

## Implementation of NTB Regional Regulation Number 5 of 2021 concerning Prevention of Child Marriage in Lendang Nangka Utara Village, Masbagik District, East Lombok Regency

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### Abstract

*Child marriage is often considered normal by society. In fact, there are many risks or negative impacts that can arise as a result of child marriage. The increase in divorce and even domestic violence, both physical and psychological, is also one of the impacts of child marriage. The problem formulation in this thesis is how to implement NTB Regional Regulation No. 5 of 2021 concerning the Prevention of Child Marriage in North Lendang Nangka Village, Masbagik District, East Lombok Regency and what factors influence this implementation. The type of research used by the author is qualitative research, with research analysis including three stages, namely: data reduction, data presentation and drawing conclusions. This research method uses data collection techniques, namely: observation, interviews and documentation. The results of the research show that Lendang Nangka Utara village has implemented NTB Regional Regulation No. 5 of 2021 concerning Prevention of Child Marriage. In fact, the implementation of this regional regulation was able to have an impact on reducing the number of child marriages in Lendang Nangka Utara village. Form of implementation of NTB Regional Regulation No. 5 of 2021 concerning the Prevention of Child Marriage in Lendang Nangka Utara village includes: establishing Village Regulations, conducting outreach and forming a special youth forum. The factors that cause the NTB Regional Regulation to be implemented well are good cooperation with all parties and high public legal awareness.*

### Abstrak

Perkawinan anak kerap kali dianggap biasa oleh masyarakat. Padahal, banyaknya resiko atau dampak negatif yang dapat timbul akibat perkawinan anak. Meningkatnya perceraian bahkan kekerasan dalam rumah tangga baik secara fisik maupun psikis juga merupakan salah satu dampak perkawinan anak tersebut. Rumusan masalah dalam skripsi ini adalah bagaimana implementasi Perda NTB No. 5 Tahun 2021 Tentang Pencegahan Perkawinan Anak di Desa Lendang Nangka Utara, Kecamatan Masbagik, Kabupaten Lombok Timur dan apa faktor-faktor yang mempengaruhi implementasi tersebut. Jenis penelitian yang digunakan oleh penulis yaitu penelitian kualitatif, dengan analisis penelitian meliputi tiga tahap yaitu: reduksi data, penyajian data dan penarikan kesimpulan. Metode penelitian ini menggunakan teknik pengumpulan data yaitu: observasi, *interview* dan dokumentasi. Hasil penelitian menunjukkan bahwa desa Lendang Nangka Utara telah melakukan implementasi Perda NTB No. 5 Tahun 2021 Tentang Pencegahan Perkawinan Anak. Bahkan implementasi dari Perda tersebut mampu memberikan dampak terhadap penurunan angka perkawinan anak di desa Lendang Nangka Utara. Bentuk implementasi Perda NTB No. 5 Tahun 2021 Tentang Pencegahan Perkawinan Anak di desa Lendang Nangka Utara meliputi: membentuk Peraturan Desa, melakukan sosialisasi dan membentuk forum khusus remaja. Adapun faktor yang menyebabkan Perda NTB tersebut terimplementasi dengan baik adalah kerja sama yang baik dengan semua pihak dan kesadaran hukum masyarakat yang tinggi

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## 1. INTRODUCTION

Love is human nature, generally a normal person must have felt love, and marriage is one manifestation of that love. Humans were created by Allah SWT in pairs, as explained in the Qur'an. The marriage relationship is the strongest relationship in life and human life, not only between husband and wife and their offspring, but between two families. K. Wantjik Saleh, believes that marriage is not just an inner or outer bond, but both.

