



Preventing Child Marriage in Bone District, South Sulawesi: Perspective of Islamic Family Law

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Abstract

This research discusses the role of child marriage prevention strategies (SIP-PEKA) in efforts to prevent child marriage in Bone district. The main research problem is the role of SIP-PEKA in efforts to prevent child marriage in Bone Regency. This research uses theoretical legal methods with a *maqāṣid al-sharī'ah* approach, while the data collection technique is documentation study. The research results show that SIP-PEKA has succeeded in preventing child marriage in Bone Regency, which was carried out using an integrated system with coordination with various parties and across agencies. Although there are obstacles to SIP-PEKA, internal obstacles such as: lack of budget and problems with the cohesiveness of agencies, as well as external obstacles such as: economic problems, culture, children's morals, religious perceptions, and community non-compliance with applicable laws. Meanwhile, evidence of the role of SIP-PEKA in efforts to prevent child marriage in Bone Regency includes: preventing child marriage by providing guidance and counseling, supporting the creation of Village Regulations; limiting marriage dispensations at the Religious Courts, and refusing to register marriages at the KUA. Apart from that, SIP-PEKA also plays an indirect role in the growth of the human development index (HDI) of Bone Regency, because it contributes to reducing the crisis in the health, education and economic sectors of children in Bone Regency. Therefore, the prevention of child marriage carried out by the Bone Regency government is in accordance with *maqāṣid al-sharī'ah* and is important in the study of Islamic family law.

Keywords: Prevention, child marriage, Bone regency, Islamic family law, *maqāṣid al-sharī'ah*

Abstrak

Penelitian ini membahas peranan strategi pencegahan perkawinan anak (SIP-PEKA) dalam upaya pencegahan perkawinan anak di kabupaten Bone. Permasalahan utama penelitian adalah peran Sip-Peka dalam upaya pencegahan perkawinan anak di Kabupaten Bone. Penelitian ini menggunakan metode hukum teoritis dengan pendekatan maqāṣid al-sharī'ah, sedangkan teknik pengumpulan datanya adalah studi dokumentasi. Hasil penelitian menunjukkan bahwa SIP-PEKA telah berhasil melakukan pencegahan perkawinan anak di Kabupaten Bone, yang dilakukan dengan cara sistem terpadu dengan koordinasi dengan berbagai pihak dan lintas dinas. Meskipun terdapat hambatan SIP-PEKA hambatan internal seperti: minimnya anggaran dan masalah kekompakan para instansi, serta hambatan eksternal seperti: masalah ekonomi, budaya, moral anak, persepsi agama, dan ketidak-patuhan masyarakat pada hukum yang berlaku. Sedangkan bukti peran SIP-PEKA dalam upaya pencegahan perkawinan anak di Kabupaten Bone, meliputi: mencegah perkawinan anak dengan memberi bimbingan dan penyuluhan, mendukung pembuatan Peraturan Desa; membatasi dispensasi Kawin di Pengadilan Agama, dan penolakan pencatatan kawin di KUA. Selain itu, SIP-PEKA juga berperan secara tidak langsung bagi pertumbuhan indeks pembanguna manusia (IPM) Kabupaten Bone, karena turut andil dalam mengurangi krisis pada bidang kesehatan, pendidikan dan ekonomi anak-anak di Kabupayen Bone. Oleh karena itu, pencegahan perkawinan anak yang dilakukan oleh pemerintah Kabupaten Bone sesuai dengan maqāṣid al-sharī'ah dan penting dalam kajian hukum keluarga Islam.

Kata Kunci: *Pencegahan, perkawinan anak, pemerintah kabupaten Bone, hukum keluarga Islam, maqāṣid al-sharī'ah*

Introduction

Child marriage causes more losses, resulting in psychological trauma and domestic and sexual violence. For this reason, various prevention efforts continue to be carried out by the Indonesian government with various regulations and policies, although they are considered not optimal, partly because there are no sanctions for perpetrators of child marriage. The enactment of this law has had several positive impacts, such as protecting the rights of minors, ensuring offspring who are physically and mentally healthy, reducing women's vulnerability to domestic violence, and suppressing marriage.¹

¹ Mariani Amberi, "Efforts to Prevent Child Age Marriage in The Study of Islamic Legal Philosophy and Indonesia Positive Law," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, No. 1 (2023). Ani Mardiantari and Ita Dwilestari, "Children's Right to Get Exclusive Breastfeeding in The Islamic Law Perspective," *al-Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 21, No. 2 (2021). Rudi Mayandra, "Regulation of Marriage Dispensation Against Marriage of Children <https://jurnal.ar-raniry.ac.id/index.php/usrah/index>

Apart from that, the government's efforts to prevent child marriage are also carried out to fulfill children's rights in collaboration with society, the business world and the media who are present to be able to provide comprehensive protection. Several factors that cause child marriage are problems with educational level, wrong understanding of religion, limited understanding of reproductive health, risky sexual behavior in children, economic factors, cultural factors, and arranged marriages.²

Therefore, the reality of child marriage in Indonesia does not only involve legal aspects but also intersects with the cultural realm. The reasons vary; including self-improvement, normal pressure, or compulsion due to entanglement of conditions. From a legal point of view, child marriage as described in the Convention on the Rights of the Child is a marriage between people under eighteen years of age. In its study in its 2014 annual report, the United Nations Children's Fund (UNICEF) reported that 85 million children were married in Indonesia. One in six women is married before the age of 18.³

In line with that, in 2019 in Bone Regency, the rate of child marriage was classified as very high, reaching a prevalence of 25%,⁴ This figure is 2 (two) times higher compared to the average prevalence of South Sulawesi Province which was 12.11% in the same year. The number of child marriages in Bone Regency in 2019 was around 746 cases, with data on applications for marriage dispensation around 419 cases.⁵ Due to the problem of still high cases of child marriage, the Regional Government, in this case the Bone Regency Bappeda, is motivated to create an integrated innovative program termed SIP-PEKA, acronym for Child Marriage Prevention Strategy.

