

Alternative Policies for Handling *Abhakalan* Problem of Early Marriage in Madura

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Abstract

Dispensation for early marriage in Madura is almost evenly distributed in four districts in Madura. The problem of early marriage is inseparable from the cultural factor of *abhakalan*. The implementation of Law Number 16 of 2019 concerning marriage, especially the age limit for marriage, has so far not been optimal. This study aims to provide alternative policies in dealing with the problem of early marriage in Madura. The method used in this research is qualitative with a literature review based on secondary data sources. Then the various data sources were analyzed through three approaches, namely; partnership, networking, and participatory. The results of the study show that alternative policies through three approaches (partnership, networking, and participatory) can be combined with the Madurese philosophical *bupa'* (father), *babu* (mother), *guruh* (teacher), *rato* (leader) where there is compliance in carrying out the policy because some of these subjects are highly respected by the Madurese people. Each of their roles is the government (*rato*) as a partner in carrying out programs based on existing policies, kiai and teachers (*guruh*) in providing religious education and character education, and parents (*bupa'* and *babu*) in the process of parenting and the main prevention of culture *abhakalan*.

Keywords: Abhakalan, Alternative policies, Early marriage



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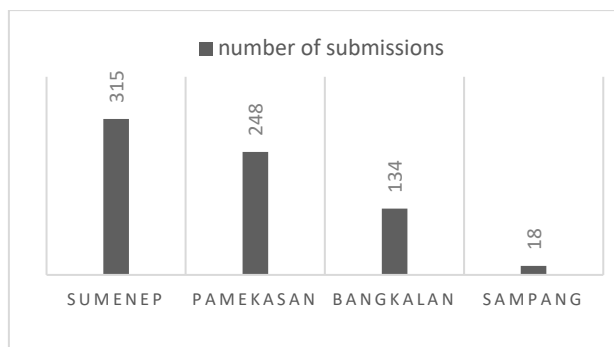
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Introduction

Marriage is synonymous with a promise bond between two people which is formalized according to religious norms, legal norms, and social norms. Many variants of wedding traditions are influenced by ethnicity, religion, culture, and social class (Adam, 2020). Law number 16 of 2019 concerning amendments to Law number 1 of 1974 concerning marriage in Article 7 Paragraph 1 states that marriage can be permitted if the male and female parties are 19 years old. The purpose of marriage is nothing but happy survival, fulfilling biological needs legally, maintaining lust, and forming a family tree (Maudina, 2019). Even though there have been regulations governing the age limit for marriage in Indonesia, the phenomenon of early marriage under the age of 19 still occurs a lot, one of which is on the island of Madura.

Madura has a culture of early marriage that continues today. According to Munawara (Munawara et al., 2015) The culture of early marriage that is often found in Madura is arranged marriages for children from childhood, manipulation of the age of marriage, the role of women as chosen ones, and even almost no right to refuse. The majority of early marriage actors are still of school age, so if the marriage is properly carried out, it correlates with the problem of dropping out of school.

Madura Island, which consists of four regencies, shows a high number of early marriages recorded through marriage dispensation applications in East Java. According to data compiled on the 2022 kinsatker website at jatimhariini.co.id, there were 315 applications at the Sumenep Religious Court, 248 applications at the Pamekasan Religious Court, 134 requests at the Bangkalan Religious Court, and 18 at the Sampang Religious Court.



Source : Kinsatker (2022)

Figure 1. Application for marriage dispensation in Madura

Marriage dispensation is a form of deviation from the minimum age limit for marriage (Abiansyah & Putra, 2023). Where in the provisions of the Marriage Law, a dispensation can be made if there is a request or permission from the parents or guardian of the prospective bride and groom to allow children who are not old enough to continue to get married. In other words, Iqbal et al, interpret marriage dispensation as a form of liberation, relief, and concessions granted by authorities such as religious courts (Iqbal & Rabiah, 2020).

