

## The Importance Of Marriage Isbat And The Prevention Of Early Marriage In Sedau Village, Narmada West

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### Abstract

The purpose of this article is to explain the importance of marriage isbat and the prevention of child marriage in Sedau Village, Narmada District, West Lombok Regency. The method used is the method of distributing information through socialization and action by collecting data on the marriage certificate. The results of the research conducted show that there are still many people in Sedau Village who do not have a marriage book or whose marriage has not been registered with the KUA. In addition, there are still many cases of early marriage in Sedau Village, which are influenced by several factors, including low education, economic, environmental, and other factors. As a result, maximum efforts from all elements of society—both parents, the environment, religious leaders, and especially village policies—are required to overcome problems associated with early marriage.

*Tulisan ini bertujuan untuk menjelaskan urgensi isbat nikah dan pencegahan pernikahan dini di Desa Sedau Kecamatan Narmada Kabupaten Lombok Barat. Metode yang digunakan adalah metode penyaluran informasi melalui sosialisasi dan tindakan dengan melakukan pendataan isbat nikah. Hasil penelitian yang dilakukan menghasilkan bahwa masih banyak masyarakat di Desa Sedau yang masih belum memiliki buku nikah atau pernikahannya belum tercatat di KUA. Selain itu, masih banyak terjadi kasus pernikahan dini di Desa Sedau yang dipengaruhi oleh beberapa faktor, baik faktor pendidikan yang rendah, ekonomi, lingkungan dan faktor lainnya. Oleh karena itu, dibutuhkan usaha yang maksimal dari seluruh elemen masyarakat baik orangtua, lingkungan, tokoh agama, terutama kebijakan dari pihak desa dalam mengatasi permasalahan kasus pernikahan dini.*

**Keywords:** *Marriage Confirmation, Early-Age Marriage*

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## INTRODUCTION

Marriage is worship. This means that if someone is physically and mentally capable and wishes to carry out a marriage with the intention of sincerely following religious teachings, that person can receive a good reward, which is considered to be worship. All work done in marriage can be of worship value and rewarded, starting from serving the husband, earning a living, preparing for the needs of family members, having sex, giving birth, educating and raising children. All of these things will be worth worshipping so that the husband and wife will always feel happy and satisfied in their marriage. Meanwhile, Munandar (2001), a psychologist, explains the definition of marriage as a relationship between a man and a woman that is permanent and established through culture with the intention of obtaining happiness that is woven with a sense of friendship and is characterized by a feeling of unity and a sense of belonging to one another (Iqbal, 2018).

Education is, of course, one of the most important aspects of marriage preparation. Basically, education is a tool to educate morals and intelligence to think and develop abilities in the form of the most basic human potential (Izza, et al. 2022; Rizaldi, et al. 2021). Education is the gateway for humankind to achieve higher progress in terms of civilization and humanism based on the nature of the relationship between humans and their fellow creatures and the relationship between humans and the Creator. Education can also be said to be a part that involves interpersonal relationships in terms of language and reasoning, with dialogue as a way to investigate a problem through filling in the spaces of life, as a guide for humanity's journey both past and present (Hidayat, 2016).

Regarding marriage, this is related to the type of marriage that is often found in society, namely cases of underage marriages or early marriages. Early marriage is a problem that usually occurs due to several factors in various fields. Among the causative factors are need factors such as psychological or biological needs, economy, knowledge, level of education, customs, parenting styles, and sources of information (Septianah, et al. 2019).

Underage marriage, if legal, cannot be said to be legally valid as the union of husband and wife because there is no proof of the validity of the marriage being undertaken. Therefore, the existence of marriage certificates is very much needed by the community. The religious courts, as actors in the holding of marriage isbat, carry out marriage isbat for benefit considerations and because it is truly beneficial for Muslims to obtain their rights

and take care of matters related to personal letters or documents required by each married couple from the appropriate authorities and obtain legal certainty protection.

The mention of the marriage isbat using the word "determination" indicates that the marriage confirmation process is solely carried out with the aim of fulfilling an administrative function because marriages that have been carried out before have actually fulfilled the pillars and conditions of marriage. Materially, it has been fulfilled, but the formal requirements have not been met. The meaning of the "material requirements" is the conditions attached to each pillar of marriage, both regulated in fiqh and in legislation, while the "administrative requirements" are conditions related to the registration of marriages.

