

A Comprehensive Review of Early Marriage in Indonesia

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ABSTRACT

Early marriage is a common social phenomenon in Indonesia that has significant impacts on individuals, families and communities. In addition, early marriage can hinder the physical, emotional and psychological development of adolescents as well as education and the economy. To overcome the problem of early marriage, it is important to understand the factors that influence it. Therefore, this study aims to analyze the factors that influence the occurrence of early marriage and efforts to reduce it. The research method used is normative juridical, namely with statutory documents and literature studies related to the research. The results show that there are several factors that influence the occurrence of early marriage. These factors include family factors, economic factors, cultural factors, educational factors and so on. These factors are interrelated and influence individual decisions in deciding to marry at a relatively young age. Therefore, it is necessary to make several efforts to reduce early marriage, such as increasing legal awareness, strengthening education, and developing policies that focus on the protection of children and adolescents.

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I. INTRODUCTION

Humans are social creatures who need a life partner in their development process to form a happy family or household in a marriage bond. In the Qur'an itself it has been explained that humans were created to be in pairs between men and women. Therefore, it is necessary to have an official and legal bond according to religion and the state, namely the bond of marriage. Marriage is a legal relationship in the form of a legal relationship between a man and a woman who have fulfilled the conditions of marriage for a long period of time.¹

Based on Undang-Undang Nomor 1 Tahun 1974, Marriage is a physical and mental bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family or household based on God Almighty. Meanwhile, based on Pasal 2 of the Kompilasi Hukum Islam, marriage according to Islamic law is a very strong contract to obey Allah's commands and carrying it out is an act of worship. The purpose of marriage is to realize a household life that is *sakinah, mawaddah, and rahmah*.

Regarding the other objectives of marriage, namely first, to realize a happy and prosperous family life based on love. Second, to fulfill biological needs legally, healthily, safely, comfortably, and responsibly. Third, to protect lust. Fourth, for the survival of mankind and maintaining the dignity and purity of its lineage. Therefore, it can be concluded that marriage is not only to fulfill sexual needs but also as an effort to create a good family. For this reason, emotional and biological maturity between husband and wife is an important aspect of marriage.²

¹ Siti Musdalifah, "Tinjauan Yuridis Terhadap Perkawinan Di Bawah Umur Berdasarkan UU NO 16 Tahun 2019 Perubahan Atas UU NO 1 Tahun 1974 Tentang Perkawinan Di Kecamatan Dayun Kabupaten Siak" (Universitas Islam Riau Pekanbaru, 2022).

² Lina Dina Maudina, "Dampak Pernikahan Dini Bagi Perempuan," *Jurnal Harkat : Media Komunikasi Gender* 15, no. 2 (2019): 89–95.

In today's society, there are many problems with marriage law, one of which is teenagers who enter into early marriage. Early marriage is a marriage between a man and a woman whose age, one or both, is still less than the age that has been determined to enter into marriage. This has been regulated in the updated Law. However, efforts to mature the age of marriage have not yet borne fruit. The provision of marriage dispensation for underage couples who wish to enter into early marriage is considered an opportunity to do so.

This problem is considered to be a serious problem because it raises various controversies in society, both in the form of pros and cons of early marriage. Early marriage is also an event that is considered very natural by some people, especially in Indonesia. In fact, this event not only in Indonesia but also internationally often occurs for a number of reasons and views. In some countries early marriage is considered an alternative to solving the problem of family poverty. Poor families are considered to be helped if their daughters get married and can help reduce the family's economic burden.

