

The Implications Of The Change In The Age Limit Regulation On Child Marriage Practices In Sungai Rengit Village, Banyuasin Regency

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Abstract: *Child marriage continues to occur in rural communities, including in Sungai Rengit Village, Talang Kelapa Subdistrict, Banyuasin Regency, despite the government's enactment of the amendment to Law Number 16 of 2019, which raises the minimum legal age of marriage to 19 years for both men and women. While many studies discuss the normative aspects of child marriage, empirical research on the policy's effectiveness at the local rural level (law in action) remains limited. This study aims to analyze the implications of the change in the legal age of marriage and the factors contributing to the persistence of child marriage in the village. The research employs a juridical-empirical method with a qualitative approach through the collection of primary data in the form of interviews and documentation involving community members who engaged in early marriage, as well as secondary data derived from literature and statutory regulations. The findings indicate that the change in the age requirement has had positive impacts, including increased legal awareness among the community and a decline in the incidence of child marriage. However, early marriage continues to occur due to social and economic pressures, low levels of education, premarital pregnancy, unregistered marriages, limited legal literacy, insufficient knowledge of reproductive health, and the absence of institutions dedicated to the protection of women and children. These findings highlight the emergence of unintended policy consequences, namely an increase in unregistered marriages, and provide a theoretical contribution to the socio-legal literature regarding structural vulnerabilities in policy implementation in developing countries.*

Keywords: Age Requirement, Legal Implications, Child Marriage.

Abstrak: *Perkawinan anak masih kerap terjadi di masyarakat pedesaan, termasuk di Desa Sungai Rengit Kecamatan Talang Kelapa Kabupaten Banyuasin, meskipun pemerintah telah menetapkan perubahan Undang-Undang Nomor 16 Tahun 2019 yang menaikkan batas minimal usia perkawinan menjadi 19 tahun bagi laki-laki dan perempuan. Meskipun banyak studi membahas aspek normatif perkawinan anak, kajian empiris mengenai efektivitas kebijakan ini di tingkat lokal pedesaan (law in action) masih terbatas. Penelitian ini bertujuan untuk menganalisis implikasi perubahan batas usia perkawinan serta faktor penyebab masih terjadinya perkawinan anak di desa tersebut. Penelitian ini menggunakan metode yuridis-empiris dengan pendekatan kualitatif melalui pengumpulan data primer berupa wawancara dan dokumentasi kepada masyarakat yang melakukan perkawinan dini, serta data sekunder berupa literatur dan peraturan perundang-undangan. Hasil penelitian menunjukkan bahwa perubahan batas usia memberikan dampak positif berupa meningkatnya kesadaran hukum masyarakat dan menurunnya angka perkawinan anak. Namun praktik perkawinan dini tetap berlangsung karena tekanan sosial, ekonomi, rendahnya pendidikan, kehamilan di luar nikah, perkawinan tidak tercatat, minimnya literasi hukum, kurangnya pengetahuan kesehatan*

reproduksi, serta belum adanya lembaga perlindungan wanita dan anak. Temuan ini menyoroti lahirnya konsekuensi kebijakan yang tidak disengaja (*unintended consequences*) berupa peningkatan perkawinan tidak tercatat, dan memberikan kontribusi teoretis bagi literatur sosio-legal terkait kerentanan struktural dalam implementasi kebijakan di negara berkembang.

Kata Kunci: Batas Usia, Implikasi Hukum, Perkawinan Anak.

Introduction

Indonesia is recognized as a constitutional state (rule of law), meaning that every action taken by an individual is determined by legal provisions. A constitutional state has boundaries in its actions because the law serves to regulate human life in both individual and collective aspects.¹ Law in Indonesia is regulated according to its respective fields, one of which is the aspect of marriage. Marriage in Indonesia is a highly highlighted issue in society, as it is not merely the desire of one, two, or three individuals.² Rather, the desire to marry is a universal human trait and a blessing from Allah SWT. Furthermore, to attain tranquility within a household, Allah SWT has provided provisions in the form of Islamic sharia and law that His servants must faithfully observe.³

In the Islamic perspective, marriage is a covenant that legalizes sexual intercourse, prohibits promiscuity, and establishes boundaries for unmarried individuals.⁴ This is in accordance with the word of Allah SWT in Surah Ar-Rum: 21, which serves as a legal reference:

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

Meaning: And of His signs is that He created for you from yourselves mates that you may find tranquility in them; and He placed between you affection and mercy. Indeed in that are signs for a people who give thought.⁵

Marriage is conducted with the objective of fulfilling the commands of Allah SWT and the Sunnah of the Prophet, not merely to satisfy lust, but rather to foster a peaceful and secure marital atmosphere.⁶ This can only be achieved if the couple is prepared to build a household, thereby making the marriage a source of happiness. Furthermore,

¹ Jimly Asshiddiqie, *Pengantar Ilmu Hukum Tata Negara* (Medan: Sekretariat Jendral dan Kepaniteraan Mahkamah Konstitusi RI, 2006), 13.

² Zulkarnain Ridlwan, "Negara Hukum Indonesia Kebalikan Nachtwacterstaat," *Fiat Justitia Jurnal Ilmu Hukum* 5, no. 2 (2012): 141–142.

³ Sri Melfi Yanti, "Pengaruh Pernikahan Usia Dini Terhadap Pola Asuh Orang Tua Pada Anak Dalam Keluarga Di Desa Muara Uwai Kecamatan Bangkinang" (Universitas Islam Negeri Sultan Syarif Kasim Riau, 2020), 3.

⁴ Beni Ahmad Saebani, *Fiqh Munakahat 1* (Jawa Barat: CV Pustaka Setia, 2018), 9.

⁵ Departemen Agama RI, *Al-Qur'an Dan Terjemahnya (Al-Malik)* (Jakarta: Cv. Al-Hanan, 2009), 77.