Under the Age of Post Decision of The Constitutional Court Number 22/PUU-XV/2017," *Syariah: Jurnal Hukum dan Syariah* 20, No. 2 (2020).

² Yayan Sopyan, et.al., "Child Exploitation by Parents in Early Marriage: Case Study in Cianjur West Java, Indonesia," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, No. 1 (2023). Nina Nurmila and Wiwin Windiana, "Understanding the Complexities of Child Marriage and Promoting Education to Prevent Child Marriage in Indramayu, West Java," *Ulumuna: Journal of Islamic Studies* 27, No. 2 (2023). Ahmad Faris Hilmi and Muhammad Zawil Kiram, "The Underage Marriage during the Pandemic: The Best Interest of the Child Principle," *El-Usrah: Jurnal Hukum Keluarga* 6, No. 1 (2023).

³ Alfian Qodri Azizi, et. al., "Fulfillment of Civil Rights of Extramarital Children and Its Effect on Social Dimensions," *al-Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 20, No. 2 (2020). Arifah Millati Agustina, "Between Culture and The Sacredness of Fiqh: The Role of Lebe in Child Marriage Practices in Brebes, Indonesia," *Journal of Islamic Law* 3, No. 2 (2022).

⁴ Sarifah Suhra and Fatmawati, "Peran Muslimat NU Dalam Mencegah Perkawinan Anak Di Kabupaten Bone Analisis Perspektif Pendidikan Islam," *AN-NISA: Jurnal Studi Gender dan Anak* 16, no. 1 (2023), p. 39–48. Muliani Ratnaningsih, et.al., "Child Marriage Acceptability Index (CMAI) as an Essential Indicator: An Investigation in South and Central Sulawesi, Indonesia." *Global Health Research and Policy* 7, no. 1 (2022).

⁵ Badan Pusat Statistik, *Survei Sosial Ekonomi Nasional (SUSENAS)*. Modul Ketahanan Sosial, 2020

According to Ade Fariq Ashar, Head of Bappeda Bone, the aim of Sip-Peka is to prevent and reduce the number of child marriages in Bone Regency. One of the effective strategies of the SIP-PEKA program is to encourage children to become active pioneer and reporting agents, to prevent child marriage. With an integrated system that involves parties in preventing child marriage, such as: UNICEF, Ministry of Religion, Religious Courts, Department of PPPA, Department of Education, LPP Bone, District/Village Government, Universities such as IAIN Bone, Religious leaders and Community leaders. With SIP-PEKA, the number of child marriages in Bone Regency in 2019, which amounted to 746 cases, was then claimed to have successfully decreased in 2021 to 84 cases, while data on applications for marriage dispensation was 62 cases.⁶

The decline in the number of child marriages is certainly very encouraging for the residents and the Bone Regency Government. Bearing in mind, apart from child marriage, it violates Law Number 16 of 2019, which limits the minimum marriage age to 19 years, for both men and women⁷. Another aspect of concern is that the negative impact of child marriage is very dangerous. Because child marriage takes away children's rights, such as the right to enjoyment, freedom of expression, education and health.⁸ UNICEF itself defines child marriage as a marriage carried out in adolescence, under the age of 18 years.⁹ A Unicef report revealed that mothers aged under 16 years are 6 times more likely to die during childbirth, compared to mothers aged 20-24 years¹⁰. In line with that, Lenny N Rosalin, Deputy of the Ministry of PPPA,¹¹ stated that there are 3 impacts that are easiest to measure, namely the impact on the child's health, education and economy.

In Bone Regency there has been a change in the community's perspective on the practice of child marriage. Previously, child marriage was considered a solution to maintain family honor, but now it is considered a family disgrace.¹² From the results of this research, the question arises as to whether there really is a

⁶<https://pelakita.id/2022/04/07/cegah-perkawinan-di-bawah-umur-pemda-bone-jalankan-inovasi-sip-peka/>

⁷ Andi Risma, "Efektivitas Pelaksanaan Batas Usia Minimal Perkawinan Berdasarkan Undang-Undang Perkawinan Di Kabupaten Bone," *Indonesian Journal of Criminal Law* 5, no. 1 (2021), p. 236-48.

⁸ Sastro Mustapa Wantu, et. al., "Early Child Marriage: Customary Law, Support System, and Unwed Pregnancy in Gorontalo," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 2 (2021): 780-803.

⁹ Erna Rustiana, et.al., "Pencegahan Pernikahan Dini," *Budaya Dan Masyarakat* 1, no. 1 (2020), p. 11-15.

¹⁰ Eddy Fadlyana and Shinta Larasaty, "Pernikahan Usia Dini Dan Permasalahannya," *Sari Pediatri* 11, no. 2 (2016), p. 136-41.

¹¹ UNICEF and UI Puskapa, "Pencegahan Perkawinan Anak Percepatan Yang Tidak Bisa Ditunda," Jakarta: UNICEF, 2020.

¹² Anfa Raden, et.al., "Peralihan Cara Pandang Masyarakat Terhadap Praktik Pernikahan Dini," *Adliya: Jurnal Hukum Dan Kemanusiaan* 15 (2021), p. 47-62.

common thread between changes in society's perspective and the trend of decreasing child marriage rates. So, is it true that this is because of the role of the SIP-PEKA program in Bone Regency?

From this problem, the main point of the study is whether the existence of the Child Marriage Prevention Strategy (SIP-PEKA) in Bone Regency plays a role in the trend of decreasing child marriage rates, or is it just a one-sided claim, and in fact there are other causes for the decline in child marriage rates. For this reason, this research aims to map the forms of SIP-PEKA's role, by analyzing how SIP-PEKA works and trying to reveal the opportunities and obstacles faced in efforts to prevent child marriage in Bone Regency.

This research uses theoretical legal methods with a *maqāṣid al-sharī'ah* approach, while the data collection technique is documentation study.¹³ The object of the research is an integrated program launched by the Bone Regency Government which is termed SIP-PEKA (Child Marriage Prevention Strategy). Meanwhile, data analysis techniques were carried out using qualitative descriptive methods.

