

# Marrying young in Indonesia: voices, laws and practices. (Breaking the cycle: Dating violence in Palembang)

*by* Putu Samawati

---

**Submission date:** 13-Apr-2023 03:11PM (UTC+0700)

**Submission ID:** 2063315066

**File name:** Book\_Chapter\_Marrying\_Young\_Chap\_6\_Putu\_ENG\_1\_Fix.pdf (368.78K)

**Word count:** 6681

**Character count:** 35210



Editors:  
Mies Grijns, Hoko Horii,  
Sulistiyowati Irianto,  
Pinky Saptandari

# Marrying Young in Indonesia:

## Voices, Laws and Practices



Link: <https://opac.perpusnas.go.id/DetailOpac.aspx?id=1314465>

<https://bookshop.iseas.edu.sg/publication/2416>

26

<https://www.universiteitleiden.nl/en/news/2020/01/marrying-young-in-indonesia>

**Chapter 7**  
**Breaking the cycle:**  
**Dating violence in Palembang**

**Putu Samawati, [putusamawati@fh.unsri.ac.id](mailto:putusamawati@fh.unsri.ac.id)**

**Abstract**

The protection of victims of dating violence (*Kekerasan Dalam Pacaran*, KDP) has been regulated through legislation in Indonesia. However, when KDP victims demand justice through legal channels, law enforcement officers will only process violence of a physical nature because the evidence is visible. With regards sexual violence, they usually try to offer a 'peaceful' solution, i.e. to settle, by marrying off the two parties. The assumption is that since the boy and girl were in a courtship relation, if sex occurred, that it is based on mutual desire (*suka sama suka*). Court officials claim that the existing legal tools are insufficient to provide evidence to prosecute such cases in court.

According to the records at the Palembang Women's Crisis Center (WCC), between 2014 to 2016 there were 40 reported cases of KDP. Only 15 cases could be taken to court because there were elements of physical violence, while 25 other cases (psychological and sexual violence) were settled out of court (*secara kekeluargaan*).<sup>1</sup> Data acquisition was done by distributing questionnaires and in-depth interviews (July-October 2016) to 100 victims of child marriage due to KDP, especially sexual violence resulting in pregnancy. When reported to the police, the perpetrator and his family would propose 'peace' through marriage, as they assume that it is the best way to resolve the case. Unregistered *sirri* marriage<sup>2</sup> is the most widely practiced method as the parties involved do not fulfill the minimum age required by the Marriage Law (16 for girls, 19 for boys).

Being forced to marry at a young age when one is still emotionally immature often leads to disharmony, conflict and ultimately divorce, and economic neglect of the mother and child. The protection of KDP victims, especially related to sexual violence is very weak and the solution of marrying off the perpetrator and the victim actually creates a new cycle of violence. The contradiction between the norms and enforcement of these norms is the topic of discussion in this chapter. The concept of state unilateralism as policy maker must pay

---

<sup>1</sup> In Indonesia, there is the custom of resolving disputes '*secara kekeluargaan*', literally meaning, 'in a family way', i.e. 'amicably'.

<sup>2</sup> *Nikah sirri* is a marriage performed under syariah Islamic law, without being registered in accordance to the Indonesian Marriage Law. It is often performed secretly, as in the case of underage marriages.

attention to the needs and interests of society at large. Policies to enforce the law and concrete victim protection programs are steps that are hoped to break the cycle of violence in child marriage due to KDP.

Keywords: Circle of Violence, Victims, Dating Violence (KDP), Palembang.

## 1. Introduction

Tia<sup>3</sup>, a 14 year old junior high school (*sekolah menengah pertama*, SMP) student in the city of Palembang, was accompanied by her parents to report a KDP incident by someone she admitted was her boyfriend. They reported the case to the Palembang Women's Crisis Center (WCC) and in October 2016 the WCC accompanied them to report the case to the South Sumatra Regional Police. The victim's boyfriend (15) had committed KDP, inflicting physical and sexual violence, resulting in the victim becoming pregnant. The boyfriend did not want to take responsibility because he was still of school age, and was not yet ready for marriage. But after being reported to the Regional Police, the perpetrator wanted to settle by promising to marry his girlfriend. After they got married, the case was considered closed (Women Crisis Center, 2016: 18).

In 2011, Sophia, a resident of Seberang Ulu I Palembang, was forced to marry Rudi who got her pregnant. At the time, they were both in the 11<sup>th</sup> grade of a private high school (*sekolah menengah atas*, SMA) in the city of Palembang. Initially Rudi forced Sophia to abort. They employed various methods from using herbs, to massage by a traditional birth attendant, but none were successful. Rudi refused to take responsibility, but because Sophia's family threatened to report him to the Police, he relented. They engaged in a *siri* marriage as Rudi was only 17 and still a student.

After marriage, Rudi hid his marital status and continued his education until he completed high school. However, Sophia had to drop out because pregnant students are not accepted as a matter of school policy. Officially they were husband and wife, but they lived separately in their respective parents' homes. Rudi visited Sophia occasionally but did not support her financially. His parents gave her a small allowance until Sophia gave birth in November 2011

---

<sup>3</sup> To protect their identities, all the names of the respondents in this chapter are pseudonyms.

to a healthy baby girl. After graduating from high school Rudi sought work in Jakarta, but never sent any word to Sopia. Rudi returned to Palembang in 2015 for Idul Fitri, with a wife and a three month old baby boy. Since she gave birth, in order to bring up her daughter Sopia worked as a waitress at a night club as she did not have any diplomas (Samawati, 2016: 32-35).

