

Rohmadi

by Prodi HKI

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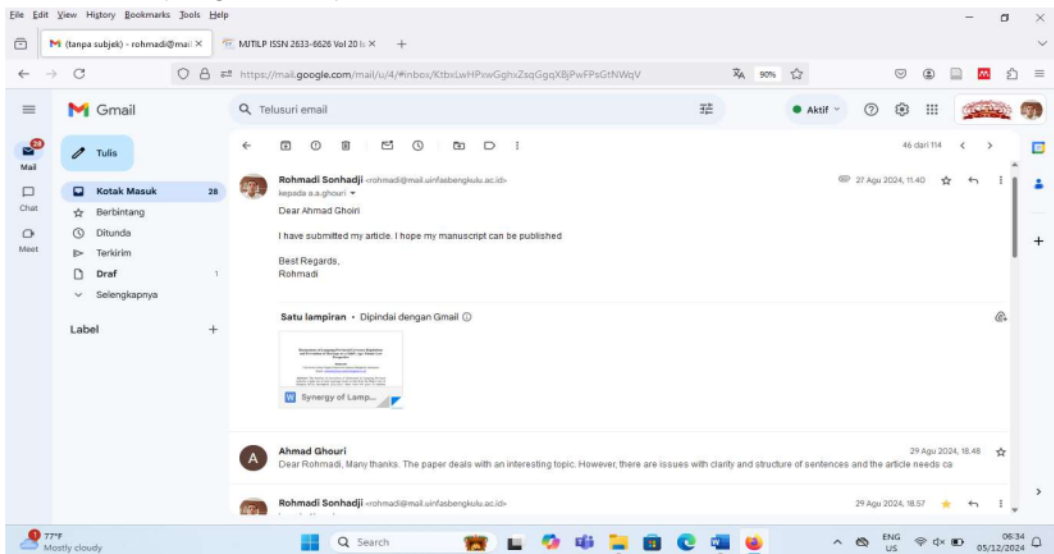
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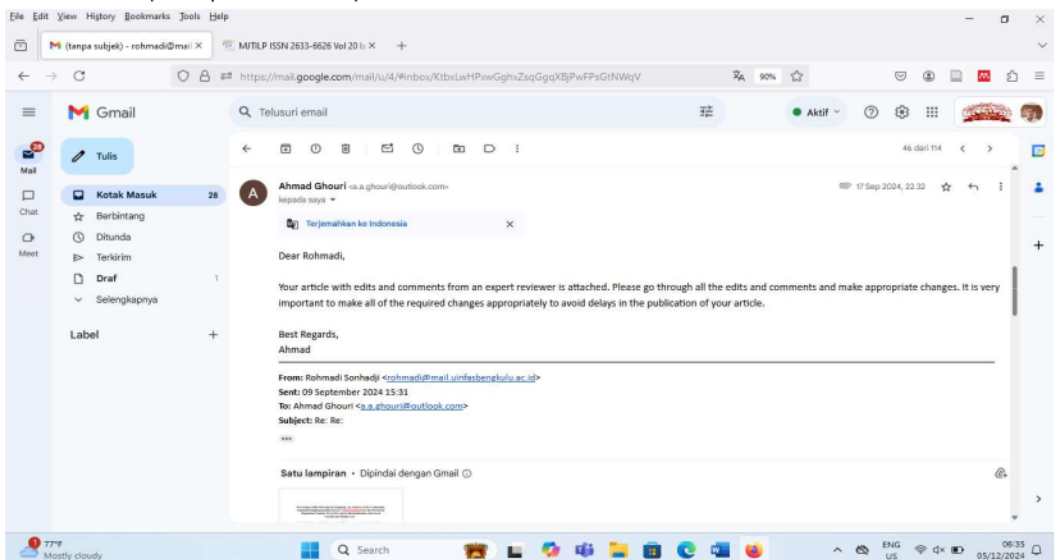
Preventing Child Marriage in Lampung: An Analysis of the Community Embedded Implementation Process Adopted for the Provincial Regulation Number 55 of 2021 and its Harmonisation with Local Custom and Islamic Law

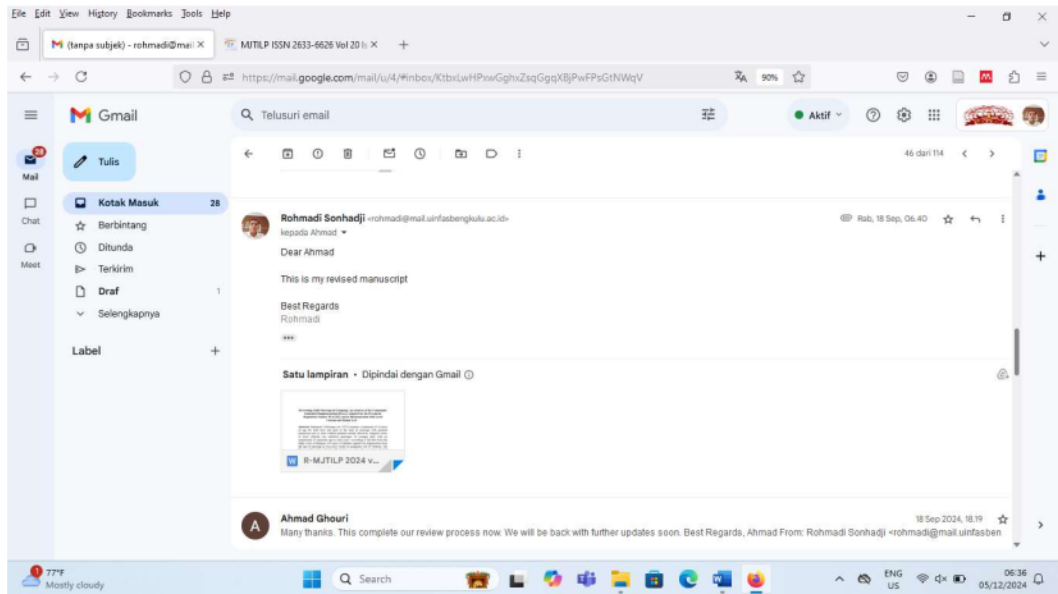
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1. Submit Naskah (27 Agustus 2024)

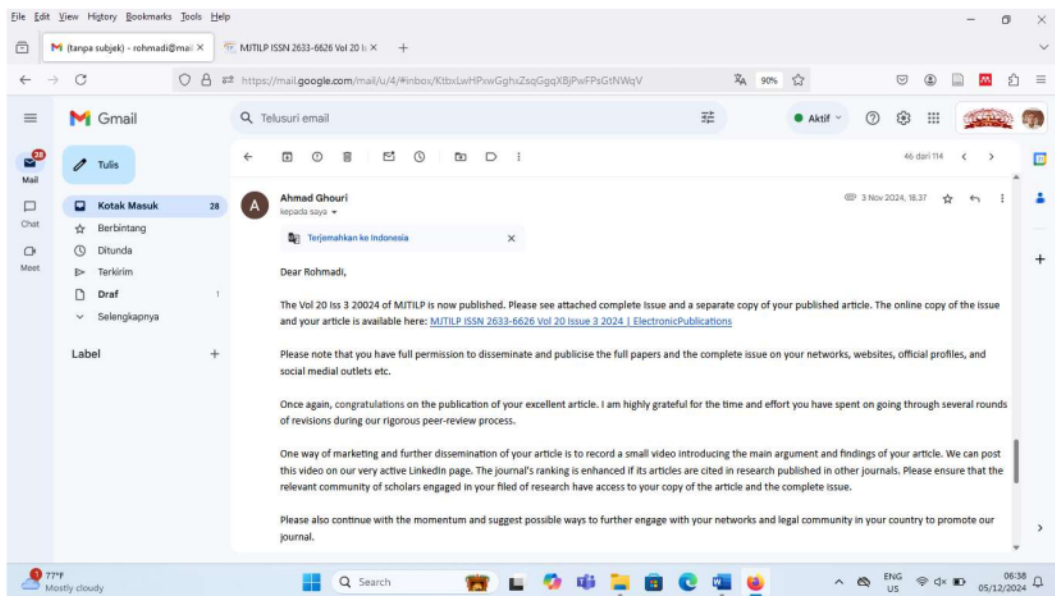


2. Naskah Revisi (18 September 2024)





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- Author:** Rohmadi
- Abstract:** Indonesia's Marriage Act (1974) requires a minimum of 19 years of age for both boys and girls at the time of marriage with parental permission and 21 years without parental consent. However, religious courts or local officials can authorise marriages of younger girls with no requirement of minimum age in such cases. According to the data from the High Court of Religion, 649 pairs of children applied for dispensation from the age of marriage in 2022-2023 based on pregnancy out of wedlock. The Provincial Regulation Number 55 of 2021 concerning the prevention of child marriages in Lampung Province aims to counter this issue of child marriage. This article examines the implementation process adopted for Provincial Regulation Number 55 of 2021 concerning preventing child marriages in Lampung Province and argues that the community-embedded implementation process for Lampung Province regulation is harmonious with Islamic law and local customs. The Provincial Regulation is appropriate with the purpose, wisdom, and conditions for marriage set out in Islamic law. Although it is too early to assess the actual impact of this Regulation, the community embedded implementation process adopted for its implementation is likely to provide an effective means to reduce the high rate of child marriages in the Province.
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Preventing Child Marriage in Lampung: An Analysis of the Community Embedded Implementation Process ~~Adopted~~ Adopted for the Provincial Regulation Number 55 of 2021 and its Harmonisation with Local Custom and Islamic Law

Abstract: Indonesia's Marriage Act (1974) requires a minimum of 19 years of age for both boys and girls at the time of marriage with parental permission, and 21 years without parental ~~permission~~ consent. However, ~~parents can ask~~ religious courts or local officials ~~to can~~ authorise marriages of younger girls – with no requirement of minimum age in such cases. According to the data from the High Court of Religion, ~~there were~~ 649 pairs of children ~~applying~~ applied for dispensation from the age of marriage in 2022-2023 based on pregnancy out of wedlock. The Provincial Regulation Number 55 of 2021 concerning the prevention of child marriages in Lampung Province aims to counter this issue of child marriage. This article examines the implementation process adopted for ~~the~~ Provincial Regulation Number 55 of 2021 concerning ~~the prevention of~~ preventing child marriages in Lampung Province ~~and~~. ~~The article~~ argues that the ~~community embedded~~ community embedded implementation process for Lampung Province regulation is harmonious with Islamic law and local ~~custom~~ customs. The Provincial Regulation is appropriate with the purpose, wisdom, and conditions for marriage set out in Islamic law. Although it is too early to assess the actual impact of this ~~legislation~~ Regulation, the ~~community imbedded embedded~~ implementation process adopted for ~~this legislation its~~ implementation is likely to provide an effective means to reduce the high rate of child marriages in the Province.

Keywords: Provincial Regulation; Prevention of Child Marriage; Islamic Law; Lampung; Indonesia; Community Imbedded Embedded Implementation

I. INTRODUCTION

The freedom of association of adolescents in Lampung Province indicates a high rate of early marriage in Lampung Province based on data from the High Court of Religion (referred to as PTA). Based on case reports data received by the Bandar Lampung Religious High Court (from January to December 2021), the number of applications for dispensation from marital age (child marriage) reached 708.¹ In 2022-2023, there were 649 pairs of children applying for

¹ Afrianti, Vera, 'Setahun, Dispensasi Perkawinan di Lampung Mencapai 708 Perkara' (in Indonesian) [In a Year, Marriage Dispensation in Lampung Reached 708 Cases] *Rnollampung* (Lampung 2022) 1, 90.

marriage dispensation because ~~girls~~they were pregnant out of wedlock due to promiscuity.² The increase in early marriage in Lampung is undoubtedly in the public spotlight as a negative impact of adolescent association Growing ~~view~~ views on freedom of intimate ~~relationship~~ relationships out of wedlock continue to blend with population growth. As a result, there are several ~~dispensation~~ dispensations of marriage cases in Lampung Province.

In essence, marriage is important for humans because, through marriage, a person will obtain a balance in life ~~soeially~~, biologically, psychologically, and socially.³ Thinking of reverse logical patterns and vague rationality occurs in adolescents, so the case of adolescents experiencing pregnancy before marriage from the perspective of religious teachings is certainly a form of violation, it is a sin because it is categorised as adultery. The development of understanding permissions among society and adolescents is certainly a phenomenon that must be addressed intelligently. ~~sTherefore, e that~~ from a social perspective, this event is affected by society's permissive attitude (casual attitude) towards values and norms about what is good and what is not good.⁴ Along with global developments, efforts have emerged in Indonesia to restore the idea that law and religion cannot be separated.

The previous research relevant to this study is about positive legal principles, the customary law system, and the level of vertical implementation hierarchy and horizontal synchronisation achieved through functional relationships between legislation so that the provincial legislation process can be placed proportionally in Indonesia's legal system.⁵ The article by Sulaiman titled 'The Domination of Tradition in Underage Marriage' carried out a study in Dungkek District, Sumenep Regency, which highlights the motives and impacts of the practice of early marriage and the extent of the community's response to early marriage.⁶ The study found that in the Dungkek District area, which has a population of 36,620 people, there are several factors/motives behind early marriage, including cultural, religious, and economic motives. This kind of marriage is a legacy of an old tradition developed by ancestors. This tradition is revealed in the Madurese proverb "*Po' Rempo' Omo Oleka Capo' ka*

² CO Kupastuntas, '649 Anak di Lampung Ajukan Dispensasi Nikah, Didominasi Hamil di Luar Nikah' (in Indonesian) ['649 Children in Lampung Apply for Marriage Dispensation, Dominated by Pregnancy Outside Marriage'] *Kupastuntas bandar lampung* (Bandarlampung, 2023) 1, 89.

³ Aziz Bachtiar, *Menikahlah, Maka Engkau Akan Bahagia* (in Indonesian) [*Get Married, Then You will be Happy*] (Saujana 2004) 1, 60.

⁴ M. Hadi, 'Dispensasi Menikah' (in Indonesian) [Marriage Dispensation] *Metro unive article* (Lampung 2023) 1, 12.

