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Tuan Guru and the Efforts to Prevent Early Marriage Among Sasak Tribe

Sainun Sainun Universitas Islam Negeri Mataram, Indonesia nunsainun64@gmail.com

Hery Zarkasih Universitas Islam Negeri Mataram, Indonesia heryherbanza07@gmail.com

Arif Sugitanata Universitas Islam Negeri Sunan Kalijaga Yogyakarta, Indonesia arifsugitanata@gmail.com

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Abstract:

Early marriage is still a problem in developing countries, including Indonesia. one of the areas with a high rate of child marriage is West Nusa Tenggara. This study aims to explore the implementation of the Marriage Law Number 16 of 2019 in Rembiga Subdistrict, Mataram City, focusing on the role of Tuan Guru in reducing early marriage cases. While national trends indicate a decline, local data shows a significant increase in early marriage cases, particularly in some Indonesian provinces. The study utilised empirical legal field research and qualitative methods, involving profound observations and interviews with fourteen informants. It identified obstacles in the application of the law, including premarital pregnancy, family conflicts, economic factors, promiscuous behaviour, normative conflicts, and suboptimal socialisation. In this context, Tuan Guru plays a crucial role in fostering understanding and compliance with the law in the Sasak Rembiga community through religious studies and marriage counselling. This strategy highlights the importance of integrating religious, cultural, and legal values to minimise early marriages and calls for cross-sector collaboration for sustained effectiveness.

Keywords: *tuan guru*; early marriage, islamic law; sasak.

Introduction

The trend of child marriage rates in 2018 and 2019 has decreased nationally from 11.21 per cent (2018) to 10.82 per cent (2019); the opposite occurred in 18 provinces in Indonesia, where the number of cases of early marriage experienced a

very significant increase.¹ The four provinces with the highest increase were South Kalimantan, with an increase of 21.2 per cent; Central Kalimantan (20.2 per cent); Central Sulawesi (16.3 per cent); and NTB Province (16.1 per cent).² Following up on this condition, as one of the efforts to reduce the rate of child marriage in Indonesia, the government took preventive action by making changes to the marriage law. Previously, Law No. 1 Year 1974 set the age of marriage at 19 for men and 16 for women. This provision was later amended by Law No. 16 of 2019, which stipulates that the age of marriage for men and women is 19 years old.³ The government's hope for the changes in the law does not seem to have yielded promising results, as evidenced by the increases in child marriage in Indonesia. In West Nusa Tenggara has increased dramatically, reaching more than 200%; in 2019, there were 332 cases, and this figure significantly rose to 805 cases in 2020,⁴ placing this province as the seventh-highest region with cases of child marriage in Indonesia.⁵

The policy on increasing the age of marriage at the lowest level is still widely violated, as the results of the researchers' initial observations found, in Rembiga Village, Mataram City, West Nusa Tenggara, four married couples in 2021 entered into underage marriages after Law No. 16 of 2019 was passed.⁶ Based on initial interviews with informants, several factors contribute to underage marriage, including unintended pregnancies or premarital sex, promiscuity, and lax parental supervision. In addition, the customary factors that have been running also provide legitimacy for the validity of marriage as long as the provisions in Islamic fiqh are fulfilled.⁷ The existing factor is the *merariq* tradition, where, in practice, if a woman has been runshed or agreed to run away to marry a prospective husband of her

⁷ TGH. N, Interview, Rembiga, June 25, 2022.



¹ Sudirman Sudirman et al., "Examining the Complexity of Child Marriage as Sexual Violence in Digital Era," *Legality : Jurnal Ilmiah Hukum* 31, no. 2 (September 30, 2023): 310–28, https://doi.org/10.22219/ljih.v31i2.28881.

² Biro Hukum Dan Humas Kementerian Pemberdayaan Perempuan Dan Perlindungan Anak, "Perkawinan Anak Ancam Masa Depan Anak," Kementerian Pemberdayaan Perempuan Dan Perlindungan Anak Republik Indonesia, 2022, https://www.kemenpppa.go.id/index.php/page/read/29/3753/menteri-pppa-perkawinan-anakancam masa-depan-anak.

³ Anthin Lathifah, Briliyan Ernawati, and Anwar Masduki, "Problems With The Islamic Legal System Regarding Child Marriages in Indonesia During The Covid-19 Pandemic Period," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 22, no. 2 (2022): 155–76, https://doi.org/10.18326/ijtihad.v22i2.155-176.

⁴ Admin DP3AP2KB, "Data Kasus Perkawinan Anak Harus Berbasis Dusun," DP3AP2KB PROVINSI NTB, 2023, https://dp3ap2kb.ntbprov.go.id/2023/02/27/data-kasus-perkawinan-anak-harus-berbasis-dusun/.

⁵ Junita Sianturi, "Waduh! Indonesia Tempati Urutan 10 Pernikahan Anak Tertinggi Di Dunia, NTB Masuk 7 Besar Angka Tertinggi," lombokinsider.com, 2022, https://www.lombokinsider.com/ntb/pr-1553913976/waduh-indonesia-tempati-urutan-10pernikahan-anak-tertinggi-dunia-ntb-masuk-7-besar-angka-tertinggi.

⁶ Yayan Sopyan et al., "Child Exploitation by Parents in Early Marriage: Case Study in Cianjur West Java, Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 3 (November 30, 2023): 1921–42, https://doi.org/10.22373/sjhk.v7i3.14804.

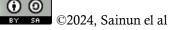
choice, it is difficult for her to return.⁸ Likewise, the prospective husband will try to defend himself so that the process of escaping his prospective wife is not immediately taken to his house but is temporarily placed in a house that is beyond the reach of the knowledge of the prospective wife's family and other men who want to marry her (*Sasak* term: *Bale Penyeboan*).⁹

Although the *Sasak* people still preserve their customary traditions,¹⁰ in a religious context, the majority of *Sasak* people, who are Muslims, show a high appreciation for processions that are in accordance with Islamic teachings.¹¹ Therefore, the island of Lombok, home to most *Sasak* people, is known as the island of "a thousand mosques".¹² In the social and cultural context of the *Sasak* community, the participation of religious figures, often pinned with the title "*Tuan Guru*", has a crucial significance. This phenomenon reflects the local community's social structure and deeply held beliefs. As a title holder who is considered to have a deep understanding of religious teachings, *Tuan Guru* is given strong moral authority in *Sasak* society,¹³ including in the *Sasak* community of Rembiga Village, Mataram City, NTB.

