



**IMPACT OF UNDERAGE MARRIAGE ON DIVORCE RATES
AT THE RELIGIOUS COURT OF SAMARINDA
(Study Directory of the Samarinda Religious Court Decisions)**

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Abstract

The background of this research is the impact of underage marriage on the divorce rate at the Samarinda Religious Court. This study aims to find out how the impact of marriage for underage marriage actors in contributing to the divorce rate in Samarinda and what factors underlie the occurrence of divorce in underage married couples in Samarinda. The type of this research is a literature study with a descriptive approach with documentation study data collection techniques, namely the results of the decisions published by the Samarinda Religious Court on the Supreme Court decision directory web in 2021. The data analysis technique used is content analyst, namely by analyzing the results The results of the decisions that the authors found in the decision directory are the divorce decisions of underage marriage couples, according to the Constitution no. 1 1974 and Law no. 16 years 2019. The results of the research that the authors found were that the divorce decisions published by the Samarinda Religious Court in 2021 were 1255 decisions, 1036 divorce case decisions. 1 1974 and Law No. 16 of 2019. The highest divorce is caused by infidelity, the results of this study that the impact of the divorce rate produced by underage married couples is not too significant compared to couples who are not perpetrators of underage marriages. Due to external factors from the couples' households as well as the culture and anthropological conditions of the city of Samarinda. Samarinda which is the provincial capital provides an adequate economic platform for underage couples to find work due to the industrial and mining sectors as well as business places in Samarinda. The results of the data that the authors found in BPS Samarinda that the working age population is 15 years and over and the number of working age population 15 years and over is 91.7%

Keywords : Impact, Underage marriage, Divorce

Abstrak

Penelitian ini dilatarbelakangi oleh pengaruh perkawinan di bawah umur terhadap angka perceraian di Pengadilan Agama Samarinda. Penelitian ini bertujuan untuk mengetahui bagaimana pengaruh perkawinan bagi pelaku perkawinan di bawah umur dalam menyumbang angka perceraian di Samarinda dan faktor-faktor apa saja yang melatarbelakangi terjadinya perceraian pada pasangan suami istri di bawah umur di Samarinda. Jenis penelitian ini adalah studi kepustakaan dengan pendekatan deskriptif dengan teknik pengumpulan data studi dokumentasi yaitu hasil putusan yang diterbitkan oleh Pengadilan Agama Samarinda pada web direktori putusan MA tahun 2021. Teknik analisis data yang digunakan adalah content analyst, yaitu dengan menganalisis hasil Hasil putusan yang penulis temukan dalam direktori putusan adalah putusan cerai pasangan kawin di bawah umur, menurut UUD no. 1 1974 dan UU no. 16 tahun 2019. Hasil penelitian yang penulis temukan adalah putusan cerai yang diterbitkan oleh Pengadilan Agama Samarinda tahun 2021 sebanyak 1255 putusan, 1.036 putusan perkara cerai. 1 1974 dan UU No 16 Tahun 2019. Perceraian tertinggi disebabkan oleh perselingkuhan, hasil penelitian ini dampak dari angka

perceraian yang dihasilkan oleh pasangan menikah di bawah umur tidak terlalu signifikan dibandingkan dengan pasangan yang bukan pelaku pernikahan di bawah umur. Karena faktor eksternal dari rumah tangga pasangan serta kondisi budaya dan antropologi kota Samarinda. Samarinda yang merupakan ibu kota provinsi menyediakan platform ekonomi yang memadai bagi pasangan di bawah umur untuk mencari pekerjaan karena sektor industri dan pertambangan serta tempat usaha di Samarinda. Hasil data yang penulis temukan di BPS Samarinda bahwa penduduk usia kerja 15 tahun ke atas dan jumlah penduduk usia kerja 15 tahun ke atas adalah 91,7%

Kata Kunci : Dampak, Pernikahan Di Bawah Umur, Perceraian

INTRODUCTION

Marriage is a form of God's favor which is a gift to humans as a form of His greatness, marriage is a relationship that makes his servants not fall into things that are forbidden by Him, it has become a decree of Allah that of two different sexes. Different people have a desire to know, understand, and love each other for men and women, and based on this, humans make a vow to a sacred bond, namely marriage. find peace and serenity.¹What is meant by the outer bond is a tangible bond, while what is meant by the inner bond is the bond between the two souls in one soul, in other words a psychological bond. Marriages that are not yet mature according to state regulations still take place in the community, this can be seen in the high number of cases of marriage among teenagers, which occur in cities or villages in Indonesia. Immature marriage at this age is not something new, the culture in our country supports and plays a role in this happening, there is a slight difference but one thing that has similarities is that in the previous era it was parents who encouraged their children to marry at an immature age and at an early age. Today the individual is a teenager who wants to get married at an immature age.

Bonding to unite two individuals in a marriage that is carried out because to solve a problem is not the meaning let alone the purpose of the marriage. It takes maturity that is prepared as a provision in carrying out married life in marriage, because it requires the role and awareness of citizens to comply with existing regulations for a good life. One of the goals of marriage in Islam is to produce offspring as the next generation, and to be able to maximize the successor, maturity and stability are needed to carry out a marriage. This leads these individuals into a consideration to determine the right time and moment to carry out the marriage. The establishment and maturity possessed by the individual referred to as religious and state objectives will affect the shape of a generation that will be born, the more mature and established the better the generation of derivatives produced, on the other hand, the immaturity and immaturity of the generation that is produced is also not good. And if you want to achieve the goal of marriage in accordance with religion and state, it is necessary to prepare for maturity, in this case the maturity in question is age maturity.

¹UU RI No. 1 Tahun 1974 tentang Perkawinan dan Kompilasi Hukum Islam (Bandung: Citra Umbara, 2014), h. 21

The number of divorce cases is the impact of the young age of divorced couples when they decide to get married. However, the reason for divorce is of course not for reasons of marrying young, but economic problems and so on, but these problems are of course the impact of marriages carried out without self-maturity from all aspects. This is due to the decision-making marriage that is too concise and lacks consideration for time efficiency so that it does not solve the problem but accumulates problems with other problems. Problem after problem that will add to the list of the many negative impacts that may occur at any time

If we return again that a prosperous household is the dream of a marriage, what is meant by Law No. 1 of 1974² that the purpose of marriage is to form a happy and eternal family based on God Almighty. Therefore, to achieve a prosperous family is not easy, it requires mature physical and psychological as well as biological readiness such as the maturity of the female reproductive organs, and also requires social, economic, emotional and responsibility readiness. Physical and mental maturity are the main points in achieving a prosperous family as stipulated in Law No. 1 of 1974, therefore the law regulates the age limit for marriage, namely men 19 years and women 16 years and then revised in 2019 namely men and women both 19 years old. And according to Article 6 of the Marriage Law, the maturity of the marriageable age is 21 years, which collides with Article 7 of the Law concerning the minimum age for marriage for men and women, 19 years and in Law no. 39 of 1999 concerning Human Rights Article 1 No. (5) it is determined that a child is when he has not yet reached 18 years of age, or is married, including those who are still in the womb³ then Law no. 23 of 2002 concerning Child Protection, article 1 paragraph (1) states that a child is someone who is not yet 18 (eighteen) years old, including those who are still in the womb.⁴ and the last is Article 1 number (36) of Law no. 13 of 2003 concerning Manpower, it is stated that a child is every person under the age of 18 (eighteen) years.⁵

Limiting the age of marriage is very important, this can be seen according to the BKKBN standard regarding the ideal age limit for marriage, which is 21 years for women and 25 years for men, this is determined because according to health the ideal age that is biologically and psychologically mature is 20-25 for women, and 25-30 for men. This age is the right time to build a household, because fostering a prosperous household is not something trivial, but it requires maturity in thinking and acting in dealing with problems.⁶

The recapitulation data recorded at the Samarinda PA in 2021 regarding the factors causing divorce at the Samarinda Religious Court, the number of divorces was 1816 cases with the highest

²UU RI No. 1 Tahun 1974 tentang Perkawinan dan Kompilasi Hukum Islam (Bandung: Citra Umbara, 2014).

³UU RI Nomor 39 Tahun 1999 Tentang Hak Asasi Manusia.

⁴UU No. 23 Tahun 2002 tentang Perlindungan Anak.

⁵UU No. 13 tahun 2003 Tentang Ketenagakerjaan.

