



# THE PHENOMENON OF EARLY MARRIAGE IN TANJUNG AGUNG DISTRICT, MUARA ENIM REGENCY (ISLAMIC LEGAL ANALYSIS AND SOLUTIONS)

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## Abstrak

Early marriage in Tanjung Agung District, Muara Enim Regency, is a crucial social issue characterized by a dualism of norms between positive law in Law No. 16 of 2019 and permissive socio-religious norms. This study aims to analyze the phenomenon of early marriage in depth, identify its causal factors, and examine the role of the Religious Affairs Office (KUA) in addressing it from the perspective of Islamic Family Law. Using qualitative methods with a descriptive juridical approach, data were collected through in-depth interviews with various key informants including KUA officers, religious leaders, community leaders, parents, and young couples and was further supported by observation and documentation studies. The results indicate that state law is ineffective in the face of dominant social norms. This practice is driven by a complex combination of economic factors, education, and moral justifications to prevent promiscuity, yet consistently produces greater negative impacts (harm). It was also found that the community's understanding of marriage readiness remains narrow, focusing on physical aspects while neglecting mental and economic maturity. As a result, marriage dispensations have shifted from being a child protection instrument to a reactive solution to social problems. The Religious Affairs Office (KUA) has

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played a vital role as an educational agent, but its effectiveness is hampered by strong traditions and significant gaps in ongoing post-marital support. This research confirms that effective interventions require a holistic approach that addresses economic aspects, reconstructs religious understanding, and strengthens post-marital support systems.

**Keywords:** Dispensation, Islamic Family Law, KUA, Early Marriage.

## A. Introduction

Underage marriage is a social issue that still occurs in Indonesia, especially in rural areas and traditional communities.<sup>1</sup> Although the government has set a minimum age for marriage through Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, the practice of underage marriage remains widespread. The law raises the minimum age for marriage to 19 for both men and women to ensure physical and mental readiness to build a household.<sup>2</sup>

Early marriage in Indonesia faces serious challenges, especially the physical and mental unpreparedness of young couples who are vulnerable to conflict and divorce.<sup>3</sup> Early marriage poses risks to the health of mothers and babies, increases school dropout rates among girls, and increases vulnerability to violence and divorce due to emotional unpreparedness.<sup>4</sup> In Indonesia, early marriage remains common,

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<sup>1</sup> Elisabeth Putri Lahitani Tampubolon, "Permasalahan perkawinan dini di Indonesia," *Jurnal Indonesia Sosial Sains* 2, no. 05 (2021): 738–46.

<sup>2</sup> Brigita Simanjorang, "Kajian Hukum Perkawinan Anak Dibawah Umur Menurut Undang Undang Nomor 16 Tahun 2019 Tentang Perubahan Atas Undang-Undang Nomor 1 Tahun 1974. Tentang Perkawinan," *Lex Crimen* 11, no. 6 (2022), <https://ejournal.unsrat.ac.id/index.php/lexcrimen/article/view/44458>.

<sup>3</sup> Uly Risda Wafi dkk., "Pendampingan Masyarakat dalam Upaya Preventive Terhadap Dampak Pernikahan Dini Di Desa Segobang," *Ngarsa: Journal of Dedication Based on Local Wisdom* 3, no. 2 (2023): 191–200.

<sup>4</sup> Amran Husen dkk., "Internalisasi nilai-nilai kearifan lokal (Satu tungku tiga batu) di Sekolah dalam mencegah pernikahan anak di Kota Ternate," *Poros Ekonomi* 11, no. 2 (2021), <http://ejournal.unkhair.ac.id/index.php/porosekonomi/article/download/3678/2373>.

particularly in areas with low socioeconomic status, such as Tanjung Agung District in Muara Enim Regency. In this region, early marriage is driven by a culture that considers it normal, social pressure, and pressing family economic circumstances. Lack of public awareness of the negative impacts of early marriage also contributes to the high rate of underage marriage in this area. This situation requires further study so that appropriate steps can be taken to mitigate the negative impacts of this practice.<sup>5</sup>

Overall, the issue of early marriage requires serious attention and comprehensive action. Physical and mental unpreparedness, school dropout, economic vulnerability, cultural pressures, and a lack of education about the impacts of early marriage are complex issues that require collaboration from various parties to create sustainable and effective solutions.

From a legal perspective, the Indonesian government has set a minimum age for marriage through Law No. 16 of 2019 to protect children from the risk of early marriage. In positive law in Indonesia, underage marriage is contrary to the Marriage Law and is considered a form of violation of children's rights. In accordance with Article 7 paragraph (1) of the Marriage Law, the minimum age for marriage is 19 years.<sup>6</sup> However, Article 7 paragraph (2) provides room for marriage dispensation, namely special permission from a religious court or district court if there are urgent reasons or special compelling circumstances. This dispensation, although intended to protect children's rights, in practice is often misused, thus exacerbating the problem of underage marriage.<sup>7</sup>

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<sup>5</sup> Faturohman Faturohman dkk., "Dampak Pernikahan Dini Terhadap Anak Dibawah Umur Dan Probematika Hukumnya," *Politika Progresif: Jurnal Hukum, Politik dan Humaniora* 1, no. 1 (2024): 26–40.

<sup>6</sup> Supri Yadin Hasibuan, "Pembaharuan hukum perkawinan tentang batas minimal usia pernikahan dan konsekuensinya," *Teraju: Jurnal Syariah dan Hukum* 1, no. 02 (2019): 79–87.

<sup>7</sup> Ahmad Muqaffi dkk., "Menilik Problematika Dispensasi Nikah Dalam Upaya Pencegahan Pernikahan Anak Pasca Revisi UU Perkawinan," *Journal of Islamic*

Furthermore, Indonesia has ratified several international conventions, such as the Convention on the Rights of the Child (CRC) and the Sustainable Development Goals (SDGs), one of which aims to eliminate early marriage. Therefore, the Indonesian government is obligated to take effective measures to reduce the number of early marriages and provide maximum protection for children.<sup>8</sup>

From an Islamic legal perspective, early marriage is also a contentious issue. In Islam, there is no specific age limit for marriage, but marriage must be based on consent, readiness, and mutual benefit.<sup>9</sup> The Qur'an and Hadith emphasize the importance of physical and mental readiness for marriage, so that the marriage can run harmoniously and bring benefits to both parties.<sup>10</sup> Islamic jurisprudence recognizes that guardians have the authority to marry off their children, but in the context of underage marriage, scholars also emphasize the importance of considering the welfare and best interests of the child (maslahah mursalah).<sup>11</sup>

The practice of early marriage which results in harm, such as domestic violence or divorce, is contrary to the principles of maqashid al-shari'ah, namely protecting religion, soul, mind,

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and Law Studies 5, no. 2 (2021), <http://103.180.95.17/index.php/jils/article/view/5914>.