The cases above describes the experience of teens <sup>40</sup> forced to marry due to pregnancy out of wedlock. Pregnancies occur usually because sex is demanded as proof of love, or because the boy threatens to break up if the girl refuses. Marrying because the girl is already pregnant is considered the best way out, to prevent disgracing the family. Other justifications are the lack of strong evidence and legal basis when reporting to the police. As the parties involved are in a courtship relationship, sex is considered something both parties desired. Legal authorities - investigators, public prosecutors, to judges - do not see that either seduction or threats can be used as elements of a criminal act (PSGA Unsri, 2016: 96). This means there is no legal protection for KDP victims who experience sexual violence.

Young women who become pregnant during courtship are mostly resigned to their fate. There are young men who are willing to take responsibility, but not many. 100 respondents who were married young because of pregnancy due to KDP, had to accept the reality of struggling alone to meet the needs of their babies. Four respondents claimed to be still receiving financial help from their ex-husbands, but often it was not even enough to cover the cost of food (Samawati, 2016: 62). Women and children born from KDP are victims who need legal protection. Legislation actually does describe the forms of protection for victims, however the way women and children victims can be protected and reintegrated, especially in the rehabilitation phase, almost does not exist.

Most KDP victims become single parents who have to meet their own and their children's needs. There are also the social sanctions: being unable to complete secondary education and being ostracized or even expelled from the neighbourhood. This shows that the position of women and children victims is very weak. Based on observations and interviews with 127 respondents, 100 respondents stated that they experienced domestic violence which eventually led to divorce. This demonstrates there is still a lack of protection for female and child victims as a result of KDP, especially sexual violence which ironically necessitates child marriages. These problems require urgent attention, especially for victim protection in

the rehabilitation and reintegration phase, so that the best solution can be found for victims to continue their lives in a safe and comfortable manner.

## 2. Research Methods and Objectives

The holistic approach is one that sees the problem as a whole by conducting a study of the data obtained both qualitatively and quantitatively in the field (Ashshofa, 1996: 20). The data is obtained through questionnaires, observation, and in-depth interviews whereby informants and respondents are chosen in a purposive manner (Soekanto and Mamudji, 2003: 10). The choice of 100 respondents was conducted by using snowball sampling technique<sup>4</sup> (Soekanto, 2010: 197). The first respondents were obtained through the Palembang WCC as victims of KDP who then provided information about other KDP victims. These 100 respondents were all KDP victims, girls who got pregnant out of wedlock with boyfriends who did not want to take responsibility for their actions. Only after being forced and threatened with being reported to the police, were they finally willing to get married. The important thing to note is that these 100 respondents were married when they were still students, were under 18, and divorced from their husbands. The information of 100 respondents is listed in Table 1 below:

**Table 1: Overview of 100 KDP Respondents**

No	Married		Divorced		Husband provides financial support after getting married			Husband does not provide financial support after marriage
	Year	Number	Year	Number	Year	Until the infant is one year max	Until Oct 2016	
1	2011	11	2012	6	2011	6	1	4
2	2012	12	2013	9	2012	9	0	3
3	2013	27	2014	23	2013	19	0	8
4	2014	28	2015	37	2014	19	2	7
5	2015	22	2016	25	2015-2016	16	1	5
<b>1</b>	<b>Total</b>	<b>100</b>		<b>100</b>		<b>69</b>	<b>4</b>	<b>27</b>

Source: Processed from the results of questionnaires distributed to 100 Respondents in four districts in Palembang City, October 2016

<sup>4</sup> “Snowball samping technique is where research participants recruit other participants for a test or study. It is used where potential participants are hard to find. It’s called snowball sampling because (in theory) once you have the ball rolling, it picks up more “snow” along the way and becomes larger and larger”. (see <http://www.statisticshowto.com/snowball-sampling/>)

The number of respondents was determined on the basis of experience pattern similarity. Initially there were 127 respondents, 27 of them were also victims of KDP, but their boyfriends were willing to take responsibility and they are married up to now. The 100 other respondents experienced KDP while still students, got pregnant out of wedlock and their boyfriends did not want to take responsibility. Only after being forced and threatened with being reported to the police were they finally willing to marry the victim. However, currently all these 100 respondents are divorced. Being forced to marry strengthens the prediction that the perpetrator is unwilling to take responsibility. This is also evident from the duration of the marriage that lasts less than 5 years as described in Table 1 above. The 100 respondents were located in four sub-districts in Palembang, namely Kertapati District, Seberang Ulu I Subdistrict, Seberang Ulu II Subdistrict, and Plaju Subdistrict, all of which are located in Seberang Ulu Palembang City. The determination of the four sub-districts follows the recruitment of 100 respondents based on chain information from one victim to another, most of whom still have friendship relations.

The primary data analysis obtained was carried out using the legislation approach, the legal sociology approach, and the case study approach (Ibrahim, 2005: 249). The use of the legislation approach is due to the fact that laws are the focus and the central theme of the study. The sociological-judicial/social legal culture approach is also needed to analyze child marriages resulting from KDP, as social facts can be explained by understanding the law, and legal norms can be explained through societal facts (Marzuki, 2005: 98). Its purpose is to understand the background for the occurrence of a phenomenon related to KDP among the people of Palembang City, especially in connection to the implementation of legal protection for KDP victims. A gender perspective is also adopted so that the field data can be analyzed in depth in order that the results can be used as guidelines to implement policy (Fakih 2013: 28). Evaluations that are judgmental towards a group of people should be avoided. What is needed are solutions for societal problems that avoid blame, fostering collaborative efforts to provide protection for victims of KDP, to enable their rehabilitation and reintegration for a better future.

