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## **EARLY WEDDING POLEMIK AND THE IMPACT OF THE DOMESTIC VIOLENCE**

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### **ABSTRACT**

*Early marriages are increasingly prevalent and the causes are diverse, due to economic problems, promiscuity, and unpreparedness the couple take responsibility for supporting families, the impact on domestic violence, where can include due to physical violence causing injuries body, bruising or serious injury, psychic can be interpreted as cussing, glaring at causing self-esteem and mental decline, sexually interpreted to have sexual relations or rape marriage, and neglect the household and not provide for than five to ten years in a row -According and leave without breaking news. The purpose this research find the polemic of early marriage to domestic violence based on impact and consequences, the research method used is normative jurisdiction where this method refers to literature, namely by examining the literature or legislation relating to the problem under study. The results this study indicate that early marriage causes domestic violence because is triggered the impact high emotional, mental, psychological, causing violence in the domestic sphere, not only to women but also children who should receive protection and affection from parents but become victims, and Another impact is child traumatized and difficult to forget the dark events his life, because the child feels he become a victim his family.*

**Keywords ;** early marriage ; violence ; domestic

### **INTRODUCTION**

Protection of the existence of the rights of every person to the creation of God Almighty has become the obligation of the Government, the State and the Law to protect and protect it, and everyone respects and respects the protection and existence of these rights. The intended protection is not only a mere figment or just verbally but to provide a strong basis by issuing various

regulations governing the protection of women and children. The protection provided includes protection in the smallest sphere, namely the family, meaning that the family as a base of love, outpouring of feelings should not take actions that are considered to have an adverse effect and effect on those within the scope of a family or household. The more rampant violence in a household can no longer be stopped, even data from the National Commission on Violence Against Women records that the number of violence against women continues to increase there is an increase of 14% from 2018 to 2019 which amounted to 406,178 cases, and the data was taken by the National Commission of Women from the District Court State (PN) and Religious Courts (PA), as well as partner institutions and services to the National Commission on Violence Against Women, and also the Service and Referral Unit (UPR), from the data many rapes against marriages, dating violence, cybercrime and rape of disabled women or disability<sup>1</sup>.

Violence in marriage ranks first where it can be interpreted in the scope of the household and has an effect that does not have an impact on children, domestic violence due to early marriage or marriage at a young age is very improper to apply or occur to children who should be education, play, but care must be taken and supervision of their children so that early marriage does not occur at a young age.<sup>2</sup>

The cause of marriage at a very young age is due to the occurrence of pregnancy outside of marriage and due to the existence of promiscuity, even other causes are entangled in debt so that the family has the heart to sell their daughters to others so that debts can be paid, other factors can be caused due to the sophistication due to technological developments, namely through introductions through social media, through the facebook network, instagram

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<sup>1</sup> <https://www.jurnalperempuan.org/warta-femini/catatan-tahunan-2019-komnas-perempuan-kasus-kekerasan-terhadap-perempuan-meningkat>, diakses, 19 Desember 2019, Jam 11.10 wib

<sup>2</sup> Bambang Hartono, *Bentuk Perlindungan Hukum Terhadap Perempuan Pelapor Selaku Saksi Korban Kekerasan Dalam Rumah Tangga*, Keadilan Progresif, 5 (1) 2014, hal. 3-4

so that there is communication and dating, or it could be because the other is an ordered bride, turns out to be married to a foreign national, and invited to return to their country where the men sell his wife to someone else.

A very young marriage for a girl can damage her reproductive health, a child marries and has intercourse but it is precisely what happens a lot that miscarriages, and her reproductive organs suffer damage, besides that her psyche is also unstable, still a child and there is no self-maturation and there is no can be responsible in providing sustenance to his wife and children, responsibility as a family head, and what often happens is emotion, infidelity and running away from all responsibilities both as a husband, or as a wife.

### **Formulation of the problem**

Based on the description above, the author is interested in raising the issue of how is the polemic of early marriage and its effects and consequences on domestic violence

### **Research Methods**

This study uses qualitative research while the research method is normative juridical that is by reviewing the literature or books as well as existing laws and regulations, related to the problem to be studied and carried out and data analysis techniques obtained namely by library research, by examining primary legal materials , and secondary and tertiary<sup>3</sup>.