<sup>8</sup> Yeni Herliana Yoshida dkk., "Upaya Indonesia Dalam Mengatasi Pernikahan Anak Sebagai Implementasi Sustainable Development Goals (SDGS) Tujuan 5 (5.3)," *Aliansi: Jurnal Politik, Keamanan Dan Hubungan Internasional* 1, no. 3 (2022): 153–66.

<sup>9</sup> M. Risa dan Muhammad Arif, "Implementasi Batas Usia Minimal Pernikahan Sesuai UU Nomor 16 Tahun 2019 Perspektif Hukum Islam di Wilayah Kerja Kementerian Agama Kabupaten Barru," *Iqra: Jurnal Ilmu Kependidikan dan Keislaman* 19, no. 2 (2024): 170–76.

<sup>10</sup> Yelia Ahya Robby dan Ela Siti Fauziah, "Pernikahan Usia Dini dan Dampak Perceraian di Pedesaan," *Istinbath/ Jurnal Penelitian Hukum Islam* 16, no. 1 (2019): 115–34.

<sup>11</sup> Nina Agus Hariati, "Disparitas Batas Usia Perkawinan Dalam Peraturan Perundang-Undangan Di Indonesia Dan Hukum Islam Perspektif Teori Mashlahah At Thufi," *Jurih: Jurnal Ilmu Hukum* 2, no. 2 (2024): 157–84.

descendants and property.<sup>12</sup> Thus, Islam actually does not recommend early marriage if there is no readiness and benefit for both the bride and groom.<sup>13</sup>

The Office of Religious Affairs (KUA) plays a strategic role in preventing underage marriage. In addition to registering marriages, the KUA serves as a counseling and advocacy institution. In this effort, the KUA conducts outreach on the risks of early marriage and the importance of mental, physical, and economic preparedness. The KUA also collaborates with schools and community leaders to emphasize the importance of education and provides direct guidance to young prospective brides and grooms. Furthermore, the KUA oversees the enforcement of marriage age regulations to ensure that marriages comply with the law and procedures.<sup>14</sup>

Research on underage marriage remains relevant because this phenomenon remains widespread despite regulations establishing a minimum age. Social pressure, poverty, and strong cultural norms in some regions make this practice difficult to curb. Furthermore, the granting of dispensations by Religious Courts creates loopholes that allow early marriage to continue. Therefore, this research is expected to identify challenges and opportunities to strengthen the role of the Office of Religious Affairs (KUA) in education and prevention efforts for early marriage in Tanjung Agung District, in accordance with the perspective of Islamic Family Law.

Underage marriage is defined as a marriage involving one or both partners under the age of 19, violating the minimum age

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<sup>12</sup> Dwi Sri Handayani, *Maqashid Syari'ah Dalam Ranah Publik: Household Problems: Solusi Dalam Pemecahan Masalah Rumah Tangga Melalui Ruang Publik* (Syiah Kuala University Press, 2023).

<sup>13</sup> Muhammad Nurfatoni dan Nur Kholis, "Upaya Pemerintah Desa Dalam Mencegah Pernikahan di Bawah Umur Perspektif Hukum Islam," *Legitima: Jurnal Hukum Keluarga Islam* 3, no. 1 (2020): 37–58.

<sup>14</sup> Kartika Septiani Amiri dan Rahmat Paputungan, "Upaya Kantor Urusan Agama dalam Mencegah Perkawinan Dini di Kecamatan Lolak, Bolaang Mongondow," *Al-Mujtahid: Journal of Islamic Family Law* 3, no. 2 (2023): 141–51.

limit set out in the Marriage Law. This practice often occurs for economic, cultural, or social stigma reasons, despite its devastating impact on young couples.<sup>15</sup>

The Office of Religious Affairs (KUA) is a government agency responsible for registering marriages and providing religious guidance to the Muslim community. In addition to its role as a marriage registrar, the KUA also plays a role in providing education, guidance, and advocacy to the community regarding the importance of a mature and compliant marriage.<sup>16</sup>

A marriage dispensation is a special permit granted by the court to legalize a marriage below the minimum age, for specific reasons such as emergency or family pressure. However, this dispensation is often abused, hindering more effective efforts to prevent early marriage.<sup>17</sup>

Maqasid al-Shari'ah is the primary objective of Islamic law, encompassing the protection of religion, life, intellect, offspring, and property. In the context of marriage, maqasid al-Shari'ah emphasizes the importance of readiness and the well-being of the couple. Early marriage, which has negative consequences, contradicts this principle, as it harms both individuals and society.<sup>18</sup>

Although Law No. 16 of 2019 sets the minimum age for marriage at 19, underage marriage remains widespread in Indonesia. A significant challenge in implementing this

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<sup>15</sup> Vicky Widiadhana dan Muh Jufri Achmad, "Urgensi Pernikahan Anak Dibawah Umur Ditinjau Dari Perspektif Undang-Undang Perkawinan," *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance* 3, no. 2 (2023): 1072–94.

<sup>16</sup> Widiyawati Widiyawati dkk., "Revitalisasi Bimbingan Perkawinan Bagi Calon Pengantin Di Kantor Urusan Agama Kecamatan Suli," *Al-Mada: Jurnal Agama, Sosial, dan Budaya* 7, no. 3 (2024): 751–64.

<sup>17</sup> Arif Hidayat dkk., "Dispensasi Kawin dengan Alasan Sangat Mendesak di Mojokerto: Analisis Yuridis atas Perma No. 5 Tahun 2019," *Jurisprudensi: Jurnal Ilmu Syariah, Perundang-Undangan dan Ekonomi Islam* 16, no. 2 (2024): 483–98.

