



The Implications of Early Marriage on Child Development: A Review of Islamic Law

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Abstract: Early marriage remains a widespread practice in Indonesia, particularly in Kalipuro District, Banyuwangi, driven by economic factors, culture, and diverse religious interpretations. This study aims to analyze early marriage from the perspective of Islamic law and state law, and evaluate its impact on the physical, psychological, and social development of children. The research employs a normative legal method with conceptual and case approaches, analyzing primary sources including the Quran, hadith, scholarly consensus, fatwas from Islamic institutions, and Indonesian legislation through library research. The findings reveal that Islamic law does not explicitly stipulate a minimum marriageable age but emphasizes physical, emotional, and mental readiness, while state law, through Law No. 16 of 2019, establishes a minimum age of 19 years for both parties. Early marriage in Kalipuro occurs due to economic limitations, promiscuity, and limited knowledge, resulting in financial and emotional neglect of children, reproductive health problems, educational barriers, and suboptimal parenting patterns. The implementation of state law faces challenges in communities that still view early marriage as a solution to social problems, necessitating intensive public education and strict supervision to protect children's rights and the welfare of future generations.

Keywords: early marriage; Islamic law; child protection; child development; Indonesian marriage law.

Abstrak: Pernikahan dini masih menjadi praktik yang tersebar luas di Indonesia, khususnya di Kecamatan Kalipuro, Banyuwangi, yang didorong oleh faktor ekonomi, budaya, dan interpretasi agama yang beragam. Penelitian ini bertujuan menganalisis pernikahan dini dari perspektif hukum Islam dan hukum negara, serta mengevaluasi dampaknya terhadap perkembangan fisik, psikologis, dan sosial anak. Penelitian menggunakan metode hukum normatif dengan pendekatan konseptual dan pendekatan kasus, menganalisis sumber-sumber primer meliputi Al-Quran, hadis, ijma' ulama, fatwa lembaga keagamaan, dan peraturan perundang-undangan Indonesia melalui studi kepustakaan. Hasil kajian menunjukkan bahwa hukum Islam tidak menetapkan batas usia minimum pernikahan secara eksplisit namun menekankan kesiapan fisik, emosional, dan mental, sementara hukum negara melalui UU No. 16 Tahun 2019 menetapkan batas usia minimal 19 tahun bagi kedua mempelai. Pernikahan dini di Kalipuro terjadi karena keterbatasan ekonomi, pergaulan bebas, dan minimnya pengetahuan, yang berdampak pada penelantaran anak secara finansial dan emosional, gangguan kesehatan reproduksi, terhambatnya pendidikan, dan pola asuh yang tidak optimal. Implementasi hukum negara menghadapi tantangan dalam masyarakat yang masih menganggap pernikahan dini sebagai solusi masalah sosial,

sehingga diperlukan edukasi publik intensif dan pengawasan ketat untuk melindungi hak-hak anak dan kesejahteraan generasi mendatang.

Kata kunci: pernikahan dini; hukum Islam; perlindungan anak; perkembangan anak; hukum perkawinan Indonesia

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Introduction

Early marriage is a long-standing practice in various parts of the world, particularly in Muslim-majority countries. Some communities view early marriage as a deeply rooted cultural and religious tradition, as well as a solution to various social problems. (Yulinda, 2023) In an economic context, early marriage is often seen as a way to reduce the financial burden on families, especially in large families or those living below the poverty line. By marrying off their children at an early age, parents hope to reduce their burden and provide them with a more stable future through marriage. (Nawawi, 2015) Culturally, many Muslim communities still view early marriage as a way to maintain honor and protect children from negative environmental influences deemed inconsistent with religious values. In this view, early marriage is believed to prevent immoral behavior and foster a sense of responsibility at a younger age. However, this understanding often fails to consider children's mental, emotional, and physical readiness for the role of husband and wife, which can negatively impact their development. (Nafi'ah, 2022)

