

THE EFFECTIVENESS OF AWIG-AWIG ON MERARIQ AGE MATURATION IN PREVENTION OF EARLY MARRIAGE IN KEKAIT VILLAGE

Hamdi

University Of Muhammadiyah Mataram
hamditaufik82@gmail.com

Fitriani Amalia

University Of Muhammadiyah Mataram
famelia379@gmail.com

Sahrul

University Of Muhammadiyah Mataram
sahrul25@gmail.com

ABSTRACT

Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage Article 7 reads, “marriage is only allowed if a man and woman have reached the age of 19 (nineteen) years”. In the new law, the age requirement is 19 years for the two prospective brides. While the age of marriage in the previous law, namely Law Number 1 of 1974 concerning Marriage in Article 7 paragraph (1), it is stated that “marriage is only allowed if the man has reached the age of 19 years of marriage and the woman has reached the age of 16 years. Merariq in the Sasak community is difficult to avoid because it is a hereditary tradition, as well as in Kekait Gunungsari Village, District, West Lombok Regency. Merariq in Kekait village is a regular marriage. In fact, almost all marriages are carried out with merariq. Merariq in Kekait village leaves social problems, such as easy divorce, stunting, early marriage, and school-age marriage. School-age marriage and early marriage are the focus of the Kekait Village Government which must be prevented through village regulations or awig-awig on the maturation of the age of merariq. This awig-awig regulates the merariq procedure, starting from the minimum age for merariq, farewell to the bride and groom who have not reached the minimum age requirement, school-age marriage, to sanctions for those who marry early. Sanctions are also given to village officials directly involved in early marriage.

Keywords: *Early Marriage; Sasak Community.*

INTRODUCTION

Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning marriage in article 7 reads, “marriage is only permitted if a man and woman have reached the age of 19 years”. In the new law, the age requirement of 19 years is applied to both prospective brides. While the age of marriage in the previous law, namely Law Number 1 of 1974 concerning marriage in Article 7 paragraph (1), states that “marriage is only permitted if the man reaches the age of 19 years and the woman has reached the age of 16 years.

Changes in the age in the previous law differentiated between prospective brides, namely men who have reached the age of 19 years while women have reached the age of 16. The provisions on the amendment to the minimum limit for marriage are intended that the age

of marriage becomes an essential part of the purpose of marriage and animates the basis of marriage. This change in the minimum age limit for marriage is expected to minimize conflicts in the household and reduce negative impacts such as the problem of maternal mortality, child development delays or stunting, and other impacts on the community's social life.

Early marriage is difficult to avoid in the Sasak community of Lombok. It is caused by one of the traditions or customs in the implementation of marriage which is better known as merariq. Merariq is one of the ways the Sasak people get married. Merariq begins with a promise between a woman and a man who has been bound in a beberayean relationship (dating) to run the woman away from her home. It was done without the knowledge of his parents, relatives and parties who were suspected of being able to thwart this intention. This event is carried out at night, with the prospective husband being assisted by a trusted person to take the prospective wife to a place of peseboan or hiding, namely the prospective groom's family home.¹

Merariq in the Sasak community is difficult to avoid because it is a hereditary tradition, as well as in Kekait Village, Gunungsari District, West Lombok Regency. Merariq in Kekait Village is a common method of marriage, and even almost all marriages are carried out through merariq. Merariq in the village of Kekait leaves social problems, such as easy divorce, stunting, early marriage, school-age marriage and others.

School-age marriages and early marriages are the focus of the Kekait Village Government which must be prevented through village regulations or awig-awig regarding the maturation of the merariq age. This awig-awig regulates the merariq procedure, the minimum age for merariq, the separation of the bride and groom if they have not reached the regulated age and school-age marriage. This awig-awig also sanctions those who carry out early marriages and those who participate in early marriages, including sanctions for village officials directly involved in the early marriage.

Based on the description above, the problem in this study is how effectively the awig-awig Village Regulation in Kekait Village regarding the maturation of the merariq age prevents early marriage. This study aims to determine how effective Awig-Awig on Merariq's Age Maturity is in preventing early marriage in Kekait Village, Gunungsari District, West Lombok Regency.