⁶ Ali Sibra Malisi, "Pernikahan Dalam Islam," *Jurnal Ilmu Sosial, Politik dan Hukum*, no. Seikat (2022): 24.

marriages are influenced by the age diversity present in society.⁷ However, family harmony cannot be measured by age; instead, it depends on each party's commitment to mutually safeguard their rights and obligations, and to support one another in both joyous and difficult times.⁸

Furthermore, viewed from the Hadith of Prophet Muhammad SAW, the translation of the *Bulughul Maram* states:

عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ : قَالَ لَنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَا مَعْشَرَ الشَّبَابِ مَنْ اسْتَطَاعَ مِنْكُمُ الْبَاءَةَ فَلْيَتَزَوَّجْ ، فَإِنَّهُ أَغْضُ لِلْبَصَرِ وَأَحْصَنَ لِلْفَرْجِ ، وَمَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ بِالصَّوْمِ فَإِنَّهُ لَهُ وَجَاءٌ ، مُتَّفَقٌ عَلَيْهِ .

Artinya: “*Abdullah ibn Mas‘ud r.a said that the Messenger of Allah SAW conveyed: When a young man is capable of supporting a household, then let him marry. The Prophet continued, for marriage helps you lower your gaze and safeguard your chastity. And if the young men are not yet ready to marry, then they should fast, for fasting will serve as a means of self-control.*” (HR. *Bukhori dan Muslim*).⁹

Based on the content of the Hadith above, it can be understood that marriage is recommended for those who are ready both physically and mentally. However, if a person is not yet able to take responsibility for family life, it is better to restrain oneself by fasting, in order to avoid falling into fornication.

Considering this physical and mental readiness, the State of Indonesia strictly regulates the minimum age limit for marriage. The government enacted Law Number 16 of 2019 as an amendment to Law Number 1 of 1974, which equalizes the minimum age requirement for marriage to 19 years for both men and women.¹⁰ This regulation was established to mitigate the various inherent problems associated with child marriage, such as the rising rates of maternal mortality and child stunting. This regulation is expected to minimize child marriage or, at the very least, regulate the submission of marriage dispensations when the prospective couple is underage.¹¹

However, in practice, these legal regulations have not been properly implemented in Sungai Rengit Village, Talang Kelapa District, Banyuasin Regency. The practice of child marriage continues to occur due to various causal factors, such as economic pressure, teenage pregnancies out of wedlock, a lack of legal literacy, and the absence of

⁷ Windha Wulandari Syarifah Lisa Andriati, Mutiara Sari, “Implementasi Perubahan Batas Usia Perkawinan Menurut UU NO. 16 Tahun 2019 Tentang Perubahan UU No. 16 Tahun 2019 Tentang Perkawinan,” *Binamulia Hukum* 11, no. 1 (2022): 2.

⁸ Ibrahim Chalid Elfi Sahara, Ketut Wiradnyana, Dien Mediena, Khirul Hakim, Zulkarnain, Frolin, Hasby Ansyori, Sarwan, Rachmad, Tengku Akhirul, *Harmonious Family (Upaya Membangun Keluarga Harmonis)* (Jakarta: Yayasan Pustaka Obor Indonesia, 2013), 32.

⁹ Al-Hafizh Ibnu Hajar Al-Asqalani, *Terjemah Bulughul Maram* (Jakarta: Pustaka Amani, 2000), 496.

¹⁰ Yusida Fitriyati Elsa Manora, Eti Yusnita, “Efektivitas Pengaturan Batas Usia Perkawinan Di Kantor Urusan Agama Kota Palembang,” *Jurnal Usroh* 6, no. 1 (2022): 10.

¹¹ B. Rini Heryanti, “Implementasi Perubahan Kebijakan Batas Usia Perkawinan,” *Jurnal Ius Constituedum* 6, no. 2 (2021): 122–123.

women and child protection institutions. This indicates the strong influence of local societal customs that continuously perpetuate child marriages.

Based on the description above, the government hopes that child marriage can be minimized through the new regulation, alongside the provision to apply for a marriage dispensation when underage couples intend to marry. Yet, in practice, these laws have not been well implemented in Sungai Rengit Village, Talang Kelapa District, Banyuasin Regency.¹² Many local residents still carry out child marriages. This occurs due to various causal factors, including school dropouts, economic factors, out-of-wedlock pregnancies, social pressures, a lack of public understanding regarding the new marriage age, insufficient knowledge of reproductive health, and the absence of women and child protection institutions in the Sungai Rengit Village area. Such conditions persist due to a lack of government support in enforcing compliance, coupled with the deeply rooted customs of the local community that continue to practice child marriage.¹³

Studies concerning the implementation and impacts of the change in the marriage age limit have been widely conducted by several previous researchers. First, a study by Heryanti¹⁴ examined the implementation of Law No. 16 of 2019, which set the marriage age limit at 19 for both men and women. The amendment to this law was motivated by high maternal and infant mortality rates, issues of discrimination, and inconsistencies with the Child Protection Act. The research findings indicated that implementation at the Office of Religious Affairs (KUA) and the Department of Population and Civil Registration (Disdukcapil) has not been optimal. Similarly, a study by Andriati et al.¹⁵ focused on analyzing policy implementation and normative compliance following the enactment of Law No. 16 of 2019.

Several studies have also begun to critique the loopholes in legal implementation, such as the research by Aulil et al., which assessed the implementation of Law No. 16 of 2019 as ineffective and lacking legal certainty due to the high rate of marriage dispensations granted, notably at the Takengon Syar'iyah Court. Although the law has set the marriage age limit at 19, judges often continue to grant these dispensation requests based on considerations of *maslahah* (public interest/benefit). This decision is made under the rationale of preventing much greater harm (*kemudaratan*) if the request is denied, compared to the impact of the underage marriage itself.¹⁶

¹² Rahmi Nurtsani, Rafida Ramelan, "Disfungsi Dispensasi Kawin Dalam Pencegahan Perkawinan Anak Di Indonesia," *Usroh : Jurnal Hukum Keluarga Islam* 8, no. 1 (2024): 14.

¹³ Fahrini Yulidasari Meitria Syahadatina Noor, Fauzie Rahman, "*Klinik Dana*" Sebagai Upaya Pencegahan Pernikahan Dini, Cetakan Pe. (Yogyakarta: CV Mine, 2018), 2–9.