Anthropologically-based research shows that *Sasak* communities respect and regard *Tuan Guru* as an irreplaceable source of knowledge and spiritual guidance. In personal and collective decision-making processes, communities tend to consult the views and advice of their *Tuan Guru*.¹⁴ It signifies that the presence of *Tuan Guru* not only influences religious aspects but also impacts the social, economic, and political aspects of *Sasak* society. The importance of the role of the *Tuan Guru* in *Sasak* society is also reflected in the practice of daily life, where many individuals and groups present the *Tuan Guru* in various events and activities as a form of respect and seeking blessings.¹⁵

As an authoritative and respected figure in *Sasak* society, including in his role in providing an understanding of the negative impact of not complying with Marriage Law Number 16 of 2019 concerning marriage age limits in the *Sasak*

¹⁵ J.J. Kingsley, "Redrawing Lines of Religious Authority in Lombok, Indonesia," *Asian Journal of Social Science* 42, no. 5 (2014): 657–77, https://doi.org/10.1163/15685314-04205010.



⁸ Arif Sugitanata et al., "Violation of Women's Rights: The Kawin Magrib Tradition of the *Sasak* Muslim Community in Lombok, Indonesia," *J. Islamic L.* 4, no. 2 (2023): 197–217, https://doi.org/10.24260/jil.v4i2.1772.

⁹ "Bale Penyeboan, According to the *Sasak* Lombok Community, Means a Hiding Place, Which Is a Place (a Family or Friend's House) Used as a Temporary Residence for Prospective Wives during the Initial Process of Marriage, or What Is Known as Merariq.," 2022.

¹⁰ Arif Sugitanata and Muhammad Lutfi Hakim, "Domination Of Customary Law: Khitbah Prohibition among the Sade Muslim Community," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 16, no. 2 (2023): 302–19, https://doi.org/10.14421/ahwal.2023.16206.

¹¹ Zul Pahmi and Norazimah Zakariah, "Nilai Religius Dalam Prosesi Adat Nede Di Desa Sengkerang Kecamatan Praya Timur Kabupaten Lombok Tengah," *Jurnal Bastrindo* 2, no. 1 (2021): 69–80, https://doi.org/10.29303/jb.v2i1.132.

¹² Nashuddin, "The Management of Muslim Spiritual Tourism in Lombok, Indonesia: Opportunities and Challenges," *Journal of Indonesian Islam* 10, no. 2 (2016): 213–36, https://doi.org/10.15642/JIIS.2016.10.2.213-236.

¹³ Fahrurrozi, "Tuan Guru and Social Change in Lombok, Indonesia," *Indonesia and the Malay World* 46, no. 135 (2018): 117–34, https://doi.org/10.1080/13639811.2018.1452487.

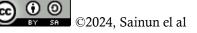
¹⁴ Ahmad Mayadi, "Pemikiran Pendidikan Tuan Guru Haji Ahmad Sanusi Sesela Lombok Barat," *Al Musthofa: Jurnal Keilmuan Islam* 1, no. 01 (2017): 22–37, http://ejournal.kopertais4.or.id/sasambo/index.php/alMusthofa/article/view/2963.

community of Rembiga Village, Mataram City, Western Nusa Tenggara, by utilising their position as agents of social change, the *Tuan Guru* is expected to provide an in-depth understanding of the negative implications of early marriage.

Various studies have been conducted concerning marriage age limits and early marriage. A study in China shows that the often documented relationship between early marriage and divorce is due to unobserved factors that influence the timing of marriage and the likelihood of divorce.¹⁶ In addition, in Adana, Turkey, there was a significant positive correlation between the duration of marriage and mental health problems such as interpersonal sensitivity, somatisation, depression, anxiety, phobias, paranoid ideation, psychosis, and the Global Severity Index in early-married women. Among women who married after 18 years of age, the duration of marriage was significantly positively associated with somatisation and phobic anxiety.¹⁷ Later in India, perceptions of crimes against women significantly increased the likelihood of early marriage for women, while there was no similar effect on men in the same age group.¹⁸

Whereas in Indonesia, the age of marriage has been regulated and applies based on Law No. 16 of 2019, both men and women must meet the age of 19 years, so when marrying under 19, it is categorised as early marriage.¹⁹ However, the existence of solid religious doctrine and public ignorance of the passing of Law No. 16 of 2019 has made it difficult for many couples who are ready to marry due to the age limit of 19 years, which causes most people to show disapproval of this age limit.²⁰ On the other hand, equalising the age of marriage for men and women at 19 has realised gender equality by eliminating discrimination against women in obtaining their rights such as health, education, and economic rights.²¹ Furthermore, the change in the law on the age of marriage is related to the *al*-

²¹ E. Yenti, S. Amin, and H.A. Alwana, "Legal Age Equality in Marriage According to Indonesian Positive Law in the Studies of Gender and Maqāşid Al-Sharia," *De Jure: Jurnal Hukum Dan Syar'iah* 15, no. 1 (2023): 67–81, https://doi.org/10.18860/j-fsh.v15i1.17696.



¹⁶ J. Garcia-Hombrados and B. Özcan, "Age at Marriage and Marital Stability: Evidence from China," *Review of Economics of the Household* 22, no. 1 (2024): 297–328, https://doi.org/10.1007/s11150-023-09651-z.

¹⁷ A. inel Manav, "An Evaluation of Early Marriage and the Mental State of Roma Women: A Cross-Sectional Study," *Transcultural Psychiatry* 61, no. 1 (2024): 107–17, https://doi.org/10.1177/13634615231205815.

¹⁸ S. Sarkar, "Local Crime and Early Marriage: Evidence from India," *Journal of Development Studies*, 2024, https://doi.org/10.1080/00220388.2024.2319069.

