

Testimony of Child Brides: Child Marriage and the Role of Institutions in Nine Regions in Indonesia

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Introduction: A few of the lucky ones

I'm from Gili Iyang (Island), around five hours by boat and then another hour by bus to Sumenep (Madura). When I was 12 years old, I was married off to a man chosen by my mother. My mother was afraid she wouldn't be able to take care of me. But if you ask me, she wanted to collect on the *katompangan*—the debt owed us by our neighbours who she had previously helped with their children's wedding preparations. The custom in our village is that parents marry off their daughters so that the neighbours can *mabeli copa* [return spit / promise / debt], no matter if the child is still very young, or not even menstruating yet. I cried and cried, I didn't want to do it, I rebelled. I refused to eat. Better just to die, I thought. I wanted to go to school. My mom said that after I got married I could go back to school. But how? I was embarrassed and quit school. But in my village I had some friends who were studying at the *pondok* [boarding house] of Nyai Dewi Khalifah, the head of Pesantren Aqidah Usymuni in Sumenep [the religious school]. I insisted that I wanted to join them even though I was already engaged. My mother said, 'Don't embarrass your mother and your family.' But my in-laws said, 'Yes, OK, you can go to school first.' I asked for three years, so I could finish high school [*alياهو.*] But my husband would only allow me one year. I couldn't accept this. I was happy at the *pondok*. I had a lot of friends, including four other girls who shared my fate. I was so glad: here I didn't have to be embarrassed, even though I was married. Ibu Nyai said, 'No matter if you're married—the important thing is to continue your schooling.' But my husband didn't want to wait, and he told mother I was opposing him. When the holidays came, I refused to go home, I hid at the *pondok*. What's the point of only finishing the first year of high school? My husband and his mother couldn't accept this. We separated. My mum cried and pleaded with me to come home, because she'd heard that I had asked for a divorce. I told her 'no', that he was the one who didn't want to wait. Nyai Eva gave my mother some advice, and finally she gave in and said, 'Well, if that's what you want, I give you my blessing, but don't embarrass me a second time. I'm very ashamed, but the shame will disappear if you can finish school and become a scholar like Ibu Nyai Eva. Just don't embarrass your mother a second time,' she said. And I promised I would keep studying so I could go to university, because I want to become a teacher.^[1]

1. Dozens of testimonies of young girls like Indri, who have been forced into marriage, are presented in the report *The Testimony of the Child Brides* prepared by the women's rights organisation, Rumah Kitab.^[2] Fifty-two case studies of child marriage were collected by eight Rumah Kitab researchers from nine districts in five provinces in Indonesia—Banten, West Java, East Java, West Nusa Tenggara, and South Sulawesi.
2. Sadly, those, like Indri, who were fortunate can be counted on the fingers of one hand. She was lucky in that her insistence on continuing her schooling was welcomed by the policy of a pesantren (Islamic school) that cares about girls' education. The *pesantren* headed by Ibu Nyai Dewi Khalifah—familiarily known as Ibu Nyai Eva—has an organisational policy that favours the education of girls. The *pesantren* does not prohibit girls who have been married from staying at their *pondok* (boarding house) and studying there. According to Ibu Nyai Eva, in a strong culture that favours child marriage, this cultural problem needs to be countered with a strategy that does not explicitly oppose it.

If parents come and want to take their child away to get married, I will ask what the reason is. Insofar as possible, I stretch it out and say, 'Wait, not now, exams are coming, or wait, let her finish a cycle of reading the

Qur'an'. If they accept this, it means there's a postponement, even if it's only temporary. So then after the harvest season, they come again, ask again, and I negotiate again. If we reach a deadlock, I let the child go, but with a promise that after the traditional wedding, she will be brought back to the *pondok pesantren*. I also offer a scholarship for her husband, because often the husband is also underage. Child marriage is a cultural issue, so we have to be wise in negotiating with the parents, with people who think child marriage is not a problem; that's how we deal tactfully with the culture.