<sup>18</sup> Ahmad Ropei, "Maqashid Syari'ah dalam Pengaturan Batas Usia Pernikahan di Indonesia," *Asy-Syari'ah* 23, no. 1 (2021): 1–20.

regulation is evident in the numerous marriage dispensations requested and granted by religious courts for social or economic reasons. This demonstrates a divergence between the regulation's stated goal of protecting children and the reality on the ground.<sup>19</sup>

Statistics Indonesia (BPS) data shows that child marriage rates in several regions remain high despite regulations aimed at reducing them. Social and economic factors, such as poverty, patriarchal culture, and limited access to education, continue to support this practice. This demonstrates that legal implementation requires comprehensive intervention from various stakeholders, including the Office of Religious Affairs (KUA).<sup>20</sup>

From an Islamic legal perspective, there are two competing views. On the one hand, the maqasid al-shari'ah emphasizes the importance of public benefit, so early marriage, which brings harm, is considered inconsistent with the objectives of sharia. On the other hand, some communities and religious leaders still accept child marriage to maintain family honor and prevent adultery. This competition reflects the tension between progressive religious interpretations and strong traditional practices in society.<sup>21</sup>

The phenomenon of underage marriage in Tanjung Agung District demonstrates the gap between regulations and social practice. Despite the established minimum age, dispensations are still frequently granted for social or economic reasons, reflecting the strength of traditional norms and the ineffectiveness of regulations. The Religious Affairs Office (KUA)

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<sup>19</sup> Nanda Sukma Melati, "Perkawinan Usia Muda Di Indonesia Dalam Perspektif Negara Dan Agama Serta Permasalahannya," *Nomos: Jurnal Penelitian Ilmu Hukum* 1, no. 3 (2021): 106–14.

<sup>20</sup> Melati, "Perkawinan Usia Muda Di Indonesia Dalam Perspektif Negara Dan Agama Serta Permasalahannya."

<sup>21</sup> Muh Hafidh Ubaidillah dkk., "Keluarga Maslahah dalam Platform NU Online perspektif Maqasid al-Shari'ah," *Ma'mal: Jurnal Laboratorium Syariah dan Hukum* 5, no. 2 (2024): 150–66.

plays a crucial role in bridging regulations, sharia law, and social practices to reduce early marriage.

Indicators of underage marriage include the number of couples under 19 and the high number of marriage dispensations. Young couples' mental and physical readiness is often low, reflected in a lack of education, economic skills, and understanding of reproductive health, which increases the risk of conflict and divorce. The KUA is expected to play an active role in changing public perceptions through collaboration with religious courts, community leaders, and educational institutions to ensure regulations and sharia law are more aligned with community needs.

Several previous studies relevant to underage marriage have yielded mixed findings. Research by Meiandayati et al. found that cultural and economic factors influence families' decisions to marry off their children at a young age.<sup>22</sup> Research by Mutakin revealed that marriage dispensations are often misused because they are not accompanied by strict evaluation by religious courts.<sup>23</sup> Meanwhile, Taufikurrahman et al., emphasized that the lack of reproductive health education is one of the main causes of early marriage.<sup>24</sup> Research by Ipetu et al., shows that intervention from the KUA through counseling has not been fully effective due to limited resources and community support.<sup>25</sup> Finally, Wardani et al., identified the need for synergy

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<sup>22</sup> Rini Meiandayati dkk., "Kejadian Pernikahan Usia Dini Berdasarkan Karakteristik Dan Sosial Budaya Di Desa Cipacing Kecamatan Jatinangor Kabupaten Sumedang Tahun 2014," *Jurnal Sistem Kesehatan* 1, no. 2 (2018): 76–83.

<sup>23</sup> Ali Mutakin, "Kontroversi Wali Mujbir dalam Kasus Pernikahan Dini di Indonesia," *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 2, no. 4 (2024): 1740–54.

<sup>24</sup> Taufikurrahman Taufikurrahman dkk., "Sosialisasi pernikahan usia dini dan edukasi kesehatan reproduksi remaja sebagai upaya pencegahan stunting di Desa Pabean, Kabupaten Probolinggo," *Scientia: Jurnal Hasil Penelitian* 8, no. 1 (2023): 73–88.

<sup>25</sup> Ainun S. Ipetu dkk., "Peran Kepala Desa Dalam Pencegahan Pernikahan Usia Dini Di Desa Botungobungo Kecamatan Kwandang Kabupaten Gorontalo Utara," *Jurnal Ilmu Sosial, Humaniora dan Seni* 1, no. 4 (2023): 894–904.

between educational institutions, families, and the government in preventing early marriage.<sup>26</sup>

Conditions in Tanjung Agung District indicate that early marriage is driven by low education, economic pressures, and a culture that considers it normal. A lack of understanding of the health and mental health impacts, obstacles to law enforcement, and a lack of youth empowerment programs exacerbate this phenomenon. This study aims to understand this phenomenon in depth and offer solutions from an Islamic legal perspective.

Based on initial observations, early marriage in Tanjung Agung District has shown a significant increase, particularly among girls. In 2022, two men and five women were recorded as underage marriages. This number jumped to five men and 17 women in 2023, and to two men and 15 women in 2024. This data indicates the need for serious attention to the factors driving early marriage in this region, particularly through education and enforcement of marriage dispensation regulations to protect children's futures.

The phenomenon of early marriage in Tanjung Agung District is not explicitly prohibited by the authorities, but rather limited through advisory advice. The public is encouraged to apply for a marriage dispensation through the Religious Court for prospective brides and grooms who have not reached the legal age stipulated in Law Number 16 of 2019. This regulation aims to ensure that early marriages are officially registered and meet legal requirements, thereby ensuring the rights and legal protection of both parties. However, the reality on the ground shows that many early marriages are still conducted "underhand" or without adequate legal processes. This results in these marriages being unregistered and lacking clear legal

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<sup>26</sup> Ayu Wardani dkk., "Komunikasi interpersonal orang tua terhadap anak dalam mencegah pernikahan dini di Dusun III Sindar Padang," *SIBATIK JURNAL: Jurnal Ilmiah Bidang Sosial, Ekonomi, Budaya, Teknologi, Dan Pendidikan* 2, no. 4 (2023): 1227–38.

protection, which can impact the rights of the couple and their children in the future.