¹⁴ Rini Heryanti, "Implementasi Perubahan Kebijakan Batas Usia Perkawinan," *Jurnal Ius Constituedum* 6, no. 2 (2021): 122–123.

¹⁵ Windha Wulandari Syarifah Lisa Andriati, Mutiara Sari, "Implementasi Perubahan Batas Usia Perkawinan Menurut UU NO. 16 Tahun 2019 Tentang Perubahan UU No. 16 Tahun 2019 Tentang Perkawinan," *Binamulia Hukum* 11, no. 1 (2022): 2.

¹⁶ Aulil Amri, Arifin Abdullah, Muhadi Khalidi, "Implementing Child Protection in Marriage Dispensation Rulings: A Case Study at the Mahkamah Syar'iyah Takengon," *Jurisprudensi: Jurnal Ilmu Syariah, Perundang-Undangan Dan Ekonomi Islam*, 17, no. 1 (2025): 409-426.

Furthermore, studies regarding the impact of early marriage on family life vulnerability have also been discussed by Suardi and Fida (2023). Their research indicates that early communities residing in rural areas often lag behind contemporary developments. Consequently, violations of existing regulations frequently occur in social life. This condition demonstrates that the persistent occurrence of child marriage in Sungai Rengit Village, Talang Kelapa District, Banyuasin Regency, remains an unresolved problem.¹⁷ Given that child marriage continues to this day, resolving this issue requires efforts capable of driving change.

These various previous studies indicate that the effectiveness of changing the age limit is heavily influenced by the role of local institutions and legal socialization. However, the majority of these studies still focus on the domain of formal institutions or rely solely on normative legal approaches. A significant research gap remains regarding empirical socio-legal studies (law in action) at the village community level, specifically observing how communities respond to such rigid regulations. Therefore, this study aims to fill that gap by examining the empirical implications in rural areas, offering novelty by critically highlighting the phenomenon of unregistered marriages as an unintended consequence of the policy.

Previous research on the marriage age limit has predominantly focused on the role of formal institutions or utilized normative study approaches. However, there remains a significant research gap concerning law in action studies—namely, how the social reality of rural communities responds to and finds loopholes within these strict formal legal rules.¹⁸ This study posits the following research questions: (1) What are the implications of the change in the marriage age limit in Sungai Rengit Village?; (2) What are the structural causal factors that perpetuate the practice of child marriage? The novelty of this research lies in its empirical findings at the village community level, specifically highlighting the emergence of unintended policy consequences resulting from the clash between state law and rural economic limitations.

Method

Based on the research object observed, the type of research used is empirical-juridical. The relationship between these two approaches is a combination of law and social facts. The juridical approach is interpreted as law, as it resolves problems using law (both written and unwritten).¹⁹ In this regard, Law Number 16 of 2019 serves as the reference for thoroughly and accurately examining the regulations. This research utilizes

¹⁷ Ahsandy Ramadhan Suardi and Imanuddin Abil Fida, “Analisis Dampak Pernikahan Dini Terhadap Kehidupan Keluarga Di Desa Sumberkedawung Kecamatan Leces Kota Probolinggo,” *USRAH: Jurnal Hukum Keluarga Islam* 4, no. 2 (2023): 156–167.

¹⁸ Suwaibatul Aslamia, “Implementasi Undang-Undang NO 16 Tahun 2019 Tentang Batas Usia Perkawinan Di KUA Curup Utara Tahun 2019-2022” (Insitut Agama Islam Negeri IAIN Curup, 2023), 2.

¹⁹ Johny Ibrahim Joedi Effendi, *Metode Penelitian Hukum* (Depok: Prenada Media Group, 2018), 158.

qualitative data; qualitative research tends to focus on specific situations and emphasizes field interactions related to daily life. The purpose of this data type is to develop words into sentences that will support the writing of this article.²⁰

Subject selection was conducted using a purposive sampling technique. In this study, the researcher conducted in-depth interviews with ten female respondents who had engaged in child marriage. The number of ten informants was chosen because it fulfilled the principle of qualitative data saturation within the scope of one village.²¹ Interviews and documentation collection were conducted face to face. To ensure data validity, the researcher applied source triangulation techniques by cross-confirming the statements of child marriage actors, village apparatus records, and statements from marriage registrars (*penghulu*).²²

The data was processed using a qualitative descriptive analysis method, sharpened by thematic analysis. This process included the stages of data transcription, coding (coding respondent answer patterns), and theme categorization (such as economic motives, social motives, and administrative responses). The categorization results were then interpreted and juxtaposed with theories of legal effectiveness to reach a comprehensive conclusion.

Discussion

A. Implications of the Change in Age Limit on Child Marriage Practices in Sungai Rengit Village, Banyuasin Regency

Implication means a consequence that occurs due to the existence of an object and subject.²³ According to the Great Dictionary of the Indonesian Language (KBBI), implication is defined as involvement or the state of being involved, even if stated indirectly (implicitly).²⁴ In a legal context, an implication is understood as a form of consequence or impact arising from the enactment of a piece of legislation. Based on this, the implication referred to in this study points to the impact of the changes in the marriage age limit regulation, as embedded in Law Number 16 of 2019. Thus, the changes that occur need to be understood by the public, especially regarding marriage procedures, marriage dispensation applications, and the level of awareness of legal rules.²⁵

Based on field research findings, the enactment of Law Number 16 of 2019 has brought changes to the lives of the people in Sungai Rengit Village, Talang Kelapa

²⁰ Abdul Fattah Nasution, *Metode Penelitian Kualitatif* (Medan: Harfa Creative, 2023), 3.

²¹ Ika Lenaini, "Tenik Pengambilan Sampel Purposive Dan Snowball Sampling," *Jurnal Kajian, Penelitian & Pengembangan Pendidikan Sejarah* 6, no. 1 (2021): 34–37.

²² Sirajuddin Saleh, *Analisis Data Kualitatif* (Bandung: Pustaka Ramdhan, 2017), 50.