### 3. Ideal Marriage Based on Act No. 1 of 1974

The definition of marriage according to the Indonesian Law on Marriage is “the physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a

happy and longlasting family life based on the divinity of the One God” (Ramulyono, 1999: 1). Several things are implied from this definition. The “physical and spiritual bond” aspect implies that a marriage is an agreement between husband and wife who accept each others strengths and weaknesses, and is a union that not only by physical (civil) but also spiritual (Sudarsono, 1994: 7).

The definition of marriage in the Marriage Law implies a willingness between the two parties to do so, without coercion which includes the willingness to fulfill the legal requirements of said marriage. Marriage in Indonesia is between two people of different sexes, and also adheres to the principle of monogamy: one man one wife, one woman one husband (Anshary, 2010: 12). However, the monogamy principle in the Marriage Law is not absolute, but is of an “open monogamy” (Ernaningsih and Samawati 2014: 3). This means that while the ideal is a monogamous marriage, it is still possible for a man to marry more than one woman with certain conditions and reasons justified by law. He must also obtain permission from the wife/wives, and in the case of civil servants, members of the police and the military, also from their superiors and approval from the court (Saleh, 1982: 22).

The purpose of marriage is to form a happy, harmonious and long-lasting family life, which necessitates careful planning. For this reason, the Indonesian Marriage Law clearly spells out the rights and obligations of husband and wife, parents and children. Emotional maturity, which is required to create a happy and long-lasting marriage, usually comes with age. It is for this reason that the Marriage Law stipulates that the minimum age for the bride is 16, and the bridegroom 19. If the couple, or one of them is under the minimum age, the parents can request dispensation from the court in order for the marriage to be legally recognized (Ernaningsih and Samawati, 2016: 67-68).

The basis of the Indonesian Marriage Law is God Almighty, meaning, the spiritual-religious qualities of of each partner becomes a guideline starting from the procedure, marriage validity, to how married life should be carried out. A marriage is considered legitimate if it is carried out according to religious law. There is a legal requirement that the validity of a marriage is also regulated by religious law and the belief of the parties involved (Anshary, 2010: 13). After all requirements have been fulfilled and declared valid according to the respective religious law and belief, as an administrative complement, legalization by the state has to be recorded. This provision is a unity. If marriage is not valid according to religious



law and the belief of the parties involved, then it is also invalid under the state law. Marriage registration by the State through the Office of Religious Affairs (*Kantor Urusan Agama, KUA*) for those who are subject to the rules of Islamic religious law, and the Civil Registry Office (*Kantor Catatan Sipil*) for those who are subject to the rules of religious law other than Islam (Ernaningsih and Samawati 2006: 35). The basic thing that needs to be understood is that state law contained in the Marriage Law and its implementing regulations, is an administrative arrangement of the state.

#### **4. Regulation on Legal Protection of Child Marriage Victims resulting from Dating Violence (KDP)**

Child marriage because of KDP positions the perpetrator and victim as children because they are not yet 18. By obtaining maturity dispensation to the Court, they are legally considered adults. Child victims must have legal protection, and every effort made to protect the child's rights and obligations for their physical, mental and social development. Child protection is a manifestation of social justice, it must not be done excessively and must pay attention to its impact on the environment and the child itself. It should not stifle initiative, creativity, etc. that results in dependence on others and uncontrolled behaviour, which prevents children from exercising their rights and carrying out their obligations (Gultom, 2010: 33).

Legislation governing the issue of protecting child victims requires the rights of children to be protected in a dignified manner. The Law concerning the Child Criminal Justice System defines a child victim as someone under 18, who suffered physical, mental and/or economic losses due to a criminal act perpetrated against them (Sambas, 2010: 3). National legal arrangements regarding the rights of child victims are contained in several laws and regulations. Cases of KDP that occurred in Palembang involve school-age children becoming pregnant. Their boyfriends refuse to take responsibility which results in economic neglect (Harkrisnowo, 2000: 81). The protection process starts with prevention, followed by resolving cases, and finally rehabilitation and reintegration. The following is a summary of the rights of a victim child, which can be used as a guide (Marlina, 2009: 86-87):

- a. Children cannot be subjected to mistreatment, or other inhumane treatment or humiliating punishment, capital punishment or life imprisonment without the possibility of freedom.

- b. Children cannot be deprived of their freedom by violating the law arbitrarily. Arrest, detention or imprisonment has to be in accordance with the law and must be used as a last resort, and in the shortest possible time.
- c. Children who are detained must be treated humanely, their human dignity respected and their basic needs met.
- d. A detained child must be separated from adult detainees unless the placement is deemed to be in the interests of the child, who must also have the right to maintain contact with his/her family through correspondence and visits, except in exceptional circumstances.
- e. Children who are deprived of their liberty are entitled to appropriate legal and other forms of assistance, also the right to get an explanation of detention against him/her before a court or other authorities who are authorized, independent and fair, and get an immediate decision on their actions.
- f. Children must get physical and psychological healing and social integration by the state in order to restore the child's dignity.
- g. Children should not be accused or suspected of violating criminal law for reasons of doing or not acting that are not prohibited by national or international law when they are committed.
- h. Children accused of violating criminal law are considered innocent until proven guilty according to law.
- i. Children who are accused of violating criminal law must be immediately and directly informed of their allegations against their parents or legal guardians, and have appropriate legal or other forms of assistance in preparing and submitting their defense.
- j. The process of examination and trial of children is carried out without delay by an authorized, independent and fair body, attended by legal assistance or other appropriate assistance, unless it does not benefit the child.
- k. The child must not be forced to plead guilty to a crime alleged to him/her.
- l. Every person who is considered to have violated the criminal law has the right to propose legal remedies to review the decision against him/her by a higher authority who is authorized, independent and fair or by a court according to the law.
- m. The child has the right to receive assistance from an interpreter free of charge if the child cannot understand or speak the language used.
- n. The confidentiality of a child perpetrator is fully respected at all levels of the trial.