METHOD

The type of research used is normative juridical research, which focuses on examining the application of rules or norms in positive law, with a statute approach and a conceptual approach. The author also conducts empirical juridical research to support normative juridical research. Data obtained from field research is primary data, namely data obtained directly from respondents and sources and is used to support secondary data. Primary data (field data/empirical data), namely data collected from interviews with several informants, namely parties involved in providing information about Law Number 16 of 2019 on Amendments to Law Number 1 of 1974 concerning Marriage, Presidential Instruction Number 1 of 1991 concerning the Compilation of Islamic Law and Kekait Village Regulations concerning Awig-Awig Maturation of the Age of Merariq, namely Kekait Village officials, religious leaders, community leaders, youth leaders and the management of the Community-Based Integrated Child Protection Organization.

In the secondary collection method, the researcher uses a literature study, namely by collecting primary legal materials (laws and regulations), secondary legal materials (books and opinions of experts) and tertiary legal materials (legal dictionaries and legal encyclopedias). In comparison, the primary data collection researchers use field data from interviews with informants by providing a list of questions. Then the data collection method used to determine

¹Hilman syahril Haq dan Hamdi. (2016). "Perkawinan Adat Merariq Dan Tradisi Selabar". *Perspektif*. Vol. 21. p. 162.

the sources is purposive sampling. Namely, the determination is not made randomly but with specific considerations according to the researchers according to the problems to be studied and the objectives to be achieved.

ANALYSIS AND DISCUSSION

Overview of Legal Effectiveness

Effectiveness means the effectiveness of the effect of success or efficacy or efficacy. Talking about the effectiveness of the law certainly cannot be separated from analyzing the characteristics of the two related variables, namely the characteristics or dimensions of the target object used.²

The theory of legal effectiveness, according to Soerjono Soekanto, is that the effectiveness of a law is determined by 5 (five) factors, namely:³

1. The legal factor itself (law).
2. Law enforcement factors, namely the parties that form and apply the law.
3. Factors of facilities or facilities that support law enforcement.
4. Community factors, namely the environment in which the law applies or is applied.
5. Cultural factors result from work, creativity and taste based on the human initiative in social life.

Experts express their opinions regarding the theory of effectiveness, namely:

Bronislaw Malinowski says:

Effectiveness theory related to social control or law, the law in society, is divided into two, namely: (1) modern society, (2) primitive society; modern society is a society whose economic level is based on the global world, specialization in industry and the use of advanced technology, in In modern society, laws are made and enforced by authorized officials.⁴

Another point of view on legal effectiveness by Clarence J Dias says that:⁵

An effective legal system may be described as one in which there exists a high degree of congruence between legal rule and human conduct. Thus an effective legal system will be characterized by the minimal disparity between the formal legal system and the operative legal system is secured by :

1. *The intelligibility of it law system.*
2. *High-level public knowledge of the content of the legal rules*
3. *Efficient and effective mobilization of legal rules:*
 - a. *A committed administration and*
 - b. *Citizen involvement and participation in the mobilization process*
4. *Dispute settlement mechanisms that are both easily accessible to the public and effective in resolving disputes.*
5. *A widely shared perception by individuals of the effectiveness of legal rules and institutions.*

²Barda Nawawi Arief. (2013). *Kapita Selekt Hukum Pidana*. Bandung : Citra Aditya. p. 67.

³Soerjono Soekanto. (2008). *Faktor-Faktor yang Mempengaruhi Penegakan Hukum*. Jakarta: PT. Raja Grafindo Persada. p. 8.

⁴Salim,H.S dan Erlis Septiana Nurbani. (2013). *Penerapan Teori Hukum Pada Tesis dan Disertasi*. Jakarta : Rajawali Press. p .375.

⁵Clarence J.Dias. Research on Legal Service And Poverty: its Relevance to the Design of Legal Service Program in Developing Countries, Wash. U.L. Q 147 (1975). p. 150 dikutip dalam jurnal Marcus Priyo Gunarto, 2011 , *Kriminalisasi dan Penalitasi Dalam Rangka Fungsionalisasi Perda dan Retribusi*, Program Doktor Ilmu Hukum Universitas Diponegoro Semarang. p. 70.