Wirjono P said that marriage is a rule for controlling marriage which gives rise to the meaning of marriage itself. Creating a *sakinah* household, *Mawaddah Wa Rahmah*, is the goal of marriage.<sup>1</sup> In Arabic, the word *sakinah* contains the meaning of calm, honorable, safe, full of affection, steady and vindicated. A *sakinah* family is a very ideal condition in family life, and the ideal usually rarely happens, therefore it does not happen suddenly, but is supported by solid pillars, which require struggle, time and sacrifice. In line with this, Law Number 1 of 1974 concerning Marriage in Article 1 states: "Marriage is a spiritual and physical 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 belief in the Almighty God." As for Article 7 number 1 of Law of the Republic of Indonesia Number 16 of 2019 concerning amendments to Law Number 1 of 1974 concerning Marriage, it is stated that: "Marriage is only permitted if the man and woman have reached the age of 19 (nineteen) years." To achieve a level of happiness or what is called *sakinah*, of course requires effort in running a household well and correctly. The large number of marriages that are carried out without paying attention to the important aspects of marriage will certainly have a big impact after the marriage, one of which is child marriage. Child marriage is often considered normal by society.

In fact, there are many risks or negative impacts that can arise as a result of child marriage. The increase in divorce and even domestic violence, both physical and psychological, is also one of the impacts of child marriage. Apart from that, the negative impacts that can arise are felt by women who can be said to be immature and have to conceive or even give birth before their reproductive organs can be considered truly mature.

This could risk the death of the mother or baby, and other bad possibilities. In Law no. 16 of 2019 concerning amendments to Article 7 paragraph (1) of Law no. 1 of 1974 concerning marriage, states that the minimum age for marriage for men and women is 19 years. The existence of an age limit actually aims to ensure that the prospective husband and wife have matured in body and soul so that they can carry out the marriage well and not end in divorce. The issue of age is the government's concern in realizing the creation of a *sakinah mawaddah wa rahmah* family. For this purpose, in 2021, NTB Regional Regulation No. 5 of 2021 concerning Prevention of Child Marriage. This regional regulation is used as an alternative solution to prevent and overcome the problem of high levels of child marriage. Apart from the existence of regional regulations, implementation is also needed, for example in the form of village regulations and cooperation from various parties, both from the village, religious leaders and related communities to pay more attention to the prevention of child marriage.

Lendang Nangka Utara Village is one of the villages in Masbagik District whose child marriage rate decreased after the NTB Regional Regulation Number 5 of 2021 concerning the Prevention of Child Marriage was passed, as expressed by Lendang Nangka Utara Village that after the existence of this Regional Regulation, the Government only had a few requests for dispensation. marriage.<sup>5</sup> Likewise, the data that researchers obtained from KUA Kec. Masbagik, that the number of child marriages recorded was 19 cases before the Regional Regulation was implemented, whereas after the Regional Regulation was implemented only 3 cases were recorded. Based on the description above, the researcher is interested in conducting further research which is outlined in thesis research with the title: Implementation of NTB Regional Regulation No. 5 of 2021 concerning Prevention of Child Marriage in Lendang Nangka Utara Village, Masbagik District, East Lombok Regency.

## 2. RESEARCH METHOD

This research is a type of field research using a qualitative approach. Qualitative research is a research procedure that produces descriptive data in the form of written or spoken words

from people and actors who can be observed. Descriptive research does not involve manipulation or alteration on independent variables, but describe a condition as it is. The research was carried out by researchers going directly into the field to search for data or obtain information related to the implementation of NTB Regional Regulation Number 5 of 2021 in Lendang Nangka Utara Village, Masbagik District, East Lombok. According to Sujana and Ibrahim, qualitative research has characteristics, namely: 1) Using an induction (empirical-rational) mindset. Qualitative methods are often used to produce grounded theories, namely theories that arise from data, not from hypotheses; 2) Participants' perspectives are prioritized and valued; 3) Qualitative research does not use a standard research design. The research design evolved throughout the research process; 4) The aim of qualitative research is to understand, look for the meaning behind the data, to find the truth; 5) The subjects studied, data collected, data sources needed, and data collection tools can change according to needs; 6) Data collection is carried out on the basis of phenomenological principles, namely by understanding in depth the symptoms or phenomena encountered; 7) Researchers function as data collection tools so that their existence is inseparable; 8) Data analysis carried out during ongoing and ongoing research; 9) The research results are in the form of descriptions and interpretations in the context of certain times and situations.