⁵ Sulaiman, 'Dominasi Tradisi Dalam Perkawinan Di Bawah Umur' (in Indonesian) [The Dominance of Tradition in Underage Marriage] (2012) 19 (1) *Analisa* 1, 15.

⁶ *ibid.*

Embana", which means "At the same time, there are parents who get their children married at in early age so that the grandparents can see their grandchildren."

As for religious motives, the Madura ethnic community ~~is very adhered~~ adheres to Islamic traditions and teachings. They make Islam an ethnic identity. Unsurprisingly, the people of Madura are obedient to the *kiai*, which makes them informal leaders. The *kiai's fatwa* based on the story of the Prophet PBUH when he married Aisha at the age of 9 became the basis of religious motives in carrying out the practice of early marriage. Although it is still debatable among Muslim scholars, the community implies puberty at the age of around 13-15 years. Finally, judging from economic motives, they think that marriage between family members must be carried out to keep their wealth from falling to others. ~~In Madura society, the term "mapolong tolang" is known as "collecting bones that are divorced [from family]."~~⁷

However, through the Lampung Governor's Regulation Number 55 of 2021, the Government aims to prevent early marriage in Lampung massively, but it is a considerable contradiction to the preservation of Lampung cultural customs still firmly held by the people of Lampung. These two phenomena provide a systematic picture of the Governor's regulatory policies that should be analysed first to provide a basis for consideration for issuing policies.⁸ The contradictions of the regulations will be faced with the enforcement of local customs and culture. They can be used as a kind of indicator and balance between the Lampung Governor Regulation, which can continue to be socialised so that customary law can lead the Governor's Regulation as ~~legality~~ legality supported by the Lampung indigenous people.

The Provincial Governor's Regulation Number 55 of 2021, supported by the movement of Lampung traditional leaders, is certainly good cooperation so that it can provide sex education to Lampung's teenagers comprehensively.⁹ As stated by Berman, "law without religion degenerates into mechanical legalism; religion without law loses its social effectiveness."¹⁰ The Provincial legislation aims to remedy exactly that by combining law and religion to have a positive impact on society.

⁷ *ibid.*

⁸ Sakirman Sakirman, Yulia Rizki Amanda and Le Thi Thao, 'Effectiveness of Marriage Age Limit According to Law Number 16 of 2019 in East Lampung' (2022) 1 (2) MILRev: Metro Islamic Law Review 164, 175.

⁹ Nunik, 'Pendidikan Seks Bukan Hal Tabu' (in Indonesian) [*Sex Education is not Taboo*] *Lampost.co* (Lampung: Lampost.co 2021) 2, 3.

¹⁰ Harold J. Berman, *The Interaction of Law and Religion* (London: SCM Press London 2019) 4, 23.

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The central issue researched in this article is how the legislation process of Governor's Regulation Number 55 of 2021 in Lampung Province can be offered as a model for forming legislation sourced from the substance of the society's requirements into a substantive regulation implemented by law. The article examines the community embedded implementation process adopted in the formation of the gubernatorial regulation from the perspective of customary and Islamic law. The following discussion in this article is systemically structured ~~as~~: Part II examines the causes of child marriages, and ~~part~~ Part III analyses the impact of child marriage. Part IV then probes the controversy over permission ~~of for~~ child marriage in Islamic law. Part V of the article gives a detailed account of the Lampung Provincial Regulation Number 55 of 2021 concerning the prevention of child marriages in Lampung Province. Part VI of the article examines the ~~community-embedded~~ community-embedded process adopted in the formation of this regulation and its alignment with customary and Islamic law. The article concludes that the Provincial Regulation is appropriate with the purpose, wisdom, and conditions for marriage set out in Islamic law. Although it is too early to assess the actual impact of this Regulation, the community embedded implementation process adopted for its implementation is likely to provide an effective means to reduce the high rate of child marriages in the Province.

II. CAUSES OF CHILD MARRIAGES

The main drivers and causes of early marriage are examined below.

A. Weak Economic Conditions

Living consumptively, ~~the demands of family~~ needs are increasing while income does not increase to meet ~~these family~~ needs. Economic factors: the lower the family's economic level, the higher the chance for someone to get married early. A girl's family will be reduced by one family member who is responsible (food, clothing, education, and so on) and other factors such as socio-cultural, educational, religious, difficulty to get a job, mass media, views and beliefs, and parents.¹¹ Early marriage has a good impact on health, education, and poverty.¹² This marriage usually occurs when the young woman comes from an economically disadvantaged family. The ~~level of~~ education will provide understanding in choosing or deciding on an opinion.

¹¹ Ismiati Ismiati, Fuji Khairani and Teguh Achmalona, 'Literature Review: Factors Caused an Increase the Number of Early Marriage during the Covid-19 Pandemic' (2022) 9 (1) Jurnal Ners dan Kebidanan (*Journal of Ners and Midwifery*) 112, 120.

¹² Vania Zulfa, Uswatun Hasanah and Fitriana Kusaini, 'The Phenomenon of Early Marriage and Its Impact on Family Resilience' (2024) 9 (1) Journal of Family Sciences 48, 58.

Family life that is all lacking and living in a circle of poverty is a triggering factor for most families to want to let go of the burden of life, one of which is to allow their teenagers to marry early so that they can escape poverty. These many dimensions of poverty are then manifested in the form of malnutrition, water, health care, decent housing, and low levels of education. The National Development Planning Agency (BAPPENAS) explained that poverty is a situation of deprivation that occurs not because the poor want it, but because it cannot be avoided with the strength that exists in it.¹³

B. Lack of Education

A good education will be achieved when poverty alleviation is achieved, but the opposite can happen. So fundamentally, a low level of education can trigger and result in early marriage because they do not get the right mindset and social ethics. Based on the results of a research survey in Lampung Province, it was obtained that the average education of parents and adolescent couples who married early was still relatively low; no teenagers continued their education to higher education and did not even complete 12 years of primary education. The low knowledge of parents makes [them parents](#) not feel guilty about marrying their children at any age.¹⁴

In reality, it can be [clearly](#) seen that the lower a person's education is, the higher the likelihood of carrying out early marriage. [because eE](#) education improves the quality of life of individuals, individual mindsets, and behaviours. The low level of parental education has led to a tendency to marry their underage children. The younger the age of marriage [presents](#), the lower the level of education achieved by the child. Young women with low knowledge are 2.3 times more likely to marry at an early age than young women with high knowledge. Young women who have low knowledge will focus more on getting married young. Therefore, education is something important.¹⁵

C. Lack of Knowledge and Understanding of Problems with Early Marriage

¹³ Khodijah Khodijah, Bagong Suyanto and I. B. Wirawan, 'Early Marriage: Understanding Motivations and Impact' (2024) 16 (1) Muwazah 19, 43.

¹⁴ Kasiati Kasiati and Dina Isfentiani, 'Factors Encouraging Early Marriage Among Adolescent Girls in East Java of Indonesia' (2020) 6 (1) [Seajom-Seajom](#): The Southeast Asia Journal of Midwifery 1, 6.

¹⁵ Eka Yuli Handayani, 'Faktor Yang Berhubungan Dengan Pernikahan Usia Dini Pada Remaja Putri Di Kecamatan Tambusai Utara Kabupaten Rokan Hulu' (in Indonesian) ['Factors Associated with Early Marriage in Adolescent Girls in Tambusai Utara District, Rokan Hulu Regency'] (2014) 1 Jurnal Maternity and Neonatal 203, 212.

Weak knowledge cannot stem the global movement so fast and influence an increasingly consumptive lifestyle. The majority of people are not aware of the impact of early marriage. Adolescent girls who marry at an early age are considered vulnerable to women's reproductive health, which can cause the ~~impact of maternal and fatal-fetal death~~ ~~and impact their wellbeing without in the absence of~~ mental readiness ~~of the spouses from the spouse~~, resulting in domestic violence ~~(KDRT)~~ and ending in divorce. Lampung Province shows that the ~~rate proportion~~ of child marriage incidents in the Central Lampung Region was 35% in 2018, and data from the Religious Affairs Office (KUA) Way Seputih couples who got married in 2020 were 120 ~~eases~~. Based on the results of the preliminary presurvey through an interview conducted by the author ~~in with~~ the Way Seputih District, the incidence of early marriage in the area is greatly influenced by economic factors ~~because it is to reduce~~ ~~reduces~~ the burden on parents. ~~Moreover, a lack of knowledge and education about the consequences of early marriage also results in underage marriage, low education and lack of knowledge about early marriage, children and society which results in underage marriage.~~

III. THE IMPACT OF EARLY MARRIAGE

Underage marriage certainly has a relatively wide range of impacts, not only has an impact on adolescent ~~married~~ couples ~~who marry early~~ but also ~~has an impact on~~ newly formed ~~young~~ families, ~~families (parents) on both sides of the child who are married, and also~~ ~~It further affects~~ on society at large. ~~In fact, the~~ ~~The~~ negative impact can be ~~clearly~~ seen in the medical, psychological, socio-cultural, and economic impacts. The impact of ~~the~~ intergeneration cycle of growth failure ~~also~~ occurs ~~due to early marriage~~. Based on studies, it was found that early marriage leads to a decrease in fertility ~~and~~ ~~Other~~ negatively impacts ~~on such as damage to~~ the reproductive organs.¹⁶ Premature delivery of hyperemesis and anaemia in adolescent girls, the ~~process of complication with childbirth, with the help of tools, BBLR,~~ and babies who do not get exclusive breastfeeding ~~are the ultimate consequences of early marriage~~.

Marriages that take place in adolescence will generally cause problems, as follows:

A. Biologically

The reproductive organs are still not ready to accept the pregnancy so it can cause various forms of complications. Maternal mortality in pregnant women

¹⁶ M. Junaedi and others, 'The Role of Schools in Early Marriage Education and Reproductive Health Rights (Case Study: Students in Wonosobo District)' (2022) 14 (3) AL-ISHLAH: Jurnal Pendidikan 2727, 2736.

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and childbirth under the age of 20 years is 2-5 times higher than maternal mortality that occurs at the age of 20-29 years.

B. Psychologically

Generally, young couples are still immature in their psychological state, so they are still labile in dealing with problems that arise ~~in~~ as a result of marriage. The ultimate impact that can occur is like divorce because divorce usually occurs in couples whose are relatively young age at the time of marriage ~~is~~ relatively young.

C. Socioeconomically

The older a person gets, the more likely it is to mature in the socioeconomic field, which will also be more apparent. In general, with age, the urge to earn a living will become stronger for the support as a support of life for life. So, it is very open for anyone to carry out permissive actions.¹⁷

IV. CHILD MARRIAGE IN ISLAMIC LAW

The marriage laws and regulations of each country have different marriage age limits because each country has different reasons and legal policies to adapt to the conditions and culture of each country, including Islamic countries. Islamic law does not set a minimum and maximum age limit for marriage but sets the age of puberty as a benchmark for readiness to receive the burden of *taklifi* (the provisions of Allah and his prophet (peace be upon him) that relate directly to human actions). Likewise, the previous scholars did not discuss the minimum age limit but instead studied the law of child marriage more deeply.¹⁸

Child marriage in *fiqh* is termed *nikah al-shaghir* or *al-zawwaj saghirah*, which is interpreted by *ulema* as child marriage, i.e., marriage of boys or girls who have not yet reached puberty.¹⁹ Puberty is a period of entering adulthood which that is characterised by the release of semen for men and menstruation for women.²⁰ Of course, everyone does not have the same when and at what

¹⁷ Aghnat Bintang Angkasa, 'Early Marriage Problems in Indonesia' (2021) 1 (1) Semarang State University Undergraduate Law and Society Review 51, 68.

¹⁸ Yasin Yetta, Ahmad Rajafi and, Syahrul Mubarak Subeitan, 'Understanding the Implications of Marriage Law Amendments: Marriage Dispensation Cases in Indonesian Religious Courts' (2024) 9 (1) Al-Istinbath: Jurnal Hukum Islam 121, 127.

¹⁹ Mahendra Mahendra and Violis Maisuri, 'Early Marriage in Indonesia Islamic Family Law Perspective' (2022) 1 (2) MILRev: Metro Islamic Law Review 282, 293.

²⁰ Agus Purnomo, Nor Salam, Mukhammad Zamzami and, Abu Bakar, 'Dimensions of Maqāṣid Al-Sharī'Ah and Human Rights in the Constitutional Court's Decision on Marriage

age they enter this period; for example, some girls begin to experience menstruation at the age of 9, some start at the age of 16, and so on, because this is influenced by different biological maturity. Likewise, there is no uniformity with the maximum limit. Imam Abu Hanifah said that the final age limit for children is ~~after a person reaches~~ the age of 18 years for men and 17 years for women. ~~However~~ ~~Meanwhile~~, according to most scholars, if a person has reached the age of 15 years, it is ~~the final age for~~ both men and women.²¹ Wahbah al-Zuhailly explains that puberty to marry a person reaches the threshold age for marriage, where according to him the age of marriage is ~~the age of marriage to reach when~~ a man ~~starts with during~~ *ihtilam* (dream wetting), ~~which~~ ~~This~~ is when he has reached the age of puberty and has been burdened with *taklifi* (the provisions of Allah and his prophet ~~(peace be upon him)~~ that relate directly to human actions), and other *wadh'i* (legal provisions governing causes, conditions, and barriers) laws. If calculated, it happens at the age of about 15 years, according to Imam Shafi'i and Ahmad:²² "Boys and girls are considered to have reached puberty when they have reached the age of 15".²³

The Qur'an stipulates that a person who wants to get married must be physically and spiritually capable and ready. Allah SWT says in the Quran: "Marry those who are still celibate among you and also those who are worthy (to marry) from your servants, both male and female. If they are poor, God will empower them with His gifts. Allah is Vast and All-Knowing."²⁴ The Prophet PBUH requires the existence of "ability" that can be interpreted as ~~physical and mental readiness or the~~ physical and mental readiness of prospective married couples to carry out household responsibilities and duties, and this ability can, of course, only be exercised by people who have grown up physically and mentally.²⁵ An integrative-interdisciplinary understanding is needed to understand the basic joints of building a happy family surrounded by love and affection. It is not enough to be understood only in a textual-monodisciplinary manner that only refers to one field of study. Likewise, in understanding the *Nas* (teachings of ~~the~~ Qur'an and Hadith) of marriage, it is necessary to highlight various relevant legal aspects, including using a

Age Difference in Indonesia' (2003) 7 (3) Samarah: Jurnal Hukum Keluarga dan Hukum Islam 34, 56.