¹⁹ Mahendra Mahendra, Violis Maisuri, and Mufliha Wijayati, "Early Marriage In Indonesia Islamic Family Law Perspective," *MILRev: Metro Islamic Law Review* 1, no. 2 (2022): 282–93; Zikri Darussamin, Armansyah Armansyah, and Ahmad Zikri, "The Urgency of Maturity to Get Married and Its Relevance to Family Life Goals," *Al-Istinbath: Jurnal Hukum Islam* 8, no. 1 May (May 23, 2023): 215–36, https://doi.org/10.29240/jhi.v8i1.5324; Edy Setyawan et al., "Legal Age for Marriage: SDGs and Maslahah Perspectives in Legal Policy Change in Indonesia," *Al-Manahij: Jurnal Kajian Hukum Islam*, September 22, 2023, 183–98, https://doi.org/10.24090/mnh.v17i2.9506. ²⁰ Rosdalina Bukido et al., "Muslim Society's Response to the New Rule of Marriage Age," *Al-Istinbath: Jurnal Hukum Islam* 8, no. 1 May (2023): 135–54, https://doi.org/10.29240/jhi.v8i1.5521.

dharurriyah (primary) interest in magasid sharia, which is essential to achieve the goal of safety in sharia.²²

In contrast to previous research, this study has a shift in focus by exploring the critical role played by *Tuan Guru* in the Sasak Rembiga community in the Mataram City area in increasing the effectiveness of the implementation of Marriage Law Number 16 of 2019 as a form of suppressing the prevalence of early marriage that occurs. Effective implementation of the law requires the active involvement of various parties, including elements of the local community, such as the *Tuan Guru* in Sasak Rembiga. As the initial findings of early marriages still exist, the role of the *Tuan Guru* in this community is crucial in bridging the understanding between the law and existing social practices. Thus, this study aims to explore practical and innovative strategies that can be used by the Tuan Guru in strengthening the implementation of Marriage Law Number 16 of 2019 in the Sasak Rembiga community of Mataram City, thereby creating a more inclusive, just, and equitable environment for all citizens.

Method

In exploring the main issue, this study examines the role of *Tuan Guru* within the Sasak Rembiga community in Mataram City, focusing on how it enhances the effectiveness of implementing Marriage Law Number 16 of 2019. It is aimed at reducing the prevalence of early marriages. This research employs empirical legal methods and qualitative analysis. Field research was conducted over three months, from June to August 2022, to address the main problem under investigation. In addition, observations were made to identify early marriages and conduct in-depth interviews with fourteen informants consisting of couples who entered into early marriages and people directly involved, such as the parents of the bride and groom, to illustrate a broader perspective regarding the implementation and natural obstacles to the application of Marriage Law No. 16/2019. Furthermore, the informants of this research are Tuan Guru (religious leaders). Choosing sources from *Tuan Guru* aims to gain insight from their role in the application of Marriage Law No. 16/2019 in actual community practice and then from legal experts to obtain accurate data on the obstacles to the implementation of Marriage Law No. 16/2019 in Rembiga. The determination of informants was carried out on the basis of their position in the group and their knowledge and insight into the issues under study. The collected data was then inventoried, classified, and analysed using the deductive method to draw conclusions.²³

²³ Abd Rouf, "Jurimetrics in the Reconstruction of the Joint Property Division Model for Wage-Indonesia," no. 1 (March 20, 2024): 1–32, Earner Wives in Al-Ahkam 34, https://doi.org/10.21580/ahkam.2024.34.1.17937.



²² D. Rizki, F. Oktalita, and A. Sodiqin, "Maqasid Sharia Perspective in Changes the Marriage Age Limits for Women According to Law Number 16 of 2019," Al-Istinbath: Jurnal Hukum Islam 7, no. 2 (2022): 487–508, https://doi.org/10.29240/jhi.v7i2.4016.

Results and Discussion

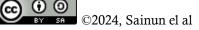
The Genealogy of the Enactment of the Marriage Law Number 16 of 2019 and Its Implementation in Marriages in Rembiga Society

The Constitutional Court of the Republic of Indonesia issued Constitutional Court Decision Number 22/PUU-XV/2017, one of whose considerations is as follows: "However, when differential treatment between men and women has an impact on or hinders the fulfilment of fundamental rights or constitutional rights of citizens, it must be eliminated. It is the background of the enactment of Law 16 of 2019 concerning Amendments to Law 1 of 1974 concerning Marriage.24 In the same consideration, it is also stated that the establishment of a minimum age limit for marriage that is different between men and women has caused discrimination both against the protection and fulfilment of children's rights as guaranteed in Article 28B paragraph (2) of the 1945 Constitution and against the implementation of the right to form a family as guaranteed in Article 28B paragraph (1). Therefore, the consequence of this rule is that women can legally start a family earlier when the age of marriage is lower than men.25

From these considerations, the Constitutional Court then ordered that Law No. 1 of 1974 concerning Marriage be amended within a maximum period of 3 (three) years in its ruling, which led to the enactment of Law No. 16 of 2019 concerning Amendments to Law No. 1 of 1974 concerning Marriage. The enactment of Law No. 16 of 2019, amending Law No. 1 of 1974 on Marriage, was motivated by several crucial considerations. First, the state is committed to fulfilling the mandate of the 1945 Constitution of the Republic of Indonesia, which guarantees every citizen's right to form a family and have children through a lawful marriage. This mandate further encompasses children's rights to live, grow, and develop, as well as to receive protection from violence and discrimination. Second, it was recognised that child marriages often impede the growth and development of those involved, obstructing their access to fundamental rights such as health, education, and protection from violence and discrimination. Third, there was a need to align the provisions of Article 7 of Law No. 1 of 1974 on Marriage with the decision of the Constitutional Court of the Republic of Indonesia No. 22/PUU-XV/2017. Based on these considerations, amendments to Law No. 1 of 1974 concerning marriage are deemed necessary.²⁶

The legal bases for forming Law No. 16 of 2019 are the 1945 Constitution of the Republic of Indonesia in Article 5, Paragraph 1, Article 20 and Article 28B and

²⁶ Lalu Hadi Adha, "Peningkatan Pemahaman UU Nomor 16 Tahun 2019 Tentang Perubahan Atas Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan Di Desa Malaka," *Private Law* 3, no. 1 (2023): 276–87, https://doi.org/10.29303/prlw.v3i1.2353.



