

MARRIAGE UNDER AGE AND THEIR EFFECT ON THE RATE OF DIVORCE IN ROKAN HILIR DISTRICT

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Abstract

Article 1 of Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, marriage is an outer and inner bond between a man and a woman as husband and wife to form an eternal and happy family based on the One Godhead. One. In general, no one wants their marriage to end in divorce, different environments make the marriage untenable. The problem is the factors that cause underage marriage. The research method is sociological juridical with descriptive research nature. This study deals with family law. Based on the results of the research conducted, the factors causing underage marriage are a moral factor because married by accident, economic factors because their parents had arranged an arranged marriage with the following percentages, 40% experienced underage marriages because they were not mentally and religiously prepared, 30% Divorce occurs because they do not have a permanent job, and another 30% are due to arranged marriages and forced marriages.

Keywords: *Divorce; Marriage; Underage*

1. Introduction

Marriage is an important event in human life. Marriage does not only concern the two prospective husband and wife personally, but also involves family and community affairs. In general, marriage is considered as something sacred because every religion always connects marriage rules with religious rules. Marriage is a bond that shows the relationship between one person and another. A marriage bond occurs because of the personal, psychological and physical compatibility between a man and a woman. Therefore, this marital relationship is an effort to unite individuals with different personalities. Marriage as a way to be able to create a happy and eternal family (household) based on the One Godhead is meant that marriage should last a lifetime and should not end just like that.

Marriage is a very important event and must prepare everything including physical, mental, and socio-economic aspects. Marriage will form a family which is the smallest unit which is the main basis for the development and development of a nation and state society.¹

According to the provisions of article 7 paragraph (1) of Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, hereinafter referred to as the Marriage Law states that "Marriage is only permitted if a man and woman have reached

¹ Rahmatiah, "Studi Kasus Perkawinan Di Bawah Umur," *Al-Daulah* 5, no. 1 (2016): 144–66.

the age of 19 years (nineteen years)", but in the provisions of Article 7 paragraph (2) of Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage states that "In the case of deviations from the age provisions as referred to in paragraph (1), the parents of the male and/or female can request a dispensation from the court on very urgent grounds accompanied by sufficient supporting evidence." So, underage marriages are marriages carried out by parties at a relatively young age. Underage marriages referred to in this study are marriages of both parties are still very young and have not met the minimum age requirements as stipulated in Article 7 paragraph (1) of Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning marriage, which is 19 (nineteen) years for both men and women. Article 28b paragraph 1 of the 1945 Constitution, Article 1 of Law Number 23 of 2002 concerning Child Protection in conjunction with the decision of the Constitutional Court No. 22/PUU-XV/2017, when the minimum age of women is lower than that of men, legally women can be faster form a family. Therefore, the legislators made changes to the norms for the age limit for marriage for women to be equated with the minimum marriage limit for men, which is 19 years. This age limit is intended to be judged to have matured in mind and body to be able to carry out marriage so that the purpose of marriage is realized properly without ending in divorce and obtaining healthy and quality offspring. Furthermore, the explanation of Article 7 paragraph (1) reads: "To maintain the health of husband and wife and the origin of 6 offspring, it is necessary to set an age limit for marriage." The explanation of Article 7 paragraph (1) focuses more on issues (six health issues for husband, wife, and their offspring." It is clear that in setting the age limit for marriage, the government has considered several things including limiting divorce, polygamy, and underage marriage, in addition to creating family health and regulation of population growth.²

Underage marriages often cause shocks in domestic life, this is due to a lack of mental readiness and their body and soul are still immature to build a household so that it is not uncommon for fights, misunderstandings or differences of opinion between the two to cause divorce. Another reason that often causes quarrels in the household in young couples is excessive jealousy, lack of good communication, and economic problems (while still unemployed), it is

² Dhorifah Hafidhotul Hikmah, Agung Basuki Prasetyo, and Triyono, "Pengaruh Batas Usia Kawin Dalam Undang-Undang Nomor 1 Tahun 1974 Terhadap Jumlah Perkawinan Dibawah Umur Di Kabupaten Rembang Provinsi Jawa Tengah," *Diponegoro Law Journal* 6, no. 2 (2017): 1–18.