On the other hand, Islamic law itself does not stipulate a specific minimum age for marriage, allowing for varying interpretations regarding early marriage. Some scholars argue that a child may marry if they have reached puberty, defined as the physical ability to reproduce. However, others emphasize the importance of emotional and mental maturity as a primary requirement for marriage, given the significant responsibilities that marriage entails. These differing views create a gap in the practice of early marriage within Muslim societies, particularly in rural areas and more traditional communities. (Islamic, 2017)

Early marriage has a strong connection with the phenomenon of children in various social contexts, especially in societies that uphold religious and traditional values. (Puspitadewi, 2022) In some communities, early marriage is seen as a way to maintain family honor and prevent behavior deemed unacceptable. This is based on the belief that marriage can protect girls from social risks, such as promiscuity or the stigma associated with singlehood in highly religious societies. Socially, early marriage is often driven by limited family economic needs. (Yulinda, 2023) In poverty-stricken communities, marrying off children at a young age can be seen as a solution

to reduce financial burdens, especially for extended families living below the poverty line. With early marriage, the responsibility for providing for the child's needs is shifted to the spouse or in-laws. This practice, while considered normal in some communities, often ignores the potential negative impacts on children who are emotionally and financially immature.(Sobari, 2018)

In Kalipuro District, Banyuwangi, there are many cases of early marriage. This occurs due to several factors, especially economic factors and the influence of promiscuity. Then, there are young couples who are forced into marriage. Limited knowledge and early physical and psychological age significantly affect their awareness of marriage and all its implications. As a result, many people in the Kalipuro District marry without considering the impact on their future lives, especially on childcare. Parents who are emotionally and financially immature will certainly give birth to children who are financially and emotionally neglected.(Hasanah, Fathullah, & Nugroho, 2023)

Early marriage can significantly impact a child's development, both psychologically and socially. Children who marry early often miss out on the opportunity to further their education, thus limiting their future economic opportunities.(Wijayanti, Kismartini, & Sunu, 2022)Furthermore, they may also face social pressures due to household responsibilities that come before they are fully ready. In the long term, this has the potential to impact household stability and the well-being of the family they form.(Khoiriyah, 2017)In the context of child protection, the relevance of early marriage needs to be examined with a holistic approach that takes into account religious teachings, social values, and children's rights. Although early marriage is sometimes considered a practice in line with cultural and religious values, many Muslim-majority countries are now beginning to review marriage laws, particularly to ensure the protection of children's rights. This effort is expected to create a balance between religious traditions and social responsibility for the well-being of the younger generation.(Ramadan, 2022)

Research on early marriage has been reviewed several times by previous researchers, each with varying perspectives on the issue. The first study, written by Zulhan Hamidan, was titled "The Impact of Early Marriage on Parenting Patterns."(Wijayanti et al., 2022)This study focuses on the behavior of parents who are married early in raising their children. The second study, written by Maiza Duana, is entitled The Impact of Early Marriage on Generation Z in Preventing Stunting. This study also examines the impact of early marriage, but focuses more on the impact on children's health. Several of these studies differ from this study, which focuses on the impact of early marriage on children's physical and psychological

development using a case study approach that occurred in Kalipuro District, Banyuwangi.

This study aims to analyze early marriage from an Islamic legal perspective and assess its impact on child development in Kalipuro District, Banyuwangi. By examining Islamic legal perspectives on the ideal age for marriage and considerations regarding early marriage, this study is expected to provide in-depth insight into this complex issue. Furthermore, this study aims to understand the relevance of early marriage within a religious and cultural context and examine its specific impact on children's rights, particularly in terms of health, education, and emotional development. (Masruhan, 2013) In an effort to understand the impact of early marriage on children, this study will explore how early marriage can affect children's physical and mental well-being. It also aims to identify the main factors driving early marriage among the Kalipuro community in Banyuwangi and evaluate its impact based on the principle of benefit in Islamic law. Through this approach, the research is expected to provide recommendations that align with Islamic principles of child protection.

Methods

The normative legal research method is an approach used to analyze law based on the norms, regulations, and legal doctrines applicable within a legal system. This research focuses on examining existing legal texts, such as statutes, government regulations, judicial decisions, and expert opinions or doctrines relevant to the topic under study. (Marzuki, 2021) This research uses a conceptual approach and a case approach.

