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Bunting Lolo: The Dialectics of State, Islamic Law, and Culture in Marriage Practice among Island Communities in South Sulawesi

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Abstract:

This study intends to explore the socio-cultural construction of island communities in South Sulawesi that fosters the tradition of *bunting lolo* (child marriage), including the influencing factors and its dialectic with the state and Islamic law. A critical ethnographic method was adopted with the island communities as the research subject, while the culture and

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practice of *bunting lolo* constitute the units of analysis. Data were collected from the communities of Kodingareng (Makassar City) and Badi (Pangkajene Islands Regency) island, both part of the Spermonde Islands. The result showed that the practice of *bunting lolo* has become a tradition based on social, cultural, economic, and religious constructs. In the contemporary context, *bunting lolo* is a solution to 'balerek' or promiscuity among adolescents, both boys and girls. This practice conflicts with the minimum marriage age regulation of 19 years stated in Marriage Law No. 16 of 2019. Consequently, *bunting lolo* manifests the dialectic between state, Islamic law, and local culture in marriage practices within the island communities in which state regulation is found to be less considered than the other two.

Keywords:

Bunting Lolo; Child Marriage; Balerek; Island Communities; Spermonde Islands

Introduction

The fundamental nature of the law is to regulate (*aanvullend recht*) and compel (*dwingend recht*) the compliance of the communities.¹ It is essentially a norm that regulates facts but there is always a gap between socio-cultural facts and legal norms triggering the emergence of dualism in legal practices within the communities.² This is evident, among others, in a child marriage practice where the minimum established age is 19 years according to the Indonesian Law Number 16 of 2019 concerning Marriage yet in the community, law violation becomes common thing to find.

In Indonesia, child marriage is still a common practise. Due to its high rates of child marriage, Indonesia was ranked among the top

¹ Dulman et al., "The Meaning of Corporate Social Responsibility as a Legal Obligation in Limited Company Law: An Indonesian Case Study," *International Journal of Innovation, Creativity and Change* 12, no. 11 (2020): 511-22.

² Stefano Berteau, "Where Objective Facts and Norms Meet (and What This Means for Law)," *International Journal for the Semiotics of Law* 36, no. 1 (2023): 249-74, <https://doi.org/10.1007/s11196-022-09906-5>.

10 countries in the world.³ A report from the University of Indonesia in 2020 revealed that 1 over 9 girls in Indonesia gets married before the age of 18. The Indonesian prevalence of child marriage is one of the highest which numbers around 12.1%. This phenomenon, also, happened as a local issue in South Sulawesi which leads to its classification as a "red zone" for child marriage.⁴

A study by Kasjim found that religious perspectives contribute to justifying child marriage. Religion only sets the age of maturity (*bālig*), which differs from the minimum age established by regulations.⁵ There exists a difference in the concept of *bālig* age within the culture of the Bugis-Makassar community based on Islamic law compared to the minimum established marriageable age.⁶ Islamic law does not define a definitive age for a person to be considered *bāligh* that it falls under *ijtihad* (interpretation) issues.⁷ The age of *bālig* is instead based on physical and psychological conditions that signify the capability of a person to fully carry out religious responsibilities (*mukallaf*).⁸ In *fiqh* (Islamic jurisprudence), *bālig* is marked by experiencing sexual wet dreams (for males) and menstruation (for females). *Bālig* becomes a benchmark for an individual who is morally and psychologically obligated to uphold religious practices in their entirety.⁹ This categorization serves as a reference, leading the community to view marrying children below the age of 19 as not being inherently wrong.

³ Dian Latifiani, "The Darkest Phase for Family: Child Marriage Prevention and Its Complexity in Indonesia," *Journal of Indonesian Legal Studies* 4, no. 2 (2019): 241, <https://doi.org/10.15294/jils.v4i2.34708>.

⁴ Heribertus Rinto Wibowo et al., "One Household, Two Worlds: Differences of Perception towards Child Marriage among Adolescent Children and Adults in Indonesia," *The Lancet Regional Health - Western Pacific* 8, no. 1 (2021): 1–9, <https://doi.org/10.1016/j.lanwpc.2021.100103>.

⁵ Kasjim, "Abuse of Islamic Law and Child Marriage in South-Sulawesi Indonesia," *Al-Jami'ah* 54, no. 1 (2016): 95–122, <https://doi.org/10.14421/ajis.2016.541.95-122>.

⁶ Ibnu Amin et al., "The Concept of Baligh Perspective of Fiqh and Positive Law," *Al-Istinbath* 7, no. 2 (2022): 441–66.

⁷ Moh Ali Wafa, "Telaah Kritis Terhadap Perkawinan Usia Muda Menurut Hukum Islam," *Ahkam: Jurnal Ilmu Syariah* 17, no. 2 (2017): 391, <https://doi.org/10.15408/AJIS.V17I2.6232>.