one of the most important factors in married life because all this because at the time of marriage he was still relatively young. Underage marriages (children) do more harm than good.³

In fact, the very young ones are the brides-to-be. Not infrequently, the age of marriage in couples who get married at a young age does not last long and ends in divorce. The divorce is caused because there is no physical or mental readiness to navigate the household ark, so that there are often disagreements and tensions in their household. Various rules were created to delay their marriage by imposing complicated conditions.⁴

Based on the background of the description above, it is important to conduct research on the causes of underage marriage. This study aims to provide information to the public about the age limit for marriage and to contribute ideas to legal science in general and family law in particular.

2. Methods

The approach method used in this research is a sociological juridical approach, namely an approach to the problem by looking at the applicable legal provisions/norms and then connecting them to the facts/implementations applied in the community.⁵ The nature of the research carried out is descriptive, namely explaining a description of the situation, atmosphere, and condition of the object of research carried out. The types of data used are primary data and secondary data. Primary data is data obtained from field research with interviews with parties related to the research, namely couples who have underage marriages in Rokan Hilir District, Riau Province, and judges at the Ujung Tanjung Religious Court. Secondary data is data obtained from a literature study that includes primary legal materials, consisting of the Marriage Law, the Law on Religious Courts, and the Compilation of Islamic Law. Secondary legal materials are materials that explain primary legal materials, such as journals, research results, and tertiary legal materials.⁶ Rokan Hilir District was chosen because no similar research has been conducted in the area. Data collection was carried out by conducting structured interviews with couples who were involved in early marriage, judges at the Ujung Tanjung Religious Court, Rokan Hilir

³ Enik Isnaini, "Penyuluhan Hukum Batas Usia Minimal Perkawinan Setelah Putusan MK No. 22/PUU-XV/2017 Sebagai Upaya Perlindungan Anak Dari Perkawinan Dibawah Umur Di Desa Dukuhagung Kecamatan Tikung Lamongan," *Jurnal Pengabdian Masyarakat* 3, no. 01 (2020): 47–56.

⁴ Suhadi, "Pernikahan Dini, Perceraian, Dan Pernikahan Ulang: Sebuah Telaah Dalam Perspektif Sosiologi," *Komunitas: International Journal of Indonesian Society and Culture* 4, no. 2 (2012): 168–77, <https://doi.org/10.15294/komunitas.v4i2.2412>.

⁵ W. Bambang, *Penelitian Hukum Dalam Praktek* (Jakarta: Sinar Grafika, 2002).

⁶ F. ; A. Yulianto Mukti, *Dualisme Penelitian Hukum Normatif Dan Empiris* (Pustaka Fajar, 2017).

District, and the Head of the Office of Religious Affairs. The analysis of the data used is qualitative, meaning that data is based on sentence descriptions or data that are not analyzed using statistics or mathematics but with the help of literature and behavior studied against respondents both in writing and orally, then analyzed deductively, namely the way of thinking to conclude. From a general statement or proposition to a specific statement.

3. Results and Discussion

Marriage for humans is important because someone will get a balance of life both biologically, psychologically, and socially from a marriage. The age limit in marriage can be said to be very important, this is because marriage requires psychological maturity. According to Article 7 paragraph (1) of Law Number 16 of 2019 concerning Amendments to Law No. 1 of 1974 concerning Marriage, the minimum age limit for someone who will carry out marriage is 19 years for men and women. Nevertheless, the implementation of marriage for candidates who have not reached the stipulated age is still possible, namely after receiving a dispensation to carry out underage marriages from the local Religious Court. Early marriage poses a greater risk to adolescent girls, especially in the aspect of reproductive health.⁷

Based on the results of the study, the people in Rokan Hilir Regency who married at a very young age or the perpetrators of underage marriages amounted to more than 20 couples. The perpetrators of underage marriages choose to marry at a young age with various factors, such as moral factors because they were pregnant before marriage, did not have a permanent job, and were arranged for and forced to marry.

