

## Marriage Age Limit Policy in Indonesia: Negotiations Between Religious Traditions and Contemporary Social Reality

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### Abstract

The revision of the law on the minimum age of marriage in Indonesia was born in response to the rise of early marriages, although its implementation still faces various obstacles. This study examines the dialectic between traditional values and modern-day demands in the phenomenon of child marriage, the dynamics of law formation and the obstacles that arise in the transformation of the minimum age of marriage standard, and marriage dispensation as legal weaknesses in the implementation of marriage age limit regulations. The research approach uses a normative juridical method with an analysis of laws and regulations and legal concepts. The findings of the study reveal that the transformation of the minimum age standard for marriage is intended to secure the interests and rights of children. However, its implementation through the marriage dispensation system within the Religious Court is influenced by religious values and community pressure, which results in inconsistencies in the application of the law. This situation creates a dilemma in harmonizing religious teachings with the development of modern society. This research emphasizes the urgency of developing a more open and strict marriage dispensation system. Strengthening legal understanding among the community is an important factor to encourage social transformation that supports child protection. Through strengthening public awareness and consistent regulations, it is hoped that it can reduce the incidence of child marriage.

**Keywords:** Marriage, Religious norms, child protection, social change.

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### INTRODUCTION

The issue of the age limit for marriage in Indonesia is a complicated topic and has received attention from various circles, including juridical, religious, and societal dimensions (Dakhoir & Sa'adah, 2023). Through Law No. 16 of 2019, which revises Law No. 1 of 1974, the minimum age for marriage for men and women is equalized to 19 years old (Nhampoca & Maritz, 2024). This revision of the regulation is intended as a form of protection for children as well as an attempt to conform to the Convention on the Rights of the Child, which mandates optimal protection for individuals under the age of 18 from the practice of forced marriage or early marriage (Roberts, n.d.).



Nevertheless, implementing the marriage age limit still faces significant obstacles. The main problem is the granting of special permits to marry minors by religious courts on the grounds of economic or traditional factors, even though the age limit for marriage has been regulated in the law (Tobing, 2018). The increase in the number of marriage dispensation applications after the revision of the age limit provisions shows that the regulation is still not running optimally (Pasondong et al., 2023).

Studies on the age limit for marriage have become a global concern and have a variety of factors. According to Saud (2024), early marriage in Nepal is triggered by weak economic factors and lack of access to education. Families with limited economic conditions view early marriage as a solution to financial problems, while families with a higher level of education tend to prioritize their children's learning process. Joaquim et al. (2024) reinforce these findings by stating that socio-cultural aspects, difficult economic conditions, and geographical barriers cause young women to leave school and choose to marry young as an alternative.

The study of Abdurrohman et al. (2022) proves that social values and religious views have an effect on the habit of marrying at a young age, especially in rural areas of Eastern Ethiopia. The results of the study are in line with Niam (2021), who observed that religious teachings in rural areas such as Reban encourage acceptance of early marriage, even though it contains a high risk in the form of household breakdown and maternal mortality. Furthermore, Samuri et al. (2022) explained that in Malaysia, a legal vacuum in the Sharia justice system hinders efforts to prevent child marriage, especially because there is no consistent standard procedure available (Musawwamah et al., 2023).

In Indonesia, Yuningsih et al. (2023) noted that there has been a regulatory update that changed the minimum age of marriage to 19 years. However, the influence of tradition, economic problems, and inconsistency in law enforcement remain obstacles to optimal implementation. Research by Dewi et al. (2022) revealed that although a legal basis has been available, socio-cultural and economic barriers are still barriers to the protection of children's rights. Meanwhile, Taufiq and Fahrudin (2023) emphasized the need for harmonization between religious principles and contemporary regulations to implement the program to increase the marriage age limit effectively.

A similar view is also expressed by Ismail et al. (2024), who emphasize that Law Number 16 of 2019 is designed to accommodate the principles of *maqāṣid al-Syariah* while encouraging the creation of gender justice. Meanwhile, Putra and Fitriyah (2024) identified weaknesses in the marriage dispensation regulation, especially the mechanism that only requires the consent of one parent, making it difficult to implement the rule effectively.

Although there is a lot of research that has reviewed the adverse effects of underage marriage and the urgency of improving regulations, there is still a gap in understanding how effective these regulations are when implemented in real terms, especially in the lives of Indonesian people. This research tries to close this gap through an analysis of how religious values, societal transformation, and legal aspects interact with each other in terms of determining the age limit for marriage in Indonesia. In addition, this study also examines the function of marriage dispensation as a frequently used entrance, which has not been comprehensively studied in previous studies.

This study examines the political dynamics of the marriage age limit in Indonesia by raising the conflict between religious values, societal transformation, and obstacles in the law-making process. The analytical framework of this research includes: first, a discussion between traditional values and the progress of the times in the implementation of underage marriage; second, the legislative path and its obstacles in revising the provisions of the marriage age limit; third, the mutual relationship between religious teachings and fundamental human rights in setting the age limit for marriage; and finally, the implementation of marriage dispensation permits as a legal weakness in the implementation of the marriage age limit.

