



**Community's role in preventing child marriage: An analysis of models and
community compliance with village policies**

Mahmuddin*✉, Mansari, Hasnul Arifin Melayu*****

**Faculty of Da'wah and Communication, Universitas Islam Negeri Ar-Raniry, Banda Aceh,
Indonesia*

Email: mahmuddin.mahmuddin@ar-raniry.ac.id

***Faculty of Shari'a and Islamic Economics, Universitas Iskandarmuda, Banda Aceh,
Indonesia*

Email: mansari@unida-aceh.ac.id

****Faculty of Shari'a and Law, Universitas Islam Negeri Ar-Raniry, Banda Aceh, Indonesia*

Email: hmelayu@yahoo.com

ABSTRACT

The presence of regulations that regulate the increase in the age of children fails to prevent child marriage. However, the existence of a community with an adequate child protection system has been able to prevent child marriage. This study aims to analyse the model developed by the community and the background to the emergence of community initiatives in efforts to prevent child marriage. The research method used in this study is a qualitative research method with a descriptive approach. Data was obtained by interviewing Reje Kampung, community facilitators, and NGO program officers. The research was conducted in Bener Meriah Regency. Data analysis was carried out qualitatively by selecting relevant data and then describing it systematically. The results showed that the model for preventing child marriage was carried out by forming a Cadre of Friends of Women and Children (SAPA), which is responsible for disseminating child protection issues. Second, establish a children's forum at the gampong level as a pioneer and reporter for child protection that continues to report on any incidents that affect children. Third, formulate regulations and policies in the village as guidelines for the community. The emergence of a child marriage prevention community was due to support from PKPM Aceh on the basis of support from UNICEF, which strengthened the issue of child protection from the roots (community) from 2022–2023. The community is strengthened by the issue of child protection and trains SAPA Cadres as the spearhead of fulfilling the rights of women and children in the village.

Keywords: Community; child; child marriage; policy.

✉ Corresponding author:

Email Address: mahmuddin.mahmuddin@ar-raniry.ac.id

Received: August 19, 2023; Accepted: September 23, 2023; Published: September 30, 2023

Copyright © 2023 Mahmuddin, Mansari, Hasnul Arifin Melayu

DOI: <http://dx.doi.org/10.22373/equality.v9i2.19673>

ABSTRAK

Kehadiran regulasi yang mengatur penambahan usia anak gagal mencegah perkawinan anak. Namun keberadaan masyarakat dengan sistem perlindungan anak yang memadai telah mampu mencegah perkawinan anak. Penelitian ini bertujuan untuk menganalisis model yang dikembangkan masyarakat dan latar belakang munculnya inisiatif masyarakat dalam upaya pencegahan perkawinan anak. Metode penelitian yang digunakan adalah metode penelitian kualitatif dengan pendekatan deskriptif. Data diperoleh dengan wawancara Reje Kampung, Fasilitator Masyarakat, Program Officer LSM. Penelitian ini dilakukan di Kabupaten Bener Meriah. Analisis data dilakukan secara kualitatif dengan cara memilih data yang relevan kemudian menguraikannya secara sistematis. Hasil penelitian menunjukkan bahwa model pencegahan perkawinan anak dilakukan dengan membentuk Kader Sahabat Perempuan dan Anak (SAPA) yang bertugas melakukan sosialisasi isu perlindungan anak. Kedua, membentuk forum anak di tingkat gampong sebagai pionir dan pelapor perlindungan anak yang terus memberitakan setiap kejadian yang menimpa anak. Ketiga, merumuskan peraturan dan kebijakan di desa sebagai pedoman bagi masyarakat. Munculnya komunitas pencegahan perkawinan anak ini berkat dukungan dari PKPM Aceh atas dasar dukungan UNICEF yang memperkuat isu perlindungan anak dari akar (komunitas) pada tahun 2022-2023. Masyarakat diperkuat dengan isu perlindungan anak dan melatih Kader SAPA sebagai ujung tombak pemenuhan hak perempuan dan anak di desa.

Kata Kunci: Komunitas; anak; perkawinan anak; kebijakan.