We're often tempted to make regulations. Of course that is important, but we also need to understand how the local tradition interprets child marriage. Here, child marriage is sometimes just like playing at marriage, because the motivation is to collect on a social debt, or to raise social status, or to strengthen social solidarity. Without an understanding of the culture, rules to postpone child marriage will simply be rules written on paper. To negotiate with the culture, we have to work within the framework of that culture, even while maintaining a critical stance against it. Myself, I use the framework of justice in Islam, Islam as *rahmatatan lil alamin*, a blessing for all the world, not just for males but also for females, and for those who are kept weak by the culture itself.[3]

Situational analysis of child marriage in Indonesia

3. The story of Indri and Ibu Nyai Eva provides some hope. But how many educational institutions actually care about and insist on ensuring equal access for girls who are married to continue their schooling? Most of the other stories we collected are about adolescent girls who entered the world of marriage while still children, and parents who simply gave in to custom or pressure. Many mothers acknowledge that it shouldn't have happened like this, but they still prepared their daughters for their wedding day, after the men around them had made a decision 'for everyone's good'. As Ibu Norma explained:

When I think about it, I regret that my daughter was married off while still a child. Now her friends who graduated from high school are able to work, but not her. I even have to take care of her kids. What can she do? If she wants to socialise with her friends, she's ashamed, and her husband certainly wouldn't let her go out, and her father prohibits it as well. She's scared that if she keeps the wrong company, her father will be angry with her.[4]

In the case above, Ibu Norma intervenes by taking care of her grandchildren and cooking for her son-in-law, Edi. In nearly every child marriage, the mothers on both sides, and especially the mother of the bride, will bear some of the burden of their children's new household—not just by providing guidance, but also by taking over some of the everyday burdens. Otherwise, the new households would certainly break up. And in fact, a large proportion of the marriages involving children in this study have failed. Many others continue but with guidance and help from the parents, especially the mothers, and with difficulties that never seem to end.

4. In another case, Rida from village G, Jonggat Subdistrict, Central Lombok, had just graduated from primary school in July 2014 at the age of 13. In September that same year, Rida was 'carried off' (*merariq*) by Jona, a boy she had met just three days before. With the assistance of village-level officials, Rida and Jona were married two weeks later. During those two weeks, her mother had to run around arranging the celebration, including paying for it. Her own husband had abandoned the family after their sixth child was born. The traditional elders and others in the village argued that, even though Rida was under age, her parents and other senior figures had an obligation to 'marry her off'. The law requires that *Form N5* is used for couples who marry without their parents' consent; the village officials used this as the parental permission document to allow the marriage and delegate the right to act as guardian to an official of the Religious Affairs Office (KUA). In this way, Rida and Jona's marriage is valid in the eyes of the religion and the state, even though it violates the *Marriage Law*[5] and the *Child Protection Law*[6] as Rida was under the legal age of marriage; they were still able to get a marriage certificate from the local KUA.
5. But four months later, Rida, at that time in the early stages of pregnancy, was returned to her

mother. The sub-village head, as a representative of the husband's family, conveyed news of the divorce. Although she now has a child, Rida herself is still a child. Her mother often gets annoyed because Rida is unable to care for the baby. Rida's mother admits she often gets so angry with Rida that she beats her with a broom; when this happens, Rida runs off for several days and stays at her grandmother's or her friends' houses. And so her mother was left with the task of caring for the baby (who was eight months old at the time of the interview), while still taking care of her other children and trying to earn a living as a farm worker. And because her daughter has a baby, she must also pay for baby milk formula.

6. Our research aims at understanding why child marriage still exists and is even on the rise, despite all the efforts that have been made to combat it since the colonial era. The theory of modernisation, put simply, assumes that child marriage will inevitably decrease as society is subject to social changes generated by the shift from an agrarian to an industrial economy. With industrialisation, it is assumed that general education levels will rise, which will automatically help to decelerate marriage in childhood. It is expected that after girls finish their education, industry will absorb them into the labour force, thereby extending their unmarried years. Thus, from the perspective of modernisation, the world of education plus industrialisation is expected to be able to postpone the marriage age for females.
7. In reality, the rate of the underage marriage of girls remains high and is even accelerating in the era of industrialisation. The situations that bring this about vary, but the most prominent of these is unintended pregnancy, which is followed by a young person being forced to marry. Since the only purpose of the marriage is to obtain legal status for the child who will be born, these marriages are not necessarily intended to last very long. Another reason is a match set up by the parents, or the parents pressuring the girl to marry her boyfriend quickly so that the parents can feel relieved and are not worried that she will get pregnant. Another reason is pressure on the parents from relatives and neighbours who are concerned about a girl having too much freedom in her social relations. To all of these concerns, marriage is the primary response proposed by the existing institutions. Yet another reason is that the girl is no longer in school and has no job. In a smaller number of cases, girls are forced to marry after being raped. There are also cases that do not fall into any other categories, such as marriage arranged by the leader of a religious sect to which the girl's parents are adherents.