Based on data from the Religious Courts Agency in 2020, cases of early marriage have increased dramatically. According to Komnas Perempuan, this case increased because many families experienced economic problems when Covid 19 emerged. However, in 2022 yesterday there was a decrease of around 17.54% compared to the previous year. However, this early marriage is still classified as very much and efforts must be made immediately so that the case of early marriage is lower than in previous years.³

In the research presented by Yosmar Wungow and friends, early marriages by teenagers are not only due to economic factors but also due to arranged marriages or customs. Early marriage is widely recognized as a cultural practice that is the cause and effect of human rights violations, such as damaging the right to autonomy, to live freely and to get an education.⁴ Other reasons such as the close relationships of teenagers leading to premarital pregnancies and the onslaught of media that can influence teenagers about sexuality contents.⁵

In addition, many early marriages occur also because many people do not understand the importance of the age of majority to enter into marriage. In fact, early marriage is very vulnerable to problems because the level of emotional control is not yet stable. According to previous research written by Shafa and Nunung, in doing marriage, there should be several readiness that must exist, including emotional readiness, social readiness, role readiness, financial readiness, spiritual readiness, sexual readiness and age maturity.⁶

If marriage readiness is in place and ready, a quality household that is able to carry out its responsibilities and obligations can be realized. Where in a marriage there will certainly be various problems that require maturity in handling them. If marriage readiness does not exist on the part of the husband and wife, it is usually in this condition that many couples are unable to solve their problems and can even cause various other problems.

There are also many other risks of early marriage, such as in terms of health, psychological aspects, economic aspects, and others. Because of this problem that often occurs in Indonesia, the government must make several efforts to reduce the number of early marriages. Efforts to prevent early marriage are not only announced but are carried out by the parties and the community also plays an active role in preventing early marriage so that the reduction in early marriage rates can be realized.

Based on the above background, the author is interested in conducting further research on the factors that influence the occurrence of early marriage and efforts to prevent it in the form of a scientific article entitled "A Comprehensive Review of Early Marriage in Indonesia".

II. RESEARCH PROBLEMS

1. What are the factors that influence early marriage?
2. How are prevention efforts against early marriage based on Undang-Undang Nomor 16 Tahun 2019 on the amendment of Undang-Undang Nomor 1 Tahun 1974?

III. RESEARCH METHODS

The research method used in the preparation of this research is normative juridical research method. This method is a method that uses secondary data by examining library materials derived from laws and regulations, books, journals, and other literature related to the research. The purpose of this research is to find out the factors that influence the occurrence of early marriage and to find out efforts to prevent early marriage based on Undang-Undang Nomor 16 Tahun 2019 on the amendment to Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan.

³ Ridhwan Mustajab, "Dispensasi Pernikahan Anak Mencapai 50.673 Kasus Pada 2022," DataIndonesia.id, 2023,

⁴ Yosmar Wungow, Josepus J. Pinori, and Nixon Wulur, "Kajian Hukum Terhadap Perkawinan Di Bawah Umur Tinjauan Dari UU No. 16 Tahun 2019," *Lex Administratum* 10, no. 2 (2022),

⁵ Y Satriyandari and F S Utami, *Buku Ajar Kesehatan Reproduksi Nikah Dini??? Mau Atau Malu??* (Yogyakarta: Unisa, 2018),

⁶ Shafa Yuandina Sekarayu and Nunung Nurwati, "Dampak Pernikahan Usia Dini Terhadap Kesehatan Reproduksi," *Jurnal Pengabdian Dan Penelitian Kepada Masyarakat (JPPM)* 2, no. 1 (2021): 37–45,

IV. RESULT AND DISCUSSION

1. Factors that Influence Early Marriage

Pasal 7 ayat (1) Undang-Undang Nomor 16 Tahun 2019 on the amendment of Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan has explained that a person who wants to get married must be at least 19 years old, both on the part of the prospective groom and the prospective bride. According to WHO, early marriage is a marriage performed by an adolescent couple under the age of 18. Meanwhile, the ideal age of marriage according to BKKBN is 21 years old for women and 25 years old for men. These ages are considered the best period for marriage, because they are considered mature and can think maturely.⁷

The age limit for marriage is based on considerations of family and household benefits. According to Yahya Harahap, the inclusion of the age limit for marriage in the Marriage Law is a breakthrough in customary law and habits in Indonesian society. This is in line with the principle stated by the Marriage Law, that the prospective husband and wife must be mature between their souls and bodies, so that they can realize the purpose of marriage properly without ending in divorce and get good and healthy offspring. For this reason, if there are prospective husbands and wives who are still underage, it must be prevented.⁸