²³ Devita Savitri, "Pengertian Implikasi Dan Perbedaannya Dengan Dampak," *Detikcom*. <https://www.detik.com/edu/detikpedia/d-6398375/pengertian-implikasi-dan-perbedaannya-dengan-dampak>, Diakses pada 23 Juli 2025 Pukul 15.00.

²⁴ Departemen Pendidikan Nasional, *Kamus Bahasa Indonesia* (Jakarta: Pusat Bahasa, 2008), 548.

²⁵ Aulil Amri, Muhadi Khalidi, Efektivitas Undang-Undang Nomor 16 Tahun 2019 Terhadap Pernikahan Di Bawah Umur, *Jurnal Justisia*, 6, no. 1 (2021).

District, Banyuasin Regency. Although in practice the results of the regulation have not been optimally applied, changes have begun to surface. Prior to the regulatory change, the majority of children were married between the ages of 12 and 15, often with an education level limited to elementary school. After the reform, the marriage age shifted upwards to 16-17 years old. This indicates that while the practice of child marriage has not been completely eradicated, there is an effort from the community to marry at a more mature age. Therefore, it can be stated that Law Number 16 of 2019 has impacted child marriage practices in Sungai Rengit Village in the form of shifting marriage ages and increasing legal awareness, alongside a new challenge: a rise in unregistered marriages used as a shortcut. This occurs because the Office of Religious Affairs (KUA) no longer accepts marriage registrations if the prospective bride or groom is under nineteen years old. If parents still wish to marry off their underage child, they must undergo a marriage dispensation process at the Religious Court.

The implications of changing the marriage age limit on child marriage practices have brought changes to the lives of the Sungai Rengit community, as explained below:

1. Public Awareness to Register Marriages

The change in the marriage age limit has raised awareness among several families that officially registering a marriage is crucial. By registering the marriage, administrative protection will provide legal certainty to the wife and the children born from the marriage. In Indonesia, the status of a marriage book is equivalent to a birth certificate, divorce certificate, and death certificate. All these documents are considered authentic evidence recorded in the population administration system.²⁶

For procedure-abiding citizens, the age change raises awareness to follow official court channels to obtain administrative protection, considering the marriage book is authentic proof of legal family identity. Based on interviews conducted in Sungai Rengit Village, three respondents were found to have complied with marriage procedures following the regulatory change. According to a direct statement from a respondent with the initials AR, it was stated:

“I did indeed marry underage, and before the wedding took place, I attended a hearing at the Religious Court to apply for a marriage dispensation. However, I was unaware of the changes to the marriage age limit. I applied for the marriage dispensation under the direction of the marriage registrar (penghulu) who handled my marriage documents at that time.”²⁷

The explanation provided by respondent AR is consistent with the statements of two other respondents, NF and F, who followed a similar procedure. They underwent the legal process of applying for a marriage dispensation; however,

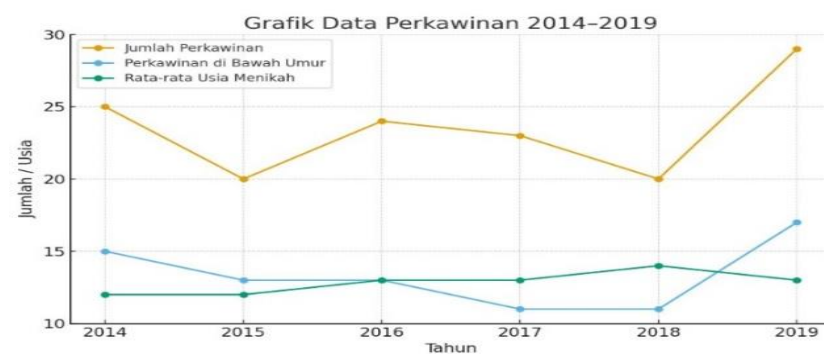
²⁶ Itsaatul Lathifah, “Pencatatan Perkawinan: Melacak Akar Budaya Hukum Dan Respon Masyarakat Indonesia Terhadap Pencatatan Perkawinan,” *Al-Mazahib* 3 (2015): 47.

²⁷ Hasil wawancara dengan responden berinisial AR, Pada Tanggal 10 Juli 2025, Pukul 10.30 Wib.

their understanding was not aligned with the regulatory changes. Thus, the change in the marriage age limit has had a positive impact on shifting the mindset of a portion of the community in Sungai Rengit Village.

2. Decrease in the Number of Child Marriages

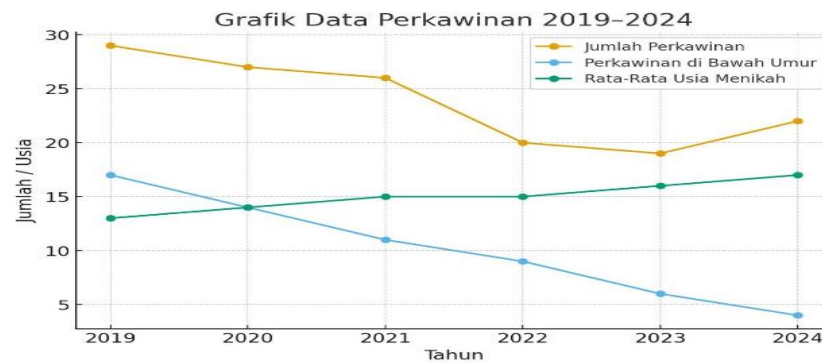
To examine the dynamics of child marriage in Sungai Rengit Village, Talang Kelapa District, Banyuasin Regency, this study presents a graphical depiction of child marriage cases prior to the amendment of the Marriage Law. The chart below illustrates trends in the age of marriage over several years, providing a clear overview of how frequently child marriage occurred and how the age of marriage gradually shifted before the legal revision was enacted.



Based on the chart above, child marriage prior to the amendment of the Marriage Law was categorized as very high. The data were collected from 2014 to 2019. Specifically, in 2014, there were 15 couples who married at a very young age, namely at the age of 12. This condition continued to occur until 2019, with the age slightly increasing to 14 years old. These data indicate that child marriage before the revision of the minimum legal age for marriage was a common phenomenon frequently practiced by the community of Sungai Rengit Village, Talang Kelapa District, Banyuasin Regency, where parents permitted their children to marry within the age range of 12–14 years. However, in everyday life, the community has gradually contributed to a shift in the age of marriage.