Child marriage and social change

8. In this study we explore the phenomenon of child marriage by looking at social changes, including those related to the thesis of modernisation: Why is deceleration of child marriage not occurring in the modern post-agrarian era?; why do we instead see its reverse, an acceleration of child marriage?
9. Using two clusters of questions broken down into four themes, we sought to discover the main causative factors in the practice of child marriage. The clusters are as follows:
 - * What kinds of changes in socioecological space serve as the background for the occurrence of child marriage?
 - * Do these changes affect gender relations in the family?
 - * Which institutions in the community are involved in the process of child marriage?
 - * Are social religious views also used as a justification for such marriages?

10. From these cases, we can ascertain the girls' sociological characteristics such as age and educational background, the features of the regions, as well as information on the marital status and economic circumstances of their parents. Aside from this sociological and demographic data, information was also collected on the causes of child marriage, which we divided into eight categories, discussed below.
11. Previous studies on child marriage have tended to be limited by looking at the direct causes of the practice of child marriage without linking them to the broader structural and cultural contexts. As a consequence, the solutions offered are often ad hoc and fail to resolve the fundamental problems. Here are the common threads of the findings of this study.
12. First, all the practices of child marriage in the seven rural and two urban regions studied show a strong correlation between changes in the organisation of social space, whether explicit or symbolic, and the practice of child marriage. Shifts in land ownership or changes in the functions of land have restricted work opportunities in the villages. When the community in a rural area loses its land, this forces parents to go elsewhere to seek work. Although this has been happening since the 1970s when Indonesia started applying the agricultural intensification project known as the 'Green Revolution', it became much more evident in the 1980s, and reached its peak in the 1990s during the national economic crisis. Rural residents' access to land was reduced or even lost, while no adequate replacement work was available. This situation forced people into urban areas. But, at the same time, there were very limited work opportunities in urban areas for uneducated workers except as household servants, low-level factory workers in the informal sector, or as overseas migrant workers.
13. The higher the level of environmental damage, whether in coastal or interior regions, the higher is the rate of child marriage. Every region, in which there has been a change in the function of land that restricts local residents' access to land and forces parents, especially mothers, to become circular or semi-permanent migrant workers, is at high risk for child marriage. That is, when a region undergoes a change in the organisation of living space and socioecological changes that lead to changes in gender relations in the family, the region will show a tendency towards a high rate of child marriage.
14. Children who experience child marriage are always faced with a social/ecological crisis, and at the same time a crisis in the social bonds that (should) protect them. We can call them 'social orphans'.^[7] In social terms, they have no fathers and mothers because their parents are physically absent, or because the parents lack control over the rapid changes that impact on in their children's social behaviour. At the same time, the social-support capacity provided by the community is inadequate to replace the role of the parents, except with regard to social sanctions, which we discuss below.
15. Second, the changes in living space, and the lack of economic access in rural areas due to the changes in function and ownership of land, have altered the allocation of work and roles for women in the public sphere, without being accompanied by a change in the role of men in domestic spaces. When many young women with families go to work in the cities, they leave their children behind in the villages. Some men also periodically migrate to the cities, while others stay in the village. But the men who stay behind are culturally unprepared to take on the role as substitute mothers in the running of their households. As a result, daughters have to take over the roles of their mothers; they run the household, and in many cases are forced to drop out of school. This in turn motivates them to get married quickly and set up their own households, because they want to be relieved of the burden of running their mothers' households and caring for their fathers.