Child Marriage in Indonesia

Child marriage is also the background to changes to the marriage age provisions in Law Number 1 of 1974 through Law Number 16 of 2019 concerning Marriage. This law changes the legal age limit for marriage for a child to 19 years for both boys and girls from previously the minimum age for girls was 16 years. This change was actually made to eliminate discrimination in terms of forming a family and reduce the rate of child marriage. Changes to the minimum age limit for marriage in Law Number 16 of 2019 also strengthen the child protection law, because it increases the minimum age limit for children to be able to enter into marriage by one year higher. Article 1 number 1 of the Child Protection Law states that a child is someone who has not yet reached the age of 18, including those who are still in the womb. In Article 330 of the Civil Code, it is stated that a child is a fetus in the womb up to the age of 21 years or who has ever been married. This means that if a child has not reached that age, he does not have the legal capacity, including to enter into a marriage.¹⁴

There are pros and cons to child marriage in Indonesia, there are groups of people who agree with increasing the marriage age, there are also groups who oppose it. The importance of a mature marriage is to reduce divorce rates, poverty rates, children dropping out of school, maternal and child mortality rates. On the

¹³ Zainuddin Ali, *Metode Penelitian Hukum*, Jakarta: Sinar Grafika, 2012. Tholchah Hasan, *Metodologi Penelitian Kualitatif: Tinjauan Teoritis Dan Praktis*, Surabaya: LP-Universitas Islam Malang Dan Visipress, 2003.

¹⁴ Umi Supraptiningsih, "Pro and Cons Contestation on The Increase of Marriage Age in Indonesia," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 5, No. 1 (2019).
<https://jurnal.ar-raniry.ac.id/index.php/usrah/index>

other hand, some people still prioritize the conditions for the validity of a marriage to fulfill the provisions of Islamic law (an alternative option) rather than being cumulative as required by the conditions for the validity of a marriage in legal regulations. Public opinion against increasing the marriage age is based on the community's cultural background, economic conditions and the carefree lifestyle of teenagers. Siri marriage, legalization of marriage procedures, and marriage dispensations are alternative steps taken by people who oppose increasing the age of marriage. However, it can be understood that the negative impact of marriage is greater, because concrete steps are needed by government institutions such as the Religious Affairs Office (*Kantor Urusan Agama/KUA*) and the Religious Courts as the front guard in maintaining the mandate of Law no. 16 of 2019 uses legal norms, still tightening the provisions on marriage age limits, marriage dispensations and the validity of marriage.¹⁵

In line with this, parties involved in child marriage in accordance with legal regulations will be punished according to the Sexual Violence Crime Law regarding the article on child marriage crimes. Because children are psychologically affected, sexual violence can occur due to intimidation, threats and coercion. Apart from that, the bad possibility that occurs as a result of child marriage is rape during marriage. Even though there is a threat of criminal sanctions for the perpetrators, based on data, not many cases have been submitted to officials authorized to handle cases. This means that the regulations for criminalizing child marriage have not yet been implemented optimally. A review of Islamic law in the article regarding the criminalization of child marriage should be measured in more depth by using the article on the rights of *ijbar* and *ikrah* as appropriate because both have different positions and meanings.¹⁶

Apart from that, religious courts also provide dispensations and allow underage marriages with very strict conditions. The first factor that was taken into consideration by the panel of judges was the close relationship between the prospective bridegroom and the prospective bride, which caused the parents of each prospective bride and groom to worry that their child would fall into harmful things. The second reason assessed by the panel of judges was that the bride and groom were pregnant. To reduce the practice of marriage dispensation, pre-marital

¹⁵ Inna Fauzi and Any Ismayawati, "Child Marriage in Indonesia: Sexual Violence or Not?" *De Jure: Jurnal Hukum dan Syariah* 14, No. 2 (2022).

¹⁶ Shella Oetharry Gunawan, Syamsul Bahri, "Impacts of Early Childhood Marriage in Indonesia Viewed from Child Protection Laws Perspectives," *El-Usrah: Jurnal Hukum Keluarga* 6, No. 2 (2023). Abidin Nurdin, "Mut'ah and Iddah: Post-divorce Payment Practices in Aceh," in John R. Bowen and Arskal Salim, *Women and Property Rights in Indonesian Islamic Legal Contexts*, (2018).

guidance and counseling through recitation are psychological and mental preparations to achieve marriage goals.¹⁷

In line with that, preventing child marriage is part of a big problem in Indonesia. because until now the rate of child marriage in Indonesia continues to increase along with population growth. Including child marriage in Bone Regency, it is a reality of society that cannot be denied. Therefore, various efforts continue to be made involving the collaboration of various sectors and stakeholders who are committed to preventing child marriage. This mechanism includes several steps, including coordination meetings with various stakeholders, as well as monitoring and evaluating the implementation and success of programs carried out by each stakeholder in preventing child marriage in Bone Regency. The effectiveness of the Child Marriage Prevention Strategy program implemented by the Bone Regency BAPPEDA has proven to be effective in preventing child marriage, as evidenced by the significant reduction in the number of child marriages and the dispensation of marriage cases in the Religious Courts. The Child Marriage Prevention Strategy implemented by the Bone Regency BAPPEDA is an important effort to prevent child marriage, in line with the principles of Islamic Family Law which prioritizes the protection and welfare of children.¹⁸

Prevention of Child Marriage in Various Perspectives

1. Strategic Management Theory

Strategic management as a scientific discipline was pioneered by American universities with their business schools, including, for example, Harvard Business School at Harvard University and The Wharton School at the University of Pennsylvania.¹⁹ Even though this theory was pioneered at the business faculty, the approach used in studying strategic management is cross-disciplinary.²⁰

Therefore, scientific disciplines such as sociology, psychology, politics and economics are interrelated in the study of strategic management. Even today, strategic management has been used by almost all organizations, in the sense that the main idea of strategic management is still maintained, but its application is adjusted to the type of organization and the problems it faces.

2. SWOT Analysis Theory

¹⁷ Aswar Anas, "Child Marriage Prevention Strategy in the Regional Development Planning Board of Bone Regency," *al-Bayyinah* 8, No. 1 (2024). Lisma Lisma and Roykhatun Nikmah, "Child Care and Protection in Perspective of Legislation, Human Rights and Islamic Law," *al-Bayyinah* 5, no. 1 (2021).

