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***Kidah-Kidahan* Tradition: Neglect of Child Welfare in Forced Engagement in South Sumatera**

Qodariah Barkah

Universitas Islam Negeri Raden Fatah Palembang, Indonesia

Shinta Dewi Rismawati

Universitas Islam Negeri KH. Abdurrahman Wahid Pekalongan, Indonesia

Muhammad Abdillah

Universitas Islam Negeri Raden Fatah Palembang, Indonesia

Jemmi Angga Saputra

Universitas Islam Negeri Raden Fatah Palembang, Indonesia

Henky Fernando

Universitas Gadjah Mada, Indonesia

Email: qodariahbarkah_uin@radenfatah.ac.id

Abstract: Local traditions have become a source of legitimacy for the practice of forced arranged marriages that has been passed down from generation to generation. Underage children (below 19 years old) have been forced into arranged marriages as an economic solution for the family. This paper aims to analyze how the arranged marriage tradition takes place and what is the position of minors in this tradition. How the actions of parents to force their children to accept arranged marriages have bad consequences for children's social welfare. At the same time, how do local traditions justify actions that ignore the interests of children to be able to live according to their rights as children. The data for this paper are based on a qualitative study by observing forced marriage practices in a subdistrict in the South Sumatera region. A series of interviews were conducted both with children who experienced forced marriages, as well as with the parents and traditional figures involved. The research results show two important things. First, that forced marriages occur as a family strategy to get out of economic pressure by shifting the burden of responsibility on the prospective husband's family. Second, the practice of forced matchmaking that takes place on children has changed the life orientation of children and threatens their social welfare. This research emphasizes the need for legal protection for children's rights so that children's welfare can be guaranteed.

Keywords: The tradition of singing, little engagement, neglect of child welfare, Islamic law

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Abstrak: Tradisi lokal telah menjadi sumber legitimasi bagi praktik perjodohan paksa yang turun temurun. Anak di bawah umur (below 19 years old) telah dijodohkan secara paksa sebagai solusi ekonomi bagi keluarga. Tulisan ini bertujuan menganalisis bagaimana tradisi perjodohan berlangsung dan bagaimana posisi anak di bawah umur dalam tradisi tersebut. Bagaimana tindakan orang tua memaksa anak menerima perjodohan membawa akibat buruk pada social welfare anak. Pada saat yang sama, bagaimana tradisi lokal menjustifikasi tindakan-tindakan yang mengabaikan kepentingan anak untuk dapat hidup sesuai dengan hak-hak mereka sebagai anak. Data tulisan ini didasarkan pada suatu penelitian kualitatif dengan melakukan observasi praktik-praktik perkawinan paksa di suatu subdistrict di wilayah Sumatera Selatan. Serangkaian wawancara dilakukan baik pada anak yang mengalami perkawinan paksa, maupun pada orang tua dan tokoh-tokoh tradisi yang terlibat. Hasil penelitian menunjukkan dua hal penting. Pertama, bahwa perjodohan paksa terjadi sebagai strategi keluarga keluar dari tekanan ekonomi dengan mengalihkan beban tanggungan pada keluarga calon suami. Kedua, praktik perjodohan paksa yang berlangsung pada anak telah mengubah orientasi hidup anak dan mengancam kesejahteraan sosial mereka. Penelitian ini menegaskan perlunya suatu perlindungan hukum bagi hak-hak anak agar children welfare dapat dijamin..

Kata Kunci: Tradisi kidah-kidahan, pertunangan cilik, pengabaian hak anak, hukum Islam

Introduction

Marriage often becomes a new chapter that places women in a disadvantaged position. In the tradition of kidahan in South Sumatera, girls have been married since they were 5 years old, through engagement. Since childhood, they have been part of a game that involves the male family. The existence of the tradition of *kidahan* becomes a customary space that allows a woman's parents to obtain and draw resources from her husband's family, which is generally wealthier. The tradition that has been going on for a long time has been intensified until now in the midst of freedom and democracy being practiced. Nearly half of the girls in one village are involved in the chanting tradition. Munir said that the tradition of *kidah-kidahan* has existed from generation to generation.¹ This tradition too, is a tradition that is maintained by every parent for their benefit.²

¹ Muhammad Munir, "Rights of the Child an Islamic Perspective on Preventing Violence, Abuse, and Exploitation of Children and Pakistani Law," *Hamdard Islamicus*, (2015). Ines Van keer, et.al., "Exploring Family Activities and Child Engagement: A Study on Children with a Significant Cognitive and Motor Developmental Delay," *Journal of Applied Research in Intellectual Disabilities* 32, no. 4 (2019), p. 779–91.

² D. Meekers, "The Process of Marriage in African Societies: A Multiple Indicator Approach," *Population & Development Review*, (1992).