If I get married, I'll only have one person to take care of: my husband. At home now, I get so tired. I have to take

care of my younger siblings and my dad. I have to do the washing, cook, carry the youngest one around, and it's even worse if I'm sick. I'm tired of it. I can't hang out with my friends. I'm also bored in school; nobody likes me, nobody cares about me. So it would be better to get married.[8]

16. Third, child marriage is a consequence of the increasing rigidity of moral values resulting from the loss or weakening of the traditional authority of local leaders over the economic resources and assets in their villages. Nearly all the localities where this research was carried out have undergone socio-ecological changes in living space. Village officials and traditional leaders who live in rural areas have lost their authority over the village assets that were traditionally their sources of revenue. Some of them have survived by joining up with those who took over the village land—by working as plantation foremen, factory foremen, sharecroppers, or watchmen for empty land. Others are simply unemployed. But the energy of their authority has not thereby been dissipated; instead, it is increasing.
17. In reality, practical political activity only takes place around election times. Apart from religious activities, there are no other social activities in the villages that can be relied on to engage and so manage the local political energy. As a result, the control by local leaders over moral issues, the only area in which they still have some power, is steadily increasing. Every moral violation becomes an opportunity for them to gain additional revenue or to reinforce their position as guardians, as if they are the saviours of the community. The treatment of moral issues is becoming increasingly rigid and coercive. In many situations, these local power figures force the occurrence of child marriage.
18. The situation at the local level is also influenced by changes at the global level with regard to communication technology and demand for female workers, which have upset the defensive spaces of a culture based on patriarchal values. When many women of married status go off to work elsewhere, their husbands take advantage of the privilege granted to them by traditional values, for example by engaging in polygyny. At the same time, the culture shock as a result of economic globalisation has resulted in religious views and values becoming increasingly conservative and rigid, oppressing women by secluding them into closed-off spaces, manifested symbolically through the use of the *hijab* (modest clothing covering the woman's *aurat*, the parts of the body required to be covered by Islam) or at least the *jilbab* (tight veil), as well as other new prescriptive norms that draw them back into their homes.

Here, in the past, women would even go out to sea, or at least wait for their husbands to come home from fishing. Now it's harder to find fish, so women have to help earn a living as travelling traders. Others just stay at home. They seldom associate with others; they say they're afraid of slander. Nowadays many women are wearing *hijab* here, and their daughters are kept tightly controlled. They say they're worried about associating with the wrong people; they're only allowed to gather when the *murobbiyah* [Islamic teachers] come from Makassar.[9]

19. Fourth, another significant finding is the strengthening of religious viewpoints in the current era of an increase in public piety. Religious proscriptions are often placed above the law of the state when it is decided to marry off a girl even though she is under age. These religious views serve as a legitimisation for the existing institutions to reinforce their actions in smoothing the way for child marriages. Phrases such as 'the important thing is that it's valid' or 'religious law takes precedence' are used as justification for violating the laws of the state that regulate marriage, such as Law number 1 of 1974, [10] which limits the minimum age for marriage to 16 for girls. In many cases, marriages in childhood are simply not recorded, because what they are seeking is not 'legality under the law', but 'religious moral legality' which is supported by a highly patriarchal perspective.
20. Behind this strengthening of cultural involution and the use of religious views as a justification for child marriage, many institutions, both formal and non-formal, are at work. In their overt role, they

practice child marriage for various reasons, such as maintaining the morality of the community. They also do it covertly, by not giving children options so that they can seek alternatives in social relationships, which should not necessarily lead to marriage.