The enactment of Law Number 16 of 2019 has had a positive impact on rural communities, as evidenced by a decline in underage marriages, as presented in the following table:²⁸

²⁸ Data Diperoleh dari Hasil Wawancara Dengan Nirwana Selaku Kaur Umum dan Tata Usaha Kantor Desa Sungai Rengit, Tanggal 10 Juni 2025, Pukul 08.40 Wib.



The data shows that underage marriages have declined since the enactment of Law Number 16 of 2019. Looking at the period before the minimum marriage age change, many children married at the very young ages of 12-14, whereas currently, the marriage age has shifted to 15-17 years old. Consequently, the age of marriage has changed every year, dropping from 15 couples in 2014 down to 4 couples in 2024. This trend reflects that the regulatory change has had a positive impact on teenagers and contributed to maximizing efforts to eliminate underage marriage practices in Sungai Rengit Village. Efforts are still underway to ensure the established rules yield significant benefits, as many people in the field still take shortcuts to marry off their very young children through unregistered marriages or *siri* marriages.

3. Unregistered Marriages

An unregistered marriage is an act that deviates from legal provisions; it is a marriage that is not officially recorded at the Office of Religious Affairs. This is still frequently encountered in rural areas despite the enactment of Law Number 16 of 2019, which permits marriage only when both men and women have reached nineteen years of age.²⁹ Couples opt for unregistered marriages because they clash with the age requirement and face financial limitations preventing them from applying for a marriage dispensation.

As a result, couples married in *siri* experience difficulties in processing other administrative documents, such as child birth certificates, family cards, and legal protection for wives and children. This indicates that the reality on the ground shows the community has not fully understood the importance of registering marriages and the legal consequences they will face. This is consistent with statements from several couples who married underage whom the author interviewed. One such statement came from a respondent with the initials LSA:

“I did not apply for a marriage dispensation because my family's economy is considered low. My decision was also based on the feeling that the legal procedure is complicated because it requires time, money, and a complex

²⁹ Undang-Undang Nomor 16 Tahun 2019 Tentang Perkawinan.

flow. Furthermore, I admit that I did not know about the regulatory change regarding the marriage age limit becoming nineteen. Hence, my statement reflects a minimal understanding of the legal consequences of not obtaining a marriage dispensation. Thus, my argument reflects that a lack of information on legal aspects and limited access to legal marriage procedures exist among lower income communities."³⁰

The statement from LSA aligns with the remarks of other respondents, namely WPS, APS, MS, BS, DR, and R. Therefore, it can be concluded that economic inability within a family causes individuals to continuously deviate from the rules. Inadequate economic standing not only causes underage marriage but acts as the primary reason an individual repeatedly violates applicable legal rules.

B. Factors Contributing to Child Marriage in Sungai Rengit Village, Talang Kelapa District, Banyuasin Regency

The law reformed the Marriage Law via Law Number 16 of 2019 regarding the equalization of the prospective bride and groom's age to nineteen years for both women and men.³¹ In reality, the practice of underage marriage still frequently occurs, particularly in rural areas. Therefore, this section will present field research findings and deeply examine the causal factors of underage marriage in Sungai Rengit Village, viewed from economic, educational, and social aspects, as well as the weak dissemination of legal information at the village level.³² Thus, it can be seen that several factors drive the respondents' mindset to marry at a young age. Below is a breakdown of several factors causing underage marriage in Sungai Rengit Village:

1. Economic Difficulties

Economic hardship is a primary driving force that causes a person to marry underage. The majority of residents who marry underage come from lower middle class families.³³ Therefore, parents of teenagers in Sungai Rengit Village grant permission for their children to marry without considering the child's age limit, readiness, and maturity. Parents view the decision to marry as a form of assistance to reduce the family's financial burden, because by marrying off their daughter, the obligation to provide sustenance transfers to the husband.

For girls who do not work and do not continue their education, parents will marry them off as a last resort. As stated by a respondent with the initials R:

"The first reason I decided to marry underage was that my parents lacked financial capability. Consequently, I could not continue to higher education;

³⁰ Hasil wawancara dengan responden berinisial L, Pada Tanggal 10 Juli 2025, Pukul 10.50 Wib

³¹ Undang-Undang Nomor 16 Tahun 2019 Tentang Perkawinan.

³² Syahrul Ramadhan Ayuba, Nirwan Junus, and Melisa Towadi, "Faktor Penyebab Pernikahan Dini Di Kota Gorontalo," *Jurnal Pendidikan Dan Ilmu Sosial (Jupendis)* 1, no. 3 (2023): 28–31.

³³ Cucu Solihan, *Hukum Perkawinan Dalam Teori Dan Perkembangan*, Cetakan Pe. (Yogyakarta: Zahir Publishing, 2025), 96.

I only experienced elementary school. Such conditions forced me to drop out, and since I had no other activities, I decided to marry even though I was still very young. I did this to escape difficult economic circumstances and to ease the burden on my parents, which was a form of my affection for them.”³⁴

A similar sentiment was expressed by respondent LSA, who said:

“I married underage because my family's economic background is lower-middle class. I was trying to improve my family's life by helping the family economy, but I wanted to work outside the area. After my parents heard my decision, they said I was allowed to migrate for work, but on the condition that I marry first before leaving home. This condition given by my parents was a form of maintaining security, social responsibility, and care for me to prevent any undesirable acts from happening. Furthermore, LSA mentioned that this decision had previously occurred with my older sister, who married young for similar reasons. Therefore, my decision to marry was an encouragement from my parents to provide protection so that I remained safe while away, even though he (the husband) was not constantly in my daily environment.”³⁵

The interview results above provide the understanding that the respondents decided to marry young because their family's economy was unstable. Life with financial limitations often leads to inappropriate actions and the pressure of dealing with incoming burdens. For the community, this is a customary action that has been taking place for a long time without regard for the established marriage age. Thus, it can be stated that financial limitations can have a detrimental impact on children, such as a lack of access to higher education required to achieve grand ambitions.