⁸ Wahbah Al-Zuhaili, *LAI-Fiqh Al-Islam Wa Adillatuh, Damsyiq, Dar Al-Fikr, Jilid.1*, (Beirut: Dar Al-Fikr, 1989).

⁹ Muhamamd bin Idris Al-Syafi'i, *Al-Umm Ilid I* (Beirut: Dar Al-Fikr, 1990).

Several previous studies on child marriage focused primarily on the causal factors. For instance, the influence of beliefs related to *pemmali* (taboos) has been highlighted as a cause,¹⁰ specifically for girls.¹¹ *Pemmali* was connected to family honor and the risk of becoming a *lolo bangko* (old maid) for their daughters when marriage proposals were rejected. Child marriage is also accepted due to several factors, such as the size of the dowry, *uang panaik* (money for bride price), and *erang-erang* (marriage gifts)¹² brought by the family of the groom.¹³ It is also hoped to guarantee financial security and signify social status for the bridegroom and their family.¹⁴ A previous study showed that economic hardships increase child marriage vulnerability, particularly for girls.¹⁵ The tradition of arranged marriages to strengthen family ties also motivates parents to marry off their children at a young age.¹⁶ Another study showed that the patriarchal culture in the communities significantly contributes to shaping child marriages in South Sulawesi.¹⁷

The practice of child marriage is rampant in island regions, including South Sulawesi. The Women and Children Empowerment Office (KPAI) of South Sulawesi reported that Pangkajene Islands

¹⁰ Aris Aris and Rosdalina Bukido, "Pemmali Culture in Bugis Community versus Law Enforcement of Age of Marriage in the Religious Courts," *Jurnal Ilmiah Al-Syir'ah* 20, no. 2 (2022): 206, <https://doi.org/10.30984/jis.v20i2.2056>.

¹¹ Kasjim, "Abuse of Islamic Law and Child Marriage in South-Sulawesi Indonesia."

¹² Nurul Ilmi Idrus, *Gender Relations in an Indonesian Society Bugis Practices of Sexuality and Marriage* (Leiden: Brill, 6010); 224.

¹³ Muliani Ratnaningsih et al., "Child Marriage Acceptability Index (CMAI) as an Essential Indicator: An Investigation in South and Central Sulawesi, Indonesia," *Global Health Research and Policy* 7, no. 1 (2022): 10, <https://doi.org/10.1186/s41256-022-00252-4>.

¹⁴ Qodariah Barkah et al., "Abandonment of Women's Rights in Child Marriage; An Islamic Law Perspective," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 17, no. 2 (2022): 383-411, <https://doi.org/10.19105/al-Ihkam.v17i2.6725>.

¹⁵ Nike Dwi Putri, et al, "Pre and Post Covid-19 Pandemic: Demography, Education, and Welfare Related to Child Marriage in South Sulawesi , Indonesia," *Italienisch* 12, no. 1 (2022): 107, <https://www.italienisch.nl/index.php/VerlagSauerlander/article/view/176>

¹⁶ Zulfadli, et al, "Faktor-Faktor Terjadinya Pernikahan Usia Anak Di Kabupaten Pangkep," *Jurnal Diskursus Islam* 4, no. 2 (2016): 201-16.

¹⁷ Jalaluddin B, "Under-Age Marriage: Asserting 'Bapak'S Domination Over Girls From Traditional Setting To Patriarchy," *Profetik: Jurnal Komunikasi* 15, no. 1 (2022): 67-82, <https://doi.org/10.14421/pjk.v15i1.2243>.

Regency, referred to as Pangkep, has the highest percentage (26.8%) of child marriage, specifically in island regions. A study conducted by Rizal in the island communities of Pangkep revealed that the prevalence of child marriages is greatly influenced by a number of factors, including custom, economics, low levels of education, religious understanding, and attempts to preserve family honour.¹⁸

In the Makassar language, child marriage was called *bunting lolo*. *Bunting lolo*, consists of the origin of the word *bunting* which means marriage, and *lolo* which means young. In daily use, *bunting lolo* signifies marriages between very young couples below legal age. Even when regulations set a minimum marriageable age, *bunting lolo* continues to be prevalent. Another study by Idrus discovered a gap between categorizing minimum age limits and the interpretation of marriage practices in communities. He found that the majority of the communities are more inclined to follow cultural interpretations supported by religious understanding.¹⁹

The tradition of *bunting lolo* from the perspective of national law poses a distinct issue within island communities. Therefore, this study offers innovation by analyzing the *bunting lolo* tradition as a social phenomenon in the dialectic between national law and the cultures of the communities, in addition to their interpretation and practice of the Islamic law. In this study, island communities were chosen as the locus due to their unique socio-cultural characteristics that significantly differ from the mainland. The islands have developed isolated ways of life, which are distinct and separate from mainland communities.²⁰ Some of these characteristics include the dependency on the sea and natural resources, strong community bonds, unique culture and traditions, limited access and mobility, as well as distinct religious and traditional beliefs.

