

The Impact of the Case of Dispensation of Underage Marriage Among Students in Islamic and Psychological Perspectives

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Abstract

The issue of underage marriage dispensation cases among students has become a hot topic of public discussion. The reason is, this case reaps many cons because it is the most serious problem that plagues the younger generation today. The high dispensation of young marriage among students is due to pregnancy out of wedlock (married by accident). Marriage Dispensation is a dispensation or relief granted by the Religious Court to prospective brides who are not old enough to marry, for men who have not reached the age of 19 years and women who have not reached the age of 16 years. The method used in this research is a qualitative method, namely library research, which is research conducted using literature in the form of books, notes, and research reports from previous research. Islam is the religion of Rahmatan lil 'alamin and perfect. It governs all aspects of human life including "Marriage". If able to be good in terms of wealth, reason and knowledge a person can perfect half his religion by marrying. Underage marriage invites many problems because from the psychological side it is not fully mature, starting from the emergence of anxiety, worry and fear of a problem in the family.

Keywords: *Islam, Psychological, student, Marriage dispensation*

Abstrak

Isu kasus dispensasi pernikahan di bawah umur di kalangan pelajar menjadi topik hangat perbincangan publik. Pasalnya, kasus ini menuai banyak pro kontra karena menjadi masalah paling serius yang melanda generasi muda saat ini. Tingginya dispensasi nikah muda di kalangan pelajar disebabkan karena hamil di luar nikah (married by accident). Dispensasi Kawin adalah dispensasi atau keringanan yang diberikan oleh Pengadilan Agama kepada calon mempelai yang belum cukup umur untuk melangsungkan perkawinan, bagi pria yang belum mencapai umur

19 tahun dan wanita yang belum mencapai umur 16 tahun. Metode yang digunakan dalam penelitian ini adalah metode kualitatif yaitu penelitian kepustakaan (library research) yaitu penelitian yang dilakukan dengan menggunakan literatur-literatur baik berupa buku-buku, catatan-catatan, maupun laporan-laporan penelitian dari penelitian terdahulu. Islam adalah agama yang Rahmatan lil 'alamin dan sempurna. Ia mengatur seluruh aspek kehidupan manusia termasuk "Pernikahan". Jika mampu baik dari segi harta, akal dan ilmu seseorang dapat menyempurnakan separuh agamanya dengan menikah. Pernikahan di bawah umur mengundang banyak masalah karena dari sisi psikologis belum sepenuhnya matang, mulai dari munculnya rasa cemas, khawatir dan takut akan terjadinya suatu masalah dalam keluarga.

Kata kunci: Islam, Psikologis, Mahasiswa, Dispensasi nikah

A. Introduction

The issue of underage marriage dispensation cases among students has become a hot topic of public discussion. The reason is, this case reaps many cons because it is the most serious problem that plagues the younger generation today. The high rate of young marriage dispensation among students is caused by pregnancy out of wedlock (married by accident). The rise of pregnancy out of wedlock is the fruit of promiscuity which is also influenced by environmental factors, society, and the state.

Marriage is a very important thing in human life. The purpose of marriage is to create a happy and prosperous home by creating an atmosphere of harmony and peace in a household that always gets knowledge and wisdom from Almighty God. In order for this to be carried out, the maturity of the bride and groom is highly expected, the maturity referred to here is the maturity of the age of marriage, maturity in thinking and acting so that the purpose of the marriage can be carried out properly (Andini, 2021)

As stipulated in Law No.1 of 1974 concerning Marriage regarding the lowest age limit in carrying out marriage, namely "Marriage is only permitted if the male party has reached the age of 19 (nineteen) years and the female party reaches the age of 16 (sixteen) years", this is also regulated in Article 15 Paragraph (1) of the Compilation of Islamic Law. Then Law No.1 of 1974 concerning marriage was amended into Law No.16 of 2019 concerning amendments to Law No.1 of 1974 concerning marriage regarding the age limit for men and women to be 19 (nineteen) years old (Falah, 2020)

In line with the times, in human life a problem arises in society. The weakness of moral values, morals and religious foundations and so on, promiscuity among adolescents and even adultery has become a common or common thing done by teenagers, causing pregnancy out of wedlock, not to mention coupled with the demands

of the times and family economic factors, so that these parents marry their children at an early age, even though Article 7 paragraph (1) of the marriage law has limited the age of marriage, however, in its development between the demands of ideality and reality are not in line, the fact is that underage marriage still often occurs in Indonesian society (Nugrahanto, 2022)

In young marriages often cause shocks in married life, this is due to lack of mental readiness and still not mature body soul to build a household so that it is not uncommon for quarrels, misunderstandings or disagreements between the two to cause divorce and also other diseases such as excessive jealousy, lack of good communication, and economic problems (as long as married are still unemployed) not working, it is one of the most important factors in married life because all of this is due to the relatively young age when married (Dudi, 2019)

The high number of cases of dispensation of underage marriage among students filed in the Religious Court should be followed up swiftly so that this case can end soon. Furthermore, what is the view or perspective of Islam in responding to this? And how does early marriage affect in terms of psychology? Therefore, researchers are interested in studying the issue. Not only that, this study is intended to provide an understanding of the impact of young marriage dispensation among students in Islamic and psychological perspectives.