⁶BKKBN *Pedoman usia pernikahan ideal berkisar-2125-tahun* hal 23

causal factor being 1136 continuous disputes, followed by 299 economic factors and 239 unilateral abandonment factors.

Underage marriage has become one of the things that is highlighted by the government, due to the impacts generated by it, one of which is the cause of divorce, as research conducted by Mies Grinjis and Hoko Horii which shows 50% of divorce is caused by early marriage,⁷ From official data at the Samarinda Religious Court, it was recorded that in 2019-2021 there were 560 cases of underage marriages being granted.⁸ Komnas Perempuan noted in March 2021 that the main reason why underage married couples divorced was due to unresolved disputes.⁹ In the directory of decisions of the Samarinda Religious Court which was uploaded on its official website, 1225 decisions were made by the Samarinda Religious Court in the period of 2021, it was found that 1036 were divorce case decisions, 36 of which were divorce decisions where the defendant or the plaintiff had an underage marriage. Therefore, the author wants to know more deeply and further about how the impact of underage marriage on the divorce rate at the Samarinda Religious Court, as well as the factors that cause it.

RESEARCH METHODS

This type of research is a literature study with a descriptive approach with documentation study data collection techniques, namely the results of the decisions published by the Samarinda Religious Court on the Supreme Court decision directory web in 2021. The data analysis technique used is content analyst, namely by analyzing the results the decisions that the author finds in the decision directory are divorce decisions for underage marriage partners, according to the Constitution no. 1 1974 and Law no. 16 years 2019.

RESULTS AND DISCUSSION

1. Underage Marriage according to Islamic Law

Children can be said to have grown into adults at different ages. In the perspective of Islamic law, a child is considered an adult when he has reached puberty, baligh is when a boy has experienced "wet dreams", has grown his Adam's apple and has "menstruated for girls. Meanwhile, in the perspective of the Criminal Code, adults are people who are 21 years old or have never been married¹⁰, in line with that Law N0.1 of 1974 also regulates the age of adulthood with age. So they

⁷Mies Grijns, Hoko Horii, Sulistyowati Irianto, and Pinky Saptandari (eds), *Menikah muda di Indonesia; Suara, hukum, dan praktik* (Jakarta: Yayasan Pustaka Obor Indonesia, 2018), h. 589-591

⁸Abdul Rahman Ghozali, *Fiqh Munakahat*, (Jakarta: Kencana Prenada Media Group, 2003), h. 22

⁹<https://databoks.katadata.co.id/datapublish/2021/03/19/perselisihan-jadi-penyebab-utama-perceraian-sepanjang-2020> diakses pada tanggal 25 Januari 2022

¹⁰Article 5 of the Criminal Code In the case of a criminal prosecution of a minor for committing an act before the age of sixteen, the judge may determine: to order that the guilty be returned to his parents,

are considered to be underage because their age has not reached what is intended in the Law and the Criminal Code.

If viewed from the perspective above, there are differences between the views of Islam and the state in interpreting the issue of underage marriage. It can be seen that according to the state a marriage that is carried out but has not reached the predetermined age limit is referred to as underage marriage. On the other hand, Islam considers that a marriage that is considered underage or early is a marriage that takes place when the perpetrator is not yet mature. However, in terms of marriage, Islamic law generally includes the following: protection of religion, life, lineage, property and reason.

Of the five things, one of which is Islam in marriage while maintaining the line of descent (Hifdzu al nasl). Sheikh Ibrahim in his book *Al-Shirtri* quoted by Saleh Ridwan said that in order for the lineage to always be maintained, then let an intimate relationship be legalized with a legal marriage according to the Shari'ah, because if Islam does not stipulate marriage, there will be an ambiguity of genology.¹¹

The problem of early marriage apart from the above is an issue that has been buried by heaps of history later, then dug up again and raised again in this day and age. This can be seen how powerful the clashes of ideas that occur between Islamic law scholars in responding to this matter.

Al-Quran is the basic guideline for Muslims and it is a must to refer to the rules that have been set in the Qur'an as the main source. In terms of marriage in question, does the Quran itself allow or forbid?, as it is known that there is no single verse that explicitly allows such marriage. To answer this question, there is a verse that can be used as a reference even though in substance it is basically a guide for Muslims in educating and treating orphans. However, this verse can be used as a reference in understanding the phenomenon of untimely marriage. that is Annisa Paragraph 6.¹²In this verse the Qur'an indicates the need for a test and factual proof that the child already has physical, emotional and intellectual maturity before marriage and is able to manage the property

guardians or guardians, without any punishment; or order that the guilty be handed over to the government without any punishment, if the act constitutes a crime or one of the offenses under articles 489, 490, 492, 496, 497, 503 – 505, 514, 517 – 519, 526, 531, 532, 536, and 540 and it has not been more than two years since being found guilty of committing the crime or one of the offenses mentioned above, and the verdict has become final; or impose a sentence on the guilty. (R, Soesilo in his book the Criminal Code (KUHP) and its Complete Comments Article by Article (p. 61) explains that what is meant by "minors" are those who are not yet 21 years old and not yet married. If a person marries and divorces before the age of 21, he is still considered an adult.

¹¹Muhammad Saleh Ridwan " *Perkawinan Di Bawah Umur (Dini)* " Jurnal Al-Qadau Vol. 2 No. 1 (2015), h. 17

¹²The Ministry of Religion of the Republic of Indonesia (Tafsir Ibn Kathir: ibn Abbas, Mujahid, Al-Hasan, As-Saddi. and Muqatil said that the meaning in question was an order to test orphans (by their guardians). ...until they According to Mujahid, what is meant by marriage in this verse is reaching the age of puberty. The majority of scholars say that the address of the age of puberty in a teenager is sometimes by releasing semen, that is, he dreams in his sleep seeing something or experiencing something that causes him to excrete water. Semen is the gushing water which is the forerunner of the birth of a child.

that has been left for them. The point is that if a foster father is not allowed to immediately entrust the management of assets, let alone marriage, to children who are not yet mature or are considered capable emotionally, physically and intellectually.

Apart from the problems that have been stated above, it can be seen that a woman who is going to be married should be asked and asked for approval regarding marriage matters, so that the marriage becomes valid. If adhering to this principle, the consent of the immature girl cannot be justified morally or intellectually. Therefore, there are claims by several parties that marrying underage girls on the grounds that following the Sunnah of the Prophet is a problem, both from a normative and sociological perspective. If the narrations surrounding the marriage of the prophet Muhammad SAW with Aisyah as a child are valid, that also cannot be used as a benchmark to imitate her. There are things that are privileges given to the prophet Muhammad but not to his followers.

quoted by Surmiati Ali According to Ibn Syubromah that religion strictly prohibits early marriage (marriage before the age of puberty). Because, the essential value of marriage is to fulfill biological needs, and to continue offspring. However, this is not found in children who have not reached puberty. He continued to emphasize more on the main purpose of marriage. Ibn Syubromah tried to break free from the shackles of the text. Trying to understand this problem from the historical, sociological, and cultural aspects that exist. So that in order to understand the marriage of the Prophet with Aisyah (who was 9 years old at that time), Ibn Syubromah considered it a special provision for the Prophet that his followers could not imitate. However, the opposite of that, many of the majority of Islamic jurists legalize early marriage.¹³

History says that Aisyah married Rasulullah SAW at a young age, as well as about early marriage at that time it was a common and natural thing to happen among friends. Likewise, some scholars have stated that it is permissible to marry underage which has become an agreement with Islamic law experts. The thoughts expressed by Ibn Syubromah can be said to be weak in terms of quality and quantity, so this idea is not considered. The construction of a law, which was expressed by Ibn Syubromah is very weak and easily broken. Although basically early marriage is also seen as having a positive side. It is no secret that nowadays we are familiar with the term "dating" and the impact of courtship is always negative, because of heeding religious norms. The absence of limits in this regard makes a lot of immoral acts in society. In fact, this indicates that the morale in this country has reached a critical stage. Simply put, underage marriage can be described as an effort

¹³Surmiati Ali Perkawinan Usia Muda Di Indonesia Dalam Perspektif Negara Dan Agama Serta Permasalahannya (*The Teen Marriage In Indonesia On The Country Perspective And Religion As Well As The Problem*) *Jurnal Legilasi Indonesia* Vol 12, No 2 (2015) 22-23

to reduce the level of damage that results from a very worrying behavior about promiscuity. And also if you are ready to take responsibility and it is legal in the view of syar'a.