So far, studies on marriage have tended to place marriage as a consequence of custom that takes place with customary logic.³ Marriage has been recognized as a realm where power exchanges can occur takes place, especially by obtaining the legitimacy of a marriage.⁴ Marriage has been seen as a cultural, economic and political space but it is still not seen from a women's perspective. Women are almost always victims in every marriage, be it in traditional marriages, contract marriages, or arranged marriages.⁵ Women must also be seen as an object of exchange,⁶ which is a negotiating tool for parents. Women are involved in marriage not to free themselves from the family, instead they become a tool to fulfill their parents' economic and political goals.

This paper is intended to complement the existing deficiencies by analyzing how marriage conditioned by parents and obtaining customary legitimacy has resulted in the loss of women's rights over themselves and eliminating their freedom as individuals. For this reason, this paper answers 3 main questions: (a) how does the tradition of songs that bind girls' engagements grow and last; (b) how patriarchal (cultural) customs and symbols are produced and reproduced to legitimize the exploitation of women; and (3) how the tradition of singing songs has fundamental implications for the status of women and the neglect of women's rights and gender in society. These three questions become a way for efforts to explain how local cultural customs have become a force that places women as subordinates in society.

This paper is based on an argument that the exploitation of girls is possible due to the process of tradition that takes place in society. Adat has given legitimacy to actions that harm women. This is made possible by the existence of a patriarchal social system in which a male-centered system is built and preserved through symbols of power that not only subordinate women but also hegemony women through the prevailing customs and regulations. Women are not protected by custom and tradition, carrying out exploitation practices as a cultural propriety in society.

³ Ines Van Keer, et. al., "Parental Behavior and Child Interactive Engagement: A Longitudinal Study on Children with a Significant Cognitive and Motor Developmental Delay," *Research in Developmental Disabilities*, (2020). Jeffrey Waid and Meredith Kelly, "Supporting Family Engagement with Child and Adolescent Mental Health Services: A Scoping Review," *Health and Social Care in the Community*, (2020).

⁴ Mary Ellsberg et al., "If You Are Born a Girl in This Crisis, You Are Born a Problem": Patterns and Drivers of Violence Against Women and Girls in Conflict-Affected South Sudan," *Violence Against Women*, (2021).

⁵ Hazar Kusmayanti and Dede Mulyanto, "Problematics Culture of Child Marriage in Indramayu in a Legal and Cultural Prefective," *Jurnal Pembaharuan Hukum*, (2020). Muzakkir Muzakkir, "Dawn of Justice: Evaluating the Alignment of Women and Children in Aceh's Qanun Jinayat," *Ahkam* 32, No. 2 (2022).

⁶ A. Kadioğlu, "Women's Subordination in Turkey: Is Islam Really the Villain?," *Middle East Journal*, (1994).

This paper is built based on research conducted in one of the South Sumatera Regions. The location selection was based on the fact that this area is one of the areas with the highest percentage of child engagement. The data used for the basis of analysis were obtained from two sources; primary data and secondary data. Primary data obtained through observation and interviews. Observations focused on the implementation of child engagement ceremonies. Meanwhile, the data obtained through interview techniques was in the form of statements from respondents consisting of young engagement actors, parents and traditional figures involved. The statements obtained from the respondents became the main basis for the analysis of this paper. Data analysis uses an interpretive approach that aims at meaning to data so that it has coherence between one and another. Specifically for interview data, it was analyzed through three stages: data restatement, data description, and interpretation. The restatement was carried out by referring to interview excerpts based on what the informant experienced and knew. The data description was carried out to show the tendency of the respondents' opinions. The interpretation process is carried out by understanding the results of observations and interviews textually and contextually.

Child Engagement and Marriage

Child marriage or what is known as early marriage is a marriage performed by children under the minimum age.⁷ Child marriage is also an issue that causes various polemics from aspects of human rights and socio-cultural aspects in people in developing and low-income⁸. Child marriages often arise in the context of complex cultures and structures, involving many actors and agents with socio-economic roots.⁹ Wodon¹⁰ said that the low socio-economic background of the community is significantly correlated with high rates of early marriage, which affects the quality of life of children in the future. Cultural pressure, social orientation, family and peer pressure are factors that are not uncommon influencing children to choose to marry early.¹¹ Not only that, the rise

⁷ Noviyanti Soleman and Rifki Elindawati, "Pernikahan Dini Di Indonesia," *Al-Wardah* 12, no. 2 (2019), p. 142.

⁸ Shamin Asghari, "Early Marriage in Iran: A Pragmatic Approach," *Journal of Human Rights Practice* 11, no. 3 (2019), p. 569–88. Richard De Groot et al., "Child Marriage and Associated Outcomes in Northern Ghana: A Cross-Sectional Study," *BMC Public Health*, (2018). Arthur van Coller, "Child Marriage – Acceptance by Association," *International Journal of Law, Policy and the Family* 31, no. 3 (2017), p. 363–76.

⁹ Asghari, "Early Marriage in Iran: A Pragmatic Approach."