The primary issue of this study is the social construction of island communities in relation to the *bunting lolo* tradition, its facts

¹⁸ Rizal, "Fenomena *Bunting Lolo* Pada Masyarakat Muslim Kepulauan Kecamatan Liukang Tupabbiring Kabupaten Pangkep" (Disertasi Universitas Islam Negeri Alauddin Makassar, 2017).

¹⁹ Nurul Ilmi Idrus, "Problematizing the Minimum Age of Marriage: The State and Local Perspective on Marriage Dispensation in South Sulawesi," *Jurnal Humaniora* 34, no. 2 (2022): 159-71, <https://doi.org/10.22146/jh.73661>.

²⁰ Gloria Pungetti, "Islands, Culture, Landscape and Seascape," *Journal of Marine and Island Cultures* 1 (2012): 51-54.

and factors, as well as the dialectic between state, Islamic law and culture. The study aimed to examine the *bunting lolo* tradition within the dialectic among the three both conceptually and in practice.

Method

This study took the island as the locus of research, the island community as the subject of the study, and *bunting lolo* as the unit of analysis. A field survey was conducted using an ethnographic approach,²¹ which focused on the social behaviors of island communities as a socio-cultural entity. It also reflects on the complexity of a social phenomenon²² which, in this case, is the *bunting lolo* tradition. Data were collected through a month-long immersive study in May 2023 from Kondingareng and Badi, which are part of the Spermonde Islands cluster in South Sulawesi. These locations were selected based on the prevalence of child marriage practices.

Constituting an ethnographic study, observation becomes one of the primary data collection techniques.²³ It was conducted by directly observing the social, cultural, economic, and religious situations of the island communities related to the *bunting lolo* practice. In-depth interviews were also conducted with purposively selected informants, including practitioners of *bunting lolo* and their parents, religious figures, community leaders, as well as government officials. Relevant documents for the study are obtained from village/community governments, the Religious Affairs Office (KUA), and Religious Courts (PA).

Data analysis followed an ethnographic approach that comprehensively described the study subject and its social situation. This process was employed to understand what occurs within the context of *bunting lolo*, including the interpretation of meanings,

²¹ James.P Spradley, *Metode Etnografi*, 1st ed. (Yogyakarta: Tiara Wacana, 1997).

²² Lola Martínez Pozo, "Embodying Ethnographies from Feminist Perspectives," *Revista Estudos Feministas* 28, no. 3 (2020): 5, <https://doi.org/10.1590/1806-9584-2020V28N358097>.

²³ Jefferson Veras Nunes, et al, "Ethnography as a Methodological Possibility for Information Science," *Biblios* 77, no. 77 (2019): 17, <https://doi.org/10.5195/BIBLIOS.2019.498>.

functions, and consequences of the actions of those involved.²⁴ All names of *bunting lolo* practitioners and parents in this text are given pseudonyms to maintain informant confidentiality.

Result and Discussion

Socio-Cultural Construction of the Communities Forming the *Bunting Lolo* Tradition

The Spermonde Islands comprise a constellation of 67 atoll islands located in the southern part of the Makassar Strait. These islands are under five administrative regions, namely Makassar City, Takalar, Maros, Pangkep, and Barru Regencies.²⁵ The study area, consisting of Kodongareng and Badi Islands, is administratively part of Makassar City and Pangkep Regency. Furthermore, the cultural patterns of the Spermonde Islands communities construct the *bunting lolo* tradition directly links to social, cultural, economic, and religious contexts.

The socioeconomic pattern of the communities is maritime, with fishing becomes the main source of income. As fishermen, the communities were divided into two categories, namely *punggawa* and *sawi* who are the owners of capital and the crew members of the boat, respectively. The relationship between *punggawa* and *sawi* tends to be patron-client, whereas *sawi* heavily relies on *punggawa*. Generally, fishermen in the Spermonde Islands work as *sawi*.²⁶

Since childhood, young boys have become accustomed to contributing to the livelihood of the family, starting as laborers lifting baskets of catches or as weight assessors at places where catches are sold, known as *pabalolang*. They eventually join fish boats as *sawi* as they become adolescents, and this socio-economic situation influences low education awareness. Additionally, the ease of accessing daily

²⁴ Hélio R. S. Silva, "A Situação Etnográfica: Andar e Ver," *Horizontes Antropológicos* 15, no. 32 (2009): 171-88, <https://doi.org/10.1590/s0104-71832009000200008>.

²⁵ Kathleen Schwerdtner Máñez et al., "Water Scarcity in the Spermonde Archipelago, Sulawesi, Indonesia: Past, Present and Future," *Environmental Science and Policy* 23 (2012): 76, <https://doi.org/10.1016/j.envsci.2012.07.004>.

