember", (15 October 2021), online: Radar Jember <<https://radarjember.jawapos.com/jember/791108001/hampir-seribu-anak-di-jember-menikah-usia-dini>>.

⁹ Sri Wahyunik, "Tingkat Pernikahan Dini di Jember Tinggi dan Meningkatkan Tiap Tahun", (20 June 2022), online: Tribunmataraman.com <<https://mataraman.tribunnews.com/2022/06/20/tingkat-pernikahan-dini-di-jember-tinggi-dan-meningkat-tiap-tahun>>.

Mumbulsari, Ajung, Jombang and Sumbersari. These areas consider as the area where the highest number of child marriage are there. Also we tried to include all perspective of people who live in various area of Jember population. For example, Umbulsari represent the community who majority is Javanese. Antirogo represent the community is Madurese. Other regions represent the mountainous and coastal area of Jember.

The informant divided as key informant and additional informant. The main informants of this study were children who were less than 19 years old when they got married during the Covid 19 pandemic (married in 2020-2021). Meanwhile, additional informants are family or parents, religious leaders or community leaders and heads of people's welfare affairs in the village.

IV. CULTURAL SOCIAL BACKGROUND

Most of informant background come from Madura ethnicity and Java ethnicity. Majority people who live in Jember are Javanese and Madurese. Majority Madurese tend to do child married rather than Javanese. They use Madura and Java language. All of them are Muslim. During this research we do not find any non-Muslim couple (under 19 year old) who getting married during Covid pandemic 2020-2021. It was further explained that in Christianity, for example, there are very strict marriage regulations that make it difficult for child couples to marry young.¹⁰ In addition, in Christian society, Catholic in particular, the bride and groom are required to attend and pass counseling or pre-marital education for one year.

Most of the informants graduated from junior high school. 14 % are graduated from elementary school and 28.6% graduated from senior high school. Those who getting married before the age of 19, most of them came from low-income families. Some of the informants dropped out of school because their families could not afford it. In addition, high school graduates who marry before the age of 19 are usually encouraged because they are not active or become unemployed after graduating from school. Most wives are being a housewife / not working (83.3%), and some of them (16.7%) work as part time employee. Meanwhile most of husband work as labor and just few of them have permanent job. Demographically, those informants spread in three communities; living in mountains, coastal area and agricultural area.

Mountain communities have the characteristics of living in highland areas and usually the environment is cold. While agricultural communities are people who live in the lowlands with the main livelihood as farmers. Coastal communities are people who live along the coastline. Most of the people's main income is fishermen.

¹⁰ Henny, Interview on Young Marriage (August 2021).

A. *Legal Studies*

The legal study regarding child marriage in this sub-chapter will examine within 4 perspectives, namely the Marriage Law, child protection law, sexual violence crime law and the national criminal code.

The Marriage Law in Indonesia was enacted in 1974. Article 7 paragraph 1 of the Law states that the age limit for marriage for women is 16 years and 19 years for men. This rule is considered to be detrimental to women in terms of education, economics, health, and the right to grow and develop. There are three women who ask to do judicial review related about Marriage Law. From their explanation in their paper, early marriage will result in a person not being able to continue their education because they have to take care of their family. This will impact economic factors because low education will make it difficult to get a decent job. Apart from that, women who marry as children will be vulnerable to experiencing reproductive health problems. Health problems without being supported by sufficient health and financial knowledge will cause women to choose alternative treatment. Women who marry as children generally experience strong power relations with their partners, so they often experience domestic violence such as being beaten, not being provided for or even abandoned by their husbands. Therefore, these three applicants submitted a Judicial review, namely a mechanism to test the conformity of the contents of statutory regulations with the 1945 Constitution concerning the minimum age limit for marriage. The result of this material review was to grant the petitioners' request and order the legislators to change the provisions regarding the minimum age limit for marriage. As a follow-up to the Constitutional Court's decision, in 2019 Law No. 16 of 2019 emerged which changed the provisions of article 7 to equalize the marriage age limit for men and women, namely 19 years.