The conceptual sources used in this study consist of several literary sources. The main sources used are the Quran, hadith, ijma' (consensus of scholars), and fatwas from Islamic religious institutions. In addition, this study will also examine the laws and regulations in force in countries with a Muslim majority that regulate the minimum age for marriage, such as the Child Protection Act and Islamic family law in those countries. Through the study of these written sources, the study can provide a deeper understanding of how Islamic law and state regulations treat early marriage. Meanwhile, the source of the case approach used is a case that occurred in Kalipuro District, Banyuwangi, to further strengthen the arguments in this study.

In normative legal research, the data collection technique used is library research. The data collected will come from books, scientific journals, articles, and legal documents related to the research topic. This research will employ qualitative analysis techniques, focusing on understanding the meaning and legal context contained within the analyzed texts. Through this approach, the research will explore

and analyze Islamic legal perspectives on early marriage and their implications for children within a legal and social context.

Result and Discussion

Result

The concept of marriage in Indonesian national law is regulated in Law Number 1 of 1974 concerning Marriage (the Marriage Law). According to Article 1 of the Marriage Law, marriage is a physical and spiritual bond between a man and a woman as husband and wife to form a happy and eternal family (household) based on the One Almighty God (Susanti & Amri, 2023). The concept of marriage in Indonesian national law has undergone several significant changes, particularly following Constitutional Court Decision No. 69/PUU-XIV/2016. These changes aim to provide legal certainty and legal protection for married couples. Based on this understanding, it can be concluded that the concept of marriage in Indonesian national law has several important elements, namely:

1. A physical and spiritual bond. Marriage is not only a physical bond, but also an emotional one. The physical bond is manifested in the marriage contract, while the emotional bond is manifested in the love, affection, and responsibility between husband and wife.
2. Between a man and a woman. Marriage can only take place between a man and a woman.
3. The goal of forming a happy and lasting family (household). Marriage aims to create a happy and lasting family. A happy family is one whose needs are met, both physically, mentally, and spiritually. An eternal family is lasting and harmonious. (Fitri et al., 2023)

The concept of marriage in Islamic and national law shares many similarities, including the purpose of marriage, the conditions for marriage, the consequences of marriage, and the legal basis for marriage. However, there are also several differences, such as the implementation of marriage, marriage registration, and interfaith marriage. Purpose of Marriage The purpose of marriage in Islamic and national law is the same: to form a happy and lasting family. A happy family is one whose needs are met, both physically, mentally, and spiritually. A lasting family is a family that is long-lasting and harmonious. Requirements for Marriage The requirements for marriage in Islamic and national law also have many similarities. Both laws stipulate that marriage can only be performed between a man and a woman who have met certain requirements (Panjaitan, 2021).

The consequences of marriage in Islamic and national law also have many similarities. Both laws stipulate that marriage has legal consequences, such as the formation of a husband and wife relationship, the formation of a family relationship, and having rights and obligations. Differences in the Concept of Marriage in Islamic

and National Law Despite having many similarities, the concept of marriage in Islamic and national law also has several differences. These differences include: Legal Basis. The legal basis for marriage in Islamic law is the Qur'an, Sunnah, and Ijma' of scholars. Meanwhile, the legal basis for marriage in national law is Law Number 1 of 1974 concerning Marriage. (Ismanto, 2022)

The meaning of marriage is inseparable from the goal of establishing a family between a man and a woman (Law of the Republic of Indonesia 1974). Indonesia, as a country governed by law, has regulated this marriage in Law No. 1 of 1974 concerning marriage, Government Regulation No. 9 of 1975 concerning the Implementation of Law No. 1 of 1974 concerning Marriage was established by President Soeharto on April 1, 1975, in Jakarta, and in the compilation of Islamic law with government regulations also discusses the age limit for prospective brides and grooms. The issue of early marriage is not explicitly explained regarding early marriage, but in the Civil Code (KUHP) article 29 states that the minimum age of men is 18 years and women are at least 15 years old to carry out marriage, while the limit of maturity in the Civil Code book article 330 is at the age of 21 years and has never been married. Based on considerations of Regulation 1 of 1974 concerning marriage, it is explained in Article 66 that all matters relating to marriage based on this law, then the provisions in the Civil Code book are declared invalid. This also applies to the age limit stipulated by the Civil Code, because Law No. 1 of 1974 also regulates the age limit for marriage.