B. Methods

The method used in this research is a qualitative method that is a literature study (library research). Library research is research carried out using literature in the form of books, notes, and research reports from previous research. (Mestika Zed research, 2004) literature is a series of activities related to methods of collecting library data, reading, and recording and processing research materials.

C. Discussion and Result

1. Definition of Underage Marriage Dispensation

In the Big Dictionary Indonesian, a dispensation is an exception to the rule due to special considerations; exemption from an obligation or prohibition. While marriage is a bond or marriage contract carried out in accordance with the provisions of law and religious teachings. Marriage dispensation is a dispensation or relief given by the Religious Court to prospective brides who are not old enough to hold a marriage, for men who have not reached the age of 19 years and women who have not reached the age of 16 years. The existence of this marriage dispensation appears as another option

for brides-to-be who have not reached the minimum age of marriage. The judge grants or rejects the application after listening to the testimony of the applicants, the bride and groom and witnesses presented at the trial (Murtadlo, 2023)

Marriage dispensation is a concession given by the court to prospective spouses who have not reached the lowest age of marriage. The dispensation of the age of marriage has been regulated in the Marriage Law in Article 7 Paragraph (2) which reads: "In the case of deviation from Paragraph 1 "Marriage is only permitted if the man has reached the age of 19 (nineteen) years and the woman has reached 16 (sixteen) years." This article can request dispensation from the court or other officials appointed by both male and female parents (Law of the Republic of Indonesia No. 1 of 1974) (Widihartati, 2017)

Underage marriage cannot be performed unless it has been determined by the Religious Court that the parents of the bride and groom previously applied for marriage dispensation, then the result of the application is a determination whether the judge of the religious court granted the application or vice versa. After the religious court granted the application for marriage dispensation, it was then continued to be legalized at the Office of Religious Affairs (KUA) (Syamsul, 2023)

Marriage in the Islamic view is a sacred bond between a man and a woman who wish to have a halal relationship according to the Shari'a. According to Quraish Shihab based on the religious perspective in the sunnah of the prophet as well as in the Holy Qur'an, no one sets an age limit for the bride-to-be, which is stated in the Qur'an and the sunnah is the purpose of marriage. According to Shihab, about aqil balig, according to him, it is seen from his physical readiness but also a person's mental readiness.

Women's Empowerment and Child Protection Minister Yohana Yambise has said that early marriage will only have a negative impact. Early marriage is prone to domestic violence, with women as victims. According to Minister Yohana, the country will not be able to compete for decades to come if children do not get the best start in life. (Abdi Fauji Hadiono, 2018).

2. Dispensation of Underage Marriage in Islamic Perspective

Actually, every human being created by Allah SWT in pairs consisting of men and women, of course, this has become sunnatullah. As for the meaning of being

created in pairs by building a household that can be realized in a shahih bond, namely marriage. As Allah Almighty says in Q.S Adz-Dzariyat verse 49 which reads:

وَمِنْ كُلِّ شَيْءٍ خَلَقْنَا زَوْجَيْنِ لَعَلَّكُمْ تَذَكَّرُونَ...

Meaning: And all things We created in pairs that you might remember (the greatness of God).

Islam is the religion of Rahmatan Lil'alamin and is perfect. It governs all aspects of human life including "Marriage". If one is able to do well in terms of wealth, mind and knowledge, one can perfect half of one's religion by marrying. This provision regarding marriage is described in the word of Allah Almighty in the Qur'an surah Ar-Rum verse 21:

"And among the signs of his power is that he created for you wives of your own kind, that you might live peacefully with them. And He (also) has made among you [husband, wife] a sense of love and affection. Verily in such there are signs for the thinking" (Ar-Rum [30]: 21)

The concept of marriage in Islam does not only talk about the relationship between a man and a woman that is legally recognized by religion and state law, and not only talks about the biological needs of men and women, but marriage in Islam is an obligation of domestic life that must follow the teachings of faith and devotion to Allah and can mold and educate the baby into a generation with Islamic personality.

This is in line with Article 1 of Law Number 1 of 1974 concerning Marriage, which reads "marriage is an inner birth bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the One and Only Godhead."