Indonesian regulations regarding child protection are in Law No. 23 of 2002, then amended in Law No. 35 of 2014 and most recently amended in Law No. 17 of 2017. According to this rule, a child is a baby who is still in the womb until he is 18 years old. Thus, child marriage is a marriage carried out by people who are still children, namely not yet 18 years old, both male and female.¹¹

The child protection law stipulates that article 26 contains the obligations of parents or families, one of which is preventing child marriages. This law has strict sanctions against anyone who commits sexual violence against children, whether within marriage or outside marriage, namely in the form of imprisonment for a minimum of 5 years and a maximum of 15 years with a maximum fine of 5 billion.¹² This sanction will be more severe, namely an additional 1/3 if the perpetrator is someone who should provide protection, such as family, caregivers, educators, officials, or the perpetrator is more than one person. Heavier sanctions against perpetrators in the form of death penalty, life imprisonment or a minimum

¹¹ Dina Tsalist Wildana & Irham Bashori Hasba, "Perkawinan Anak dalam Perspektif Hak Asasi Manusia" (2016) 11:1 J Egalita, online: <<https://ejournal.uinmalang.ac.id/index.php/egalita/article/view/4549/5768>>.

¹² Law number 17 of 2016 verse 81, 2016.

sentence of 10 years and a maximum of 20 years if the number of victims is more than 1 person, Sexual violence results in victims suffering injuries, experiencing mental disorders, suffering from infectious diseases, impaired reproductive function, and even the victim dies. Apart from that, there are additional penalties in the form of announcing the identity of the perpetrator, and additional penalties in the form of chemical castration and installation of electronic detection devices. Some of the implementations of this law include the criminalization of perpetrators in 2009 who were found guilty of committing sexual violence against children even though the two were in a unregistered marriage. This perpetrator will be sentenced to prison for 4 years and a fine of 60 million Rupiah. This decision is proof that child marriage is a crime with strict criminal sanctions.

The next regulation in Indonesia which explicitly states that child marriage is a crime is Law No. 12 of 2022 concerning the Crime of Sexual Violence (UU TPKS). If the Criminal Code - a colonial legacy - only recognizes 2 types of sexual violence, namely sexual immorality and sexual intercourse.¹³ so the Sexual Crime Law outlines the types of sexual violence into 19 types of sexual violence, one of which is forced marriage. Forced marriage is a behavior that some people still categorize as cultural, such as having to marry one's cousin, because of debt problems, because you are old enough to get married, or because of sexual intercourse.¹⁴ The scope of forced marriage includes child marriage, forced marriage in the name of cultural practices, and forced marriage between the victim and the perpetrator of rape. This law strictly punishes prohibited acts (commission offenses) or failure to carry out ordered acts (omission offenses).¹⁵ The sanction for violators of this criminal offense is imprisonment for a maximum of 9 years and/or a fine of a maximum of 200 million rupiah.

The Indonesian government has passed Law No. 1 of 2023 concerning the Criminal Code. This National Criminal Code will be effective 3 years after its promulgation (Article 624 of the National Criminal Code. This time lag is intended to be used for a period of socialization to the public, time for the government to make implementing regulations, as well as a period for adjusting existing laws and regulations to new provisions in the National Criminal Code.¹⁶ Regarding child marriage according to the National Criminal Code, this includes the crime of rape which is punishable by imprisonment for a minimum of 3 years and a maximum of 15 years. Regarding child marriage, the National Criminal Code will criminalize authorized officials who carry it out

¹³ Nita Anggraeni & Humaeroh Humaeroh, "Problematika Tindak Pidana Kekerasan Seksual Dalam Sistem Hukum di Indonesia" (2021) 17:2 Al Ahkam 36–45 at 38.

¹⁴ Ismail Marzuki & A Malthuf Siroj, "Pemaksaan Perkawinan dalam Konteks Kajian Hak Asasi Manusia dan Undang-Undang Tindak Pidana Kekerasan Seksual" (2023) 10:2 REUSAM J Ilmu Huk 215–226.

¹⁵ Eddy OS Hiariej, *Prinsip-Prinsip hukum pidana* (Yogyakarta: Cahaya Atma Pustaka, 2016).