1. INTRODUCTION

Child marriage is a commonly discussed topic, especially now that the government has passed Law Number 16 of 2019, amending Law Number 1 of 1974 regulating marriage. The enactment of a law that raised the age limit for child marriage to 19 years for men and 19 years for women did not reduce the number of child marriages; on the contrary, the number of child marriages is increasing from year to year (Ulfiyati, 2019). Data obtained at *Mahkamah Syari'ah* the Simpang Tiga Redelong shows that in 2021, the number of applications for child marriage dispensation reached 45 cases, then increased in 2022 to 51 (*Mahkamah Syari'ah* Redelong, 2021–2022). This data excludes child marriages that were not authorized by the *Mahkamah Syari'ah*, because there are still child marriages that are carried out in *sirri*, so the whole amount of data cannot be determined.

In anticipation of *Mahkamah Syari'ah* granting the majority of dispensation requests, community involvement in attempts to prevent child marriage is critical. Generally, dispensation cases submitted to the *Mahkamah Syari'ah* are facilitated as long as the applicant can show urgent reasons and sufficient evidence (Mansari & Rizkal, 2021). Urgent reasons and sufficient evidence are the basis for the judge's decision to grant the request for dispensation, namely having been pregnant beforehand, dropping out of school, being prone to violations of Islamic law, and not having a mahram relationship between prospective brides

and grooms (Mansari et al., 2020). Based on the various reasons above, it becomes a consideration for the judge to grant the application for dispensation of child marriage.

The presence of the community on the issue of protecting women and children has a significant influence. Concrete experience and contribution have been shown for both women and children by the Movement for Men Concerned for Women and Children (GLPPA) Ponorogo. The emergence of this movement was motivated by an assumption that considers the context of the role of men in protecting women and children. This assumption encourages the male community to continue to equip themselves and increase their capacity so that they are able to provide substantial benefits to society (Mustaqim et al., 2022). The movement, then, was born again, which was given the name Guys Against Violence (GUYS) and the New Men's Alliance (ALB) as a community that works on the issue of preventing violence against women and children (Mustaqim et al., 2022).

The strategic role of the community does not only occur in Ponorogo. Several areas of Aceh have played a significant role in protecting women and children. Among the regions that have started to play a role are Banda Aceh City, Bireuen Regency, Lhokseumawe City, Bener Meriah Regency, Central Aceh Regency, and West Aceh Regency (Ihsan, 2023). According to Ihsan, the community has started to play an active role in preventing child marriage from 2022 to 2023. Several villages in Bener Meriah already have strategies to prevent child marriages, namely *Kampung Puja Mulia* and *Kampung Rembele*. The village's active participation in preventing child marriage is an intriguing matter to analyse comprehensively in this study. This situation was caused by the fact that, up until recently, the village has not typically taken an active part in preventing child marriage. However, due to a substantial rise in child marriage at the *Mahkamah Syari'yah*, the community in the village has taken on a significant commitment and share in preventing child marriage.

Based on the issues raised above, it is intriguing to examine this research in greater detail concerning the *Gampong* government's model for preventing child marriage and the circumstances behind the establishment of the local apparatus strategies.

2. LITERATURE REVIEW

2.1. Underage Marriage

Underage marriages can be defined as marriages between a man and a woman who are under the age specified by laws and regulations. The age of marriage in Marriage Law Number 16 of 2019 is 19 years for men and 19 years for women. This age limit has increased from the previous one based on Law Number 1 of 1974, where the age at which a person can marry is 16 years for women and 19 years for men (Sugiarti, 2021). Child marriage is a form of marriage that is fraught with several risks. Especially the risk of pregnancy at a young age. Four types of pregnancy risks must be avoided, namely pregnancy at a young age, pregnancy at an old age, too close a distance between births, and too much or too often (Zamharira et al., 2022).

Legally, marriages performed under the age required by laws and regulations require a court's authorization, or what's known as a "marriage dispensation." Marriages that are conducted without the consent of the court will not adhere to the legal regulations. The KUA is obliged to reject marriage applications without attaching a marriage dispensation issued by the *Shar'iyah* Court (Julijanto & Hayatuddin, 2016). Because they are not old enough, a number of people in Aceh also marry off their children through *sirri* or have marriages that are not legally recorded (Rahmatillah & Bustamam, 2023).