To apply for a marriage dispensation through the Religious Court, several administrative requirements must be met by the applicant. The first requirement is a certificate from the village head verifying the prospective bride and groom's residency status and socio-economic conditions. This letter serves as a basis for considering that the early marriage is being conducted due to an urgent situation or for specific reasons. Furthermore, Form N7 is required from the Office of Religious Affairs (KUA), which is a crucial document in the marriage process and ensures that the procedure complies with applicable regulations.

In addition, couples applying for a dispensation must submit their parents' marriage certificate as proof that the prospective bride and groom's parents are legally married and registered with the Office of Religious Affairs (KUA). Photocopies of the Family Card (KK) and National Identity Card (KTP) are also essential requirements, ensuring the clarity of the prospective bride and groom's identities in civil administration records. If the prospective bride is pregnant, a pregnancy certificate from a midwife or community health center is also required, as supporting evidence of the situation requiring the marriage dispensation.

If the prospective bride and groom are still students, a certificate from the school principal is required as formal proof of their educational status. This letter also demonstrates that the school is aware of the planned early marriage and can provide support or advice regarding the potential impacts on the prospective bride and groom's education.

Existing procedures are expected to regulate and monitor the practice of early marriage in Tanjung Agung District, ensuring that it is carried out in accordance with legal provisions. However, significant challenges remain. Local cultural norms that tend to accept early marriage and a lack of understanding of its negative impacts, coupled with limited oversight from

relevant agencies, contribute to the persistence of clandestine marriages. This shows the need for a more comprehensive approach, from an educational, social and legal perspective, to reduce the number of early marriages and protect the rights of children and adolescents in the region.

Based on this background, the researcher was interested in conducting this research. This research was motivated by the increasing phenomenon of early marriage in Tanjung Agung District, which indicates the existence of strong social, economic, and cultural factors driving this practice. From the perspective of Islamic Family Law, this research is important because early marriage not only impacts individuals and families but also has implications for the fulfillment of children's rights and welfare as seen in sharia law.

As a discipline that studies family law in accordance with Islamic principles, Islamic Family Law plays a role in understanding, regulating, and offering solutions to marital practices, including early marriage. In the Islamic context, marriage requires physical and mental maturity, as stipulated by the maqasid sharia, which emphasizes the preservation of the soul, offspring, and the welfare of the community. Therefore, the practice of early marriage needs to be examined in terms of its benefits and potential harms. Islamic Family Law can provide a holistic perspective that addresses not only formal legal aspects but also prioritizes child welfare in accordance with the objectives of sharia.

With this research, researchers hope to identify factors influencing the high rate of early marriage in Tanjung Agung District and examine how Islamic Family Law can provide effective solutions. Furthermore, the role of the Religious Affairs Office (KUA) in efforts to reduce early marriage is analyzed. The resulting recommendations can serve as guidance for relevant parties in addressing this phenomenon comprehensively and in accordance with the principles of Islamic Family Law.

This research focuses on three main aspects in understanding early marriage in Tanjung Agung District from an Islamic Family Law perspective. First, this study aims to describe the phenomenon of early marriage in Tanjung Agung District, including how this practice occurs in society and its relevance from the perspective of Islamic Family Law. Second, this study identifies factors contributing to early marriage in this area and how these are viewed within the context of Islamic Family Law. Third, this study highlights the role of the Religious Affairs Office (KUA) in educating the community about early marriage, as well as the role of the Religious Court in handling it in accordance with the principles of Islamic Family Law.

This research uses a descriptive qualitative method. This method aims to describe phenomena or conditions in detail and factually according to the situation in the field in narrative form.<sup>27</sup> The approach used was a legal descriptive approach. This descriptive approach was chosen to describe in detail the phenomenon of early marriage in Tanjung Agung District, the factors influencing it, and how the practice occurs. The legal approach was used to analyze this phenomenon from a legal perspective, including laws, fatwas, Islamic legal doctrine, and regulations applicable in Indonesia.

Data were obtained directly through in-depth interviews with five groups of informants: Religious Affairs Office (KUA) officers, religious leaders, community leaders, parents, and young couples who married underage. Data were sourced from relevant documents and literature, such as laws and regulations (Law No. 16 of 2019), the Compilation of Islamic Law (KHI), documents from the KUA and Religious Courts regarding marriage dispensation data, as well as books, scientific journals, and related articles.

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<sup>27</sup> John W. Creswell, *Penelitian Kualitatif Dan Desain Riset Edisi 3* (Pustaka Pelajar, 2015), 137.

The data were analyzed using qualitative methods with a legal descriptive approach. The data analysis process consisted of three stages: Data Reduction: The process of selecting, simplifying, and transforming raw data obtained from the field. Data Presentation: Arranging organized data, usually in narrative text, to facilitate drawing conclusions. Conclusion Drawing and Verification: Drawing conclusions from the presented data while continuously verifying them to ensure validity throughout the research.<sup>28</sup>

## B. Discussion

### 1. The Phenomenon of Early Marriage in Tanjung Agung District Reviewed from the Perspective of Islamic Family Law

#### a. Dualism of Marriage Norms: Between State Law and Social Reality

Penelitian ini menemukan adanya fenomena pluralisme hukum yang kuat di Kecamatan Tanjung Agung, di mana hukum negara tentang batas usia pernikahan "kalah" oleh norma sosial yang dianggap lebih legitim.

In legal sociology, this condition is explained through the concept of legal pluralism, which states that in one society, several legal systems can apply simultaneously (state law, religious law, customary law). The effectiveness of state law is highly dependent on its social acceptance. From the perspective of Islamic law, the concept of 'urf (custom) is also recognized as a legal consideration, as long as it does not conflict with the higher principles of sharia, namely Maqashid al-Shariah, which aims to realize the benefit (maslahah).<sup>29</sup>

So far, existing studies have focused more on factors and impacts, but have not explicitly framed this phenomenon within the theory of legal pluralism. Therefore, this analysis provides a new perspective.

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<sup>28</sup> Creswell, *Penelitian Kualitatif Dan Desain Riset* Edisi 3, 137.

<sup>29</sup> Holan Riadi, "Sistem Hukum Keluarga Islam di Indonesia," *Minhaj: Jurnal Ilmu Syariah* 2, no. 1 (2021): 77–90.