The phenomenon of early marriage practices in Madura seems to allow minors to marry even though they are only 12 years old. The practice of early marriage is very vulnerable to occur in rural areas where the form of understanding to make decisions in getting married is still very traditionalist (Raudlatun, 2021 & Setiyaningsih et al, 2023).

Several studies have revealed that early marriage is inseparable from various risks. First, the risks to reproductive health include abortion, premature delivery, anemia of pregnancy, low birth weight, and death in the mother (Nurasiah et al., 2020). Second, in general, young couples are not able to be burdened with jobs that require physical skills. Therefore it is at risk of difficulty meeting the family's sufficient economic needs (Indrianingsih et al., 2020). Third, early marriage is at risk of dropping out of school (Khaerani, 2019). Education issues will begin to be neglected because the main priority is taking care of the family. Fourth, from a psychological point of view, if the marriage that has taken place is not as expected, the child will be prone to depression (Rosyidah & Listya, 2019).

The complexity of the problem of early marriage in Madura is dominated by a tradition that is still maintained today, namely *abhakalan*. *Abhakalan* is a form of arranged marriage carried out by parents or relatives in selecting their children's partners. This tradition is carried out for children who are adults or not old enough, even though the child is still in the womb. In principle, the *abhakalan* tradition is carried out as an effort to maintain the integrity of the bonds of brotherhood (*sa taretanan*) and kinship (*sa bhela'an*) to maintain family integrity and safeguard inheritance so that it does not fall to other people. (Subhan, 2020).

Meanwhile, the majority of Madurese people who are Muslim believe that in Islamic Shari'a early marriage is considered valid as long as it fulfills the requirements and pillars of marriage, in which there is also no provision regarding the age limit for marriage. (Nahdiyanti et al., 2021). Apart from that, in terms of education and economy, most of them prefer to give up their children to marry because it will reduce the burden on the family from the aspect of school financing and various other expenses.

In line with various previous studies that the phenomenon of early marriage comes from various sources and it is appropriate to get a clear form of handling. The implementation of Law Number 16 of 2019, especially regarding the basic provisions on the age limit for marriage for both men and women in Madura, has not had a significant positive impact on preventing early marriage due to cultural, religious, educational, and economic factors. To support the

implementation process so that it works well, alternatives are needed as options or choices that can be made to support the implementation of Law Number 16 of 2019.

This paper analyzes how alternatives to the policy process can be created through the dimensions of policy reform as the realm of policy plans (Sukardi, 2014). In the future to be able to overcome the problem of early marriage that has not been resolved in Madura. Furthermore, the form of solving the problem of early marriage can be carried out with accompanying elements, namely partnership, networking, and participatory. These three elements have a pattern of relationship between government and society. This means that the process of preventing early marriage can not only be carried out by the government but also the community can participate in preventing early marriage, especially in understanding *abhakalan* culture in a modern way.

Literature Review

a) Public Policy Reform

In general, in several countries, the bureaucratic reform that has been carried out is related to two dimensions, namely the organizational dimension and the dimension of apparatus human resources. The organizational dimension relates to structure, organizational culture, organizational technology, laws, and regulations. The human resource dimensions of the apparatus include knowledge, skills, attitudes, behavior, mindset, discipline, integrity, and performance (Haning, 2018).

Preventive efforts for early marriage can also be carried out through cross-cultural counseling, bearing in mind that culture is one of the factors that influence the high rate of early marriage in an area. Counselors are tasked with educating the public or clients about the importance of preparing for marriage and the impact of early marriage (Kurniawati & Sa'adah, 2022).

Public policy reforms regarding early marriage have been carried out by the government, including Law No. 16 of 2016 concerning amendments to Law No. 1 of 1974 concerning marriage stipulates that marriage is only permitted if the male and female parties have reached the age of 19. Then as an effort to translate the 2020-2024 RPJMN policy directions and strategies into implementable strategies, Bappenas together with the Ministry of Women's Empowerment and Child Protection (KPPPA) supported by the Australia Indonesia Partnership for Justice Program (AIPJ2) and the MAMPU Program which is a government cooperation program Indonesia and Australia, UNFPA and UNICEF initiated a collaborative effort to develop a National Strategy for the Prevention of Child Marriage (STRANAS PPA).