2.2. Child Protection

Legal protection for children can be interpreted as a legal effort to protect the children against various freedoms and children's human rights (fundamental rights and freedom of the child), as well as various interests related to the welfare of children. So, the problem of legal protection for children covers a very broad scope (Waluyadi, 2009). As the successors of the nation, children must be cared for and looked after in reverse so that they can grow and develop as they should (Saraswati, 2015).

The obligation to care for children is a shared duty and responsibility between the community, parents, and the government. All parties must synergize and contribute according to their respective abilities in order to achieve maximum child protection. With joint efforts to protect children, it is hoped that they will be able to prevent undesirable things from happening, such as violence, exploitation, and neglect of children (Nurjanah, 2018). Children have a strategic role in the nation's development in the future. Therefore, the government has various regulatory instruments and invitations that regulate child protection with the aim of providing legal protection for children.

3. METHOD

The research method used to analyse the problems in this study is a qualitative research method, which attempts to present data descriptively (Fadli, 2021). The approach chosen is descriptive, which describes the actual phenomenon based on data obtained directly at the research location. Data collection techniques utilized in this study include interviews with program officers and specialists in child protection from the Centre for Education and Community Studies (PKPM) in Aceh, which is one of the non-governmental organizations that implement child protection programs in Bener Meriah District. Other respondents are Child Protection Community Facilitators and *Reje Kampung* (Village Head).

The research was conducted in Bener Meriah Regency. The location was chosen because Bener Meriah is an area that receives assistance from UNICEF, which is carried out by its cooperation partner, PKPM. In addition, this location was chosen due to the fact that various ethnic groups live there: Acehnese, *Gayo*, and Javanese. Data analysis was conducted qualitatively by presenting the data obtained from the field in accordance with the requirements of the research topic.

4. FINDINGS AND DISCUSSION

4.1. A Model for Prevention of Child Marriage at the Community Level

The problems faced by children at the *gampong* level are very diverse. All parties, both at the leadership level and the general public, are required to think critically and find appropriate solutions to optimally address the dynamics of child protection. *Kampung Puja Mulia* and *Kampung Rembele* have started to develop a community-based child protection model, especially by utilizing the resources owned by the *gampong* so that they can play an active role and jointly overcome various kinds of problems faced by children. Several models have been developed by *Kampung Puja Mulia* and *Kampung Rembele* to address women's issues, namely forming the Kade Sahabat Women and Children (SAPA) community, establishing children's forums, and developing regulations in the village.

SAPA cadres were formed on the initiative of the Cooperation Program between the Centre for Education and Community Studies (PKPM) and UNICEF in 2022-2023. Bener Meriah was intervened as an assisted area with two *gampongs* as pilot projects, namely *Kampung Rembele* and *Kampung Puja Mulia* (Anon n.d.-d). The two villages already have SAPA cadres who are skilled in voicing women's and children's rights, because apart from being formed, it also provides an understanding of issues related to the protection of women and children. The formation of SAPA Cadres is based on the *Reje Kampung* Decree and is responsible to the *Reje* for all activities carried out.

Reje Kampung Puja Mulia and *Reje Kampung Rembele* appointed nine cadres in each village. These cadres are selected people who have the ability and are able to allocate time to carry out tasks in the field of women's and children's protection. Prior to carrying out their duties, the cadres had been trained on a number of child protection issues, which consisted of fulfilling children's rights, mechanisms for handling child cases, and coordination between villages and service providers at the district level, in this case the UPTD (Regional Technical Implementation Unit). Protection of Women and Children (PPA), ethical codes for handling child cases, issues of vulnerable children, and children who are in conflict with the law.

According to Suci Indah Lestari, SAPA cadres have started carrying out activities to prevent child marriage since they were trained. Initially, only three people were trained in Bener Meriah in 2022. One person each from *Kampung Puja Mulia* and *Kampung Rembele* and one social worker in 2023 (Anon n.d.-d)-. The same was explained by Yusdarita, who served as the facilitator for the Rembele Village Community. According to her, nine people who had been trained by the Aceh Centre for Education and Community Studies (PKPM) had taken part in the community.