The theory given by Clerence J Dias was then explained by Marcus Priyo Guntarto as follows, there are 5 (five) conditions for the effectiveness of a legal system, including:⁶

1. It is easy or not to interpret the contents of the rules.
2. The extent of the community who knows the contents of the relevant regulations.
3. Whether or not the mobilization of legal regulations is efficient and effective is achieved with the help of administrative tools that involve themselves in such mobilization efforts and the community members who are involved and feel they have to participate in the legal mobilization process.
4. A dispute resolution procedure must not only be easily contacted and entered by every community member but must also be effective in resolving disputes.
5. There is a reasonably even perception and recognition among the community members who think that legal institutions can be effective.

The Theory of Legal Effectiveness expressed by Anthoni Allot and then re-translated by Felik is as follows:⁷

The law will be effective if the purpose of its existence and application can prevent unwanted actions and eliminate irregularities. Effective law generally makes what is made possible. If there is a disagreement, there may be an easy correction. If there is a need to implement or apply the law in a new, different atmosphere, the law will be able to resolve it.

In the effectiveness of the law, we must see how far the implementation of the rule of law can be understood, obeyed, and understood. If the rule of law has been understood and obeyed by the majority of the people whose obedience is a priority, it will be said that the law in question is effective.⁸

Legal awareness and obedience are two parts of the norms of life that can be said to be effective or not in implementing the rule of law in society. Legal awareness, legal compliance, and the effectiveness of legislation are the three main interrelated elements. Everyone combines legal awareness and legal obedience, even though the two are very closely related, but they are not the same. These two elements determine the effectiveness or not of the implementation of the rule of law in society.⁹

Aspects Affecting Legal Effectiveness

Based on the theory of legal effectiveness, according to Soerjono Soekanto, five aspects determine the effectiveness or failure of law. These aspects are the legal aspects themselves (laws), law enforcement aspects (the parties that form or apply the law), aspects of facilities or facilities that support law enforcement, community aspects (the environment in which the law applies or is applied), aspects of culture (the work, creativity and taste based on the initiative in human life).

According to Soerjono Soekanto, the measure of effectiveness in the first aspect of law or legislation is:¹⁰

1. The rules regarding specific areas of life are systematic.
2. The rules regarding certain parts of life are pretty synchronous; hierarchically, there is no conflict.
3. Qualitatively and quantitatively, the rules governing certain areas of life are sufficient.
4. The making of certain rules follows the existing juridical requirements.

⁶Marcus Priyo Gunarto. (2011). *Kriminalisasi dan Penalisasi Dalam Rangka Fungsionalisasi Perda dan Retribusi*, Program Doktor Ilmu Hukum Universitas Diponegoro Semarang. p. 71.

⁷Salim H.S dan Erlis Septiana Nurbani. *Op.Cit*, p. 303.

⁸Damang, *Efektifitas Hukum*, <http://www.negarahukum.com/hukum/efektivitas-hukum-2> di akses pada tanggal 24 Februari 2022

⁹*Ibid*

¹⁰Soerjono Soekanto. *Op.Cit*. p. 80

The second aspect that determines whether or not the performance of formal law is effective is law enforcement officials. In this case, it is necessary to have a qualified apparatus so that the apparatus can carry out its duties properly. Reliability in relation here covers professional skills and having a good mentality.

According to Soerjono Soekanto, things that affect the effectiveness of the written law from the perspective of the apparatus will depend on the following:¹¹

1. To what extent are officers bound by existing regulations.
2. The extent to which officers are allowed to give discretion.
3. What kind of example should the officer give to the community.
4. To what extent is the degree of synchronization of assignments given to officers to provide firm limits on their authority.

The third aspect is the facilities and infrastructure for implementing officers in their duties. The facilities and infrastructure in question are infrastructure or facilities used as a tool to achieve legal effectiveness. The facility is a part that provides input for the active duties of the officers on the spot. These parts are the presence or absence of facilities, sufficient or lack of facilities, and good or bad existing facilities.

In the fourth aspect, several parts of effectiveness depending on the condition of the community, namely:

1. Understand the existing rules.
2. The cause of people not complying with existing rules.
3. Causes people to obey the existing rules.

As for the fifth aspect, which is about culture as a habit in society, how to treat the existence of a rule, the fifth aspect can be seen in whether or not there is a treatment against the rules made a habit by the community, both good habits or those that are contrary to the rules.