## **METHOD**

This study applies normative legal research methods through legislative and conceptual approaches. Data collection is carried out by means of literature review and document review which includes the stages of inventory, systematization, and classification of legal materials. The primary legal material used consists of Law No. 1 of 1974 concerning Marriage, Law No. 16 of 2019 which is a revision of the previous Marriage Law, other marriage-related regulations, and the Decision of the Religious Court regarding Marriage Dispensation. Meanwhile, secondary legal materials include academic journals, book references, research results, and other relevant literature that supports the research objectives. Data analysis uses a prescriptive method with the application of deductive logic in legal reasoning.

## **RESULT AND DISCUSSION**

### **How Do Religious Norms Affect Marriage Age Policy?**

The regulatory journey regarding the age limit for marriage in Indonesia shows a long and dynamic evolutionary process, starting from Law Number 1 of 1974 to its amendment through Law Number 16 of 2019. Originally, Law Number 1 of 1974 set the minimum age limit for marriage, which was 16 years for women and 19 years for men. This rule describes the social and cultural values that prevailed at that time, where women were seen as mature to marry at an earlier age than men. However, along with growing concern for the rights of women and children, the age limit is beginning to be considered problematic and no longer in line with the development of the times (Qohar, 2019).

Various parties, especially child and women's rights fighters, began to criticize the provisions of the minimum age limit in Law Number 1 of 1974. They argue that the 16-year limit for women is inadequate because it can negatively impact their physical and psychological condition, as well as hinder their access to adequate education. Data from UNICEF shows that the practice of early marriage in various countries, including Indonesia, has adverse consequences for the reproductive health and living standards of girls (Suhaili & Aziz, 2023). This condition then strengthened the movement to revise and increase the marriage age threshold.

In its development, various incidents of early marriage in Indonesia have become the concern of the wider community and have caused discussions about the need to change the Marriage Law. One of the phenomena that steals attention is the high practice of early marriage in rural areas triggered by the economic and social conditions of the community. Research

shows that early marriage is often associated with family efforts to ease economic dependents through marrying girls at a young age (Thoyib & Bukhori, 2022). In addition, there is also an encouragement from cultural values and traditions that strengthen this habit in a number of regions.

The year 2019 marked an important change in marriage regulations in Indonesia through the passage of Law No. 16 of 2019 which changed the rules regarding the age limit for marriage. The main change that resulted was the establishment of a minimum age of marriage for men and women, which is 19 years old. The revision of this law was born in response to the Constitutional Court's decision which considered the existence of a marriage age disparity between men and women as a form of discrimination that is not in line with the values of gender equality as mandated in the 1945 Constitution (Winarno & Sulatri, 2019).

Advocacy efforts by international bodies and civil society groups have contributed to this policy change through an emphasis on the adverse consequences of early marriage. They underlined the urgency of increasing the minimum age limit for marriage as a measure to protect children from health risks and social problems. Research conducted by UNICEF shows that early marriage not only threatens reproductive health, but also increases the chances of a hereditary cycle of poverty, considering that girls who marry young are less likely to complete their education.

In addition, the amendment to Law Number 16 of 2019 shows a transformation of Indonesia's legal approach which increasingly prioritizes efforts to protect the rights of children and women. This transformation is in line with various international agreements, including the Convention on the Rights of the Child, which underscores the urgency of protecting children from the habit of marrying at an early age (Nurfieni, 2023). As a country that has ratified the convention, Indonesia is determined to align its domestic regulations with applicable international provisions.

Although the changes to the Marriage Law are seen as positive progress, their implementation in society still faces obstacles. In various regions of Indonesia, especially rural areas, the practice of underage marriage continues under the pretext of preserving culture and hereditary customs. The lack of dissemination of information and limited access to education are the main obstacles that hinder the comprehensive implementation of this regulation throughout the country (Roberts, n.d.). For this reason, strong synergy is needed between the government, religious leaders, and elements of society to ensure that this legal reform can be implemented and carried out effectively in every corner of Indonesia.

From a historical perspective, the amendment to Law No. 16 of 2019 gained momentum through the evolution of the understanding of Islamic jurisprudence in the country. A number of Muslim religious leaders and scholars supported the amendment based on the concept of *maqāṣid al-Syariah* (the aims and objectives of sharia) which prioritizes the preservation of life, ratio, and nasab. This group is of the view that the practice of marriage at an early age is contrary to the rules of *maqasid al-sharia*, especially in the aspect of protecting the lives and welfare of women (Arthur et al., 2018). The support of these scholars is a crucial factor in strengthening the legitimacy of the legal transformation in the midst of the Islamic community.

Studies in the fields of sociology and anthropology reveal that the practice of early marriage has widespread consequences, not limited to the couples involved, but penetrates to all levels of society. This phenomenon is often an obstacle to the progress of the quality of human resources, especially in the education and health sectors. Research shows that young girls who undergo early marriage have a high tendency to end their formal education prematurely and face a greater risk of experiencing domestic violence (Sania et al., 2024). Based on these findings, the policy of raising the marriage age threshold is seen as an important strategy to raise the living standards of young people and strengthen the foundations of sustainable long-term development.