Article 7, paragraph 1 explains the minimum age limit for marriage, namely a man must be at least 19 years old, while a woman must be at least 16 years old. Based on Indonesian government regulations on marriage, the bride and groom must obtain the consent of their parents (Law of the Republic of Indonesia 1974). Referring to Article 2, it is explained that if there is a deviation from paragraph 1, a person can request a dispensation from the court or other officials. Officials and courts are those determined by both parents of the prospective bride and groom. 9Regulatory leniency is given by the government to couples who will carry out the marriage process. This leniency is given to brides who are not yet of age in one of the brides but want to get married (Law of the Republic of Indonesia 1974). 10. Parents are obliged to protect their children from early marriage, as stated in Article 26 of Law of the Republic of Indonesia No. 23 of 2002 concerning Child Protection (Law of the Republic of Indonesia 1974). This shows the importance of the role of parents in accompanying and preparing their children so that they are truly ready in terms of age and mentality when deciding to get married.

Law Indonesian marriage explains the changes in the provisions of the minimum age limit for someone to marry, which was previously 19 years for men

and 16 years for women, changed to the age of the prospective groom and bride must each reach 19 years, at this age both the prospective groom and bride are considered capable of carrying out marriage with all its consequences (UU RI 1974). Marriage also considers the benefit of the family and household by reaching this age based on Article 7 of Law Number 1 of 1974. This has been explained in the Compilation of Islamic Law, Article 15.

As explained above, if the marriage is carried out, it means that several established laws regarding child protection policies (Article 26 paragraph 1) and also Law No. 21 of 2007 concerning the eradication of human trafficking are ignored. Children are protected by law to be free from violence, and laws are also created to protect children from exploitation. With the existence of laws, children will be protected from discrimination. Children can grow and develop in life with the protection of their right to life as mandated by law.

Early marriage is a contemporary term.(Putri, 2021)Early marriage is associated with time, meaning it's very early within a certain timeframe. The opposite is late marriage. For people living in the early 20th century or earlier, a girl marrying at 13-14, or a boy at 17-18, was commonplace and normal. However, in today's society, this is considered strange. A girl marrying before the age of 20 or a boy before the age of 25 is also considered unnatural, "too early," as they call it. According to Imam Muhammad Syirazi and Asadullah Dastani Benisi, the culture of early marriage is justified by both scientists and religion.(Yulinda, 2023)This has been the norm among Muslims since the beginning of Islam, before the cultural, economic, and military invasions of Muslim lands by the West and the East. If left unchecked, early marriage can lead to moral decay, the most serious of which is masturbation, or the emergence of various diseases, as has been observed by medical professionals. It is customary for Muslims to marry off girls between the ages of 10 and about 15, and virgins between the onset of puberty and the age of 18. Early marriage is a vital necessity for them, especially given the ease with which it is available.(Ramadan, 2022)

According to Ibn Syubromah, religion forbids early marriage (marriage before puberty). He believed that the true value of marriage is to fulfill biological needs and preserve offspring. These two things are not present in children who have not yet reached puberty. He emphasized the primary purpose of marriage. Ibn Syubromah attempted to break free from the limitations of the text, understanding the issue from historical, sociological, and cultural perspectives. Therefore, in responding to the Prophet's marriage to Aisha (who was 6 years old at the time), Ibn Syubromah considered it a special provision for the Prophet that should not be imitated by his followers.(Berliana & Avezahra, 2024)In contrast, the majority of Islamic jurists

legalize early marriage. This understanding is based on an interpretation of Surah al-Talaq, verse 4. Similarly, early marriage was common among the Companions. Some scholars even state that the permissibility of underage marriage is already a matter of Islamic law. According to Muhammad Jawad Mughniyah, scholars agree that common sense and puberty are prerequisites for marriage.