21. The existing institutions—whether traditional, religious or other social institutions (such as culturally prescribed marriage rules)—seem to provide no other options than to force adolescents into marriage, in the name of protecting the reputation of the family or the clan. This is especially the case for girls who are pregnant or perceived as too 'free' in their social relations. The existing institutions also seem to tolerate the behaviour of parents who force their children into marriage on grounds that are decided unilaterally by the parents. With the demand, often based on religious teachings, that children must obey their parents, the culture does not provide a space that is open for girls to choose healthy social relationships for adolescents that are in line with the changing times.
22. There are four issues that we have identified as the fundamental reasons why the practice of child marriage is not merely persisting but actually increasing. The thesis that child marriage is associated with poverty is confirmed by this study. But not all child marriages occur in, or are caused by poverty. Seen in terms of some of its causes, such as unintended pregnancy, child marriage can occur in well-off as well as poor families. Ultimately, what differentiates cases is how the parents address the impact of child marriage. In poor families, there are almost no good solutions for the girls involved: they quit school, have none of the expertise needed for work, have no one else who can help care for their children, and have no power to extract themselves from poverty. In wealthier families, there are some other options, such as the parents taking over the care of the baby, and letting a girl who has had a child continue her schooling by moving her to another town.
23. The girls themselves, who most usually assert that their children are 'just fine', often dispute another thesis, that child marriage has had a negative impact on their reproductive health. In a few albeit limited cases, we did find that there had been extreme impacts caused during childbirth, such as a baby who experienced brain damage due to being stuck in the underage mother's birth canal and its head being 'squeezed' too long in the birth process. And in some cases we encountered, young girls who had miscarriages or even died in childbirth. However, the scope of this study did not allow us to investigate the extent of the impact of the pregnancy on the health of young mother herself due to a 'competition for nutrition' between the mother and her baby.^[11] This gradually affects the growth and development of both the mother (who is in fact still an adolescent) and her child, and of her subsequent children as well. The most obvious problem that we were able to observe is in the growth and development of the babies who were typically born underweight.
24. As a study using a feminist approach, this research also identified efforts that are being undertaken by various parties to reduce or eliminate the practice of child marriage. Most of these efforts are through local regulations to delay the age at marriage, in the form of government decrees or decisions of heads of regions issued through local government work units, such as the Agency for Women's Empowerment Child Protection and Family Planning. As might be imagined, these efforts are ad hoc, and offer limited programs on tiny budgets. Another effort undertaken by certain *pesantren* as mentioned above is through a cultural approach: they extend an opportunity to girls who have been married to continue their schooling, without making an issue of their marital status. The current policy solutions show that the reading of the issue of child marriage is extremely simplistic, reactive, and not based on the fundamental problems underlying the practice of child marriage.

Characteristics of 52 child marriage cases in nine regions

25. In this section we will elaborate on the characteristics of the case studies that we have analysed from all the regions. We divide them into eight sociological categories.

Age range

26. The age range of girls involved in marriage across our research sites was from eight to 19 years. The youngest case we found was a girl aged 8 who was still in the second grade, although, even at this young age, she had been through the tradition of matchmaking and *kawin gantung* (unannounced/unconsummated marriage). That said, the average age at which girls married was 14 to 15 years, with 16 cases at 14 years old and 10 cases at the age of 15. The figures drop at ages 16 through 18, then rise again at 19. This last group was found in urban regions—the educated middle class—where the girls had at least a high school education. The age range of the husbands was on average much older, except for cases of unwanted pregnancy, in which both the boy and the girl were typically both very young.

Reasons and causes of marriage

27. Certainly, child marriage is synonymous with being forced to marry. Of the 52 cases examined, 36 were due to pregnancy. These girls were aged between 13 and 19. The second main reason (12 cases) was attributed to the girl's 'own choice', where she was no longer in school and the parents felt burdened by having an unemployed child in the house, and so encouraged marriage. In the remaining four cases, the girl was married through an arranged match or chose her own partner because she did not want to be forced into an arranged match.

Educational background

28. The educational background of the girls who were married was typically either that of a primary school graduate or someone who had not graduated from junior high school. Around 95 per cent of the girls who were interviewed had completed primary school. From the statistics in nearly all the research regions, it is known that the participation rate of girls drops as they enter junior high school. Among the cases we studied, some had completed junior high, many had not finished junior high, and some had not even finished primary school.
29. This tendency to discontinue schooling is even greater when they enter high school. Thus, the most critical period for child marriage is during junior high school years. However, none of the girls who married while in senior high school had completed their schooling. For example they had not taken the high school equivalency adult education package known as '*paket C*'. In contrast, some of those who married while in junior high did continue their education through the *paket C* program t school or at private educational institutions such as *pesantren*.
30. For the educated urban group, who married on average at 17 to 19 years, most finished high school first and then got married. This also did not interfere with their participation in university studies, though they faced many obstacles along the way, such as being prohibited from using contraception, taking frequent breaks from their studies, graduating late or simply dropping out.

Location

31. Most of this research for this paper was done in rural areas. This relates to the thesis of this study

that the practice of child marriage commonly occurs in rural areas. In fact, however, the practice also occurs in urban areas such as the capital city, Jakarta, and Makassar, South Sulawesi, which we sampled. This study shows that geographically, the practice of child marriage exists in both rural and urban areas, with nearly equal trends.