The descriptive findings of this study indicate that the practice of marriage at the age of 16-18 clearly contradicts the legal aspects of positive law, namely Law No. 16 of 2019.<sup>30</sup>

This is a clear manifestation of legal pluralism, where society adheres more to social norms ('urf) that base maturity on puberty and family approval. This 'urf has stronger social legitimacy than state law. However, when this 'urf is analyzed from an Islamic juridical perspective using Maqasid al-Shariah, its legitimacy becomes problematic. As will be discussed in the next topic, this 'urf that permits early marriage has been proven to cause more harm (mafsadah) than benefit. Therefore, although this custom has long been in place, it contradicts the noble goals of sharia and should no longer be maintained.

### **b. The Complexity of Driving Factors: A Socio-Economic and Moral Analysis**

Descriptively, this study identifies that early marriage is driven by a combination of structural factors (economic and educational) and agency factors (social and moral-religious).

Theoretically, early marriage is often a symptom of structural problems such as poverty and low access to education.<sup>31</sup>

From the perspective of Islamic Law, the reason for "avoiding adultery" can be analyzed through the concept of sadd al-dzari'ah (closing the path to evil).<sup>32</sup>

These findings confirm previous research. Meiandayati et al. found cultural and economic factors to be the primary

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<sup>30</sup> Aulil Amri dan Muhadi Khalidi, "Efektivitas Undang-Undang Nomor 16 Tahun 2019 Terhadap Pernikahan Di Bawah Umur," *Jurnal Justisia: Jurnal Ilmu Hukum, Perundang-Undangan Dan Pranata Sosial* 6, no. 1 (2021): 85–101.

<sup>31</sup> Sri Rahmawati, "Batas Usia Minimal Pernikahan (Studi Komparatif Hukum Islam dan Hukum Positif)," *Syaksia: Jurnal Hukum Perdata Islam* 21, no. 1 (2020): 85–110.

<sup>32</sup> Aristoni Aristoni, "Kebijakan hukum perubahan batasan minimal umur pernikahan perspektif hukum Islam," *Jurnal USM Law Review* 4, no. 1 (2021): 393–413.

drivers. Furthermore, Saputera and Abdillah's study also highlighted the strength of the "avoiding adultery" argument within society.<sup>33</sup>

This study's finding that economic and cultural factors are the primary drivers aligns with and reinforces the findings of Meiandayati et al.'s study. Similarly, the justification for "avoiding adultery" in Tanjung Agung District strongly resonates with Saputera and Abdillah's findings in Gorontalo, suggesting that this is a common mindset across Indonesia.<sup>34</sup>

However, a deeper Islamic-juridical analysis reveals a problem in the application of the principle of *sadd al-dzari'ah*. To close off one potential *mafsadah* (adultery), society instead opens the door to a series of other *mafsadah* that are more real and proven to occur, such as poverty and divorce. This contradicts the higher principle of Islamic jurisprudence, namely that "repelling harm must take precedence over seeking benefit" (*dar'ul mafasid muqaddamun 'ala jalbil mashalih*). Excessive focus on one aspect (maintaining honor) has neglected the broader impact of harm.

### c. Chain of Negative Consequences as a Form of Harm

Descriptively, the most consistent finding of this study is the range of negative impacts experienced by couples who marry early, ranging from economic conflict to divorce.

These impacts can be analyzed from an Islamic juridical perspective as forms of harm that contradict the five core objectives of the *Maqasid al-Shariah*: protection of religion, life (*hifz al-nafs*), intellect (*hifz al-aql*), offspring (*hifz al-nasl*), and property (*hifz al-mal*).<sup>35</sup>

<sup>33</sup> Abdur Rahman Adi Saputera dan Nadiva Abdillah, "Analisis Implikasi Nikah Muda Perspektif Hukum Islam di Kecamatan Kota Selatan Gorontalo," *Qadauna: Jurnal Ilmiah Mahasiswa Hukum Keluarga Islam* 2, no. 2 (2021): 314–31.

<sup>34</sup> Saputera dan Abdillah, "Analisis Implikasi Nikah Muda Perspektif Hukum Islam di Kecamatan Kota Selatan Gorontalo."

<sup>35</sup> Ropei, "Maqashid Syari'ah dalam Pengaturan Batas Usia Pernikahan di Indonesia."

This finding reinforces the conclusions of Anggi Angraini et al.'s research, which stated that early marriage brings more harm. Furthermore, Samsudin Buamona and Sunardi Tomia also found a strong correlation between underage marriage and marital conflict and the risk of divorce.<sup>36</sup>

The findings of this study provide strong empirical evidence to support the conclusions of the studies by Anggi Angraini et al. and Buamona & Tomia. The series of negative impacts identified in Tanjung Agung District can be directly mapped to the Maqasid al-Shariah framework: 1) Violation of Hifz al-Mal (Protection of Property): Economic hardship and conflict over money directly contradict the Islamic goal of maintaining economic well-being. 2) Violation of Hifz al-Aql (Protection of Intellect): Dropping out of school is a clear violation of the principle of protecting and developing intellectual potential. 3) Violation of Hifz al-Nasl (Protection of Offspring): The high risk of divorce and marital conflict undermines the primary purpose of marriage, which is to establish a stable family as a vehicle for raising quality offspring.

This analysis demonstrates that the practice of early marriage in Tanjung Agung District, regardless of its intentions, systematically fails to fulfill the noble goals of Islamic law. This provides a strong Islamic-juridical basis for stating that the practice is problematic and needs to be addressed in a solution that is more in line with the principle of public welfare.

#### **d. Analysis and Solution**

An in-depth analysis of the phenomenon of early marriage in Tanjung Agung District shows that this practice is a complex problem rooted in three main layers: (1) the

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<sup>36</sup> Sunardi Tomia, "Analisis Dampak Pernikahan Dibawah Umur di Desa Falabisahaya Perspektif Hukum Islam," *Al-Mizan: Jurnal Kajian Hukum dan Ekonomi*, 2024, 59–71.

existence of a dualism of norms between state law and permissive *urf* (customary law); (2) a combination of structural driving factors (economic, educational) legitimized by partial moral-religious justification; and (3) negative chain consequences that clearly contradict the noble objectives of sharia (*Maqashid al-Shariah*). Based on this analysis, the solutions offered must be holistic and address every layer of the problem. First, to bridge the dualism of norms, a persuasive educational approach is needed that does not only rely on the socialization of positive law, but also reconstructs the religious understanding of society. Religious leaders and the KUA (Religious Affairs Office) need to mainstream the discourse of *Maqashid al-Shariah* to demonstrate that the *urf* of early marriage is counterproductive to the family welfare that Islam aspires to. Second, to address the structural roots of the problem, interventions must go beyond the realm of advice by providing concrete economic empowerment programs for adolescents, such as skills training, as well as educational incentives to reduce the dropout rate.