¹⁰ Quentin Wodon, et.al., "A Simple Approach to Measuring the Share of Early Childbirths Likely Due to Child Marriage in Developing Countries," *Forum for Social Economics*, (2019).

¹¹ Ali Rohmad, "Human Resource Development Program in Strengthening Lecturer Competence in Indonesia," 2019. Agege EA, "Legalities of Child Marriage in Nigeria:

of early marriage is also influenced by encouragement from the doctrine of public trust, which prioritizes aspects of values beyond the interests of children.¹²

Globally, the number of underage child marriages has increased and received serious attention.¹³ In Indonesia, data compiled from the National Family Planning Coordinating Board (BKKBN) shows that the involvement of children in early marriages reaches 25% with an average age of 16 years in Indonesia.¹⁴ The high rate of involvement of minors in Indonesia can also be seen through the Bappenas report showing 34.5% or more than 2 million underage child marriages occur in Indonesia.¹⁵ In fact, data for the last 5 years from the report by the UI Center for Gender and Sexuality Studies shows that Indonesia occupies the 2nd position in Southeast Asia as a country with the highest rate of early marriage.¹⁶ Therefore, policy makers in Indonesia often come up with various regulations to deal with the high involvement of minors in marriage cases, such as outreach, funding, disposition to improving bureaucratic structures that can protect children and women.¹⁷ In addition, efforts to protect the law were also carried out to reduce the number of child marriages at an early age.¹⁸

Violence Against Children in Marriage

Violence experienced by children in a marriage not least appears in the form of acts of violence that occur in an intimate relationship in living life in the domestic sphere.¹⁹ Violence experienced by children in the domestic sphere is also related to the emergence of power relations, where there is a power held by

Implications on Health and Strategies of Prevention,” *Sexual Health Issues*, (2017). Henky Fernando et al., “The Dual Burden of Child Sexual Abuse: Victim Experiences and Law Implementation Gaps,” *Jurnal Hukum Novelty* 14, no. 2 (2023), p. 154–69.

¹² Jimoh Amzat, “Faith Effect and Voice on Early Marriage in a Nigerian State,” *SAGE Open*, (2020). Jeremy E. Uecker, “Religion and Early Marriage in the United States: Evidence from the Add Health Study,” *Journal for the Scientific Study of Religion*, (2014). Kamal-Deen Olawale Sulaiman, “Islamic Responses to the Raging Debate of Child Marriage in Nigeria,” *Ahfad Journal*, (2016).

¹³ Ana Latifatul Muntamah, et.al., “Pernikahan Dini di Indonesia: Faktor dan Peran Pemerintah (Perspektif Penegakan dan Perlindungan Hukum Bagi Anak),” *Widya Yuridika*, (2019).

¹⁴ Yudho Bawono and Suryanto Suryanto, “Does Early Marriage Make Women Happy?: A Phenomenological Finding from Madurese Women,” *Journal of Educational, Health and Community Psychology*, (2019).

¹⁵ Yudho Bawono and Suryanto Suryanto, “Does Early Marriage Make Women Happy?.

¹⁶ Lisa Pitrianti, et.al., “Analisis Kebijakan Pemerintah Daerah Dalam Upaya Pencegahan Praktik Pernikahan Dini Masa Pandemi COVID-19,” *Jurnal Keperawatan Silampari* 5, no. 1 (2021), p. 488–98.

¹⁷ Lisa Pitrianti, et.al., Analisis Kebijakan Pemerintah Daerah,

¹⁸ Gabrila Christy Mumek, “Perlindungan dan Upaya Hukum Dalam Menekan Maraknya Perkawinan Anak di Indonesia,” *Lex Et Societatis*, (2020).

¹⁹ Funmilola Bosede, “Domestic Violence Against Women: A Family Menace,” *1st Annual International Interdisciplinary Conference, AIIC*, (2013).

one party that controls the other party.²⁰ This view is in line with what was written about the concept of domestic violence which involves children as victims by Jura and Bukaliya²¹ which says that the abuse of power in a relationship does not appear in the least in physical, verbal, sexual, emotional, and psychological actions.²² Therefore, the violence experienced by children often appears in domination-subordination relationships carried out by parents towards children and women as the dominant victims in marriage violence.²³ This view is at least in line with a study of 300 children and women by Kurt²⁴ which shows that the majority of respondents experienced domestic violence, both physical (49.0%) and verbal (70.1%) violence.