## **DISCUSSION**

### **a) Women and Their Protection**

Protection of all citizens has become the responsibility and obligation of the government, state and law to always protect from all acts of violence and also the existence of discrimination, even though it is said or mentioned that a woman is part of a man's ribs, does not mean in the marriage level that

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<sup>3</sup> Jhonny Ibrahim, *Teori dan Metodologi Penelitian Hukum Normatif*, Malang: Bayumedia Publishing, 2010, hal. 14

men want to do whatever they want because they think women are their wives, this is due to the influence of cultural or patriarchal culture where the culture requires that women cannot do anything because all are monitored by men, this limitation can occur not only in the family but also broader domains in social culture, government and even education.

A woman is considered as a weak and very vulnerable creature so there is an assumption that she cannot work hard, but her nature is considered to give birth and become a housewife or servant of her husband and child. With the age that continues to grow and the emancipation of women, of course it cannot be left alone, a woman has the same rights and should not be underestimated, protection of women is about going to education about getting education as properly as others and there should be no difference, getting proper health and treatment and protection of their reproductive organs, obtaining security and safety in the world of work, the existence of various permits or leave in marriage, childbirth and so on, and are not allowed to work late at night, and the right to be protected from all acts of violence that endanger a woman's safety<sup>4</sup>.

Protection can be interpreted as efforts to guarantee the welfare of a woman of her right to live, especially the rights that are considered to be related to her human rights, where such rights can guarantee gender equality in the lives of men and women, gender equality meant in the existence of justice and equality of rights in all fields and equality also does not look at ethnicity, race and among groups, the appreciation of that right actually exists where it is stated in the rights in the law and the rights are made in writing.

Institutions that defend women's human rights, namely the National Commission on Violence (National Women's Commission) as an institution referred to as an independent, should be able to support all the protection of

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<sup>4</sup> Maidin Gultom, *Pelindungan Hukum Terhadap Anak dan Perempuan*, Bandung : Refika Aditama, 2014, hal. 28

women with the existence of a regulation that specifically regulates the issue of protection, where the protection of women can be deactivated as protection which is juridical and non-juridical, called juridical is protection<sup>5</sup> which is more directed by referring to laws and regulations, there is a written guarantee in providing protection to women and anyone who violates will be subject to sanctions, while non-juridical protection is more emphasized in the education and health sector, where women are entitled to the highest possible knowledge and without intimidation from anyone including from her own husband or also from other people or any third party, free without coercion from anyone.

#### **b) Early Marriage**

Called or said to be an early marriage because in its implementation carried out in an immature age or immature, due to immaturity affects the ability to be responsible as the head of the family, father or mother, marriage at a very young age can also cause turmoil and emotions that explode -exploited. These early marriages often and often occur in rural areas but do not close the possibility also exist in urban areas, mostly in rural areas due to frequent economic problems or due to debt and debt, and from families unable and unable to pay, so selling their daughters to people or replace the debt with his child.

This condition is very alarming but even more sad that lending money will be replaced or paid off debt with a child who is still young, this is often the case and really very alarming, because of the difficulty of economic life so that the flesh and blood itself finally sold to pay off all debts -the debt and in fact there should be carried out a large-scale punishment in order to crack down on the offender<sup>6</sup>.

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<sup>5</sup> Andrew Lionel Laurika, *Perlindungan Hukum Terhadap Korban Tindak Pidana Kekerasan Dalam Rumah Tangga*, *Lex Crimen*, Vol. V No. 2 Februari 2016, hal. 32

<sup>6</sup> Ashley T. Rubin, *Punishment's Legal Templates : A Theory of Formal Penal Change*, *Law and Society Review*, Volume 53 Issue 2 Juni 2019, page. 518 - 553

Other causes that often also occur due to a very free association and technological sophistication and lack of supervision from parents, promiscuity that is free from dating, eventually farther and cannot be controlled which causes pregnancy outside of marriage, so as not to cause embarrassment that embarrasses the family finally the young couple were married, the question arises whether their marriage is ready to be born and inner? Are they ready to get married? can be said not ready, why? because when they go too far it could be due to lust or other things that encourage to do that too far, so as a result forced to be responsible<sup>7</sup>, how to become a father or mother, even though they have not found work, and have not been able to account for all will the necessities of life and household but are required to be able to fulfill everything, and this can or can impact on divorce.