Legal awareness and awareness

Awareness is a sincere situation that arises from the conscience in acknowledging and practising something following the demands contained in it. Legal awareness is an act of feelings that grow from the deepest soul of humans as individuals or communities to implement the things contained in the law.¹²

Legal awareness is part of the object of study that is important for the effectiveness of law. It is often stated that the law must be flexible with the public's legal awareness. That is, the law must follow the wishes of the community. In addition, a good law is a law that follows the feelings of human law.¹³

In general, high public awareness of the law results in community members complying with the provisions of the applicable laws and regulations. On the other hand, if the awareness of the community towards the law is very low, then the degree of compliance with the law is also not high.

According to Soerjono Soekanto, there is four legal awareness, namely:¹⁴

1. Knowledge of law

In this case, it is a person's knowledge regarding certain behaviors regulated by written law, namely what is prohibited and what is allowed.

2. Knowledge of legal content

¹¹*Ibid.* p. 86

¹²Beni Ahmad Saebani. (2007). *Sosiologi Hukum*. Bandung : Pustaka Setia. p. 197.

¹³*Ibid.*

¹⁴Achmad Ali. (1998). *Menjelajahi kajian Empiris Terhadap Hukum*. Jakarta : PT. Yarsif Watampone. p. 198.

That several things are owned by a person regarding the contents of the rule of law, namely regarding the content, purpose, and benefits of the regulation.

3. Legal attitude

It is a tendency to accept or reject the law because of the appreciation that the law is beneficial or not beneficial to human life as an individual. In this case, there has been an act of appreciation for the rule of law.

4. Legal behavior patterns

It is about how to apply or not the rule of law in society. If the rule of law applies, to what extent does it apply, and to what extent will society obey it.

The legal awareness of the community is related to aspects of a certain legal provision that is known, understood, obeyed, and respected. If the public only knows the existence of a legal provision, then the level of legal awareness is lower than those who understand it, and so on.

Legal awareness possessed by certain people can be easily faded by behavior or something that allows someone to get greater benefits, both material and immaterial, if they do not comply with the law. In this case, a person's interests will be accommodated more by not complying with the law, even though it has to be detrimental or potentially harm many people's interests.

Furthermore, legal compliance more or less depends on whether these legal provisions can accommodate the interests of community members in certain fields. In addition, obedience is very much dependent on persuasive efforts to institutionalize certain legal provisions in society. Efforts to increase the degree of obedience are usually carried out by allowing the public to understand the legal provisions at hand. This will provide an opportunity to absorb the position that the worst example is violating law rules.¹⁵

If the rule of law is obeyed by most of the targets to whom it is obeyed, we can say that the rule of law in question is effective. However, even though it can be said that the rules that are obeyed are effective, we can still question the degree of effectiveness. A person obeys or disobeys the rule of law, depending on his interests. As the opinion of H.C. Kelman, namely:¹⁶

1. Obedience is Compliance, ie, if someone obeys a rule only because he is afraid of sanctions. Obedience is the fulfillment of an acceptance of light induced by expectations of rewards and an attempt to avoid possible punishment, not because of a strong desire to obey the law from within. Influencing power is based on "tools of control," and as a consequence, the affected person adapts only under supervision.
2. Identification that is obedience is when someone obeys a rule only because he is afraid that his excellent relationship with someone will be damaged. Identification is an acceptance of a rule not because of its intrinsic value and approach but simply because of a person's desire to maintain interaction in a relationship or group with that obedience. The source of power becomes the allure of the relationships of those who enjoy the group's company, and their adjustment to the rules will depend on this primary relationship.
3. Internalization obedience is when humans obey a rule because he feels that the rule is following the intrinsic values he adheres to. Internalization is acceptance of an individual's rules or behavior because he finds it essentially rewarding content. The content is the same and congruent with the values of any person because his values change and adapt to the inevitable. There is an inner awareness that makes him obey the law well.

Suppose the obedience of the majority of the community to a general rule is only because of compliance interests or just fear of sanctions. In that case, the degree of obedience is shallow

¹⁵Soerjono Soekanto dan Mustafa abdullah. (1987). *Sosiologi Hukum Dalam Masyarakat*. Jakarta: Rajawali. p.220.