### 3. RESEARCH RESULTS AND DISCUSSION

In this section, the research results are explained and a comprehensive discussion is provided. Results can be presented in the form of images, graphs, tables and others make readers easily understand [2, 5]. Discussion can be carried out in several sub-chapters.

#### 1.1. Research result

##### A. Child Marriage and Implementation of NTB Regional Regulation No. 5 of 2021 in North Lendang Nangka Village.

In general, child marriages in East Lombok are based on data obtained from the Selong Religious Court, as follows:

**Table 2.2 Data on Marriage Dispensation at the Selong Religious Court for the Period January 2019 - February 2022.**

Tahun	Jumlah yang diterima	Jumlah yang dikabulkan
2019	37	14
2020	44	40
2021	141	101
2022	8	4

Based on the description above, requests for marriage dispensation received have increased from 2019 to 2021, for 2022 it cannot be concluded because the data obtained only covers the months January – February just. In general, it can be said that child marriage in North Lendang Nangka Village before the NTB Regional Regulation Number 5 of 2021 concerning the Prevention of Child Marriage was still quite high and after the passing of this Regional Regulation, as expressed by the North Lendang Nangka Village, there were only a few requests for marriage dispensation. However, the existence of a Regional Regulation

alone is certainly not enough to prevent child marriage, but requires implementation in order to achieve the objectives of formulating the Regional Regulation. Likewise, the data that researchers obtained from KUA Kec. Masbagik, that the number of child marriages recorded was 19 cases before the Regional Regulation was implemented, whereas after the Regional Regulation was implemented only 3 cases were recorded.

An interview was also conducted with the Head of North Lendang Nangka Village Government, Mr. Saparwadi, with the statement that despite asking for permission, dispensation of marriage going to the Religious Court is fine, but the village officials do not recommend it, in fact they prefer to encourage both parties who are going to have a child marriage to get engaged first and wait until both or one of the prospective brides and grooms who are still underage are old enough.

Socialization of NTB Regional Regulation No. 5 of 2021 concerning the Prevention of Child Marriage was also specifically carried out 5 times with one member of the Provincial DPRD. NTB III which was carried out in Lendang Nangka Utara Village. Apart from conducting socialization, a special forum was also formed for teenagers, where each head of district gave directions to teenagers not to enter into child marriage while explain negative impact of child marriage. The formation of a special forum for teenagers was also carried out so that figures, especially local leaders and RTs, could explain in more detail about the importance of preventing child marriage and its impacts, in other words continuing to appeal to teenagers to work together to prevent child marriage. The emphasis on socializing the Regional Regulations and Village Regulations regarding the prevention of child marriage is carried out by both Village Heads and Hamlet Heads to all RT Heads so that they do not help or do not suggest child marriages in the midst of the community.

In making efforts to implement the NTB Regional Regulation is of course influenced by several factors, both supporting and inhibiting factors. Factor supporters who caused the NTB Regional Regulation NO. 5 of 2021 can be implemented well because of the cooperation of all parties, the majority of people also comply with the rules made by the Village Government in the form of Village Regulations, although there are a handful of people who still turn a blind eye to these regulations, because they consider that in religion, marriage is not measured. depending on age, but whether they are mature or not.

Regional heads feel the obstacles that come from perpetrators of child marriage themselves. North Gonjong Kadus, Mr. Masrun, explained that every Kadus tries to separate the prospective bride and groom so that they can continue their education and prevent child marriages, but a week or two later they come back again and don't want to be separated. Wrong one perpetrator of child marriage who married in the Bakiq Mosque village. KU said that the reason he committed child marriage was because of environmental factors and bullying that occurred at school. Apart from that, KU also felt that he did not get support to continue his studies elsewhere when KU asked to move schools because he was bullied at his original school. KU also said that after marriage, the problems that were often faced were misunderstandings between the two families where their respective families often interfered in the relationship between KU and her husband. KU emphasizes that whatever problems are faced, good communication with your partner is the way out that must be taken.