¹⁸ Syufa'at Syufa'at, "Marriage Dispensation in Underage Marriage: A Case Study at the Purwokerto Religious Court," *Al-Manahij: Jurnal Kajian Hukum Islam* 16, No. 1 (2022).

¹⁹ Richard P Rumelt, "Diversification Strategy and Profitability," *Strategic Management Journal* 3, no. 4 (1982), p. 359–69.

²⁰ Aime Heene, et al., *Manajemen Strategik Keorganisasian Publik*, Bandung: Refika Aditama, 2010.

After knowing how SIP-PEKA works, we will then know the obstacles and opportunities for SIP-PEKA in preventing child marriage in Bone district. Therefore, the theory used in this research is a middle theory, namely the SWOT analysis theory²¹. SWOT analysis is a systematic method for identifying strength factors, weakness factors within an internal organization, then identifying existing potential opportunities, as well as possible threats within the organization's environment. This SWOT analysis is based on the understanding that the level of effectiveness of a strategy depends on how to maximize strengths and opportunities and minimize weaknesses and threats. By comparing internal factors with external factors of the organization. SWOT analysis includes:

Furthermore, in the SWOT analysis process, Rangkuti explains a procedure for compiling a strategic plan, which must go through 3 (three) stages, namely: data collection stage, data analysis stage and decision-making stage. The model used in the data collection stage consists of three, namely the external strategy factor matrix, the internal strategy factor matrix and the competitive profile matrix. The external strategic factor matrix can be identified by compiling EFAS (External Strategic Factors Analysis Summary) and the internal strategic factor matrix can be identified by compiling IFAS (Internal Strategic Factors Analysis Summary).²²

3. *Maqāshid Al-Sharī'ah* Theory

The *maqāshid al-sharī'ah* theory was coined by Imam al-Haramain Al-Juwaini W. 478 H, and Imam Abu Hamid al-Gazali - W. 505 H, and popularized by Imam Abu Ishaq al-Syatibi - W. 790 H, in his book *Al-Muwafaqat fi Ushul al-Syari'ah*.²³ The theory of *maqāshid al-sharī'ah*, which means the aim or purpose of the sharia, is a theory that says that Islamic law exists for the benefit and avoids harm to humans. Imam Al-Syatibi emphasized that the legal intent of all texts of the Qur'an and Hadith is to provide benefit to humans.²⁴ Therefore, after knowing the dangers of the impacts caused by child marriage, using *Maqashid al-Shari'ah* theory, the efforts and role of SIP-PEKA in preventing child marriage have a clear argumentative basis, especially from the perspective of Islamic law.

In line with al-Syatiby's view, *maqāshid al-sharī'ah* Jasser Auda also views that *maqashid al-shariah* is the core of Islamic sharia. There are six characteristics contained in Jasser Auda's *maqāshid al-sharī'ah* concept, namely systems theory,

²¹ John A Pearce, et.al., *Strategic Management: Formulation, Implementation, and Control* (Irwin/McGraw-Hill Columbus, OH, 2000).

²² Freddy Rangkuti, *Business Plan: Teknik Membuat Perencanaan Bisnis Dan Analisis Kasus* (Jakarta: Gramedia Pustaka Utama, 2000).

²³ Achmad Kadarisman and Tutik Hamidah, "Pembatasan Usia Perkawinan Dalam Sudut Pandang Maqashid Syari'ah Al Syathibi," *CENDEKIA: Jurnal Studi Keislaman* 7, no. 1 (2021), p. 115–38.

²⁴ Abu Ishaq Al-Syatibi, *Al-Muwafaqat Fi Ushul al-Syari'ah*, Vol. II (Beirut: Dar Al Kutub Al Ilmiyah, (2003), p. 290.

the concept used in the systems theory approach is to look at the problem as a whole (wholeness) is always open to various possibilities for improvement and refinement (openness), the connection between values (interrelated-hierarchy), involving various dimensions (multidimensionality) and prioritizing the main goal (Purposefulness), with these six characteristics being closely related, interpenetrating (semi-permeable) and related to each other, thus forming a complete thinking system. One of the bridges between systems theory and *maqāṣid* theory is system analysis with intent characteristics (*maqāṣid*), this makes it clear that the effectiveness of a system is measured based on the level of achievement of its goals. So, the effectiveness of Islamic law is assessed based on the level of achievement of *maqāṣid al-sharī'ah*. Explanations related to systems theory are: first, the cognitive characteristic (*al-idrākiyyah*, cognition) suggests an Islamic legal system that separates revelation from cognition.²⁵

How SIP-PEKA Works

This research has presented research data regarding the role of SIP-PEKA in efforts to prevent child marriage in Bone Regency. Therefore, in the discussion subchapter, the researcher first discusses the findings of how the Child Marriage Prevention Strategy (SIP-PEKA) works in efforts to prevent child marriage in Bone Regency. This research found that the way SIP-PEKA works in preventing child marriage in Bone Regency is by:

First, implementing an integrated system with BAPPEDA coordination. The essence of the findings is: SIP-PEKA was pioneered and commanded by Bappeda Bone Regency as a coordination center, because previously SIP-PEKA was a follow-up program to other BAPPEDA programs, namely the “*Gemar Limas*” program and the “*Berani*” program which was collaborated with Unicef and LPPA Bone. This is in line with what was expressed by Fred, R David (2011),²⁶ that one of the stages of good strategic management is the formulation of ideas, and SIP-PEKA was apparently born from previous ideas which were then combined into one coordination center, and according to Robert Grant (1999),²⁷ a good strategy is a strategy that has coordination and communication functions, as guidance in providing direction for organizational units.

Second, each agency works based on its respective main tasks and functions. includes preventive measures, such as: DPPPA and LPPA developing 6 pilot villages project and designing Village Regulations as an initial step in

²⁵ Nurul Husna, et.al., “Children Citizenship Status of Acehese-Rohingya Mixed Marriage in Aceh: Maqāṣid Shari’ah Perspective,” *Ahkam* 34, No. 1 (2024).