2. Underage Marriage According to the Law

Marriage is a relationship between a man and a woman as husband and wife with the aim of realizing an eternal household based on the One Godhead. Since the enactment of the legislation on marital problems, namely Law no. 1 of 1974 concerning marriage regulations, in order to be able to manifest the purpose of marriage, one of the requirements is that individuals who want to get married should be ready and mature in mind and body. Because of that in Law no. 1 of 1974 has decided to set an age limit for couples who will marry. The stipulation regarding the minimum age limit referred to can be seen in Chapter II Article 7 Paragraph (1) of Law no. 1 of 1974 which states that, "marriage is only allowed if the individual from the man has reached the age of 19 years and the individual from the woman has reached the age of 16 years. And it was renewed because it was deemed necessary in 2019 to be male and female is 19 years old. Given the age limit, it can be interpreted that Law Number 1 of 1974 does not support the implementation of underage marriages. So simply, underage marriage is a marriage that takes place when the age of the couple is still below that which is regulated by Law no. 1 year 1974. And it was renewed because it was deemed necessary in 2019 to be male and female is 19 years old. Given the age limit, it can be interpreted that Law Number 1 of 1974 does not support the implementation of underage marriages. So simply, underage marriage is a marriage that takes place when the age of the couple is still below that which is regulated by Law no. 1 year 1974. And it was renewed because it was deemed necessary in 2019 to be male and female is 19 years old. Given the age limit, it can be interpreted that Law Number 1 of 1974 does not support the implementation of underage marriages. So simply, underage marriage is a marriage that takes place when the age of the couple is still below that which is regulated by Law no. 1 year 1974.¹⁴

If there is an indication of the occurrence of marriage in children who are still under age, the government provides a flexible solution, namely to provide dispensation for couples who want to marry with underage status, with a note that this can be done with consideration and a very strict process. This aims to find out that the couple is mentally, psychologically, and physically ready, to achieve the goals of marriage as stipulated in the law to death that separates and supports population programs. However, there may be an aberration of the age limit when the dispensation has been granted by the court and other officials assigned by both parents from the male and female side, in accordance with article 7 paragraph 2.¹⁵ According to Ahmad, the arguments against the provisions

¹⁴Zulfiani "Kajian Hukum Terhadap Perkawinan Anak Di Bawah Umur Menurut Undang-Undang Nomor 1 Tahun 1974." *Jurnal Hukum Samudra Keadilan* Volume 12, No 2, Tahun 2017

¹⁵Ahmad Masfulul Fuad "Ketentuan Batas Minimal Usia Kawin: Sejarah, Implikasi Penetapan Undang-Undang Perkawinan" *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah* Vol 1, No 1, (2016), h. 14-15

of Article 7 paragraph 1 of the Marriage Law are very clear, therefore something is needed to tighten the provisions of Article 7 paragraph 2, especially the main thing is to tighten the bias sector and eliminate the phrases of other officials. The tightening of this provision aims to protect and maintain the health of household partners and their offspring. Therefore, this shows that it is necessary to stipulate and explain the age limit in the Marriage Law, as the basis for the basic principles of marriage principals in order to suppress and prevent child marriages.

In the Compilation of Islamic Law (KHI), which was published through Presidential Instruction No. 1 of 1991 which contains related matters, in article 15, KHI states that the age limit for marriage is the same as Article 7 of Law No. 1 of 1974, but it is emphasized by the sentence "for the benefit of the family and household, marriage can be carried out provided that the prospective bride in terms of age has been fulfilled according to the provisions of Law Number 1 of 1974, namely the prospective bride and groom have reached the age of 19 years and the prospective bride has reached the age of 16 years. While paragraph 2 states that if the age of the bride and groom has not been met, which is 21 years, the prospective bride and groom must obtain permission as stated in Article 6 paragraph 2 of Law Number 1 of 1974,

Currently, the provisions regarding the regulations regarding the granting of dispensation to marriages that have taken place since the enactment of the marriage law are fully regulated, regards Minister of Religion Regulation Number 3 of 1975, Obligations of Marriage Registrar Employees and Work Procedures of Religious Courts in Implementing Legislation, Marriage for people who are Muslim.

For temporary consideration, in this case, the judge regarding article 6 paragraph 2 of the 1974 Law has issued a regulation with the following statement: In order to be able to apply for a marriage for someone who is not of sufficient age according to the law, they must obtain prior permission from their respective parents. So with that approval letter for marriage at an insufficient age, namely under 21 years of age, must go through a legal process that has been regulated by the court. And according to Law number 23 of 2002 concerning child protection, it is stated that parents are obliged and, responsible for preventing marriage at the age of children,¹⁶

However, if you look at article 60 of the KHI, underage marriages can be prevented or even canceled, more clearly the article states that marriage prevention can be carried out if the prospective husband and wife have not met the requirements determined by statutory law and Islamic law. Those who have the potential to prevent marriage according to articles 62,63 and 64 of the KHI are families who are still in a straight line up and down, marriage guardians,

¹⁶Jakobus A. Rahajaan, Sarifa Niapele, *Kajian Yuridis Terhadap Perkawinan dibawah Umur*, Public Police, *Jurnal Aplikasi dan Kebijakan Publik dan Bisnis*, Volume 2, No. 1, 2021

relatives,¹⁷ guardian of one of the prospective husband or wife, as well as the official assigned to oversee the marriage. In addition, the judge who is also the authorized party, namely the law enforcer, should every decision made in the form of application and legal decisions in line with the legal objectives to be realized by the Shari'a. And when the results of the application and formulation are contrary to human benefit, the application of the law must be suspended. In order to realize the benefit that describes the main purpose of the implementation of laws and legal exceptions must be enforced.

3. Teenagers as Underage Marriage Actors.

A period of transition from children to adulthood and changes in behavior will be difficult to regulate, easily aroused, the feelings are descriptions of adolescents, although if studied further, the description of adolescents does not end there.

The majority of perpetrators of underage marriages are teenagers. Adolescents about concepts are a very tempting age for deeper research, the definition of adolescents does not come from law but in other applied sciences, namely psychology, sociology, and anthropology.¹⁸ According to Sarwono, the definition of adolescence is a period when,¹⁹:

- a. Before entering the period of sexual maturity. Secondary sexual signs are signs that the child is starting to develop.
- b. Identification of patterns, from childhood to adulthood is a sign that the teenager is starting to develop psychologically.
- c. More independent in terms of which socio-economic dependence.

In line with the development of time the understanding of this concept also develops and leads more to its operations. Health problems in adolescents that are considered to need attention are pregnancy at a young age, according to WHO, pregnancy at that age is very vulnerable with high risks, namely experiencing difficulties when the time of delivery arrives, infant and maternal mortality, and even defects in the baby, compared to the age that has been set. considered an adult, therefore WHO stipulates that 10-20 years is the age of adolescence.²⁰

¹⁷See KHI Article 60: (1) Prevention of marriage aims to avoid a marriage that is prohibited by Islamic law and statutory regulations. (2) Prevention of marriage can be carried out if the prospective husband or wife who will carry out the marriage do not meet the requirements to carry out a marriage according to Islamic law and statutory regulations. Article 62 (1) Those who can prevent marriage are families in straight up and straight down lineages, brothers, marriage guardians, guardians of one of the prospective bride and groom and the parties concerned (2) The biological father who has never performed His function as the head of the family does not lose his guardianship rights to prevent marriages that will be carried out by other marriage guardians.

¹⁸ Mubasyaroh "Analisis Faktor Penyebab Pernikahan Dini Dan Dampaknya Bagi Pelakunya" *Jurnal Pemikiran Hukum dan Hukum Islam YUDISIA*, Vol 7, No 2 Tahun (2016), h. 6-7

¹⁹Sarwono, Sarlito W, *Psikologi Remaja*, (Jakarta: PT. Raja Grafindo Persada, 2013), h. 31

²⁰Hanifah, *Faktor Yang Mendasari Hubungan Seks Pranikah Remaja di PKBI Yogyakarta*, Thesis, Jakarta: FKM UI, 2000

The explanation above only aims to explain the operational aspects. Not focusing on the social and psychological aspects of individuals at the same time period referred to in the explanation above, in fact individuals who are both at the same time have different socio-psychological conditions, with conditions such as already having family (married) while others have not, have had a job while some have not worked, and have matured psychologically while the other individuals have not. Therefore, the explanation above only classifies adolescents who are not in their socio-psychological age.

