

Harmony in The Family of Early Marriage Through Kawin Tangkap in The Islamic Community of Sapeken Islands Ofumenep Regency Perspective M. Qurais Shihab

Moh. Faiq Rafiul Anshary¹, Ishaq², Ahmad Junaidi³

^{1,2,3}Universitas Islam Negeri Kiai Haji Achmad Siddiq Jember, Indonesia

Program Studi Magister Hukum Keluarga Islam¹

Email: mohfaiqrafiula01@gmail.com¹

Article Info

Received: 2025-04-29

Revised: 2025-05-28

Accepted: 2025-06-01

Keywords:

Early Marriage, Catch Mating, Family Harmonization, M. Qurais.

Abstract

The practice of catch marriage which results in early marriage is still rampant in Indonesia, especially in remote areas such as the Sapeken Islands. This research aims to explore the problem as a new issue, with the title "Harmony in the Family of Early Marriage through Catch Marriage in the Islamic Community of Sapeken Islands, Sumenep Regency Perspective of M. Qurais Shihab". This research discusses three things, namely the factors that cause early marriage through catch marriage in the Sapeken Islands, the practice of its implementation, and the formation of family harmony in the marriage according to the views of M. Quraish Shihab. This research uses a qualitative approach to examine phenomena that occur naturally, with ethnographic methods. The research location is on Sapeken Island, Sumenep Regency, East Java, with the local Islamic community as the subject. Data were collected through observation, interviews and documentation, then analyzed through four stages: collection, reduction, presentation and conclusion. The findings of this study are, first, catch marriage in Sapeken Islands occurs as a response to violations of religious and social norms by young people, such as being alone in forbidden places or committing immoral acts. The main factor is the family's belief that early marriage can improve their good name and avoid stigma, plus the pressure of social and customary norms. Second, the practice of catch marriage begins with community suspicion, followed by the arrest of the man and the execution of the marriage contract by religious leaders to maintain order. Third, according to M. Quraish Shihab, marriage should be based on love and understanding, but sudden arranged marriages without careful preparation risk causing conflict and negative social and psychological impacts in the family.

Keywords: Early Marriage, Catch Mating, Family Harmonization, M. Qurais.

1. Introduction

Marriage is a fundamental need for every individual in building a household life. Through marriage, a person is protected from adultery and can obtain legitimate offspring according to religious teachings and legal provisions (Wibowo & Ma'rufah, 2021) . Early marriage through the practice of catch marriage is still widely found in Indonesia, especially in remote areas such as the Sapeken Islands. Based on data from the Central Statistics Agency in 2023, the early marriage rate in Sumenep reached 28% (BPS, 2024) .

Early marriage through capture marriage in the Sapeken Islands results spontaneously from social situations. Researchers involved in this study were curious because of the uniqueness and complexity of capture marriage in the Sapeken Islands. This uniqueness is seen in the way the local community interprets and implements the practice of capture marriage as a form of maintaining family harmony. Although this practice is often questioned in terms of law and morality, for the people in the Sapeken Islands, capture marriage is still considered as a way to overcome dynamic and complex social situations.

The practice of catch marriage generally occurs because teenage couples who do not have official ties exceed the time limit set by village officials and community leaders (Tanggu et al., 2021) . This condition has the potential to cause immoral behavior that is contrary to prevailing social and legal norms. The study of catch marriage in the Sapeken Islands also opens up a broad discussion about the influence of local traditions on the dynamics of relationships between individuals and the community's response to the harmony of early marriage through this practice.

The main characteristics of harmonious families are characterized by healthy relationships between members, making them a source of entertainment, inspiration, and motivation to work for the welfare of themselves, families, communities, and humanity at large (Kristanti & Sarmini, 2024) . The formation of a harmonious family requires the proper functioning of all family roles so that the next generation has better quality than the previous generation. Important functions in a harmonious family include religious, biological, economic, educational, social, communication, and rescue functions.

According to the results of research by Holid et al., (2021) with the title of the impact of forced marriage on family harmony emphasizes that forced marriages usually involve couples who are still underage. The practice of forced marriage reflects disharmony in the

family, characterized by the emergence of various problems such as infidelity, economic difficulties, differences in life principles, weak commitment, and lack of effective communication. This condition also often triggers prolonged arguments and quarrels. Marriages that take place without the consent of both parties or due to family pressure have the potential to disrupt household harmony and increase the risk of divorce (Yuniardi, 2024).