²⁶ Fred R David, “Strategic Management: Manajemen Strategis Konsep,” *Jakarta: Salemba Empat*, 2011.

²⁷ Robert M Grant, *Contemporary Strategy Analysis: Text and Cases Edition* (Wiley, 2010).

socializing and counseling on the prevention of child marriage. Then, to be more targeted, the Department of Education, DPPPA, and LPPA conducted a pilot project in 12 junior high schools, to provide additional material, namely life skills education, as a provision for students to face social situations. Then, as a repressive action, Sip-Peka, through the DPPPA, refused to provide marriage recommendations as a prerequisite for marriage dispensation, except for those who became pregnant outside of marriage. Furthermore, because he did not receive a marriage recommendation from the DPPPA, his request for marriage dispensation at the Religious Court will be rejected. Finally, because they do not receive marriage dispensation, the KUA will refuse to register the marriage in question.

The findings of this preventive action confirm the findings of previous research, for example research from Muhamad Aprizal Akbar.²⁸ who found that the DPPPA of North Lombok district held (1) outreach, (2) formed community groups/forums, and (3) drafted a Regional Regulation on preventing child marriage, and (4) held collaboration between agencies. Likewise, the findings from Ella Zuhrotin Nasyah's research,²⁹ which found that the Malang district DPPPA carried out (1) strengthening the capacity of children's forums, (2) counseling on the role of parents, and (3) socializing the fulfillment of children's rights, the dangers of child marriage, and (4) strengthening cooperation with various parties. The researchers categorized all of the previous research findings as preventive measures to prevent child marriage.

However, it seems that previous research has not found that Bone district with the SIP-PEKA program is capable of carrying out repressive actions. Researchers call it a repressive action, because after preventive efforts such as counseling in villages and pilot schools were completed, and it turned out that there were still individuals who wanted to carry out child marriages, it was agreed in Bone district through the SIP-PEKA program that they should get a recommendation. Marriage from DPPPA, even though previously they (the SIP-PEKA program) had agreed that only those who were allowed to get recommendations were in urgent situations. Such as experiencing pregnancy out of wedlock, in order to cover their shame (*massampo siri*). This means that those who have not experienced pregnancy out of wedlock will never receive a marriage recommendation.

Massampo siri in the tradition of the Bugis community is a marriage that occurs due to social pressure to hide shame, obedience to ancestral customs. This marriage is no longer carried out much because it cannot provide justice and order in society. This marriage also has implications for acts against community law, as regulated in Article 53 of the KHI which states that women who become pregnant

²⁸ Akbar Muhamad Aprizal, "Peranan Dinas Sosial Pemberdayaan Perempuan Dan Perlindungan Anak Dalam Mencegah Pernikahan Anak Di Kabupaten Lombok Utara," 2022.

²⁹ Ella Zuhrotin Nasyah, "Strategi Dinas Pemberdayaan Perempuan Dan Perlindungan Anak (DP3A) Kabupaten Malang Dalam Mengatasi Pernikahan Dini," 2023.
<https://jurnal.ar-raniry.ac.id/index.php/usrah/index>

out of wedlock can only be married to the man who impregnated them. In contrast to *Passampo Siri'* marriage practices, pregnant women out of wedlock marry other men.³⁰

The impact is that the judge's application for marriage dispensation at the Watampone Religious Court will most likely be rejected, on the grounds that they did not receive a recommendation from the DPPPA as per their previous agreement (the SIP-PEKA program). This is certainly a firm step taken by the SIP-PEKA program, in order to reduce the number of child marriages in Bone Regency, and is a novelty found in this research.

1. Barriers and Opportunities

Furthermore, this research has also found obstacles and opportunities for SIP-PEKA in the marriage prevention process in Bone Regency. This research found that the obstacles faced by SIP-PEKA consisted of internal obstacles, such as: a minimal operational budget, and agencies not being consistent in their main duties and agreements that had been made. As well as, external obstacles, such as: children dropping out of school due to economic reasons, children marrying young because of community culture, the prevalence of children getting pregnant out of wedlock, underhanded marriages, and marriages changing domicile. The opportunities for SIP-PEKA are: the opportunity to become massive in Bone district and the opportunity to become a material law (PERDA).

In facing internal obstacles, the strategies used by SIP-PEKA can be analyzed using the SWOT analysis theory from Rangkuti³¹ with the IFAS (Internal Strategic Factors Analysis Summary) matrix, namely that SIP-PEKA apparently uses STRATEGI-SO (Strengths-Opportunities) by maximizing the potential of existing resources, by using an integrated system and coordination, SIP-PEKA is able to cover budget shortfalls, because each agency has its own budget for carrying out its main duties and functions.

Likewise, when facing external obstacles, it can be explained using the EFAS (External Strategic Factors Analysis Summary) matrix. SIP-PEKA uses STRATEGY-WO (Weaknesses-Opportunities), namely by seeking to expand the reach of the SIP-PEKA program to remote areas with village programs and model schools, this is a form of minimizing obstacles while taking advantage of opportunities. Likewise, SIP-PEKA uses STRATEGY-WT (Weaknesses – Threats), by designing a Regional Regulation to prevent child marriage that will minimize existing external obstacles.

³⁰ Ipendang Ipendang and Syamsul Darlis, "Passampo Siri' in the Bugis Marriage Practices in East Kolaka, Indonesia: A Sociological Perspective of Islamic Law," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 6, No. 2 (2022).

³¹ Rangkuti, *Business Plan: Teknik Membuat Perencanaan Bisnis Dan Analisis Kasus*.
<https://jurnal.ar-raniry.ac.id/index.php/usrah/index>

Then, the findings of external barriers for SIP-PEKA in this research confirm the findings from UNICEF research in collaboration with TULODO, which stated several challenges to preventing child marriage in Bone Regency. However, it seems that previous research has not found that there is a phenomenon of people marrying their children outside Bone district. Of course, this has only just become known, because previously there had been no reports of this phenomenon.