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²² Wahbah Al-Zuhailly, *Tafsir al Munir* (in Arabic) [Explanation of al Munir] vol III (Dar al-Fikr 2005) 258, 263.

²³ Muhammad Jawad Mughniyyah, *Al Ahwal al Syakhsiiyyah* (in Arabic) [Family Circumstances] (Dar al Fikr 2010) 4-16.

²⁴ Qur'an Surah An-Nur (the Light) 24:32.

²⁵ Mariani Amberi, 'Efforts to Prevent Child Age Marriage in The Study of Islamic Legal Philosophy and Indonesia Positive Law' (2003) 7 (1) Samarah: Jurnal Hukum Keluarga dan Hukum Islam; 242, 244.

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sociological-anthropological approach, where the *Nas* is interpreted and applied.²⁶ Islamic teachings do not prohibit child marriage (early [marriage](#)) but also do not encourage and ~~do not~~ support the occurrence of child marriage, primarily if it is carried out without paying attention to the mental dimension, the best rights of children, [and](#) physical and mental factors of children (especially girls). The purpose of Shari'ah is the maturity of both parties in forming a household so that a household that is *sakinah* (peaceful), *mawaddah* (affectionate), and *warohmah* (blissful) is realised²⁷ and gives birth to strong and healthy offspring, not weak offspring.²⁸

One of the reasons for the derivation of Islamic Shari'ah is to maintain the sanctity of offspring (*hifz al-nasl*) born from a valid marriage. To produce quality offspring, the physical and spiritual readiness of the prospective groom and bride, maturity of age, and physical readiness are needed to carry out the reproductive process. Ibn Shubrumah argued that underage boys and girls are not recommended to be married until they reach the age of puberty and with the consent of the person concerned. According to the [MUI](#) fatwa, the age considered appropriate to marry is measured by the ability to do and receive rights (*Ahliyatul ada' wa ahliyyatul wujub*). *Ahliyatul ada'* is the nature of the ability to perform legal actions for a person who is considered perfect to account for his actions, both those following the law and those not ~~in accordance with~~ [following](#) the law. *Ahliyyatul wujub* is the ability to accept the rights to which they are entitled, but they cannot yet be burdened with obligations and responsibilities. Therefore, child marriage is not recommended, considering that a person who is not yet an adult is not able to manage property and is not able to bear the obligations in life as husband and wife.²⁹

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V. THE LAMPUNG GOVERNOR'S REGULATION NUMBER 55 of 2021 CONCERNING PREVENTION OF CHILD MARRIAGE

²⁶ Siti Musawwamah [and others](#), [Muhammad Taufiq, Eric Haryanto, Umi Supraptiningsih, and Maimun](#), 'Resistance to Child Marriage Prevention in Indonesia and Malaysia' (2023) 28 (1) *Ahkam* 256, 262.

²⁷ Berlia Sukmawati and Mu'ammarr Khadafi, 'Family Achievements ~~That a~~ [Are](#) *Sakinah*, *Mawaddah*, *Warahmah*' (2022) 1 (2) *MILRev: Metro Islamic Law Review* 243, 256.

²⁸ Muhammad Juni Beddu [and others](#), [Novi Yanti, Noviyanti Noviyanti, Neri Aslina, Normadiyah Daud](#), 'Caesarean Section in the Perspective of Family, Health, and Islamic Law' (2024) 9 (1) *Al-Istinbath: Jurnal Hukum Islam*, 354, 366.

²⁹ Muljan [and others](#), [Hmiati, St. Rahmawati, Rosita, Mustafa](#), 'Preventing Child Marriage in Bone District, South Sulawesi: Perspective of Islamic Family Law' (2024) 7 (1) *El-Ussrah: Jurnal Hukum Keluarga* 121, 121.

The Lampung Provincial Government in 2021 issued a regulation on the Prevention of Child Marriage through Lampung Governor Regulation Number 55 of 2021. The Governor's Regulation contains VIII (eight) Chapters, with the following chapter divisions: Chapter I (one) discusses General Provisions. Chapter II (two) discusses the Goals and Scope. Chapter III (three) discusses Efforts to prevent Marriage at a Child's Age. Chapter IV (four) discusses institutional strengthening. Chapter V (five) discusses Complaints. Chapter VI (six) discusses Monitoring and Evaluation. Chapter VII (seven) deals with Funding. Chapter VIII (eight) Conclusion. The scope of the Lampung Governor's Regulation is the on-the-Prevention-of Child-Marriage is as follows: Efforts to prevent Marriage at a child's Child Age, Institutional strengthening, Assistance and Empowerment efforts, Complaints, Monitoring and Evaluation, and Financing. This Governor's Regulation is intended for Children, Parents, Families, Communities, and all stakeholders.

The Lampung Governor Regulation Number 55 of 2021 concerning the Prevention of Marriage at a Child Age was formed based on several objectives, including the aim to realise child protection and ensure the fulfilment of children's rights so that they can live, grow, develop, and participate optimally following their dignity and the dignity of humanity. The aims and objectives of the Regulation include realising quality and prosperous children, preventing acts of violence against children, preventing acts of domestic violence, improving the quality of maternal and child health, maximising the benefits of twelve years compulsory learning programme, and preventing school dropouts, reducing maternal and infant mortality rates, reducing the divorce rate, reducing poverty rates, and increasing the human development index.

Indeed, the impact caused by underage marriage makes it necessary to prevent underage marriage as a fundamental and urgent matter. For this purpose, various elements concerning the government apparatus and the community are outlined in Lampung Governor Regulation Number 55 of 2021 concerning the prevention of marriage at the age of children. Article 3 paragraph (2) of this Regulation states: "Prevention of marriage at the age of children is carried out by the Regional Government, parents, children, the community and stakeholders." The community-based approach and participation of all stakeholders in the efforts to control child marriage is likely to prove influential in the prevention of underage marriage.

The role of the Regional Government in efforts to prevent child marriage is provided in the Article 5 of the Regulation. The Regional Government is required to make efforts to prevent child marriage by prioritising the best

interests of the child. As referred to in paragraph (1) of Article 5, efforts to prevent child marriage, based on the principle of networking with all elements of society and stakeholders, are coordinated by the regional apparatus in charge of empowerment, child protection, and population control. In the context of ~~the~~ prevention of child marriage, the regional apparatus in charge of health affairs is required to carry out certain tasks including preparing materials for child reproductive health education and conducting physical, reproductive, and psychological health examinations of children's ~~age~~. The health affairs department is also required to "socialise" the prevention of child marriage in the community and provide an understanding of adolescent reproductive health, which aims to prevent and protect adolescents from risky sexual behaviours and other sexual behaviours that have the potential to cause unwanted pregnancies. They are also discouraged from issuing freely a recommendation letter for marriage for the purposes of dispensation from the age of marriage from local authorities or religious courts.

In the context of preventing marriage at a child's age, the regional apparatus in charge of health affairs is also required to carry out several ~~community embedded~~~~community-embedded~~ functions. The regional apparatus is ~~required~~~~needed~~ to provide socialisation, facilities, and debriefing to teachers related to reproductive health and conducting socialisation and guidance on the prevention of marriage at a child's age to students.

Efforts to prevent marriage at the age of children are firmly inseparable from the role of the family. ~~In fact, the~~~~The~~ family often supports the occurrence of child marriage and even, in certain cases, ~~force~~~~forces~~ children to get married at an early age. Although the Child Protection Law firmly conveys violations to parents who do not hesitate to marry their children before ~~the~~ legal age, unfortunately, this issue is still widely encountered in society. Specifically, regarding the prevention of child marriage, the state regulation provides that "Parents have obligations and responsibilities to prevent the occurrence of marriage to children."³⁰ Based on the content of the ~~Article~~, one of the primary keys to the success of these prevention efforts is parents. Efforts to avoid marriage at a young age through the family can be started by introducing the values that must be ~~followed~~ by children in their associations, especially associations with the opposite sex.

In Article 7 of the Regulation ~~of the Governor of Lampung concerning the Prevention of Marriage at the Age of Children~~, it is stated that every child plays a role in making efforts to prevent marriage at the age of children by maintaining their dignity and respect and maintain the good name of parents, guardians, and teachers, love for family, community, friends, homeland, and

³⁰ Child Protection Law, Article 26 paragraph (1) clause c.

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nation. ~~The Regulation further stresses on the need for~~ performing worship and following ~~of their~~ religious teachings, obtaining reproductive health education, not engaging in risky sexual behaviours and other risky behaviours that have the potential to lead to unwanted pregnancies that force marriage at a child's age. Article 7 of the Regulation also ~~require~~ requires children to report attitudes, behaviours, and actions that lead to violence to parents, community leaders, teachers, and authorised officers.

Additionally, the specific role of the community referred to in Article 72 paragraph (1) of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection is as follows: "The community has the right to get the widest possible opportunity to play a role in child protection" and in Article 72 paragraph (2) it explains "the role of society as referred to in paragraph (1) is carried out by natural persons, child protection institutions, social institutions, non-governmental organisations, educational institutions, religious institutions, business entities, and mass media". The same ~~community-embedded~~ community-embedded approach is found in Article 8 of Lampung Governor Regulation Number 55 of 2021 concerning the Prevention of Child Marriage, namely, the role of the community and stakeholders in efforts to prevent child marriage. This is carried out by reporting through the village head or government officials in the village if there are school-age children in their area who are not in school. The community is also made responsible ~~to supervise~~ for supervising the children's social environment, ~~provide~~ providing input in the formulation of policies related to efforts to prevent child marriage, ~~report~~ reporting to the authorities in the event of forced marriage at the age of the child, and ~~form~~ forming a joint movement for the prevention of child marriage.

VI. ANALYSIS OF THE COMMUNITY IMBEDDED COMMUNITY-EMBEDDED IMPLEMENTATION PROCESS

The sociological school of jurisprudence is a legal theory that studies the influence of law on society with an approach from law to society. According to this school of jurisprudence, there is a difference between "positive law" on the one hand and "living law" on the other. It suggests that positive law will have effective force if it contains, or is in harmony with, the law that lives in society. The law must be seen as a community institution that functions to meet

social needs. In addition, it is recommended that law be studied as a process (law in action), distinguished from written law (law in books).³¹

In the digital and social media age, the global connectivity has certainly created a wave of changes in the habits of today's adolescents, including free sex, consumptive lifestyles, and the development of permissivism to legalise all social changes that occur even though they are contrary to positive laws, customs, and religion.³² According to the data from religious courts in Lampung recorded that in the last five years, 2,654 children applied for marriage dispensation. The majority of marriage dispensation applications are due to risky sex or promiscuity. In the last five years, most marriage dispensation applications occurred in 2020. In that year, 798 children applied for marriage dispensation.³³

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In 2021, there were 722 children, and in 2022, there were 714 children seeking dispensation for marriage, meanwhile, in 2019, there were 283 children, and in 2018, there were 137 children. From January to May 2021, 240 cases were resolved.³⁴ The strong role of indigenous people contributes greatly to the legality of early marriage. To prevent early marriage, the ~~ecommunity embedded~~ community-embedded approach taken by the Governor's Regulation No. 55 of 2021 is well articulated. This approach means that the community is educated and involved in the implementation process to avoid contradictions and conflicts. The Regulation is meant to become a synergistic collaboration between the government and traditional leaders so as to get the best solution for the prevention of early marriage. As the community has a good understanding of Lampung's culture and customs, especially those that continue to become famous and understood too simply by the community, education about these customs that develop in Lampung Province is very necessary.

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So far, cases of early marriage are still dominant in the Kotabumi and Gunung Sugih areas, Central Lampung. So, various efforts have been made by the government, especially socialisation concerning early marriage in Lampung Province, according to Governor Regulation No. 55 of 2021. This effort is supported by the Bandar Lampung High Court of Religion (PTA), which again has the opportunity to be part of the 2022 Lampung Province Integrated Legal

³¹ Sulistiyowati and Restu Monika Nia Betaubun, 'Fenomena Pernikahan Dini Dan Tinjauannya Secara Sosiologi' (in Indonesian) [The Phenomenon of Early Marriage and its Sociological Review] (2024) 1 (2) Papsel Journal of Humanities and Policy 100, 111.

³² Ahmad Rusyaid Idris, Muhammad Khusaini and Syaiful Anwar Al-Mansyuri, 'Contemporary Islamic Law in Indonesia: The Fulfillment of Child Custody Rights in Divorce Cases Caused by Early Marriage' (2024) 3 (1) MILRev: Metro Islamic Law Review 1, 21.

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Counselling activities. The Kalianda Religious Court, in collaboration with the South Lampung Regency Government, will hold a socialisation about the dangers and impacts of early marriage to the community to reduce the number of early marriages in the region.

The community-based efforts to prevent early marriage include women's empowerment in preventing early marriage. One of the consequences of the Governor Regulation No. 55 is empowerment of children and adolescents to tackle the problem of early marriage. The problem of early marriage occurs not only due to internal factors or the child's desire but also due to the encouragement of the environment or even the parents themselves. Environments that have the custom or habit of marrying their children under the legal age and parents have the mindset of marrying their children under legal age because it is considered to reduce family's economic expenditure. Indeed, the Regulation requires the government to carry out prevention of child marriage with a gradual system composed of various stages, namely:

1. Awareness Stage: This stage provides understanding to the economically deprived families that they have the right to be more prosperous in life. In addition, they are given the understanding that they can get out of their poverty. At this stage, people are made to understand that empowerment comes from themselves.
2. Capacity Building Stage: This stage aims to improve the ability of the poor so that they have the skills to manage the opportunities that will be provided in this stage by providing [trainings/pieces of training](#), workshops, and similar activities that aim to improve the life skills or abilities of the community.
3. Empowerment Stage: Stage in which the community is given opportunities following their abilities through active and sustainable participation. This is carried out by providing a greater role gradually under their capacity and capabilities, accommodating their aspirations and being guided to self-evaluate the choices and the results of the implementation of the choices.
4. Socialisation of marriage law: Under 19 years old at the time of applying at the District KUA can be sure that their marriage dispensation request will be rejected. If they still insist on getting married, they will be directed to the Religious Court to undergo a hearing.