Early marriage through the practice of catch marriage in the Sapeken Islands does not meet the minimum age provisions stipulated in Marriage Law Number 16 of 2019 Article 7, which stipulates the minimum age limit for men and women is 19 years. This practice involves teenagers under the age of 19 who are generally still junior high school to high school students. These teenagers usually enter into dating relationships and commit immoral acts that are considered to violate social norms and local laws, so the community responds by holding forced marriages as an effort to resolve these violations.

The practice of underage capture marriage risks family vulnerability and household disharmony due to the physical, psychological, economic and social unpreparedness of the forcibly married couple (Fortuna et al., 2024). One example of a victim of early marriage through capture marriage in Sapeken Islands, Sumenep District, is the couple Sri Wahyuningsih and her husband. They married at a young age as a result of capture marriage, but now their household relationship is filled with quarrels and disharmony. Physical and non-physical unpreparedness, such as psychological and economic conditions, are the main factors that trigger tension in the family. This situation has an impact on weakening family resilience, resulting in the loss of household integrity and harmony (Indrama, 2022).

The government needs to play a role in building harmonious families as stipulated in Law No. 52/2009 on Population Development and Family Development, Article 48 paragraph 1 letters d to g. These efforts include empowering vulnerable families through protection and assistance to improve their ability to be equal to other families, improving the quality of the family environment, expanding access to information and economic resources through the development of family micro-enterprises, and developing innovative methods in providing more effective assistance for poor families (Law of the Republic of Indonesia Number 52 of 2009).

The main purpose of marriage according to this law is to create a harmonious family

and have strong family resilience. In a journal entitled *Factors Affecting Muslim Household Harmony in Central Java* written by Yasin Arief and his colleagues, several important indicators of family harmony are explained, which are divided into five points, namely: a) religion as the basis of the household, b) fulfillment of biological needs, c) family economy, d) household health, and e) education (Arief et al., 2023).

According to Muhammad Quraish Shihab, *sakinah* does not come automatically, but must be prepared with patience and devotion, because *sakinah* is a gift from Allah given to the heart. The process begins with cleansing the heart of despicable traits, realizing sins, and breaking with the dark past. Next, one struggles against vices and prioritizes goodness while continuing to *dhikr* and seek Allah's help. All this is an effort to beautify oneself through fortitude and devotion (Shihab, 2010).

Based on the background and previous research above, this research aims to explore the problem as a new issue, with the title "*Harmony in the Family of Early Marriage through Catch Mating in the Islamic Community of Sapeken Islands, Sumenep Regency Perspective of M. Quraish Shihab*". This research focuses on three problem formulations, namely what are the factors of early marriage through capture marriage in the Sapeken Islands of Sumenep Regency, how is the practice of early marriage through capture marriage in the Sapeken Islands of Sumenep Regency, and how the formation of family harmony in early marriage through capture marriage in the Sapeken Islands of Sumenep Regency in the perspective of M. Quraish Shihab. The relevance of this research is to provide useful and practical recommendations to improve the quality of husband and wife relationships, create a harmonious, stable family environment, and can build a better and prosperous family life.

2. Research Methods

This research uses a qualitative approach. A qualitative approach is one of the approaches oriented towards a natural phenomenon or symptom that occurs naturally. Qualitative approaches are often referred to as field study research (Sugiyono, 2021). This research uses an ethnographic approach (Hardoni, 2020). The research location is located on Sapeken Island, Sumenep Regency, East Java. The subject of this research is the Islamic community of Sapeken island. Data collection techniques are done through observation, interviews, and documentation. Data analysis is carried out in four stages, namely data collection, data reduction, data presentation, and data conclusions (lexy J Moleong, 2021).

3. Results And Discussion

1. Early Marriage Factors Through Capture Marriages in the Sapeken Islands, Sumenep Regency

In the Sapeken Islands, kawin tangkap emerged as a quick community response to violations of religious and social norms committed by young people, such as being caught together in forbidden places or committing immoral acts. The community collectively takes action by forcibly marrying the couple to prevent more serious negative impacts and maintain family honor and social order. This indicates the very strong pressure of social norms and customs as the main external factor influencing early marriage through kawin tangkap. In addition to social pressures, a significant internal factor is the belief of families and children that early marriage can be the starting point of a new life that brings positive change, emotional and social stability. Marriage is considered a practical solution to avoid the negative stigma of violating immoral norms, while restoring family honor and reputation. This factor reinforces the decision to marry as a quick and effective solution in the local socio-cultural context.