²⁶ Nurliah Nurdin and Adam Grydehøj, "Informal Governance through Patron-Client Relationships and Destructive Fishing in Spermonde Archipelago, Indonesia," *Journal of Marine and Island Cultures* 3, no. 2 (2014): 54-59, <https://doi.org/10.1016/j.imic.2014.11.003>.

income causes many adolescent boys to leave school and later opt for early marriages.

The communities in the Spermonde Islands, predominantly of Makassar and Bugis ethnicity, all follow the Islamic faith. However, the communities on Kodingareng Island have a more diverse Islamic pattern than Badi. Several Islamic groups and organizations exist on Kodingareng Island, including *Jamaah Tabligh*, *Wahdah Islamiyah*, *Muhammadiyah*, *Salafi*, and *Nahdlatul Ulama* with *Jamaah Tabligh* as the dominant one. Meanwhile, the communities in Badi Island generally practice a traditional Islamic patterning with an orientation towards *Nahdlatul Ulama*.

The Islamic paradigm prevailing within the communities of both islands, whether affiliated with *Jamaah Tabligh* or rooted in traditional Islamic values, equally legitimizes the *bunting lolo* practice. For example, this is expressed by Darmawati, an activist from the organization *Wahdah Islamiyah* on Kodingareng Island as follow:

“The *bunting lolo* practice gains legitimacy from the religious perspectives of the communities. Generally, it is believed that marrying at a young age is not contradictory to the faith and is even an example from the time of the Prophet Muhammad. The increasing threat of adolescent promiscuity strengthens the religious rationale behind the *bunting lolo* practice. This perspective underscores the preference for early marriage rather than engaging in actions that violate the faith, diminish self-worth, or involve *silariang* (elopement) or *salimarak* (adultery).”²⁷

Similar statement was expressed by *Ustaz Arfan*, a figure from *Jamaah Tabligh*:

“Marriage is to be conducted when both potential partners have reached maturity. The term *bāligh* was indicated when a girl had her first menstruation, usually around 13 years old (2nd year of junior high school). Meanwhile, for boys, it is when they experience wet dreams, which typically happens a bit later than in girls.

²⁷Darmawati, Interview, 4 May 2023.

On this island, the influence of social media is tremendous on children. Moreover, there is a saying that it is enjoyable to marry at a young age."²⁸

Religious legitimization aligns with the local cultural perspective based on the nuclear family structure (*batih* family). The island residents can be regarded as a community generally bound by kinship relationships known as *bija pammanakang* (family group) which reinforces the practice of *bunting lolo*.²⁹ Parents whose children are married maintain and nurture interdependence in their relationships.³⁰ This is the reason why married children continue to live with their parents and economically support each other.

The kinship system in the nuclear family is significantly influenced by the geographical conditions of the island and its population density. Population growth does not correspond with the size of the island. According to local government data, Kodingareng Island, which was approximately 14 hectares in size, accommodated 4,614 inhabitants. On the other hand, Badi Island, with a mere 7 hectares, is home to around 3,184 individuals. There is almost no space left to build new houses, enabling married children to still live in the home of their parents.

The nuclear family culture influences the tradition of arranged marriages to strengthen family ties through *bunting lolo*. This condition is reinforced by a patriarchal culture that views daughters as a burden, leading to the desire to quickly relieve themselves of the responsibility of their care. In this regard, 25.6% of parents and 32.6% of adolescents in South Sulawesi agree that unmarried daughters above 18 years old are a burden to their families. This study found a common perspective in the Spermonde Islands communities where it was stated that "it is harder to take care of a daughter than to take care of a hundred animals." Consequently, it is preferred for them to get married immediately when a man presents a proposal even when it

²⁸ Ustaz Arfan, Interview, 28 May 2023.

²⁹ Nur Fadhillah Mappaselleng et al., "The Nature Of Shopping Money (Uang Panaik) According To The Law And The Perception Of Judges And The Bugis-Makassar Community," *Journal of Namibian Studie* 35 (2023): 560.

³⁰ Khusboo Singh Parihar et al., "Effect of Nuclear Family in Participation of Activities. International Journal of Health Sciences," *International Journal of Health Sciences* 1, no. 1 (2017): 28-35.

necessitates the child to drop out of school. Cultural beliefs prompt parents to accept proposals relying on belief that "it is not good to reject someone who brings goodness (a proposal)."

The patriarchal culture within the Spermonde communities is reflected in the perspective that daughters are "*niballi na niballiang bajika*" (bought and bought for goodness).³¹ Therefore, rejecting a proposal signifies rejecting goodness, and its consequences could be detrimental to the daughter, including becoming a *lolo bangko* (old maid). In the case of a proposal event, other parents with unmarried daughters also hope their children will follow suit soon. Participation in specific events within the marriage process is called *picuru* and it is intended to pave the way for future matches. It is also a source of pride for parents when their daughters get proposed for marriage.