STRANAS PPA consists of five strategies, namely: 1) Optimizing Children's Capacity; 2) An Environment that Supports the Prevention of Child Marriage; 3) Service Accessibility and Expansion; 4) Regulatory and Institutional Strengthening; 5) Strengthening Stakeholder Coordination. With the existence of STRANAS PPA, it is hoped that it can become a reference for stakeholders, namely the government, to collaborate with various parties in preventing child marriage.

b) Policy Alternatives Through the Policy Process Dimension

Public policy reform has dimensions as a form of a comprehensive, dynamic, and flexible approach. The dimensions of the public policy process are important in achieving goals. Each policy process will determine whether each policy outcome is good or bad.

The position of the dimensions of the public policy process is between formulation and policy objectives. If imagined, the dimension of the policy process is circulation in actualizing aspects of policy into all policy components to produce policy outputs (Hayat, 2018). In each process three elements accompany it, namely partnership, networking, and participatory. These three elements are patterns that can be used as an alternative policy. Through these

elements, alternatives will be formed in a pattern of how the relationship of collaboration, the relationship of one policy to another, as well as the pattern of relations from the public itself as the people participating in it.

According to Hayat, the three dimensions of the policy process can be analyzed as follows (Hayat, 2018) :

1. Partnership

The Partnership is interpreted as building cooperation between all stakeholders on the policies they hold. Cooperation formed in a collaboration can be started by determining job descriptions which are the duties and responsibilities of policy stakeholders.

2. Networking

The nature of policies that cannot stand alone means that policies will have mutual attachments between policies. In this case, the network is a means of creating communication so that the program of a policy will be sustainable. Building a network is very important as a form of collaboration and achieving goals.

3. Participatory

Community participation has a role and responsibility to build good governance. Community participation is also defined as the involvement of individuals and groups to contribute to each policy process.

From these three elements, policies can generate renewal through the dimensions of the policy process which are interpreted as gaps in correcting policies that are not working as they should.

Method

This study uses a qualitative method with a literature review based on secondary data sources taken from various articles, journals, and trusted supporting sites. The qualitative research technique was chosen by the author because this research will identify problems and seek alternatives for handling early marriage in Madura from various pre-existing research sources. According to Cooper (Creswell, 2016) Literature review consists of four important steps, namely (a) combining what others have said or done, (b) critiquing research from previous researchers, (c) building bridges between related topics, and (d) identifying issues center in a field.

Based on a literature search regarding the research object, we used several journals as samples representing the conditions of each district in Madura. Like; The first is a study written by Raudlatun about the role of female clerics in preventing child marriage. The case study in Rubaru District, Sumenep Regency, represents a sample of early marriage research in Sumenep Regency. Second, research by Sabariman et al on the role of *klèbun babine'* in efforts to prevent early marriage in Ponteh Village, Galis District, Pamekasan Regency is a sample that represents the issue of early marriage in Pamekasan Regency. Third, research by Miswoni et al on stereotypes of gender equality regarding the culture of early marriage in Madura society is a sample that represents the issue of early marriage in Bangkalan Regency. Fourth, research by Firdaus et al on early marriage due to age falsification. The case study in Pangelen Village, Sampang District, Sampang Regency is a sample that represents the issue of early marriage in Sampang Regency. The selection of the various samples was carried out by considering the novelty of previous research published in the last five years.

In line with that, the process of data analysis is then carried out by combining, criticizing, building mutually relevant relationships, and identifying the center of the issue. The result is that from each data source, there is a similar relevance to the issue of early marriage in Madura which is supported by local people's beliefs about *abhakalan* culture. So that the process of analyzing the center of the issue will produce a new analysis in the form of an alternative as an outcome in this study.

Result and Discussion

a) Early Marriage Traditionalism in Madura

From various literature reviews, four districts in Madura are inseparable from the traditionalist view of early marriage. The culture in Madura is very strong, so it is very difficult for the indigenous people of the Madurese to leave this culture.