Law Number 1 of 1974 concerning Marriage expressly stipulates that a marriage can only be considered legally valid if it is based on the full and voluntary consent of the prospective bride and groom, and must be officially recorded by the authorized agency as proof of the legality of the marriage. The practice of catch marriage that occurs in several regions, including in the Sapeken Islands, marriages are often carried out forcibly without the sincere consent of both parties, and not infrequently also not accompanied by official registration that is mandatory according to statutory regulations. This condition is clearly contrary to the applicable legal provisions, because it ignores the basic principles that are the foundation of the validity of a marriage in the eyes of state law. In addition, catch marriages involving early marriages, where the prospective bride and groom are not physically or mentally ready to live a household life, also contradict the main purpose of the Marriage Law which is to create a harmonious family (Juliani, 2025) . As a result, the practice of captive marriage not only raises various legal issues, especially in relation to the status and protection of children's rights that have not been adequately fulfilled, but also has the potential to harm the psychological and social well-being of the young couples involved.

The phenomenon of catch marriage demands serious attention from various parties so that the principles of law and protection of children's rights can be upheld optimally. According to the provisions contained in the Compilation of Islamic Law (KHI) in article 14 which reads that a marriage, including the practice of catch marriage, can be considered religiously valid if the pillars of marriage have been fulfilled which include the existence of a legal guardian, the implementation of Ijab Kabul clearly, and the presence of witnesses who meet the requirements in accordance with Islamic law.

However, in reality, tangkap marriages are often carried out through nikah sirih or underhand marriages, which means not through official state registration procedures. KHI itself in article 5 paragraph 1 emphasizes the importance of marriage registration as an effort to provide legal certainty and protect the rights of the husband, wife and children born from the marriage. In terms of social and religious functions, tangkap marriage has an important role in maintaining religious norms and preserving offspring (hifzh al-nasl), which is one of the main objectives of sharia in regulating marriage.

The main factor behind the occurrence of early marriage through the practice of catch marriage in the Sapeken Islands area of Sumenep District is the strong pressure from social and customary norms prevailing in the community as a direct response to violations of religious and customary norms committed by young people, such as being caught together in inappropriate places or committing immoral acts. This external pressure is reinforced by internal factors such as the strong desire of the families and children involved to avoid the social stigma and heavy psychological burden of such violations, so early marriage through capture marriage is considered a quick and effective solution to restore family honor and reputation.

However, the practice of catch marriage contradicts the provisions of Law No. 1/1974 on Marriage, in particular Article 6 paragraph (1) which emphasizes that marriage must be based on the consent of the prospective bride and groom, as well as Article 7 which regulates the obligation to officially record marriages in order to have legal validity. Because tangkap marriages are often carried out by force and without official registration, their legal status is not recognized by the state, posing serious challenges in terms of protecting the rights of the children and young couples involved. From the perspective of the Compilation of Islamic Law (KHI), as stipulated in Article 5 paragraph (1) (Nurhadi, 2017).

Capture marriages can be considered religiously valid if they fulfill the pillars and conditions of marriage such as the presence of a guardian, Ijab Kabul, and witnesses, but marriage registration is still required to ensure legal certainty and protection of rights. Thus, although catch marriage functions as a social mechanism to maintain religious and customary norms, its implementation, which is not in accordance with the provisions of positive law, creates legal and social dilemmas that need serious attention from the government and the community.

2. Early Marriage Practices through Capture Marriages in the Sapeken Islands, Sumenep Regency

Based on the results of research in the Sapeken Islands, Sumenep Regency, the practice of catch marriage begins with the emergence of community suspicion of the behavior of young people who are considered to violate customary and religious norms, such as gathering together at night or performing inappropriate actions. This issue then led to close supervision by residents and traditional leaders to ascertain the truth of the allegations. If the violation is proven, the man concerned will be arrested as a form of enforcement of customary rules and an effort to maintain social harmony.