Third, to address moral concerns about promiscuity, it is necessary to develop constructive alternatives to *sadd al-dzari'ah*, for example by creating positive and guided spaces for adolescent interaction within mosques or communities, so that parents do not view early marriage as the only solution. Thus, a combination of substantive re-education on Islamic values, empowering socio-economic interventions, and the creation of positive social activities is a strategic solution to address the phenomenon of early marriage sustainably.

## **2. Factors Causing Early Marriage in the Perspective of Islamic Family Law**

### **a. Readiness for Marriage: The Dominance of Physical Readiness Over Holistic Maturity**

Analysis of research data reveals that one of the root causes of the persistence of early marriage is a narrow and

often reductive public understanding of the concept of "readiness for marriage." In society, readiness is often measured through outward markers such as physical maturity (baligh) and the fulfillment of social requirements (having the blessing of a prospective partner), while crucial dimensions such as psychological maturity, emotional intelligence, and economic independence are often overlooked.

The concept of *kafa'ah* in Islamic Family Law refers not only to equality of belief but also encompasses the equivalence of maturity, social status, and economic capacity to build a stable household.<sup>37</sup>

Furthermore, the *Maqashid al-Shariah* perspective emphasizes that every action, including marriage, must be oriented towards achieving public welfare (maslahah). Holistic readiness (physical, mental, spiritual, and economic) is an absolute prerequisite for achieving this maslahah.<sup>38</sup>

Although not directly addressing the concept of preparedness, research by Buamona and Tomia, which found that a lack of mental and financial preparedness was a major trigger for conflict, indirectly criticized the narrow definition of preparedness adopted by the community.<sup>39</sup>

The societal understanding that focuses on physical readiness represents a partial interpretation of the concept of *kafa'ah*. This contrasts with the views of religious leaders who emphasize the importance of balanced mental, economic, and religious readiness, a view more in line with the holistic spirit of *kafa'ah* and maslahah. The testimony of a young couple who stated, "I felt I wasn't mentally ready, but because I had a

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<sup>37</sup> Holan Riadi, "Sistem Hukum Keluarga Islam di Indonesia," *Minhaj: Jurnal Ilmu Syariah* 2, no. 1 (2021): 77–90.

<sup>38</sup> Dwi Sri Handayani, *Maqashid Syari'ah Dalam Ranah Publik: Household Problems: Solusi Dalam Pemecahan Masalah Rumah Tangga Melalui Ruang Publik* (Syiah Kuala University Press, 2023).

<sup>39</sup> Tomia, "Analisis Dampak Pernikahan Dibawah Umur di Desa Falabisahaya Perspektif Hukum Islam."

partner and my family agreed, I ended up getting married," provides tragic empirical evidence of the impact of neglecting mental readiness. This statement directly links a narrow definition of readiness to the potential for marital failure, as identified in Buamona and Tomia's study.

**b. Perceptions of Religious Figures: The Dilemma Between Preventing Harm and Avoiding Adultery**

Another interesting finding is the ambivalent position held by religious leaders regarding early marriage. On the one hand, they advocate idealistic views aligned with the spirit of the Marriage Law and the Maqasid al-Shariah (Islamic principles), namely the importance of maturity in preventing harm in marriage. However, on the other hand, they also tend to be tolerant and view early marriage as a justifiable concession to avoid what is considered a greater harm, namely adultery (zina).

This dilemma can be analyzed through the tension between two principles of usul fiqh (Islamic jurisprudence): *sadd al-dzari'ah* (closing the path to evil) and *dar'ul mafasid muqaddamun 'ala jalbil mashalih* (preventing harm takes precedence over achieving benefit).

This position is not unique. Saputera and Abdillah's research also found that the justification of "avoiding zina" is a very strong argument and is commonly used in other communities in Indonesia.

The position of religious figures in Tanjung Agung District reflects a broader pattern as found by Saputera and Abdilla.<sup>40</sup> The statement "it is best avoided if it is not yet mature, but if there is a strong reason such as maintaining honor, it is permitted" is a clear articulation of this dilemma.

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<sup>40</sup> Saputera dan Abdillah, "Analisis Implikasi Nikah Muda Perspektif Hukum Islam di Kecamatan Kota Selatan Gorontalo."

The application of the principle of *sadd al-dzari'ah* to prevent adultery here is partial, because it fails to fully consider the principle of *dar'ul mafasid*. By only focusing on one potential mafasadah (adultery), they indirectly allow a series of other real and proven mafasadah to occur (poverty, divorce, dropping out of school). This represents a challenge for religious leaders to carry out *ijtihad* that is more contextual and oriented towards long-term impacts.

**c. Marriage Dispensation: A Reactive Solution with Long-Term Risks**

Marriage dispensation, as a legal mechanism, in practice in Tanjung Agung District does not function as a child protection instrument, but rather as a reactive legal solution to existing social problems. The community views it as an "emergency stopgap" to legalize forced marriages, primarily to cover up the social stigma of out-of-wedlock pregnancies. However, this short-term solution, acknowledged by almost all informants, including the young couples themselves, carries the risk of greater long-term problems.

Philosophically, a dispensation in law is an exception that can only be granted to achieve greater good or prevent further harm. In Islamic law, this aligns with the concept of *rukhsah*. However, if this exception is routinely used, it will undermine the very purpose of the fundamental rule.<sup>41</sup>

The finding that dispensation is often requested due to pregnancy and economic factors in Tanjung Agung District is very consistent with the results of research by Faida Hilyasani et al., in Bantul, which shows that this is a national trend.<sup>42</sup>

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<sup>41</sup> Ismail Keri, "Legislasi Hukum Keluarga Islam Berdasarkan Kompilasi Hukum Islam," *Ekspos: Jurnal Penelitian Hukum dan Pendidikan* 16, no. 2 (2019): 361–75.