²⁴ Rahmawati, Patimah, and Musyfikah Ilyas, "Implikasi Penetapan Undang-Undang Nomor 16 Tahun 2019 Terhadap Permintaan Dispensasi Nikah (Studi Kasus Pengadilan Agama Takalar)," *Qadauna: Jurnal Ilmiah Mahasiswa Hukum Keluarga Islam* 3, no. 1 (2021): 29–42, https://doi.org/10.24252/qadauna.v3i1.19247; Shella Oetharry Gunawan and Syamsul Bahri, "Impacts of Early Childhood Marriage in Indonesia Viewed from Child Protection Laws Perspectives," *El-Usrah: Jurnal Hukum Keluarga* 6, no. 2 (December 30, 2023): 362–80, https://doi.org/10.22373/ujhk.v6i2.20262.

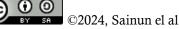
²⁵ Adilla Kartika Siwie, Heru Irianto, and Anisa Kurniatul Azizah, "Implementasi Undang-Undang Nomor 16 Tahun 2019 Tentang Perkawinan (Studi Kasus Perkawinan Anak Di Kabupaten Bojonegro)," *Jurnal Intelektual Administrasi Publik Dan Ilmu Komunikasi* 8, no. 2 (2021): 139–50, https://doi.org/doi.org/10.55499/intelektual.v8i2.6.

also Law No. 1 of 1974, which is in the State Gazette of the Republic of Indonesia Year 1974 No. 1 and the State Gazette of the Republic of Indonesia No. 3019.²⁷ Furthermore, according to Article 28B of the 1945 Constitution, everyone can legally marry to form a family and continue offspring. The State upholds children's rights to life, health, development, and safety from abuse and discrimination. Then, in Article 7, paragraph 1 of Law No. 1 of 1974, marriage may only be carried out if the man has reached the age of 19 (nineteen) years and the woman has reached the age of 16 (sixteen) years.²⁸ The Law concerning the Amendment to Law No. 23/2002 on Child Protection defines a child as an individual not yet 18 (eighteen) years old, including children still in the womb. Therefore, this clause permits women to marry at a child's age.²⁹

The age requirement for marriage has changed due to Law No. 1 of 1974, and the removal of restrictions has increased the minimum age for marriage for women.³⁰ In this situation, the minimum marriage age for men and women is 19 (nineteen).³¹ This age range is sufficient for a person to enter into marriage, achieve the purpose of marriage well without divorcing their spouse, and produce quality and healthy offspring.³² Lower birth rates and lower risk of maternal and infant mortality are anticipated additional effects of raising the legal age of marriage for women above 16 (sixteen) years old.³³ In addition, children's rights can be enforced to promote child development, including parental support and giving children access to the best education available.³⁴

In the community of Rembiga Sub-District, Mataram City,³⁵ there are two

³⁵ "Rembiga Is the Name of One of the Villages in the Selaparang Subdistrict of Mataram City. This Kelurahan Is Located on the Northern Edge of Mataram City, Which the North Ring Road of Mataram City Entirely Traverses. The Centre of Government Is Located around the Intersection That Connects the Mataram City Area with the Main Road to North Lombok Regency. Selaparang Sub-District Itself Results from Expansion from the Mataram Sub-District Based on Regional Regulations," 2022.



²⁷ Wijalus Lestari Ton, "Implementasi Batas Minimal Usia Perkawinan Berdasarkan UU No 16 Tahun 2019 Tentang Perkawinan Di Kecamatan Pasangkayu" (Universitas 17 Agustus 1945 Surabaya, 2020).

²⁸ Ummu Aemanah, "Perkembangan Pemikiran Hukum Keluarga Tentang Usia Perkawinan," *Nautical: Jurnal Ilmiah Multidisiplin 1, No. 11 (2023): 1305–12* 1, no. 11 (2023): 1305–12.

²⁹ Arif Sugitanata and Hamim Ilyas, "Menggali Ukuran Kedewasaan Dalam Melangsungkan Perkawinan Perspektif Al-Qur'an," *AT-TA'LIM* 2, no. 2 (2023): 45–55.

³⁰ Arne Huzaimah et al., "Disregarding the Reproductive Rights of Women in Child Marriage in Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 2 (2023): 1097–1120, https://doi.org/10.22373/sjhk.v7i2.14803.

³¹ Ahmad Tholabi Kharlie, Fathudin Fathudin, and Windy Triana, "Reforming Islamic Marriage Bureaucracy in Indonesia: Approaches and Impacts," *Al-Jami'ah: Journal of Islamic Studies* 59, no. 2 (2021): 255–86, https://doi.org/10.14421/ajis.2021.592.255-286.

³² Sudirman et al., "Examining the Complexity of Child Marriage as Sexual Violence in Digital Era," 313; Yukhanid Abadiyah, Mohammad Noviani Ardi, and Tali Tulab, "Usia Dewasa Dalam Menikah: Studi Kritis Dalam Ilmu Psikologis Dan Kompilasi Hukum Islam," *Al-Mashlahah Jurnal Hukum Islam Dan Pranata Sosial* 8, no. 02 (November 18, 2020): 377–90, https://doi.org/10.30868/am.v8i02.793.

³³ Qodariah Barkah et al., "The Manipulation of Religion and The Legalization of Underage Marriages in Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 1 (2023): 1–20, https://doi.org/10.22373/sjhk.v7i1.13316.