From a juridical point of view, the legal origin of marriage registration can be found in Article 3 paragraph (5) of Law No. 22 of 1946, Article 49 number 22 explanation of Law No. 7 of 1989 as amended by Law No. 3 of 2006 and the second amendment with Law No. 50 of 2009, and Article 7 paragraphs (2), (3), and (4), as well as the Decision of the Chief Justice of the Supreme Court of the Republic of Indonesia No. KMA/032/SK/IV/2006 concerning the Implementation of Book II Guidelines for the Implementation of Duties and Court Administration, which has been explained in more detail.

Abdul Manan developed the theory that when there is a marriage that is not recorded in the relevant institution, there are several possible causes, including: a). couples who get married in the presence of community leaders such as clerics or certain people who do not have authority in terms of issuing marriage-related documents, b). couples who are married carry out the marriage in front of officials who are not official or legal officials and are not authorized to carry out marriages, and c). couples who are married have carried out the marriage before an official/legal official and are authorized to carry out the marriage. The official concerned is appointed in accordance with the applicable provisions, but due to the negligence of the officer, he does not record a person's marriage.

From a philosophical standpoint, the philosophy of marriage isbat is contained hierarchically in QS. Ar-Rum/30:21 as the ground norm regarding marriage. Then the norms include a number of fiqhiyah rules related to the importance of registering marriages. Meanwhile, the legal norms include articles related to the registration of

marriages and marriage constituencies.

Based on the explanation above, in Sedau Village itself there are many unregistered marriages, which in a sense require settlement through marriage constituencies. As a result, in this case, the marriage isbat is critical for implementation in Sedau Village. Sedau Village, which is known as the Fruit Village, has a variety of types of fruits, but there are also quite a few cases of early and unrecorded marriages that have occurred in this village, as has happened in many other villages.

## **METHOD**

### **1. Place and Time**

The implementation of marriage isbat activities is carried out in collaboration with the head of Sedau Village, Narmada District, West Lombok, and also the hamlet heads of the six hamlets in Sedau Village, namely the heads of Sedau Gondang Hamlet, Lebah Suren, Eyat Bintang, Selen Aik, Sedau Dese, and also the head of Dusun Paok Gading. This program began by recording a number of residents of Sedau Village who did not have official records in court regarding the validity of marriages that had been carried out previously. The method used to achieve the goals and targets of this work program is to conduct outreach and also isbat meetings for the people of Sedau village who are involved in this matter. The place for carrying out the activities is in the hall of the Sedau Village Office for the socialization of marriage isbat and the socialization of the prevention of early marriage at SMP 3 Narmada.

### **2. Implementation Method**

The implementation of this work program is carried out using methods of conveying information and also actions such as:

#### *a. Data collection*

Data on marriage isbat for the people of Sedau Village are collected at each hamlet head or by handing them over directly to staff who specifically take care of marriage registration data at the village office. Each of these pieces of data was then converted into a soft file, and a folder was created for each household based on its hamlet. The making of the soft file was carried out by village staff, LPM, and assisted by UIN Mataram KKP participants in filling out forms for submitting marriage registration data. After all the data

in the village was collected, it was then handed over to the KKP UIN Mataram to be examined and submitted to the campus.

*b. Socialization.*

The socialization method is to convey material regarding the urgency of marriage isbat to the people of Sedau Village that has been recorded at the village office. In addition, socialization was also carried out for SMP 3 Narmada students to prevent early marriage.

*c. Marriage Isbat Council*

This is done in order to obtain legal recognition of the marriage that is being undertaken and has legal force.

### 3. Implementation Procedure

The procedure for implementing the work program in this activity is carried out in various stages, including the preparation and planning stages, with the initial stage namely data collection, then planning socialization activities at the village office for marriage constancy and socialization on prevention of early marriage at Narmada 3 Middle School, which will then be continued with an isbat meeting held at the Sedau village office, Narmada District, West Lombok, after the final dossiers have been submitted to the Giri Menang Religious Court.