It is important to note that if an attempt to terminate the pregnancy is carried out onto a victim of KDP without the permission of the woman concerned, the offender can be sentenced to a maximum of 12 years imprisonment. If the abortion results in death the offender is sentenced to a maximum of 15 years imprisonment (Mulyadi, 2005: 48). The legal instruments in Indonesia regarding the protection of KDP victims do exist, but cooperation between law enforcement officers - the police, prosecutor's office and the court – is essential for the protection and safety of the victim. Fair treatment is obviously desired by victims as it will enable them to carry on with their lives.

##### **5. Implementation of Legal Protection for Child Marriage Victims due to Dating Violence in Palembang City**

Dating violence is the act of controlling a partner physically, psychologically and sexually with detrimental impacts on the victim. Generally those who commit violence in the relationship are young men who feel that they are justified to commit violence against their partner (Lambard, 2014: 250). The term 'control' indicates that one party is more dominant and has 'power' over the other. KDP is often not regarded as a serious problem. A sub-district head in the Palembang City area was interviewed on July 14, 2016 about a KDP case. He said that the KDP incident was just made up, as he felt dating violence is not possible, because generally dating is full of romance, attention and comforting words.

It was only after he knew about the case of KDP inflicted on one of his citizens, as well as several other examples of KDP cases obtained from WCC Palembang, did he realize that KDP is not to be trivialized. The assumption that dating violence is impossible, is based on ignorance due to lack of information and data on KDP. KDP victims, invariably women, is due to gender inequality, which is the norm in society. Traditions that strengthen patriarchal positions creates a mindset that men can treat women anyway they want, include being violent towards them. Women are seen as weak, passive and obedient, which is seen as a justification for the arbitrary treatment meted against them (Walby, 1990: 200-202).

Dating violence is sexual violence that can be followed by physical or psychological violence. The perpetrator forces himself on the girl by kissing her against her will, groping and ultimately forcing sexual intercourse. He demands it as proof of love, alternatively he threatens her with breaking up. (Luhulima, 2000: 37). Based on information from the

Palembang WCC, in the span of three years (2014 to 2016) there were 40 KDP cases reported, all by women. Details are in Table 2:

**Table 2**  
**Number of dating violence involving children under 18 years of age**  
**Reported at the Palembang Women's Crisis Center, 2014-2016**

No	Age range	Number of cases	Bentuk Kekerasan					
			PV	EV	SV	PV+EV	EV+SV	PV+EV+SV
1	≤ 15 years	17	-	-	4	-	6	7
2	16 years	6	-	-	-	-	2	4
3	≥ 17 years	17	7	-	-	2	3	5
<b>Total</b>		<b>40</b>	<b>7</b>	<b>0</b>	<b>4</b>	<b>2</b>	<b>11</b>	<b>16</b>

Source: Data Processing Results from WCC Palembang, October 2016

Legend: PV: Physical Violence, EV: Emotional Violence, SV: Sexual Violence

Out of the forty KDP cases reported to the WCC only 15 cases were taken to the Court, namely cases relating to physical violence seven cases (aged 17), physical violence accompanied by two cases of psychological violence (aged 17), physical violence accompanied by psychological violence and violence sexual cases as many as six cases (two aged 16, and four aged 17). The other 25 cases were considered to have been 'settled' by marrying off the victim and the perpetrator. In all of these twenty-five cases, the women were already pregnant. The perpetrators were only willing to do so after being threatened to be reported to the police. 17 of the 25 cases were school-aged girls aged 15 years and younger.

Additional data was obtained from 100 respondents (Table 1) conducted through questionnaires and in-depth interviews. 100 of these respondents were KDP victims at school age (student status) who experienced extramarital pregnancy. As of October 2016, out of 100 respondents there were 14 under 18, while the rest (86 people) were aged 19-21 years. The KDP experienced by 100 respondents since they were started dating until experiencing pregnancy is contained in Table 3:

**Table 3**

**Type of Dating Violence Experienced by 100 Respondents**

No	Type of Violence	Number of respondents
1	Physical and sexual	5
2	Emotional and sexual	14
3	Physical, emotional and sexual	81
<b>Total</b>		<b>100</b>

Source: Processed from the results of questionnaires distributed to 100 Respondents in 4 Districts in Palembang City, October 2016

All 100 respondents experienced sexual violence which resulted in pregnancy outside marriage. The sexual violence they experienced was followed by physical violence such as slapping the face, pushing the body, pulling the arm, and hitting the shoulder or chest. Emotional violence includes demanding proof of love, threatening to breaking up, or to find another girlfriend. Initially the perpetrator did not want take responsibility for the pregnancy, but after being threatened to be reported to the police were they willing to marry the victim. However, after the marriage, the 100 female respondents still did not receive their rights as wives, and some were immediately abandoned by their husbands immediately after the wedding ceremony. The findings obtained based on the distribution of questionnaires of 100 respondents are presented in Table 4 below:

**Table 4**

**Recapitulation of Findings from 100 Female Respondents Experiencing KDP in 4 sub-districts in the city of Palembang**

No	Uraian	Total
1	The marriage was a <i>siri</i> marriage, without a marriage certificate	59
2	The marriage was a <i>siri</i> marriage, but the marriage was conducted again in order to obtain a marriage certificate	39
3	Marriage by asking for dispensation to the court	2
<b>Total</b>		<b>100</b>
1	The husband divorced the wife in a proper manner and returned her to her parents	18

2	The husband deserted after a year of marriage	82
<b>Total</b>		<b>100</b>
1	The husband took responsibility for the upbringing of the child who the wife had custody of, as of October 2016	4
2	The husband provided financial support when the baby was born until the age of one.	69
3	The husband did not provide any financial support from the beginning of the marriage	27
<b>Total</b>		<b>100</b>
1	Dropped out from school	89
2	Was able to complete secondary high school education	11
<b>Total</b>		<b>100</b>
1	Worked as a domestic helper	8
2	Worked as cleaning service in an office or a mall	5
3	Worked in the industrial sector (small medium enterprise, factory, salesgirl)	37
4	Worked in the entertainment sector (karaoke, massage parlour, bargirl)	23
5	Worked as a commercial sex worker	18
6	Worked by opening own business: grocery store, selling <i>gado-gado</i> (an Indonesian vegetable dish), snacks and take-away rice meals.	9
<b>Total</b>		<b>100</b>
Monthly minimum wage of Rp. 2,294,000 <sup>5</sup> (USD 176; Euro 161) in the district/city of Palembang based on the Mayor's Decree		
1	Working, with income per month under Rp. 1,000,000	9
2	Working, with income per month between Rp. 1,000,000- 3,000,000	76
3	Working, with income per month more than Rp. 1,000,000	15
<b>Total</b>		<b>100</b>

Source: Processed from the results of questionnaires distributed to 100 Respondents in 4 Districts in Palembang City, October 2016

Table 4 above shows that the justice and protection of the rights obtained by the 100 respondents who were victims of child marriage because of KDP was still relatively low. Marriage as a "solution" to the existing pregnancy actually causes other problems, starting from marriage that cannot be registered because it is still underage, loss of opportunity to

<sup>5</sup> The exchange rate in October 2016 was approximately USD 1 = Rp. 13,000 or Euro = Rp. 14,250

continue formal education, <sup>1</sup> neglect by the husband, and being a single parent <sup>1</sup> who has to support oneself and one's child. It is clear from the problems that arise that the violence experienced by 100 respondents is like a vicious circle. What is interesting is that the 100 respondents realized they were victims. However, family and societal influence and pressure made these respondents feel what happened to them was their fault and that it was simply their fate. According to the theory of socialization, this is what is called false consciousness (Walby, 1990: 138).

Society tends to put the onus of the unwanted pregnancies on women because in general society tends to blame women while men tend to be exempted. This was the experience of the 100 respondents in this study. Even in cases when it was the boys who coerced the girls into having sex, and therefore obviously to blame, often they do not take responsibility for their actions. State law cannot help as the marriage is unregistered and the community assumes that the consequence of extramarital sex simply has to be borne by the young mother who somehow also has to provide for her baby. The values of patriarchy are an extremely dominant force in the local community so despite the fact that the women know they are victims, they dare not fight for their rights as well as that of their babies. Thus they simply succumb to their fate. The deeply ingrained stereotype/perception that a child should be cared for by the mother who is assumed to be more in control of domestic, social and public roles than the father puts women in a corner. A father neglecting his child is considered normal. If the mother does that, then she is frowned upon and even condemned. (Cockburn, 1988: 324).

<sup>22</sup> Legal protection for victims of child marriage due to KDP does exist but as is often the case, implementation is far from satisfactory. Optimal <sup>22</sup> protection for victims of child marriage due to KDP must be carried out by forming concrete programs involving collaboration between the Ministries of Education, Social Affairs, <sup>2</sup> Women's Empowerment and Child Protection, Ministry of Health, and Ministry of Law and Human Rights. The programs should begin with prevention, followed by case resolution, rehabilitation and finally reintegration. At present the work program run by each ministry runs independently, interviews are conducted with the head of the department and the relevant ministry bureau. The formation of a network to find a solution for these victims has not been fully carried out, the impediment they say, is the issue of budget accountability. As is often the case, bureaucracy stands in the way of justice.

Through their regional offices and bureaus, each ministry has a work program to prevent violence, including KDP. The problem is these programs merely disseminate information to schools about sex education, about the dangers, punishment and countermeasures for juvenile delinquency, and how to overcome violence. A breakthrough is needed to actually do something concrete, e.g., form a peer group that acts as a consultant who can provide an understanding of the dangers and impacts of KDP (Samawati, 2016: 198). Peer group formation for KDP prevention agent is one of the more effective measures because of their affinity with the victims and their knowledge of the problems in the field (Averett et al., 2008: 339-342). Another possibility is to form a youth creativity park that can channel young people's activities and creativity, and to foster healthy dating relationships (Samawati, 2016: 121).

The program for resolving reported KDP cases needs to receive serious attention and treatment from the legal authorities. Based on interviews of law enforcement officers in Palembang, until November 2016 there were no KDP cases that were brought to the court. The obstacles ranged from difficulties in obtaining evidence, to the fact that the victim was pregnant. There is clearly a need for capacity building education of law enforcers, especially with regards sexual violence. They also need to adopt a gender perspective to resolve the case by punishing the perpetrators and providing protection needed by the victim (DeShong, 2013: 99). The persuasion and threats used by the perpetrator can be used as the basis for prosecuting sexual violence crimes in courtship relationships. This can be applied by investigators, public prosecutors, and judges in the name of justice for all the parties.