¹⁶Soerjono Soekanto. (1982). *Kesadaran Hukum dan Kepatuhan Hukum*. Jakarta : Rajawali Pers. p. 49-50.

because it requires continuous supervision. It is different if obedience is Internalization, whose obedience is because the rule of law is compatible with the intrinsic value it holds. The degree of obedience is the highest.¹⁷

Legal sanctions

Sanctions are actions to force someone to obey the rules or comply with the provisions of the law. Punishment or sanctions are certain treatments that are uncomfortable or cause suffering, which are given to the perpetrators of deviant behavior. Punishment should be given in proportion to the quality of the deviation committed. Ordinary people or ordinary people cannot carry out the punishment. Usually, the punishment is carried out by the competent authorities in their duties.¹⁸

In Indonesia, there are at least three types of legal sanctions, namely criminal sanctions, civil law sanctions, and administrative/administrative sanctions.¹⁹

In criminal law, legal sanctions are also called punishments. R. Soesilo said that punishment is an unpleasant feeling (misery) imposed by a judge with a verdict on people who have violated the criminal law.²⁰

Punishment in criminal is divided into two kinds, namely:²¹

1. The main punishment, is divided into:
 - a. Death penalty
 - b. Imprisonment
 - c. Confinement penalty
 - d. Fine penalty
2. Additional penalties, which are divided into:
 - a. Revocation of certain rights
 - b. Confiscation of certain items
 - c. Announcement of judge's decision

In civil law, the decision handed down by the judge:²²

1. A condemnatory decision is a decision that punishes the defeated party for fulfilling achievements. For example, one of the parties is punished for paying losses, and the losing party is punished for paying court fees.
2. Declaratory decisions, namely decisions whose orders create legal conditions according to law. This decision is only to explain and confirm a legal situation only. Example: a decision is stating that the plaintiff is the legal owner of the disputed land.
3. Constitutive decisions are decisions that eliminate a legal situation and create a new legal situation. Example: a decision that breaks a marriage bond.

So, in civil law, the form of legal sanctions can be in the form of an obligation to fulfill achievements (obligations) and the loss of a legal situation, which is followed by the creation of a new legal situation.

Administrative/administrative sanctions are sanctions imposed on administrative violations or statutory provisions of an administrative nature.

¹⁷Achmad Ali. (2009). *Menguak Teori Hukum (Legal Theory) dan teori peradilan*. Jakarta : Kencana Pranada Media Grup. p. 375.

¹⁸Pengertian Ahli. *Pengertian Hukum/Sanksi*, <http://www.pengertianahli.com> di akses pada tanggal 24 Februari 2022.

¹⁹Hukum Online, *Sanksi Hukum*, <http://www.hukumonline.com> di akses pada tanggal 24 Februari 2022

²⁰*Ibid*.

²¹Kitab Undang-Undang Hukum Pidana (KUHP) Pasal 10

²²Hukum Online, *Op.cit*

Administrative sanctions are given based on the results of the inspection conducted by the Labor Inspector. The results of the examination are included in the examination note. For example, labor inspectors submit reports of non-compliance by business actors who do not carry out inspection notes to relevant officials, such as the Director General of Labor Inspection at the Ministry of Manpower and the Head of the Provincial Manpower Office. Then, the Director General or the Head of the Service recommends that the authorized official impose administrative sanctions.²³

In general, administrative sanctions are in the form of:²⁴

1. Fines
2. Freezing up to revocation of certificates and/or permits
3. Temporary suspension of administrative services
4. Administrative actions

Awig-Awig About Merariq Age Maturation in Kekait Village, Gunungsari District, West Lombok Regency in 2015

The Kekait Village Government, Gunungsari District, West Lombok Regency In 2015 issued Awig-Awig concerning the Maturation of the Merariq Age, aiming to regulate related efforts to prevent early marriage, including (a) the ideal age of marriage according to the Marriage Law (b) Creating awareness among teenagers so that in planning a household, they can consider various aspects related to family life, physical readiness, health, mental, emotional, educational, social, and economic, (c) reduce the impacts of child marriage that are not following the purpose of marriage namely to form a *sakinah, mawaddah, warahmah* families, (d) protect adolescents and young people from the influence and consequences of child marriage, (e) ensure the growth and development of children, (f) the creation of a healthy and quality next generation of the nation, and (g)) Creating a sense of security and comfort for all villagers.²⁵