Internationally, various countries in the world have taken progressive steps by revising regulations related to marriage age limits to provide optimal protection for the younger generation from the threat of early marriage. The United States is one of the concrete examples where although there are variations in legal provisions regarding the age limit of marriage between states, there is a growing momentum to set the minimum age standard of 18 years as a legal requirement for marriage (Hidayat et al., 2023). This reformative step shows alignment with the global agenda championed by the international community in the context of the total elimination of the practice of child marriage, which is one of the priority targets within the framework of the Sustainable Development Goals (SDGs) that have been ratified and implemented by the United Nations (UN) (Adawiyah & Pudjirahayu, 2021).

The change in the provisions of the minimum age of marriage through Law No. 16 of 2019 is a historic moment that is very meaningful for the development of the law in Indonesia. This legal reform illustrates the seriousness of the state in ensuring the protection of the interests of children and women, as well as proving the readiness of the Indonesian nation to face the dynamics of modernization and the challenges of the contemporary era. Although its implementation still faces obstacles, especially in areas with deep-rooted traditional cultural roots, these regulatory changes have laid a solid foundation for the realization of a just and equal social order (Subchi et al., 2021).

The influence of religious values on the national legal system is a very significant phenomenon in many countries, including Indonesia. This is clearly seen in the regulation regarding the age limit for marriage, which is one concrete example of how religious teachings, especially Islam, help shape legal policy. The provisions on the minimum age of marriage listed in Law Number 1 of 1974 and later updated through Law Number 16 of 2019 illustrate the evolution of understanding of religious principles, especially in an effort to protect the interests of children and women. Although Islamic teachings do not explicitly set a specific age limit for marriage, religious views and decisions made by religious institutions still make a significant contribution to the process of formulating state policies on this issue (Billah & Qohar, 2021).

Religious law decisions issued by institutions such as the Indonesian Ulema Council (MUI) have a significant impact on the formation of state regulations. Several religious law decrees published by the MUI show support for the government's initiative to raise the minimum age threshold for marriage, with the aim of preventing the practice of marriage at an early age while ensuring the protection of women's rights. These decisions are also considered

a form of official recognition of the adverse consequences posed by child marriage, particularly in the physical and spiritual aspects of health (Bukido et al., 2023). The influence of these religious law decisions shows the ability of religious teachings to adapt to the social dynamics and demands of contemporary times.

The establishment of a more mature minimum age standard for marriage is an important step in efforts to protect children from the practice of early marriage, especially in safeguarding the fundamental rights of girls. The religious perspective that advocates postponing the marriage bond until reaching adulthood is in line with the findings of academic research that reveal the dangers of marriage at a young age. Scientific studies prove that the practice of child marriage, especially in girls, has serious consequences in the form of reproductive health disorders and a high tendency to abandon education, which will ultimately hinder their progress in social and economic aspects (Winarno & Sulatri, 2019).

In the debate on the age limit of marriage, there are certain groups that still hold to a literal interpretation of the holy book, especially by referring to the story of the marriage of the Prophet PBUH with Aisha RA as a justification for allowing marriage at a young age. However, today's academics and scholars argue that the socio-cultural conditions in the classical era have very different characteristics from the reality of contemporary society. They emphasized the importance of considering aspects of protecting the rights of children and women in formulating marriage regulations (Nurfieni, 2023). Thus, a hermeneutical approach that takes into account the context of the times and is moderate is key in drafting regulations related to the minimum age standard for marriage.

Regulatory reform on the age limit for marriage is inseparable from the insistence of civil society groups and the global community. Given that Indonesia has signed and ratified the Convention on the Rights of the Child, the state is obliged to align its domestic regulations with international provisions that affirm that the minimum age of marriage is 18 years old. Religious values advocating for the protection of children and the cessation of the practice of early marriage, coupled with these international references, create a solid foundation for the reform of Indonesian marriage law (Roberts, n.d.).

The enactment of Law Number 16 of 2019 which revises the minimum age threshold for women's marriage from 16 years to 19 years reflects the awareness that previous regulations are no longer in accordance with the development of community conditions, both from social and health aspects. This progressive step is not only strengthened by medical considerations and human rights principles, but also gains legitimacy among scholars who view child protection efforts as a fundamental element in Islamic values (Holijah & Manaf, 2019). Thus, fatwas and religious directives do not only serve as ethical foundations, but also become vital supporting tools for the implementation of child protection policies in the contemporary era.

Islamic law shows flexibility and the ability to adapt to the development of society's circumstances. Muslim scholars and intellectuals who support raising the age limit for marriage state that efforts to protect the rights of women and children are in line with the principles of maqasid al-sharia which prioritize justice, preservation of life, and domestic harmony (Arthur et al., 2018). Therefore, religious sharia does not solely function as a guardian of the preservation of customs, but also acts as an instrument of constructive social transformation.



The practice of early marriage is still deeply rooted in a number of regions of Indonesia, especially in communities that uphold ancestral traditions. This phenomenon creates significant obstacles to the implementation of the latest regulations that regulate the minimum age for marriage. It is in this context that religious leaders have a strategic position as a communication bridge to explain to citizens the importance of following legal provisions that have been aligned with Islamic teachings and the demands of contemporary times (Sania et al., 2024). Through an extension strategy that includes scholars and religious leaders, it is hoped that efforts to reduce the number of child marriages can achieve more optimal results in the community.