Rehabilitation programs ranging from physical, psychological, economic, to social welfare have to involve the cooperation of relevant ministries. Psychological rehabilitation tends to be neglected which can leave emotional scars on the victim herself, and in turn will also have an impact on her child's development (Hopkins, 1998: 71). Economic rehabilitation for poverty alleviation and economic recovery of victims is also necessary, as well as counselling to re-adapt into society. Former KDP victims can form groups to empower themselves and utilize local resources. Collaborative efforts between government agencies with academics, NGOs, or companies through their Corporate Social Responsibility programs can also be conducted.



Reintegration programs to enable the former victim to reenter into the community are extremely important. It can help heal the trauma of the past and to use mistakes as a means to live a better life in the future. Lessons can be learnt, and the former victims can become role model models for KDP prevention programs. The school and the community can provide opportunities for former victims to continue their formal education and subsequently work again. The belief that marrying off a pregnant KDP victim as being the best solution needs to be reconsidered. Steps need to be taken to ensure that the marriage will not result in more violence, so that the cycle of violence can finally be broken to ensure a better quality of life for the future generation.

## 6. Conclusion

Marriage as a 'solution' for pregnancy due to KDP is questionable. In its implementation, shotgun marriages invariably results in desertion or divorce by the husband, with no recourse for the abandoned wife and child. The findings in the field produced data three groups of female victims: victims of KDP who got pregnant with the perpetrators unwilling to take responsibility; KDP victims who got pregnant, got married, but experienced domestic violence; a baby was born as a result of KDP, and one or both of its parents do not want to take responsibility. Legislation to protect victims of KDP do exist, but implementation is problematic. Societal attitudes tend to blame the women, and opt for short-term 'solutions'. Efforts to break the cycle of violence must be carried out by involving the community to actively participate. The government should show their commitment through the relevant ministries, namely the Ministry of Education, the Ministry of Social Affairs, the Ministry of Women's Empowerment and Child Protection, the Ministry of Health, and the Ministry of Law and Human Rights. These ministries need to collaborate on integrated programs from the prevention stage to the implementation in the field. The involvement of the community, academics and non-governmental organizations (NGOs) are vital for the prevention, rehabilitation and reintegration process.

## 7. Recommendations

<sup>34</sup> Laws and regulations concerning the protection of KDP victims and domestic violence do exist, however, the process of justice for victims is still evasive. The impediments range from the human resources of the legal apparatus and the government, improper facilities and lack of child and women friendly handling of cases, as well as the problem of funding especially for rehabilitation and reintegration programs. The government should focus especially on

creating concrete programs and action plans to support victims of KDP who are single parents, in collaboration with community organizations, NGOs and academics. The aim of the rehabilitation and reintegration programs is to provide them with the emotional, social and technical ability to enable them to build their future.

KDP prevention programs should be the result of collaborative efforts<sup>2</sup> by the Ministry of Education, Ministry of Social Affairs, Ministry of Women's Empowerment and Child Protection, Ministry of Health, and Ministry of Law and Human Rights. The first step of cooperation would be write up Memorandum of Understanding as a legal umbrella to instruct these five ministries to collaborate in assisting the prevention, settlement of cases, rehabilitation and the reintegration of KDP victims.

23

## REFERENCES

Ashshofa, B. (1996) *Metode Penelitian Hukum (Legal Research Methods)*. Jakarta: Rineka Cipta.

36

Anshary, M. (2010) *Hukum Perkawinan di Indonesia: Masalah-masalah Krusial*. Cetakan pertama (Marriage Law in Indonesia: Crucial Problems. First print). Yogyakarta: Pustaka Pelajar.

1

Averett, P.; Benson, M.; Vaillancourt, K., (2008) "Young Women's Struggle For Sexual Agency: The Role of Parental Messages". *Journal of Gender Studies*. Vol.17 No.4. Page 331-344. source: [child%20marriage%20UI%202017/journal/\\_18\\_05\\_2017\\_Young%20wome.pdf](http://child%20marriage%20UI%202017/journal/_18_05_2017_Young%20wome.pdf)

16

Cockburn, C. (1988) "Masculinity, the Left and Feminism". In: Chapman, Rowena and Rutherford, Jonathan. Eds. *Male Order*. London: Lawrence&Wishart Ltd.

21

DeShong, H.F. (2013) "Policing Femininity, Affirming Masculinity: Relationship Violence, Control and Spatial Limitation". *Journal of Gender Studies*. Vol.24. No.1. page 85-103. source: <http://dx.doi.org/10.1080/09589236.2013.833087>.

Ernaningsih, W. & Samawati, P. (2006). *Hukum Perkawinan Indonesia (The Indonesian Marriage Law)* Palembang: PT. Rambang.

18

Ernaningsih, W. & Samawati, P. (2014). *Pengaruh Budaya Patriarki Terhadap Perceraian: Kajian Pada Pengadilan Agama Klas IA Palembang (The Influence of Patriarchal Culture on Divorce: Study on the IA Class of the Religious Courts of Palembang)*. Malang: Tunggal Mandiri Publishing.

28

Fakih, M. (2013) *Analisis Gender dan Transformasi Sosial*. Yogyakarta: Pustaka Pelajar.