Related to this issue, Csikszentmihalyi and Larson said that adolescents are "a restructuring of consciousness". From this, both of them observed the mental development of the teenager from various points of view. The development of perfection in the stages of the previous period is adolescence. This incident appears in Piaget's theory of cognitive development (consciousness, intelligence), then Kohlberg's theory of moral development and Freud's theory of sexual development. Csikszentmihalyi and Larson said that the period of transformation from a state of entropy to a state of negentropy is a sign of the peak of mental development. The term entropy actually adopts a term from applied communication science, specifically information theory and physics,²¹

In applied science, entropy is the condition of an energy that does not have a supporting system and that causes the source to have no energy. In this case, it is intended that these stimuli will lose their meaning because the person receiving these stimuli is not based on certain patterns. According to psychology, entropy is that the contents of this awareness are still clashing, and are not related to each other so that it reduces the ability to work and ignites an experience that is not too pleasant for those who experience it.²²

The state of entropy when in adolescence is periodically structured, and guided to be restructured so that it can become a negative entropy condition or in other words negentropy. Negentropy is a state in which consciousness is very well organized. The relationship between one knowledge and another is essentially related to attitudes and feelings.

In addition, according to Carballo, there are several self-adaptations that are needed and carried out by teenagers, namely²³:

- a. Accept and, integrate growth, physical and character.
- b. Determine the duties and benefits of intimate activities that are solid in their social environment.
- c. The ability to survive by reaching a maturity level of independence and trust.

²¹Csikszentmihalyi, M. & Larson, R, *Being Adolescent, Conflict and Growth in the Teenage Years*. (N.Y.: Basic Books Inc. Publ, 1984), h. 26-27

²²Sarwono, Sarlito W, *Psikologi Remaja*, (Jakarta: PT.Raja Grafindo Persada 2013), 89

²³Carballo, M, *Adolescent Sexuality, Changing Needs and Values, Fertility in Adolescent*, Parkes AS,dkk (ed). (Cambridge (Inggris): Galton Foundation, 1978), h. 44-46

- d. Get recognition in society.
- e. Conscience that develops in terms of attitudes, responsibilities and values that are in line with the social
- f. Using personal experience to solve problems in their social environment

On the other hand, the search for an identity can be said to be adolescence, Erickson calls it ego identity, this is based on the fact that the adolescent period is a transition period between childhood and adulthood. When viewed from the appearance of their bodies, they look similar to adult stature and no longer look like children, but when viewed from their attitude when treated as adults, what is seen is their childish attitude. Due to this, there are several attitudes that are often seen in adolescent individuals, namely,²⁴:

- a. Anxiety

individual adolescent willingness, fantasies to be achieved in the future in line with the development phase, anxiety arises because what he wants and his aspirations cannot be realized because his desires and desires are not in line with his abilities, the clashes between the two things make a person The teenager was filled with anxiety.

- b. Contradictions

As individuals seeking identity, adolescents find themselves in psychological situations where they want to be separated from their parents and feel that they are not yet capable of being independent. Therefore, adolescents generally often experience conflict which is a common cause and then neutralizes the desire of adolescents to separate from their parents, because adolescents develop a sense of security. Young people do not want to leave their seemingly safe family environment.

On the other hand, a strong desire for things to be separated, but it is not supported by the ability and ability to depend on parents in economic terms, the consequence is confusion due to the conflicts that occur within the teenagers.

- c. dreaming

Being a transition period from childhood to adulthood, adolescents have many differences with adults, one of which is like dreaming. The desire to explore and explore is not always easy. Usually these obstacles are related to finances or costs. This is due to the fact that exploring the vast environment will cost a lot of money, although most teenagers will only receive money for donations from parents.

As a result, they fantasize, seek satisfaction, and even direct their imaginations to fantasy worlds. Boys' imaginations usually revolve around success and career advancement, while girls

²⁴Ali Mohammad, Mohammad Asrori, *Psikologi Remaja, Petkembangan Peserta Didik*, (Jakarta: PT. Bumi Aksara, 2005), h. 78-79

fantasize more. lively romance. This illusion is not always negative. Because sometimes imagination produces something constructive, for example, some ideas appear that can be implemented.

d. Group activity

The way teenagers generally find solutions to their problems is to gather together with friends their age and do activities together. Every activity they do, they always do it together in order to overcome the obstacles they face.

e. Desire to try everything

Usually teenagers have a high curiosity. Driven by great curiosity, teenagers tend to like adventure, take care of things, and try things they have never experienced before. In addition, the desire to be like adults makes teenagers try to do what adults often do. As a result, young people often try smoking because they often see adults doing it. Teenage girls often try new cosmetics, even though it is forbidden at school. It was as if in his heart he was saying that teenagers want to prove that they are really capable of doing what adults do.²⁵

In this case, it is very important to give orientation to teenagers, so that their high curiosity is focused on positive, creative and productive activities, such as the desire to discover nature for research or expedition purposes. If this desire is managed properly and widely, it will give birth to young people's creativity which is very useful, such as the ability to create electronic devices for communication, create quality scientific results for young people, and create quality scientific work for young people. , high To create quality scientific work. music collaboration projects, etc.

In terms of intellectual development, adolescents are in the formal operational phase, namely at the age of 11 years and over. At this time, children are able to complete everything in work which is the result of logical thinking. The emotional and moral aspects have also developed so that they can support the completion of their duties. At this point Piaget as quoted by Ali revealed that his interaction with the environment is very broad, reaching many of his peers and even trying to communicate with adults. Conditions like this often cause problems in their interactions with parents. But secretly they still expect protection from their parents because they have not been able to fully meet their own needs.

So, at this point, there is a tension between wanting to be free and wanting to be protected. This is because children at this stage can begin to develop formal thinking, they are also able to reach logic and reason, and they can use abstraction. They can understand symbolic and figurative meanings.

²⁵Ali Mohammad, *Psikologi Remaja, Petkembangan Peserta Didik*, (Jakarta: PT. Bumi Aksara, 2005), h. 56-57

The characteristics of the formal operational stages are:²⁶:

- 1) Other traits in the formal functional phase are:
 - 2) Individuals can achieve logic and reason and can use abstraction
 - 3) Individuals begin to think logically with abstract objects
 - 4) Individuals begin to be able to solve hypothetical problems
 - 5) Individuals even begin to be able to make predictions (predictions) in the future
 - 6) Individuals begin to be able to introspect themselves to achieve self-awareness.
 - 7) Individuals begin to imagine the roles that adults will play
 - 8) Individuals begin to be able to realize themselves and defend the interests of society in the environment and someone in modern society.²⁷
4. Impact and factors that cause divorce in underage marriage actors

The point of this research is the impact of underage marriage on the divorce rate, how people should be able to understand the risks of marriage that is carried out in an immature state.

Early marriage in fact has many negative impacts. Plan Indonesia, in its research, found that early marriage negatively affects women's future, because early marriage will limit the movement of women, making them not have the opportunity to do things that they should have done at that age. Of the 33.5% of women who marry at an early age, only about 5.6% are still continuing their education. However, if they have to enter the world of work, they are also not ready because of the lack of knowledge and experience. In addition, early marriage places women at vulnerability to experiencing domestic violence. Around 44% of women who marry early experience domestic violence (KDRT) with a fairly high frequency. Whereas,

1. Factors Causing Divorce in Underage Marriage Actors

Problem In underage marriage couples, problems arise that trigger quarrels that do not find a way out, are still young and emotionally immature, making things that are considered unnecessary to be a big problem, leading to the marriage. towards divorce. Some of the factors that made the couple decide to divorce, among others:

1. Economic Factor

The influence of the economy on the economic situation in a household life greatly affects the situation in the household, this factor can lead a household towards divorce, this is based on the

²⁶Ali Mohammad, *Psikologi Remaja, Perkembangan Peserta Didik*, (Jakarta: PT. Bumi Aksara, 2005), h. 60

²⁷Furthermore, Piaget positions adolescents in an intellectual perspective, positions the subject (adolescent) as an active party in adaptive interactions between organisms or there is a dialectical relationship between organisms and their environment. This interaction is reciprocal. Only in the form of interaction, every change in behavior is a dialectical result of the mutual influence between organisms and the environment. Because of this view, Piaget's theory of intelligence or cognition is also known as interactionism theory, lihat Bybee dan Sund, 1982 Mohammad Asrori, *Psikologi Remaja; Perkembangan Peserta Didik*, (Jakarta: PT. Bumi Aksara, 2005), h. 30.

urges to meet the needs of life which become pressures that make depression and sparked a fight in the household.