Based on the description of the reasons for the perpetrators of marriage at a young age, it can be concluded that in general those who have not reached the minimum age to marry according to Article 7 paragraph (1) of Law Number 16 of 2019 concerning Amendments to Law Number 1 of 2019 1974 concerning Marriage is the woman's side. The reasons for the perpetrators of young marriages in Rokan Hilir Regency based on the results of the study are as follows:

⁷ Syarifah Salmah, "Pernikahan Dini Ditinjau Dari Sudut Pandang Sosial Dan Pendidikan," *Jurnal Ilmu Dan Teknik Dakwah* 04, no. 07 (2016): 35–39.

Table 1.
Reasons for Underage Marriage in Batu Hampar, Bangko Pusako and Rimba Malintang Districts, Rokan Hilir District

Reasons to Married at Young Age	Number of Pairs	Percentage (%)
Moral factor	4	40
Factors on their own	3	30
Parental factor	1	10
Factor because already pregnant	1	10
Economic factor	1	10
Total	10	100

Source: The results of research on 10 respondents who married underage in Rokan Hilir District

From the table above, it can be seen that there are 5 (five) reasons why young marriage actors in Rokan Hilir Regency carry out marriages at a very young age or have not met the minimum age limit for marriage as stipulated in Article 7 paragraph (1) of the Law - Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage. From 10 respondents, there are four respondents (40%) who have reasons for getting married at a young age because of moral factors, namely between men and women who previously knew each other, had special relationships, and got along well so that the surrounding people were worried about violations of religious and moral norms. Three respondents (30%) married at a young age based on their own will, and one respondent (10%) each had reasons for marrying at a young age due to an accident or because they were pregnant before marriage. This young couple got married because they were embarrassed that the woman was already two months pregnant, so the family married her off. The women have to leave their childhood and have to take care of the household while the men have to leave college to work to support the family. One other respondent (10%) who has a reason to marry at a young age is due to parental factors. Parents see this man often visits his daughter and likes his child who is still underage, while the man is already working with a steady income asking to propose to his child in the hope that after marriage his husband can help meet his daily needs and will lighten the burden on parents. The last reason (10%) is due to economic factors. Parents cannot afford to send their children to a higher level and find a mate for their children. The man chosen by his parents is already quite well-established and has a steady job.

3.1. Implementation of Young Marriage in Rokan Hilir District

The government determines the minimum age limit for carrying out the marriage to avoid the implementation of marriage at a young age or underage. This statement has been confirmed

in Article 7 paragraph (1) of Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage which reads "Marriage is only permitted if the man and woman have reached the age of 19 (nineteen) years.". So in principle, the Marriage Law stipulates that to be able to carry out a marriage, the man must be at least 19 (nineteen) years old, because at that age, in general a person can be considered an adult, both physically and mentally. The existence of a minimum age limit to be able to carry out marriages is expected to eliminate or abolish the implementation of marriages at a young age or underage.

The reason parents are reluctant to apply for a dispensation to marry off their minors to the Religious Courts is that apart from the cost of litigation in court, they are also afraid that the judge will not grant their request for dispensation. (interviews with underage marriage actors) In fact, according to Mr. Drs. Aslam (Chairman of the Ujung Tanjung Religious Court), the judge will grant the request for dispensation for underage marriage by taking into account whether the existence of the marriage will be good for the benefit of mankind, how far is the relationship between the prospective groom and the prospective bride, respectively, each parent has agreed or not, and the judge will consider the couple who applied for the dispensation to fall further into immoral acts. The reason for the panel of judges in determining the dispensation of marriage is to avoid adultery and not to consider the negative aspects that can arise from underage marriage.⁸

3.2. The Effect of Underage Marriage on Divorce Rates

The purpose of marriage cannot be carried out by the ideals that were dreamed of when they were not married, resulting in tensions leading to hostility so that the integrity of the household could no longer be maintained. To maintain a marriage so that the marriage can be eternal and happy, very mature preparations are needed from the two prospective brides both physically and mentally, so that when they become husband and wife it is easy to get a form of equality of opinion in achieving the goals they aspire to in a marriage.