Sinta, for instance, got married when she was 16 years old in 2021 while she was still in the 10th grade of high school. When a man from another island came to propose, her parents accepted it right away. Regarding this matter, Hamidah (Sinta's mother) said:

"When someone comes to propose my daughter, it is a good thing that it should not be rejected. There is a fear that something might happen when we reject the goodness that comes. Besides, my daughter is old enough, and I got married at an even younger age of 14 years old."³²

The strength of the patriarchal culture within families renders adolescent girls powerless to reject nor rebel against arranged marriages decided by their parents, specifically their fathers. They resign themselves and comply with the wishes of their parents. The common response in studies when being asked about their reactions to their impending marriages was a sort of "I will abide by the decision of my parents, and I do not dare to oppose." The appearance of coercion becomes evident when being asked about their education which is often abruptly halted. "Actually, I still want to go to school, but someone proposed me, therefore I have to quit,"³³ said Ani (from

³¹ Ambo Hudding, Customary Figure of Kodingareng Village, Interview, 9 May 2023.

³² Hamidah, Interview, 22 May 2023.

³³ Ani, Interview, 7 May 2023.

Kodingareng Island). Rina (from Badi Island) also said: "Actually, I was not ready to marry, but my parents decided it and I have to accept their decision, even though I still want to continue my education, at least until high school."³⁴

The nuclear family kinship system further reinforces the dominant authority of the father figure, making it nearly impossible for daughters to oppose their decisions. The construction of a patriarchal culture is evident in the perspective regarding daughters, which is generally considered with low esteem.³⁵ The patriarchal authority perpetuating the *bunting lolo* practice is also strengthened to prevent the dangers of free mingling that threaten their children. Cultural perspectives and religious understandings showed that *bunting lolo* is a way out of the threat of free mingling.

Balerek: Facts and Factors of Bunting Lolo Practice

Bunting lolo is a common practise, but precise statistics about its prevalence are unknown. This is due to the fact that marriage ceremonies are held in secret and are not officially registered in the KUA, village, or subdistrict administrations. Those practicing underage marriage tend to be secretive because their actions violate the laws of the state. This implies that they know the regulation despite the violation they make. They become more open when presented with the possibility of participating in an *itsbat nikah* (marriage verification) session, which is the only way to obtain a marriage certificate and gain legal marital status according to the prevailing laws. In this case, 35 couples registered and attended the session at the end of May, 2023, but the majority could not participate. This is either because one or both partners are not of sufficient age (19 years old) or due to other lack of administrative requirements. This is known from the *isbat nikah* application form that must be filled out by every married couple.

The background above showed that the practice of *bunting lolo* is a hidden phenomenon. Abdul Rahman, the Village *Imam* (religious leader) of Kodingareng, speaks about the strength of the *bunting lolo* practice on Kodingareng Island:

³⁴ Rina, Interview, 19 May 2023.

³⁵ I Aidar Idrus et al., "Analysis of the Impact of Patriarchal Culture on the Role of Women in Politics and Governance," *JSIP: Jurnal Studi Ilmu Pemerintahan* 04, no. 1 (2023): 1-12.

"Many residents are indifferent, even after being informed. I often face opposition for not catering their wish and we are sometimes threatened: "Who will take responsibility when the life of my child is ruined?" Therefore, as an *imam*, we are in a dilemma, as we want to forbid it, but religion (Islamic law) allows it. That is, we do have a way to break the state law."³⁶

When things reach this point, it becomes inevitable that underage marriages cannot be avoided. Most families usually seek the assistance of local religious figures or parents to marry off their children. Nevertheless, in the last two years, the *Imam* and the Village Head, supported by the Head of the local Neighborhood Association (RW) and Community Unit (RT), have resolved to stop facilitating underage marriages on Kodingareng Island. Those who wish to have child marriages should perform the marriage contract outside the Kodingareng Village jurisdiction even when the wedding celebration was held at their residence.

There is an interesting aspect concerning the facts and factors of *bunting lolo* found on the Kodingareng and Badi Islands. It was referred to as *balerek* by the communities as the reason for marrying off their children at a young age. *Balerek* in the Makassar language essentially means *bālig* or "puberty," referring to children who have reached a biologically and religiously suitable age. *Balerek* was also the reason parents used to marry off their children in the past, indicating they were of an appropriate age. However, the current interpretation of *balerek* has expanded and shifted to connote wildness, promiscuity, or losing control.

When being asked why his child got early marriage, Norma, a housewife, as well as a local women figure stated:

"Tippaki *balerek* pak. Anua amparaki katte, HP-ya. Biasa anjo acciniki pelleng-pelleng anu, anjoengmi sallang terpengaruh nampai sallang SMP *balerekmi*. Accewekminjo mange, terlanjurki batena cewek, panrakmi, nipassiallemi. Jai anrinni anak-anak *bunting* anak-anaki. Tenamo napikkiriki masa

³⁶Abdul Rahman, Interview, 7 May 2023.

depanna anakna."³⁷ (Translation: Smartphones had a great influence on children, such as access to explicit images (porn), which led them getting affected, engaging in relationships, taking it too far, and ultimately getting ruined, resulting in marriages. Parents no longer think about their children's future.)