## **1.2. Discussion**

### **A. Implementation of NTB Regional Regulation No. 5 of 2021 concerning Prevention of Child Marriage in Lendang Nangka Utara Village, District. Masbagik District. East Lombok.**

In Article 2 of the NTB Regional Regulation no. 5 of 2021 concerning the Prevention of Child Marriage, it is explained that the prevention of child marriage is carried out based on the principles of non-discrimination, the interests of children, protection of the right to life, survival and growth and development of children, as

well as respect for children's opinions. Non-discrimination here means respecting equality without discriminating, whether on the basis of gender, religion, age, religion, race, and so on. Prevention of child marriage is also a form of interest and protection for children, where children have rights that must be given and protected, including the right to receive education, live a decent life and have their opinions heard.

The existence of regulations certainly requires implementation in order to realize the purpose of establishing these regulations. Lendang Nangka Utara Village is one of the villages that has made efforts to implement NTB Regional Regulation No. 5 of 2021 concerning the Prevention of Child Marriage. Forms of implementation include:

1. Form Village Regulations

Village Regulations are statutory regulations stipulated by the Village Head, after being discussed and agreed upon with the Village Consultative Body (BPD). 71 The Lendang Nangka Utara Village Government established Village Regulation (perdes) No. 5 of 2021 concerning Prevention of Early Marriage and Midang Procedures. This village regulation aims to realize the ideal marriage age in accordance with what has been determined in the law, create awareness for teenagers to consider various aspects before entering marriage, protect children from the negative impacts of child marriage and ensure children's growth and development.

2. Carrying out Socialization, if interpreted in a broad sense, is a process of interaction and learning carried out by a human being from birth to the end of his life in a cultural society. Meanwhile, the narrow definition of socialization is a learning process for humans to be able to recognize the environment they will later live in, both physical and social. 73 The socialization intended in this implementation is the process of introducing, instilling values and regulations regarding NTB Regional Regulation No. 5 Concerning the Prevention of Child Marriage to the whole Society.

3. Forming a Special Youth Forum. A forum is a place or forum for exchanging ideas and discussing common interests. The formation of this special forum for teenagers was carried out by all Kadus in Lendang Nangka Village. This is done to make it easier for both religious and community leaders to provide outreach and teaching to teenagers so they understand the negative impacts of child marriage and participate in preventing child marriage.

## **B. Factors Influencing the Implementation of NTB Regional Regulation No. 5 of 2021 in North Lendang Nangka Village**

### **1. Factors Supporting the implementation of NTB Regional Regulation No. 5 of 2021.**

Based on the results of research conducted by researchers, the factors that led to the implementation of NTB Regional Regulation No. 5 of 2021 well in Lendang Nangka Utara Village, as follows:

a. Cooperation with All Parties

After the issuance of the Village Regulation, the Village Head coordinated or collaborated with all parties, including all regional heads in Lendang Nangka Utara Village, community leaders and religious leaders to prevent child marriage. If only one or two parties prevent it, while the other parties allow it, it will certainly result in failure in implementation, so that coordination from all parties will make it easier to reach all elements of society and increase legal awareness in society itself. As is known, rural environments often listen more to religious leaders when taking action, and coordination with religious leaders

certainly has a big impact so that it is easier for the community to accept and support the existence of the Regional Regulation.

b. Community Legal Awareness

Legal awareness can be interpreted as the awareness of a person or group of people regarding the applicable rules or laws. Legal awareness is very necessary for a society. This aims to ensure that order, peace, tranquility and justice can be realized in interactions between people. If there are only regulations without positive feedback from the community, in this case complying with existing regulations, of course these regulations can be said to be dysfunctional because they do not impact change in society.