2. The Role of SIP-PEKA in the Perspective of *Maqāṣid al-Sharī'ah*

Furthermore, this research has also discovered the role of SIP-PEKA in the marriage prevention process in Bone Regency. This research found that SIP-PEKA has roles that are classified as: directly playing a role in preventing child marriage (preventive action), such as providing guidance and counseling to the community through village programs and pilot schools, as well as playing a role in providing support to village governments in formulating village regulations. Apart from that, SIP-PEKA also plays a direct role in dealing with child marriage, by limiting dispensations for marriage in the Religious Courts, as well as playing a role in refusing to register marriages at the KUA. From this real role, SIP-PEKA then indirectly plays a role in increasing the Human Development index of Bone Regency.

If the role of SIP-PEKA is weighed against the magnitude of the dangers posed by child marriage, then in essence the existence of SIP-PEKA is a necessity. As is known, the risk of death for mothers under 18 years of age is 5 (five) times greater than for mothers aged 20-24 years during their first pregnancy. As stated by Fadlyana,³² This death rate has increased sixfold in developing countries, including Indonesia. Even according to Lenny N Rosalin,³³ states that there are 3 (three) impacts of child marriage that are easiest to measure, namely the impact on the child's health, education and economy. All three are indicators in the human development index of a region.

These three sectors are part of the 5 (five) things that are maintained in the *maqāṣid al-sharī'ah* theory, namely: (1) maintaining health in order to maintain the soul (*Hifz al-Nafs*), (2) maintaining education in order to maintain the mind (*Hifz al-Aql*), and (3) maintaining the economy in order to preserve assets (*Hifz al-mal*). What this means is that every legal act that accommodates the maintenance of the five principles of *maqāṣid al-sharī'ah* is a benefit, while every legal act that does not accommodate these five principles is harm that must be avoided or even rejected. The role of SIP-PEKA in this case is in line with the principles of the *maqāṣid al-sharī'ah* theory by Imam al-Syatibi. This argument strengthens the fact

³² Fadlyana and Larasaty, "Pernikahan Usia Dini Dan Permasalahannya."

³³ Siaran Pers Menteri PPPA, *Perkawinan anak harus dihentikan*, dalam <https://www.kemenpppa.go.id/index.php/page/read/29/2822/menteri-pppa-perkawinan-anak-harus-dihentikan>
<https://jurnal.ar-raniry.ac.id/index.php/usrah/index>

that in Bone Regency there has been a change in the community's perspective on the practice of child marriage. Previously, child marriage was considered a solution to maintain family honor, but now it is considered a family disgrace.

This is relevant to the results of this research, which reveal that the role of SIP-PEKA is very large, starting from the community guidance and counseling process, to the formulation of Village Regulations in a village. Even if members of the community remain adamant about continuing their marriage, then they must request a dispensation to marry at the Religious Court, and the only way for the request to be granted is with a marriage recommendation from the DPPPA, and the criteria for receiving this recommendation are those who are in a state of urgency, like getting pregnant out of wedlock. This is certainly a disgrace for the family, because if their marriage is carried out according to procedures, it will automatically give rise to negative perceptions from society.

Even though the results of this research are relevant to the results of previous research, it seems that previous research has not found that one of the factors causing the decline in child marriage rates in Bone district is the existence of a village regulation regarding the prevention of child marriage in each piloting village and the villages that follow it. This is because each village regulation has stipulated provisions regarding social sanctions for violators of the village regulation preventing child marriage. According to research results, people are actually more afraid of social sanctions than other sanctions, such as fines for violators. The social sanctions in question are such as the existence of Village Regulations which prohibit village officials from attending the wedding banquet in question. The community is more afraid of this, because the absence of community figures such as village officials is considered a disgrace and they feel as if they are being ostracized by the community.

In line with the discussion and arguments above, theoretically, from the point of view of *maqāṣid al-sharī'ah*, child marriage has more disadvantages than benefits.³⁴ Therefore, the prevention of child marriage carried out by the Bone district government is in accordance with *maqāṣid al-sharī'ah* and is important in the study of Islamic family law. because the main aim of Islamic law is to provide human benefit, and preventing child marriage is part of benefit.

Conclusion

From the results of the research and discussion, the conclusions and implications of the research are as follows: First, How the Child Marriage

³⁴Aslati Asliati, "Utilizing Science and Maqāṣid al-Sharī'ah in Resolving Contemporary Issues of Islamic Family Law," *Al-Manahij: Jurnal Kajian Hukum Islam* 18, No. 1 (2024). Arbanur Rasyid, et.al., "Dynamics of Childless Marriage Through the Lens of Maqāṣid Al-Shari'a," *Jurnal Ilmiah Peuradeun* 12, No. 2 (2024). Nurhayati Nurhayati, et.al., "Human Trafficking in The Perspective of Maqashid Al-Sharia," *Jurnal Ilmiah Islam Futura* 22, No. 2 (2022).

Prevention Strategy (SIP-PEKA) works in efforts to prevent child marriage in Bone Regency, is carried out using an integrated system with the coordination of Bappeda, because previously SIP-PEKA was a continuation program of other Bappeda programs, namely the gemar limas and Brave program. Apart from that, Sip-Peka works based on the main tasks and functions of each agency, such as: DPPPA and LPPA developing 6 pilot villages and drafting village regulations; The Department of Education, DPPPA, and LPPA conducted pilot projects in 12 junior high schools; DPPPA gives/rejects recommendations for marriage dispensation; PA refuses/accepts dispensation based on DPPPA recommendations; The Religious Affairs Office (KUA) records child marriages based on the PA's marriage dispensation. Second, Obstacles to the Child Marriage Prevention Strategy (SIP-PEKA) consist of: internal obstacles, such as: lack of budget and problems with the solidarity of agencies. As well as, external obstacles such as: economic problems, culture, the child's morals, religious perceptions, and community non-compliance with applicable laws. The opportunity for SIP-PEKA is that it has great potential to become a massive movement and has the opportunity to become a material law (PERDA) to prevent child marriage in Bone Regency. Third, The role of the Child Marriage Prevention Strategy (SIP-PEKA) in efforts to prevent child marriage in Bone Regency, includes: playing a direct role in preventing child marriage (preventive action), by providing guidance and counseling, as well as providing support for the village government in making Village Regulations; plays a direct role in overcoming child marriage by limiting marriage dispensations in the Religious Courts, and plays a role in refusing to register marriages at the KUA; Apart from that, SIP-PEKA also plays an indirect role in the growth of the human development index (HDI) of Bone Regency, because it contributes to reducing the crisis in the health, education and economic sectors of children in Bone Regency. Theoretically, the findings in this research have contributed to knowledge about effective strategies for preventing child marriage in the district area. Theoretically, from the point of view of *maqāṣid al-sharī'ah*, child marriage has more disadvantages than benefits. Therefore, the prevention of child marriage carried out by the Bone Regency government is in accordance with *maqāṣid al-sharī'ah* and is important in the study of Islamic family law.