4

Gultom, M. (2010) *Perlindungan Hukum Terhadap Anak: Dalam Sistem Peradilan Pidana Anak di Indonesia (Legal Protection Against Children: in the Child Criminal Justice System in Indonesia)* Bandung: PT. Refika Aditama.

12

Harkrisnowo, H. (2000) "Hukum Pidana dan Kekerasan Terhadap Perempuan". In: Luhulima, Achie Sudiarti. ed. *Pemahaman Bentuk-bentuk Tindak Kekerasan Terhadap Perempuan dan Alternatif Pemecahannya* ("Criminal Law and Violence Against Women". In: Luhulima, Achie Sudiarti. ed. *Understanding the Forms of Violence Against Women and Alternative Solutions*), Jakarta: PT. Alumni.

24

Hopkin, L. (1998) "Middleton's Women Beware Women and The Mothering Principle". *Journal of Gender Studies*. Vol.7 No.1. Page 63-72. Source: [http://child%20marriage%20UI%202017/journal/\\_18\\_05\\_2017\\_Middleton'.pdf](http://child%20marriage%20UI%202017/journal/_18_05_2017_Middleton'.pdf)

<sup>27</sup> Ibrahim, J. (2005) *Teori dan Metode Penelitian Hukum Normatif*. Cetakan pertama (Normative Law Theory and Research Methods. First print). Malang: Bayumedia Publishing.

<sup>1</sup> Lambard, N. (2014) "Because They're a Couple She Should do what He Says': Young People's Justification of Violence: heterosexuality, gender, and adulthood, in: *Journal of Gender Studies*, Vol.25 No.3, page 241-253, source: <http://dx.doi.org/10.1080/09589236.2014.943699>.

<sup>19</sup> Luhulima, Achie Sudiarti. (2000). *Pemahaman Bentuk-bentuk Tindakan Kekerasan Terhadap Perempuan dan Alternatif Pemecahannya*. Bandung: Alumni.

<sup>10</sup> Marlina. (2009) *Peradilan Pidana Anak di Indonesia: Pengembangan Konsep Diversi dan Restorative Justice* (Child Criminal Justice in Indonesia: Development of the Concept of Diversion and Restorative Justice). Bandung: PT. Refika Aditama.

<sup>39</sup> Marzuki, P.M. (2005). *Penelitian Hukum (Legal Research)* Jakarta: Kencana Prenada Media.

<sup>25</sup> Mulyadi, L. (2005). *Pengadilan Anak di Indonesia, Teori, Praktek, dan Permasalahannya* (Children's Courts in Indonesia, Theories, Practices, and Problems) Bandung: Mandar Maju.

Pusat Studi Gender dan Anak Universitas Sriwijaya (PSGA Unsri). (2016) "Laporan Profil Anak Berhadapan dengan Hukum (ABH) Provinsi Sumatera Selatan Tahun 2016", In: *Laporan Penelitian: PSGA-Unsri bekerjasama dengan Kementerian Pemberdayaan Perempuan dan Perlindungan Anak* ("Report on the Profile of Children Against the Law (ABH) of the Province of South Sumatra in 2016", In: Research Report: PSGA-Unsri in collaboration with the Ministry of Women's Empowerment and Child Protection)

<sup>20</sup> Ramulyono, M.I. (1999). *Hukum Perkawinan Islam Suatu Analisis Dari Undang-undang No. 1 tahun 1974 dan Kompilasi Hukum Islam*. (Islamic Marriage Law An Analysis of Law No. 1 of 1974 and Compilation of Islamic Law) Jakarta: Bumi Aksara.

<sup>31</sup> Saleh, K.W. 1982. *Hukum Perkawinan Indonesia (Indonesian Marriage Law)*. Jakarta: Ghalia Indonesia.

<sup>1</sup> Samawati, P. (2016). "Rehabilitasi dan Reintegrasi bagi Perempuan sebagai Orang Tua Tunggal di Kota Palembang". in: *Laporan Penelitian* ("Rehabilitation and Reintegration for Women as Single Parents in Palembang City". in: Research Report): *Hibah Kompetitif FH-Unsri*.

<sup>4</sup> Sambas, N. (2010). *Pembaharuan Sistem Pemidanaan Anak di Indonesia*, (Renewal of the Child Criminal System in Indonesia) Yogyakarta: Graha Ilmu.

Sudarsono. (1994). *Hukum Perkawinan Nasional*. Jakarta: Rineka Cipta.

Soekanto, S. (1994). *Pengantar Penelitian Hukum (Introduction to Legal Research)*. Jakarta: UI Press.

Soekanto, S., Soerjono & Mamudji, S. (2006). *Penelitian Hukum Normatif (Normative Legal Research)*. Jakarta: Rajawali Pers.

Walby, S. (1990). *Teorisasi Patriarki (Teorisasi Patriarki)*. Patriarchal Theorization  
Yogyakarta: Jalasutra.