Underage marriages often cause shocks in domestic life, this is due to a lack of mental readiness and their body and soul are still immature to build a household so that it is not uncommon for fights, misunderstandings or differences of opinion between the two to cause divorce. Another reason that often causes quarrels in the household in young couples is excessive jealousy, lack of good communication, and economic problems (while still unemployed), it is

⁸ Safrin Salam, "Dispensasi Perkawinan Anak Di Bawah Umur: Perspektif Hukum Adat, Hukum Negara & Hukum Islam," *Pagaruyuang Law Journal* 1, no. 1 (2017): 110–24.

one of the most important factors in married life because all this because at the time of marriage he was still relatively young.

Table 2.
Underage Marriage in Batu Hampar, Rimba Malintang and Bangko Pusako Subdistricts in Rokan Hilir District Which Ended in Divorce

Name	Reason for Divorce	Marriage Age
Sukardi and Lasmarinda	Because the 3rd party	2 (two) years
Aswad dan Tina	Because parents	6 (six) years
Deryuza dan Jasnimar	Due to economic factors	5 (five) years
Junaidi dan Herliati	Due to economic factors	1 (one) year

Source : The results of a study of 10 respondents who were married at a young age in Rokan Hilir District

From the table above, it can be seen that 4 couples (40%) out of 10 couples (100%) of young marriages in Batu Hampar, Bangko Pusako and Rimba Malintang Districts, Rokan Hilir Regency, their households ended in divorce at a very young age of marriage, some even have not reached the age of 1 (one) year of marriage.

While the data on the number of divorce rates that occurred in Pujud District can be seen in the table below:

Table 3.
Number of People Who Do Divorce in Pujud Subdistrict

Year	Total Couple Marriage Underage	Total Couple Doing Divorce Early	Description
2012	2 couples	1 couple	50% divorce
2013	3 couples	2 couples	75% sue for divorce

Source: Office of Religious Affairs in Pujud Subdistrict in 2014

Based on the data above, it is known that underage marriages can lead to early divorce, this can be seen in 2012 from 2 (two) couples who married underage, there was 1 (one) couple who divorced. It can be concluded that underage marriage can lead to an increasing divorce rate. This is due to their age who still do not understand the importance of marriage.

Based on the results of the interview, it is known that the reasons for the divorce are as follows: a) Lack of readiness in terms of mental and religious (low education); b) Low economic level; and c) As a result of being forced/forced to get married, there are frequent fights/squabbles.

Underage marriage causes an increase in the divorce rate in society, this can be seen from the following table:

Table 4.
Number of People Doing Divorce In Tanah Putih Tanjung Melawan Subdistrict

Year	Number of Couples Divorcing	Percentage
2012	1 (one) couple	50%
2013	2 (two) couples	75%

Based on the results of interviews, it is known that there are several reasons for underage divorce in Tanah Putih Tanjung Melawan Subdistrict, namely: a) Because they are not ready in terms of mental and religious (low education); b) For not having a job; and c) Due to being forced/forced to get married, there are often fights.

Based on the data above, the negative impacts of underage marriage are:

1. Psychologically, this certainly affects the mental condition that is still unstable and the child has not yet matured. It is feared that the decision taken to get married is the decision of a teenager whose mental and psychological condition is not yet stable. So, the decision is not for an adult who has not realized that getting married is a big decision that will give rise to rights and obligations in the marriage he is living.
2. Marriage at a young age is harmful to health. Moreover, it is women who have quite a lot of risks such as in pregnancy and midwifery. Medically, getting married at that age can change normal cells (cells that usually grow in children) into malignant cells which can eventually cause uterine infections and cancer. As for obstetrics, pregnant under the age of 19 years is certainly very risky for death.