<sup>42</sup> Faida Hilyasani dkk., "Dispensasi Nikah: Analisis Kontemporer Dimensi Pernikahan Dini menurut Berbagai Aktor di Kabupaten Bantul DI Yogyakarta," *Al-Manhaj: Jurnal Hukum dan Pranata Sosial Islam* 4, no. 2 (2022): 139–52.

The practice of using dispensations in Tanjung Agung District, as confirmed by the findings of Faida Hilyasani et al., indicates a shift in the function of dispensations from an instrument of child protection to an instrument of social legitimacy. The decision to grant marriage permission is often based more on efforts to "avoid shame," a short-term social consideration, than on a thorough analysis of the child's readiness and long-term well-being. Thus, rukhsah, which should be a difficult exception, has instead become a "loophole" in the law that undermines the protective spirit of Law No. 16 of 2019. The confession of a young couple that dispensations "help, but sometimes become a burden because they are not ready" perfectly encapsulates this paradox.

#### **d. Analysis and Solution**

An analysis of the causal factors of early marriage in Tanjung Agung District shows three mutually reinforcing layers of problems: (1) a narrow public understanding of the concept of readiness for marriage (*kafa'ah*) which focuses only on the physical aspect; (2) ambivalent religious guidance from local figures, caught in a dilemma between preventing adultery and preventing greater harm; and (3) a shift in the function of marriage dispensation from an instrument of legal protection to a reactive solution to social problems. Based on these root problems, the solutions offered must be educational, structural, and procedural. Educationally, a massive campaign is needed from the KUA (Religious Affairs Office) and religious figures to reconstruct the meaning of "readiness for marriage" so that it is in line with the holistic concept of *kafa'ah*, encompassing mental and economic maturity. Structurally, religious figures need to be equipped with an understanding of *fiqh al-aulawiyat* (priority jurisprudence) so that they are able to provide more consistent guidance oriented towards preventing long-term negative impacts. Procedurally, the process of granting

dispensations in Religious Courts must be tightened, involving in-depth psychological and social assessments to ensure that decisions are truly based on the child's best interests, not on covering up the family's social shame. The integration of these three solutions is expected to more substantively address the factors causing early marriage.

### **3. The Role of the Office of Religious Affairs (KUA) in Addressing Early Marriage in Accordance with the Principles of Islamic Family Law**

#### **a. The Role of KUA Education: Preventive Efforts Amid Strong Traditions**

This research identifies that the Tanjung Agung District Office of Religious Affairs (KUA) consciously positions itself as an agent of social change through a proactive educational role. Rather than merely serving as an administrative institution for marriage registration, the KUA carries out preventive functions by holding counseling, seminars, and premarital counseling.

This role aligns with the mandate outlined in the Ministry of Religious Affairs policy, which mandates the KUA to provide "guidance and education to ensure every couple is ready for married life." This educational function is a direct implementation of government policies to reduce the number of early marriages and ensure the readiness of prospective brides and grooms.<sup>43</sup>

The KUA's efforts in preventing early marriage have also been the focus of several previous studies, such as those

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<sup>43</sup> Moh Taufik Hidayat and A. Fauzi Aziz, "Implementasi Bimbingan Remaja Usia Sekolah (Brus) Dalam Upaya Mencegah Pernikahan Usia Dini: Studi Kasus Kemenag Kabupaten Jombang Tahun 2021-2023," *Al-Furqan: Jurnal Agama, Sosial, Dan Budaya* 3, no. 4 (2024): 2143–55.

conducted by Febriyani and Mesra<sup>44</sup> and Sanjaya et al,<sup>45</sup> in other regions, which also highlights the challenges the KUA faces in addressing local customs.

The Tanjung Agung KUA's efforts through "counseling, seminars, and premarital education on the dangers of early marriage" represent a concrete implementation of its theoretical mandate. However, the finding that the community's response was divided, with some accepting it, while others continued to adhere to old customs, suggests a clash between formal state intervention and entrenched social norms ('urf). This reaffirms the theme of legal pluralism discussed previously. The challenges faced by the Tanjung Agung KUA reflect findings from studies by Febriyani & Mesra and Sanjaya et al., which indicate that the KUA's educational role often encounters strong cultural resistance. This demonstrates that educational strategies alone are insufficient without interventions that can fundamentally change the socio-economic conditions and worldviews of the community.

### **b. The Role of the KUA in Dispensation and Mentoring: Between Formal Procedures and Guidance Gaps**

In responding to underage marriage applications, the Office of Religious Affairs (KUA) plays a dual role. On the one hand, it acts as a gatekeeper for strict legal procedures. On the other hand, it is also expected to function as a mentoring and guidance institution.

Legally, the KUA is required to only process early marriages after a dispensation decision from the Religious

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<sup>44</sup> Rosifa Febriyani and Romi Mesra, "Upaya KUA Kecamatan Samarang Dalam Menekan Angka Pernikahan Dini Di Kabupaten Garut," *ETIC (Education And Social Science Journal)* 1, no. 5 (2024): 365–78.

<sup>45</sup> Jaka Sanjaya dkk., "Peran Kua Dalam Pencegahan Pernikahan Di Bawah Umur Pasca Berlakunya Uu Nomor 16 Tahun 2019," *Usroh: Jurnal Hukum Keluarga Islam* 6, no. 2 (2022): 101–23.

Court, a mechanism to ensure thorough legal consideration.<sup>46</sup> In addition, the function of family development (family coaching), which includes premarital counseling, aims to ensure the realization of maslahah in marriage.<sup>47</sup>

Studies on the effectiveness of premarital counseling services, such as those by Juniingsih and Syamsu, highlight the importance of the quality and sustainability of the guidance process in minimizing divorce.<sup>48</sup>

The Tanjung Agung Office of Religious Affairs' (KUA) compliance, which states, "We only process cases if there is a court decision," demonstrates their success in fulfilling their role as formal legal administrators. Their premarital counseling program also aligns with their mandated guidance function. However, this study's findings reveal a crucial gap: the lack of post-marital support. The young couple's admission that "there is rarely any support after marriage" serves as a sharp critique of the implementation of the guidance function. This gap is particularly ironic, as the early years of marriage are the most vulnerable and require the most support. Failure to provide ongoing support risks undermining the goal of granting dispensation, which is to "serve the child's best interests," and perpetuates the cycle of problems previously identified.