³⁴ Abdul Hamid, "Tinjauan Maqashid Al-Syari'ah Terhadap Perubahan Syarat Usia Perkawinan Pasca Undang-Undang Nomor 16 Tahun 2019 Tentang Perubahan Atas Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan" (Institut Agama Islam Negeri (IAIN) Batusangkar, 2021).

forms of implementation in marriage practices, namely the existence of marriage events by statutory provisions and, in some cases, practices contrary to the will of the marriage law. In general, the community knows the contents of the provisions of Law Number 16 of 2019 related to the requirements that must be met so that the marriage event is registered at the Office of Religious Affairs. Likewise, the impact caused by marriages not by this provision, for example, has an influence on the non-recognition of the marriage according to the law. Another impact of unregistered marriages is the non-fulfilment of the requirements for applying for a child's birth certificate and various other impacts. The community's understanding of this provision is obtained through socialisation carried out through extension officers at the Office of Religious Affairs, as well as socialisation carried out through the delivery of marriage advice during the marriage contract.³⁶

The community's understanding of these legal provisions is evidenced by the recognition of several marriage subject informants, such as A.M, whose marriage took place at the end of 2020. The government regulations contained in the marriage law can be known through reading and enlightenment obtained during the marriage ceremony. Based on this understanding, it is hoped that the integrity of the family can be maintained, not quickly concluding to separate, especially if there is conflict in the family.³⁷ In addition, an understanding of the legal consequences arising from violations of legal provisions, especially those related to the minimum age of marriage, is essential for every marriage partner so that there are no difficulties for children to continue their studies due to birth certificates that cannot be issued as a result of not fulfilling the applicable statutory provisions (underage marriage).³⁸

		Marriage Event				
No	Year	Out of office	Poor	Isbat	In Office	Total
1	2019	449	0	16	52	517
2	2020	350	0	20	96	466
3	2021	294	0	66	58	418

Table 1: Marriage Events in Mataram Ci	ty
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Source: Documents of Bimas Islam of the Ministry of Religious Affairs of Mataram City

The community may understand the provisions of this marriage law. Still, the facts show that marriage couples carrying out marriage contracts do not meet the specified requirements, especially regarding the age limit for marriage. For example, both spouses or one of them has not reached 19 years. It occurs due to

³⁸ R, Interview, September 10, 2022.



³⁶ M.A (KEMENAG), Interview, Agustus 2022.

³⁷ A.M, Interview, September 22, 2022.

several factors or specific events, such as pregnancy before the marriage contract. In such a case, the marriage will inevitably take place. This phenomenon may also stem from local traditions, such as those found in the *Sasak* community, particularly in rural areas. According to these customs, if a young man and woman travel together until after maghrib (evening prayer) and do not return to the woman's home, the young man is traditionally expected to marry her. Failing to do so is considered a disgrace to the woman's family *Sasak*.

In the case above, the marriage contract was carried out without the knowledge of authorised officials (underhand) and did not receive administrative services (unrecorded), and the presence of officials from the KUA was not involved in the marriage contract process. This absence is intended to provide understanding to the community so that every marriage event should be recorded. Even if the marriage contract must be carried out, the regulations provide a way out so that the marriage is recorded, namely by applying for a marriage license/dispensation to the Religious Court by first submitting a report to the local KUA to obtain a rejection form as the basis for applying for the dispensation.³⁹ The importance of obtaining this recommendation is that the marriage dispensation can be applied if the marriage between the two spouses or one of the spouses is under 19 (nineteen).⁴¹ Dispensation of marriage is one of the reasons for the existence of early marriage in Indonesia. A study shows that one of the main factors for applying the dispensation is pregnancy before marriage.⁴²

Early marriage occurs inseparably from the existence of motivating factors, both internal and external factors. The strong desire to get married is one of the internal factors supported by solid external encouragement, so early marriage is

⁴² Syufa'at Syufa'at, "Marriage Dispensation in Underage Marriage: A Case Study at the Purwokerto Religious Court," *Al-Manahij: Jurnal Kajian Hukum Islam* 16, no. 1 (May 30, 2022): 91, https://doi.org/10.24090/mnh.v16i1.4229; M Anwar Nawawi et al., "Harmonization of Islam and Human Rights: Judges' Legal Arguments in Rejecting Child Marriage Dispensation in Sukadana, Indonesia," *Ijtihad : Jurnal Wacana Hukum Islam Dan Kemanusiaan* 22, no. 1 (September 1, 2022): 117–34, https://doi.org/10.18326/ijtihad.v22i1.117-134; Supriyadi and Siti Suriyati, "Judges' Legal Culture in Dealing with High Number of Applications for Child Marriage Dispensation during Covid-19 Pandemic at the Kudus Religious Court," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 1 (June 30, 2022): 273–98, https://doi.org/10.19105/al-lhkam.v17i1.6060; Taufiqur Rohman et al., "Preventing Violations of Religious and Social Norms: Judicial Interpretation of 'Urgent Reasons' in Marriage Dispensation at the Wonosari Religious Court, Indonesia," *Journal of Islamic Law* 4, no. 2 (August 30, 2023): 218–36, https://doi.org/10.24260/jil.v4i2.1535; Rudi Mayandra, "Regulation of Marriage Dispensation Against Marriage of Children Under The Age of Post Decision of The Constitutional Court Number 22 / Puu-Xv / 2017," *Syariah: Jurnal Hukum dan Pemikiran* 20, no. 2 (December 28, 2020): 187–200, https://doi.org/10.18592/sjhp.v20i2.4160.



³⁹ Hasyim Sofyan Lahilote et al., "Judge's Dilemma in Marriage Dispensation in the Religious Court," *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 22, no. 1 (June 30, 2022): 52–60, https://doi.org/10.30631/alrisalah.v22i1.979.

⁴⁰ Muhammad Ishom, "The Loose Interpretation of Dominus Litis Principle in Marriage Dispensation for Underage Marriage in Banten," *AHKAM: Jurnal Ilmu Syariah* 23, no. 2 (December 30, 2023), https://journal.uinjkt.ac.id/index.php/ahkam/article/view/29881.

⁴¹ Muhammad Fauzinudin Faiz, Zezen Zainul Ali, and Muhammad Taufiq, "Underage Widows and Widowers before the Law: Problem, Contestation and Legal Certainty in Marriage Dispensation," *JURIS (Jurnal Ilmiah Syariah)* 22, no. 2 (December 15, 2023): 223–34, https://doi.org/10.31958/juris.v22i2.9097.

inevitable. External factors have intense urgency, including family disharmony,⁴³ lack of parental attention,⁴⁴ and pregnancy before marriage.⁴⁵ Family disharmony makes members uncomfortable, so they look for life outside, full of various colours of life, positive and negative. Coupled with the lack of attention from parents, which makes children feel free to seek out relationships outside, they feel free without having to control their behaviour. Under these conditions, children may be trapped in possibilities that are detrimental to their development, so getting pregnant outside of marriage becomes one of the fatal consequences that undermine their lives.