In addition, underage marriage can also have negative effects such as the following:

1. Violence against children.
Children can experience violence from parents or family if they refuse to be married to the point of physical violence, such as kicking, and hitting with a broom, so that children run away from home. There are even cases, after marriage, children try to commit suicide by drinking pesticide liquid.
2. The divorce rate is high.
More than 50 percent of child marriages fail and end up divorced. There are even cases where marriage is only a matter of weeks ago separated. Usually, this happens because the daughter does not want to carry out her obligations as a wife and the lack of readiness of each partner who wants to get married.

3. Poverty increases, because they are not ready economically.

Underage marriages should not be carried out, because in terms of biology and maturity they are still not ready to face problems in the family, besides marriages must have physical and non-physical readiness, meaning that they must be mentally prepared, of sufficient age, and able to earn a living as a responsibility in fostering a family.⁹

3.3. Recognition

"Marriage is a matter that has broad consequences in the legal relationship between husband and wife. With marriage arises a bond that contains rights and obligations. Marriage is a family agreement"¹⁰

In the Compilation of Islamic Law, hereinafter referred to as KHI, the definition of marriage is stated in Article 2 of the Compilation of Islamic Law, which reads "Marriage according to Islamic law is marriage, which is a very strong contract or *mitsaqan ghalizan* to obey Allah's commands and carry it out is worship". Marriage or marriage is a noble and sacred contract between a man and a woman which is the cause of the legal status of husband and wife and the legalization of sexual relations to achieve a family full of love, kindness, and mutual support, this situation is often called a *sakinah* family.¹¹

Regarding the validity of a marriage, it is regulated in article 2 paragraph (1) of Law Number 16 of 2019 concerning Marriage, which states that "Marriage is legal if it is carried out according to the law of each religion and belief", paragraph (2) of the article reveals "Every marriage is recorded according to the applicable laws and regulations". Whereas in the Compilation of Islamic Law, the registration of marriages is regulated in article 4, article 5, and article 6 of the Compilation of Islamic Law, the point of which is that marriage is legal if it is carried out according to Islamic law and for the sake of orderly marriage for people who embrace Islam, the marriage must be registered and carried out before the Marriage Registrar, marriages carried out outside the supervision of the Marriage Registrar Employees do not have legal force.

⁹ Syafrial Nur, Hadi Rianto, and Subiorto J. L, "Pemahaman Siswa Sekolah Menengah Atas Tentang Dampak Pernikahan Dibawah Umur," *Jurnal Pendidikan Kewarganegarran* 2, no. 1 (2018): 303–8.

¹⁰ A. Ali, *Hukum Waris, Hukum Keluarga, Hukum Pembuktian* (Jakarta: Rineka Cipta, 1997).

¹¹ Sudarsono, *Hukum Perkawinan Nasional* (Jakarta: Rineka Cipta, 2005).

3.4. Pillars and Terms of Marriage

Pillars are something that must exist and determine whether a job (worship) is legal or not, and something that is included in the series of jobs, such as the presence of prospective grooms and women in marriage. While the conditions are something that must also exist and determine whether a job (worship) is legal or not, but something that is not included in the series of work, as according to Islam the prospective groom/woman must be Muslim. Legitimate means a work of worship that has fulfilled the pillars and conditions.¹²

For the implementation of marriage, religion determines the harmony of marriage that must exist at the time of getting married. The pillars are:

1. There are a husband and wife who are getting married;
2. There is a guardian from the prospective bride

The marriage contract will be considered valid if a guardian or representative will marry him off. Someone who is considered legal to be the guardian of the bride is according to the following structure: a) Her father; b) Her grandfather (father of the bride's father); c) A brother who is the same age as her; d) Brother - the same age as her; e) The son of a brother who is the same age as her; f) The son of a brother of the same age as her; g) The father's brother (s) (paternal uncle); h) The uncle's son from his paternal side; i) Judge.