Likewise, Islamic values are important for Lampung culture because most Lampung people embrace Islam. Thus, the relationship between Islamic values and Lampung culture is quite dominant in the Indonesian nation. Islamic accommodation with the local cultural system through the interaction of traditional symbols that apply in the Lampung Pepadun community is

necessary and firmly rooted in society. Local communities in Lampung must still follow the rules in Islamic law as well as in customary law because if a tradition is not followed by Islamic law and correct customary law, it will be feared that mistakes will occur in the implementation and settlement of it. In Article 2 of the Compilation of Islamic Law,³⁵ it has been explained that marriage is a very strong contract or *mitsaqan ghalidzan* to obey Allah's commands and carry it out is worship. It is also mentioned in Article 3 of the Compilation that marriage aims to realise a household life that is *sakinah* (translation), *mawaddah* (translation), and *rahmah* (translation).

The custom of *seimbangan* (translation), which often involves child marriage without consent from parents, at this time is often misinterpreted by the community. The community considers *seimbangan* to be a shortcut to marriage because of a problem, for example pregnancy out of wedlock, where *seimbangan* is also often interpreted as elopement. There is a need to reevaluate this tradition based on the principles of Islamic law on marriage and the objectives of marriage set out in the Qur'an and Hadith. Importantly, Islamic law does not prevent creation of relationships for the purpose of marriage. In Islamic law, *khitbah* (engagement) is an initial stage of marriage between a man and a woman because Islamic marriage law requires the bride-to-be to know each other, that is, to know the offspring, religion, wealth, and beauty of character of the couples as ordered by the Prophet PBUH. However, Islamic law provides specific conditions for this, which includes prohibition of *zina* (out of wedlock sexual intercourse). In this, from the Islamic point of view, the Lampung Provincial Regulation is in accordance with the purpose, wisdom, harmony, and conditions of marriage in Islam.

VII. CONCLUSION

Several factors cause underage marriage in Lampung, among others: factors of economic weakness, factors of low education, and factors of low knowledge and understanding of early marriage. Underage marriage has several negative impacts mentally, economically, health-wise, and others.

The Governor Regulation No. 55 of 2021 concerning the prevention of child marriage is one of the efforts made by the Lampung Provincial Government to reduce the high rate of child marriages in Lampung Province. Implementing the Governor Regulation is also a form of community embedded collaboration that synergises with Lampung traditional leaders so as not to cause conflicts between traditional and cultural thoughts and to prevent child marriage. The synergy between the Government's programmes, official duty bearers, and

³⁵ The Compilation is referred to as *Kompilasi Hukum Islam di Indonesia* (in Indonesian) [*Compilation of Islamic Law in Indonesia*] of 1989.

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traditional and religious community leaders makes this a truly ~~community~~
~~made~~community-made and ~~community-led~~community-led effort.

Indeed, efforts to prevent child marriage required in the Governor's Regulation are significantly diverse and required to be carried out by many parties. The Regional Government, parents, children, communities, and stakeholders are all involved and assigned specific roles to carry out the prevention of marriage at child age.

From the Islamic perspective, the Provincial Regulation is harmonious with the purpose, wisdom, and conditions for marriage set out in Islamic law. Although it is too early to assess the actual impact of this legislation, the ~~community-~~embedded implementation process ~~adopted-~~adopted for this legislation is likely to provide an effective means to reduce the high rate of child marriages in ~~the~~the Province.

Preventing Child Marriage in Lampung: The Harmonising Community Embedded Legislative Process adopted for the Provincial Regulation Number 55 of 2021 and Its Harmonisation with Local Customs and Islamic Law Provincial Regulations with Islamic Law

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Abstract: The freedom of association of adolescents in Lampung Province indicates a high rate of child marriages. According to data from the High Court of Religion, there were 649 pairs of children applying for dispensation from the age of marriage in 2022-2023 based on pregnancy out of wedlock. This article examines ~~if~~ the legislative process adopted for the Provincial Regulation Number 55 of 2021 concerning the prevention of child marriages in Lampung Province. The article argues that ~~not only~~ the legislative process for Lampung Province regulation is in conformity with Islamic law, ~~but also the legislation provides an effective means to reduce the high rate of child marriages in the Province.~~ The Provincial Regulation is harmonious with the purpose, wisdom, and conditions for marriage set out in Islamic law. ~~Although it is too early to assess the actual impact of this legislation, the community imbedded legislative process adopted for this legislation is likely to provide an effective means to reduce the high rate of child marriages in the Province.~~

Keywords: Provincial Regulation; Prevention of Child Marriage; Islamic Law; Lampung; Indonesia

I. INTRODUCTION

The freedom of association of adolescents in Lampung Province indicates a high rate of early marriage in Lampung Province based on data from the High Court of Religion (referred to as PTA). Based on case reports data received by the Bandar Lampung Religious High Court (from January to December 2021), the number of applications for dispensation from marital age (child marriage) reached 708.¹ In 2022-2023, there were 649 pairs of children applying for marriage dispensation because they were pregnant out of wedlock

¹ Afrianti, Vera, 'Setahun, Dispensasi Perkawinan di Lampung Mencapai 708 Perkara' (In Indonesian) [In a Year, Marriage Dispensation in Lampung Reached 708 Cases] *Rmollampung* (Lampung, 2022) 1, 90.

due to promiscuity.² The increase in early marriage in Lampung is undoubtedly in the public spotlight as a negative impact of adolescent association. Growing view on freedom of intimate relationship out of wedlock continue to blend with population growth. As a result, there are several dispensation of marriage cases in Lampung Province.

In essence, marriage is important for humans because, through marriage, a person will obtain a balance in life socially, biologically, psychologically, and socially.³ Thinking of reverse logical patterns and vague rationality occurs in adolescents, so the case of adolescents experiencing pregnancy before marriage from the perspective of religious teachings is certainly a form of violation, it is a sin because it is categorised as adultery. The development of understanding permissions among society and adolescents is certainly a phenomenon that must be addressed intelligently so that from a social perspective, this event is affected by society's permissive attitude (casual attitude) towards values and norms about what is good and what is not good.⁴ Along with global developments, efforts have emerged in Indonesia to restore the idea that law and religion cannot be separated.

The previous research relevant to this study is about positive legal principles, the customary law system, and the level of vertical legislative hierarchy and horizontal synchronisation achieved through functional relationships between legislation so that the provincial legislation process can be placed proportionally in Indonesia's legal system.⁵ The article by Sulaiman titled 'The Domination of Tradition in Underage Marriage' carried out a study in Dungkek District, Sumenep Regency, which highlights the motives and impacts of the practice of early marriage and the extent of the community's response to early marriage.⁶ The study found that in the Dungkek District area, which has a population of 36,620 people, there are several factors/motives behind early marriage, including cultural, religious, and economic motives. This kind of marriage is a legacy of an old tradition developed by ancestors. This tradition is revealed in the Madurese proverb "*Po' Rempo' Omo Oleka Capo' ka*

² Kupastuntas. CO, '649 Anak di Lampung Ajukan Dispensasi Nikah, Didominasi Hamil di Luar Nikah' (In Indonesian) [649 Children in Lampung Apply for Marriage Dispensation, Dominated by Pregnancy Outside Marriage] *Kupastuntas bandar lampung* (Bandarlampung, 2023) 1, 89.

³ Bachtiar, Aziz, 'Menikahlah, Maka Engkau Akan Bahagia' (In Indonesian) [Get Married, Then You Will Be Happy] (Saujana 2004) 1, 60.

⁴ Hadi, M, 'Dispensasi Menikah' (In Indonesian) [Marriage Dispensation] *Metro unive article* (Lampung, 2023) 1, 12.

⁵ Sulaiman, 'Dominasi Tradisi Dalam Perkawinan Di Bawah Umur' (In Indonesian) [The Dominance of Tradition in Underage Marriage] (2012) 19 (1) Analisa 1, 15.

⁶ Sulaiman, 'Dominasi Tradisi Dalam Perkawinan Di Bawah Umur' (In Indonesian) [The Dominance of Tradition in Underage Marriage] (2012) 19 (1) Analisa 1, 15.

Embana", which means "At the same time, there are still parents who get their children married in early age so that the grandparents can see their grandchildren."

As for religious motives, the Madura ethnic community is very adhered to Islamic traditions and teachings. They make Islam an ethnic identity. Unsurprisingly, the people of Madura are obedient to the *kiai*, which makes them informal leaders. The *kiai's fatwa* based on the story of the Prophet PBUH when he married Aisha at the age of 9 became the basis of religious motives in carrying out the practice of early marriage. Although it is still debatable among Muslim scholars, the community implies puberty at the age of around 13-15 years. Finally, judging from economic motives, they think that marriage between family members must be carried out to keep their wealth from falling to others. In Madura society, the term "*mapolong tolang*" is known as "collecting bones that are divorced [from family]."⁷

However, through the Lampung Governor's Regulation Number 55 of 2021, the Government aims to prevent early marriage in Lampung massively, but it is a considerable contradiction to the preservation of Lampung cultural customs still firmly held by the people of Lampung. These two phenomena provide a systematic picture of the Governor's regulatory policies that should be analysed first to provide a basis for consideration for issuing policies.⁸ The contradictions of the regulations will be faced with the enforcement of local customs and culture. They can be used as a kind of indicator and balance between the Lampung Governor Regulation, which can continue to be socialised so that customary law can lead the Governor's Regulation as a legality supported by the Lampung indigenous people.

The Provincial Governor's Regulation Number 55 of 2021, supported by the movement of Lampung traditional leaders, is certainly good cooperation so that it can provide sex education to Lampung's teenagers comprehensively.⁹ As stated by Berman, "law without religion degenerates into mechanical legalism; religion without law loses its social effectiveness".¹⁰ The Provincial legislation aims to remedy exactly that by combining law and religion to have positive impact on society.

⁷ Sulaiman, 'Dominasi Tradisi Dalam Perkawinan Di Bawah Umur' (In Indonesian) [The Dominance of Tradition in Underage Marriage] (2012) 19 (1) Analisa 1, 15.

⁸ Sakirman Sakirman, Yulia Rizki Amanda and Le Thi Thao, 'Effectiveness of Marriage Age Limit According to Law Number 16 of 2019 in East Lampung' (2022) 1 (2) MILRev: Metro Islamic Law Review 164, 175.

⁹ Nunik, 'Pendidikan Seks Bukan Hal Tabu' (In Indonesian) [Sex education is not taboo] *Lampost.co* (Lampung, 2021) 2,3.

¹⁰ Harold J. Berman, 'Harold Joseph Berman, The Interaction of Law and Religion' (SCM Press London 2019) 1, 23.

The central issue researched in this article is how the legislation process of Governor's Regulation Number 55 of 2021 in Lampung Province can be offered as a model for forming legislation sourced from the substance of the society's requirements into a [legal-substantive form-regulation](#) implemented by law. The article examines the [community embedded](#) legislative process [adopted in the and rules that govern the formation of laws and regulations, the principles of hierarchy in the formation of laws and regulations, the ontological basis \(the background of the birth of a particular law as a whole\), philosophical basis \(usually contained in academic texts\), and ratio legis \(why there is one of the provisions\) of the formation of the gubernatorial regulation from the](#) [are reviewed from the perspective of customary and Islamic law. The following discussion in this article is systemically structured as: Part II examines the causes of child marriages, and part III analyses the impact of child marriage. Part IV then probes the controversy over permission of child marriage in Islamic law. Part V of the article gives a detailed account of the Provincial Regulation Number 55 of 2021 concerning the prevention of child marriages in Lampung Province. Part VI of the article examines the community embedded process adopted in the formation of this regulation and its alignment with customary and Islamic law. The article concludes that](#)

II. CAUSES OF CHILD MARRIAGES

The main drivers and causes of early marriage are examined below.

A. Weak Economic Conditions

Living consumptively, the demands of needs are increasing while income does not increase to meet family needs. Economic factors: the lower the family's economic level, the higher the chance for someone to get married early. A girl's family will be reduced by one family member who is responsible (food, clothing, education, and so on) and other factors such as socio-cultural, educational, religious, difficulty to get a job, mass media, views and beliefs, and parents.¹¹ Early marriage has a good impact on health, education, and poverty.¹² This marriage usually occurs when the young woman comes from an economically disadvantaged family. The level of education will provide understanding in choosing or deciding on an opinion.

¹¹ Ismiati Ismiati, Fuji Khairani and Teguh Achmalona, 'Literature Review: Factors Caused an Increase the Number of Early Marriage during the Covid-19 Pandemic' (2022) 9 (1) Jurnal Ners dan Kebidanan (Journal of Ners and Midwifery) 112, 120.

¹² Vania Zulfa, Uswatun Hasanah and Fitriana Kusaini, 'The Phenomenon of Early Marriage and Its Impact on Family Resilience' [2024] 9 (1) Journal of Family Sciences 48, 58.

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Family life that is all lacking and living in a circle of poverty is a triggering factor for most families to want to let go of the burden of life, one of which is to allow their teenagers to marry early so that they can escape poverty. These many dimensions of poverty are then manifested in the form of malnutrition, water, health care, decent housing, and low levels of education. The National Development Planning Agency (BAPPENAS) explained that poverty is a situation of deprivation that occurs not because the poor want it, but because it cannot be avoided with the strength that exists in it.¹³

B. Lack of Education

A good education will be achieved when poverty alleviation is achieved, but the opposite can happen. So fundamentally, a low level of education can trigger and result in early marriage because they do not get the right mindset and social ethics. Based on the results of a research survey in Lampung Province, it was obtained that the average education of parents and adolescent couples who married early was still relatively low; no teenagers continued their education to higher education and did not even complete 12 years of primary education. The low knowledge of parents makes parents not feel guilty about marrying their children at any age.¹⁴

In reality, it can be clearly seen that the lower a person's education is, the higher the likelihood of carrying out early marriage because education improves the quality of life of individuals, individual mindsets, and behaviours. The low level of parental education has led to a tendency to marry their underage children. The younger the age of marriage, the lower the level of education achieved by the child. Young women with low knowledge are 2.3 times more likely to marry at an early age than young women with high knowledge. Young women who have low knowledge will focus more on getting married young. Therefore, education is something important.¹⁵

C. Lack of Knowledge and Understanding of Problems with Early Marriage

¹³ Khodijah Khodijah, Bagong Suyanto and IB Wirawan, 'Early Marriage: Understanding Motivations and Impact' (2024) 16 (1) Muwazah 19, 43.