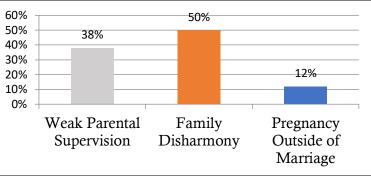


Figure 1: Causes of Child Marriage

Source: Interview and Observation Results

Barriers to the Implementation of Marriage Law Number 16 of 2019 in Rembiga Sub-district, Mataram City

The discrepancy between the expectations set by the regulations and the actual conditions on the ground indicates obstacles in the implementation of a rule. The application of Law Number 16 of 2019 in the Rembiga Village community, Selaparang Subdistrict, Mataram City, certainly faces several challenges that lead to its ineffective implementation. The primary obstacle is out-of-wedlock pregnancy. According to the data obtained, underage marriages are occurring in Rembiga Village; thus, underage marriage violates Article 7, Paragraph (1) of the Marriage Law. However, in reality, emergencies such as out-of-wedlock pregnancies serve as a reason for residents of Rembiga Village, identified by SKR, to promptly marry their partners who are pregnant despite both prospective spouses being legally underage at the time.⁴⁶ The execution of a marriage must be carried out promptly, even if it is based solely on religious requirements, without applying for a dispensation from the court. It is done to avoid embarrassment within the community and to immediately take responsibility for the actions that SKR has committed towards their partner.⁴⁷

The next obstacle is family conflict (*disharmony*). According to Islam, the ideal household life is characterised by tranquillity (*as-sakinah*), love (*al-mawaddah*), and

⁴⁷ SKR (Initial), Interview, Agustus 2022.



⁴³ Pn dan WdW, Interview, July 15, 2022.

⁴⁴ Inak Isah, Interview, July 12, 2022.

⁴⁵ Skr, Interview, July 21, 2022.

⁴⁶ SKR (Initial), Interview, Agustus 2022.

mercy (ar-rahmah). These are the conditions hoped for in managing family life. However, in reality, family conflicts often occur, preventing the achievement of this ideal household life. Family conflicts impact the development of children. Children who are the victims of such conflicts may act beyond normal bounds, such as marrying underage. This is the situation in Rembiga Village, where family conflicts have led to underage marriages. Among those involved are individuals initially identified as Pn, who is still in high school; WdW, who is in junior high school; and Mhr, who has just finished elementary school. It indicates that family conflicts are a significant cause of underage marriages in Rembiga Village and represent an obstacle in enforcing the marriage age limit as stipulated by Law No. 16 of 2019.⁴⁸

Another barrier is the lack of parental attention due to economic factors. Economic needs are highly crucial to supporting the fulfilment of daily living requirements such as clothing, food, and shelter. Clothing refers to the basic necessity of apparel; food encompasses essential food and drinks; and shelter denotes the fundamental human need for a place to live. Economically, disadvantaged parents often strive to work to their utmost capacity to meet daily needs, but frequently, their attention towards their children may be neglected. In the district of Rembiga, there resides a resident called Mhr, who receives scant attention from their parents due to their low economic status. Mhr lives with their grandmother, as their father has divorced and remarried, subsequently seeking better fortunes in Malaysia. This situation often leads individuals like Mhr, who has only completed primary education, to view marriage as an escape to gain attention from someone perceived as caring, ultimately resulting in underage marriage, which violates Article 7 Paragraph (1) of Law Number 16 of 2019.

Another finding indicates that free social interaction poses a significant barrier. Free social interaction refers to negative behaviours engaged in by adolescents which are firmly at odds with social and religious values. Forms of free social interaction among teenagers may include premarital sex, consuming alcoholic beverages, and other similar activities. Such behaviours by some residents of the Rembiga sub-district have led to underage marriages, a situation that arises when a young individual impregnates their partner, who is also still in high school.⁴⁹ On the other hand, conflicts of norms also present obstacles. Differences in adult age norms within community life will inevitably impact the choice of law that community members use to conduct marriages. Three laws are alive and evolving within the community: positive law, religious law, and customary law. In practice, some members of the Rembiga sub-district community marry under the age of 19. Although not considered adults according to statutory regulations, these marriages are still conducted according to the applicable religious and customary law provisions on the grounds that the prospective brides and grooms have reached puberty or are pregnant out of wedlock. Lastly, another barrier identified is due to suboptimal socialisation. The scope of socialisation regarding the prevention of underage marriage is still limited to government agency environments and marriage activities conducted by the Religious Affairs Office (KUA). These activities have not yet reached teenage communities at the neighbourhood level or the educational institutions and youth organisations present there.

⁴⁹ SKR (Initial), Interview, Agustus 2022.



⁴⁸ Pn dan Mhr (initial), Interview, Agustus 2022.

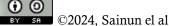
Based on the findings regarding conditions in Rembiga Village, it is evident that there is a significant gap between regulatory expectations and the reality of field practices. Obstacles such as out-of-wedlock pregnancies, family conflicts, lack of parental attention, free social interactions, and normative conflicts are factors that affect the effectiveness of implementing Law No. 16 of 2019 on the Prevention of Early Marriage in Rembiga Village. It underscores the importance of a comprehensive and adaptive strategy that involves all stakeholders, from government levels to local communities.