References

Journals and Books

- Agustina, Arifah Millati, "Between Culture and The Sacredness of Fiqh: The Role of Lebe in Child Marriage Practices in Brebes, Indonesia," *Journal of Islamic Law* 3, No. 2 (2022). DOI: <https://doi.org/10.24260/jil.v3i2.858>
- Anas, Aswar, "Child Marriage Prevention Strategy in the Regional Development Planning Board of Bone Regency," *Al-Bayyinah* 8, No. 1 (2024). DOI: [10.30863/al-bayyinah.v8i1.5699](https://doi.org/10.30863/al-bayyinah.v8i1.5699).

- Amberi, Mariani, "Efforts to Prevent Child Age Marriage in The Study of Islamic Legal Philosophy and Indonesia Positive Law," *Samarah: Jurnal hukum Keluarga dan Hukum Islam* 7, No. 1 (2023). DOI: <http://dx.doi.org/10.22373/sjkh.v7i1.12404>.
- Al-Syatibi, Abu Ishaq. "Al-Muwafaqat Fi Ushul al-Syari'ah." *Vol. II (Beirut: Dar Al Kutub Al Ilmiah*, 2003).
- Ali, Zainuddin, *Metode Penelitian Hukum*, Jakarta: Sinar Grafika, 2012.
- Anggraini, Yuli, and Nur Faizah Romadona, "Review of Stunting in Indonesia," *Advances in Social Science, Education and Humanities Research, Atlantis Press*, 454 (2020).
- Aslati Asliati, "Utilizing Science and Maqāsid al-Sharī'ah in Resolving Contemporary Issues of Islamic Family Law," *Al-Manahij: Jurnal Kajian Hukum Islam* 18, No. 1 (2024). <https://doi.org/10.24090/mnh.v18i1.10571>.
- Azizi, Alfian Qodri, et.al., "Fulfillment of Civil Rights of Extramarital Children and Its Effect on Social Dimensions," *al-Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 20, No. 2 (2020). DOI: <https://doi.org/10.18326/ijtihad.v20i2.235-252>.
- David, Fred R. "Strategic Management: Manajemen Strategis Konsep." *Jakarta: Salemba Empat*, 2011.
- Denzin, Norman K, and Yvonna S Lincoln. *The Sage Handbook of Qualitative Research*. sage, 2011.
- Fadlyana, Eddy, and Shinta Larasaty. "Pernikahan Usia Dini Dan Permasalahannya." *Sari Pediatri* 11, no. 2 (2016).
- Fauzi, Inna and Any Ismayawati, "Child Marriage in Indonesia: Sexual Violence or Not?" *De Jure: Jurnal Hukum dan Syariah* 14, No. 2 (2022). DOI: <https://doi.org/10.18860/j-fsh.v14i2.17850>.
- Gunawan, Shella Oetharry and Syamsul Bahri, "Impacts of Early Childhood Marriage in Indonesia Viewed from Child Protection Laws Perspectives," *El-USrah: Jurnal Hukum Keluarga* 6, No. 2 (2023). DOI: <http://dx.doi.org/10.22373/ujhk.v6i2.20262>.
- Grant, Robert M. *Contemporary Strategy Analysis: Text and Cases Edition*. Wiley, 2010.
- Hasan, Tholchah. "Metodologi Penelitian Kualitatif: Tinjauan Teoritis Dan Praktis." *Cetakan Kedua*, Surabaya: LP-Universitas Islam Malang Dan Visipress, 2003.
- Hilmi, Ahmad Faris and Muhammad Zawil Kiram, "The Under-age Marriage during the Pandemic: The Best Interest of the Child Principle," *El-USrah: Jurnal Hukum Keluarga* 6, No. 1 (2023).
- Heene, Aime, Sebastian Desmidt, Faisal Afiff, and Ismeth Abdullah. "Manajemen Strategik Keorganisasian Publik." *Bandung: PT Refika Aditama*, 2010.