¹⁴ Kasiati Kasiati and Dina Isfentiani, 'Factors Encouraging Early Marriage Among Adolescent Girls in East Java of Indonesia' (2020) 6 (1) Seajom: The Southeast Asia Journal of Midwifery 1, 6.

¹⁵ Eka Yuli Handayani., 'Faktor Yang Berhubungan Dengan Pernikahan Usia Dini Pada Remaja Putri Di Kecamatan Tambusai Utara Kabupaten Rokan Hulu' (In Indonesian) [Factors Associated with Early Marriage in Adolescent Girls in Tambusai Utara District, Rokan Hulu Regency] (2014) 1 Jurnal Maternity and Neonatal, 203, 212.

Weak knowledge cannot stem the global movement so fast and influence an increasingly consumptive lifestyle. The majority of people are not aware of the impact of early marriage. Adolescent girls who marry at an early age are considered vulnerable to women's reproductive health, which can cause the impact of maternal and [fetal/fatal](#) death without mental readiness from the spouse, resulting in domestic violence (KDRT) and ending in divorce. Lampung Province shows that the proportion of child marriage incidents in the Central Lampung Region was 35% in 2018, and data from the Religious Affairs Office (KUA) Way Seputih couples who got married in 2020 were 120 cases. Based on the results of the preliminary presurvey through an interview conducted by the author with the Way Seputih District, the incidence of early marriage in the area is greatly influenced by economic factors because it is to reduce the burden on parents, low education and lack of knowledge about early marriage, children and society which results in underage marriage.

III. THE IMPACT OF EARLY MARRIAGE

Underage marriage certainly has a relatively wide range of impacts, not only has an impact on adolescent couples who marry early but also has an impact on newly formed young families, families (parents) on both sides of the child who are married, and also on society at large. In fact, the negative impact can be clearly seen in the medical, psychological, socio-cultural, and economic impacts. The impact of *the intergeneration cycle of growth failure* occurs. Based on studies, it was found that early marriage leads to a decrease in fertility. Other negative impacts such as damage to the reproductive organs.¹⁶ Premature delivery of *hyperemesis* and anaemia in adolescent girls, the process of childbirth with the help of tools, BBLR and babies who do not get exclusive breastfeeding. Marriages that take place in adolescence will generally cause problems, as follows:

1. Biologically

- a. The reproductive organs are still not ready to accept the pregnancy so it can cause various forms of complications.
- b. Maternal mortality in pregnant women and childbirth under the age of 20 years is 2-5 times higher than maternal mortality that occurs at the age of 20-29 years.

2. Psychologically

¹⁶ M Junaedi and others, 'The Role of Schools in Early Marriage Education and Reproductive Health Rights (Case Study: Students in Wonosobo District)' (2022) 14 (3) AL-ISHLAH: Jurnal Pendidikan 2727, 2736.

- a. Generally, young couples are still immature in their psychological state, so they are still labile in dealing with problems that arise in marriage.
- b. The impact that can occur is like divorce because divorce usually occurs in couples whose age at the time of marriage is relatively young.

3. Socioeconomically

The older a person gets, the more likely it is to mature in the socioeconomic field, which will also be more apparent. In general, with age, the urge to earn a living will become stronger as a support for life. So, it is very open for anyone to carry out permissive actions.¹⁷

IV. CHILD MARRIAGE IN ISLAMIC LAW

The marriage laws and regulations of each country have different marriage age limits because each country has different reasons and legal policies to adapt to the conditions and culture of each country, including Islamic countries. Islamic law does not set a minimum and maximum age limit for marriage, but sets the age of puberty as a benchmark for readiness to receive the burden of *taklifi*. Likewise, the previous scholars did not discuss the minimum age limit but instead studied the law of child marriage more deeply.¹⁸

Child marriage in *fiqh* is termed *nikah al-shaghir or al-zawwaj saghirah*, which is interpreted by *ulema* as child marriage, i.e., marriage of boys or girls who have not yet reached puberty.¹⁹ Puberty is a period of entering adulthood which is characterised by the release of semen for men and menstruation for women.²⁰ Of course, everyone does not have the same when and at what age they enter this period; for example, some girls begin to experience menstruation at the age of 9, some start at the age of 16 and so on, because this is influenced by different biological maturity. Likewise, there is no uniformity with the maximum limit. Imam Abu Hanifah said that the final age limit for children is after a person reaches the age of 18 years for men and 17 years for women. Meanwhile, according to most scholars, if a person has reached the

¹⁷ Aghnat Bintang Angkasa, 'Early Marriage Problems in Indonesia' (2021) 1 (1) Semarang State University Undergraduate Law and Society Review 51, 68.

¹⁸ Yasin Yetta, Ahmad Rajafī, Syahrul Mubarak Subeitan, 'Understanding the Implications of Marriage Law Amendments: Marriage Dispensation Cases in Indonesian Religious Courts' (2024) 9 (1) *Al-Istinbath: Jurnal Hukum Islam* 121, 127.

¹⁹ Mahendra Mahendra and Violis Maisuri, 'Early Marriage in Indonesia Islamic Family Law Perspective' (2022) 1 (2) *MILRev: Metro Islamic Law Review* 282, 293.

²⁰ Agus Purnomo, Nor Salam, Mukhammad Zamzami, Abu Bakar, 'Dimensions of Maqāṣid Al-Sharī'Ah and Human Rights in the Constitutional Court's Decision on Marriage Age Difference in Indonesia' (2003) 7 (3) *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 34, 56.

age of 15 years, it is both men and women. Wahbah al-Zuhailiy explains that puberty to marry a person reaches the threshold age for marriage, where according to him the age of marriage is the age of marriage to reach a man during *ihtilam* (dream), which is when he has reached the age of puberty and has been burdened with taklifi, and other *wadh'i* laws. If calculated, it happens at the age of about 15 years, according to Imam Shafi'i and Ahmad: ²¹ "Boys and girls are considered to have reached puberty when they have reached the age of 15".²²

The Qur'an stipulates that a person who wants to get married must be physically and spiritually capable and ready. Allah SWT says in the Quran: "Marry those who are still celibate among you and also those who are worthy (to marry) from your servants, both male and female. If they are poor, God will empower them with His gifts. Allah is Vast and All-Knowing."²³ The Prophet PBUH requires the existence of "ability" that can be interpreted as physical and mental readiness or the physical and mental readiness of prospective married couples to carry out household responsibilities and duties, and this ability can, of course, only be exercised by people who have grown up physically and mentally.²⁴ An integrative-interdisciplinary understanding is needed to understand the basic joints of building a happy family surrounded by love and affection. It is not enough to be understood only in a textual-monodisciplinary manner that only refers to one field of study. Likewise, in understanding the *Nash* of marriage, it is necessary to highlight various relevant legal aspects, including using a sociological-anthropological approach, where the *Nash* is derived and applied.²⁵ Islamic teachings do not prohibit child marriage (early) but also do not encourage and do not support the occurrence of child marriage, primarily if it is carried out without paying attention to the mental dimension, the best rights of children, physical and mental factors of children (especially girls). The purpose of sharia is the maturity of both parties in forming a household so that a household that is

²¹ Wahbah Al-Zuhailiy, *Tafsir al Munir* (In Arabic) [Explanation of al Munir], *Juz III* (Dar al-Fikr, 2005) 258, 263.

²² Muhammad Jawad Mughniyyah, *Al Ahwal al Syakhsiyyah* (In Arabic) [Family Circumstances] (Dar al Fikr, 2010) 1, 16.

²³ *QS: An-Nur: 32*.

²⁴ Mariani Amberi, 'Efforts to Prevent Child Age Marriage in The Study of Islamic Legal Philosophy and Indonesia Positive Law' (2003) 7 (1) Samarah: *Jurnal Hukum Keluarga dan Hukum Islam*, 242-244.

²⁵ Siti Musawwamah, Muhammad Taufiq, Erie Haryanto, Umi Supraptiningsih, and Maimun, 'Resistance to Child Marriage Prevention in Indonesia and Malaysia' (2023) 23 (1) 256, 262.

sakinah, mawaddah and warohmah is realised²⁶ and gives birth to strong and healthy offspring, not weak offspring.²⁷

One of the reasons for the derivation of Islamic sharia is to maintain the sanctity of offspring (*hifz al-nasl*) born from a valid marriage. To produce quality offspring, the physical and spiritual readiness of the prospective groom and bride, maturity of age, and physical readiness are needed to carry out the reproductive process. Ibn Shubrumah argued that underage boys and girls are not recommended to be married until they reach the age of puberty and with the consent of the person concerned. According to the MUI fatwa, the age considered appropriate to marry is measured by the ability to do and receive rights (*Ahliyatul ada' wa ahliyyatul wujub*). *Ahliyatul ada'* is the nature of the ability to perform legal actions for a person who is considered perfect to account for his actions, both those following the law and those not in accordance with the law. *Ahliyyatul wujub* is the ability to accept the rights to which they are entitled, but they cannot yet be burdened with obligations and responsibilities. Therefore, child marriage is not recommended, considering that a person who is not yet an adult is not able to manage property and is not able to bear the obligations in life as husband and wife.²⁸

V. THE LAMPUNG GOVERNOR'S REGULATION NUMBER 55 of 2021 CONCERNING PREVENTION OF CHILD MARRIAGE

V.VI. ANALYSIS OF THE COMMUNITY IMBEDDED LEGISLATIVE PROCESS

Scientifically, positive law is not only enacted today but also includes the law that has been enacted in the past. This expansion arises because the legal definition is included in the elements that apply at a certain time and place. This is in contrast to the view of *the sociological school of jurisprudence* as a legal theory that studies the influence of law on society with an approach from

²⁶ Berlia Sukmawati and Mu'ammam Khadafi, 'Family Achievements That Are Sakinah, Mawaddah, Warahmah' (2022) 1 (2) MIL.Rev: Metro Islamic Law Review 243, 256.

²⁷ Muhammad Juni Beddu, Novi Yanti, Noviyanti Noviyanti, Neri Aslina, Normadiyah Daud, 'Caesarean Section in the Perspective of Family, Health, and Islamic Law' (2024) 9 (1) Al-Istinbath: Jurnal Hukum Islam, 354.366.

²⁸ Muljan, Ilmiati, St. Rahmawati, Rosita, Mustafa, 'Preventing Child Marriage in Bone District, South Sulawesi: Perspective of Islamic Family Law' Vol 7, No 1 (2024) El-Ussrah: Jurnal Hukum Keluarga 121, 121.

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law to society. There is a difference between positive law on the one hand and living *law* on the other. Positive law will have effective force if it contains, or is in harmony with, the law that lives in society. The law must be seen as a community institution that functions to meet social needs. In addition, it is recommended that law be studied as a process (*law in action*), distinguished from written law (*law in books*).²⁹

Based on the facts that occurred in the field, this study revealed based on the data obtained about the prevalence of early marriage and Governor's Regulation no. 55 of 2021 concerning early marriage in Lampung province. The development of globalization, digitalization, the internet, and the development of the world industrial revolution from 4.0 to the industrial revolution 5.0 which has a major impact on adolescents' relationships, associations, mindsets, and lifestyles. The massive development of the world certainly provides a wave of changes in the habits of today's adolescents, including free sex, consumptive lifestyles and the development of permissivism to legalise all social changes that occur even though they are contrary to positive laws, customs and religion.³⁰ Based on the facts found in this study, it is stated that data from religious courts in Lampung recorded that in the last five years, 2,654 children applied for marriage dispensation. The majority of marriage dispensation applications are due to risky sex or promiscuity. In the last five years, most marriage dispensation applications occurred in 2020. In that year, 798 children applied for marriage dispensation.

In 2021, there were 722 children, and in 2022, there were 714 children. Meanwhile, in 2019, there were 283 children, and in 2018, there were 137 children. From January to May 2021, 240 cases were resolved. But in June, it has not been completed, so the report from the religious court in each district/city will be submitted in early July," said Riduansyah, when met at the Bandar Lampung Religious High Court office, in 2021 in January there were 54 cases, February 55 cases, March 71 cases, April 35 cases and May there were 25 cases. The comparison in 2020 is: In January, there were 62 cases, February 84 cases, March 56 cases, April 20 cases, May 13 cases, June 42 cases, July 64 cases, August 76 cases, September 94 cases, and 10. October 68 cases, November 11 66 cases, December 52 cases. Then, followed by early marriage dispensation in 2020, 724 cases were filed. However, 697 cases had been decided to carry out marriages resolved that year. This means they

²⁹ Sulistiyowati and Restu Monika Nia Betaubun, 'Fenomena Pernikahan Dini Dan Tinjauannya Secara Sosiologi' (In Indonesian) [The Phenomenon of Early Marriage and Its Sociological Review] (2024) 1 (2) Papsel Journal of Humanities and Policy 100, 111.

³⁰ Ahmad Rusyaid Idris, Muhammad Khusaini and Syaiful Anwar Al-Mansyuri, 'Contemporary Islamic Law in Indonesia: The Fulfillment of Child Custody Rights in Divorce Cases Caused by Early Marriage' (2024) 3 (1) MILRev: Metro Islamic Law Review 1, 21.

officially become husband and wife, completing the rest of the following year so that the custom of early marriage is not said to be violated.