3. There were 2 (two) witnesses.

Guardians and witnesses are responsible for the validity of the marriage contract. Therefore, not everyone can be accepted as a guardian or witness, but should people who have the following characteristics: a) Islam. A person who is not Muslim is not legally a guardian or witness; b) Baligh (at least 15 years old); c) Sensible; d) Independent; e) Male; f) Fair.

4. Sighat (contract);
5. Sighat (akad), namely the consent of the kabul which is pronounced by the guardian or her representative on the woman's side, and is answered by the groom. The words of the female guardian, "I marry you to my daughter named ...", and the bridegroom replied, "I accept marrying" (Sulaiman 2010)

In the Marriage Law, no article states the pillars of marriage. This law only mentions the terms of marriage, while the Islamic Law Compilation clearly states the pillars of marriage contained in article 14 of the Islamic Law Compilation. The requirements to have a marriage listed in the Marriage Law can be seen in articles 6 to 12 of the Marriage Law, which can be

¹² R. A. Abdul, *Fiqh Munakahat* (Jakarta: Kencana Prenada Media Group, 2008).

summarized as follows: 1) There is an agreement between the two prospective brides; 2) There is permission from both parents/guardians for the prospective bride who is not yet 21 years old; 3) The age of the prospective groom has reached 19 years and the age of the prospective bride has reached 16 years; 4) Between the prospective groom and the prospective bride are not related by blood/family who may not be married; 5) Not in a marriage bond with another party; 6) For husband and wife who have divorced, then remarried each other and divorced for the second time, their religion and beliefs do not prohibit them from getting married for the third time; 7) There is no waiting time for the prospective bride who is widowed.

3.5. Marriage Procedure

Every person who will enter into a marriage must notify his will to the Marriage Registrar. For those who are Muslim, they are employees of the marriage registrar, divorce, and reconciliation, while for those who are not Muslim, it is the Civil Registry Office or the agency or official who assists them. The procedure for marriage is carried out according to each religious law and belief of the person carrying out the marriage.

Underage marriage is a marriage carried out by a man with a woman where the age of both or one of them is still below the minimum limit regulated by the Marriage Law, which is 19 (nineteen) years and both prospective brides and grooms are married. The person is not ready physically or mentally and does not have a mature mentality and there is also a possibility that he is not ready in material terms. While the word young age means that you are too young or not old enough to get married. In terms of psychology, sociology, and Islamic law, early marriage or underage marriage is divided into two categories, firstly, genuine underage marriages, namely underage marriages that are truly pure carried out by both parties to avoid sin without any intention alone. The eyes are only to cover the adultery that has been committed by the bride and groom. The second is fake underage marriage, namely underage marriage which is essentially carried out as camouflage for adultery behavior committed by the bride and groom. This means that the child and both parents together deceive the community by holding a noble marriage to cover up the disgrace that has been done by the child. They hope that the public will not smell the "rotten smell" that has been done by their children, even on the contrary to congratulate and be happy too.¹³

¹³ G. Abu A., *Pernikahan Dini Dilema Generasi Extravaganza* (Mujahid Press, 2002).

While the notion of baligh in Islamic law as applied by fiqh scholars is the achievement of an age that makes a person biologically ready to carry out marriage. For men, the sign is that they have dreamed and ejaculated, and for women, it is marked by the arrival of menstruation, which is considered biologically ready for marriage. However, in the development that occurs, the biological ability is not enough to carry out marriage without having the ability economically and psychologically. Economically means that they can earn or provide a living and can pay the dowry, while psychologically, both parties are physically and mentally mature. Marriage can be said to be ideal if it already has the three elements above (biological, economic, and psychological abilities) because these three abilities are possible to already exist in a person when he is 19 years old for both men and women.

3.6. Age of Marriage according to Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage

Article 7 paragraph (1) of Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage as a positive law that applies in Indonesia, stipulates the age limit for marriage is 19 years for men and women, but the age limit is not an age limit for a person to be mature and mature enough to act, but the age limit is only a minimum age limit for a person to be allowed to marry.