2. Low Education

Low education is a crucial variable for someone engaging in underage marriage, especially in rural areas like Sungai Rengit Village. A low level of education within the community results in a poor understanding of the importance of higher education. This indicates that the community suffers from an education/literacy gap. Furthermore, most rural residents frequently experience limited information, education, and socialization from the government.³⁶ Based on an interview with respondent the initials WPS:

“I decided to stop attending school after completing elementary education. This decision was not due to my family's economic limitations, but rather my own personal choice. I made this decision because I no longer wished to

³⁴ Hasil wawancara dengan responden berinisial R, Pada Tanggal 12 Juli 2025, Pukul 03.10 Wib.

³⁵ Hasil wawancara dengan responden berinisial LSA, Pada Tanggal 10 Juli 2025, Pukul 10.50 Wib

³⁶ Nurul Yaqin, *Reformasi Pendidikan : Peran Pendidikan Dalam Mengatasi Problematika Sosial*, ed. Cipta Media Nusantara (Surabaya, 2025), 79.

continue formal education and instead preferred to work in order to gain life experience. As a result, my decision to leave the education system at that time opened the possibility of entering into an underage marriage. After returning from working away from home, I entered into a relationship with an adult man, which ultimately resulted in marriage."³⁷

The same point was added by respondent the initials MS, who explained:

*"I decided to discontinue my schooling due to difficulties in accessing transportation to travel to school. In addition, the considerable distance from my residence made the daily commute exhausting. Besides these factors, I was also influenced by my surroundings, as many of my peers did not continue their education. Furthermore, my parents provided limited support for pursuing higher education, as they once stated that girls who attain higher education ultimately end up managing household duties after marriage. Such a mindset reflects a low level of awareness and fails to provide equal opportunities for women to obtain education comparable to that of men. Therefore, MS decided to stop attending school and chose to marry at a very young age."*³⁸

The interview results from those who dropped out of school and chose to marry at a young age indicate that education in village communities is still frequently undervalued. Thus, it can be understood that the residents of Sungai Rengit Village lack learning motivation, have low educational attainment levels, and face unsupportive social constructs, which collectively push young girls to enter into child marriages.

3. Pregnancy Outside of Marriage

Another driving factor causing underage marriage in Sungai Rengit Village is premarital teenage pregnancy. This phenomenon occurs due to a lack of parental supervision, as well as teenagers' minimal understanding of reproductive health and religious values. Under such conditions, marriage is utilized as the family's primary step to cover up the disgrace and protect the child's mental well-being.

In line with the statement from respondent the initials DR, who said:

"My underage marriage happened because I was dating, but eventually it went too far, where I engaged in an inappropriate act, namely promiscuity. This happened because of a lack of supervision, advice, and time from my parents. As a result, I entered that social circle to find a space that offered care for me. After my parents found out I was pregnant, they told me to get married quickly so that the child in my womb would have legal protection and be accepted by the surrounding community. Early marriage in the village is

³⁷ Hasil wawancara dengan responden berinisial WPS, Pada Tanggal 10 Juli 2025, Pukul 09.40 Wib

³⁸ Hasil wawancara dengan responden berinisial MS, Pada Tanggal 11 Juli 2025, Pukul 18.30 Wib.

used as the most appropriate way out to resolve problems that occur within the family and to be accepted by society."³⁹

This is consistent with the statement of respondent the initials AR, who stated: *"The underage marriage I entered into was because my relationship with my future husband was not given boundaries. Actually, my current partner and I had gotten engaged before the wedding took place. The plan was a one-year gap between the engagement and the wedding. During the waiting period, I was often invited to my partner's house. The house was quiet, and inevitably, we engaged in relations like husband and wife. Consequently, our actions were discovered by the family, so the husband's side and my family decided to expedite our marriage to protect the reputation of both families. In this case, the local community, which highly upholds family honor, played an important role in the decision to marry. This condition reflects that a relationship that is too close before the bond of marriage carries highly fatal risks and can be a trigger for the continuous practice of child marriage."*⁴⁰

From the statements of the two informants above, it can be seen that out-of-wedlock pregnancy is a driver for the practice of child marriage. This happens due to the minimal supervision of children's social interactions, weak education regarding reproductive health, and a social environment that plays a role in such conditions because the decision to marry is considered the most appropriate step to protect the family's good name in the eyes of society. However, it fails to consider the teenagers' future lives, which carry long-term risks such as mental unreadiness, inability to manage emotions well, and inability to manage finances in household life.

4. Social Conditions

The environment is a major influence in life, including the behavior of individuals who decide to marry at a very young age. Society often considers underage marriage to be a normal occurrence among rural residents. Consequently, young women who have no activities neither education nor employment often face pressure simply to marry, because by marrying, the child will no longer burden the parents and will protect the family's honor.⁴¹

Furthermore, there is a minimal understanding within the community regarding the negative impacts that will arise from the decision to marry underage. As revealed in an interview conducted with respondent the initials F, who explained:

³⁹ Hasil wawancara dengan responden berinisial DR, Pada Tanggal 12 Juli 2025, Pukul 15.40 Wib.

⁴⁰ Hasil wawancara dengan responden berinisial AR, Pada Tanggal 10 Juli 2025, Pukul 10.30 Wib.

⁴¹ Yogi Fahrival dan Haney Fuza Primadiane, *Perkawinan Di Bawah Umur* (Jawa Timur: Detak Pustaka Printing, 2025), 61.