Next, the families of both parties are called to consult on the steps for the marriage, which is then led by an ustad or Islamic religious leader in a quick and solemn execution of the marriage contract so that the marriage is valid according to religious law. Marriages are often conducted on the spur of the moment, even on the same day as the arrest, with the aim of maintaining customary and religious values and creating social peace in the community.

The practice of catch marriage in the Sapeken Islands, a marriage process that occurs suddenly and is often forced due to violations of social norms, has the potential to ignore the physical and mental readiness of the bride and groom. This condition risks reducing the quality of love and tranquility that is the main goal of marriage, so that the families formed can be less harmonious and prone to conflict or even divorce in the future. Quraish Shihab also reminds us that marriage must be based on commitment and sincerity, not just a formality or social pressure, so that the household can run well and bring happiness in this world and the hereafter

The practice of catch marriage in the perspective of Islamic law that occurs in the Sapeken Islands is declared religiously valid because it has fulfilled the stipulated conditions

and pillars of marriage, even though the process takes place quickly and is carried out by *nikah sirih* (underhand marriage). This process generally goes through stages such as surveillance, arrest, summoning parents, and summoning an *ustad* before the implementation of marriage, so that *syar'i* the marriage is considered valid. However, in terms of positive law in Indonesia, marriages that are not officially registered at the religious affairs office or civil registry are not recognized by the state and are considered legally invalid, raising issues of legality and legal protection for married couples and children born from these marriages.

Law No. 1/1974 on Marriage regulates the obligations and rights of husband and wife in Articles 30-34, which emphasize the importance of cooperation, mutual respect, fulfilling physical and mental sustenance, protecting the wife, maintaining family honor, and lovingly raising children. Early marriage risks disrupting household harmony because the emotional instability of young couples often triggers conflict (Arifin et al., 2022). This law confirms that although *tangkap marriage* in Sapeken is rooted in customs and religious norms that are in accordance with sharia principles, such as the fulfillment of the terms and conditions of marriage. This is in line with the views of Qur'anic scholar Quraish Shihab who emphasizes the importance of building harmonious families based on Qur'anic guidance, thus creating sustainable social harmony

The results of research in the Sapeken Islands reveal that *catch marriage* which is carried out quickly and without careful preparation causes couples to lose their freedom of choice, experience difficulties in adapting to new roles, and economic dependence which exacerbates household conflicts, thus contradicting the purpose of marriage in Article 1 of Law No. 1/1974 and the *maqasid sharia* principle which prioritizes physical and mental readiness to form a *sakinah, mawaddah and rahmah* family. 1/1974 as well as the *maqasid shariah* principle which prioritizes physical and mental readiness to form a *sakinah, mawaddah, and rahmah* family, therefore, although religiously *catch marriage* can be accepted if it fulfills the legal requirements of marriage, in terms of positive and social law, *catch marriage* as a form of early marriage requires serious attention, strict supervision, and marriage preparation education so that the rights of all parties, especially children and families.

3. Formation of Family Harmony in Early Marriage through Capture Marriages in Sapeken Islands, Sumenep Regency in the Perspective of M. Quraish

Capture marriages often occur suddenly and without the full consent of the victimized woman, where the woman usually does not have the readiness both psychologically and financially to live a married life. In the perspective of Islamic law, arranged marriages can actually be considered valid if they fulfill all the pillars of marriage that have been determined, such as the presence of a guardian, Ijab Kabul, and witnesses. However, when viewed from the perspective of the positive law applicable in Indonesia, as well as from a social and humanitarian perspective, the practice of catch marriage often causes various serious problems.

These problems include disharmony in the families that are formed, severe psychological pressure, especially for young women who are forced to marry, and injustice that arises from the lack of consent and readiness. Furthermore, tangkap marriage contradicts the principles of human rights because it contains elements of coercion and lack of willingness from both parties, so the families born from this practice tend to be fragile, disharmonious, and prone to ongoing conflict.

M. Quraish Shihab emphasized that the concept of a *sakinah* family in Islam is not just a formal bond, but a family that is built on the basis of inner peace, sincere and deep love (*mawaddah*), and grace that includes affection and protection. The *sakinah* family is created through a process full of patience, mutual respect for each other, and based on piety to Allah SWT (Jamhuri, Jamhuri & Mufid, 2020). Therefore, creating a harmonious and *sakinah* family requires consistent effort, strong commitment, and a solid foundation based on religious teachings.