What happens in the case of couples who have not met the age of marriage, they marry in a state that is not ready, mentally and financially, some of them get married because they are pregnant out of wedlock, based only on feelings of love, and some get married for economic reasons. The couple's unpreparedness in financial factors makes them work anything in order to meet the needs of their families, as well as their wives are required to be able to manage the finances that have been given to them by their husbands regardless of what they have earned. The married couples who are not old enough have low income on average, these conditions and circumstances create quarrels in their household.

The inability to provide for the husband and the inability to manage the wife in fostering a household for a married couple who is not old enough, will trigger frictions that lead to an ongoing fight without a way out, this will lead the couple to a condition and circumstance. which forced them to decide to divorce.

2. Affair Factor

The form of a framework for efforts to maintain self-equivalence in fulfilling self-needs is a form whose characteristics are included in the individual characteristics of infidelity actors. Having an affair will fulfill the unmet needs in the family of the infidel. by having an affair according to the perpetrators, it will solve unresolved problems in the family and provide a balancing effect, but it will only be temporary and end with the emergence of a new problem that asks for a solution. Surya says lack of self in adapting, selfishness in the couple, emotional,²⁸

Another thing that supports the occurrence of infidelity is environmental conditions that are less supportive in reducing the occurrence of infidelity. For example, a child who is raised by watching his parents have an affair has the potential to become a potential individual who commits infidelity. In a family, infidelity is a situation where the child is a victim of the actions of his parents and will interfere with the child's growth and development. With such conditions, children who are victims of infidelity will have difficulty in finding examples to meet their scientific and psychological needs.

The factors that support the occurrence of a divorce quoted by Hawari from Gifari are, first there is a moment, namely opportunity and opportunity. The twists and turns of a life in a job where the individual gets a high position or position and is accompanied by a beautiful secretary, plus the intensity of meeting times and interactions between these individuals will create a routine condition that occurs between the two, which in interaction it will lead to a discussion of their respective

²⁸Moh. Surya, Pengantar Bimbingan dan Penyuluhan. Jakarta: Universitas Terbuka, h. 45

privacy issues so that it creates a feeling of comfort between the two individuals and ends with an affair, both problematic relationships with the wife, disharmony in a household, especially a husband who is always at odds with his wife, is the reason the husbands seek peace by having an affair, and if it is based on a great dispute and then causes a big dispute by not finding a way out of the problem, and there is no gap to solve the problem. can make peace between the two partners, on the other hand the need for biological sex comes suddenly, then this need will be channeled by means of an affair. Families that are formed from self-esteem and prestige on the grounds that the family is a family of nobility or the rich often occur in society in this modern era.

Unsatisfied sex is the third factor, according to some psychiatrists, sexual problems arise starting with mental and nervous disorders. Disorders of physical health can also be caused by problems with sexual disorders with symptoms of psychotic illness. Wise in managing the sexual aspect will provide emotional health. Furthermore, the fourth is sexual abnormality or animalitis, many of which are pornographic in this era, in this case are pornographic videos that are easily accessible now. Many of the husbands consume by watching pornographic videos without the knowledge of their wives. By consuming the video, the husbands get a new thing in having sex or sex, so that the individual wants to try it by practicing what he gets from the video to his wife, the initial reaction for a wife to follow the sex that her husband wants from the results that have been watched which leads to things that are vulgar and unethical is the rejection of things This is to be done, so that husbands who are already disappointed with their wife's refusal in a state that is still lustful and curious about what they have watched find a solution by having an affair. Disharmony in the bed or bed can also trigger household rifts that can lead to divorce. the initial reaction for a wife to follow the sex that her husband wants from the results that have been watched which leads to things that are vulgar and unethical is a refusal to do it, so that husbands who are already disappointed with their wife's refusal with the situation who is still lustful and curious about what he has watched, seeks a solution by having an affair. Disharmony in the bed or bed can also trigger household rifts that can lead to divorce. the initial reaction for a wife to follow the sex that her husband wants from the results that have been watched which leads to things that are vulgar and unethical is a refusal to do it, so that husbands who are already disappointed with their wife's refusal with the situation who is still lustful and curious about what he has watched, seeks a solution by having an affair. Disharmony in the bed or bed can also trigger household rifts that can lead to divorce. so that husbands who are already disappointed with their wife's refusal in a state that is still lustful and curious about what they have seen look for a solution by having an affair. Disharmony in the bed or bed can also trigger household rifts that can lead to divorce. so that husbands who are already disappointed with their wife's refusal in a state that is still lustful and curious about what

they have seen look for a solution by having an affair. Disharmony in the bed or bed can also trigger household rifts that can lead to divorce.

Then the fifth factor is Faith. The good and bad behavior of a person depends on whether or not faith in the individual is good, the same thing with domestic life, whether or not the household is harmonious can be seen from the good or bad faith in the couple. A person who believes will always live his life based on what he has believed, namely the Shari'a that has been determined by his Lord so that the individual can distance himself from things that are hated by his Lord, including Zina, in this case is infidelity.

3. Emotional Maturity Factor

An emotional immaturity is the cause of the many factors that lead to a marriage ending in divorce. Quoted from Julia, Syukri Gozali said a necessity and obligation in terms of combining a difference, filling each other's shortcomings, individual adaptation to the individual, respect, mutual love and respect, always together under any circumstances is something that must be owned if these individuals want to decide to marry,²⁹ found a solution to a problem that occurs in the household caused by the individual being able to carry out their respective roles will realize an important thing, namely household harmony. The rift in the household occurs because the couple does not understand their duties and roles and the lack of communication between the couple in terms of getting to know each other personally.

The maturity of an emotion is an attitude that is shown by the norms and age to respond to something that happens. emotional stability, independence, responsibility, productive and creative, a clear purpose in life and unified in the components of his mental state to be ethical, again religious is what is meant by psychic maturity and for individuals who want to get married are required to have these. but the facts say, there are still individuals who are not able to control their emotions when problems occur in their household so that the goal of realizing a happy family is only wishful thinking. Quoted by Anisa, Hurlock said that individuals who are able to make adjustments because they can accept differences from a variety of situations and other individuals because the individual is able to express an emotion that is appropriate to the conditions and situations are individuals who have a good control over their emotions and these individuals are characteristics of individuals who have matured their emotions. . The sequence that is more directed to action in a psychological and biological condition is an emotion that leads to a characteristic.

Understanding if not emotional maturity also sometimes occurs in people whose age has reached the adult category, this can be seen from an emotion that is expressed differently from the situation and conditions they face, the norms that apply in society and the age level in responding

²⁹Julia Eva Putri, "Kematangan Emosi Pasangan Yang Menikah Di Usia Muda", *Jrti (Jurnal Riset Tindakan Indonesia)* Volume 2 Nomor 2, Tahun 2017

to something that happens around the individual with emotional maturity. Someone who has good personal control and is able to display his emotions in an attitude that is in accordance with ongoing conditions and is able to make adjustments to the diversity of other individuals and circumstances and responds with responses that are in accordance with the circumstances he faces, then able to analyze things carefully before responding to them with action. is a person who has the characteristics of being emotionally mature in himself.³⁰ And fully developed towards intelligence and a process of emotional maturity psychologically is also called an individual's emotional maturity.

Like Mudjiran, mentioning a person who has reached emotional maturity can be viewed according to the following behavioral characteristics:³¹:

- a. Independent in an emotional sense. This means that the person was able to take responsibility for the emotions he displayed.
- b. Capable to get yourself & others as they are. This means that the person did not tend to blame himself and others for the failure he experienced.
- c. Able to display self-actualization of emotions in sync using existing situations and conditions.
- d. Able to control negative emotions as a result the problem is non-impulsive.

Elizabeth B Hurlock suggests 3 characteristics of emotional maturity, namely:

- a. Self-control, namely expressing emotions use acceptable ways and display calm emotions.
- b. Self-understanding, knowing the cause according to the emotions displayed, have consistent emotions and can know what is felt inside.
- c. Use of critical mental functions, Able to assess situations before reacting emotionally, can determine behavioral reactions to situations at hand and the ability to deal with stress. Often the behavior that is displayed can be used as a characteristic or characteristic of a person's emotional maturity.