¹⁶ Nawir Arsyad Akbar, "Wamenkumham: Masa Transisi KUHP Baru Selama 3 Tahun", (27 November 2022), online: Repub Online <<https://news.republika.co.id/berita/rlz9lo327/wamenkumham-masa-transisi-kuhp-baru-selama-3-tahun>>.

someone's marriage, even though they know that the marriage has legal obstacles. This provision is related to the marriage law which explains one of the reasons why officials are obliged to prevent marriage if they do not meet the age requirement, namely 19 years. Officials who violate will be subject to a maximum prison sentence of 5 years. Based on a study of the 4 laws above, namely the Marriage Law, the Child Protection Law, the TPKS Law and the National Criminal Code, it can be said that child marriage is a crime.

Based on the data that has been collected, it was found that only a small proportion of the informants were legally married at the Office of Religious Affairs. This is because most of these teenagers who want to get married do not fulfill the minimum age for marriage is 19 years. In order for them to be legally married, several informants applied for a marriage dispensation at the Religious Courts, and some of them fake their date of birth by increasing their age so that they can ratify the marriage at the Office of religious Affairs. Most of the informants get unregistered married, and when they reach 19 years old, they registered their married at the Religious Courts. However, there are also some informants who are still do unregistered married and have not legalized their marriage at the religious Courts even though they already 19 years old. Most of the reason for this is because of the cost.

The high number of unregistered married is due to the low cost and easy procedure.¹⁷ The practice of unregistered marriages or religious marriages is usually enough to be witnessed by the family and approved by the kyai or local religious leaders. The conditions for unregistered marriage are in accordance with the conditions of the pillars of marriage in Islam. There are several conditions related to the pillars of marriage in Islam. First, there are prospective grooms and brides who are lawful to be married. 'lawful to be married' means the prospective grooms and brides are not their brothers/sister, uncle/aunty or cousin. In addition, it is lawful to be married, which means that the woman to be married is not in a state of 'iddah' or waiting period for a woman who has separated from her previous husband, either because of divorce or death. Another condition is that the future wife to be married is not pregnant. However, in many cases unregistered marriage should do soon because the bride is already pregnant. This situation makes family should married them even though they are under age.

Another pillar of marriage in Islam is marriage guardian for the bride. This guardian is a male from the female side such as the father, grandfather, uncle, or brother of the bride. The fourth pillar of marriage is that there are two men as witnesses for the marriage agreement. These two witnesses must meet six conditions: male, Muslim, of puberty, reasonable, fair, and independent. The meaning independent is they are not slave and not a prisoner. Two people who can be witnesses to a wedding are family, neighbors or people who are trusted by the bride and groom. The other condition in fifth pillar of marriage is *ijab qabul*.

¹⁷ Suwito, Interview on number of unregistered married (August 2021).

Marriage can be said to be valid in Islam after the groom has said the *ijab qabul*. *Ijab qabul* are interpreted as pronouncing a sacred promise to Allah SWT in front of the head, guardian, and witness of marriage.¹⁸ Through *ijab qabul*, the groom expresses his willingness to be responsible for his future wife.

In Islam, there are some conditions for those who want to get married. First, both of them are Islam. Second, groom is not 'mahram' for woman. Mahram means those who cannot be married due to family relative such as having a family relative as father and daughter, uncle with cousin, brothers and sisters. Next condition is the groom should know the guardian of his future wife. If the father of the bride has died, it can be represented by another guardian such as an uncle, or brother. If the marriage guardian from the family cannot present in that venue, they can bring a judge to be a guardian in a marriage. This judge is appointed by the Minister of Religion who are given the right and authority to act as marriage guardian.