The practice of captive marriage that occurs by force, suddenly, and at an early age is very contrary to the principles of building a harmonious and *sakinah* family taught by Islam according to the view of M. Quraish Shihab (Shihab, 2010). Thus, catch marriage is not only socially and legally problematic, but also incompatible with the noble values that are the foundation of the ideal family in Islam. Law Number 1 of 1974 concerning Marriage explicitly defines marriage as a physical and mental bond between a man and a woman as husband and wife with the aim of forming a happy and lasting family based on the Almighty God (Article 1 paragraph 1) (Law, 1974)

Every marriage should be geared towards forming a harmonious and prosperous family. Article 2 stipulates that marriage is valid if it complies with religious law and must be

officially recorded to ensure legal protection. Article 7, which has been updated through Law No. 16/2019, sets the minimum age of marriage at 19 years for both men and women, with court permission for those who are not old enough, to prevent the negative impact of early marriage. Articles 3 and 4 emphasize the principle of monogamy and regulate polygamy under strict conditions. Articles 30-34 regulate the rights and obligations of husband and wife fairly to maintain family harmony, while Articles 13-18 regulate mechanisms to prevent marriages that do not meet legal requirements.

According to Quraish Shihab, the process of realizing a *sakinah* family requires patience, piety, and the struggle to clean the heart and maintain religious values and mutual respect. Harmonious families according to Quraish Shihab are characterized by *mawaddah* (sincere love), *rahmat* (compassion), and *amanah* (responsibility) which are carried out on the basis of religion (Sholihah & Al-Faruq, 2020). Therefore, the practice of forced and non-consensual arranged marriages not only damages the emotional balance of individuals, but also hinders the creation of an ideal *sakinah* and harmonious family, due to the non-fulfillment of commitment, respect, and religious values as guidelines in the household (Purba, 2018).

4. Conclusions

Based on the description of the discussion above, the researcher can draw conclusions in accordance with the three formulations of this study, namely;

First, that the factor of *Kawin tangkap* in Sapeken Islands arises as a quick response of the community to violations of religious and social norms by young people, such as being caught together in forbidden places or immoral acts. There are two factors behind this phenomenon, namely internal factors in the form of family and child beliefs that early marriage is a step to build a new life as well as a way to avoid stigma and restore the family's good name. Second, external factors such as the strong pressure of social norms and customs that encourage the practice of catch marriage.

Second, the practice of captive marriage that occurs in the Speken Islands stems from the community's suspicion of the behavior of young people who are considered to have violated customary and religious norms. After the man is arrested, the families of both parties deliberate and the marriage contract is immediately held by religious leaders on the same day to maintain custom, religion and social order.

Third, the practice of tangka marriage according to M. Quraish Shihab, marriage should ideally be based on love, tranquility, and mutual understanding to form a sakinah family. The practice of catch marriage in the Sapeken Islands, although legal according to Islamic law because it fulfills the pillars of marriage, is often carried out suddenly without physical and mental readiness and full consent from the woman's side, thus risking conflict and negative social, psychological and humanitarian impacts.