In the context of this statement, the concept of *balerek* is found indicating its characteristics as being exposed to negative influences from social media, enjoying porn movies, engaging in excessive dating, and even experiencing negative outcomes, such as getting pregnant out of marriage. This phenomenon has significantly affected local children since middle school that make them prone for underage marriage.

A mother identified as C, meanwhile, said that a young man from their own family proposed to her niece, referred to as F, who is currently in the second year of high school. The interviewer asked why the family quickly accepted the proposal, considering F is only 17 years old and still in school. She answered, "*lappasangmi kabalereki*" (let it be, because she is already *balerek*). Meanwhile, her daughter, R, who has finished high school, is not willing to marry yet because she claims herself as not *balerek* yet. She mostly stays at home and only visits her uncle when she goes out.

Balerek and *bunting lolo* as local socio-cultural constructs were faced with the influence of the information, technology, and communication development. The concern with the behavior of *balerek* stems from the possibility of their daughters damaging the honor of the family by getting pregnant outside of marriage (*salimarak*) or eloping (*silariang*). *Salimarak* and *silariang* are highly shameful events (*mappakasirik*)³⁸ that severely taint the *sirik* (reputation) of the family. Therefore, the local communities strongly

³⁷ Norma, interview, 30 May 2023.

³⁸ Asni and Kamaruddin, "Maddeceng: A Family Reconciliation in Bugis Community on Maslahat's Perspective," *IOP Conference Series: Earth and Environmental Science* 175, no. 1 (2018), <https://doi.org/10.1088/1755-1315/175/1/012133>.

uphold the philosophy of *sirik* to safeguard their dignity and family.³⁹ Daughters are symbolic of family honor and are carefully protected to avoid becoming a cause for tarnishing the reputation of the family. This forms the basis for the local perspective of "guarding daughters as harder than guarding animals."

On the other hand, the influence of patriarchal culture is so strong where men are positioned as guardians of *sirik*. In contrast, women are to be protected due to their vulnerability as a potential source of *appakasirik*, which means bringing shame to the family. In the Bugis-Makassar *sirik* culture, family honor would be significantly tarnished when their daughters become *salimarak* or *silariang*. This is the reason why daughters become a major concern, specifically when they show signs of being *balerek*. Marrying daughters out when the family honor is at stake, even at an illegal age according to the law, is seen as a way out.

The interviewers directly witnessed and heard about the interactions among adolescents in the Kodingareng and Badi Islands, which led to permissiveness. This phenomenon is often lamented by parents and community leaders. Aside from being contrary to religious and cultural norms, it is believed that this behavior could lead to divine punishment. Therefore, *bunting lolo* is made a solution for parents and the communities when they see that their daughters have reached the *balerek* phase or have engaged in interactions with the opposite sex (dating). Haji Ramli, the Village *Imam* also shared the reality in Badi Island as he saw it.

"Here, when parents see their child dating, they would say it is better to marry them off than to bring shame (*appakasirik*). Adolescents who have reached the *balerek* phase are a significant concern. The communities still believe that divine punishment will arise when fornication is allowed. Therefore, to uphold family *sirik* and to avoid the potential harm to the village due to divine punishment, it is considered better to marry off the children."⁴⁰

³⁹ Rizal Darwis and Asna Usman Dilo, "Implikasi Falsafah Siri' Na Pacce Pada Masyarakat Suku Makassar Di Kabupaten Gowa," *El-Harakah* 14, no. 2 (2013): 188, <https://doi.org/10.18860/el.v14i2.2317>.

⁴⁰Haji Ramli, Interview, 18 May 2023.

In line with that, Haerul, for instance, opted to marry his daughter quickly due to the observation that the relationship with her boyfriend had become too close despite the fact that the daughter was only 14 years old and in the second year of middle school at the time.⁴¹ The underlying principle is parents are worried about the social interaction of their daughter who has reached the *balerek* phase, necessitating the choice of marriage even at an illegal age. Abdul Latief, a community figure in Kodingareng, expressed this tendency:

“These concerns lead parents to adopt a short-term perspective; besides, they can no longer control their children. This is the reason behind the decision of parents to marry off their children despite knowing the legal minimum marriage age.”⁴²

Balerek, in short, is a social phenomenon that occurs due to increasingly permissive relationship. The negative impact of technological advancements in information is seen as the cause that fosters free interaction for adolescents. This phenomenon also occurs in island communities at the study location. The *balerek* phenomenon is a factual distortion of values within island communities which highly uphold the culture of shame (*sirik*) and religious norms in social interactions. In previous generations, it was considered taboo and tarnishing family honor if men and women who were not *muhrim* were found together in the absence of others. However, in contemporary times along with the consequences for the interaction among adolescents, it has become difficult to prevent such situations. This resulted in the emergence of a shock culture, leading to increasingly concerning adolescent interactions on the island. The limited space on the island does not hinder adolescents from freely socializing. The influence of gadgets also makes it easy to make meeting plans and engage in taboo activities according to the cultural and religious views of the local communities.