The next requirement for marriage is not carrying out the pilgrimage. Although the pilgrimage is a good and great practice, however, when someone performs the pilgrimage, it is forbidden to get married while doing the pilgrimage. The fifth requirement for marriage is that there is no element of coercion from either the groom or the bride. Therefore, marriage must be based on the feelings of love, desire and sincerity of the bride and groom to start living together. However, in reality, in some cases there are forced marriages or arranged marriages. In cases like this, usually the parents or those who force marriage use legal arguments as 'wali mujbir'. 'Wali mujbir', is a guardian who can / may marry off their daughters under their guardianship to be married to men without relevant permission from her. The only ones who can become wali mujbir are father and grandfather. Wali mujbir can marry off his daughter if the prospective groom fulfills several conditions: First, the bridegroom must be comparable with the bride; second, the bridegroom must pay the dowry in cash; forth; there is no enmity between bride and the guardian.

Informants who married at the age of less than 17 years generally did not have an ID card. In some cases, there are informants who falsify their date of birth by increasing their age when taking care of making an ID card so that the person concerned can be legally married. Most of these informants can understand how important for having ID card, Family Card and married certificate even though some of them do not have it.

B. Socio-Cultural Studies

Most of the informants stated that they did not plan to get married at a young age. However, marriage still occurs for several reasons, including being

¹⁸ Yazid Muttaqin, "Kalimat Ijab Qabul dan Mewakikan Wali Perkawinan", (2022), online: NU Online <<https://islam.nu.or.id/nikah-keluarga/kalimat-ijab-qabul-dan-mewakikan-wali-perkawinan-6SyzQ>>.

arranged for an arranged marriage and it has become a tradition in the environment they live in. Their parents also married young and most of their friends and neighbors also married at a young age. This is related to what Yunika found that most of the early married happen in the rural area.¹⁹ It is because lack of education and also lack of access to well fare and justice which influence women who does early marriage.

In addition, informants mentioned the reason for getting married at a young age because someone proposed. There is a belief in society that it is not good to refuse a married proposal that comes first because it will close their soul mate.²⁰ So that parents tend to accept the married proposal to avoid these taboos and myths. In addition, marrying at a young age is considered a way to prevent adultery. In some cases, this early married should do soon because the girl is already pregnant. In some society, getting pregnant before married is a embarrassing the family. So that even though the girl is still young parent will let them to get married. Several parents interviewed also stated that they prefer to marry off their daughter at a young age rather than see her going out with a man.²¹ Especially if daughter or son does not go to school or working. Married in young age is a solution instead of they just staying at home because jobless. In addition, there are parental concerns if their child becomes a spinster if they don't get married soon. Parents believe that their task is done if they have married their child.

Another reason why they getting married so soon is because the girl and the boy already in love and they think being a couple is their destiny. Informant said she decided to get married because she had known and been dating for several months.²² Some got married because they were proposed and felt they fit in. So that the decision to marry is mostly made because of the choice of children, and parents just support or approve their children desire because getting married at a young age is something that is common in their community.

The wedding procession is generally carried out in a simple way. The dowry given is usually in the form of a set of prayer tools and some informants said they also received a dowry in the form of a ring, money with a value of less than Rp. 500,000.²³ Before getting married, a small number of informants got engaged first (37%) and mostly without going through the engagement process (62%). Informants who are engaged are usually engaged for relatively long time before getting married, between 10 months to a year and then get married.

For some informant, marrying young is a commonplace and natural. It is better getting married in young age instead of pregnant before married. In general,

¹⁹ Indah Fitrianiah Yanuarika, Faktor dan Dampak Pernikahan Usia Dini Bagi Perempuan di Dusun Loji Kaliwining Kecamatan Rambipuji Kabupaten Jember (Bachelor Degree, University of Jember, 2017) [unpublished].

²⁰ Astutik, Interview on Refuse a marriage proposal (5 August 2021).

²¹ Rofiq, Interview on Parents prefer young marriage (19 October 2021).

²² Widjayanti, Interview on dating before marriage (19 October 2021).

²³ Astutik, supra note 20.

marriages are carried out when they are 15-25 years old. If there are women who are 25 years old or more and are not married, they will usually be gossiped about and considered as spinsters.