In CHAPTER III, Awig-Awig Concerning the Maturation of the Age of Merariq regulates the procedures for Midang, Merariq, and Beseang, along with their sanctions. Article 3 governs the rules related to Midang and the sanctions, including (a) Midang is only allowed to be held at night until 22.00, (b) Midang is not allowed during the day unless there are other people such as parents, aunts, uncles or older siblings. Of the girl/woman concerned (c) Midang may not interfere with studying, reciting, and other religious activities (d) sanctions for violating the above provisions will be given sanction in the form of a warning and a fine of Rp. 500,000 (five hundred thousand rupiahs).²⁶

Awig-Awig Kekait Village 2015 Regarding Merariq Age Maturation in article 5 confirms that midang is not allowed in children who are still in the elementary education (SD) and junior high school (SMP) age. If adults do so, then a penalty will be given in the form of a monetary fine of Rp. 500,000 (five hundred thousand rupiahs), and if it is still done, a fine of Rp. 1,000,000 (one million rupiah).²⁷

Article 6 regulates Merariq, including (a) Not allowed to do merariqkodeq, (b) Marriage (merariq) is only allowed for women who are 19 years old and men who are 21 years old. If someone commits a merariq codec or marriage under the age of provisions stipulated in the paragraphs in article 6, then it must be divided (separated), and if it is not possible to separate/

²³*Ibid*

²⁴*Ibid*

²⁵Awig-Awig Desa kekait Tahun 2015 Tentang Pendewasaan Usia Merariq

²⁶*Ibid*

²⁷*Ibid*

split, then those who impose there will be subject to a fine of Rp. . 1,500,000 (one million five hundred thousand rupiahs) and/or reported to the authorities.²⁸

Awig-Awig Kekait Village 2015 Concerning Maturation Age Merariq asserts in Article 11 that for village officials and village officials who are proven to have intentionally allowed or ordered or also pretended not to know or concealed problems that were deemed to have violated the articles above, they would subject to administrative sanctions or other sanctions following the applicable laws and regulations.

The Effectiveness of Awig-awig Village Regulations in Kekait Village concerning Merariq Age Maturation in Prevention of Early Marriage.

Awig-awig About Merariq Age Maturation in Kekait Village, Gunungsari District, West Lombok Regency is a village regulation promulgated on April 4, 2015, intended to prevent early marriage in Kekait Village. Awig-awig Regarding the Maturation of Merariq's age refers to the laws and regulations governing child protection and maturation of the age of marriage, which include:

1. Law Number 35 of 2014 Amendments to Law Number 23 of 2002 concerning Child Protection.
2. Law Number 1 of 1974 concerning Marriage.
3. Permendagri Number 114 of 2014 concerning Village Development Guidelines.
4. Regulation of the Minister of Women's Empowerment and Child Protection Number 13 of 2010 concerning Technical Guidelines for implementing Child-Friendly Villages.

Awig-awig About Merariq Age Maturation Kekait Village, Gunungsari District, West Lombok Regency systematically regulates rules directly related to the prevention of early marriage, in which early marriage is difficult to avoid because of the Merariq marriage culture which is one of the ways the Sasak people carry out their marriage. A marriage begins with a promise between a woman and a man who has been bound in a *beberayean* relationship or dating to flee the girl from her home without the knowledge of her parents, other relatives, and parties who are suspected of being able to thwart the intention.²⁹

Awig-awig About Merariq Age Maturation Kekait Village, Gunungsari District, West Lombok Regency is formulated based on the values of local wisdom that live and develop in the community, especially the people of Kekait Village. Legal awareness of legal conscientiousness within the law, legal awareness as legal obedience, being in law following legal rules that are realized and understood.³⁰

The awig-awig formulation regarding Merariq's Age Maturation is formulated in a systematic and focused manner to prevent early marriage. In Chapter I Article 1, paragraphs 11, 12, and 13, each reads (11) Merariq is a ritual form of starting a marriage by running away and/or asking for approval (*belakoq* for a girl or girl that is carried out by a man to a woman to become a wife). , (12) Merariq Kodek is child marriage, and (13) a Child is someone who is not yet 18 (eighteen) years old, including children who are still in the womb.