Violence experienced by children in a marriage is not least motivated by economic status and the impact is more on the psychological impact.²⁵ Having a strong belief in the power of an older person has an impact on children's attitudes towards themselves, their marriage, and their role in the household. The belief in this has given rise to a fairly strong tolerance of in society which then weakens the prevention of violence and the diagnosis of cases of domestic violence against children after marriage.²⁶ Violence against children after marriage is also caused by economic factors in the household which have significantly increased children trapped in a cycle of violence.²⁷ Therefore, conceptually child marriage is violence against children and deprives them of their rights to health, education

²⁰ B. Susmitha, "Domestic Violence: Causes, Impact and Remedial Measures," *Social Change*, (2016). Mona Rahnavardi et al., "Investigating Types and Causes of Domestic Violence against Women and Identifying Strategies to Deal with It from the Perspective of Victims," *Research Journal of Pharmacy and Technology*, (2017). Bricana Rodriguez and Madalyn Mandich, "What Victims of Domestic Violence Experience in Emergency Departments; a Cross Sectional Study," *Archives of Academic Emergency Medicine*, (2019).

²¹ Florence Jura and Richard Bukaliya, "Domestic Violence: Causes and Implications for the Education System," *International Journal of Research in Humanities and Social Studies* 2, no. 4 (2015), p. 62–72.

²² Susmitha, "Domestic Violence: Causes, Impact and Remedial Measures"; Henky Fernando, Yuniar Galuh Larasati, and Novita Cahyani, "Being #wanitasalihah: Representations of Salihah Women on TikTok," *IAS Journal of Localities* 1, no. 1 (2023), p. 1–15.

²³ Rahnavardi et al., "Investigating Types and Causes of Domestic Violence against Women and Identifying Strategies to Deal with It from the Perspective of Victims"; Konstantinos Tsirigotis and Joanna Łuczak, "Resilience in Women Who Experience Domestic Violence," *Psychiatric Quarterly*, (2018), p. 4. Balasubramanian Thirugnanam, "Violence against Women in India," *Violence against Women in India* (2019).

²⁴ Emel Kurt et al., "Domestic Violence Among Women Attending to Psychiatric Outpatient Clinic," *Archives of Neuropsychiatry*, (2018).

²⁵ Emel Kurt et al., "Domestic Violence Among Women.

²⁶ Maria João Vidal Alves, et. al., "Evolution and Analysis of Cultural and Cognitive Factors Related With Domestic Violence Against Women," *Journal of Interpersonal Violence*, (2019).

²⁷ Lyndal Sleep, "Entrapment and Institutional Collusion: Domestic Violence Police Reports and the 'Couple Rule' in Social Security Law," *Alternative Law Journal*, (2019).

and livelihoods, moreover the negative treatment that children receive after marriage must be recognized as a social problem.²⁸

Children Exploitation by Parents

The concept of exploitation of children by parents, in the view of Hillman²⁹ are defined as social crimes that involve parents and society and have a lasting impact on the child's future. Exploitation of children by parents has also robbed children of their childhood, as well as disrupting children's emotional and psychological development.³⁰ In the criminal context, exploitation of children involving parents often appears in the form of sexual harassment, and using children to gain benefits beyond the needs of the child.³¹ In Dastbaz and Halpin's³² view exploitation of children cannot be separated from technical problems from the development of information and communication technology which affect the relationship between parents and children in a more negative direction. Prevention of exploitation of minors often leads to a dead end, because the actions taken by parents against children often hide behind cultural values in a society, causing various kinds of contestation between structure and culture in defining child exploitation.³³

Exploitation of children by parents has occurred in almost all global countries. In India, exploitation by parents of children appears in the form of encouraging children to work in industrial areas as a form of practicing independence.³⁴ In line with that, the Pakistani state also prohibits acts of exploitation by parents of children in the economic and political sectors, but in reality there are still acts of exploitation of children by parents by turning their children into commercial sex workers.³⁵ Not only in India and Pakistan, in

²⁸ Rajeev Seth, et. al., "Social Determinants of Child Marriage in Rural India," *Ochsner Journal*, (2018).

²⁹ Henry Hillman, et.al., "Online Child Exploitation: Challenges and Future Research Directions," *Computer Law and Security Review*, (2014).

³⁰ Jeremy R. Barnes and Ashley P. Davis, *National Strategy for Child Exploitation Prevention and Interdiction, National Strategy for Child Exploitation Prevention and Interdiction*, 2011.

³¹ Henny Nuraeny, "Child Exploitation as a Phenomenon of Human Trafficking," *Journal of Engineering and Applied Sciences*, (2017). Mitali Thakor, "How to Look: Apprehension, Forensic Craft, and the Classification of Child Exploitation Images," *IEEE Annals of the History of Computing* 39, no. 2 (2017), p. 6–8.

³² Mohammed Dastbaz and Edward Halpin, "ICT as a Protection Tool against Child Exploitation," in *Cyber Crime and Cyber Terrorism Investigator's Handbook*, (2014).

³³ Michael L. Bourke and Sarah W. Craun, "Coping with Secondary Traumatic Stress: Differences between U.K. and U.S. Child Exploitation Personnel," *Traumatology*, (2014).

³⁴ Jérôme Ballet and Augendra Bhukuth, *Child Exploitation in the Global South, Child Exploitation in the Global South*, 2018.