The strong role of indigenous peoples contributes greatly to the legality of early marriage, but it is better to prevent early marriage through Governor's Regulation no. 55 of 2021 concerning early marriage not to cause contradictions and conflicts, but to become a synergistic collaboration between the *government* and traditional leaders so as to get the best solution for the prevention of early marriage. Therefore, the community must have a good understanding of Lampung's culture and customs, especially those that continue to become famous and understood too simply by the community, so education about the customs that develop in Lampung Province is very necessary. Generally, what is meant by *sebambangan* customary marriage is a form of marriage that is not based on the parents' consent but on the will of both parties concerned. However, the *sebambangan* custom in the Lampung customary marriage is sometimes an integral part of the implementation of the marriage for the majority of the Lampung indigenous people. This happens because the relationship between the two does not have the blessing of the girl's parents or to avoid honest money. In implementing this *sebambamba*, they are accompanied by at least one adult to avoid slander. *Sebambangan* has two possibilities: the girl is run away without the girl's knowledge, or they have both agreed to do it. Without her knowledge, the girl is usually run away by deception, so she can't give a message to her parents. If the two of them have planned together, then the girl usually gives a message to her parents by writing a letter that she is having an affair with the young man of her choice. After the bachelor and the girl reach the bachelor's family, the bachelor's family obliged to inform the family and the girl's family that something has happened.

So far, cases of early marriage are still dominant in the Kotabumi and Gunung Sugih areas, Central Lampung. So, various efforts have been made by the Government, especially socialisation, concerning early marriage in Lampung Province, according to Governor Regulation 55 of 2021. This effort is supported by the Bandar Lampung High Court of Religion (PTA), which again has the opportunity to be part of the 2022 Lampung Province Integrated Legal Counseling activities. Based on Bandar Lampung PTA data, the number of divorces reached 14,608, and 308 occurred in Mesuji Regency. The Kalianda Religious Court, in collaboration with the South Lampung Regency Government, will hold a socialisation about the dangers and impacts of early marriage to the community to reduce the number of early marriages in the region.

The next effort to prevent early marriage is women's empowerment in preventing early marriage Empowerment carried out on children/adolescents aims to prevent

negative things or problems that can occur to children/adolescents. One of these problems is early marriage. These problems occur not only due to internal factors or the child's desire but also due to the encouragement of the environment or even the parents themselves. Environments that have the custom or habit of marrying their children under age and parents have the mindset of marrying their children under age because it is considered to reduce family economic expenditure. The Government also carries out prevention with a gradual system, namely:

1. Awareness Stage: This stage provides understanding to the poor that they have the right to be more prosperous. In addition, they are given the understanding that they can get out of their poverty. At this stage, people are made to understand that empowerment comes from themselves.
2. Capacity Building Stage There is this stage aiming to improve the ability of the poor so that they have the skills to manage the opportunities that will be provided in this stage by providing trainings, workshops and similar activities that aim to improve the life skills or abilities of the community.
- c. Empowerment Stage There is a stage in which the community is given opportunities following their abilities through active and sustainable participation which is carried out by providing a greater role gradually under their capacity and capabilities, accommodating their aspirations and being guided to self-evaluate the choices and the results of the implementation of the choices.
- d. Socialization of marriage law: under 19 years old at the time of applying at the District KUA can be sure that it will be rejected, but if you still insist on getting married, you will be directed to the Religious Court to undergo a hearing.
- e. Marriage age restrictions. To hold a marriage has been regulated in Marriage Law No. 1 of 1974 article 7 that marriage is allowed when a man is 19 years old and a woman is 16 years old.
- f. creating superior and stunting-free human resources, conducting massive socialization and not only being invited to the Lampung Provincial Government but we can come directly to the school so that there will be many more students who can be embraced."
- g. The sex education roadshow to all districts/cities in Lampung is carried out by coming to schools because this will affect future generations.

The strong role of customary law greatly contributes to the legality of early marriage. However, it is better to prevent early marriage through Governor's Regulation Number 55 of 2021 concerning early marriage not to cause contradictions and conflicts but to become a synergistic collaboration between the Government and traditional leaders to get the best solution for preventing early marriage. Therefore, the community must understand Lampung's culture and customs, especially those that continue to become famous and understood

too simply by the community. Hence, education about the developing customs in Lampung Province is very necessary. *Seimbangan* in the Lampung customary separation sometimes becomes an inseparable part of implementing the separation for most Lampung indigenous people. This happens because the relationship between the two does not have the blessing of the girl's parents or to avoid honest money.

The *Seimbangan* (Lampung Tradition) is described from the Islamic perspective of cultural anthropology, and the essence of customary marriage is a fundamental component that becomes a variable in cultural studies. Lampung culture is one of the most influential local cultures because it is a major ethnic group in Indonesia. Islamic values are important for Lampung culture because most Lampung people embrace Islam. Thus, the relationship between Islamic values and Lampung culture is quite dominant in the Indonesian nation. Islamic accommodation with the local cultural system through the interaction of traditional symbols that apply in the Lampung Pepadun community is necessary if you want to be firmly rooted in society. According to Rusdi, the Title of Absolute Rajo as a Traditional and Religious Leader of Terbanggi Besar Village Traditions are allowed as long as they do not contradict the norms of Islam and customary law in Terbanggi Besar Village, must still follow the rules in Islamic law as well as in customary law, because if the tradition is not followed by Islamic law and correct customary law, it will be feared that mistakes will occur in the implementation and settlement of it. In the compilation of Islamic law article 2, it has been explained that marriage is a very strong contract or *mitsaqan ghalidzan* to obey Allah's commands and carry it out is worship, it is also mentioned in article 3 that marriage aims to realize a household life that is *sakinah, mawaddah, and rahmah*.

The custom of *seimbangan* at this time is often misinterpreted by the community, they consider *seimbangan* to be a shortcut to the level of marriage because of a problem, for example getting pregnant out of wedlock and *seimbangan* is also often interpreted as elopement. *Hitbah* is the initial stage of marriage between a man and a woman because Islamic marriage law requires the bride-to-be to know each other, that is, to know the offspring, religion, wealth, and beauty or good looks of the couples as ordered by the Prophet PBUH, but in this process the relationship between men and women has not been declared a *halal* relationship. According to the opinion of Traditional Leaders and Religious Leaders and also seen from the Islamic point of view, the tradition of the Lampung Pepadun tradition related to the purpose, wisdom, harmony, and conditions of marriage in Islam is not contradictory because marriage after the process of marriage meets the terms and conditions that apply in Islam and still follows the Islamic law on marriage. Judging from the customary law of Lampung, the tradition of *seimbangan* is also allowed

in the indigenous community of Lampung Pepadun because it still follows the applicable norms and does not contradict customary law. Marriage in Islam has been regulated in such a way by the Qur'an and Al-hadith with the existence of a proposal; Islam shows how precious and noble women are. A good marriage is a marriage that fulfills the principles and conditions that have been determined by the Shari'a. In Islam, everything has been explained, including the procedures for holding a marriage.

VI.VII. CONCLUSION

Based on the research results of the Governor of Lampung Province Regulation Number 55 of 2021 concerning the prevention of early marriage, it is one of the efforts carried out by the Lampung Provincial Government to reduce the high rate of early marriage in Lampung Province. Implementing the Governor's Regulation is also a collaborative form that synergises with Lampung traditional leaders so as not to cause conflicts between traditional and cultural ideas and to prevent early marriage. The harmony between the Government's program and the obligation of the organiser and customary, religious, and community leaders has made the province of Lampung better. In an Islamic Perspective, Lampung Provincial Governor's Regulation Number 55 of 2021 concerning the prevention of early marriage is very appropriate and does not contradict the purpose, wisdom, harmony and conditions of marriage in Islam.

The legislative process for Lampung Province regulation is in conformity with Islamic law. The Provincial Regulation is harmonious with the purpose, wisdom, and conditions for marriage set out in Islamic law. Although it is too early to assess the actual impact of this legislation, the community imbedded legislative process adopted for this legislation is likely to provide an effective means to reduce the high rate of child marriages in the Province.

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Preventing Child Marriage in Lampung: An Analysis of the Community Embedded Implementation Process Adopted for the Provincial Regulation Number 55 of 2021 and its Harmonisation with Local Custom and Islamic Law

Rohmadi*

Abstract: Indonesia's Marriage Act (1974) requires a minimum of 19 years of age for both boys and girls at the time of marriage with parental permission and 21 years without parental consent. However, religious courts or local officials can authorise marriages of younger girls with no requirement of minimum age in such cases. According to the data from the High Court of Religion, 649 pairs of children applied for dispensation from the age of marriage in 2022-2023 based on pregnancy out of wedlock. The Provincial Regulation Number 55 of 2021 concerning the prevention of child marriages in Lampung Province aims to counter this issue of child marriage. This article examines the implementation process adopted for Provincial Regulation Number 55 of 2021 concerning preventing child marriages in Lampung Province and argues that the community-embedded implementation process for Lampung Province regulation is harmonious with Islamic law and local customs. The Provincial Regulation is appropriate with the purpose, wisdom, and conditions for marriage set out in Islamic law. Although it is too early to assess the actual impact of this Regulation, the community embedded implementation process adopted for its implementation is likely to provide an effective means to reduce the high rate of child marriages in the Province.

Keywords: Provincial Regulation; Prevention of Child Marriage; Islamic Law; Lampung; Indonesia; Community Embedded Implementation

I. INTRODUCTION

The freedom of association of adolescents in Lampung Province indicates a high rate of early marriage in Lampung Province based on data from the High Court of Religion (referred to as PTA). Based on case reports data received by the Bandar Lampung Religious High Court (from January to December 2021), the number of applications for dispensation from marital age (child marriage) reached 708.¹ In 2022-2023, there were 649 pairs of children applying for marriage dispensation because girls were pregnant out of wedlock due to promiscuity.² The increase in early marriage in Lampung is undoubtedly in the public spotlight as a negative impact of adolescent association. Growing views on freedom of intimate relationships out of wedlock continue to blend with population growth. As a result, there are several dispensations of marriage cases in Lampung Province.

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¹ Afrianti, Vera, 'Setahun, Dispensasi Perkawinan di Lampung Mencapai 708 Perkara' (in Indonesian) ['In a Year, Marriage Dispensation in Lampung Reached 708 Cases'] *Rmollampung* (Lampung 2022) 1, 90.

² CO Kupastuntas, '649 Anak di Lampung Ajukan Dispensasi Nikah, Didominasi Hamil di Luar Nikah' (in Indonesian) ['649 Children in Lampung Apply for Marriage Dispensation, Dominated by Pregnancy Outside Marriage'] *Kupastuntas bandar lampung* (Bandarlampung, 2023) 1, 89.

In essence, marriage is important for humans because, through marriage, a person will obtain a balance in life biologically, psychologically, and socially.³ Thinking of reverse logical patterns and vague rationality occurs in adolescents, so the case of adolescents experiencing pregnancy before marriage from the perspective of religious teachings is certainly a form of violation, it is a sin because it is categorised as adultery. The development of understanding permissions among society and adolescents is certainly a phenomenon that must be addressed intelligently. Therefore, from a social perspective, this event is affected by society's permissive attitude (casual attitude) towards values and norms about what is good and what is not good.⁴ Along with global developments, efforts have emerged in Indonesia to restore the idea that law and religion cannot be separated.

The previous research relevant to this study is about positive legal principles, the customary law system, and the level of vertical implementation hierarchy and horizontal synchronisation achieved through functional relationships between legislation so that the provincial legislation process can be placed proportionally in Indonesia's legal system.⁵ The article by Sulaiman titled 'The Domination of Tradition in Underage Marriage' carried out a study in Dungkek District, Sumenep Regency, which highlights the motives and impacts of the practice of early marriage and the extent of the community's response to early marriage.⁶ The study found that in the Dungkek District area, which has a population of 36,620 people, there are several factors/motives behind early marriage, including cultural, religious, and economic motives. This kind of marriage is a legacy of an old tradition developed by ancestors. This tradition is revealed in the Madurese proverb "*Po' Rempo' Omo Oleka Capo' ka Embana*", which means "At the same time, there are parents who get their children married at in early age so that the grandparents can see their grandchildren."

As for religious motives, the Madura ethnic community adheres to Islamic traditions and teachings. They make Islam an ethnic identity. Unsurprisingly, the people of Madura are obedient to the *kiai*, which makes them informal leaders. The *kiai's fatwa* based on the story of the Prophet PBUH when he married Aisha at the age of 9 became the basis of religious motives in carrying out the practice of early marriage. Although it is still debatable among Muslim scholars, the community implies puberty at the age of around 13-15 years. Finally, judging from economic motives, they think that marriage between family members must be carried out to keep their wealth from falling to others.⁷

However, through the Lampung Governor's Regulation Number 55 of 2021, the Government aims to prevent early marriage in Lampung massively, but it is a considerable contradiction to the preservation of Lampung cultural customs still firmly held by the people of Lampung. These two phenomena provide a systematic picture of the Governor's regulatory policies that should be analysed first to provide a basis for consideration for issuing policies.⁸ The contradictions of the regulations will be faced with the enforcement of local customs and culture. They can be used as a kind of indicator and balance between the Lampung Governor

³ Aziz Bachtiar, *Menikahlah, Maka Engkau Akan Bahagia* (in Indonesian) [*Get Married, then You will be Happy*] (Saujana 2004) 60.

⁴ M. Hadi, 'Dispensasi Menikah' (in Indonesian) [Marriage Dispensation] *Metro unive article* (Lampung 2023) 12.

⁵ Sulaiman, 'Dominasi Tradisi Dalam Perkawinan Di Bawah Umur' (in Indonesian) [*The Dominance of Tradition in Underage Marriage*] (2012) 19 (1) *Analisa* 1, 15.

⁶ *ibid.*

⁷ *ibid.*

⁸ Sakirman Sakirman, Yulia Rizki Amanda and Le Thi Thao, 'Effectiveness of Marriage Age Limit According to Law Number 16 of 2019 in East Lampung' (2022) 1 (2) *MILRev: Metro Islamic Law Review* 164, 175.

Regulation, which can continue to be socialised so that customary law can lead the Governor's Regulation as legality supported by the Lampung indigenous people.

The Provincial Governor's Regulation Number 55 of 2021, supported by the movement of Lampung traditional leaders, is certainly good cooperation so that it can provide sex education to Lampung's teenagers comprehensively.⁹ As stated by Berman, 'law without religion degenerates into mechanical legalism; religion without law loses its social effectiveness'.¹⁰ The Provincial legislation aims to remedy exactly that by combining law and religion to have a positive impact on society.