Chapter III Article 6, paragraphs 1, 2, and 3 respectively read (1) It is not allowed to do merariq Kodeq, (2) Marriage (*merariq*) is only allowed for women who are 19 years old and men who are 21 years old, and (3) For anyone who merariq under the age that has been determined in article 6 paragraph (2) of this, then both of them are endeavored to be defended (separate). Furthermore, in article 7, paragraph 3, "It is not permissible for a man to invite a

²⁸*Ibid*

²⁹Hilman *syahrial* Haq dan Hamdi. (2016). "Perkawinan Adat Merariq Dan Tradisi Selabar". *Perspektif*. Vol. 21. p. 162.

³⁰Rahma Marsinah. (2016). "Kesadaran Hukum Sebagai Alat Pengendali Pelaksanaan Hukum Di Indonesia". *Jurnal Ilmiah Hukum Dirgantara Fakultas Hukum Suryadarma*. Volume 6 Nomor 2. p. 94.

woman of child age and deliberately to be late returning home so that it is said to have been merariq”, Articles 6 and 7 regulate the relationship by way of separation or a dozen and fines for the perpetrators of marriage. At an early age, who do not want to be separated with a fine of Rp. 1,500,000, as stated in paragraph 7 states, “If it is not possible to be separated/beloved, then those who impose they’re will be subject to a fine of Rp. 1,500,000 (one million five hundred thousand rupiahs) and/or reported to the authorities”.

Article 9, paragraph 5 regulates that pregnant women outside of marriage must be married to the man who impregnated them. If both the bride and groom or one of the prospective brides are of school age, it is not permissible to drop out of school, this aims to protect and ensure education for the child, which reads, “Following the provisions of Article 9 paragraph (4) if one or both of them are in/still in school, then their schooling period is not interrupted”.

Awig-awig Kekait Village regarding the maturation of the merariq age also regulates threats to village officials or officials who are involved in early marriage, this is regulated in Chapter V article 11, which reads, “For village officials and village officials who are proven to have intentionally allowed or ordered, or also pretended not to know or concealed the problem that was deemed to have violated the articles above, he would be subject to administrative sanctions or other sanctions following the applicable laws and regulations.

Based on the discussion in each chapter in Awig-awig About the Maturation of Age Merariq in Kekait Village that the rules that have been regulated therein have been effective in preventing early marriage if viewed from the legal aspect itself, this is as stated by Anthoni Allot as quoted by Felix is as follows:³¹

The law will be effective if the purpose of its existence and application can prevent unwanted actions from eliminating chaos. Effective law, in general, can make what is designed can be realized. If there is darkness, there is the possibility of an easy correction. If there is a need to implement or apply the law in a different new atmosphere, the law will be able to solve it.

Meanwhile, from the aspect of law enforcement, namely the parties who form and apply the law, based on the researcher’s investigation of the village apparatus, namely the Village Head, Head of Dusun, Head of RT, and several religious and youth leaders through a questionnaire that has been prepared that they quite understand the contents of the rules. In the awig-awig, including the rules regarding midang, merariq or marriage, pregnancy out of wedlock, procedures for merariq, beseang or divorce, and sanctions that are imposed both on parties which carry out early marriage and also sanctions for officials who allow marriage early age.

Factors or facilities that support law enforcement that Awig-awig concerning the Maturation of Age of Merariq in Kekait Village, in preventing early marriage, regulates the settlement mechanism, namely through consensus deliberation to separate or in awig-awig it is called Belas. To maximize this prevention, on October 10, 2015, the Village formed a program, namely Community-Based Integrated Child Protection (PATBM), following the mandate of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection. Community-Based Integrated Child Protection (PATBM) is a movement of a network of citizen groups at the community level that works in a coordinated manner to achieve child protection goals. Community-Based Integrated Child Protection (PATBM) is a community initiative as the spearhead to carry out prevention efforts by building public awareness to realize a change in public understanding about the importance of child protection, especially in preventing early marriage.³²

The Community-Based Integrated Child Protection Program (PATBM), through its program of activities, such as education about the importance of maturation of the merariq age through

³¹Salim H.S dan Erlis Septiana Nurbani. *Op.cit.* p. 303.