The enforcement of legal reforms frequently encounters resistance from traditional communities that hold deeply rooted cultural beliefs. In societies where ancestral practices remain central to community identity, early marriage is often viewed as an integral tradition that requires protection rather than reform. To navigate this complex landscape successfully, lawmakers must forge partnerships with spiritual authorities and community elders who serve as cultural gatekeepers. Through such collaborative efforts, the moral and spiritual frameworks that these communities respect can become powerful vehicles for advocating progressive legal changes regarding marriage age requirements (Hidayat et al., 2023). This strategy transforms potential opposition into meaningful dialogue, where religious teachings and values become allies in the pursuit of reform rather than barriers to overcome.

Indonesia's approach to setting minimum marriage age laws demonstrates the profound integration of religious principles into legal frameworks. Islamic jurisprudence serves as a cornerstone in shaping these regulations, with religious scholars and Islamic teachings providing essential guidance that prioritizes safeguarding human dignity, well-being, and fairness. The legislative process draws heavily from religious decrees and moral imperatives within Islam that champion the protection of vulnerable populations. The collaboration between religious authorities and policymakers has proven instrumental in crafting laws designed to shield minors and young women from premature matrimonial arrangements. While enforcement obstacles persist, the active participation and endorsement from Islamic clerics and spiritual leaders represent a crucial element in the broader effort to combat child marriage practices throughout the Indonesian archipelago. This religious backing lends moral authority and cultural legitimacy to legal measures aimed at preventing early unions (Adawiyah & Pudjirahayu, 2021).

Along with the increasing public understanding of the urgency of protecting children's rights based on a religious perspective, the implementation of the revised Marriage Law is expected to run optimally throughout Indonesia. The synergy that exists between religious teachings, the views of scholars, and government regulations proves that religious principles are able to act as a driving force in realizing a more just and comprehensive social transformation.

### **Social Changes and Revision of the Marriage Age Limit Regulations**

The transformation of society in recent years has changed the minimum age for marriage in many nations, including Indonesia. This revolution was triggered by improved educational

opportunities, especially for women, as well as a growing understanding of child protection. This revision of the regulation is intended to prevent girls from various losses caused by young marriage, ranging from medical risks, inhibition of the learning process, to violations of human dignity. The most prominent legal change is the birth of Law No. 1 of 1974 which was subsequently updated through Law No. 16 of 2019, where both laws set an age limit of 19 years as the minimum marriage requirement for both men and women in Indonesia (Billah & Qohar, 2021).

Advances in women's education have been an important catalyst in the social transformation of society. As more and more women reach higher education, this significantly affects their perspective on the institution of marriage, including in determining the right time to get married (Suhaili & Aziz, 2023). In addition, through education, women gain greater ease of accessing knowledge about reproductive health—a fundamental aspect of married life. A quality educational atmosphere also opens up wider opportunities for women to recognize and understand the various rights they have, including the right to determine the timing of marriage until reaching optimal maturity (Thoyib & Bukhori, 2022).

In addition to the education factor, the increasing public understanding of children's rights is also a driving force in efforts to revise the provisions of the minimum age limit for marriage. Research has shown that early marriage has negative consequences for girls, including reproductive health disorders, disconnected access to education, and limited opportunities for economic development. Campaigns held both at the national and international levels have succeeded in raising awareness among the Indonesian people about the importance of protecting children's rights, which has become one of the main drivers in encouraging this policy transformation. Various institutions that focus on child protection advocacy continue to pressure the government to set a more mature age standard as a preventive effort against the practice of child marriage (Nurfieni, 2023).

In the juridical context, the birth of Law No. 16 of 2019 reflects legislative efforts to respond to the demands for change that arise from various dimensions of society, the constitution, and the legal system itself. The basis for the revision of the law is based on aspects of reproductive health and the protection of fundamental human rights, supported by the findings of socio-cultural research showing that the practice of early marriage has lasting consequences for the future and well-being of girls (Roberts, n.d.). The results of sociological studies prove that the phenomenon of early marriage generally occurs in communities that face limited socio-economic progress, characterized by lack of public access to quality educational services and knowledge about reproductive health (Kusmayanti et al., 2024).

The demand to change the minimum age of marriage stems from Indonesia's attachment to a number of international treaties, including the Convention on the Rights of the Child which advocates setting a minimum age of marriage at 18 years old. This change is a crucial effort to align domestic regulations with global norms designed to ensure the protection of the rights of children and women from acts of exploitation and violence (Arthur et al., 2018). In addition, various countries in the world have made adjustments to the marriage age regulations in their respective countries, in line with international movements aimed at strengthening protection for girls (Koski & Heymann, 2018).