This regulation regarding the age limit for marriage has a fairly close relationship with population issues. The low age limit for a woman to marry results in a higher birth rate and also results in high maternal mortality. Thus, the regulation regarding age is actually by the principle of marriage which states that the prospective husband and wife must have matured in mind and body. The goal is that the purpose of marriage is to create a happy and eternal family well without ending in divorce and getting good and healthy offspring can be realized, and conversely marriage at a young age should be avoided because it brings unfavorable effects, especially for individuals who do it.

Divorce is the abolition of marriage by a judge's decision on the demands of one of the parties to the marriage. The point is that the law does not allow divorce by agreement between husband and wife. In-Law Number 50 of 2009 concerning Religious Courts and the Compilation of Islamic Law, there are 2 (two) types of divorce, namely talaq divorce and litigation divorce. Talaq divorce is a divorce that is imposed by a husband against his wife so that their marriage is broken. A husband who intends to divorce his wife must first apply to the Religious Court, while

a sued divorce is a divorce based on a lawsuit filed by the wife so that the marriage with her husband is broken. A wife who intends to divorce her husband must first file a lawsuit with the Religious Court. If the association of the two husbands and wives cannot achieve the purpose of marriage, it will result in separation, because there is no word of agreement between husband and wife, then with the justice of Allah SWT, a way out of all these difficulties is opened, namely the door of divorce. Hopefully, with this road, there will be order and peace between the two parties. Each can find a suitable partner who can achieve what they aspire to. (Sulaiman 2010) The role of parents in controlling children's lives is closely related to early marriage. The role of good parents is 5.78 times more likely to encourage children to marry at an early age.¹⁴

3.7. Reasons for Divorce

The break-up of marriage and its consequences are regulated in Chapter VIII, article 38 to article 41 of the Marriage Law. The causes of breaking up of marriage are: a) One of the parties has a disability or illness resulting in not being able to carry out his obligations as husband/wife; b) Between husbands and wives continually disputes, or quarrels, so that there is no hope of living in harmony again in running the household; c) One of the parties commits adultery, or becomes a drunkard, a prostitute, gambler, and so on which is difficult to cure; d) One of the parties leaves the other party for 2 (two) consecutive years without the permission of the other party, and without valid reasons, or for other reasons beyond its capabilities; e) One of the parties receives a sentence of 5 (five) years, or a heavier sentence after the marriage takes place; f) One party committed cruelty or serious persecution that endangered the other.

If analyzed further, the regulation on the age limit for marriage has the aim of preventing early marriage and this is quite closely related to population problems and women's welfare.¹⁵ The existence of a minimum age limit for marriage provides legal certainty and benefits for the community. Based on the results of the study, there are still people who marry off their children under the age of 19 years, meaning that between *das sein* and *das sollen* is not yet compatible. Supposedly with Marriage Law No. 16 of 2019, there will be no more underage marriages, but it is still found that there are marriages carried out under the age of for reasons, economics, and already pregnant before marriage.

¹⁴ Wulan Angraini et al., "Factors Affecting the Occurrence of Early Marriage," *Jurnal Biometrika Dan Kependudukan* 8, no. 2 (2019): 183–91.

¹⁵ Habibah Nurul Umah, "Fenomena Pernikahan Dini Di Indonesia Perspektif Hukum Keluarga Islam," *Jurnal Al Wasith: Jurnal Studi Hukum Islam* 5, no. 2 (2020): 107–25.

4. Conclusions

The effect of underage marriage on the divorce rate in Rokan Hilir District, 40% experienced underage divorce due to not being mentally and religiously prepared so that there was disharmony in the household, 30% of divorces occurred because they did not have a permanent job, while 30% more divorces were caused by arranged marriages and forced marriages. Factors that cause underage marriage, because of moral factors, because they were pregnant before marriage, economic factors, because their parents had arranged an arranged marriage and because they dropped out of school.

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Hopefully, this research will be useful for the development of science in general and the Law of Procedure of the Religious Courts in particular.

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