Women Crisis Center. (2016). "Laporan Tahunan (Annual Report) Kekerasan Terhadap Perempuan dan Anak di Provinsi Sumatera Selatan". in: Laporan Tahunan WCC Palembang (Annual Report on Violence Against Women and Children in South Sumatra Province ". in: WCC Palembang Annual Report)

# Marrying young in Indonesia: voices, laws and practices. (Breaking the cycle: Dating violence in Palembang)

## ORIGINALITY REPORT

16%

SIMILARITY INDEX

15%

INTERNET SOURCES

8%

PUBLICATIONS

7%

STUDENT PAPERS

## PRIMARY SOURCES

1	<a href="http://rp2u.unsyiah.ac.id">rp2u.unsyiah.ac.id</a> Internet Source	5%
2	<a href="http://icclr.org">icclr.org</a> Internet Source	1%
3	<a href="http://answersdrive.com">answersdrive.com</a> Internet Source	1%
4	<a href="http://dj.univ-danubius.ro">dj.univ-danubius.ro</a> Internet Source	1%
5	Submitted to University of Sheffield Student Paper	1%
6	Geraldine van Bueren. "The International Law on the Rights of the Child", Brill, 1995 Publication	1%
7	<a href="http://jurnal.umt.ac.id">jurnal.umt.ac.id</a> Internet Source	<1%
8	<a href="http://media.neliti.com">media.neliti.com</a> Internet Source	<1%

Submitted to University of Bridgeport

9

Student Paper

&lt;1 %

10

Submitted to University of Melbourne

Student Paper

&lt;1 %

11

Riana Satriana, Indira Rachmawati, Farah Alfanur. "Factor Analysis of Online Clothes Fashion Purchase on Social Media Instagram", Journal of Corporate Governance, Insurance, and Risk Management, 2014

Publication

&lt;1 %

12

[katalog.ukdw.ac.id](http://katalog.ukdw.ac.id)

Internet Source

&lt;1 %

13

[ilkogretim-online.org](http://ilkogretim-online.org)

Internet Source

&lt;1 %

14

[humantraffickingsearch.org](http://humantraffickingsearch.org)

Internet Source

&lt;1 %

15

[journalppw.com](http://journalppw.com)

Internet Source

&lt;1 %

16

[pandora.nla.gov.au](http://pandora.nla.gov.au)

Internet Source

&lt;1 %

17

Sharyn Graham Davies, Jazz Robson. "Juvenile (In)justice: Children in Conflict with the Law in Indonesia", Asia-Pacific Journal on Human Rights and the Law, 2016

Publication

&lt;1 %

18	<a href="http://etd.repository.ugm.ac.id">etd.repository.ugm.ac.id</a> Internet Source	<1 %
19	<a href="http://www.slideshare.net">www.slideshare.net</a> Internet Source	<1 %
20	Hariyanto Hariyanto. "Tradition of Besan Bali Marriage in the Muslim Community of Banjarnegara", IBDA` : Jurnal Kajian Islam dan Budaya, 2022 Publication	<1 %
21	Submitted to RMIT University Student Paper	<1 %
22	<a href="http://www.hrw.org">www.hrw.org</a> Internet Source	<1 %
23	<a href="http://ijmmu.com">ijmmu.com</a> Internet Source	<1 %
24	Submitted to EDMC Student Paper	<1 %
25	<a href="http://journal.walisongo.ac.id">journal.walisongo.ac.id</a> Internet Source	<1 %
26	<a href="http://www.universiteitleiden.nl">www.universiteitleiden.nl</a> Internet Source	<1 %
27	<a href="http://journal2.um.ac.id">journal2.um.ac.id</a> Internet Source	<1 %
28	<a href="http://publikasiilmiah.ums.ac.id">publikasiilmiah.ums.ac.id</a> Internet Source	<1 %



---

29	<a href="http://ejournal2.undiksha.ac.id">ejournal2.undiksha.ac.id</a> Internet Source	<1 %
30	<a href="http://medbox.org">medbox.org</a> Internet Source	<1 %
31	<a href="http://www.msi-uii.net">www.msi-uii.net</a> Internet Source	<1 %
32	<a href="http://www.researchgate.net">www.researchgate.net</a> Internet Source	<1 %
33	Fernand de Varennes. "Language, Minorities and Human Rights", Brill, 1996 Publication	<1 %
34	Hamidah Abdurrachman. "A Culture of Neglect: A Study in Indonesian Court Judgements Regarding Victims of Domestic Violence", International Annals of Criminology, 2018 Publication	<1 %
35	Submitted to Universitas Jember Student Paper	<1 %
36	<a href="http://fh-warmadewa.ac.id">fh-warmadewa.ac.id</a> Internet Source	<1 %
37	<a href="http://irgu.unigoa.ac.in">irgu.unigoa.ac.in</a> Internet Source	<1 %
38	<a href="http://repository.unika.ac.id">repository.unika.ac.id</a> Internet Source	<1 %

---

39	<a href="http://saudijournals.com">saudijournals.com</a> Internet Source	<1 %
40	<a href="http://www.atlantis-press.com">www.atlantis-press.com</a> Internet Source	<1 %
41	<a href="http://www.cambridge.org">www.cambridge.org</a> Internet Source	<1 %
42	<a href="http://www.kemenpppa.go.id">www.kemenpppa.go.id</a> Internet Source	<1 %
43	"Education Innovation and Mental Health in Industrial Era 4.0", Walter de Gruyter GmbH, 2019 Publication	<1 %
44	Zainuddin Zainuddin, Zaki Ulya. "Recording Siri's Marriages In Obtaining Legal Certainty (Reflections on the rise of Siri marriages in Aceh)", <i>Syariah: Jurnal Hukum dan Pemikiran</i> , 2021 Publication	<1 %
45	<a href="http://fti.uad.ac.id">fti.uad.ac.id</a> Internet Source	<1 %
46	<a href="http://icst2018.unesa.ac.id">icst2018.unesa.ac.id</a> Internet Source	<1 %
47	<a href="http://www.asianinstituteofresearch.org">www.asianinstituteofresearch.org</a> Internet Source	<1 %

---

Exclude quotes Off

Exclude matches Off

Exclude bibliography Off