“In my neighborhood, underage marriage is a normal thing, and the community accepts it. My friends and neighbors also married young, which is why I did the same. Additionally, I felt personally ready to build a family life, even though I was only seventeen. This happened due to social influence forming the doctrine of marrying young, because the community assumes that readiness to marry comes from maturity, not necessarily chronological age. Therefore, F's decision to marry young illustrates the occurrence of influence from the surrounding environment that altered her mindset and actions.”⁴²

The same decision was made by respondent the initials NF, who said:

“I married underage because of social encouragement, namely from my family and the surrounding environment. They view marrying young not as a disgrace, but as something natural that can provide a secure future. My family believed that once someone is married, their life will be supported and protected by their husband. This happened because of my parents' anxiety over the current style of teenage socialization, so I was told to marry to prevent bad things from happening. This occurs because social values play a huge role in society, so NF's decision to marry at a relatively young age was considered a form of protecting a woman's honor.”⁴³

Thus, it can be concluded that social conditions within the family play a significant role in the decision to marry off children at an age that is not yet legally sufficient. Therefore, outreach and educational programs from the government and relevant authorities are necessary for communities that still have limited knowledge of legal regulations. Such efforts can serve as an effective means of breaking the cycle of underage marriage, particularly in remote and rural areas.

5. Lack of Legal Knowledge

The residents of Sungai Rengit Village admitted they were unaware of the regulatory changes regarding the minimum age limit for marriage; hence, underage marriages continue to this day. A lack of legal knowledge is a causal factor for teenagers marrying below the age limit while parents grant permission for their children's wishes. The legal provisions that have been stipulated in Law Number 16 of 2019 are not yet understood by the entire population residing in Sungai Rengit Village.⁴⁴ The village government lacks the cultivation of legal information, causing the community to make decisions based on customs and environmental pressures without considering legal implications. Consequently, the community still practices underage marriage in real life, citing a lack of

⁴² Hasil wawancara dengan responden berinisial F, Pada Tanggal 11 Juli 2025, Pukul 19.00 Wib.

⁴³ Hasil wawancara dengan responden berinisial NF, Pada Tanggal 10 Juli 2025, Pukul 15.15 Wib.

⁴⁴ abidzar alghiffary Dona Salwa, Soraya Parahdina, “Implikasi Perubahan Undang-Undang Perkawinan Mengenai Batas Usia Perkawinan Dalam Sistem Hukum Keluarga Di Indonesia,” *Journal of Islamic and Law Studies* 8, no. 1 (2024): 140–141.

understanding of the new rules and their explanations. This was expressed by respondent the initials WPS, who said:

“I was personally unaware that the current legal minimum age for marriage is nineteen years old. I believed it was still the same as before, namely sixteen years old. This assumption was influenced by the fact that my cousin married at a young age, and even my neighbors did the same. Moreover, in my surrounding community, there are still many children of my age who marry young. Based on these circumstances, I came to the conclusion that getting married was permissible and considered normal practice within the community.”⁴⁵

The statement above is identical to what was shared by other respondents with the initials LSA, APS, MS, BS, DR, and R. According to these seven respondents, the decision to marry underage was due to a lack of knowledge regarding the rules discussing the age increase. This reflects that the lack of legal understanding is caused by low access to information and the pressure from social customs that have commonly bound the community, without regard to the applicable legal provisions. This indicates that the residents of Sungai Rengit Village still have low legal literacy, especially among teenagers and families.

Besides that, none of the seven respondents mentioned above followed the marriage dispensation procedure to apply for marriage. The reason given was that they lacked the funds to resolve the matter at the Religious Court. This practice signals that the Sungai Rengit community still desperately needs legal oversight, especially concerning the phenomenon of underage marriage. Furthermore, the community considers underage marriage to be normal behavior because it is frequently practiced by others. Information regarding the law is highly restricted in rural areas because the government rarely establishes access points to reach remote areas like Sungai Rengit Village. This lack of information becomes a loophole to continuously practice underage marriage. There is a clear need for supervision over individuals who are physically and mentally immature, as well as a need for the protection of women and children.

However, it should be noted that out of the ten respondents interviewed, the author found admissions from three respondents who did apply for a marriage dispensation despite not understanding the existing rules. They underwent the dispensation process because their age did not meet the legally applicable marriage requirements. As stated by respondent the initials AR:

I did not have a clear understanding of the legal regulations concerning the minimum age for marriage as stipulated by law. However, I proceeded with a marriage dispensation based on the direction of the marriage registrar (penghulu) who officiated and recorded my marriage. Therefore, I simply

⁴⁵ Hasil wawancara dengan responden berinisial WPS, Pada Tanggal 10 Juli 2025, Pukul 09.40 Wib.

*followed the instructed process, as my primary concern was to be legally married and to obtain an official marriage certificate.*⁴⁶

This is consistent with the statements of two other respondents, identified by the initials NF and F. Awareness shared among the three respondents highlights the importance of legal recognition under Indonesian law of the marital relationship they have entered into. This statement indicates that although legal procedures, such as marriage dispensation, have been undertaken, individuals' understanding of the legal foundations underlying these procedures remains very limited. In addition, there is a misconception within the community of Sungai Rengit Village, Talang Kelapa District, regarding the understanding of reproductive health issues affecting women who enter into child marriage.

6. Lack of Knowledge of Reproductive Health

Reproductive health is a crucial matter that should be considered prior to marriage. Reproductive health refers to a person's state of well being physically, mentally, and socially and is not merely the absence of disease or infirmity in the reproductive system. This provides the understanding that a person's reproductive health can be measured through the readiness of their reproductive organs, ensuring that sexual relations will not bring adverse effects and that periods of pregnancy and childbirth will not present complications.⁴⁷

In reality, many people living in rural areas engage in underage marriage due to the fear of the risk of out-of-wedlock pregnancies. Therefore, parents of children who marry underage choose to marry them off at a very young age. Women who marry young often experience adverse outcomes, as their mental state is unready for motherhood, and they lack knowledge on child-rearing. As a result, teenagers who have children often feel restless, anxious, and become a source of conflict in their households. This indicates that underage marriage yields several risks, including experiencing anemia during pregnancy, malnutrition during pregnancy, and unsafe conditions during childbirth.⁴⁸

This was conveyed by respondent the initials WPS, who stated:

"I was unaware of any socialization regarding reproductive health or underage marriage, so all this time I just followed the customs of the surrounding community. I also assumed that my reproductive health was fine because I went through a smooth delivery process and did not experience any problems during pregnancy." Such an understanding indicates that some people assess reproductive health solely based on the experience of

⁴⁶ Hasil wawancara dengan responden berinisial AR, Pada Tanggal 10 Juli 2025, Pukul 10.30 Wib.