### c) **Impact and Effects of Early Marriage**

Marriage at a very young age has a negative and bad effect on the development of young couples who marry at a very young age. The impacts and consequences that often occur are;

- i) As a result of early marriage often results in children born dead, or even born in disability or even premature, damage to health reproductive organs can also occur in children who marry at a young age, namely under or around nineteen years and below.
- ii) emotional and emotional outbursts that are not yet stable or can be said to be high emotions can cause domestic violence, and this violence does not only affect women, but also the protection of a child, a child who does not know anything become victims, get traumatized, mental and psychological damage and psychology,

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<sup>7</sup> <https://databoks.katadata.co.id/datapublish/2019/09/25/di-mana-kekerasan-terhadap-perempuan-kerap-terjadi>, diakses 22 Desember 2019, Jam, 21.47 wib

because they see their parents fighting and fighting, not to mention if children become victims of domestic violence.

iii) The occurrence of divorce at a young age, due to domestic violence will eventually open the way to separation, and the intended separation is divorce and consequently returns to protection of children, children who should have protection and love from their parents but instead suffer, not to mention if the father or mother is married, if you get protection and affection it's okay but<sup>8</sup> instead what happens is the opposite, the child predators are the closest people, and must always be on the lookout for.

iv) Interrupted access to education has resulted in many daughters being unable to continue their education to a higher level, because they have to take care of their household and take care of their husband or take care of their children. women now, there should not be such a perception, there is justice and gender equality in getting and getting education and teaching<sup>9</sup>, but by marrying at a very young age results in the interruption of access or access to educational facilities, making it very difficult for a woman or woman to continue and received his education as before.

#### **d) Domestic Violence**

What is meant by violence in the domestic sphere is violence in the personal or household and this act is very private, where most of this

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<sup>8</sup> Maisah, *Rumah Tangga Dan HAM : Studi atas Trend Kekerasan Dalam Rumah Tangga di Provinsi Jambi*, Musawa, 15 (1), 2016, hal. 126

<sup>9</sup> Naima Laharnar, Nancy Perrin and Ginger Hanson, W. Kent Anger, Nancy Glass, *Workplace Domestic Violence Love Laws : Implementation, Use, Implications*, International Journal of Workplace Health Management, Vol. 8 No. 2, 2015, Page, 109-128



violence is often covered by victims<sup>10</sup> and do not want the shame of his household exposed or known to many people.

Domestic violence or domestic violence referred to in Law Number 23 of 2004 concerning the Elimination of Domestic Violence includes (1) Physical Violence, which is violence caused by a blunt object, or pointed or can also be done by hand, catch, strangle the cause pain, injury and also severe injury in accordance with the provisions of article 351 to article 358, which is about the persecution that is divided into minor, severe, and maltreatment and abuse, committed by a man or husband to his wife, otherwise a woman may retaliate against the husband<sup>11</sup> which can result in death or death.

If the resulting serious injuries are punishable by a sentence of 5 (five) years in prison, as well as the 90th article in the Criminal Law Code that is a wound that a) falls ill or gets a wound that does not give hope that it will heal at all, or that can cause a deadly danger, b) inability continuously and periodically in carrying out or continuing the job position or also livelihood work, c) loss of one of the senses, with the loss resulting in one part of his body cannot function as available when, d) getting a severe disability, it can be said to have a severe disability because parts of his body are no longer functioning, e) suffer from pain and paralysis means that due to a blow to his body resulting in both the victim's legs cannot walk as usual, lose their sensation, stiff and ultimately unable to move and result in having to sit in a wheelchair alias in pain, f) disruption of a power of thought for four weeks or more and can be caused by nerve tissue and also the brain cannot think the results of the collision of an object, and can be the result of others who did not know him and the lack of awareness and self-forgetfulness. g) the death or death of a woman's womb, this can mean a woman who is pregnant gets violence from her

<sup>10</sup> Moerti Hadiati Soeroso, *Kekerasan Dalam Rumah Tangga Dalam Perspektif Yuridis – Viktimologis*, Jakarta : Sinar Grafika, 2010, hal. 47-48

<sup>11</sup> Mindy S. Bradley, *Gender and The Acceptance of Retaliatory Violence Among Acquaintance, Dating, and Marital Relationships*, Violence and Victim, volume 30, Number 3, 2015, Page, 377-392

husband, exposed to the abdomen, resulting in a fetus in the womb of a miscarriage and does not become a child anymore.