According to Fakhruddin, there are several main tasks that are the responsibility of SAPA Cadres, namely: First, to provide understanding to the community regarding child protection issues. SAPA cadres provide an understanding of the community regarding the impact as a consequence of child marriage. The approach used to provide understanding is by holding discussions with the community in the village by utilizing *ta'lim* recitations and activities carried out specifically for the community (Anon n.d.-f). Discussion on child

protection issues with the community aims to provide understanding to the community regarding child protection issues at the local level. According to Yusdarita, the community positively welcomed the presence of SAPA cadres in the village who always spoke out about children's rights (Anon n.d.-f). Second, accelerating coordination with district or city governments if there are problems faced by children at the *gampong* level. The problems faced by children are not only cases of violence, but other problems such as stunting children, vulnerable children, and school dropouts also require the intervention of the district government (Anon n.d.-f). The presence of this SAPA Cadre is to accelerate coordination with the government so that rights are fulfilled and children can be optimally realized at the community level (Anon. n.d.-c). Efforts were made to connect the village with the UPTD PPA, namely by involving village parties consisting of SAPA and UPTD cadres. PPA so that they can coordinate and synergize with each other in providing services to the community (Anon n.d.-c).

Third, advocate for policies and budgets from the village government. According to Suci Indah Lestari and Yusdarita, the significant role of SAPA is to be able to advocate for policies and budgets from the village government. Policy advocacy that has almost been completed is the establishment of a Village *Qanun* on Child Protection (Anon. n.d.-d). The presence of SAPA cadres at the village level has influenced child protection policies at the village level. The policies currently under discussion that have relevance to child protection are related to the Village *Qanun* on Child Protection (Anon. n.d.-e). Suci Indah Lestari said that the *Kampung* Puja Mulia *Qanun* has currently been discussed at the village level and is still in the process of consulting with the district legal department (Anon n.d.-d). According to Fakhruddin, consultation with the legal department is part of the stages that must be passed in forming a *Qanun*. Through this consultation, it is hoped that regulations will not overlap and conflict with higher regulations (Anon n.d.-f).

One of the models developed in the form of regulation is the establishment of a village *qanun* initiated by the governments of *Kampung* Puja Mulia and *Kampung* Rembele. The existence of regulations in the village is very important because they unite all people in the community. One of the important points regulated by the regulation is that every community has an obligation to prevent child marriage. This is stated in Article 12 paragraph 3 of the Village *Qanun*, which states that the village government, village institutions, forum, or other community organizations, the community, parents, educators, and teachers are required to prevent child marriage from occurring and to socialize the adverse effects of child marriage related to reproductive health and other impacts.

After gaining ratification, these provisions become mandatory for all parties to follow and implement as required by Article 12, paragraph 3. Such an arrangement exists inseparable from the thoughts of SAPA cadres in the village and the community to work together to prevent child marriage. This input was conveyed during the discussion of the rules that will be enforced by the whole community. Everyone who was present in the *Qanun* drafting procession had voting rights and provided input on the rules that were made.

The model of community involvement in the context of developing child protection at the village level, such as that carried out by *Kampung Puja Mulia* and *Kampung Rembele*, is a form of community engagement. Community involvement is a form of cooperation between existing communities for each other to share thoughts and knowledge to work together in synergy in development (Wicaksono, 2019). SAPA cadres who already have an initial understanding of child protection can share it with *Reje Kampung* so that they can formulate policies that are oriented towards fulfilling child protection to the fullest.

Another model developed in *Kampung Puja Mulia* and *Kampung Rembele* is to form a children's forum in the village. The establishment of this children's forum is a form of children's participation to continue to contribute and voice aspirations for the best interests of the child (the best interest of the child) (Anon n.d.-b).

Officials strongly support the prevention of child marriage at the community level. According to Hasanuddin, prevention of child marriage has been carried out by not giving advice on the impacts that arise from child marriage to the parents of the children who ask for directions to *Kampung Reje*. *If parents want to marry off their children who are still under age, they are welcome to arrange it themselves with the Mahkamah Syar'iyah*. Village officials do not wish to be involved in the process (Anon. n.d.-b). This approach has a positive impact on preventing child marriage. The child's parents no longer continue their desire to marry off their child.