32. However, the meaning of 'urban areas' in this context is not the city centres, but rather the outskirts of the cities which are adjacent to rural areas. These regions are typically characterised by the arrival of symbols of modernity such as electronic gadgets, motorcycles, and houses with brick walls. These regions are also characterised by the gradual loss of the local people's land and rice fields as they are replaced by solid buildings such as shop-houses (shops with a residence on the upper floor) and hotels. In line with this, the occupations of the original residents are also eroded, as the loss of their land forces them to work in the informal sector in the cities, or to migrate. In these regions, referred to as urban buffers, slums often emerge.^[12] In some other urban areas, there are slums right in the city, as we found in Depok, West Java. For these urban groups, the main driver of child marriage is not so much a change in living space, which causes structural poverty, but rather a change through a narrowing of imaginative space due to conservative religious viewpoints.
33. Conditions vary as well in the villages. Some locations are in remote regions with semi-permanent buildings and rocky roads that cannot be traversed by motorcycles, let alone cars. There are less remote locations, such as Babat District, Lamongan Regency, which is a centre of trade and where the residents earn their livelihood as small-scale traders or labourers. Specifically for the cases in Makassar, child marriage also occurs in islands off the coast of the city of Makassar. The welfare of these communities is low due to the change in the marine environment, which has made fishing less lucrative and led to a culture of debt.

Background of parents

34. The 52 case studies and their stories show a wide variety of family and parental backgrounds. In terms of marital status, most of the girls' parents were still in 'intact' marriages; only eleven of the mothers were widowed or divorced. However, of these mothers, a majority (37) were women heads of households who acted as the breadwinners, whether their husbands were still at home or had abandoned the family. Some parents (father and mother) were tenant farmers in rural areas, or the father worked at odd jobs as a labourer or coolie. Some of the others worked as traders or had become migrant workers (male or female). In several cases, the girl's mother had a level of education just as low as her daughter's—primary school graduate or not finished junior high. There were also some mothers who themselves had married as children, just like their own daughters. In interior regions, we found that some participants in child marriages were illiterate. However, there were also parents (mothers) who worked in the formal or educational sectors, such as teachers at *pondok pesantren*. There were also some girls whose fathers were members of the national parliament or aristocrats. This shows that the practice of child marriage is not limited to poor families.
35. One thing that bears emphasising is that in all the research regions, where the parents (father and mother) of the girls concerned were farmers, they did not own their own land but were tenant farmers on land now owned by someone else, though they had previously owned land themselves. Likewise, for those who herded cattle, the cattle belonged to someone else under a profit-sharing arrangement. And although the cattle were left in the care of the father, it was often the mother who had to seek the fodder; yet the proceeds from the *paron* (share to the farmer) would be controlled by the father, as the head of the household. Daughters, whose parents had cattle under this arrangement, often took over the household work, as both parents were far away, herding the

cattle. The sons in these families would also go off with their mothers and/or fathers herding the cattle. In the profit-sharing arrangement, the adult sons would receive a share of the proceeds, but the daughters and their mothers received no direct share from the *paronan* (share arrangement).

36. Girls from the middle to lower classes whose fathers worked in the informal sector typically had mothers who also supported the family—as farm workers, itinerant vendors, tempeh sellers, household servants, children's snack sellers, and often as migrant workers.