C. (Reproductive) Health, Women's Rights and Child's Rights

Maintaining and checking health before and after marriage is very important. In accordance with the regulations and requirements for marriage, the prospective bride and groom must do a premarital checkup or premarital health examination. Indonesian has already issued a regulation for pre-marital checkups through Ministry of Health number 2/1989.²⁴ The goal is to recognize/detect the condition, risk, or history of health problems that the partner has, so as not to transmit it to their partner and or pass it on to their children. The expected result is to be able to make prevention and treatment efforts as early as possible. As one of the requirements for marriage, the bride and groom must include a marriage-worthy health certificate from the Community Health Centre. This letter provides a statement that the bride-to-be has injected the First Tetanus Toxoid and The Second Tetanus Toxoid vaccines, the only vaccine required by Office of Religious Affair. This office will recommend to what Community Centre Health this bride should go to get that vaccine. The purpose of this immunization is to prevent the possibility of tetanus disease which is susceptible to attack women during childbirth. However, from the data collected in the study that most of the (87.5%) informant not do premarital checkup. This is because most of the informants did not register and legalize marriages at the Office of Religious Affairs.

All informants stated that they did not make any preparations to maintain health or increase stamina such as drinking herbs or vitamins, exercising and so on. Most of informant (75%) did not get advice related to maintaining health in marriage. Only one informant received advice to delay pregnancy by taking birth control pills for 30 days and not taking herbal medicine before marriage. Meanwhile, other informants were advised that if they were pregnant later, they should drink milk and they should not drink herbal medicine. However, at the time of delivery, the informant gave birth at home with the help of a traditional birth attendant and after giving birth drank herbal medicine to return to health and fitness.

Most of the informants consume herbal medicine, especially after giving birth in an effort to maintain health after marriage. The goal is to be healthy, fit and having good breast milk. While pregnant, some informants were allowed to consume milk, sour food, tofu, tempeh, chicken, beef, and vegetables. However,

²⁴ Lathifah Munawaroh, "Tes Kesehatan sebagai Syarat Pernikahan (studi UU Pernikahan di Kuwait)" (2019) 10:1 YUDISIA J Pemikir Huk Dan Huk Islam, online: <<https://journal.iainkudus.ac.id/index.php/Yudisia/article/view/4684>>.

they also have taboos such as not being allowed to eat spicy food because it will get hot easily, should not drink ice because there is a belief that the baby in the womb will grow. They are also not allowed to eat tuna because they believe that baby will not coming out.

Regarding complaints of illness, all informants stated that they had no complaints of illness or disease before marriage. However, after marriage, a small portion (20%) complained of pain, including the post-natal impact. In addition, a small percentage (40%) complain that they are more often tired after marriage because they are pregnant, for having a baby, because she is pregnant and working, and because she is busy taking care of the household. However, most of the informants (83.3%) stated that they were happier after marriage. This can be understood because the age of marriage is relatively new, so they are still in the honeymoon period.

Most of the informants (62.5%) stated that they planned to postpone having children. The reason is that there is a time lag between marriage, and in large part because midwives are asked to delay pregnancy until they are 19 years old. But in the end, the informants were pregnant and had children because they stopped family planning at the request of their husbands who wanted to have children soon. Some of them want to postpone pregnancy but don't take family planning, because they believe that children are sustenance from God. If it is already sustenance then will soon have children but if you don't have sustenance, you won't get pregnant soon.

There are some informants who give birth at home and are assisted by traditional healers. However, most of them have given birth in health services such as Community Health Centre or hospital. The delivery process is assisted by health workers such as midwives and doctors. Most of the informants gave birth normally and planned to give birth normally. Only 20% percent give birth by section because there are problems during the delivery process because the amniotic fluid is almost empty. There was only one informant who complained about postpartum problems, that is bleeding during childbirth, but after that there was no bleeding problem anymore. However, postpartum she has swelling, pain, hot and sore because of the method of wound healing using nonmedical tools. This happened to informants who gave birth at home and were assisted by traditional healers.