Characteristics of emotional maturity from Smitson, for example, quoted by Kataskovsky, W & Garlow, L, suggests seven criteria for emotional maturity, namely:³²:

- a. Development of independence (towards independence),
- b. Acceptance of reality (the ability to accept reality),
- c. Adaptability (adaptability),
- d. Able to react appropriately (responsiveness),

³⁰Elizabeth B. Hurlock.. *Psikologi Perkembangan; Suatu Pendekatan Sepanjang Rentang Kehidupan (Edisi kelima)*. Terjemahan oleh Istiwidayanti & Soedjarwo. (Jakarta: Erlangga. 1980), h. 45-46

³¹Mudjiran,. *Perkembangan Peserta Didik Bahan Pembelajaran untuk Tenaga Kependidikan Sekolah Menengah*. (Padang: UNP Press 2007), 5-6

³²Nova Annisa. "Hubungan Antara Konsep Diri dan Kematangan Emosi dengan Penyesuaian Diri Istri yang Tinggal Bersama Keluarga Suami". *Jurnal Psikologi: PITUTUR*, Vol 1 No. 1 (2012), h. 12-13

- e. Balance,
- f. empathy,
- g. You can control your anger (Controlling Anger).

According to Elizabeth B. Harlock, the factors that influence emotional maturity are:³³:

- a. age, As people get older, their emotions are expected to mature and people will be able to control and trust their emotions better. Individuals will be able to see problems better, make their emotions more stable, more emotionally mature, guide and control their emotions.
- b. ChangePhysical and Endocrine Physical and endocrine changes in individuals cause changes in emotional maturity, following the notion that adolescence is a time of storms and stress, and younger with physical and endocrine changes, feelings will increase.
- c. MaturityEmotions The risk of emotional immaturity for couples trying to marry is very high. In particular, partners have no control over their emotions, which can lead to rifts in the home and conflicts not being handled calmly.

This can create an unpleasant atmosphere for the family. Therefore, couples who want to get married need to have mature emotions in order to get along with their partners and achieve family goals. According to Marwisni Hasan quoted by Hadi,³⁴emotional maturity inMarriage can cause various problems in family life. Couples who marry at a young age are still developing physically and mentally, so it is advisable to postpone marriage.³⁵

C. Types of Underage Marriage Cases at the Samarinda Religious Court

1. Case Type

To be able to find out about what are the causes of divorce at the Samarinda Religious Court, the researchers conducted a study on the 2021 decisions which researchers have downloaded on the official website of the Samarinda Religious Court, precisely in the decision directory.

Decision Directory Site is a site under the auspices of the Supreme Court which publishes all the results of decisions made by Religious Courts throughout Indonesia in accordance with the decisions of the Chief Justice of the Court. Agung Number 144/KMA/SK/VIII/2007 concerning Information Disclosure in Court.³⁶The content or content is not only the result of divorce decisions,

³³Elizabeth B. Hurlock.. *Psikologi Perkembangan; Suatu Pendekatan Sepanjang Rentang Kehidupan (Edisi kelima)*. 60-61

³⁴Syamsul Hadi "Stabilitas Emosi Pelaku Pernikahan Dini Dalam Mendidik Anak Balita", *Qawwam* Vol 13 No. 2 (2019), 17

³⁵Widhaningrat, Sisdjiatmo K, Wiyono HN. Karakteristik demografi, sosial, dan ekonomi perempuan Kelompok Usia early childbearing. *Warta Demografi*. Vol. 36, No.1 (2005), h. 17-29

³⁶View Court Decision Agung Number 144/KMA/SK/VIII/2007 concerning Information Disclosure in Court. Section 2 Everyone has the right to obtain information from the Court in accordance with the regulations. Article 3 (1) The Court shall provide information that is open and accessible to the public. (2) The Court cannot require mentioning the purpose or reasons for submitting a request for information which is expressly stated as information that is open and accessible to the public. Article 5(1) The person in charge is in charge of administering an adequate information and documentation system within their respective

but also about inheritance, grants, civil religion, guardianship, marital disputes, and marriage ratification. In this case the author focuses on the decisions at the Samarinda Religious Court, namely the Divorce Decision.

From the search results on decisions in the decision directory uploaded on the official website in 2021, it was found:

Judgment Year 2021	Types of Divorce Decision Cases	Judgment on Divorce Marriage- underage
1255 cases	1036 cases	36 cases

Table. 1. Number of Divorce Decisions

Judgments for divorce and divorce for underage marriages at the Samarinda Religious Court according to the Constitution no. 1974 and Law no. 16 of 2019 which I found in the directory of decisions in 2021:

No	Verdict Number Case	Divorce Lawsuit	Divorce talak	Underage male	woman below age
1	11/Pdt.G/2021/PA.Smd	√			√
2	1530/Pdt.G/2021/PA.Smd	√			√
3	1436/Pdt.G/2020/PA.Smd		√	√	
4	1350/Pdt.G/2021/PA.Smd	√			√
5	1152/Pdt.G/2021/PA.Smd	√			√
6	1110/Pdt.G/2021/PA.Smd	√		√	√
7	675/Pdt.G/2021/PA.Smd	√			√
8	622/Pdt.G/2021/PA.Smd	√			√
9	506/Pdt.G/2021/PA.Smd	√			√
10	430/Pdt.G/2021/PA.Smd	√			√
11	335/Pdt.G/2021/PA.Smd	√			√
12	307/Pdt.G/2021/PA.Smd	√			√
13	202/Pdt.G/2021/PA.Smd	√			√
14	1362/Pdt.G/2021/PA Smd.	√		√	√
15	1347/Pdt.G/2021/PA.Smd	√		√	
16	1174/Pdt.G/2021/PA.Smd	√		√	
17	1141/Pdt.G/2021/PA.Smd	√		√	
18	974/Pdt.G/2021/PA.Smd	√		√	
19	496/Pdt.G/2021/PA.Smd	√		√	
20	494/Pdt.G/2021/PA.Smd	√		√	
21	343/Pdt.G/2021/PA.Smd	√		√	
22	261/Pdt.G/2021/PA.Smd	√		√	

Courts. (2) Information and documentation officers are in charge of: a. store, maintain and manage information completely and properly; and b. provide information services to the Applicant quickly, simply and at low cost.

23	157/Pdt.G/2021/PA.Smd	√		√	
24	39/Pdt.G/2021/PA.Smd	√		√	
25	986/Pdt.G/2021/PA.Smd	√			√
26	1072/Pdt.G/2021/PA.Smd		√	√	
27	594/Pdt.G/2021/PA.Smd		√	√	
28	510/Pdt.G/2021/PA.Smd		√	√	
29	437/Pdt.G/2021/PA.Smd		√	√	
30	653/Pdt.G/2021/PA.Smd		√		√
31	325/Pdt.G/2021/PA.Smd		√		√
32	274/Pdt.G/2021/PA.Smd		√		√
33	664/Pdt.G/2021/PA.Smd		√		√
34	1018/Pdt.G/2021/PA.Smd		√	√	
35	1281/Pdt.G/2021/PA.Smd	√			√
36	1152/Pdt.G/2021/PA.Smd	√			√
	Total	26	10	18	20

Description: 26 divorce cases sued

- 10 cases of divorce talak
- 18 perpetrators under the age of men
- 20 perpetrators under age woman

Table. 2. Number of Divorce Decisions and Lawsuits

If Seen from the table above, there are 36 cases of underage marriage divorce and the authors found that 26 cases were divorced and 10 cases were talak divorce while the perpetrators of this case were 18 men who were underage when married, and 20 women who marriage is still underage, and there are 2 couples who at the time of marriage both were underage. There is a difference in data on the number of recapitulation of the factors causing divorce in 2021. The data found at the Samarinda Religious Court amounted to 1816 divorce case decisions, while in the directory it was found that there were 1036 divorce case decisions.

2. Factors causing underage marriage divorce in the Samarinda Religious Court.

Case Type	Marriage age-han	final educational background	Cause of Divorce					
			OAK	domestic violence	prostitute	PTM	MS	PTD
Divorce	1 - 39 Years	Not in school – S1	3	6	8	3	3	3
Divorce talak	2 – 15 Years	SLTP- S1	2	-	2	4	1	1
Number of Cases			5	6	10	7	4	4

Information

OAK	: Economy	MS	:Leaving One-sided
domestic violence	:Domestic violence	PTD	:Cause Unknown
prostitute	:Affair		
PTM	:Continuous Discord		

Table. 2. Causes of Divorce

If we look at the results of the decision above, we will be able to see that infidelity in divorce cases and divorce divorces is the highest cause of divorce in underage married couples with 10 cases, followed by disputes 7 cases of domestic violence 6 cases, economic 5 cases, leaving unilaterally 4 cases and lastly, the cause is unknown, totaling 4 cases, in the case of divorce, the researcher did not find the cause of the divorce caused by domestic violence committed by the woman, in this case the wife.