Some significant advantages arise when the minimum age of marriage is increased. Research proves that women who marry in adulthood tend to successfully complete their education, build a solid career foundation, and actively participate in community life (Hidayat et al., 2023). In addition, they face a lower risk of medical problems during pregnancy and childbirth, in contrast to the conditions often experienced by women who marry too young (Billah & Qohar, 2021). Thus, this change in regulation provides a dual benefit, namely strengthening the aspect of juridical protection while improving the quality of health and socio-economic conditions of women.

Although this revision of the law has been established, its implementation faces significant obstacles, especially in communities that still strongly hold to the practice of young marriage as a cultural heritage. A number of regions in Indonesia view child marriage as a traditional value that must be maintained. Therefore, the implementation of this latest regulation requires a strategy that understands the local cultural context, by involving the active role of spiritual leaders and traditional figures in counseling programs and providing understanding to residents (Subchi et al., 2021). The successful implementation of this law can only be achieved through a comprehensive approach that includes the active participation of all levels of society.

The religious dimension also contributes significantly to building public support for the regulation change. Although Islamic teachings do not explicitly set a minimum age limit for marriage, a large number of Muslim scholars today suggest that marriage be postponed until the ripe age to ensure the protection of women's rights (Martinelli et al., 2023). Religious law decisions that support this revision are fundamental instruments in strengthening the credibility and acceptance of the new rule of law among religious people.

Advances in digital technology and social media platforms have been an important catalyst in changing the way people view the institution of marriage. Information that is massively disseminated through the internet allows the younger generation to be exposed to modern ideas that emphasize the importance of maturity before entering the marriage stage. This digital platform has also developed into a strategic space for various institutions and activists to voice campaigns to protect the fundamental rights of children and women, especially in issues related to marriage (Wahab & Khisni, 2021).

Indonesia's changes to the minimum age of marriage regulations are part of a similar wave of reforms that are underway in various parts of the world. Several developing countries such as India, Bangladesh, and Egypt have also made similar policy adjustments in an effort to provide better protection for girls from the practice of child marriage (Judiansih, 2018). This phenomenon proves that the transformation of society driven by the advancement of the education sector and the increasing understanding of fundamental human rights has become a universal trend, not only in isolation in one region, but has developed into a concerted effort internationally to improve the quality of life of women and the younger generation.

Therefore, the adjustment of the minimum age of marriage in Indonesia is a reflection of the social shift that has occurred due to the progress of the world of education, increased concern for children's rights, and the encouragement of international norms. However, the effectiveness of these regulatory changes in providing protection to girls from child marriage practices will be largely determined by how they are implemented in the field, which of course

requires solid cooperation between state apparatus, community communities, and religious leaders.

### **Tradition vs Modernity in Child Marriage Practice**

The issue of early marriage in Indonesia has triggered a sharp polarization of opinion in society. This conflict of views occurs between conservative groups that prioritize ancestral values and progressive groups that advocate for the progress of the times and the protection of children's interests. The traditionalist community views the practice of marrying children at a young age as a sacred cultural heritage and has been deeply rooted in the social system of Indonesian society for centuries. On the contrary, reform activists assert that the practice actually hinders the optimal development of children, especially girls, and harms their fundamental rights as human beings (Billah & Qohar, 2021). This controversy has intensified along with the rapid social transformation, especially after the government adjusted the provisions of the minimum age of marriage to be in line with globally applicable norms (Suhaili & Aziz, 2023).

In the view of indigenous peoples, marriage at a young age is often perceived as an answer to the social and financial challenges faced by families. Many community groups consider this practice to be able to protect family dignity, prevent children from unwanted behavior, and ensure household economic stability. This practice of marriage at a young age is seen as a cultural heritage that must be preserved. However, the progress of the times brings a new perspective that raises concerns about the adverse consequences of early marriage, especially related to health aspects and access to education for girls (Kusmayanti et al., 2024).

The modern era has presented a new perspective on the institution of marriage. Activists who fight for the interests of children highlight how the practice of early marriage can deprive girls of access to education, especially for girls. The phenomenon of post-marriage school dropouts is a serious obstacle that prevents children from developing their optimal abilities (Nurfieni, 2023). Existing studies show that women who marry at a young age generally experience limitations in academic achievement, which in turn negatively affects their standard of living later in life (Roberts, n.d.).

From a medical perspective, marriage that occurs at a young age poses a serious threat to the physical condition of girls. Pregnancy experienced in adolescence tends to trigger various health problems that are dangerous, not only for the young mother but also for the fetus she is carrying (Arthur et al., 2018). Data from the World Health Organization (WHO) confirms that women who become pregnant before reaching the age of 18 face a significantly higher probability of complications than those who have a pregnancy at a mature age (Sania et al., 2024). These findings are the main foundation for reform advocates who advocate for increasing the minimum age limit for marriage as an effort to maintain women's reproductive well-being (Hidayat et al., 2023).

The change in the marriage age limit rules stipulated in Law No. 16 of 2019 was born from the insistence of both the global and domestic communities to provide more adequate protection for children. Through setting a minimum age of 19 years for marriage, the Indonesian government seeks to suppress the practice of early marriage which is still rampant in a number of regions (Adawiyah & Pudjirahayu, 2021). This step shows Indonesia's

seriousness in fulfilling its international obligations, especially in implementing the Convention on the Rights of the Child which advocates a minimum age of 18 years for marriage (Subchi et al., 2021).