If a person is underage and still wants to get married, it is necessary to apply for marriage dispensation submitted to the Religious Court and approved for several reasons. Marriage dispensation is an effort made by couples who want to get married but one or both of them are under the age of marriage. In addition to obtaining permission from the Religious Court, marriage dispensation must also obtain permission from both parents of the marriage dispensation applicant. This means that with the marriage dispensation, the prospective bride and groom will get relief to be able to get married. Basically, judges in handling marriage dispensation cases must pay attention to the facts and evidence submitted. There are several criteria that can be granted by the judge in deciding a marriage dispensation case, as follows:

- a. The application letter is clearly written by the applicant's parents;
- b. There is a clear letter or statement regarding the refusal of marriage from the Kantor Urusan Agama;
- c. There are several factors that influence the applicant's marriage, such as urgent matters due to awareness or circumstances;
- d. There is witness testimony that corroborates the need for marriage dispensation.⁹

Matters regarding marriage dispensation are called early marriage. Early marriage is a marriage entered into by one or both of the bride and groom who are underage and not yet mature enough physically and psychologically. Early marriage is still very much practiced by Indonesian citizens not only in rural areas but also in urban areas. This happens because there are several factors that influence it. According to the theory of behavior change proposed by Lawrence Green, early marriage occurs due to changes in behavior due to changes in social structure, including three factors, namely¹⁰:

- a. Predisposing or reinforcing factors consisting of knowledge, attitudes, culture and norms

The knowledge factor according to Notoatmodjo is very important in shaping a person's actions. The more sources of information that are obtained, the more knowledge a person has which affects their actions as well. This factor is also related to educational factors, where some adolescents do not continue their education to a higher level. Therefore, public knowledge about the impact of early marriage is still lacking.

Attitude is a chain of one's perceptions, a teenager's perception of early marriage will affect the attitude he will take. A person's perception of a stimulus obtained from learning experience or the environment can lead to the emergence of an intention to act. This means that with an attitude that supports someone against early marriage, it is possible that someone will also do early marriage.

The culture or tradition of early marriage has long existed in Indonesia, which is a legacy from the ancestors. As a Muslim community, it is certainly a culture that teenage children who are old enough to eat are the obligation of parents to marry. This is done with the intention of keeping their children away from promiscuity. However, in ancient times there was no age limit for marriage, but only children who had reached puberty could get married. There is also a culture that urges its daughters to get married immediately so as not to become old maids and the assumption that by refusing a proposal it will be difficult to find a partner in the future. For this reason, many teenagers enter into early marriages.

- b. Supporting factors consisting of economic, educational, promiscuity and environmental factors.

Economic factors are also a cause of early marriage. The low economic level causes many parents to think that marrying off their children will reduce the burden on the family. There are also teenage children who do not continue their education so that they end up unemployed or unemployed preferring to marry at a young age. In

⁷ Ema Hermita, *Cerdik (Cegah Pernikahan Dini Anak)* (Banjarmasin: E-Book Milenial, 2021),

⁸ Dr. Nur Fadhillah, M.H., *Pernikahan Usia Anak Dan Implikasinya Terhadap Ketahanan Keluarga*, (Tulungagung: Akademia Pustaka, 2020).

⁹ Aunur Rahim Faqih Umar Haris Sanjaya, *Hukum Perkawinan Islam Di Indonesia*, (Yogyakarta: Gama Media Yogyakarta, 2017),

¹⁰ Meitria Syahadatina Noor et al., "Klinik Dana' Sebagai Upaya Pencegahan Pernikahan Dini" (Yogyakarta: Cv Mine, 2018), 96-104.

addition, it can also be caused by the debt of the parents and asking for it to be repaid by marrying off their children.¹¹

Education is a very important factor to learn something that can affect the mindset. In a person's life, reacting to problems and making decisions is strongly influenced by one's level of education. A low level of education or knowledge in adolescent children can cause a tendency to enter into early marriage because of the low logic of thinking.¹²

Promiscuity is a deviant behavior committed by teenagers by violating existing norms. The urge of curiosity experienced by teenagers causes many teenagers to fall into promiscuity. For example, teenagers who become pregnant outside of marriage because they have a relationship that crosses the boundaries of the norm, forcing those who do to enter into early marriage to clarify the child they are carrying.¹³