³⁵ Munir, "Rights of the Child an Islamic Perspective on Preventing Violence, Abuse, and Exploitation of Children and Pakistani Law".

Australia in several cases of exploitation of children based on reports from courts it has shown a very worrying trend, even rehabilitation centers for children victims of exploitation are almost unable to accommodate victims.³⁶ In addition, forms of exploitation of minors also appear in acts of pedophilia, where minors are sexually exploited by adults both in the real world and in cyberspace.³⁷

Kidah-Kidahan Tradition In Forced Engagement

Kidah-kidahan is a tradition of matchmaking children from indigenous peoples with children from immigrant communities in the Muara Enim area, which is still practiced by the community today. According to Intan Ria³⁸, the emergence of jokes was through a dialogic process between the indigenous people and the migrant community, the majority of whom were traders to avoid conflict in the Muara Enim region. Apart from avoiding conflict, the practice of singing songs in the cultural beliefs of society can also bring blessings from both parties.³⁹ Therefore, the tradition of singing songs is a tradition that parents in the Muara Enim area really dream of, with the hope that the child they are betrothed will get the blessing to live and work like their parents in the Muara Enim area says Suwarti.⁴⁰ However, in the view of Barnes and Davis⁴¹ such traditions often lead to exploitation of children by their parents.

Historically, the *kidah-kidahan* tradition was practiced in simple ways by involving the closest family and people in the village, by bringing *lemang juadah* food as a symbol of respect between the two sides of the family, male and female. The tradition of *kidahan* is also considered by the community as part of the expression of religious values, so that this tradition can be accepted and maintained by religious and traditional leaders in the Muara Enim region.⁴² In the *kidahan* procession, traditional leaders have a very vital role, starting from the preparation of the event, the process of carrying out the event, even to resolving disputes if the *kidahan* procession does not go as it should, such as unilateral

³⁶ Michael J. Proeve and Gabrielle Wolf, "Professional Reports for Sentencing Courts: Recommendations for Reporting on Child Exploitation Material Offenders' Risk of Recidivism and Prospects for Rehabilitation," *Psychiatry, Psychology and Law*, (2019).

³⁷ Marcelo Rodriguez and Andrew Ellis, "The Neuropsychological Function of Older First-Time Child Exploitation Material Offenders: A Pilot Study," *International Journal of Offender Therapy and Comparative Criminology*, (2018). Alain M.P. Fonhof, et.al., "Characterizing Key Players in Child Exploitation Networks on the Dark Net," in *Studies in Computational Intelligence*, (2019).

³⁸ Intan Ria, et.al., "Acara Adat Joget Kidah-Kidahan Di Desa Sugihan Kabupaten Muara Enim," *Indonesian Research Journal On Education*, (2022).

³⁹ Interview with Khairul, Community Leader of Baru Rambang Village, 2021.

⁴⁰ Interview with Surwarti, Community Leader, 2021.

⁴¹ Barnes and Davis, *Natl. Strateg. Child Exploit. Prev. Interdiction*.

⁴² Intan Ria, et.al., "Acara Adat Joget Kidah-Kidahan.

cancellation either after or before the engagement procession.⁴³ Therefore, child marriage in the concept of farce does not appear a little in a context of culture and structure which is quite complicated, and involves many actors, agents, with very strong socio-cultural roots.⁴⁴

The Practice of Tradisi *Kidah-Kidahan*

In practice, the tradition of singing songs has several stages carried out by both sides of the family. This stage begins with the process of the male's parents coming to propose directly to the female's parents, to obtain an answer whether or not the proposal is accepted from the male party. If the proposal from the man is accepted by the woman, then the family of the man will give gifts in the form of equipment needed by the woman, such as gold jewelry, money, lime and betel leaves which are handed over by the oldest person from the man. the man to the oldest person from the woman's side, the procession is a symbol of thanks from the man for the acceptance of his proposal by the woman's family.

By accepting the offering given by the man, the woman can wear the clothes given by the man through the offering. The clothes will be worn by the woman until the day of engagement. Not only the need for clothing, the offering also contains food needs, such as fruits, food and traditional drinks, such as lemang jada and diamonds.⁴⁵ After these stages are completed, the next procession is known as balekkan ambung, or a reply from the woman to the man, consisting of a study table, bicycle, cupboard and fan. The last procession is a lively party event as a sign that the engagement of the child is valid according to the values and norms that apply.⁴⁶

After the stages of the chanting tradition are fulfilled, the child is no longer a free individual in making his life choices. Not only children, the moral burden is also often borne by the parents of both parties, in looking after and protecting their children who have gone through the procession of singing songs. Therefore, before parents adopt their children, it is better for parents to think carefully before carrying out gifts for their children.⁴⁷ Even though in the process of selecting candidates it can be obtained easily, such as making a playmate from childhood as a partner to be fondled.⁴⁸ However, according to Surwati said that on the other hand the practice of kidahan also raises two sides that can prevent conflict or even trigger conflict.⁴⁹

⁴³ Intan Ria, et.al., "Acara Adat Joget Kidah-Kidahan.