Therefore, marriage can be said to be the path to happiness in the world and the hereafter, if it can be carried out properly. Some of the purposes of a marriage are: 1) Carrying out God's commandments. The main purpose of marriage in Islam is to carry out Allah's commandment that commands his servant to marry. 2) Perfecting half the Religion. 3) Carry out the sunnah of the Messenger of Allah. 4) Increase worship of God. 5) Fortify yourself and bow your eyes. 6) Have descendants who are salih and salihah. That was the concept of marriage in Islam, so what is the Islamic perspective in the case of the dispensation of underage marriage among students? Analyzing in the Islamic perspective there is no specific rule about the age limit for marriage, only that the Quran hints that the person who will hold the marriage must be a person who is ready and able, as mentioned in the Quran Surat An-Nuur Verse 32 which means:

"And marry those who are alone among you and those who are worthy (to marry) of your sahaya's female servants. If they are poor, God will enable them with His gifts. And Allah is all-powerful, His gift is all-knowing".

The word worthy here can be understood with the meaning of being able mentally and spiritually to build a household. Similarly, the hadith of the Prophet SAW, which recommends for young men to carry out marriage on condition of ability. The source of the problem in the marriage dispensation case filed by these students is the factor of pregnancy out of wedlock (married by accident). This happens because of promiscuity among teenagers such as dating styles that are too excessive so that there is a high possibility of pregnancy out of wedlock. Even though in Islamic law it is forbidden to date because it approaches the act of adultery. As the Word of God in QS. Al-Isra verse 32:

وَلَا تَقْرَبُوا الزَّوْجَىٰ إِنَّهُ كَانَ فَاحِشَةً وَسَاءَ سَبِيلًا

"And do not approach adultery; (Adultery) is indeed a heinous deed, and a bad way.

Islam also regulates interaction with the opposite sex, Muslims are encouraged to bow down when talking to the opposite sex covering the aurat, ikhtilat (mixed up) and khalwat (being together with the opposite sex). Therefore, when communicating with the opposite sex should only discuss things that are necessary. This is an effort not to fall into harmful immoral acts. Cases of dispensation of underage marriage due to pregnancy out of wedlock submitted by students to religious courts must be handled optimally so that the cases do not increase.

So that in the end the youth can find their identity to be the next generation of the nation because the rise of a nation depends on its youth. So there is no problem about marrying young or marrying underage while already able in terms of financial, physical and mental and knowledge is allowed.

3. Dispensation of Underage Marriage in Psychological

Understanding psychology is considered by several experts as follows:

According to Robert S. Woodworth and Donald G. Marquis, psychology is the science of individual activity, both motor, cognitive, and emotional. While according to Rod Plotnik a systematic and scientific study of behavior and mental processes. (Ekaningtyas, 2022).

According to Plato and Aristotle, psychology is a science that studies the nature of the soul and its process to the end. (Anisa, 2020). Chaplin in his Dictionary of

Psychology defined psychology as... the science of human and animal behavior, the study of the organism in all its variety and complexity as it responds to the flux and flow of the physical and social event which make up the environment. (Psychology is the science of human and animal behavior, as well as the study of organisms in all their variety and complexity when reacting to environmental currents and changes and societal events that alter the environment.) (Nurliani, 2016)

Many people do not know the impact of underage marriage. Underage marriage has an impact on health such as: 1) Giving birth to stunted children. 2) Preterm labor. 3) Risk of death. 4) Cervical cancer. Not only that, in fact, underage marriage also affects psychologically.

From a psychological point of view, it is natural that many feel worried that early marriage will hinder studies and be prone to conflicts that lead to divorce, because of the lack of mental readiness of both immature partners. Anxiety in dealing with problems that arise in the family makes adolescent couples easily experience mental shocks that can cause stress and depression (Elprida 2020)

Underage marriage invites many problems because the psychological aspect is not fully mature, ranging from the emergence of anxiety, worry and fear in a problem that occurs in the family. Moreover, emotions in adolescence are very unstable, this can trigger frequent quarrels. From that problem began the case of domestic violence (domestic violence), which ended in divorce due to inability to run the household. And this is most likely to cause deep trauma and mental disorders.

D. Conclusion

In fact, cases of underage marriage among students occur in many communities, as a result of pregnancies out of wedlock which make students apply for marriage dispensation to the Religious Court. Of course, it happens because of promiscuity between the opposite sex such as a dating style that is too excessive. In the Islamic Perspective *pacran* the thing that is forbidden because the act is approaching adultery. Underage marriage invites many problems because the psychological aspect is not fully mature, ranging from the emergence of anxiety, worry and fear in a problem that occurs in the family.

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