Societal factors that influence early marriage in Indonesia tend to occur because marriage is defined as a social obligation rather than a manifestation of individual free will. This is also closely related to arranged marriages made by parents. It is also related to society's view that marriage is a form of media that can elevate a person's social status to become an adult and gain social status in society.

c. Push factors, namely family factors

The role of parents greatly influences the occurrence of early marriage in their children. Many parents lack knowledge, so they order their children to get married without seeing the risks they will experience. In addition, it is also due to an arranged marriage that has been arranged either before the child is born or when he meets a family he considers good so that he makes an arranged marriage between his children. Family factors are closely related to other factors such as economic factors, religious factors and cultural factors.

Early marriage, which often occurs, should be prevented so that the increasing number of early marriages can be reduced. Moreover, the impact of this early marriage leads more to the negative impact than the positive impact. The impacts of early marriage include:

a. Health

Early marriage performed by teenagers has a bad influence on various things. One of them is because the immaturity of the reproductive organs and also the physical maturity of an adolescent girl will affect the risk if the teenager carries her child. The possibility that occurs is a child's disability, the mother dies during childbirth or other risks that are very large when entering into an early marriage. Another thing that can happen is that when teenagers are pregnant, they are more prone to anemia. In addition, early marriage also has an impact on sexual relations between men and women that are carried out before the age of maturity.¹⁴

b. Economy

If early marriage is carried out by teenagers from families with low economic status, the household will also be like that. This happens because many teenagers who enter into early marriage are still dependent on their parents and many are still not independent and still live with their parents. Therefore, early marriage is not the right solution because it will only increase the poverty rate.¹⁵

c. Psychological

In general, marriages carried out by teenagers who are not old enough cannot accept and are not mentally prepared to face various problems that will later exist in their marriage. With this, it will cause regret for leaving their adolescence to enter into early marriage. Moreover, marriage caused by pregnancy outside of marriage will have a major impact on women's psychology. According to Dariyo in his book, early marriage can have an impact on anxiety, stress, and depression.¹⁶

d. Social

From the social side, early marriage will have an impact on divorce and infidelity. This can occur because of the unstable emotional changes in these adolescents, making it easy for conflicts to occur between the two brides and grooms who enter into marriage. In addition, domestic violence can

¹¹ Ilham Adriyusa, "Pernikahan Dini (Studi Kasus di Kecamatan Gajah Putih Kabupaten Bener Meriah)" (Universitas Islam Negeri Ar-Raniry, 2020).

¹² Elisabeth Putri Lahitani Tampubolon, "Permasalahan Perkawinan Dini Di Indonesia," *Jurnal Indonesia Sosial Sains* 2, no. 5 (2021): 738–745,

¹³ Maulidya Ayu Lestari, "Pernikahan Dini Dan Implikasinya Terhadap Keharmonisan Rumah Tangga (Studi Kasus Di Kelurahan Kertosari Kec. Banyuwangi Kab. Banyuwangi)" (Institut Agama Islam Negeri Jember, 2021).

¹⁴ *Ibid*, hal 37-45

¹⁵ Rima Hardianti and Nunung Nurwati, "Faktor Penyebab Terjadinya Pernikahan Dini Pada Perempuan," *Focus : Jurnal Pekerjaan Sosial* 3, no. 2 (2020): 111–120,

¹⁶ Elprida Riyanny Syalis and Nunung Nurwati Nurwati, "Analisis Dampak Pernikahan Dini Terhadap Psikologis Remaja," *Focus : Jurnal Pekerjaan Sosial* 3, no. 1 (2020): 29,

also be experienced by adolescent girls due to limitations and immaturity to settle down in a household.¹⁷

2. Efforts to Prevent Early Marriage Based on Undang-Undang Nomor 16 Tahun 2019 on Amendments to Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan

The many problems of early marriage in Indonesia are appropriate for the Indonesian government to make efforts to prevent early marriage. Efforts to prevent early marriage in Indonesia are homework that must be completed. With the collaboration of all parties, it will be effective in making efforts to prevent early marriage. The parties that are key in reducing the number of early marriages need to be optimized.