For the informants whose birth process was assisted by a traditional birth who attend at home, it was done by cutting the placenta using scissors that had been smeared with alcohol to make it sterile. After giving birth, the informant drank the herbal medicine made by traditional healer. That herbal medicine is a mixed herbal which comes from a various ingredient. It made in 10 bottles and it should be finished during postpartum and breastfeeding period. In addition, the herbal medicine given by the traditional healer serves to clean the blood after childbirth, so that all postpartum blood comes out and mother feels light. Normally after getting birth, perineum will be sutured. However, because this

birth is at home and helped by a traditional healer so that it won't be sutured. To make the tear can stick together, white alcohol is given to the pad. This method is carried out for 5 days to heal and dry. This method is also to relieve swelling. After that, the informant drank mefenamic acid and amoxicillin to relieve pain. They bought it at a pharmacy on the advice of a relative who had given birth at the midwife.

V. CONCLUSION

This research shows how vulnerable women who marry at a young age. Especially regarding their health. Not many of them have knowledge about reproductive health so they are vulnerable when they are pregnant until they give birth. Regarding psychological problems, those who marry young are prone to depression. Especially during a pandemic, economic life is uncertain, so it is feared that the impact of divorce and violence against children will increase. Further research is needed whether the pandemic has an impact on the increase in the number of divorces in Jember.

In the field of law, additional knowledge is also needed for those who are getting married. There needs to be socialization about the age of marriage, especially for those in rural areas. If there is a conflict during the marriage period, women are the party with the largest proportion of victims. She may not get property during her marriage because her marriage is not registered.

In the socio-cultural field, early marriage causes dreams, especially for girls, to be hindered. If she wants to continue her study, it will most likely not be possible because she will be burdened with household matters and raising children. This is become worse because her community also do not give any support. The effort to break the chain of living in poverty so that encourage young women to get early married is need.

BIBLIOGRAPHY

Akbar, Nawir Arsyad, “Wamenkumham: Masa Transisi KUHP Baru Selama 3 Tahun”, (27 November 2022), online: Repub Online <<https://news.republika.co.id/berita/rlz9lo327/wamenkumham-masa-transisi-kuhp-baru-selama-3-tahun>>.

Anggraeni, Nita & Humaeroh Humaeroh, “Problematika Tindak Pidana Kekerasan Seksual Dalam Sistem Hukum di Indonesia” (2021) 17:2 *Al Ahkam* 36–45.

Astutik, Interview on Refuse a marriage proposal (2021).

Badan Kependudukan dan Keluarga Berencana Nasional, “Definisi Pernikahan Anak. [Serial online]”, (2020), online: <<https://www.genreindonesia.com/definisi-pernikahan-anak/>>.

Chalid, Hamid A, “Dualism of Judicial review in Indonesia: Problems and Solutions” (2017) 7:3 *Indones Law Rev.*

Dwinanda, Aditya Risky, Anisa Catur Wijayanti & Kusuma Estu Werdani, “Hubungan Antara Pendidikan Ibu dan Pengetahuan Responden dengan Pernikahan Usia Dini” (2015) 10:1 *J Kesehat Masy Andalas* 76–81.

Fitrianingsih, Rani, Faktor-Faktor Penyebab Pernikahan Usia Muda Perempuan Desa Sumberdanti Kecamatan Sukowono Kabupaten Jember. Repository Unej. (Bachelor Degree, University of Jember, 2015) [unpublished].

Generasi Berencana Indonesia, “Definisi Pernikahan Anak”, (2020), online: <<https://genreindonesia.org/2021/02/10/definisi-pernikahan-anak>>.

Henny, Interview on Young Marriage (2021).

Hiariej, Eddy OS, Prinsip-Prinsip hukum pidana (Yogyakarta: Cahaya Atma Pustaka, 2016).

Ivona, “Hampir Seribu Anak di Jember Menikah Usia Dini - Radar Jember”, (15 October 2021), online: Radar Jember <<https://radarjember.jawapos.com/jember/791108001/hampir-seribu-anak-di-jember-menikah-usia-dini>>.

Johnson, K & S Patel, “Emerging trends in child marriage during the COVID-19 pandemic: A global perspective” (2021) 68:2 *J Adolesc Health* 281–283.