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<sup>46</sup> Purwati Setianingsih dkk., "Analisis Kepuasan Masyarakat terhadap Pelayanan Pencatatan Pernikahan melalui Sistem Informasi Manajemen Nikah (SIMKAH)," *YUME: Journal of Management* 7, no. 1 (2024): 561–73.

<sup>47</sup> Heti Juningsih and Khairunnisa Syamsu, "Analisis Pelaksanaan Layanan Konseling Pranikah Dalam Meminimalisir Perceraian di Kantor Urusan Agama Kambu Kota Kendari," *Orien: Cakrawala Ilmiah Mahasiswa* 1, no. 2 (2021): 95–104.

<sup>48</sup> Heti Juningsih and Khairunnisa Syamsu, "Analisis Pelaksanaan Layanan Konseling Pranikah Dalam Meminimalisir Perceraian di Kantor Urusan Agama Kambu Kota Kendari," *Orien: Cakrawala Ilmiah Mahasiswa* 1, no. 2 (2021): 95–104.

### c. KUA Collaborative Strategy: Cross-Sector Synergy as a Comprehensive Effort

Recognizing the complexity of the issue of early marriage, the Tanjung Agung District Office of Religious Affairs (KUA) does not operate in isolation. This research found a consciously developed collaborative strategy involving various stakeholders to create a more holistic response.

This multi-stakeholder approach is theoretically the most ideal strategy. The existing policy framework emphasizes the need for "collaboration between the government, schools, families, and communities," with synergy between the KUA, the Education Office, the Social Service Office, and the Religious Courts.<sup>49</sup>

The study by Sari, Falikhah and Gusriani specifically examines the strategies of KUA in other regions in reducing the number of child marriages through strategic partnerships to achieve the Sustainable Development Goals.<sup>50</sup>

The Tanjung Agung Office of Religious Affairs' (KUA) initiative of "collaborating with health and social services, schools, PUSPAGA, and community/religious leaders" embodies the ideal model mandated in the policy framework. This strategy, implemented through "joint outreach, coaching, seminars, and case referrals," demonstrates the KUA's understanding that the root causes of early marriage are spread across various sectors (health, education, and social) and require integrated intervention. This approach is similar to the strategy identified in the research of Sari, Falikhah, and Gusriani. However, the observation that this collaboration

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<sup>49</sup> Rosifa Febriyani and Romi Mesra, "Upaya KUA Kecamatan Samarang Dalam Menekan Angka Pernikahan Dini Di Kabupaten Garut," *ETIC (Education And Social Science Journal)* 1, no. 5 (2024): 365–78.

<sup>50</sup> Devi Fitriani Sari dkk., "Strategi Kantor Urusan Agama Anjir Pasar Menekan Angka Perkawinan Anak dalam Mencapai SDGs 5: Strategy of The Anjir Pasar Office of Religious Affairs to Reduce Child Marriage Rates Towards SDGs 5," *Jurnal Bimas Islam* 17, no. 1 (2024): 50–74.

"needs optimization" indicates that although the collaborative network has been established, the effectiveness and intensity of inter-agency coordination still need to be improved to have a more significant impact at the grassroots level.

#### **d. Analysis and Solution**

An analysis of the role of the Tanjung Agung District Office of Religious Affairs (KUA) reveals an institution at a crossroads: on the one hand, the KUA has been proactive in carrying out its educational and procedural functions, but on the other hand, its effectiveness is limited by cultural resistance and crucial gaps in the post-marital assistance system. Although collaborative strategies have been initiated, these efforts still require optimization to be more impactful. Therefore, the proposed solution focuses on three pillars for strengthening the KUA's role: deepening educational materials, institutionalizing assistance, and formalizing collaboration.

First, the educational role must be sharpened from mere socialization to contextual advocacy. The KUA, in collaboration with local religious leaders, needs to develop guidance materials that specifically address the justification for "avoiding zina" using the Maqasid al-Shariah perspective, so that the message delivered is more persuasive. Second, to close the guidance gap, a structured and mandatory post-marital assistance program for couples granted dispensation needs to be initiated, encompassing economic, psychological, and parenting guidance. Third, existing collaborative strategies need to be formalized through the establishment of a sub-district-level Early Marriage Prevention Task Force to ensure program synergy and a clear case referral system. By strengthening these three pillars, the role of the Office of Religious Affairs (KUA) can transform from merely implementing policies to becoming a driving force for substantive social change.

### **C. Conclusion**

The phenomenon of early marriage in Tanjung Agung District represents a normative dualism, where the state's positive law regarding the minimum age of 19 has proven ineffective in addressing social norms that legitimize marriage between the ages of 16 and 18 based on physical readiness (*baligh*). This practice is driven by a complex interaction between structural factors, such as economic precarity and low educational levels, and the socio-moral justification of avoiding adultery. This practice consistently produces negative consequences (*mudarat*) in the form of economic conflict, divorce, and the interruption of education, which fundamentally contradicts the noble purpose of marriage in Islam (*Maqasid al-Shariah*).

The root of this problem lies in society's reductive understanding of the concept of readiness for marriage (*kafa'ah*), which focuses solely on physical aspects while ignoring psychological and economic maturity. This is further complicated by the ambivalent position of religious leaders and the shift in the function of marriage dispensation from a protective instrument to a reactive mechanism for legitimizing social problems, ultimately creating legal loopholes.

Institutionally, the Office of Religious Affairs (KUA) has played a proactive role as an educational agent, but its effectiveness is limited by deeply rooted social norms. While the KUA has successfully enforced formal legal procedures, significant gaps remain in post-marital support, the most critical phase for vulnerable couples.

The implication of these findings is that interventions to address early marriage must be holistic and integrated, addressing economic aspects, changing norms through religious discourse, and strengthening post-marital support systems. Therefore, it is recommended to tighten the assessment process for dispensation applications by involving a team of experts (child psychologists)

and implement a mandatory intensive support program for couples marrying through dispensation. Furthermore, it is recommended to establish a formal task force at the sub-district level to optimize existing collaborative strategies.

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