Bunting lolo serves as a response to the *balerek* phenomenon among adolescent girls, indicating the operation of cultural

⁴¹ Haerul, Interview, 3 May 2023.

⁴² Abdul Latief, Interview, 8 May 2023.

mechanisms to prevent the occurrence of social pathologies while safeguarding family honor (*sirik*). This stance is reinforced by the traditional or puritanical religious understanding of the communities. Therefore, the tradition of *bunting lolo* gains increasing social, cultural, and religious legitimacy, even though the communities know this practice contradicts existing legal regulations.

The Dialectic of State, Islamic Law and Culture in the *Bunting Lolo* Tradition

The *bunting lolo* practice, which has been a longstanding tradition in the Spermonde Islands, has encountered conflicts with the legal regulations surrounding marriage in Indonesia. *Bunting lolo* has become a legal issue since the establishment of minimum age limits for marriage in Law Number 1 of 1974 and Law No. 16 of 2019. Despite being viewed as a tradition and a virtue from the perspective of the communities, it has sparked a dilemma within the legal practice of the communities. The communities still tend to follow cultural norms that are reinforced by religious understanding, leading to the continued prevalence of the *bunting lolo* practice. This situation created a gap between social realities in the communities and legal norms that are regulatory and coercive in nature.

What is interesting is that the communities are aware of the regulations regarding the minimum age for marriage. There were considerable efforts in raising awareness, which was formally conveyed through the village/community government and the KUA⁴³ by organizing community meetings and door-to-door socialization. The Makassar City Government established Shelter Community Groups at the village level and formed Community Protection Groups at the village level in Pangkep. One of the objectives of these groups is to prevent the practices of child marriage. Furthermore, these groups actively provide information to the community about the regulations on the minimum age for marriage. The village authorities are also actively engaged in disseminating information to the communities, ensuring that they are well-informed about the legal regulations regarding the minimum age for marriage.

⁴³Kamaruddin, KUA Liukang Tupanbiring Utara, Pangkep, Interview, 23 Mei 2023.

The continued prevalence of *bunting lolo*, despite the established regulations prohibiting its practice, is due to the conflict between the understanding of the minimum marriage age and state regulations. The understanding of the communities aligns with religious norms, where the minimum marriage age was considered when an individual reaches *bāligh* (puberty). This legitimization justifies the *bunting lolo* practice based on Islamic law. Consequently, state law proved ineffective, often lacking the ability to elicit compliance within the communities. Sattuang, a religious figure from Kodiangareng Island, stated:

“The marriage in Islamic jurisprudence can be conducted when a girl reaches puberty, and a boy experiences *ihtilām* (wet dream). This was the guide of the communities before the marriage laws were established. The practice of early marriage continues in the communities until now because it is not prohibited by religion.”⁴⁴

The difference in concepts regarding the minimum marriage age fosters a legal dualism within communities.⁴⁵ Due to the lack of clarity from the state, specially in terms of the prohibition of marriage under the age of 19 years and the existence of opportunities for dispensation and *isbāt nikah*, the communities tend to follow cultural norms that align with their understanding of Islamic law. This legal dualism also occurs in unofficial marriage cases (*nikah siri*) which were considered valid according to religious beliefs, even though they are not registered in the state administration.⁴⁶ Both forms of legal dualism are present in the practice of *bunting lolo*, as these marriages were typically conducted unofficially. Furthermore, legal dualism is exacerbated by the leniency of authorities, as there is a lack of strict sanctions related to the enforcement of these regulations.

⁴⁴ Sattuang, Interview, 12 May 2023.

⁴⁵ Mohammad, “Perkawinan Anak Di Bawah Umur (Sebuah Kajian Perspektif Hukum Islām Vis-a-Vis Hukum Positif Di Indonesia),” *Al-Ihkam: Jurnal Hukum & Pranata Sosial* 6, no. 2 (2013): 274–309, <https://doi.org/10.19105/al-lhkam.v6i2.313>.

⁴⁶ Siti Musawwamah, “Akseptabilitas Regulasi Kriminalisasi Pelaku Kawin Sirri Menurut Pemuka Masyarakat Madura,” *Al-Ihkam: Jurnal Hukum & Pranata Sosial* 8, no. 2 (2014): 245–78, <https://doi.org/10.19105/al-lhkam.v8i2.350>.