High legal awareness in society will create a civilized social environment. For this reason, a culture of obeying the law must be cultivated from an early age, taught as early as possible so that the generation obeys existing regulations or laws. Having legal awareness in society is very important and has a big impact in helping the process of implementing regional regulations so that they can achieve the stated goals. The majority of people in Lendang Nangka Utara Village can be said to comply with the regulations that have been notified by the village government, one of which is regarding the Regional Regulations and Village Regulations regarding the prevention of child marriage. The acceptance of the Regional Regulation on preventing child marriage by the community is due to the community's fairly good understanding of the impacts of child marriage, so that the community certainly does not want their children to feel the negative impacts of child marriage.

## 2. Factors Inhibiting the Implementation of NTB Regional Regulation No. 5 of 2021

Apart from supporting factors, researchers also found several obstacles in implementing NTB Regional Regulation No. 5 of 2021 in Lendang Nangka Utara Village, the inhibiting factors include:

a. Society Sticks Only to Religious Laws and Old Regulations

Behind the majority of people who support and participate in preventing child marriage, there is a minority of people who still refuse because they refer to religious regulations which do not specifically regulate the minimum age limit for marriage.

Even though it is not directly stated about the age limit for marriage, religion has regulated preparations before marriage, even marriage law is not only permissible or sunnah, but can be makruh or even haram if the intentions are wrong or there is no readiness or ability on the part of one of them. or both parties who will enter into marriage both physically, mentally, scientifically and economically.

The rejection made by some communities is apart from only sticking to religious law, namely the requirement to have reached puberty, there are also people who are still stuck to the old regulations where the minimum age limit for prospective brides is 16 years. In fact, in Law Number 16 of 2019 concerning amendments to Law Number 1 of 1974 concerning Marriage in Article 7 it is explained that the minimum age limit for both male and female prospective brides is 19 years.

b. Influence of social media are factors with a very large impact. When someone is in a social circle that prioritizes education, of course others will also pay attention to education. On the other hand, if you hang out with people who don't consider education to be important, of course others will also be like that. Likewise, when you associate with people who consider child marriage to be normal, the people within that social circle will be influenced and think that child marriage is not wrong and is okay.

From interviews with perpetrators of child marriage in Lendang Nangka Utara Village, several factors were found that cause child marriage to continue to occur, including:

- 1) Family factors, where parents do not understand the importance of preventing child marriage because of the many negative impacts that can occur;
- 2) Environmental factors, where quite a lot of their school friends are having child marriages, make it seem like child marriage is a normal thing and doesn't need to be prevented;
- 3) Bullying factor, the term bullying comes from the English word "bull" which means bull. The word bully literally means a bully or someone who bullies the weak. Bullying in Indonesian is called "menyakat" which means to annoy, annoy and hinder other people. Bullying, which still often occurs, especially in schools, is one of the reasons why children choose to stop going to school because they feel uncomfortable and uncomfortable

#### 4. CONCLUSION

Based on the overall description of the data results and findings during the research process, the following conclusions can be drawn: 1. Lendang Nangka Utara Village has implemented NTB Regional Regulation No. 5 of 2021 concerning Prevention of Child Marriage. Even the implementation of the Regional Regulation is capable had an impact on reducing the number of child marriages in Lendang Nangka Utara village. The forms of implementation of NTB Regional Regulation no. 5 of 2021 concerning the Prevention of Child Marriage in Lendang Nangka Utara village as follows: a. Form Village Regulations b. Carrying out Socialization c. Forming a Special Youth Forum. 2. Factors influencing the implementation of NTB Regional Regulation No. 5 of 2021 is good in Lendang Nangka Utara Village, namely there is cooperation with all parties and high community legal awareness. Apart from supporting factors in implementing the Regional Regulation, there were also inhibiting factors in implementation of these regulations include: there are still people who only adhere to religious law and the influence of social media and social media.

#### 5. ACKNOWLEDGEMENT

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