Psychic violence is violence that can result in low or meaningless someone because they are considered to have no self-esteem or lower self-esteem<sup>12</sup>, such as glaring, cursing, at least issuing words that contain insults or also as expletive and inappropriate or improper to say, with this psychological violence will have psychological and psychological impact on women and their children, and it could be because this psychological violence resulted in children and his wife are depressed and under severe stress and ultimately committed suicide and this is what is called a victim in the sphere of domestic violence.

Sexual Violence within the scope of marriage, or so-called marital rape, is violence by coercion to require his wife to have sexual relations according to his wishes, even though the woman is his wife, but for whatever reason no sexual coercion should be carried out, sexual relations can only be carried out, and indeed in sex and violence has long been felt by women since the time of the peace war<sup>13</sup> if you want the same you want, there is an agreement between the two parties, so it is not because of coercion, the wife may not be willing to serve her husband because of fatigue, tired from coming home from work or coming home from work or due to other reasons due to menstruation or menstruation, or can be due to illness , so as a husband must understand at least that the wife does not want at that time to serve himself, and

The last or the fourth violence is Violence in Abandonment of the Household is commonly referred to as economic neglect, intended is a husband who travels far to find work to meet<sup>14</sup> his economic needs as the

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<sup>12</sup> Dian Ety Mayasari, *Tinjauan Normatif Perlindungan Hukum Terhadap Istri Korban Kekerasan Dalam Rumah Tangga*, Refleksi Hukum, Vol. 1 (2), 2017, hal. 179-180

<sup>13</sup> Annette Bruggedal Houge, Kjersti Lohne, *End Impunity ! Reducing Conflict – Related Sexual Violence to a Problem of Law*, Law and Society Review, 51 (4) 755-789, Desember 2017

<sup>14</sup> Arbaiyah Prantiasih, M. Yuhdi, Siti Awaliyah, *Model Perlindungan Hak Perempuan Korban Tindak Kekerasan Dalam Rumah Tangga*, Jurnal Pendidikan Pancasila dan Kewarganegaraan, Th. 28 Nomor 1 Februari 2015, hal. 17

backbone of the family, apparently since his departure which is counted for ten years in a row there has never been news and news and does not provide economic income, this is also mentioned by economic neglect, because it allows children and his wife to live in poverty without sending money and no the news, this is what is called domestic violence

The polemic of early marriage is very vulnerable to domestic violence due to unpreparedness in fostering the household, and "forced" to do it because of the accountability demanded, and not from within, so there is no readiness for maturity, whether economic, mental, psychological maturity. , attitudes and so forth are not ready so that it always leads to violence as a form of impingement and ultimately divorce, and the fact is often the men give information with a variety of motives tang in his testimony so as not to blame<sup>15</sup>, so that the participation of families, communities and government is needed, in order to increase the supervision of children as a young generation so that the number of early marriages in Indonesia can be reduced.

### **Conclusion**

Polemic in a marriage that is still young or early can have an impact and also results in private or domestic violence, because at a young age, it is considered unstable soul and mental and psychological, and do not have the maturity or age enough to think or lead a household, so that the consequences bring very domestic violence, namely physical or physical violence, as well as psychological violence, violence in the sexual sphere, as well as economic neglect or violence.

### **Suggestion**

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<sup>15</sup> Penny A. Leisring, Hannah L. Gregorian, *Self-Defense Retaliation, and Gender : Clarifying Motivations For Physical Partner Violence*, Journal of Family Violence, 31 (8), 2016, page, 949-953

There needs to be an awareness in every parent and the wider community so as not to marry off their children at a young age, because the act is contrary to the rights of the child, as well as the need for accurate supervision of children so that it does not occur or result in free promiscuity that will have an impact damage to the future of these children.

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