In addition to the legal dilemma, the clash of norms also fosters a legal dialectic between state law and cultural norms rooted in the perspective of religious law. This clash can be explained using dialectical theory as the minimum age requirement of 19 years in the law serves as the thesis. The cultural norm that reinforces the *bunting lolo* practice acts as the antithesis. Furthermore, the communities perceive a legal loophole in the form of *isbat nikah* (marriage verification) and marriage dispensation as a way out or synthesis. Rini, an 18-year-old resident of Badi Island who got married at the age of 16, stated:

"I am aware of the rule that one cannot marry before turning 19. However, my parents still gave me out in marriage, saying we could take care of the registration through *isbat nikah* after I turned 19."⁴⁷

In addition to the knowledge of the rule regarding the minimum age requirement for marriage, the communities are also aware of the *isbat nikah* and dispensation concepts as conditions for registration. *Isbat nikah* and marriage dispensation provide a legal avenue for the communities to secure their rights and legal status in their marriages. Some individuals involving in underage marriages pursue the option of *isbat nikah* after turning 19. It becomes a choice to obtain legal recognition for marriages that are yet to be officially registered, thereby establishing their marital status as legal within the country.⁴⁸ The existence of rules regarding *Isbat* and dispensation is inherently paradoxical. Meanwhile, it allows for the acknowledgment of the practice of underage marriage and also serves as a solution based on humanitarian considerations. This is delivered by Jusmah, a judge in Makassar Religious Court as follow:

"The *isbat nikah* process was initiated due to the high demand from the communities on Kodingareng Island, who did not possess marriage certificates. There was a quick response from the Makassar Religious Court through an integrated *isbat nikah* hearing service. This program aims to fulfill the right of the communities to legal identity."⁴⁹

⁴⁷ Rini, Interview, 19 May 2023.

⁴⁸ Wahidullah and Ricky Khoirul Umam, "Problematika Isbat Nikah Dalam Optik Perundang-Undangan," *Jurnal Ilmiah Syariah* 18, no. 2 (2019): 113–15.

⁴⁹ Jusmah, Interview, 23 May 2023.

Some prospective couples who are underage pursued the dispensation route in the Religious Court to make their marriage legal. However, dispensation requests are not generally accepted due to insufficient justification. Underage marriages are still carried out even without receiving dispensation from the Religious Court⁵⁰ as illustrated by a case on Badi Island. Cases of pregnancies outside of marriages typically receive dispensation from the judge, as the actions are taken to avoid harm.⁵¹

It should be acknowledged that the policy of *isbāt nikah* and dispensation contributes to the increase in child marriages.⁵² Both practices are only temporary solutions that are incidental in nature. These regulations created a gap that nourished the *bunting lolo* practice which contradicts the laws. The Ministry of Religious Affairs in Makassar City, through its head, H. Irman, stated:

“The Ministry of Religious Affairs has refrained from arranging marriages for adolescents. Marriages are only conducted based on a court order through the dispensation decision. This poses a potential danger, as in the future, a significant number of individuals might not want to get married officially anymore, citing the existence of *isbāt nikah* and the potential absence of further dispensation obtainable through the Religious Court.”⁵³

Despite their role as temporary solutions, the regulations of *isbāt nikah* and marriage dispensation are simultaneously regarded as opportunities to perpetuate the *bunting lolo* practice transmitted across generations. The legal dialectic in the *bunting lolo* ultimately encounters a "dead end" with no direct impact on preventing the practice. In this dialectic, the power of culture intertwined with

⁵⁰ Idrus, “Problematizing the Minimum Age of Marriage: The State and Local Perspective on Marriage Dispensation in South Sulawesi.”

⁵¹ Isnawati Rais, “Marriage Dispensation Due to Extramarital Pregnancy: The Study on the Decision by the Religious Court of South Jakarta (2010-2011),” *Ahkam: Jurnal Ilmu Syariah* 18, no. 1 (2018): 155–76.

⁵² Darmawan et al., “Marriage Dispensation and Family Resilience: A Case Study of the Bener Meriah Shariah Court, Aceh Province,” *Ahkam: Jurnal Ilmu Syariah* 22, no. 2 (2022): 433–54, <https://doi.org/10.15408/ajis.v22i2.28827>.

⁵³ Head of the Office of the Ministry of Religion in Makassar City, H. Irman, Interview, 25 May, 2023.

religious law tends to be more dominant than state law. Consequently, the ideal goal of eliminating the *bunting lolo* practice within the communities, as evident in this study, remains far from realization.

Conclusion

In conclusion, this study contributed to revealing the socio-cultural construction of *bunting lolo* within the unique island community environment. The distinctiveness and isolation of the island communities perpetuated the *bunting lolo* practice in spite of state law regarding marriage practices. The study found that in gaining legitimacy from the religious perspectives held by the local communities and cultural norms tended to be more dominant than the commitment to obey state law in determining the right decision regarding *bunting lolo*. It also implied that efforts to mitigate the *bunting lolo* practice could not be achieved solely by emphasizing the socialization and implementation of state regulations regarding marriage. It should also be considered or even based on a local socio-cultural approach. Furthermore, studying fishing communities whose time was mostly spent at sea due to climate and transportation factors, limited the extent of interaction and, concurrently, imposed a limitation on the scope of this study that further studies can fill the missing gaps using different location, perspective, or approach.

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