4.2. *The Emergence of a Model for the Prevention of Child Marriage at the Community Level*

Historically, the formation of a community-based child marriage prevention model was inseparable from PKPM's contribution to UNICEF's support for implementing the program in Bener Meriah District. According to Firdaus D. Nyak Idin, who is a specialist in child protection, PKPM, a program to strengthen child protection at the village level, was implemented in Aceh with the support of UNICEF in six districts and cities in Aceh. Each district has two villages, which are assisted villages. The implementation of the program aims to build a child protection mechanism by involving the community as the main forum. It is important that the village is given reinforcement regarding child issues because the problems children often experience start in the village (Anon. n.d.-a). *Reje Kampung Puja Mulia*, Hasanuddin, explained that PKPM has been actively collaborating with *Kampung Puja Mulia* since 2022. PKPM's presence in the community has given a new colour to the context of child protection in general and prevention of child marriage specifically (Anon. n.d.-b). Previously, there was no specific mechanism related to child protection, but the nuance changed by stimulating *gampongs* to have child protection policies and child protection service mechanisms specifically so that they could become a strong foundation for providing support and services to children.

Community development as a stronghold for preventing child marriage is a commitment that is built on the basis of awareness of the impact of marriage at a young age. Many children's rights are deprived when child marriage occurs, including children not

continuing their education, reproductive health is not guaranteed, marriages break up in a relatively short time, and a number of other negative impacts (Sekarayu, 2021). Another impact of child marriage is that it results in the deaths of mothers and babies (Utama et al., 2023). According to sociologists, child marriage can result in disharmony in the family because the way of thinking is still unstable and immature (Candra, 2018).

According to Suci Indah Lestari, who is one of the community facilitators at *Kampung Puja Mulia*, there were several capacity-building programs provided to the village community, namely: First, strengthen parents, namely by opening parents' horizons and encouraging them not to marry off their children before they are nineteen years old. Another reinforcement that becomes material is given in the form of positive parenting, namely parenting without violence. Positive parenting material given to the community that involves men and women in the discussion so that the community can understand the issue of preventing child marriage and the pattern of care provided must be free from things that lead to violence against women and children.

Second is capacity strengthening, which is directly given to *gampong* children. The material presented in activities with children is in the form of an introduction to children's rights, which consist of the right to life, growth and development, participation, and protection. The four elements need to be understood comprehensively by children so that advocacy for children's rights can be accommodated at the village level.

Strengthening children's capacities has had a significant impact on children's knowledge. Children have the courage to express their aspirations so that the rights that should be obtained by children can be realized to the fullest. Children's forums have started to actively participate in conveying the aspirations of children's interests in Gampong Development Planning Meetings (Musrembang).

5. CONCLUSION

Based on the discussion described above, it can be concluded that Bener Meriah Regency has developed a marriage prevention model at the community level. The development of this model was carried out during an intervention by PKPM and UNICEF in collaboration with DP3AP2KB (Department of Women's Empowerment, Child Protection, Population Control, and Family Planning) in Bener Meriah district. There are two villages that are being intervened, namely *Kampung Puja Mulia* and Rembele. After being assisted as pilot project villages, the two villages have developed a model for preventing child marriage in several ways, namely: first, Forming Friends of Women and Children (SAPA), Gampong Apparatus Commitment and Making Children Pioneers of Child Marriage Prevention, and Strengthening regulations and policies in villages, where historically the strengthening of the community-based child protection model in Bener Meriah was carried out with the support of PKPM and UNICEF. It stimulated villages to organize child protection at the community level by providing capacity building to community components regarding the issue of protection and prevention of child marriage.