The central issue researched in this article is how the legislation process of Governor's Regulation Number 55 of 2021 in Lampung Province can be offered as a model for forming legislation sourced from the substance of the society's requirements into a substantive regulation implemented by law. The article examines the community embedded implementation process adopted in the formation of the gubernatorial regulation from the perspective of customary and Islamic law. The following discussion in this article is systemically structured: Part II examines the causes of child marriages, and Part III analyses the impact of child marriage. Part IV then probes the controversy over permission for child marriage in Islamic law. Part V of the article gives a detailed account of the Lampung Provincial Regulation Number 55 of 2021 concerning the prevention of child marriages in Lampung Province. Part VI of the article examines the community-embedded process adopted in the formation of this regulation and its alignment with customary and Islamic law. The article concludes that the Provincial Regulation is appropriate with the purpose, wisdom, and conditions for marriage set out in Islamic law. Although it is too early to assess the actual impact of this Regulation, the community embedded implementation process adopted for its implementation is likely to provide an effective means to reduce the high rate of child marriages in the Province.

II. CAUSES OF CHILD MARRIAGES

The main drivers and causes of early marriage are examined below.

A. Weak Economic Conditions

Living consumptively, family needs are increasing while income does not increase to meet these needs. Economic factors: the lower the family's economic level, the higher the chance for someone to get married early. A girl's family will be reduced by one family member who is responsible (food, clothing, education, and so on) and other factors such as socio-cultural, educational, religious, difficulty to get a job, mass media, views and beliefs, and parents.¹¹ Early marriage has a good impact on health, education, and poverty.¹² This marriage usually occurs when the young woman comes from an economically disadvantaged family. The education will provide understanding in choosing or deciding on an opinion.

⁹ Nunik, *Pendidikan Seks Bukan Hal Tabu* (in Indonesian) [*Sex Education is not Taboo*] (Lampung: Lampost.co 2021) 2, 3.

¹⁰ Harold J. Berman, *The Interaction of Law and Religion* (London: SCM Press 2019) 23.

¹¹ Ismiati Ismiati, Fuji Khairani and Teguh Achmalona, 'Literature Review: Factors Caused an Increase the Number of Early Marriage during the Covid-19 Pandemic' (2022) 9 (1) *Jurnal Ners dan Kebidanan* 112, 120.

¹² Vania Zulfa, Uswatun Hasanah and Fitriana Kusaini, 'The Phenomenon of Early Marriage and Its Impact on Family Resilience' (2024) 9 (1) *Journal of Family Sciences* 48, 58.

Family life that is all lacking and living in a circle of poverty is a triggering factor for most families to want to let go of the burden of life, one of which is to allow their teenagers to marry early so that they can escape poverty. These many dimensions of poverty are then manifested in the form of malnutrition, water, health care, decent housing, and low levels of education. The National Development Planning Agency (BAPPENAS) explained that poverty is a situation of deprivation that occurs not because the poor want it, but because it cannot be avoided with the strength that exists in it.¹³

B. Lack of Education

A good education will be achieved when poverty alleviation is achieved, but the opposite can happen. So fundamentally, a low level of education can trigger and result in early marriage because they do not get the right mindset and social ethics. Based on the results of a research survey in Lampung Province, it was obtained that the average education of parents and adolescent couples who married early was still relatively low; no teenagers continued their education to higher education and did not even complete 12 years of primary education. The low knowledge of parents makes them not feel guilty about marrying their children at any age.¹⁴

In reality, it can be seen that the lower a person's education is, the higher the likelihood of carrying out early marriage. Education improves the quality of life of individuals, individual mindsets, and behaviours. The low level of parental education has led to a tendency to marry their underage children. The younger the age of marriage presents the lower the level of education achieved by the child. Young women with low knowledge are 2.3 times more likely to marry at an early age than young women with high knowledge. Young women who have low knowledge will focus more on getting married young. Therefore, education is something important.¹⁵

C. Lack of Knowledge and Understanding of Problems with Early Marriage

Weak knowledge cannot stem the global movement so fast and influence an increasingly consumptive lifestyle. The majority of people are not aware of the impact of early marriage. Adolescent girls who marry at an early age are considered vulnerable to women's reproductive health, which can cause the maternal and fetal death and impact their wellbeing in the absence of mental readiness of the souses, resulting in domestic violence and ending in divorce. Lampung Province shows that the rate of child marriage incidents in the Central Lampung Region was 35% in 2018, and data from the Religious Affairs Office (KUA) Way Seputih couples who got married in 2020 were 120. Based on the results of the preliminary presurvey through an interview conducted by the author in the Way Seputih District, the incidence of early marriage in the area is greatly influenced by economic factors because it reduces the burden on parents. Moreover, a lack of knowledge and education about the consequences of early marriage also results in underage marriage.

¹³ Khodijah Khodijah, Bagong Suyanto and I. B. Wirawan, 'Early Marriage: Understanding Motivations and Impact' (2024) 16 (1) *Muwazah* 19, 43.

¹⁴ Kasiati Kasiati and Dina Isfentiani, 'Factors Encouraging Early Marriage Among Adolescent Girls in East Java of Indonesia' (2020) 6 (1) *Seajom: The Southeast Asia Journal of Midwifery* 1, 6.

¹⁵ Eka Yuli Handayani, 'Faktor Yang Berhubungan DenganPernikahan Usia Dini Pada Remaja Putri Di Kecamatan Tambusai Utara Kabupaten Rokan Hulu' (in Indonesian) ['Factors Associated with Early Marriage in Adolescent Girls in Tambusai Utara District, Rokan Hulu Regency'] (2014) 1 *Jurnal Maternity and Neonatal* 203, 212.

III. THE IMPACT OF EARLY MARRIAGE

Underage marriage certainly has a relatively wide range of impacts, not only has an impact on adolescent married couples but also on newly formed families. It further affects society at large. The negative impact can be seen in the medical, psychological, socio-cultural, and economic impacts. The impact of the intergeneration cycle of growth failure also occurs due to early marriage. Based on studies, it was found that early marriage leads to a decrease in fertility and negatively impacts on the reproductive organs.¹⁶ Premature delivery of hyperemesis and anaemia in adolescent girls, the complication with childbirth, and babies who do not get exclusive breastfeeding are the ultimate consequences of early marriage. Marriages that take place in adolescence will generally cause problems, as follows:

A. Biologically

The reproductive organs are still not ready to accept the pregnancy so it can cause various forms of complications. Maternal mortality in pregnant women and childbirth under the age of 20 years is 2-5 times higher than maternal mortality that occurs at the age of 20-29 years.

B. Psychologically

Generally, young couples are still immature in their psychological state, so they are still labile in dealing with problems that arise as a result of marriage. The ultimate impact that can occur is divorce because divorce usually occurs in couples who are relatively young at the time of marriage.

C. Socioeconomically

The older a person gets, the more likely it is to mature in the socioeconomic field, which will also be more apparent. In general, with age, the urge to earn a living will become stronger for the support of life. So, it is very open for anyone to carry out permissive actions.¹⁷

IV. CHILD MARRIAGE IN ISLAMIC LAW

The marriage laws and regulations of each country have different marriage age limits because each country has different reasons and legal policies to adapt to the conditions and culture of each country, including Islamic countries. Islamic law does not set a minimum and maximum age limit for marriage but sets the age of puberty as a benchmark for readiness to receive the burden of *taklifi* (the provisions of Allah and his prophet (peace be upon him) that relate directly to human actions). Likewise, the previous scholars did not discuss the minimum age limit but instead studied the law of child marriage more deeply.¹⁸

¹⁶ M. Junaedi and others, 'The Role of Schools in Early Marriage Education and Reproductive Health Rights (Case Study: Students in Wonosobo District)' (2022) 14 (3) AL-ISHLAH: Jurnal Pendidikan 2727, 2736.

¹⁷ Aghnat Bintang Angkasa, 'Early Marriage Problems in Indonesia' (2021) 1 (1) Semarang State University Undergraduate Law and Society Review 51, 68.

¹⁸ Yasin Yetta, Ahmad Rajafi and Syahrul Mubarak Subeitan, 'Understanding the Implications of Marriage Law Amendments: Marriage Dispensation Cases in Indonesian Religious Courts' (2024) 9 (1) Al-Istinbath: Jurnal Hukum Islam 121, 127.

Child marriage in *fiqh* is termed *nikah al-saghir* or *al-zawwaj saghirah*, which is interpreted by *ulema* as child marriage, i.e., marriage of boys or girls who have not yet reached puberty.¹⁹ Puberty is a period of entering adulthood that is characterised by the release of semen for men and menstruation for women.²⁰ Of course, everyone does not have the same when and at what age they enter this period; for example, some girls begin to experience menstruation at the age of 9, some start at the age of 16, and so on, because this is influenced by different biological maturity. Likewise, there is no uniformity with the maximum limit. Imam Abu Hanifah said that the final age limit for children is the age of 18 years for men and 17 years for women. However, according to most scholars, if a person has reached the age of 15 years, it is the final age for both men and women.²¹ Wahbah al-Zuhailiy explains that puberty to marry a person reaches the threshold age for marriage, where according to him the age of marriage is when a man starts with *ihtilam* (dream wetting). This is when he has reached the age of puberty and has been burdened with *taklifi* (the provisions of Allah and his prophet (peace be upon him) that relate directly to human actions), and other *wadh'i* (legal provisions governing causes, conditions, and barriers) laws. If calculated, it happens at the age of about 15 years, according to Imam Shafi'i and Ahmad:²² "Boys and girls are considered to have reached puberty when they have reached the age of 15".²³

The Qur'an stipulates that a person who wants to get married must be physically and spiritually capable and ready. Allah SWT says in the Quran: "Marry those who are still celibate among you and also those who are worthy (to marry) from your servants, both male and female. If they are poor, God will empower them with His gifts. Allah is Vast and All-Knowing."²⁴ The Prophet PBUH requires the existence of "ability" that can be interpreted as physical and mental readiness of prospective married couples to carry out household responsibilities and duties, and this ability can, of course, only be exercised by people who have grown up physically and mentally.²⁵ An integrative-interdisciplinary understanding is needed to understand the basic joints of building a happy family surrounded by love and affection. It is not enough to be understood only in a textual-monodisciplinary manner that only refers to one field of study. Likewise, in understanding the *Nas* (teachings of the Qur'an and Hadith) of marriage, it is necessary to highlight various relevant legal aspects, including using a sociological-anthropological approach, where the *Nas* is interpreted and applied.²⁶ Islamic teachings do not prohibit child marriage (early marriage) but also do not encourage and support the occurrence of child marriage, primarily if it is carried out without paying attention to the mental dimension, the best rights of children, and physical and mental factors of children (especially girls). The purpose of Shari'ah is the maturity of both parties in forming a household so that a household

¹⁹ Mahendra Mahendra and Violis Maisuri, 'Early Marriage in Indonesia Islamic Family Law Perspective' (2022) 1 (2) MILRev: Metro Islamic Law Review 282, 293.

²⁰ Agus Purnomo, Nor Salam, Mukhammad Zamzami and Abu Bakar, 'Dimensions of Maqāṣid Al-Sharī'Ah and Human Rights in the Constitutional Court's Decision on Marriage Age Difference in Indonesia' (2003) 7 (3) Samarah: Jurnal Hukum Keluarga dan Hukum Islam 34, 56.

²¹ Marwah Kamaruddin, *Batas Usia Nafkah Anak dalam Islam* (in Indonesian) [*Age Limit for Child Maintenance in Islam*] (Ulee Kareng Banda Aceh: Lembaga Naskah Aceh 2013) 50, 56.

²² Wahbah Al-Zuhailiy, *Tafsir al Munir* (in Arabic) [*Explanation of al Munir*] vol III (Dar al-Fikr 2005) 258, 263.

²³ Muhammad Jawad Mughniyyah, *Al Ahwal al Syakhsyyah* (in Arabic) [*Family Circumstances*] (Dar al Fikr 2010) 16.

²⁴ Qur'an Surah An-Nur (the Light) 24:32.

²⁵ Mariani Amberi, 'Efforts to Prevent Child Age Marriage in The Study of Islamic Legal Philosophy and Indonesia Positive Law' (2003) 7 (1) Samarah: Jurnal Hukum Keluarga dan Hukum Islam 242, 244.

²⁶ Siti Musawwamah and others, 'Resistance to Child Marriage Prevention in Indonesia and Malaysia' (2023) 23 (1) Ahkam 256, 262.

that is *sakinah* (peaceful), *mawaddah* (affectionate), and *warohmah* (blissful) is realised²⁷ and gives birth to strong and healthy offspring, not weak offspring.²⁸

One of the reasons for the derivation of Islamic Shari'ah is to maintain the sanctity of offspring (*hifz al-nasl*) born from a valid marriage. To produce quality offspring, the physical and spiritual readiness of the prospective groom and bride, maturity of age, and physical readiness are needed to carry out the reproductive process. Ibn Shubrumah argued that underage boys and girls are not recommended to be married until they reach the age of puberty and with the consent of the person concerned. According to the Indonesian Ulema Council (referred to as MUI in Indonesia) *fatwa*, the age considered appropriate to marry is measured by the ability to do and receive rights (*ahliatul ada' wa ahliyyatul wujub*). *Ahliyyatul ada'* is the nature of the ability to perform legal actions for a person who is considered perfect to account for his actions, both those following the law and those not following the law. *Ahliyyatul wujub* is the ability to accept the rights to which they are entitled, but they cannot yet be burdened with obligations and responsibilities. Therefore, child marriage is not recommended, considering that a person who is not yet an adult is not able to manage property and is not able to bear the obligations in life as husband and wife.²⁹

V. THE LAMPUNG GOVERNOR'S REGULATION NUMBER 55 of 2021 CONCERNING PREVENTION OF CHILD MARRIAGE

The Lampung Provincial Government in 2021 issued a regulation on the Prevention of Child Marriage through Lampung Governor Regulation Number 55 of 2021. The Governor's Regulation contains VIII (eight) Chapters, with the following chapter divisions: Chapter I (one) discusses general provisions. Chapter II (two) discusses the goals and scope. Chapter III (three) discusses efforts to prevent marriage at a child's age. Chapter IV (four) discusses institutional strengthening. Chapter V (five) discusses complaints. Chapter VI (six) discusses monitoring and evaluation. Chapter VII (seven) deals with funding. Chapter VIII (eight) conclusion. The scope of the Lampung Governor's Regulation is the efforts to prevent marriage at a child's age, institutional strengthening, assistance and empowerment efforts, complaints, monitoring and evaluation, and financing. This Governor's Regulation is intended for children, parents, families, communities, and all stakeholders.