³²Laporan kegiatan Anak Terpadu Berbasis Masyarakat (PATBM) Desa Kekait Tahun 2017. p.1

the media of the film they produced themselves with the title Masak Odak, was able to raise public awareness in terms of public legal awareness of the importance of preventing early marriage.

CONCLUSION

Based on the discussion in each chapter in Awig-awig About Age Maturation of Merariq Kekait Village that the rules that have been regulated therein have been effective in preventing early marriage if viewed from the legal aspect itself and the factors of facilities or facilities that support law enforcement that Awig-awig Regarding the Maturation of the Age of Merariq in Kekait Village, in preventing early marriage, the settlement mechanism is set, namely through deliberation and consensus to separate or in awig-awig it is called Belas. To maximize this prevention, on October 10, 2015, the Village formed a program, namely Community-Based Integrated Child Protection (PATBM), following the mandate of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection. Community-Based Integrated Child Protection (PATBM) is a movement of a network of citizen groups at the community level that works in a coordinated manner to achieve child protection goals.

To maximize the prevention of early marriage, the Kekait Village Government, Gunungsari District, West Lombok Regency, then Awig-awig regarding the Maturation of the Age of Merariq in Kekait Village must be strengthened in the implementation phase, namely through strengthening the capacity of the Community-Based Integrated Child Protection Agency (PATBM) that has been formed so that that prevention can be carried out massively and systematically.

BIBLIOGRAPHY

Books

- Achmad Ali, (1998). *Menjelajahi kajian Empiris Terhadap Hukum*. Jakarta: PT. Yarsif Watampone.
- Achmad Ali, (2009). *Menguak Teori Hukum(Legal Theory) dan teori peradilan*. Jakarta: Kencana Pranada Media Grup.
- Barda Nawawi Arief, (2013). *Kapita Selekta Hukum Pidana*. Bandung : Citra Aditya.
- Beni Ahmad Saebani, (2007). *Sosiologi Hukum*, Bandung : Pustaka Setia.
- Clerence J.Dias. Research on Legal Service And Poverty: its Relevance to the Design of Legal Service Program in Developing Countries, Wash. U.L. Q 147 (1975). P. 150 dikutip dalam jurnal Marcus Priyo Gunarto, (2011). *Kriminalisasi dan Penalisisasi Dalam Rangka Fungsionalisasi Perda dan Retribusi*, Program Doktor Ilmu Hukum Universitas Diponegoro Semarang.
- Hilman Syahril Haq, Hamdi. (2016). "Perkawinan Adat Merariq Dan Tradisi Selabar", *Perspektif*, Vol. 21.
- Salim, H.S dan Erlis Septiana Nurbani, (2013). *Penerapan Teori Hukum Pada Tesis dan Disertasi*. Jakarta : Rajawali Press.
- Soerjono Soekanto, (2008). *Faktor-Faktor yang Mempengaruhi Penegakan Hukum*. Jakarta: PT. Raja Grafindo Persada.
- Soerjono Soekanto dan Mustafa abdullah, (1987). *Sosiologi Hukum Dalam Masyarakat*, Jakarta: Rajawali.

Soerjono Soekanto, (1982). *Kesadaran Hukum dan Kepatuhan Hukum*. Jakarta : Rajawali Pers.

Peraturan Perundang-undangan

Indonesia. Undang-Undang Nomor 16 Tahun 2019 atas Perubahan Undang-Undang Nomor 1 Tahun 1974 Tentang Perkaawinan

Indonesia. Instruksi Presiden Nomor 1 Tahun 1991 Tentang Kompilasi Hukum Islam Indonesia

World Wide Web:

Damang, Efektifitas Hukum, <http://www.negarahukum.com/hukum/efektivitas-hukum-2> di akses pada tanggal 24 Februari 2022

Hukum Online, *Sanksi Hukum* , <http://www.hukumonline.com> di akses pada tanggal 24 Februari 2022

Marcus Priyo Gunarto, (2011). *Kriminalisasi dan Penalisasi Dalam Rangka Fungsionalisasi Perda dan Retribusi*, Program Doktor Ilmu Hukum Universitas Diponegoro Semarang.

Pengertian Ahli , *Pengertian Hukuman/Sanksi*, <http://www.pengertianahli.com> di akses pada tanggal 24 Februari 2022.