References

- Annual Report of the Syar'iyah Court of Simpang Tiga Redelong, 2021-2022.
- Anon. n.d.-a. "Interview with Firdaus D. Nyak Idin, Specialist Child Protection PKPM, 29 Juni 2023."
- Anon. n.d.-b. "Interview with Hasanuddin, Kepala Desa, 26 Mei 2023."
- Anon. n.d.-b. "Interview with Ihsan, Program Oficcer PKPM, 20 Juni 2023."
- (Anon. n.d.-d) "Interview with Suci Indah Lestari, Facilitator Komunitas Perlindungan Anak, 26 Mei 2023."
- (Anon. n.d.-e) "Interview with Suci Indah Lestari, Facilitator Komunitas Perlindungan Anak, 27 Mei 2023."
- (Anon. n.d.-f) "Interview with Fakhurddin, Facilitator Daerah Perlindungan Anak, 27 Mei 2023."
- Saraswati, R. (2015). *Hukum perlindungan anak di Indonesia* (No. 2). PT. Image Aditya Bakti.
- Candra, M. (2018). *Aspek perlindungan anak Indonesia analisis tentang perkawinan di bawah umur*. Kencana.
- Fadli. (2021). Implikasi yuridis terhadap penerbitan kartu keluarga bagi pasangan nikah siri di Indonesia. *Jurnal mediasas: Media Ilmu Syari Jurnal Dan Ahwal Al Syakhsyah*, 4(1), 82-91.
- Julijanto, M., Masrukhin, M., & Hayatuddin, A. K. (2016). *Dampak perceraian dan pemberdayaan keluarga studi kasus di Kabupaten Wonogiri*. 1(1), 55–77.
- Mansari, M., & Rizkal, R., (2021). Peranan hakim dalam upaya pencegahan perkawinan anak: antara kemaslahatan kemudharatan. *El-Usrah: Jurnal Hukum Keluarga*, 4(2), 328–356.
- Mustaqim, A., & Chasanah, I. (2022). Keterlibatan Laki-Laki dalam Pencegahan Perkawinan Anak: Studi Pada Komunitas Gerakan Laki-laki Peduli Perempuan dan Anak. *Prosiding Konferensi Gender dan Gerakan Sosial*, 1(01), 450-460.
- Nurjanah, S. (2018). Keberpihakan Hukum Islam Terhadap Perlindungan Anak. *Al- 'Adalah*, 14(2), 391-432. <https://doi.org/10.24042/adalah.v14i2.2905>
- Rahmatillah, S., & Bustamam, A. (2023). Government's legal policy on the protection of women and children pre- and post-illegal marriages. *Gender Equality: International Journal of Child and Gender Studies*, 9(1), 98-109. <https://doi.org/10.22373/equality.v9i1.16124>
- Saraswati, R. (2015). *Hukum perlindungan anak di Indonesia*. PT. Citra Aditya Bakti.
- Sekarayu, S. Y., & Nurwati, N. (2021). Dampak pernikahan usia dini terhadap kesehatan reproduksi. *Jurnal Penelitian dan Pengabdian Kepada Masyarakat (JPPM)*, 2(1), 37-45.
- Sugiarti, T. K. T. (2021). Implementasi dan impikasi pernikahan dini. *Jurnal Legal Reasoning*, 4(1), 81–95.

- Ulfiyati, N. S. (2019). Pandangan dan peran tokoh kongres ulama perempuan Indonesia (KUPI) dalam mencegah perkawinan anak. *De Jure: Jurnal Hukum Dan Syar'iah*, 11(1), 23–35. <https://doi.org/10.18860/j-fsh.v11i1.6488>
- Wicaksono, K. W. (2019). Keterlibatan komunitas (community engagement) dalam pembangunan di tingkat desa. *Jurnal Manajemen Pelayanan Publik*, 3(1), 1-12.
- Mansari, M., Fatahillah, Z., Muzakir, M., Oslami, A. F., & Zainuddin, M. (2020). Concretization of urgent reason and sufficient evidence in providing marriage dispensation for children by the judge. *Nurani: Jurnal Kajian Syari'ah dan Masyarakat*, 20(2), 195-206.
- Zamharira, C., Irma, A., & Jamilah, J. (2022). The role of South Aceh Regency Women's Empowerment Office for Child Protection and Family Planning (DP3AKB) in preventing underage marriage. *Gender Equality: International Journal of Child and Gender Studies*, 8(1), 86-97. <https://doi.org/10.22373/equality.v8i1.12741>