Kementerian Pemberdayaan Perempuan dan Perlindungan Anak Republik Indonesia, “Stop Perkawinan Anak, Kita Mulai Sekarang. [Serial online]”, (2020), online: <<https://kemenpppa.go.id/index.php/page/read/29/2569/stop-perkawinan-anak-kita-mulai-sekarang>>.

Komalasari, Tia Dwitiani, “Peningkatan Pernikahan Dini Hambat Laju IPM”, (2019), online: Pikiran-Rakyatcom <<https://www.pikiran-rakyat.com/nasional/pr-01310304/peningkatan-pernikahan-dini-hambat-laju-ipm>>.

Law number 17 of 2016 verse 81, 2016.

Marzuki, Ismail & A Malthuf Siroj, “Pemaksaan Perkawinan dalam Konteks Kajian Hak Asasi Manusia dan Undang-Undang Tindak Pidana Kekerasan Seksual” (2023) 10:2 *REUSAM J Ilmu Huk* 215–226.

Mulyana, Dedy, *Metodologi Penelitian Kualitatif : Paradigma Baru Ilmu Komunikasi dan Ilmu Sosial Lainnya* (Bandung: Remaja Rosdakarya, 2021).

Munawaroh, Lathifah, “Tes Kesehatan sebagai Syarat Pernikahan (studi UU Pernikahan di Kuwait)” (2019) 10:1 *YUDISIA J Pemikir Huk Dan Huk Islam*, online: <<https://journal.iainkudus.ac.id/index.php/Yudisia/article/view/4684>>.

Muttaqin, Yazid, “Kalimat Ijab Qabul dan Mewakikan Wali Perkawinan”, (2022), online: NU Online <<https://islam.nu.or.id/nikah-keluarga/kalimat-ijab-qabul-dan-mewakikan-wali-perkawinan-6SyzQ>>.

Nurhajati, Lestari & Damayanti Wardyaningrum, “Komunikasi Keluarga dalam Pengambilan Keputusan Perkawinan di Usia Remaja” (2012) 1:4 *Al- Azhar Indones Seri Pranata Sos* 236–248.

Pamungkas, Sri Wahyu, *Dukungan Tokoh Agama Terhadap Kesehatan Mental Remaja Putri Etnis Madura yang Menikah Usia Dini Di Desa Sukowono Kabupaten Jember* (Bachelor Degree, University of Jember, 2016) [unpublished].

Poltekkes Depkes Jakarta I, *Kesehatan Remaja, Problem dan Solusinya* (Jakarta: Salemba Medika, 2010).

Rasyid, M, *Pendidikan Seks* (Semarang: Syiar Media Publishing, 2007).

Rofiq, Interview on Parents prefer young marriage (2021).

Smith, J & S Patel, “The Confluence of Crises: Child Marriage and COVID-19” (2020) 4:10 *Lancet Child Adolesc Health* 741–742.

Suwito, Interview on number of unregistered married (2021).

UNICEF Indonesia et al, *Child Marriage in Indonesia*, by UNICEF Indonesia et al (2020). <https://www.unicef.org/indonesia/media/2816/file/Child-Marriage-Factsheet-2020.pdf>

Wahyunik, Sri, “Tingkat Pernikahan Dini di Jember Tinggi dan Meningkatkan Tiap Tahun”, (20 June 2022), online: Tribunmataraman.com

<<https://mataraman.tribunnews.com/2022/06/20/tingkat-pernikahan-dini-di-jember-tinggi-dan-meningkat-tiap-tahun>>.

Widjayanti, Interview on dating before marriage (2021).

Wildana, Dina Tsalist & Irham Bashori Hasba, “Perkawinan Anak dalam Perspektif Hak Asasi Manusia” (2016) 11:1 *J Egalita*, online: <<https://ejournal.uinmalang.ac.id/index.php/egalita/article/view/4549/5768>>.

Yanuarika, Indah Fitrianiah, Faktor dan Dampak Pernikahan Usia Dini Bagi Perempuan di Dusun Loji Kaliwining Kecamatan Rambipuji Kabupaten Jember (Bachelor Degree, University of Jember, 2017) [unpublished].