The Role of *Tuan Guru* in the Implementation of Marriage Law Number 16 of 2019

In the context of the *Sasak* people living in Lombok, the term "*Tuan Guru*" is used to denote a person who acts as a spiritual instructor or guide, occupying an important position within the religious and cultural framework of the *Sasak* people.⁵⁰ *Tuan Guru* is held in high esteem and recognised as an individual who possesses profound religious and spiritual wisdom.⁵¹ *Tuan Guru* has a vital role in teaching and guiding the community in practising the principles of Islam.⁵² *Tuan Guru* is widely respected and recognised as an influential figure who has an essential position in shaping the ethical principles and cultural norms of the *Sasak* people, guiding them toward a comprehensive understanding and adherence to the principles of Islam. The importance of religion and culture in the daily lives of the *Sasak* people of Lombok is exemplified by their role⁵³*Tuan Guru* in the implementation of Marriage Law Number 16 of 2019 as the primary research question conducted in Rembiga, Mataram City. One of the *Tuan Gurus* called TGH. M.M in the interview said:⁵⁴

"In campaigning for the prevention of early marriage, we massively provide recitation material on Marriage Law Number 16 of 2019, which stipulates that the age of marriage for men and women is 19 years old on a regularly scheduled basis at mosques, *mushollas*, or recitations that are available at home. In addition, on an incidental basis, we also give marriage advice during the marriage contract. Through this marriage advice recitation, we convey a verbal message that marriage is carried out after being truly mentally and materially prepared. Mental readiness includes an understanding of the pillars and conditions of marriage, understanding the provisions of the government's laws relating to delaying the age of marriage and marriage registration, and the impact of unregistered marriages on both spouses and their children. We

⁵⁴ TGH. M.M, Interview, Rembiga, June 23, 2022.



⁵⁰ Gea Putra Disna Mahardika and Muhammad Fariqh Khatami, "Pengaruh Ketokohan Pemuka Agama Dalam Politik Elektoral Daerah Nusa Tenggara Barat," *Realism: Law Review* 1, no. 2 (2023): 39–52, https://journal.sabtida.com/index.php/rlr/article/view/20.

⁵¹ MS. Udin and Lukman Hakim, "The Fuzzy Sacredness Aura and Cyber-Based Da'wah: Redrawing Karamah of Tuan Guru within The Belief System of *Sasak* Muslims," *JOURNAL OF INDONESIAN ISLAM* 14, no. 2 (2020): 457–76, https://doi.org/: 10.15642/JIIS.2020.14.2.457-476.

⁵² Kevin W. Fogg, "Making an Indonesian National Hero for Lombok," *Indonesia and the Malay World* 47, no. 137 (2019): 1–22, https://doi.org/10.1080/13639811.2019.1560710.

⁵³ MS. Udin and Tuti Harwati, "Rekonstruksi Peran Tuan Guru Dalam Pencegahan Dan Pemberantasan Narkoba Di Lombok," *Jurnal Ilmiah Islam Futura* 19, no. 1 (2019): 144–69, https://doi.org/10.22373/jiif.v19i1.3903.

convey these messages through incidental activities when assigned as advisors at marriage ceremonies. Through this activity, we also convey that the community understands that the government enacted Law no 16 of 2019 with the aim of forming happy and prosperous families and quality."

Preaching and introducing the urgency of the implementation of Marriage Law Number 16 of 2019 by *Tuan Guru*, as stated above, is a form of providing legal education and awareness to the community about the new marriage regulations. It includes an understanding of the pillars and conditions of marriage and the provisions of the relevant laws. Using mosques, *mushollas*, and recitations as venues to convey this message is a practical approach. The community frequents these places, and messages delivered there have great potential to reach many people. Then, delivering these messages incidentally during the marriage ceremony is an effective strategy because, at that time, the bride and groom and guests are usually more open to receiving advice and information relating to marriage.

Emphasising the purpose of Marriage Law No. 16/2019, which is to form happy, prosperous, and quality families, is essential.⁵⁵ It helps people understand that this regulation not only regulates the age of marriage but also aims to improve the quality of family life, not just because of social or cultural pressures. In addition, in the context of a society that holds traditional values related to marriage, this effort tries to change people's perceptions and behaviours to be more in line with the new regulations. Community understanding and support for the law is crucial to preventing early marriage and protecting children's rights. TGH. N, in the interview, said:⁵⁶

"We introduce Marriage Law Number 16 of 2019, which stipulates that the age of marriage for men and women is 19 for young people (teenagers) through recitations that are scheduled explicitly for teen recitations. Through this youth recitation event, material related to the preparation of adolescents for family life and the ideal age set by law is inserted in the middle of the recitation so that we hope that they understand the existing rules and prepare themselves as well as possible when getting married."

The results of the interview above show that the introduction of the rules regarding the age of marriage that have been stipulated in Marriage Law Number 16 of 2019, which stipulates that the age of marriage for men and women is 19, conducted by TGH. N shows a good approach, where focusing on young people or teenagers is a strategic move. By approaching them before they reach that age, messages about the importance of getting married at the appropriate age can be delivered more effectively. It helps teenagers understand the importance of careful consideration before marriage and to be aware of the age limit set by the law because youth recitals are typically attended by individuals in the transitional stage toward adulthood and marriage. By providing information on the rules on the

⁵⁶ TGH. N, Interview, Rembiga.



⁵⁵ Muhammad Khusaini et al., "Creating a Harmonious Family Through Social Media Facebook in West Lampung," *El-Mashlahah* 12, no. 2 (December 31, 2022): 139–52, https://doi.org/10.23971/el-mashlahah.v12i2.3937.

appropriate age of marriage and the opportunity to discuss the issue, there is a greater chance that they will understand the consequences of early marriage. Age of marriage rules also help them understand that these laws are there to protect them and promote more stable families.

As previously stated, *Tuan Guru*, in the view of the *Sasak* people in general, is the primary reference for resolving community issues, especially legal issues, including marriage issues. The statements and attitudes of the Tuan Guru can become the primary reference for the community as well as provide space for *Tuan* Guru to be directly involved by KUA Selaparang in the socialisation of marriage laws through the prospective bride course, commonly termed suscatin, held by the local KUA as recorded from an interview with TGH. N:57

"Yes, we are involved in providing direction, socialisation, and matters relating to Marriage Law Number 16 of 2019, especially those that stipulate that the age of marriage for men and women is 19, with the hope that in the future, we will prepare ourselves in all fields to build a family that is strong, harmonious and blessed by Allah SWT."

In addition, in order to optimise the role of *Tuan Guru* and increase awareness of the implementation of the Marriage Law Number 16 of 2019, TGH, M.M. also said:58

"We endeavour not to attend marriages that have not fulfilled the applicable statutory provisions. This action is taken to better public understanding of the provisions of Law No. 16 of 2019."