⁴⁴ Asghari, "Early Marriage in Iran: A Pragmatic Approach."

⁴⁵ Interview with Khairul, Community Leader of Baru Rambang Village, 2021.

⁴⁶ Interview with S. Fadila, Community Leader, 2021.

⁴⁷ Interview with Herman, Community Leader, 2021.

⁴⁸ Interview with Rizal, Traditional Leader of Baru Rambang, 2021.

⁴⁹ Interview with Surwati, Community Leader, 2021.

Children in the *Kidah-kidahan* Tradition

The practice of singing songs is usually done when children are aged 5 to 10 years, as experienced by Aldi and Bela. For Aldi and Bela, the practice of singing they experienced had a significant psychological impact. Because in the process of chanting the approval of the child's parents is very dominant, so the child's involvement in the process is very minimal. This context is deep the view of Barnes and Davis⁵⁰ is read as an act of exploitation of children by parents, where these actions do not slightly rob children of their childhood, as well as interfere with children's emotional, psychological development, and children's freedom in determining their future.

In the view of the subject, the practice of singing is often seen as a form of restraint, even though according to values and norms it is justified in the Muara Enim community. Not only that, the practice of babysitting is also not always seen as something good, because children can bear a double burden, especially for girls, between maintaining the good name of the family and maintaining the good name as a woman. The inability and lack of involvement of children in the practice of chanting indicates that children have experienced exploitation which is perpetuated by their customary values and norms. Therefore, when the child grows up and gets an education, the child slowly realizes that the practices of these songs often conflict with his needs and views regarding the conception of arranged marriages.

For some parents who choose to raise their children up is based not least on historical cultural meanings. This meaning is the basis for parents to choose to apply the practice of singing songs that have been passed down from generation to generation, which the tradition believes in the cultural experience of the Muara Enim people can provide benefits and blessings in a cultural and religious context.⁵¹ Even in Suaidi's interpretation the tradition of singing songs provides very important benefits in the socio-cultural life of the people in Muara Enim.⁵² However, in Aldi's interpretation as a child who undergoes singing, he considers this tradition only good in the eyes of parents, for young people it is seen as curbing freedom and exploiting children's rights.⁵³

The tradition of singing songs has a positive impact on girls, where the male family helps girls in all things good in sending them to school and also fulfilling all the necessary needs.⁵⁴ Apart from that, with this engagement, the two families become more intimate, and can build family relationships for certain purposes, such as village head elections and also capital loans to open businesses

⁵⁰ Barnes and Davis, *Natl. Strateg. Child Exploit. Prev. Interdiction*.

⁵¹ Interview with Ahmad, Community Leader, 2021.

⁵² Interview with Suaidi, Traditional Leader, 2021.

⁵³ Interview with Aldi, Male Perpetrator, 2021.

⁵⁴ Interview with Surwati, Community Leader, 2021.

and farm.⁵⁵ In the view of Intan Ria⁵⁶ the tradition of kidahan provides the benefit of helping each other between the two parties, this is also part of the customary tradition which is rarely shared by people in other places.

The tradition of singing songs on the other hand is also considered to be able to cause negative views of parents, such as a negative stigma towards parents who are seen as relinquishing their responsibilities in meeting the needs of their daughters. Because the male's parents will continue to provide financial assistance to meet the needs of the daughter who has been abandoned before and after the engagement procession. Therefore, girls have a moral burden that they bear after singing songs, because apart from having to maintain traditions, girls lose their freedom in making life choices. it is a consequence that must be accepted by girls who have been abandoned by their parents.

The tradition of singing songs in the view of the subject is also not least interpreted as a tradition that has many negative impacts. As told, Bella⁵⁷ says that; in the tradition of singing hymns has a negative impact, including; (1) Harming children in this context girls. (2) Ignoring children's rights in choosing and making decisions. (3) Singing activities is redundant and not very useful. In line with that, Bella also said that in the process of chanting, injustice for girls starts from the decision making to accept or reject applications from men.⁵⁸ But in essence, the tradition of singing songs has had an impact on children, both boys and girls, such as the loss of children's rights in determining their future choices.

In practice, the tradition of singing songs has also shifted the minimum age of marriage for children. If seen through the views of Soleman and Elindawati⁵⁹ the practice of kidahs is of course categorized as child marriage or what is known as early marriage or marriages carried out by children under the minimum age. Because since the age of 5, children have been betrothed by their parents through a process of kidding. Therefore, the inappropriateness of a child for marriage is often determined by their parents and relatives. If the parents of the child are old enough to marry, then the child will be married off by the parents. And when the daughter is married, the responsibility of the parents in caring for and fulfilling the needs of their daughter is borne by the man, so that the parents' responsibility for the child in the practice of singing is no longer dominant, starting from the application process to marriage.