The role of institutions

37. All the child marriages documented in this study indicated the significant role of informal and formal institutions. There were at least six patterns through which these institutions were involved. First, parents who wanted to make a match for their daughters, or whose daughters were already pregnant, requested help from a local religious authority—*kiyai kampung / habib / amil / lebe* at the *kampung* or village level—to formalise their daughter's marriage 'religiously'. An underage girl's marriage is foiled by the administrative procedures in the KUA, since she is not yet of legal age. Therefore, the option of being married before the *kiyai kampung* (village religious leader) is chosen. In other words, the girl has only what is termed a *sirri* marriage, that is one that is performed before a religious authority and hence legitimate according to Islamic precepts, but not registered by the state and with no official marriage certificate.
38. Second, the parents, as an institution that has authority over their daughter, work together with the village head or hamlet head to arrange the requirements for marriage at the KUA. They use the *N5 form* from the KUA to state their permission for their child to be married. In law, this form is intended for cases of marriage that do not have the blessing and approval of the parents. But in practice, the parents use the *N5 form* to allow their daughter to be married below the legal age. In this way, the girl can be officially married at the KUA and receive an official document.
39. Third, the parents work together with a *kiyai kampung* to marry off their daughter in the *sirri* way. They postpone the registration of the marriage until the girl is officially old enough. When she has reached the official age according to the law, they first apply for an *isbat nikah* hearing at the Religious Court, which is the procedure to obtain permission for the marriage from state authorities. Once this is granted, the permit is taken to the KUA and the couple is officially married.
40. Fourth, the parents and the *amil desa* (Muslim village official) work together to register the marriage at the KUA with whatever age data they have. The KUA will typically reject the application and recommend that they seek a dispensation for marriage from the Religious Court. If the request is granted, they will receive an official document; if it is rejected, they will perform a *sirri* marriage.
41. Fifth, the marriage is performed by the leader/ *imam* of a group as the representative of the parents. In one of the cases we found the girl's marriage was officiated by the 'commander' at her *pesantren*, and all the household matters were arranged by him — who she married, when and how many children they had, and even when they must divorce. This pattern is followed in groups that for whom marriage is firmly understood in religious terms.
42. Sixth, the marriage is effected by falsifying the girl's age on her identity card (KTP). Often the KUA officials actually know this, just by looking at the physical condition of the girl who is to be married. But since the KUA follows the guideline of the age as stated on the KTP, they do not make an issue of a bride who is still '*piyik*' (little).

The role of religious interpretation

43. Because child marriage is a violation of the law, the parties that are involved in such a marriage constantly rely on arguments from religious perspectives. The most common argument is that children must obey their parents, *birr al-wâlidayn*. This seems to be the magic key phrase to dissolve the daughter's resistance. Second, the parties (adults), in both formal and informal institutions, use the concept of *baligh*, referring to physical maturity (i.e. menstruation) as the practical foundation of readiness for marriage. That is, they prioritise a religious basis for determining the appropriate age of marriage of a child, even though the law sets the minimum age for marriage at 16 years for females and 19 for males. The third religious argument is actually entwined with a cultural perspective —protecting the family's dignity. This occurs mainly in child marriages due to unintended pregnancy or where the couple have eloped. Although there is actually no religious argument used here, they say that this is associated with values of proper behaviour that must be upheld. Informal religious leaders such as *lebe*, *naib*, or *penghulu kampung* who officiate at *sirri* marriages also use religious arguments such as the obligation to address an emergency. In certain cases in the region of Cisarua, Bogor, the practice of child marriage is officiated by *naib*, *lebe*, or local *kiyai* even though they have to use a practice legitimated by a different *mazhab* (school of Islamic jurisprudence) than the Syafi School which is the norm in Indonesia. In particular, they perform a *sirri* marriage as applied in the Shia tradition, or *misyar* marriage as it is known in the Wahhabi tradition, which allows both husband and wife to renounce some marital rights such as living together, and the wife's rights to housing and maintenance. These customs are new to religious thought and practice in Indonesia.

'Agency' of girls

44. Cases of child marriage do not occur due only to tradition or poverty, but they are also sometimes due to the 'desire' of the girl herself. We mapped several cases in which it was actually the girl who compelled her parents to marry her off immediately. The agency of the daughter forcing her parents to allow her to marry can occur in several ways. One girl claimed to be pregnant so that she could marry her boyfriend. In another story, a girl wrote a letter to her parents containing religious arguments that urge a girl to marry immediately if the right man comes along. In yet another story, the girl coerced a man to approach her to marry immediately.
45. Nevertheless, in this group there were some parents who tried to prevent their daughters' marriages so that they could finish school first (usually junior high school level). But these girls had many ways to overcome their parents' objections, such as using religious arguments. If the religion says that this is the best way, then there is no other recourse for the parents than to marry off their daughter, even if reluctantly.