Such actions have symbolic solid value. By not attending marriages that violate the law, it sends a clear message that people should obey the law. It can set a good example and exert positive social pressure on couples who wish to marry below the age prescribed by law. It can also raise people's awareness of the rules associated with marriage. When they see people who care about these legal provisions, they are more likely to pay attention and understand them.

By not attending weddings that violate the law, one is indirectly supporting the implementation of laws and policies aimed at protecting the rights of individuals and society at large. It can help reduce violations of marriage age laws while providing an opportunity to explain to people who wonder why they did not attend the wedding. It could also be an opportunity to provide education about the laws in place and why it is important to respect them. Taking action like this can influence others in the neighbourhood to follow the same example. It is a positive form of social influence and can help change social norms regarding early marriage.

Tuan Guru's prominent influence as a spiritual leader and educator plays an essential role in the prevention of early marriage among the Sasak community. Law No. 16/2019 aims to promote religious understanding and encourage adherence to the relevant legal framework within the community, with the ultimate goal of fostering happy, thriving, and high-quality family units. It is important to remember

⁵⁸ TGH. M.M, Interview, Rembiga.



⁵⁷ TGH. N.

that the implementation of the Marriage Law will depend on the background and level of power held by the various *Tuan Gurus* in the community. Then, each *Tuan Guru* should actively contribute to ensuring the fair enforcement of the marriage law, along with the ethical underpinnings and principles of Islamic law. In addition, they should endeavour to protect the rights of individuals, especially women and children, within the scope of marital relationships.

Integrating Religious, Cultural, and Legal Values to Minimise Early Marriage

The role of *Tuan Guru* in *Sasak* society, particularly in the context of early marriage prevention, reveals critical dimensions that interact with the social and normative structures of the community. *Tuan Guru*, as an authoritative and respected figure, plays a significant role in shaping the attitudes and behaviour of the *Sasak* community regarding social issues,⁵⁹ including the age of marriage in the Rembiga Community. From an anthropological perspective, *Tuan Guru*'s honour and influence in *Sasak* society reflect a deeply religious-based concept of authority.⁶⁰ It suggests that policies or regulations, such as Marriage Law No. 16/2019, require adequate socialisation and social acceptance to be effectively implemented. *Tuan Guru*, with their strategic position in the social and spiritual structure,⁶¹ have been crucial change agents in promoting acceptance and compliance with the law.

Furthermore, it is recognised that the impact of early marriage is not limited to the individuals who marry but also has broader consequences on mental health, family stability, and social dynamics.⁶² The education and socialisation conducted by *Tuan Guru* through recitations, religious events, and special youth programs is a proactive step in educating the community on the importance of adhering to the marriage age limit to avoid these negative impacts. The cross-sector collaboration emphasised in the research shows the importance of synergy between religious leaders, government, educational institutions, and civil society organisations in addressing early marriage. This holistic approach is essential to create sustainable and effective change, ensuring that policies and regulations are not only formally adhered to but also internalised in the social and cultural values of the community.

The role of *Tuan Guru* in *Sasak* society in the context of early marriage also highlights the need for a culturally informed approach to policy implementation. *Tuan Guru*'s success in conveying messages about the importance of adhering to marriage age limits suggests that understanding and respecting the local cultural context is critical in designing and implementing effective social interventions. Furthermore, *Tuan Guru* also plays their role as mediators between tradition and modernity, where they not only maintain religious and cultural values but also integrate an understanding of modern legal regulations, helping to facilitate a smoother social transition. It is essential in the context of a society that values tradition and faces the demands of adapting to new norms and laws.

⁶² inel Manav, "An Evaluation of Early Marriage and the Mental State of Roma Women: A Cross-Sectional Study."



⁵⁹ Kingsley, "Redrawing Lines of Religious Authority in Lombok, Indonesia."

 ⁶⁰ Mayadi, "Pemikiran Pendidikan Tuan Guru Haji Ahmad Sanusi Sesela Lombok Barat."

⁶¹ Fahrurrozi, "Tuan Guru and Social Change in Lombok, Indonesia."

Moreover, Tuan Guru's active role in education and socialisation not only leads to increased awareness of marriage laws but also promotes broader discussions on individual rights, gender equality, and healthy family building. It suggests that Tuan Guru can be a catalyst in promoting the empowerment of individuals, particularly women, and fostering broader social welfare. In the context of globalisation and rapid social change, adaptability and flexibility in Tuan Guru's thinking and actions are becoming increasingly important. They must be able to navigate between maintaining traditional values and accepting innovations and changes brought about by global dynamics. It requires continuing education and capacity building for Tuan Guru to enhance their understanding of global and local issues, enabling them to provide relevant and practical guidance to their communities. In an effort to minimise early marriage, strategies involving Tuan Guru should consistently assess and respond to emerging needs and challenges within the community. Ongoing evaluation of the impact of interventions, as well as the ability to adjust strategies based on feedback and changing conditions, is essential to ensure the sustainability and effectiveness of these efforts.

Ultimately, *Tuan Guru* plays a multifaceted role in addressing early marriage in *Sasak* society, combining religious, social, and legal aspects. Their approach must be contextualised, adaptive, and collaborative, integrating policy, education, and community support to achieve meaningful and sustainable social change. However, it emphasises that to achieve maximum and optimal results, cross-sectoral cooperation and collaboration, especially with law enforcement authorities, is necessary. It emphasises the importance of strengthening partnerships between religious leaders, government, and other agencies in addressing complex social challenges such as early marriage.

Conclusion

This study concludes that the implementation of Marriage Law No. 16/2019 in Rembiga, Mataram, faces obstacles, including out-of-wedlock pregnancies, family conflicts, economic factors, promiscuity, and insufficient socialisation. In this case, *Tuan Guru* played an essential role in educating the *Sasak* community of Rembiga about the importance of complying with the marriage age limit, promoting legal awareness, and preventing early marriage through recitations and religious events involving collaboration between religious leaders, government, and educational institutions to promote happy, prosperous, and quality families. *Tuan Guru* also acts as a mediator between tradition and modernity, emphasising the importance of complying with marriage laws while maintaining cultural values. The success of this strategy depends on a contextualised, adaptive, and collaborative approach between different sectors.

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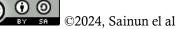
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