Discussion

Early marriage, from an Islamic legal perspective, cannot be viewed solely in terms of biological age, but also involves the emotional and psychological readiness of the individuals contemplating marriage. Islam encourages marriage as a means to protect honor and minimize the likelihood of behavior inconsistent with religious teachings. However, Islam also places great emphasis on the readiness of both parties, both men and women, to face the responsibilities of marriage. Therefore, Islamic law considers not only the age of puberty but also physical and mental maturity and the ability to fulfill family roles.(Anshari, 2018)

The Quran does not explicitly stipulate a minimum age for marriage. However, the principle of benefit or goodness inherent in Islamic teachings can be used as a basis for assessing whether early marriage is appropriate. Islam views every marriage as beneficial and not harmful. Therefore, early marriage before a person is mature enough to assume responsibility may be considered contrary to the principle of benefit, although this is sometimes accepted in societies that prioritize tradition.(Berliana & Avezahra, 2024)

According to the majority of scholars, marriage in Islam must be based on maturity and readiness, both physically and mentally.(Adistyan, 2024)Some Islamic scholars believe that marriage is only valid if it is entered into by someone who has reached puberty and possesses the capacity to assume responsibility. While puberty is one indicator, these scholars also emphasize the need for readiness to fulfill the obligations of husband or wife, including readiness to handle household responsibilities and children's education. This is why many Islamic scholars consider early marriage inappropriate, even if it is religiously valid.(Anshari, 2018)

On the other hand, in some cases, early marriage is still permitted in Islam if it is carried out for purposes consistent with religious principles, such as preserving honor or preventing actions deemed to violate moral norms. However, even if permitted, early marriage must still consider the welfare of the woman and the children involved.(Angraini, Nelisma, Silvianetri, & Fajri, 2022)If early marriage is carried out without considering its impact on the welfare of women and children, then the marriage can be considered not to fulfill the principles of protection upheld in Islam.(Aminarsih & Pribadi, 2024)

Within the broader context of Islamic law, many Muslim-majority countries have begun to regulate marriageable ages in their legislation, taking into account the protection of children and women. These laws aim to balance acceptance of religious teachings with the need to protect the rights of individuals involved in marriage, particularly children. Therefore, although early marriage is permitted in Islam, many are urging clear regulations to prevent the negative impacts that can arise from marriages that do not take into account the emotional and physical readiness of the couple.(Al-Ghazali., 2020)

Early marriage, within the context of state law, is regulated to protect children's rights and ensure the well-being of the individuals involved. In many countries, including Indonesia, early marriage is often a social problem that requires special legal attention. In Indonesia, Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage sets the minimum age for marriage at 19 years for women and 19 years for men. This change was made to ensure that individuals entering marriage are sufficiently mature physically, emotionally, and financially, so they can better fulfill their roles in marriage and family.(Sinaga, Bangun, & Br. Perangin-angin, 2024)

Before the legal amendment, the minimum age for marriage for women in Indonesia was 16, which, in practice, still allowed early marriage to occur in various regions, particularly among communities that still held strong traditional values. Many cases of early marriage occurred due to cultural, economic, and religious factors that viewed marriage as a solution to avoid promiscuity and maintain family honor. However, this stricter law aims to reduce the number of early marriages, considering the negative impacts that can arise, both in terms of health, education, and psychological development of individuals who marry at a young age.(Latif & Zahro, 2022)

Furthermore, at the international level, early marriage is also a concern in various human rights and child protection conventions. For example, the Convention on the Rights of the Child (CRC), ratified by the United Nations in 1989, affirms that children have the right to protection from marriages that could be detrimental to their development. The CRC requires member states to set a minimum age appropriate to child protection standards. In many Muslim countries, despite a tendency to practice early marriage due to cultural and religious considerations, these countries remain bound by this international obligation to protect children's rights.(Setiawan, Purnama, & Witdiawati, 2023)

In Indonesia, efforts to prevent early marriage continue to be strengthened by the enactment of laws prohibiting marriage under a specified age. However, implementing these laws is not always easy, given that early marriages persist for

religious or customary reasons. This highlights the challenge of harmonizing state law with societal traditions. Therefore, while existing laws are quite clear, their implementation requires more intensive efforts, including public education on the dangers of early marriage for children's well-being. (Sanjaya, J., HAK, N., 2022)