The tradition of singing songs has positioned children as helpless people. Such as the loss of rights and freedoms of children in their teens. Practically speaking, singing is done when the child is at an early age, not yet having the

⁵⁵ Interview with Ahmad, Community Leader, 2021.

⁵⁶ Ria, Nurdin, and Siswanto, "Acara Adat Joget Kidah-Kidahan Di Desa Sugihan Kabupaten Muara Enim."

⁵⁷ Interview with Bella, Female Perpetrator, 2021.

⁵⁸ Interview with Bella, Female Perpetrator, 2021.

⁵⁹ Soleman and Elindawati, "Pernikahan Dini Di Indonesia."

status of a student. So that when children choose to continue their education, this often creates a new awareness for children about the tradition of singing songs that they do not according to their wishes. Injustice towards girls is increasingly felt, where in the process of these jokes girls find it difficult to cancel them. However, on the male side, canceling the kidah is quite easy, if the male party cancels the kidah, then the sanction is that the man cannot take back the offerings that have been given to the woman. Whereas girls in making a decision to cancel the kidding must involve a decision from their parents, because the consequence is they have to return what the boy has given.

Kidating is a practice that often uses minors as objects. The practice of kidding aside from exploiting children's rights, neglecting children's rights, especially girls, and minimal involvement of children in making decisions, there are also parents' interests outside of children's interests in the economic context. The practice of singing songs often causes inner turmoil in children who are undergo the process of the hype, and significantly impact the social and psychological aspects of the child. As Aldi⁶⁰ said, the tradition of farting, on the other hand, is redundant and curbs children's freedom, so that children are at a disadvantage since making decisions when applying or being proposed to. Moreover, if the practice of singing is canceled by the men, then the men must give up everything they have given. Therefore, many educated youths choose not to continue this tradition.

In terms of sanctions, the practice of kidahan also has various consequences if the procession is not continued by both men and women. If the practice of kidah-kidahan is no longer continued by one of the parties, then the party that cancels it will no longer gain the trust of the community, because it has broken an agreement in the tradition of kidah-kidahan. Not only that, the party who canceled the hype is obliged to compensate the injured party, in order to be held accountable for their choice to cancel the hype. In line with that, those who chose to cancel the songs also received a lot of social witness in the form of negative stigma from society. The negative stigma is labeled on parents, family and children. Cancellation of hymns in various cases is done by children who have received higher education, which gives new awareness in interpreting their rights in the future.

Implications of Kidating on Children's Quality of Life

Fools have various implications in practice, both psychologically and socially experienced by parents, children and relatives. In line with that, farce also has many implications for children, where children as victims experience restrictions on children's freedom which can weaken the child's position

⁶⁰ Interview with Aldi, Male Perpetrator, 2021.

systematically (systematic disempowerment). This dimension in Blunden's conception is known as the structuring dimension carried out by individuals towards a tradition, where the structuring process is carried out on reflexivity carried out by individuals based on their awareness of a reality.⁶¹ Therefore, for as a person the practice of singing is often interpreted as an act of direct exploitation of children (direct violence), or structural violence (structural violence), and cultural violence (cultural violence). That context, by Hillman⁶² are defined as social crimes that involve parents and society and have a lasting impact on the child's future.

The implications of kidding for children also appear in three aspects, including; First, the emergence of conflict in the household. The tradition of kidaha in various cases not least triggers conflict in the household. The conflict occurs when the betrothed child gets the opportunity to continue their education at a higher level, thus creating a new awareness for the child which often ends in the child's refusal to continue the procession of the hymns. The child's refusal to continue the fun often triggers it the occurrence of conflicts between children and their parents who want to continue the practice of kidahan to the next stage. In the view of parents of children, the reciprocation of the procession of singing will certainly have an impact on them economically, socially and culturally.

Second, the psychological impact on children. The implications of the tradition of jokes often affect the psychological state of children. The psychological impact occurs because children are no longer able to make life choices that have been bound by the tradition of kidahan. In line with that, the psychological impact experienced by children is also not the least which ends in individual conflicts that cause disruption to the quality of life of children in the future. As told by Aldi⁶³, the tradition of farce, on the other hand, is redundant and curbs children's freedom, so that children are disadvantaged from the moment they make decisions when applying or being proposed to. Moreover, if the practice of singing is canceled by the men, then the men must give up everything they have given. Therefore, many educated youths choose not to continue this tradition.

Third, social impact. The social implications of the practice of singing songs are often given to one of the parties who cancels the agreement from the tradition of singing songs. Where social sanctions are obtained from those who cancel the procession of singing in the form of society distrust or the public's distrust of the family, the parents of children who cancel the tradition of singing. If the practice of kidahan is no longer continued by one of the parties, then the

⁶¹ Andy Blunden, "Anthony Giddens on Structuration," in *Hegel, Marx and Vygotsky* (BRILL, 2021), p. 374–86.