## **RESULT AND DISCUSSION**

### 1. Profile of Sedau Village

Sedau is one of 119 villages belonging to the West Lombok district. Sedau Village is located in the Narmada sub-district and is part of the 21 villages in the Narmada sub-district, which are located approximately 11 kilometers east of the city of Mataram. Sedau Village has an area of 560 hectares, which is divided into six hamlets, namely Sedau Gondang, Sedau Dese, Eyat Bintang, Paok Gading, Selen Aik, and Lebah Suren. The Sedau village area consists of plantation areas. For information on the Sedau village website (2021), the number of family cards in Sedau village is 1,753, of which the male population is 2,526 people and the female population is 2,407 people.

In the economic field, Sedau Village is one of the largest suppliers of agricultural products in the Narmada District area, such as fruits, tubers, and other processed

agricultural products. For the social sector, Sedau Village has a high level of participation in mutual cooperation and other social activities. On the other hand, in the cultural field, Sedau Village has Gendang Beleq art and an art group that performs the Gurantang Cupak performance, etc.

Sedau has a lot of expertise both in the fields of agriculture, animal husbandry, and tourism, and for now the Sedau Village government is developing one of the natural tourist destinations, namely Mount Jae tourism. Their superior products are fruits, processed agricultural products such as chips, palm sugar, etc. On the other hand, in industrial zones, there are processed wood products such as berugak, gazebo, sawung, pine trees, cabinets, tables, sofas, chairs, etc., both managed by groups or individuals.

## 2. The Urgency of Marriage Isbat for the Community

Marriage registration is part of government or state intervention to protect and guarantee the fulfillment of the social rights of every citizen, especially married couples as well as children born from their marriages. In this regard, the registration of marriages, as stipulated in Article 2 Paragraph (2) of Law Number 1 of 1974 concerning Marriage, is a product of social politics. Therefore, a husband and wife who have married according to religious (Islamic) law but the marriage is not registered or has not been recorded must first submit a marriage isbat application to the Religious Court and then register it with the KUA Marriage Registration Officer without having to do a re-marriage or a new marriage (tajdid an-nikah), because this is contrary to the provisions of Article 2 Paragraph 1 of Law Number 1 of 1974 concerning marriage.

The marriage isbat is important because of the consideration of its mashlahah. For Muslims, the marriage isbat is very useful for obtaining their rights in dealing with matters relating to letters or personal documents required from authorized institutions and providing guarantees of protection and legal certainty for each husband and wife. Marriage isbat, if based on statutory regulations, is only possible for marriages that meet the syar'i requirements both before and after the enactment of Law Number 1 of 1974 concerning marriage.

Marriage isbat are absolute for the sake of orderly administration of marriage in the jurisdiction of Indonesia in accordance with applicable laws and regulations and have implications for legal certainty regarding marital status, children's status, and the status of

marital assets. Thus the importance of registering marriages in the context of a legal state; registration of marriages is a requirement for a valid marriage, which refers to fiqh rules: "An obligation is not perfect except with something; then the existence of something is obligatory." With the existence of a mass marriage isbat, it can raise public awareness of the importance of obeying religion and the state.

Regarding marriage isbat, below is data on people whose marriages have not been registered at the Religious Courts in Sedau Village:

**Table 1. Data on Marriage Isbat in Sedau Village**

No.	Hamlet Name	Number of Marriage Isbat Data
1.	Sedau Dese	8
2.	Sedau Gondang	21
3.	Eyat Bintang	18
4.	Paok Gading	37
5.	Lebah Suren	18
6.	Selen Aik	19
<b>Total</b>		<b>121</b>

If seen from the data above, there are still many Sedau Village residents who do not have a marriage book or have not had their marriage registered, because not all Sedau Village residents collect and fulfill the marriage isbat requirements. So that with these conditions, a marriage isbat is needed to provide legal certainty and guarantee the rights of each husband and wife and their children.

Based on the law, marriage isbat becomes a policy that is created and implemented in order to improve the quality of marriages; that is, through marriage constituencies, people can get marriage legalization in the form of a marriage book. Apart from that, it is also part of Allah's commands in the context of worshiping Him, namely as a form of maqasid syari'ah, namely to maintain religion and maintain offspring and self-respect with the aim of improving the quality of marriage, which is closely related to marital status. Because of

this lofty goal, all regulations that can provide relief for people who can't afford them are a must (Tarantang, Pelu, & Astiti, 2019).