5. Bibliography

- Arief, Y., Tulab, T., Diyati, N. A., & Yurista, D. Y. (2023). Factors Affecting Muslim Household Harmony in Central Java. *Adhki: Journal of Islamic Family Law*, 5 (1), 17-30. <https://doi.org/10.37876/adhki.v5i1.94>
- Arifin, I., Nurhidayat, A., & Panji, M. (2022). The Effect of Early Marriage on Family Harmony. *Journal of Diversity Social Education*, 8 (2), 66-80. <https://doi.org/10.29303/juridiksiam.v8i2.248>
- BPS. (2024). *Early Marriage Data*. <http://www.bps.go.id>
- Fortuna, A., Laiya, U., Medan, K. K., & Sinurat, A. (2024). Analysis of the Cultural Shift of Kawin Tangkap Against Women in Legal Feminist Thought in Central Sumba Regency. *UNES Law Review*, 6 (3), 8035-8050. <https://doi.org/https://doi.org/10.31933/unesrev.v6i3>
- Hardoni. (2020). *Qualitative and Quantitative Research Methods* (Issue January).
- Holid, M., Al-Jazili, A. U., & Baihaqi. (2021). The Impact of Forced Marriage on Family Harmony. *Journal of Sharia Economic Studies*, 3 (1), 18-32. <https://doi.org/10.58293/asa.v3i1.46>
- Indrama, D. (2022). The Catch-Marriage Tradition in Review from the Perspective of Islamic Law. *Al-Risalah: Journal of Islamic Family Law (Ahwal Al-Syakhsyah)*, 3 (1), 82-93. <https://doi.org/10.30863/al-risalah.v3i1.2150>
- Jamhuri, Jamhuri, & Mufid, M. A. (2020). The Encouragement to Marry Perspective of Quraish Shihab in Tafsir al Misbah QS. an Nur: 32. *Mafhum*, 5 (2), 35-37. <https://jurnal.yudharta.ac.id/v2/index.php/mafhum/article/view/4440/2624>
- Juliani, W. (2025). Sumba's Custom of Catch-Marriage as a Real Form of Sexual Violence Against Women. *Journal of Legal Globalization*, 2 (1), 90-108. <https://e-journal.trisakti.ac.id/index.php/globalisasihukum/article/view/21900>

- Kristanti, F. P., & Sarmini, S. (2024). Ideal Criteria for Building a Harmonious Family: Case Study of Sales Promotion Girls (SPG) Supermarket Wholesale Surabaya City. *Indonesian Research Journal on Education*,4 (4), 1116-1127. <https://irje.org/index.php/irje/article/view/1084>
- lexy J Moleong. (2021). *Qualitative Research Methods*. 2021.
- Nurhadi, N. (2017). MAQASHID SYARI'AH LAW OF MARRIAGE IN THE COMPILATION OF ISLAMIC LAW (KHI) 1 NURHADI 1 College of Islamic Studies (STAI) Al-Azhar Pekanbaru. *Al-Fikra: Islamic Scientific Journal*,16 (2), 203-232. <https://ejournal.uin-suska.ac.id/index.php/al-fikra/article/view/3831>
- Purba, H. (2018). Building an Islamic Family: A Review of Quranic Verses and Hadiths of the Messenger. *Almufida: Journal of Islamic Sciences*,3 (1), 5-6. <http://jurnal.dharmawangsa.ac.id/index.php/almufida/article/view/91>
- Shihab, M. Q. (2010). *The Bride of the Qur'an: A Necklace of Gems for My Children*. The Lantern of the Heart.
- Sholihah, R., & Al-Faruq, M. (2020). The Concept of Sakinah Family -Rohmahtus Sholihah and Muhammad Al Faruq. *SALIMIYA: Journal of Islamic Religious Studies*,1 (4), 113-130. <https://ejournal.iaifa.ac.id/index.php/salimiya>
- Sugiyono. (2021). *qualitative research methods*. 2021.
- Tangu, E., Kudubun, E. E., & Utomo, A. W. (2021). Kawin tangkap (a sociological study of the meaning and practice of kawin tangkap in mareda kalada village, kec. Wewewa timur, kab. Southwest Sumba). *Equalita*,3 (2), 180-195. <https://www.jurnal.syekhnurjati.ac.id/index.php/equalita/article/view/9841>
- Law. (1974). *Law of the Republic of Indonesia Number 1 of 1974 concerning Marriage*.
- Law of the Republic of Indonesia Number 52 Year 2009. (2009). *Law of the Republic of Indonesia Number 52 of 2009 on Population Development and Family Development*.
- Wibowo, A., & Ma'rufah, I. (2021). Case Study of Early Marriage in Adolescents. *Millennial Counseling*,2 (2), 341-350. <https://scholar.ummetro.ac.id/index.php/konselor/article/view/1056/488>
- Yuniardi, H. (2024). Revitalization of Islamic Values in Marriage Customs in the Piti Rambang Tradition. *Berasan: Journal of Islamic Civil Law*,3(2), 112–136. <https://journal.iaincurup.ac.id/index.php/berasan/article/view/11753>

Secretary of State of the Republic of Indonesia, Compilation of Islamic Law.

Secretary of State of the Republic of Indonesia, Law Number 1 of 1974 concerning Marriage.

Secretary of State of the Republic of Indonesia, Law Number 52 of 2009 on Population
Development and Family Development.