In terms of educational background, the last education of the couple of underage offenders varies from the lowest level, namely not receiving education to a bachelor's degree, this proves that the perpetrators of underage marriages in Samarinda are not dominated by low educational status because only 1 a decision case that found that the educational background was not in school and the average education of the couple was high school. The marriage age of the perpetrators of underage marriages starts from those that last only 1 year to 39 years, in the case of a landslide divorce the average marriage age is from 3 to 15 years, while in the case of a contested divorce it is 1 year to 39 years. Namely 40 years and under as many as 3 couples, 30 years and under as many as 3 couples, 20 years and under, 6 couples,

From the data found in the decisions in the decision directory, infidelity is the highest cause of underage marriage divorce due to the ease of communication in today's digital era, the existence of social media as one of the supports in supporting infidelity in the household, along with Sohrah in the results of her journal research. that social media plays a major role in causing conflict in the household that leads to divorce. This is different from the findings expressed by Aryanti, that the initial symptom of divorce is due to cheating. Aryanti said that the main cause of infidelity is the influence of friends. However, if we look again at the factors that cause early marriage by teenagers, it can be judged that adolescence is a period of transition from children to adults. So that, at that time they still wanted to explore their lives further and still wanted to hang out with their peers. Without denying it, the symptoms in adolescents are very possible for them to change partners.

Things or factors that also greatly affect the occurrence of divorce in underage marriage couples according to the author are religious understanding and the emotional maturity factor itself. not understanding the duties and responsibilities as well as their respective roles when they are

married creates a condition that makes the married couple confused to find solutions when facing problems that will come their way.

The data shows that from 36 cases of underage divorce, 10 cases of underage marriage that occurred at the Samarinda Religious Court were pregnant outside of marriage. Pregnancy out of wedlock is a forced condition in undergoing a new thing, namely the ark of the household. The importance of understanding religion as a basis and guide in carrying out the intricacies of the household for underage married couples, the author considers that it is rarely understood as an important guideline.

Daradjat, stated that: "Usually people who understand and are diligent in carrying out religious teachings in their lives can be held accountable for their morals, on the other hand, people whose morals decline, usually have little or no faith in religion." From the opinion above, it can be concluded that if a person whose morals or behavior is not good/bad, the person's belief in religion is usually very thin or does not exist at all. On the other hand, for people who are diligent in working on religion or guiding the values contained in the teachings of that religion and practicing them for their lives, their behavior will be accountable. Because he will hold on to that religion earlier.

Likewise in the family if you do not practice religious knowledge with all its teachings, then the family will lose direction and grip in fostering family life. Religion is a means of guiding the right way in all activities and therefore if within a family member or family leader without a strong religious provision.

This is what Daradjat said, that: "Religion has a very important function in human life. Without religion, it is impossible for humans to feel the happiness of happiness and peace of life. Without religion, it is impossible to foster a safe and peaceful atmosphere in society and in the family." Usually people who are not educated, when they get into a problem in life, they become uneasy and can end up being targeted (beaten) by other family members, and then the family is most likely on the edge of a deep abyss of destruction. The same thing as Aziz's opinion: "There are many divorces due to lack of teaching on religion, therefore religion plays a very important role in realizing a healthy family, which can neutralize the family situation is religion."

Emotional maturity factors play a role and determine the perpetrators of underage marriages in order to maintain household harmony. Budiarto said that emotional maturity is the tendency to respond to everything that happens with mature emotions according to the age level and norms that apply in society. Furthermore, Elizabeth B. Hurlock mentions individuals who have

Emotional maturity, namely "individuals who can assess the situation critically before acting, no longer react without thinking before like children or people who are not emotionally mature, have good self-control, are able to express their emotions appropriately or according to the circumstances they face. so that they are more adaptable because they can accept a variety of people

and situations and provide appropriate reactions according to the demands they face.” Chaplin also defines emotional maturity as psychological maturity which is the full development of intelligence, emotional processes, and so on.

3. The Impact of Underage Marriage on Divorce Rates at the Samarinda Religious Court.

Underage marriage does have a negative impact, one of which is divorce, as the results of research by Mies Grinjis and Hoko Horii in West Java which show 50% of divorce is caused by early marriage.³⁷ Due to psychological factors, mental readiness will face a new world and bigger challenges, as well as economic readiness to support the burden that will be accepted by couples who marry underage. UUD No. 1 of 1974 concerning the age limit for marriage, one of the goals is to reduce the level of underage marriages that end in divorce, and to build human resources to build the country's economy. However, the law is still in conflict with other laws that say children are under the age of 18. The law also contradicts the government's 12-year compulsory education program. Although there are no definite rules regarding the prohibition of schooling for underage married couples.

In 2019 it was decided that the age limit for marriage is 19 years for men and women, this is a breath of fresh air and equalizes women's constitutional rights, namely that every citizen has the right to education, so the government program has 12 years of compulsory education running.³⁸ But is underage marriage a big contributor to the divorce rate in Indonesia, especially Samarinda?. If we look at the decision data published by the Samarinda Religious Court in the decision directory, we find 1225 decisions and 1036 are divorce decisions in 2021. 1 of 1974 and Law no. 16 of 2019 only 36 decisions were found, meaning that from the divorce decision data of 1036 cases in 2021, in underage marriages at the Samarinda Religious Court, only 36 decisions were found, the rest were divorces, not for underage marriage partners. So the impact of the divorce rate produced by underage married couples is not too significant compared to couples who are not perpetrators of underage marriages. Due to external factors from the couples' households, such as the intervention of both parents in terms of the economy and their household problems, this can be seen from several decisions that explain where to live when they are newly married and the economy as a cause of divorce for underage marriage actors occupy fourth, then when viewed from an anthropological perspective, Samarinda City is the capital of East Kalimantan Province, in this case the author, who is also a native of the region, sees that people in the Samarinda area are more likely to follow the rules of their religion and customs than state rules. Marrying their children even though they are not yet of the age referred to by the law is a common thing which is based on fear

³⁷Mies Grijs, Hoko Horii, Sulistyowati Irianto, and Pinky Saptandari (eds), *Menikah muda di Indonesia; Suara, hukum, dan praktik* (Jakarta: Yayasan Pustaka Obor Indonesia, 2018) h. 589-591

³⁸Elya Kusuma Dewi, “ Politik Hukum Surat Pernyataan Dilarang Menikah Bagi Anak Sekolah Menengah Pertama” *Jurnal Bina Mulia Hukum* Volume 6, Nomor 1, September (2021), h. 9-10

or concern about association in this case is free sex (zina). In terms of their economy, parents don't really care about it because there is an assumption about sustenance that already regulates and subsidies from them parents to their married children. Samarinda, which is the provincial capital, provides an adequate economic platform for underage couples to find work due to the industrial and mining sectors as well as business places in Samarinda, and the data that the authors found in BPS Samarinda that the working age population is 15 years and over and the population of working age 15 years and over is 91.7%.

The education level of underage marriage actors is also not only dominated by the elementary or junior high school level, but also senior high school and even up to the bachelor's degree and in terms of age of marriage, not all underage marriages can be said to be as old as corn, but some of them even reach the age of marriage. 39 years old, to reach the age of marriage with such a period of time is not easy for the perpetrators of underage marriages, even for those who are considered adults according to the Constitution no. 1 of 1974 concerning marriage does not necessarily reach the age of marriage.

The measure of whether or not a divorce occurs in a marriage is not determined by the age that is considered inappropriate for marriage, but to be able to achieve a *sakinah* family and the purpose of marriage in forming a family as referred to in the 1974 Constitution, which is eternal and happy, is how a person understands the purpose of marriage which is referred to in Religion and the Constitution and how one's emotional maturity in living it.

CONCLUSION

Marriage Underage marriage according to the law is a marriage carried out under the age set by the government, namely 19 years for men and 16 years for women, the law was revised because the age of 16 is considered to be in conflict with the child protection law so that in 2019 The Constitutional Court set it to be 19 years for men and women, while underage marriages according to Islam are marriages carried out before *baliq*, because in Islam it is not explained in detail about a certain age to be able to carry out marriage. Islam is more likely to prioritize the maturity of thought and mentality of the individual.