The implementation of this regulation faces quite complex challenges. Although the laws and regulations have been improved, people in rural areas still view the practice of marriage at a young age as a natural and acceptable tradition. There is even a phenomenon where the family deliberately falsifies information about the age of the child in order to perpetuate the practice of early marriage (Martinelli et al., 2023). This condition proves that legal reform alone has not been able to eradicate the problem of child marriage. It is necessary to transform social values and increase the collective consciousness of the community to achieve real change.

The religious dimension also colored the debate between conservatives who maintained old values and the progressive camp that carried out reforms. A number of religious communities that adhere to traditional beliefs still believe that the practice of young marriage is in line with their spiritual teachings, given the absence of strict age limits in a number of sacred texts (Subchi et al., 2021). However, many scholars and religious leaders today advocate postponing the marriage bond until reaching adulthood, arguing that this approach reflects the values of justice and protection of the best interests of girls (Wahab & Khisni, 2021).

The contemporary era with all its dynamics of social change has presented a new perspective in looking at the phenomenon of early marriage. The current transformation of modern society shows that there is a fundamental conflict between the practice of child marriage and the fundamental principles that every child should have, especially access to education and physical welfare guarantees (Judiansih et al., 2018). Organizations committed to child protection, both operating at the domestic and global levels, consistently carry out their mission to end the tradition of child marriage through legal education strategies and organized social movements (Koski & Heymann, 2018). In the Indonesian context, a number of non-governmental organizations have shown high dedication in efforts to enlighten the public about the detrimental consequences of the practice of early marriage.

However, in the dynamics of this discourse, there is also a view that offers a middle way that the progress of the times does not necessarily have to erode cultural heritage, but the two can synergize in harmony. Some communities have shown adaptability by modifying their traditional marriage rituals, namely by shifting the time of the marriage until individuals reach adequate maturity, while maintaining the essence of deep-rooted cultural values. This kind of accommodative strategy facilitates the occurrence of social evolution in an organic and sustainable manner, thereby minimizing the potential for strong rejection from groups of people who still cling to tradition (Kusmayanti et al., 2024).

To solve this problem, a comprehensive and integrated strategy is needed. Efforts to implement laws and regulations alone are not enough, but must be accompanied by a massive and sustainable community socialization program. Cooperation between government institutions, non-governmental organizations, and religious leaders is the main key in shifting people's views on the practice of early marriage while fostering a deep understanding of the urgency of protecting children's rights (Arthur et al., 2018). Through an integrated strategy

like this, it is hoped that a more meaningful and sustainable social transformation can be achieved.

The conflict between old values and renewal in the phenomenon of young marriage illustrates the complex and layered upheavals of society. Groups that defend ancestral heritage argue that the practice is a community identity that must not be lost, while the changing tide demands protection of children's human rights and the provision of wider opportunities for their future lives.

### **Law Meets Politics: The Complexities of Revising the Marriage Law**

The formation of law in Indonesia is often a crossroads where various interests from the political, economic, and social sectors meet. The amendment to the Marriage Law No. 16 of 2019 which regulates the increase in the marriage age threshold for women also experienced a similar dynamic. Its implementation requires the active involvement of multi-stakeholders, including the executive, legislative, religious institutions, and civil society organizations. The main goal of the amendment is to harmonize national regulations with global parameters regarding the protection of children's rights and women's empowerment (Billah & Qohar, 2021).

In the revision process, raising the minimum age threshold for marriage from 16 years to 19 years is the main focus that reaps controversy. This discourse extends from just considerations of health and education aspects, to penetrating into the realm of human rights protection, especially guarantees for children to experience the optimal growth phase and get adequate access to education (Suhaili & Aziz, 2023). However, in a number of regions of Indonesia, the tradition of early marriage is still seen as a way out to overcome the socio-economic problems of the community, so the rejection of this policy change is relatively high (Thoyib & Bukhori, 2022).

The birth of Law No. 16 of 2019 cannot be separated from the long struggle of advocacy groups concerned about the issue of protecting women and children. The 18+ coalition is one of the main driving forces that consistently fights for the revision of the minimum marriage age limit. Their movement is strengthened by the foundation of scientific research that reveals the various harms caused by the practice of early marriage, especially on the physical and psychological health conditions of girls (Mutakin et al., 2021). This advocacy momentum is further strengthened with the support of international institutions urging Indonesia to align its domestic regulations with the principles of the Convention on the Rights of the Child that the country has adopted, in order to strengthen the protection of the fundamental rights of children (Nurfieni, 2023).

During the course of the formation of the law, there were heated discussions between supporters and opponents of the change. Those who support the revision, including civil society institutions and experts from universities, believe that the practice of early marriage hinders the optimal development of children, especially in the fields of academic and sexual health. On the other hand, traditionalists who mostly come from religious communities, view that early marriage is still acceptable in accordance with the social norms and cultural traditions that prevail in the country (Roberts, n.d.)