First, in the area of Sumenep Regency in the existing research (Raudlatun, 2021) that early marriage is due to cultural factors of *abhakalan* if it is not carried out immediately, especially for girls, then it is stereotyped as *bebinik takpajuh* (women do not sell). In addition, in Sumenep district, there is a very sensible reason for marriage, namely *eseddak deri se lakek* (pressed by the man) where if a man comes to propose to a woman but the application is rejected by the woman, then there is a belief called *takancheng* (locked) or in this case, the woman will be unlucky because she has rejected the proposal from the man. The tradition of *karjeh* (wedding parties) also plays a part in hastening children to marriage. In principle, this tradition is in the form of a donation of money or groceries from each person as a guest where the donation will be recorded in the form of a personal receipt so that from the wedding process there will be financial benefits.

Second, in the Pamekasan Regency area in the study (Sabariman, 2019) that women in *abhakalan* culture seem to position women as someone powerless. There is a similarity in Sumenep Regency, where if women do not get married soon, they are seen as unsellable, or by the Pamekasan people it is called *ta'pajuh lakeh*. In this case, for every parent, there is a fear that their child becomes an old maid. Even some of the public that young widows are better than spinsters.

Third, in the area of Bangkalan Regency based on existing research (Miswoni, 2016) *abhakalan* culture is quite fertile among the village community. Matchmaking is usually not far from a system of blood ties in the family. In the area of Bangkalan Regency, there is a myth called *sangkal*, meaning that if the woman rejects the proposal from the man, it is believed that the woman will become an old maid. Regarding age in a marriage is considered not too important, even manipulating age to be registered with the Office of Religious Affairs is a common thing to obtain a marriage certificate. This is done so that parents do not feel ashamed if their children are not married.

Fourth, in the area of Sampang Regency in the existing research (Firdaus & Setyowati, 2022) It is stated that marital status is the status that the child has grown up. Almost the same as several other districts in Madura that *abhakalan* is also one of the first steps in the marriage process to occur. Apart from the child's own will to marry, in fact in the Sampang Regency, child marriages are carried out under coercion from their parents. They are of the view that if a child gets married then it is no longer a burden on the family. In addition, the primacy of marrying children aims to avoid adultery. Girls are usually prioritized to get married quickly rather than continuing their education because this is due to society's view that women's main task is just to take care of the household.

b) Alternative Handling *Abhakalan* Problem of Early Marriage in Madura

In the process of issuing policies as an alternative solution to the problem of early marriage in Madura, the following approach can be followed.

1) Partnership

Collaborative relations in the development of policy alternatives begin with central, regional, and village-level government cooperation. Policies in preventing early marriage regulated in Law Number 16 of 2019 concerning marriage can be realized with the National Strategy for the Prevention of Child Marriage. KPPPA, the agency that handles child protection,

and also the village head have power relations in positioning themselves to prevent problems of early marriage.

In Madurese philosophy, there are expressions *bupa'* (father), *babu* (mother), *guruh* (teacher), *rato* (leader). This expression is a form of very high respect for the Madurese towards fathers, mothers, teachers, and leaders. The correlation of this philosophy can be connected with the role of the government (leader) to prevent problems of early marriage.

At the village level, the village head or Madurese people call a *klebun* who is the most respected person. So in tackling this problem, the village head can creatively implement the National Strategy for the Prevention of Child Marriage. The main thing that needs attention is the introduction of a new cultural narrative of marriage. Like the behavior of people in the *abhakalan* system. The task of the regional government together with the village head should be to foster public confidence that early marriage is against children's rights at a time when they should be able to receive more opportunities to study at school, play, and seek identity.

Interventions on the importance of sexual and reproductive health education at the village level need to be socialized in the long term or carried out continuously. The dispensation of marriage that was evenly distributed in the four districts was triggered by the child having committed an immoral offense which resulted in getting pregnant out of wedlock. The realization of child-friendly villages starts with leaders who can control the power of their territory. The village head must be able to convince the community that the form of child maturity cannot be judged by marital status but in terms of age, emotional maturity, financial readiness, and more complex forms of self-readiness.