This of course aims to realize child protection and ensure the fulfillment of children's rights; realize the participation of government, society, parents, children, and interested parties in preventing early marriage; improve the welfare and quality of life of mothers and children; prevent acts of violence against children including child trafficking; prevent acts of domestic violence; prevent school dropouts by requiring 12 years of study; reduce poverty, and reduce maternal and infant mortality rates.¹⁸

In making efforts to prevent early marriage, it must also be in accordance with the existing principles, namely:

- a. Non-discrimination;
- b. The best interests of the child;
- c. The right to life, survival, development and respect for the child's opinion;
- d. Participation;
- e. Child empowerment¹⁹

The government has issued several policies, including changing the minimum age of marriage for women, conducting national campaigns, and making the issue of early marriage a priority in the medium-term development plan. In addition, the government has also directed several institutions to develop intervention programs such as community-based integrated child protection, child-friendly cities, and counseling related to children's mental and reproductive health education. The Government of Indonesia's commitment to reduce the number of early marriages was realized with the passing of Law No. 16/2019 which changed the minimum age of marriage to 19 years old for men and women.²⁰

To support the effectiveness of a legal regulation that has been carried out by the government, it must also be accompanied by several breakthroughs as supporting factors, such as²¹ :

a. Education Level

The level of education can be an important factor in the creativity of a legal regulation, where parents and teenagers have a high enough education will certainly be wiser in understanding a law. The education system in Indonesia should also be addressed where the current education system in Indonesia is still burdensome for students who have a bad influence so that the desire and enthusiasm of students goes down. Ministries and institutions, especially the Ministry of Education and Culture, have developed child-friendly schools with a curriculum on reproductive health.

b. Socialization

Socialization efforts can be a very important medium for the government to be able to convey the purpose of the law. With the socialization of changes in the minimum age limit for marriage to the community, more people will know about it. Socialization to the family is also very important, because early marriage must get permission from parents. Parents should have the firmness to say no to early marriage.

c. Public Awareness

With public awareness of the minimum age of marriage and knowledge of the impact of early marriage, it can reduce the number of early marriages that occur in Indonesia. Increasing knowledge of this community can be done by approaching families, traditional leaders, or community leaders. In addition, it can be done by providing input to the government regarding policies to prevent early marriage, reporting to the authorities in the event of forced early marriage, playing an active role in socialization activities or by forming a joint agreement with the local government to make efforts to prevent early marriage.

¹⁷ Jessica Tiara Mai, "Tinjauan Yuridis Terhadap Perkawinan Anak Di Bawah Umur Di Lihat Dari Sudut Pandang Undang-Undang Nomor 1 Tahun 1974," *Lex Crimen* VIII, no. 4 (2019): 114–121,

¹⁸ Vivi Mariani, "Pencegahan Pernikahan Dini," Dinas Pemberdayaan Perempuan dan Perlindungan Anak, 2020,

¹⁹ Ahmad Muqaffi, Rusdiyah Rusdiyah, and Diana Rahmi, "Menilik Problematika Dispensasi Nikah Dalam Upaya Pencegahan Pernikahan Anak Pasca Revisi UU Perkawinan," *Journal of Islamic and Law Studies* 5, no. 3 (2021): 361–377,

²⁰ Fachria Octaviani and Nunung Nurwati, "Dampak Pernikahan Usia Dini Terhadap Perceraian Di Indonesia," *Jurnal Ilmu Kesejahteraan Sosial Humanitas* 2, no. 2 (2020): 35–52.

²¹ Livia Annisa Chintyauti, Muhamad Jodi Setianto, and Komang Febrinayanti Dantes, "Peran Pengadilan Agama Singaraja Terhadap Pemberian Dispensasi Perkawinan Anak Dibawah Umur Setelah Berlakunya Undang-Undang Nomor 16 Tahun 2019 Tentang Perubahan Atas Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan," *Jurnal Komunikasi Yustisia* 5, no. 3 (2022): 31–46,

Efforts to prevent early marriage to run effectively must be carried out jointly by the government, parents or guardians, children, and society. For the government itself, it has been explained that it has provided several efforts in the form of policies. Parents or guardians must have an obligation to prevent early marriage, namely by supporting children to carry out education, knowing the impact of early marriage, providing character education, and providing guidance and supervision and protection of children so that they do not enter into early marriage.