- Husna, Nurul, et.al., "Children Citizenship Status of Acehnese-Rohingya Mixed Marriage in Aceh: Maqāshid Sharī'ah Perspective," *Ahkam* 34, No. 1 (2024). DOI: 10.21580/ahkam.2024.34.1.20162.
- Ipdang Ipdang and Syamsul Darlis, "Passampo Siri' in the Bugis Marriage Practies in East Kolaka, Indonesia: A Sociological Perspective of Islamic Law," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 6, No. 2 (2022). DOI: <http://dx.doi.org/10.22373/sjhc.v6i2.12874>.
- Kadarisman, Achmad, and Tutik Hamidah. "Pembatasan Usia Perkawinan Dalam Sudut Pandang Maqashid Syari'ah Al Syathibi." *CENDEKIA: Jurnal Studi Keislaman* 7, no. 1 (2021).
- Lisma Lisma and Roykhatun Nikmah, "Child Care and Protection in Perspective of Legislation, Human Rights and Islamic Law," *Al-Bayyinah* 5, no. 1 (2021). DOI: 10.35673/al-bayyinah.v5i1.1333.
- Mayandra, Rudi, "Regulation of Marriage Dispensation Against Marriage of Children Under the Age of Post Decision of The Constitutional Court Number 22 / PUU-XV/2017," *Syariah: Jurnal Hukum dan Syariah* 20, No. 2 (2020). <https://doi.org/10.18592/sjhp.v20i2.4160>.
- Mardiantari, Ani and Ita Dwilestari, "Children's Right to Get Exclusive Breastfeeding in The Islamic Law Perspective," *al-Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 21, No. 2 (2021). DOI: <https://doi.org/10.18326/ijtihad.v21i2.231-246>.
- Muhamad Aprizal, Akbar. "Peranan Dinas Sosial Pemberdayaan Perempuan Dan Perlindungan Anak Dalam Mencegah Pernikahan Anak Di Kabupaten Lombok Utara," 2022.
- Nasyah, Ella Zuhrotin. "Strategi Dinas Pemberdayaan Perempuan Dan Perlindungan Anak (DP3A) Kabupaten Malang Dalam Mengatasi Pernikahan Dini," 2023.
- Nurdin, Abidin, "Mut'ah and Iddah: Post-divorce Payment Practices in Aceh," in John R. Bowen and Arskal Salim, *Women and Property Rights in Indonesian Islamic Legal Contexts*, (2018). DOI: https://doi.org/10.1163/9789004386297_008.
- Nurmila, Nina, and Wiwin Windiana, "Understanding the Complexities of Child Marriage and Promoting Education to Prevent Child Marriage in Indramayu, West Java," *Ulumuna: Journal of Islamic Studies* 27, No. 2 (2023). DOI: <https://doi.org/10.20414/ujs.v27i2.680>.
- Nugroho, Efa, et.al., "Social Determinants of Stunting in Indonesia," *Jurnal Kesehatan Masyarakat* 18, No. 4 (2023). DOI:10.15294/kemas.v18i4.40875.
- Nurhayati Nurhayati, et.al., "Human Trafficking in The Perspective of Maqashid Al-Sharia," *Jurnal Ilmiah Islam Futura* 22, No. 2 (2022). DOI: <http://dx.doi.org/10.22373/jiif.v22i2.12304>.

- Pearce, John A, Richard Braden Robinson, and Ram Subramanian. *Strategic Management: Formulation, Implementation, and Control*. Irwin/McGraw-Hill Columbus, OH, 2000.
- Raden, ANFA, Azmil Fauzi Fariska, and Mariana Mariana. "Peralihan Cara Pandang Masyarakat Terhadap Praktik Pernikahan Dini." *ADLIYA: Jurnal Hukum Dan Kemanusiaan* 15 (2021).
- Rangkuti, Freddy. *Business Plan: Teknik Membuat Perencanaan Bisnis Dan Analisis Kasus*. Gramedia Pustaka Utama, 2000.
- Rasyid, Arbanur, et.al., "Dynamics of Childless Marriage Through the Lens of Maqasid Al-Shari'a," *Jurnal Ilmiah Peuradeun* 12, No. 2 (2024). DOI: <https://doi.org/10.26811/peuradeun.v12i2.1182>.
- Ratnaningsih, Muliani, et.al., "Child Marriage Acceptability Index (CMAI) as an Essential Indicator: An Investigation in South and Central Sulawesi, Indonesia." *Global Health Research and Policy* 7, no. 1 (2022).
- Risma, Andi. "Efektivitas Pelaksanaan Batas Usia Minimal Perkawinan Berdasarkan Undang-Undang Perkawinan di Kabupaten Bone." *Indonesian Journal of Criminal Law* 5, no. 1 (2021).
- Romadhona, Mochamad Kevin et.al., "Re-defining Stunting in Indonesia 2022: A Somprensive Review," *Jurnal Inovasi Ilmu Sosial dan Politik* 5, No. 1 (2023). DOI:10.33474/jisop.v5i1.19741.
- Rumelt, Richard P. "Diversification Strategy and Profitability." *Strategic Management Journal* 3, no. 4 (1982).
- Rustiana, Erna, Yusuf Hermawan, and Yudi Triana Wahyudi. "Pencegahan Pernikahan Dini." *Budaya Dan Masyarakat* 1, no. 1 (2020).
- Sopyan, Yayan, et.al., "Child Exploitation by Parents in Early Marriage: Case Study in Cianjur West Java, Indonesia," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, No. 1 (2023). DOI: <http://dx.doi.org/10.22373/sjhc.v7i3.14804>.
- Suhra, Syarifah, and Fatmawati F. "Peran Muslimat Nu Dalam Mencegah Perkawinan Anak di Kabupaten Bone Analisis Perspektif Pendidikan Islam." *AN-NISA: Jurnal Studi Gender dan Anak* 16, no. 1 (2023).
- Syufa'at Syufa'at, "Marriage Dispensation in Underage Marriage: A Case Study at the Purwokerto Religious Court," *Al-Manahij: Jurnal Kajian Hukum Islam* 16, No. 1 (2022). DOI: <https://doi.org/10.24090/mnh.v16i1.4229>
- Supraptiningsih, Umi, "Pro and Cons Contestation on The Increase of Marriage Age in Indonesia," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 5, No. 1 (2019). DOI: <http://dx.doi.org/10.22373/sjhc.v5i1.9136>.
- Unicef, and UI Puskapa. "Pencegahan Perkawinan Anak Percepatan Yang Tidak Bisa Ditunda." *Jakarta: Unicef*, 2020.
- UNFPA, *Afghan Teens Speak Out Against EarlyMarriage - World Population Day: a Personal Story*. Dalam [Http://Www.Unfpa.Org/News/News.Cfm?Id=346&Language=1](http://Www.Unfpa.Org/News/News.Cfm?Id=346&Language=1). Diakses 20 Agustus 2022.

- UNICEF, *Innocenti Research Centre,- Early Marriage: Child Spouses*, No. 7. Florence, Italy: Unicef, 2001.
- United Nations, *We The Children: End-Decade, Review Of The Follow-Up To The World Summit For Children: Report Of The Secretary - General (A/S-27/3)*. New York: United Nations, 2001.
- Wantu, Sastro Mustapa, et.al., “Early Child Marriage: Customary Law, Support System, and Unwed Pregnancy in Gorontalo.” *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 5, no. 2 (2021).