⁴⁷ Darmayanti Waluyo, *Pengantar Kesehatan Reproduksi Wanita* (Jawa Tengah: CV.Eureka Media Aksara, 2022), 2.

⁴⁸ Dwining Handyani, *Dasar Kesehatan Reproduksi Dan Kesehatan Keluarga* (Padang Pariaman: Lingkar Edykasi Indonesia, 2024), 34.

pregnancy and childbirth, without considering long-term risks or physical, mental, and social readiness prior to entering marriage."⁴⁹

This is consistent with what was shared by respondent the initials F, who explained:

"I did not know the importance of reproductive health before entering marriage. That ignorance made me decide to marry based on personal desire without considering my reproductive health readiness or the risks that might arise later. F also explained that from pregnancy to delivery, I did not experience any disturbances or life-threatening conditions, so I assumed my reproductive health was in good condition." This statement shows that some communities define reproductive health solely by the absence of problems during pregnancy and childbirth, rather than by physical, mental, and social readiness before marriage. This illustrates the community's low level of understanding of the comprehensive concept of reproductive health."⁵⁰

Based on interviews with several respondents, it can be seen that the community's understanding of reproductive health remains low. This is evident from the respondents' statements, revealing that their parents focused more on avoiding out-of-wedlock pregnancies rather than preparing the child's reproductive health before marriage. Therefore, resolving this issue requires intense education within the community of Sungai Rengit Village concerning reproductive organs, reproductive readiness for both men and women, and premarital counseling regarding marriage.

7. Absence of Women and Child Protection Institutions

Discrimination frequently occurs against women and children. It is highly possible that women will deal with the law, as the positions of women and men are currently equal. Furthermore, women are a vulnerable group requiring protection in the law enforcement process. Violence against women happens often, but a lack of law enforcement leads to more cases of violence against women.⁵¹ In cases of violence against women, whether occurring at home or in public spaces, such as physical or sexual abuse (like rape), women are often perceived as victims who somehow participated in the event.

Child protection is necessary because children are the future development assets of the nation. Therefore, the government must increase investments in children's education, welfare, and health. Adolescent girls tend to be more vulnerable to harmful traditional practices such as underage child marriage. In the health sector, children's growth conditions are closely related to required health

⁴⁹ Hasil wawancara dengan responden berinisial WPS, Pada Tanggal 10 Juli 2025, Pukul 09.40 Wib.

⁵⁰ Hasil wawancara dengan responden berinisial F, Pada Tanggal 11 Juli 2025, Pukul 19.00 Wib.

⁵¹ Nofiauwaty Diana Dewi Sartika, Yulasteriyani, *Perlindungan Hak-Hak Perempuan Dan Anak Untuk Pembangunan Nasional Yang Berkelanjutan* (Palembang: Wade Group National Publishing, 2022), 39–40.

and nutrition, children's education and welfare, and the environment where children grow and develop. Child marriage not only violates children's rights by forcing them to leave school but also causes intergenerational poverty and disrupts long-term education.⁵²

Therefore, the practice of child marriage continues to occur due to the absence of mentoring from protection institutions, resulting in the community lacking education or preventive interventions. This aligns with the direct statement from the Village Head of Sungai Rengit, Talang Kelapa District, Banyuasin Regency:

*“Institutions for the protection of children and women do not exist in Sungai Rengit Village. However, protecting the rights of children and women is carried out through other institutions such as the Indonesian Child Protection Commission (KPAI) and other bodies. This happens because the integration of child protection in remote villages can be supported by village government programs through the social services department, education department, or forums that provide understanding regarding violence prevention and fulfillment for children and women.”*⁵³

Thus, the presence of the village government plays a highly crucial role in significantly reducing the rate of child marriage. In addition to this, more comprehensive legal education is still required so that the community not only follows formal procedures but also understands the reasons and objectives behind the applicable legal provisions. A lack of this understanding risks having the community merely follow directions without knowing the legal rights and obligations they should comprehend before marrying. Thus, this situation illustrates that some lower income communities comply with regulations systematically. Therefore, the community needs accessible information while still remaining under the supervision of legal channels.

Conclusion

Based on the findings the author has presented in the discussion chapter regarding the implications of the change in the marriage age limit on child marriage practices in Sungai Rengit Village, Banyuasin Regency, the following conclusions can be drawn: 1) The change in the marriage age limit regarding child marriage practices in Sungai Rengit Village, Banyuasin Regency, has had a positive influence on community life, evidenced by a decline in child marriage rates and the fact that a portion of the community has begun applying for marriage dispensations at the Religious Court so that their marriages can be officially recorded by the authorized institution. On the other hand, there are still people engaging in underage marriage through unregistered (*siri*) marriages. This condition has

⁵² Melanie Pita Lestari Fransiska Novita, Zulkifli Ismail, Ahmad, *Hukum Perlindungan Anak Dan Perempuan* (Malang: Madza Media, 2021), 11.

⁵³ Hasil wawancara dengan Kepala Desa Sungai Rengit Kecamatan Talang Kelapa Kabupaten Banyuasin, Pada Tanggal 10 Juni 2025, Pukul 09.30 Wib

not operated optimally due to the remaining gap between legal norms and social facts. Consequently, this acts as a barrier to fully realizing the objectives of the Marriage Law amendment itself and protecting the rights of women and children. 2) The factors causing the persistence of child marriage in Sungai Rengit Village are multiple: economic difficulties for lower-middle-class families; limited access to education; teenagers engaging in overly permissive socialization leading to out-of-wedlock pregnancies; pressure from the social environment; minimal understanding of the law and reproductive health; and lastly, the absence of protection institutions for women and children in the village. As a concrete recommendation, the Sungai Rengit Village Government, in collaboration with authorized institutions (such as the KUA), needs to establish a village based women and children protection service unit/task force to provide active mentoring. For future research, comparative socio-legal studies in various rural areas in Indonesia are needed to map the variations of resistance to child marriage policies and to examine the status of legal certainty for children born from these unregistered marriages.

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