In addition to the role of the government and parents, children also have the right to participate in efforts to prevent early marriage for themselves or their peers. This can be done by developing their interests and talents and obtaining education or knowledge about early marriage. To inform peers, you can disseminate information about early marriage on its impact or others and form groups to conduct socialization. Meanwhile, the community in making efforts to prevent early marriage as described earlier.²²

However, the changes to the law and some of the breakthroughs made are still considered ineffective. This happened because of the following :

a. Legal Factors

Pasal 7 Undang-Undang Nomor 16 Tahun 2019 already regulates the legal conditions of marriage and also regulates the application for marriage dispensation to the Religious Court, in line with what is regulated in the KHI regarding the procedure for marriage dispensation. However, the law has shortcomings because it does not regulate the reasons that can be submitted to apply for marriage dispensation when entering into marriage. This results in judges having to interpret for themselves what can be used as a reason for marriage dispensation.

b. Law Enforcement Factors

One of the law enforcers who have the duty to implement these laws and regulations is the KUA employee institution. With the socialization carried out by KUA employees, it can reduce the occurrence of early marriage, but in reality this is not running optimally due to the lack of instructors. In addition, many law enforcers are still inclined towards the culture in their area regarding marriage.

c. Facilities Factors

Facilities are a supporting tool to assist law enforcers in carrying out their duties. However, in fact, many facilities are still lacking, especially in rural areas. This means that the facilities and infrastructure factor is still inadequate and still has many shortcomings.

d. Society Factors

The community is the main subject of the existing regulatory changes. This is because regulatory changes are made solely to protect children's rights. Therefore, public awareness is needed to comply with these regulations. However, in fact, many people do not have awareness due to several factors such as promiscuity, lack of education, and poverty.

e. Cultural Factors

According to Soerjono Soekanto, culture is a value stratum, if the value can produce maximum impact, the community will follow it and vice versa. Therefore, if changes in regulations are accompanied by the values of customary law life, it is possible that they will be implemented. This happens with many people who are still very strong in their culture and customs.²³

V. CONCLUSION

Early marriage is a marriage performed by a couple who are underage. Based on Law Number 16 of 2019, the minimum age for marriage is 19 years for both men and women. Early marriage occurs due to several factors including reinforcing factors consisting of knowledge, attitudes, culture, and norms; supporting factors consisting of economic factors, educational factors, promiscuity, and environmental factors; and driving factors, namely family. This of course has several impacts, namely in terms of health, economic, psychological and social aspects.

The problems in Indonesia regarding early marriage are so many that it is necessary to make efforts to prevent early marriage. Early marriage efforts are carried out with principles and in accordance with objectives. This effort is carried out by the government, parents or guardians, children, and society by making several breakthroughs so that the prevention of early marriage can run effectively. Such as by carrying out the level of education, socialization and with public awareness of early marriage.

However, the breakthroughs made by the government by making changes to the law still have arrangements that are less effective in reducing the number of early marriages. This of course must receive great

²² Tim Indonesiabaik.id, *Cegah Perkawinan Anak* (Jakarta Pusat: Direktorat Jenderal Informasi dan Komunikasi Publik Kementerian Komunikasi dan Informatika, 2020).

²³ Syarifah Lisa Andriati, Mutiara Sari, and Windha Wulandari, "Implementasi Perubahan Batas Usia Perkawinan Menurut UU No. 16 Tahun 2019 Tentang Perubahan Atas UU No. 1 Tahun 1974 Tentang Perkawinan," *Binamulia Hukum* 11, no. 1 (2022): 59–68,

attention from the government or society so that it is addressed again regarding the breakthroughs made so that the number of early marriages in Indonesia can be reduced.

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