As a form of dissemination of information related to the importance of marriage isbat to the people of Sedau Village, socialization of marriage isbat with the theme "Integrated Marriage Isbat, Community Solutions to Obtain Legal Identity" has been carried out at the Sedau Village Office. Marriage isbat is one of the programs planned by LPM Sedau Village to support identity completeness and guarantee legal identity certainty for Sedau people who are married but do not yet have a marriage book or have not been registered at the KUA. Therefore, the socialization of the marriage isbat aims to add insight to the community, and also to let people know more about the requirements and other important matters related to the marriage certificate.



**Fig. 1. Socialization of Marriage Isbat in Sedau Village**

### 3. Implementation Method

There are several reasons that cause early marriage in our society, which are often found, namely:

#### *a. Economic Factor*

Because parents cannot afford to pay for their children's life and schooling, they sometimes encourage their children to make the decision to marry at an early age on the grounds that they can help the family's economy, because for parents of married daughters, the responsibility of her husband is hers (BKKBN Post, 2016).

#### *b. Education Factor*

One of the things that is very important for everyone is education, so the Indonesian government has designed a 9-year compulsory school program. Low economic limitations are often the reason education is neglected, because they cannot buy school supplies. This means that education related to delaying marriage is the single most

important factor (Jejeebhoy, 1995). With secondary education, it is 23% more likely that adolescents will marry at the age of 18 or over, compared to people who have not completed primary education, where 39% will marry under the age of 18.

*c. Parental Factor*

The responsibility of parents is that, apart from educating, they also nurture and guide their children to reach certain stages in life until their children are ready to live a household life. However, due to the low level of education, parents direct their mindset towards surrender and acceptance. It is because of this surrender that the regulations in Marriage Law No. 1 of 1974 are not well understood by parents.

*d. Data collection*

This is because a lack of understanding about early marriage and the mindset of society raises concerns for parents about their daughters who do not study and do not have positive activities so that they will marry off their children soon so they will not become old maids. By doing this, parents will not be bullied by other people because their children are not married at the age of 25 and over.

*e. Data collection*

The phenomenon of getting pregnant out of wedlock has occurred a lot in today's society because almost every day on television, in newspapers, and the like, there is sex-related news, including news of sexual harassment, rape, and so on. Children will tend to try new things, such as sex outside of marriage, if they are not equipped with the knowledge of emotional intelligence. In addition, the factors that cause sex outside of marriage by children also occur due to a lack of love and attention from the family (Syarifatunisa, 2017).

#### 4. Implementation Method

As a form of effort to prevent early marriage in the community, especially in rural areas, it basically must involve stakeholders such as schools and stakeholders in the community, for example, families, especially parents, friends, community leaders or religious leaders, and also local government officials (Masruroh, 2022). With good cooperation from each of these stakeholders, at least it can minimize and prevent cases of early marriage.

To support the prevention of cases of early marriage, socialization on the prevention of early marriage has been carried out at one of the junior high schools located in Sedau, namely SMPN 3 Narmada. In this socialization activity, the importance of avoiding early marriage was conveyed. In addition to socialization efforts, Sedau Village itself has also made several efforts to prevent early marriage, including efforts to prevent marriage through mediation with the family.



**Fig. 2. Socialization and Prevention of Early Marriage at SMPN 3 Narmada**

## CONCLUSION

Based on the results obtained during the research, the facts in the field, specifically in Sedau Village, Narmada District, West Lombok Regency, are that there are still many cases of marriage that have not been recorded in the Religious Courts. Marriages that occurred in Sedau Village were influenced by several factors including low level of education, environmental factors, patterns of thought in the community, and the family's economic conditions were not supportive at the time, according to the results of observations that were made. Aside from the factors mentioned above, marriage isbat have several urgencies, including as a form of maqasid shari'ah, namely to maintain religion, lineage, self-respect, and as a legal guarantee. Meanwhile, preventing early marriage is a form of protection for children who are still underage so that their future can be managed properly before forming a relationship and being ready to live life in the household.

## SUGGESTION

One of the obstacles to any program run in the village is a lack of participation. Participation is important because of the urgency of running a program. So, to be able to attract the interest and participation of the village community in implementing each program, good cooperation is needed from various parties, especially the community that is the object of the program.

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