Persuasion efforts carried out by supporters of the change focus on the issue of reproductive health and children's educational rights. Research from the World Health Organization shows that pregnancy at a young age carries a great risk to the safety of both mother and baby (Kusmayanti et al., 2024). Meanwhile, traditionalists argue that Islamic teachings do not provide a strict limit on the age of marriage, so there is no need to adopt global norms regarding the age limit for marriage. This view is the basis for the rejection of a number of groups against the change in regulations (Koski & Heymann, 2018).

The greatest complexity of this regulatory reform effort lies in finding a middle ground that can harmonize legal reform with respect for local cultural heritage. A number of regions still see the practice of marriage at a young age as an ancestral heritage that has been firmly rooted and difficult to transform. Although new regulations have been passed, facts show that some people still choose traditional paths under the pretext of preserving their ancestral values (Sania et al., 2024). This phenomenon underscores that legal reform is not solely about changing the articles of the law, but also requires a transformation of the collective perspective of society (Hidayat et al., 2023).

As the discussion took place in the parliament building, the exchange of arguments between supporters and opponents took place with high intensity. A number of representatives believe that this regulatory update will be an effective instrument for the Indonesian nation to reduce the statistics of child marriage which are still worrying in various regions. On the other hand, some legislators consider that this shift in marriage age standards is not in line with the traditional values and spiritual teachings embraced by the majority of the Indonesian population (Billah & Qohar, 2021).

Conservatives postulate that religious teachings do not set a minimum age limit for marriage. They refer to various histories and religious practices that allow the marriage bond to be established at a young age, as long as the necessary conditions have been met. On the other hand, factions that support changing the rules reject this view, arguing that early marriage is often motivated by financial considerations, not because of the child's mental or physical maturity (Subchi et al., 2021).

The momentum for legal reform gained significant traction following the Constitutional Court's determination that disparate minimum marriage ages between genders constituted a violation of equality principles. This judicial decision created urgency among lawmakers to address the legislative gap, despite facing substantial resistance from traditionalist factions (Martinelli et al., 2023). Global advocacy organizations also wielded considerable influence throughout the reform proceedings. Entities like UNICEF and UN Women applied diplomatic pressure on Indonesian authorities to modernize marriage age statutes, citing the detrimental consequences of early marriage on young people's educational opportunities and physical well-being. The eventual passage of Law No. 16 of 2019 marked the conclusion of an extended legislative journey. The primary obstacle throughout this reform effort centered on reassuring citizens that the new legal framework would respect traditional religious beliefs and cultural practices. These concerns were particularly pronounced in remote communities, where longstanding customs continue to shape matrimonial decisions and social norms (Subchi et al., 2021).

Following the passage of this legislation, the crucial question becomes whether it can be effectively put into practice. Legal frameworks by themselves cannot transform entrenched cultural traditions overnight. Success will depend on a united approach involving government agencies, community organizations, and faith-based leaders working together to raise awareness about why delaying marriage until young people reach greater maturity is beneficial (Wahab & Khisni, 2021). This initiative serves a dual purpose: safeguarding young girls while simultaneously ensuring they have opportunities to pursue their education and experience a full childhood (Judiansih et al., 2018).

The updated framework creates a ripple effect that extends beyond its immediate scope, paving the way for reinforced child welfare measures across multiple domains, including educational systems and reproductive healthcare services. This presents a strategic window for governmental authorities to harness the current legislative energy and amplify protective measures and initiatives designed to safeguard young people's wellbeing. Such efforts become particularly crucial in regions where underage marriage continues to persist at concerning levels, offering a chance to address these vulnerable communities through comprehensive policy reform (Nurfieni, 2023).

The passage of Law No. 16 of 2019 reveals the intricate dynamics of Indonesia's legal-political landscape. The contentious discussions among supporting and opposing factions demonstrate the frequent tensions that arise when traditional values, religious beliefs, and progressive reforms intersect within lawmaking procedures. Nevertheless, the eventual approval of these amendments signals Indonesia's commitment to advancing child welfare protections, even as practical enforcement obstacles persist.

### **A Gap in Law Enforcement**

Indonesia's marriage dispensation system has become a contentious issue as critics argue it undermines the protective intent of the 2019 Marriage Law revision. The updated legislation increased the minimum marriage age for females from 16 to 19 years, creating gender parity in marriage age requirements. Yet judicial grants of marriage dispensation are frequently viewed as weakening this legal framework's ability to safeguard minors and curb child marriages. Within this framework, the dispensation mechanism represents a judicial avenue that enables marriages involving minors—the very practice the amended law was designed to prevent. The legal exception process has drawn scrutiny for potentially creating an escape route that contradicts the law's fundamental purpose of child protection and early marriage prevention (Billah & Qohar, 2021).

Religious and governmental authorities have the power to issue special permits that override standard age requirements for marriage. While these permits carry legal weight, their implementation frequently undermines efforts to safeguard at-risk youth. Research findings reveal that such permits are commonly granted due to financial pressures or concerns about preserving family reputation regarding daughters, perpetuating a harmful pattern where young girls become trapped in premature marriages that victimize them (Suhaili & Aziz, 2023).