In order to be able to carry out marriages that are not yet included in the category of being allowed to marry according to the Constitution, there is a policy, namely Marriage dispensation. Marriage dispensation is the granting of a permit issued by the Religious Courts for couples who wish to marry under the age status of the provisions of the Act with urgent reasons. . Underage marriage is considered the biggest contributor to the rise of divorce cases in Indonesia. Factors in the occurrence of underage marriages are caused by economic factors. Tradition and religion, the

factor of getting pregnant out of wedlock. While the causes of divorce for underage marriage couples are caused by disputes, infidelity, economy and domestic violence.

In the decisions published on the web directory of decisions by the Samarinda Religious Court in 2021 the authors found 1225 decisions, 1035 decisions were divorce decisions and 36 divorce decisions were divorce decisions for married couples according to the provisions of Law no. 1 of 1974 and Law No. 16 of 2019 with an educational background of not having an education up to a bachelor's degree (S1), (although there is no prohibition in the Law concerning the prohibition of going to school for individuals who have married underage) with the most common cause of marriage high because pregnant out of wedlock. While the highest cause of divorce is due to infidelity, their marriage age also varies from 1 year to 39 years.

The author sees the basis of the problem, the factors that cause divorce from underage marriages are lack of understanding of the meaning and purpose of marriage itself in accordance with what is meant by Islamic teachings and Law no. 1 of 1974. The emotional maturity factor also greatly influences the resilience of the family of underage marriage actors, considering the age factor of those who are still in the stage of exploring something even though the stages of individuals at different ages in understanding or exploring something. If you look at the data that the author found through the decisions published by the Samarinda Religious Court, the decision for divorce cases in Samarinda in 2021 for underage marriages at the Samarinda Religious Court found only 36 decisions out of 1035 divorce decisions. the rest are divorces not for underage married couples, so the impact of the divorce rate produced by underage married couples is not too significant compared to couples who are not perpetrators of underage marriages. Due to external factors from the couples' households, such as the intervention of both parents in terms of the economy and their household problems, this can be seen from several decisions that explain where to live when they are newly married and the economy as a cause of divorce for underage marriage actors occupy fourth order. then when viewed from an anthropological perspective, Samarinda City is the capital of East Kalimantan Province, in this case the author, who is also a local man, sees that people in the Samarinda area are more likely to follow the rules of their religion and customs than state rules. Marrying their children even though they are not yet of the age referred to by the law is a common thing which is based on fear or concern about association in this case is free sex (zina). In terms of their economy, parents don't really care about it because there is an assumption about sustenance that already regulates and subsidies from them parents to their married children. Samarinda, which is the provincial capital, provides an adequate economic platform for underage couples to find work due to the industrial and mining sectors as well as business places in Samarinda, and the data that the author found in BPS Samarinda that the working age population is 15 years and over and the

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population of working age 15 years and over is 91.7%. And the average work of underage couples that I found in the verdict directory is Private.

BIBLIOGRAPHY

- Abdul Rahman Ghozali, *Fiqh Munakahat*, (Jakarta: Kencana Prenada Media Group, 2003)
- Ahmad Masfuful Fuad “ Ketentuan Batas Minimal Usia Kawin: Sejarah, Implikasi Penetapan Undang-Undang Perkawinan ” *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah* Vol 1, No 1, Tahun 2016.
- Csikszentimihalyi, M. & Larson,R (1984), *Being Adolescent, Conflict and Growth in the Teenage Years*. N.Y.: Basic Books Inc.
- Carballo, M, *Adolescent Sexuality, Changing Needs and Values, Fertility in Adolescent*, Parkes AS,dkk (ed). Cambridge (Inggris): Galton Foundation (1978)
- Elya Kusuma Dewi, Sarip, Multahibun “ Politik Hukum Surat Pernyataan Dilarang Menikah Bagi Anak Sekolah Menengah Pertama” *Jurnal Bina Mulia Hukum* Volume 6, Nomor 1, September 2021.
- Elizabeth B. Hurlock.. *Psikologi Perkembangan; Suatu Pendekatan Sepanjang Rentang Kehidupan (Edisi kelima)*. Terjemahan oleh Istiwidayanti & Soedjarwo. Jakarta: Erlangga. 1980
- Jakobus A. Rahajaan, Sarifa Niapele, Kajian Yuridis Terhadap Perkawinan dibawah Umur, *Jurnal Aplikasi dan Kebijakan Publik dan Bisnis*, Volume 2, No. 1, 2021
- Julia Eva Putri, Taufik, “Kematangan Emosi Pasangan Yang Menikah Di Usia Muda”, *Jrti (Jurnal Riset Tindakan Indonesia)* Volume 2 Nomor 2, Tahun 2017
- Mies Grijns, Hoko Horii, Sulistyowati Irianto, and Pinky Saptandari (eds),*Menikah muda di Indonesia; Suara, hukum, dan praktik*. Jakarta: Yayasan PustakaObor Indonesia, 2018.
- Muhammad Saleh Ridwan ” Perkawinan Di Bawah Umur (Dini) ” *Jurnal Al-Qadau* Vol. 2 No. 1 2015.
- Mudjiran,dkk. 2007. *Perkembangan Peserta Didik Bahan Pembelajaran untuk TenagaKependidikan Sekolah Menengah*. Padang: UNP Press.
- Nova Annisa., & Handayani, A.. “Hubungan Antara Konsep Diri dan Kematangan Emosi dengan Penyesuaian Diri Istri yang Tinggal Bersama Keluarga Suami”. *Jurnal Psikologi: PITUTUR*, Vol 1 No. 1 2012.
- Syamsul Hadi “Stabilitas Emosi Pelaku Pernikahan Dini Dalam Mendidik Anak Balita”, *Qawwam* Vol 13 No. 2 Tahun 2019.
- Suharno dan Retnoningsih Kamus Besar Bahasa Indonesia, Semarang,Widya karya
- UU RI No. 1 Tahun 1974 tentang Perkawinan dan Kompilasi Hukum Islam (Bandung: Citra Umbara, 2014)
- UU RI Nomor 39 Tahun 1999 Tentang Hak Asasi Manusia
- UU No. 23 Tahun 2002 tentang Perlindungan Anak.
- UU No. 13 tahun 2003 Tentang Ketenagakerjaan.
- BKKBN *Pedoman usia pernikahan ideal berkisar-2125-tahun*
- Zulfiani “Kajian Hukum Terhadap Perkawinan Anak Di Bawah Umur Menurut Undang-Undang Nomor 1 Tahun 1974.” *Jurnal Hukum Samudra Keadilan* Volume 12, No 2, Tahun 2017

Ade Setiawan, Sy. Nurul Syobah, Akhmad Haries : Impact of Underage Marriage on Divorce Rates at The Religious Court Samarinda (Study Directory of the Samarinda Religious Court Decisions)

<https://databoks.katadata.co.id/datapublish/2021/03/19/perselisihan-jadi-penyebab-utama-perceraian-sepanjang-2020> diakses pada tanggal 25 Januari 2022

Syamsul Hadi “Kestabilan Emosi Pelaku Pernikahan Dini Dalam Mendidik Balita”, *Qawwam* Vol 13 No. 2 Tahun 2019.

Suharno dan Retnoningsih Kamus Besar Bahasa Indonesia, Semarang, Widya

UU RI No. 1 Tahun 1974 tentang Perkawinan dan Kompilasi Hukum Islam (Bandung: Citra Umbara, 2014)

UU RI No. 39 Tahun 1999 tentang Hak Asasi Manusia

UU No. 23 Tahun 2002 tentang Perlindungan Anak.

UU No. 13 Tahun 2003 tentang Ketenagakerjaan.

Pedoman BKKBN untuk usia pernikahan ideal berkisar -2125-

Zulfiani “Studi Tentang Hukum Perkawinan Anak Di Bawah Umur Menurut Undang-Undang Nomor 1 Tahun 1974.” *Jurnal Hukum Peradilan Kelautan* Volume 12, No 2, Tahun 2017

<https://databoks.katadata.co.id/datapublish/2021/03/19/perselisihan-jadi-penyebab-utama-percepatan-sepanjang-2020> diakses pada 25 Januari 2022