The legislation governing early marriage also serves to prevent the negative impacts that may arise from the physical and mental unpreparedness of couples who marry at a young age. Several studies have shown that early marriage can impact women's reproductive health, education, and even their social lives. Therefore, the minimum age for marriage stipulated in the law aims to protect individuals who are still developing and ensure that they have the opportunity to grow, learn, and reach their full potential before assuming the significant responsibilities of marriage. (Yusuf & Zainuddin, 2023)

Early marriage can have serious implications for a child's development, both physically, psychologically, and socially. Physically, children who marry at a young age tend to face greater health risks. For example, women who marry at an early age are at increased risk of pregnancy complications, premature birth, or other health problems that can affect their immature bodies. These physical impacts pose risks not only to the mother but also to the unborn child, who may experience health problems from birth, such as low birth weight or other abnormalities. (Atabik, Ahmad, 2014)

Apart from physical impacts, early marriage also has the potential to cause psychological problems for children. (Angraini et al., 2022) At a young age, married couples may not be emotionally prepared to face the demands and responsibilities of a household. This lack of mental preparedness can lead to stress, depression, or an inability to manage marital conflict. This emotional instability impacts children, who often become victims of domestic tension or violence. In many cases, children born of early marriage also tend to receive less attention from parents who are still developing their own selves. (Puspitadewi, 2022)

Socially, early marriage often prevents children, especially girls, from continuing their education and developing their potential. Many teenagers who marry at a young age are forced to leave school or reduce their study time. As a result, they miss out on the opportunity to obtain a proper education, which can limit their chances of improving their quality of life in the future. In the long term, this lack of education can prevent children involved in early marriage from accessing better jobs and providing a better life for their families. (Rofiq et al., 2024) Another equally significant impact is the impact on child-rearing patterns. Parents who marry young often lack adequate parenting skills. These limitations in parenting, combined with the economic and social pressures faced by young couples, can result in suboptimal parenting patterns. Children raised in such environments are more likely

to face behavioral problems, learning difficulties, and may also experience unaddressed emotional issues. This situation has the potential to worsen children's quality of life in the long term. (Urnia, Virawati, & Haloho, 2024)

Furthermore, early marriage can also impact a child's ability to build healthy relationships in the future. Children who grow up in families affected by early marriage, where their parents are not emotionally or financially prepared, may lack good role models for how to foster healthy relationships. This can impact how they view marriage and family relationships in the future, creating a self-perpetuating cycle of early marriage. Therefore, it is important to pay more attention to the long-term impact of early marriage on future generations.

Conclusion

This study concludes that early marriage from an Islamic law perspective is permissible with conditions of physical, emotional, and mental readiness based on the principle of *maslahah*, while Indonesian positive law, through Law No. 16 of 2019, has established a minimum age of 19 years to protect children's rights. Implementation of this regulation faces challenges in communities that still view early marriage as a solution to economic and social problems, as occurring in Kalipuro District, Banyuwangi. Early marriage poses serious implications for child development, including reproductive health risks, psychological disorders, disrupted access to education, and suboptimal parenting patterns that potentially create an intergenerational cycle of early marriage.

This research provides a theoretical contribution in the form of a comparative analysis between Islamic law and Indonesian positive law in regulating early marriage with the *maslahah* approach as an evaluation framework. Practically, this study provides empirical data from the Kalipuro District that can serve as a basis for developing culturally and religiously sensitive early marriage prevention policies. Findings on the multidimensional impacts of early marriage on child development can be utilized by stakeholders in designing more effective public education programs and child protection interventions.

This study has several limitations. First, as normative legal research, it does not conduct in-depth interviews with early marriage practitioners, leaving their subjective perspectives inadequately explored. Second, focusing on one district limits the generalization of findings to broader geographical and socio-cultural contexts. Third, this study has not quantitatively analyzed the implementation effectiveness of Law No. 16 of 2019 through statistical data on early marriage before and after the law's enactment. Future research is recommended to employ a mixed-method approach involving primary data from various regions to obtain a more holistic understanding of early marriage dynamics in Indonesia.

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