From a legal standpoint, marriage dispensations find their foundation in Article 7, paragraph (2) of Law Number 16 of 2019, establishing that matrimonial unions may only



proceed when both parties have attained 19 years of age. Nevertheless, the subsequent paragraph (3) provides courts with discretionary authority to approve exemptions under “compelling circumstances.” This legal framework generates important inquiries regarding the definition of such “compelling circumstances” and the manner in which judicial authorities apply this statutory provision in practice. Research indicates that financial hardship, family reputation concerns, and pregnancies occurring before marriage frequently serve as the primary grounds presented when seeking these legal exemptions (Thoyib & Bukhori, 2022).

Looking through the lens of safeguarding young people, the system of granting marriage exemptions overlooks the harmful consequences that premature unions have on a child’s growth, affecting both their physical health and mental well-being. When children marry too early, they face heightened risks of abandoning their education, experiencing violence within their households, and suffering from dangerous complications during pregnancy and delivery that can prove fatal for both mother and baby. Research reveals that young brides typically encounter barriers to educational advancement and career development, creating lasting damage to their quality of life and prospects (Suhaili & Aziz, 2023).

The dispensation process also reveals problematic gaps in how legal standards are applied. Judicial authorities tasked with reviewing these requests often struggle to balance strict adherence to regulations against the circumstances presented by petitioning families. Frequently, these decisions appear to prioritize what families claim they need rather than examining the enduring consequences for the young person who would enter marriage. Within this framework, faith-based courts hold significant influence in shaping the outcomes for girls who seek these legal exceptions (Nurfieni, 2023).

Public awareness about the risks of child marriage remains insufficient, which compounds the problem. Many communities continue to perceive young marriage as a means to preserve family reputation or prevent social shame. Within societies where cultural customs hold significant influence, community expectations frequently drive parents to seek marriage permits while disregarding their children’s fundamental rights. This trend runs counter to international initiatives aimed at eliminating child marriages, which are outlined in the Sustainable Development Goals framework (Roberts, n.d). Financial considerations also play a significant role in decisions regarding marriage dispensations. Economically struggling households often regard having unmarried children as a financial strain that can be alleviated through early marriage. While some families believe that marrying their children young will reduce household expenses, this practice typically traps the young person in an ongoing cycle of economic hardship and limited opportunities (Kusmayanti et al., 2024).

Religious courts possess the legal power to authorize marriage dispensations, yet a significant gap exists in monitoring these decisions. The oversight mechanisms currently in place lack the rigor needed to ensure that approved dispensations comply with established legal standards. Research indicates that judicial review of the justifications provided in dispensation requests frequently falls short of a thorough examination (Arthur et al., 2018).

This dispensation system has sparked considerable controversy within the legal community. One camp advocates for either eliminating the dispensation process entirely or implementing much stricter criteria, arguing this would better serve the objectives underlying

marriage age legislation. The opposing perspective maintains that certain exceptional circumstances still warrant the availability of dispensations, particularly in urgent situations like cases involving pregnancy before marriage (Sania et al., 2024).

To tackle this problem effectively, multiple corrective actions must be implemented. Initially, oversight of exemption requests requires significant strengthening. The judiciary should receive explicit criteria defining which circumstances qualify as “compelling justifications” for approving such exceptions. Additionally, comprehensive community awareness campaigns are essential to highlight the risks associated with child marriage and emphasize the fundamental right of young people to mature and flourish without premature adult responsibilities (Hidayat et al., 2023).

To effectively combat child marriage, comprehensive legal reforms must emerge through collaborative efforts between governmental institutions and civil society organizations. Authorities need to adopt a more assertive stance in executing protective measures for young girls, particularly through enhanced educational opportunities and financial support programs targeting economically disadvantaged households that frequently seek marriage exemptions (Adawiyah Pudjirahayu, 2021). Through careful examination and reinforcement of marriage dispensation procedures, Indonesia can guarantee that child protection legislation achieves meaningful implementation. Such measures will not only enhance the well-being and prospects of young girls but will also generate substantial long-term benefits for the nation’s broader social fabric and economic prosperity (Subchi et al., 2021).

## CONCLUSION

The enactment of Law Number 16 of 2019, which standardized the minimum marriage age at 19 years for both genders (previously 16 for women and 19 for men), represents significant progress in safeguarding minors and advancing gender parity. Nevertheless, the law’s effectiveness remains compromised by procedural gaps within Religious Courts’ dispensation processes, allowing underage marriages to persist despite legal prohibitions.

The study reveals that evolving social consciousness, particularly regarding human rights and child welfare, has driven the gradual elevation of marriage age requirements over time. Religious doctrine continues to wield considerable influence over public attitudes toward marriage age regulations. Consequently, successful implementation demands a comprehensive strategy that harmonizes religious teachings with child protection imperatives and contemporary social developments.

The research underscores the critical need for coordinated efforts among legislative bodies, judicial authorities, faith leaders, and civil society to establish laws that respect religious sensibilities while prioritizing child welfare. Key recommendations include strengthening judicial oversight of marriage exemption procedures, expanding comprehensive legal literacy programs, and launching public awareness initiatives highlighting the detrimental consequences of early marriage on children’s development and well-being.

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