Mechanisms of children's resistance

46. In the 52 cases we studied, most of the girls gave in and accepted their fate as child brides. In these instances, the largest number of cases of child marriage occurred when parents arranged a match for their daughter or asked her to get married quickly. This shows that parents have a strong authoritative influence over their children, and the daughters tend to 'have to' give in and follow their parents' wishes.
47. But when we look more closely, there are in fact many ways in which the girls resist, such as running away, leaving their village to work as household servants, or refusing to go to school. But very few of them succeeded in this resistance and avoided marriage. Out of the 52 cases, we

found only two stories in which the marriage was prevented before the wedding ceremony, and these involved long and difficult processes.

48. In some other stories, even though the marriage had taken place, the girl's strong resilience enabled her to continue her education, despite many obstacles. These included being expelled from the family, not being given school fees, having to live with the operator of the *pesantren* or with paralegal advocates to obtain protection. These girls seem to be alone in fighting for their rights, and experience life as social orphans. In many cases, they resist even though it is already too late (already married or already pregnant).

Conclusion: Back to school

49. In reality, it seldom happens that a girl goes back to school after getting married unless she has a very strong determination to do so and a high level of agency, as well as support from her environment. In one case, for example, a girl who was married pleaded with the school principal to allow her to take the final junior high school exams even though her pregnancy was advanced. In another story, a *pesantren* served as a way out by accepting married girls as students. But this struggle remains unsystematic and ad hoc without support from local government or from regulations. Apart from *pesantren*, there are few school institutions that will officially accept girls who are pregnant, except in a few cases where they have the support of pioneering teachers who engage in practical advocacy with the principal. Compared with state schools, private schools have a bit more leeway to allow girls who are married to come back to school, unless the young mother is clearly pregnant.
50. Efforts to return to school also occur sporadically, depending on the resilience of the girl concerned and the acceptance on the part of the school. At the same time, when a school allows a girl who is married and/or pregnant to return to school, it often encounters opposition from the parents or the husband. Girls returning to school also often face a stigma—'already a mom but still in school?'—especially when they have a child or are divorced. In many cases, girls who are married have virtually no opportunities to resume their education.
51. The government always blithely states that children can continue or complete their schooling by taking the extra-school *paket B* and *paket C*, designed for adult education of people who have not completed school. But in fact, in the cases we studied, only two girls took *paket B* to receive their junior high school diplomas, and only one took *paket C*. All the rest simply quit school, especially if they were pregnant or had children. But in several cases girls who have returned to school with the full support of educational institutions like the *pesantren*, have succeeded, mainly in Madura and NTB. The problem is that this non-systemic approach is temporary and entirely dependent on the internal policies of the institutions involved.

Notes

[1] Indri, Sumenep, 16 February 2016.

[2] Lies Marcoes and Fadilla Dwianti Putri, *Testimony of the Child Brides* (Jakarta: Rumah Kitab, 2016).

[3] Ibu Nyai Dewi Khalifah, Head of Pondok Pesantren Aqidah Usumuni, Sumenep, Madura, 16 February 2016.

[4] Ibu Norma, Pulau Kodingareng, South Sulawesi, 29 March 2015.

[5] Law No. 1 of 1974 on Marriage. Article 6 states the minimum age of marriage for males and females is 21 years.

Article 7 states with parental consent, males can marry at 19, females can marry at 16. Parental consent is proven by the N5 form, which sometimes is violated by someone who wants to marry a child below 16 and 19 years. In fact, permission to marry someone off before 16 and 19 years should be granted by the court.

[6] Law No. 35 of 2014 on Child Protection. The law states anyone under 18 years is considered a child regardless of their marital status, language, race, ethnicity, and other background.

[7] Lies Marcoes and Nurhady Sirimorok. *Introduction to the Monographs of Child Marriage Studies in 5 Provinces: Social Orphans and Disguised Power*, Jakarta: Yayasan Rumah Kita Bersama, 2016, p. 19.

[8] Yunita, Mataram, 10 February 2016.

[9] Ibu Guru Ratna, Pulau Kodingareng, Makassar, 30 March 2015.

[10] Law No. 1 of 1974 on Marriage. Article 6 states the minimum age of marriage for males and females is 21 years. Article 7 states with parental consent, males can marry at 19, females can marry at 16.

[11] The West Lombok Health Department Office, 2015.

[12] Lies Marcoes, *A Journey Against Defeat*, Jakarta: INSISTPress, 2014.

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