⁶² Hillman, Hooper, and Choo, "Online Child Exploitation: Challenges and Future Research Directions."

⁶³ Interview with Aldi, Male Perpetrator, 2021.

party that cancels it will no longer gain the trust of the community, because it has broken an agreement in the tradition of kidahan. Not only that, the party who canceled the hype is obliged to compensate the injured party, in order to be held accountable for their choice to cancel the hype. In line with that, those who chose to cancel the fun also received a lot of social witness in the form of negative stigma from society. The negative stigma is labeled on parents, family and children. Cancellations of caroling in various cases are not least done by children who have received higher education, which gives new awareness in interpreting their rights in the future.

The tradition of singing songs has given rise to various kinds of implications experienced by children, especially for girls. The practice of singing songs is of course very contrary to UNICEF's views in its efforts to protect children's rights, prevent violence, sexual abuse, neglect of children, and exploitation of children. The implications of kidding have also had implications for the process of child development. Therefore, the implication of the tradition of songs apart from weakening the bargaining position of children, it also makes children, especially girls, potential victims of violence and exploitation, both physically and verbally.

The negative implications for the procession of the hymns can be seen by the minimal involvement of the children in determining their choices in the process of the hymns. So that in carrying out this tradition, children often get psychological pressure, are morally burdened, in maintaining the good name of the family in the kidah tradition. And on the other hand, the practice of kidding is also a form of parental exploitation of children which is perpetuated by the values and norms that are enforced in society. Therefore, preventing the exploitation of minors often leads to dead ends, because the actions taken by parents against children often hide behind cultural values in a society, causing various kinds of contestation between structure and culture. in defining child exploitation.⁶⁴

Neglected Child Welfare

The tradition of singing songs places children as motorbike taxis in practice. Where the reason parents choose their children's games is not least motivated by low family economic reasons. Therefore, to reduce the economic burden on the family, many parents choose to adopt their children. However, this reason of course ignores the interests of the child, so that if one day the child cancels his singing procession, it is not uncommon to cause internal and external conflicts that will be experienced by children, especially those experienced by girls. This conflict will certainly lead to a lengthy settlement involving customary parties in determining the sanctions. In fact, it is not uncommon for sanctions

⁶⁴ Bourke and Craun, "Coping with Secondary Traumatic Stress: Differences between U.K. and U.S. Child Exploitation Personnel."

given by customary institutions to have an impact on the welfare of children who are increasingly being neglected, both socially and economically. Meanwhile, the burden experienced by parents in the conflict which led to the cancellation of children's children also experienced economic and social burdens.

The practice of singing songs has neglected the welfare of children, especially those experienced by girls. The neglect of girls' rights is increasingly felt when they grow up, where girls can no longer make choices in life. However, for girls who carry out the procession of singing songs to the level of marriage, it is not always based on their free choice. Traditionally, children who are able to continue the tradition of singing songs to the marriage level, not least get a high social status in society as children who obey their parents, and participate in preserving ancestral values.

The implications of the practice of singing songs for girls appear in both internal and external forms. The internal impact experienced by girls to the practice of singing appears in psychological forms, suicide, loss of children's rights to choose a life partner, loss of freedom in determining playmates, because they get strict guard from their parents. As for the external implications experienced by girls on the practice of kidding, the lack of opportunities for children to be able to continue at a higher level of education, because there is an assumption that the higher the school, the higher the potential for kidding to be rejected by children.

Conclusion

Kidahan is a tradition carried out by the people of Muara Enim until now. However, this tradition is not always shown as a practical practice beneficial for children, especially for girls. The findings in this study show that in the practice of chanting, many children are positioned as exploited subjects, so that children lose their rights and freedom in making life choices in the future. In line with that, this study also found that the tradition of *kidah-kidahan* is also closely related to the traditional values of the patriarchal Muara Enim community, which subordinates the position of the practice of *kidah-kidahan* to women. This context emphasizes that forced marriage is a phenomenon that is still ongoing in the traditions of the Malay community which involves almost all levels of society, traditional leaders, and religious leaders. The findings in this study are expected to be able to contribute to legal studies, especially in viewing underage child marriage from a more comprehensive family law perspective. In line with that, the findings in this study also show that there is an overlap between positive law, customary law, and family law which has implications for the process of distributing justice that overlaps, especially for girls. Therefore, this study emphasizes the need for a unit of formal and informal institutions to minimize legal inequality experienced by girls. This context is expected to be able to answer legal issues in positioning the practice of chanting in indigenous peoples to be

more dialogical. This study also has the drawback that it was only conducted on the Muara Enim Malay community, so this study only focuses on comprehensively discussing legal experience in the Malay community in Indonesia. Therefore, this study recommends that it is important to look at the phenomenon of forced marriages against minors to be compared with other Malay communities in studies that wish to examine forced marriages against minors in the experience and knowledge of the Malay community in Indonesia

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