The Regulation was formed based on several objectives, including the aim to realise child protection and ensure the fulfilment of children's rights so that they can live, grow, develop, and participate optimally following their dignity and the dignity of humanity. The aims and objectives of the Regulation include realising quality and prosperous children, preventing acts of violence against children, preventing acts of domestic violence, improving the quality of maternal and child health, maximising the benefits of twelve years compulsory learning programme, and preventing school dropouts, reducing maternal and infant mortality rates, reducing the divorce rate, reducing poverty rates, and increasing the human development index.

Indeed, the impact caused by underage marriage makes it necessary to prevent underage marriage as a fundamental and urgent matter. For this purpose, various elements concerning

²⁷ Berlia Sukmawati and Mu'ammam Khadafi, 'Family Achievements that are Sakinah, Mawaddah, Warahmah' (2022) 1 (2) MILRev: Metro Islamic Law Review 243, 256.

²⁸ Muhammad Juni Beddu and others, 'Caesarean Section in the Perspective of Family, Health, and Islamic Law' (2024) 9 (1) Al-Istinbath: Jurnal Hukum Islam 354, 366.

²⁹ Muljan and others, 'Preventing Child Marriage in Bone District, South Sulawesi: Perspective of Islamic Family Law' (2024) 7 (1) El-Usrah: Jurnal Hukum Keluarga 121, 121.

the government apparatus and the community are outlined in Lampung Governor Regulation Number 55 of 2021 concerning the prevention of marriage at the age of children. Article 3 paragraph (2) of this Regulation states: "Prevention of marriage at the age of children is carried out by the Regional Government, parents, children, the community and stakeholders." The community-based approach and participation of all stakeholders in the efforts to control child marriage are likely to prove influential in the prevention of underage marriage.

The role of the Regional Government in efforts to prevent child marriage is provided in the Article 5 of the Regulation. The Regional Government is required to make efforts to prevent child marriage by prioritising the best interests of the child. As referred to in paragraph (1) of Article 5, efforts to prevent child marriage, based on the principle of networking with all elements of society and stakeholders, are coordinated by the regional apparatus in charge of empowerment, child protection, and population control. In the context of the prevention of child marriage, the regional apparatus in charge of health affairs is required to carry out certain tasks including preparing materials for child reproductive health education and conducting physical, reproductive, and psychological health examinations of children. The health affairs department is also required to "socialise" the prevention of child marriage in the community and provide an understanding of adolescent reproductive health, which aims to prevent and protect adolescents from risky sexual behaviours and other sexual behaviours that have the potential to cause unwanted pregnancies. They are also discouraged from issuing freely a recommendation letter for marriage for the purposes of dispensation from the age of marriage from local authorities or religious courts.

In the context of preventing marriage at a child's age, the regional apparatus in charge of health affairs is also required to carry out several community-embedded functions. The regional apparatus is needed to provide socialisation, facilities, and debriefing to teachers related to reproductive health and conducting socialisation and guidance on the prevention of marriage at a child's age to students.

Efforts to prevent marriage at the age of children are firmly inseparable from the role of the family. The family often supports the occurrence of child marriage and even, in certain cases, forces children to get married at an early age. Although the Child Protection Law firmly conveys violations to parents who do not hesitate to marry their children before the legal age, unfortunately, this issue is still widely encountered in society. Specifically, regarding the prevention of child marriage, the state regulation provides that "Parents have obligations and responsibilities to prevent the occurrence of marriage to children."³⁰ Based on the content of the Article 26 (1) c, one of the primary keys to the success of these prevention efforts is parents. Efforts to avoid marriage at a young age through the family can be started by introducing the values that must be followed by children in their associations, especially associations with the opposite sex.

In Article 7 of the Regulation, it is stated that every child plays a role in making efforts to prevent marriage at the age of children by maintaining their dignity and respect and maintain the good name of parents, guardians, and teachers, love for family, community, friends, homeland, and nation. The Regulation further stresses on the need for performing worship and following of religious teachings, obtaining reproductive health education, not engaging in risky sexual behaviours and other risky behaviours that have the potential to lead to unwanted pregnancies that force marriage at a child's age. Article 7 of the Regulation also requires

³⁰ Child Protection Law (2014), Article 26 paragraph (1) clause c.

children to report attitudes, behaviours, and actions that lead to violence to parents, community leaders, teachers, and authorised officers.

Additionally, the specific role of the community referred to in Article 72 paragraph (1) of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection is as follows: "The community has the right to get the widest possible opportunity to play a role in child protection" and in Article 72 paragraph (2) it explains "the role of society as referred to in paragraph (1) is carried out by natural persons, child protection institutions, social institutions, non-governmental organisations, educational institutions, religious institutions, business entities, and mass media". The same community-embedded approach is found in Article 8 of Lampung Governor Regulation Number 55 of 2021 concerning the Prevention of Child Marriage, namely, the role of the community and stakeholders in efforts to prevent child marriage. This is carried out by reporting through the village head or government officials in the village if there are school-age children in their area who are not in school. The community is also made responsible for supervising the children's social environment, providing input in the formulation of policies related to efforts to prevent child marriage, reporting to the authorities in the event of forced marriage at the age of the child, and forming a joint movement for the prevention of child marriage.

VI. ANALYSIS OF THE COMMUNITY-EMBEDDED IMPLEMENTATION PROCESS

The sociological school of jurisprudence is a legal theory that studies the influence of law on society with an approach from law to society. According to this school of jurisprudence, there is a difference between "positive law" on the one hand and "living law" on the other. It suggests that positive law will have effective force if it contains, or is in harmony with, the law that lives in society. The law must be seen as a community institution that functions to meet social needs. In addition, it is recommended that law be studied as a process (law in action), distinguished from written law (law in books).³¹

In the digital and social media age, global connectivity has certainly created a wave of changes in the habits of today's adolescents, including free sex, consumptive lifestyles, and the development of permissivism to legalise all social changes that occur even though they are contrary to positive laws, customs, and religion.³² According to the data from religious courts in Lampung recorded that in the last five years, 2,654 children applied for marriage dispensation. The majority of marriage dispensation applications are due to risky sex or promiscuity. In the last five years, most marriage dispensation applications occurred in 2020. In that year, 798 children applied for marriage dispensation.³³

In 2021, there were 722 children, and in 2022, there were 714 children seeking dispensation for marriage, meanwhile, in 2019, there were 283 children, and in 2018, there were 137

³¹ Sulistiyowati and Restu Monika Nia Betaubun, 'Fenomena Pernikahan Dini Dan Tinjauannya Secara Sosiologi' (in Indonesian) ['The Phenomenon of Early Marriage and its Sociological Review'] (2024) 1 (2) Papsel Journal of Humanities and Policy 100, 111.

³² Ahmad Rusyaid Idris, Muhammad Khusaini and Syaiful Anwar Al-Mansyuri, 'Contemporary Islamic Law in Indonesia: The Fulfillment of Child Custody Rights in Divorce Cases Caused by Early Marriage' (2024) 3 (1) MILRev: Metro Islamic Law Review 1, 21.

³³ Tali Tulab, 'Efektivitas Aturan Batas Minimal Usia Perkawinan Dalam Meminimalisir Permohonan Dispensasi Kawin Di Pengadilan Agama' (in Indonesian) ['The Effectiveness of the Minimum Marriage Age Rule in Minimising Marriage Dispensation Requests in Religious Courts'] (2022) 19 (1) Istinbath: Jurnal Hukum 22, 36.

children. From January to May 2021, 240 cases were resolved.³⁴ The strong role of indigenous people contributes greatly to the legality of early marriage. To prevent early marriage, the community-embedded approach taken by the Governor's Regulation No. 55 of 2021 is well articulated. This approach means that the community is educated and involved in the implementation process to avoid contradictions and conflicts. The Regulation is meant to become a synergistic collaboration between the government and traditional leaders so as to get the best solution for the prevention of early marriage. As the community has a good understanding of Lampung's culture and customs, especially those that continue to become famous and understood too simply by the community, education about these customs is very necessary.

So far, cases of early marriage are still dominant in the Kotabumi and Gunung Sugih areas, Central Lampung. So, various efforts have been made by the government, especially socialisation concerning early marriage in Lampung Province, according to Governor Regulation No. 55 of 2021. This effort is supported by the Bandar Lampung High Court of Religion (PTA), which again has the opportunity to be part of the 2022 Lampung Province Integrated Legal Counselling activities. The Kalianda Religious Court, in collaboration with the South Lampung Regency Government, will hold a socialisation about the dangers and impacts of early marriage to the community to reduce the number of early marriages in the region.

The community-based efforts to prevent early marriage include women's empowerment in preventing early marriage. One of the consequences of the Governor Regulation No. 55 is empowerment of children and adolescents to tackle the problem of early marriage. The problem of early marriage occurs not only due to internal factors or the child's desire but also due to the encouragement of the environment or even the parents themselves. Environments that have the custom or habit of marrying their children under the legal age and parents have the mindset of marrying their children under legal age because it is considered to reduce family's economic expenditure. Indeed, the Regulation requires the government to carry out prevention of child marriage with a gradual system composed of various stages, namely:

1. Awareness Stage: This stage provides understanding to the economically deprived families that they have the right to be more prosperous in life. In addition, they are given the understanding that they can get out of their poverty. At this stage, people are made to understand that empowerment comes from themselves.
2. Capacity building stage: This stage aims to improve the ability of the poor so that they have the skills to manage the opportunities that will be provided in this stage by providing pieces of training, workshops, and similar activities that aim to improve the life skills or abilities of the community.
3. Empowerment stage: Stage in which the community is given opportunities following their abilities through active and sustainable participation. This is carried out by providing a greater role gradually under their capacity and capabilities, accommodating their aspirations and being guided to self-evaluate the choices and the results of the implementation of the choices.

³⁴ Sudirman Sudirman and Achmad Najib, 'Rekonsepsi Pencegahan Kawin Anak dan Dispensasi Kawin Perspektif Undang-Undang Nomor 16 Tahun 2019' (in Indonesian) [Reconception of Child Marriage Prevention and Marriage Dispensation from the Perspective of Law Number 16, 2019] (2022) 2 (1) *Syakhshiyah Jurnal Hukum Keluarga Islam* 36, 48.

4. Socialisation of marriage law: Under 19 years old at the time of applying at the District KUA can be sure that their marriage dispensation request will be rejected. If they still insist on getting married, they will be directed to the Religious Court to undergo a hearing.

Likewise, Islamic values are important for Lampung culture because most Lampung people embrace Islam. Thus, the relationship between Islamic values and Lampung culture is quite dominant in the Indonesian nation. Islamic accommodation with the local cultural system through the interaction of traditional symbols that apply in the Lampung Pepadun community is necessary and firmly rooted in society. Local communities in Lampung must still follow the rules in Islamic law as well as in customary law because if a tradition is not followed by Islamic law and correct customary law, it will be feared that mistakes will occur in the implementation and settlement of it. In Article 2 of the Compilation of Islamic Law,³⁵ it has been explained that marriage is a very strong contract or *mitsaqan ghalidzan* to obey Allah's commands and carry it out as worship. It is also mentioned in Article 3 of the Compilation that marriage aims to realise a household life that is *sakinah* (peaceful), *mawaddah* (affectionate), and *Rahmah* (blissful).

The custom of *sebambangan* (Lampung customary marriage by running away with the prospective wife with a certain agreement), which often involves child marriage without consent from parents, at this time is often misinterpreted by the community. The community considers *sebambangan* to be a shortcut to marriage because of a problem, for example pregnancy out of wedlock, where *sebambangan* is also often interpreted as elopement. There is a need to reevaluate this tradition based on the principles of Islamic law on marriage and the objectives of marriage set out in the Qur'an and Hadith. Importantly, Islamic law does not prevent creation of relationships for the purpose of marriage. In Islamic law, *khitbah* (engagement) is an initial stage of marriage between a man and a woman because Islamic marriage law requires the bride-to-be to know each other, that is, to know the offspring, religion, wealth, and beauty of character of the couples as ordered by the Prophet PBUH. However, Islamic law provides specific conditions for this, which includes prohibition of *zina* (out of wedlock sexual intercourse). In this, from the Islamic point of view, the Lampung Provincial Regulation is in accordance with the purpose, wisdom, harmony, and conditions of marriage in Islam.

VII. CONCLUSION

Several factors cause underage marriage in Lampung, among others: factors of economic weakness, factors of low education, and factors of low knowledge and understanding of early marriage. Underage marriage has several negative impacts mentally, economically, health-wise, and others.

The Governor Regulation No. 55 of 2021 concerning the prevention of child marriage is one of the efforts made by the Lampung Provincial Government to reduce the high rate of child marriages in Lampung Province. Implementing the Governor Regulation is also a form of community embedded collaboration that synergises with Lampung traditional leaders so as not to cause conflicts between traditional and cultural thoughts and to prevent child marriage. The synergy between the Government's programmes, official duty bearers, and traditional and religious community leaders makes this a truly community-made and community-led effort.

³⁵ The Compilation is referred to as *Kompilasi Hukum Islam di Indonesia* (in Indonesian) [*Compilation of Islamic Law in Indonesia*] of 1989.

Indeed, efforts to prevent child marriage required in the Governor's Regulation are significantly diverse and required to be carried out by many parties. The Regional Government, parents, children, communities, and stakeholders are all involved and assigned specific roles to carry out the prevention of marriage at child age.

From the Islamic perspective, the Provincial Regulation is harmonious with the purpose, wisdom, and conditions for marriage set out in Islamic law. Although it is too early to assess the actual impact of this legislation, the community-embedded implementation process adopted for this legislation is likely to provide an effective means to reduce the high rate of child marriages in the Province.

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