Prevention of child marriage can be done by efforts to solve specific problems from the root of the problem itself, such as if parents want to marry off their children to reduce the economic burden on the family, the role of the local government together with the village government is to provide economic assistance that can increase the level of family welfare (Pangalila et al., 2018). If not, an alternative that can be done is to empower families to create different perspectives and dare to address traditionalist cultural forms of early marriage.

2) Networking

Apart from being carried out with the government, efforts to prevent early marriage can be realized by other parties (various networks) such as religious leaders or local community leaders.

Madurese people are known to respect the presence of kiyai. The majority of people embrace Islam, making kiyai idols and role models for society. Reviewing the philosophy of *bupa'* (father), *babu* (mother), *guruh* (teacher), *rato* (leader). Kiyai is categorized as a teacher. Kiyai has a socio-cultural role. The form of da'wah delivered in religious activities is a pattern of communication that is lived and believed to be knowledge in carrying out life in the afterlife.

Apart from that, cooperation between the government and kiyai in preventing problems of early marriage can be carried out. The pattern of preaching conveyed by kiyai can encourage parents to postpone child marriage at a relatively young age. While the alternative to the child itself is a form of da'wah delivered by ustadz or ustadzah in educating students' character based on religious norms so as not to violate decency norms. Other education provided is the pillars of marriage where Islam prohibits someone from marrying because of compulsion. This is in line with the concept of *abhakalan* where parents often force and determine their will so that their children can marry quickly even though they are still at school age.

Apart from *kiyai*, the philosophy of *guruh* (teacher) is addressed to teachers as educators in schools. Teachers can carry out coaching through character education formed in the school environment. Good character education in schools will shape students' personalities in maintaining various norms in the community, feeling afraid of committing existing violations, and fostering a sense of responsibility in obeying various rules.

In addition to the network formed with religious leaders and teachers in schools, various other parties should be involved, for example, volunteers from various organizational and private groups who care about the future of the younger generation. At the village level, it can be started through the counseling process. The limited education of a person at the village level tends to not understand the negative impacts arising from early marriage. Therefore this counseling process will be useful to broaden the local community's insight. The collaboration between these parties synergizes the implementation of Law Number 16 of 2019 and specifies the National Strategy for the Prevention of Child Marriage at the village level through religious leaders and various volunteers.

3) Participatory

Handling the problem of early marriage can be started with community support for all programs that have been realized by the government. The most important prevention of early marriage starts with the family. Here the role of parents dominates the most because parents are the main actors in the parenting process.

The parenting process that can be carried out by parents can be started by providing direction and motivation to be serious in pursuing goals and supporting the learning process in schools optimally. The Madurese philosophy regarding the expression *bupa'* (father), *babu* (mother), *guruh* (teacher), *rato* (leader) describes the highest form of respect for the father and mother (parents). In this case, parents are the main actors in the process of preventing *abhakalan* culture, remembering that parents' blessing is the first step in getting married.

The participatory approach in the family also needs to go through the process of educating children in the behavioral process. Supervision of children in every interaction needs to be maintained. So far, early marriages caused by married by accident have occurred due to negligent parental supervision. Support in the form of affection and attention for children is a barometer so that children do not behave negatively and focus more on making their parents proud.

Conclusion

Alternative policies to prevent early marriage in Madura can be done through three approaches. First, the approach by the local government and village government to implement the National Strategy for the Prevention of Child Marriage program creatively by solving the causes of the marriage itself. Second, policy collaboration with religious or community leaders and teachers in equipping parents through *da'wah* and provision of early marriage prevention in the community and school environment. Third, prevention of early marriage through a family approach where parents play a very important role as a promoter of *abhakalan* culture. The researcher recommends the three components of this approach because in Madurese culture there are also people who are most respected in life, namely *bupa'* (father), *babu* (mother), *guruh* (teacher), *rato* (leader) where these four subjects influence the culture of society. and the opportunity to participate in the good of policy reform in the field of preventing early marriage.

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